



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

Regina Jackson: Welcome to the Oakland Police Commission of March 25th, 2021. It is 6:30, and I am your Chair, Regina Jackson. And I am calling this meeting to order. Juanito, can you advance the slide, please? Thank you. Now, we'd like to do roll call and determine our quorum. So, as I call your names, please identify your attendance. Commissioner Dorado.

Jose Dorado: Presente.

Regina Jackson: Thank you. Commissioner Garcia.

Sergio Garcia: Present.

Regina Jackson: Excuse me I'm sorry. Commissioner Gage, then Garcia. My apologies. Commissioner Gage.

Henry Gage, III: Present.

Regina Jackson: Okay, thank you. Commissioner Harbin-Forte.

Brenda Harbin-Forte: Present.

Regina Jackson: Thank you. And Commissioner David Jordan.

David Jordan: Present.

Regina Jackson: Thank you. Alternate Commissioner Marsha Peterson.

Marsha Peterson: Present.

Regina Jackson: Thank you. And I, Regina Jackson, am also here. We do have a quorum, and now we will go to the welcome and open forum please. So, I don't have any special comments today. I see your hand up, Commissioner Harbin-Forte.

Brenda Harbin-Forte: Yes. I'd like to offer, on behalf of the Rules Committee, a correction to the agenda.

Regina Jackson: Can we do that once we've heard from open forum, please?

Brenda Harbin-Forte: I think we need to do it before the meeting gets underway, any agenda corrections. But whatever way you want to do it, but I think agenda corrections under the rules should be done-

Regina Jackson: We're just going to table the item that you're mentioning, unless you've got something additional?

Brenda Harbin-Forte: No. It's something different. On open forum, it relates to open forum.

Regina Jackson: We're in open forum. So, go ahead.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Brenda Harbin-Forte: All right, thank you. It relates to the agenda, and it relates to the open forum at the end of the meeting. I'd like a correction, the Rules Committee requests that the agenda be corrected to delete any language or any suggestion that there will be a limitation on the open forum that's at the end of the meeting-
- Regina Jackson: There's no limitation. It says, "If necessary."
- Brenda Harbin-Forte: Exactly. And "if necessary" is itself a limitation, because it suggests that it might not happen. And it should be a standalone agenda item, it is so that anybody who wasn't present when at the beginning open forum, or who didn't get into the queue, would still have the opportunity at the end. So, my suggestion is that we delete any language from the agenda that suggests "if necessary" or that suggests that it's just for overflow.
- Brenda Harbin-Forte: Because that's not provided for in our rules of procedure and was not intended in any way to limit those people who were late at the beginning of the meeting. So, the request is simply to just leave it as open forum and not put any language in that suggests "if necessary." It should be an open agenda item, just as this as an open agenda item, the open forum at the beginning.
- Regina Jackson: Okay. Thank you-
- Brenda Harbin-Forte: So, that's my request to amend the agenda, to delete that language.
- Regina Jackson: Okay. So noted. We can't delete it right now, but we will take that. Thank you very much.
- Brenda Harbin-Forte: Thank you.
- Regina Jackson: Mr. Rus, if you can go ahead and call the open forum public comment, please?
- Juanito Rus: Thank you, Madam Chair. At this time, if any member of the public wishes to speak during tonight's open forum, please raise your hand in the Zoom queue, and you'll be called in the order in which your hands are raised. Excuse me, while I turn on my clock. Each speaker will be allotted two minutes. And after 15 minutes, we will collect the rest of the names on the list, and you'll be able to speak at the end of the meeting in that open forum. The first speaker I see in the queue tonight is listed as Barb Atwell. Good evening, Ms. Atwell. Can you hear us?
- Barbara Atwell: Yes, I can. Thank you for taking me. My name is Barbara Atwell, I'm a member of the Berkeley Quaker Meeting, and I wanted to say that I support the passage of the resolution with amendments. The first is that the resolution right now says that the OPD has two years to replace the BearCat. And that is too long. I'm recommending that we eliminate the BearCat within eight months. The second point is that the resolution should include a statement that the Commission opposes the transfer of the vehicle to another law enforcement agency. As a resident of Berkeley, I do not want the Oakland BearCat transferred to my community. Thank you very much.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Juanito Rus: Thank you, Ms. Atwell. The next speaker in the queue is Katie Loncke. Good evening, Katie. Can you hear us?
- Katie Loncke: Hello? I can, thank you. Can you hear me?
- Juanito Rus: We can hear you. The floor is yours.
- Katie Loncke: Thank you. Hi, my name is Katie Long. I'm a resident of Oakland in District 2. And unfortunately, sadly, there's a 17 year old young person who was shot and killed a block from my house a week ago. I'm sending prayers and love to his family who is out in Stockton. And honestly, as an Oakland resident, I feel exhausted. I'm grieving from this here pandemic, from the ongoing violence.
- Katie Loncke: And I would like to ask that the Oakland BearCat be laid to rest as a weapon. I do not want more weapons in Oakland. I do not want to continue pointing guns to solve problems, or armored vehicles. It does not make me feel safer. I don't wish to export these weapons to other communities either.
- Katie Loncke: And so, I'm asking for a creative solution, potentially in collaboration with some of Oakland's amazing artists to lay the BearCat to rest. To melt it down, to refashion it into public art, or something else that's far more healing and far more useful for our collective trauma and grief at this time. Thank you so much.
- Juanito Rus: Thank you. The next speaker in the queue is Assata Olugbala. Good evening, Ms. Olugbala. Can you hear us?
- Assata Olugbala: I can. I've been looking at some data on crime reporting. And there seems to be some disparity on crime reporting, based on the fact that social justice groups, and other groups make available crime reporting that does not come from the police department. The crime reporting that they do comes from a website that allow individuals to report incidents.
- Assata Olugbala: So, we have a lot of disparity as it relates to the hate crimes that are being reported by our Asian American community, and for example, the Center for the Study of Hate and Extremism, which based their data on hate crimes reported to the police. And in 2020 in San Francisco, all crimes of hate reported by the police, 52. Asian Americans, nine. Today, in a meeting of the City Council Rules Committee, I gained some information about other sources where the reporting of hate crime comes from the police department.
- Assata Olugbala: And the Council Member Thao says that there were 4,000 hate crimes. And the group she references that provides the data, provides it based on incidents that allow people to go on a website. And so, I'm thinking that we need to have some kind of ability to get true information, because there is a wide gap on what the police departments are reporting, and what some of these organizations are reporting about hate crimes for Asians.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Juanito Rus: Thank you, Ms. Olugbala. The next speaker in the queue tonight is a telephone attendee with the last four digits, 0185. I believe that is Michele Lazaneo. Good evening, Ms. Lazaneo. Can you hear us?
- Michele Lazaneo: Thank you. Michelle Lazaneo, spokesman for the Bandabaila Family. I'm encouraged to see that Chief Armstrong created a new position called Bureau of Risk Management to address the issues regarding policy training and accountability at OPD. Some of the goal of OPDs new Bureau are to maintain the best standard practices and ensure organizational accountability in order to improve officer and community safety and public trust.
- Michele Lazaneo: We made it clear that it appears as though OPD's social media platform is utilized more for public relations than for a platform or forum to inform and educate the public and the community. In March, they produced 25 posts for social media to celebrate the women of OPD, and we love that. However, on March 17th, two year-old Michael Hamilton was kidnapped by an acquaintance of his aunt, but nothing was posted on their social media until March 18th. Instead on March 17th, OPD posted about women's history month and a recent arrest.
- Michele Lazaneo: In March, they posted a reminder to the community to spring forward for daylight savings time, and still nothing about how to make a missing persons report. How do they justify that? Why is it necessary for OPD to provide information about daylight savings time instead of educating the community about how to make a missing persons report or share what resources are available to a family if they confront this life changing nightmare?
- Michele Lazaneo: Michael Hamilton was turned into OPD by a Good Samaritan, but OPD has provided no recent update. On OPD's social media, community members are asking for a picture of the outstanding suspect or suspects. They're asking if the involved stolen vehicle is still outstanding, the community wants to be involved, but no one from OPD is responding to their questions. And OPD has not provided a press release update.
- Michele Lazaneo: As someone who has advocated for the Bandabaila Family and missing persons cases for almost two years now, I want to ask the new Deputy Chief Angelica Mendoza to prioritize police missing persons cases and best standard practices for missing persons. As well as, to create a robust, effective, and consistent social media policy. Thank you.
- Juanito Rus: Thank you, Ms. Lazaneo. The next speaker in the queue is Joseph Mente. Good evening, Mr. Mente, can you hear us?
- Joseph Mente: Can you hear me okay?
- Juanito Rus: We can hear you, you're a little faint.
- Joseph Mente: Joseph Mente, District 1. I'm sad to report that there are still guards with guns at my local Walgreens in OPD uniforms. I don't understand why this is an appropriate use of OPD resources. And I also don't understand why the Chief thinks that these officers are quote "off duty." They're



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

being paid for services in OPD uniform, using OPD equipment, and OPD vehicles. How is that off duty?

Joseph Mente: I'm also really disappointed with the proposed timeline on removing the tank from our streets. I'm really curious why six months of timeline to write a report, and three years to actually do anything about it is even remotely adequate. Especially given that the task force, the Re-Imagine Public Safety Task Force has recommended eight months to completely remove it. I just find that really, really disappointing. Thank you.

Juanito Rus: Thank you, Mr. Mente. The next speaker in the queue is a telephone attendee. The last four digits, 5802. I believe that is Mr. Saleem Bey. Good evening, Mr. Bey. Can you hear us?

Saleem Bey: Yes, good evening. Saleem Bey. The first thing I'd like to address is the law selection process. This process has been pointed out time and time again to the Commission, and specifically the Commission leadership that addresses the selection committee. A majority of the public who followed the selection process the last time came back and said that this selection was flawed. They pointed out to specific individuals, and identified the things that those specific individuals did that were flawed.

Saleem Bey: Here we come again and find out most frequently that the selection committee has the same individual. What type of individual who supposedly is serving community hear the community say that the job that they're doing is flawed, and instead of listening to the community, comes back and ignores the community and thinks they're so important that they don't have to listen to the community? And if they're going to ignore the community and choose the people they want to put on the Oakland Police Commission.

Saleem Bey: Their most greatest effort was to remove the hardest working person on the Oakland Police Commission, Ginale Harris, who comes back every meeting and reports diligently to this Commission on the re-imagining process. So, the fact that the selection committee found it that Ginale Harris needed to be removed tells me then it was personal, and it wasn't based on quality of selection. So, these individuals that are still participating in the selection committee need to remove themselves immediately. And let's get a selection committee that the public has trust in.

Saleem Bey: The second thing is Mr. Alden. Mr. Alden, you have a conflict of interest in dealing with the Bey cases. The Chair hasn't even dealt with the fact that I asked why the CPRA is involved in anything associated with the Bey cases and she has not come-

Juanito Rus: Thank you, Mr. Bey. [crosstalk 00:18:13] The next speaker in the queue is Kiana Rodriguez. Good evening, Ms. Rodriguez, can you hear us?

Kiana Rodriguez: Hello? Can you hear me?

Juanito Rus: We can hear you. The floor is yours.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Kiana Rodriguez: Hi, my name is Kiana Rodriguez and I'm asking for the elimination of the BearCat armored vehicle. The resolution about sunseting the BearCat gives OPD two years to replace the BearCat with a non-militarized armored vehicle, including six months just to identify a replacement vehicle. That is way too long. Oakland's Re-Imagining Public Safety Task Force, last week, approved a resolution to eliminate the BearCat within eight months.
- Kiana Rodriguez: If OPD is to buy another armored vehicle, it has access to state grant funds to do so. More important, the resolution leaves open the possibility that Oakland will resell the BearCat for use by another police department to save funds toward purchase of another vehicle. In our view, this defeats the purpose of getting rid of the BearCat, and moves the problem of militarized policing to some other community. The resolution should include a statement that the Commission opposes the transfer of the vehicle to another law enforcement agency. Thank you.
- Juanito Rus: Thank you. The next speaker in the queue is a telephone attendee with the last four digits, 7935. Good evening, 7935. Can you hear us? Will the telephone attendee with the last four digits 7935, you are muted, you may unmute. 7935, last call. Okay. It appears that 7935 is remaining muted. That is the last person in the queue on this item. They just un-muted. Good evening.
- John Bey: Yes. Sorry for that delay.
- Juanito Rus: That's okay.
- John Bey: This is John Bey. I did want to speak regarding Mr. Alden, and some of the steps that he has taken with regard to the independent investigation into the Bey IA cases, 13-1062, and all related cases. Originally, we were told that the scope of the investigation was too much for his department, so it should be outsourced, which led to the independent selection. Then he made a preemptive move at the City Council, without speaking to the investigators who were chosen to do the report, which delayed the report for three months.
- John Bey: And at the same time, Council was waiting for their version of the report as well, because there were requested by Vice, at that time, Council President, who was made to have a report for the Council, and Mr. Alden preempted that. And then further, a very big part of the problems with Mr. Alden being involved was that he had the same unprepared, unprofessional, and inadequate investigators, still a part of the supervisory level within CPRA. They are holdovers from the CPRB, prior to the founding of the Police Commission.
- John Bey: They had each failed to investigate properly. They have consistently been shown to mirror and mimic the findings of OPD. Emails show that they coordinate closing and unfounded investigations with OPD, prior to submitting them for closure with an unfounded status. So, there's the potential-
- Juanito Rus: Thank you, Mr. Bey. Your time has expired. At this time, I see no other hands raised in the queue, Madam Chair.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Regina Jackson: Thank you very much. So, we will now go to the Police Chief's update. Chief Armstrong?
- Chief Armstrong: Yes. Good evening, Chair and other Commissioners. I'll start off today by typically, like I do, start off with our current crime stats. I've added some additional stats at the request of those that have been in attendance at meetings in the past. So, first I would say that according to the stats that were provided at the time we provided our yearly crime report, it was up to March 17th when we had 30 homicides and 120 shootings. At this time, we are currently up to 33 homicides and 128 shootings.
- Chief Armstrong: Homicides are still up over 200%. Shootings are up over 103%. Overall, violent crime is up 4%. Although we see a decline in overall crime of 31%, that essentially, that reduction is mainly focused around our burglary related crimes. And what we've seen as a trend is during our COVID pandemic, where most of our community is at home., We've seen a huge reduction in property crime in particular.
- Chief Armstrong: One of the things I think I also wanted to highlight is that we continue to work hard. It was a question around last week, how many arrests have we made of homicide suspects? In the year 2021 so far, we have made 12 arrests for homicide. The second report I included in this report was our year-to-year gun recovery report. And essentially, it shows that in 2020, we recovered a total of 128 guns at this same time last year, specifically crime guns. We are currently, this year, we've recovered 172 crime guns. That's an increase of 44 guns.
- Chief Armstrong: So, our officers continue to work hard to try to address gun violence in the city of Oakland. We've made several arrests, recovered several firearms, but still we see violent crime continuing to rise. We are working closely with our Department of Violence Prevention to address our crime and our intervention strategies, to be able to provide support to those that are potential victims, or involved in violent crime. And we will continue to partner in that way.
- Chief Armstrong: The second attachment that you'll see is some of the organizational changes that I've implemented since our last meeting. I've now reorganized the department to create a new Violent Crime Operations Center. This center was created based on the violence that we've seen throughout the city. It really allows us to have a city-wide Violent Crime Operations Center with support staff, our field resources will be coordinated citywide to take enforcement action.
- Chief Armstrong: We will be responding to homicides, shootings, and all gun-related crimes and supporting the department's ceasefire strategy. The Violent Crime Operations Center is led by a Captain, it's held within the Bureau of Investigations and includes two lieutenants, and also includes our Crime Gun Intelligence Center and our Intelligence Cell. And also, I've moved our five crime reduction teams into the Violent Crime Operations Center as well.
- Chief Armstrong: The Violent Crime Operations Center will be responsible for our citywide violent crime reduction plan, as well as strategic priorities on crime response and follow up action that come out of our investigations, in collaboration with our other specialized units. We look at forward to a more quicker response to crime, a more nimble ability to move throughout the city.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Chief Armstrong: What we've seen in the past is that each area was assigned a crime reduction team, which meant that those teams only really worked within that geographic area. By bringing all of these teams together, it allows us to have more resources to address crime trends that we see happen around the city, particularly around gun violence. The second organizational change that I've made is creation of a Bureau of Risk Management. The Bureau of Risk Management is led by a Deputy Chief of Police.
- Chief Armstrong: The centralized function's responsibility is for our policies, trained in accountability and risk management, with a focused effort towards full compliance and sustainability within a negotiated settlement agreement and practicing of constitutional policing. From day one, when I took over as Chief, I committed to the Police Commission, as well as to the community to be focused on compliance, when I negotiated settlement agreement.
- Chief Armstrong: By the creation of the Bureau of Risk Management, this is the start of that. With the promotion of a Deputy Chief Angelica Mendoza as the commander in charge of that unit, I believe that we, as a department will be moving forward with a plan towards full compliance. Underneath her command will be the Internal Affairs Division, the Office of Inspector General, our training section, our personnel assessment section, our research and planning unit, our Risk Analysis and Impact Unit, consisting of our data manager, our department Safety Coordinator, and our Use of Force Coordinator, all very key positions as we move towards compliance.
- Chief Armstrong: And the last Bureau is our Bureau of Services. That essentially manages all of our human resource related sections within a department that includes HR, our fiscal division, and our records division, our comp center, our recruiting and background unit, and our property and evidence section. And so, these are some of the initial changes that I've made within the organization as we begin to not only focus on reducing violent crime, but also reaching our compliance related efforts in practicing constitutional policing, and seeking organizational excellence.
- Chief Armstrong: The next attachment I have in today's agenda is the additions to my executive team. As you see, as illustrated within this particular attachment, this is what is said to be the most diverse executive team that we've had at the Oakland Police Department, with myself as Chief of Police, with the Assistant Chief Darren Allison. We have, over at the Bureau of Investigations is Deputy Chief Drennon Lindsey.
- Chief Armstrong: Over the Bureau of Risk Management is Deputy Chief Angelica Mendoza. Over the Bureau of Services, Deputy Director Kiona Suttle. Over at the Bureau of Field Operations 1 is Deputy Chief Christopher Bolton, and over at the Bureau of Field Operations 2 is Deputy Chief Nishant Joshi.
- Chief Armstrong: And so, this is the team. I feel confident with this team in place, and prepared to take control and lead this department moving forward. I'm confident in my team. I know that each one of them is committed to the success of this organization, and working hard to achieve organizational excellence.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

