



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

Regina Jackson: Good evening everyone. Welcome to the Oakland Police Commission special meeting. The time is now 5:30 and I'd like to take a call to order.

Regina Jackson: Commissioner Gage?

Henry Gage, III: Here.

Regina Jackson: Commissioner Dorado?

José Dorado: Presente.

Regina Jackson: Commissioner Harris.

Ginale Harris: Here.

Regina Jackson: Here for myself. Commissioner Prather?

Edwin Prather: Here.

Regina Jackson: We're missing, okay. So we are called to order, and here comes Tara. (silence)

Regina Jackson: And Commissioner Anderson.

Tara Anderson: Here.

Regina Jackson: Excellent. So that determines our roll call and our quorum. We have one speaker card. So before we... Oh, can you please provide them to Mr. Alden?

Ginale Harris: You can come pass this back.

Regina Jackson: I think we are without one of our staffers. (silence).

Regina Jackson: And members can come in any order they like after their name is called.

John Alden: Madam chair, we have four speaker cards. Some are not marked as to what agenda items. So I'm going to infer for their open forum right now. Those are from Michelle Yvonne Lazano, Amanita .L. Lumon, Mark Bennett, Carol Wyatt. (silence)

Michele Lazaneo: Good evening commissioners, hopefully I'll get enough time. This is long, but I apologize. Former Chief Kirkpatrick alleges that she was fired as a result of retaliation by Commissioner Harris regarding a towing issue. So let's talk about the history of OPDs Towing Policy, DGO J-3 effective date 4/17/2000. OPDs



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

towing policy has been under scrutiny for nine years since at least 2011. January 21st, 2011 Oakland Police changed their vehicle impound policy. Why?

Michele Lazaneo: Youth leaders with Oakland Community Organizations had pushed for the change in policy for a few years. Community organizer Emma Paulino said their research found that on average, more than 50 cars owned by undocumented drivers were towed and impounded every month, and that drivers paid an average of \$2,500 to retrieve their vehicles. The policy also made the immigrant community feel unfairly targeted and distrustful of police.

Michele Lazaneo: It took three years of work with different police chiefs to get the policy changed. November 14th, 2018. In 2014, the Alameda Grand Jury investigated the city's tow contract oversight. It found that "OPD lacks sufficient oversight and well-defined policies concerning the towing of vehicles and as a right, the rights of vehicle owners may not have been adequately protected."

Michele Lazaneo: The details included in the tow records allowed for 26,000 of them to be placed on a map of Oakland which when analyzed for frequency revealed that OPD towed cars more often from neighborhoods in East Oakland which are predominantly black and Latino communities than anywhere else in its jurisdiction.

Michele Lazaneo: Fast forward to September 17th, 2018 Commissioner Harris paid her tow fees to OPD but had questions about their towing policies. May 14th, 2019 Oakland's Public Safety Committee members suggested that the City Council work with the Police Commission regarding OPDs policy on towing cars of victims of crime. June 7th, 2019 at the Police Commission meeting, an agenda report signed by former Chief Kirkpatrick was presented. The agenda report was dated June 5th, 2019.

Michele Lazaneo: September 12, 2019 the Police Commission discussed OPDs towing policy. Again, attachment nine from the agenda included the following documents. The June 5th, 2019 agenda report from former Chief Kirkpatrick, a copy of the ABT towing contract from 2016 signed by Sabrina Landreth, and OPDs department general order J-3, towing procedures dated April 7th 2000.

Michele Lazaneo: October 10th, 2019 as a result of the September discussion, agenda item 10 was presented at the Police Commission meeting, addressing OPDs towing policy as it impacts victims of suspicious circumstances, victims of crime, and low income residents. And the effects of those policies on those communities.

Michele Lazaneo: This was directly related to various issues that came up during our five months of discussions where Commissioner Harris acted as our liaison with OPD



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

regarding the Jonathan Bandabaila missing persons case. December 12th, 2019 during the Police Commission meeting, Gabriel Garcia, Youth ALIVE's policy and advocacy manager, spoke to an open forum to address concerns of his community regarding OPD's towing policy.

- Michele Lazaneo: Community members who are victims of violent crimes have often been re-traumatized with expensive tow fees. After released from the hospital, they find out that their vehicle was towed for evidence or as abandoned. They feel like the Oakland Police Department is penalizing them for something that was not their fault.
- Regina Jackson: Excuse me, Michelle, I'm sorry. Is somebody going to cede their time to you?
- Michele Lazaneo: I hope so.
- John Alden: I do think that's more than two minutes, but our clock seems to have malfunctioned.
- Michele Lazaneo: Okay.
- John Alden: So we'll just have to let you know when we had to which I think we've already done.
- Regina Jackson: Can you wrap it up?
- Michele Lazaneo: Yes.
- Regina Jackson: Okay. Thank you.
- Michele Lazaneo: He stated we definitely appreciate the efforts of the Police Commission to look into this issue. The Alameda County Grand Jury, Public Safety Committee, City Council, Police Commission, community members and Commissioner Harris have all been asking OPD to revise and update their towing policy for over nine years now. Community members have repeatedly asked the police commission for intervention regarding changing OPDs towing policy. So how did this get rewritten and reframed as a personal issue by former Chief Kirkpatrick?
- Michele Lazaneo: It appears to be an attempt to deflect from the real issues and slander Commissioner Harris. Former Chief Kirkpatrick said she is a woman of integrity who refused to sell out to pressure from the Police Commission. She said she has no regrets for the decisions she made during her tenure with the Oakland Police Department.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Michele Lazaneo: Yet here we are, February 27, 2020 still discussing the need for a holistic approach, community input, fairness, and most importantly, updating OPDs towing policy dated April 7, 2000. But former Chief Kirkpatrick has no regrets.
- Michele Lazaneo: This antiquated policy is why OPD never took custody of Jonathan Bandabaila's vehicle and ultimately, authorized a tow company, selling his vehicle without notifying his family and before Jonathan's case has ever been solved or closed. Let's not forget OPD has 151 departmental general orders. 26 of the 151 are within the last five years, but most of the remaining 125 are 20 to 30 years old. Including investigating missing persons, collection of property and evidence. And of course this towing policy, which she has no regrets.
- Michele Lazaneo: Department General Order, O-9 detention of juvenile offenders is almost 19 years old, dated October 31st, 2001. Oakland Police Department's manual of rules is 10 years old. Section 370.27 use of physical force is one sentence long. It literally says, "The use of physical force level one to four, shall be restricted to circumstances specific by departmental policies and law." That's it.
- John Alden: Pardon the interruption. But we're at two minutes again. So do we have someone else who's already got a card in and is seeding time.
- Michele Lazaneo: I have one paragraph-
- John Alden: I have Ms. Lemon, Mr. Bennett, Ms Wyatt?
- Carol Wyatt: Ceding my time.
- John Alden: Okay.
- Michele Lazaneo: Okay, thank you. Why do manuals departmental general orders and policies matter? They are the Bible that mandates how a Police Department operates. I'm sure that many of you have seen the body cam video released this week of a six year old little girl arrested, handcuffed, put in the back of a police car and taken to jail in Orlando, Florida in 2019. The officer's actions were within their policy. Their chief of police has since apologized for the incident and changed their policy, but that won't erase the trauma from that little girl's psyche.
- Michele Lazaneo: Let's be clear. Commissioner Harris is the woman of integrity. She is the woman who refused to sell out to the pressure even after three separate failed and unsubstantiated attempts to slander her and tarnished her reputation. Former Chief Kirkpatrick and Sabrina Landreth tried to silence her difficult questions and her critique about OPDs lack of leadership, accountability, transparency, and the need for updated policies.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Michele Lazaneo: We support Commissioner Harris. We ask her and this commission to continue to ask the difficult questions and to do what's necessary to improve and reform OPD.
- Regina Jackson: Thank you. Mr Alden, can you identify the other people again? We will have our own clock going on here since a- Oh, is it now working?
- Juanito Rus: It's working. I have Amanita .L, Mark Bennett, Carol Wyatt, Susan Malloy and Linda Kincaid.
- Carol Wyatt: I'm Carol Wyatt.
- Regina Jackson: Welcome.
- Carol Wyatt: Thank you Madam chair. It was incumbent of me as Chair of the Neighborhood Crime Prevention Council, Beat7x in West Oakland, to come before this body to speak out on behalf of our OPD assigned area one officers. Our Beat7X patrol and Crime Reduction Team offices. Their leadership and staff. Though the departure of Chief Kirkpatrick is what motivated me to come out this afternoon since I don't usually have time to attend these meetings, I needed to make sure that I attended this meeting today. And especially because of the recent events impacting OPD.
- Carol Wyatt: As a former Oakland Public Ethics Commissioner, I respect and appreciate the commission's purpose. But while that duty is yours, as an NCPC Chair, mine is to work with our Beat officers and community to bring a safer community to our respective homes. I want to make sure I share with you that AREA 1's officers that serve our community in particular, our Community Resource Officers, our patrol offices, our Crime Reduction Teams and all the way up and down from interim Chief Daron Alison, to acting captain Bobby Hookfin, Karl Templeman and others. So that they will know that our police beat has been working tirelessly to engage in the community policing policy that not only keeps our residents and neighbors safe, but also our officers safer.
- Carol Wyatt: While I chaired for several years and have lived in West Oakland for almost two decades, we've seen the crime indices completely changed due to their tireless efforts. In particular, the community policing effort. I recall when Deputy Chief Armstrong was our area captain, during the period immediately following Sean Whent's term. These officers came to us in the spirit of community policing, to provide support in the community war with drug dealing, gang and gun violence.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

Carol Wyatt: One area in particular was the community sour spot, St Andrew's Plaza, the little parklet on 32nd in San Pablo. As someone who was involved with this effort directly, we have seen the community transform from the hostilities that once played this park. The community neighbors surrounding the park, many of them residents twice as long as me all engaged. The seniors were sick and tired of the activities going on in this park and that activity curtail their lives.

Carol Wyatt: Please keep in mind, I know OPD has a long unsorted history. I'm from East New York. Home of the 75th precinct. To this day, nobody has taken the corruption crown away from Michael Dowd. Google him if you want to get a glimpse of what police corruption really can look like. The goal of this message is to clearly reiterate, that while our community police in process works to make our community safer and Oakland safer as a result, we still have a very violent city where folks already in situations without housing, without jobs and without hope, still require the need to feel safe, by the very officers I share here.

Carol Wyatt: These officers keep us safe. We know them. And more importantly, they know us. We want them to answer our distress calls. We must support them. We must support them because they do a very difficult dangerous job. They come into our community not knowing what to expect, not knowing who might target them, what type of violence will result from activity they're investigating from a call placed by a very afraid community or resident who reluctantly follows the protocols we share with them-

Regina Jackson: Ma'am please.

Carol Wyatt: ... to keep them and their family safe.

Regina Jackson: Okay. Thank you very much. Anyone else?

Carol Wyatt: [inaudible 00:17:41]

Regina Jackson: Okay, so I thought there were a couple more cards.

Juanito Rus: There are more. I have a Susan Malloy, Carol Wyatt.

Carol Wyatt: I just spoke.

Juanito Rus: Oh, sorry. Linda Kincaid and Mark Bennett.

Susan Malloy: Okay. I am Susan Malloy. I stand before you this evening hoping to provide an alternative perspective to each of you regarding the Oakland Police Department. OPD is truly an amazing police force. Not enough credit is given to



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

the men and women who tirelessly work and do their job day in and day out. The staff at OPD genuinely cares about this community. Three years ago, the City of Oakland made an amazing decision to hire the first female police chief. Chief Kirkpatrick was open and communicated to the department and earned the employees trust and respect.

Susan Malloy: She also made her vision crystal clear that civilian oversight of the police was absolutely to be supported. However, as events have unfolded this past week, I have seen the City of Oakland providing a backstabbing mayor and a mob of civilians who fired Chief Kirkpatrick without cause. Recently a lot has been stated about the noncompliance of the Police Department with the NSA, and I'm in disbelief that no one has ever considered that paying out millions to a federal monitor, Robert Marshall is acceptable.

Susan Malloy: At what point are these individuals going to come to the realization, that is not in the federal monitor's best interest to have OPD in compliance. He's going to lose his paycheck. A statement was recently made by the commission that the new chief will need to be progressive and community minded. I'm going to ask each of you, do you truly believe that your institution of use of force policy recently is benefiting the community?

Susan Malloy: This approach has created a paperwork quagmire, where officers are now unable to respond to the pending police calls because you have demanded that writing a report takes priority over responding to an assault call. In closing, I want to state that in order to build trust with members of the Police Department and the community, I behoove each of the people on the Police Commission to participate in ride alongs and actually attend and enroll in the Citizens Police Academy.

Regina Jackson: Thank you.

Mark Bennett: They did ride alongs as part [inaudible 00:20:00]

Susan Malloy: [inaudible 00:20:00]

Mark Bennett: Because probably [inaudible 00:20:07].

Speaker 1: Hey, you going-

Regina Jackson: Just come forward.

Mark Bennett: Thank you Madam chair. As described on the city website, the purpose of the Police Commission is to oversee the police department's policies, practices, and



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

customs and meet national standards, constitutional policing and oversee the Community Police Review Agency, which investigates police misconduct and recommends discipline.

- Regina Jackson: Excuse me, sir. Can we have quiet please so that we can hear the speaker? Thank you. Go ahead.
- Mark Bennett: Thank you. It's in place to guard against corruption, abuse of power and misconduct and I welcome such a committee. As such, for this committee to be fully effective, it should be itself devoid of abuse of power and misconduct. It should be unbiased, have a high level of integrity, professionalism, and represent the community in an exemplary and respectful manner.
- Mark Bennett: The behavior of one member of this commission does not meet these standards and undermines what you are trying to do. Just like bad apples should be weeded from the Police Department, I urge this commission to rid themselves of any bad apples that you might have. Thank you for your time.
- Regina Jackson: Is that the last of the speakers Mr. Alden?
- Juanito Rus: No, it is not. We have Linda Kincade and Ed Johnson.
- Regina Jackson: Okay, thank you.
- Amanita LeMon: And Amanita LeMon as you earlier said my name. Good afternoon. So my name is Amanita.
- Regina Jackson: Good afternoon.
- Amanita LeMon: Thank you for this opportunity to speak. I'm a citizen of Oakland since 2004 and I've been an employee of the city since 2001. So I've been under a lot of police chiefs. I'm here to ask questions to the Police Commission regarding the removal of the police chief obviously. As a citizen and a public servant, I feel I have a right to answers. As citizens of Oakland, the members of the Police Commission have a duty to answer and should provide unbiased answers to the public.
- Amanita LeMon: Transparency is needed to prove that these decisions are unbiased. So I have some questions for you to convince me that you are an impartial commission and have the citizens and the police staff's best interest at heart. These questions are as follows. Why was the Chief fired? How will the commission regain the trust of the public, now that the PD is disrupted? How can we be sure



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

the commission cares about what is best for the public and what is best for the PD?

Amanita LeMon: How will the commission regain the trust of the PD? PD is Police Department. What will you do to support the Police Department now? What are the unbiased criteria for hiring and retaining a new chief? How will you prove to her you are unbiased in your decision making? How do you propose the Police Department recruit new members? What do you know and understand about the daily workings of the Police Department?

Amanita LeMon: What's it like running a Police Department under a federal monitor? Do you spend time questioning and learning about the Police Department before you judge? So I don't expect answers now. I expect you to please organize and present answers in a press release so that all the public can be aware of your transparency and your best interests. Thank you.

Regina Jackson: Thank you.

Ed Johnson: Hi, Ed Johnson. Community organizer of Oakland. I'm here today because I appreciate what you did. And I hope you will do it again if you have to do it with the next chief, so people can get their righteousness. I have suffered for so many years and never gotten my justice. Every time I turned anything ever came to me. Last year was very humiliating from the Oakland Police Department because I was searched three times as if I was a male.

Ed Johnson: On 81st in International Boulevard. I have a speech impediment. I have a disability. My voice come out loud and then I have a slur. So they said that I'm drunk. You hear me? They're always trying to accuse me. But this was so humiliating. I've filed a claim with the system. Okay? All right. The captain turned them in from the first day. They took me to jail. I should have never went to jail. I was on my way to pick up a ticket from, if somebody can help me because the light is hitting my eye. I can read my statement.

Regina Jackson: Here going Mr. Fuentes to help you. Thank you.

Ed Johnson: Come on. Could you read that to them on what the incident happened.

Oscar Fuentes: So, I think Ms. Johnson wanted to speak to the CPRA, to file a complaint about some police abuse that happened to her last year in may. And she's been here before and she felt like under the previous CPRA she didn't get very good service. So, I hope that tonight someone will speak to her and help her lodge a complaint.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- John Alden: I believe we already have it.
- Ed Johnson: Oh, you have my complaint already? Okay. But anyway, internal affairs never investigated my case. This is the coldest. They never investigate my cases. All right. In 2013, five of my children were shot up. That was up under the Chief Whent. I've been going through things. I didn't receive autopsy report till five years later. They wouldn't put the autopsy report that loud.
- Ed Johnson: I've been carrying pain with these people. And I've been unjustified behind standing up and speaking out. I went through hell. Destiny Brooks was helping me. They don't like people to help people that's in pain. So I'm reaching out to you all right now, I got here my own recording on the 30th of January. They said they closed my case out in November. Why didn't you get in touch with me?
- Regina Jackson: Excuse me Ms Johnson.
- Ed Johnson: Uh-huh (affirmative).
- Regina Jackson: Does anyone, can they see time because we're overtime and I want Ms. Johnson to be able to finish?
- Oscar Fuentes: [inaudible 00:26:28].
- Regina Jackson: Ms. Johnson, can you wrap it up pretty briefly?
- Ed Johnson: Okay. It's just so much, but I need some help from your community organizing. I can go back to think from when they raided the house on 27th. They took my car. They towed my car up, and my car was paid for. That was my house. That was my everything. They knew how to destroy me from standing up. Now it's time for me to stand up and really get to people that really care about people. These doors got to open. And we got to open this up. I want to heal and I want to heal the right way.
- Regina Jackson: Thank you very much. Can you please see Mr. Russ, so that you can confirm? Can you wave your hand, Mr. Russ? Thank you. Okay. Are there any other speakers?
- Linda Kincaid: [inaudible 00:27:19].
- Regina Jackson: Speaker card?
- Linda Kincaid: [inaudible 00:27:23].



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Regina Jackson: Okay. All right. Thank you.
- Ed Johnson: Here's my [inaudible 00:27:27].
- Linda Kincaid: I'm Linda Kincade with the Coalition for Elder and Disability Rights. We applaud the termination of leadership that denied protection of the laws to seniors and persons with disabilities. Since 2014 advocates reported elder abuse and perjury to OPD. Officers consistently refused to take a report. In 2018, Oakland Community Police Review Agency sent a letter confirming that disregarding elder abuse was not a violation of department policy.
- Linda Kincaid: On November 19th, 2019 Sergeant David Burke made the following statements to me. "We don't investigate perjury." Said five times. "We don't have an Elder Abuse Investigations Unit. We [inaudible 00:28:14] for elder abuse to the County." And then he explained that that means, they refer criminal elder abuse to social service workers.
- Linda Kincaid: California's Constitution contains an equal protection clause that mirrors our federal bill of rights. Penal Code 368A, is clear that elders and persons with disabilities deserve not only equal protection, but special protection. Penal Code 368.5 is clear that law enforcement agencies have exclusive responsibility for criminal investigations.
- Linda Kincaid: Oakland PD's policy of selectively denying protection of the laws to elders and persons with disabilities is a violation of California's constitution, probate code, and the Americans with Disabilities Act. I hope you will have the courage going forward, to correct these policies and make Oakland a safe place for your residents.
- Regina Jackson: Thank you very much. [inaudible 00:29:23]
- Nino Parker: Hello commission, Nino Parker. Homeless black advocate Lake Merritt. Just want to answer that lady's question partially with the quick 5,000 traffic stops on African-Americans really hurts our pocket book. When you're paying for those tickets, you have to think of the economics that goes out of our community into the police community. I'm here to talk about something that's happened recently with me in the claim that I had with the city. Something very egregious.
- Nino Parker: I had a city employee give me a bicycle and have me sign for it saying it was a liability because the bike had some damage to it. And this was the claim I've had almost a year in March. And so I signed it to find out that the guy in the claims office that's fighting my claim gets that signature. So I go to the claims office



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

upstairs at sixth floor, and I asked Mr. Jerry Ho, what does Bobbi Lopez and this Bobbi Lopez from Rebecca's office, giving me a bike have to do with the city.

Nino Parker: And I quote, "Bobbi Lopez is the city, and you're not homeless. You live with your girlfriend." Pretty egregious. For me to have a signature that I signed at 7:11 to end up in the guy I'm fighting my case against. So I'm going to need some help on this. This is just totally egregious. The guy shouldn't even know that I signed for a bike, let alone, have my signature. Thank you.

Regina Jackson: Thank you.

Juanito Rus: I believe I have one more.

Maria Pinlehasov: Good evening. My name is Maria. I've been a resident of Oakland since the day I was born 34 years ago. I currently work as a first responder paramedic in the City of Oakland. Every shift I work in this town, I find myself privileged to work alongside the men and women of the Oakland Police Department. I have answered calls with them. I have seen this Police Department do incredible work in dangerous conditions.

Maria Pinlehasov: I've also seen the enormous amount of abuse each and every member of this department endures from the worst elements of the society. I have never expected the department to endorse such abuse from its very own city that they serve. You all should be ashamed of yourselves. Chief Kirkpatrick was not just an inspiration to the members of her department, but an inspiration to me as a woman.

Maria Pinlehasov: She chose to keep her integrity, and do what she thought was right and you fired her because of it. This commission is a disgrace. Members bash Chief Kirkpatrick and the Oakland Police Department on social media. While certain members are up staying late at night, Facebook writing up conspiracy theories, Oakland police officers are responding to calls for service with little support from the city leadership. Chief Kirkpatrick deserved better-

Regina Jackson: Ms. Assata, please.

Maria Pinlehasov: ... the Oakland Police Department deserves better, and the city residents deserve better. I was shocked to see the Oakland Police Commission add to this abuse. Every Oakland police officer I know is heartbroken by your decision. Your actions have moved a leader the officers trusted-

Regina Jackson: Excuse me.



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Speaker 4: Madam Chair, could we please-
- Speaker 3: I've asked, and I'm asking nicely-
- Speaker 4: I can't hear the speaker.
- Speaker 3: We need to be able to hear the speaker. Please give her the courtesy. Please, Ms. Assata. Okay, go ahead and finish.
- Speaker 2: I was shocked to see the Oakland Police Commission add to this abuse. Every Oakland police officer I know is heartbroken by your decision. Your actions have removed a leader the officers trusted. Chief Kirkpatrick was one of the last senior officials my fellow responders knew they could trust to treat them fairly and lead them effectively.
- Speaker 2: I am personally ashamed, as an Oakland resident, at your actions you took last week. Chief Kirkpatrick deserves better, the Oakland Police Department deserves better, and the city of Oakland residents deserve better. Thank you.
- Speaker 3: Thank you very much.
- Ms. Assata: ... a black police officer-
- Speaker 3: Ms. Assata, please come forward with your speaker card and your comments.
- Ms. Assata: I came up-
- Speaker 5: She did; she allayed her time to another speaker and-
- Speaker 3: Okay, thank you.
- Speaker 5: ... that was the last speaker card that we had.
- Speaker 3: Okay, the process is to turn them in over here, so we know. Thank you.
- Elena Wong: Good evening.
- Regina Jackson: Welcome.
- Elena Wong: Hi, thank you. My name is Elena Wong and I've... like the person before me, I've been born and raised here for 32 years that I am alive, and I love living in Oakland, it's my hometown, but I am increasingly concerned for the safety of my family, and my friends who live here, because I've seen it increase in



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

violence, and I feel like what's happening right now is due to a lot of the policies that are implemented. The police are not able to protect us, because their hands are tied.

