



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Meeting Transcript

Thursday, February 28, 2019

6:30 PM

City Hall, Council Chambers

1 Frank H. Ogawa Plaza, Oakland, California 94612

- [Regina Jackson:](#) Hello. It's 6:30. All commissioners, can you please come up to the dais?
- [Regina Jackson:](#) Excuse me, if I could have your attention. I am really sorry to announce that we're going to be delayed in starting. We just heard from Commissioner Ahmad, and he's about 20 minutes away. Unfortunately, we can't start without him being part of our quorum. My apologies for the delay. I don't know what else to do except to be transparent with you.
- [Regina Jackson:](#) Excuse me, everyone.
- [Speaker 1:](#) I'm going to ask him.
- [Regina Jackson:](#) That's fine. Hello, everyone. I'd just like to make another update. It has been brought to my attention that since we have a recently sworn-in new commissioner, we are able to identify her as moving from the alternate to a sitting commissioner for now in order to establish our quorum. We will be able to get the meeting started. Thank you.
- [Regina Jackson:](#) The time is now 6:38. I'm calling this meeting to order. This is a meeting of the Oakland Police Commission for February 28th at 6:38. Love life. We're going to take a roll call and determination of a quorum. Commissioner Dorado?
- [Commissioner Dorado:](#) Here.
- [Regina Jackson:](#) Commissioner Anderson.
- [Tara Anderson:](#) Here.
- [Regina Jackson:](#) Commissioner Smith.
- [Commissioner Smith:](#) Here.
- [Regina Jackson:](#) Here for myself.
- [Female:](#) Harris.

[Regina Jackson:](#) Commissioner Harris.

[Commissioner Harris:](#) Here.

[Regina Jackson:](#) We have a quorum. Commissioner Prather is not with us today. He's on travel. Commissioner Ahmad, we anticipate his arrival shortly.

[Regina Jackson:](#) Moving to item three: Welcome, Purpose, and Open Forum. I have the opportunity, the distinct pleasure to welcome Alternate Commissioner Tara Anderson. She was recently approved by the City Council. We are delighted to have you with us. I have a nice, big impact binder to give to you as one of the many study opportunities for you. If you all just give me a moment on Public Speakers, Bruce Schmiechen

[Female:](#) Schmid.

[Female:](#) Schmiechen.

[Regina Jackson:](#) Schmiechen. Excuse me.

[Bruce Schmiechen:](#) Thank you, and welcome Chairman Jackson. I have another commitment, and I'm going to have to leave after public comment. I see the Pawlik Case is on the agenda, but I won't be able to be here for that. I wanted to just share a couple of observations about that case. This is an extremely important moment for the Commission as to what the outcomes are around this.

[Bruce Schmiechen:](#) You don't have complete control over everything, but I just want to say that having watched the video, and having thought about it, and read about other situations, which are very similar, if any investigative agencies come to the conclusion that this was all done according to rules and regulations, rules and regulations need to be changed. Whatever else happens that you don't have control over or didn't have control over, you have control over policy. It's really critical that the Commission represents the community, look at this thing in a way that says, "What can we do to make sure that this kind of tragedy never happens again to either the victims or the officers involved?"

[Bruce Schmiechen:](#) I just plead with you literally because people are going to be here showing up around this case if it goes south in terms of there being no departmental disciplinary or anything. We'll see how that shakes out. You have the opportunity to change the use of force rules, the escalation initiatives, when, and where, and how weapons can be used, and force can be. There are opportunities statewide, coming up, I think, again, possibly to change some of these rules, but I think if that doesn't happen, it needs to be done here, and it needs to be done now. Thank you very much.

[Regina Jackson:](#) Thank you. I have Oscar Fuentes, Celeste Guap, and Jesse Smith. Thank you.

[Oscar Fuentes:](#)

Hey there. I just wanted to make a comment about the last meeting. I was very shocked at the lack of judgment for many of the Commissioners in their comments about supporting or not supporting candidates for the chair. I've been to a lot of City Council meetings and other kinds of meetings. I've never seen anything like that. I thought I was in grade school.

[Oscar Fuentes:](#)

To promote somebody, you don't have to negate another person. These are the kinds of arguments and discussions that need to be had on a one-to-one basis before you comment. I don't know who you all were trying to convince. It just seemed really inappropriate, especially the person who was chair at that time, Mr. Smith. I thought your comments were extremely inappropriate. You took eight minutes to do them, much longer than anyone else. You abuse your ...

[Oscar Fuentes:](#)

If you're going to shake your head at me, can you actually listen to what I'm saying? I mean, this is a great example. You're really unprofessional up here. I watched the video of you talking over a community member how was bringing to your attention serious, serious issues about your presence at the Pawlik scene, which was ridiculous and amateur-ish. For you to shake your head up there at me, while I'm talking while also feigning not to be listening is an example of what I'm talking about. People are watching you. This is on camera, right? Anyone can look up and find this on a camera. You're embarrassing yourselves.

[Oscar Fuentes:](#)

Also, there is this issue. Look, you all may have your heart in the right place, and it may not matter whether you're appointed by the community, or not, or by the Mayor, but it certainly looks like the Mayor doesn't want this Commission to succeed. The people who are appointed by the Mayor have an extra step to take to win the confidence. If anyone was watching because that confidence is already not there, and they don't think you're going to do anything, if anyone was watching this stuff, and that's the reason why they don't, they would have lost any confidence they would have developed over that period of time.

[Oscar Fuentes:](#)

I suggest to you that you would take a hard look. Especially, also the coalition people who, I think, unfortunately, and maybe not intentionally egg on some of that as like, "Let's get to work, and I'll join in." These are things that need to be sorted out and done so with integrity and transparency. That's just the bare minimum. I'm a nobody from nowhere. I know that. If I get up in front of people, I have to be honest, I have to be professional, and I have to represent myself as somebody who's going to do my job fairly. Some of you aren't doing that so far.

[Oscar Fuentes:](#)

This is a sacred trust that you've been given. The first Police Commission in Oakland, in a city that has so many problems with the police, and some of you don't take it seriously. I'll just say that much. Also, one last thing, to give a former Police Commissioner as much time as they wanted when they came up here to speak, Mr. Thomas Smith, was an abuse of your position, and you didn't even turn on the clock.

[Regina Jackson:](#) Thank you. Celeste Guap, Jesse Smith, and then Rashidah Grinage. Welcome.

[Celeste Guap:](#) Hi. Hi.

[Regina Jackson:](#) Hello.

[Celeste Guap:](#) I wanted to know about the Joshua Pawlik case. I want to know if it has timed out because it's almost been a year. I'm really concerned that just like in my case that the officers are going to go unpunished for murdering a man who was sleeping. That's the same thing that keeps on happening. These officers keep going unpunished. I'm still walking around Oakland getting smirked at. Nothing's changed then. I don't see anything changing. I think there is an opportunity here to hand on some real consequences.

[Regina Jackson:](#) Thank you, Ms. Guap. Actually, we're going to be listening to that item. It's item six on the agenda. Hopefully, you can stay.

[Celeste Guap:](#) Mm-hmm (affirmative).

[Regina Jackson:](#) Thank you for your courage in coming to the microphone.

[Celeste Guap:](#) Thank you.

[Rashida Grinage:](#) Thank you. I just wanted to welcome the new Commissioner Tara Anderson. Now that you're beginning your second year of operation, and you have a new commissioner, and hopefully you'll have a replacement in the alternate as well, it will be easier for you to do the work that is in front of you. Hopefully, successfully will lead to more success and more visible achievement, so that the community can have confidence in this Commission. I want to also echo the words of Ms. Guap. The community is looking to see evidence. That will be very important, but we want to welcome Ms. Anderson. Thank you.

[Regina Jackson:](#) Thank you. Jesse Smith, Miles Cooper, and then Hilary Davis.

[Jesse Smith:](#) Hi. I have two points. One is an ongoing observation that I had verified in a confrontation with a police officer on Election Day in November right in front of City Hall here. It began as, perhaps, a charged conversation. Not too charged. There wasn't hostility going on, but there's a little bit of back and forth in good nature. I discovered that these particular police officer, when we were discussing things, he denied any of the scandals have happened. I've heard this before from people that I've received information from on the inside.

[Jesse Smith:](#) There's a culture where they have an alternate reality, like a cult or just like the echo chambers that we have where people have alternative facts. The Oakland Police, who are largely not from here, perhaps, we can even assume that they are Trump supporters by and large, and they're having an alternate view of history. They don't believe that any of these scandals have happened.

[Jesse Smith:](#)

This is an idea. Is there any way that we can actually check in on their beliefs? Assess, did this, in fact, happened, or was there a large left-wing conspiracy to besmirched the good name of OPD, which is exactly what I heard? That is the level that they're operating at. That's not too outrageous of claim to make. I understand that that's probably hard to believe but maybe not these days.

[Jesse Smith:](#)

The other point that I wanted to make is at a recent event where the community came out to West Oakland Library, near Bobby Hutton Park, we discussed ways of empowering the Council or empowering the Commission here. There is so much enthusiasm, and support, and so many great ideas. It occurs to me that so many people are waiting to hear from the Commission on how we can help. I know that there's the Oakland Police Accountability Oversight Organization, but perhaps, let's reach out directly to the community. Let us know what you need.

[Regina Jackson:](#)

Thank you very much.

[Hilary Davis:](#)

Hello. Hilary Davis, a resident of Oakland, longtime resident of Oakland, living in West Oakland. On September 30, 2017, I had a horrible motorcycle accident that nearly ended my life, put me in Highland Hospital for seven days, and an acute rehab in Sutter for another 12 days. It was another two months before I walked. I'm really lucky to be here. Thank you for hearing me.

[Hilary Davis:](#)

I really believe that Oakland can do better. It was 163 days before I got my police report, nearly six months before I got a copy of a police report that nearly took out my life. In that time, the vehicles involved had already been either repaired or impounded. I was long since out of hospital and care and had been consulting lawyers but couldn't really move forward with my case in getting reimbursed for healthcare, in pursuing damages, anything because I had no police report. No insurance company, no anybody is going to do anything for you without a police report.

[Hilary Davis:](#)

That is not serving the public. That is not helping residents. I was lucky enough to have my own health insurance, so I was covered. Within six months you don't pay hospital bills in that time, you're going to collections. You could have liens against your house, your property. It's not okay for it to take that long to get a three-page police report of damages that extreme. On the phone call, you call in, said 90 days. That's too long. It wasn't 90 days, 163. It's not okay. Oakland deserves better, and the Police Department can do better. Please help oversee that.

[Regina Jackson:](#)

Thank you, Hilary. Miles Cooper. Elise Bernstein, and Paula Hawthorn, please.

[Miles Cooper:](#)

Hi. I'm Miles Cooper. I represent Hilary Davis. We are here because if this were an issue that the records department was interested in, we wouldn't be here. We raised this issue with the records department because her situation is not isolated. Of the four cases I've had out of Oakland over the last two years, each

one of them, it has taken a minimum of four to six months to receive the police report. By contrast, San Francisco, seven to 10 days; same as CHP, same with pretty much every other city I deal with.

[Miles Cooper:](#)

As Hilary has pointed out, when we don't have that information, we can't move forward on a case. When we can't move forward on a case, some of the clients end up with things going to collections and having a huge consequence on an already troubling situation. We bring it to your attention because the records department doesn't seem interested in returning a phone call on this issue. I ask that you take this up with them and see if some resources can be redeployed to make sure that that process has sped up some. Thank you very much.

[Regina Jackson:](#)

Thank you.

[Elise Bernstein:](#)

Good evening. Elise Bernstein. Welcome Commissioner Anderson. I referred to this earlier. After an NCPC meeting, and had a second NCPC meeting, which confirmed these strange police thing, they are not able to stop cars who were speeding down the road in my area, 5. Captain Jones is wonderful, and he has made it clear to his officers, they are not to stop any car, even if they have a missing license plate and they need to identify who's speeding down the road. They can't stop any car unless it's intelligence-based.

[Elise Bernstein:](#)

Now, I can see how that might be an extension of the stopping Rachel Stops. It's not a misunderstanding. They reiterated it and clarified it last night. That's what they're following in Area 5. Thank you.

[Regina Jackson:](#)

Paula Hawthorn, Cathy Leonard, John Jones III, and Lorelei Bosserman.

[Paula Hawthorn:](#)

Hi. My name is Paula Hawthorn. Although I am a member of the Coalition for Police Accountability, I'm not representing them when I speak tonight because I haven't talked with them about what I'm going to say. The thing that I am most concerned about with this Commission is, actually, the staffing of the Commission for the needs that you have for your support.

[Paula Hawthorn:](#)

When I explain to people who are not keeping up with things in Oakland, that this is an all-volunteer Commission, they gasp. They're like, "Really?" The only way that an all-volunteer Commission can work well is with really good staffing. For that, you need the city administrators' help. You need the city administrator to come at every one of your meetings and report to you on exactly what is happening with each of the staff positions that you need. You may request that. Those requests can be made, and it should be met because you need to hold the city administrator accountable for these positions.

[Paula Hawthorn:](#)

I see in your wording and in your reports that you're reflecting it back to yourselves, "We need to do this," or "We need to do that." Actually, you need to push as much of that work as you can to paid staff members because you're not that. Only the City Administrators Office can post a job. Only the City

Administrators office can make a formal offer for a job that comes through the City Administration. You need to get them in here every other week to tell you exactly what is happening.

[Paula Hawthorn:](#)

I found in all my years of managing people that if you haven't come in and reported, then you get a sense of accountability. Then, you get things happening. Then, you get them understanding that you're really serious about getting the staff that you need in order for this to work as well as possible. Thank you.

[Regina Jackson:](#)

Thank you.

[Cathy Leonard:](#)

Good evening. Cathy Leonard with the Coalition for Police Accountability. I was on Twitter today, and I saw a post by Darwin BondGraham, who is here today. It says, "Breaking: US District Judge William Orrick has approved the hiring of an outside investigator to examine OPD's handling of the internal affairs case of the Joshua Pawlik shooting. This signals that Compliance Director Robert Warshaw thinks OPD mishandled the discipline case." We're all concerned about this. We've got an eye on this. I'd like to see this Commission and, particularly, CPRA look at this case seriously and not let this fall through the cracks. Thank you very much.

[Regina Jackson:](#)

Thank you.

[Lorelei Bosserman:](#)

Hi. I'm Lorelei Bosserman. Welcome to Commissioner Anderson. It's good to have you here. I also want to talk about the Joshua Pawlik case. Obviously, it's really important. Obviously, you've got voices coming at you from different areas. All I can say is please don't let it fall through the cracks.

[Lorelei Bosserman:](#)

I also want to talk about procedures because if people are saying that the officers followed procedure, you can change the procedures. I don't know what procedures would apply. Someone was asking me if there is a procedure on waking up people who are sleeping, and I have no idea. Maybe they should have one because this is the second case just recently where they woke someone up to shoot them, to kill them. That's true. That's all. Thank you.

[Regina Jackson:](#)

Thank you, Lorelei. John Jones III, [Mateo Belo], and Saleem Bey.

[John Jones III:](#)

Okay. Good evening. For the record, my name is John Jones III. In addition to being a member of the Coalition for Police Accountability, I also have the honor and privilege of serving as the Vice Chair of the Selection Panel for the Oakland Police Commission. Right now, I want to speak as a third generation Oakland resident who was a father to two fourth generation minor residents.

[John Jones III:](#)

First of all, to the chair, I want to congratulate you for being the chair. Also, to the Chairman, I congratulate Commissioner Anderson. Thank you. I wish you well. I wish all of you well. I do want to underscore this point. All of you know

what you're tasked to do. I just want to strongly encourage you to find ways to make this happen because of the things that are at stake. I don't have to underscore everything that the public speakers have spoken to. These are very real serious issues.

[John Jones III:](#)

On a personal note, I want to share something else that I believe is no less real or true. To the chair, I'm glad that Chief Kirkpatrick is here. I've been dealing with a situation involving my minor son. OPD has been actively involved with helping me locate my son. I do want to uplift an officer in particular, Officer [Sy 00:33:33] who has been very constant in communication and helping me every step of the way through this process.

[John Jones III:](#)

I think for these reasons and other reasons, as you already heard and will continue to hear, is the reason why we need true accountability. For me, police accountability is not just about holding the bad officers accountable. It's also about protecting those who really take their jobs seriously. I am blessed to know many officers on this force who do take their jobs seriously. To protect them as part of the process of restoring ...

PART 1 OF 7 ENDS [00:34:04]

[John Jones III:](#)

To protect them as part of the process of restoring trust with the public, it's very important that we have this system that we have in place to keep it truly accountable. I wanted to make sure that I lift that up, because I know the department gets a lot of flack. I'm not here to argue whether or not it's deserved or not, but as a human being, I do believe when people do good things, applaud that. When people don't, hold them accountable. I'm here to uplift that officer and everybody else who's been very helpful with me and my son. Thank you very much.

[Regina Jackson:](#)

Thank you.

[Mary Vale:](#)

Mary Vale. I want to follow-up on something Ms. Hawthorne said about all the staff vacancies on your staff and the agencies. Last year, again, because, you know, the City Administrator pleads "We're busy" or whatever, authorized positions not getting filled at the animal shelter. They lost a veterinarian over it. You guys really need to get on top of this. One of your biggest priority is to keep pushing to get the postings done, particularly on the line positions where there are no charter issues.