Chief Armstrong: And then lastly, I just wanted to highlight something that was mentioned today as well, is the safe location of the two-year-old Michael Hamilton. The Oakland Police Department was requested to locate two year old kidnapping victim, Michael Hamilton, on Wednesday, March 17th, 2021 at 10:15 PM. The Oakland Police Department was notified that young Hamilton was kidnapped.

Chief Armstrong: A guardian of Hamilton reported to the Oakland Police Department that on Tuesday, March 16, 2021 at 8:00 PM, Hamilton was in a car, in the care of his aunt, and was seated in the rear passenger seat of a rental vehicle. A friend of the aunt was also in the vehicle named Tanisha. They made a stop in the area of East 27th and Fruitvale Avenue. The aunt left the vehicle for a short period of time, Tanisha drove away with Hamilton still seated in the vehicle, and Tanisha has not been seen or heard from since that day.

Chief Armstrong: Subsequently, our Oakland police officer initiated a call out to our investigative team. We took an all hands approach to try to identify where and locate the two year old Michael Hamilton. We immediately begin to deploy officers to begin canvassing in the area where he went missing. By doing that, our officers were able to secure some very vital evidence in terms of video evidence, as well as some witnesses. And so, that information became key. But what was more important was the rapid response to this incident, which is the key, is that the faster you can respond and begin to look for an individual that is missing, the more likely you could be successful as you seek to find them and identify them. We then immediately worked with the California Highway Patrol to issue an Amber Alert. That Amber Alert went out to all cell phones and news outlets.

Chief Armstrong: And then, within two hours of the Amber Alert, the child was brought back to our Eastmont substation and dropped off safely in the hands of the department. I will say, we have had some updates to the investigation. And so, some that I'm not able to go into detail because it's an open investigation, but we are no longer looking for the vehicle. And we have also been working with the child's family to ensure that he is in safe hands.

Chief Armstrong: So, that's as far as I can go specifically with the details related to the case, because it is still an ongoing investigation, and we have not made all of the arrests that we are looking for in this case. Lastly, Chair, I'm going to pass it over to your liaison, Deputy Chief Joshi, and he's going to cover a couple of questions that you sent us in advance that were from questions that were asked by community members at the last meeting.

Regina Jackson: Terrific. Thank you, DC Joshi?

Deputy Chief Joshi: All right. Good evening, Chair. I'm going to provide a follow-up response on some of the things that you'd asked about last week. I'll start off with the question on how many hate crimes have we had, and how many have we cataloged in the last five years? So, we looked at that, and the way our data is captured is it's categorized in two ways. One is hate crimes versus hate incidents.

Deputy Chief Joshi: So, when we look at hate crimes, there are specific elements that make it an actual crime where an arrest, or cases can be charged, that are rooted in specifically targeting protected classes. Hate incidents are things like maybe hateful speech, things like that. But those are separated. And right



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

now, we're in a process of preparing a report for Council, that'll actually break down those numbers a little bit more clearly, And that same report will be coming to the Commission as well, Chair.

Deputy Chief Joshi: There was also a question about cartels in the City of Oakland. So, we don't have any intel of cartel operating in the City of Oakland. That doesn't mean that they don't exist. But as of right now, we don't have intelligence that identifies any cartel members or any activities that are occurring in the City of Oakland right now. Let's see, or any violence related to it.

Deputy Chief Joshi: Let's see, the next thing was... Oh, sorry. Okay. So, there was a question about third-party update on Walgreens. So, our special events unit has a policy that allows businesses or private persons to hire security police officers to provide a security service at private events, at businesses, things like that. OPD doesn't have the authority to say who can be hired. What happens is an application is submitted. We then do an analysis to identify whether or not there are other things that have been exhausted.

Deputy Chief Joshi: Has this entity, or this business, or this private party used security, or have they had security in the past? So, there's an analysis that's done. And if the Police Department is able to fulfill those requests, police officers are then assigned. Now I know those some... I wanted to bring some clarity on off-duty police officer. We don't send officers in lieu of their primary assignment. So, we won't pull them from a beat that they're working so that they can fulfill these overtime assignments, or these security assignments at these businesses.

Deputy Chief Joshi: These are officers that are, that are on their regular day off. So, technically, when they show up to work, they become on duty. But this is not on-duty in lieu of, their primary assignment. And then, Chair, the last question was a follow up on how many times ICE has visited the City of Oakland. So, we were working with our dispatch center. It's been a little bit challenging because of the technology that we have in place in our CAD system. The technology, the software is about 20 years old. And so, when we were, when we were getting the returns on the numbers, it didn't seem right.

Deputy Chief Joshi: Then anecdotally, we believe that the times would be the times that ICE would have notified OPD that they're in our city. We believe it was much higher. So, CAD is being updated. We do expect it to be updated by the end of this year. And it'll be easier to pull those numbers to get accurate data. We don't feel like that the numbers that are coming back are accurate. And that concludes my update on the follow-up requests that you assigned.

Regina Jackson: Thank you, DC Joshi. in terms of the update, because you don't feel confident in the data that you have, do you think you'll be able to catch up and report back out to us at our next meeting April 8th? Or is it going to take longer?

Deputy Chief Joshi: Yeah.

Chief Armstrong: Chair, can you hear me?



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Regina Jackson: Yes.
- Chief Armstrong: All right. So, I want to just bring a little bit of clarity to that response. So, essentially, what we have is an older CAD system that when that data is entered into the system, it is not captured in a way in which we can extract it. So, it may take a couple of weeks, because essentially we almost have to hand go through and use some different coding to try to figure out how many times we have certain keywords in the system.
- Chief Armstrong: Keywords like ICE, keywords like Homeland Security. So, it's going to take a keyword search. We can continue to work on it. Our staff did not feel completely confident that, based on our current technology, that we can get completely accurate numbers. But I do think we can probably provide some ballpark figure. I will say the process that is used is that, clearly, Oakland is a sanctuary city. We have restrictions on our involvement with ICE.
- Chief Armstrong: So, essentially, we have no contact with ICE. The process that we go through is that they actually simply call our dispatch center, tell us the location that they're going to be at, just in case there becomes an officer safety issue where they need an emergency response, which is the only exception. So far, we have not had any emergency response to any ICE related events. And so, OPD has not responded to any of their locations when we've been advised. So, we will continue to work on it. And as soon as we get clean data, we'll bring it back to you.
- Regina Jackson: Okay. So I do have a follow-up question on this item. I do want to understand what it's going to take for us to get to clean data, because obviously the old CAD system and the Slalom dashboards and all of that, I don't have an appreciation for what it is that you count on to be accurate and what you don't have a lot of faith in. It's almost like with ICE. It's almost like the white supremacy question, right?
- Regina Jackson: We know we have white supremacists in the Police Department, but you know, we haven't identified them. We know that ICE is in Oakland, whether they announced themselves or not. And so, whether or not you know, it may be outside of your ability, but we still have to kind of grapple with what we know to be true, whether the data proves it or not. Are you getting my concern?
- Chief Armstrong: Yeah. So, we have the same concerns. And this has been a two year process of upgrading our CAD system, which is really old and antiquated, to be quite honest. But that's a different system than the data that's entered into Slalom and into our brand new Vision system. That's all very clean data, but we have new systems created by our IT division, and they came and provided you guys an overview of the new system that they built.
- Chief Armstrong: We have a lot of confidence in that system. The CAD system is a manual entry system. So, essentially, our dispatchers are entering that information into the system and they have to code it. But there isn't a code in the system specifically for ICE, if that makes sense. And because there is no code, they usually just write it in. And when you write it in, it requires a word query in order to retrieve that data. And so, that's what's challenging for us.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Regina Jackson: Okay. In terms of clarity, do they call dispatch from the same phone number, or different numbers?
- Chief Armstrong: Different numbers. Because there are different individuals that contact us and advise us.
- Regina Jackson: Okay. All right, thank you for that. I wanted to bounce back to your executive team announcements. As an Oakland person, I am delighted to see that you have elevated folks that are also from Oakland. I think that it gives some level of confidence that people know their way around the city, that they have a connection to the city that may foster deeper and richer connection and communication.
- Regina Jackson: It's not to say that people who are not born here do not also have that ability to serve, but we recognize that oftentimes when you've been here for a long time, there are connections and knowledge and cultures that are just more richly demonstrated. And so, I want to congratulate you on presenting the most diverse team in the history of the Oakland Police Department. I also recognize that the elevation of DC Mendoza is, and I don't know if there are other distinctions, but that she is the highest ranking Latina officer in the history of the department.
- Regina Jackson: I'm not sure if we've hit some other milestones with some of the other members of the executive team, but anytime we are breaking barriers and recognizing the value proposition of people from here working for here, I celebrate that. I see a hand from Alternate Commissioner Peterson?
- Marsha Peterson: Yes. Thank you, Madam Chair. And thank you for your report, Chief Armstrong. With respect to the department's Violent Crimes Ops Center, will this be these officer's only focus? Is this their full-time now commitment to the Violent Crimes Ops Center? And second, will the commander of the ops center report directly to you or to one of the deputies?
- Chief Armstrong: The first question, yes. This is their full-time responsibility is focusing on violent crime. I have made violent crime, particularly shootings and homicides, my primary focus. And that's what they will be working, on as well as other violent crimes throughout the city. What we've seen as a result of our gang and group violence and other violence across the city is that it doesn't have beat boundaries or area boundaries.
- Chief Armstrong: And so, it requires our staff to be able to travel throughout the city in order to address violence. And so really, by centralizing them, they're able to do that. They will report to the Deputy Chief of the Bureau of Investigations, Chief Lindsey. But the important part of them being within the investigative section is my goal is to expedite their sharing of information. By them both working right next to the investigators, they should be getting information in real time, which allows us to quickly respond in real time to what's happening with these investigations. Meaning, arrests should be made faster, prevention of, retaliation should happen faster as well.
- Marsha Peterson: Thank you. This sounds really promising.
- Regina Jackson: Thank you, Alternate Commissioner.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Chief Armstrong: Hey, Chair.
- Regina Jackson: Yeah?
- Chief Armstrong: [crosstalk 00:46:09] I can't go without, because I'm getting a look, that I'm going to say also that Deputy Chief Joshi is, is the first East Indian Deputy Chief, or a person of-
- Regina Jackson: Yes.
- Chief Armstrong: ... as well. And so, I want to acknowledge his historic moment as well.
- Regina Jackson: Excellent, thank you. And like I said, I wasn't sure. So, thank you for acknowledging that as well. DC Joshi, outstanding accomplishment. We're going to work you hard, but thank you. I see a hand up from Commissioner Garcia.
- Sergio Garcia: Thank you, Madam Chair. Thank you. Chief Armstrong, I just want to add my kudos to you as our new Police Chief in moving very quickly to embrace diversity, equity, and inclusion in your decision-making on these key leadership positions. I was reading just one of the descriptions of your leadership, and that is for Angelica Mendoza, who is now heading up the Bureau of Risk Management.
- Sergio Garcia: She has got a lot on her plate. I mean, you've got the Internal Affairs Division, the OIG training, personnel assessment, research and planning, risk analysis. A lot of the areas that we care deeply about that are part of our mission, right? So, my question to you is how soon can we hear from Ms. Mendoza, at perhaps our next meeting or maybe our second meeting in April?
- Sergio Garcia: Because she's got a lot on her plate and I'm sure she will want to share with us how she sees her role, now that she's been assigned to this, to the Bureau of Risk Management leadership. So, I think this is a very important role, and wish her success. And would love to hear her approach to this new position on the Bureau of Risk Management.
- Chief Armstrong: Yes. Through the Chair, Commissioner Garcia. Chair?
- Regina Jackson: Yes, please.
- Chief Armstrong: Yeah. So, definitely, we can get her. I'll give her a couple weeks. One of the things that she's working on right now is really, as she's taken helm of this new Bureau is exactly what you just mentioned. Being able to bring all of these really important responsibilities together, and she's drafted a plan that she'll be presenting to me in the next couple of weeks. And then, we'll bring that forth to Police Commission and allow her to present.
- Chief Armstrong: But I will tell you, if you look at her background, you will see that she's worked in each one of those areas. She's commanded in Internal Affairs and worked every area of Internal Affairs. She was our OIG before, and did a really good job as our OIG. She's also been a homicide detective,



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

she's been an area commander. And so, she brings a wealth of experience, knowledge and experience.