Elena Wong: For example, the use of force policy that was recently implemented prevents them from being able to answer calls, because any use of force, which is simply just if they are trying to arrest someone and they're resisting, and they're holding them down, just holding their hands down, that's called the use of force. Once there's a use of force, they have to stop their work, go and fill out reports, they're doing administrative work, so sergeant gets put off the street, because they're dealing with that as well.

Elena Wong: And there are calls, and calls, and calls, 100s of calls, that are being lined up. I know of someone who was robbed; her boyfriend was trying to protect her, and-

Speaker 3: Excuse me, I'd liked to stop you for a moment. Excuse me, Mr. Rus, can you take Ms. Johnson into another room, or outside, so that we can hear the speaker?

Speaker 6: Yeah, but he [inaudible 00:35:08]

Regina Jackson: Please? Okay, go ahead, ma'am.

Elena Wong: Thank you. And her boyfriend was trying to protect her, but as a result he was slashed in the face. He called the police, but they weren't able to respond because everyone that was out in the field that day, was busy filling out this use of force. I just feel like it's unsafe now, because as much as the police would want to be there to answer the call to protect us, they're not able to because their hands are tied.

Elena Wong: I think it's just... I would like that you guys spend a little bit more time in understanding, maybe going out on calls, seeing how it actually happens out there, maybe you could be there to help give them advice, how would you handle the situation if you were there, and maybe you guys could work together to figure out a better solution that isn't just implementing a policy without really seeing the real life effects.

Regina Jackson: Thank you very much.

Nino Parker: [inaudible 00:36:03]

Regina Jackson: Hold on. Excuse me, Mr. Parker. Excuse me. We really want to establish decorum for the police commission; we've got a lot of work that we have to get



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

through, and we can't do it if we don't give people the opportunity to finish their statements. That is all the speaker cards that we have, so right now what we are going to do is adjourn to close session, and we will be back at 6:30, thank you. It is 6:05 right now and we'll be back at 6:30. Thomas Smith is here at 6:00, thank you.

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

- Regina Jackson: Okay. If I can have all the commissioners take their seat please.
- Regina Jackson: Okay. It is now 6:38 and we have no reportable items from the closed session, but I do have a statement to read. One week ago today, Mayor Libby Schaaf joined the Oakland Police Commission in a unanimous vote to terminate Police Chief Anne Kirkpatrick. Each of us takes this work very seriously and we do make these decisions lightly. We've come to work hard. We didn't come to play. Kirkpatrick's recent media games to try to attack the mayor or discredit this commission only reinforced that we made the right decision.
- Regina Jackson: We are a volunteer citizens commission appointed to serve and we do not get paid to do this work. Many of us do this at great personal sacrifice. So the idea that anyone will cast such a serious vote based upon something so trifling as a towing fee or a disagreement is quite frankly insulting.
- Regina Jackson: The idea that something so petty would drive all seven commissioners and the mayor of our city to reach the same conclusion is just simply ridiculous. Like Michelle Obama says, when they go low, we go high. That is what the commission is committed to do as we stay focused on the work ahead, continue to represent our community fearlessly and provide oversight as we support the hardworking committed officers within our department. I want to let you know that the day after the announcement, I and other commissioners had the opportunity to attend roll call.
- Regina Jackson: We wanted to be accountable for our actions, share information and be responsive to questions and concerns. Those questions that we could answer. These were fruitful discussions and some officers expressed an interest in being part of the process for selecting a new chief. The search process is not led by the commission, but we believe the mayor's office will also want to develop a process that is inclusive of officers, community and stakeholders, as well as to have a search that considers both internal and external candidates.
- Regina Jackson: We believe in the complete safety of officers and our citizens. We are inextricably linked. Thank you.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Regina Jackson: Next on the item is committee reports. Excuse me. I'm sorry. On a roll here. So, Commissioner Prather.
- Edwin Prather: Thank you, Madam Chair. I also have a statement. I, as you had the opportunity last Friday to speak with a number of the rank and file of our police department. My main purpose for speaking with the officers was to communicate that the commission's decision terminate the chief was not a reflection on the department as a whole. While we lost trust and confidence in the chief, we have not yet lost trust and confidence in the OPD officers who faithfully serve our community. I can't think of a more difficult job than being a police officer.
- Edwin Prather: Few people in the country can say that their occupation includes an element of personal danger on a daily basis and added stress coming from how quickly life threatening situations can develop. We ask so much, maybe too much of our officers. I can't think of another profession that makes house calls, engages with people on the street and is expected to address homelessness, joblessness, and mental health in our community on a daily basis and to make their jobs more difficult, they must complete mountains of paperwork, which can only lead to job dissatisfaction.
- Edwin Prather: Officers were never intended to serve as a catch all for all social ills, yet they provide crucial services to the community that they protect and serve. Our police department must operate with the highest standards of professionalism and accountability. Every community resident should be able to live and work confident that interactions with police officers will be fair, operate consistent with constitutional norms and be guided by public safety free from bias or discrimination. Unfortunately, today, too many communities lack that confidence and do not trust police community interactions.
- Edwin Prather: In turn, the communities demand reforms to foster better community police relations and to address the fear of unjustified and excessive police uses of force. The fear of engaging with police can also present itself as a lack of appreciation. However, I believe our community does appreciate our rank and file members. I know that I do and I believe this commission does as well. While the commission turns its focus to the search process for a new chief of police in the coming months, it is important to recognize and appreciate the contributions of our rank and file and to communicate that in our words and actions.
- Edwin Prather: Our officers need our support now more than ever. To this end, I think it is important to remember that we are an oversight body, but at times the discussion in commission meetings can be quite emotional and sometimes even from individual commission members. But we must continue to recognize



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

where the department or new chief falters and we must also recognize the opportunities where the department grows in the right direction or when the new chief succeeds. As an oversight body, we should take a measured approach and recognize the great efforts of our rank and file.

Edwin Prather: By terminating the chief, we have taken the step necessary to affect change. Let us make sure we finished the job and not run away from it. While our community calls for greater transparency and accountability, our officers similarly request better data on current practices and the institution of policies aimed at reducing bias, improving community relationships and the promotion of modern policing. We must take this opportunity to be more collaborative with the police department and the community at large. We must encourage the community and the department to acknowledge and address past wrongs and prior grievances in order to improve race relations.

Edwin Prather: By being more forthright and transparent about past injustices, whether real or perceived, and doing a better job of explaining to the community why certain tactics are used, this will help combat a negative narrative and increase citizen cooperation. We as commissioners must do more. We must help lead this city and department into compliance with the NSA and out of oversight by the federal monitor. We must press the stakeholders into the truth about why Oakland cannot get out of compliance even with our best effort.

Edwin Prather: We must demand answers from the monitor and the court until we are satisfied with our path forward. Our officers deserve this level of support as they transform the Oakland Police Department into one of the best police forces in the world. There is no better time than now for Oakland to evaluate its practices, policies and protocols, re-engineer those that have floundered and set the stage for a new round of innovation and improved quality of service to our community. Our officers with a new chief are up to that task. Thank you, Madam Chair.

Regina Jackson: Thank you. Thank you very much. So in terms of our agenda, it was a little out of sequence, so we had a little bit of open forum before the closed session. Now we'll have a little bit of open forum after the closed session. So, yeah, you are welcome. It's not your fault. Mr. Ruse, would you please state the speaker cards so that we can have those that want to say something come up?

Juanito Rus: Yeah, we have nine remaining who signed up for open forum. We'll go three at a time. I have Anne Janks, David A. Benjamin and Cathy Leonard.

Regina Jackson: Please come on up. We'll bridge it. Thank you. Mr. Ruse. So they signed up for number six.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Juanito Rus: I have a number for six as well.
- Regina Jackson: Okay. Very good. Hello.
- Cathy Leonard: Good afternoon. Cathy Leonard with the Coalition for Police Accountability and Oakland Neighborhoods for Equity. Thank you for your courage for firing Chief Anne Kirkpatrick. The Oakland Police Department is currently out of full compliance with eight tasks. Task two, timeliness standards in compliance with internal affairs department investigations. Task five, complaint procedures. They're impartial compliance. Task 24, use of force reporting policy. Task 25, use of force investigations and report responsibility. Task six, force review board.
- Cathy Leonard: Task 30, executive force review board. They're completely out of compliance. Task 34, stop data, impartial compliance. Five of these tasks. Task two, 24, 25, 26 and 30 were in full compliance as recently as January of 2019. They are now out of compliance. Harassing volunteer members of the police commission is completely unacceptable. We are not going to stand for it. We've been asking for the firing of the police chief for one year, almost one year. I'm so glad it happened. I'm glad that you waited. You did your homework. You were serious in your deliberations about what you needed to do for the city of Oakland and I thank you.
- Cathy Leonard: The police chief had to go. I would hope that the next police chief for the city of Oakland, my hometown, gets in full compliance and out from under the federal consent decree. We are wasting millions of dollars in court monitoring fees and I could go on and on. So thank you very much for your bravery and for doing what measure LL mandated that you do. Thank you.
- Regina Jackson: Thank you.
- Mary Vail: Mary Vail and I signed up for both three and six. I want to talk a little bit about all the confusion that's been out there and you can kind of blame lawyers about this whole concept of without cause firing. Yes, there are illegal firing. You fire somebody for whistle blowing or union organizing or because of their race or their disability, that's unlawful. But you have two categories of valid termination. One is with cause. Sometimes involves crazy criminal conduct, gross corruption, gross neglect of duty. Think about the forced out Alameda County Coliseum Director self-dealing.
- Mary Vail: Think about the Public Works Director over in San Francisco who is under investigation for corruption. Those are the clear line for cause. Without cause and always at the heart of it is loss of trust and confidence. It can be insubordination, it can be a CEO of a financial company who's, it's imploding, it's



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

being sued, it's committing bad business practices and being investigated by the government. Everyone's doing their job, but the profits just keep sinking and sinking and sinking. And the prior example of being in court, committing liability, you think about PG&E, whose history with federal court oversight isn't as long but as a lot like OPD's.

Mary Vail: It definitely doesn't mean no cause. And that terminology coupled with not giving enough coverage of you guys and the mayor and putting in the OPOA narrative. With reference, and I've worked in this, done volunteer work about police oversight since 1975, San Francisco and then here, police unions when the boss leaves or is fired does one of two things. If the police chief is a reformer and doing stuff the union doesn't like, they say bring it on. He was so horrible. We're glad he's gone. If it's somebody who has a relatively respected record and it's just a retirement, you don't hear anything from the union.

Mary Vail: But if it's a situation like this where the chief's doing more for the union than for the public on the job and you've lost confidence and there are major failures, sometimes the things that the union doesn't want to see happen, it's like a workplace war crime. And I was really profoundly disappointed with KTV's repetitive coverage of the chief's rally, pity party at the union headquarters and her talking about turning the war shine to the justice department and suing Janell and everything. And they gave that like it was the whole story and it was like getting to the bottom of this and the station did a real disservice to all of us and all of you.

Mary Vail: But thank you for your decision. Thank you for your care and making it and thanking for talking to the rank and file and laying out a clear set of goals about what the process should be for hiring a Chief Kirkpatrick's permanent successor. Thank you.

Regina Jackson: Thank you.

Anne Janks: Anne Janks, I'm an Oakland resident and I'd like to welcome the many additional people who have found their way here this evening. And I wanted to thank the commission for finally acting. I know it was done very thoughtfully and I would imagine it's very frustrating for you not to be able to respond to the many comments that are happening about why you did this and how you couldn't get any votes unless you got the mayor involved when I've been watching you for a while now when you vote unanimously on all the big things. So I'm pretty sure that you probably voted unanimously because you come to consensus.

Anne Janks: There's another group that hasn't been able to speak up and that is the Black Officers Association because they're worried about retaliation if they come and



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

did what all those people did at 5:30 who then left. And the fact is that you've been here every day and you've been hearing what citizens have been saying. You've been seeing how the chief responded, how the chief never responded to a missing person until the commission pressured it and until the family came over and over and finally months and months after leads were no doubt dry. Finally, the chief took it seriously.

Anne Janks: And I also want to tell you that Joshua Pollock's family thanks you. They call this a tiny piece of justice. And I really want to say just to the media that's here, welcome. I'd really appreciate it if you would report things that don't come from PR flacks. If I have to change my legal name to Sam Springer or so that you'll cover things like the study that was done that shows that Oakland police officers are ruder to black residents than they are to anybody else or to the fact that the police chief promoted two officers who totally bollocksed an investigation and I believe they sabotaged it intentionally.

Anne Janks: If that's what it takes, I'll change my legal name. Please let me know what's going to get you to cover everything else and not simply report on what PR flacks present to you. Thank you.

Regina Jackson: Thank you.

David Benjamin: Hello, my name is David Benjamin. Yes. I apologize. Hello, my name is David Benjamin, business owner of Blue Dream, previously 848 Arts and Culture Center. Sorry, but something I'm very emotional about. I went and we got a business, we named it 848 Arts and Culture Center and I feel like the police is forcing us out of business. I got a cease and desist for false allegations. The fire marshal came, I complied, she walked in, it's nothing in there and they forced me to sign something saying are selling illegal cannabis. Further, February the 21st, the police bust in, there's nobody in the building.

David Benjamin: He tells me that I'm throwing an illegal event with no guests. Further again, they make me sign that I had no business license, no permits. And when I showed it to him, he just said whatever. While I'm dealing with the fire department and the police that's there, another fire crew busted in and accused me of doing a cannabis party and said it was guns and weed. There was no guns and weed in the whole building. And now I feel like it makes me look like a criminal when I'm trying to conduct legal business. And I did everything I could to comply and talk to the fire department, but they're stout or not listening or understanding and using the police to back them and they're pushing me out.

David Benjamin: And now when I steady trying to speak to these people, I show on a business license. Basically, the issue was an assembly permit, which was issued by the fire



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

department for Blue Dream llc. The city was notified that David Benjamin, which is me, took over the Blue Dream LLC. Therefore, when a fire department and police came, I showed him the permit where I have here and they continue to insist that the permit was invalid, which I didn't understand because a LLC, the permit was issued in the name of an LLC. And therefore as long as the LLC was still existing in contact, I was under the belief that it was still valid, which they tried to tell me it wasn't, but couldn't give me explanations or details.

David Benjamin: Now I have no problem if it's justified or I show evidence of doing something wrong, but to be pushed out forcefully, I feel, and forced to sign documents saying that I did something I did not and recorded is something that I'm trying to deal with and doing whatever I can to make sure that I'm able to do what I invested my money and my dream to facilitate for us and my peers. Thank you.

Regina Jackson: Sir, have you filed a complaint with CPRA yet?

David Benjamin: They directed me to a website, but the website is so confusing that I was unable to.

Regina Jackson: Wait a minute, Mr. Jordan, I mean Mr. Benjamin.

David Benjamin: Yes.

Regina Jackson: So I actually, I know about this. I received a call from this. John, can you make sure you get his information?

John Alden: We can at one of the breaks. Sure. Absolutely.

Regina Jackson: Okay. So can you make sure that you see Mr. Alden to give him all of your information and leave me your information?

David Benjamin: Yes. I can.

Regina Jackson: Thank you. Terrific. Thank you very much.

Lorelei Bosserman: Hi, I'm Lorelei Bosserman. I'm with the Coalition for Police Accountability. I want to thank you for firing the chief. The community has been calling for this for a long time. There was a press conference almost a year ago called by the Coalition for Police Accountability. We weren't the only organization calling for the chief to be fired. There is one member of the public, Mr. Saline Bay who comes up, I got permission to use his name, who comes up every meeting and says, why haven't you fired her yet? So you've been feeling, as you all know, a



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

lot of pressure from the community and we weren't just making it up because we don't like her.

Lorelei Bosserman: There were real reasons. I know you all are aware of the reasons, but for the sake of the media and people watching at home who were saying, but why did you fire her? I'd like to just run down a few. One is that she did not bring us into compliance with the negotiated settlement agreement. We've been under federal oversight for 17 years. It was supposed to be five after a huge scandal. Now it's been 17. Not only did she not bring us out from under it, but our compliance has gone backward as Cathy Leonard detailed. In addition, well, one of the ways in which we're not in compliance is that the racial disparities remain.

Lorelei Bosserman: The Oakland Police treat people of color and black people and white people differently and they have for 17 years and probably longer, and this is documented. This is not something that the police department denies. Everyone recognizes this. Mayor Schaaf has been going around saying stops of African Americans are down, which is true. What she doesn't mention is that stops of white people are also down. The disparities are still there. Police are treating black people and white people differently. And if they're doing it with stops, they're doing it with everything else, so they haven't solved the problem at all.

Lorelei Bosserman: I also want to mention, if I have time, some of the other shocking things she's done. The main thing to me is that she resisted reform over and over again. Every time you asked her about anything thinking there might be a problem there that she could address. She didn't say, oh, I'll look into that. She said, oh no, everything is great, over and over again. Everything is fine. In 2018, police officers. Darn ...

Speaker 7: [inaudible 00:29:19].

Lorelei Bosserman: Thank you. Someone has seated me time. Thank you. In 2018, police officers killed Joshua Pollock. It took the internal affairs department of the police department nearly a year to complete their investigation. When they did complete their investigation, sorry, during the investigation, they neglected to consider the evidence on cameras. This is something that the federal monitor pointed out. He called their report deficient or their investigation deficient. It then went to, I think the name of it is the Use of Force Advisory Board who recommended a slap on the wrist.

Lorelei Bosserman: Kirkpatrick looked at that and said, that's too big a slap on the wrist. We want a smaller slap on the wrist and thank God you were here to say no, those officers need to be fired. Not only did you authorize OPD to assist ICE in arresting people



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

in West Oakland in spite of Oakland's sanctuary ordinance. She also lied about it. She was asked what happened, why she did this thing in spite of the sanctuary ordinance? She said one thing. She was asked again later, she said something different. At least one of those things was a lie.

Lorelei Bosserman: She repeatedly demonstrated a shocking disregard for the concerns of the community and the requirements of the negotiated settlement agreement. When asked what OPDs biggest challenge was, she replied the narrative, as if public perception where the real problem. The real problem is in OPD. It's documented. Everybody knows it. Thank you for the work you've done.

Regina Jackson: Thank you.

Maureen Benson: Good evening. My name is Maureen Benson. As a former commissioner and member of the community who's been watching this play out since 2018, I want to say that this was a good decision that you fired the chief and we support, the community supports this decision. It's unfortunate that the community doesn't have the information to share why, but I'd like to take the liberty to add to some of community members to say what you can not. Under this chief's leadership, we saw OPD fall backwards under federal oversight compliance. We saw her lie to the community about working with ICE to conduct a West Oakland raid.

Maureen Benson: We saw failure to use resources to help find Jonathan Bandabaila, a black man, but succeeding at finding lost pets. We saw failure to hold officers accountable in the murders of Marcellus Tony and Josh Pollock. We saw a failure to develop a strategic plan for OPD despite being asked for one by this commission. We saw a promotion of officers involved with a rape coverup. We saw a promotion of Sergeant Joe Turner, who murdered Richard Perkins and engaged in drunken abuse of power serve here as your policy liaison for OPD. And that's just to name a few, if the communities-

PART 3 OF 10 ENDS [01:36:04]

Saleem Bey: ...the liaison for OPD and that's just to name a few. If the community is interested in a comprehensive report card, please go to the Anti-Police Terror Project social media. We also want to state that it is shameful that OPD and the ex chief for trying to scapegoat, Janelle Harris, a black woman for their failings. Our hope is that each of you commissioners join Chair Jackson in denouncing this publicly tonight and stand by your colleague and an act of solidarity. Finally, now more than ever, we're going to have to come together to help the community understand why this commission needs more independence and not less. We have a critical eight months to organize before it's on the ballot. Our



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

hope is that we can do that in unified, principled ways to help support true independent police oversight that Oakland deserves. Thank you.

Ginale Ginale Harris: Thank you.

Kat Brooks: My name is Kat Brooks, Anti-Police Terror Project Justice Teams Network. That was the official APTP statement because I didn't plan on being here this evening. As many of you probably know that there was a Moms' for Housing Rent Strike Rally that is happening tonight as well, which is why there aren't more people packing the house, commissioners. We have split time, but I came for you, Vice Chair. I came for you and I'm representing a hell of a lot more people because the message that we came to send tonight, people have eloquently talked about why the chief needed to be fired. People eloquently talked about how you all did your job. What I'm going to say Kat Brooks style, is what is not going to happen again in these chambers or in this city, is that another black woman is going to be thrown under the bus or utilized as a scapegoat for elected officials to hide behind. I promised you that right here, right now, today. If it takes every second, of every hour, of every day. That is what we're going to do.

Kat Brooks: We failed to stand for Desley. It's not going to happen again. It is not going to happen again. Thank you commissioner Jackson for your statement. Thank you for the ways in which you all have been holding down Janelle. I know you all made this decision, but because she is a black woman who dares to stand in her authenticity, and challenge power, and tell the truth, no matter who likes it. She is who mainstream media, that devil, Sam Singer and the chief, have decided to target. We're not having it. The only other thing that I want to say is where we have failed in terms of being partners, is that we as community organizations weren't doing what we need to do to communicate to the public about what was going wrong. Because APTP was in the streets every other week, because there wasn't scandal after scandal, because things weren't getting shut down, folks thought things were fine.

Kat Brooks: Moving forward, we need to be in better partnership so that we are doing what we're supposed to do and mobilizing our community and organizing our community, so that's clear about what's happening in here. So that when you all to make the call, we don't get what we're getting right now, which is what are you talking about? Right? That's what we're doing now.

Kat Brooks: It's late, but we're moving it and we're moving it because the most important thing before us now, besides finding a new chief, is ensuring that the measure, the rewrite of the measure that goes on to the ballot in November passes. We all have to unify to make sure that happens because the opponents are latching onto this and saying, they have too much power, they need less. We all need to



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

open our eyes and recognize that we got a hell of a lot of work to do over the next eight months. Thank you for your service, all of you, each and every one of you. Thank you Janelle, we have your back.

Ginale Ginale Harris: Thank you and it's never too late to stand up.

Saleem Bey: Celine Bay, and normally I just go ahead and wing it up here, but there was so much crap flying around here, that I have to make sure I get the real stuff out here. And first I want to call out the commission as hypocrites, because as Janelle weathers the slings and arrows, you turned around and stabbed her in the back at this last meeting. And nobody nominated her, but we had community people who nominated the mayor's person.

Saleem Bey: The mayor's track record is for failed chiefs, so why are we still got a mayor's leader? Not saying anything personal about you, but that's what your title says, that you represent the mayor. That's why I asked you to step down and let the community run. It's why the community has four votes so that the community votes as a block, not have two community people this time nominate the mayor's people and then work behind the scenes to make sure that Janelle got stabbed in the back.

Saleem Bey: I want to make sure that we got that out, because all of the clapping and the support for her, and everything like that. If it wasn't for her, you guys wouldn't be in the position you would be and the chief would still be working here for a fact. The second thing is we wouldn't be going through all this issue with the chief if you would've fired her with cause. Right? Because she deserves to be fired with cause. Really, you should have reported her to the DA's office because the level of criminality that she's doing, obstruction of justice, covering up murders, covering up the rape scandal of an underage girl, promoting a corrupt chain of command. And then who did you replace her with? Was that her right hand man? Did you?

Saleem Bey: Is that the right hand man that you replaced the chief with? The person who was failing with the chief. So what have you done? Who is this person? I also want to say that the chief ignored you. You brought her up here to answer about racial and religious profiling, and she sat up here and took the fifth. Even though she couldn't answer publicly at the time, she could have done something about it. Did she ever come back and do anything about it? Racial and religious profiling is a California penal code violation, 13519.4E. That's a criminal act.

Saleem Bey: You guys are overheard, so you fired her without cause, means that you work behind the scenes with the mayor's people to make sure that it was smooth as possible. There's a records failure. All the time that she's been the chief she



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

hasn't found any records on the murder of my brother, who was murdered in 2004, who was over a multimillion dollar organization and had 250 people, 200 black jobs under his payroll, but you don't have no records for his murder. That's acceptable? Who would accept that for their relative? She obstructed justice.