[Mary Vale:](#)

It has to happen, because otherwise, you know, you guys functioning without sufficient staff, it affects the reports that comes to you, you know, lures you into doing administrative work that you're not supposed to be doing, the staff is supposed to be there to do. The training, the last meeting with all the election drama, the one training you haven't had, really needs to be a priority, you have to insist on, if you have to pay an outside contractor, do it, working together as

a group as members of a public body. There are organizations that provide that kind of training and it will really make everything better for you to have it.

[Mary Vale:](#)

I'm very sympathetic to the position you were put in, because the selection panel with a much narrower task had the drive-by, you know, were told this law, that law, fill out these forms or whatever. You had a tremendous amount of, like, force-feeding of information about the police department's operations, but very little big picture about your role as overseers of the police department. A good starting point is the working together as a public body group.

[Mary Vale:](#)

I really, really, with the developments today with the federal court, you know, I would love to be persuaded that internal affairs does not function as a frontline protection of, you know, a sister to the union or as an officer justification unit, but unfortunately there's never really been a time when the court has said that they're doing their job professionally and objectively on a consistent basis. That's something, how they operate, how they do the investigations, you really need to be looking at with a skeptical eye. Thank you.

[Regina Jackson:](#)

Thank you. Celine Bay?

[Celine Bay:](#)

Celine Bay, longtime resident of Oakland. First of all, from the community's perspective, this isn't over when it comes to who the chair should be. When the community votes, three community members vote all the same way, it's not for one community member to change his mind. You represent the community. That means 75% of community representatives chose Janelle to represent the community. We have one community member who got up there and said, "You know what? I'm going to go with the mayor." Which mayor? The mayor who's responsible for this Commission being in existence. If the mayor hadn't failed three times with three different chiefs, you wouldn't exist.

[Celine Bay:](#)

When the mayor appoints mayoral appointments up here, you're representing a mayor that's failed when it comes to OPD. You shouldn't be breaking your neck to get up into a leadership position. What you really should be doing is supporting the community people. That should've been written in the ordinance, that the mayor's people should support the community's people.

[Celine Bay:](#)

I'm going to tell you why you're failing as mayor's people. You failing because, if you're the mayor's people, why is the mayor sabotaging this Commission? Why aren't you up in there telling the Commission or reporting back to the Commission exactly why the mayor's not doing it when you represent the mayor? We can't point the finger at the administration when you represent the administration.

[Celine Bay:](#)

If they're not functioning, it's because you're not representing the community on the Commission. Lastly, what I want to say is the police chief that's here needs to get up when she does her report and apologize to Ms. Guap. She's the one that promoted the officers that covered up the serial rape of this young

lady. That should not be [inaudible 00:39:19]. We demand a apology and then a resignation.

[Regina Jackson:](#) Thank you. The next item, excuse me, Election of Alternate Commissioner to Fill Commission Vacancy. This is to elect Alternate Police Commissioner Tara Anderson to fill the vacancy created by Commissioner Benson's resignation. I'm sorry. Commissioner, point of chair.

[Ginale Harris:](#) Mm-hmm (affirmative). In December of 2018, we adopted the Roberts Rules of Order. According to the Roberts Rules of Order, the voting party that voted in the member is the one to accept the resignation. Does that still stand, Chair?

[Regina Jackson:](#) What I understood is that the last several commissioners who have resigned, their resignations have been received and it has not been a Commission act to accept. The Chair has accepted. I received that information also from our attorney, but you, feel free to comment.

[Ginale Harris:](#) Question through the Chair. At the time, I know the acting attorney now was not here. I don't know if he's familiar with the voting in of the Roberts Rule of Order?

[Sergio Rudin:](#) There we go. Those rules are parliamentary procedure. As some of the Commissioners might be aware, resignations of public officers are a matter of state law. Government code provides for a particular procedure for resignation of officers. Additionally, common law in California provides that offices can be abandoned by those officers at any time if they, you know, indicate via their acts or deeds that they intend to relinquish their office. In this instance, I don't think that there's any sort of requirement for the Commission to formally act or accept a resignation. I think that a vacancy arises as a matter of course.

[Ginale Harris:](#) May I make a motion that we, as the Commission, accept Commissioner Benson's resignation?

[Jose Dorado:](#) I can second.

[Ginale Harris:](#) It is.

[Regina Jackson:](#) Yeah. Well, no, it's not. The vacancy has been created by Commissioner Benson's resignation, which I've already accepted.

[Ginale Harris:](#) Right, but we have a disagreement on the acceptance. We adopted the Roberts Rule of Order. It wasn't that we just, as a Commission, go by Roberts Rules.

[Regina Jackson:](#) Okay, well-

[Ginale Harris:](#) We adopted it.

[Regina Jackson:](#) Okay. Well, we have a first and a second.

[Ginale Harris:](#) Mm-hmm (affirmative).

[Regina Jackson:](#) I understand, it's election of an alternate commissioner. We probably would need to put that on the next agenda if that's what we were going to do.

[Ginale Harris:](#) Okay, but then we can't vote Tara in if we put it on the next agenda.

[Regina Jackson:](#) You're correct, but I think that Sergio has responded. I mean, like I said, in the last several resignations, the Chair has accepted those resignations. They've been confirmed by the person who resigned. That was exactly what I did with Commissioner Benson.

[Ginale Harris:](#) Okay. Again, Counsel, is that your legal advice? We adopted it as a rule.

[Sergio Rudin:](#) My advice is that vacancies occur as a matter of state law as opposed to a matter of parliamentary practice. In this instance, a vacancy does exist, if Commissioner Benson has indicated a intention to resign and has, you know, not intended to rescind her resignation.

[Regina Jackson:](#) And I did accept it, so it sounds like we do have a vacancy.

[Ginale Harris:](#) Moving forward, is that what we are adopting? Are we changing the rules that we all adopted? I'm just asking for clarity.

[Regina Jackson:](#) It sounds like our attorney has been clear, that Roberts Rules of Orders are ...
Hmm? No?

[Ginale Harris:](#) Not clear. If we adopt something as a Commission, I want to know, when we change the rules, you know, is there anything we need to do? Are we now going by, if someone says, "I want to resign," that'll be it?

[Regina Jackson:](#) That has been a point of consistency. It's been a procedure. It's, you know, established over the last several people who have resigned, so it's a point of precedence as well.

[Sergio Rudin:](#) What I will say is that the Robert Rules of Order govern, you know, parliamentary procedures, sort of the conduct of meetings. They are not intended and cannot supersede state law as a matter of practice.

[Ginale Harris:](#) Okay. Thank you.

[Regina Jackson:](#) Thank you, appreciate that. We will get back to the election of the alternate commissioner to fill the Commission vacancy. The Commission will elect Alternate Police Commissioner Tara Anderson to fill the vacancy created by Commissioner Benson's resignation. Let's see if we need public discussion. I

don't have any cards for this point. Yeah, this is item number four. Are they out of order? Oh, yes, they are. I have two speakers, Rashida [Granage 00:45:33] and Celine Bay.

Celine Bay: Since I'm up here, Celine Bay. In dealing with this, we're still talking about filling out the Commission with quality people. I really don't know Ms. Anderson. I know that you come from the DA's office or you work with the DA in some sort of capacity. I also know that the DA's office is historically one of the most corrupt and one of the most vicious places in locking up people of color.

Celine Bay: If you are working with them, if you are friendly with them, then, you know, it seems to be a conflict of interest. The DA's office is friendly with the police officers, because they have to work with them. The police officers end up working for the DA's office as investigators, right? The DA's office calls police officers to work with all the time.

Celine Bay: Therefore, your office's interactions with the police department, seems to me, would disqualify you to be here based on, not, again, where your heart is or who you are personally, I don't know and I'm not pre-judging you on that, I'm just saying the perception of a conflict of interest or from the community's perspective. We'll be watching you to make sure that your actions are in line with what's best for the community.

Celine Bay: The problem that we've been having is that the mayoral appointments have always seemed to kick our cans down the road. I've been to every single Commission meeting since last year and our case still hasn't made it up. It's been on hold since it was formally adopted in October. It was ranked as a high priority and yet I don't see it on the agenda. I was assured personally by multiple people up there on the dais that this was going to be taken care of.

Celine Bay: Just like the chief jumped up and made sure that she spoke to the lawyer to find out what it is, that's what a good CEO is supposed to do, except that, as I'm up here, as I pointed out racial profiling, we still haven't seen her make a move. She's had racial profiling since last year. Why hasn't she come to you and said, "This is what we're doing. I can't speak about that document, but this is what we're doing"? If you're not adopting it, she's not adopting it, it seems as if you guys, somebody's in bed together.

Regina Jackson: Thank you, Mr. Bay. I believe you might remember that we are looking to plan a hearing on racial profiling later this year.

Celine Bay: [inaudible 00:48:25].

Regina Jackson: Rashida Granage? Oh, thank you. No? Rashida, you don't want to speak on Item 4? Okay, thank you. Dispensing with public comment, do I have a motion to ... Oh. Tara, would you like to introduce yourself?

[Tara Anderson:](#) Yes. Thank you. First, I'd like to thank the Selection Committee. The amount of effort required in interviewing all of the public at large candidates was immense. Just as a candidate, what I had to go through was quite a bit of a process, but I'm grateful for it because of the esteem, the quality of the questioners and the great respect that they garner. Many of them could be sitting in these roles, and possibly should be, instead of me.

[Tara Anderson:](#) I'm here before you, humbly, but with great confidence, that I have the passion, the skills, the experience to be a part of a reformed Oakland Police Department. I come from a long history, both family and professionally, in criminal justice. My uncle was a judge, my father, a legal officer in the Navy, also a defender of his fellow officers in the Navy, and my brother is a police officer.

[Tara Anderson:](#) I also worked in San Quentin State Prison. I've worked in community with individuals returning home and with their loved ones. I bring a balanced perspective to my work and I have a proven track record of reforming systems from the inside. I have the great privilege of doing that every day in the city of, county of San Francisco for District Attorney George Gascon, the most progressive district attorney in the country, who is called to task the San Francisco Police Department on many occasion.

[Tara Anderson:](#) I am very grateful for the work I get to do every day, but this is where I live and the city I love more than anything. I wanted to bring to bear my talents, for what they're worth, to help call to account the bad actors that give this honorable profession a bad name, to call out racism, to call out the fact that this profession has been used as a tool of oppression and we see the impact of institutional racism here today. I am a change-maker. I am a truth seeker. I know that I am not alone in that. I understand the great commitment it is to be here. I look forward to continue to be being challenged by the community, continuing to learn what it means to truly be in service for all of Oakland. Thank you for this opportunity to do so.

[Regina Jackson:](#) Thank you. I'd like to entertain a motion.

[Thomas Smith:](#) I'd like to make a motion that we approve Alternate Commissioner Tara Anderson to fill the vacancy on our Oakland Police Commission as a commissioner.

[Regina Jackson:](#) I'll second. Excuse me, Mr. Rudin, we should have Commissioner Anderson recuse herself from the vote, correct?

[Sergio Rudin:](#) If she's compensated in any way for her service, I would recommend recusal.

[Thomas Smith:](#) Well, she's not-

[Sergio Rudin:](#) Yeah.

[Thomas Smith:](#) ... compensated for her service.

[Sergio Rudin:](#) No, I mean, like, are expenses reimbursed for service up here?

[Regina Jackson:](#) For what?

[Sergio Rudin:](#) No?

[Thomas Smith:](#) Okay.

[Sergio Rudin:](#) On occasion, are expenses reimbursed?

[Thomas Smith:](#) Oh, yes, expenses are reimbursed.

[Sergio Rudin:](#) Okay. It doesn't seem to me like it would normally be a conflict of interest, but not having had the opportunity to research this further, out of abundance, caution, I think recusal would be appropriate at this moment.

[Regina Jackson:](#) Okay, thank you. We'll take a vote.

[Jose Dorado:](#) Madame Chair, excuse me, I had a question. Has she been sworn in?

[Regina Jackson:](#) Yes, by City Council this past Tuesday.

[Jose Dorado:](#) Okay, this past Tuesday. Okay, thank you.

[Regina Jackson:](#) Mm-hmm (affirmative). Oh, I'm sorry. Yeah. I'd like to hear votes to approve Commissioner Anderson. Commissioner Dorado?

[Jose Dorado:](#) No.

[Regina Jackson:](#) Commissioner Smith?

[Thomas Smith:](#) Yes.

[Regina Jackson:](#) Aye, for myself. Commissioner Harris?

[Ginale Harris:](#) No.

[Regina Jackson:](#) Okay. Motion fails. Without being in this situation before ...

[Sergio Rudin:](#) We still have a quorum, so the meeting can continue. She, I think, would continue serving as Alternate Commissioner until further action.

[Regina Jackson:](#) Okay. Commissioner Anderson, you will continue in the alternate spot until we have another meeting to consider. Thank you. We're going to move forward to number five, Meeting Minutes Approval. Item number five, we have Celine Bay.

[Celine Bay:](#) Celine Bay. For the meeting minutes, I know every time I get up here and speak about the same case over and over again, the people who are in charge of the case are sitting right over there, the people who closed it without investigating my brother's case for, my brother was shot by four gunmen who ambushed him. After over 12,000 pages of discovery, when we self-filed against the City and forced them to come up with 12,000 pages, turns out that OPD had a relationship with the lead suspect in my brother's case.

[Celine Bay:](#) Even though my brother survived, right, he was still attacked. That attack can be traced right back down to the police, right? We have the actual documents. Just as the police chief said, that they're under federal seal, they're OPD documents. They're available to her. She doesn't have to talk about them publicly, but she can act on criminal conduct by her police force. Compromising criminal cases is MOR370.72. That's obstruction of justice.

[Celine Bay:](#) 63 days after my brother was shot by these four gunmen in Montclair, which is an anomaly in itself, OPD closed the case and then lied about it for the next five years, saying that they working on it, until we did a records request and found out, between 2005 and 2011, that it had been closed. During the time that it was closed, I filed the complaint that nothing was happening in my brother's case. I filed it with the CPRB.

[Celine Bay:](#) The person that was supposed to investigate it was Ms. Tom, right there. She closed it in 2007. Flash forward to 2013, the compliance director, at our behest, reopened the case and renamed it IAD131062. What's funny about IAD131062, and nothing's funny about IAD131062, is that the CPRB found it not sustained. The IAD found it sustained, but they found it sustained for simple failure to investigate, which is MOR314.39.

[Celine Bay:](#) You see, that's the least amount. If you're talking about obstruction of justice as it applies to a non-statute of limitation attempted murder or murder case, then these are all still charges that the police chief should be acting on right now. There's criminality inside her department. Obstruction of justice, as it applies to these non-statute cases, can be looked at. Since these cases are still open and supposed to be being investigated, the 3304 date doesn't apply. It's still tolling at this moment right now so that we can hold these officers accountable.

[Celine Bay:](#) The main officer who was a supervisor at that time that wasn't found guilty was Ersie Joyner, who's now the head of Ceasefire. As Ersie Joyner, before he was the head of Ceasefire, was putting illegal weapons on the street and in the hands of shooters and then letting them shoot up the black community, we find out now that he's the head of Ceasefire about taking those same weapons off. As the charts showed, it said, "Oh, there was such a decline in illegal weapons." Of course there was a decline in illegal weapons, because they were all known ahead of time by OPD.

[Regina Jackson:](#) Thank you. Henry Gage and Larry White?

[Henry Gage, III:](#)

Thank you, Chair. Henry Gage, III, with the Coalition for Police Accountability. I want to draw your attention to Item 4, because the title is somewhat unfortunate. Calling this an "election" is technically not what's actually happening here. To have an election generally requires multiple candidates and you have that kind of competitive process.

[Henry Gage, III:](#)

I'd also like to draw your attention to a section of the Charter. I'm looking at 604C, both seven and eight. I'll give you a second to turn to that page if you have your phones handy. The keyword in those sections is "shall," "The Commission shall select from the alternates." You only have one alternate to select from. Unless there's some mayoral appointee waiting in the audience that I'm not unaware of, Ms. Anderson's who you've got right now. I see no discretion under this measure to not vote on her election. I could be mistaken about this, but this seems fairly straightforward.

[Henry Gage, III:](#)

Additionally, I'm somewhat surprised by the commissioners who voted against Ms. Anderson, because it doesn't seem to make a lot of sense, so to speak. If you're looking for another commissioner to replace her as a full commissioner, the only other way to get another commissioner would be to go via the mayoral appointment process, as you cannot have two selection panel alternates at the same time. This should've taken five minutes. I'm very confused as to what's going on here. Thank you.

[Larry White:](#)

Good evening, Commissioners. Larry White with the Coalition for Police Accountability. I'm going to agree with Henry, say it in slightly different way. I guess the main point, I'd like to make a real point here, which is that, from watching you tonight, it's obvious to me that you need more training. You especially need more training, more legal training. You need your own lawyer and that process has got to be moved forward. I really encourage you to get that going.

[Larry White:](#)

I worked with Commissioner Prather on the RFQ and it has gone to the City Attorney. You can't just let it stay with the City Attorney, because that may, you have no idea how long that will take, but it will take a long time, if ever. Please get that going. To echo Henry, it's in the City Charter that the alternate, you have to choose one of the alternates to become a regular member. You only have one alternate, therefore she becomes a regular member.

[Larry White:](#)

For Commissioner Dorado voting against this, it's purely you have just put a little bit of poison into the Commission that really wasn't necessary. We all have noted that. One more thing, getting back to the training, there was a discussion before about the acceptance of a resignation. Again, this is a matter of legal training. Your counsel did advise you, but you really need to have a training about the hierarchy of laws. State law takes precedence over any rules that you might make. You know, an ordinance would take precedence over any rules you might make. These are sort of legal issues that you need to get some training for. Thank you very much.