Chief Armstrong: And believe me, Commissioner, she has been in my office about three or four times making her request for additional resources to actually get this done. So, we know that it's a heavy lift for her, but also we're supporting her. The City Administrator has authorized additional staff in to support her in this really challenging role that she's taken on. So, I'm confident that she's the right person for the job.

Sergio Garcia: Thank you, Chief Armstrong. We wish her all the success in the world and would love to hear from her, and I'm sure she's got a lot on her plate right now. So, eager to put on the agenda. Thank you.

Regina Jackson: Are there any other? Commissioner Dorado. Excuse me, Vice Chair Dorado.

Jose Dorado: Thank you, Chair Jackson. Yes. Chief, I just wanted to add my commendation to you, regarding your executive team. That looked like Oakland, and what a great accomplishment that is. So, I'm very happy to see that, and I'm happy to see that two born and raised folks... I think it's not just a question of where you were raised, as much as it is how you internalize that. Because if you're born and raised in Oakland, or at least raised in Oakland, and you're still here, certainly at this level, it's because you love this city.

Jose Dorado: And that is just such an important factor, in terms of you're doing the job the way it needs to be done, is if you really care about the job and certainly about the city. So, I'm very happy to see that with the advancement of DC Mendoza and Deputy Director Suttle, and I'm happy to see DC Nishant Joshi at his level too, and providing his mark in terms of his background as an East Indian. Congratulations to you, DC Joshi.

Jose Dorado: And I have to say how proud I am to see a Latina at this level. It just warms my heart. And I hope to see many more advancements of Latinos and Latinas following DC Mendoza's example. So, thank you for having that kind of foresight and commitment.

Jose Dorado: I did have a couple of questions regarding the Violent Crime Operations Center, actually just one that I think is important. And that is that the very last sentence, it talks about, "The operating center will work closely and collaboratively with ceasefire teams, area commanders, and criminal investigations." Will there be any outreach to and coordination in collaboration with the neighborhood Councils, the Community Policing Advisory Board, the Department of Violence Prevention, and the Department of Race and Equity? But primarily, the community-based neighborhood Councils and the CPAB.

Chief Armstrong: Through the chair, yes, Commissioner Dorado. I mean, we plan to obviously have a strong connection with the Department of Violence Prevention, working closely with Chief Cespedes. And our quick response is centered around really prevention, and really an intervention. That really is in the wheelhouse of our Department of Violence Prevention.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Chief Armstrong: I will say that working with our Neighborhood Crime Prevention Council is something that we can definitely work on. I mean, I think our CR roles will continue to serve our NCPs, but they can definitely request for members of, or command staff, from the Violent Crime Operations Center to come in and provide presentations. So, they will also be presenting our city-wide crime plan to the Council's Public Safety Committee.
- Chief Armstrong: So, you'll also have a chance to hear some of their approaches to violent crime and the things that they're doing operationally. But definitely, we're open to that. And so, if that's something that the CPAB would be interested in is getting a presentation from them as they begin to also stand up that operation center, we're definitely open to that, and I'm going to have Captain Holmgren provide that presentation.
- Jose Dorado: Thank you, Chief.
- Regina Jackson: Excellent. Are there any more questions from the Commissioners before we go to public comment? Okay. I see none. Again, congratulations. You're still new in the position, but making a lot of strides, and we owe you our support, and just continuing to learn to understand the systems that you're dealing with, the ones that are old and the ones that are new, and how we get the best data possible. So, thank you very much. Mr. Rus, can we go to questions from the community, please? Or comments.
- Juanito Rus: Thank you, Madam Chair. At this time, if any member of the public wishes to make comment on Item Four on tonight's agenda, please raise your hand in the Zoom queue and you will be called in the order in which your hands are raised. The first speaker in the queue on this item is Reisa J. I believe that's Ms. Jaffe. Can you hear us?
- Reisa Jaffe: Yes, thank you so much. I'm again, disappointed to hear continuing reporting of crime stats. It doesn't tell me anything about how the systemic racism is being dealt with within the department, and that's what I see. It's a difference between the Police Commission reporting and what might be happening at Public Safety and regular City Council meetings. So, I hope that those of you on the Police Commission will really stop and think about what your role is specifically, and get some better reporting coming.
- Reisa Jaffe: I'm also really disappointed because at the last meeting I brought to the attention of the Police Commission and the Police Chief a Facebook Live incident that showed what appeared to be a disproportionate response, and asked for an explanation of what would cause that level of response. I was told that Chief didn't know about it. Chair Jackson asked me to send video, which I did.
- Reisa Jaffe: A few days later, I sent specific follow up questions that I was interested in hearing about. And then, I sent an email to Chair Jackson when I didn't see anything about it on the accompanying paperwork for the agenda for today, and was told that I could expect it possibly hearing in a verbal report, and there's nothing. This is the kind of thing we need to be hearing about.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Reisa Jaffe: We are so fortunate that nobody died or got hurt in that incident, but problem avoidance needs to be happening. We need a really clear explanation of what resulted, and that level of response. OPD overtime spending is outrageous, and there were a lot of cops there. What did that cost us? Every time there was a gun un-holstered, what justified that? There were assault rifles out. Why? So, I'm really disappointed there was not a report back on that.
- Juanito Rus: Thank you, Ms. Jaffe. The next speaker in the queue is Omar Farmer. Good evening, Mr. Farmer, can you hear us?
- Omar Farmer: Good evening. Yes. Congratulations to DC Joshi on his promotion, and thank you for the report about hate crimes. I just wanted to give you a tip, I reported a hate crime last August or September, and the case number is 20--48599. And I want to let you all know that the Sergeant who answers the hate crime database, she did an amazing job, she got back to me right away. They made sure that the report was taken in a timely manner. And I'm very satisfied with how Officer Godshaw handled the case.
- Omar Farmer: So, I wanted to give him a shout out as well. But I wanted to let you know, DC Joshi, that he's also looking into whether the person who did this action to me is also potentially a member of a cartel, because that's what he purported to be. So, he's checking with some federal partners and your intel team to see if that all lines up. So, I just wanted to let you know that maybe you want to check on that. And again, that case number is 20-048599. Thank you.
- Juanito Rus: Thank you, Mr. Farmer. The next speaker in the queue is John Lindsay-Poland. Good evening, Mr. Poland, can you hear us?
- John Lindsay-Poland: Good evening. Yes, thank you so much. It's good to hear you. I have a different, another response to the crime stats, which is that when you look at them, it's very clear that firearms play an enormous role in the increase in violent crime. Every category of crime with a firearm has gone up, and almost every other category of crime without a firearm has gone down.
- John Lindsay-Poland: So, I'm interested, and this could be responded to now or later, perhaps, but whether the department is undertaking an analysis of trace data to understand where firearms are coming from, how they're coming into the city, what's the time to crime from purchase to... Oakland is not unique in this increase of firearm violence, and the purchases of firearms have been up enormously, legal purchases. So, I would be interested in what analysis the department is doing of those agents of violence. Thanks so much.
- Juanito Rus: Thank you, Mr. Lindsay-Poland. The next speaker in the queue is Joseph Mente. Good evening, Mr. Mente, can you hear us?
- Joseph Mente: Yes. Can you hear me?
- Juanito Rus: We can hear you. The floor is yours.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

Joseph Mente: Joseph Mente, District 1. Through the Chair, to the Chief, thank you for your update. It's definitely better than the previous Interim Chief stonewalling. I appreciate your being responsive to community comment, and I'm similarly encouraged by your staff changes. However, I have a few questions. Why will it take six months to generate a report on removing the BearCat from our streets, when we already have a working alternative today?

Joseph Mente: Regarding the guards with guns at Walgreens, if an officer is working, how doesn't that contribute to officer fatigue? If these officers are not fatigued, then isn't it a better use of OPD resources to send patrol officers to respond to calls for service rather than twiddling their thumbs inside a store? OPD claims that officers are going from one call to the next all day long, let's go address those calls instead.

Joseph Mente: Regarding the CAD system, and in general, your IT systems, given the inadequacy of the CAD system is brought up nearly every meeting, I would like to know how specifically OPD is doing to prioritize getting those systems upgraded. And lastly, one of the biggest challenges that the Re-Imagine Public Safety Task Force Data and Budget Advisory Board encountered was a lack of any kind of KPIs from the department. I'm sure that you are tracking KPIs internally, just some close rate number of cases assigned per officer, all kinds of things. Could you provide those in the reports to the Police Commission? That would make it much better to see how well OPD is doing. Thank you.

Juanito Rus: Thank you, Mr. Mente. The next speaker in the queue is Jasmine Fallstich. Good evening, Ms. Fallstich, can you hear us?

Jasmine Fallstich: Yes. Thank you so much, Mr. Rus. Hello, Commission. Thanks for taking the time to answer my questions or listen to my comment. I just have a quick couple of questions for DC Joshi about the third party vendor program. I've been asking about this for all of the past meetings, because it really bothers me that OPD is just, as Mr. Mente just said, sort of twiddling their thumbs inside of various corporations around the city of Oakland.

Jasmine Fallstich: So, I just have a couple of questions. My first one is how are we calculating the depreciation of assets? And given that offices are using cars and guns and uniforms when they're sort of serving someone who is not the community, a private corporation. And are the third party vendors billed for this accelerated depreciation, or how is that calculated into the overall financials of OPD?

Jasmine Fallstich: And also, again, I want to ask, and I asked this two weeks ago, who does the administration of this program and is that person's time reimbursed by the third-party vendors? Or does that cost fall to us, the tax payers. And also, at the February 25th meeting, DC Joshi, you mentioned distribution of overtime hours is fair and equitable, yet there is a lot of information and reporting about-

PART 2 OF 9 ENDS [01:04:04]

Jasmine Fallstich: ... a lot of information and reporting about an officer named Malcolm Miller, who made \$900,000 just in overtime to between 2017 and 2018. And over the course of a two year period, they had



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

almost \$2.5 million. It turns out he was also the person responsible for allocating overtime, which doesn't at all sound equitable or healthy to me.

Juanito Rus: Thank you, Ms. Fallstich. The next speaker in the queue is a telephone attendee with the last four digits, 5802. I believe that it is Mr. Saleem Bey. Good evening, Mr. Bey, can you hear us?

Saleem Bey: Yes, Saleem Bey. And I'd just like to echo what Mrs. Fallstich just said, 1,000,000%. And then also, two addresses to the new Chief that has gone on the record to say that there's a zero tolerance on racism in the department. And yet, he continues to ignore overwhelming evidence of systemic racism against Black and Muslim citizens in Oakland. I'd like to point the Commission and the Commissioners up on the virtual dais to Department General Order DGL-N19, which is the foundation of Measure LL that they are assumed power under.

Saleem Bey: Online, it's dated 2004. Is that acceptable, Chief? The last Chief Kirkpatrick ignored racial and religious profiling when she was asked directly in public by former Commissioner Ginale Harris, right? This deals directly with systemic racism, you can't ignore systemic racism, and then also say that you're going to deal a zero tolerance policy. This evidence is directly in your face.

Saleem Bey: I'd like to also address this to also Officer Joshi, when the Former Officer Joshi quit the force, she cited systemic racism within the force. So, if there has been a complaint from this chain of command regarding racism to date, then you actually haven't dealt with racism in a force that's under the NSA. And the fact that the NSA was created based on profiling of the Black community, means that its failure created the OPC by a super majority. So, if you aren't dealing with DGO N19, which deals with profiling and racial discrimination, then everything else should be secondary, especially where the black community is the most impacted in stops, in profiling, in amount of fines that they pay.

Regina Jackson: Mr. Rus?

Assata Olugbala: I'm un-muted.

Regina Jackson: Mr. Rus.

Juanito Rus: Can you hear me?

Regina Jackson: No, we couldn't. Okay. We can now. Yes.

Juanito Rus: Oh, my apologies. The next speaker-

Assata Olugbala: I'm un-muted.

Juanito Rus: Very well, Ms. Assata Olugbala. You have the floor.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

Assata Olugbala: Thank you. It's been quite some time since we've had any reporting on the police cadet program, and it would be interesting to see where's that at this point. When you reported on the little two year old boy, I did hear that there were some help that was given to him, it looks like physical. But when children might be so traumatized, is it automatic that they get some psychological intervention as well?

Assata Olugbala: I had a situation this Sunday that built my curiosity. At Allen Temple, I went for my second shot. They had three highway patrol cars there, and one of the individuals had a jacket on that said California Land Security. And so, my question is why were they there, the highway patrol? My fear is we have no jurisdiction over the highway patrol, and we just need to be aware of where they are.

Assata Olugbala: The next concern I have is when I mentioned about the cartel, Sunnyvale reported a couple of weeks ago a large volume of guns and drugs, and they had arrested several members of the cartel, but you said we don't have them here in this area. Side shows, people are getting shot. We got to get some type of program in place. The CRTs investigation around racial texts and sexist texts, when can we get some reporting on that?

Assata Olugbala: Your report was done this week on the role of individuals or groups of departments related to the Lake Merritt pilot program, but there was nothing that was reported out of the role of the Police Department related to that program, because that's mostly African-Americans. And again, thank you for the time.

Juanito Rus: Thank you, Ms. Olugbala. The next speaker in the queue is Jennifer Tu. Good evening, Ms. Tu. Can you hear us?

Jennifer Tu: Yes, thank you. Hi, this is Jennifer Tu from District 4. I wanted to offer my appreciation to the Chief for reducing the time spent reading out crime stats here, and also taking the time to fill us in with more context instead of numbers. So, thank you for your responsiveness to that request from the public. If I could add on to your continued changes there, I think it would be really great if we could learn more about OPD's KPIs or their annual goals, and how the department is doing.

Jennifer Tu: And I also just wanted to add that a lot of the updates that Ms. Olugbala had just suggested sounded really great to hear about as well. And to follow up on some of the earlier speakers, I was also wondering about the Walgreens overtime. And I was wondering if that increases the amount of pension that the city will have to pay on that officer's retirement, if we have officers who are putting in overtime to do the private security detail for Walgreens, if that increases the pension burden of the city. Thanks very much.

Juanito Rus: Thank you, Ms. Tu. The next speaker in the queue is a telephone attendee with the last four digits, 7935. I believe that's Mr. John Bey. Good evening, Mr. Bey, can you hear us?

John Bey: This is John Bey. Following up on the overtime at the Walgreens. The fact that it's overtime, it still impacts an officer's hours of work and the tired officer concept. If they are in the OPD car,



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

uniform, badge, and gun, a crime occurs near the property, will that officer respond or will he stay on his post at the Walgreens? Is he responding as an Oakland Police Department officer with all of those duties, or is he giving chase as a security guard, private security guard. So, the nature of private security.

John Bey: Does he have also a radio? Is he also able to call dispatch, is he also able to, he or she, are they also able to engage OPD? Is he able to draw his gun at his own discretion? So, what are the rules of engagement for these OPD officers who are overworked yet have enough time to clock that extra overtime money? And again, the person who just mentioned about the pension, what are the effects, monetarily, on the city, on the citizens?