Regina Jackson: Can somebody cede their time please?

Saleem Bey: That's okay. She promoted everybody that was associated with Wint. She's the Wint coverup person, and then when 13-10-62, which you're investigating independently, wouldn't have to be investigated independently if this chief wasn't covering it up for the last three years. So it's not like she just walked off, "Oh, I was done wrong". She's a crook, a criminal, and she really should be under jail. And you have the ability under this LL to forward all of this stuff to the DA's office even though DA's crooked too.

Regina Jackson: Thank you.

Earl Joseph: My name is Deacon Earl Joseph, from St Louis Bertrand in East Oakland. I'm here to offer congratulations and recognitions from the bottom of my soul for what you have accomplished. Although I was born in New Orleans, I've lived in Oakland since 1952. I was appointed to the citizen police review by Mayor Brown. So I have sat in this chamber and listened to the whole litany of complaints. Many of those that have been voiced here this evening. So, I'm well aware of the complaints against Oakland Police Department. So I'm not going to belabor that issue. I do want to recognize you for what you have done. I've lived here since '52. Never in my residence have you accomplished what you've done. However, the task now begins. The task of getting someone in here that is going to serve the people like we expect and we deserve. I offer you a criteria, a criteria of passionate respectability.

Earl Joseph: That is what we want to have in our new police chief. It is something that is difficult. It's something for people in this room to demonstrate, passionate respectability, passionate. We have seen the passion demonstrated, however that needs to be a company with respect for one another, respect for us, respect for this body, for you what you have done. What you have done is given the city a way to accomplish something that we all need. We need a police force that we can be proud of. Something that we all look up to. We need to have a police force that incorporates those characteristics. Passion and respectability. Thank you.

Regina Jackson: Thank you.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- John Jones, III: Good evening. For the record, my name is John Jones the III. I'm here with my youngest son, Josiah. I also have the honor of serving as the chair of the selection panel, and for those who are unaware, under measure LL it created a body to select for the seven police commissioners and one of the two alternates. Coincidentally, everyone to the immediate right of Chair Jackson was someone that we appointed and I'm saying this for a reason. I take it personal. Where anyone who we selected when there was 150, over 150 wonderful people in our community, who chose to answer the call to do hard work that's unpaid to be attacked in such an egregious manner. There's no room for that here in Oakland.
- John Jones, III: So as sister Kat said, we're here for you. We're here for all of you. Definitely. I want to also just share something else. I don't want to belabor all the points that the community members have made, but I do want to offer what I feel to be somewhat of a unique experience. And I think it's important that we start with the fact that the problems and issues with OPD far predates the chief. It predates the rape coverup. It predates 2003 when its department was first placed on the federal oversight. It goes all the way back to the 60s to the formation of the Black Panther Party, for self-defense. I want to share some on a personal level. I lost two of my childhood friends who were murdered by OPD officers. One shot in the back of their head as he was running, hitting the fence.
- John Jones, III: The other one choked out in his grandmother's backyard because the officer said he was trying to swallow crack cocaine. At 12 years old, I was slammed against the wall and called the N word. My mother also is from Louisiana, and when she told us stories of racism in the deep South, to a black kid growing up in DP's Oakland, that's all it was, a story. Because I didn't even think that would happen to someone like me in this community.
- John Jones, III: But also want to ask something else and this is through the chair to OPD. It's very important this department really owns and take accountability of its actions. If you're interested in improving community and police relationships, let us stop with the span, because at the end of the day, I always announce myself as formally incarcerated. You know what I do so? For two reasons, I acknowledged my mistakes. I acknowledge the harm I've caused in my community, and I am tasked by almighty God to do what I can to the community out. If I can do that and I'm unpaid, I don't swear on oath. Nothing less should be demanded of this police department. So thank you very much.
- Regina Jackson: Thank you.
- Pamela Price: Hi, my name is Pamela Price. I'm a civil rights attorney. Just came by to say thank you to all of you, and to congratulate you, and to tell you to be stand firm.



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

You all here, there's a lot of noise out there. It's just noise. You've heard the community, you have done your job. I bring you greetings from the East Oakland Youth Development Center, where they having a nice party, sister. I did go by there and I said, how's she going to do both things?

Pamela Price: So we appreciate that all of you are volunteers, that you've all sacrificed tremendously for this community, and that you heard us. And that's what it means to have a commission that is selected, and based, and born of, and committed to this community, is that you hear us. You hear us when we come here. You hear the people when they have pain. You understand that as a brother, John says, "This is a police department that really needs to go through a whole restorative justice process".

Pamela Price: Because it didn't start in 2003 that's just when they first had to start paying for some of the stuff. Okay? But it goes way farther back than that. So we got a long way to go, but you've taken us on a huge, huge step forward and we are so proud of all of you. We really are, and we appreciate everything that you've done, and we just asked you to stand firm and continue in the process. We are going to work on measure LL to get you the help that you need so that you're not hamstrung by a rogue administration or by a recalcitrant police department. So, just hang on. November is going to be here. I'm on a trail in March. I can tell you the time comes quickly. So just be patient and keep on keeping on. Thank you.

Regina Jackson: Thank you.

Reisa Jaffe: Hi, my name is Reisa Jaffe, so I thank you. I won't repeat all the cause reasons, but I have to say that I was hugely disappointed and saddened when I saw it was done as no cause. I've been showing up here sometimes in person, sometimes watching from home and we all know there was cause. And the choice you made to do it that way was a disservice to the community.

Reisa Jaffe: When I first started paying attention, I was like, these people are volunteers. This is hard work. They have a whole new thing to do. I watched, and I saw you struggle, and I saw the work you did, and I so appreciated it, but this was a mistake and this was an avoidable mistake. Because you gave the mayor a chance to let her start... Anyway, please, I want you to look at why you did it this way so you don't make that kind of decision again. Thanks.

Regina Jackson: Thank you.

Rashidah Grinage: Good evening. I don't want to repeat all of the congratulations and appreciations, but you know that we do certainly appreciate and value what



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

you've done, and we know that it wasn't easy, and we stand with you in your decision. I want to point out that if anyone has any doubt about the correctness of terminating this person, we don't just have to look at her record. We have to look at her reaction. Her reaction is still not to accept responsibility.

Rashidah Grinage: Instead the fault lies not with herself, but with Janelle Harris. The fault lies not with only Janelle Harris, but it also lies with the monitor, and the fault lies with all of you who didn't like her because she's not Black and from Oakland, which is really what she said. If you look at the nature of her response, it tells you everything you needed to know about how she headed the Oakland police department. I was going to say lead, but she never did.

Rashidah Grinage: That is the nature of this person and that is why she failed. She was never willing to accept responsibility for her shortcomings and for the failures of her department. Of course we've heard similar statements from the OPO way, with whom she had a tearful going away party. Maybe she's looking for some depositions from them as she pursues certain actions, but in any event, she sided with the wrong folks. The folks she should have looked out for are here and in the community, and she picked the wrong folks to hang with. Thank you.

Regina Jackson: Thank you.

Jane Kramer: Jane Kramer. I think in summary, what I have heard a lot of folks say is the issue is integrity and this commission has it. So do a lot of people in the community, they have integrity. Please clasp hands and together come up with an enhancing policy that enlivens the wellbeing of the community you serve.

Regina Jackson: Thank you.

Gene Hazard: Gene, for the record, Gene Hazard. Thank y'all. Thank you. I want to go to the process of measure LL, which I said from the very beginning, because measure LL is flawed. It's in conflict with 305E of the charter. Look at it. The mayor does not have any participation in the selection of the recommendation of any personnel, except for recommending the city administrator. That needs to be removed from measure LL.

Gene Hazard: When the city attorney had an outside counsel to come and present to the council. The issue that I'm talking about right now, was there any conflict with measuring LL and 305E of the charter? She said yesterday it was, and then Dorian said something about, "Oh, it's harmonized with other parts of the charter". There's no such thing. There's absolutely no such thing.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Gene Hazard: So unless you change that provision that's allowing the mayor to select the police chief, you're going to have problems. As we saw in this instance, it was the mayor and the city administrator, did the selection of the police chief. Read 305E of the charter, and you tell me I'm not correct. No responsibility for any personnel other than the recommendation of the city administrator.
- Gene Hazard: So when you look at updating measure LL, you need to look at that. Remove that from the charter, then you're dealing with the city administrator. Then they turned around and jumped her salary from 125,000 to almost 300,000 dollars, because that's the highest amount she's ever had. Then the city administrator comes back with this so-called compaction, "Oh, I can't have a subordinate making more money than I", and then they bumped her salary over the 300,000 mark. You need to change that provision in measure LL. Thank you, but I still applaud you for what you did.
- Regina Jackson: Thank you.
- Doug Blacksher: Good evening, commissioners. I applaud you for your courage and commitment. Three years ago when you guys started, I spoke and I think Thomas and Henry were commissioners, Thomas and Mr. Commissioner Gage, I've worked with you guys both on the NAACP. In addition too, I graduated the same year as Regina and we shared some junior high school and elementary time. And I've been following you, commissioner Harris, on Facebook. Stand strong sister. They always have to find a pawn to blame and you were chosen this time. But remember, courage and commitment will get you through this. I've met and talked with chief Kirkpatrick a couple of times. Her loyalty was not in the best interest for the entire personnel and citizens of this city. And as someone just said, she chose her own team and she got traded. Thank you.
- Regina Jackson: Thank you.
- Doug Blacksher: Let's see what they going to show in the news tonight.
- Regina Jackson: Thank you. Are there any more speaker cards? No. Okay. Thank you very much. So we're going to move to item seven, committee reports.
- Regina Jackson: Did you want to talk about personnel, or no?
- Ginale Ginale Harris: Sure.
- Regina Jackson: Okay. Commissioner Harris.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

Ginale Ginale Harris: So, we're going to talk about the personnel standing committee that we have. We have not met for about four months. Initially the idea was to do a search for our executive director for the CPRA, which we now have. Thank you, John.

Ginale Ginale Harris: We're very pleased, by the way, and it just kind of rolled over into every single personnel matter. So, there was a little bit of conflict in regards to scheduling the meetings because there's three of us on the panel, and everybody has full time jobs. So, things have been unfolding quite quickly and we were not able to meet.

Ginale Ginale Harris: So, I just wanted to revisit that again with the commissioners, in regards to the personnel standing committee to see if... Because life happens, right? And people don't have the time. So, I wanted to see how the other two commissioners felt about being on the standing committee or if they'd rather ask someone else if they wanted to. I mean we just wanted to talk about it that a little bit.

Regina Jackson: Right. So I had received a request from commissioner Anderson to step down primarily because of ad hoc, the ad hoc for use of force, but also there have been some significant changes at the job. I don't know if you want to speak to that. I haven't had a chance to speak to who you suggested may take your place. I've been a little busy, I don't know. Yeah, go ahead.

Tara Anderson: Thank you to chair Jackson. Yes. Due to the demands of my day job and being able to be a consistent representative on the ad hoc for use of force, I had asked to be able to step down from the personnel standing committee. The nature of those meetings have been to be scheduled a particular way, and we had worked for a period of time of having them sequenced before this meeting, but then the priority became being able to have our close session as a commission as a whole. And unfortunately the way that my schedule works, I would not be able to do appropriate service to the personnel standing committee. So, I'm asking to step down and hoping that a fellow commissioner, or alternate commissioner, would be willing to step in to serve on the personnel committee.

Regina Jackson: Okay. Your request is accepted, Jen. Commissioner Harrison and I will move forward, and we will prioritize a meeting before the next commission meeting. Okay?

Ginale Ginale Harris: Can I just say something?

Regina Jackson: Absolutely. Commissioner Harris.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

Ginale Ginale Harris: So I just wanted to take a few seconds to say thank you for your commitment to the personnel standing committee. It was quite a process, and we worked a lot of long hours via phone, via meeting, via all of it. And the results were great sitting over there, Mr. Alden. Thank you. So, I just wanted to say thank you for that.

Regina Jackson: I will join commissioner Harris. Painful, is one of the words for all the hours that we put in, and you carried your water as best as anybody could and gave some extraordinary insights to applicants. Certainly respect, you're not going anywhere, but certainly respect your work there. So, thank you very much for your contributions and I will be reaching out to find a suitable replacement. So don't ignore my phone calls. Anyway, thank you. Commissioner Anderson?

Tara Anderson: I try and pride myself on being brief, and I almost don't deserve the thanks because we work together as a team, and I appreciate you both so much. And when we disagreed on something, being able to talk it through, and I think our work is the example of some of the best stuff that we're capable of as a police commission. And while I may not have said it in open forum, I stand with you and I am honored to serve with you commissioner Harris.

Regina Jackson: Thank you.

Tara Anderson: Thank you.

Ginale Ginale Harris: Thank you.

Regina Jackson: Very good. Thank you. So let's see, we can move to outreach.

José Dorado: Yeah. Real quickly. I'm just going to make a short note regarding that the community advisory board is putting together a neighborhood council leadership forum. That'll be the first time ever that hopefully the majority of the neighborhood council chairs will actually be in one place at one time. Really an exciting concept, but beyond that I just want to refer to over to alternate commissioner Jordan and Mr. Alden in the item number seven. I'm sorry, eight on the agenda.

Regina Jackson: So what's the date of the form?

José Dorado: Right now it's planned plan for the spring, early spring.

Regina Jackson: Oh, okay. We don't have a date.

José Dorado: Yeah.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Regina Jackson: Okay. No problem. Thank you. Somebody else wanted to speak on the subject? Oh, alternate commissioner Jordan.
- David Jordan: Yeah. So additional to that, commissioner Dorado is following through with the process with Oakland unified to allow us access to the middle school on the 35th Avenue to hold a community forum. Hopefully we will be able to follow through with that sometime this spring or early summer. Additionally, as you know, we have the use of force outreach scheduled for this weekend, and then another outreach effort scheduled for later in March, pending hiring Geo the consultant, to take on some outreach. Some of this sort of groundwork for an outreach staffer at Cipro.
- David Jordan: My intention is to work with her to sort of help fill in a lot of that and we'll go into that more when we get to that agenda item. But I did speak to a gentleman from the DA's office about putting together a Know Your Rights and how to sort of interact with the police in service for community. Hoping to dovetail that with an outreach effort, maybe the one at the middle school, maybe later. That is essentially what we have on our docket currently and what we have happening.
- Regina Jackson: Okay. Thank you very much. I'd like to underscore that the youth listening session, which is basically ages 16 to 24, but we're not carding people, will be this Saturday from 12 to 2:30 at the East Oakland Youth Development Center, 8200 international Boulevard, Oakland. Commissioner Harris?
- Ginale Ginale Harris: So I have one more announcement in regards to the use of force scheduling town hall meeting. Rashida, can you come to the podium please? So, we have one that the coalition has put together. Can you give the details of that please?
- Rashidah Grinage: Sure. The deacon was here before Earl Joseph, so it's that church, St Bertrand's Parish. It's on 100th Avenue, and it's March 21st, Saturday from 1:00 to 3:00, and we'll be serving light refreshments. We hope as many commissioners as possible, without violating the Brown Act will be there. That's always an issue, but we expect a really good crowd and we are counting on you and your outreach committee to help us get the word out on your social media. Maybe if we actually have a staff person doing outreach and social media that can help bring that along, but we've invited lots of community groups and I think we're going to have a good turnout. So, thank you for asking.
- Ginale Ginale Harris: Thank you. So one more. We have one more town hall. We have one more town hall. I just confirmed it today. It will be at the Taylor Memorial United Methodist Church in West Oakland with pastor Anthony Jenkins senior that will be hosting us. It's going to be an evening affair. So it's going to be on a Friday. Is it March 5th?



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

- Rashidah Grinage: Yes, I think it's March 5th.
- Ginale Ginale Harris: Or March 6th?
- Rashidah Grinage: Yep.
- Ginale Ginale Harris: March 5th?
- Regina Jackson: Yeah,
- Ginale Ginale Harris: I'm sorry.
- Regina Jackson: I think that's march six.
- Ginale Ginale Harris: From march 6th.
- Regina Jackson: Yep.
- Ginale Ginale Harris: March 5th?
- Regina Jackson: Yeah. Six
- Ginale Ginale Harris: March 6th Friday. March 6th at 6:00 PM and the address is 1188 12th street. Oakland West Oakland. Refreshments will be served as well. I'm going to get a flyer together to put it out. It'll be on our website. So we are trying to tap into every community in Oakland. Every community. So if you have any suggestions, please get ahold of me, email me, call me, let me know. Thank you.
- Regina Jackson: Thank you very much. So in terms of... It sounds like we have three events coming up in fairly short succession. One this Saturday, one next Friday, and then one two weeks from that time. And if you're not following the commission on Twitter, please do. Because, we've been tweeting. We're trying to get the word out there. But in addition we have a spreadsheet of about 65 different agencies and we'll be emailing when you get your flyer together. And then the March 21st one will go out to everyone. We're still adding to that list, but yeah, there we go. So in terms of the use of force piece, since we're talking about a little bit, I'll go back to the mental health. I'd like to bring up our council Nitasha Sonny to speak about a critical urgent matter.
- Nitasha Sawhney: Good evening commission. Your agenda currently agenda is the use of force committee work. And provides for action under that item. Out of an excess of caution to make sure that we're complying with the Oakland sunshine ordinance.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Nitasha Sawhney: We'd like you... At the request of the Oakland police department to consider an urgent matter. The way urgent matters are considered under the sunshine ordered and then it's requires that you have a 2/3 vote to consider the item. The item that you're being asked to consider is approval of temporary special order 9202. That temporary order revises the use of force policy 9196. Deputy chief Armstrong has copies of the temporary order for your review and the few copies for the public as well. So what we'd first... To consider this item, you do need to take it into steps.
- Nitasha Sawhney: The first is to consider an urgent item. It is urgent because there is a delay in response time based on some of the reporting requirements. And the police department has expressed and been able to share that there has been quite an impact on being able to respond to highly serious activity. And so that's why this matter is being brought to you as an urgent matter. So, if the commission can first consider taking... Considering the as an urgent matter and then we would have a discussion about the item itself.
- Regina Jackson: Missioner... Right through, but sorry so I'm first.
- Edwin Prather: I move that we consider the matter as an urgent matter.
- Henry Gage, III: Second.
- Regina Jackson: Okay. It has been properly moved and seconded. I think we need to take any speaker cards that are on this item.
- Regina Jackson: Mr Rus?
- Henry Gage, III: Chair Jackson?
- Regina Jackson: Yes.
- Henry Gage, III: I suggest that given that much of the public is probably unaware of the reasons for this change, we might wish to discuss it and have a bit of a debate before we asked for public comment.
- Regina Jackson: Okay. So just to lead into this, about a week ago, deputy chief Armstrong brought to my attention that a week earlier, the special order 9196 actually went into effect. Thank you. And what the documentation that's required on the use of force apparently has redundancies and just makes a large S. The problem of being able to... Having to come off of your beat and not respond to calls because you're doing this documentation. Now, it's only been in place a week. But when I was at the roll calls, I continued to hear the fact that it was



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

expanding their ability to be able to reach anybody. And they were extraordinarily concerned that some significant problem could happen that the police would not be able to respond to.

Regina Jackson: So that is the crux of it. I know that the deputy chief Armstrong will have lots more information to it. But I think the reason that we're having this conversation is because we have an opportunity to step in on a temporary switch in how they approach that work. In order to stay in compliance. But to prioritize actually being able to address the public and their needs as they happen. So I don't know. So commissioner Harris.

Ginale Ginale Harris: Thank you. And I just want to reiterate, 73% of the service calls come from East Oakland. Right. And before this order went out, I went on a drive along, ride along. And we have almost 400 calls in the queue. We got to six in about from seven to two in the morning, we got to six. And these are priority calls. That don't count for the other calls that come in. So before this order was signed, because we are not fully staffed and we don't have the capability to get to every single one I agree that this is an emergency. I'm in support of this.

Regina Jackson: Any of the other commissioners have any questions? Obviously we'll need to take public comment.

Henry Gage, III: Chair Jackson?

Regina Jackson: Vice chair.

Henry Gage, III: Thank you sir. Members of the public, if you recall the commission passed special 9196 sometime, I believe it was late last year. If I remember correctly. Modifying a number of sections with respect to the reporting of use of force. Now, one of the things that change did was require, as you might imagine, certain reporting requirements. The goal was noble. It was to ensure that uses of force by the Oakland police department were accurately captured in large part as a response to concerns that were raised by the independent monitor. That's a good thing.

Henry Gage, III: The department and the commission worked together to put that policy together. The problem is with one specific category. Level... Pardon me, type 32 use of force. Uses of force where people are putting their hands on people's arms to get them into patrol cars. Uses of force that aren't necessarily independently reportable and weren't being captured in earlier reporting, but that should be captured.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Henry Gage, III: Unfortunately, the method that they're captured under the current version creates an administrative burden. This change allows police officers to, instead of having to go through a full level for use of force reporting process to simply call in on the radio and use a special code to report the same use of force in a different means. The force will still be reported. It's using a different medium and deputy chief, stop me if I'm wrong here.
- D.C. Armstrong: No. You're correct.
- Henry Gage, III: Okay. I hope that explains to members of the public what the issue is here. And as you might imagine, the fact that this came up as an exigency is probably disconcerting.
- Regina Jackson: So are there any other questions here? I think the other reason that we wanted to try and hear this is because waiting two weeks could be detrimental. And we really don't want that. So with that...
- Chris Brown: Chair?
- Ginale Ginale Harris: Yes. Alternate commissioner Brown.
- Chris Brown: Thank you, chair. I had a question for deputy chief or for the commissioner. Whether the alternate means of reporting this via a radio call results in a searchable record that we can go back and look for easily.
- D.C. Armstrong: Yes. It will be captured in our computer automated database, which is our dispatch center. Our dispatchers will enter that into their computer. Where we can go in and track the number of 32's that have occurred.
- Chris Brown: So they can search for those explicitly and generate a report.
- Henry Gage, III: Yes. That's the purpose of the disposition code is to identify that the individual officer had a, what we call 32 use of force.
- Chris Brown: Perfect. Thank you so much.
- Regina Jackson: Okay, so we need to hear from the public before we take our vote.
- Nitasha Sawhney: Just as a reminder, what you're hearing on is whether you're going to consider this as an urgent matter. Not on the substance of the issue, because you have to first vote it as an urgent matter to be able to discuss it on its merits.



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

- Regina Jackson: Oh, very good. Okay. Thank you for pointing that out. So I would like to hear a motion on... Oh, excuse me, sorry. Just need roll call. [inaudible 02:17:24] Yep. No, but we'll do the roll call. So I'm vice chair Gauge.
- Henry Gage, III: Before we vote a clarifying question for council, do we need to hear public comment on hearing this item as an agency before we vote on?
- Nitasha Sawhney: Yeah, if there are members of a comment... If there are members of the public that would like to address the issue of urgency, this would be the time to speak. If they are members of the public who would like to speak on the merits of the policy that would be adopted, the temporary policy, that would come only after the urgency vote.
- Regina Jackson: Okay, so let me just be very clear with anybody who wants to speak right now. You should maintain your statements just to the urgency. And then once we decide to vote however we vote, then we will hear perhaps a more elongated overview of the facts that support it. Is everybody clear? Great. Mr Rus?
- Juanito Rus: I do not have any speaker cards that are expressing about this. I have a number for this item, committee reports generally. And my understanding here is-
- Regina Jackson: Okay. So we'll call that then because we are at the use of force piece.
- Juanito Rus: I would also briefly chair, it appears we're running out of speaker cards. So I'm going to go and attempt to make more. And Mr Alden will step in while I'm out.
- Regina Jackson: Okay, sounds good. Okay, so we have a motion that has been properly moved and seconded. Now we will take a vote on the urgency. Vice chair Gauge.
- Henry Gage, III: Yes.
- Regina Jackson: Commissioner Dorado.
- José Dorado: Yes.
- Regina Jackson: Commissioner Anderson.
- Tara Anderson: Aye.
- Regina Jackson: Commissioner Harris.
- Ginale Ginale Harris: Aye..



