



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Meeting Transcript

Thursday, March 14, 2019

5:30 PM

City Hall, Council Chambers

1 Frank H. Ogawa Plaza, Oakland, California 94612

Regina Jackson: It is now 5:36 and I'd like to call the meeting to order. We have the roll call to determinate quorum. Commissioner Dorado?

José Dorado: Here.

Regina Jackson: Commissioner Harris?

Ginale Harris: Here.

Regina Jackson: Here for myself. Commissioner Prather.

Edwin Prather: Here.

Regina Jackson: And Commissioner Anderson?

Tara Anderson: Here.

Regina Jackson: Okay. So, in terms of full voting commissioners, we have four. So, I would like to call Tara ... Excuse me. Commissioner Anderson to participate as a voting member in order to determine quorum. Okay? All right. Thank you. So now that we have called the meeting to order and determined our quorum, we need to go into closed session. We'll be back as soon as we can. Thank you.

Regina Jackson: Okay, welcome everyone. It is 6:32, and I'm calling the meeting to order. Next item is to take roll call and determine the quorum.

Regina Jackson: Commissioner Ahmad?

Regina Jackson: Commissioner Dorado?

José Dorado: Here.

Regina Jackson: Commissioner Harris?

Ginale Harris: Here.

Regina Jackson: Alternate Commissioner Anderson?

Edwin Prather: Here.

Regina Jackson: And, Commissioner Prather?

Edwin Prather: Yes, I am here.

Regina Jackson: Okay, we have established a quorum. Thank you.

Edwin Prather: And, [inaudible] just a reminder, it might be necessary to either report out a closed session or report that there's no items to report out.

Regina Jackson: Yes, there were no reportable items coming out of closed session. We're moving to item four, welcome and purpose of the forum. I want to welcome this large stack of speakers. I'd like to also restate that we would really appreciate if our speakers could keep to two minutes. We have a lot of items on the agenda. In addition, I would like to ask the commissioners to also, wherever possible, keep their speaking items to two minutes, as well.

Regina Jackson: So, our next item is the selection of alternate commissioner to fill commission vacancy. This is to ... I'm sorry, still getting used to this. So, the welcome and open forum, and we have Rashida Grinage, and Mrs. Asada.

Rashidah Grinage: Good evening. Just wanted to let all the commissioners know, and the public as well, that the coalition is sponsoring, hosting a press conference a week from today at 12:30, right outside of City Hall. We're calling for the monitor, the compliance director more specifically, to follow his critique of Chief Kirkpatrick's findings in the Pollock case by ending her tenure at OPD. And, we invite everyone to come and participate. It's clear that this is the culmination of many other serious issues that have arisen under her leadership, and it's time for new leadership in Oakland. Thank you.

Regina Jackson: Thank you, Miss Grinage. That was a little quick. So, March 21st at noon?

Rashidah Grinage: Thank you. Yes, 12:30. 12:30 on the front steps of City Hall and we welcome everyone's participation. Thanks very much.

Regina Jackson: Thank you very much. The next speaker is Miss Assata followed by Nino Parker.

Miss Assata: Love life. Love black people. Just for informational purposes, [inaudible] this morning identified that there's going to be a special city council meeting next Thursday at 10:30 and that's going to be the meeting to replace the canceled meeting this past Tuesday. And I don't know if that meeting will go into the possible event that you talking about at 12:30. I'm been tired a long time. Fannie Lou Hamer said it best, "I'm sick and tired of being sick and tired." But as it relates to this police department, the insurmountable amount of issues that

have gone unresolved, particularly with the negotiated settlement agreement, 16 years, the Joshua Pollock and the young man also in the lake front, unconscious people being murdered. When you have police officers who get shot, you can't find the gun, they go to their girlfriend's house, the bullets are found by the reporters on the scene. Y'all know this situation? Because it hasn't been talked about. This is crazy. Then you have two police officers who are suing the city. One over the fact that the murder investigation that they participated in, the police tried to cover it up. Another who was an internal investigator and got pushed out. That same person was involved with the Las Vegas shooting. It's outrageous. And we've not had a thorough investigation into the Las Vegas shooting where you had an innocent person sitting in their car get shot by a white person and they go to jail. And right now we have a lawsuit where a mother and their child are suing the city over the fact that they were traumatized by the lack of police support sufficiently in time. So I could go on and on. This is recent stuff.

Regina Jackson: Thank you. Nino Parker followed by Elise Bernstein. Uh-oh. But Gene Hazard is here.

Gene Hazzard: For the record, Gene Hazard go to CleanOakland.com. I want to continue to harp on the fact that Measure LL that created this commission is in direct conflict with the city charter, 305e of the city charter. The mayor has no jurisdiction of appointing the police chief and you need to look at considering litigation against the city on Measure LL to strengthen your hand because you're always getting blocked because of what's contained in Measure ... and particularly as it relates to the inspector general. The city administrator has already spoken to the fact that she has the authority to choose the inspector general not this body. And she's indicated that there is a conflict with the charter, but there's a conflict with charter as relates to 503 of the charter, but she doesn't speak to the conflict with 305e of the charter. So this matter should be resolved going forward if ... because you continue to go over and over in terms of what your jurisdiction is and it's in the infrastructure. You need to get that clear and let the courts determine whether or not there is a conflict with Measure LL and 305e of the charter. Otherwise you gonna keep going over and over and over again of who has what jurisdiction over what. And particularly as it relates to the police chief. The mayor has no jurisdiction under 305e of the charter. Look at it for yourselves. Thank you.

Regina Jackson: Thank you. Elise Bernstein, then Nino Parker, and then Mary Vail.

Elise Bernstein: Elise Bernstein from the Coalition for Police Accountability. Good evening. I'm here to share with you a really frightening and dangerous incident that happened on my street on Keller Avenue in East Oakland this Tuesday morning. I became aware of police cars with their lights flashing parked at all of the ends of the blocks blocking traffic and realized that they were all focusing on one particular house up on Keller Avenue where I know there are two women living. I don't know them personally, but I've talked with neighbors about our concerns

about one of the residents whose behavior is a little bit strange but there's been nothing frightening or worthy of report until that day when allegedly, I'm told by the police after I went out to see what was going on, that they had received a report of someone with a gun. And they immediately set up, I don't know how many cruisers there were, 15, maybe more. There were long guns, lots of police walking around with long guns and handguns. And they actually had the guns in their hands out of their holsters.

Elise Bernstein: I asked what it was for and they said it was about someone having a gun. And I said, "Do you know who it was?" And they said, "Some resident of this house." And I said, "Could it be Kim? Woman who lives there?" And they said, "We don't know her name. Do you know her?" And I said, "No, but there's a neighbor across the street who knows her and he could come out and maybe give you some information or maybe talk for you." And they said, "Yeah, yeah, we need that help. Yeah. Thanks, ma'am. We don't know anything about it. We don't know who it is. Don't know if it's a man or woman who reported it." Tom came out and they allowed him to use the PA system and to talk with her. I'm sorry, I'm going to go over time if you want to hear about it.

Regina Jackson: Okay [crosstalk] for us.

Elise Bernstein: Or I could just [crosstalk] give me my questions. It ended up ... The armored car even came up and this reminded me of Joshua Pollock story. The armored car came up and there's a guy in the turret and there were more officers. It was so frightening for me and I was on their side. The mental health team ... I'm a retired social worker, so I was looking for the mobile crisis team. They were there, but they were down near my house, like four houses down on the other side of the street. And I asked, "Are you guys involved? Are you going to help out?" And they said, "No. No. They got it." Oh, disappointment to me as a professional. They seem to be getting more and more on edge. Oh, they hadn't yet allowed Tom to talk to Kim through the PA and all of a sudden a young police lieutenant, Lt. Tran, came up and said, "I'm in command." He was told by the other offices, I'm sure, "There's this woman that you got to talk to 'cause she's bugging us." And he said, "I'm in charge, ma'am. They've been waiting for my command. And we're gonna let your friend talk, use the PA system." So they did. Tom was able to get Kim to wave at him through the window. They could see no gun just waving. She would not come out.

Regina Jackson: Can you wrap it up?

Elise Bernstein: And after over two hours of this, Lt. Tran stopped the whole incident and broke it up. And my questions are, man, how does it get to be so bad so fast before somebody like Lt. Tran, who clearly was reasonable. He had common sense.

Regina Jackson: What day was this?

Elise Bernstein: Tuesday morning.

Regina Jackson: Okay.

Elise Bernstein: Keller Avenue.

Regina Jackson: Thank you. I need to ask you to wrap it up.

Elise Bernstein: Okay. The big question. We have a wonderful neighborhood resource officer, Kim Armstead. She wasn't there. I emailed her to find out why and she said she was out on a DEA special-

Regina Jackson: I'm sorry, Ms. Bernstein.

Elise Bernstein: Okay.

Regina Jackson: But we'll look it up.

Elise Bernstein: All right.

Regina Jackson: Thank you.

Elise Bernstein: Thank you.

Regina Jackson: Thank you. Nino Parker, Mary Vail, and Saleem Bey.

Nino Parker: Good Evening, Commission. Nino Parker. Homeless Green Team. Lake Merritt. Black advocate for homeless. I'm here tonight to report a 2-11, a robbery. I'm not sure if a 2-11 is a robbery in progress or if it's a robbery after. However it's looked at. A 2-11 happened to me on the 8th of March. I had some bicycles and some stuff under the bridge at Lake Merritt that had been there for a while. There was no posting. I have the posting was ... This stuff was taken on the 8th. The posting's for the 12th. So they we're going to do a cleaning under the west side of the bridge on the 12th. But on the 8th, my stuff was taken. The way I found out was two days ago I was talking to a city worker which I've known for about five years and he said to me ... I'm not sure who had taken it. And so after a weekend of worrying, like when you lost a girlfriend or a relative or something, I worried about my stuff and what happened to it. I find out from a city worker that the people that took it had a bolt cutter. They went to their car and got a bolt cutter and cut the locks off my bikes and took 'em. So I said, "Can you give me a description of these people?" And the guy gave me a description. It happened to be two guys that were dressed in blue with a badge and they cut the locks off my stuff and gave my stuff to DPW. In other words, a 9-11 was done by the police department. You know there's protocol when you're taking homeless people's stuff. I had a ... It's not only my cargo bike which I could put all my tent and everything on and travel around with. They took a Diamondback bike that was a old 1980, 24 inch cruiser. Not understandable to everybody, but I'm a bike person, a bike mechanic, and that bike was worth about 800 bucks and there it was just cut off and thrown into the back of a truck somewhere. I

did put in a complaint today with the city attorney's office. And at the bottom of the claim form I see, this is very interesting, it says here "Any persons with an intent to defraud or present false or fraudulent claim may be punished by imprisonment or both." So, folks, the police department ... Let's get this right. You guys are detectives. It's not too hard to go back on the 8th and find out who on the 8th, Friday morning, under the bridge at Lake Merritt, cut the locks off my stuff and took it.

Regina Jackson: Mr. Parker.

Nino Parker: That's no defraud.

Regina Jackson: Can you see Karen Tom about that please?

Nino Parker: Sure. Thank you.

Regina Jackson: Thank you.

Mary Vail: Mary Vail. This morning there was another article in the East Bay Times about the whole Pollock situation and what the court's saying and the ongoing personnel proceedings. And that article included two direct quotes from the OPOA council, Mr. Rains. The first I don't have a problem with. He says we're going to fight 'em in arbitration, no one's going to get fired. The second one I have a great problem with. He announces, oh, you know, these cases are tainted, they've become political. This is like in a direct attempt by the union's attorney to try to intimidate the court staff, Mr. Warshaw, and to try to intimidate you. It's like they don't want regular proceedings in this to go forward. But in a way Mr. Rains is speaking for his client. The OPOA and their allies in internal affairs, they want to preserve the status quo. You have an incident like this, with or without litigation we circle the wagons, we look for a way to justify the officer's conduct, there's no discipline, no consequences. And also that it's okay when one of these incidents, fatal or not, happens for the city to pay out millions in civil settlements but it's not okay for any of the OPOA members, let alone their supervisors, to be disciplined. So I just urge you to channel out that pressure and forge ahead. Thank you. Yeah.

Regina Jackson: Mister Bey.

Saleem Bey: Saleem Bey, longtime resident of Oakland. I'd like to speak a little bit on hypocrisy and hypocrisy in the form of people who think they know better than everybody else who are the ones that are affected. I've been up here for almost a year now without missing a beat and telling you all of the transgressions of the police chief which started with her promoting people who covered up the serial rape of an underage girl in our community. Right? All this time that we've been saying this. Let's not forget who appointed this chief and the fact that due to white privilege she's on her fourth strike when this one goes down, when most people only get three, and in the corporate world a lot of times you only get

one. When 75% of the community, which represents three of the four votes, votes for a community member, it's not on any organization or any community person to go against that. You not represent yourself. You representing the community. Right? So I don't care what you feel personally, if the community says this is what we want, bite the bullet and go. So we have an organization out here that thinks they know better than the community. So at the exact same time as they were lobbying for and twisting everybody's arm to place the mayor's appointee as the chair, now they come back and go, "Oh, the mayor is so stupid, she can't hire a real chief, so now we're going to have a press conference to fire the chief." Why would you put the mayor's person ... If the mayor doesn't have enough sense to choose a good chief, why would you back the mayor's appointee over a community person? That doesn't make any sense. It means that you actually think that you know more than the community that's being affected. So when the community next time, 75% of the community goes with it, I don't care if you in the 25% that disagrees with it, you go with what the community goes with.

Regina Jackson: Thank you, Mr. Bey.

Regina Jackson: We're moving to item five, selection of alternate commissioner to fill commission vacancy. The commission will select Alternate Police Commissioner Tara Anderson to fill the vacancy created by Commissioner Maureen Benson's resignation. Any discussion? Commissioner Dorado.

José Dorado: I move that we select Alternate Police Commissioner Tara Anderson to fill the vacancy created by the resignation of Commissioner Maureen Benson.

Regina Jackson: Thank you. Is there a second?

Thomas Smith: Second.

Regina Jackson: Commissioner Smith seconds. May we take a vote? Commissioner Ahmad?

Thomas Smith: [crosstalk] public comment.

Regina Jackson: Oh, I'm sorry. Okay. I have a ... Someone has filled out 3801 Keller, but I don't have a name. And then there's Saleem Bey and then Mary Vail.

Elise Bernstein: Elise Bernstein.

Regina Jackson: Oh, Elise Bernstein. Excuse me.

Elise Bernstein: I'm glad ... Elise Bernstein. Coalition. I'm glad to see this vote so neat. I was going to step up to say, "Yes. Please advance Commissioner Anderson." Wonderful to have her on board. Thank you.

Regina Jackson: Thank you. Mr. Saleem Bey and Mary Vail.

Saleem Bey: Saleem Bey. So, I mean, basically the bottom line is that I don't know Miss Anderson, but I do know what the qualifications that she stepped up with and the qualifications come out of the DA's office. The DA's office has traditionally been the front line of mass incarceration in our community. And so it's really difficult for me to go out on a limb and just say that in a police commission that's supposed to be dealing with police issues and oversight of police, it doesn't look good to the community when you placing people here that are in the position of defending the police or defending police policies. Now that goes directly and segues directly into the fact that the most recent chair is also working in the city attorney's office in another city. So what you're telling us is that during the daytime you are protecting crooked cops, that you protecting the city against the people. This is what the city attorney ... Don't shake your head. This is what the city attorney's office does. Who is your biggest obstacle of this commission is the city attorney's office in this city. Right? So if the city attorney's office is one of the biggest obstacles during the daytime for this, you're going to another city attorney's office and representing the city against the people. Your actions over the last year has really showed that where your loyalties lie. Your loyalties lie with corruption, obfuscation, deflection. You haven't done anything. It's an embarrassment. As a matter of fact, your leadership according to the news is that this is in disarray. Right? That's your legacy. And why? Because you're a city employee whose loyalty is to the city before it is to the community. And that's been showing. We only deal in deeds, not words. And that's exactly why I will give Miss Anderson the benefit of the doubt until her actions show something different. But the very idea that you are a city employee sitting up there defending the police during the daytime and then at the exact same time you coming up here and saying that you for the people, fake.

Regina Jackson: Mister Bey. Mary Vail.

Mary Vail: I'm glad you're coming together and have elevated Alternate Anderson to a commissioner's slot. You need to be focused on the work in front of you and nothing else. And brings you closer to being up to full strength. And I'm glad that we're moving ahead from the discussion that happened at the previous meeting. Thank you.

Regina Jackson: Thank you, Mary Vail. So, Commissioner Prather.

Edwin Prather: Yeah. Thank you, Madam Chair. You know, I just wanted to comment on this matter. I was not present at the last meeting and I don't know what happened, but it seems very unfortunate to me that Alternate Commissioner Anderson with her bona fides and her qualifications was denied auspicious start to this commission. And I think that, you know, it's probably not forthcoming, but I think we the body owe her an apology. I would just want to remind both myself and all my colleagues that, you know, we need to do what's in the best interest of this body, the commission, and the community. And it's not for personal feeling or gain. And I'll be voting to confirm Commissioner Anderson as a full

commissioner this evening. But, to be honest, I don't know why it didn't happen at the last meeting, but it should have happened at the last meeting. So I'll just ... I'll leave it at that.

Regina Jackson: Thank you, Commissioner Prather. Commissioner Anderson and then Harris.

Tara Anderson: Thank you for your comments. No apology is necessary. I understand the principles that stand behind the actions that took place last meeting and I fully respect my fellow commissioners. I think this is a time where we need to nurture our inner reserves, gain perspective, and focus on the goals. And so I'm here and, if voted to do so, honored to be a part of a team that's been entrusted to do that for Oakland.

Regina Jackson: Thank you, Alternate Commissioner Anderson. Commissioner Harris.

Speaker 10: You still work for the DA. You still work for [inaudible].

Ginale Harris: Thank you, Chair. I just wanted to clarify something. You weren't here, Commissioner Prather. And Commissioner Anderson is aware of the intent, and so it's not personal. But I would like to just state for the record that I represent the people who don't have a voice. And so I come from a community that is disrespected every single day by the police department. And so coming from that space of love, you know, it is about the community. But I represent the community. And so it's not about Ms. Anderson personally, it's principle.

Edwin Prather: Right.

Ginale Harris: So that's it.

Regina Jackson: Thank you. We had a motion to select Alternate Commissioner Anderson and we had a second. I'd like to take a vote. Commissioner Ahmad.

Mubarak Ahmad: I abstain.

Regina Jackson: Commissioner Dorado.

José Dorado: Aye.

Regina Jackson: Commissioner Harris.

Ginale Harris: Aye.

Regina Jackson: Aye for myself. Commissioner Smith.

Thomas Smith: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Okay. And the motion carries. Welcome, Commissioner Anderson. Now we will move to item six, reimbursement to former Commissioner Maureen Benson for the cost of replacement laptop. The commission will vote to use available funds to reimburse former Commissioner Benson for the laptop which was destroyed at an offsite meeting on June 14th, 2018. Is there any discussion? Commissioner Dorado and then Harris.

José Dorado: I just want to go straight to the vote. I make a motion that we reimburse former Commissioner Maureen Benson for the costs of the laptop that was destroyed at our offsite meeting.

Regina Jackson: Commissioner Harris.

Ginale Harris: So I just want to note ... I did some notes on all the agenda items and previous Commissioner Benson has been asking for this to be put on the agenda since June of last year. For the record, the former chair refused to put it on the agenda despite former counsel, city attorney, city administrator and vice chair, me, suggesting this. So I hope we can put this all to rest and honor the tremendous volunteer work that Commissioner Benson has done and approve her being reimbursed for her laptop.

Regina Jackson: Thank you. Is there any more discussion? Commissioner Prather.

Edwin Prather: Thank you, Madam Chair. So, you know, I'm aware of the laptop situation. I was sitting next to Commissioner Benson when it occurred, when the unfortunate accident happened when a speaker flailed his hands and knocked over a water bottle, spilling water onto her laptop. I saw the whole thing unfold. I practically had a ringside seat for it. And obviously I think I share in probably the commission and even the public's feeling that, I mean, that was a terrible incident. I'm concerned about a lot of things regarding this reimbursement. I'm concerned about precedent. I'm concerned about amount. I'm concerned about, for example, like with the amount, you know, if your car gets in an accident, you're not entitled to buy a new car. You're entitled to what your car is worth. And so that's an issue to me. And so I did ask through the chair for legal counsel to weigh in on this issue because I'm just not sure what our authority is and isn't in this case. And I understand from counsel that this isn't a clear issue for us. This is not something that we can just vote up or down. There are issues in doing this. And so I would like to ask through the chair, I don't know what opinions can be made or discussed during open session, but to the extent we can identify those issues I just think we should talk about it.

Regina Jackson: Okay. So are we asking counsel to weigh in then? Okay. Go ahead.

Edwin Prather: Yeah, I mean, if possible I prefer to address those issues confidentially as opposed to in open session.

Regina Jackson: I really appreciate your request, but I think that we all need to understand what we're dealing with. So whatever it is that you can share, if you would please.

Edwin Prather: Okay. Certainly I think that the main concern is, you know, whether or not there's going to be a gift of public funds and whether or not, you know, the city commission as a body of a public agency can use public funds to reimburse, you know, the destruction of private property. Primarily that really depends on whether or not there could be a valid legal claim against the city. So that is just sort of what I'll leave there.

Regina Jackson: Thank you. I do understand that when Commissioner Benson was a commissioner, she did make a claim to the city for reimbursement. Pardon me? And that claim was denied. Do we have any understanding as to what the reasoning was for that? And maybe you can't speak on it. I don't know.

Edwin Prather: Yeah, I can't speak to that.

Regina Jackson: Okay. Commissioner Dorado.

José Dorado: I think it wasn't so much denied as it was kicked over to us as our decision to make.

Ginale Harris: Correct.

José Dorado: It wasn't a straight rejection.

Ginale Harris: Correct.

Regina Jackson: Okay. Thank you for the clarification. Are there any other comments or any more discussion before we go to public comment? A sec. Commissioner Harris.

Ginale Harris: I just want to be really clear about the precedents were sending. And I understand that it's public money, but people don't have problems spending public money on things that they're involved in. And this commission, you know, we've had different things that we've put on and we go to and, you know, it's not a problem to spend public monies when it suffices the people that want to do it. And all I'm saying is that this commissioner put a lot of work that many others on this dais have not. So all I'm asking is that we honor her by at least replacing the very tool that she used to give us the things we needed on this commission.

Regina Jackson: Commissioner Anderson.

Tara Anderson: Given the fact that as volunteers, and when we come on board there are no specific policies around the use of personal devices and should anything happen to them what replacement procedures would happen, I feel given the open nature of this and the documentation supporting Commissioner Benson's

contributions that we should look more favorably upon her in this instance, and prospective moving forward have very clearly outlined policy around compensation for personal items that may be destroyed through the carrying out duties of this commission. I think that's a reasonable compromise. I hope it's a legal compromise. In my day job every day, I work for government and I know there are limitations on personal items that get destroyed in the course of our doing work. Oftentimes it's limited at \$1,000. But I just wanted to put that forward for discussion.