John Bey: What else is that officer allowed to do? And how are we to know that an officer who may be at Walgreens, whether he is on or off duty by OPD? So, if he's responding to at a Walgreens that may not pay for the security, an officer responds, how do we know if that officer is on duty or off duty? Is he overtime? So, there are a lot of questions. So, DC Joshi gave a nice report, but we need the details. There's a marked difference between, so far, Chief Armstrong and the low bar that had been set by all 15 previous Chiefs-

Juanito Rus: Thank you, Mr. Bey. Your time has expired. At this time, Madam Chair, I see no other hands raised in the queue.

Regina Jackson: Thank you. I believe that Chief Armstrong wanted to respond to a couple of the queries, particularly Ms. Jaffe's, this was from last week or two weeks ago. So, Chief Armstrong, feel free to address whatever it is that you can.

Chief Armstrong: Yes. So, Ms. Jaffe, I want to assure you that the Chair did provide all of that information to the department that you forwarded to her. I had staff look into the specific incident that you mentioned. That was actually the arrest of a 187 suspect, it was actually the arrest of the suspect that was charged with the assault of the 75 year old gentleman that unfortunately died. That that individual also made threats towards the officers around potentially causing harm to the officers, in using some type of weapon towards the officers. And so, we reviewed it. We believe that, based on the circumstances, officers addressed it appropriately, and all force that was used in this incident was reported according to policy.

Chief Armstrong: So, everyone that had a weapon out, everyone that had engaged in that event, filled out a use the force report and justified their use of force through documentation and body camera footage. So, we did look in that pretty extensively. And I will say that the Chair did provide that updated information. And I will say that when community members do share information with Chair Jackson to forward over for follow-up from the department, as you can see, we do everything we can to follow up as soon as we can and come back with responses to that. So, I apologize that we didn't get it out to you first in my initial responses.

Chief Armstrong: I think Mr. Lindsey-Poland also asked about the tracing of firearms. Yes, we do trace our firearms. We actually have what I mentioned earlier, which is a crime gun intelligence center. That is a



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

partnership with the ATF to analyze all of our ballistic evidence. And so essentially the Oakland Police Department is actually the only department in the country that actually responds to every ShotSpotter activation. And when we respond to those activations, not only are we there to investigate the potential shooting, we also are there to collect those casings or evidence that's left at the scene.

Chief Armstrong: And we produce leak analysis charts as done by our crime lab in linking those firearms to other crimes that may have occurred in the city with those same firearms, or even when we enter them into the database, seeing if they were used in other cities. And also, tracing the firearms that we recover. I mentioned earlier that we have recovered hundreds of firearms so far this year, all of which we enter in the system and trace the origin of those firearms. We will say a significant number of firearms are coming across our state borders, both from Nevada as well as Arizona, where they have much more lax gun buying requirements.

Chief Armstrong: And so, our ATF partners have made several key arrests from gun dealers out of both of those States. The other challenges that we faced, which is pretty significant, is the ghost gun epidemic that we're beginning to see. We're seeing a huge increase in a number of ghost guns. And these are essentially are guns that are not registered and do not have serial numbers. These are guns that are put together by individuals who have some level of specialized expertise, or some say you can get some information off of the internet. But essentially, they receive parts and are able to put guns together. We've seen those used in our community much more frequently as of late. And that's been challenging for us to trace those firearms as well.

Chief Armstrong: I will say, I think Ms. Olugbala asked about the racist text incident, that is under investigation. It is a large scale investigation that we anticipate to be completed hopefully into the summer. We have several investigative follow up things that need to be done, but an outside investigator is leading that investigation contracted by the independent monitoring team.

Chief Armstrong: Deputy Chief Joshi is here to respond to a couple of the additional questions, but I'll mention the Lake Merritt Pilot is something that OPD is aware of. We have supported the fact that there should not necessarily be a law enforcement response to the issues at the Lake. So, we're trying to minimize OPD's involvement in that response. It also would require overtime in order to be able to provide that support, and we don't have an overtime budget at this time to support that. So, we've been meeting with Council Member Bass and others to discuss how OPD can support other city services that will be providing some level of presence in and around the Lake.

Chief Armstrong: But obviously, we have received hundreds of complaints from community members asking for OPD, but we have been working closely with the city to manage a non-police response to those things. And then I'll let Chief Joshi answer the last question. Oh, I'm sorry, Chair, there's one more, around the Allen Temple officers, the highway patrol officers at Allen Temple.

Chief Armstrong: The COVID vaccination program that is being ran by the California State Emergency operations. The Operations Center is actually ran out of the Governor's Office, it is secured by highway patrol that work for the state. So, they are deployed at multiple vaccination locations, including the



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

Colosseum and Allen Temple Church, when vaccinations are being given. And when the mobile vaccinations are being provided, potentially there could be state law enforcement there.

Chief Armstrong: They been at every other vaccination site as well, because those are ran by the state, and OPD has just provided support for the larger vaccination site at the Coliseum. But the highway patrol also is there as well, providing services as well. So, just wanted to make sure I covered that question. That is not that it's an OPD jurisdictional thing, it's a state-ran vaccination program, and in highway patrol is also providing security there. And so, Chair, the last issue of Walgreens, additional questions will be answered by Deputy Chief Joshi.

Regina Jackson: Thank you very much. DC Joshi?

Deputy Chief Joshi: Yes, Chair. So, I jotted down some of the questions that were asked. And so, I know one of the questions was, "Is the opportunity to work these overtime assignments, is it fair to all the officers? Meaning, can any officer sign up for it?" And the answer is, yes. Any officer can sign up for it. Some officers choose to do it, some officers don't. And that also is a factor that dictates whether or not we're able to provide an officer for these assignments.

Deputy Chief Joshi: It does not add to their pension. When we bill these third parties, they are charged at top step officer rate, with a 15% surcharge. Now, anytime an officer does work more than their 40 hour work week, there is a wellness consideration. So, we have a policy that requires all officers to have eight hours of rest between each shift. So, they can't work nonstop. They have to have eight hours between their shift.

Deputy Chief Joshi: In addition to that, they're required to have one day off a week. So, those are the things that our current policy speaks to, as it relates to wellness, because we recognize that. We don't want our officers to have burnout. When we talked about Walgreens, just some numbers to put out there, Walgreens provides service to 70% of our senior citizens. And so, they have tried to implement other security measures for their stores, whether that's security, security guards, camera systems, things like that. And those all haven't worked.

Deputy Chief Joshi: And so, they reached out to the Police Department because one of the real conversations that they were having was is, "Should they relocate?" And we don't want them to relocate. And if safety is a consideration, we endeavor to help provide that service. So, because we have this policy in our special events unit, it allows businesses to hire officers to provide that service. And so, I hope that answers the questions that were asked, that I noted.

Regina Jackson: Thank you very much. I have a feeling that we're probably going to need a slightly more in-depth explanation of these kinds of assignments, especially with the depreciation, and other kinds of very investigatory and detailed focus. Because it makes sense if they're using OPD cars and communication devices, and they're in OPD uniform, it's like, "How do you determine what the circumstance is?"



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

Regina Jackson: And that question, who came from a citizen around them potentially witnessing a crime, do they respond or do they stay in their posts? All those are very, very interesting. So, I'd like to work with someone to really do a strong overview to clarify, because it does seem to have a lot of confusion. But thank you very much, DC Joshi, appreciate it.

Regina Jackson: At this point. I think that we can move on to our next item, which is 2021 California Police Reform Legislation. As a part of our action plan, we are also trying to make sure that we are knowledgeable of state police reform legislation. And I am pleased to say that Commissioner Tara Anderson, who just rolled off in October, is going to be back with us this evening, along with Gabriel Garcia of Youth Alive.

Regina Jackson: They're going to take us through bill language that's currently being considered, and make any recommendations or special highlights that we should be considering. We have supported some legislation in the past, if we thought it made sense for what we're doing here in Oakland. So with that, I would like to turn over to former Commissioner Anderson to take the helm.

Tara Anderson: Thank you, Chair Jackson and Commissioners. Following the policy recommendations made at the Police Commission retreat, Chair Jackson, as she indicated, requested that I return to provide an overview of 2021 state legislation with a police accountability and police reform focus. Today, we will provide a brief overview on a selection of four bills.

Tara Anderson: This list is not exhaustive. For example, I can imagine that Commissioners would also be interested in SB-16, which is a Skinner bill about public access to police records, which we or other experts could present to the Commission on in the future. We intentionally kept this list brief, knowing that there are many items on any given agenda of the Oakland Police Commission.

Tara Anderson: So, who are we? I'm Tara Anderson, Oakland resident, former Police Commissioner, and current Director of Policy for San Francisco District Attorney Chesa Boudin. Together, I'm presenting with Gabriel Garcia from Youth Alive. Gabriel?

Gabriel Garcia: Yeah, good evening folks. This is Gabe Garcia, the Policy and Advocacy Manager for Youth Alive. For those that don't know, we are one of Oakland's largest violence prevention, intervention, and healing organizations. And one of our policy priorities is police accountability and transparency. So, we're happy to support a lot of bills that we'll be sharing today. And looking forward to also hearing from John Lindsay-Poland sharing on the police demilitarization bill later on.

Tara Anderson: Thank you. I'd also like to thank Langston Budehagan, who helped create the bill summary. That is a part of the materials in today's agenda packet. Our plan of action is to provide a brief overview of each bill and respond to questions as requested by Commissioners. We're going to call the bills in the following order, AB 127, SB 299, AB 655, and AB 481. So, this is a slight variation in the list as it's presented as a part of your materials.

Tara Anderson: So, starting with AB 127, arrest warrants, the next hearing on this bill will be at Assembly Public Safety on April the 13th, 2021. Under current law, only a peace officer can present a probable



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

cause to arrest. This is a barrier when a suspect is a peace officer, this change in law would expand very narrowly, the law allowing for persons other than peace officers to attest to probable cause. A judge still ultimately determines whether or not a warrant for arrest would be issued. The only change is who can attest, expanding beyond peace officers.

Tara Anderson: An example of a related law is on search warrants, where it does not specify that a police officer be the person to attest. This bill would reduce barriers to successful prosecution of peace officers for misconduct. Moving now to SB 299, victim compensation. That bill will next be heard on April the 13th, 2021 at Senate Public Safety. A strong coalition of prosecutors, advocates, survivors of police violence, and State Controller Betty Yee are in support of this legislation.

Tara Anderson: It would make a policy initiative started in San Francisco statewide practice. On June 9th, 2020 San Francisco District Attorney Chesa Boudin issued a policy directive to expand the victim compensation eligibility for victims of police violence, including funeral burial, medical expenses, counseling, and other services. Now, I'll turn the floor over to Gabe to discuss the details of the bill.

Gabriel Garcia: Thank you, Tara. So, this is all about establishing a right to heal for survivors of violence. The bill specifically outlines that victims of police violence, those are folks who have been killed by police and their families, or those who experienced a serious bodily injury at the hands of law enforcement, would be eligible for victim compensation for the purposes of this bill. In addition to those folks, we're also having components of the bill related to homicide victims at large, making sure that their families are not denied for a lack of cooperation with police, which can be an automatic disqualification for victim compensation, or that they are not denied based on the alleged actions of the deceased who has already paid the ultimate price of their life.

Gabriel Garcia: Again, what we're really looking at is making sure that our systems, as they are set up, are healing centered and trauma informed, and establishing that if we are going to have a victim compensation program within this state, that we have a right to heal for folks that need it the most. And for those not familiar with victim compensation, it acts as a payer of last resort. Meaning, if somebody has insurance or otherwise has funding for a funeral and burial, then they would not be eligible for these services. This is really for the most marginalized and most vulnerable members of our community to ensure that they have access to these healing resources after a very traumatic experience, either at the hands of law enforcement or random community violence, which we all know too well here in Oakland.

Gabriel Garcia: Youth Alive supports victims of violence, especially homicide victims. And one of the key things that we were able to do is connect them to victim compensation. Unfortunately, far too many people are denied because of the strict eligibility requirements. And it also damages their trust in law enforcement when they see law enforcement being a barrier to them achieving these resources. So, would definitely request support on Senate Bill 299 for these reasons.

Tara Anderson: Next, moving to AB 655, the CLEAR Act, California Law Enforcement Accountability Reform act. The next hearing on this bill will take place April the 6th, 2021. This will add requirements to both



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

candidate screening and background checks related to membership in a hate group. And also, investigations of current peace officers for involvement in hate groups, which, if sustained, could lead to termination.

Tara Anderson: Knowing that this bill is related to many matters that have come before the Commission, unfortunately, over the last year. In regards to current employees of the Oakland Police Commission, we added this to our bill list as well. The last bill that we're providing a summary for is AB 481, and Gabe is going to take the lead on that one.

Gabriel Garcia: Yeah. So, I know that John Lindsay-Poland is in the queue and he could speak much more eloquently to this bill than I can. But essentially, what it would do is actually make Oakland a model for what the state can do in terms of transparency and accountability with the purchase of military equipment for local law enforcement agencies, making sure that the public has an opportunity to review these purchases, and we have a clear understanding on what the intended usage of each of these items is. So, I'd like to hear more from John Lindsay-Poland share about AB 481.

Regina Jackson: Mr. Rus, can you promote Mr. Poland and give him the two minute? Mr. Rus?

Juanito Rus: Sorry. I was on mute. I am happy to promote him. I will promote him to the panel now.

Regina Jackson: Thank you. And give him the two minute timer, please.

Juanito Rus: Okay. Mr. Poland, you are now on the panel.

John Lindsay-Poland: Hi, good evening. Can you hear me?

Juanito Rus: We can hear you.

John Lindsay-Poland: Good evening. So, AB 481 is authored by Assembly Member David Chiu of San Francisco, and will regulate the use of militarized equipment by local law enforcement. So, similar to the ordinance that your Commission recommended for Oakland, it requires law enforcement agencies to obtain approval from their local governing body prior to applying for and using that equipment. The list of equipment covered by the bill is similar, but not identical, to the Oakland ordinance.

John Lindsay-Poland: If approved, the bill will also require a law enforcement agencies to publicly report annually on the uses of this equipment, and will apply to Sheriff departments, California Highway Patrol, campus police, Transit Agency police, as well as municipal Police Departments. In most communities, the use and even existence of most militarized police equipment is not visible, and making it much harder to organize around demilitarized policing.

John Lindsay-Poland: And most jurisdictions do not have Police Commissions like Oakland. So, most of the reviews of use policies and impact statements will only be by elected City Council and County Boards of



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

Supervisors. The State Assembly Local Government Committee passed AB 41 yesterday five to two, and it now goes to the Assembly Public Safety Committee, sometime in April.