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

- Regina Jackson: I for myself. Commissioner Smith?
- Thomas Lloyd Smith: Yes.
- Regina Jackson: Commissioner Prather.
- Edwin Prather: Yes.
- Regina Jackson: Okay. We unanimously believe that this is urgent. And so therefore we would like to invite a deputy chief Armstrong to provide your overview.
- D.C. Armstrong: Okay. Chair, I'd like to pass out a copy of the actual special report.
- Regina Jackson: Please do. I think there are some in the audience maybe? Not yet. Okay. They're coming. All right.
- D.C. Armstrong: I'm just checking to make sure we... Do we... We have enough, for all the commissioners and there you go we have two more.
- Regina Jackson: Yes sir.
- D.C. Armstrong: Are you good?
- Regina Jackson: You ready?
- D.C. Armstrong: Yep. Okay. So first of all, thank you commission for agreeing to hear this. Item 9202. What... Essentially I think commissioner Gauge did a good job of summarizing. And I'll start from saying that this original 9196 was born out of an OIG audit within a department. So the department did his internal audit. We published a report that said there was some significant deficiencies in our reporting of use of force.
- D.C. Armstrong: We then began as a department to work... We requested an ad hoc with the commission, we put it formed an ad hoc and we worked diligently to come up with a special order 9196. Our effort to... With 9196 was to capture all uses of force. When, officers had any incident where they actually use force. But what we... As a result of that, the reporting process came into play of how we would report the new uses of force that we would capture as a result of the inclusion of what we call a de minimus force. Which is overcoming resistance of a person during an arrest or a detention, to defend oneself or another from combative actions by another person.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- D.C. Armstrong: So these are incidents that frequently happened with officers on a daily basis. The reporting process that was put in place originally required the officers to complete a reportable use of force, which is an investigation. So what we learned immediately is that that had a significant impact on our response time. The reason was because our infrastructure, our technological infrastructures are not, wasn't set up to actually be able to do this in an efficient manner. And what I mean by that is that the officers have what we call MDTs computers in their vehicles where they complete their crime reports in the field as they go from one call to another.
- D.C. Armstrong: This use of force investigation is not supported. The reporting process is not supported within that system in the vehicle. It requires the officer to return to the station and complete the report at the station as well as download PDRD.
- D.C. Armstrong: The average time span was about an hour and a half. So not only did he officer spend about 30 minutes completing a report, he or she would have to go back and spend another hour and a half complete in this use of force report. Although we know that it is progressive for us to collect these uses of force. We still are going to collect these uses of force, but I think to commissioner Gauge point, it will be collected in a different manner. What was the outcomes of that? We've seen significant increases in the number of calls standing.
- D.C. Armstrong: Meaning that officers were unavailable to respond to calls. One of the really problematic things that we felt it was impacting public safety is our stacking up of what we call priority one calls. These are the most serious calls that we have in a city, which previously our response time was two minute... Between two minutes and five seconds was the average response time.
- D.C. Armstrong: That response time as a result of after February 15th when this new special order went into place, that increased to over five minutes, which meant... Which means in the public when something very significant or series what happened, you would not have a police officer even dispatch for significant amount of time. And every second when somebody is being robbed or assaulted or in some cases sexually assaulted, these things are very time sensitive. And so our response time obviously has an impact directly on public safety.
- D.C. Armstrong: So we were tracking this. I immediately, during the first couple of days when we had seen the significant increase, I did reach out to chair Jackson and begin to inform her that we are beginning to see a significant increase. I told her we would give it a couple days to see if it leveled out, but it didn't.
- D.C. Armstrong: It continued to go higher and so I continued to advise her. That was something that that needed to be dealt with in an urgent manner. So I appreciate you



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

being willing to bring this forth. We've also brought this before the independent monitor, the plaintiff's attorneys as well. All of NAOPOA, all of which agree that it's appropriate for us to make this temporary modification. So it's our ask to the police commission for your approval to implement this temporary modification. It is our plan to continue the current upgrades of our computer... Our infrastructure in the department so that we can't capture it in a report with fashion at some point.

D.C. Armstrong: But we will say that we are also willing to come back at the next meeting... At the first meeting in April would be good for us to get a 30 day snapshot of the calls for service. And the increases that we've seen as a result of this. And then also look at this 2-3 week decrease that we hope to see as a result of the change in policy. And be able to fully report out to the commission about the impact. And then also the change hopefully that we experienced as a result of this modified policy.

Regina Jackson: Are there any questions? Vice chair and then commissioner Prather.

Henry Gage, III: Thank you, chair. To the chair to the deputy chief, can you clarify one thing for me?

D.C. Armstrong: Mm-hmm (affirmative).

Henry Gage, III: My reading of this special order is that de minimus uses of force that happened as a consequence of arresting someone. The arm on the... Handle the arm, so to speak. That would then become reportable as documented in the special order. You write the word K3 in the narrative, you use the CAD disposition code, you report the force that way. Now uses a force that would independently rise to a level four, use of force. That also includes de minimus would still go through the regular level four, use of force reporting process. Is that correct?

D.C. Armstrong: Yes. Essentially the past process which would capture everything would still be in effect. So if there was anything outside of a 32 use of force, it would still be captured in the same manner.

Henry Gage, III: Thank you.

Regina Jackson: Commissioner Prather.

Edwin Prather: Thank you Madam chair. Colleagues, I was... As I had mentioned, I was at lineups all day on Friday as well as chair Jackson. And after I did some initial... Made some initial statement to the rank and file, I did have a chance to speak to a number of different officers. And in every session I got feedback about this



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

policy. And what I had been told is that officers will... Because we're still getting used to that use of force policy and just how it works, that the paperwork is so voluminous. And so much at this point. That there were calls for violent crimes and other things that had to go unanswered because they're sitting there filling out paperwork on something very simple.

Edwin Prather: And so, and I was told about calls and I think commissioner Harris had made reference to it, just call stacking up. Dozens and dozens of calls stacking up. And so there does seem to be a problem with the implementations. The spirit is right, but the implementation is wrong. And so we do need to correct this in the short term with an eye towards a longer term fix.

Regina Jackson: So to a commissioner Prather's point, the roll calls that we attended were at 6:15 AM, 7:15 AM, 2:15 in the afternoon, 9:15 in the evening and 10:15 in the evening. The officers were very frustrated. And we talked about how when you put in a new system, they're oftentimes quirks, but I don't think anybody anticipated this. And certainly we want the officers to be able to get to the calls they need to get to. We want the documentation, but we also want to figure out where there are redundancies and how you can differently manage that. So if, there are not... There's commissioned Dorado.

José Dorado: Yeah. Just a quick question DC Armstrong. How long do you think it'll take to get the technology up to snuff? And just as a side comment, there always seems to be a real lag in terms of staying up with technology particularly in these types of cases. So it seems to me that with the resources we have in the community, those that would be more than willing to jump in open Oakland and thinking about the top of my head to deal with technological problems or issues or solutions. I think it would move the department to really tap those resources. So back to my original question on how long? Do you have any timeline? And when that'll be resolved.

D.C. Armstrong: So I don't have a specific timeline. We're currently under a contract to have our Motora system, our CAD system, all of our systems upgraded. But we work at the speed of our CDD IT. So CDD IT is in charge of these projects. And so we work closely with them to try to move them along as fast as possible. But upgraded the CAD system is a very, very large project. It'd be that you're essentially going to be swapping out your entire dispatch system, your whole computer system.

D.C. Armstrong: And so it is a large undertaking. But we will continue to come to the police commission and provide you updates as we get them from DIT about what the timeline looks like. We have a staff that's dedicated to working with DIT on



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

these particular upgrades. So when we come back with our report, we'll give you what they give us as a timeline.

Regina Jackson: Any other? Commissioner Anderson.

Tara Anderson: Just want to appreciate commissioner Gauge and deputy chief Armstrong for clarifying the process that brought us to have a special order 9196. That it started with the audit subsequent rapport and then ad hoc committee process and that collaboratively we jointly affirm that this was the best policy. And I appreciate you coming forward when implementation did not meet expectations. And that we've been able to find this bridge solution.

Tara Anderson: I think you're right to call upon us to call you back to give us an update within 30 days. And I look forward to joining in my fellow commissioners and what I hope is a... I don't know if that has to be a separate motion or a part of that motion, but that we would do so.

Regina Jackson: Yes. So if there are not any other questions? And there wasn't. Mr Rouse, let me clarify. There was not a specific speaker card related to the use of force, but more to the overall committee reports. Is that what I'm understanding?

Juanito Rus: I have four speakers on item seven. They do not specify which portion of item seven.

Regina Jackson: Okay. All right. Well it sounds like I should listen to the speakers because maybe they will have a comment on this. So if you can go ahead and call the speaker cards. And then we'll take a vote after

Juanito Rus: We have Rashida Grinage, Saleem Bey, John Lindsay Poland and Assata Olugbala.

Regina Jackson: Thank you.

Rashidah Grinage: Thank you. I'd like to speak on two of the committees. First, just the personnel committee. It seems like you are going to have to fashion a process for identifying the new chief and it seems to me that, that's going to be important. It will be precedent setting because up until now it's been the city administrator who has done that. So I'm hoping that you will start the process and I'm glad it's a standing committee. So that the community can participate and contribute to identifying the best way to ensure that the three, four... the four candidates that you select to present to the mayor have had some vetting from the community.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Rashidah Grinage: So I look forward to that. On the use of force issue at hand. What's being proposed is a bandaid for a disease. And the disease is that there are too many calls for the number of available officers. So technology's not going to solve that.
- Rashidah Grinage: So that is why are our last year you endorsed the idea of developing a feasibility study to do a pilot that would allow the less than high priority calls, the low priority calls to be handled by people other than police officers. In Eugene, Oregon the percentage of calls that are sent to the non police response is about 17%. So you can imagine in Oakland what that would mean. It would mean that the available officers could respond more quickly to these high priority calls. So we have been working on developing a proposal for a pilot.
- Rashidah Grinage: The report will be coming soon. We've had two community tables where folks have... From all disciplines and all kinds of organizations have come together. With folks from the County, from the city, and we are getting close to being able to present a proposal for a pilot that will test the theory. But that is what ultimately is needed. And I'm hopeful that as this report comes forward, we will have the commission support and the council support and we will be able to launch it. So that's my input for that. Thank you.
- Regina Jackson: Thank you very much.
- Juanito Rus: Saleem Bey.
- Saleem Bey: The first thing I would like to comment on is that there are two types of ways that you can experience it. You can have empathy or you can actually experience something. If you have empathy, you have no idea how the person feels who experiences it. Right? So when we're talking about how the police interacts with the community, we're not talking about up in the Hills. We're not talking about in the condos, we're talking about the flat lands, We're talking about the West, we talk about the East, right?
- Saleem Bey: So if nobody up there on this [Dyess 02:35:38] understands what it's like to live in that, right? To live in that not nobody... Excuse me, because there is a person up there and that's what I'm actually speaking on, knows what it's like to live in that. Then you're just bringing your empathy here. And your degrees or whatever it is that you bring here that you're going to tell us how we're supposed to feel inside the community. With that being said, as a person who lives in the community, whose family is still in the community, who's suffering, who's still living this every day we take offense to the fact that somebody can then say that their job takes them... Is so busy that now they have to not be able to give themselves to what you here to do.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

Saleem Bey: You're here for justice, for the community as it applies to Oakland police department and how they interact with the community. Not the community in the Hills, not to community in that we're talking about the issue is use of force on black people primarily. Right? So if I had the luxury of reducing how much time that I could be black in this society, right? I still wouldn't do it, but I don't have it. Right? Or the detriment of being black in this society. So when Ms. Anderson, when you come here to serve the community as a community member, first of all, you have no idea what it's like to live in the black community.

Saleem Bey: So your empathy, although it's nice, carry zero weight with the people who were picking people up off the sidewalk. So then when you come here and then you say, "Oh, I was into this a hundred percent but now I'm in here 75%." The community has no... That's no credibility with the community. And not only that, again, you nominated the mayor's person as a community person. Do you not see where you missing that? Please acknowledge that because not the expert here, you really should take a second seat to the community. And when community members say we go in this way, like Mr Dorado and Ms. Harris, go that way.

Regina Jackson: Thank you,

John Lindsay-Poland: John Lindsay-Poland. I hope you, you're clear on what this says. Because, I'm trying to read it and say, okay, you're... Basically, you're not going to do any investigation when someone is use forces... Forces usually in someone to overcome resistance of a person during an arrest or a detention or defend oneself or another from any combative action by another person. And I'm thinking about my friend Wilson Riles Jr who was arrested, pushed to the floor, injured and then police officers claimed that he had resisted.

John Lindsay-Poland: And that is often the case when police treat someone physically badly, whether in any jurisdiction that they then claim that there was resistance or there was combativeness. So I hope that you are clear that this reporting exemption, this investigation exemption does not apply to that situation. And I would hope that you would ask DC Armstrong whether the situation as reported by Wilson Riles Jr in his version would be exempt from investigation by this new change.

Regina Jackson: Thank you.

Kyle McCoy: No, comment quiet for the record. Do here right now. Personally, I really get offended when people stand up and say stuff about the community and not from the community. Now, my thing is I've seen a lot of people within the



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

community. And I know them faces very well. I lived in Oakland all my life. I actually was right across the street from the Bay.

Kyle McCoy: It was right across the street from the Bey Muslim bakery, when I was little. You know, this is really about prioritizing and using your logical common sense. Basically, if you're responding to a call, you have to wage that call. That's first of all. If there's a weapon involved, if there's an armed assailant, et cetera, you have to wage that call. Now, I don't know how Oakland has so much a problem with the use of force policy when the other police departments statewide not really having that much problems with it. I think you need to research your policies here and rearrange them. Because there's some type of fault with Oakland and Oakland police department, either a racially bias or something going on, because Oakland police department is the most corrupt police department there is.

Regina Jackson: Thank you.

Assata Olugbala: Love, light. A good thing, let me start with the good. A good thing is that the commissioners, several commissioners, have actually gone to see the process in its workings. So you haven't just created the policy, you have seen the implementation of it and you have identified there is an issue, so we have to fix that issue. We're not saying we're eliminating the need to report any form of use of force that's identified in the policy. We have to come up with a methodology that doesn't impede officers from continuing to do the work they need to do. Understand that.

Assata Olugbala: The other part of understanding why this is happening, the hiring process for police officers is we hire on a minimum hiring formula. So we have within the city of Oakland, no matter what you're dealing with it, irregardless of this policy, a minimum number of police officers to serve the city. Even before this policy came in place, the challenge to respond to calls was already in place because of the minimum formula. So I hope it's not perceived as I heard someone say earlier, that this use of force is causing officers not to be able to respond. This was an ongoing issue for which we now have a little bit more of a challenge with the issue, but the issue was already in place because of the minimum hiring formula. Okay? Thank you.

Regina Jackson: Thank you very much. Deputy Chief Armstrong, I would like to make sure that you could respond to the question that was put to us from the community regarding Wilson Riles incident.

D.C. Armstrong: Yes, that would not be in this category. That would be a type 16 which was a takedown which would be investigated and fully reported and investigated.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Regina Jackson: Okay, thank you very much. Oh, we have one more call. Thank you very much.
- Nino Parker: I should've got up just too old to get up. I'm Nino Parker, black homeless advocate, Lake Merit. One of the things, there's a lot of types of use of force and some actually are physical confrontation, when they actually put their hands on you. But one of the things you're not talking about is the mental use of force at homeless encampments when the police come and they're threatening to have you move. You know the only backbone of the public works department is to have the police officers there because if a person decides they're not going to move, the police step in and move them, or maybe threaten to arrest or whatever.
- Nino Parker: One of the things we're talking about is the filling out of forms and all the time it takes. I just wonder about them not having enough officers, when I go to some of these encampment enclosures and there's like 12 officers there. It seems like they should be somewhere else. For encampment enclosure you probably just need a couple of officers because like I said, that mental use of force, all they have to do is step near and tell you to move. You're going to move in most cases. So we we're talking about policy, I want to talk about the homeless policy when it comes to use of force because I remember I was talking last year about a homeless policy that hadn't been updated since 1996 and I think December of prior year they were supposed to have that report, Chief Kirkpatrick was supposed to have that report. I still have not heard anything about that.
- Nino Parker: I recently asked if we can find that transcript from when I talked about Sergeant Paradis being here and that whole incident happened. I think the next time you guys came back for a meeting, you brought back Deputy Chief Armstrong in place of Kilpatrick and he talked about a homeless policy that hadn't been updated. I like to know what's going on with that because there is a lot of use of force mentally when you're talking about having people move out of their homes. Thank you.
- Regina Jackson: Thank you.
- Oscar Fuentes: Hey there. In the interest of the public, I don't think anyone understands what's going on right now. So if you could redefine all the numbers, start from the top, redefine all the numbers you're talking about 91 96, type 32, what's the change in type 32, and what's being contemplated here. And really have Mr. Armstrong come up and explain several kinds of examples and why Mr. Riles, for example, or any other example wouldn't fit into this, and what it means to just do a radio call instead of having a written report. I think the reason you don't have any comments up here is because people have no idea what's going on. It's not on the agenda, and it was introduced at the last minute.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Regina Jackson: We get it. Thank you. So do you see, can you start at the beginning?
- D.C. Armstrong: I'm sorry I didn't catch them all. I think I'll first start by saying that the type 32 is laid out as follows. Let me get to my report, I'm sorry, is laid out as 'overcome resistance of a person during an arrest or a detention or defend oneself or another from a combative action by another person'. So an example is, is that we were dispatched last week. I'm sorry, go ahead.
- Regina Jackson: Deputy chief, I'm sorry. So I think we're going to put it in context and in order and ask you each question as Oscar... Yeah, we only got two questions of the three. One is, what is 91 96, what's K 32 examples. So basically if you could just tell the public what this... Read the document and explain it.
- D.C. Armstrong: Getting a little old up here. I'm aging up here. Special order 91 96 took effect on February 15th, 2020 due to an unexpectedly high volume of calls standing after that date, which has potentially jeopardized public safety. Special order 91 96 is temporarily modified. Effective immediately, all direction regarding type 32 reportable force and special order 91 96 is modified from a level 4 reportable use of force to the following: member who used any force as defined in DGO K3 that is not listed under types 1 through 31, to either overcome resistance of a person during an arrest or detention or defend oneself or another from a combative action by another shall do the following: document their actions in the applicable offense report, supplemental report or a field information report or any other narrative report that we complete.
- D.C. Armstrong: Write the words K 32 in the above narrative. Use the CAD disposition K 32 to note the incident and write the word K 32 in the annotation for any associated body worn camera video. Personnel shall continue reporting force types 1 through 31, in accordance with DGO K4 and special order 91 96.
- D.C. Armstrong: Supervisors and commanders reviewing reports shall continue to follow the report review process as set forth in DGO M18 and 19, and departments report writing manual.
- Regina Jackson: So can you do me a favor? Just break down what is type 32 reportable force, and talk a little bit about the 91 96.
- D.C. Armstrong: So what type 32 was intended to do for the department is to capture when officers put their hands on somebody when they were resistant, when officers were taking people into custody and they would not be cooperative, they didn't want to go in custody, and an officer had to use some slight force in order to get them into handcuffs or either to put them in a police vehicle.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- D.C. Armstrong: So for an example of what we've seen as a type 32, last week we were dispatched to a call of a gentlemen suffering from a mental illness outbreak. An ambulance was called to transport this gentleman to the hospital for treatment. He was dealing with the EMT staff. He then became very combative and then the officers had to assist the EMT staff by just holding down the individual until the EMT staff could strap the gentleman to the gurney.
- D.C. Armstrong: Well as a result of that, six officers had a level 32 when their whole responsibility was simply to hold one leg and one arm. But because that force that they were using, was overcoming his resistance. Although the officers were simply attempting to help him get medical treatment, but like I mentioned earlier, that required each officer to go out of service, go back to the station and complete a thorough use of force report reporting this interaction.
- D.C. Armstrong: We have frequent interactions where we have to help assist medical staff, frequent interactions where we have to actually, nobody likes to be handcuffed. Sometime it takes officers to have to use some level of force in order to accomplish that, but if it went beyond the normal, it would be an actual reportable use of force. If it was something that required an officer to use a significant amount of force in order to accomplish that, that would still be a reportable use of force. We're talking about the very minimal turning of the wrists, moving someone in order to get to a position of advantage for your own officer's safety. We're talking about things of that nature which would still be captured.
- D.C. Armstrong: Also, these would still be captured in an actual reported document. A police report, supplemental report, all reviewed by a supervisor and approved. As you heard me read in the last part of it, supervisors are still to look at reports and read them thoroughly to better understand if there's a need to upgrade that level 32 to another use of force, if appropriate.
- D.C. Armstrong: We also ask, the officers are mandated to notate whenever they download their body worn camera footage. At the end of each shift they go through each video and they annotate and associate it to the particular incident. So whatever crime report or incident I was involved in, I put the actual report number, incident number so that when we begin to audit those videos, when we go to type 32 and we look for that video, we can actually find a video associated with that.
- Regina Jackson: Are there any other questions by the commissioners? Oh, we have another speaker card?
- Speaker 23: This gentleman has already spoken.



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

- Speaker 24: Just one question response to it.
- Regina Jackson: I'm sorry. You want to ask a question?
- Speaker 24: Yes.
- Regina Jackson: Go ahead.
- Speaker 24: What is DV K 4? Because I heard him mention that, and another thing is can't just one officer go in and do the report so that all the officers don't have to go in?
- Regina Jackson: Thank you for those questions. Deputy chief, could you respond please? Do you need me to restate it?
- D.C. Armstrong: Yes, please.
- Regina Jackson: Okay. So the young man wanted to know what a DGO 4 was, and he also wanted to know can one officer go out and do the reports as opposed to multiples? Could you describe what the requirement is, or...
- D.C. Armstrong: Yeah, so DGO is department general order. K4, that's the number that identifies what particular policy that is. No, each officer is responsible for his or her use of force. The law requires that the officer specifically speaks to why he or she had the legal authority to use that particular force. So I can't write the reason for why someone else used force. The law is very specific about the officer needs to describe what legally allowed them to use that particular force. So the department mandates that they write their own individual reports.
- Regina Jackson: Thank you. And I one of the things that commissioner Harris was mentioned is we've been up here for two years and so we are sensitized to some of the numbers and what they mean, but that doesn't always mean that everybody in the audience is. So thank you for taking us through that. I think that now would be a good time for there to be a motion to either support the request or deny the request and-
- Henry Gage, III: Moved.
- Thomas Lloyd Smith: Second.
- Regina Jackson: Okay, so moved and seconded. It has been properly moved and seconded. We have heard public comment and so I'd like to take a vote. Vice chair, Gage?



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

Henry Gage, III: Yes.

Regina Jackson: Vice chair, ooh you're going to be vice chair too, tonight. Okay. Commissioner Dorado?

José Dorado: Two promotions in one night? Yes.

Regina Jackson: Okay. Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Harrison.

Ginale Ginale Harris: Aye.

Regina Jackson: Aye for myself. Commissioner Smith.

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Okay. And we are unanimous.

Regina Jackson: Thank you very much. One of the things I'd like to say is for the officers on the front line that are watching, we heard you, we worked with your leadership to take action. We hope this is going to be of great support to you and we look forward to getting the report to understand just how important this intercedence was. Commissioner Anderson?

Tara Anderson: I just wanted to put on the record that we'd like that report in 30 days and can meet the first meeting in April that that would take place.

D.C. Armstrong: Yes.

Regina Jackson: Okay, great. Thank you. Okay. I'm not sure if we had updates on equipment and rules of procedure, as well as the mental health model underneath the committee reports. We kind of got sidetracked.