[Regina Jackson:](#) Thank you. Mary Vale?

[Mary Vale:](#) I just signed up. First of all, I understand Commissioner Harris' question about process. Unlike the seed, first Commissioner Nisperos resigned and, of course, you didn't elect, you elevated. The Charter amendment, unfortunately, was listed this way. Going back to Commissioner Harris' point, when Commissioner Nisperos resigned, he tendered a written resignation to the Chair of the City Council. When Alternate Commissioner [Duly 01:02:39] resigned, she'd been appointed by the mayor, she submitted a written resignation. Commissioner Benson resigned verbally to you guys, walked out of the meeting, and then publicized her resignation on Facebook. She never submitted the paperwork.

[Mary Vale:](#) Yeah, there was a factual question about, but her intent was clearly clear. Tonight, it's an elevation, LL, the Charter language, talks about the decision you make is not an election and it follows the origin of the original. The seed is sort of an all section committee seed, first Nisperos, then Benson was elevated into it.

[Mary Vale:](#) It's unfortunate, given your workload, that you have not elevated Commissioner Anderson. The fact that also the issue, some of the members of the public expressed reservations because she works for the DA, we have certain disqualifications in the Charter amendment. You can't be a city employee and serve on this body. You can't be a current or former OPD officer and serve on this body. Other law enforcement employees are eligible to serve, so there's no question about the qualifications.

[Mary Vale:](#) As reflected by Ms. Anderson's comment, I mean, the fact her approach to her work as the policy director for DA Gascon was discussed at length at the Selection Committee. She mentioned some of it this evening. Anyway, being a district attorney, for that matter being a criminal defense attorney or a DA does not disqualify you from serving, you know, either as an alternate or as a commissioner. You've got the workload. I think you need to consider going back and doing this matter.

[Regina Jackson:](#) Thank you. We will restate this and bring it back next agenda. We are still on the Meeting Minutes Approval. Does anyone have any comments for the minutes?

[Jose Dorado:](#) Madame Chair, was there a reason why there wasn't any transcripts of the minutes?

[Speaker 2:](#) My understanding is I was not here during that time, but the transcripts have not come back yet.

[Jose Dorado:](#) Do you have any idea when they will be here?

[Regina Jackson:](#) The transcripts are supposed to be-

Speaker 2: They should be-

Regina Jackson: ... separate from the minutes, I thought.

Ginale Harris: No, they're supposed to be together. The minutes are supposed to be transcribed. We voted on it.

Speaker 2: They should be ready-

Thomas Smith: No, we approve-

Speaker 2: ... by the next meeting.

Thomas Smith: Chair?

Regina Jackson: Commissioner Smith?

Thomas Smith: No, what we approve is the minutes. We're going to offer a transcript as well, but we're not approving. That was the whole idea of separating them out. We're just approving the minutes, but we're making the transcript available. You know, we don't need the transcript to approve the minutes. Whenever the transcript people get the transcript back to us, that's great, and we'll make that available, but we have everything we need in terms of approval of the minutes, because these are the minutes, you know?

Jose Dorado: Yeah, I was just-

Regina Jackson: Commissioner Dorado?

Jose Dorado: Excuse me. I was just responding to the request for a comment. It's not obstruction to approve the minutes. I understand that. I'll move to approve, but I just wanted to clarify that point. I'll move to approve the minutes.

Regina Jackson: Okay.

Thomas Smith: I'll second the motion.

Regina Jackson: All in favor? Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Smith?

[Thomas Smith:](#) Yes.

[Regina Jackson:](#) Aye, for myself. Commissioner Harris?

[Ginale Harris:](#) Aye.

[Regina Jackson:](#) Okay, minutes have been approved. Motion passes. The next item is six, Oakland Police Department Report on Pawlik Investigation. Police chief will provide all publicly reportable information on the investigation and findings in the police-involved shooting of Joshua Pawlik on March 11, 2018. Chief Kirkpat?

[Ms. Kirkpatrick:](#) Good evening. Welcome, Alternate Commissioner Anderson. I will begin with giving an update of the case from the beginning and to share where we are at this stage that we are in the Pawlik matter. First of all, I do want to say and recognize that I feel very sorry for the Pawlik family. This is painful for them that they have to not-

PART 2 OF 7 ENDS [01:08:04]

[Ms. Kirkpatrick:](#) Painful for them that they have to not only lose their loved one, but to go through the process of what we're doing now and that is painful for them. OPD was engaged in an officer involved shooting on March 11th, 2018. At the immediate aftermath of that shooting, we called out both two types of investigations, the criminal investigation team that works at the criminal side and does an investigation from the side of a criminal walk at the same time, the internal affairs team comes out and they began an investigation regarding policy or policy violations. On March 12th by 6:00 in the evening, all of the officers involved in the event had their initial interviews.

[Ms. Kirkpatrick:](#) Those initial interviews are also witnessed by the Alameda County [Dis 2 01:09:15] Alameda County district attorneys who also come out at the very time of the scene. On March the 12th through October 21, during that time period, that is when investigations, interviews, video enhancements, video analysis, submission of evidence and so forth, that is during that time period that the investigation is running. To give you a context, the investigative file is approximately 800 pages long with hours of PDR video. On October the 19th, the internal affairs division completed its investigation. Again, the internal affairs unit or division is looking at policy issues.

[Ms. Kirkpatrick:](#) On October 24th, I received the file from the criminal investigation division for my review of the file before I approve it to be submitted to the district attorney. On October 31, I had reviewed the criminal investigations file and I approved it to be given to the district attorney's office, and that is on October 31. On November 1st, 2018, I approved the release of the PDRD video which was public and on the news stations. On November the 7th, the criminal investigation division presented to the DA's office by their protocol the investigative file. I'm

now going to transition to focus on the internal affairs division investigation. On November the 9th, the investigation was forwarded to IAD.

[Ms. Kirkpatrick:](#)

In other words, the CID's file at this stage, goes over to the internal affairs division. Oh, November 28th and 29th, that is when the first executive force review board is convened to listen to the investigative results and it was a 2-day, full day presentation by subject matter experts and the investigative division commander presents that investigation to a review board. I do not participate nor sit during the review board. The review board is comprised of one deputy chief and two captains. They are the voting board. However, the board also includes one of the city attorneys, the deputy city attorneys who is present and a part of the board.

[Ms. Kirkpatrick:](#)

We also had by our new police commission, we had police commissioner chair at the time, Thomas Smith was also a witness to the board proceedings and we also had other people as observers but not voting. After the 2-day presentation, the board chair sent back to the internal affairs commander a request for additional information before there was a conclusion of the board. The internal affairs commander wanted additional investigation done to look at potential violations. On December 21 ... Let me make sure I'm following notes properly here. Okay. On December 21, the internal affairs unit division commander did indeed do the followup as directed and prepared what is called an addendum report at the request of the force review board chair.

[Ms. Kirkpatrick:](#)

On January 9th, when I should add, we had a second convening of the executive force review board. The boards are also conducted when the federal independent monitoring team is present for their monthly check-ins. On January 9th, there was the second reconvening of that executive force review board. At that time, the internal affairs commander did come back with a changed recommendation based on the additional investigation. It is at that particular board meeting on January the 9th, the vote was taken by the executive force review board members, the three members who vote and they came to their recommended findings after the vote.

[Ms. Kirkpatrick:](#)

They were voting on policy issues associated with whether or not the shooting was within policy and whether or not, there were any policy violations in terms of like supervision. There were several policies that they had investigated and they came to findings and made a recommendation, made a vote, and then they prepare a report that is brought to me. On February the 8th and in between that, I received the report of their recommended findings to me and on that date, February the 8th, I approved the recommendations in part I agreed and in part, I disagreed. I came to my findings and submitted those. On February the 15th, the compliance director also made findings and his findings did not align with mine, and so his addendum has also been prepared and submitted.

[Ms. Kirkpatrick:](#)

At this point in time, the 3304 which is the one year time limit, which would be March the 11th, that has now been told. With respect to the fact that the CPRA

as you know does an independent investigation and I cannot speak to that because I don't know the results or if there is a result as they make their findings. Depending on that, next steps occur, and so the main point would be that the case is not concluded until all steps are completed. That is where we are with respect to regardless of how the case ends up being concluded.

[Ms. Kirkpatrick:](#)

I do want you to know that according to our new law, which was SB1 421, I have given directions to prepare our case for public dissemination and that is being worked on as we speak because under the law, the public should be able to see this case file subject to legal redaction. That is in process. In addition, I want to say it this time regardless of the outcome of this case that I do and am preparing for policy changes and training, that will be additional training. My goal is to get to best practices if there are any in this country regarding people who are either asleep or unconscious and they are with guns and the waking up.

[Ms. Kirkpatrick:](#)

If there are none in this country, we and we together as a police commission, we will develop policy and training and we will be the agency of best practice. We are working on that at this time and that is my report for you.

[Regina Jackson:](#)

Thank you. Commissioners do you have any questions? Mister Anderson and then Harris.

[Tara Anderson:](#)

By the way, the chair? Thank you Chief Kirkpatrick. I had a clarifying question in reference to the disagreement you had and then subsequently sent back to the review board. Ultimately, the report that came out internally on the 8th, and possibly you may not be able to speak to this, did it come back and that ultimately you're in full agreement with the final findings of the board that then ...

[Ms. Kirkpatrick:](#)

I was not.

[Tara Anderson:](#)

That produced. Okay.

[Ms. Kirkpatrick:](#)

That's where I agreed in part and I disagreed in part. Now I do not get involved in the stages of the investigation until after the executive force review board does their vote and presents to me their findings and as the chief, I do have the option to agree, disagree, to agree in part, disagree in part, which is what I did. Then likewise, the compliance director also has that right to do the same.

[Tara Anderson:](#)

I guess I need clarity on the report that then is compared to what the CPRA findings are because ultimately when there's disagreement in findings, that's what comes before us.

[Ms. Kirkpatrick:](#)

That's correct.

[Tara Anderson:](#) I'm trying to understand if ultimately the review board has findings that you agree in part and disagree in part, but that has no bearing on what is compared to the ultimate investigation by CPRA.

[Ms. Kirkpatrick:](#) That's a good question for the public as well as for you process wise. At this stage, I am done with these steps or involvement in the case. CPRA and they can speak to it, I don't know what the findings or conclusions or the stage fully is for CPRA, but you are correct, it will depend on what their findings are, but at this stage for me and the police department, we have concluded our steps, but the steps are not completed in terms of the entire process.

[Regina Jackson:](#) Commissioner Harrison.

[Ginale Harris:](#) Thank you chair. Hello chief. I have a 2-part question. One is why did it take eight months to get to IED, and then the second question is when did the evidence get handed over to the CPRA.

[Ms. Kirkpatrick:](#) Okay. The first question, why did it take eight months for the case to go to IA. Actually they were operating from the very beginning that night. What is being referenced is when the criminal investigation cases also then turned over to IA, so they had been working the investigation all along from the very beginning as well.

[Ginale Harris:](#) Okay, so I think I'm going to let you know why I'm asking the question because we have two different agencies that to do two different investigations and if your agency is hanging on to the evidence for eight months and we have a 330 date that we must be in compliance with, how long do you think it takes the other agency to do an investigation with the evidence that you have?

[Ms. Kirkpatrick:](#) I will let the acting executive director speak to when you receive information and the fact that you can start your own investigation from the very beginning, so you may want to qualify. I can't speak about how the CPRA does their investigations.

[Regina Jackson:](#) Miss Tom.

[Ms. Kirkpatrick:](#) Generally, the CPRA conducts investigations. In this particular instance, there will be some lag time because a CPRA does not always received materials in the same timeframe and so if their case is in criminal investigation division, then the CPRA would not necessarily be able to receive and review the files until they are released from CID.

[Ginale Harris:](#) Do the chair ...

[Regina Jackson:](#) Go ahead.

[Ginale Harris:](#) May I ask when you received the information needed to do an investigation on Joshua Pollock's case?

[Karen Tom:](#) On this particular case, I don't want to get too much into the specifics of the case, but we were not able to receive the materials until CID had completed their investigation. I mean that is not unusual for this type of a serious case.

[Ginale Harris:](#) When was that?

[Karen Tom:](#) In this particular case if I recall correctly, the CPRA received the materials to review, I believe it was at the beginning of this year.

[Ginale Harris:](#) Say that again.

[Regina Jackson:](#) Say that one more time please.

[Karen Tom:](#) My understanding is that we received the materials after CID completed their investigation and so the chief said they didn't complete their investigation until November. I don't know the specifics of the details, but we were not able to receive the materials to review until after that time, so it would've been after they closed it after November.

[Regina Jackson:](#) Thank you. Chief go ...

[Ginale Harris:](#) I'm sorry, my question was not answered. Please answer the question Miss Tom. I need a date. You don't have to be specific, but I'd like a month because the information I'm getting from you doesn't match with the information that the chief just said. If they didn't finish their investigation until November 28th and 29th, when did you receive or your investigator received the information and this is a very high profile case. I'm sure we remember some dates. When did you receive it from OPD?

[Karen Tom:](#) This case we received ... I can only say that we have not ... Materials were available throughout the course of the investigation. It wasn't that there were no materials available, so let me begin with that. The materials, some of them have always been available, right? It's not as if nothing was received. However, there were certain pieces as the chief said of the materials that were not received and so throughout the investigation, the investigator did have some access to some materials specifically as to which materials the investigator had I cannot speak to at this time. However, all the pieces were not received together ...

[Ginale Harris:](#) Well, let me rephrase the question ...

[Karen Tom:](#) That's not unusual for the CID investigation to not have everything.

[Ginale Harris:](#) When was the last piece of information that you received?

[Karen Tom:](#) The last piece of information?

[Ginale Harris:](#) Correct.

[Karen Tom:](#) That I cannot speak to the last piece because that would be something the investigator is working on, so I couldn't speak to the last piece, but pieces come in throughout the course of the investigation.

[Regina Jackson:](#) Okay, thank you. Chief Kirk, you mentioned that based upon SB 1421 that the documents will be disclosed and that you were making sure that your staff will make them available. I'd like to know will they be available before our next commission meeting. I want to make sure that the documents are available as soon as humanly possible.

[Ms. Kirkpatrick:](#) I understand that. I can say out of the 800 pages, the redaction process nor the hours of PDRD video would be ready, but for instance, the executive force review board report and I've triaged the things that I know that we need to get out sooner that are not as lengthy of a time for the redaction but it's a very, very thick file.

[Regina Jackson:](#) Okay, so let be a little bit more specific. I'm in this process, were you overruled by the compliance director in terms of your recommendations?

[Ms. Kirkpatrick:](#) I was.

[Regina Jackson:](#) Okay. Can you make available the addendum and his report before the next commission meeting?

[Ms. Kirkpatrick:](#) We are working on that as we speak and my goal is to have that before the next commission meeting.

[Regina Jackson:](#) Okay, thank you. As it relates to the 3304 having been told, what does that mean for the CPRA investigation from a timing perspective?

[Ms. Kirkpatrick:](#) I'm not a part of that. I don't know. I don't know about the tolling.

[Regina Jackson:](#) Karen can you ... Miss Tom, sorry.

[Karen Tom:](#) I can speak to that. Part of the process. The CPRA is also tolling the case, so we've also made the determination to toll the case because of several factors, which is number one because of the fact that one of the reasons we can toll the case under 3304 is that when there is such a criminal investigation, this is one of the reasons why is that when we're not able to get all of the materials because there is a pending criminal investigation or there was one, it allows for the additional time to review the evidence after the fact. I wanted to clarify that because this is not something unusual that happens. This is why it's specifically built in to the government code that way.

[Karen Tom:](#) The other reason we are tolling the case as well as now that there's also civil litigation in the case, and the third reason is that there is because of the complex nature of the case involving many subject officers and many issues involved in that matter. There's a multitude of reasons why the case can be told. It does not alter the process itself. It merely only gives more time to complete the process because of these complex things that are going on as the chief explained. It doesn't mean that we would alter or change the process. It's simply legally allows for more time to complete an investigation and/or impose discipline if discipline ends up being the result.

[Karen Tom:](#) I just wanted to clarify that for the commission and for the public to know that that does not in any way impact the ability of the actual process by which ...

[Regina Jackson:](#) Thanks Miss Tom.

[Karen Tom:](#) The agency would function.

[Regina Jackson:](#) Excuse me, I'm sorry. I know that according to your conversation with us written correspondence that you anticipate it may take several more months before you all are completed. Is that correct?

[Karen Tom:](#) That is correct. I can't give you a specific date, but it could.

[Regina Jackson:](#) Is there any other support that you need from us to get this wound up?

[Karen Tom:](#) I appreciate the commission being willing to provide the support and at this time, I believe that the additional time will be helpful for our investigator to complete the investigation.

[Regina Jackson:](#) Okay, thank you. Do the commission have any more que ... Commissioner Dorado.

[Dorado:](#) Chief can you give us a brief synopsis of what the parameters of the redacting will be in that report?

[Ms. Kirkpatrick:](#) I don't have the legal foundation to answer that because this is a new law that became effective January 1, and so there's been a lot of trying to internally with legal counsel about what is redactable and what's not, so I don't know. It's new territory for us because the law became effective January 1.

[Dorado:](#) Madam chair ...

[Regina Jackson:](#) Commissioner Harris. I'm sorry. Did you have a followup?

[Dorado:](#) Yes.

[Regina Jackson:](#) Commissioner Dorado.

[Dorado:](#) Do you expect it to be extensive?