Regina Jackson: Thank you very much. And when we get to the agenda setting, if you will raise that then we can outline that. I do want to say that I did check in with Miss Tom about the possibility that there may be a laptop that could be used for commission meetings. I have been told that moving forward there is something available so that commissioners don't have to use their own if they don't want to or are concerned about any potential damage. So I did check into that. Now if there is no more discussion on the subject ... Commissioner Harris.

Ginale Harris: Can you explain what that means, us borrowing a laptop?

Regina Jackson: Yes. That there is a CPRA owned laptop that could be borrowed for commission meetings and then, you know, for note taking. That's typically why we're doing it. And then, you know, you could email the notes to yourself and then return the laptop to CPRA. If there is no more questions or comments, we will take public comment. Okay. Mr. Saleem Bey and Rashidah Grinage.

Saleem Bey: Saleem Bey. So if I was going to file this under anything, I'd file it under petty ass pettiness. Right? I seen, Mr. Prather, you haven't spoke that much about, or to, the OPD in all the time that I've been standing here, but you got more opinion on a laptop that you trying to stop for a person that's done probably 80, 70% of a lot of the grunt work that you ain't been around to do. Right? But you've got all this opinion. And why is it that when we talk about "actions speak louder than words," you've got a person that did so much for this commission to move it forward. You guys should be kissing her foot because a lot of the foundation that you're sitting on right now is done by her for free. Right? So then to be for the last year, having it to where you're actively blocking this? That's petty. Vindictive? And whose money you working with? You spend and waste more money, especially if you're a city employee, as you are. I guarantee that you wasted more tax payer money than what it would take to reimburse somebody. There is no question that she was operating in the official capacity as a commissioner when it happened, right? She didn't do it to herself, so where's the question? Right? We spend more time on this than we do on racial profiling. I ain't never heard racial profiling come out of Mr. Prather's mouth. I never heard racial profiling come out of Tom Smith's mouth. I ain't even heard them take the amount of time to question the chief on failing to answer racial profiling. But, you gave an eight-minute speech on why Ginale Harris doesn't qualify for that. You gave a seven-and-a-half-minute speech and probably came back and said some more. So you spent more time talking about the people in

the community that are doing the work, than the people who are up there representing politics, right? Because we're here for racial profiling. Racial profiling is the number one thing that's keeping OPD out of compliance and the NSA. Spend more time talking about racial profiling and less time trying to jip somebody out of a couple of thousand dollars.

Regina Jackson: Thank you Mr. Bey. John Burr. Oh, sorry.

John Bey: John Bey. That's my fault, I've been criticized for my penmanship for years, so that's on me. But you know, when Saleem said about the new commissioner Ms. Anderson, we'll give you the benefit of the doubt because he don't know you. That is similar to many of the commissioners. We didn't know who was what. All we knew was the police commission was here for oversight of the police department. And until we found out where people stood by how they acted and what they supported, and what they spoke on, we didn't know. We don't know Mr. Prather. But we know what he is about. Now we see that's the little side hit job to attack or want to deny former commissioner Benson reimbursement for some equipment, that like he said did much of the work for this commission. It is small minded. It is petty. Whatever happened to the ... What was it, the \$1800 debt Fennel was supposed to go to that ... whatever that meeting on.

Respondent: Las Vegas.

John Bey: Yeah, there we go. Las Vegas. I don't know if that money was recouped, but that money was put out, and he was easily convinced, "Well we got somebody that has to go, we already spent the money, send me." So that's not a problem, but here on this small issue, where again, this is police commission. The 16 years of failed NSA, that's the issue. Racial and religious profiling, that's the issue. All this little small jack stuff, sideways arguments, it's a waste of dug-on time, but I appreciate you wasting the time so I could get here in time enough to speak, so I appreciate that. But the chief who is on her way out by all accounts, even the people, the coalition who just left with one of the two main people who run what the police department does, Mr. Channin and Mr. Burris. They decide who gets an independent investigation because whether it represents their interest or not. So, those are issues, and while Rasheed is outside talking to him, we ain't privy to that information. We got to go get it from her rather than have him speak to the community. Or have her represent to the community. Or have her say, "Listen don't come speak to just me. Speak to the community." I'm not the be-all and end-all as her and her group who has done good but they ain't the be-all, end-all of the community. So what they say should not be word bond over what we got to say. So you need to do what's right. And the brother was already ready to just, "Let's pay it out and get it on and move on." And we could have been cool. I wouldn't have even spoke. And then another thing brother, stop attacking Ms. Harris. That ain't cool.

Regina Jackson: Thank you Mr. Bey.

Respondent: That was one awesome speech.

Regina Jackson: So we have no more public speakers. I will remind the commission that there was one motion made. It was not seconded. Prather?

Edwin Prather: Thank you madam chair. So my understanding from talking to legal counsel and what Mr. Rudin said is that because of the Gifting of City Funds law, that this is potentially legal. So even though I want Commissioner Benson to receive reimbursement for laptop, I was there, I saw it. But we need to know whether it's legal or not. That to me is just ... I don't want to do something that's illegal. Is it legal or is it not? That is the question. If it's legal, then we don't have a problem.

Regina Jackson: So Mr. Rudin can you weigh in on that because that's not been a frame that I was aware of prior to this?

Mr. Rudin: So just you know, my basic understanding is ... Not having been there, not having reviewed the facts of what happened, I can't tell you for certain whether the commissioner would have a valid legal claim against the city. But based on my understanding of what I know in discussions with commissioners and the City Attorney's office, I don't see a reason why the commissioner of couldn't file a claim and if she can file a legal claim, then the commission can act to reimburse her.

Regina Jackson: Okay. Thank you very much. So once again-

Ginale Harris: I want to second the motion.

Regina Jackson: Okay. So now the motion has been seconded by Commissioner Harris. Can we take a vote please? So, Commissioner Ahmad?

Mubarak Ahmad: Abstain.

Regina Jackson: Commissioner Dorado.

José Dorado: Aye.

Regina Jackson: Commissioner Harris.

Ginale Harris: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Smith: No.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Okay. And the motion carries, and I would like to say because former Commissioner Benson is actually in the room, you have done an extraordinary amount of work on our behalf and I am sorry that you're ... I believe it's \$1,500.

Maureen Benson: Well, he didn't state the amount of [inaudible]

Regina Jackson: Okay. So I am actually being directed or suggested back to clarify the motion so that we can go through the vote one more time.

Edwin Prather: I believe in the staff report the amount referenced is 1,303.

Regina Jackson: Okay \$1,303?

Edwin Prather: 33 cents I believe.

Regina Jackson: And 33 cents. So now that everybody knows what the reimbursement amount is, could you commissioner Dorado provide a much more specific motion that can be seconded and we can vote again.

José Dorado: Okay. I move that the police commission reimburse Maureen, a former Commissioner Marine Benson for her destroyed laptop in one of our offsite meetings in the amount of \$1,303.

Regina Jackson: And 33 cents.

José Dorado: And 33 cents.

Regina Jackson: Thank you.

Ginale Harris: Second.

Regina Jackson: Okay, so we have a motion, first and seconded. Can we take the vote one more time? Commissioner Ahmad.

Mubarak Ahmad: Abstain.

Regina Jackson: Commissioner Dorado.

José Dorado: Aye.

Regina Jackson: Commissioner Harris.

Ginale Harris: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Smith: No.

Regina Jackson: Commissioner Anderson.

Tara Anderson: Aye.

Regina Jackson: Commissioner Prather.

Edwin Prather: Yes.

Regina Jackson: And the motion carries. Thank you very much. The next item is seven, commissioner meeting attendance. The commission will discuss and possibly adopt a policy regarding the requirements for attendance at meetings. Attachment seven. Do any commissioners have comments?

Ginale Harris: I do.

Regina Jackson: Commissioner Harris and Commissioner Ahmad. Okay.

Ginale Harris: So in the beginning of this commission we all came up with a procedure and we came up with some policies and rules that today this commission is not following. We have an attendance policy that has not been followed, and my question is to this commission, are we following it or are we not? We tend to pick and choose when we want to follow rules in regards to attendance, and I believe attached in our packet we have specific attendances on all of the commissioners there. So I believe Commissioner Prather, myself and Mike, we worked on a conduct of order and we voted on it and we are not following it.

Regina Jackson: So I would like to add to that point that when we first signed up for the commission meetings, they were scheduled to be on Wednesdays and then they were very quickly changed to Thursday. That for myself, caught ... myself and several other commissioners, some that are no longer on the commission, caused a significant challenge due to travel schedules, meeting commitments and what have you. So for myself, and I can only speak for myself, when that change happened, that disrupted my meeting attendance.

Ginale Harris: Well we've had 12 ... We've had one year to come to these commission meetings and we have them twice a month. So I think we really need to look at the attendance and decide whether or not we want to be on this commission. And I say we because I'm including myself.

Regina Jackson: Is there any more discussion? Commissioner Prather.

Edwin Prather: Thank you Madam Chair. I was part of drafting a language that related to absences for commissioners, and obviously as reflected in the report here there are attendance requirements. But at the same time we last year, being our first year because we moved meetings as Madam Chair mentioned to a different date. I do recall then chair Smith stating that for the calendar year that all absences would be excused while people reorganize their schedule to adjust to the Thursday meetings. Part of the problem in drafting language that then commissioner Nisperos, Commissioner Harris and I encountered in the attendance policy was how to define excused absences. And chair Smith ... And currently the ability to excuse an absence lies with the chair. So we have been following the attendance policy through the end of calendar year 2018. The chair has the ability to excuse an absence. Now what we've not defined is what is an excuse absence. Is work an excuse absence? Is illness an excuse absence? Is your child graduating from college an excuse absence? We've not done that. And so adopting a policy would mean not just following the policy because I do believe we're following the policy, but to crystallize it, what we're really talking about is we need to define what are unexcused and excused absences. And so I appreciate the work that Ms. Love and Ms. Tom put into this chart about absences. I also recall that Chair Smith excused all the absences in 2018, but if we're going to talk about what an absence is, we need to define it. And it can't just be you're not here because it's if you're sick or if you're working. There're going to be instances where they're excused and there're going to be instances where they're not. And so that's the discussion that I think if we're going to make an amendment to our rules of order, that's where it comes.

Regina Jackson: Thank you. Commissioner Harris, and then Commissioner Ahmad.

Ginale Harris: Well, I believe that in the document that you submitted, there is an outline and I forwarded to our chair so she would have it just yesterday. But we all should have had it, because we adopted it. It's outlined very clear what an unexcused or an excused absent is. I'd be glad to send it to everybody again.

Regina Jackson: Thank you, Commissioner Ahmad.

Mubarak Ahmad: I don't want to really sound too bitter about what I'm going to say. But what's next? I mean, when I got this commission position, I filled out the application, I interviewed and I got it. Now we're making more rules on the commission about things like attendance. What's next? Drug testing? I mean, come on man. We need to just be about finding out what we can do about the injustices that have happened to people in the community instead of making a whole bunch of policies to govern each other. Thank you.

Regina Jackson: Commissioner Harris.

Ginale Harris: With all due respect Commissioner Ahmad, we need rules to govern us because we see what happens when we don't abide by rules. We have a city government that is killing black people.

Mubarak Ahmad: Right.

Ginale Harris: So if we don't govern ourselves, how can we hold anybody else accountable? How? If we can't hold ourselves accountable and that's me included; me included. If I can't hold myself accountable to do the work that I was chosen to do, then why am I even sitting up here? I got plenty of other things to do. So I feel like yeah, rules are important because people seem to think that they could do what they want to do and we have an abuse of power up here. So in order to keep it on a plain field where everybody has to follow the rules, it will be fair for everybody.

Regina Jackson: Commissioner Prather.

Edwin Prather: Yeah, so thank you Madam Chair. I think if we're talking about attendance, I think I'd like to look at is attendance a problem? And what I see is that we don't have a failure of making quorum. Like we've never canceled a meeting. Is that correct? Because we haven't had a quorum. We've always have had quorum and that's why the alternates we created to help us meet quorum. And frankly, rather than discuss absences, I would rather have a commissioner, a fellow commissioner, or even myself rather than worry about attendance, I would rather have that person be fully engaged when they're here. Like, just because you show up doesn't mean you're a better commissioner then the person who comes half the time who's fully engaged, right? So I agree with commissioner Ahmad on this point. We're starting to get into the details which frankly we've got a lot of other things that we can be doing and dealing with rather than talking about attendance at this point. We have a policy, the discretion is with the chair, I don't see it need to go adjusting that at this point.

Regina Jackson: I'd like to add to that point, um, that there is an awful lot of work that goes on outside of the commission meetings and as one of the members on a new standing committee and having completed training and all these kinds of things, there's also much more that's asked of us than just attending the commission meeting. Now if we want to change the current policy, then let's change it. But for now I think that we are on a path of better accountability. We have dates that have been adjusted in our schedules, and as one of the people that travels for my work, and I know there's more than one, I can't give up my job to do what I do on as a commissioner. So I'm going to contribute as much as I can, as long as I can in the commission meetings, outside of the commission meetings as I have committed to do. Commissioner Harris.

Ginale Harris: I think that's a fair statement, that you can't give up your job and I understand that. But I did give up my job to be a commissioner and I find it very upsetting to be like, well, when you show up, we want you to be fully engaged. Like you said, a lot of the behind-the-scene work goes on, but a lot of us ain't doing it. So I understand that. And so accountability is important. It's important for me. And that's why I signed on to this commission. This is, you know, like you said, I respect the fact that you did not and you cannot, but I couldn't either but I did.

And so that's my personal choice. However I find that, yeah, everybody needs to show up. I have five sons, a job and a husband. So yeah, I could be doing other things too. But I chose to be here because it's super, super important. And it affects me personally, so yeah, I'm coming and I'm going to engage and I'm going to do the work. And I expect that from every single person that's up here, like to not engage or to not do the work, it tells me you're just sitting in a seat for nothing when somebody else could be helping us. So I think we need a lot of help. I'm not saying change the policy, I'm saying follow the policy we have.

Regina Jackson: Thank you. Have we completed discussion on this Commissioner Prather? Okay. I'm going to go to public comment. And we have one person for public comment, Maryvale?

Mary Vail: I think it will be very destructive and divisive to start enforcing the policy as it exists, particularly given the history, uh, when to be more accessible to the public and have the meet on nights when K-Top could broadcast we switched in midterm. All last year we knew that Alternate Benson and Commissioner Jackson had direct recurring work conflicts that will work themselves out during the course of the year, but that basically would preclude them from attending the meeting. And there was hence discussion about that, and enforcement of attendance policy when you've just changed the schedule to make it hard for people. Also, I want to reiterate, you've all to varying degrees worked hard in the meetings and away from the meetings. Commissioner Prather's point about attendance and the alternate sort of make quorum, you've made quorum. And frankly, I know Commissioner Ahmad has had work conflicts and has been scheduled to work at night. His bosses are in charge of his schedule. Suddenly, given the history of how of the meeting changes last year and some of the circumstances the commissioners have had, while you've all been working hard, I have to question the motivation behind this and I think it's time to move on and maybe tweak the policy. You can do that another time. You've got other important things on the agenda, but going after people for missed meetings when they've been contributing throughout is again a divisive, destructive, distraction from your job. Thank you.

Regina Jackson: Thank you. I don't have a form from you. Can you fill it out after then come on up? Okay.

Saleem Bey: Slim Bey. So the very first thing I want to say is there's words that people use that you don't have to call somebody the N word in order to be condescending to them. You can use words like divisive and causing conflict and doing this. And this is your opinion, right? From the audience. And if your opinion is coming from a perspective that has nothing to do with this body dealing with racism, dealing with profiling, dealing with all that but you got an opinion. You always want to get up here and tell us why we, when we speak up or say something that's germane, it's divisive. That's your opinion. Divisiveness is something when you tell that to a black person, you're telling them, "Oh, if you have an opinion that is different than a white person's, then you're negative." Right? And this is

what you do. And this is exact same thing that you guys put on to Dale Harris when she was running for the chair. You came up talking about, "Oh, it's too divisive. She's the one, she's destructive." But the reality is as you back the mayor's person, you're now against the mayor's choice of police chief. So obviously you don't know what you talking about when it comes to black people in policing, and I wish you would sit down and talk about what we're talking about, which is racial profiling. And as much as I get up here and tell you the exact same thing so many times, it's important that these people get here. I talked to the commissioners on the oath and I know what they're doing on the time. I know the ones that are working behind the scenes, I know the ones that are putting the thing in. And if you can't make it to the meetings, you don't deserve to be here because I make it to the meetings and I'm not even on the commission and I ain't missed a meeting in the last year. So let's make sure next time you get up here and say and think to fix your mouth to say something about a black person being divisive, think twice, and then the next four letters should be S-T-F-U.

- Regina Jackson: Thank you Mr. Bey. Please don't forget to fill out my form. Okay. So as I understand it, the current policy is in place. Perhaps some folks want to consider changes to it, but we can't do it right now. Or do you want to-
- Saleem Bey: We don't have it in the package.
- Regina Jackson: Oh, don't have it in the package. So thank you for the discussion and we will move forward. The next item is item eight, election of Oakland Police Commission vice chairperson. The commission will nominate and vote on the appointment of a vice chairperson to serve from March 2019 until the first regular meeting of January 2020. So discussion. Yes Commissioner Dorado.
- José Dorado: Again, I'd like to get right to it. I'd like to make a motion that the vice chair of the Oakland Police Commission be two people, co vice chairs. One, Janelle Harris, who will, for lack of better term deal with administrative matters. And the other, Jose Dorado that will deal with outreach matters.
- Regina Jackson: Commissioner Harris?
- Ginale Harris: I second.
- Respondent: Can anybody state that [inaudible]
- Regina Jackson: Yes. What was the second part Commissioner Dorado that you'll be responsible for?
- José Dorado: The second part was ... My emotion was that the second person of the co-chair be myself, Jose Dorado, to deal with and focus on outreach matters.
- Respondent: Outreach? [inaudible]

Regina Jackson: So, are there any other discussions? It has been moved and seconded.
Commissioner Prather?

Edwin Prather: Thank you Madam Chair. I understand the motion, maybe I even appreciate the attempt. What I haven't heard, what I would like to hear is that there's a need to divide the job into halves. The ordinance, our rules call for a chair and a vice chair and to deviate from that policy, the rules that lay before us, I would like to hear an argument for why the job is two people. Other than it's a lot of work and you know ... But what about the job makes it incapable of being serviced by one person?

Regina Jackson: Commissioner Harris.

Ginale Harris: Well, I think for me, I've worked alongside with Commissioner Dorado and Commissioner Benson and I think we each come to the table with different qualities, right? So my communication is a work in progress, I don't think anybody will deny that. My bluntness and my forwardness offends a lot of people and I get it. But again, it's a work in progress. And so, I am an investigator and I am a researcher and so a lot of the work that I've done on the commission is because it's my arena. So I just feel like having four eyes instead of two assisting the chair would be helpful. I've found it to be helpful when I've had help when I was co-chair, just getting other opinions.

Regina Jackson: Commissioner Prather.

Edwin Prather: Commissioner Harris if I could, I thank you for that and maybe I didn't adequately explain my concern. Is it not possible for one person to do the job? Because to be honest, I watched you all last year do the job, complete the job. You did an admirable job. And to me it's a one person job, and I haven't heard of course like it would be great to have six co-chairs, vice chairs and of course it's great to have lots of sets of eyes, but it's written as a one person job, you completed it as a one person job. You did a good job. I didn't hear you say I failed as a vice chair and therefore we need two vice chairs. I saw you do a great job. And I know that said that three times. But is it impossible to be done by one person I guess is what I'm asking, rather than just the preferences for two?

Ginale Harris: Well it's not a preference. It's not a preference. I have found that working alongside a chair, when a chair is not responsive to the vice chair, there needs to be a third person or a third party. And unless there's a third party to be that decisive factor, there's no eyes on that. And so you can't make people do what they don't want to do. And so I just found it to be better if we have two vice chairs helping the chair. Because if you have a chair and a vice chair and the vice chair and the chair are not agreeing, then how do you decipher that?

Regina Jackson: So Commissioner Harris, are you suggesting that I'm not being responsive to you?

Ginale Harris: This is not about you. This is not personal.

Regina Jackson: I'm just clarifying.

Ginale Harris: Okay. But we could clarify later, but this is not about you. This is when I was the vice chair. I have not been the vice chair underneath you.

Regina Jackson: Okay. And yep, some work is happening. Commissioner Dorado.

José Dorado: Thank you Madam Chair. I think it's not a matter of whether or not it was a failure by or success by Janelle Harris to act as our vice chair. I think it's more a question of, and I think everyone here will agree that the commissioner's job is a lot of work. And if you have two people, particularly if they're focused on different parts of the same job, that you'll get a simply a lot more done. As Janelle said, as Commissioner Harris said, we bring different skills to the table, we work well together. We're more than willing to assist the chair in doing her job. I see it as a win-win. And also I've heard nothing or seen nothing that says that we cannot do that, that is have two co-chairs as opposed to one. The various opinions I've heard make that our call. So I think it's a question of not if it's black and white in the sense that whether or not the vice chair did a good job or a bad job, success or failure. I think it's a question of the vice chair being split into two that will simply get a lot more done. And if I've learned anything, is that we have a long road ahead of us and the more people that we have focused on specific aspects of what we have to do, the farther we'll get and the quicker we'll get there.

Regina Jackson: Commissioner Prather.

Edwin Prather: Thank you. And I, and I apologize for belaboring the point, I think we've got a lot of important business to get to tonight. But this is also a huge fundamental change to our structure and it also, for that reason, it carries some weight. I think we need to separate the two arguments. One, should it be split into two positions. And then we can consider who should serve in those two positions, but let's take out who serves in, because I think it clouds the argument. Commissioner Dorado, what I've not heard, is that I've not seen a list of tasks or things that the vice-chair does that make it such an overwhelming job that it needs to be split into two people. I've not seen that. And to me, the drafters of this, and the way it was approved, and the way it was approved by the voters, and the way the enabling ordinance was approved by City Council, calls for one vice-chair. Now you're right, there's not something that doesn't say that we can't split it into two positions. But where's the empirical evidence that says that we need two people to do that job? I get it, it's better, just generally, to have two people on a task than one. I get that. And so I understand the comments that are being made here. But I don't see the support for it. And I can't support without that. And if you'd like to ... if we wanna table this and bring it to another discussion at another time, I'm happy to do that. But I don't see it and so I can't support a split of a job without understanding the job

description, the job duties and anything else. And those are the questions that are not being answered here tonight.