Henry Gage, III: I can take the equipment and ROP. Equipment policy and rules of procedure, I can handle both those reports.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Regina Jackson: Commissioner Anderson?
- Tara Anderson: I'm sorry to jump board, I just wanted to close out because we didn't actually talk about the ad hoc for use of force, so did want to speak to that.
- Tara Anderson: The last meeting that we held was yesterday evening on the 26th. It was two hours long, actually two and a half, and during our time together we decided that we would extend our current timeline, which we had indicated in the past was April. We're looking at May, 2020. The goal around that is to be able to fully realize all of the community engagement activities and efforts, and that in order to do good service to those and be genuine and those influencing the creation of the first draft that we would need to extend our deadline.
- Tara Anderson: That we are committed moving forward as an ad hoc to publish a written report that will be provided at every police commission meeting and in certain instances may receive its own agenda item at the full commission.
- Tara Anderson: That we're looking to incorporate not only the community town hall listening sessions as a part of our work, the collective work as a commission, but also having listening sessions with, rank and file police officers and that there would be an extensive posting and nuanced process around drafting. Also, our vision is to continue to leverage Raheem knowing again that no matter how comfortable and accessible any space we could make, that there will still be individuals that will want to avail themselves potentially through Raheem that technology tool to inform the development of the policy.
- Tara Anderson: So those are general updates relative to how we intend to be more transparent and bring all of the work that we've been doing in the ad hoc back here to the full commission, and doing so in writing so that we can be an example for the work product that we hope to receive from others that come before us and present to us.
- Regina Jackson: Great. Thank you. Commissioner Harrison?
- Ginale Ginale Harris: So commissioner Anderson, so can we ask Raheem to come to our use of force town halls? Can we invite them to do that? Cause we have about four so far.
- Tara Anderson: Yeah. Okay, great. Vice Chair Gage?
- Henry Gage, III: Thank you, Chair. Two reports. First from the equipment ad hoc, we have received a great deal of good feedback from members of the public. The most pressing questions are, there's two. One is with regard to mutual aid or the use of controlled equipment within the city of Oakland by outside agencies. The



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

second largely deals with questions regarding the timeline for OPD to submit use policies for equipment that it currently possesses.

Henry Gage, III: Much of this feedback makes clear that the ad hoc needs to provide additional reasoning to support some of the proposed edits and or reconsider proposed edits.

Henry Gage, III: We plan to revise the draft, that is the draft that's included in the current agenda packet, and return to the commission for further action. In the interim, we remain open to meeting with those staff and community advocates regarding proposed changes.

Henry Gage, III: We've also heard some concerns about how the equipment ad hoc meetings in the cells are structured, and we plan to incorporate some of this feedback into a later discussion in this agenda about commission committees.

Henry Gage, III: With respect to rules of procedure, one of my priorities for this year personally, is going to be helping to set up some of the administrative structure this commission needs as an institution. Commissioners Prather and Smith have previously volunteered to serve in the rules of procedure. We have not had opportunity to meet given some of our most recent business. I'll be reaching out to the rest of that particular ad hoc with proposed revisions to rules of procedure and am also taking steps to prepare a draft commission operating manual to assist with some of the administrative procedure we don't currently have in place. That'll also be forwarded around to the rest of the ad hoc for further discussion and we'll come back at some future undetermined date. That's all.

Regina Jackson: I certainly appreciate you're identifying a significant need. Thank you. Commissioner Prather?

Edwin Prather: Yeah. Thank you Madam Chair two. Just to add on to Vice Chair Gage's comments, and I can't even remember how long ago that we presented it, but I believe there was some momentum around the commission having a code of conduct. That was drafted, I think some of the commissioners have seen it. I can't even remember if it came before us and we postponed a further discussion on it, but it's something that we've passed around and hope to get it before the full commission rather quickly so that we can have something in place because we currently do not have a code of conduct as it relates to the commission. So that'll come up fairly quickly.

Regina Jackson: Well, it wasn't complete. There we go. So we'll bring it back up.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Edwin Prather: And we will make it complete.
- Regina Jackson: There we go. Thank you.
- Ginale Ginale Harris: I'll send it to you.
- Regina Jackson: Okay.
- Ginale Ginale Harris: It just finished.
- Regina Jackson: It wasn't finished so we'll get it finished. I appreciate all that work and it's just amazing how much we keep moving through and how much time everything takes. So appreciate that overview Vice Chair. So I think we have substantially addressed that. So we're going on to item eight, outreach services for CPRA.
- Regina Jackson: This was put over because we did not have an opportunity to... we did public comment. No, we actually were told about the folks that wanted to make comment on the committee reports. Do you have some more speaker cards? No problem. I could be corrected. I just thought that you told me...
- Juanito Rus: The speaker cards that I read out previously were for the item, generally. I do not have any other speaker cards, but I'm willing to take them.
- Regina Jackson: Is there anybody else want to have specific comment on? Thank you. Come on down, John.
- John Alden: Thank you so much. I thought that the previous comment was about the emergency action. So first, the American Friends Service Committee does thank you for firing Ann Kirkpatrick. When you go high you focus on issues, so that means that the proposals before you don't get bogged down in distractions from a tax in the media or the static of irrelevant conflict or ad hoc committee process.
- John Alden: So the proposed ordinance on equipment addresses the prospect of other law enforcement agencies coming to Oakland on the of OPD, and bringing equipment not used by OPD or with no policies guiding its use such as tanks, assault weapons, chemical munitions or LRADs.
- John Alden: The current general order L-3 requires OPD to inventory out when they request mutual aid from other police agencies and those agencies come, such as happened during occupy, to inventory outside agencies' equipment, and to tell them what equipment is prohibited.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

John Alden: OPD is also not allowed to assist ICE, which is another outside law enforcement agency by ordinance. So there's ample precedent for restrictions on OPD's use of and assistance to outside police agencies. I was told by Vice Chair Gage that he wanted to get a temperature check from the rest of the commission when this item came up for reporting in this meeting. Actually in the last meeting, and then this again in this meeting.

John Alden: I would hope that he will get from you a temperature check on what you think on what he just reported to you or anything else that has come up in your review of this item, so that it can move forward. Because otherwise, the ad hoc committee does not have the benefit of your input, which was why it was put forward, why it was delayed, put on last agenda committee's agenda and then again on this committee's agenda. So I hope you will give that feedback.

Regina Jackson: Thank you. Commissioner Harris?

Ginale Ginale Harris: I just want to respond to you, John. Thank you for this. This document doesn't look anything like the original. I know all the stuff is in there, but it is much more lengthy and I would ask that I'd be given an opportunity to really read it and absorb it before giving my temperature, just because today's the first day I've seen it. I know but we didn't get to it.

Regina Jackson: And we've been real busy. I appreciate that you are responding with humor. I'm not sure that we've been able to focus on anything else so if you give us some time, Vice Chair Gage .

Henry Gage, III: With respect to the draft that's in the agenda packet, I'm more than happy to write a memorandum to commissioners if you'd like a slightly more detailed explanation of some of the changes. But if you're, as commissioners, okay with reading the current draft and simply providing some sort of feedback, written or otherwise, at some point in the future that will suffice for now. We have a number of items that are pressing and quite the agenda to complete tonight.

Regina Jackson: Commissioner Prather.

Edwin Prather: Thank you Madam Chair. Vice Chair Gage, if you are going to put a memorandum together, it would be really helpful to me to see what edits were suggested by the police department, and to see what changes and where their head is at on a particular policy.

Edwin Prather: So usually we get red line versions and I've been able to see this is what OPD wants and this is why, and they explained why, and thought bubbles on the side. And I don't have the benefit of that here. I just have a final document. And so to



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

see give and take between the two parties where they're being collaborative would be really helpful for me. So I just wanted to offer that.

Regina Jackson: Can we get that?

Henry Gage, III: I believe I have all the drafts and track changes available. It might take me a bit of time to go back through them and create that memorandum, but I can work that direction.

Regina Jackson: Appreciate that. And to, commissioner Prather's point, while we've been working through just a few policies, trying to establish a cadence around that would be really important. So looking at track changes should be like part of how we progress. Commissioner Prather?

Edwin Prather: Yeah, and Vice Chair Gage, not to create more work for you. When we worked on the probation and parole search policy, many times when we went through the document, there would be a track changes document or there wouldn't be, but we were able to categorize positions. We were able to say "well our position is such and such and the OPD is taking this position on this particular issue". For example, timing of checking of databases or what kinds of databases needed to be searched and we were able to show the tension between. And I think that when we show the level of back and forth, it just adds to the transparency of what OPD wants. Because frankly, I've never really heard OPD's position through the document in open session. And so that's really what I'm looking for is just that give and take.

Henry Gage, III: Thank you all sincerely for the input. With respect to the document itself, this process of working through the back and forth between the community advocates and staff and the department is definitely an evolving one. I think we've seen a number of different approaches to this process and a number of different policies. And I'd love to find a way to codify some of these processes and best practices because I think you're right, Commissioner. It's difficult to read lengthy documents like this and digest and understand who took what position without either a cover memorandum, which takes additional time, or at least having the document itself outline some of those back and forth or compromises or agreements. So thank you for that feedback. I'll take it to heart, I'll try to incorporate that into the upcoming manual as well.

Regina Jackson: I appreciate that. We understand that it's time intensive, but things get missed in the sauce when we go back and forth. So that's why it's so important. Thank you. So we're moving on to item eight. I know that we have a training, but if we can get through our outreach services item. So Mr. Alden.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- John Alden: So this item has been on previously. I had made a presentation in the commission earlier about our need for outreach and the fact that we don't have any dedicated staff for that purpose now and probably won't until after the mid-cycle budget revisions. And even then of course there's a process that would go through council. So in the meantime I had suggested bringing on the contractor you see here in the packet at number eight, Geri Orlando. I know the commissioners had some followup questions and I understand that Alternate Commissioner Jordan spearheaded asking Ms. Orlando some of those questions, getting to know her a little bit better, and I think had a positive experience in that regard. And if you don't mind Commissioner, maybe you could say a word or two about what you thought about that interaction.
- David Jordan: Sure. So initially I think that our conversation focused on both costs and scope of work, which were the Commission's questions in general. And as you can see in this documents, scope of work is outlined. Largely it is around developing some branding, social media and outreach strategies for SEBRA, specifically. As far as costs, that's slightly more complicated and I think that that was one of the pieces that was a little challenging. On the last page, on page 18 it's outlined that it would be 6,500 per month, not to exceed \$30,000 within a limited time period. Part of that is because Gia, the consultant.
- David Jordan: Part of that is because Gia, the consultant, is working currently to do something similar with Bart. And so the idea is to leverage some of... Rather than to duplicate them, to use that work with Bart that is working with a very similar community. Essentially at the same community in a lot of ways, to develop parallel outreach strategies. Because a lot of what she's attempting to do is to develop a targeted outreach to the communities and develop list serves and get in touch with decision makers as well as community members and community organizations.
- David Jordan: And so part of those things are going to overlap. The things that don't overlap are those branding pieces. And what is essentially setting up all of the groundwork for a staff outreach person. So hopefully when they are brought onboard a lot of that network is built in, and so they don't have to create this from the ground up. So we are being able to access a person who has a great deal of experience. Who, frankly, we probably wouldn't be able to, is going to have a lot more experience and ability than somebody who we would be able to hire locally, potentially.
- David Jordan: There were some questions around how long this might take. And some of those things were a little up in the air, specifically those things around branding and social media, because CPRA is a city organization and some of those decisions have to go through the city. And so it's going to be a negotiation



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

between to Orlando and the city around what they're allowed as far as how CPRA is potentially rebranded. So some of that's a little unclear as to how much can be accomplished in that amount of time available.

Regina Jackson: Commissioner Harris, go ahead.

Ginale Ginale Harris: I know that CPRA is the agency that we oversee. So when you say the city has to compromise or negotiate how much they can rebrand, we in measure LL have the authority to reorganize CPRA. So we don't need to go through the city.

David Jordan: Agreed. But I think to... I mean, nothing that has happened with the commission has been as smooth as I think that you would have liked it. And to assume that the city is just going to take the directive of an external consultant without any sort of negotiation seems unlikely. And so in my conversation with her, that was part of our conversation is, we don't actually know what that timeline is going to look like because it's unclear what those hurdles might be. But as far as the scope of work and what she is attempting to do, I think that based on our conversation and based on my understanding of what we actually need and what CPRA needs, this feels very in line with what we're looking for. Cost-wise, it also feels in line with what consultants are being paid currently.

Regina Jackson: Appreciate your attention to it, and meeting with her over the phone or in person. I know that we need the same stuff for the commission, but when you were talking about, let's bring some brochures to the center for the listening session. Was like, well, there really isn't anything that's as community oriented. I think it's absolutely a necessity that we get rolling. And hopefully if there is support that is needed more so than Mr. Alden's, then we get involved to try and make sure that we can at least get one thing at a time and progressively get what we need.

David Jordan: Yeah. I mean, one of the things that we discussed was that because CPRA is the agency who actually enacts the investigations, they are the agency that the community needs to be able to interact with to fulfill the goals of the commission. It was felt that CPRA needed to be the priority for this. That said, we do have our own outreach apparatus here on the commission. And, I mean, we did discuss using some of the work that she's doing and working collaboratively with a lot of the community organizations that show up here regularly to help develop those list serves, to help develop that community understanding from a person who is not necessarily from here. So it would take a certain amount of collaboration on our part. And we can then potentially leverage some of those pieces to serve the commission itself.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

Regina Jackson: And to your point, I'm not suggesting that we prioritize the other way around. What I actually was thinking was, based upon the quality work that's done for CPRA, perhaps there could be a secondary contract, maybe even for someone in the community to do this work for the commission. We will have templates for things. Obviously we're a very different kind of entity. I was looking at the fact that it would be really nice to get this moving because we don't have anything. You know? So appreciate your time looking at it. Are there some other questions as it relates to the proposal?

Regina Jackson: Vice-chair Gage.

Henry Gage, III: Thank you, Chair. I don't want to argue the need, I think that need is very clear. Where I get nervous is not submitting an RFP for a more wide ranging ask. I'm curious if, how do we remedy that? Because right now, especially and particularly sensitive to the concern about how we use public money.

John Alden: I can answer a little bit of that. Some of it's timing. If we put together an RFP, if we started working on an RFP now, we wouldn't have a contractor until at least August. So assume anytime you're doing an RFP, you're probably looking at a six month window to get the contractor onboard. And that's if everything goes pretty smoothly. So that's one of the factors. And that's part of the reason that the council has given this commission the ability to execute contracts without an RFP if they're below \$50,000. So that accountability, that reflects the council's decision that when balancing the need for getting service expeditiously and making sure they're adequate protections for public funds, the things under \$50,000 probably don't need an RFP, and those above should. And it's worth taking that extra process and the extra time and the extra scrutiny of an RFP, and that accompanying evaluation process if you're going to spend more than 50.

Regina Jackson: And to that point, since she's already also working alongside Bart, there may be some efficiencies with this work. And we could be building maybe the RFP for the commission as we're going through the learning process so that it doesn't have to take so long. Alternate Commissioner Jordan.

David Jordan: Yeah. I mean, I think that also that because she is working with Bart that it is time sensitive that we have the opportunity to access somebody with exceptional skill and experience within a short window of time. And so though an RFP might be preferred in most cases, and I agree in principle, but in this situation I feel like we might potentially be missing a real opportunity if we were to do that.

Henry Gage, III: Chair Jackson?



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Regina Jackson: Yes.
- Henry Gage, III: Thank you Chair. Through the Chair, is the intent here to backstop this need and then to turn back at the midyear budget cycle and create a permanent staff position for the agency? Am I understanding that correctly?
- John Alden: That would be my ideal outcome. Now that does of course require council approval of a budget add to create that position, and I don't want to presume what the council might think about that. But that is something we've talked about here at the commission before, and we'll need to finish that conversation next month so we can start moving the budget asks forward. But given our conversation so far, I would anticipate that would still be one of our asks for the summer. If approved, that would create the position as of roughly mid summer. And then we would need to spend some time filling the position, which would be several more months after that.
- John Alden: And at that point you start getting into the range where if we did an RFP, we'd have the person onboard by then. And a full-time staffer I think might be even more cost effective than doing an RFP and then getting a vendor. And as Commissioner Jordan pointed out, portions of this project would benefit from someone who's very experienced, like the written product and creating say Twitter and other social media accounts. And then managing them on a day-to-day basis is something that this individual could then train the permanent staffer how to do. Then we'd be moving even a little faster assuming we got authorization for the permanent staffer by late summer, early fall to come onboard.
- Regina Jackson: And actually when we talk about the skillset of folks on our team, public information, community outreach, those kinds of things, even flyer design and all is not an expertise that's readily available. So efficiency, expertise, alignment with another project that's kind of in the similar realm. It seems to make sense to me. Are there other questions? Okay, so why don't we hear from anybody with a speaker card and then we can make a decision.
- Juanito Rus: I have three speakers on this item. Ms. Rashidah Grinage], Nino Parker, Assata Olugbala.
- Rashidah Grinage: Thank you. Under normal circumstances, I think in the interest of transparency we generally do advocate for RFPs. I think we made that clear in the previous discussion about Raheem. However, in this case I think Mr. Alden's argument is persuasive. And I think that given the fact that there's going to be a ballot measure in November, that will strengthen the ability of this commission to function effectively if passed. And given the remarks you heard a while back



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

from Kat Brooks, I think it's true that we can expect, unlike what happened in 2016, we can expect significant pushback. And there will be people who will be quite motivated to utilize the termination of Chief Kirkpatrick to characterize this body as out of control, overbearing, and all kinds of other unpleasant adjectives. So I think that it is imperative that the community be more aware of what the commission has accomplished, of the function of CPRA.

Rashidah Grinage: A lot of folks that we interact with have never heard of CPRA. Had no idea how to file a complaint. And I think the degree to which we can establish the viability, credibility, and purpose of this body, which includes CPRA, is the extent to which we can help to build the campaign for the passage of the ballot measure. I think that is going to be critically important. Because even though 83% of the voters voted for it four years ago, there are still an awful lot of folks who really don't even know we have a commission. Thank you.

Regina Jackson: Thank you. Ms. Assata.

Assata Olugbala: You have to excuse me, that drive by that happened earlier with these people coming in here and shooting at you all has got me a little thrown off. You all take stuff so good. I could never sit up there, you'd all have to put me out of here. It look like a hit and run. They hit and they ran. And it threw me all off.

Assata Olugbala: When I saw this term outreach, it's got to be more than being able to make a complaint. It's got to be that people understand as a result of what's just happening and all the misinformation. It just made me realize that people just don't have a true understanding of an appreciation for the work that you people are doing. And that's got to change. And so I just want to use this opportunity to say, the process for bringing people to thoroughly understanding what the commission has been doing and will be doing is absolute. Because what you guys experience, and I'm experiencing it too because I know the truth.

Assata Olugbala: And a lot of times I disagree with you all more than I agree with you. But I know that you have a commitment to do the work, especially Ms. Harris. But anyway. I just want to share with you some information that whoever's doing the work here, you got to stay onboard on what's going on. Okay? So this document is from the... I'm going to give it to you. The annual report of the city attorney. And so within it is the lawsuits, and it breaks down by category the lawsuits of the police department. Use of forces in here and so forth and so on. And this one is on ceasefire. And somebody's got to keep up with all this stuff, so you got to know everything going on with the police department. So somebody gets these documents and goes through them and shares them with you. So you know, whatever you need to do.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

Regina Jackson: Absolutely. And I appreciate that very much. And Mr. Rousse, can you collect that please? And I think one of the things that Mr. Alden and I talked about when he first came onboard, but he's been busy cleaning up a big mess. Right? Was the opportunity for him and even some of his staff to do movement around the city. Not quite coffee talks, but be at the East Oakland senior Citizens Center, be at Unity Council, start having small meetings so that people understand what the work is. But we really needed to have him set up his staff, get staffed up.

Regina Jackson: And now that we have at least a 65 organization spreadsheet, which we will likely be adding to, we can begin to make that happen as a part of some of our outreach with the policy work. So appreciate those resources, because I haven't seen them. And I'm sure we'll all be very interested in them. Mr Alden, we can start working on calendaring through spring and into the summer. Is that good timing for you?

David Jordan: Calendaring?

Regina Jackson: Your meetings in the community, the whole outreach spread. You don't necessarily have to have your brochures. You do need to be able to show people modules of how to work through complaints. You know? Yes.

Ginale Ginale Harris: So I think, I brought this up some time ago, but I think while we're doing these town halls, I think this is a good opportunity to have Mr. Alden accompany one of the commissioners just so the commissioners can introduce you to the community. This is Mr. Alden. He is the executive director of the CPRA, which is for the community. This is what we do. We have a website. I had some thoughts about inviting the public defender's office to teach a knowing your rights class. And then we have an agency, a community agency where they can collab. A little bit of that while we're starting to do these town halls. [crosstalk 03:30:01] It doesn't have to be at every single one, but maybe one of his staff.

Regina Jackson: No, it makes good sense. Mr. Alden has accompanied me to the Allen Temple freedom breakfast and introduced him around to a lot of folks. Haven't had as much time to do that, but now I'm thinking we ought to be spending some time coordinating it so it's not quite accidental.

Ginale Ginale Harris: Right.

Regina Jackson: Yes. Excellent idea. Yes.

David Jordan: I agree with Commissioner Harris, that coordinating that around the use of force outreach that we really need to do over the next few months is a great place to



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

start. Let's focus on those, because that's such a critical outreach need. It's [crosstalk 03:30:33]-

Regina Jackson: Well, to that point though, we also talked about what kind of a informational flyer would be provided around the parole and probation so that community knows what it was and what it is so that they can tell the difference as to what people are practicing. So we don't want to lose track of that either because that was an exceedingly impressive policy.

David Jordan: All of which [crosstalk 03:31:00] are reasons-

Regina Jackson: And we want to continue to connect what the community engagement and training is to each policy.

David Jordan: Right. And that would be one of the products I think Ms. Orlando could help us create. Would be great to get her on straight away so we can start going on that.

Regina Jackson: Sure, sure.

Ginale Ginale Harris: Chair.

Regina Jackson: I'm sorry, Mr. Parker.

Ginale Ginale Harris: Oh, I'm sorry. Just one more thing.

Regina Jackson: Hold on one sec. Sorry.

Ginale Ginale Harris: Now in order for... I mean, I know we're working on outreach tools, but for now, who do we have to do flyers for us?

David Jordan: We don't have anyone.

Regina Jackson: I've been doing flyers. Coalition for Police Accountability have been doing flyers. [crosstalk 03:31:35]-

Ginale Ginale Harris: Can you help with that Ms. Janks?

Anne Janks: I already do information [inaudible 03:31:46] flyers, it's [inaudible 03:31:41].

Speaker 28: She did. And we have some material that she sent us on that. That's a great start. Yeah.