[Ms. Kirkpatrick:](#) I do, but there are certain portions as I said that are not ... For instance, like the EFRB report, it's 45 pages. There were other reports that are not as long, that's why I'm triaging, trying to get out to y'all and to the public as quickly as possible. I am giving directions for triaging, but the big case file that is like 800 pages and the hundreds or I don't know. It's hundreds of hours, but it's a lot of hours of police video that all has to be reviewed. Yeah.

[Regina Jackson:](#) Now Harris.

[Ginale Harris:](#) Thank you chair. Chief we've heard Miss Tom say that it's not unusual that they get things later on in an investigation after your agency has completed its investigation. Is there anything in process or any kind of support that you would need to hasten they investigations, that way the information or the things that the CPRA needs to do its investigation can be in a quicker fashion?

[Ms. Kirkpatrick:](#) Yes mam, that's a part of what I was referencing when I was saying we are going to be talking about policy changes, protocol changes, and indeed the new court order that y'all referenced earlier tonight about the Mr. Swanson coming under court order to do an audit, that should also be very helpful to talk about processes. He will be an independent reviewer of those processes and I would anticipate there would be recommendations just like as other audits.

[Ginale Harris:](#) Thank you.

[Regina Jackson:](#) Are there any other questions before we go to public comment? Okay. Henry Gage [Lorelei Bosserman, Rashida Grenache 01:34:49] and Cathy Leonard.

[Henry Gage, III:](#) Thank you chair. Henry Gage III with the Coalition for Police Accountability. A few comments. First, a process issue. I think I've said this a number of times already, but it's always helpful to have written reporting for items like this. If you can have a number of pages for job related stress which is the next agenda item, you can take one of the 800 pages of this file, redact that, and make that a publicly releasable agenda item. Thank you. No one who wants to investigate this matter further and sees this on K top should have to watch the entirety of an oral presentation to get relevant information.

[Henry Gage, III:](#) Second, my understanding has always been that CPRA and IAD are to conduct parallel investigations and you can't conduct parallel investigations if we're getting the file only after CID has completed their investigation. This is ridiculous. The measure itself has language to address this issue and the investigations section, the 604F, I believe it's three or four, it talks about how document requests from the agency are supposed to be completed within 10 days. If that's not happening, the action needs to be taken and it's borderline contemptible.

[Henry Gage, III:](#)

Finally, moving forward to more proactive action because you can't go back in the past and change what's already happened, but you can make sure that when CPRA gets investigative files on time under the measure, they have appropriate staffing to complete their investigation in the 6-month timeline laid out in the measure. Now my understanding is they're mandated to have one investigator per 100 sworn officers, which would put them at seven given current staffing. My understanding is also that they're down three and I'm glad to see that there's an agenda item on this agenda to address the current hiring freeze.

[Henry Gage, III:](#)

However, it also puts the onus on the agency itself to ensure that assuming those extra investigators are hired, that indeed is enough staffing to meet this mandatory 6-month deadline under the measure. My anticipation is that given what's been happening with these kinds of cases and how close we're getting to 3304 dates, seven people, which is minimum staffing please remember may not be sufficient and given that the finance office or committee, I can't remember the suffix there, is pushing this commission for 160 something thousand dollar budget cut, I suggest you push back quite strongly and encourage them to understand that in order for you to do your job, CPRA needs to staff up.

[Henry Gage, III:](#)

Please take some action on this. This is ridiculous. It should not take this many months to get information between agencies. Thank you.

[Regina Jackson:](#)

Thank you. Lorelei Bosserman.

[Henry Gage, III:](#)

Hi, I'm Lorelei Bosserman. I am confused because I'm fairly certain that I heard the former director of CPRA, Anthony Finnell say that he got information from the police department like within two days. I don't know if that was just the initial information that there was a case that had been opened, but I had the impression from him that information was coming over right away and that is very different from what I'm hearing today. I'm hoping someone can speak to that. My other question that I'm hoping someone can speak to is what is tolling? What does that mean? Does that mean the deadline is being pushed out? Does that mean the deadline is here? Do we get to have more time to decide on discipline? I just don't know. Thanks.

[Regina Jackson:](#)

Miss Tom, would you like to address that?

[Karen Tom:](#)

Yes. I'm just going to add a couple of points. Just for clarity for the public, there is a distinction between things that come out from criminal investigation division versus regular document requests because of the fact if a criminal investigation is pending into an act, that does change the nature sometimes of document release. I just wanted to distinguish that there is a difference between things that are in criminal investigation division versus just things that are generally requested in terms of documents, and that's again why there's a specific section in the government code for when cases are in told because of

that, because a criminal investigation can sometimes take an extensive amount of time or take some months if it's serious.

[Karen Tom:](#)

With that said, tolling really is a situation that again, it does just extend the amount of time you have when normally you have a year to conduct an investigation completed and impose discipline on a subject officer. Tolling simply allows additional time for that process, so it's a built in ... Because of the exception, the ones I articulated, those are specific to allow for that legally to have additional time where you can impose discipline beyond the typical one year statute of limitations.

[Regina Jackson:](#)

Okay. Two things. I'd like to make sure that our admin Chrissy Love can provide us a timeline of the dates that you all have received documents so that we can then understand if this is a continual delay and problem. Then the ... Oh shoot, I forgot the second point. I'll come back. Okay. Cathy Leonard, thank you.

[Karen Tom:](#)

Cathy Leonard with the Coalition for Police Accountability. I personally have heard, Henry Gage, my colleague asked Chief Kirkpatrick a number of times to provide a written report instead of giving an oral report. If you have a written report in advance of the hearing, you have an opportunity to prepare your questions, you can read and digest the report. We're at in an unfortunate situation where we have to hear the report given orally and not have a chance to digest it and ask some pertinent questions. I'm going to again reiterate that we really would like to have written reports from Chief Kirkpatrick.

[Karen Tom:](#)

The other thing is I'm a little shocked that neither the chief nor Miss Tom can give us a date certain of when they got the entire report from the police department or when the police department turned it over to CPRA. It seems to me that every case has a timeline. Okay. You have a written timeline. You say I got the document on this day, we have this period of time that we need to complete our report and these are the steps that we're going to take in between the time we got the report and the report has to be finished, so thank you, Commissioner Harris for bringing up that point. That's a very important point.

PART 3 OF 7 ENDS [01:42:04]

[Cathy Leonard:](#)

Thank you Commissioner Harris for bringing up that point. That's a very important point. The statute of limitations we see in a lot of cases by the police department has run because the investigators, whoever they might be, get the reports too late. Giving the reports to CPRA if it's true at the beginning of this year, is completely unacceptable. Completely unacceptable. We can't stand for this.

[Cathy Leonard:](#)

I'm glad that the chief has said on the record that her department is going to comply with SB 1421 because that's very important. We're seeing now in the news that a number of officers who have committed rapes, have beat up their

wives, beat up their children, rob banks. I mean, the crimes go on and on and on, and these officers are still on the job. Either they're in those departments where they committed those crimes or they just move to another department and keep committing criminal acts.

Cathy Leonard: We need to stop hiring officers who commit crimes and those that do commit crimes, we need to get rid of them. Fire those officers. Stop all this dilly dallying around. OPD will never gain credibility in the minds of the community, in the minds of anybody if they keep on hiring and keeping officers on the force that are criminals. Thank you very much.

Regina Jackson: Thank you. Rashida Grenache, Jim Shannon, Karen Adams and Ann Janks.

Rashida Grinage: I want to agree with everything that's been said. Particularly the notion about parallel not consecutive investigations, and particularly the enforcement language in measure LL, you need to enforce it. The problem didn't just start with the transmission of or lack of transmission of information. It started on the evening of March 11th at the incident itself.

Rashida Grinage: As the chief said, she had her criminal investigators there and she had internal affairs investigators there. Guess who wasn't there? CPRA. Guess who wasn't there? CPRA. The commission needs to be notified timely when these events occur, and the CPRA executive director needs to get an investigator over to the scene along with internal affairs.

Rashida Grinage: CPRA also needs to be out the executive force review board meetings where the evidence is presented so that they're not lagging. They're not waiting. They need to be on par with internal affairs. The only way they can do that is by fully participating from the time of the incident itself. It also took a day before internal affairs even presented the complaint or the incident to CPRA. So they lost a full day there.

Rashida Grinage: A lot happens in that time that is lost to CPRA. That's not okay. And that needs to be remedied for the future. The fact that the chief continues to not provide written reports after having been asked to do so is a problem. And I think that you need to make it clear that that is not acceptable, it's not useful to you or to the public to not be able to prepare ahead of time to know what it is she's going to present. Thank you.

Regina Jackson: Thank you. Larry White.

Larry White: Thank you Larry White with the coalition. If I can't [inaudible 01:46:25].

Speaker 3: All right, go ahead. I'll go find it.

Larry White: I want to read into the record a paragraph from measure LL, which is on Rashida's phone. I had to help. Normally, I don't read legal tax because it's so

boring, but I think it's important for this to go into the record and for everyone to think about it. This is a section 604 paragraph F2 of the Oakland city charter. Subject to applicable law, the agency shall have the same access to all department files and records with the exception of personnel records in addition to all files and records of other city departments and agencies as the department's internal affairs division.

[Larry White:](#)

Access to personnel records shall be limited to the agency director who shall maintain confidentiality as required by law. The department and other city departments and agencies shall make every reasonable effort to respond to the agency's request for files and records within 10 days. This is the Oakland city charter. If the city attorney had given you decent training, instead of trying to prevent you from doing your job, you would have known that the point of this is the agency shall have the same access to the records as IED, as the Oakland Police Department's Internal Affairs Division.

[Larry White:](#)

That is in the city charter. Also, please it's time to hire a permanent executive director and your own lawyer. Please make that a priority. Thank you.

[Regina Jackson:](#)

Thank you. I have Jim Shannon, Karen Adams, Ann Janks, Celine Bay and then Mary Vale.

[Jim Shannon:](#)

Hi. I just wrote about five or six points down as I was listening to the conversation. These are bullet points rather than fully developed thoughts, which I don't have time for in the short time I have available. Number one, why does a commissioner get to attend the FRB and not the CPRA? I have no understanding since the commissioner doesn't even get to vote on the case if IA and the CPRA agree with each other.

[Jim Shannon:](#)

This particular executive force review board went on for two or three days as the chief said. It absorbed an immense amount of evidence which the CPRA saw absolutely none of. Nothing. And you folks are the ultimate authority and yet your investigator has seen nothing. I'm sorry to say that I couldn't help notice that your investigator, the CPRA person, could not answer a question as to when they got the evidence.

[Jim Shannon:](#)

Evidently, they have no log or other document to tell them when they got evidence. That's a problem. I also had number three, I have no understanding as to why the CPRA has to wait for CID. Internal Affairs doesn't wait for CID and you have the same access as they do. There is absolutely no reason for you to wait for CID investigation to conclude.

[Jim Shannon:](#)

Number four, I don't know if you know why this case was told, but the one and only reason it can be told is because a civil case has been filed. The CPRA person told you that they are going to be finished in a few months. Well, what if the case settles in a couple of weeks, then the statute will start running. It's got about 20 days to go and you will be out and perhaps you'll take the city with you

because you're an integral part of the whole set up here. And the officers won't be disciplined at all if that in fact is going to happen.

[Jim Shannon:](#)

The answer of a few months is simply unacceptable given the vagaries of civil cases. And fifth, the CPRA was not at the scene. Internal Affairs was at the scene. CID was at the scene and your representative was not. You should have the right and more forcefully the obligation to be at the scene, to be at the FRB, to be the number one authority at these cases without interfering. But you have to see, hear and know what these investigations are.

[Jim Shannon:](#)

Otherwise, your final product will not be good enough to be on top, which is the way LL says it should be. Thank you.

[Regina Jackson:](#)

Thank you. Miss Tom.

[Karen Tom:](#)

I just wanted to address a couple of things. First of all, I just wanted to say that I myself did not have the log of my investigator regarding the ax. Specific dates and times are recorded in our logs. We do keep logs of what is there. So I just want to clarify that because I don't want anyone to think that we don't keep meticulous logs of the work that we're doing. I just simply don't have that in front of me because I could not anticipate the potential questions that were coming, which is why I was looking through what notes I-

[Speaker 4:](#)

Why not? It's the day of [inaudible 01:52:48].

[Karen Tom:](#)

I do have notes in general, but I don't have specific dates if you're asking for a specific report. Reporting times. But in any event, there are logs of things. Number two, there were multiple reasons why the case is being told. And so the date of calculation will allot for at least that amount of time that the investigator needs of the several month window.

[Regina Jackson:](#)

Okay. Thank you very much. Karen Adams, Ann Janks, Celine Bay, Mary Vale.

[Karen Adams:](#)

Hi, I'm Karen Adams. I work with Homeless Youth Alliance and we're a service organization in the Haight-Ashbury, work with homeless youths and Mr. Pawlik was one of our participants and I'm here today on behalf of him, on behalf of his family and on behalf of all the people I work with because this is not one part of my fucking job, is showing up to these meetings so I can ensure that the young people I work with who fall asleep in between homes because they don't have anywhere else to go are not woken up by an array, dozens of bullets killing them.

[Karen Adams:](#)

That's why I'm here and I'm an Oakland resident and the unprecedented numbers of homeless people in Oakland, I'm here for them too because they are new to that experience. They're new to being woken up by the police and they're unsafe. And I'm here too, because chief, no, no, you do not get to say

that you're starting new training and we have to start the wheel over into best practices. We know best practices.

[Karen Adams:](#)

I've been doing this work for over a decade and never have I ever had hands put on me or I put hands on anyone else. There are deescalation skills out there that exist. So no, that's a fucking bullshit excuse. Bullshit excuse. And I want to say his name. Joshua Pawlik. Say his name. We cannot forget Joshua Pawlik.

[Speaker 5:](#)

Joshua Pawlik.

[Karen Adams:](#)

Yes. We can not forget we're talking to him about a living person that represents thousands of people, thousands of people who come to this part of the country fleeing all sorts of different, traumatizing and oppressive situations. They come here seeking refuge not to be murdered by the fucking Oakland Police Department.

[Regina Jackson:](#)

Thank you Karen. Ann Janks.

[Ann Janks:](#)

Ann Janks. I was having some flashbacks of moments when I've been asked questions about a situation that I wasn't in, in the beginning. Karen Tom has my sympathy for having to be here now for something that you were the acting executive director when it was happening. I think that the fact that this case has being told, means that we dodged a bullet. And the one thing that I know about dodging bullets is it's a tremendous learning opportunity. If you don't learn from it the next time you will be shot.

[Ann Janks:](#)

The timeline is untenable. We shouldn't have to pray that the lawyers who are going to file a lawsuit that's going to enable totaling. The timeline is untenable. And I think it's incumbent upon us to ensure that these investigations are more timely. I'd like to have the chief reporting to the commission on what causes this process to bump up against the one year deadline repeatedly, and how it can be expedited so that we aren't facing this in the future.

[Ann Janks:](#)

It's very nice that the chief was mentioning some policy changes about how to approach sleeping or unconscious people. I think that there are larger policy changes that really need to be looked at here and I offer anything I can do to help the commission with that. I urge you to please look at the broader policy around use of force. Thank you.

[Regina Jackson:](#)

Thank you. Mary Vale, Celine Bay.

[Mary Vale:](#)

Mary Vale. LL, past practice when it was the CPRB. Parallel investigations. Parallel investigations is not being fed information in dribs and drabs when IA and DA's office feels like it. That has to stop. Should never happen again. Interestingly, when the shoe's on the other foot, in 2013, 2014 talking about consolidating all the civilian complaints and major incidents in the old CPRB,

they got frantic, "Oh, well we have to have our copies and 24 hours or whatever so we can do parallel investigations."

[Mary Vale:](#) Right now they're driving in the car and abusing the other car's driver by this. How this has unfolded. This issue came up in San Francisco with the OCC versus SFPD. SFPD was worried they'd lose their chance to investigate. No, and they consolidated the complaints. IA over there, we get a copy. They could choose to do a parallel investigation and in major cases they always did. But here we've got it backwards and it's really, really unfortunate.

[Mary Vale:](#) IA's decisions are always going to win when one group does the investigation first and one organization gets all the evidence and another one gets pieces of the evidence. It's wrong. Structurally fraud. It has to stop. Lastly, vis-à-vis your group for the chief to use the Skinner bill and reductions, you should be getting everything. Yes. And you're under multiple confidentiality and nondisclosure bands to protect the police personnel record confidentiality rights in the charter amendment, in the ordinance.

[Mary Vale:](#) You get everything if a case goes for discipline or case review before you ... Yeah, you're not going to be showing it in public, but you get it all. You don't get the little pieces of things and you don't get stuff six months later because the chief is choosing the Skinner bill reductions as some sort of like supreme court brief writing experience. Thank you.

[Regina Jackson:](#) Thank you. Celine Bay and then Mary Haule.

[Celine Bay:](#) Good evening. Celine Bay. I had to write down all of this stuff just the follow the trail of hockey BS that the chief came up here with. The very first thing that came to my mind was the NSA today stated today that your leadership chief is a failure, is still a failure because if you could have handled it, they wouldn't be doing anything independent of it. The fact that IED is still failing, which was one of the main failing points of the NSA is still failing, and just as today is proof is still failing.

[Celine Bay:](#) 16 years of failed NSA, at least two of those years are under your failure, which started off with Judge Orrick and Warshaw supporting your promotion of criminal leadership associated with Jasmine's case. And so that means you're still failing. I had to say something about the CPRA, you're not prepared. It said Pawlik that was going to be taken care of tonight, so therefore you should have had everything associated with the Pawlik case and possibly the investigator should have been here.