Regina Jackson: So I'd like to share that I've been without a vice-chair for two meetings. It's a lot of work. But it probably would be easier to work with one person rather than two. That's just my two cents. Commissioner Harris. Before Commissioner Harris, sorry. I think that I heard you make a suggestion, perhaps a substitute offering or an amendment, but you think about it, that's what I thought I heard. Commissioner Harris.

Ginale Harris: So I will say as being vice-chair for a whole year, it is an extremely, an immense amount of work. I don't know for the rest of you, I'm not real clear on what everybody does in their ad-hocs or, but I know in the ones I was on, which is a lot of them, it was a lot of work. Like, physical work. Like you have to be at 100 places at one time. You really do. And you have to carve out time to read a lot and do research and dig and study. And it was extremely hard. I changed jobs in the middle of me being vice-chair, and I went from day shift to night shift. So guess, at 2:00, 3:00, 4:00 in the morning I'm writing and I'm researching. And it's a lot. It's a lot. Vice-chair to me was the right arm of the chair. So I felt, and please if I'm wrong let me know, it is my responsibility as vice-chair to make sure that the chair has everything that they need. Or I be her second set of eyes and catch things that she did not catch. And so in order to do that, it's really, really intense. And it's a lot of work. Like, a lot of work. It's not just picking up a few pieces of paper and writing some things down. It's like the minute you leave this dais, I'm thinking and working. From the time I come back up here in two weeks, I have stacks and stacks of stuff. I have bags of notes. I don't know if you've noticed, Commissioner Prather, but I write everything down. And I keep everything in notes and writing to refer back to because clearly on this commission we have forgotten a lot of things that we put in place. So I bullet point everything for us. And I make sure that I hold it for the chair. So it's important. It's a lot of work.

Regina Jackson: Commissioner Prather.

Edwin Prather: I'm sorry, and maybe we can go to public comment soon. Commissioner Harris, in credit to you, whether you're vice-chair or not, you're gonna take a lot of notes. You're gonna work really hard. Those are your qualities. And I just wanna separate the personality, the person, from the job. Like, what's the job description. Like I get it. It's time. It's a lot of time. Because I also take something that Madam Chair said importantly, sometimes when you have two people things can slip through the cracks. 'Cause one person thinks the other person's doing it and vice versa. And so, it's not just an easy call. And so I would like ... My knee-jerk reaction is to be against it. However, if there's an argument to be made or more evidence to be shown, I will consider it. You folks all know me. I have an open mind on things. And if I am convinced I will change my mind. But I'm not seeing it, I'm not hearing it yet. But I don't wanna diminish the amount of work you do, Commissioner Harris, because you do a lot of work. You

put in a lot of time. You have bags of notes. But I know that you will continue to do all those things, no matter what committee or seat you sit on, on this dais. So to me it's not about that, it's about the job description.

Regina Jackson: Commissioner Dorado

José Dorado: And pardon me if I'm ... thank you Madam Chair. Pardon me if I'm being vague by a term like 'administrative'. I'll certainly be more specific. The kinds of work that's been done, or at least as I envision it, by a vice-chair that would be administrative, is the kind of work that we've seen that's been done today. Budget, job descriptions, policies and procedures. Those are the kinds of administrative things that I would foresee a vice-chair to do under a term like 'administrative' vice-chair. The other, Outreach, would be something that would be done by a vice-chair that'd be focused on the community. What will it take to get the consciousness about racial profiling, police misconduct, our app, to easily and quickly make complaints about the very existence of the police commission? What would it take to get that out to the community on a wide ranging basis, so that the people who really need to have this information, and have this resource, actually have the means by which to take advantage of it? And as we all know, the people that have the most need for resources, are the ones that have the least capability of taking advantage of them. So what do we need to do? What resources do we need to martial? What focus needs to be done, so that that's actually happening? And that's what I would see as the main focus of a vice-chair under that title, if you will, of Outreach.

Regina Jackson: So I have a comment and a question. We have a standing committee for Outreach. Have we had any meetings? Has whoever's on that committee had meetings? Because it seems to me like that is the best avenue to develop Outreach. Commissioner Prather.

Edwin Prather: Thank you, Commissioner Dorado. Just a question in response. I thank you and I thank your energy and dedication. Would you accept my nomination if I nominated you for vice-chair? Singular, vice-chair.

José Dorado: Well one, we have a motion on the floor.

Edwin Prather: I understand. I'm asking you a question.

José Dorado: Okay. I respectfully decline.

Edwin Prather: So just so that I understand, you will nominate yourself for half a vice-chair position, but you would not accept my nomination for you for a full vice-chair position? Is that correct?

Regina Jackson: So I'd like to make a suggestion. Why don't we think about this, take public comment and then come back. So I have Gene Hazzard, Bruce Schmiechen, Saleem Bay, Mary Vale and Nino Parker.

Gene Hazzard: For the record Gene Hazzard. It's no question that you have voluminous work before you. But so does the Planning Commission. It has a vice-chair. Not two. So the Sport Commission. They got a vice-chair, not two. You have an ad-hoc committee and for your, looking at your recommendation, it's for the second vice-chair to deal with Outreach. You have an ad-hoc committee for that. It doesn't require another vice-chair to do Outreach. If you need additional resources, then ask for additional resources. But you don't have to change the infrastructure of this body to create another position which is not called for in Measure LL. That's a chair and vice-chair. So, you don't need, and you should vote this down, this recommendation, stay with the ad-hoc committee. And if you want to do, need additional resources, then look for additional resources. But don't change the structure. You knew when you accepted this position, or you should have known, that it was gonna be a lot of work. So now that you got into it, now you say oh no, this is too much work. You just said you wouldn't want to be vice-chair. Then get off the body. That's what you need to do. Because you committed yourself to what was stated. And in your interviews, that you were willing to do the work. Now if you're not willing to do the work, then get off. 'Cause you become a hindrance to this body. Thank you.

Regina Jackson: Thank you. Bruce Schmiechen. Saleem Bey. Mary Vail.

Bruce Schmiechen: Bruce Schmiechen. Coalition for Police Accountability, Oakland Community Organizations. I don't really have any strong feelings about whether you have two vice-chairs or three vice-chairs, anything like that. It seems kind of beside the point to me. You guys are all ... I mean I have enormous respect for this commission. I think what will happen is people will take leadership, whether they have a tag, a name tag, or whatever. Regarding Outreach, if you guys want to have a vice-chair in charge of Outreach, fine with me. But I do think you have to see that Outreach piece as something that does require committee work. It requires at least like a troika of ... There're gonna be two new alternates coming on, you know, one or more. Because I think Outreach, you need to show the representation here in that Outreach Committee. Or it's not gonna work. So I don't care how you org ... You know, you can all be vice-chairs as far as I'm concerned. But I do think that, when I look at you folks, I see people who I think are capable and have taken leadership in different areas. And I think you'll do that. And I think that's what's important and that's the way it's gonna happen, whether or not you have badges or whatever. Another thing I have to say, I'm sorry, but, I'm seeing tonight two absolutely critical issues on the agenda. Stop and search for people on parole and probation. And the killing of a man by the OPD. And I've seen three agenda items in succession that just seem ... I mean I don't see why we couldn't have just quickly in five minutes, or three minutes, compensated the loss of the computer. I don't understand what the attendance thing was about. And now this is another thing. It seems like you are focusing on yourselves when we need to focus on these critical issues. I'm sorry.

Regina Jackson: Thank you, Mr. Schmiechen. Mr. Bey, Mary Vail and Nino Parker.

Saleem Bey:

Saleem Bey. And first I would say that I think that there's, excuse me, I know that there is three items on this agenda that are very important. The third one has to do with case that I speak about every single meeting. That people in here who haven't taken even the time to look at the documents. Who sit there, and they sit there quietly, and they listen to all the evidence. The fact that the case is on the agenda means it has some sort of merit. The fact that it's this not the first time that our case has been on here, has some merit. So if you have the people who are advocating for this, and advocating for doing the work out there, and you have some people who wanna step up and take responsibility, let them take responsibility. Why are you arguing about somebody stepping up and taking responsibility. I don't even care about that. What I do care about is racial profiling. I care about, specifically about, our case, which has to do with four black murders in the black community, and one person who's Caucasian in the black community, who was in the wrong place at the wrong time. Just as black people are in the wrong place and the wrong time, in our community. So if those black lives matter, let's get to that. And Mr. Pawlik is one person and then that is, but I see a lot of people advocating for Mr. Pawlik and taking a deaf ear to all of the murders and the information that I have been putting up here. So that tells me a lot, that if somebody comes up here with something that's not in your wheelhouse, then it's dead silence. So if you have some people up here who gonna do the work, let them do the work. If it's the community people, I encourage the community people, to take the lead. They should have the lead in this because they representing the community. And again, if 3/4 of the community go in a certain way, then the 1/4 that's against them, suck it up, bite your lip and go with the rest of the community. I don't always agree with everything that the community does, but I'm not gonna be the one that stands against it.

Regina Jackson:

Thank you. Mary Vail.

Mary Vail:

I am concerned about this being a re-run of the February 14th meeting, with elections. In addition to all the other points the speakers have made about the real work that you need to do. I'd like to point out a ... Well, first of all. You can be a leader without being elected to office. A couple of months ago the Democrats in the House had their election and Congresswoman Lee lost again by a very small margin for somebody in the elected leadership, South. And we're better off because of all the issues she ... And she's better off. She ended up getting multiple appointed positions, one of them as part of the leadership team, from the Speaker. And is able to do more and have more influence without ... Even though she lost the election that she ran for. Mary Vail: So I also support the bifurcation idea that Commissioner Prather put up about whether we're gonna have two, we vote on that. And frankly if this goes on much longer you might as well push it over to the next meeting because it's taking valuable time away from your work. Thank you.

Regina Jackson:

Thank you. So we have an agenda item that has ... Excuse me. Oh Nino, I'm sorry.

Nino Parker: Nino Parker, homeless advocate. My thoughts were this. You're a new commission. Everyone put in a lot of hard work and maybe you found out as this new commission, it's more work for a vice-chair to do, for one person. I think everything deserves a trial. You could always do this for a period of time and go back to the single vice-chair if need be. But I think everything needs a chance and there seems to be a heavy workload. Marie's talked about it many a time. How she had to help out with Miss Harris to fulfill that position of vice-chair. It seems to be a lot of work for that person. I understand that a lot of other commissions do have just one vice-chair but maybe, like I said, a trial might be in order here, to give it a chance. Split some of the work until you guys can get it honed down so it is easy for one chair. One vice-chair. Thank you.

Regina Jackson: Thank you. We have a motion. We have a second. Can we take a vote? Mr. Reardon. Oh I'm sorry. Commissioner Prather, I mean Smith. And then Attorney Reardon.

Thomas Smith: The one thing that I heard that I think to somewhat a degree I don't understand is, we have the sub-committees set up to do Outreach. And so if there's any Outreach that's going to happen it shouldn't be a vice-chair who's running Outreach. It should be the Sub-committee for Community Outreach. I mean we've created a standing committee. I mean, it's real. It's there, and Commissioner Dorado, you're a part of it. Commissioner Ahmad's a part of it. And we need to have a third but I don't understand why a vice-chair would be running Outreach. That's the job of the standing committee. And I think when it comes to all of this work that we're talking about, the work needs to be divided among the standing committees. We have a personnel standing committee. We have the standing committee for Outreach. And then we also have a number of ad-hoc committees. We have policy ad-hoc committees. And what I'm concerned about is, I'm concerned that creating two vice-chairs, plus a chair, that instead of spreading the work out and getting groups to work on the work, now there's gonna be more individual people who feel that they own the work, rather than committees who are owning the work. Which is the way that we're supposed to be structured. So, that's my concern about it. Those are my concerns, yeah.

Regina Jackson: Mr. Rudin.

Mr. Rudin: I just wanna bring attention to a matter of operational necessity. The adopted rules for the commission state that the vice-chair shall be the person who assumes the duties of chair when that person is not present or unable to act. So my recommendation would be, before the close of this item, if there are two vice-chairs that are selected, that that issue be addressed as well.

Regina Jackson: Thank you. Commissioner Ahmad.

Mubarak Ahmad: Yeah, I just wanted to mention something. I'm on the, like the chair was saying, on the Committee for our Community. And I hadn't given anybody a report on

what I've been doing. But this weekend, March 16th, from 8:00 to 5:00, I'll be working on behalf of the community and police outreach of this commission. Giving a seminar to young African-Americans, or whoever's at the Fatherhood Summit, at Merritt College this weekend, from 8:00 AM to 5:00 PM. That's something that I'm doing this weekend for the community as Community Outreach. Thank you.

Regina Jackson: Thank you. So with that, I think that we're prepared to take a vote. The vote would be on whether or not to elect two vice-chairs, as opposed to one vice-chair. And then the recommended vice-chairs are Commissioner Dorado and Commissioner Harris. Commissioner Ahmad?

Mubarak Ahmad: Abstain.

Regina Jackson: Commissioner Dorado?

José Dorado: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: For myself, no. Commissioner Smith?

Thomas Smith: No.

Regina Jackson: Commissioner Anderson?

Tara Anderson: No.

Regina Jackson: Commissioner Prather?

Edwin Prather: No.

Regina Jackson: Okay. The motion fails.

Regina Jackson: I'm going to move on to Meeting, Minutes-

Gene Hazzard: So don't you have to then check ... don't you have to do a vice-chair?

Regina Jackson: Oh, I'm sorry. Yes. We were just voting on that motion. So is there a nomination for a singular vice-chair? Commissioner Smith.

Thomas Smith: I'd like to nominate Tara Anderson.

Tara Anderson: I respectfully decline the nomination for vice-chair.

Regina Jackson: I feel like I saw this movie already. Thank you. Is there another nomination for a singular vice-chair? Commissioner Harris.

Ginale Harris: I will nominate myself.

Regina Jackson: Okay. Is there a second?

Mubarak Ahmad: Second.

Regina Jackson: Commissioner Ahmad has seconded. Let's see. We've already had all the speakers so I think that means we go to a vote?

Mubarak Ahmad: Aye.

Regina Jackson: Commissioner Dorado?

José Dorado: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: Aye, for myself.

Regina Jackson: Commissioner Smith?

Thomas Smith: No.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: Abstain.

Regina Jackson: Okay. And the motion passes. So, welcome back co-chair, Commissioner Harris. Okay, now we're going to move to meeting minutes approval. We have so much more of an agenda to go. So, is there any discussion on the meeting minutes? Commissioner Dorado.

José Dorado: I move that we approve the minutes.

Regina Jackson: Okay. Commissioner Dorado has moved that we accept the minutes. Do we have a second?

Mubarak Ahmad: Second.

Regina Jackson: Commissioner Ahmad has seconded. I have no public comment on this item so let's move to accept. Commissioner Ahmad?

Mubarak Ahmad: Yes, I wasn't here at the last meeting so my vote, I'm abstaining, for a vote to approve 'em.

Regina Jackson: Understood. Commissioner Dorado?

José Dorado: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Smith: Aye.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: Abstain.

Regina Jackson: And the motion carries.

Regina Jackson: Now we're rolling. Okay, so item number 10 is Oakland Police Department report on Pawlik Investigation. Chief Kirkpatrick will provide the Executive Force Review Board and the Compliance Director's Report related to the Joshua Pawlik shooting.

Chief Kirkpatrick: Good evening. Before I begin I want to acknowledge, like I did last week when I was before you, that I know how incredibly painful this is to the Pawlik family. And if the Pawlik family is listening, I wanna tell you that I am truly sorry for your pain. You however have asked for an update on this shooting. The shooting of Mr. Joshua Pawlik. Since I was here with you last I have followed through with my commitment to release the reports to the public before this meeting tonight. The first set of documents were released to the public on March 6th, and they were posted on both the city and the department website. Since the release of those reports there has been some misunderstanding regarding the process. So I will quickly review the process and try to conclude with where we are at this stage in the process. As I shared at the last meeting, there are three investigations of any shooting. The first investigation is the criminal investigation. The second is the Internal Affairs investigation. And the third is the independent investigation by the CPRA. The process works this way. When

the Internal Affairs investigation, and the criminal investigation, come to completion, an Executive Force Review Board is convened and hears the case presented to it by both the Criminal Investigation Division and the Internal Investigation Division. We call that board the EFRB. The EFRB is comprised of one deputy chief and two captains. A part of the board also includes an assistant city attorney, who sits on the board but does not vote. In this particular EFRB, Commissioner Thomas Smith and a retired Federal Magistrate, Elena James, also observed and witnessed the EFRB. In addition, we had members of the Federal Monitoring team, who also observe. The only voters are the deputy chief and the two captains. There is some confusion I believe in the community, so I do wanna clear this up. I do not attend the EFRB. At the conclusion of the board's deliberation and vote, a report is prepared for my consideration, with the recommended findings of that board. I may also take feedback from the observers of the board, as I did in this particular case. I can take feedback from the monitoring team, as I did. And I also take counsel from our city attorneys. I review the recommendations of the board and I, independently, apply the policy and law to the facts, as they're presented to me. And I make a findings. In this case, I think it also important to clear up some misunderstanding. The board found the unfortunate shooting of Mr. Pawlik to be within law and policy. Based on the legal standards that we call the analysis of *Graham v Connor*, I did agree with the board's findings on this shooting. The board also heard from the Internal Affairs Division, that was presented on an alleged policy violations related to the command and supervision of the shooting scene. I agreed with the board's sustained findings related to the supervision issues, but I did disagree to the classification of the findings. As you know, the Compliance Director came to a different conclusion. I respect the Compliance Director. I respect his authority. Reasonable people can disagree. Hence, that is why we have a series of checks and balances to this process. That is what our community did by voting in Measure LL. It provides steps and processes. Where we are today is that we still have steps left. The next step is indeed for the CPRA to come to their findings. Once that determination comes to findings, then the next processes begin. I would like to close however, by addressing police accountability, and my record of discipline, since being your chief. I have been the chief here for 24 months. During this time I have terminated 30 employees. I have also administered 63 suspensions, that equates to 535 days, which equates to 4,280 hours. I thought that was something for you to know since we have not had an opportunity to speak about that. And this is the end of my report.

Regina Jackson: Thank you, Chief Kirkpatrick. Are there questions? Commissioner Co-chair Harris. Alright, I thought I saw your finger. Commissioner Anderson?

Tara Anderson: Yes. Thank you, Chief Kirkpatrick, for that overview. I was wondering two things. One goes back to a question I asked during our last session. And the other, clarification around all of the different investigations that take place. Maybe I'll start with that one. So, you clarified that there are three investigations that fall under the police department's purview. The CID .. So the criminal investigation. That of your Internal Affairs. And then that of this board. And then it's my

understanding that the District Attorney's Office also carries out a co-mingling investigation under the auspice of CID. And then in addition to that we have an investigation that can take place through the CRPA. Excuse me. CPRA. So ... and you've clarified that three of those various investigations that I've identified have concluded. Or rather four, because of how I brought up the district attorney's investigation.

Chief Kirkpatrick: Would you like for me to make some clarifications for you?

Tara Anderson: Yes, I think it's helpful because as you stated there are some investigations that have concluded. Some that are ongoing, and I think coming to the table with a lot of different lenses, I'm trying to figure out this relative to other jurisdictions and what is still open in terms of investigation at this point, and then I guess that speaks to my next question, which is, which findings are then compared to CRPA that if they do not, if there's not equally sustained findings, or they're in differentiation from each other. Those ultimately come before us. So I'm trying to understand ultimately when you disagree, with the various investigations under your department, but then we're supposed to compare those findings to those of the citizens, CRPA, what eventually comes to us, and where they might be gray areas where we can call forward additional information through a public hearing that we have under the auspice of the police commission.

Chief Kirkpatrick: Okay, very good questions, and I'm gonna try to be clear. And it is complicated. So, I referenced that there are three investigations that occur. Only two are really under the purview of the police department. That would be the internal affairs investigation that looks at policy violations, and the criminal investigation, and that one is co-mingled in the sense that there are two district attorneys who come out at the very same time the shooting event occurs. They come immediately to the scene, and stay with the investigation throughout its completion. The third investigation I referenced, which is the independent CPRA investigation, is independent. It is not under the purview of the police department. So I'm glad you raised that, so that if there's confusion, there's an understanding of that. Now to go to your next question, at this point in time, my findings are not, they had been superseded. So the compliance director's findings are what hold at this point. Just like the executive force review board makes a finding, I can agree or disagree, so where we are at the stage of where we are right now, it is the compliance director's findings that matter at this stage. So I'm just giving you process. So, that's where we would be. And then with respect to next stages, it will depend on outcomes of the CPRA as to which ones you look at. Good question.

Regina Jackson: Are there any other questions? Commissioner Dorado?

José Dorado: Thank you Madam Chair. Chief, can you explain what's the criteria, what are the conditions under which a Bearcat Armored Vehicle would be deployed to a scene?

Chief Kirkpatrick: Typically, in our high critical incidences, if there are guns involved in certain situations then we would, that would be, a time when a Bearcat may be brought to the scene. That is decided on by the commanders that night. Or, that day.

Regina Jackson: Chief Kirkpatrick, I'd like to know, what kinds of training the police have in de-escalation when there is a gun involved.

Chief Kirkpatrick: We require de-escalation training of the entire police department. Ever member of this police department had gone through de-escalation training. I can get you the year and the time and I actually have the training academy captain here, he may be able to speak most specifically, so, if I may, do you mind if I call him to you? It's Captain Jake Bassett, he would have at his finger tips, the de-escalation training.

Regina Jackson: You know what, I can be a little bit more specific.

Chief Kirkpatrick: Okay

Regina Jackson: The PDRP was released to the public several months ago.

Chief Kirkpatrick: Yes

Regina Jackson: I guess I would like for you to comment, if you can, on what de-escalation was present there.

Chief Kirkpatrick: I'm going to choose not to address the shooting

Regina Jackson: Okay

Chief Kirkpatrick: For

Regina Jackson: Okay, not a problem. Let me see if I can ask the question differently. I tell you what, let's go to your reference of the other officer. To talk about de-escalation, yes.

Chief Kirkpatrick: With respect to the type of training. Captain Bassett can you address how much training we give in de-escalation, do you know the numbers off hand? As far as hours? The Captain, what we have are recruit trainers, these are the people we hire to go through the police academy as you would know. They do get de-escalation training. And, when de-escalation was introduced into our police department as it is around country, all of the officers of the Oakland police department went through what we call C.P.T that stands for continual police training, they also went through de-escalation, we can get you the actual numbers if you need them.

Regina Jackson: No, thank you, I gotta figure out how to ask questions a little differently, that's okay. Commissioner Harris, then Ahmad.

Ginale Harris: Hello Chief.

Chief Kirkpatrick: Hello.

Ginale Harris: So would you say your deescalating training failed?

Chief Kirkpatrick: I'm not going to comment on this at this stage. My report stands, and I won't be commenting on the matter because it's not over. We're still in process.

Regina Jackson: Commissioner Ahmad.