- John Lindsay-Poland: Our attorney, Camille Battista, compared 481 to the 2018 bill AB 31-31, unlike 31-31, the new bill requires analysis and reporting on disparate use and impacts by race and ethnicity. It doesn't make an exception for equipment used in search and rescue, and excludes equipment if police have been violating the use policy that they submit. It does not include a right of action for injunctive relief, if police are violating the policies. We believe that the police commission support for 481 will be very helpful as state legislators consider the measure.
- Regina Jackson: Thank you very much, Mr. Lindsay-Poland.
- Tara Anderson: And Chair, this concludes the summary and we'd be happy to answer any follow-up questions that commissioners may have.
- Regina Jackson: Excellent. Thank you very much, Commissioner Anderson. Are there questions from the commission before we go to public comment? Commissioner Gage, followed by Commissioner Jordan.
- Henry Gage, III: Thank you, Chair. Quick request for the presenters to speak a bit further to SB 299. I have some understanding of the victim compensation fund, but I'd appreciate a further discussion of how that currently works and how this change would affect that operation.
- Gabriel Garcia: So, I'd be happy to share more. I'm not sure what would be helpful. Essentially, victim's compensation is set up based off of and funded by the restitution funds. So it tends to be any fines and fees related to criminal justice charges that go into the system, which is a completely separate topic, but that is where the funding stream comes from. The system is currently designated so that it supports victims of violent crime and their families. And as of right now, there are strict eligibility requirements. One of the key eligibility requirements is that a person needs a police report verifying that the crime happened. So when it comes to victims of police violence, understandably, the police report does not always tell the full story. And it will often insinuate that a person was committing a crime in the act. So this goes to the question of involvement as well.
- Gabriel Garcia: When it comes to the victims of homicide, so this is non-police instances of violence, one of the main requirements is that the folks who are applying, so the family members of the homicide victims, have to cooperate with law enforcement. If anything in the police report says that they did not cooperate with law enforcement, it doesn't matter if it's at the scene of the crime, doesn't matter if it's at the hospital while they're waiting to see if a loved one will recover, they can be automatically denied victim compensation. The same goes for the issue of involvement. Sometimes involvement is really clear cut. If I was shooting at somebody and they shot back at me, that's a clear case of involvement. But even then, when it comes to the families of homicide victims, they are the ones being punished for this policy. Again, the person who has passed away



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

has already paid the ultimate price. So what we are trying to change with this policy is removing law enforcement as the determiner of who is a deserving victim.

Gabriel Garcia: One of the ways that we can do that is an organization like Youth Alive who serves victims of violent crime, being able to verify their crime happened and that services were delivered for that crime. Other ways would be a medical report or coroner's report showing that a person has passed away or that they experienced serious bodily injury. So these are really similar avenues to what already exists for victims of sexual assault and domestic violence, where police reports are not very common. And even then I believe only six out of 10 folks actually fill out a police report when an incident happens to them. So this is, really it comes down to equity and making sure that law enforcement involvement is not a barrier to folks getting the healing resources that they need. Tara, if I miss anything or you think that would be important to add, please feel free to chime in.

Tara Anderson: Just to further reiterate that there are exceptions that already exist. One that was omitted is human trafficking survivors, there's also an alternative pathway beyond a police report that provides access to victim compensation. And I think about it practically, the government entity, that is, victim compensation board, is a payer of last resort, so an insurer of last resort. So if you have health insurance or you have other means, those first pay for the costs, the medical bills, those types of things, and this fund comes in when there are expenses left unpaid beyond that. So to Gabe's point, really, changes like this serve those who need it the most, those who don't have resources day one, really making sure that they have access to them, and that we're making sure that survivors of police violence are treated and have the same access as survivors of any other type of crime. So those were the only things that I would add.

Regina Jackson: Excellent. Commissioner Jordan?

David Jordan: Thank you. Yeah. First I'd like to just thank all three presenters. Being able to access community resources, like those of you, to help us maintain our informational support, wherever we can get it, is really vital to what we're doing here and helping us sort of keep an eye on the sort of meta level of policymaking that what we're doing here may inform and vice versa is very important. The other thing I wanted to ask for, the thing I wanted to ask was, how specifically would you recommend that we go about advocating for these bills, this legislation as a body. Would you like to see, are the drafters looking for letters of support, or what additional can we do beyond just sort of taking this in as information?

David Jordan: And the other thing before I let you go, is I also want to say, as far as that state militarized equipment legislation, I mean, it's lightweight embarrassing that we here have been working on it for as long as we have. I mean, I was already reading the draft that had been put together at our local ordinance before I was even appointed. And we worked on it for quite a long time and it's been essentially done for quite a long time. And if we are sort of beaten to the punch and made redundant, it would be very frustrating from my perspective, and I know probably from Commissioner Gage and John Lindsay-Poland's perspective as well, although I would love to see this legislation go through at the state level. Thank you.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Regina Jackson: Commissioner Anderson?
- Tara Anderson: Yes. So I do believe, Commissioner Jordan, you had it spot on, that I think the first way to demonstrate support is the power of a letter of support coming from the open police commission on each of these bills. It would go an extremely long way. And it's just really one first stop for the bill on a lengthy path to actually becoming law. So I would say also after hopefully successfully prevailing all of these bills past Senate and Assembly Public Safety, advancing through appropriations, I think in particular we're concerned about the math that may be done at the state level relative to estimating the cost of serving victims of police violence. So certainly may turn back to the commission again for specific support around cost cap calculations and reinforcing the need and the importance of this outweighs ultimately the minimal costs that we are projecting would be associated with this bill.
- Tara Anderson: And in regards to AB 481, I also understand that if not once, twice this bill has made it through and been vetoed by the governor, and is certainly a legacy bill for two. So we do have a lot of local support recognizing the need to make this change in law. And hopefully it will prevail during this session. But I think as a first step, letters of support for each of the bills would be an incredibly powerful move that the Oakland Police Commission could make tonight. Gabe, any other thoughts of other ways the commission could be involved?
- Gabriel Garcia: Echoing your comments, Tara. Yeah. Getting those in quickly is definitely a strong signal of support. And I would just add that at the statewide level, folks are definitely paying attention to what we're doing here in Oakland and especially the power of the Oakland Police Commission is something that I hear about a lot. So being able to be a voice on these issues, especially for a bill like Senate bill 299, which again, we are co-sponsors of, because of the experiences of our folks in Oakland as an extension of what we see the police commission's role being able to be as a voice on much needed criminal justice reform, much needed public safety reform, and also the opportunity to be a champion for survivors of violent trauma, especially when it comes to restoring some of that trust between law enforcement and victims who they are supposed to serve. So having that official support registered, a letter of support, is the quickest and easiest way to do that. Would definitely be open to working with folks who, on this commission, wanted to have a stronger voice on legislation. But for tonight, I think again, a letter of support would go a long way.
- Regina Jackson: Thank you very much. Commissioner Garcia has his hand up.
- Sergio Garcia: Thank you, Chair Jackson. Commissioner Anderson and Gabe Garcia and Youth Alive, thank you for all of the good work you have presented here. And synthesizing all of this proposed legislation certainly has aided me in understanding what appears to be a moment when a critical mass of state legislators are laser-focused on the need for substantial reform in policing and criminal justice reform, racial justice and equity across our great state of California. And we know that legislative changes adopted here in California tend to resonate across the country over time. So it certainly gives me a sense of optimism that change is going to come about slowly but surely.



OAKLAND POLICE COMMISSION MEETING TRANSCRIPT

March 25, 2021

- Sergio Garcia: I had a question about AB 655. As you know, we've been pretty focused here on the commission in rooting out white supremacy here in the Oakland Police Department, and have had already discussions at our commission meetings with our new Police Chief Armstrong on this topic. AB 655 appears to go a long way toward at least putting something together that affects how police officers are hired. So at the front end requiring that a background investigation include an inquiry into whether candidate has engaged in membership in a hate group, participation in hate group activities Or public expressions of hate. That is certainly something that should be doing, but existing law doesn't really get there. Existing law just focuses on good moral character and a background investigation that does not include this inquiry. So I do think that at the front end, this would make substantial changes across the state in terms of how folks are hiring police officers at the front end.
- Sergio Garcia: And as I understand it, the proposed bill also will require local agencies to investigate any complaints made by the public that allege that an existing police officer is engaged in membership in a hate group, participation in hate group activities or public expressions of hate. And that certainly would be grounds for termination as it is here in Oakland. But to have that harmonized across the state, especially in places where there is no police commission like what we have here in Oakland, to require that a local public agency investigate and to get to the crux of the matter and to have grounds for termination across the board throughout our state, I think that's a very important way to root out white supremacy in every police department in California.
- Sergio Garcia: And then the final thing that, I hope I'm reading this correctly, is that, as we know, personnel records of police officers are confidential and not subject to disclosure. And so what would be important to keep in this legislation, and I hope it's not taken out, is that any complaint that a police officer has been engaged in a hate group or participated in hate group activities or public expressions of hate, that complaint would follow the police officer wherever he or she goes, right? The bill would exempt from confidentiality the record of any sustained complaint that a police officer has engaged in these hate groups or participate in hate group activities. That again would be a substantial change to existing law on confidentiality and personnel records. I see this one as front and center, what we're trying to accomplish here at the commission and super supportive of this Bill and all of the others that have been synthesized tonight.
- Sergio Garcia: I think what my question was going to be is that Commissioner Jordan's question is, what is the most effective and the fastest way to get everyone in support of this, not just our commission, but perhaps you guys have a strategy, a statewide strategy that's already... Today, or was it yesterday? I'm losing track of days. Our governor announced that Rob Bonta is now going to be our state attorney general. And I believe that he already is, but he would be very supportive of having the Attorney General's office involved, especially on this bill that I just described, the AB 655. So my question is, how do we get alignment across the state on this? And what efforts are you currently engaged in beyond Oakland to make sure that bills like AB 655 are enacted into law?
- Tara Anderson: Thank you, Commissioner Garcia, and through the Chair. Yes, to all of that. In terms of the summary of your understanding of AB, excuse me, 655, and what it would accomplish if made



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

state law, that bill in particular has a strong sponsorship from San Jose State University Human Rights Institute. They worked largely with the representative's office in drafting the legislation and are a key partner in that. Across all of these bills, I think a strong role that the Oakland Police Commission can play is in partnership with other citizen oversight groups. So NACo and its efforts in California and regionally. Spreading the word about these bills, we'd be happy to provide the fact sheets and sample letters of support so that you can distribute these through your networks.

Tara Anderson: Legislators do pay attention to the scroll of credits of who is in support of a particular piece of legislation, so the more names of individuals and entities that are included as support for each of these items as they're heard before their committees, will be extremely important. I would also say that, as has been discussed over and over again, that these pieces of legislation have been incubated and the ideas have started locally. So I would say today and challenge the commissioners, if there is an issue that you are seeing in Oakland that requires a state change in law, that we can work in partnership, and many other people more qualified than me and others, in making that a reality and partnering with the state representative to bring that bill into law. So in the near term for the slate of bills before you, we will be happy to share the fact sheets and letters of support so you can distribute them to your networks, that we can talk as Gabe identified, offline, if there's opportunities to testify before any of those committees. And then I'd also just pose a challenge back to members and commissioners, if there is something that needs to change in state law, how we might be able to advocate together.

Regina Jackson: Excellent.

Sergio Garcia: Thank you so much.

Regina Jackson: And I see a hand up from Vice Chair Dorado.

Jose Dorado: Thank you, Chair Jackson. Hi, Tara. Good to hear your voice again.

Tara Anderson: Yours too, thank you.

Jose Dorado: My question is, actually I have a couple of questions. One is, in the language of AB 655, is it just focused on making it a requirement of having an investigation on prospective police officers, or is it also providing the actual resources to do these investigations? So that's one. And the other one is, of the four, which of the four is getting the strongest pushback from, let's call them organized groups?

Tara Anderson: So in regards to AB 655, your first question up through the Chair, is there is no appropriation or additional funds that will be given to departments in order to conduct these investigations. It is just an additional requirement that would need to be fulfilled in the screening of a candidate for appointment to being a peace officer. And it specifies, peace officer under the law has a very specific definition, but would include for relevance to this city, the Oakland Police Department. And it also, not just as screening, but as Commissioner Garcia pointed out, anyone who is



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

currently a peace officer with the Oakland Police Department and has an allegation against them, that would also need to be investigated, and if sustained could lead to termination.

Tara Anderson: The second question about pushback, so far, I am not familiar with organized opposition, but we also have yet to have the first hearing, at least in public safety, for any of these bills. I will say AB 481 has already had its first hearing and was pushed successfully to public safety for its hearing. I think that AB 127 is a very kind of niche, legal kind of nerdy bill, if [inaudible 01:57:49] to use a little bit of slang, and could potentially face some organized opposition, but there is no current opposition on the record. Gabe, I don't know if you're familiar with any organized groups that have come out on against any of the bills at this point.

Gabriel Garcia: I'm getting word that there were sheriffs that spoke out against AB 481 on the local government committee meeting, which I think took place on-

Tara Anderson: On Tuesday.

Gabriel Garcia: Oh, Tuesday.

Tara Anderson: Earlier this week, sorry.

Jose Dorado: Well, thanks to both of you and to Mr. Poland for this presentation. This is really important information. So just wanted to extend our appreciation of your efforts and your time to do that. We are continuing with meeting with OPD around the question of white supremacy in OPD and around us. And one of our ad hoc members, Commissioner Harbin-Forte forwarded a US Today article dated the 23rd, which is entitled, "Identity Crisis: White Supremacist, Racist American Cops Must Be Removed. Experts Say Will Take Resolve." It's a very extensive and interesting article, but one of the things that really jumped out at me is at the January 6th Capitol insurrection, there were at least seven current or former police officers from six States had been arrested in connection with the insurrection, and they expect to see and get more. But one of the quotes from the article is from a woman by the name of Heather Taylor, who says, and I think it's on point, "You cannot train away white supremacy. You have to fire it. You have to remove it." And I couldn't agree more. So thanks for your efforts to bring us this information.

Regina Jackson: Thank you, Vice-Chair Dorado. I think we should go to public comment and then I would be happy to receive a motion to provide letters of support for all four or anyone or whatever your pleasure is. So moving to Mr. Rus and public comment on this item.

Juanito Rus: Thank you, Madam Chair. If any member of the public wishes to make comment on item five on tonight's agenda, please raise your hand in the Zoom queue and you will be called in the order in which your hands are raised. The first speaker in the queue is a telephone attendee with the last four digits, 5802. I believe that's Mr. Saleem Bey. Good evening, Mr. Bey. You have the floor.

Saleem Bey: Yes, good evening. This is Saleem Bey. First, I'd like to say that the community that I represent supports these bills as put forth. I'd also have questions and also input that I would like to be put



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

towards how SB 1421 and the transparency that was achieved in that bill intersects with all the bills that are out there. I'd also say as a person who has firsthand experience, who served as the President of the North Richmond neighborhood council for a number of years and who was on the first responders team of shootings in a community, North Richmond [that is 02:01:42], that is on par with Juarez, Mexico, statistically in terms of shooting and of shootings that are allowed by the police department. So, seeing families at a first-hand level, as well as knowing the people who are under those sheets when you get there, and personally seeing those futures just cut off. No one knows that unless you've actually been the people who respond to the shootings, until these different things that happened in these communities. So truly support these bills and addressing these gaps in how these families are impacted and actually the reverberations of the whole community, mentally, health wise, that should be addressed in this. And I look forward to working, or if there's anything that they would like input wise from the community, I look forward to putting that forth. Thank you.

Juanito Rus: Thank you, Mr. Bey. The next speaker in the queue is Tracy Rosenberg. Good evening, Ms. Rosenberg, can you hear us?

Tracy Rosenberg: Yes. Hi. Can you hear me? Just unmuted.

Juanito Rus: We can hear you. The floor is yours.

Tracy Rosenberg: Terrific. This is Tracy Rosenberg with Media Alliance and Oakland Privacy. Good evening. I didn't come here to speak, [inaudible 02:03:22], tune in, to speak on this particular item, but since you are talking about pending legislation in Sacramento, I wanted to mention that while the four bills that were highlighted are good and important bills, there are quite a few others that are really quite significant to the operations of police departments, including OPD, that were not mentioned. To mention just a few, assembly bill 26 would strengthen the obligation or the duty to intercede from an officer if they see another officer committing an act of excessive force, AB 48, which would regulate the use of less lethal weapons like kinetic projectiles and tear gas and pepper spray and crowd control situations, SB 2, which would certify and de-certify police officers and create a process for doing that. There's a Kevin McCarthy bill, which would require investigations of excessive force incidents that don't result in death to be investigated outside of the agency. And since people had mentioned it, Nancy Skinner also has SB 16, which would significantly expand the availability of police misconduct records. So you might want to take a look at a number of other bills since I think they are clearly of interest to this body. That's all. Thank you.