[Celine Bay:](#) The Pawlik case is actually the second killing in Oakland with the sleeping shooting. I believe Mr. Demario Hog, which was a black man. I don't hear anything about an investigation. I didn't hear anything about there's going to be something independent when a black person is shot, but we sure see a lot of movement when this young man was murdered and that is, I'm thankful for the

Pawlik family that they're going to get some kind of justice, but also will say that black lives matter also and that these members of the black community were all murdered, connected to the police and there's five of those.

[Celine Bay:](#)

Mr. Pawlik is just one and so I don't see any action to move like that. I don't see any action to move on Mr. Hog's case. I also heard that the chief assigned the Demario Hog killers to a police demonstration. And why wasn't policy addressed after that case? Why is it that the NSA has to come up here and pull her coat before she starts talking about having a good policy? I also heard the chief apologized to Mr. Pawlik's family, but there's a young lady in here who she's done completely wrong and I haven't heard her say anything about a apology for that young lady.

[Celine Bay:](#)

I also know that Mr. Channon is very good at getting investigations of his case or Mr. Bass getting independent investigations of their cases. They are the people who got the NSA started. So really and truly, I'm holding them accountable because they're still going up there collecting money to go to court every x amount of time and talk to Mr. Orrick or Mr. Henderson or judge Henderson and yet I don't see anything that's happening as the black community is still suffering for racial profiling and all these different things.

[Celine Bay:](#)

I do want to say, just as everybody wants to say people's names, there's five people on here I'm gonna call out their names just so you know what we're talking about and why we will never ever quit. It's Odell Robertson. He was an innocent person who was just murdered for being in the black community, minding his own business. Michael Wills, he was murdered inside the black community, just minding his own business in front of a police operation.

[Celine Bay:](#)

Chauncey Bailey, who was exposing the police operation when he was murdered by the same people the police were giving aid to. My brother, a person that I knew for over a decade, his name is YG Bay. I want you to see this. He's 51 years old, the CEO of a black corporation that hired 250 people. So if anybody up there has a payroll of over 250 jobs, and with the majority of them being formerly incarcerated, please stand up. And you may be able to stand in his shoes and then a young man who was being used by the police.

[Celine Bay:](#)

These black lives matter also. And I'd like to see some kind of action on these and have to keep on coming up here. And it's 13 1062 again, IED 13 1062 which was found sustained for the least amount of wrongdoing at the same time as the CPRB and Ms. Tom and her group found it unsustainable. Investigate that.

[Regina Jackson:](#)

Thank you. Mary Haule.

[Mary Haule:](#)

This is Josh Pawlik. I've been here before. I talked to you guys in August. It felt like we were appalled then that that investigation was going to take til December yet here we are at the end of February and it's still not fucking done. Have you guys watched the body cam footage that was released of this murder?

'Cause I watched all 270 minutes and eight seconds of it multiple times. I watched it multiple times and I still can't for the life of me, which I have a life, unlike Josh thank you, understand how we are here and how we're here again.

[Mary Haule:](#)

45 minutes from when the first officer got unseen until the last minute of that footage you guys, they did not attempt to wake him, move him, get his attention or move the weapon away. I'm going to tell you some things that were said on that video of the 45 minutes that nothing was done. Still not responsive at this time. He didn't even respond to the sirens. Subjects still appears to be unresponsive and unaware of our presence.

[Mary Haule:](#)

He's still not responsive. He's breathing a little bit. He just swallowed. Is he moving? I can't tell. I don't think so. Is there any rise and fall of his chest? He's breathing a little bit. He just swallowed. I've seen him swallow twice and his nostrils flare. He has not moved since we've been watching him. Nothing at all. That's what concerns me. That man is sleeping for sure. I just want to make sure he's not guppy breathing right now. It's not labored breathing, is it? I'm too far to see the rise and fall of his chest.

[Mary Haule:](#)

I can't tell if he's shot. Do you think he's an OD? Hopefully he's hammered enough, but not hammered enough that he can't follow instructions. Even if he may have shot himself, which I don't think, hey, he looks like a homeless guy. Bizarre. Too high, too drunk, and fell asleep with his gun in his hand. I wonder what he's doing out here. What were the details?

[Mary Haule:](#)

Look, the point is for 45 fucking minutes, there were about 40 officers that stood around and did nothing except secure the scene of a sleeping individual. Not once did they employ any kind of deescalation tactics. As I demonstrated last time, as I have done many times in my life, disarming an unconscious person is the fucking easiest thing to do you guys.

[Mary Haule:](#)

It's so much easier than disarming someone who is awake and conscious and aggravated, but you know what? We do that too. We do that every day at a homeless youth alliance. Never has someone ended up dead in our care. Never have we felt the need to have a weapon with us. Never did we need to call a bearcat. You do not need police response to these situations. I'm real glad to hear you guys are aware you need like a policy on how to wake people up, but like how many people needed to be killed before we thought that was important?

[Mary Haule:](#)

Joshua's mom is watching this right now so I think it's really telling you'll learn looking over here. But someone died at your guys' hands as you just observed him sleeping for 45 minutes and then you start giving commands. 46 seconds it took from the first command in 45 minutes until he was dead. And then the only time you approach is to handcuff his dead body. Disarm the Oakland police 'cause you all don't know how to act.

[Regina Jackson:](#)

Thank you. I have no more speakers on this item. I did want to take a brief point of privilege to read a statement to the Pawlik family and Joshua's friends. I'm very sorry for the loss of Joshua. Recently I've taken the time to try to get a more firm grasp on the procedural posture and timeline for decisions being made. My goal as chair is to create transparency between all the stakeholders in addition to ensuring that law enforcement is acting legally, appropriately and in the best interest of keeping the community safe.

[Regina Jackson:](#)

And more specifically that OPD's policies are in line with best practice nationwide. The investigation is ongoing so it's too soon to determine whether any officers in this case violated OPD's policies or training, but it is not too soon to start looking at OPD's policies and training regarding unconscious or unresponsive individuals and determining whether those policies and trainings can be improved. I realize that this may not feel like justice.

[Regina Jackson:](#)

However, my focus will be on the lessons learned throughout this experience in order to address them to prevent repetition by pushing for changes in police policies. Perhaps we can recognize situations that may require extra steps around deescalation before acting. We know that the Community Police Review Agency needs more staff in order to ensure capacity for effective and efficient investigations and therefore we are prioritizing the unfreezing of investigator positions and the hiring process for a full time permanent leadership.

[Regina Jackson:](#)

Finally, we're going to create a 180 day investigative timeline in order to track progress around case closures so that we may both meet our internal performance guidelines as well as our overall commitment to you.

[Regina Jackson:](#)

We're going to move forward to point seven. Oakland police department report on managing job related stress. Chief Kirkpatrick or not?

[Roland Holme:](#)

My name is acting deputy chief Roland Holme and I'll be filling in for deputy director Gleason who oversees the wellness unit as well as DC Cunningham who is in charge or is the lead of the collective healing initiative that cross pollinates with regards to officer wellness. Also, for starters, just let me express my gratitude to madam Chair and the commissioners for taking on this topic and showing support. This a very significant topic. Not only is it a pillar of President Obama's 21st century policing, but it speaks to officer's wellness.

[Roland Holme:](#)

How officers are able to function in dealing with some of the stressors that are associated with being a police officer, and then also how those stresses, how they affect how they treat our communities. So you can imagine some of the risks that are associated when either one, we don't have a proactive approach to identifying stresses, to identifying when an officer is suffering from some form of maybe mental health issues or PTSD, alcohol or substance abuse. And then two, not having a comprehensive system that's set up to provide the officer with resources in a manner that is accessible, equitable and relevant.

[Roland Holme:](#) Just a little history. In 2014, the Oakland Police Department began its wellness program through the graciousness of the city council. We were afforded a funding source of \$400,000 to get the program going with an annual commitment of \$200,000. That fiscal year of 2015 to 17, that's when we implemented our wellness unit. Services were identified along with the cost and funding source for implementation. We did some research in preparation to standing up the wellness unit.

[Roland Holme:](#) This consisted of taking an in depth look at San Francisco's police department, Behavioral Science Unit as well as San Jose police department's, Crisis Management Unit. And we did that in a manner to guide our decisions about framework and services, partners instructions for the establishment of the current wellness unit. So today, as I stand here today, these are some of the services that we provide officers and we have peer support, which has governed through our department general order B 17.

[Roland Holme:](#) This is typically triggers when a single incident, an officer who has been involved in a critical incident will usually respond to assist the officer going through some sort of event. Critical incident response teams. These are debriefs. This kind of, for the most part spanned pretty significantly back 10 years ago, right after March 21st when we had the officers killed. That's when we really started doing these critical incident debriefs.

[Roland Holme:](#) And this was a time back that I've seen some change when back then officers didn't feel that it was appropriate to talk about how they were impacted by an event, how they may have been impacted about responding to a scene where a child has been hurt or being involved in a situation that they had an extreme ... Yes ma'am.

[Regina Jackson:](#) I'm sorry to interrupt you. I wanted to know if we have a proposed budget and timeline. I don't know that we have an attachment. I just want to be able to follow what you're saying.

[Roland Holme:](#) I do not have that.

[Regina Jackson:](#) Okay. Will you be able to send that to us?

[Roland Holme:](#) We can get it to you. Yes. 100%.

[Roland Holme:](#) Moving on, we also provide mental health. We all also have mental health provider through a referral system and we have police chaplains to provide spiritual assistance for officers, substance abuse programs. We have a clinical psychologist that is actually embedded with the department through our association. And then we also have the resources that are available through the city employee assistant program.

[Roland Holme:](#)

While the department has long offered wellness related programs such as peer support and psychologists and police chaplains, like I just mentioned, the services are minimal and they're kind of decentralized. There are no members of OPD who proactively attend to the physical, emotional, mental, spiritual wellness of OPD officers and staff to coordinate ...

PART 4 OF 7 ENDS [02:16:04]

[Roland Holme:](#)

... spiritual wellness of OPD officers and staff to coordinate these services. In 2019, through the Collaboration Staff Survey and Analysis and examinations of national research, we have come to realize that the Wellness Unit developed by our department, although it started out being good, it's not enough to meet the needs and the demands for our officers. The department implemented the Collective Healing Initiative, which I talked about briefly. That is spearheaded by D.C. Cunningham. It's a grant that was awarded by the Department of Justice. A key component of this initiative is designated or designed to address officer health and wellbeing.

[Roland Holme:](#)

This is kind of fortuitous timing, as the department just received the results of a survey conducted by the Urban Institute and furthermore, the International Association Chiefs of Police, which kind of oversee and are technical advisors for the grant. They'll be here next week to do a site visit and try to build out our Wellness Unit. Our hope is that the survey, coupled with the site visit, ongoing technical assistance will allow us to create a comprehensive plan to ensure that our Wellness Unit is meeting the health and wellbeing needs of our staff.

[Roland Holme:](#)

Questions?

[Regina Jackson:](#)

Commissioners, do you have any questions?

[Regina Jackson:](#)

Commissioner Dorado.

[Comm Dorado:](#)

I find it interesting that the text, and I'll just read it quickly, "Trauma-informed policing is an approach that explicitly acknowledges the impact of trauma on those served, as well as on the workforce providing the services." So those served is the community.

[Roland Holme:](#)

100%. And it's not just the person that's directly impacted at that incident, but it's their concentric circles, right? So it's their family members, it's the community, it's their neighborhood. They all experience that trauma vicariously. Even though they're not directly impacted by that specific incident, it's the ripple effect.

[Comm Dorado:](#)

I couldn't agree more. So what we would expect then, I would ask for any clarification, is that out of this Wellness Unit will be a concerted effort by OPD to deal with that ripple effect of the trauma in specific instances? Particularly if they're dealing with issues that you'll see in the community, mental health, drug

addiction, et cetera, that is gonna be dealt with within OPD, those specific officers that actually have these services through OPD, to deal with these issues I would think would be even more insightful in terms of dealing with them on the job. Am I correct?

[Roland Holme:](#) Yes sir.

[Comm Dorado:](#) Okay. So then I would expect that the Wellness Unit would do any number of things to relate that it's doing within OPD to the larger community as stated here.

[Roland Holme:](#) 100%. We have. So I've only put in there because this is about officer wellness. Another component or other pillars of the initiative deal with that specifically. We deal with our Youth Alive, we deal with our other community based organizations throughout the city. That's just one piece of that initiative deals with officer wellness. I could provide you other information on it as well, but there are other parts of that.

[Regina Jackson:](#) Any other commissioners have questions?

[Regina Jackson:](#) So when can we expect that budget and timeline? Tomorrow?

[Roland Holme:](#) Well, Deputy Director Gleason's out of town so I would have to wait until she gets back, next week?

[Regina Jackson:](#) Okay. I'm a little concerned too that we're not getting written reports. And I know that I spoke back and forth with both Miss Gleason as well as Chief Kirkpatrick about actually presenting a budget and a timeline. I think that when we state those, that that's what we should get.

[Roland Holme:](#) Madam Chair, I will email you tomorrow first thing to give you a status update.

[Regina Jackson:](#) Okay, thank you very much. Appreciate it.

[Regina Jackson:](#) For speakers on this item, we have "Lorelei Bosserman", "Rashida Granage", "Shawna Monique McQueen", "Salim Bey", and it says "Police Commission" but there's no name.

[Regina Jackson:](#) Oh, gotcha. Okay, thanks.

[Rashida Grinage:](#) Thank you. I have a question. It regards moonlighting. So it's been reported that OPD officers take on additional jobs for other agencies, including guarding construction sites. It seems to me that putting in extra hours in addition to the shift and not having enough hours of rest in between shifts needs to create stress and instability. I'm wondering if we could get a response to that issue? Whether it's been identified, how prevalent it is, how many officers do engage

in additional jobs that compromise their ability to rest in between shifts? Thank you.

[Regina Jackson:](#) Is he still here? I don't see him.

[Roland Holme:](#) Could you restate the question?

[Rashida Grinage:](#) Oh, he wasn't paying attention?

[Roland Holme:](#) It was a very long question. I want to make sure I give you a thorough answer.

[Rashida Grinage:](#) Thank you.

[Rashida Grinage:](#) The question has to do with moonlighting, with officers who are engaged in employment aside from OPD. That, for example, AC Transit or other agencies where they are in their cars and they are guarding properties that are under construction. That's been reported. It seems to me that officers who are doing that are not getting appropriate rest in between shifts. In some cases, they roll right from their other gig right into their shift. So it seems to me that would be a factor in terms of stress. I'm wondering if you have statistics on how many officers are engaged in other activities beside OPD and if you've looked at the impacts of that? Thank you.

[Roland Holme:](#) So I don't have the statistics but I can tell you I share your concern as well. Sleep deprivation is something that affects an officer's judgment, it puts them at risk, and it puts the community at risk. We do have general orders that kind of gives us guidelines saying that a certain amount of time has to be off in between shifts for that particular reason itself. There are no, as you were calling them, moonlighting, everything is officers can only work internal overtime. So it's the backflow shifts from vacancies or other special events that are run through our Special Events section. I can try to work up some statistics for you to see where we are, but I share those concerns as well. That is something that we will look at, yes ma'am.

[Rashida Grinage:](#) I think that would be helpful, if we could get some data on that. Thank you.

[Regina Jackson:](#) Thank you. Thank you very much.

[Regina Jackson:](#) Mr. Bey?

[Celine Bay:](#) "Salim Bey". So just in reading this and looking at and also working with post traumatic stress disorder, this job is prime for PTSD. It's built into the job. We also know that PTSD, a lot of times, results in abuse of substances. But I never hear anything about the police being tested when they shoot somebody. I don't hear anything about the police being tested period. I know the fire department is tested, and rightfully so. But if a person has a gun and has your life in his hands, and especially coming from the black perspective where it's, "Shoot first

and never ask a question later. Bury it.", I would say that you look at the policy of requiring the Oakland police department to test for drugs. How do we not know that these dudes aren't hopped up on cocaine when they fear for their life? It's called paranoia, except they got a gun. And then we also know that Commander "Holmgren", as well as Commander Cunningham, were involved in coverups from previous times. In fact, Cunningham, who's now in Chain of Command, is the person that closed IAD13-1062 without investigating it.

Celine Bay:

So how do we even listen to people get up here and move their mouth and act like they really care? He says that he's concerned about people not getting enough sleep. I never heard him say anything about it. I never heard anything come out about it. And the issue is, is that there is an amount of time that they have in between shifts. It's the time that they fill with the moonlighting in between those shifts. So you don't get the rest that you're supposed to get and it endangers the community and the public in general and it results in people being shot when they're asleep.

Regina Jackson:

Thank you.

Jesse Smith:

Jesse Smith.

Jesse Smith:

The police suicide figures nationwide hover around 140 a year. That's several a week. That's higher than occupations such as emergency responders and fireman and this type of field. The police also have higher levels of drug and alcohol abuse rates, higher levels of domestic violence. Basically what we see in OPD and the nation at large, but especially in OPD, is a medical crisis. For the last five years, I've been studying this issue specifically and applying it in different projects, most recently in my own campaign to run for Mayor. It was a central piece of my police position.

Jesse Smith:

This is a medical crisis. It hasn't been quantified or even evaluated in a qualitative manner. One example that I learned from a cop in Texas, in a discussion, was one night he had to sit with a dead baby. There was no crime, but he had to sit there and wait for the coroner's office or something like that. That amount of time, hours spent in that manner, this is affecting him. And then we see a lot of our scandals with the police involve alcohol. They're breaking into people's homes, they're committing acts of hooliganism. They're going untreated.