Mubarak Ahmad: Good evening Chief. My question was when they showed the video you were saying it wasn't useful and it was substandard and an embarrassment, can I ask what was wrong with the video?

Chief Kirkpatrick: I want to be careful that I don't impact you as final decision makers, what I want to say is that the report speak for themselves, and I think that if there's an appropriate time to address that I'd be happy to. But I do want to be cautious, you may be decision makers, and I do not really want to speak. I will stand on the report as it is, and the monitors report stands for itself right now.

Regina Jackson: Thank you Chief Kirkpatrick. Do we have any other questions? Okay then we will go to public comment. Henry Gage, Rashida Grinage, Mary Vail, Saleem Bey, Gene Hazard, and that's just first half of the pile. So, excuse me. Mr. Hazard, I forgot to ask the commission if they had any discussion amongst us.

Gene Hazard: Oh, I thought they had already.

Regina Jackson: You know what I made the same mistake. Just hold tight, we'll get right to you. Is there any. Oh. Chief Kirkpatrick.

Chief Kirkpatrick: I apologize, I do want make sure that we're clear about my statistics that I've given you on my police accountability. So that there is no confusion. 30 people, 30 employees have been terminated, so people understand, the 19.

Regina Jackson: So, I think you wrote it down that you've terminated 30. Oh, she may have made a mistake, got it, Okay, clarified.

Chief Kirkpatrick: Okay. 12 of those terminations, were terminations of police recruits for misconduct while they were in the academy. They are still full time employees, but we've removed them early on when we saw misconduct. So, that is also, a part of that number so there would not be a misunderstanding.

Regina Jackson: So if I'm clear, then that means 18 regular police officers have been?

Chief Kirkpatrick: That's members of the department. So not all of them are police officers.

Regina Jackson: Got it.

Chief Kirkpatrick: They could be professional staff members. So, I, but they're members of our department.

Regina Jackson: Okay, so.

Chief Kirkpatrick: The majority are obviously going to be sworn.

Regina Jackson: No problem. How many of those were police officers?

Chief Kirkpatrick: I did not come prepared with that break out, I apologize.

Regina Jackson: Okay, thank you.

Chief Kirkpatrick: I can provide those at the next meeting.

Regina Jackson: That would be appreciated. Commissioner Harris.

Ginale Harris: Can you tell us the status of the police officers that were involved in the shooting?

Chief Kirkpatrick: Yes, they are on administrative leave at this time.

Ginale Harris: Thank you.

Regina Jackson: Thank you, is there any other discussion commissioners amongst ourselves or can we go to public comment? Okay, hearing none. Mr. Hazard.

Gene Hazard: For the record, Gene Hazard. Through the chair to the police chief, were any of those, you said, what was it, 30, who were terminated?

Chief Kirkpatrick: Yes. 30 Employees, 12 of who were police recruits, then there were 63 suspensions, which added up to 535 days.

Gene Hazard: Okay, my question to the chief, well before I get to that question. So, I'm going to assume you went beyond just reading the narrative and the findings from those other entities, and then you witnessed the tape. Is that the same tape that Mr. Warsaw witnessed and he came up with a different conclusion about the content. We're not just talking about process now, were talking about the content related to a particular incident. We're not talking about [inaudible] let's get that right. When a man who was on [inaudible] and gets shot, what, 20 times? Give me a break. On Lakeshore, individual was shot, multiple times, give me a break, so were talking about content. Let's not talk about process, cuz we know then that's a category channel which had go through. And with respect to these individuals that the chief has indicated have been terminated or

Regina Jackson: Suspended.

Gene Hazard: Or suspended. Were these related to any, you said misconduct, what kind of misconduct, they could be drinking on the job. These were people from the academy. How many incidences have there been criminal offenses that were, these officers engaged with out of those? Can she give us the number of how many of those were criminal misconduct? Excessive use of force? That misconduct doesn't mean anything to me.

Regina Jackson: Okay so we will ask that the chief in her next written report identify and break out those details.

Gene Hazard: Thank you mam'.

Regina Jackson: Okay, thank you.

Regina Jackson: Henry Gage. Rashida Grinage. Mary Vail, and Saleem Bey.

Henry Gage: Thank you chair.

Henry Gage: My name is Henry Gage the third with the Coalition For Police Accountability.

Henry Gage: Quick note, I'm a big fan of body worn cameras or PDRD's, I think they're useful evidence in many cases. However, I also noted that they can be weaponized like any other tool. I've noticed a difference between video footage that's taken when a camera is mounted to an officer themselves versus when footage comes from a vehicle mounted or some type of third party mount. There's something different about seeing an officer in frame versus having that frame come from the officer's chest. Moving on the recording before us though. According to the CFRB, Mr. Pawlik was unconscious for nearly an hour, now, he was unconscious for nearly an hour but at only 48 seconds after he was woken up he was killed. An hour of unconsciousness and then 48 seconds later he's killed. How does that happen? When I read this report the question that comes to mind is what crime has been committed here. What crime has been suspected here. What crime could possibly justify this level of force? And, if you look at the report, the suspected crime is possession of a loaded firearm in a public place. That's the initial crime suspected.

Henry Gage: This man was laying between two houses in an alleyway, it hardly even qualifies as a public place under the statute sited. Its unclear based on the video footage weather or not he pointed the weapon at officers even thought that was the justification sited for exoneration. This doesn't sit well, it doesn't feel right. Now, IAD notes in the CFRB that Mr. Pawlik had intent, he had means, he had opportunity, and he had ability. That's a lot of stuff to fit into 48 seconds.

Henry Gage: I like to work out in the morning. I wake up, and I go to the gym, and every morning when I wake up, I tell myself, get up, put your clothes on, and walk out

the door, because by the time I wake up, I'm already halfway there. That takes a lot more than 48 seconds. So how're you supposed to react in that sort of time. How are you supposed to develop the mens rea to intentionally point a firearm at a police officer. To intend to use that firearm. How can you say that because the officers cover was not perfect and there's no such thing as perfect cover or concealment. How can you say that because the cover was not perfect, therefore its justified to use this vehicle as a shooting platform. How has it become normal that we have APV's rolling around american cities. This should not be normal. But all of a sudden, it is.

Henry Gage: You know, there's another line, page 25 of this report, that says that one of the officers was commended to some degree for stopping his fire. For appropriately deescalating the situation when there was no longer a threat. That's not good enough.

Henry Gage: An hour of unconsciousness, 48 seconds later, lethal force in stopping the shooting, cannot be commendable deescalation.

Henry Gage: Just a final note, on page 38 of this report, I noticed some troubling trends with respect to the integration between right wing political groups and both police and military agency's. Now, this may just be a coincidence that the inscription on this officers magazine was decorative only. But I'm not willing to run that risk. That needs to be investigated. I've already noticed some troubling trends with respect to how right wing groups are treated when they come to this city to protest. We've seen what happened with Austen Ortez. They used to be stopped cold, for the prayer movement, pardon me, I've mistaken the name here. But, what's happening in Portland, what's happening in Seattle can just as easily happen here in Oakland if we're not careful. Cuz, keep in mind, the chief, the chief's an Oakland product and were seeing what happens if these kinds of policy's continue.

Henry Gage: Thank you.

Regina Jackson: Thank you.

Regina Jackson: Rashida Grinage, Mary Veil, Saleem Bey.

Rashida Grinage: I want to thank Henry for laying out the case so well. There's just no way that this behavior is acceptable. No way. No way that its justified. No way that it is within the law and policy as the compliance director so correctly stated. And thank goodness for him.

Rashida Grinage: This is a defining moment for this commission. Its a defining moment because you're investigation is the only one that is not complete yet. It must be complete. It must be completed soon. And you must uphold the values of this community and of law and policy. And you must stand with this community to find this behavior entirely unacceptable. Entirely unjustifiable. But this

commission must do its job. And its job is to make sure that it's investigation is independent, is thorough, is complete and is done timely. And if that means adding an additional investigator expedited hiring of and investigator that does just this one case in order to comply. Then that's what you must do. By any means necessary. You must get it right.

Rashida Grinage: Thank you.

Regina Jackson: Thank you.

Regina Jackson: Mary Veil, Saleem Bey, Oscar Fuentes and then LoreleiBosserman.

Mary Vail: Following up on Rashida's point, when you had an understaffed, during occupy and all lawsuits and complaints, understaffed CPRB, and a huge case load that even internal affairs couldn't handle, the city hired private attorneys and private investigators. This isolated case you may need to do it.

Mary Vail: As was discussed at your last meeting, you need to have the CPRA director on the scene. You need to have the evidence that's going to internal affairs and the district attorney's office, go to the CPRA. It's just absolutely critical that the investigators be on a par and that there be timely investigation. No longer is the CPRA the little step sister who gets information when the police department chooses it. That undermines your ability to oversight. Thank god for the federal courts presence. The current [inaudible] administration has been bragging for years, we use the body cameras, were transparent about disclosing the footage. Well. The federal court observer at the hearing and the compliance director got the fact that there was camera body footage and that internal affairs basically ignored it. That was one of his criticisms. Sadly, this case lastly is an example of internal affairs acting like a officer justification unit and when they can't get the officer off completely they only recommend mini discipline and its just not acceptable. It has to stop, its kept us out of compliance and its created all the culture and problems between OPD and the community.

Mary Vail: Thank you.

Regina Jackson: Thank you.

Regina Jackson: Saleem Bey, Oscar Fuentes, LoreleiBosserman, John Bay, and Mrs. Assata.

Saleem Bey: Saleem Bey, longtime resident. The very first thing I would like to do is call out Tamaria Hogg's name and that was a black man that was shot in his car in the exact same situation that Mr. Pawlik was shot. That if this was taken care of before or after Mr. Hogg was executed in it then we wouldn't be here talking about Mr. Pawlik and talking about what we need to back fill in order to fix this.

Saleem Bey: So, the second thing I want to say is that there is an article out there, very easily pulled up on the history of this chief. And that she has a pattern and practice of

covering up for dirty police officers before she even got to Oakland. So I would suggest people Google that. That's right there its been recently within the last couple of weeks that that came out. So don't believe us, there's a history, and if you're talking about a pattern and a practice that's a track record, okay. That track record in Oakland started with the promotion of criminal police officers who were covering up the serial rape and sex trafficking of an underage girl in our community. This was the very first act that she came in and did. She ignored the community that stood up and said that we didn't want those officers, so by promoting them into her command staff, her command staff was rotten from core in the beginning. And anybody who chooses rotten is rotten themselves, alright. That's the thing.

Saleem Bey: She's also stood up and said definitively that she fired 30 people but don't know what 30 people that she fired. She can't even tell us how many sworn officers are in that, what the process is because even if firing a sworn officer in Oakland, the city's attorney's office was found by the federal government to be throwing the appeals cases. So when the appeals case came before the city's attorney's office, they allowed the officers appeal to go through without fighting. That's already documented and everything. This chief is dirty, she needs to be fired, we've been saying to fire her from the beginning, she never should have been hired. She came from Chicago which was a cover up of Laquan MacDonald in the first place. Brought here to cover up for Sean Went.

Saleem Bey: Thank you.

Regina Jackson: Thank you.

Oscar Fuentes: I'm a little offended that the police chief was called in just to say bullshit again. Not to really.

Regina Jackson: I'm sorry, could you

Oscar Fuentes: Oh, I said the word bullshit.

Oscar Fuentes: I'm offended that the police chief was called in here to basically spread propaganda. I mean she had to clean up her comment about how many people she's fired. That was just straight up propaganda. She just used this as an excuse to big up her own record. And, didn't give us any new information, refused, refused, I'm under the impression you all are her bosses. She refused to answer your questions. This is a pattern with her, her corruption, her tolerance for violent behavior is a pattern.

Oscar Fuentes: You guys don't have to wait for the CPRA to start a file to fire her. You can do it right now and you don't even have to wait for this. That's what you can do. Whether this police commission is capacitated to do the job all the job that it was supposed to do, the one thing you guys can do with the vote of 6 people,

and that would require, Mr. Prather, Smith and Jackson, to vote against the person that appointed you and that's why people don't trust you.

Oscar Fuentes: Because when it comes down to that were gonna see, were gonna see if Mr. Smith, who works for the city attorney in another city is gonna do that to his reputation. Or, I'm sorry, I don't know you, Mrs. Anderson, but if you who worked for a DA are willing to roll the dice on your reputation too. And those are real questions. The divisions that are happening here, they look petty, to be honest, but I'm sure they're grounded in some things and its because of the institutional alignments y'all have, that you don't want to talk about publicly and you act like people are crazy for noticing, and its infuriating. Its infuriating. Its infuriating to see a mostly white group here applaud every time sense is being made as if it's normal to have 3 people appointed to this commission who are appointed by the person who hired this person who backs murderers. And no one is stupid here, no one can look here and pretend that isn't happening. That's a real thing. And it needs to be talked about and we need to stop being treated like were crazy or weird to want the police commission to do what it was created to do.

Regina Jackson: Thank you.

Lorelei Bosserman: Hi, I've got four things to say, sorry, for the record I'm Lorelei Bossermanman. I've got four things to say and I'm going to try to remember them all.

Lorelei Bosserman: Henry Gage just mentioned something to me. Apparently Jeffery Pawlik, when he was lying there with a gun nearby, also had on his person over one hundred thousand dollars. And this was not in the report and may have informed why he was armed. You know, he was homeless, he had no place to put this money. So I wanted to share that.

Lorelei Bosserman: I wanted to say that I was initially very pleased that the chief was telling us how many people she had fired because I've been wondering this, you know, is this evidence that you are actually making changes. And then I was extremely dismayed to find out that she had sliced and diced the information, and I hadn't caught on, that she didn't say 30 sworn officers, she said 30 employees. Which is obvious propaganda.

Lorelei Bosserman: I also wanted to say something I have said before, that I haven't seen anyone in the media pick up on. Everyone is saying that Mr. Pawlik was given repeated instructions to put down the gun, no one is saying he was giving repeated conflicting instructions; don't move, put up your hands, don't move, put up your hands, put down the gun, don't move, put down the gun, don't move.

Lorelei Bosserman: And I have forgotten the fourth point and I bet it was really important. Well, thank you.

Regina Jackson: Thank you.

Regina Jackson: John Bay, Mrs. Assata, Bruce Schmiechen and Nino Parker.

Regina Jackson: Oh, okay. Mr. Bay is gone.

Mrs. Assata: Love life, love thy people. Well I can say this. This is something that no matter what the conclusion is of our investigative process, Warsaw is gonna handle this. And, I think the police chief is going.

Mrs. Assata: Because this has violated so many rules of what is appropriate in terms of leadership. And when Warsaw steps in and the court says, you didn't show a camera that could have clearly identified. You didn't identify it in a report, police chief is covering up. And so, I know if Warsaw, I've been watching Warsaw, I have never seen him step up with the NSE to publicly say something. And he's stepping up.

Mrs. Assata: And, I believe your power is to do something, but y'all could just sit back, Warsaw gonna get little this lady. She's going. And I don't have to bring anything up, for me the most important thing, if we have to move forward is, how is the policy gonna be created when a person is unconscious and there's potential for medical need. Because this person could have had a medical need that wasn't addressed. But, I can guarantee you the police chief is gone. Its gonna happen.

Mrs. Assata: And, Warsaw is gonna take the lead, y'all don't have to worry about doing [inaudible] whatever you supposed to do. Watch Warsaw. And, I do not have any faith in anything except the leadership has not been there, there's nothing to support her staying here, there's no evidence of correcting anything, things have gotten worse. And, she's going. I guarantee it.

Regina Jackson: Thank you.

Regina Jackson: Bruce Schmiechen and Nino Parker.

Bruce Schmiechen: Bruce Schmiechen, Coalition for Police Accountability, Oakland community organizations and I'm horrified that we have command structure in the police department that would say that this behavior was within their policy's and rules excreta. But, and I also just want to say, I do think there might well be a change in that administrative structure, but I don't think changing administrative structures as we've seen, how many police chiefs have we had is the answer. I want to see it but I think maybe part of the answer but. But its not the answer and I'm gonna say something I really hate to say this but, and I'm not a lawyer, but I have this horrible feeling that what happened to this man was legal under state law of how cops are aloud to operate. Because it goes back to 1872, which is like a god damned John Ford movie were talking about. 1872. Those are the rules and they and I can't, you know, if I'm, you know running out in my pajamas and stuff I have to follow more careful self defense rules than cops do understate law. And I just want to say that's why its very very critical that we makes sure, that we do everything we can to make sure that Dr. Sherly

Webber's use of force bill in the state legislature passes and that window is narrowed, it won't be narrowed as much as it probably should, but it needs to be narrowed.

Bruce Schmeichen: The other thing you guys can do because you have a policy powers, is using your policy abilities change that use of force in terms of policy's here. But we need to change the state law. Cuz they do get away with murder under state law, its legal.

Regina Jackson: Thank you.

Regina Jackson: Those are all the speakers I have on this item. Oh, Nino. Sorry about that. The last speaker I have on the side.

PART 6 OF 11 ENDS [03:18:04]

Nino Parker: Nino Parker, homeless advocate. Lake Merritt. I just wanna say as a single dad of 11 year old, one time I was walking with my son, and he made a gun sign like this, and he pointed at a cop car and he pretended like he was shooting, and he's about maybe 8 years old or so. I said, "Son, don't do that. Don't ever do that." And he said to me, he says, "It's okay, I'm half white." I tried to tell him, "Son, no, not in this world. If you do that move to a police officer, he just sees you as another black man." The reason I'm bringing this up is because, my son, I know, we're right around the corner, he's gonna be 12, 14, 15, 16, then I'm gonna start to worry.

Nino Parker: Because, I was just at the lake, Lake Merritt, two days after eviction. That would be on the 16th, Sunday the 16th. Up at around the boathouse, I turned the corner on my bicycle and there's like cop cars all over the place, and SUVs and guys with automatic weapons. "What's going on at the lake? What's going on?" I rode down into the lot, they had some black man with dreads, kinda jacked up in the back of a car, and as I rode down, the dude looked at me and he says, "Okay, back up." You know, I backed up right away. But, this is Lake Merritt, I'm seeing all this law enforcement, and so I ask, "What's going on?", and they said, they said had some guy that was a suspect, and he is supposed to be armed and dangerous.

Nino Parker: Turns out, I sat there and waited until after the whole thing was over, they took him out of the car, put him back in his car, finds out that this guy, it was just some guy, wrong guy. But, I saw so much law enforcement, I thought like, how dangerous a situation that was, if I were to do the wrong move, or say the wrong thing, or get too close to the car when these guys are all out there. Do you need that much law enforcement for one call of a black man sitting in a parking lot? You bring a couple cars up there and handle that. I'm not trying to tell you how to do your job, but for me to have a young man growing up in this world and then hearing about people getting shot like that, it is so scary for my young black son. Thank you.

Regina Jackson: Thank you.

Regina Jackson: Okay, the next item, item 11, is searches of individuals on probation and parole.

Regina Jackson: Yes?

Edwin Prather: May I comment on the last item?

Regina Jackson: Yes.

Edwin Prather: Thank you.

Edwin Prather: Before we get too far field from this issue, and I certainly appreciate sort of public comment, and the public acknowledging what information is being disseminated. I think not to reiterate Ms. Grinage's point would be wrong. We have an opportunity, we need to get our report done, and that needs to happen, I think we need to get a commitment from CPRA about when our report is gonna be done. We need to get in the game here. And we've got three Commissioners who are trained, who are ready to go on a disciplinary committee, and this body's gonna have to weigh in on this, you know, what's happening here, and so I do wanna remind everyone to be careful about making conclusory statements about this case, because you're gonna be asked to make a determination later.

Edwin Prather: But, we are here for this purpose, this is why we were created, and we're not getting a two or three year work-up to get to a big case like this, it's now, and I'm a little bit concerned. I did ask [Ms. Tom 03:23:53] for some timelines, I don't know that we have clarity, so I would ask you, the chair, what can we do about getting a commitment, about when the report can be done? Can we get a date certain? Because, while certainly dates are being told right now, we're ineffective and toothless without a report, and we need a report, and I get that we've been delayed, and we haven't had everything, or Sipra hasn't had everything we needed, but those excuses are gone, we need to do it now.

Edwin Prather: And, if we don't have the resources to get it done now, we need to get the resources, and so, through the chair I'd like to have a discussion on that issue. I think it's one that's pertinent now and can't wait until our next meeting.

Regina Jackson: That's fine. I was planning to meet with Ms. Tom on Monday, but it sounds like we should have a conversation now. So, Ms. Tom, a few weeks ago, when you were on vacation, I had emailed to find out how close we were. And I wanna say that, that was February 16th, and I received an email back saying that she thought it would be finished within about the next 10 days, which kinda backed us almost right up to February 28th.

Regina Jackson: Last meeting you mentioned that you thought you were gonna need 3 or 4 months and so what I think would be good for us to hear is without divulging

investigation, how the 10 days maybe became 3 or 4 months. I recognize those were not your words, they were somebody else's words. But, can you clarify for us?

Karen Tom: Excuse me.

Karen Tom: Again, I would just echo that without ... you know, since it's still an open investigation, I can't speak too much to the underlying issues in the case, but all I can assure the Commissioners is that we are working as expeditiously as possible to complete the investigation. We understand the concerns from the community, we understand the importance of this case, but we also understand the importance of having a thorough and complete investigation. And so we're balancing all of those things, and trying to get that completed as soon as possible.

Karen Tom: I really can't nail down specific dates and times because again, it's out of my hands to some degree and my investigator is working as much as possible to get it completed with understanding the importance of this case.

Regina Jackson: Okay, so is there anything that we can do to provide you additional resources in order to speed this up? And if so, what is that?

Karen Tom: I appreciate the commission's efforts to support the work of CPRA. At this time, I don't foresee anything specifically that the commission can help us with other than the investigator just needs to complete the investigation, and continue working on the case.

Regina Jackson: Okay. Question from Commissioner Harris.

Ginale Harris: Ms. Tom, in our last meeting I asked you in regards to the evidence being turned over to you and your investigator, and the date or when approximately when it was given to you. I'm still curious to know when the department, the Oakland Police Department, turned it over to you. And, would that have anything to do with the delay of wrapping up this case?

Karen Tom: Thank you for clarifying your question. I would just say that on this particular case, that was not the issue. Of course there were delays in that as we discussed from the last meeting as well, that's why the government code allows for exceptions to continue our work, but there were no specific delays that ... in terms of specific delays in that we believe could have been remedied, we aren't saying that that is the reason the investigation is not completed at this time, if that makes sense.

Ginale Harris: So, with that said, I just want to offer you, any time you feel like you're not getting something from the department, I would ask that you let the commission know. There are provisions in the measure that are supposed to be happening, and I know that you mentioned last time that's it's normal that you

guys get these things late. However, I want to make sure that they follow the measure and get them to you in a timely fashion like they're supposed to so that you can move forward with your investigation practices.