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

Assata Olugbala: Yes. Two concerns. I just read an article that says they have been trying to introduce legislation in Sacramento around hate crimes, and that is not met with success, but since the incidents around Asian-Americans, now they believe they're going to be able to get the bills passed. And that reflects on how we have systemic racism all over, no matter what you call it. The police



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

department, the legislators, the school system, every way. The second point is, if you are going to be able to write all of these letters relative to policing, and I requested that you write a letter for Ginale Harris requesting an investigation. You don't have to do the investigation, just like you don't pass legislation, but you can make a letter that reflects the need to investigate the mishandling of the selection panel, or you can put it any way you want, but to completely ignore... That's why I keep saying, the validity of what you do does not ring well with me. Other people have forgotten about it, but some of us have not, and it will keep coming up. Write a letter to support Ginale Harris in terms of an investigation into how she was eliminated from an appointment to a reappointment to the police commission. Keep ignoring it, and your credibility does not stand.

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

Anne Janks: Yes. Mr. Rus, I [inaudible 02:07:44] on my phone just so you wouldn't have to promote me.

Juanito Rus: The floor is yours.

Anne Janks: Thank you. I just wanted to mention quickly that I really appreciate the commission's attention to some of this legislation and the folks making the presentations. But that I am still really looking forward to the commission passing local policy on white supremacy and hate speech by OPD officers, whether or not there's legislation, no matter how wonderful it is, I do think it's very important for us to have our own policy. And I think there's a lot of people who are interested in it and who would be happy to work on it. Thank you.

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

Regina Jackson: Thank you, Mr. Rus. So commissioners, given the excellent presentation, and Commissioner Anderson will be back with hopefully Mr. Garcia and whoever else would be important thought partners and speakers on other legislation. But I am looking forward to continuing to stay abreast of this and figuring out how what works at the state level also advances our city. So at this point, if someone wants to make a motion around providing support to this legislation, I'm happy to hear it. Alternate Commissioner Peterson.

Marsha Peterson: Thank you, Chair. With the introduction of the additional measures by one of our speakers, in addition to the four that were advanced earlier, I would move that the Oakland police commission develop and assert its support for California Police Reform Legislation as appropriate.

Regina Jackson: Okay. Thank you very much. Vice Chair Dorado.

Jose Dorado: I would like to second that, but making it specific to these, I don't know if this is proper, but I'd like to second it Alternate Commissioner Peterson's motion, but I would like it to be more specific to include the bill numbers.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

Regina Jackson: So to your point and alternate commissioner, because we're going to have them come back on some of the other items then what we need to do is have you if you will accept a friendly amendment that I can give you the ABs or the SBs that you are identifying, do you accept that?

Marsha Peterson: Yes, because what I'm trying to capture is when I said as appropriate, she named AB 26, AB 48, SB 2, Kevin McCarthy bill, SB 16. They didn't present on those and so we don't know what those necessarily contain, so that's what I was trying to capture, but I will accept the finally amendment.

Regina Jackson: Okay, excellent. And then, like I said, we can have Commissioner Anderson come back and give us more detailed based upon those additional items that have been mentioned. So let's see.

Marsha Peterson: What exactly is this amendment?

Regina Jackson: So to specify the letters of support for minutes AB 127, SB 299, AB 655, and AB 481. So it is to specify the actual assembly under senate bills by their number.

Jose Dorado: And I second that, second the finally amendment and I second the emotion.

Regina Jackson: Okay. Thank you very much. So let's see, I saw a hand, but it just disappeared. Okay. So it has been moved and seconded. We have taken public comment. Can we vote please? Vice Chair Dorado.

Jose Dorado: Aye.

Regina Jackson: Commissioner Gage.

Henry Gage, III: Yes.

Regina Jackson: Commissioner Garcia.

Sergio Garcia: Yes.

Regina Jackson: Commissioner Harbin-Forte.

Brenda Harbin-Forte: Yes.

Regina Jackson: Commissioner Jordan.

David Jordan: Yes.

Regina Jackson: And yes for myself. So it is unanimous that we will work on some letters of support that I will attempt to bring back at the next meeting, which will be April 8th. And if we can't get them all done, then maybe we'll separate them out, but the goal will be to get them all done for our next meeting. I want to thank very much Commissioner Anderson and Mr. Garcia for your



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

presentations and as well, John Lindsay-Poland to lending his thought partnership or understanding of the bills, this was very, very helpful. So now we will move forward to item number seven, re-imagining public safety task force update, and pleased to bring back former Commissioner Ginale Harris to lead that update.

Ginale Harris: Thank you, Chair. Can you hear me?

Regina Jackson: Yes, ma'am

Ginale Harris: Okay. Hello, commission and public. So I'm going to just jump right into it. We had our last meeting last week and it was till 1:45 in the morning, and we were voting on the last of the hundred or so recommendations. And it was a little bit confusing, at 1:45 in the morning some task members had to drop off one of the co-chairs as well because it was late. But I will get into the report back. The task force is in the final stages of developing its recommendation that will be advanced to the full city council on how we reimagine public safety in Oakland. There are a range of recommendations, including policy changes, budget, allocations, and organizational redesign. They also have a range of impacts on safety and equity from no impact to high impact and even a few that could have a negative impact on equity and safety.

Ginale Harris: Some of the policy recommendations are ones that the police commission have already worked on or is currently working on, so it will be important to do that mapping once the recommendations are finalized. A few of the recommendations I think are great and I'm excited about are the ones that I expressed in my last report back, they haven't changed. While great work has been done, unfortunately, there are still a couple of gaps that exist in the analysis that will be needed to make significant changes. And below I have written a couple of major gaps. So first, there is no analysis of what the appropriate staffing level is or should be for OPD, which divisions within OPD are understaffed? Which divisions are overstaffed? Having the baseline understanding and perspective will tell us what is reasonable to remove and what is justified to invest more heavily into. Departments such as investigations and missing persons and dispatch, those are the three that I brought that I know for a fact are either understaffed or are doing without at this moment and they have been for quite some time.

Ginale Harris: The second is that there is very little in the way of specific recommendations for reducing OPD budget. It seems the focus has been more on how to spend possible savings without as much attention paid to where those savings will come from, such as what police services should be cut and where efficiencies are believed to be gained? There does seem to be a lot of emphasis on a new ballot measure to replace measure Z and renegotiation of the OPOA contract, which will be important and it must be done right, and will not happen immediately. Lastly, a concern is that we still haven't got a robust of an engagement as we should have from the most impacted communities, black and brown communities in East Oakland flat lines that should be taken into account with the recommendations when they come forward. Thank you for your time. That's it.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Regina Jackson: Thank you very much. Commissioners, are there any questions of former Commissioner Harris? And the 1:45 in the morning, ouch. Thank you for staying on, that sounds incredibly difficult and frustrating.
- Ginale Harris: Thank you, Chair.
- Regina Jackson: Absolutely. Commissioners. Are there any questions? Okay. I see hands from Vice Chair, Dorado, followed by Commissioner Gage.
- Jose Dorado: Thank you, Chair Jackson. There's a ton of questions I have on the recommendations and they would probably go to 1:45 in the morning. But there was one in particular that recommendation 39, it says, make neighborhood services the focus of community problem solving freeing, my role is to be assigned to policing activities. Former Commissioner Harris Ginale, does that mean that the CROs would no longer be assigned under this recommendation to specific beats?
- Ginale Harris: Well, that's how I read it. I mean, this task force, the way that we have been operating is really confusing and it's exhausting. There was a facilitator that was hired, but I think in all fairness, the facilitator did not anticipate all of the work that went into what we were doing, it was very, very confusing. Polls were sent out to taskforce members with questions that were answered and re-asked in a different kind of way how wordsmithing so to speak. And so when we got the results of the polls, we voted on things that we had voted out or voted in, and it just got very convoluted. There were over a hundred recommendations and again, a lot of them did not emphasize on public safety. And so it was really hard to focus on the task at hand when you had so many people involved.
- Ginale Harris: So many people with opinions, so many people. Just some people that just wanted to cut the budget, period, didn't matter where it went, just wanted to cut the budget. So, at our very last meeting, we voted on the last, I think it was maybe a group of 50 or maybe a little bit less than 44 last of the recommendations that we all at the task force level had to vote on. And there was a lot of discrepancy and differences within the task force. So I am very curious to know the recommendations that will be moved forward because it was not clear when we left at 1:45 in the morning. And again, the measure Z, it seemed they were more focused on the legislation piece rather than focusing on what we have now. So, I mean, I don't know if that quite answers your question? Because I think it's a matter of interpretation, that is how we all have been operating on this task force.
- Jose Dorado: Well, it reads as if the CROs are not going to be assigned to the beats, which I think would be very problematic because then that leaves the community problem solving, etc to the neighborhood services coordinators, which are simply not up to the job, certainly not at this point and time. So CROs would have to I think, still be assigned to the beats in order that they take priorities, the neighborhood council and the community priorities through the CRO process. In any case, I will certainly be making that point to the council on if this is one of the recommendations that will go before the council.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Jose Dorado: But putting that aside just wanted to say that I'm so appreciative of the time and effort, which is who knows how many hours and hours that you put into this you and those on the task force and on the committees, the advisory committees, it's just a huge, huge job and that's why it did get I think so difficult. But I just want to thank you and let you know that your efforts are very, very much appreciated no matter what the outcome is. So thanks, Ginale.
- Ginale Harris: Thank you, Vice Chair. I would just ask the commission to just please keep a close eye on these recommendations. I think it's extremely important because some of the work that you are currently working on came out as a recommendation. And I could not understand why it was at the feet of this task force when the police commission was dealing with some of these items already. But again, there wasn't a very clear outline on how we were operating, so I just did what I could. So I would ask the commission to just keep a close eye on the recommendations.
- Regina Jackson: Commissioner Harris align is forming so we now have Commissioner Gage, followed by Garcia, followed by Jordan for questions.
- Ginale Harris: Okay.
- Henry Gage, III: Thank you. So I mean, given the number of recommendations that the task force has come up with, I'm curious if the task force has already discussed who should hold responsibility for any or subsets of the recommendations or further action? I've noticed that a few of them reference either city departments or types of personnel that it would affect. It's not clear to me how that future responsibility is allocated. Is that something that's going to be up to council when this goes before council for further action? I'm trying to get a sense of where to look next for an understanding of what happens to these recommendations?
- Ginale Harris: So I believe so Commissioner Gage, I believe so. There was no attachments to these recommendations, there was a little bit of background to each recommendation on the groups that were working on the recommendations itself. And so my thought is that only 10 recommendations I think because I wasn't very clear are going to be moved forward. I'm unclear on what is going to happen to the rest, if any. And I don't know if it's going to be decided by the city council to work out the kinks with that group that came up with that recommendation, it was never discussed.
- Henry Gage, III: So, to follow up quickly, so I'm looking at the document titled final recommendations that's on the city website and it appears to have somewhere in the neighborhood of 166 total recommendations with somewhere in the neighborhood of 120 actual recommendations. Are you saying that less than that number are going to be sent to council for further action?
- Ginale Harris: Yes, absolutely. We've discussed that in the task force, it's not reasonable to send 166 recommendations, it's just not. There will be no way that city council will get through those. I mean, I'm not sure. I was told 10 would make it to city council, but things changed because in our last meeting we didn't have 166 recommendations and now we do. So I'm not real clear on an



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

outline on how they put these together. I mean, we voted on every single one and all of those did not pass, so I don't know how they came up with 166.

Henry Gage, III: I should apologize, I think I have the wrong tab and it looks like there's somewhere that 89 recommendations that have been approved.

Ginale Harris: Yes, that's correct.

Henry Gage, III: The most recent data on the spreadsheet is 317. So I'm imagining that if you met subsequent to that, there might be changes.

Ginale Harris: Yes, there will be changes, which is why I did not have very much to report back. We just got an email from the facilitator, they have not finished the final product as of yet. But again, it's only a week after, not even a week after. I just in your last commission meeting, I told the chair I would come back and report back in hopes that we might have some finalization, but as of yesterday we didn't. So there is something further coming.

Henry Gage, III: Okay. Thank you. And thank you, Chair. That's all for my follow-ups for now.

Regina Jackson: Certainly, thank you. So Commissioners Garcia, Jordan and Peterson.

Sergio Garcia: Thank you, Chair Jackson. And thank you, Commissioner Harris for this extraordinary work that you and others on the task force have made. It's an astounding, just an astounding amount of work that I'm sure went into processing all the activities and thoughts around the well over a hundred recommendations. I had a lot of questions along the lines of Commissioner Gage, I'm not going to repeat them here about process moving forward. So I'm left with just one quick question, and that is in your view, Commissioner Harris, which recommendations might have negative impacts?

Ginale Harris: Well, there was a lot of discussion in regards to have the civilians taking over traffic division, and I think in a perfect world, I would agree with that. But we have almost 20 homicides here in the flatlands as of January. And so for me, I'm just not clear if one would hire the right people to do it because it, again, it would still be under the city administration. And, two, I think somebody is going to get hurt, not realizing what's around. Every area in Oakland is not the same, right? And I live in District 7 and it's dangerous, so we have people get shot, stabbed, robbed.

Ginale Harris: Every day I get pins on my citizen app, and there's just some things you can't do. And so I was one that did not agree with having civilians deal with that or knocking on people's doors after a burglary or a robbery to take a report because it's after the fact. That's one that comes off the top of my head. The other one is they wanted to move... Let's see, there's so many. If I had them in front of me, I would be able to go through them line by line, but what I can do is come back and give you... Or, yeah, I can come back and give you just my thoughts on some that they want to that doesn't have to do with public safety, I can do that.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Sergio Garcia: That would be very helpful, Commissioner Harris. And thank you again for your thoughtful approach to these over hundred recommendations and for your great work. Thank you.
- Ginale Harris: What I will say though, commissioner, is that all of the work that we've done is on the website. All of it is up there, every single recommendation with all explanation on what it means, and I think that is important for you to understand. So you'll see a line that says 59 and it'll give you a brief synopsis of what the name of it is, but there's stuff behind it. And so you need to see how people worked in groups to come up with these recommendations. I think it's important for the public to understand the perspective on where people were coming from, and it was a lot of research. And a lot of it, we couldn't get some of the answers for, and that was another thing is I didn't understand how some of the recommendations move forward when we didn't even get any of the documentation that we needed to press on with the recommendation, but yet it was voted on.
- Regina Jackson: Thank you, Commissioner Harris. Commissioners Jordan and followed by Peterson, please.
- David Jordan: Thank you. Thank you, Ginale. I mean, I also was on that call last week, the marathon call, although I did not have the stamina to stay until almost two in the morning. There were some debates around some of those recommendations that seem a little peripheral to the public safety, and from my perspective that I found difficult to maintain focus on. I do find it really difficult also to be flat out critical of re-imagining. I think that the intention was good, I do think that from jump, I don't know if it was given enough resource and timeline truly be effective. It seems from inside and outside to be a fairly chaotic process. And it was a lot of in the effort to be sort of community-centric can sometimes be a detriment to pure efficiency, but pure efficiency is not always the point in these things.
- David Jordan: And my understanding of basically the things that Commissioner Gage and Commissioner Garcia were asking around who would be taking some of these things on? It seemed like the intention was to leverage the ongoing work of CBO's government city agencies and the work of the commission and ours and others, public safety and so forth to continue or dovetail some of those things together. For instance, the ordinance that I was discussing earlier was one of those pieces as was the [inaudible 02:36:29] as was macro, which has had a little bit of a fraught experience through the last year and till now.
- David Jordan: I did find from my perspective, and I'll be honest, I had to step back significantly at a certain point largely because my ad hoc work was conflicting with the advisory board. And just at time you can only volunteer for so many things while still holding down a job, I suppose. But I did have significant questions about the mechanics of how some of these recommendations were going to play out. And at the time, at least maybe this changed after the time, I sort of stepped away a little bit, at the time I was told that we were just there to blue sky sort of ideas and be sort of bold and just sort of not concern ourselves with how it actually works and that will be left to the task force members and then the facilitators and the council essentially as to how it goes.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

David Jordan: But it is a real concern that so many of these things were put forward as I feel like some of it is. The message is a little diffused and I hope that they are able to sort of parse it into the really essential things that are doable or at least break them out into sort of reasonable timelines. And I know that is part of the attention is take as many as they can that feel reasonably effective and accomplishable and lay out a sort of overlapping timeline to address them as those that need funding, those that need legislation, those that need policy to move forward, and there are all of those things.