Jesse Smith:

We can't expect good results from what is essentially an abused workforce. This is the most sympathetic outlook I can have on the police. They're tormented and tortured and just as we neglected military troops for so long, but now we understand- Every combat veteran, we just assume they have PTSD. We should assume every single cop has PTSD. I'm almost excited but I'm far too skeptical to hear that this issue is being brought forward because what I heard from Holmgren doesn't sound like they really grasp the problem and that they're really ready to head a-

[Jesse Smith:](#) I have a time seated to me. One minute?

[Jesse Smith:](#) In addition to this presentation not being convincing that they have grasped it, because like I said, I've been in it for five years, or six, and they're new to it, there's also a history in Oakland of the issue of PTSD being a bankable situation. We saw this under Measure Y. PTSD in the community promotes crime. So to alleviate PTSD in the community, thus alleviate crime, they hired, and he mentioned clergy, religious figures being brought in, that's called culturally relevant therapy. It's basically pay to pray. It's this idea that, because it's culturally relevant, it gets caudified this way, they are not using scientific methods for addressing this issue.

[Jesse Smith:](#) When they restarted Measure Y into Measure Z, they switched over to actual scientific therapy after that boondoggle had gone on for so long. I fear that can be the case here. And as well, like I said, I've been on this topic passionately and extensively for over five years now. If you would assign me to them, to observe their thing, I would love to give a report back, for whatever worth that could be.

[Regina Jackson:](#) Okay, thank you. Last speaker on this item is Henry "Gage".

[Henry Gage, III:](#) Thank you Chair. Henry Gage III with the Coalition for Police Accountability.

[Henry Gage, III:](#) While I'm listening to the speakers, it really struck me to think about how many lives are affected by police violence. We are all familiar with the subjects, people who are shot, arrested, people who have hands put on them. Deputy Chief Holmgren discussed some of the concentric circles of other people whose lives are affected by police violence in a coalary fashion. And the emotional damage done to those individuals is just as damaging. The public at large is affected when things like this happen. By this, I'm referring to things like the "Pollack" case, and the officers themselves.

[Henry Gage, III:](#) I'm glad the Wellness Unit exists because the unit itself does fulfill a truly vital task. We ask police officers to do emotionally dangerous jobs and if you're going to ask individuals to do an emotionally dangerous job, then we have an obligation to provide appropriate emotional support to help them complete those jobs. We should provide emotional support for all parties. The subjects, the concentric circles, the public. But when I see items like this on the agenda, the first thing I think is that we're treating the symptoms and not the disease itself.

[Henry Gage, III:](#) We should take action to prevent the emotional damage from occurring in the first place. For me, that means completely rethinking present policy on use of force. See, I've always found the term "Peace Officer" to be sadly ironic because that's not what we're getting. We're not getting Peace Officers, we're not getting individuals who can step into a room and by their very presence, deescalate situations. We're getting police, we're getting the rod of authority, and that's not what we need. We have an opportunity here to make changes for

the better, that are persistent, that are systemic. We should seize it. I don't ever want to see someone come in and have to give that kind of emotional reaction, that kind of display of emotions, 'cause someone they care about has been lost. We all need to do better. We need to start here. Thank you.

Regina Jackson: Thank you.

Regina Jackson: Moving to Item Eight.

Regina Jackson: Notice to the Commission of the CPRA cases proposed for Discipline Committee review or case closure. Karen Tom.

Karen Tom: Thank you.

Karen Tom: I would just note that in my absence that there appears to have been a mix up with the items that were submitted on this agenda item. So therefore, the items, this is not the agenda item I had initially anticipated it would be submitted in. So just so that you're aware, one of the attachments that's in there is the pending case list. However, another attachment did not make it into this particular agenda and that would be the completed cases. And so, Mr. "Russe" has placed them online so that if there is anyone from the public or the Commission that wants to look at it, it is on there. But what will have to happen is that this completed case list will have to come with the next agenda item or I will update it to include new cases and resubmit it again for the next meeting.

Karen Tom: Other than that, there are no cases that are coming before the Discipline Committee and that was one of the items on this agenda. And so, the only addition I would like to make at this time is just to note that the "Pollack" case is an open case, but it's been moved into the Tolling cases and that is not reflected on this pending case list because it was Tolloed after this had already been submitted for this agenda. That would be the only correction.

Regina Jackson: Okay, thank you. Are there any questions?

Regina Jackson: So Speakers, on this number eight, "Rashida Granage", "Lorelei Bosserman", Mary "Vale".

Rashida Grinage: This is not a great night for you Miss Tom, sorry about that. So I was going to mention the fact that there were no cases proposed for closure, even though that's what the agenda item says. It would have been nice to know that there were cases posted online. That would have been good to know because there was no way to know that.

Rashida Grinage: I'm concerned about the time it takes CIPRA to receive complaints from IAD. It's supposed to be 24 hours. This is a carryover from what happened with the CPRB. It was part of the CPRB ordinance and it was carried over into Measure LL. When we look at the pending list, we can see in many cases that there is a

considerably longer time that it's taking IAD to copy cases to CIPRA. So as we said before in the "Pollack" case, there is no adherence to what is on paper. The Oakland Police Department is simply ignoring these requirements and you are not enforcing them.

[Rashida Grinage:](#)

I'm hopeful that as we start the second year, that we can get these processes in order. If there is no compliance based on the requirement of Measure LL, you are entitled to file a complaint with the Ethics Commission as a remedy. You are also authorized to subpoena records and documents. That is within your power to do. So I think what we're saying is, you have much more authority than you have used to date. And that may have been an effort to be conciliatory with the city, but now it's time to follow the law. Thank you.

[Regina Jackson:](#)

Thank you.

[Mary Vale:](#)

From the item that was attached, I want to talk about the link between the substance of the cases on the list and the sort of repeat topics and the policy areas that need to be dealt with. There's sure a lot of alleged sexual misconduct, sexual assault, on this list. Three or four cases. Of course we have the events of 15, 16, and 17, where officers engaged in sexual misconduct, coercion. Knowledge of it was delayed, a coverup happened. There were no disciplinary consequences, particularly for the officers of the coverup. So you have basically a hostile work environment for women and you have this recurring problem where officers think, just like they think they can drink and deal drugs on duty, that they can engage in inappropriate sexual conduct.

[Mary Vale:](#)

There are a couple racial profiling cases that are open, or alleged race discrimination cases that are open. As the federal court has expressed concern about, OPD and the administration are happy to put out the narrative, "We're gathering the data. We're cooperating with the Stanford professor. We're spending money on this." The problem is, they're not utilizing the data to change policies that lead to profiling, to hold officers who are slow to stop the profiling accountable. So therefore, of course, you have new cases of profiling coming up and showing up on the case logs.

[Mary Vale:](#)

And instead, we're spending a lot of time about community engagement instead of doing the deep change in the area of profiling, and spending money on more consultants being added, patting ourselves on the back about, "Oh, we've had community engagement events." That doesn't change the underlying problem, which is the profiling itself.

[Mary Vale:](#)

Looking forward and talking about the presentation on officer stress, there's such as being a bystander victim. So when you see officers at work that are belligerent, drunk, engaging in sexual harassment, or racial discrimination, and you either witness it or worse, you're in a victim target group but you're a member of the force, you have a lot of stress out of that. And it creates a bad culture where the wrongdoer officers are riding high and no one's holding them

to account. And the victims, or the people that see bad policing and bad treatment of the coworkers and the public unfolding under their eyes, they're gonna leave the department. They're gonna experience tremendous stress.

[Regina Jackson:](#) Thank you.

[Mary Vale:](#) So when you talk about reforming the culture of OPD, it's for the officers also who we want to keep, the officers who we want to recruit. Constantly there's this chatter and dismay, public safety, the Chief, "Oh, we don't have any women in the class." Well, anyone who's read the newspaper the last couple of years, an applicant would have pause coming here with one, the problem having occurred and two, the problem folks largely not being held to account. Thank you.

[Regina Jackson:](#) Thank you.

[Regina Jackson:](#) Last speaker on this item, "Salim Bey".

[Celine Bay:](#) Before I get started, does everybody have this package in front of you?

[Celine Bay:](#) I also provided copies for everybody in the audience right here, for anybody want to follow along. So before you start my time, we just want to make sure everybody gets this and has it in front on them, at least on the desk.

[Celine Bay:](#) Okay.

[Celine Bay:](#) So you'll see the first page, it says, "July 23, 2013". It comes from the actual NSA Compliance Director. It's to Assistant Chief Figueroa and it's about a citizen's complaint. And then you'll see a carbon copy of my brother's business card at the time, and it says "IA07-0538." On the third page, you will see it says 713-07. On the fifth or sixth line down, over on the right side, it says "Wajid" Bey and John Bey and there's a complaint about force, procedure, conduct, bias, and discrimination untruthfulness.

[Celine Bay:](#) The second page, it says on July 20, it says, "Please let this letter serve as a follow up letter." And it says, "The letter states that you had spoken to CPRB investigator Audrey "Shawnbern" about your complaint. However, it's come to our attention that you actually spoke with Investigator Karen Tom on the day that you filed your complaint about your allegations. Therefore, if you have any questions regarding this matter, or if you wish to amend your complaint, please do not hesitate to contact Complaint Investigator Karen Tom."

[Celine Bay:](#) So you saw that is said John Bey and "Wajid" Bey. On March 18, we received IAD131062, a three paragraph closing letter. And it says, "Performance of duty" in the second paragraph. "The complainant alleged that there was a systemic failure on the part of Oakland Police Department during the investigation of the murder of "Wajid" Bey and the attempted murder of John Bey as it relates to

the follow up criminal investigation. The investigation disclosed sufficient evidence to determine that the alleged conduct did occur. A finding of sustained has been determined. This finding is applied to the Oakland Police Department as the individual subject officers and their immediate supervisor are no longer employed."

[Celine Bay:](#)

Well, at the same time, the Chief at the time was "Wendt". The Deputy Chief at the time, who closed this, was David Downing, and "Erse Joiner" was the supervisor and they were all still employed. At the exact same time that 131062 was found sustained by IAD, the CPRB found it unsustained. Now is that any wonder, since Miss Tom was still working there and didn't find it sustained on the first time, but IAD comes back in 2014, seven years later, and says the exact same cases she was supposed to be investigating were in fact. So that means retroactively.

[Celine Bay:](#)

And then once we found out that my brother's case, at the time that I filed this complaint and the police were telling us that it was being investigated, that in all actuality, my brother's case was closed. So that when that complaint went to the CPRB, if the CPRB had done the most simplest of due diligence and just looked at the cases that we were talking about, they would have seen that my brother's case had been closed and remained closed all the way up through 2015.

[Regina Jackson:](#)

Mr. Bey, the fourth page that you indicated-

[Celine Bay:](#)

There is no fourth page.

[Regina Jackson:](#)

We don't-

[Celine Bay:](#)

There's on three, I just read directly off-

[Regina Jackson:](#)

Okay, no problem.

[Celine Bay:](#)

I can get you a copy. I just didn't have-

[Regina Jackson:](#)

That's fine. We just weren't following that so I wanted to make that point.

[Celine Bay:](#)

But this is what it is. And this is available to you because as I said that it says that, "This finding 131062 is," according to the Oakland Police Department's Internal Affairs, it's "applied to the police department, Oakland Police Department." Therefore there is no individual officer's privacy that is keeping this case under seal. You have the ability to get this case and you will see in that case how the CPRB did a more thorough investigation of the people who made the complaint, in order to discredit us, than to actually investigate the officers and IAD. Now if that's not upside down, I would expect the CPRB to find it sustained and then there would be, because they represent the community, the citizens supposedly. But, that is why we've been saying, this is why I keep saying

Miss Tom, Miss Tom is tainted. Miss Tom cannot be your Director, she cannot even be associated with Investigations because she has no credibility. This is Oakland Police Department actually discrediting her. You don't have to believe us. They're saying something different. And one of the things that the Commission is actually bound to do is if there is a disagreement between IAD the CPRB, then it defaults to the Commission to investigate it even further. So,-

[Regina Jackson:](#) Thank you.

[Celine Bay:](#) ... can we get this investigated? Can we please get this investigated? I'm just asking. Chair? Can we please get this on the next agenda?

[Regina Jackson:](#) Yeah, we have an ad hoc committee. I'm just being apprised of that,-

[Celine Bay:](#) Very good.

[Regina Jackson:](#) ... to look into that. Thank you.

[Celine Bay:](#) So it will come up though? I mean, I saw that it was a high priority.

[Regina Jackson:](#) Yes, it will.

[Celine Bay:](#) As a matter of fact, it was way up there, and it's been up there since October, and we're getting into March. So even on your 180 days ... Although I did make it in June,-

[Regina Jackson:](#) Okay.

[Celine Bay:](#) ... so we're actually past 180 days.

[Regina Jackson:](#) Okay.

[Celine Bay:](#) So if we could just get some kind of action on that. Thank you.

[Regina Jackson:](#) Thank you. Yes, we'll get to that.

[Regina Jackson:](#) Now I wanted to just double check, Miss Tom, what you've said is that the information that got switched or misinterpreted is going to be on our next agenda, for the case closures?

[Karen Tom:](#) Basically, the item that was mixed up, I'm going to recreate the agenda item as I believe it should be properly stated and include the items. You'll just get a new pending case list. However, with the completed cases, I'll either submit this document with the new completed cases or I'll merge the two into a new document and submit it at that time.

[Regina Jackson:](#) Okay, so it sounds like we don't need to accept this report because it's not quite reflective of what her intention was. And so, we will take a look at it in the next Commission meeting. Thank you.

[Regina Jackson:](#) So we are now at recess. If we can make it eight tight minutes so that we can move ahead with this very packed agenda. Thank you.

PART 5 OF 7 ENDS [02:50:04]

[Regina Jackson:](#) Okay, so we'll be coming back together in about two more minutes. Hmm? Yeah, no. I started choking.

[Regina Jackson:](#) Okay, if we could have the commissioners come back to the dais so we can come back from recess please.

[Regina Jackson:](#) Alrighty, and we are back from recess. We are now on item 10. The removal of the hiring freeze on Community Police Review Agency. Commissioners, as you well know, we are severely understaffed in CPRA. We voted to freeze almost a year ago, and I would like entertain ... Well no, no, no, I guess I have to do public comments. Sorry. Does anybody need any additional information on this point?

[Speaker 6:](#) No.

[Regina Jackson:](#) Okay. For public comment, we have [Lorelei Bosserman, Rashida Grenache 03:01:10].

[Speaker 6:](#) Hiring freeze.

[Regina Jackson:](#) Okay. Lorelie is giving up her time.

[Speaker 7:](#) Rashida can have ...

[Regina Jackson:](#) Rashida ... Okay, thank you.

[Rashida Grinage:](#) I won't take much time. This is no brainer thing. We've seen all the evidence we need about the fact that being understaffed means you cannot function as intended and so there are also budget implications as well, so we have to make sure that your budget for the next two years reflects the increased number of investigators that are acquired. I certainly hope you move expeditiously to unfreeze. Thank you.

[Regina Jackson:](#) Thank you very much. That was the last speaker on this item. Can I have a motion please?

[Speaker 6:](#) I move that we remove the hiring freeze on the vacant positions in the CPRA.

[Regina Jackson:](#) You Commissioner Dorado.

[Jose Dorado:](#) I second the motion.

[Regina Jackson:](#) Okay. Commissioner Smith seconds the motion. May I have a vote? Commissioner Dorado?

[Jose Dorado:](#) Aye.

[Regina Jackson:](#) Commissioner Anderson?

[Anderson:](#) Aye.

[Regina Jackson:](#) Commissioner Smith?

[Thomas Smith:](#) Yes.

[Regina Jackson:](#) Aye for myself. Commissioner Harris?

[Ginale Harris:](#) Aye.

[Regina Jackson:](#) The motion passes.

[Ginale Harris:](#) All right.

[Regina Jackson:](#) Karen, do you have everything you need to put into motion job descriptions to HR and all?

[Karen:](#) Yes, thank you.

[Regina Jackson:](#) Okay, very good. Thank you. All right. Yes?

[Ginale Harris:](#) Can we just make sure that the job descriptions for the investigators don't reflect the CPRB and it reflects the CPRA?

[Regina Jackson:](#) Absolutely. Karen, would you just make sure that I have a copy of the job descriptions? You could send it to everyone just to make sure. Thank you. Item 11 is vote to approve and submit quarterly informational progress report. This item was primarily worked on by Commissioner Prather. He is out of town on business. For those of you who've had an opportunity to look at the quarterly information report, do you have any questions? Yes, Commissioner Smith? I mean Commissioner Harris.

[Ginale Harris:](#) It's the seating. Okay. Going over this report, there's a few things that I see that are not accurate according to my recollection. On page two, it says that we conducted three elections and there's no vice chair so we only did two, right? That's one. We didn't draft and adapt the rules of procedure, we only adapted Robert's Rules of Order. That's another one.

[Speaker 6:](#) We didn't?

[Ginale Harris:](#) Yeah. Commissioner Prather didn't finish them.

[Regina Jackson:](#) Okay, we'll go back and ask him to provide those to us and see if we can get that in there.

[Ginale Harris:](#) Under analysis and policy alternatives on the third bullet, we didn't complete all of the trainings required.

[Regina Jackson:](#) We will identify the commissioners that did complete the trainings. I think that's just the two of us, right Commissioner Dorado? Okay.

[Ginale Harris:](#) It says on bullet point six, where it says, "Considered, reviewed, and provided feedback on multiple police department procedures and policies including redrafting the police department's policy on probation and parole searches." Probation and parole searchers are the only one that we completed.

[Regina Jackson:](#) Thank you.