Karen Tom: I appreciate that, Commissioner Harris. And I would just add that, because this is a new process and we are working through a lot of these things and trying to also work with the department to get items in a more expeditious manner as well, and that is always a continuing conversation that we as staff are having as well.

Regina Jackson: So, Ms. Tom, also want to thank your staff. I know this has been hard work especially down investigators and all, and we are doing our due diligence to get you support just as quickly as we can. But if there is anything, anything that you need, please. Because we will get on the phones, we will take meetings, whatever it is is necessary. This is critical, there have been many other critical cases, but this is the one before us now. It's a game-changer. We need policies behind it, but we need it to be finished, okay? Thank you.

Karen Tom: Thank you.

Regina Jackson: There are no other questions on this item. We will move-

Regina Jackson: Whoa, Commissioner Prather.

Edwin Prather: Thank you, Madam Chair. I think I would just ask for something more concrete. Because, what I heard is we're putting a lot of resources toward it, and we're working hard, we got a lot going on, and I received from a member of community today we've got four more cases within the next month with 3304 deadlines. We got stuff coming up. I think we've gotta dema- like, look. I don't want to dictate to our interim director here how to do your job, you know it better than I do, Ms. Tom. But I think we need to ... and I also don't want to color my ability to sit on a disciplinary committee, so I don't want to get in the weeds too much.

Edwin Prather: But to be honest, I just think we have to demand more. We have to demand more at this point because we are behind it. So whether that's asking for an enclosed session why we don't have a report in two weeks, whether that's setting a hard deadline for our director to move resources to ... this is more important than something that's due six months from now. This is important now. I don't want to micromanage, but I think we need a deadline. And I think we need something reportable that is either at the next meeting, or in the interim, that we work with.

Regina Jackson: Okay, so let me ask the question, Ms. Tom. By the next meeting, will we be able to get a six-week, a four-week ... something that is just a bit more specific? I realize that you didn't know that this was going to be asked of you, and so, by next meeting, do you think we can hone in on how much time it's gonna take?

Karen Tom: I will go and speak with my investigator to see what a timeline is. Again, I don't know ... that may be something that I will discuss with the chair to get more information across to you, if that's acceptable.

Regina Jackson: Okay, thank you. Commissioner Smith?

Thomas Smith: Yeah, I mean, I agree with Commissioner Prather. I think we have to set a deadline that we want this thing to come to an end by. I mean, you can go and check and maybe there can be some dialog in terms of what you think is feasible. But I think it's on us to set a deadline, and say, "Look, we want it done by this period of time." I mean, when somebody has authority as a boss of somebody, you don't just let the person who you have authority over set the deadline. We've got to deliver a deadline.

Regina Jackson: I totally understand what you're saying, but she is also the one who's managing the resources. Right on target right now, if she can't speak ... if we can get a more intelligent response given a little bit more time because she was not prepared for this today ...

Thomas Smith: But then at the next meeting I think we need-

Regina Jackson: No, absolutely, that's what we're moving toward is next meeting we'll have a much better sense of when this will be wrapped up. I'm getting a nod over here, that's what I'm clear, that's what I'm going for. Yes, Commissioner Harris?

Ginale Harris: With all due respect, Ms. Tom, and I understand the pressure that you have, however I would make some suggestions on removing some of the things your investigator has under their belt as Commissioner Prather said. And I understand that an investigation is very, very important and you have to have a detailed eye. So we don't wanna rush you to the point to where the details get overlooked. This is very important, and you know that. All your cases are important, but this particular case is going to show us and expose things to us.

Ginale Harris: So we are counting on that, so the expectation of your investigation is expected to be just that, a thorough investigation.

Regina Jackson: Mr. Rudin?

Mr. Rudin: Yes. It did [inaudible] just come to my attention, this agenda item is listed as Oakland Police Department's Report on the [Pollock] investigation, so I understand there's a lot of interest by the Commissioners on the status of the CPRA investigation, but it would be appropriate for us to follow that up on a-

Regina Jackson: Got you. Thank you very much, appreciate that.

Regina Jackson: I think the Commissioners are a bit more clear that we're gonna get much more crystal. Okay? Thank you.

Regina Jackson: So we are going to move to Item 11. Searches of individuals on probation and parole. The Commission will review the updated proposal. Commissioner Prather, did you wanna provide any narrative or overview?

Edwin Prather: Yeah, thank you Madam Chair, happy to do that. I think I mentioned two meetings ago that our ad hoc committee met with the Oakland Police Department's committee on this document and had a good meeting in which a number of concessions were made, and that we had not yet received their draft.

Edwin Prather: It did come to my attention that the way the agenda was formatted for public dissemination was a little confusing. So I'll be referring to attachment A, it's 11A, that would be the OPD's red line draft of their earlier policy. Attachment B is, I believe, a clean copy of that, so we can ignore that for the time being.

Edwin Prather: I was able to go through and to compare their draft, this current draft that's attachment A, to the version that was submitted to the city council by this body, and argued by Commissioner Smith and others to the city council for adoption. I do wanna raise just a couple of points that I think where concessions were made, these interim concessions, but section B3 is a change in language, which we felt was important and more track the language that was offered by the Commission.

Edwin Prather: Section C2, we agreed with OPD after much discussion that it was good to eliminate those bullet points because they did not necessarily provide clarity to police officers, and perhaps confusion. So they agreed to take that language out.

Edwin Prather: Section C3 is something that was a new proposal made by our ad hoc committee, because what we were looking to do there was to really limit the OPD's ability to conduct parole or probation search in stops that are normal stops, like traffic stops. So they've agreed to not use probation or parole searches for these traffic stops in non-violent offense situations at all, unless that person is connected to criminal activity.

Edwin Prather: I will say that the reason why we suggested this was frankly because we found it to be groundbreaking. We don't think that there's, and I'm unable to conform it, but there's not another police department in the country that has agreed to not utilize a parole or probation search in any fashion, so this section C3 where they're agreeing not to use it in traffic stops is, in fact, quite a concession by OPD based on something we asked for.

Edwin Prather: The rest of the changes, I think, speak for themselves. I personally won't be making a motion to adopt this version or to sign off on this version this evening. I did provide it to Brendon Woods, the Public Defender of Alameda County, earlier, and I think the public and the Commission members will remember that I consulted with Mr. Woods on this document. He's a long time friend of mine, and somewhere who had offered input into it. He does have additional

comments where we can improve this document, and I did receive those in writing, so I'd like an opportunity to further edit and amend this document.

Edwin Prather: What I'll be doing is amending this document, circulating it to the ad hoc committee, and proposing it again, hopefully for a vote at the next Commission meeting. So this is not final, it's getting there. I think we have some good edits that are happening. They certainly adopted the changes that Commissioner Smith had made. But we can make it better, and I think that that's where we're headed. I'll be happy to answer questions but I'm gonna be asking to table this for one more meeting.

Regina Jackson: Okay, thanks. Commissioner Harris?

Ginale Harris: Thank you, Commissioner Prather, for working on this. But I see quite a bit wrong with the language in here, especially because it still screams the targeted population, which is black people.

Ginale Harris: The language in here is used very loosely, and when I first saw the first draft of the first submission, we were very clear that the document needed to have teeth. This document has no teeth. The Police Department's ability to use best judgment practices, they have only showed us that they cannot do it yet.

Ginale Harris: So to give them that kind of leeway or openness is a little bit concerning for me. My other concern is community groups haven't engaged with any of the ad hoc committees that have been formed. Have you talked to anybody who has been on parole or probation and how it affects them and their families?

Ginale Harris: We came up with a process again, I'm gonna go back to the process that are not being followed. Policy development process. And one was community engagement. Public Defender, I understand they defend people all day long. But they're not the ones being stopped, and they're not the ones being thrown on the floor or going to jail, or having to lose their life because a police officer decides he wants to harass somebody.

Ginale Harris: So I have put my edits and I will go to the command intent on the second line where it says, "The intent of this policy is to enhance the effectiveness of Oakland police officers while also reminding them to use their best judgment." And I stricken that and have put "assured that they use their best judgment." And still, I don't feel that has any kind of teeth, but it's better than reminding. Because if you're a police officer, I shouldn't have to remind you.

Ginale Harris: We all know there are so many policies written, and they are not followed, so this will be just another one of them.

Ginale Harris: In B1, it says, "Probation and parole PRCS searches must further a legitimate law ... " And for those who don't know what PRCS is, it's a condition of being on a paper commitment that you are on parole, but you are still being seen by a

probation officer. So it's like going to prison, but not, if that makes any sense. You have a prison commitment but you're doing probation.

Ginale Harris: So it says, "Probation and parole PRCS searches must further a legitimate law enforcement and rehabilitative interest. Such searches shall not be arbitrary, capricious or harassing." So what is the definition of harassing? What are these definitions? We need to have some strict guidelines that they need to follow, because they pull you over and say, "Your taillight's broken." Right? And then they pull a gun and kill you. So, I mean, what is it?

Ginale Harris: B2 "In procedural justice considerations, probation and parole PRCS contacts can be used as a means of providing counsel, referral and rehabilitative resources and a deterrent against recidivism." That is a lie.

Ginale Harris: We have parole officers that are supposed to be doing that, and however they don't meet the cut either. So we definitely don't depend on police officers to do any rehabilitation services whatsoever. So that should be taken out 100% completely.

Ginale Harris: B3 ... and this is not their job. This is not their job, they can't even get their jobs right, so to add some more stuff onto it would be hard. B3 inquiring about probation and parole status, the second line where it says, "Officers shall refrain from immediately asking whether a person is on parole or probation." So that means they can wait 5 minutes and then say, "Are you on parole? Are you on probation?" I mean, it only affects black people. They're not gonna treat white people the same way that they treat black people. They're not.

Ginale Harris: So I think we need to really look at this and reevaluate. The Public Defender's office, 90% of their clients are African-American, I can almost guess, I don't even need to know because I work in a jail. I see who's in there. I would encourage you, I mean I would like to have some more community input, and grassroots community, and also people who are on parole. And I can set that up. We can set that up, I can set that up. So yeah.

Regina Jackson: So Commissioner Harris, can you work with Commissioner Dorado and Commissioner [Amada] since they're part of the outreach committee, in order to facilitate that specialized audience to review the policy and get feedback? [inaudible]

Thomas Smith: I just was gonna raise a question for council. We've got one committee, that's the ad hoc policy committee that's engaged in doing the work on it. Is there an issue with engaging a second committee which would be an outrage committee which would overlap with the same exact policy, and then also be doing work on that at the same time, because that would exceed the-

Mr. Rudin: Yeah if we have more than a quorum of Commissioners talking back and forth outside of a noticed public meeting, that could potentially be a Brown Act

violation. Is one of those a standing committee that is required to have notice public meetings?

Regina Jackson: That's outreach.

Mr. Rudin: Then as long as that discussion is happening at a properly noticed public meeting ... actually I need to double check on that.

Regina Jackson: Okay, so clearly we don't want to abuse the Brown Act, but it would seem to me that the outreach committee is the one tasked to reach out. I know that you all are a standing committee. Do you have meetings set or have we not gotten that far yet?

Male: Not yet, but we'll definitely have that discussion. Probably tonight.

Regina Jackson: Great, and Commissioner Ahmad?

Mubarak Ahmad: Yes. As I stated earlier, I have a meeting this weekend. Fatherhood meeting at Merrick College. It's not really a meeting, it's gonna be a seminar where I'm gonna be meeting with youth of the community and explaining how to engage with police officers, let them know different avenues that are available to them.

Regina Jackson: So is there enough flexibility in your presentation to introduce this and get some young people to give you some feedback?

Mubarak Ahmad: Yes.

Regina Jackson: That would be outstanding, thank you.

Mubarak Ahmad: Thank you.

Regina Jackson: So maybe we'll have at least two engaged meetings. Yes, Commissioner Harris?

Ginale Harris: So I will reach out to, there's a group of young people whose parents are incarcerated. I'm gonna reach out to them and see what they think about this. And then I have, there's a group of men who were lifers at one point who have been released on parole, and are re acclimated into society and all doing well. They have a group that meets twice a month in Oakland. I will reach out to them as well and see if I can get them to come to the Police Commission meeting so that the public can hear their voice personally.

Regina Jackson: That will be great, thank you.

Regina Jackson: I don't know if all of that feedback will happen and be implemented inside the policy document and then sent to police for comment, so it sounds like March 28th may be a little early.

Edwin Prather: Madam Chair, I don't think I'd like to wait. I'd like to put the matter on the agenda, or table it until then I can at minimum incorporate the comments from the Public Defender's Office and start to get our edits to this OPD version, so at least if there's outreach that's about to happen or that hasn't happened already that they can have a more current version.

Edwin Prather: We don't have to have a long as a discussion as we have tonight, but at least that can be part of the agenda and then it can start to be circulated. If we wait, I just worry that we're suddenly three, four meetings down the road and we don't have a version-

Mr. Rudin: And Chair may answer the earlier question. There's an exception to the Brown Act [inaudible] meeting of standing committees, and more than a ... legislative body members who are not members of the standing committee can attend, but only attend as observers. So there's no issue if the ad hoc committee members wanna go to these meetings that are set up by the standing committee and to observe and participate and that they take some feedback from that. That's sort of really up to them, but they can't participate in the discussion there.

Regina Jackson: Okay, excellent. So then Commissioner Ahmad, you will also be able to share the feedback with Commissioner Prather in advance of the next meeting.

Mubarak Ahmand: Yes, but I wanted to let everyone in the audience and the Commission know I will not be at next meeting. I have a vacation planned that's already paid, so I won't be here.

Regina Jackson: Okay. Thank you for letting us know. Please-

Mr. Rudin: I will raise another point of clarification is that Commissioner Ahmad can provide his feedback only at a noticed meeting in public, he cannot contact the ad hoc committee members directly to provide that feedback.

Regina Jackson: Okay, so question: if Commissioner Dorado were at the Fatherhood summit, to also hear the feedback and be able to report out, would that be acceptable? He's on the standing committee.

Mr. Rudin: Members of the ad hoc committee can go to the standing committee meetings and witness the proceedings themselves. Discussions of what happened at the standing committee meeting between more than a quorum of the Commissioners would need to happen at an open noticed meeting.

Regina Jackson: Got it, okay. Yes, Commissioner Smith?

Thomas Smith: Just to be specific, what we were talking about is standing committee meetings as opposed to ... you know, Commissioner Ahmad is going to a separate meeting ... so we're talking about a meeting of the standing committee for community

outreach was Commissioner Ahmad, Commissioner Dorado. They notice the meeting, they have it recorded all those good things, and then we can come watch.

Regina Jackson: And Commissioner Dorado said that he could make that happen? Maybe I confused or conflated the issues with this separate presentation, but it sounds like Commissioner Ahmad cannot share the information, unless perhaps someone like myself attends, and then I can carry it back or no?

Thomas Smith: No.

Regina Jackson: No. Great.

Thomas Smith: Any discussion of any Commission business by any more than a quorum of the members has to be in an open public meeting.

Regina Jackson: Thank you. Commissioner Harris?

Ginale Harris: Appreciate wanting to move quickly and swiftly on things but this particular policy pertains to black people. And I am gonna continue to say it until somebody really realizes that this is my life, and this is my son's life, and my son and my other son and my other son. This is my son's life, so I don't wanna be hasty when it comes to a policy. This policy affects me. I don't know anybody up here, you know. Affects me, so I don't know anybody up here how they feel about it, but this affects me. I will not feel good about putting out something that is a hamster wheel. I don't need something else that has no teeth. We need teeth. People need to understand if you break the law, you are not above it. If you don't follow policy, then we deal with it when it comes. But you know about it, you cannot give people who do not know how to behave the discretion to treat black people any way they want to. I do not want to move forward.

Ginale Harris: I'm telling you right now, the intent of my vote is to vote no. I'm going to vote no on this policy because it doesn't represent me, and it doesn't represent my son, and it doesn't represent the community that I live in every single day. It does not, so I want to have a transparent police authority, which I don't have a problem with, police officers. But we are the experts about ourselves, and until people understand that black people can take care of black people, and we know what's good for black people, then it will never work. So allow us to be the experts that we are.

Regina Jackson: As subject matter experts of our own experience, the goal will be for you to get those one or two groups here to the next meeting so that they may be able to share and inform in a public way, correct?

Ginale Harris: Yes.

Regina Jackson: Okay. Great, thank you. As it relates to outreach meetings, I would not stop you from creating them for that purpose so that we can get started, but I'm glad to hear that we will have more people who are directly affected by this policy that can be engaged.

Regina Jackson: All right, if that's all the discussion, we have public speakers. I will move forward. Ms. [Assata 03:53:08], Nino Parker, Lorelei Bosserman, Henry Gage, and that's one half of the group.

Ms. Assata: Love life, love black people, I can appreciate Ms. Harris, what you were saying. I can embrace it. But here's the key thing, policy development is one thing, enforcement becomes the number one thing. Leadership for enforcement is key. That's why this police chief has to go because there's been no leadership around already existing policies. M19, which says racial profiling shall not be a part of policing, has not been enforced for 16 years. This chief has been here for two years. If you implement a policy to the highest standard on paper, and there's no one legitimate there to put the leadership to enforce it, it means nothing. That's why the police chief that we currently have has to go, so that when you develop policies that embrace what needs to have and place the changes, and they don't have the leadership ... Do you understand what I'm saying, sister?

Ginale Harris: Mm-hmm (affirmative).

Ms. Assata: We can't just piecemeal things. We have to have the wholistic cosmology, the African way of interconnectedness of everything. It's not enough to create a policy. You have to have a person who says to every police officer, "This policy will be followed or your job is taken away from you." That's what we got to have in the completeness of this. We got a manual of policies. We got the NSA that makes everything that's supposed to have, including this probation issue is already in the NSA.

Ms. Assata: The stop data is supposed to reveal it and stop it, but we got this stupidity of implicit bias. We're telling police officers, "Whatever you do, it's because you're not in command of your consciousness." Get a leader in here, that's why I'm going to work for this chief. She got to go, 24 months of no changing, so let's work on getting rid of her behind. Then whatever you put on place, if they can't bring a leader in here, it's not going to work. Thank you, Ms. Harris though. Thank you.

Regina Jackson: Thank you. Lorelei Bosserman, Henry Gage.

Lorelei Bosserman: I was looking for Nino Parker. I don't see him.

Madam Chair: Yeah, me either.

Lorelei Bosserman: Okay. Hi, I'm Lorelei Bosserman. I may have missed something. I think it makes more sense to me for Commissioner Harris to work with the committee that's doing the procedure than with the outreach committee because I think she was talking about bringing people in as subject matter experts, basically. But that's just my thought, thanks. Thank you, actually, thank you Commissioner Harris for the work you do on this.

Regina Jackson: Henry Gage, and then Mary Vail, and then Anne Janks.

Henry Gage: Thank you, chair. Henry Gage III with the Coalition for Police Accountability. I'm very grateful to Ms. Assata for her comments because she's right. At the end of the day, policies are just words. They're important words nonetheless, but they are still just words. Someone told me once that accountability requires consequences, but consequences require leadership. You do need that person to stand up and say, "This is what's going to happen if you don't follow these rules, if you don't follow these guidelines." We need that. We need that leadership.

Henry Gage: I'm grateful to the work that Commissioner Prather's done with the public defender to get his commentary and feedback on the proposed policy. Having read the public defender's comments, I'm largely in agreement with everything he's written. I'm also hopeful that Commissioner Harris will be able to reach out to the directly affected populations to receive their input because, you're right, people have to speak their own truths. We have to reach out to populations directly affected by these kinds of policies. Those populations themselves need to know they can come to this commission to receive fair treatment and justice.

Henry Gage: At the end of the day, that's what's really important here. It's that people know they can come before this commission and receive action, to receive justice, to receive some sort of movement on the items that matter most to them. I'm optimistic that when this policy comes back before this commission that we'll incorporate the feedback from the public defender. I'm optimistic that when this policy comes back before this commission, it can incorporate the feedback received by the impacted populations.

Henry Gage: I hope we can move forward because as you said yourself, Commissioner Harris, there's a great deal of discretion that's still left. There's a lot of fuzzy language that's still present in this policy, and as an institution, the Oakland Police Department has shown that it cannot be trusted. If that is the case, that discretion should be curtailed. We should also have an opportunity for the department to rebuild that trust because we have to get there eventually. Thank you.

Regina Jackson: Thank you. Mary Vail, Anne Janks, Saleem Bey.

Mary Vail: Obviously, this draft, there's been progress. But right at the front of the document, and this relates to what Mr. Gage was talking about with discretion,

there's this descriptive paragraph on page 1 that describes OPD as a local police department, or an arm or partners with probation and parole. I don't think so. I mean, the past practices that we've had, the past problems are consistent with this thing saying that we're buddies or partners of probation and parole.

Mary Vail: It's page 1, in paragraph 1, and I just want a second. We've had so many examples. If you have loose policies or particularly policies that rely on officer discretion, officer good judgment; bad stuff, discriminatory stuff, fatal stuff ends up happening. As much as we can limit the discretion, or these general mission statement at the beginning about how we're partners with probation and parole agents, the better we'll be. I was very happy to see the deletions. There's obviously more community input needed. When you go back to the public defender, ask him about that introductory paragraph, how he feels, or how it might create problems for his clients. Thank you.

Regina Jackson: Thank you. Commissioner Anderson.

Tara Anderson: I appreciate the hard work that has come before with this policy and really appreciate the expediency factor in terms of wanting to really turn the corner and have some more deliver balls as a commission, so that we can, with teeth, hold individuals accountable. I also want to echo Commissioner Harris' commentary on having voices from those directly impacted. I think Project WHAT! Was probably one of the organizations that you were referring to, and we also have the Alameda County Children of Incarcerated Parents Partnership was also another group that we can consult in this process.

Tara Anderson: I say those two specifically because they have direct experience with policy development both with OPD's presence of children at time of arrest policy and also provide training to probation officers. I think that they're a great partner with the right expertise and personal experience to help us refine this, to ensure that there's humanizing language within this document, which I see elements of here, but we could do better. But I also appreciate the value of having this on the next agenda item to ensure that we're moving the work forward and don't get lost in the great intentions that we've all spoken to today.

Regina Jackson: Thank you. We still have a couple public speakers, Saleem Bey and Anne Janks.

Saleem Bey: Saleem Bey, on this I would like to agree with the importance of the people who are most affected by this, or people that I've personally been living with all my life, and people who I've actually been working with since 1993. Formerly incarcerated people who are at risk of incarceration, people who ride around with people who were formerly incarcerated. I've been in the car when everybody in the car gets searched even though I wasn't on probation. I've never been arrested. I don't have a criminal record or anything, but live in a community with people who are like that.

Saleem Bey: So there is ripple effects that go out, and it's whole community because there's mothers who aren't on probation, but if their son's in the car when they're pulled over, they're subject to search. They're subject to be harassed. In the history of slave catching forward, parole and probation has been used as a leash to continue to subject black people to harassment, to be enslaved even though you're not behind bars. This is why this is such a real crucial and critical thing that we have to get right because if you're not going to do the whole thing, please don't do it because it's so important.