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

- Ginale Ginale Harris: Well I need a flyer for this town hall that's coming up.
- Anne Janks: [inaudible 03:31:52] flyers.
- Ginale Ginale Harris: [crosstalk 03:31:52] Okay.
- Regina Jackson: Thank you very much.
- Ginale Ginale Harris: Thank you.
- Regina Jackson: Put those kids to work.
- Regina Jackson: Yeah. So we can work on that, but basically we don't have the skillset inside. So, Mr. Parker.
- Nino Parker: Nino Parker. Homeless black advocate, like merit. Yeah, speaking of marketing, it'd be good if you guys had one of those three fold bifolds downstairs where you can just walk in and read about the commission. But I didn't actually sign up for this, but it's a good time for me to congratulate you, Ms. Harris. I like what you did. The reason is, it sends a message to all politicians in this building. It really does. It's very important to show that we have some teeth in our politics here. And I think that you're going to get a lot of blowback, that's because a lot of other people are going to be like, whoa, what have I been doing wrong? And have I been doing my job? And that's the issue here. If you don't do your job, you're subject to be bounced out. No matter who you are or what you are, what commission you're on, no matter what council person you might be, or even if you're the mayor of this town, if you don't do your job you will end up on the outs. Thank you.
- Regina Jackson: Thank you. Mr. Hazzard. Uh-oh, cookie [crosstalk 00:03:33:20].
- Gene Hazzard: And going to the comment on the young folks. Are you doing anything with restorative justice?
- Regina Jackson: In terms of programming?
- Gene Hazzard: Yeah.
- Regina Jackson: Our programming? We have some healing circles, but we typically will have Our Joy partner with us [crosstalk 03:33:46] on restorative.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Gene Hazzard: That's a good source of young folks in terms of outreach and engaging them in terms of what's going on and how you can navigate through the various youth programs to [crosstalk 03:33:57]-
- Regina Jackson: Yes. Yes. And for the youth listening session we've been working with eight to 10 different organizations, Youth Alive, Urban Peace Movement, Kids First, Pal, EOYDC, Hidden Genius, AAMA. So we're trying to build it out one event at a time.
- Gene Hazzard: Okay.
- Regina Jackson: Yeah. Thank you.
- Ginale Ginale Harris: Mr. Hazar, I'm also putting together a training for the community and the police department together. It's called Alive and Free, by Dr. Marshall.
- Regina Jackson: There you go.
- Gene Hazzard: Okay.
- Ginale Ginale Harris: Right. And it's a three day commitment where we have to work together.
- Gene Hazzard: Good.
- Regina Jackson: Come on, come on, come on.
- Kyle McCoy: Yes. Most importantly I just going to say was that I would recommend just having little town hall groups at the different parks and recreations around here.
- Regina Jackson: Absolutely. Excellent suggestion, son. Appreciate it. If we have exhausted speaker cards, I am happy to take a motion on approving this contract.
- Regina Jackson: Commissioner Dorado.
- José Dorado: Move that we approve the contract for these outreach services.
- Ginale Ginale Harris: Second.
- Regina Jackson: Okay, it has been properly moved and seconded. We've heard speaker cards. Can we take a vote please? Vice-chair Gage? Excuse me, Vice-chair Gage. Sorry. Can you break away for this vote real quick and then you can go back?



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

Henry Gage, III: Very quickly, this is on accepting the provider for the outreach services, correct?

Regina Jackson: Yes. Yes.

Henry Gage, III: Yes.

Regina Jackson: Okay, thank you. Commissioner Dorado?

José Dorado.: Aye.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Harris?

Ginale Ginale Harris: Aye.

Regina Jackson: Aye, for myself. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Okay. It's unanimous. You have your outreach person. All right, so OPD overtime report. Who's presenting on that?

Regina Jackson: Is Chief Alison here too?

D.C. Armstrong: No. Chief Alison went to lineups.

Regina Jackson: Oh, okay.

D.C. Armstrong: To talk about the approval.

Regina Jackson: Okay. Oh, he's putting it in place. Okay, very good. Well, [crosstalk 03:36:39] we'll hope to see him sometime. Thank you.

D.C. Armstrong: So we provided you a report, our overtime report, which was due to the public safety committee we sent over the same report. We included it in this packet



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

really showing that the department has spent as of December 27, 2019 a total of \$20,398,046. 16 million of that is related, well, 7 million of it, I'm sorry, is related to special events overtime. The driver of the overtime for the Oakland Police Department continues to be backfill overtime. If you look at the report on page three you'll see that backfill represents 4,055,600. Extension of shift, which is, again, that represents when officers need to extend shifts, whether it's because it is an open beat, or they still have reports to complete, or body worn camera footage to download, but they haven't completed their daily shift, or there's an opening on a beat where we need an officer to stay beyond his normal hours.

D.C. Armstrong: He or she's normal hours. And then, again, the main driver is for special events over time at \$7,307,025. The total amount associated reimbursable overtime as of December 27 was 3,797,269. Currently our staff in numbers are, we have 700 were authorized, 792 officers. We currently have 752, 29 of that 52 is actually newly graduated police officers. So they're still in field training and are not necessarily a full sworn police officer.

Regina Jackson: Quick question. Did I hear you correctly, we're within 40 officers of being fully staffed?

D.C. Armstrong: I'm giving you the caveat though.

Regina Jackson: Okay.

D.C. Armstrong: There's a caveat to that. Those officers that graduated Friday, they are fully sworn officers, but they're in the field training program. They are not authorized to take solo cause by themselves.

Regina Jackson: Got it.

D.C. Armstrong: And so they're with their field [crosstalk 03:39:07] training officers. So the 29 has an asterisk by it. So until they clear their 16 week training program they won't be fully operational solo officers.

Regina Jackson: I'm sorry. No, I interrupted. Are you still going?

D.C. Armstrong: No, I'm good.

Regina Jackson: Okay. So I have several questions. I really appreciate you giving us these numbers, but they're staggering. Is there a recommendation of how you can better manage overtime in the future? I mean, I'd like to be able to see a stair stepper, you know we're going to do cost savings in the next three months in



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

this way. This is a target. You could miss your target, but at least have one. I just wonder if you do or if we can request that you create it?

D.C. Armstrong: Yeah. I think, we have implemented several strategies in order to reduce overtime. In particular, we have recently limited the number of officers that can be off on a given day. And the approval, we have strengthened the approval process for getting time off for officers to make sure that it's command approved and we're looking at our daily staffing levels in order before prior to approving those times off. One of the things that this report does not take into consideration is that there's still roughly another group of officers that are part of the number of officers that we have, but are not functional and on the streets. Those represent those that are off either injured or sick, those that are on modified duties, those that may be on administrative leave for some reason. So that group, we believe, is over 100 total of officers that are not actually in their positions because of other issues that are not corrected by the department.

Regina Jackson: Okay. That was my concern. Because I thought we were 100 down, and then there's the 100. Okay. Thank you. I have Commissioner Prather.

Edwin Prather: Thank you Deputy Chief. I've looked through the report and had some concerns because I'm reading this section that addresses professional staff for special events. And then we get this spreadsheet which is attachment A to the document. And it lists a number of sporting events and concerts and other type events. Is my understanding correct that we don't receive reimbursement from those teams for OPD staffing those events?

D.C. Armstrong: No, we are reimbursed.

Edwin Prather: We are reimbursed.

D.C. Armstrong: Yes.

Edwin Prather: Great, okay. So this list here in attachment A is all events that we present bill invoices to and we get reimbursed by the [crosstalk 03:41:59]-

D.C. Armstrong: Yes.

Edwin Prather: Okay. Because, sorry, that's not reflected in... Maybe I missed that.

Regina Jackson: So, doesn't that show as income somewhere? [crosstalk 00:03:42:07].

Edwin Prather: Yeah, but that's included in the reimbursed overtime.



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

- D.C. Armstrong: Yes.
- Edwin Prather: Okay.
- Regina Jackson: And is that [crosstalk 03:42:15]-
- D.C. Armstrong: Is classified as reimbursable overtime.
- Regina Jackson: Is that an accurate number?
- D.C. Armstrong: It's an accurate number as to what we expect to receive back. And so they are invoiced for our services. They know this is something that we've been doing for many years. There's not a problem when it comes to the reimbursable part of the overtime. I think that's pretty accurate.
- Regina Jackson: Okay. All right, so back to my original plan. Is, can you come back to us in two months with recommendations around how your recommendations that you have put in place are actually working, and can you add anymore? I don't know if it's realistic to hope that you can get down to 10 million before the end of the year in terms of cost savings. It would have to be really aggressive. Maybe it doesn't make sense at all. But I know I'd like to see it. So can you come back with a comparison on how things are working?
- D.C. Armstrong: Yeah, we can. I mean, we have continuously tried to implement new strategies, even moving our shifts around. So we move certain specialized shifts, patrol squads around specifically on days where we anticipate additional openings citywide. One of our main training days is a Tuesday, is every other Tuesday. We moved a squad around specifically to fill that because we saw that was a driver for overtime. So we continuously try to implement different strategies to reduce overtime, it's just a challenge.
- Regina Jackson: Okay. Appreciate that. Commissioner Harris.
- Ginale Ginale Harris: Thank you. Thank you, DC, Chief.

PART 7 OF 10 ENDS [03:44:04]

- Ginale Ginale Harris: Thank you. Thank you DC, Chief. Question. So I have noticed over the past three years that I have been on this dais, overtime has gone up significantly. Right? So that's one and two, who does the financials for your department? I need the answer to that. And three, I want to know what the formula is and who approves overtime there. I want to know what the categories are for approving overtime. Meaning I know it's different for an officer than regular work. Like if



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

you work 12 hours or you work 16 hours, then you're not allowed to work for another eight hours or something to that nature. Right? But I'm not understanding if we're not getting to calls and if we have so many calls, what are you doing on overtime? Like what? Tell me, like how are we going 5 million in the hole after we had 15 million just last year. How are we and who is approving this? Where are we getting this money from?

D.C. Armstrong: So let me, I want to explain it because it's a fair question.

Ginale Ginale Harris: Okay, please.

D.C. Armstrong: The first thing is our fiscal manager is Shameeka Chavis.

Ginale Ginale Harris: Shameeka Chavis.

D.C. Armstrong: She's our fiscal manager for the department. She handles our budget. Like I mentioned to you, the main driver of our overtime is backfill. What does backfill indicate? Backfill indicates that an officer is off for some approved reason, that reason could be that that officer is sick, that officer is injured, that officer is off for a military leave. That officer is off for some authorized reason. When that officer is not there, we don't have spare officers waiting in line. We have to fill that position with another officer on overtime. So when you're down a hundred officers or you have an additional, prior to the graduation of the Academy, they have 29 additional open positions.

D.C. Armstrong: So then you find yourself in a position where you have several openings within a patrol division in most cases. And so what we have a mandate is that we fill all 35 beats on each shift. That's the way we serve the public. That's the way we ensure that there's an officer dedicated to each beat on each shift. When an officer is not assigned to that beat per day, during that day, we fill that position on overtime. Going below the 35 is an officer safety issue, but it also causes, obviously the impact is that our response time definitely will increase, I mean decrease. So we, we won't get to calls nearly as fast.

Ginale Ginale Harris: Right.

D.C. Armstrong: But that is really the driver.

Ginale Ginale Harris: So what I'm hearing is that we're having a hundred officers out at a time for three years in a row. Is that right?

D.C. Armstrong: Between vacancies, sick leave, injury in totality. Yes.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Ginale Ginale Harris: Okay. So maybe one of us should sit with the financial officer to see what that looks like on paper because I just feel like if we have that many officers out, then that's an issue. Right. That's an issue. We have never been at full capacity. That's an issue too. So we need to get to fill in because it's going up \$5 million every year.
- Regina Jackson: To Commissioner Harris's point, I think separate and apart from sitting down, I think it might be cool for us to have an alert of some sort when you're getting ready to exhaust the budget and move into overtime. We kind of need to know is that a season situation? So it's going up in the summer or what have you. Trying to kind of check and anticipate some of it. The second question I have is on the 29 officers that just graduated on Friday, how long will it take them to complete their field training and actually be released into the population in order to kind of bring that officers out to 70 rather from 100?
- D.C. Armstrong: 16 weeks.
- Regina Jackson: 16 more weeks. So they'll be ready by summertime. Right?
- Ginale Ginale Harris: They're still new though. So I want to make one more other point, but I don't know if the public knows this or not. So I was monitoring the pattern of how when the financial person asked for the monies for the budget for the next year over and they always ask high and they never get what they want. I did notice that. Like you say example, you asked for \$10 million and the city council approved six and so I've seen that pattern for three years in a row, which is causing me to believe that's why we're staying in the hole because you never get what you asked for.
- Ginale Ginale Harris: They ask you to put a budget together of things that you need and then you don't get it. So you're making up for it in the next year. I've watched the pattern over the last three years. So I'm like, okay, they go to city council with the proposal and then they say we need \$10 million and city council says, "Nope, you're only getting six. So figure it out." So we've been trying to figure it out for the last three years and it's causing us to be millions of dollars in the hole over. So it started off as like 12 than 15 and now it's 20. I just heard that today.
- Regina Jackson: Commissioner Smith.
- Thomas Lloyd Smith: How you doing?
- D.C. Armstrong: How are you Commissioner?



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

Thomas Lloyd Smith: Deputy Armstrong. So couple of quick questions. One is when the officers come, when those officers that have now become sworn, the 29 officers, are they actually going to help reduce overtime? And the only reason I ask is because we look at year after year, it's just looks like overtime keeps going up. We might think that them being active is going to reduce overtime but if there's some sort of structural problem, is there really anything that should give us a sense of confidence that overtime is going to come down because it looks like it just keeps going up? Will those officers help?

D.C. Armstrong: Yeah. Yes. First of all, those officers will help. I think in the longterm they will help. Once they clear the field training program, they will help. The department has continued to work towards retaining officers. Our attrition rate is about five people a month and so that tends to take away from that number that you see, 29 then by the time at which they're actually released to be full blown officers, there might be an additional 15 service retirements or other reasons why someone would leave the organization. So that is the challenge to offset that.

D.C. Armstrong: What the council has been nice enough to do is begin to discuss, authorize an additional Academy in this year. That will be truly helpful because that will help us manage that attrition number because we will have more officers coming in than we have going out and that's really what we believe will be the recipe to get us up to full staffing and we feel confident about it with a third Academy. By the end of this year, we can reach the number of 792, hopefully beyond that.

Regina Jackson: Drew Jackson.

Regina Jackson: Yes.

Regina Jackson: Thank you, Chair. If we're going to have a discussion about this overtime issue, I think it's important to note that we should be reading this President report for this year in the context of some of the findings of last year's auditors report because it can help provide some really necessary context for this conversation. Per that report, there's a lot of things identified, but some of the highlights, the department bears some fault. The department was cited for belatedly developing sufficient internal controls. For example, there was an insufficient ability from the department to justify prior overtime expenditures. Some of the slips were missing.

Regina Jackson: And there's also concern by the auditor and how the department's developed an internal overtime budget. These things are all outlined in the report, but the department's not alone in that respect. There is also a great deal of fault with the city itself because as Commissioner Harris has just very correctly mentioned, the city's consistently underfunded as a department.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Regina Jackson: I mean the department has taken some very positive steps. The report notes a 20% reduction in overtime hours, which is a significant reduction that the department deserves credit for, but, and that's a big but, personnel costs increase year over year over year and a lot of those personnel costs have to do with the staffing issues that we've been discussing tonight. In short, the auditor found, and continues to find, given the current reporting we're getting, that some of these reductions and overtime hours are largely wiping out, or largely being wiped out, by frankly backfill issues. It sucks but anyway.
- Regina Jackson: The top level finding, so to speak, staffing's the biggest driver. We need more bodies. The department's estimates for increased personnel costs aren't being reflected in budgets that the council's authorized year over year. So it needs to provide the department with a budget that more accurately reflects its estimates and the department bares some fault here as well because the department can assist the city by implementing better internal controls and reporting to help demonstrate the validity of the need. As far as our role in this system, that is somewhat unclear to me because we don't have the council budgetary authority, but we do have some ability to help the department develop those controls and to report out the controls. I'm curious about how we can do that.
- Regina Jackson: To your point, one of the things that Commissioner Harris and I were just talking about is our teams have left so we're not going to be bearing a lot of that overtime expense for the Warriors and the Raiders. There should be significant cost savings there.
- Regina Jackson: Chair.
- Regina Jackson: But you're also talking about creating a template for understanding how it goes through its progress.
- Thomas Lloyd Smith: So it's reimbursed over time.
- Regina Jackson: The special events is reimbursable overtime.
- Regina Jackson: All of it?
- Thomas Lloyd Smith: Yeah.
- Regina Jackson: There is a separate issue, however, with reimbursable overtime in that the department is cited for not quickly enough receiving the invoices. There's many notes in that report that talk about the length of time between the actual event and the invoice being paid when according to, I believe it is city ordinance, it's



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

supposed to be prepaid. Now, we can deal with that in the future but, unfortunately, the teams leaving town really isn't going to address this issue. But it does mean that they're not going to have to devote as many bodies to covering the Coliseum for as many basketball games, for example.

Regina Jackson: Right. So what you're suggesting is there needs to be a pre invoice rather than after the service and the process for, well heck, I mean we know how long it took to get reimbursed for conferences.

Regina Jackson: That process, from my understanding, is already in place to improve that invoicing system.

Thomas Lloyd Smith: It's already in place.

Regina Jackson: What I'm more curious about right now is what we can do to help improve and support the department's ability to, I don't know, report out this need because I'm seeing a consistent estimated cost and a consistent budget that's Delta of at least five to 10, I think it's five to 10 million a year if I'm correct. And that's a huge problem because personal costs are just going to keep going up year over year. Coal is increasing, engine costs are increasing. It's going to get bigger.

Regina Jackson: Well maybe Shameeka can come and talk about these varying steps and where she sees efficiencies. I don't know. I mean no disrespect to you, but she's the finance person, right?

D.C. Armstrong: Yeah. But you know also I welcome, you know, members of the commission to come to the department and have a sit down with staff so that staff can actually illustrate to you how these vacancies affect staff decision-making. One of the things we know is that there's no unnecessary expenditures in a department. We do our best to try to maintain control, but we would like for you to come sit down and see what we're dealing with when it comes to the number of vacancies and how we're attempting to manage those vacancies and those open positions. And so I think that will be a useful conversation.

Regina Jackson: So one of the things that you're also saying, or that I think I'm hearing you say, is that in losing approximately five people a month, we're just basically ending even with the new academies, right?

D.C. Armstrong: Yes. When I say a hundred we're talking about 15, nearly 15% of your department is not there and that has a significant impact on the market.

Regina Jackson: Of course. Yeah, I understand. Commissioner Harris.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

Ginale Ginale Harris: So one thing I just wanted to give food for thought is that I'm all for sports teams and I'm all for that when you are running a city that is functioning. Oakland has been under the NSA for 17 years and these sports teams got enough money to take care of everybody, right? And so we have limited amount of police officers in East Oakland, West Oakland, and where there's murders and killings every single day because we have police officers at Warrior games and A's games and all that. And so I'm just wanting the public to consider, we have to do better for our citizens. Like sports is all good, but you see, they don't care nothing about us. The Raiders are gone, the A's are trying to leave and goodbye. That's what I say. But you know, just with that said, it's like we have to give the same sentiment back to them.

Ginale Ginale Harris: Our citizens are more important than a sports game.

Regina Jackson: That's real.

Ginale Ginale Harris: And if we're spending overtime at a sports game when we should be solving crime or preventing crime I should say, then we need to really look that and it's nobody's fault. And you know, we can't point fingers at that because it starts with our leadership. It's like what do they prioritize? Is it the people of their city that keep them safe or is it the sports team who says see you later alligator when they have a better stadium or whatever it is they're asking for. So just food for thought.

Regina Jackson: So I think that we have probably exhausted time on the OPD training. We have to get to this other training. But what I'd like to do is for those commissioners that are interested in sitting down with Shameeka and the department to get a better understanding, let's coordinate that and then hopefully in a couple months you can come back to us. DC, is that cool?

D.C. ARMSTRONG: Yes ma'am.

Regina Jackson: Okay, great.

Ginale Ginale Harris: Can I make a suggestion Chair?

Regina Jackson: Yes.

Ginale Ginale Harris: I think we should lobby a city council person to sit in on this too so they can understand what time it is with our money and they can do something because they're the ones who have to decide on it, so we vote for them. So why aren't they doing looking into this financial and budget? Why are we doing it?



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Regina Jackson: Chair Jackson?
- Regina Jackson: Yeah, they're working on it, but Vice Chair Gage, yes.
- Regina Jackson: Thank you Chair. Public safety chair Gallo talks a lot about this particular issue and I'd imagine that if any commissioners are particularly interested in addressing this, he'd be a good person to talk to first. Additionally, I'm curious about what our action needs to be on this item given our jurisdiction, so to speak. Any thoughts? I'm curious about what our action item is on this item given our potential jurisdiction, what should we be expected to do?
- Regina Jackson: I'm not sure that we had an action item. We have been asking about OPD overtime for a minute. Trying to understand it. I think this gives us a much better understanding. But we now want DC to come back in a couple months with some comparative analysis on what efforts they've been making to reduce over time. How is it turning out and do they have any additional ideas as their new Academy guys get ready to kind of be loosed on the city.
- Regina Jackson: Yeah, and we can bring the fiscal manager in but hopefully we will also have a sit down for those of us that want to understand. And you know I'm all for introducing council member Lauren Taylor because he's ours. [inaudible 04:01:35] but whoever else is interested in joining because that's important. If we are completed on this, we need to do speaker cards because we still have someone waiting in the wings. Mr. Andy Best to do a training for us. Mr. Rousse.
- Juanito Rus: But we have 10 speakers on this topic. Oscar Fuentes, Cathy Leonard, Reisa Jaffe, Gene Hazard, Kyle McCoy, Celine Bay, Nino Parker, Jane Kramer, a second one for Jean Hazard so I guess that's a repeat. And Miss [inaudible 00:18:20].
- Cathy Leonard: Cathy Leonard. I don't pretend to know about the Oakland police department's internal processes, but today I was on San Pablo Avenue, I think around 11 o'clock and I saw, I took a picture, six police cars lined up. There didn't seem to be a response to something violent that was going on. But I've noticed that a number of officers show up for calls that are nonviolent. I don't understand why six police officers, six police cars needed to be on San Pablo Avenue when, as you say, Commissioner Harris, there's violent crime happening in East Oakland and West Oakland. And I didn't see any signs of violence at all that were going on there were no bodies, no injured people. It wasn't a car accident. And so that puzzles me. Why are we having an inordinate amount of officers responding to one incident, a nonviolent incident? That needs to be looked into. We need a better use of our resources. Thank you.
- Regina Jackson: Thank you.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

Jane Kramer: Jane Kramer. Oh, I don't know, maybe six, seven, eight months ago, I happened to thoroughly go through one of these overtime reports and so I saw the amounts of money that were being spent. And I read the procedures about who gets assigned where, when and how. And I still ended up scratching my head because I don't know what the structural problems are in terms of using resources effectively and efficiently.

Jane Kramer: Now from my point of view, this report is reflective of the community and neighborhood lack of resources and the council understands that, and the council is beginning to move towards making policies that will better the life conditions of people in various neighborhoods. And that will probably solve some of the problem because the nature of the police force in some ways will change. But for the time being, I as one person need to understand from the police force, in depth, what do they see as the problems in terms of a huge overtime budget. I don't understand it. So I would like some form, some mechanism for the police department to cogently explain to me why it is that overtime is so huge. Thank you.

Regina Jackson: Thank you.

Oscar Fuentes: So I just wanted to point a couple of things out from the report. In the sense that I heard a claim that if there was a more, a larger overtime baseline budget, that there would be less overages. And I want to note that this baseline overtime budget was \$3 million more than last fiscal year's and this overage was 5 million more than last year's. So as of yet, that premise is not been proven seems actually the opposite is true. I also want to mention that the compensated overtime, the largest driver of compensated overtime, is the AC transit project, which I assume is the BRT and that's just a lot of security guarding for private equipment and that should obviously be a cost in terms of manpower born by AC transit and their contractors and they even have their own police force, the Sheriff.

Oscar Fuentes: So this should be not something that 10,000 man hours were spent on because obviously the majority of the BRT is in East Oakland. Those are officers who are not responding to people who are in danger and the like. I just wanted to point that out from the report. Thank you.

Regina Jackson: Thank you Mr. Fuentes.

Reisa Jaffe: Reisa Jaffe. Before we go to the city council and ask for more money, we really need a community conversation about what keeps us safe. So we talked earlier about the mental health response, not requiring police. We have police evicting the unhoused community. We have police showing up for barbecue Becky. We



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

need a serious conversation in this community about what really keeps us safe and it's not really all about police, so please don't ask the city council for more money until we have a really clear understanding of how police are keeping us safe and whether or not we really need more money for police. Thanks.

Regina Jackson: Thank you.

Kyle McCoy: Kyle McCoy for the record. I am going to, is it okay if I go ahead and speak the truth right here for a minute? All right.

Regina Jackson: That's what we need.