[Ginale Harris:](#) One more. On bullet point eight where it says, "Developed and approved an outreach and social media policy," I don't remember doing an ... I remember social media, but not an outreach policy and if so ...

[Regina Jackson:](#) I think you're probably right. I know the social media policy because I helped with that.

[Ginale Harris:](#) Right, and I can't remember the date that we adopted that, so if we could maybe have Chrissy remind us of what was adopted, that'd be good. Good. The ninth bullet, it says here we had conducted a special meeting in East Oakland Youth Development Center which centered on presentation from Attorney John [Bur's 03:06:27] legal rights when dealing with police and held a public hearing on the police department's practices and policies [crosstalk 03:06:38] ... Sorry.

[Regina Jackson:](#) Uh-huh (affirmative).

[Ginale Harris:](#) I'm just trying to see what my notes say. It says we had a second retreat and planning retreat. We've only had a training. I don't remember a retreat.

[Regina Jackson:](#) Yeah, the Saturday one ...

[Ginale Harris:](#) That was a training, right?

[Regina Jackson:](#) Down stairs, yeah.

[Speaker 6:](#) That's a retreat that we had.

[Ginale Harris:](#) Was that the homeless ...

[Speaker 6:](#) Not at the beginning.

[Regina Jackson:](#) For us as the commission.

[Ginale Harris:](#) Okay.

[Regina Jackson:](#) Yeah.

[Ginale Harris:](#) Okay.

[Regina Jackson:](#) Yup.

[Speaker 6:](#) On the rules of procedure item, I believe the commission did adopt rules and procedure December 27, 2017. I do have a copy of those. I do understand there were some updates that were in the process of being made. I'm not sure what the status of those are.

[Ginale Harris:](#) Right, but Commissioner Prather finish it.

[Speaker 6:](#) They were adopted though. We did adopt them, right? That's what you're saying.

[Regina Jackson:](#) He's saying they were adopted.

[Speaker 6:](#) Yeah, I remember that too. Yeah.

[Ginale Harris:](#) Okay. You said you have a copy of it? Okay.

[Regina Jackson:](#) Okay, so based upon what I'm hearing, conducted two elections for the position of chair and vice chair.

[Thomas Smith:](#) Well, three elections.

[Regina Jackson:](#) One election. Oh.

[Thomas Smith:](#) We completed three elections. We conducted all three elections, but one of them we didn't end up ... For the position of vice chair, we didn't end up to the vice chair.

[Regina Jackson:](#) Okay, we'll figure out how to update that and then ...

[Ginale Harris:](#) Chair?

[Regina Jackson:](#) Yes.

[Ginale Harris:](#) I'm not finished. I'm not finished. Okay. One, two, three, four, five, six, eight, nine ... It says we did a poll to the commission for pressing issues and there are a few things missing on the pressing issues. Do you see that?

[Regina Jackson:](#) This is a 75 pages?

[Ginale Harris:](#) Should identify posting jobs, creating job requirements, right here. The commission has currently identified other pressing issues currently underway, which include, and you have these posted here. There's like six total and we did not put the chief's goals. We did not put the IG position sitting with the city administrator's office who changed the whole job description, the RFQ for our attorney. Training for discipline committee is not completed and what are the key things that we need to succeed from the city council.

[Regina Jackson:](#) Okay. In terms of the chief goals, weren't you working on that?

[Ginale Harris:](#) Mm-hmm (affirmative).

[Regina Jackson:](#) We didn't ...

[Ginale Harris:](#) Did you turn it in or not?

[Thomas Smith:](#) Chair ...

[Ginale Harris:](#) We had ...

[Regina Jackson:](#) Sorry, I did ask that question.

[Ginale Harris:](#) We didn't get a chance to present them.

[Regina Jackson:](#) Okay. Commissioner Smith.

[Thomas Smith:](#) I was going to say the planning for the conducting of a performance review for the chief, I think that's where they incorporate the chief's goals and the performance review and the goals are together.

[Regina Jackson:](#) Okay, so let me see. This is supposed to be presented March 19th. We'll have another meeting. Can you go ahead and present that for the next agenda and that way, we can be an alignment for that particular item and maybe clean up some of the others?

[Ginale Harris:](#) Sure.

[Regina Jackson:](#) Okay, great. Thank you.

[Ginale Harris:](#) Do you want me to send you a list of the pressing issues that I just gave to you?

[Regina Jackson:](#) Yes.

[Ginale Harris:](#) Okay.

[Regina Jackson:](#) Anybody else have comments or I'm sorry, were you finished?

[Ginale Harris:](#) Yes. On the third page where it says public outreach and interest, it says no additional public outreach was deemed necessary for this report other than the standard posting of the city council agenda and my question is why would we say that we don't need additional public outreach, we haven't done any.

[Regina Jackson:](#) Well, we've done on the Twitter our commission handle. We've done that, but not an overt campaign.

[Ginale Harris:](#) Well, I think ...

[Regina Jackson:](#) Maybe what we do is change the wording deemed necessary and just say at this time this is what happened.

[Ginale Harris:](#) Yeah, I haven't seen the Twitter so I don't know anything about it.

[Regina Jackson:](#) Yeah, we've had it out there for about six months.

[Ginale Harris:](#) Okay.

[Regina Jackson:](#) Yeah.

[Ginale Harris:](#) If you can send me the handle, that'd be great.

[Regina Jackson:](#) Yes. Oakland Police Commission.

[Ginale Harris:](#) All right.

[Regina Jackson:](#) Okay, so we will give these changes back to Chrissy and get an updated one with your recommendations around the chief's goals, so we can make sure that those are in alignment. Are there any other observations? Okay. Yes, Commissioner Dorado. Oh, no, no, you're good. Okay, all right. Thank you. We will vote to approve this item for the March 19th submission. Okay, come on up Miss Rashida.

[Rashida Grinage:](#) Thank you. Commissioner Harris mentioned some of the points that I was going to make, but also you might want to include the fact that you had a presentation and/or training by Jim Channon on the history of the negotiated settlement agreement. I think that's important to mention. On the budget issue, Measure LL states that you are to have a public hearing that allows the public to weigh in on the budget proposed by the mayor with respect to the police department and take input from the public and then issue your own

recommendation. I think it's bullet seven under powers and duties of the commission.

[Rashida Grinage:](#) Under your perspective things to do, I think that that needs to be included because the first budget workshop happened this past Monday and there's going to be a followup workshop I think at the end of March, so maybe you could have Chrissy connect to a Councilman [inaudible 03:13:26] office or the President's office, President Kaplan's office and get the timeline of when the mayor's budget is scheduled to be presented, so that you can make sure your input comes before that.

[Ginale Harris:](#) Mm-hmm (affirmative).

[Regina Jackson:](#) Thank you.

[Rashida Grinage:](#) Thank you.

[Regina Jackson:](#) That's one of the reasons that we put their budget on expecting to have it so that we would be able to inform from it. Thank you.

[Rashida Grinage:](#) Oh, one more thing.

[Regina Jackson:](#) I'm sorry, I think it's done.

[Rashida Grinage:](#) Sorry, one more thing. You may have noticed that one of the topics discussed at the council meeting on Tuesday and also with the budget workshop was the \$19 million of overage in the OPD overtime budget. They were given a budget for overtime. They exceeded it by \$19 million, which it counts for the majority of the city's budget deficit this year, so that is something that I believe someone mentioned that the commission might want to wait. I think council member Boss mentioned that you might want to weigh in on this as a commission, so that's something that you might want to include as well. Thank you.

[Regina Jackson:](#) Yeah, mm-hmm (affirmative). Okay. Thank you. Celine Bay and yeah. Yeah, Mr. Bay is our last speaker on this item.

[Celine Bay:](#) Keep up the good work.

[Ginale Harris:](#) He passed.

[Regina Jackson:](#) Okay. Okay, so we are on item 12 standing an ad hoc committee assignments and updates. The committee will discuss and vote on a requirement for each commission to serve on at least one standing committee or ad hoc committee. I put this item fourth because I know that the majority of the work that we will do as commissioners will not necessarily happen on this dais, but in ad hoc and/or standing committees and we need all boots on the ground to helping our

capacity because we've got a very, very long list of items to handle.
Commissioner Smith and Dorado.

[Thomas Smith:](#) No, I was just going to say one of the just concerns I obviously have is today we're missing two people also. In our effort to try to make sure that we assigned everybody responsibilities, there are two folks here who ... I mean maybe we assigned them to something, but we don't have the full constituency of our commission present. Yeah.

[Regina Jackson:](#) Commissioned Dorado.

[Jose Dorado:](#) Yeah, I was going to say we were just going to I would think just vote on this requirement. I'm not going to necessarily assign anybody, so that's an easy one.

[Regina Jackson:](#) Yes. Commissioner Harris.

[Ginale Harris:](#) I can say that I will dedicate myself to continuing to do the work of the ad hoc committees that I formerly was assigned by Chair Smith when he was chair. I don't have a problem doing that until we take a vote.

[Regina Jackson:](#) Excellent, thank you. Don't have any speakers on the subject. Given that, can we have a motion? Commissioner Dorado.

[Jose Dorado:](#) Yes, I move that we vote that each commissioner serve on at least one standing committee or ad hoc committee.

[Thomas Smith:](#) Second.

[Regina Jackson:](#) Commissioner Smith second. Are there any questions? Okay, so let's vote.
Commissioner Dorado.

[Ginale Harris:](#) Aye.

[Regina Jackson:](#) Commissioner Anderson.

[Anderson:](#) Aye.

[Regina Jackson:](#) Commissioner Smith.

[Thomas Smith:](#) Aye.

[Regina Jackson:](#) Aye for myself. Commissioner Harris.

[Ginale Harris:](#) Aye.

[Regina Jackson:](#) Excellent, motion passes. Okay. Item 13, taskforce summit on community policing update. Commissioner Dorado.

[Jose Dorado:](#)

Yes, thank you. I'll make this a fairly brief. I've started to go out to other NCPCs, Neighborhood Crime Prevention Councils and talk about community policing as it should in fact be implemented in our city and I'm going to follow up as I've already mentioned to both the Community Policing Advisory Board and the Measure Z Oversight Committee that we should, meaning the police commission and those two bodies form a taskforce focused on the implementation of community policing in our city and that a big part of that can and should be, again, I mentioned to both of them a summit focused on community policing, where we really deal with the real questions in our city around community policing.

[Jose Dorado:](#)

That is what does it really mean, what is the [inaudible 03:19:17] process, what is a reasonable procedure of arriving at a priority. There's just a whole list. How do you evaluate your committee resource officer and your neighborhood services coordinator, what role does racial and social justice play in the community policing and in the mission of NCPCs. These are all workshop topics that I think should be part of a real community policing summit and so I'm continuing to talk to the CPAB about that. They're moving in that direction and I'll be bringing back reports on their progress and also the progress of the taskforce.

[Regina Jackson:](#)

Excellent, thank you. Commissioner Harris.

[Ginale Harris:](#)

Thank you, commissioner Dorado. I've looked at some of the work of urban strategies. I've looked at some of their work from 2002 and Commissioner Dorado brought some mapping to my attention from 2002 all the way up to 2016 and it identifies East Oakland as being the most saturated with violence and police racial profiling and that kind of stuff, but it's been since 2002 that they were able to actually track it and it has not declined. It has not declined and so that was a very big concern for me. Like he said, we're spending money in the bid budget and we have these NCPCs and we have the people that are supposed to be servicing under Measure Y to our communities, and it's not improving, nothing is improving.

[Ginale Harris:](#)

We're spending hundreds of thousands of dollars on these positions and nothing is improving, so that's a concern.

[Regina Jackson:](#)

I echo your concern as that's where I spend most of my time and we have a copy of that map from 2002. I don't even have the updated one but ...

[Ginale Harris:](#)

I'll give you a copy.

[Regina Jackson:](#)

Yeah, and urban strategies is the exact right resource to connect with for any updated information on that.

[Ginale Harris:](#)

Mm-hmm (affirmative).

[Regina Jackson:](#) Thank you for your report. Commissioner Dorado does anyone have any follow up questions? Okay, so then the only speaker I have on this subject is actually not listed. It just says police commission. Does anybody ... No? Okay, we'll pass on that. Next item is ask 14, reimbursement of expenses for public hearing on policing in the homeless community. May I say that it is a terrible shame that there aren't more people in the audience right now to hear about the phenomenal unhoused ... Well, policing of the unhoused. It was a packed effort. Every detail was handled by the Coalition of Police Accountability and I cannot thank you enough.

[Regina Jackson:](#) We had a wonderful turnout by our fellow commissioners and are so pleased that you thought of busing or driving the homeless folks to the spot, the food, just the thoughtfulness, the Goldman policy students. It was incredible, and I just hate that we weren't able to get out in front of the money so people didn't have to actually have to put it out there and then get reimbursed. Anyway, commissioner Dorado.

[Jose Dorado:](#) Yeah. I'd like to lead a round of applause at the commission for the coalition.

[Regina Jackson:](#) With that, Commissioner Smith.

[Thomas Smith:](#) Yeah. I mean I really was impressed by the turnout, the speeches that people made, they were powerful. The information that we got is so valuable and I think that these kinds of partnerships and doing these events is when we're at our strongest, so I think we need to continue to do these. Yeah.

[Regina Jackson:](#) I would also give the people who work hard, you want to keep giving them work because they do so well, right? What I'd like to request because this was a hearing for our benefit, but there was not, as I understand it, much legwork on our part. From that perspective, if you all would go one step further and create like a standard operating procedure, so that in the ...

PART 6 OF 7 ENDS [03:24:04]

[Regina Jackson:](#) ... Kind of like a standard operating procedure, so that in the hearings to come, we actually have a map. We still will want the support of the coalition and any other community members, but it would be good for us to actually understand how to put our own on. Is that okay?

[Regina Jackson:](#) Okay, we got a thumbs up by Rashidah Grinage, great. So there are no speakers on 14, so I would like to entertain a motion in order to facilitate the reimbursement of expenses for the public hearing. Commissioner Dorado.

[Jose Dorado:](#) I'd like to make a motion that we reimburse those certain funds expended for the public hearing on policing in the homeless community.

[Regina Jackson:](#) Thank you. Do I have a second?

[Tara Anderson:](#) I second.

[Regina Jackson:](#) Seconded by Commissioner Anderson. Can we take a vote?

[Thomas Smith:](#) Just for the record, what is the amount that is being reimbursed?

[Regina Jackson:](#) I know I totaled it before I gave it. Oh my goodness. It's not totaled on this document.

[Mr. Russe:](#) [inaudible 03:25:24] \$70.80.

[Regina Jackson:](#) Can you say that a little louder, Mr. Russe?

[Mr. Russe:](#) Yeah, it looks like it adds up to about \$70.80. Is that correct? [crosstalk 03:25:39].

[Thomas Smith:](#) We need the exact information.

[Regina Jackson:](#) No, no, no it's, there's-

[Speaker 8:](#) \$209.44.

[Regina Jackson:](#) Anybody have a calculator? I know that I ... There were receipts plus some mileage. Okay. Why don't we do this? I'm pulling the phone out so that we can get the calculator going. Jeez ...

[Regina Jackson:](#) (silence)

[Thomas Smith:](#) Can we do a not to exceed amount?

[Mr. Russe:](#) I don't see why not.

[Thomas Smith:](#) Yeah, I think maybe we should figure out what the amount is not to exceed and then we can ...

[Regina Jackson:](#) Okay, from a quick glance, it doesn't look like it's going to exceed \$400, but it probably will go into three from all these different ... Commissioner Dorado, would you amend your motion to say not to exceed \$400, please?

[Speaker 10:](#) [inaudible 03:27:15].

[Regina Jackson:](#) Not to exceed \$400.

[Jose Dorado:](#) Yes, let me amend my motion to include the provision that the amount will not exceed \$400.

[Regina Jackson:](#) Thank you. Commissioner Anderson.

[Tara Anderson:](#) Oh, I second.

[Regina Jackson:](#) Thank you. Okay, so can we get-

[Thomas Smith:](#) Aye.

[Regina Jackson:](#) Okay. Aye for myself, Commissioner Harris?

[Ginale Harris:](#) Aye.

[Regina Jackson:](#) Thank you, motion passes. Note to Chrissy, we need to make sure that there's a total on these in the future.

[Regina Jackson:](#) Okay, and we are on to agenda item 15, agenda setting and prioritization of upcoming agenda items. Yes?

[Jose Dorado:](#) Madam Chair, can we ... I would think that we would have to have it be an agenda item, but I'd like to reimburse former Commissioner Maureen Benson for the laptop that was destroyed in the special meeting we had at your facility. It was about \$1500 that she ...

[Thomas Smith:](#) Yeah, I think the ... We can obviously put it as an agenda item. I think the controversial part about it is that is the reimbursement that was denied by Oakland. We'll have to vote on it. We can obviously put it as an agenda item, but whether or not people support that, there needs to be full information about what came back in terms of the reimbursement denial from the City of Oakland.

[Regina Jackson:](#) Okay, so we'll have some research on that item as well as listing it, yes, on Commissioner Harris.

[Ginale Harris:](#) I think we're setting a double standard here because this police commission was put together for excessive force and racial profiling, not for homelessness. We are spending tax dollars on homelessness, therefore, Commissioner Benson came to our special meeting and one of our presenters damaged her computer, not on purpose, on accident. It was up to us to approve or deny. I don't want to set a precedent that we can spend money on food for things that have nothing to do with this commission and we don't reimburse the commissioner that gave all of her time to this commission.

[Thomas Smith:](#) Chair?

[Regina Jackson:](#) Mr. Smith?