Saleem Bey: It's very important because people lose their lives over this thing all the time, over a officer who's not trained, and officers who are scofflaws and know that their leadership is not going to hold them accountable. This is why it's so important to have a chief, or a person over these people to enforce this policy because, otherwise, no matter what you do, just like the sister said. M19 is a criminal offense according to the California Penal Code, that's a criminal act, and yet M19 was one of the main failings under this chief in the last report of the monitor. You could put any type of policy you want, but if the chief is not going to enforce it, it has no teeth.

Regina Jackson: Is Anne Janks still here? No, okay. Let's see the next item is 12, CPRA Prioritization of OPD Policies to Review. I'd like to take a point of privilege immediately after 12:00 though. Maureen Benson is here and help to work on the budget with Commissioner Harris. She has been waiting patiently. I wonder if we could have the budget presentation before we go to recess? Okay, great. Thank you, so to Ms. Tom.

Karen Tom: Thank you, Madam Chair. I'll just keep my comment brief because I know you have a lot of items on the agenda. Attachment 12 you will see a report prepared by our CPRA analyst with comments on the input that we have under the OPD policies that are currently under revision.

Karen Tom: I would just highlight that the two items that I think are most important from the director's perspective are highlighted under the action requested, which are: number one, the first item that Madam Chair brought up from the last meeting and have also been commented on by various members of the community that I think is of critical importance because it does affect people within the community and because of the gravity of the potential consequences, is the developing a policy regarding unconscious people that are found with weapons and who are not able to be responsive.

Karen Tom: That would be of the highest importance. Along with that, that one is not something that is currently in OPD policy. The second one that you requested of a review that I would recommend that you take a look at is the PDRD policy that is currently being worked on by OPD. We've gotten a lot of complaints over the years. Not complaints specifically about that, but, from the investigations, we have determined that a lot of PDRD policy could be revised and revamped. That would be the second item that I would put on a urgent priority list.

Regina Jackson: Great, thank you.

Regina Jackson: Commissioner Ahmad, did you have a question? No? Okay. Do you have a question Commissioner Anderson?

Tara Anderson: If we wanted to take action in one of those recommendations, would we do so now, or under the auspice of the agenda item where we're speaking to Ad Hoc Committee, or a future meeting request?

Regina Jackson: Commissioner Prather?

Edwin Prather: Just to add to Commissioner Anderson's comment, my understanding is that we have a policy analyst at CPRA, and could it be within our purview to direct CPRA to start research on these to have a future report to us to that the Ad Hoc Committee isn't doing all the work on research, and so that we start with solid ground with the report from the policy and research analyst?

Regina Jackson: I think that the process is to direct Ms. Tom to give that assignment-

Ginale Harris: May I say something, chair?

Regina Jackson: ... Yes, Commissioner Harris.

Ginale Harris: In regards to our policy analysts, the job description that describes the policy analysts under the CPRB does not entail any research for policy.

Regina Jackson: I will still submit that Ms. Tom can ask her policy analyst to do some work. That's called additional duties as assigned.

Ginale Harris: It doesn't say that. Okay? Look.

Karen Tom: Yes. I would just like to add that whatever you would like for the policy analyst to research, just let us know, and I will have Mr. Rus look into that as to whichever policies you want further clarification or additional information about.

Edwin Prather: Madam Chair, do we need a motion, or it that just a request?

Regina Jackson: Actually, I think it's direction.

Edwin Prather: Okay, so I don't need to make a motion? I think that, Madam Chair, you should request that CPRA start to do the research into both one and two with the reporting date of six weeks?

Regina Jackson: Okay.

Karen Tom: I would just like to add that our policy analyst will be out of the office for several weeks.

Regina Jackson: Before our analyst goes out, maybe he can get started?

Karen Tom: He's going out starting next week, and today is Thursday.

Regina Jackson: There is Friday. Is there someone else that can ... So there's only one person who can do any kind of research?

Karen Tom: That's right.

Regina Jackson: Well, we can ask-

Karen Tom: It's a policy related matter. The appropriate person to do the research for that would be our policy analyst.

Regina Jackson: ... Okay. Here's the deal, tomorrow is Friday, I think that the policy analyst could identify where it is that he might start looking, and that information perhaps could be related to Chrissy Love, and then we can get the ball rolling. She will be able to pull down whatever it is or wherever it is that she needs to go. I think that one day is enough time in order to provide some direction to somebody else to collect information. That would be specific to the PDRD policy as well as vehicle pursuit of suspects fleeing on foot or bicycle.

Ginale Harris: Chair?

Regina Jackson: Commissioner Harris.

Ginale Harris: When we're looking at data in research, I think it takes a lot of man-hours to do that, and I don't know if our analyst that does the other stuff for us could take that on. I would be real cautious in asking her.

Regina Jackson: Again, we don't know until we ask. I would like to take advantage of the one day that is left in order to get some direction.

Regina Jackson: Yes, Mr. Rus?

Juanito Rus: Good evening. Juanito Rus, CPRA Policy Analyst, to the chair, I guess I'm trying to understand what this ask is. For clarification, my wife is due any minute, so I may not even be here for one more day. I'm definitely not going to be here starting Monday. But in terms of sort of policy work on these, the document that you have included there is based on CPRA, and, prior to that, CPRB recommendations on all of these policies. The document they have there if you read it, it's, well, two things: one is as this list was presented to us, these are items under revision. I haven't received any new information about what

specific areas are being revised. All of them are fairly large, meaty, complex policies. A general 'give me an analysis of use of force policies in the US', that's-

Regina Jackson: Okay. Let me clarify. I will first say congratulations on your upcoming child. Presuming that you will be at work tomorrow, what we're asking Ms. Tom to do is to direct Mr. Rus to focus on identifying perhaps competing policies as it relates to PDRD and vehicle pursuit of suspects fleeing on foot or bicycle and then to make any additional suggestions for places that one might look, that someone else can do, pull some research down, so we at least start with some information.

Regina Jackson: Yes, Commissioner Prather?

Edwin Prather: I'm sorry, Madam Chair, I think maybe I miscommunicated, but I'm reading the first page of the report prepared by Mr. Rus, improved by Ms. Tom, and the two highest priority policies are dealing with armed individuals found to be unconscious and unresponsive; and, two, the policy regarding body-worn cameras. It's my ask, I don't know if the rest of the commissioners feel this way, that we focus on those two policies because I do agree with Mr. Rus that these two policies are topical, current, and needy, especially in light of current circumstances. I do agree that, and also on the record, congratulations, and we certainly don't want to impact your paternity leave, but we do need to get this going when you get back, and-

Juanito Rus: I guess this-

Edwin Prather: ... Sorry, just let me finish. And it's not researching all use of force across the country, but it would be good to know how other jurisdictions are dealing with these specific areas, that's a matter-pulling policy. I think Madam Chair is correct that you could task that to someone else in the unit, and then having some analysis on how our policy juxtaposes with that of other departments. I mean, that's a start. I do think that that could be done upon your return in a couple of weeks. That's really what I'm after. Let's get the ball rolling because otherwise, to use my term, did you ever kick in the can down the road again? I'd certainly like to at least tee this up now while it's in front of us, and then have you address it, hopefully, before you go; but if not, then upon your return right away.

Juanito Rus: ... For the chair, I understand the ask. I guess, two things: one is, with respects to the body-worn camera, or PDRD policies, we had a number of very specific ... My role within the CPRB and now within the CPRA as a policy analyst is policy analysis in support of things that our investigators find during their investigations. It's not a kind of a general background policy analysis, it's specifically looking at issues that arise from investigations. That's what this document was really provided to do, is to say these are the things that we are looking for when policies are proposed on each of these items that the OPD has said that there will be a revision this year that they're looking at.

Juanito Rus: With respects to the body-worn camera policy, we had extensive interactions with them all throughout the last year. My understanding is that those policies are currently at other commissions and committees within the city. When they come back, there will be a slate of things that will have been adjusted from our previous work. At that point, I think it would be appropriate to make a fuller document with respects to what changes they proposed and how those match up to what we've done in the past.

Regina Jackson: Mr. Rus, is it possible that you might be able to check and see where some of those processes are before they actually come back around?

Juanito Rus: Sure.

Madam Chair: Okay, that would be helpful. Commissioner Prather.

Edwin Prather: Thank you. To the chair, I think if these research issues are not in Mr. Rus' wheelhouse, then we need to identify a resource to research and analyze these policies because, frankly, they're not in my wheelhouse.

Regina Jackson: Moving forward I think we will.

Edwin Prather: And Commissioner Anderson cannot do all policy analysis for us. This is potentially problematic that we don't have a resource to analyze policy for us.

Regina Jackson: That is correct. I'm working on getting us a graduate intern in public policy. That's one option that we're looking at that will not impact the budget. We have to get started, you don't always need experts in everything in order to collect information. It's when you distill it that is really, really important.

Edwin Prather: Madam Chair, I would agree and also disagree at the same time. We need to collect the information now, and we need to analyze the information as we go, ad hoc. We don't need experts, we just need effort, and that's-

Regina Jackson: Right, you need information.

Edwin Prather: ... I'm sorry, it's a theme and unfortunate. I think this is kind of nagging at all of us sitting on the dice tonight is that we're being told 'can't', 'won't', 'delay'. We got to just start putting deadlines on things. We have deadlines that we got to meet. I get that. Now we need to start putting deadlines on other folks in other agencies.

Regina Jackson: What I'm recommending, because we have one day, can't stop the baby from coming, he's got his paternity leave. We have one day to get started. Certainly, Commissioner Anderson can probably make some recommendations of where to look as well. Then we're not having somebody try to interpret all the information, but we are trying to collect the information.

Edwin Prather: Madam Chair, I do appreciate your position, and I understand it. But what I heard is that CPRA cannot provide us research and analysis. Right? That's what we're hearing. The research and analysis that they do are for policies related to investigations, so now we don't have research support. Without research support, again, it's another resource that we don't have, and we can't rely on, the people sitting up here to do ... That is more than a full-time job, to research and analyze report. I get the collection of it, but it's an issue that has to be addressed. It's immediate because we have policies that we have to review and opine on, and this is we can't do without research.

Regina Jackson: What we certainly can do is ask if there are other policy analysts anywhere that can be loaned. I will make that ask. We're going to check, like I said, with the graduate students, so maybe Commissioner Harris has a suggestion.

Ginale Harris: Yes.

Regina Jackson: There are other non-profits that work on policies, maybe we can find out if they can do subject specific stuff. But let's think bigger around our options, especially short-term.

Ginale Harris: Thank you. Commissioner Prather, you are correct. We don't have any. I mean, we've known this for a while. However, the policy analyst job description does not specify that language, so it's open-ended, and it was written for the CPRB policy analysts. We are the CPRA, so we can reorganize the CPRA any way we like. With that said, if we need a policy analyst, we can get one.

Saleem Bey: Say it and let's do it.

Regina Jackson: Drafting, another job description for another policy analyst where research is required, it sounds like a very creative approach. Now, again, it's not immediate because there's a process that has to be followed, but it's movement. All I'm saying is, let's identify as many different places as we can get movement so that we can create capacity. Okay?

Regina Jackson: All right. Thank you very much, Mr. Rus.

Regina Jackson: Ms. Tom, do you want to continue, or were you finished?

Karen Tom: I was finished, thank you.

Regina Jackson: Okay. Thank you very much. I have two speakers on this item, excuse me, unless there's more discussion for us to have? Okay. Two speakers on this item, Lorelei Bosserman and Rashidah Grinage, please.

Lorelei Bosserman: Pass.

Rashidah Grinage: I'm going to pass too.

Regina Jackson: Okay. Are you passing too?

Mary Vail: Mary Veil, [inaudible] policy.

Ms. Assata: No speakers.

Regina Jackson: Okay. Mary Veil, you were saying you want to speak? Because I don't have your card for this item.

Mary Vail: Okay, fine.

Regina Jackson: No? Okay. All right, thank you.

Regina Jackson: I appreciate that you all supported me in taking an item out of order. I'd like to call us to discuss Item 16, which could be very appropriate given our last discussion. With that, I believe that former Commissioner Benson is going to perhaps provide some context after Commissioner Harris provides an overview.

Ginale Harris: Actually, Maureen Benson, can you please step up? I just want there to be clarity, and I did clear it with the City Attorney's Office that this was okay.

Maureen Benson: Sure. Hello. Hi and welcome. Just a brief overview, when I was on the Budget Ad Hoc Committee with Commissioner Harris, we were collaborating with Mr. Rus. In general, I know that this attachment is actually not very readable, I'm sorry for that. I don't know why. But this attachment actually consists of several documents. The first document you see here is a bit of an overview with Commissioner Harris and my effort to address what we heard were suggestions directly from Mr. Rus and the CPRA. Specifically, what we heard in response to what the finance department told CPRA was that the task was to cut \$163,000 from the budget. We first asked Mr. Rus to tell us very specifically, what an ideal staffing would look like for CPRA. We knew that time is of the essence, particularly tonight. We're looking at the matter of CPRA not being staffed. What we heard in response was a couple of things. Firstly, we heard that according to measure LL, once the office of inspector general is created, you actually have to move the policy analyst under the office of inspector general. We also were told that the current office assistant for CPRA was working outside of her workload, and that they were recommending that that job be increased to a higher level admin.

Maureen Benson: None of those things actually addressed the budget issue, but we wanted to at least hear what the ideal circumstance was for staffing. Then, we also heard from Mr. Rus very specifically that the measure did not take into account for the work that was done by the policy analyst in CPRA. So if the policy analyst moves to the office of inspector general, then what would be done about those tasks. There's actually a whole chart in the back of your packet. It's a three page, no, sorry, where is it. It's a multi-shaded chart, somewhere in the middle of this

packet, where we ask Mr. Rus to give us a list of all of the tasks that he does for CPRA, even though the job description says CPRB.

Maureen Benson: What Ms. Harris and I attempted to do was to engage in some conversations that if there was a higher level administrative person and there was an inspector general who might could do those particular jobs. Of course that conversation should be fleshed out with the people who actually have to implement that, but this was just our first effort at thinking through what that would look like.

Maureen Benson: All of that to say, it didn't sound like really there was a quick and easy solution to cut \$163,000. It actually looked like we needed more resource. The other thing we did which again, is really difficult to read because the spreadsheet is fairly small, but the other thing we did was we asked for a current balance of unencumbered funds. We found, certainly with some questions, well over \$800,000 that was not projected to be spent, that does not include labor. I want to be really clear. That spreadsheet, when you dig into it, we did not account for the labor that is projected to be spent, but there were, like I said, \$873,000.

Maureen Benson: The short of it is this, the CPRA needs a staff to function. Actually, the measure dictates, you have seven investigators, because one for every 100 police officers. CPRA is also asking for an increase in their admin assistant, and they're actually asking for an additional intake, what was it, intake technician. Thank you. None of what we're hearing actually helped us towards a cut. We actually, in our conversation and please speak to it, we actually rejected the idea that the City would ask us to cut \$163,000 from a budget when we have well over \$800,000 in carryover funds. Much of those funds actually have to do with the fact that we haven't been staffed in the first place. Much of that has to do, now that I'm not on the commission, this feels nice. Much of that has to do frankly with the slowness of the bureaucracy, if not, the blatant obstruction of City Hall and getting us this staff.

Maureen Benson: With that, our framework was this. We actually need a specialized, customized, budgetary process, if you're looking at the lens of equity. This is a new commission. We were not staffed. To just, across the board, ask every department to cut, I think it was something like 3-5%, without looking at this, the lens of equity, was frankly ridiculous. The CPRA needs the staff that it needs to conduct investigations. You saw very clearly what's happening tonight, they're short staffed. The community is feeling the impact of that.

Maureen Benson: Anyways, that's sort of a big picture. I don't want to walk you through the details of that, but I'm happy to hang out if you have any questions.

Regina Jackson: Commissioner Harris, what are you specifically asking for us to understand, know, or act upon?

Ginale Harris: In the outline on the first page, it basically tells, it tells you how we moved the positions around. We don't have to cut any, we don't have to cut \$163,000, as

Maureen Benson said. We actually found a saving cost allocation. We have not spent any money. We do have a couple of one-time expenditures that we didn't touch. It would be unrealistic to ask us to give up \$163,000, which in turn would mean we'd have to give up an investigator right? That's about what it cost, \$163,000 right?

Ginale Harris: The way we designed this budget, we did not have specific numbers. We did ask for them though, and however, we did not get them. We use last year's budget in a roundabout way to come up with this budget.

Maureen Benson: Can I offer a point of clarification?

Ginale Harris: Yes.

Maureen Benson: These are the most recent numbers, but what I would add to what Commissioner Harris said is that the numbers of what's not been encumbered aren't accurate yet. For example, there's a line item that has, and I can't read it to you because it doesn't have row numbers, but there's a line item in here that says, none of the CPRA legal fees have been accessed or used, but that's simply not true because we know they've had an attorney so far this year right? So why the billing hasn't come into the encumbered.

Maureen Benson: I would say, one ask would be to get accurate numbers so you actually know how much money has been encumbered, and how much is projected to be encumbered. I mean, we went diligently, line item by line item through this to say, oh, well you had \$5,000, you've only spend \$1,000 so far, we probably could cut that to \$2,000, but that's a useless exercise if you're not dealing with real numbers.

Maureen Benson: One ask would be to have accurate numbers, and then another ask, like as I said, would be for special consideration for the budget process because it's frankly ridiculous to ask for a cut with so much carryover.

Ginale Harris: Then we thought of the needs of the commission for this upcoming budget. Fiscal year, because it's every two years right, so we haven't spent anything because we are not fully staffed. When we get fully staffed, we thought about the IG position and the analysts that will be under the IG position. We thought about-

Ginale Harris: Would this one do research?

Ginale Harris: Yes. Yes. This one will do research. And the coalition has insisted in helping writing some job descriptions, which, they're done already. We looked at them, we approved them. This was months ago. We already know. Moving things around a little bit and having an analyst in the CPRA, we also thought about that too in the budgeting, and how much it would cost. We still don't have to cut anything, even with those.

Regina Jackson: Okay. While Maureen Benson is here, do you all have any questions? I mean I think that one, I have made a request to the city administrator's office to ensure that the finance department can give us updated and accurate numbers. I will follow up to find out when in fact we will receive them because we all need to be Masters of our budget. Then there was the concept of getting started on a process for a CPRA policy analyst. I know that Ms. Tom has not yet been able to weigh in correct, so we will engage you. Go ahead.

Tara Anderson: Yes, for the chair. Thank you. I wanted to thank Maureen Benson and Commissioner Harris for their work on this project. I know it was very time consuming for them, and they put a lot of work into it. I would just like to comment that specifically, I just haven't, myself, had time to review some of the documents. Specifically, I will just share that I do have concerns as Maureen Benson mentioned, about the shuffling of some of the responsibilities to CPRA admin and to the director, given that with measure LL, we already have a lot of new responsibilities. I just feel that, again, putting some of these tasks on the director and on the admin would be very, very difficult, especially given there are also some unintended consequences of additional work that have not even been anticipated coming from LL as is. Your respective of these tasks.

Regina Jackson: Okay, so it sounds like a meeting perhaps could be schedule in order to understand what those are and to help support that.

Tara Anderson: That would be great, thank you.

Regina Jackson: Okay. Terrific. Are there any other questions? This is going to come back before us, probably at least two more times, but go ahead Commissioner Anderson.

Tara Anderson: I was curious about the deadlines for submitting final budget to make sure that we're on track with the City process. In appreciating all of the great, hard work that was put into this, entire fiscal teams, departments, have to put together budgets, so the fact that two individuals as a part of the commission and through an ad hoc standing committee, ad hoc, are doing this is tremendous and a tribute to your commitments. Absolutely, so thank you for that.

Tara Anderson: I just wanted to appreciate the call to respectfully reject the directive to cut for \$163,000 from the budget because it appears as though that can still be met in a certain way through cost savings associated with delays in hiring that are just inevitable, even with the best intention, so thank you for your hard work and I also reject the directive.

Regina Jackson: Thank you. Question about deadline? I think Commissioner Harris can answer.

Giniale Harris: I will say that we are past the deadline, as I explained to the Chair, and we need to do this quickly, or we're going to lose. I would ask the chair that we try to wrap this up.

Regina Jackson: In the morning, I will send an email to the city administrator to figure out when we have our meeting with finance. In between than, we can schedule a meeting with Ms. Tom next week.

Ginale Harris: Chair, we don't have that kind of time. The deadline is already over, and fiscal is not going to wait for us. What they're going to say is you're going to lose this money.

Regina Jackson: Okay. Well tomorrow's Friday, so I can do what I can do.

Ginale Harris: Can you commit to sending an email to finance and see us.

Regina Jackson: I said I would do that tomorrow. Yes.

Ginale Harris: Okay, well great. I look forward.

Regina Jackson: Are there any other questions? Okay, so Maureen Benson, don't move. We have a couple of public comments, and there may be, you know what I mean. Okay thank you. Rashida Grinage, Saleem Bey and Ms. Assata.

Rashida Grinage: Thank you. I certainly think that you absolutely cannot lose any money at all, period. I think you should realize also that no matter what the Mayor puts in her budget, at the end, it's the City Council that passes the budget. They always revise what the Mayor's proposing. So whether or not the Mayor gives you what you want in her proposal, that is not going to count in the long run. It is up to the council, and you have strong allies on the council. I think there is no question that you have been starved of resources, as a result of the city's absolute incompetence and obstruction this year, and last year. There is no question that they have to make up for that. You have to have a full staff. Measure LL requires seven line investigators, not intake, line investigators. You don't have that, so you're in violation of LL.

Rashida Grinage: Okay. They shouldn't press us too far because they are not in violation of their own city charter, by failing to provide seven line investigators. You need your inspector general, you need your admin support, and you need to fight for everything that you need, and I think that the city council will probably be very receptive. So don't low ball, that's our advice. Thank you.

Regina Jackson: Thank you. Saleem Bey and then Ms. Assata.

Saleem Bey: Saleem Bey. I did want to point out that OPD's overtime is the main driver of why everybody's trying to cut everything in the first place. From a community perspective, it's asinine to say that OPD can't work their budget, therefore their over site has to be punished because they're over their budget. That makes no sense. The Mayor coming with that is out from left field, or whatever it is, and therefore, you categorically reject this.

Saleem Bey: The other fact is just listening to Maureen Benson is that you're flushed with cash. You're not just flush with cash, but you also have needs that that cash, and you have the discretion to use that to fill these positions. Even if they're interim. If you need something done, you can contract to somebody and say, I need to get this thing done. There's professionals, there's people out there who will be more than happy to accept their contract from the city, and they're already on the vendor's list, a lot of the times, especially when you're dealing with something that doesn't, that's not sensitive, or anything like that. We're just talking about policy stuff, we're talking about paperwork, we're talking about hours that just need to be put in, things that you, as a commission, don't have the time to do.