Kyle McCoy: Open up some can of worms. Now, first and foremost, I need to explain to you every Friday and every Saturday from 12:00 AM to three o'clock in the morning, they are four to five to six to seven police officers in downtown Oakland just sitting around. Two outside of a club talking to individuals. They're saying that they are on the clock, but they're saying that they're getting overtime. All right. Now, the second thing is that there is, I work at the Oracle arena, O.co Colosseum. Now my thing is the officer's there, we only need like five or six officers to man the exits. All right? We have security on the inside that need to be doing their job. All right?

Kyle McCoy: We have security on the outside. All right? But our thing is that most importantly, really, we need the officers to be manning at the gates. That's basically it. And then afterwards, to clear out the parking lot. Now my thing is that I don't think an officer needs to be on duty from the start of the event all the way up until the end of the event, if it needs to be, but all we need is like four officers on duty. We don't need a whole squad. I mean like last time I went to the event, I think it was the Comedy Jam or so, I saw like eight officers, eight, 10 officers there just hanging out around. Two on the Bart ramp talking to people as they're coming in. I'm like, don't you have some somewhere else to be, don't you have something else to do like protecting my own community or something? And my thing is that I think that a better use of time can be used.

Kyle McCoy: I would also like to know what is considered overtime in that budget layout and if that can be addressed to the community more so? That would be beneficial. Thank you.

Regina Jackson: Sure. And usually the overtime is after they exhaust eight hours.

Assata Olugbala: I can't tell you love life how many years the finance committee, every year, looks at the police overtime with the same agenda of why can't you bring this down. Now when you are a citizen looking at the totality of the budget and the



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

police department gets, this is from '17, 2018, 2019, police department got a budget of \$262 million and they overspent \$25 million. The next department is the fire department, 146 million. Now human services, 16 million. Economic and workforce development, 4.71 million. These are services to people.

Assata Olugbala: So you can't figure out when you're just looking at the budget for the city and you have a department that gets this kind of money and that's not excluding all the grants that they're getting to facilitate whatever they need to function as a department. But it just doesn't sell. And when you sit year after year after year, and I remember the first time I started going, the explanation for overtime was all the protests.

Assata Olugbala: So when the protests stopped, then it became this issue of back pay and events. The events are going to go away because the Raiders are gone and the Warriors are gone and that was a lot. So it's not working to get this resolved. Now one of the recommendations that came forward is it's kind of the fault of the city because they realize, as I said before, you have a minimum staffing department, you need to budget more money to them so they don't do overtime. But city council doesn't want to do it. But this issue, if you want to find out, don't go to Gallo please. Go to the finance committee because they're the one that deal with this issue. That's Lynette McElhaney that chairs that committee.

Regina Jackson: Thank you very much.

Saleem Bey: Celine Bay. First thing I wanted to point out is just common sense type stuff. Number one, just like the military, all the money in the city is going to our military occupation of our communities and not enough is going to the services. Just as this is pointed out. The other things we want to point out, just common sense is, if you multiply \$25 million by four years, you're saying in the next four years that these people are going to spend a hundred million dollars of our tax dollars on overtime.

Saleem Bey: The other issue that I want to really drive home to you about common sense is if you spend \$20 million a year on a broken police force that never gets fixed, you will keep on spending 20, 25, 30 and you'll be wondering, why am I spending \$40 million on these people when you didn't fix it in the first place? The other common sense thing that you should be addressing is if you spent \$20 million on community policing creating jobs, you would need that size of a force. And I guarantee, by spending \$20 million, the budget that you would spend on the police would go down because a lot of the stuff that they would be doing, these people were getting paid \$20 million who didn't have a job, who the police are harassing, now have employment, now can watch their community, now can



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

intervene in things that are happening on the street that the police don't need to escalate into violence.

Saleem Bey: But this is just common sense thing. The other issue is you can just create it as a slush fund and every year pay the police more money, more money, and then every year come back and tell us why you have a poor hand and you can't spend more money in the community, right? You cut jobs, programs, you closing libraries. You're doing all these different things, and yet we've got \$20 million magically out the middle of all of this, but you got potholes tearing up everybody's car, right? That's costing us money. This real life, when you're saying \$20 million, \$20 million will create a whole community police force and you would need all of the people in the police department and I guaranteed 200 some million dollars you pay and you pay a hundred million dollars to do half the work. If you pay in the community, less that for more people.

Regina Jackson: Thank you

Gene Hazard: For the record, Gene Hazard.

PART 8 OF 10 ENDS [04:16:04]

Gene Hazzard: For the record. Jean has it. Through the chair, to Mr. Armstrong. So, when does overtime start?

Regina Jackson: Through the chair, DC.

D.C. Armstrong: Overtime can start once the officer completes his or her shift or working on the officer's days off.

Gene Hazzard: And how long is the shift?

D.C. Armstrong: We have multiple shifts. We have an eight-hour shift, we have a 10-hour shift and we have a 12-hour shift.

Gene Hazzard: So, so where is most of the overtime coming? Is it coming at the eight-hour shift, 10-hour shift or the 12-hour shift?

D.C. Armstrong: Most of our overtime, through the chair, is backfill in the patrol division. That is majority 10-hour shifts. But we do have about a third that's actually 12-hour shifts.

Regina Jackson: Okay, so, the eight-hour shifts are minimized in terms of impact?



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

- D.C. Armstrong: Yes, those are in most cases, people who work in administrative assignments, investigations, in the building, most of them work in eight-hour shifts. The patrol division mainly shares a 10-hour schedule.
- Regina Jackson: Okay, thank you.
- Gene Hazzard: So, that's a minimum impact with regards to the overtime.
- Regina Jackson: For eight hours.
- Gene Hazzard: For eight, because during the [Delmas 04:17:25] administration, the overtime went down tremendously and we need to look at why that happened because it can be done, because he did it and then it went down by 38% at some number.
- Regina Jackson: That was about 2006 and '07?
- Gene Hazzard: Yes, right. So you need to look at those numbers and review those. The other thing, and you're right, in terms of the events, if there are no events, then you would think the overtime would be reduced because you don't have those events. The other thing that was mentioned about BRT. BRT is AC transit. So, why isn't the sheriff monitor routine those sites? There are Oakland police officers at every one of those BRTs just sitting there in the car. And so we need to look at why are they doing it, when it should be the Alameda County Sheriff's department and the auditor, didn't they do a report on overtime and weren't there recommendations related to how that should be addressed?
- Gene Hazzard: Well, we need to look at why is it that OPD is doing that maybe through the chair to Chief Armstrong. Why isn't the sheriff doing?
- Regina Jackson: So a couple of questions. Thank you, Mr. [Hacer 00:04:19:08]. So why is the sheriff not doing the work for AC transit, why are we doing it? I think the second-
- Gene Hazzard: Is that overtime.
- Regina Jackson: ... And is that overtime and who authorizes it?
- D.C. Armstrong: So I can't speak to why the sheriff does not work these projects but the project is in the city of Oakland, therefore the person, the developer can request overtime. I want to be clear that that overtime is worked by officers that are off on those particular days, which means that it's not having an impact on our day to day operation. It's voluntary overtime work by the officer on his or her day



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

off. I think the misnomer is that it takes away from our day to day overtime. It would not. .

Regina Jackson: So, will we pay for that?

D.C. Armstrong: No, that is compensated by the developer. If it's AC transit, it is paid by them. It is reimbursable overtime.

Regina Jackson: Okay, and they don't owe you anything, they're caught up?

D.C. Armstrong: Yes.

Regina Jackson: So, I know that there was and I don't know if this directly related to policing or not, but I remember it was communicated that when the Warriors left, they still owed the city like \$100 million or something. Do you know how much of that was for police?

D.C. Armstrong: That was not for police. That was not related to OPD or back pay for overtime.

Regina Jackson: Okay. All right. Thank you.

Gene Hazzard: Excuse me? So, those then are reimbursable?

Regina Jackson: That's what we're hearing, correct?

D.C. Armstrong: Yes.

Gene Hazzard: So, I'm confused, if certain amounts is reimbursable then why is there a gap in showing this overtime, if the reimbursable, I think it would be less and so why is that showing in the actuarials?

Regina Jackson: It's a great question.

D.C. Armstrong: Dear chair, if you look at the report, the report clearly indicates the amount of overtime that is reimbursable and compensated and provided back to the department. Like I mentioned earlier, there's some internal drivers of overtime that are much higher than the reimbursable overtime, mainly being the backfill overtime, which is over seven million. And so that is the main driver. And I think to a point that was made earlier, we have put new parameters in to try to control that. It requires command approval now. Meaning that an officer cannot just stay beyond his or her shift. You can't just come in and work overtime. Everything has to be approved at the command level.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Regina Jackson: Okay. Thank you very much. Appreciate it. Are we still public comment? Sorry, hold on sec. Commissioner Harris.
- Ginale Ginale Harris: Yes. So it would be helpful to have, I want to see how much reimbursable overtime has been billed to the City of Oakland versus regular shift over time. I want to see the two because then maybe my thing is if these officers are working on their days off, which is their prerogative, then they're coming back to work tired. They're coming back to work stressed. They're coming back. So, I mean, there's got to be a give and take, right? So maybe we could look at that and just see how much is billable reimbursable and maybe we need to change it to upfront, pay me first, then we'll do the service billable over time versus how much are we really spending on duty for overtime for the City of Oakland, meaning for the citizens going to calls, doing police work.
- D.C. Armstrong: Miss Chair, I'll say Commissioner Harris, we have put in safeguards for wellness for officers, which is we mandate that an officer has to take a day off. So if you have two days off, you can not work both days. If you have three days off, you can not work overtime on all three days. You have to take a day off. We also ensure-
- Regina Jackson: That's good.
- D.C. Armstrong: ...that they have to have eight hours between every shift, rest period for every shift. So, it doesn't matter how many hours you work in a day. There must be eight hours of rest between each shift to ensure that the officers get the proper amount of rest.
- Regina Jackson: That's very important. I'm glad that you reminded us of that. It's very important. So, we're going to try and finish up our public speaking because we've had our training person waiting for an hour. Go ahead, Mr. Parker.
- Nino Parker: Nino Parker, black advocate, black homeless advocate, Lake Merritt. Through the chair, I'd like to ask the Deputy Chief Robinson, last year we were told the demographics of those new cadets or officers coming in. I didn't get to hear that this time. I kind of like to know that whether the demographics, percentage of our race, their race, whoever.
- Nino Parker: The other thing I like to say is a few months back, I decided to stay in my tent and refuse to come out and it was a civil disobedience thing and they actually brought nine police officers there. I thought that was a little extreme for some one guy that won't come out of his tent.
- Regina Jackson: How many?



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Nino Parker: I was in my tent. They bought nine police officers to have me removed, but they didn't know it was me. They just thought of some black guy in the tent. But then when someone told it was the activist, they kind of came out in a different way, but still they blocked off both sides of the street there by Lucky's and then they had nine police officers out there because somebody wouldn't come out of their tent. That seems a little extreme and I want to just go what Cathy Leonard was saying, there's many a times I see a basic traffic stop and then there'll be like four cars. They'll have the people will be talking to another car, pull up in another car, pull up, and then you talk about these calls coming in and not having enough officers. You've got too many officers in one spot a lot of times. That's an issue.
- Regina Jackson: So, before I lose track of your question through the chair, why don't we direct it? Is that all right?
- Nino Parker: Sure, yeah.
- Regina Jackson: Okay. DC, Armstrong, deputy chief. I'm sorry. I know you're trying to talk to-
- D.C. Armstrong: I got it.
- Regina Jackson: ...to the people. I'm losing track of the question that Mr. Parker has through the chair. Would you restate it, please?
- Nino Parker: So, I'm just trying to figure out the racial demographics of the new cadets that came in or the new officers that are coming in. Last, last year you guys gave a itemized racial demographic.
- D.C. Armstrong: Through the chair, I can come back and report on the demographics of our officers. I don't have it.
- Nino Parker: That's fine.
- D.C. Armstrong: Of the officers that graduated from the academy.
- Regina Jackson: That will be terrific. And I think I've heard from a couple of speakers that they are very interested in understanding why there might be multiple people arriving at certain spots for what could be, I mean what they've observed is maybe not emergency, but for example, was it San Pablo, Cathy Leonard said earlier? 11 o'clock? Maybe you can, when you come back, identify some of those things.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Regina Jackson: We might look at it as it seemed like everybody in the world showed up for one thing. We may not know the depth of what is being dealt with, but it will be helpful if we could use those kinds of examples and then share with us. Is that possible?
- D.C. Armstrong: Yeah, I mean, I think those are very difficult because our response is driven by the information that's provided to us by whoever it is that called it. If somebody says that someone had a gun, whether it's true or false-
- Regina Jackson: You respond.
- D.C. Armstrong: ... we're going to respond in a way with multiple officers. We're trained to assess it, make sure the situation is safe, then officers will disperse back into service.
- Regina Jackson: Got it.
- D.C. Armstrong: But it just, it's all driven about the information that we have.
- Regina Jackson: Okay. That's reasonable and that's helpful. Thank you.
- Nino Parker: Can I continue on?
- Regina Jackson: Mr. Parker.
- Nino Parker: Yes, and the other thing I was thinking since what you're talking about since there's no more football and the basketball team has gone, I would just, whatever that budget was we were paying that, we just dropped that amount of money. Find out what that amount of money was that were paying the officers to be there and just cut that out.
- Nino Parker: I am in disagreement with this gentleman about saying having a few officers at a ball game. With all these mass shootings, I don't think that's... That's not good. That's not good. We need to have more police officers at ball games because those security guards aren't armed and the guys that are putting your seat, they couldn't handle it. The world is a little bit too crazy not to have police officers.
- Regina Jackson: Thank you.
- Nino Parker: That many people in a crowd.
- Regina Jackson: Thank you very much. So now we need to move to our training. So there was only, the only action and there's no voting necessary is that Chief Armstrong is



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

going to come back and he's saying goodbye to us for this evening. Thank you very much, Chief.

Regina Jackson: So, Mr. Appleyard, we appreciate your patience. Sorry that we have been so engaged. As I think you can see, we handle quite a bit of work in one evening. So, I know you're here to train us on Civil Service Board, so have at it.

Ian Appleyard: Okay, thank you. Good evening, Chairperson Jackson, and members of the police commission. Thank you for having me. I'm Ian Appleyard. I'm the human resources director for the City of Oakland and I will be presenting the first of three presentations for you this evening. The subsequent ones will be on labor relations and how we engage with our labor partners here at the city of Oakland. That will be on March 12th and then on April 4th we'll get into the police promotional process and how we appoint police officers and sort of the process from there.

Ian Appleyard: By way of background, I've been in the public sector for almost 30 years and I started with the City of Oakland in the year 2000. So, I've been around Oakland for a while. I've been the director since 2016, so about three and a half years. As a disclaimer, I am not an attorney, so if you have specific questions around the law, we can look into that for you. I will be speaking on matters that are related to the law, but I'm not the authority.

Ian Appleyard: I will defer to you, Chairperson Jackson, how you want to proceed. We can take questions during the presentation. I can get through it all and then do questions, whatever your preference is.

Regina Jackson: I think it might be nice since it is late for us to be more efficient and let him complete his presentation and then we hold our questions. Is that okay? All right.

Ian Appleyard: Thank you. Okay. If [Kaye too 00:04:30:04] could queue up the presentation, I do have a PowerPoint to accompany my presentation here, and you might also have it in your notes. So, the agenda tonight, we'll talk about the civil service ,sort of overview, what is an at will employee versus a permanent status employee or Skelly Rights with a Skelly hearing with the post disciplinary appeals process. Order just cause standards that flow from there. And I'll touch briefly on some city policies, administrative instructions.

Ian Appleyard: The origins of the civil service really date back to 1881 when President Garfield was assassinated by a office seeking person but prior to that, the federal government was considered a spoil system and we moved into a civil service or a merit-based system.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Ian Appleyard: Here in Oakland, the basis for the civil service is Charter Section 900 and this goes to the Personnel Manual of the Civil Service Board. Let's see, I don't believe that's my presentation. Definitely not.
- Ian Appleyard: So, the Civil Service Board is established by the City Charter. In the Charter and in the Personnel Manual, the exemptions from civil service are explicit. Basically, it's offices required by the charter to be fulfilled, filled by election or appointment by the mayor and the city council, administrative assistance to the city administrator, mayor, city council, city attorney and city auditor. Those are elected mainly. Department heads and their assistance, part time employees are exempt from the civil service and there are additional positions that can be recommended by the city council and approved by the civil service board and there are a number of those.
- Ian Appleyard: So, most positions in Oakland are covered by the civil service. It's basically from managers down are considered part of the civil service and many of our positions are also represented by labor groups and collective bargaining agreements. That will be in the next training.
- Ian Appleyard: So, what are at-will positions? Again, they serve at the pleasure of the appointing authority and they can be released for any reason, not an illegal reason, however, and those include things like discrimination, retaliation, immigration status, whistleblowing or being on protected leave. We have limited duration classifications. We also have a provisional classification where someone could be in a position for 120 days and contract employees.
- Ian Appleyard: I wanted to just share what are those at-will positions in the police department and in the CPRA? The at-will positions are, here we go, include, I should say, the chief, assistant chief and deputy chief and the non-sworn rankings we have, I'm just going to catch you up here. Where are we? Here we go. Those include police services manager two, police communications manager, project manager three, crime lab manager, trainees, police trainees and cadets. Those are all at-will positions and in the police commission it's the executive director.
- Ian Appleyard: The permanent positions include, and these are civil service positions. Permanent status is granted when someone passes probation and there are a number of different probationary timelines. So, I wanted to highlight those. It's once somebody does pass probation that they are considered permanent. The probationary period is considered an extension of the testing process and civil service is a lot about testing and establishing eligible list. So, this is actually considered the test, a test for fitness.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

Ian Appleyard: For police officers, it's 12 months and it may be extended another three months. For FCIU local 1021 represented employees, it's nine months, which can be extended by an additional three months. For local 21 staff, it's 12 months and that also can be extended by three months.

Ian Appleyard: Promotional probationary appointments are six months. So for instance, when someone moves from a police officer to a sergeant or a sergeant to a lieutenant, the probationary period is six months. It's the less.

Ian Appleyard: The permanent positions in OPD are captain, lieutenant, sergeant and officer. Those are the sworn positions. Many of the professional staff are civil service. It would take you most of the night to name all those classifications. In CPRA, it's the complaint investigator two and three specifically and any administrative support would be a part of the civil service.

Ian Appleyard: Continuing on, I just wanted to highlight rule four from the civil service rules, which applies to sort of applications, recruitments, exams. So, this regulates job announcements like the time that we need to have a job announcements, the type of items that need to be included in a job announcement. But I should also mention and we'll talk about this in my third training, the labor agreement between the city and the OPOA details, many of the promotional requirements and many of the things that need to be included in a job announcement.

Ian Appleyard: But rule four also talks about the type and scope of a selection process, the administration of exams and the ability to determine what types of exams we have, the scoring of the exams. Our examinations need to be job related so we do a current job analysis, so we identified the essential duties and functions and we will have a test that will relate to those, the ideas that we are predicting performance, but that's the point of the probationary period, right? There's no perfect tool to predict performance, but when you get somebody in performing the job, then you get a better opportunity to evaluate.

Ian Appleyard: There are points that are awarded to those who complete the exam successfully and end up on an eligible list. There's veterans points, residents points for being a resident of Oakland and seniority points for your time served in the civil service.

Ian Appleyard: There's an establishment of the list and always there's an appeal process. The Civil Service Board really does act as an appellate board and as a policy direction board and approves most of our or all of our job descriptions.

Ian Appleyard: I want to talk a little bit about Skelly Rights. I'm sure you've heard a lot about those and this is when somebody is considered a permanent employee and



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

when the city elects to take some sort of disciplinary action. So this is really what differentiates somebody from an at-will position to a permanent status.

Ian Appleyard: So, dates back to John Skelly, who was a doctor in the early seventies and he worked seven years as a permanent civil service employee. He had a history of misconduct. He actually enjoyed drinking a little bit during the lunch period. So, he was dismissed without due process. He came to the job and they said, "You're fired. You're out of here." Well, he sued and invoked the fifth amendment of the constitution that says no person shall be deprived of life, liberty or property without due process of law. And that due process, the courts ruled in favor and that's why it's called Skelly, and the Skelly Rights. Due process needs to be both procedural and substantive and occur prior to being effective. So, just cause is required. That basically means that somebody has the opportunity to respond before an action is taken.

Ian Appleyard: Skelly Rights is basically an administrative process. It is not a legal process but it's something that public sector employees are entitled to. It's not just the City of Oakland. It would be special districts, county, the state, they all have to extend this process and basically when your wages are affected, due process is required and when wages are affected, that can be done in the form of discharge of an employee, suspension without pay or a demotion. So, if money is affected, the Skelly Rights are invoked.

Ian Appleyard: The city is required or any government agency in California would be required to send a Skelly notice, and in that notice, it needs to contain a clear, clearly state the recommended action. It could be a suspension of five days, 10 days, whatever that might be. Cite the rules or policies violated. Describe the incidents the action is based upon. Recount previous relevant discipline. Because we'll talk a little bit about progressive discipline. Attach all documentation that was relied upon in the decision and the notice goes through multiple reviews.

Ian Appleyard: It should also include a hearing date and identify who the Skelly officer is, and the notice is provided to the employee and the union. Sometimes these Skelly packets can be quite extensive. It can be quite large.

Ian Appleyard: So, the hearing itself is an administrative hearing as I mentioned. The Skelly officer is typically a high level manager who has a certain understanding of personnel policies and procedures. There is no cross examination. This is not witnesses can be presented but it's not a formal evidentiary process.

Ian Appleyard: It's really the opportunity for the employee to respond to the allegations orally, in writing or both. Representation is allowed, whether it's an attorney, whether



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

it's a friend or a union representative, representation is allowed. In the end, the Skelly officer provides a recommendation, so whatever the Skelly officer comes up with is not binding. It's ultimately the decision of the appointing authority and for most civil service employees that's the city administrator.

Ian Appleyard: Once the Skelly hearing is wrapped up, the recommendations is done and discipline is processed and administered. Then there is a post disciplinary appeals process. Those are detailed in both the grievance procedure of the applicable labor agreement or in the civil service rules and there are two bodies available for it. The grievance procedure allows for an arbitrator to oversee it or the civil service board. Once somebody chooses one path or the other, they cannot revoke that pathway. You don't get two bites at the Apple, just one.

Ian Appleyard: So, the grievance procedure briefly is lined out this way as step one, two, three and four. Four is ultimately the arbitration or the Civil Service Board, and that's the ultimate... Where it stops and that's where the finding arrives.

Ian Appleyard: When it comes to the Civil Service Board, the board themselves can hear the case or they can designate a hearing officer who will hear the case and provide the recommendation to the board for them to rule upon. What's important here are the just cause standards.

Ian Appleyard: So, that's what any arbitrator or the board is looking at. And those standards follow a seven part test. So, did the employee violate a reasonable rule of policy? Was the reasonable rule applied consistently? Was the reasonable rule applied in a nondiscriminatory manner? Was the employee aware that his or her actions amounted to a violation misconduct for which he, she should receive discipline? Was there a complete and fair investigation? Did the investigation produces substantial evidence of the violation misconduct and finally was the discipline issued reasonable considering the nature of the violation and the employee's work history? That is kind of important, the employees work history. We certainly, from my perspective will, if someone has tenure, they have a greater property interest in their job, therefore they would be given additional consideration. Talk a little bit about the just cause standards still that it relates to fundamental fairness and employment.

Ian Appleyard: The city carries the burden of proof. They're the moving party when it comes to discipline. All seven tests need to be met. The arbitrator or the civil service board can rescind or reduce the discipline and then quickly on progressive discipline like what is that? It basically ensures that just cause is met by the city and provides employees with knowledge of the rule. Rules are consistently applied. Reasonableness of discipline provides the employee with an opportunity to correct poor performance. We really look at discipline as



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

corrective action, not as a punitive measure. Just for example, progressive discipline is the consequences become more severe even if it's the same fact pattern. So if somebody shows up late on Monday and they get a written reprimand, they show up late the next Monday, it could be a one-day suspension. So, the penalties or the repercussions or consequences become stiffer if it's the same offense.