[Thomas Smith:](#) Just a point of clarification, first of all the hearing is a requirement that we checked off or checked the box and successfully did and so it's something that we're expected to do as a commission and the funds expended within it were in

the scope of things that we're required to do as a commission, so it's appropriate use of public funds.

[Thomas Smith:](#) The item that we're talking about putting on the agenda is reimbursement of an individual's private property and it is not the case that the presenter is responsible for that. I mean, I was sitting right there and I watched what happened and it was actually a faulty bottle. The bottle had a convex bottom on it, I think because it was frozen or whatever and so it fell over. But, to blame it on the presenter is not accurate. He didn't, in my view from what I saw, he didn't do anything wrong. It was the bottle.

[Speaker 9:](#) Chair Jackson, if we could move past this item as it's not on the agenda.

[Regina Jackson:](#) Actually, we're setting the agenda for the next time.

[Speaker 9:](#) Oh, are we discussing the falling item now?

[Regina Jackson:](#) Yes, yes, thank you.

[Speaker 9:](#) My apologies.

[Regina Jackson:](#) No, no, no, that's okay. I think that probably what we need to do is-

[Thomas Smith:](#) I just want to finish my point. Public funds, obviously, are a very serious issue, right? The concern that I raise here is and that we'll have to discuss if this comes up as agenda item, is it appropriate to use public funds to reimburse an individual's private property. Obviously the city attorney's office decided no and if we do that we would be going against that. Each individual commissioner can make their own choice, but along with that comes the impact on the relationship of the commission in terms of being a guardian of public funds and so that's a serious matter to consider.

[Regina Jackson:](#) Okay, so I think what we have decided is that we can go ahead and put it on the agenda. Obviously we'll have the additional research that can be provided and then whatever arguments and context can be presented then. Are there any additional-

[Ginale Harris:](#) Chair?

[Regina Jackson:](#) Yes.

[Ginale Harris:](#) I'd like to say something. First of all, for clarity, the police commission was made up for racial profiling and excessive force, again. Chair Jackson, you opened the bottle. You opened the bottle when we gave it to our presenter, so it wasn't a default bottle. The bottle was open and nobody told him, so the water spilled. I just want to be clear that yes, it's public funds, but you cannot spend public funds on something that has absolutely nothing to do with why we're here. If

you're going to approve it, then it's going to be setting a standard that there's a double standard.

[Regina Jackson:](#) Our meeting was a community meeting, just to clarify.

[Ginale Harris:](#) A community meeting not about racial profiling or excessive force. Okay.

[Regina Jackson:](#) It was one of the designated things that we're supposed to do as part of the commission, but that's neither here nor there. The point that I've already identified is we can put it on the agenda. I'd like to move forward, though, so we can identify what other things need to be on the agenda. I do believe that you and I had a conversation about a budget presentation?

[Ginale Harris:](#) Yes.

[Regina Jackson:](#) Okay, so we will make sure that that's on the agenda and then the chief goals?

[Ginale Harris:](#) Absolutely.

[Regina Jackson:](#) Okay. I know you and I are going to meet next week. Yes, Commissioner Smith?

[Thomas Smith:](#) I would like to put the appointment or selection of our new commissioner on the agenda again. I think we'll have Mubarak Ahmad hopefully back and Commissioner Prather. I think I'd like to take another vote with hopefully a full commission to see if we can approve her as a new commissioner.

[Regina Jackson:](#) Okay. Thank you, and Commissioner Harris?

[Ginale Harris:](#) Chair, I'd like to set a standard for the commissioners as well on the absentees, of being absent from our commission meetings. That's a problem and it's a concern, so I'd like to put that on the agenda.

[Regina Jackson:](#) I'm not quite understanding.

[Ginale Harris:](#) When people miss the commission meeting, we cannot get the work done and it has been that way for the past year, so I'd like to set a standard. If we're going to hold people accountable to be on ad hoc committees, then we should hold them accountable for attending these meetings, and I believe I read somewhere that you only can miss so many meetings but we have not been following that at all.

[Regina Jackson:](#) Okay, so why don't you find whatever you thought, wherever it is-

[Ginale Harris:](#) I will do that.

[Regina Jackson:](#) And send it to me, thank you. Okay, Anderson?

[Tara Anderson:](#) Correct me if I'm not going about this procedurally, appropriately. I do believe what I'm requesting would require the creation of an ad hoc and I believe that would have to be agendized. One thing that I'm very proud of and the work that I've done recently in San Francisco is led the creation and approval of a criminal justice racial equity statement, where all policy bodies in San Francisco have expressly identified and acknowledged the harm that racism has caused, and that it's government's job to undo that harm.

[Tara Anderson:](#) I would like to draft such a statement from the Oakland Police Commission and also use it as an opportunity as we're working together to develop that statement. The ... develop methods for using an equity lens on any policy and practice work that we are developing. It's a big part of the government alliance in race and equity. We have a department of race and equity here in Oakland whose ... We have the equity indicators relative reports and also we have other racial equity indicator reports from the state that I think could benefit this conversation.

[Tara Anderson:](#) I think of it as you can't fix the problem until you identify you have the problem, and acknowledge it's your responsibility to repair it. That's the sentiment from which I come from in proposing this as an action that we take as a body.

[Regina Jackson:](#) Excellent. We will work on that for the language on the agenda.

[Regina Jackson:](#) I would also like to submit that we're going to re-put the quarterly report from the police commission on with all of the edits and changes.

[Ginale Harris:](#) Chair?

[Regina Jackson:](#) Yes, Commissioner Harris.

[Ginale Harris:](#) Can we get an update of the Parone [03:37:17] probation status for the-

[Regina Jackson:](#) Yes. Actually, that was not ready for this meeting. I think that it will be ready, so we should be able to put that on.

[Ginale Harris:](#) Okay. How about the Inspector General from his home?

[Regina Jackson:](#) I'm going to be meeting with the city administrator, I think next week, so hopefully we can do that, too.

[Regina Jackson:](#) Let's see. I'm not meeting with the city attorney's office until the 11th so we'll put the RFQ for the next one after that.

[Ginale Harris:](#) For the attorney?

[Regina Jackson:](#) Yes.

[Ginale Harris:](#) May I suggest one more thing?

[Regina Jackson:](#) Yes.

[Ginale Harris:](#) For the next agenda can we prioritize OPD policies that are up for review and ask Mr. Russe to provide the suggested list of policies for review before the next meeting?

[Regina Jackson:](#) We would direct Miss Tom with that request and that will be to prioritize OPD policies that are up for review with a policy narrative or research statement that goes under each of those policies provided by her staffer.

[Regina Jackson:](#) Okay? I think that's a pretty packed agenda, so I would submit that we will clean this up and get it out, and we will have the updated report from Ms. Tom. We will hopefully have the written report from Chief Kirkpatrick and written report from Virginia Gleason on the budget so that we can know what it was we thought we heard.

[Thomas Smith:](#) Chair Jackson, I think one other suggestion that I might have for you folks is that, as I recall from our last regular meeting, the issues regarding the vice chair issues have not been resolved and it might be prudent to have a selection of a vice chair or chairs.

[Regina Jackson:](#) Yes, excellent, thank you. Appreciate it. Okay, and with that-

[Jose Dorado:](#) Madam Chair.

[Regina Jackson:](#) Okay.

[Jose Dorado:](#) I'm not sure that this is an agenda item. It certainly relates to the budget. Just a request that the finance department provide us with updated numbers that they've gone through, so we have accurate numbers to deal with.

[Regina Jackson:](#) Okay, sounds good.

[Tara Anderson:](#) Would you put it on the calendar?

[Regina Jackson:](#) Yes, I've already put it on this one, thank you.

[Regina Jackson:](#) With that, we have several public speakers. We have Henry Gauge, Celine Bay and Rajshahi Grinage, and Lauralai Balsaman. [03:40:11] No Lauralai.

[Regina Jackson:](#) Thank you Mr. Bay.

[Celine Bay:](#) Celine Bay. I would ask that you add to the next agenda a report from the ad hoc committee regarding the case that I've been speaking about ad nauseum, right? I would like to get that on the next agenda so we can at least get an

update on where we stand, or at least to move it forward. Right now it's just spinning. It was listed as a high priority, one of the highest priorities as a matter of fact.

[Celine Bay:](#) In fact I believe I didn't see any other priorities that you just discussed, that you just stacked the agenda with that were rated higher than the case as it stood with your own designation of high priority. I'm just asking is that just a label? Or is the high priority something that you're going to act on, and that's why I'm asking that you please at least get a report back from that ad hoc committee, and possibly recommendations so we can move this thing forward, and not leave this to kick the can down the road, as Mr. Prather is so quick to do. Can we add that to that?

[Regina Jackson:](#) Will you be ready to go?

[Ginale Harris:](#) Yes, I'm ready now.

[Regina Jackson:](#) Okay, so yes, we can put it on the agenda. Thank you.

[Celine Bay:](#) Thank you very much.

[Regina Jackson:](#) Henry Gauge and Rashidah Grinage. Rashidah? Can you turn the timer off? Or reset it? My apologies. I misread that. You go ahead, and then we'll have Henry come up. I'm sorry.

[Karen Tom:](#) I just wanted to clarify something on the item that you were going to place on the agenda for CPR aid regarding prioritization of the OPD policies. Just want to get a couple of clarification items and then I wanted to bring up a concern from Mr. Russe.

[Karen Tom:](#) The first question is, I wanted to check to see whether the prioritization of OPD policies were based on the email I had sent you previously about that topic, or something completely separate and different and new, or what exactly specifically you were referencing in requesting that.

[Regina Jackson:](#) Commissioner Harris?

[Ginale Harris:](#) Thank you Chair. I was referencing the OPD policies that they're working on right now for review. We want to be a part of the review. We want to know what it is they're prioritizing that are upcoming, and then we'd like recommendations from your office on what policies you feel that we should be looking at.

[Karen Tom:](#) I know I had already sent an email. That's the one I'm asking about. That I just wanted to clarify whether you just wanted more information based on what information I'd already relayed to you in that email.

[Regina Jackson:](#) Commissioner Harris, we're talking about two different subjects. You have provided lots of background and those recommendations. Now I think what we're looking at is trying to identify what OPD sees on the horizon, and providing that same depth and breadth of background.

[Karen Tom:](#) The list that I gave you was based on what they had already provided. Correct. It was a list I believe that Commissioner Benson had forwarded, that they had said these were the items I'm working on. What do you recommend based off of this list. So that's why I'm saying it already has ... it was really an extrapolation of what they had. Then I had ... I believe Commissioner Benson's question was, do you have anything else to add? It included that plus more.

[Ginale Harris:](#) Thank you for the clarity, however, I want you to ... You're a separate entity so you don't work for the police department. We want to know what will be helpful to you. [crosstalk 03:44:07] on their lists or not.

[Karen Tom:](#) Yes, but that was also in my email as well.

[Regina Jackson:](#) I think what Commissioner Harris is asking is if you have any additional things that you'd like to put on, jump in with that so we've got the most updated list. Okay?

[Karen Tom:](#) Okay. Part two of the question goes to a question for Mr. Russe, which is, based off of the list I provided, which I believe has addressed both of the questions, what I would prioritize from their list and also additional comments I had made, the question would be, when you say you want a narrative research statement did you have something specific in mind for him? I think he was saying that, with the time frame that we have right now, he would have to submit something, he would only really have a few days to work on it before it's available for the next packet.

[Karen Tom:](#) I guess what the question would be, do you want whatever he can put together in that time frame, or would you like him to spend more time on it? Ideally he would like more time.

[Regina Jackson:](#) I think we want a quality job but we're not looking at research papers. We want a narrative. That can be a paragraph or two paragraphs, but basically, in alignment with what you've already provided as background related to other policies. Just a continuum. Commissioner Harris.

[Ginale Harris:](#) Thank you Chair. Are you done? Okay.

[Ginale Harris:](#) I was looking at our agenda packet and I would ask the Chair permission if we can go back to item 12, because it says 'assignments and updates', right? We're prepared to give a budget update. That's what I came prepared to do, I thought, because it was a time sensitive matter.

[Regina Jackson:](#) I'm sorry. I thought we moved past that. My apologies. Whoops, we're in the middle of public comment. Let's have Mr. Gauge do his comment and he's the last person on that subject, and then we'll go back to 12.

[Regina Jackson:](#) Apologies Mr. Gauge.

[Henry Gage, III:](#) Thank you Chair. I think at last meeting there was a discussion about former Commissioner Benson raised the issue of a potential for multiple Vice Chairs and responsibility sharing. I don't know if that conversation's been ongoing and if that's going to come up again during your debate at the next meeting when you discuss the Vice Chair election again, but if there's any chance that it does it might be prudent to request a legal opinion now, so you'll have that in hand from the city attorney's office to see whether or not that makes sense, if it's legal and whether you want to pursue that type of responsibility sharing. Thank you.

[Regina Jackson:](#) Thank you. We will handle that. Thanks.

[Regina Jackson:](#) We're going to go back to agenda item 12 now. Commissioner Harris has an update.

[Ginale Harris:](#) Thank you Chair. Commissioner Dorado, Commissioner Benson and myself all worked on the budget. I'm going to let Commissioner Dorado state his piece first. We're going to do two portions. One is on the budget itself and how and the explanation on where the money is coming from. He's going to talk about the plan that we want to present to the commission.

[Jose Dorado:](#) Thank you. The bottom line is that we've been asked to cut \$163,000 from the budget, but in fact we have over \$800,000 of carry over funds. That's really the bottom line. We have all of the numbers that have been provided to us, and that's why it's important that we get the updated numbers, to make sure these are accurate.

[Jose Dorado:](#) Based on that fact, our proposal is to move the separate policy analyst to the office of inspector general, and also to change the office assistant two to ... the current office assistant two to an administrative analyst two that reports to the executive director.

[Jose Dorado:](#) Thirdly, that we certainly have more than enough money to have seven investigators. There should certainly not be going down to six particularly since it's an LL requirement that we have one per hundred.

[Jose Dorado:](#) That's the first part of-

[Mr. Russe:](#) I'm sorry, Chair Jackson, was this material posted with the agenda or distributed to the public before this meeting?

[Speaker 8:](#) Yes, [inaudible 03:49:01].

[Regina Jackson:](#) No, what he's asking ... This is item 12 but the paperwork that's being distributed, no, I do not think that that was a part of the agenda.

[Regina Jackson:](#) What I'm going to have to request, Commissioners Harris and Dorado, is that we post it, and then you'll be able to speak to it at the March 14th meeting.

[Jose Dorado:](#) Okay, because this was not presented as a part of this agenda. Even though it was of a prior agenda, is that correct?

[Regina Jackson:](#) Right, because the attachment actually has to be posted with the agenda item. My apologies. I didn't think about that.

[Jose Dorado:](#) Can I give a preview of coming attractions?

[Mr. Russe:](#) Sure. There's an exception in the Brown Act for commissioners to provide brief reports on their own activities, but the commission can't have a substantive discussion on policy.

[Regina Jackson:](#) Okay, thank you.

[Jose Dorado:](#) Again, there's those three. Part one is these three, let's call them moves, that I will speak to at the next commission meeting.

[Jose Dorado:](#) The other will be directives to staff regarding the discretionary funds, the labor budget, the CPRB investigations project, the CPR admin project, discretionary funds, the admin project restricted funds, and [inaudible 03:50:50] labor. These are all part of our packet of our last meeting. That'll be part two of what I'll address in my remarks next meeting.

[Regina Jackson:](#) Just a clarification. Last meeting when Ms. Harris wasn't there but you were, we had this paperwork? Or we didn't?

[Jose Dorado:](#) We did.

[Regina Jackson:](#) It was posted as a part of the agenda. Okay, we just did not get to it.

[Jose Dorado:](#) Correct.

[Regina Jackson:](#) Alright, so we'll repost it.

[Speaker 8:](#) Here's the agenda [crosstalk 03:51:23].

[Regina Jackson:](#) No problem, thank you.

[Regina Jackson:](#) With that \$800,000 that you've identified, can you specify where it came from, so that we can make sure that there is a legend to identify?

[Ginale Harris:](#) I can break it down.

[Regina Jackson:](#) Terrific. Thank you.

[Ginale Harris:](#) The bottom line is we're moving the policy analyst to the IG position. We're changing the job description of the office assistant to admin analyst two. We're keeping seven investigators.

[Ginale Harris:](#) That \$800,000 we do not have to cut any ... that \$800,000 is ours. It's a carry over. The CPRA had it under their budget but they didn't spend a dime in the last two years.

[Regina Jackson:](#) Cost savings from 2016 2017? Sorry. Here we go again. Apologies.

[Regina Jackson:](#) We're going to have this conversation in full March 14th, but it sounds like we are on it. Thank you very much Commissioners Dorado and Harris and previously Benson.

[Regina Jackson:](#) I think that I'm ready to entertain a motion to adjourn.

[Thomas Smith:](#) So moved.

[Regina Jackson:](#) Thank you, Commissioner Smith. Do we have a second?

[Jose Dorado:](#) Second.

[Regina Jackson:](#) Commissioner Dorado. Can we vote please?

[Mr. Russe:](#) Aye.

[Regina Jackson:](#) Commissioner Anderson.

[Tara Anderson:](#) Aye.

[Regina Jackson:](#) Commissioner Smith.

[Thomas Smith:](#) Aye.

[Regina Jackson:](#) Aye for myself. Commissioner Harris.

[Ginale Harris:](#) Aye.

[Regina Jackson:](#) Beat me to the punch. Thank you all. It's been a wonderful night.

PART 7 OF 7 ENDS [03:53:23]