Saleem Bey: If you have these resources, use them. Please. There are so many different things that I've been standing up here saying, listening to, and you're telling us that you need, and this, and that, and the money is there right? Don't lean on the CPRA. The CPRA is in the condition that they are, because you're here. If the CPRA was doing all their job and was independent, the commission, there would be no need for the commission because every time the police close the case, the CPRA will come back and go, oh no, these people need to be held accountable, and then there would be a push, which then triggers another thing at the CPRA and the police have a difference.

Saleem Bey: It turns out that more often than not, the CPRA was rubber stamping the police. The last thing that I would say is that measure LL says that you have complete control over the CPRA to reorganize it in any way, shape or form that you have. That's in the ordinance that you can do that, so if you want to reorganize it and people in the CPRA are not doing the job that you think they're supposed to be doing, fire them.

Regina Jackson: Thank you. Ms-

Ms. Assata: Love life. Love life people. I know in the finance committee, there is an ongoing challenge about the police department overspending, and it references that the last amount I heard was \$60 million. \$19? \$19 million in overtime. Plus, they're over their budget allocation. I can't remember the amount of money. They, along with the fire department, are 60% of the general fund spending. We have a dysfunctional police department that is not in order, but we give a lot of money.

Ms. Assata: The negative funds that they spend, overtime, comes from other departments okay? We got to fix this. Your department, probably that money is going to go for their overtime and their negative fund. The overtime and over their budget as well. This is insulting that people who are not doing their jobs correctly, it's 60%, with the fire department. They get most of the money though. 60% of the general fund budget. I would hope that you would fight as much as you can, to get the money that you deserve because we got a whole lot of policing getting money that they don't deserve.

Regina Jackson: Thank you. I'd like to entertain a motion from the commission to resist, refute, negate, decline, the \$163,000 cut for our budget. Commissioner Harris.

Ginale Harris: Second.

Regina Jackson: I guess that was a motion wasn't it.

Ginale Harris: Second.

Regina Jackson: Alright. Can we take a vote?

Mubarak Ahmad: I.

Regina Jackson: Commissioner Dorado?

José Dorado: I.

Regina Jackson: Commissioner Harris?

Ginale Harris: I.

Regina Jackson: I for myself. Commissioner Smith?

Thomas Smith: I.

Regina Jackson: Commissioner Anderson?

Tara Anderson: I.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: And the motion passes. Thank you. We are at recess. I'd like to request that-

Ginale Harris: What are we going to do with the budget though?

Regina Jackson: In terms of the budget, very specific directives, there's a follow-up to the city administrator's office, as it relates to finance, for a meeting to receive the most updated accruals so that we know exactly what our budget is. Secondly, we're going to start our process for the CPRA policy analyst. Well, we have it but we haven't, it's not been affirmed by the HR in order to actually recruit for it. I think that we will bring up in our personnel committee, maybe a contractor opportunity for policy. Then one thing we didn't really discuss, was engaging with whatever people that can audit the intake position, so that we can identify if we can actually bring in another one if that's where the best need is. Then following up with Ms. Tom as early as Monday. We'll check her schedule to see

about nailing down her opinions and recommendations. So those are four actions.

Ginale Harris: So are you going to ask for an extension of the budget?

Regina Jackson: Yes. Yes. That will be with the City Administrator. Okay, so we clear on that? We have an eight minute recess. Please come back in six.

Ginale Harris: Thank you.

Regina Jackson: Okay, Commissioners. Can you report back please? Okay. Let's see. Commissioner Dorado, Commissioner Harris. Don't run, it's okay.

Regina Jackson: One, two, three, four, five. Okay. It is, hmm? No, I don't. That's one thing I don't have. It is 10:25. I'd like to call the meeting back to order. We have two commissioners to had to leave, Commissioner Ahmad and Commissioner Smith, but we still have [inaudible].

Mr. Rudin: Chair Jackson, we will need a vote to extend the meeting past 10:30.

Regina Jackson: I mean, there are two potentials. We could vote to take agenda setting out of order, table the other items, or we could extend. I told the guard I wasn't sure, and I know we lost k-top at 10:30 correct?

Ginale Harris: [inaudible]

Regina Jackson: Okay, so what is the favor? What is the favor of the commissioners? Should we end at 10:30 with the promotion that I just mentioned, which is to put over a few of the last agenda items and go straight into agenda setting or do we vote to extend until 10:45 or 11 o'clock? I just need to know your pleasure because it is now 10:26. Commissioner Harris.

Ginale Harris: I would like to ask that we take an agenda item out of order that I feel is a priority and it is on our list as high priority, which is the appeals plan, the new evidence discovery on the Bay case ad hoc committee update. It's been clipped back several times and we haven't addressed it.

Regina Jackson: Okay. What that sounds like is that we need to make a motion to extend our meeting. So, who can make it. Commissioner Dorado?

José Dorado: I move we extend our meeting to at least deal with that one item that Commissioner Harris mentioned as well as set our agenda for our next meeting.

Regina Jackson: Okay, I think we probably need to extend a time because even those two items we still need to do agenda setting for the next meeting. Commissioner Prather.

Edwin Prather: Do we also need to address item number 14, which is the informational report that's going to the Public Safety Committee?

Regina Jackson: Yes, sir, which is-

Edwin Prather: We need to thumbs up or down on that.

Regina Jackson: Correct. I need a motion that we're going to extend our meeting.

Edwin Prather: I'll make a motion to extend the meeting at least for now, to no later than 11 o'clock.

Ginale Harris: I second.

Regina Jackson: Okay, so it has been moved and seconded that we will extend our meeting to no later than 11 o'clock. May I get a vote? Commissioner Dorado.

José Dorado: Aye.

Regina Jackson: Commissioner Harris.

Ginale Harris: Aye.

Regina Jackson: Aye for myself. Commissioner Anderson.

Tara Anderson: Aye.

Regina Jackson: Commissioner Prather.

Edwin Prather: Yes.

Regina Jackson: And the motion passes. Okay. Before we recessed I requested that we take the budget ad hoc committee item out of order, we have handled that. The next item on the agenda is 14. Quarterly informational progress report. We are reviewing a report that was previously developed and there were edits made. Those edits have been added into the report. Are there any additional comments that you have to share, Commissioner Prather?

Edwin Prather: No. I apologize for not being present to present this last time. This was drafted, put together at the request of Commissioner Gallo and the Public Safety Committee. I certainly have no pride of authorship over this document, though I have some questions, but it's really just to provide some talking points for them to ask about. It's not meant to be fully inclusive of everything we've done, nor is it meant to omit certain things. At this point, while I would like to wordsmith it generally, I'm gonna decline to do so because I'd just like us to vote it up or down. It's been, my understanding's, already been given to the Public Safety Committee for their agenda, so it could be disseminated. Well, actually, no,

maybe ... when I was serving as a interim vice-chair type of role I was set to go to Public Safety on this.

Regina Jackson: I think you still should.

Edwin Prather: Vice-chair Harris are you able and interested in going to the Public Safety Committee to present this report?

Ginale Harris: Well, when is it?

Regina Jackson: March 19th.

Edwin Prather: It's next Tuesday at six o'clock, I believe.

Ginale Harris: Yeah, I don't think I don't have enough notice to my work. I work from one to ten.

Edwin Prather: Okay, still. If Madam Chair, if you would like me to go, I will still go and present this.

Regina Jackson: I would definitely like for you to go just follow their natural conclusion of preparing and presenting.

Edwin Prather: Yes. The one thing I'll say about this document is that our annual report is due in about five, six, weeks. Because it's not a quarterly report, really, because this is the first report, a lot of these items will be put with more detail into an annual report. Really, when I drafted it, I wanted to use it as a template for an annual report or at least some type of annual filing. You'll see that it'll track that. I'm hoping to get a draft, hopefully, by next meeting so that we can just start to look at things and so, there we go.

Regina Jackson: That sounds excellent, thank you. Commissioner Harris.

Ginale Harris: I don't have my notes from last week, cause I have this whole stack of paper with me, however, I just wanna ask were the items that I brought forth implemented in this report?

Edwin Prather: Mm-hmm (affirmative).

Regina Jackson: Yes, they were. Chrissy and I went line by line as you had about eight or ten recommendations. And then, there was one, I think, recommendation from the public to include Jim Shannon's history of, I can't remember the specific subject, but we added that as well.

Ginale Harris: Thank you.

Regina Jackson: So, with that, I would like to take a motion to approve the quarterly informational report. Oh, public comment, sorry, okay. Thank you Rashida. The speakers on this item will be Rashida Grinage and Lorelei Bosserman.

Ginale Harris: Don't we have the motion open and then we do public comment? My error. I'm sorry.

Regina Jackson: That's okay. We're all learning. Okay, thank you, Miss Grinage.

Rashida Grinage: Thank you. I would just suggest utilizing the opportunity at Public Safety to begin making the case for the budget and coupling that with the issue before you were just critical with your staffing. The appeal to the Public Safety Committee to give staff direction in terms of moving forward on the hiring and finalizing the job description as presented based on the ordinance, which is law, whether the city likes it or not, because this is gonna go from the Public Safety Committee to the full council. It'll probably be on the consent calendar, which means that it won't be another report on it at the council but it will provide the public with additional opportunity to support. I just would like to urge you to take advantage of this opportunity to begin making the case for the fact that you've been understaffed, for the reasons that you've been understaffed and asking the Public Safety for their support in directing staff to fix it. Thank you.

Regina Jackson: Thank you. Lorelei Bosserman. Okay, Lorelai doesn't need to speak. So, those were the two speakers I had on this item. Can I entertain a motion to approve the quarterly informational report that will then be delivered to the Public Safety Committee by Commissioner Prather? Commissioner Dorado?

José Dorado: I move we approve this quarterly report to be presented to the Public Safety Committee.

Regina Jackson: Thank you. Do I have a second?

Tara Anderson: Second.

Regina Jackson: Oh wow. Okay, thank you very much. Ms. Assata said that there, pay attention to the meetings because they're gonna start canceling Public Safety because lack of quorum. Okay, thank you very much. It's been moved and seconded. May I have a vote? Commissioner Dorado?

José Dorado: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: Aye for myself. Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Motion passes.

Regina Jackson: I think it may make sense for one of us to meet with Council member Gallo to- Gallo, excuse me, to understand what the challenges are. I'll make that call. The next item is Standing Ad Hoc Committee assignments, unless you wanted, you had suggested that we take something out of order and that was the Bay case but I think ad hoc was also-

Edwin Prather: Madam Chair? Since there's only five of us left, might I suggest tabling item 15 until there are more commissioners, I think, probably makes sense.

Regina Jackson: Yes. So, item 15 is the Standing and Ad Hoc Committee Assignments. We'll table that till the next one.

José Dorado: Do we need a motion on that?

Edwin Prather: I would recommend a motion.

Regina Jackson: Yes.

Edwin Prather: I would move that we table item number 15 to the next meeting, Standing and Ad Hoc Committee Assignments.

Regina Jackson: Okay, and I'll second.

José Dorado: Second.

Regina Jackson: Oh, cool. Commissioner Dorado seconds. It's been moved and properly seconded. Can we take a vote?

Edwin Prather: If there's public comment...

Regina Jackson: Aren't you supposed to be helping with this?

Speaker 25: I don't know. Do you want me to?

Regina Jackson: Yeah, yeah. I need your help. Actually, I don't see any speaker cards for 15. I've got 16 but not 15. Okay, so. There are no speaker cards for this item. I've forgotten where we are. We moved and seconded. We voted to table it or are we still voting?

Speaker 26: No we're gonna vote it.

Speaker 27: We're gonna vote now.

Regina Jackson: Okay, now we're gonna vote. Thank you. The vote is to table item 15 till the next commission meeting. Commissioner Dorado.

José Dorado: Aye.

Regina Jackson: Commissioner Harris.

Ginale Harris: Aye.

Regina Jackson: Aye for myself. Commissioner Anderson.

Tara Anderson: Aye.

Regina Jackson: Commissioner Prather.

Edwin Prather: Yes.

Regina Jackson: Okay. It has been ... man, I am tired. So, the motion passes. Okay. The next item is 17, Chief's Goals, Ad Hoc Committee Update.

Speaker 28: [inaudible]

Regina Jackson: What did you guys say?

Speaker 28: [inaudible]

Regina Jackson: It has been requested that we either delay, yeah. We're gonna take the appeals plan, item number 18, out of order, and we're at 10:38 so we should be able to get the rest of the items done. Commissioner Harris?

Ginale Harris: Yes. Thank you, thank you very much. We have been putting this on the agenda for some time now and the plan was to have the IG position filled so the IG could do a independent investigation on Mr. Bey's case. I turned in the IG job description months ago, months ago, and we were waiting to get it back before it went to the Civil Service Board. However, I was requesting, requesting, requesting and finally I got a copy about three days before it was supposed to go to the civil service board.

Ginale Harris: To my- well, not to my surprise but to my surprise, it was altered completely and that is not what we voted on and that is not what we wanted to go to the Civil Service Board. I did request in our Personnel Standing Committee an explanation on what this was about, and Miss Hom did come and she did write an explanation in writing. Her stance was that even though the City Council

approved it to go our way and that the IG would report to us, the City Administrator felt that it's conflict with the Charter. Which, I expected to hear that but I was a little bit taken back because City Council is the word, right, and so my thought was, "Wow, what blatant disrespect." I did reach out to two council members and I'm working with the chair to see where we're at with that, but that's where we're at with that. We are at a standstill, we do not have an IG job description. We have theirs and we have ours. So, we are dealing with that in the Personnel Committee.

Ginale Harris: We have had many discoveries go on with the Paula case and something came to me that we have the NSA monitor recognize this case. Instead of waiting for the IG we asked that he recognize this case as well. Since we have the Paula case which is, we know, and we can have him recognize this case. This case has been sitting on our lap for a long time and clearly we can't get to even the outside person to do an investigation. I can't get the Chief to answer a straight answer and I do remember, and it's on tape, that she would not, she refuse to answer about evidence. That was a red flag to me, so I would ask this Commission to have the NSA notice the case.

Regina Jackson: As it relates to noticing the case can you send me the file to forward or ...

Ginale Harris: Which file? Well, we don't have a file. We only had what Mister- do you wanna step up to the podium, Mr. Bay? What we have is he provided us ... Go ahead Mr. Bay

Saleem Bey: I've provided the commission with just the bare minimum that racial profiling has been discovered in the case. The chief was brought up and questioned on racial profiling. She refused to answer on the grounds supposedly that it was part of a civil case. I just wanted to just read this right quick and this will go towards a solution, at least a temporary solution.

Saleem Bey: In the negotiated settlement agreement, it unequivocally states on page 14, lines 15 through 24, of the NSA Patterns and Practice Judges Order, under the heading Investigations of Allegations of Manual or Rules Violations Resulting From Lawsuits or Legal Claims. "OPD shall investigate allegations of Manual or rules violations resulting from lawsuits involving misconduct and legal claims and or tort claims involving class one and class two violations, treating them in the same manner as other citizens' complaints. Section One: The litigation and IA processes shall be handled separately to avoid either process from being unnecessarily compromised should a personnel investigation be delayed, halted, or not undertaken, or in anyway modified, because the underlying matter is in litigation. Section Two: Personnel investigation shall now be delayed in any matter because the underlying investigation has resulted in litigation."

Saleem Bey: The chief was up here and said the reason why she couldn't address it was because it was a part of litigation. The NSA order that trumps this is what I just read, and is online, and is a judges order that actually supersedes the

commission, is the order that the chief is supposed to be operating under. So, when she was noticed on California Penal Code 13519.4E, which is racial profiling, is a criminal act under the state penal code. Once she was noticed that there was officers that are committed, that even if she didn't speak in public, she was duty-bound to act on that, right? But we haven't heard anything from the chief.

Saleem Bey: I get up here and say racial profiling over and over again so obviously the Chief, who is the same Chief that's covering up for the murder of [inaudible 05:15:43]. The same Chief that covered up for the promotion of the people that covered up for the rape scandal and everything. We can't depend on her. It's obvious, just if you just look at the video, she's in violation of this court order.

Saleem Bey: What we're requesting, in the meantime, before you get to seat the IG, because if we're waiting on the IG and the IG is out of our control, we will be continually waiting. What the commission can actually do is officially notice the NSA court, vote to send a letter, that this case involves racial profiling which is the number one thing in the NSA and that we want the judge to be noticed as well as the Compliance Director, Robert Warshaw, to be noticed that these racial profiling law violations are happening. That would be the very first step.

Saleem Bey: Obviously, we want this investigated. I showed you evidence that the CPRA cannot take this because the actual underlying case, IAD131062, was found sustained by IAD, but was found unsustainable by the CPRA. According to LL and the mechanisms therefore, it says that once there is a disagreement, it then defaults back to- that's where the appeal process came in, is, now that it can't be investigated by the CPRA and IA has done their thing, what is it that the commission is going to do? Because we're waiting on the IG, there is no action that can be taken. In the meantime, the action can be taken is because the Compliance Director, Mr Warshaw, is being paid millions of dollars a year to oversee the Police Department as it relates to NSA violations of racial profiling. Here is a case of racial profiling. We're on record, since 2012, of noticing the Compliance Director. The Compliance Director actually had a meeting with us and told us he met with Chief Wint when Chief Wint was one of the persons that we complained about in our complaint. He never took any action.

Saleem Bey: I've seen him jump over us to investigate the rape scandal. We've seen him jump over us to investigate Occupy, we've seen him jump over us now to investigate [inaudible] and yet this is a real thing because I'm standing before you and we're taking the time to listen to what I'm saying. It's not something that I'm just talking off the top of my head. The actual documents that back this up are all documents that were city produced. OPD in the city have produced the documents that say racial profiling goes on.

Saleem Bey: I don't wanna take up too much of your time with that because I do have examples of that, but that would be something that I would like to put forth in the package that is forwarded to the Compliance Director and officially notice

the court and in that process, because the City Council is actually above you, in between the NSA, you actually have to notice the City Council, the Compliance Director Robert Warshaw, as well as Judge [phonetic] Ork in the NSA court. If you guys could please officially notice them that this is something that you're working on but needs to be noticed then I believe we could get some action as we wait on the IG position.

Regina Jackson: Mr. Bey, thank you. I would like to, one, ask Mr. Rudin. I know official legal noticing documents- I wanna make sure that I frame it correctly, so I'd like your assistance in that. With respect to passing off the information, I can get the address to mail your packet but I would need to connect with you, maybe Monday, to get your packet.

Saleem Bey: I would actually, if I were you I'd give that packet directly to the defendant which is the City Attorney's Office, to deliver too because as soon as the court is noticed, the City Attorney's Office has to be involved so if you actually send that packet off, I wouldn't give it directly to the City Attorney's Office only, but I'd give it to the City Attorney's Office, the Council and notice the court, all separately.

Regina Jackson: Okay. Thank you. Mr. Rudin again, I would need your...

Mr. Rudin: Yeah, I would need to look into exactly what might be required with that. I'm not quite sure whether or not this needs to, there needs to be initial notice to the City Council or whether there's some other steps that might need to be taken.

Regina Jackson: Okay.

Mr. Rudin: Certainly, I think the commission can indicate it's intent that it wants to go down this path.

Regina Jackson: Okay, so, why don't you look into that and I will follow up with you Monday to figure out what our course of action, how we do it, what the framing of the notice letter is, and then, how to get the documents from Mr Bey to City Attorney's Office and whoever else. I think I probably should not receive the documents based upon the potential of any escalation, right?

Mr. Rudin: I certainly don't see a problem with Mr Bey handing those documents to the City Attorney's Office. I'll find out if there's any conflict issue.

Saleem Bey: City Attorney's Office has all these documents.

Regina Jackson: We just need to make sure that there are more than one packet because of the issue with the City Attorney's Office previously. Yes, Commissioner Harris.

Ginale Harris: May I make a suggestion, Chair? I would say give us the packet in a sealed envelope. That is sealed. Make the packet in a sealed envelope so we don't taint it or see it and sign over the seal so they know the seal's not broken.

Saleem Bey: Yeah, we can do that.

Mr. Rudin: Another option for him would be for him to deliver that to our office and I can look into whether or not there's any issue with the police commissioner receiving those documents before I hand them over to you. Otherwise, I'll return them to Mr. Bey.

Madam Chair: Okay. I am reading Mr. Bey's face.

Ginale Harris: Yeah.

Regina Jackson: What I'd like to do then is recommend that you deliver two sealed packets and that way, one can go, we can walk it over or mail it for you, and then the other that might need to be delivered to the City Attorney's Office can be sent by Mr. Rudin. That work for you?

Mr. Bey: It does. With the exception of clarification. Is there a motion or a vote that has to be made for the commission to have a cover letter on top of that?

Regina Jackson: Oh, absolutely, but I'm trying to figure out how to have all of the documents together and make sure-

Mr. Bey: We can get all the documents together. I mean, all the documents are here and they're actually- because the court, NSA court has the ability to see even the sealed documents in a federal case because they're over. I would seal that, put that in before their eyes only. The City Attorney's Office has all these documents because they actually turned him over to us. They don't really need the documents as per se as much as- I will make a copy of them for, just to show what's given, but more than anything, the commission to officially acknowledge, just to say, "We want this to be looked at."

Regina Jackson: Okay.

Mr. Bey: Because it has all the new evidence of racial profiling.

Regina Jackson: Not a problem. Like I said, from a procedural perspective, I just wanna make sure that I'm covering all the bases.

Mr. Bey: Very good.

Regina Jackson: Commissioner Prather, do you have a question or comment?

Edwin Prather: Yeah, thank you, Madam Chair. I do have a question. Mr. Bey has been coming to repeated meetings for many months to tell us about his case and to ask for commission action. I understood that an Ad Hoc Committee was coming together not necessarily to evaluate the claims but to evaluate process for appealing a CPRA or CPRB decision. There's certainly nothing precluding Mr. Bey from presenting a packet to NSA court, the monitor, and doing whatever he wants to do, but are we skipping the appellate process. I haven't heard that we have a process because this process right now worked for Mr. Bey but what about the next person that wants to appeal a CPRA decision? What happens then? Is it Ad Hoc thing because I've not examined the merits, nor do I think I'm in a position to examine the merits of Mr. Bey's appeal as I sit here, currently, on this dais. That may change if we put together a committee- actually I'm not even suggesting we put together a committee but without an appeals process, we don't have a process there's no procedure.

Regina Jackson: Correct.

Edwin Prather: And so, I'm left ... It's not a merit issue, at all. It's only a procedural issue. How are we dealing with procedure that isn't considered just based Ad Hoc on this situation.

Regina Jackson: No, your point is, it's a good one but I didn't see an appeals plan in the attachment. So, Commissioner Harris.