David Jordan: So, it's a very complex thing, but at the same time, it was a very bold step I think that it really pushed forward the ideology more than anything. And it kept a lot of the things that had been in the front of people's minds this past summer, at least in some people's the forefront of some people's minds. And I think that's helpful and hopefully people there's enough better energy to hold the council and the mayor's office accountable to sort of accomplish some of these things, ideally the most valuable. Thank you.

Ginale Harris: Well, I will say Commissioner Jordan, the basic income was one of the recommendations that was voted on and behold we have a basic income program. So that was a little odd to me. And to be transparent, we were there to 1:45 in the morning. And a task force member brought up the fact that she felt that this is violence, that it was violence, that we were held there till 1:45. And a lot of task force members dropped off, so they weren't able to vote, which I thought was very suspect as well, and I didn't think it was fair at all. So, I don't really know if even voting mattered because a lot of people were not able to hold stamina til 1:45. People had to get up at 5:00, I was one of them, but I wanted to vote. And so those who didn't vote, it was just kind of like, "Oh, well, you're not here, you don't vote."

Ginale Harris: And so, I think that was a very suspect way of getting things passed as well. So, I mean, I just think the whole process was not really thought through all the way, because there were so many people. And I'm just hoping that... I'm just curious to know how these recommendations are going to be narrowed down and which ones are going to be put forth. So, I'm holding onto my seat, just waiting for the facilitator to put forth the recommendations that will come before the city council.

Regina Jackson: Thank you. And then finally, Alternate Commissioner Peterson.

Marsha Peterson: Thank you, Madam Chair. And former Commissioner Harris, this is a massive piece of work. It's awesome. I think you might have, in your last sentence or so, answered my question. The facilitator is going to come back with a more paired down version of all of these recommendations, is that your next step in this process?

Ginale Harris: I believe so. At our last meeting, til 1:45, we voted on the last set of recommendations. So, it was very difficult to tally everything we were voting on. Some recommendations got squashed together, some were one on top of the other, 59 with 88. It just got very, very confusing by 1:45.

Ginale Harris: So, I checked in today, because I said, "Hey, I have to do a report back. And the Police Commissioner is interested to know how we are going to move forward." And we got an email



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

saying that they're coming. I mean, it is a lot of stuff, so I get it. I didn't think we would have it by now, but I was hopeful. But yeah.

Marsha Peterson: Okay. So then, for instance, you have on Number 38, "Eliminate the BearCat." And then Number 43 is, "Demilitarize the police department." And of course, on the agenda tonight is our recommendation, for instance, that two years to replace the BearCat. But I understand your committee has recommended six to eight months. So, is it foreseeing that some elements in these recommendations, some of these items will be deferred to certain other committees, or task force, or departments in order to avoid redundancy?

Ginale Harris: Well, from my understanding. I tried to explain that to them. Anything that is under the Police Commission privy should be with the Police Commission. It should be under our umbrella for the task force. However, we still voted on it. So, I don't know.

Marsha Peterson: Okay.

Ginale Harris: Yeah.

Marsha Peterson: All right. Well thank you so very much. And certainly hanging till 1:45 in the morning to accomplish this, I commend you.

Ginale Harris: Thank you.

Regina Jackson: Well, commissioner Harris, I'm confused too, and I hate that you've had to spend so much time to find yourself in this scenario. I know that we're going to go to public comment, but I'd like to ask if you think that it would be timely to come back one more time, like at the end of April, since it sounds like it's taking them quite a while to kind of figure out where things will live, what will really be approved, and what other processes you're going through?

Ginale Harris: Well, my intent is to see this thing through. You gave me a task and I plan to see it through. So, I will come as long as they have a Re-Imagining Public Safety Task Force, I will continue to come and report back to the Police Commission.

Regina Jackson: Well, thank you very, very much. And we want to, again, make sure we don't misuse your time. So, tentatively we will look at, I think it will be April 22nd. But you let me know, I'll reach out to you while we're getting the agenda together to see if you think that you have what you need to be able to report on. And we will just take your lead. Okay?

Ginale Harris: Okay. Very good.

Regina Jackson: Okay. Thank you. If you'll hold on tight, just because public forum may come up with some questions.

Ginale Harris: Yep.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Regina Jackson: Okay. Thank you so much. Mr. Rus?
- Juanito Rus: Madam Chair. If any member of the public wishes to speak on Item 6 on tonight's agenda, please raise your hand in the Zoom queue, and you will be called in the order in which your hands are raised. The first-hand in the queue on this item belongs to Kevin Cantu. Good evening, Mr. Cantu.
- Kevin Cantu: Good evening, everybody. I would urge you not to get hung up on the task force's procedures or the near summary given here by participants today, and look forward at the many quality suggestions made by the task force in good faith. Amongst them, many of this Police Commission can take inspiration from and pursue further now.
- Kevin Cantu: For example, 38, 49, 54, and 55 are, are things that could be implemented. And for example, 49, about establishing some regulatory oversight over published data from OPD, it was written so that the commission and the department could implement it now. So, I think you should look at the future here and take inspiration from this, and do what is within your power. Thank you.
- Juanito Rus: Thank you, Mr. Cantu. The next speaker in the queue is a telephone attendee with the last four digits, 5802. I believe that's Mr. Saleem Bey. Good evening, Mr. Bey. The floor is yours.
- Saleem Bey: Yes, good evening. [inaudible 02:47:37] I was going to say that we respect Ginale Harris's work, and the fact that she put the time and effort into actually knowing the intricacies of what's going on versus everybody dealing with it once every two weeks or once every other week. And I think [inaudible 02:48:03] respect to what she said, and everybody else's stuff is actually opinions. Thank you.
- Juanito Rus: Thank you, Mr. Bey. The next speaker in the queue is a telephone attendee with last four digits, 7935. I believe that is Mr. John Bey. Good evening, Mr. Bey, can you hear us?
- John Bey: Good evening, this is John Bey. I would just like to thank and commend Former Vice Chair Harris for the work that she's done. And if she would be willing, I think it would be wise for the commission to find a way to keep her involved, seeing this process through, at the behest of the commission or as representing the commission, since she's been involved, whatever she decides would be the best recommendation to go forward for the commission or to push council to enact. That would be probably the best use of her time and the best resource for the commission, because we have to kind of understand this was initially a process set up to fail so that OPD would not be held accountable.
- John Bey: So, that's why it ballooned into something that is unmanageable in such a short amount of time, with limited resources. That's a recipe for failure, and that's what Oakland OPD in particular is famous for. And as I read the headline of the universal income, I was wondering what the backstory was, and Former Vice Chair Harris gave us a little insight into that.
- John Bey: So, I don't find that odd at all for Libby to be an opportunist at the time, she may be looking for a higher office. But nevertheless, I think something needs to be done. Former Vice Chair Harris is,



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

right now, one of the most knowledgeable people advising the commission. And so, we might as well continue to utilize her expertise, her drive-

Juanito Rus: Mr. Bey, your time has expired. The next speaker in the queue is Omar Farmer. Good evening, Mr. Farmer, the floor is yours.

Omar Farmer: Good evening. Thank you. I just want to tell Vice Chair Dorado that Recommendation 39 was not adopted, but Recommendation 40 was, which involves the community resource officers. If you check out that graphic that I emailed you this morning, there's a breakdown of that. And there's a link to the actual recommendation, so you can check that out.

Omar Farmer: And then, in regards to Recommendation 38, for the BearCat, the intent was to put those ideas in the hands of whoever has the authority to implement those options. And I reached out to multiple commissioners last week to discuss it before the final vote, which is when it was adopted, and the options in there, the purchase of a new vehicle is going to be more than likely over a hundred thousand dollars anyway. So, that has to involve City Council approval, according to the purchasing presentation that was provided to the ad hoc members on February 24th.

Omar Farmer: So, we're just putting out those ideas to help try and get this timeline as fast tracked as possible, and it was before the resolution was posted. So, I hope that helps clear up some confusion. And during public comment for Item 7, I'll be here if you have any further questions. Thank you.

Juanito Rus: Thank you, Mr. Farmer. The next speaker in the queue is Jennifer Tu. Good evening, Ms. Tu.

Jennifer Tu: Hi. Thank you. I'm pretty excited to hear that Omar Farmer is going to be here for the next item, since I believe that there were some questions from the commissioners around the specifics of the timeline. I was looking at the Recommendation Number 49, which one of the previous speakers had mentioned, and a lot of this sounds like something that the Police Commission could act on today.

Jennifer Tu: So, it looks like 49, and I'm still kind of skimming it right now. It looks like it asked for OPD to provide the number of units that respond to each call for service, and to make that part of their publicly released data. And it also looks like it instructs OPD to use existing staff or hire someone to be dedicated to publishing consistent and usable data, so that way the community can analyze that on a monthly basis. And that also seems like something that the commission can ask OPD to do, and for Chief Armstrong to consider doing on his own.

Jennifer Tu: And then, the other part of 49 that looks like something that is super actionable right now, is designating some kind of an independent entity to review the types and format of the published data and how it might be used by the community, and for the entity to meet on a quarterly basis. So, I would ask the commission to consider looking through the report and looking for recommendations that could be implemented today. Thank you.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Juanito Rus: Thank you, Ms. Tu. The next speaker in the queue is Joseph. Excuse me. I lost my clock there for a second. The next speaker in the queue is Joseph Mente. Good evening, Mr. Mente.
- Joseph Mente: Can you hear me?
- Juanito Rus: We can hear you. The floor is yours.
- Joseph Mente: Joseph Mente. I want to echo the comments of others, including Former Commissioner Harris, that a number of these recommendations are within the jurisdiction of this commission and could be acted upon now. There's really no need to wait for City Council. I mean, some items would need to go to the council, but there are many, many, many that do not. That's all. Thank you.
- Juanito Rus: Thank you, Mr. Mente. The next speaker in the queue is Assata Olugbala. Good evening, Ms. Olugbala. Can you hear us?
- Assata Olugbala: Yes. I thought it was interesting today, at the Rules Committee meeting, the item of the task force report was on there and being assigned to the... I don't know if it was going to committee or straight to council, but the question came up from Cobb, isn't it going to be necessary for each one of these recommendations to be reviewed by the city attorney for viability and other issues? So, I know the city of Oakland, this is going to become a stall tactic because we've requested issues where the city attorney has had to review, and it went months and months waiting for them to come back with a report.
- Assata Olugbala: Second, I listened to a lot of the meetings, and only weighed in one time because I wanted to give people a chance to do their work, it's a lot of work. And the one time I weighed in was when the five African-Americans came up with the guiding principles, and I was so mad that the people who live in the community impacted were being challenged by people who have no idea unless they read about it or go observe it. What they needed to have happened.
- Assata Olugbala: And then, there were majority of the people who were participating are members of nonprofits or social justice groups, and I get the feeling that people are doing things to make sure that at some point they can get weighed in on their group getting something. The African-Americans were not represented to the point where you could see that strong voice. I don't think the Latinos had a stronger voice, they should have had more of a voice as well. Thank you, Ms. Harris, for your service.
- Juanito Rus: Thank you. Miss Olugbala. The next speaker in the queue is Reisa J. I believe that's Ms. Jaffe. Good evening, Ms. Jaffe, can you hear us?
- Reisa Jaffe: Hi. Yeah. I just want to echo the suggestion that the Police Commission look for recommendations that are in your purview and that don't need City Council, because that is a big list. We knew going into it that this was a big process, and this was really just the beginning of re-imagining. So, whatever you all can take under your purview, I know you have full plates, but if there's anything



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

that's actionable that you think is a priority, highly support you all taking action on those items. Thanks for your work.

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

Regina Jackson: Okay. Thank you very much. Again, Commissioner Harris, thank you for providing a significant overview of the process and the context. And I'll talk with you offline too, to make sure that your next presentation is hopefully one that you feel much more clear about, and that they weighed through. So, thank you again. At this point, we're going to move forward to the next item, which is the Resolution on the Retirement of the BearCat. I would like to defer to Commissioners Gage and Jordan, who have worked, have labored on this document for context and overview.

Henry Gage, III: Thank you, Chair. I'd like to start with an apology. In the past, I generally try to draft explanatory memoranda to help explain the action that's being requested at this commission. And these memos are important because we are prohibited by law from discussing proposed legislation with the full commission outside of meetings. And due to time constraints, I was unable to do so with this item. And I apologize for that omission. I sincerely hope that our ad hoc committee can provide sufficient information for this commission to take action upon.

Henry Gage, III: Second, some of the public comment we received this evening has made me realize that we neglected to include a clause regarding transfer restrictions. I've drafted some language that I think will fill in that gap. It was certainly unintentional, and I can propose that amendment at a later time. Returning to the proposal itself, I'd like to provide an overview of what we're presenting tonight and give a rationale for the selected timeline, because I've already received a number of comments with respect to the timeline itself.

Henry Gage, III: I think that that needs to be discussed in terms of how we came to the deadlines we came to. As an overview, this proposal outlines a process by which the Oakland Police Department must prepare for and implement the replacement of the BearCat with another vehicle. Now, this process provides OPD with six months, with an outside window, to identify a suitable replacement vehicle. Once presented with the proposed replacement, the commission would then have 60 days to convene a public hearing on the suitability of the proposed replacement.

Henry Gage, III: If OPD's proposed replacement is determined to be acceptable, the department would then work with city staff to complete the procurement process. And this entire process, from start to finish, is estimated to be able to be completed within 24 months. It's two years, that's the outside window. As has been pointed out by the public, the selection of deadlines is an important part of this process.