Ian Appleyard: Very briefly, getting through this quickly, administrative instructions, so these are city policies that apply to citywide. Certainly, OPD has many other manual rules which sworn staff are accountable for. Really, I'm going to only cite the 596, the Code of Conduct. That does apply to all city employees and it's kind of a clearing house and references people to other important administrative instructions, which I've detailed here. So courtesy, customer service, confidentiality, disruptive behavior and that references AI or I should say administrative instruction 544 which is violence in the workplace. We take violence and threats of violence in the workplace very, very seriously. These are cases that we have very little tolerance for and look into immediately.

Ian Appleyard: Alcohol and drug use, 577, it's a drug free workplace policy, dress code, conflict of interest is detailed in the civil service rules. Non-interference is the relationship between elected officials and administrative staff and that's Charter Section 218. Political activities is detailed in Administrative Instruction 590, political activities restrictions and then discrimination, Administrative Instruction 71 which are equal opportunity, anti-discrimination, non-harassment policy and compliance procedure. That's a very important policy and you will probably coordinate another whole training on that matter.

Ian Appleyard: 140 Is this one I thought I'd throw in there. That's electronic media. Basically, city employees are expected to dedicate their entire time to their duties and responsibilities and not on shopping on the internet, right? That really gets me through it and happy to take any questions and have a discussion. Thank you.

Regina Jackson: Thank you very much. Let's see, Alternate Commissioner Brown.

Chris Brown: Thank you, through the chair. I'm curious about the source of the tests you use for civil service exam.

Ian Appleyard: Thank you for the question, through the chair. Every test is constructed based on a current job analysis. So, we have a human resources staff of approximately just working on recruitments alone between analysts and technicians of about 25 employees and they are working to process through the applications and establish the types of exams cause it's based on the job itself. So if it's a supervisor position, we'll probably have an oral panel. If it's a technical position,



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

like a plumber position, we'll have a performance test. So, it's all very related to whatever the job classification is.

Chris Brown: So, for a police, the post tests, do you use additional tests or just the post tests?

Ian Appleyard: Okay. So, yes, for a police officer and I'll get into those recruitments in the upcoming training. But yeah, those are post issues. We also get them through CPS, Cooperative Personnel Services that they do a written standardized test. And then for police officers, we also put them through a standardized oral board where we have community members on there and usually officer and a sergeant, and all those questions are standardized and the panel members are trained up to deliver it the same way every time. So, we really work to standardize our tests.

Chris Brown: Thank you very much.

Ian Appleyard: Thank you.

Regina Jackson: Mr. Appleyard, are you fully staffed in your department now?

Ian Appleyard: I am proud to say we are very close. We have maybe three vacancies. We have 50 FTEs and we are very close being fully staffed, so it's pretty exciting. It really hasn't been that way-

Regina Jackson: That's exciting to hear.

Ian Appleyard: ... in a while, yeah.

Regina Jackson: I also had a question about this. Oh, another question. Approximately how many of your lists for positions are stale dated? I know that when we were looking for investigators, the investigator to list had like one person on it, so it needed to be retested across positions. Where would you say these lists are, about 50% current, 20% current?

Ian Appleyard: So, HR creates lists based on the vacancies. If there's not a current list, then we need to create one. So that's a job announcement. That's a test, that's creating list. We have almost 800 classifications in the city. I can say for a fact that we do not have this for every one of those classifications, so I couldn't even really guess how many are or not current. Our lists do last a year, but it really depends on the job that we're looking for.

Ian Appleyard: So there's some positions that are really hard to recruit right now in this economy, especially inspectors and engineers and planners. We've done pretty



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

well with police officers. We're making a lot of progress there. And we've done actually really well with dispatchers. We're beating out a lot of other jurisdictions. We've worked hard over time to make that happen. So.

Regina Jackson: So do you create partnerships, let's say with national associations of accountants and engineers and things like that in order to be able to send out your job descriptions and recognize that hopefully they will be received by a broad diversity of people?

Ian Appleyard: Absolutely. We work closely with the departments because they're really the subject matter experts in their professional field. So, if it is for instance a planning position or a public works position, we will rely on them to provide us with the professional organization that we should access to get out that information. We ask them to work their own personal networks as we have jobs open. We have, I think a robust automated process with our NEOGOV system where we can process a lot of applications efficiently. So yeah, we are constantly looking for networks and we're looking for new ways to advertise and recruit.

Regina Jackson: So are you saying that you start over every time as opposed to building up contacts for these associations? You let the department dictate every time?

Ian Appleyard: The contacts are in place that the department has already, those networks are already in place through the department. We work very closely on every recruitment with the subject matter experts, in the different departments. So when there are general ways to advertise, they can say, "Oh yeah, can you put it in with International City/County Management Association? Could put in with Public Works Association or the Human Resources Association?" We can facilitate that. The actual networking is going to be for people in that profession.

Ian Appleyard: I'm a member of Cal Pell Grants, a Public Employee Labor Relations Association. I have many contacts there. If I have a vacancy, I'm accessing those contacts. Some positions right now are almost impossible to recruit, even with those contacts. But our lists are good for a year. We have a long list, a robust list. We can extend it up to four years, So.

Regina Jackson: Excellent. Okay, last question. Limited duration, temporary limited duration people, are they still at will? Is this temporary shifted at all?

Ian Appleyard: Yes. So part time employees are at will and so they fall under that category.

Regina Jackson: I mean full time, just temporary.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Ian Appleyard: Full time, but temporary. So we do have one classification called an exempt limited duration employee and that can be for a year appointment and that is exempt there, that's detailed in the civil service rules. The labor unions are aware of it and that is a particular classification where we can bring somebody on as we develop a job classification, we don't know what that work is yet so we can hire them into that classification, work on the job specification classification and get that approved through the normal process and then hire somebody into the civil service.
- Regina Jackson: Okay. Thank you. Commissioner Harris.
- Ginale Harris: Thank you. Hello.
- Ian Appleyard: Good evening.
- Ginale Harris: I'm interested in, I saw a job classification under assistant director in the police department. I did not see it in the budget. However, there's a position that was created called the Strategic Communications Director. And when I asked for the job description, I was provided a job description that said assistant to the director. There is no director at the police department unless I'm missing something.
- Ginale Harris: So I just wanted to get some clarity on a position like that. I was told that it was a limited duration appointment, but none of the civil service rules were followed to hire this position and I didn't see it posted anywhere. So I'm just interested how that process went about to hire for that position and if the job description, can you change the name of the position, I mean is that practice?
- Ian Appleyard: Thank you for the question. So it's a very specific question so I don't know if I can answer the specifics on it, but generally what I can say is, the assistant to the director position is considered one of those exempt from civil service positions. It's been exempted through the city council and then through the civil service board. So formally exempted. If it's limited duration then there would not be a requirement to advertise for it. But it would be just the position. In terms of having that title in the department that is without a director, we have many titles like Project Manager III is a very general position that we have and that might be in any department.
- Ian Appleyard: It could be an information technology, it could be in OPD. It really depends. So assistant director, it probably meets the criteria in terms of education and experience and has the basic duties and responsibilities and the knowledge and skills and abilities that are important for what the purposes of that position is.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

But in terms of recruitment and how it's appointed, it would be exempt from civil service.

Ginale Harris: It would be exempt.

Ian Appleyard: Yeah.

Ginale Harris: So you can just hire somebody like tomorrow.

Ian Appleyard: Yeah. For the exempt, the at-will positions, yes.

Ginale Harris: Now another question, part two to that is, do they have to have the qualifications to the assistant director in order to be hired for that position?

Ian Appleyard: They should. We do scrutinize, there's a lengthy sign off process for every appointment, but they are not required to. Meaning they can't be necessarily banned from having that position based on their qualifications. Simply because it is not subject to the civil service rules. But if it is a position that is subject to the civil service rules, we do screen those very carefully for the qualifications, the minimum qualifications.

Ginale Harris: So with that said, I have a few more questions but I'll save them. I think I'll just email you directly in regards to that job classification.

Ian Appleyard: Absolutely.

Ginale Harris: Thank you.

Regina Jackson: Vice chair, Gage.

Henry Gage, III: Thank you chair. It is 10:25, so if we are going to continue the meeting, we're going to need to move for a short continuance. I would propose that we continue the meeting for no more than 10 minutes. Complete the remainder of this presentation and then continue the remaining agenda items unless there's an objection from staff.

Regina Jackson: Okay.

Assata Olugbala: [inaudible 04:56:38]

Regina Jackson: I want to go home. So-

Assata Olugbala: [inaudible 04:56:45] five in the morning.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Regina Jackson: So, first off, if all of our questions have been asked, Mr Rousse, how many people do we have on the speakers for this item?
- Juanito Rus: I have four speakers on this item.
- Regina Jackson: Okay, so-
- Assata Olugbala: Give them one minute.
- Regina Jackson: Okay, that sounds good. All right. So if you'll hold that moment, can you call the speakers up please? And for the sake of efficiency, Mrs Sauda has recommended that we do one minute for speakers. Let's get it going. Come on.
- Juanito Rus: On this item I have Jean Hazard, Kyle McCoy, Nina Parker and [inaudible 04:57:28].
- Regina Jackson: Very good.
- Gene Hazzard: For the record, Gene Hazard, through chair. Ms [inaudible 04:57:36], can you go back to the beginning of at will employees please. [inaudible 04:57:42].
- Regina Jackson: [inaudible 04:57:47]
- Gene Hazzard: Okay. [inaudible 04:58:10] So, if I made then the action that the commission took recently, the police chief is an at will employee. Is that correct?
- Regina Jackson: Yes.
- Gene Hazzard: Okay. So, therefore the action that was taken by the commission was in fact legal. So she has no recourse because she is an at will employee. So any threat of a lawsuit is without merit.
- Henry Gage, III: Madam Chair.
- Regina Jackson: Vice chair, Gage.
- Henry Gage, III: I'd recommend do not answer that question and [inaudible 04:58:58] council.
- Thomas Lloyd Smith : That's right. I completely agree with that.
- Ian Appleyard: Yeah, I agree. I have personnel information, it just makes sense to maintain the confidentiality.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Regina Jackson: Okay. Well thank you very much. Miss Assata, Mr. Parker.
- Assata Olugbala: Point of clarification, does the human resource department engage investigation of hiring private investigators? Because I read a document that said they do that.
- Regina Jackson: Firm.
- Ian Appleyard: So Human Resources-
- Assata Olugbala: Can you stop the clock because I have another question.
- Ian Appleyard: Human resources is responsible for the administration and enforcing the policies and the code of conduct policies and investigation. So we do a broad amount of employee investigations and sometimes there's an outside investigator that can be engaged.
- Regina Jackson: Okay.
- Assata Olugbala: And the second question, is that independently determined by human resources or it comes from a directive from a higher source and who would be that source?
- Regina Jackson: Can you answer that question sir?
- Ian Appleyard: It depends on the facts of the case. The origins can go all the way up to the city administrators, to city attorney's office. It's also mostly the responsibility of departments to conduct investigations around employee conduct.
- Assata Olugbala: Lastly, I'm going home. I just want to tell you that the school board met last night. They are reducing their budget and they're considering getting rid of their police department and they are saying that the Oakland Police Department will take on whatever issues come up in policing that these officers had. So they're voting on this next week. And I don't know if you think it's important to weigh in on it, but I'm just letting you know.
- Regina Jackson: Yes. Thank you very much. I've been watching that. So I'll be following up with them. Yes sir.
- Kyle McCoy: All right. [inaudible 05:01:19] for the record, I just wanted to say was that, I'm hoping that some of the policies can better be changed to adapt how we hire and how we pick individuals to fulfill our finances and budget committees so we can better understand and also better analyze where the tax dollars are going.



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

- Regina Jackson: Thank you very much.
- Kyle McCoy: And also, I hope we better vet our officers and our people that are working with our community.
- Regina Jackson: Thank you very much. Mr Parker.
- Nino Parker: Getting late, Nino Parker, black homeless advocate Lake Merritt. Are city console people's civil servants?
- Assata Olugbala: Through the chair.
- Nino Parker: Through the chair, I'm sorry.
- Ian Appleyard: No, they're not.
- Nino Parker: And you say you do types of investigations, so if someone were to do some type of fraud would you be the person investigating that, through the chair?
- Ian Appleyard: That's a very broad question. It depends on the employee and the city auditor also investigates fraud. They have a whole a hotline, [inaudible 05:02:54] hotline.
- Nino Parker: If it was a city console staff member, would you investigate that?
- Regina Jackson: Through the chair.
- Nino Parker: Through the chair.
- Ian Appleyard: It was getting pretty theoretical, so I'm not sure exactly where this is going-
- John Alden: I might note too that we're getting outside the scope of our Brown Act agenda, is [crosstalk 05:03:12] so we could have a Brown act violation if we get too far into this.
- Nino Parker: [crosstalk 05:03:16] be careful. I can tell you what, I'll just get a quote from the gentleman, I'll ask him to [crosstalk 05:03:20].
- Regina Jackson: Okay. All right. Thank you very much. Okay. So, we need to extend our meeting time. What'd you say 15 minutes? No, nobody wants to do 15 minutes.
- Henry Gage, III: Madame Chair.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Regina Jackson: 10 minutes? Mr. Alden, five minutes, going, going. You know what, it's 10:30. I'll accept ... Do we have any more speaker cards for any of the other agendas?
- Juanito Rus: Yes we do.
- Regina Jackson: All right, so I would like to accept a motion to extend for 10 minutes. We will listen to speaker cards and then probably adjourn. Okay?
- José Dorado: I adjourn.
- Regina Jackson: Can count on commissioner Dorado, thank you. Is there a second?
- Henry Gage, III: So moved it, seconded.
- Regina Jackson: Thank you. Okay, so-
- John Alden: Madam chair, before we have the speaker cards, could I follow up on this presentation, just very briefly?
- Regina Jackson: Yes.
- John Alden: Okay. So, I really appreciate director [inaudible 05:04:28] coming by and providing this material tonight. That was extremely helpful. One of the things that I want to make sure that I've gotten across to the commissioners is that everything you've heard in here about how employees are managed, hired, potentially disciplined or separated from the department, applies to all of our CPRA employees except me, and also to all of the police officers that are subject of any of the disciplinary cases that come through CPRA should they be sustained. In addition to, all of the rights that you heard about at the training we did in December.
- John Alden: So when you see the material in here about say the just cause standards describing seven tests that have to be fulfilled in every case, that applies to all of our disciplinary cases. The cases that this commission might process through a disciplinary committee, should that come to pass. Also, then go through the Skelly process that you see here and then the arbitration process that you see here. So part of our work now at CPRA, that's quite different than what we did at CPRB is making sure that we are participating in and contributing to the Skelly packet, the Skelly notice, the Skelly hearing, arbitration.
- John Alden: So, as a one way in which the work that we're doing now under LL is much broader and more complicated than the work we were doing under CPRB, where those processes just weren't part of CPRB's [inaudible 05:05:56]. So this



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

is one reason why the work that we're doing now at CPRA does require a lot more staff and both investigators and support and attorneys than used to be the case.

- Regina Jackson: Good. Thank you. And I will join you in appreciating Mr [inaudible 05:06:16]. I know, we'll see him again. Sorry that we spent so much time making you wait, but I think it was critical information. So, I appreciate it. Now we need speaker cards? No, now we need to extend the meeting. Yeah. Pardon me?
- Henry Gage, III: We have a motion and a second for extension, the meeting to hear from public speakers vote by adjournment.
- Regina Jackson: Yes. So can you call the public speakers?
- Henry Gage, III: You would need to vote first though.
- Regina Jackson: Oh, I thought we always had to do the public speaker first. Okay, fine. Let's do a roll call to extend the meeting. Then we'll do the speakers.
- Henry Gage, III: Yes.
- Regina Jackson: Commissioner Gage. Commissioner Dorado.
- José Dorado: Aye.
- Regina Jackson: Commissioner Anderson.
- Tara Anderson: Aye.
- Regina Jackson: Commissioner Harris. Commissioner Harris? Commissioner Harris?
- Ginale Harris: Abstain.
- Regina Jackson: Aye for myself. Commissioner [inaudible 05:07:09]? Don't stop playing now.
- Thomas Lloyd Smith: No.
- Regina Jackson: Commissioner Prather.
- Edwin Prather: No.
- Regina Jackson: We have an abstention, two nos. I could still do it. You guys are playing games, see. Okay, so the meeting has been extended for 10 minutes of which we've



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

already used six. All right. Can you call the speaker cards please? We're going to do one minute comments please.

Henry Gage, III: On item 11 I have two speakers, Saleem Bey and [inaudible 05:07:43].

Saleem Bey: Saleem Bey, let's see. I believe that is in regard to the CPRA. One of the issues about the CPRA is that we're still operating with CPRB employees under the CPRA. Ms Tom is still there who closed 07-0538. Ms Alpay is still there who closed 131062. Again, they represent this body as the investigative arm and also represent Mr Alden. Your credibility goes directly to the people who you employ and if you're employing people who were throwing cases. The reason why we know they were throwing cases is because the community would not have voted 80 some percent to seat this body if the CPRB was doing this job representing the citizens.

Saleem Bey: But now you have the exact same people in CPRA as you have in the CPRB. We filed a complaint against the police department over a week ago. We haven't received a case number or anything and when the intake lady did it, she was about to give it to Karen Tom before we stopped her and said, "Wait a minute, you can't give our complaint to Ms Tom. She's already closed our complaint. You can't give it to Ms Alpay or anybody in their chain of command." These are supervisors in this office. Therefore, that whole office is tainted as it stands right now.

Regina Jackson: Thank you. [inaudible 05:09:18] Mm-hmm (affirmative). Is somebody else coming to speak?

Henry Gage, III: The other one was-

Regina Jackson: Wait, we only have a couple more minutes for the meeting.

Henry Gage, III: I don't see the second person on item 11.

Regina Jackson: Oh, I thought you said you had two?

Henry Gage, III: Yeah, Ms. Assata left.

Regina Jackson: Oh, okay, so was there anybody else on any other speaker?

Henry Gage, III: Yes. On item 12 I have three speaker cards. I have Saline Bay, I have Ann Janks and I have Rashida [inaudible 05:09:44].

Regina Jackson: Thank you.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

February 27, 2020

5:30 PM

- Henry Gage, III: Item 12 is review of commission standing committees and Ad hoc committee.
- Regina Jackson: Thank you.
- Saleem Bey: Saleem Bey. And so I just want to call attention to the Ad hoc committee around our case and make sure that that gets agenda, hasn't been on the agenda in a while and I want to make sure that that gets on the agenda so we can make sure we get an update. We can see all the machinations that's going on in the city attorney's office playing this game. These knocks and rolls were already a client of the city or are already doing business for the city. Therefore there is no issue of having a whole bunch of paperwork. If you already registered as a city vendor, why is it that this contract is taken all of this time and everybody and all of these documents are being asked for just to get this investigation.
- Saleem Bey: Again, the investigation originates in the city attorney's office who been blocking this evidence in who had this evidence under seal in federal court until SB 1421 released it to the public. These are all public documents now and this is why the chief was able to get up there and say that she couldn't say anything, but then a month later in 2019 all that was released. So I just want to make sure that we follow up on that.
- Saleem Bey: There's a lot of things, there's a lot of subpoenas that need to be put out there. People need to be called and in addition, that's the ad hoc. Again, there's also a CPRA case right now. We're grinding its way through there. We want to make sure that we get a number on that. [crosstalk 05:11:17]
- Regina Jackson: Thank you for sharing that.
- Saleem Bey: We could get a 3304 date.
- Regina Jackson: Yeah, I wasn't aware that Knox was already because I was just sharing with you what I was told. So we'll follow up. Thank you.
- Anne Janks: Anne Janks, I'm speaking for the Coalition for Police Accountability. Sometimes people from the community get up and they say, "We know that the coalition is having all kinds of talks behind the scenes and I wish we were as influential as people sometimes suggest that we are." But this issue is about people having access to the process, who don't have any way of having a backdoor conversation. It goes well beyond the coalition and it goes to the community having access to the single most important policy that you are going to write. And we don't have access now. The community does not have access now.



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

- Anne Janks: We've been discussing this for a very long time and it's time for you to get embarrassed. It's time for you to get a standing committee in front of the council. And in the meantime, it's time for this commission to tell the Ad hoc committee to function with public notice. They're not going to be held to the standards of the Brown Act, so it's going to be a little less process and paperwork, but it's time to open this thing up. It's time to stop backdoor meetings. The public has never seen a draft that has been worked on for months and that is shameful. While commissioners are saying, "We have a goal to end this process in March." You can't say to the public a month ahead of time, we're just going to ram it through, at the end there and you'll have a couple of days to comment.
- Anne Janks: And the public hearings are great. I'm glad you're doing them and we're going to do everything we can to help. But that's one type of public input. That's the kind of global public input. And it's very important. But the secondary piece of public input is for the geeks out there who want to read the drafts and comment on the drafts and ask you why you're not using Seattle's language on docs. Okay. Please make the Ad hoc committee start doing public notice. Stop this secretive meetings. I believe Varshita is giving me her time and get the Ad hoc committee to start making public notice and get a standing committee in front of the city council as soon as possible. This is really not the way you want to function. Thank you.
- Regina Jackson: Thank you. Anybody else on speaker cards.
- Juanito Rus: We have one final speaker on item 14, liaison under commissioner reports the speaker in Nino Parker.
- Regina Jackson: [inaudible 05:14:33]
- Nino Parker: Nino Parker, black homeless advocate, Lake Merritt. I was wondering, this liaison, is it chosen by you folks? Do you guys choose the liaison through the chair? [inaudible 05:14:56] And, is it usually one of the commission people or is it someone outside or how does that work?
- Regina Jackson: I'm sorry.
- Nino Parker: The liaison you're choosing.
- Regina Jackson: So, we have chosen different liaisons for different subject matters.
- Nino Parker: Is that it? Okay.



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

Regina Jackson: Yes.

Nino Parker: So it's basically for each-

Regina Jackson: And, it's who has time? Who has the interest? Who has the knowhow?

Nino Parker: Okay, just briefly though. But the other thing, I just wanted to throw in this last minute here. I have filled out one of these officer's complaint forms. I'm going to give it to Mr Alden tonight. It's dated tonight. There will be a lot more information, but I just want to actually do the process, start the process. Thank you. You guys have a wonderful night.

Regina Jackson: Thank you very much.

Nino Parker: So I'll get home.

Regina Jackson: Thank you. So we have exhausted speaker cards. I would like to receive a motion to table the ... I thought we only have one last speaker.

Juanito Rus: We did.

Regina Jackson: So, did you fill out a speaker card?

Kyle McCoy: I just want to say good night all.

Regina Jackson: Good night. Thank you. Thank you. Okay, so can I get a motion to table the final agenda items please. One moment, please.

Henry Gage, III: So moved.

José Dorado: Second.

Regina Jackson: Okay. It has been probably moved and seconded and we've already taken speaker cards, can we vote? We want a table. Okay. Vice chair. Yes.

Henry Gage, III: Can you please read the question?

Regina Jackson: We're voting on tabling the rest of the items, so next meeting. Thank you.

Henry Gage, III: Yes. Thank you.

Regina Jackson: Commissioner Dorado.



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

February 27, 2020
5:30 PM

José Dorado Aye.

Regina Jackson: Commissioner Anderson.

Tara Anderson: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: Me, aye. Commissioner Smith?

Thomas Lloyd Smith: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Okay, one more round. Can I get a motion to adjourn the meeting?

Ginale Harris: Adjourned.

Henry Gage, III: Second.

Regina Jackson: Okay. And, can all in favor say, "Aye."

Ginale Harris: Aye.

Tara Anderson: Aye.

Speaker 42: Aye.

Speaker 43: Aye.

Regina Jackson: Okay, have a good evening everyone.

PART 10 OF 10 ENDS [05:17:16]