Ginale Harris: This case itself is unique. We were trying to come up with a plan in itself but the plans we came up with didn't work. Why? Because one, we can't have the investigator do the investigation on this side, with the CPRA. Then, you can't have police department investigate the investigation that they just investigated, so, we had a dilemma. Our conclusion was come up with the IG. The IG is the outside evaluator. That was going to be our appeals person for this case. The IG person was going to look at the case and whatever the outcome, that was our due process.

Regina Jackson: Okay. To that point, that answers one question but we still probably have to have a appeals plan. Commissioner Prather?

Edwin Prather: I guess my reaction to that is, if the thought was we were gonna give it to the IG but we can't get the IG hire, right? We don't wanna delay anymore, which I agree, I don't wanna delay anymore either. We talked about having funds available. Why aren't we hiring someone for the limited purpose of appeals in the interim? Whatever it is, it's a process right? We gotta have a process for determining what it is.

Edwin Prather: This as just as important as some of the other issues that we're dealing with and I think that we can hire folks on the interim or a limited basis or a narrow basis to complete things for us under the guise of we don't yet have an IG, and this would be an IG task. But I think we gotta write up an appeals plan and then I

don't know if we can do a direct hire. The process of putting out an RFQ for something like that would take way too long. But if we can direct hire an investigator into that slot and have maybe its just ... but it's a slippery slope too because once we create an appeals process, might everyone appeal their separate determination and we have to be prepared for that, right? We have to create something that works for us both short term and long term.

Saleem Bey: I would like to just interject something really quick.

Regina Jackson: Yes, Mr. Bey.

Saleem Bey: A point of clarification: we're not appealing anything with the CPRA or anything like that. It just can't go to them, so you have to find another ... The appeal process will be for future people come through and everything like that but in this case right here, a complaint was made, and the commission is unable to forward it to your normal investigative body which is not necessarily an appeal, it's a dilemma, because you have a unique case that can't go to your normal thing. It may say appeal, but it actually is not as narrow as appeal. It's how do you deal with cases that don't fall within the thing.

Saleem Bey: One of the things that we're saying too in the interim, and I do agree with Mr. Prather that hiring an outside person is well within the scope of the commission. My only issue would be the timing and in the meantime, just because the NSA legally is the oversight entity of this, you still have to notice this entity that this thing is happening here because racial profiling is what their purview is. It can be a two track thing: notice the court and then hire an independent person in the interim.

Regina Jackson: So to your point, it's 10:58, I need to make sure that I hear from Miss Grinage. I'm still gonna follow up on the noticing that we originally-

Regina Jackson: I'm still going to follow up on the noticing that we originally discussed and we still need to design an appeals plan. So that sounds like something to go on the agenda for next time.

Rashida Grinage: Thank you. Just really quickly-

Regina Jackson: Can you do the timing please? Thank you.

Rashida Grinage: So it seems to me, unless I have a misunderstanding of the situation, we have an IAD complaint. The allegations, at least some of them were sustained. The same complaint was not sustained. That is the circumstance in which there's a discipline committee. That's what Measure LL provided was a way to resolve discrepancies between the findings of IAD and CPRA. So unless I've gotten something wrong in my understanding, there's no need for an outside party to be hired. There is a need for a discipline committee to review the findings and the reports of IAD and CPRA and make a final determination.

Regina Jackson: Thank you very much. That's ... Commissioner Prather.

Edwin Prather: I ... thank you, Madam Chair. I'm confused because I ... Miss Grinage is saying that there was a finding by CPRA or CRPB. Mr. Bey said that there was a complaint, but it was never referred to CPRB. I think ... Mr. Bey, Madam Chair, could I through, I just need to understand that piece because if there's a finding then, then that affects my analysis. If there's no finding, then I go down a different track.

Saleem Bey: Right. So, what happened is, just for clarity, is this complaint was a complaint that was opened by the Compliance Director about a previous complaint. So it's been reinvestigated, it's been rehashed, regurgitated. It keeps giving, being given back to IA and IA keeps doing a half job. The very last time IA had the case, they found sustained, but they only did an incomplete job and then admitted that the job was incomplete. At the very same time the CPRB found it unsustainable. So it does have a status of sustained and unsustainable except an investigation was never done in the first place. And the committee that you're speaking of is not in a, in a position to then review all of the documents and investigate the case like it actually needs to be investigated.

Saleem Bey: The police were supposed to investigate this. They didn't, they didn't investigate it in 2005. They didn't do it in 2007. They didn't do it in 2011. They didn't do it in 2014 and here we are, 2019 it still hasn't been done. So it, it can't go to a committee because it's never been investigated. It needs an investigation.

Edwin Prather: Mr. Bay, if I have, just to clarify, so the CPRB found that it was unsustainable. Did I hear that right?

Saleem Bey: You did.

Edwin Prather: Okay.

Saleem Bey: For the underlying case, which is actually, it can actually have a new number now because there's been a complaint made since that the original complaint was never investigated. So it does sound, it is multilayered, but the actual complaint is that none of these cases have actually been investigated. It wasn't investigated by the CPRB. It was half investigated by IA. Therefore an outside entity needs to investigate these cases and then come back and make a report because IAs not doing it. And obviously the CPRB is not doing it. So it's, it's not like the case has been ever actually investigated and they, they came back with different things. That's just a facet of it that shows that in the history of investigations IA found some sustained and the people who were supposed to be watching out for the community found it unsustainable. So this just an aberration.

Regina Jackson: So if it has not been completely investigated, then you're right, it cannot come before the Discipline Committee.

Saleem Bey: Exactly. It still needs to be investigated is what we're asking for.

Edwin Prather: I think I disagree, man. I think what my suggestion would be is because I don't think anyone in any commissioners, and at least in their official capacity, have reviewed the file and have made a determination of one way or another. I don't know anything about that-

Saleem Bey: It's also under federal seals. So, it may not be-

Edwin Prather: ... Let me finish my thought and then I'll come back to you. I would recommend that we, I mean we have three commissioners ready to serve on discipline committee. We could set up the discipline committee. Cause what that creates is almost like a firewall, right, between the three individuals who were reviewing the material and the rest of the rest of the commission. Can have those three convene, the discipline committee, to review the materials, both IA and what the CPRB has and the whatever other materials. They can make a finding, they can come back and conclude that there's not enough investigation and send it back and then determine, we can come back to this body and say, okay well we can't, IA can't do it cause it's about IA and CPRA can do it because there's a conflict and then make recommendation.

Edwin Prather: But absent having a review of what it is, I'm hesitant to sort of take that next leap. And I think that bringing the committee does make sense in, instead of jumping to that next step of hiring an investigator before we make the determination that we need to investigate.

Saleem Bey: You know what though? I can't go with that at all.

Regina Jackson: Excuse me.

Saleem Bey: What. Nothing.

Regina Jackson: Excuse me. Commissioner Harris.

Ginale Harris: So, now I feel like we're back on the hamster wheel.

Saleem Bey: Exactly.

Ginale Harris: We did this a whole bunch of times already. He's already come here a thousand times and presented his case and I saw some of the things that made me open my eyes. I don't know what everybody else remembers but I remember it. And my thing, Mr. Finnell sitting in that seat over there. And he did not want to give his case back to him because there was something going on that Mr. Finnell did. I don't know what, but whatever he did, there was something happening. Then, over here when I asked the Police Chief, does this paper represent racial profiling? I don't want to answer. I'm like, what? So right there is an indicator that there is something that needs to be investigated.

Ginale Harris: I would not refer it back to the CPRA because Karen Tom was the investigator. So that's like giving, we don't want to do that. My thing is let's give it to some clean hands and let them and whatever it is, we've done our due diligence.

Regina Jackson: So in terms of the item, and I do need to go back to we're at 1106, in terms of the item, it was called appeals plan new evidence discovery on, on Bey case.

Saleem Bey: Right.

Ginale Harris: But it never had appeals to it. So I don't know who added that.

Saleem Bey: But the new evidence is, the new evidence is what we're actually trying to, to act on. The new evidence needs to be noticed to the NSA court, which is over you. That's what we're asking for.

Regina Jackson: The point is we don't know what the new evidence is.

Saleem Bey: You actually do. I gave you the new evidence in ... She seen the new evidence. I don't know if you were there because when the chief was being questioned, where are you at that meeting?

Regina Jackson: You're talking about one three five one nine dot 4E?

Saleem Bey: No, I'm talking about racial profiling document that I gave this commission and the public. And then the next meeting, that document was then given to the police chief to answer questions. Over across two meetings, the exact same information and new evidence was given to both of the commission, the public and the police chief and the police chief refused the answer on it.

Saleem Bey: So there is new evidence, I just don't think you were at that meeting.

Regina Jackson: Do you remember what date that was? Because-

Saleem Bey: 10/25/18.

Regina Jackson: Okay.

Saleem Bey: Was when the chief was answering. Before then, the actual evidence was handed out. The evidence is there, the evidence, everybody who was at the meeting saw the evidence that said that there was, that the police are admitted to racial profiling. That's just one document. I can produce thousands of documents that backup that, but we can't go through all that. You only needed one document that was officially stamped by the city, so it's not something I made up, and it said an admission of racial profiling against black Muslims. That is at the core of our case. So that is new evidence and we're asking for that particular document. If you don't put nothing else in the packet, send that document, please, to the NSA. This is what I'm asking for. I'm not asking ... from

what I'm hearing about Mr Prather. Yes. You already bring it back to kicking the can down the road. You want to give my case back to the people who close it in the first place.

Regina Jackson: That's not what anybody is saying.

Saleem Bey: I think that's what he said.

Regina Jackson: No, what I'm hearing you say is that you want it done one way and what I'm trying to make sure it is that we're doing it the proper way.

Saleem Bey: Exactly.

Regina Jackson: So I have to be able to find out if we should do a discipline committee in order to recognize whether or not the new evidence could then substantiate an outside investigator or if noticing to the independent, excuse me, the compliance director is the appropriate way to move. I have to find that out. I don't have any answer.

Saleem Bey: Can you ask somebody right now?

Regina Jackson: I, well I'm getting ready to.

Saleem Bey: Thank you, please.

Regina Jackson: Mr. Rudin.

Mr. Rudin: Did I hear you mention, Mr. Bay, that the documents you're hoping to provide are under a federal court seal?

Saleem Bey: No, not all of them.

Mr. Rudin: Okay.

Saleem Bey: But the NSA has the ability to see, if I seal those documents and gave it directly to the compliance director, he has the ability to see all of OPDs documents and he's federal officer. So the NSA court has the ability to look at these documents. That's why we're saying we only want, I don't want to give the documents, just spread them out. But the documents that say that there's new evidence is saying that there's racial profiling.

Saleem Bey: This body is legally bound to act on racial profiling and in the absence of acting on racial profiling directly, they have to notice the courts that racial profiling is it. That's what's in it saying that you can't have litigation's stop this investigation. Yet, all I've been hearing is that this litigation is the reason why you can't go forward. And I just read the court order that said, if you have evidence, you have to act on this criminal evidence and the criminal evidence

that you notice is actually has to be the NSA court. And it's not that hard. It all of a sudden it turned different. But it just notice the court and we can get the, I would go to the next level and be ...

Regina Jackson: Okay. I will work with Mr. Rudin to try and see if that's what we can do. Okay? And he and I, yes? Commissioner Harris.

Ginale Harris: Chair, with all due respect, he is not our attorney. He is the sitting and acting attorney, but he is not our attorney.

Saleem Bey: Exactly.

Regina Jackson: He is the one that is advising us right now cause we don't have our formal own attorney and if we wait for that, talk about kicking the can down the road. That's RFQ process.

Ginale Harris: I mean we can also,

Saleem Bey: You have the ability to vote and say, we want to notice the court. That's within your powers. I would like ... show me within there that you don't have those powers to notice the court when a criminal, something criminal needs to be noticed.

Regina Jackson: I don't question that we do. It's just an issue of should it be discipline committee or should it be NSA.

Ginale Harris: So my problem with the discipline committee thing is who are we disciplining?

Saleem Bey: Exactly.

Ginale Harris: This has been since 2002 and half of those people probably don't work for OPD. So who are we disciplining? If it comes to a finding that there is actually some disciplining that needs to be done, who are we disciplining?

Regina Jackson: Well the problem is that we can't make a determination before we have any information.

Saleem Bey: You have the information that racial profiling is a part of this. You do have the information. I've given it to all of you that racial-

Regina Jackson: From 10/25 I would have to go back and look at that cause I don't know that off the top of your head.

Saleem Bey: I don't believe that you were at that meeting, but I'm just going to say-

Ginale Harris: Mr. Bey, you submitted the information and I remember it very clearly and I have it and I will share it. I will share it.

Saleem Bey: It's called gas lighting, where I gave you the thing. I remember giving you evidence. The chief was brought up to answer the evidence and now we are going back and saying, if there is evidence, how are we going to do that? I just want the clarity.

Regina Jackson: No, no, no. What I'm saying to you, and you're just told me I wasn't at the meeting so clearly I did not remember.

Saleem Bey: No, I'm asking you if you was at the meeting. You obviously don't remember it. So therefore.

Regina Jackson: Clearly I don't, so I probably wasn't. Commissioner Prather?

Edwin Prather: Yeah. Thank you. Through the chair, Mr. Bay, you presented a transcript. I recall it. You asked the chief about it. The chief declined to comment on what she called sealed documents that were part of a sealed case. I recall it vividly. But to be honest, I'm not ready based on that proffer.

Saleem Bey: You've never been so ready. [crosstalk]

Edwin Prather: Sir, I don't interrupt you when you talk, please let me finish.

Saleem Bey: You've been kicking the can down the road and everything-

Regina Jackson: Mr. Bey, we are trying to move us forward. Please let him finish.

Saleem Bey: I'm just telling you that you've wasted people's time by him. He's been [crosstalk] skating and deflecting. He's been trying to give it back to the CPRB.

Regina Jackson: Mr. Bey. Please give him the courtesy.

Edwin Prather: Madam Chair. It's now 11:13. I'm going to make a motion that we set up a discipline committee to hear this matter. And make a determination. And I don't know what the process is to report back because we've not done one. And we may have to rely on legal counsel or, other counsel to advise us on what that is. But the motion would be to, to convene our discipline committee to review this case in more detail and to make recommendations.

Regina Jackson: Okay. Is there a second?

Saleem Bey: Excuse me one second. Please. Mr Prather.

Ginale Harris: Mr. Bey, let us vote. Let us vote.

Saleem Bey: Okay.

Regina Jackson: Is there a second? Thank you. What did you say? Commissioner Anderson, are you trying to say something?

Tara Anderson: Just, I just don't feel knowledgeable enough on this matter given this as my only my second meeting. So I feel like I would have to abstain from any, votes on the floor regarding this matter at this point.

Ginale Harris: So I'd like to make a motion. There were no second. So I'd like to make a motion. I would like to make a motion to request the officially noticing the NSA court. I feel like we need to move forward.

Saleem Bey: That simple. I agree with that.

Regina Jackson: Is there a second?

José Dorado: Second.

Regina Jackson: Okay. So, let's take a vote on notifying the NSA. Commissioner Dorado?

José Dorado: Aye.

Regina Jackson: Commissioner Harris.

Ginale Harris: Aye.

Regina Jackson: Aye for myself.

Tara Anderson: Abstain for reasons stated.

Regina Jackson: Commissioner Prather.

Edwin Prather: No.

Regina Jackson: Okay. Well actually the motion passes. All right. Thank you very much. It is. I got a notice from Miss Assata. No, no, no, that's fine. I do want to say, if you give me just one moment please. It's 11:15. As soon as Miss Assata finishes, I think that what we're going to need to do is ... I will send out, yeah, we can only go to 1120, so we're going to do massive movement. Thank you Miss Assata.

Miss Assata: The language of measure LL says that a discipline committee comes into, I'm so tired y'all, the availability of using the discipline committee is based on the fact that the CPRA has come to a conclusion and the chief has come to a conclusion and there is not an agreement. Chief and agency. So in this case, we don't have the chief and the agency. We have the investigative process and the agency. So I don't know if you can bring the discipline committee together based on the language of Measure LL.

Regina Jackson: Thank you very much. Now we're getting back to the fact that Commissioner Harris said that this was kind of unique. So, I think that we will, we will go with what we suggested and, get direction from NSA. With that, I would like to recommend that we table, I'm sorry, 15, 17 and 18. No, excuse me, 15, 17 and 19. And then do agenda setting and then adjourn. I'm sorry.

José Dorado: Madam Chair, We already tabled 15.

Regina Jackson: Oh, I'm sorry. Yes. Okay. So I'd like to have someone make a motion that we table items 17 and 19.

José Dorado: I move that we a table items 17 and 19 til our next meeting.

Tara Anderson: Second.

Regina Jackson: Second by Commissioner Anderson. And we take a, let's see. So for the speakers that we have, hopefully you'll come back, on March 28th. So let's take a vote. Commissioner Dorado.

José Dorado: Aye.

Regina Jackson: Commissioner Harris.

Ginale Harris: Aye.

Regina Jackson: Aye for myself, Commissioner Anderson.

Tara Anderson: Aye.

Regina Jackson: Commissioner Prather.

Edwin Prather: Yes.

Regina Jackson: Okay, great. Motion passes. So now we move into agenda setting at light speed. The first, we have three items already, which is, item 15, 17 and 19. Are there others? Yes. Commissioner Anderson.

Tara Anderson: I'd like to move that we place a support of AB 392, the California Act to Save Lives by Shirley Weber on the next meeting agenda. I'll prepare the letter of support for that item.

Regina Jackson: Okay. Commissioner.

Ginale Harris: Chair. Can I remind you that we have a process already about submitting agenda items and so I think we need to share that with the new Commissioner.

Regina Jackson: That's the form that you're talking about?

Ginale Harris: Yes.

Regina Jackson: Yeah. Well I think, haven't you filled that out cause Chrissy-

Tara Anderson: No.

Regina Jackson: ... I thought Chrissy had sent that. No?

Ginale Harris: Supposed to be going off the list.

Regina Jackson: Okay. Pardon me?

Tara Anderson: I wasn't aware that there was a process for this, so I don't mean to speak out of order. I will say that this is a pressing piece of legislation and it is in our interest, and the spirit of the Police Commission for it to go before our body for consideration. I'm also not on the form that would be completed, so it would need to be modified to include me as a commissioner. And I would like to recommend that there be some nimbleness in the ability to set agenda so that we're not having to wait several meetings to hear an item. I've seen that play out in unfortunate ways in other policy bodies. And I'd hate to see us replicate that.

Regina Jackson: Okay. Thank you. I'll reach out to Chrissy to make sure that you're added to that. Commissioner Prather.

Edwin Prather: Yes. So just to respond to Commissioner Anderson, so there is a process in which urgent items may be added to the agenda. The chair has the discretion to add items to the agenda by with the agreement of two other commissioners. But like between meetings. So if something came up before- the day before an agenda was do it could be added on a time sensitive basis. So even though you haven't filled out the form, we still could, if this is of time sensitive of time sensitive nature, we could absolutely still add it to the next meeting by just having an agreement of three commissioners to add it at the chair's discretion.

Regina Jackson: Okay. So are you making that agreement?

Edwin Prather: Is it, how time sensitive, is it? Because is it so time sensitive that we should forgo the process, right? Because we do have a, I think Commissioner Harris is right. We have a process and we haven't, we need to follow the process, but if it's urgent and you have a heads up and it needs to be addressed at the next meeting, then I mean we're not gonna, we're not gonna push it to April because it's, because you haven't filled out a form.

Tara Anderson: It is not currently slated for assembly, public safety for the upcoming March hearings, but is expected to be heard early April. So that's the timeline before us.

Regina Jackson: Okay. Commissioner Harris.

Ginale Harris: So, as we've stated in many meetings before, we were talking about doing long-term agendas for months and we have tools that's been developed, but we're not utilizing them. I think I will task myself with sharing with Commissioner Anderson all our processes that we have already and sharing the list with you. I will ask Chrissy Love to send you our rolling agenda list and it's a prioritization on there. There's high, there's medium, there's low and however you want to put it on there is totally fine. But we have other items that are already on there and I, I don't believe we have them in the agenda packet tonight. And I would suggest that we include that in every agenda packet. Just so that, oh, there you go. Here it is. I didn't even see it.

Tara Anderson: It's our attachment for item 20.

Regina Jackson: Okay. So, Commissioner Prather.

Edwin Prather: Yeah. So I have a few items to suggest off of the list. I think one would be the parole and probation search policy. It should come back again as I think we discussed. Second, we need the 3304 deadline reports to come back. That needs to be on this, on every agenda really because we have rolling deadlines and as a member of the community pointed out to me today, we have at least four that are due within the next month. And so that needs to be front and center, because those dates are approaching quickly. I'd also like to put the annual report that is due on April 17th on the agenda as well. That'll give us two meetings before that report is due. And so that will trigger a more exigent work on that, on that piece of paper.

Edwin Prather: The last thing I'd like to suggest is I really do think we need a report or something on the Pawlik investigation. On the progress from CPRA, whether that need to be in closed session or not. We need to have both Miss Tom and the investigator appear. And if it's not ready, explain why it's not ready or to the extent that it can be shared with this body. I don't know the propriety of that. So I don't know if that's open session. I don't know if that's close session. But we need updates. Yeah, regular updates. And so I would, I would make those suggestions.

Regina Jackson: No problem. I'm going to add the proposed budget specifically around job related stress. And the one on job related stress that they presented but didn't give us information on? I now have some information but I had some questions. So they're cleaning it up because again, it's part of the budget. And that's one, two, three, four, five, six, seven, eight items. So why don't we add two or three more? I really do not want to have another agenda with 20. That's enough? Okay.

Edwin Prather: And Madam Chair, if I may suggest, I don't know who crafts the order of the agenda, but I had made the suggestion at a prior meeting that the

administrative things that we go through that the public has to sit through to get to the real meaty issues, those need to go at the end.

Regina Jackson: That subject matters first. Got it.

Edwin Prather: Yes. We've got to go to things like the OPD report and the Pawlik investigation and the really hard hitting relevant topical issues like right away.

Regina Jackson: Sure.

Edwin Prather: Because most people don't, I appreciate the diehards who stay till the very end, but I think that that's where we have our most input, so.

Regina Jackson: Okay. Thank you very much. And then, let's see. I have to add, okay. So we have our agenda items. Can I please have a motion to adjourn?

José Dorado: I move we adjourn.

Edwin Prather: Second.

Regina Jackson: And a vote. Commissioner Dorado.

José Dorado: Aye.

Regina Jackson: Harris.

Ginale Harris: Aye.

Regina Jackson: Aye for myself. Commissioner Anderson.

Tara Anderson: Aye.

Regina Jackson: Commissioner Prather.

Edwin Prather: Yes.

Regina Jackson: Thank you. And we are adjourned and it is 11:26.

Speaker 29: And Commissioner, so I can speak with you briefly before you run off.

Madam Chair: I'm sorry, what did you just-

Speaker 29: If I can speak with you all briefly very privately before you run off.

Speaker 30: Thank you for watching KTOP TV 10. The city of Oakland's government access.