Henry Gage, III: However, we have to identify achievable deadlines and that's become difficult because we're discussing a purchase one, by OPD two, using delegated authority from the City Administrator. Now I'm not a budget expert and we will likely need some assistance from the city to navigate this process. But a current understanding of how this would work is that under the municipal code, the City Administrator can authorize purchases of up to \$250,000.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Henry Gage, III: When using this authority, the administrator must conduct a competitive solicitation process. This process includes formal advertising and bidding processes that are required for purchases of more than \$50,000. Now, our intent is for OPD to present responsive bids, for the commission to hold public forum on these responsive bids, and for the commission and OPD to propose a purchase of a vehicle after a public examination of the responsive bids.
- Henry Gage, III: The first six-month window is designed to provide sufficient time for the department to create an appropriate RFP, for that RFP to go out for bids, and for bids to be received. You must also consider the very real possibility that the RFP may need to be re-advertised and that the RFP may need to be revised if initial bids are non-responsive. The second 60 day window is designed to provide sufficient time for the commission to organize and hold a public to review responsive bids with OPD.
- Henry Gage, III: You know, we're volunteers, we don't have staff to do this work for us, and we're going to need some time to organize events. I don't know if we'll need a full 60 days, but that's certainly a reasonable window within which the commission can get its act together, and to conduct sufficient public outreach. Now, once a responsive bid has been identified by the department as the lowest responsive bidder, there are other aspects of city government that come into play.
- Henry Gage, III: For example, the City Attorney must review a proposed purchase agreement, and potentially other addendums. This process can take time. And the department has advised that the procurement process could take 12 to 18 months from the date that a proposed vehicle is selected. Now keep in mind, that's 12 to 18 months from the date that a proposed vehicles selected, not from when we start the process. And selecting that proposed vehicle is itself, one pick time. After combining this 12 to 18 month estimate with the previously discussed windows, we decided to provide for a 24 month window for the completion of this entire process. Given the interlocking processes at play, we've concluded that 24 months is a reasonable and an achievable deadline.
- Henry Gage, III: Some of the comments we received has also raised the issue of enforcement. This is a tricky issue, and it's one we should discuss before we get too deeply into the words of the language itself here. We have, and to be frank, we have limited policy authority over OPD. We have no control over OPD's budget. The action we are contemplating sits in a gray area between policy and operations. As such, if we can't cooperate, we're going to have to litigate.
- Henry Gage, III: And litigation, even if that means going to City Council first and trying to get backing, successful or not, can take time. Fortunately, OPD leadership and the Commission are in agreement that a replacement vehicle should be identified and procured. This means that we have an opportunity to work with the department to accomplish a shared goal.
- Henry Gage, III: We could start throwing punches, sure, but we don't need to. At least, not yet. I'd ask the members of the public, when considering the action we're about to take, keep in mind that it is not at all clear whether we can force the department to do exactly what we'd like them to do. We



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

are taking best efforts to use the powers we do have to implement a reasonable change here. And it's important to all parties that we all understand footing on which we're standing.

Henry Gage, III: With that, I have some other statements I can make about additional comments we've received. I'd like to hold those for now and turn things over to Commissioner Jordan, if he'd like to provide additional context. And I'd also like to ask any commissioners if they have any initial questions that we can address right now.

David Jordan: Yeah. Thank you, Commissioner Gage. And thank you for that very cogent laying out and framing of the decision-making process. If only it was that clear cut when we first began. This was really sort of developing the ideas out of whole cloth, in some ways. We had an ideal of where we wanted to be and kind of had to back our way into a timeline. And a lot of that was around things that, as Commissioner Gage said, are largely out of our control.

David Jordan: When we make these kinds of resolutions, these are non-binding resolutions. This is the policy that the... The training bulletin that we put together, that's enforceable. The ordinance that we've put a lot of work into eventually, ideally, that is passed soon. That increases our ability to enforce policy and oversight and reporting, and what happens in the future, which I think is in some ways the most important part.

David Jordan: And so, I knew as soon as I saw that 24-month number, people were going to perceive that as too long. I know that people want this to happen within this calendar year. We've been discussing it since mid-last year. At no point, did any of the members of the ad hoc, I think even the members of the department who were part of that ad hoc really... Well, I won't speak for the department. I think that they are sympathetic to our perspectives, the community members and all three commissioners who were involved.

David Jordan: As well as going back to the previous trainable incidents that were the other two bulletins that were not about the BearCats specifically but were adjacent. It was always part of the conversation that removing the BearCat would be the end goal. The community voice we heard really helped move the needle. I think that it helped with the department being so much more forthright around their intention to move forward with getting rid of the BearCat, and I think that that is super helpful.

David Jordan: As far as sort of the recommendation from Re-Imagining, I imagine that that's sort of part of what Commissioner Gage would like talk about next, so I won't sort of step on his toes. I will say that I had extensive conversations with all community members of the ad hoc regarding the final outcome, the final draft of the resolution, and took into account all of their perspectives as much as I could. But in some ways we are bound by hard facts and law, as much as we would all like to snap our fingers and see it go away.

David Jordan: That's not really within our power, and doing something here, writing a resolution that is attainable, I think is very important. If we start demanding things that we know we're not going to get, then we lose credibility from all sides, from the community, from the department, from City



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

Council, we need... It's a little bit of a tight rope walk, and I'm not asking you to be overly sympathetic, but I also ask that you sort of understand our perspective somewhat. Thank you.

Regina Jackson: Commissioner Gage, I see a hand up from Commissioner Garcia. Did you want to take your questions now?

Henry Gage, III: Yes, please. That'd be very welcome.

Regina Jackson: Thank you. Commissioner Garcia?

Sergio Garcia: Thank you, Chair Jackson, and thank you, Commissioner Gage and Jordan for that very helpful background explanation of all the work that you guys at the ad hoc has been doing on this for some time, preceding my arrival here on the commission. So, I guess my question is just trying to, now that we've heard the recommendations of the task force, first question that I have is, is I'm trying to reconcile the timing that is in the Re-Imagining Public Safety Recommendation on the BearCat with the proposed timing in our resolution. And I'm wondering why there's such a big gap considering that the Reimagining Public Safety Task Force includes City Council members who presumably understand how timing would work for OPDs requests for a new vehicle to replace the BearCat. So that's one question, if you could speak to the differential between what is in the Reimagining Public Safety recommendation and what is in our resolution. I want to stop there now. I'll wait to ask my second question.

Regina Jackson: Okay. Commissioner.-

David Jordan: Commissionaire Gage. Sorry. I was going to ask Commissioner Gage if he wanted to start. I'm also happy to respond. I have a perspective on this as well, but go ahead.

Henry Gage, III: Thank you. So, I spent some time looking at the task force recommendation and I've spent some time looking at the city purchasing ordinance and I'm having a hard time reconciling the task force's recommendation with the city purchasing ordinance. There's a couple of issues that I'm seeing. One is that there is no specialized equipment waiver in the purchasing ordinance. The code contained sections that allow for waivers when either the council or the city administrator's considering professional services agreements. The vehicle purchases are not professional services agreements. Similarly, the code allows for waiver of competitive bidding is language that uses impractical, unavailable, or impossible. There's also waiver language if it would be in the best interest of the city to skip the competitive bidding process. But it's important to note here that competitive bidding rules are designed to prevent sweetheart deals using city money. And contrary to some of the statements made in the recommendation, competitive bidding is appropriate for this purchase.

Henry Gage, III: Armored vehicles are not a sole source product and the Armored Group is not the only vendor with potentially responsive products. Additionally, OPD has already noted that a second suburban would not meet its needs. With respect to council approval, perhaps it was a section I'm unaware of, but I don't believe that council needs to approve a purchase that falls within the city



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

administrator's discretion or authority provided that the city has a sufficient budget for such a purchase. And that second part is really a key issue here because at this point it's unclear whether council would need to allocate additional funding for OPD to purchase a replacement vehicle.

Henry Gage, III: The bigger issue with the issue of timeline that I'm seeing here is that right now the department is telling us that after replacement is identified, the procurement process will take between 12 and 18 months. Again, that's 12 to 18 months from the date the replacement has been selected. If we want to change the timeline, we need better information than saying that the claim could be... That this process could be completed in six to eight months, because if the department is telling us 12 to 18 and I'm seeing the need for competitive solicitations and I'm not saying that waiver language is applicable, it's hard for me to argue that the department's statement in this matter is unreasonable and isn't supported by fact.

Sergio Garcia: Got it. Thank you. Thank you, Commissioner Gage. That's very informative. And on the issue of getting out of these requirements, would it be feasible to find potential alternative funding sources such as to the California Grant Program? Cops Program. Would that get OPD out of these strict bidding timeline requirements?

Henry Gage, III: If I understand correctly, again, this is not my wheelhouse, so to speak. I'd have to ask someone from the city to provide more specific information. My understanding is that the source of funding doesn't necessarily preclude the need for competitive bidding. There is a section in the municipal code that talks about how certain types of grant funding if... I'm trying to find this section as we're speaking. There is a provision that speaks to grant funding, allowing the granting city in this case to get around the more strict elements of the purchasing ordinance.

Henry Gage, III: So, that is possible. But again, that's kind of a question that we need to get to if indeed grant funding is used as opposed to some other type of funding, general fund, current funding for the department. And again, we're not even sure if the department has current funding for this sort of purchase. So again, this is the sort of thing that we need to tell the department, "Hey, put together our fee." Identify funding and that process starts, and we know which track we're actually going to take. Until then, this is all kind of academic.

Regina Jackson: I think Commissioner Jordan wants to jump in on this question.

David Jordan: Thank you. Yeah. So agreed. When I was first made aware of this potential recommendation, as I said, I did follow up with all members of the Ad Hoc. Community Members of the Ad Hoc. Spoke to Omar Farmer at length about this and my goal was not to shut him down or... And he came to me in good space to have a conversation about this. I didn't perceive it as an attempt to undermine us and I think that his motivations in developing this alternate strategy are well-intentioned. But the whole thing sort of hinges on a concept that I don't know is especially achievable to that end. That did reach out to Councilman Lauren Taylor, who is both a part of the task force proceedings and has been attending all meetings and is my Councilman on my district who I communicated with in the past regarding some of these things about whether there would be any inclination.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- David Jordan: I assumed that he was at least somewhat aware that this was in the offing. And I unfortunately did not hear back from him. I did make it clear that we were... This is before we finished our final draft that week. I first found out about this recommendation essentially the week we were finalizing the draft just before it was going to be released on the agenda. And I hustled to have multiple conversations with people to really find out if this was a viable option, because if this was a viable option that we had not seen or were not aware of I don't think anyone is so precious about the things that we've developed here, that we aren't willing to modify them or adjust or move in the favor of the better, if we perceive that it is that.
- David Jordan: And what I told Mr. Farmer at the time was that I just didn't have faith that this was going to be something we could accomplish, especially given sort of the tenuous nature of our power to enforce this resolution in any way. So that's sort of where, I stand in house of my communication with other members of the Ad Hoc. A lot of them. Thank you.
- Sergio Garcia: Thank you, Commissioner Jordan and Gage on that topic. Now, separate and apart from the deadlines in the respective resolutions or recommendations from the task force and our resolution. And this was mentioned in public comment as well. And I listened carefully to the objection and read the resolution again.
- Sergio Garcia: And the resolution certainly still leaves open to the possibility that the Oakland Police Department can either transfer or resell the BearCat for use by another law enforcement or police department. And if you can speak to that issue and why that possibility is still in the resolution, when there's so much opposition to transfer the BearCat vehicle to another law enforcement agency.
- Henry Gage, III: Let's speak to that briefly. That was not an intentional omission. And at the appropriate time they have some language to propose as an amendment to close that gap. There's something that we had discussed, we've talked about that was in the back of our minds, but for whatever reason did not make it into the draft or so. So, we decided we can fix that easily.
- Sergio Garcia: Perfect. Thank you. And I've taken too much time. Thank you, Gage. Thank you both.
- Regina Jackson: Great. Thank you. So Commissioner Gage, can we go to public comment now or did you have more to share?
- Henry Gage, III: No, nothing. Oh, I'll say that I very much agree with Commissioner Jordan's statements that if there is a way this process can move more quickly, given the powers of this commission in the way in which city purchasing processes operates we'd like to hear about it. Our intention here is not to say that two year window we have proposed is the only potential or possible way that's going to happen. If there's a better way, give us some authority, give us a citation. We'd happily consider, we'd happily come back and incorporate that. Until we get that information this is what we come up with as the best we can do for now.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Regina Jackson: Okay. That sounds good because of the lateness of the hour, I'm going to ask that public comment be reduced to one minute because we still have a substantial part of the agenda to go through. So, I'm hoping that that will work well. Mr. Rus.
- Juanito Rus: Thank you, Madam Chair. At this time, if any member of the public wishes to comment on item seven in tonight's agenda, please raise your hand in the Zoom queue and you will be called in the order in which your hands are raised. The clock has been changed to one minute. The first speaker in the queue is Omar Farmer. Good evening, Mr. Farmer. You have the floor.
- Omar Farmer: Good evening. Chair, is it possible to get three minutes just so I can fully give you all feedback on everything that's been discussed so far? Is that possible? I know it's late but...
- Regina Jackson: I would prefer that you try and do the one minute and we can go through all of the people. And then if we've been able to be efficient then I can call you back again. Okay?
- Omar Farmer: All right. Sounds good. Okay. All I was going to say is that, to me the two year timeline in the resolution kind of represents a step backwards instead of forwards. Because as a member of the Reimaging Public Safety Task Force, we put forth 30 plus recommendations that were aimed at strengthening the police commission and or assisting with OPD and changing its culture from a warrior to a guardian mindset. But the length of this resolution actually prevents that. I laid out those recommendations in a graphic and send it to the commissioners this morning to help you all fully put that into context. And FYI, the timeline for the vast majority of those according to the authors is one to two years.
- Omar Farmer: So, it's going to be difficult for everyone invested in Reimaging Public Safety to forward if the BearCat is still allowed to be used for the next two years. I propose an eight month timeline on this laid out and recommendation 38 on behalf of my working group to keep that process on track. If OPD commits within the resolution to recommend a city council who will have to sign off on this since it's a purchase for over a \$100,000 I think if they would state that this should be... Am I up now?
- Juanito Rus: Your time is up. I'm sorry. The next speaker in the queue is John Lindsay-Poland. Good evening, Mr. Lindsay-Poland, the floor is yours.
- David Jordan: Hi, I had the same problem with time. I appreciate the thought and work and listening that you all have put into this. I want to just review for you something that happened in 2019 with the Cops Grant that Commissioner Garcia referenced. In February, the department presented a proposal to use the Cops Grant to fund a training helicopter. In April, it changed its proposal to use the Cop's Grant to fund the BearCat. In May, the City Council approved the Cops Grant, but not for the BearCat. And in June, the department came back to the City Council with a change to use the Cops Grant, to fund two motorcycles and a virtual training. So, I would like to hear that department on record on whether that kind of timeline is possible to use the Cops Grant. And if not, why not? They get \$660,000 every year reliably. It should be possible. Thanks so much.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Juanito Rus: Thank you, Mr. Lindsay-Poland. The next speaker in the queue is Joseph Mente. Good evening, Mr. Mente, can you hear us?
- Joseph Mente: Yes. Can you hear me?
- Juanito Rus: Hey, you have the floor.
- Joseph Mente: Hi, Joseph Mente, District one. I'm all for achievable deadlines, but I really appreciate the research the Commissioners Gage and Jordan did, but I really question the timelines here. First, six months to select a viable replacement? That's completely ridiculous. Have a viable replacement now. I want to hear from OPD, what are the reasons why the existing army SUV would not work? I'd like to hear what they currently use as a replacement vehicle when the Bearcat is in the shop, which is often that is backed by data not just vague notions and fantasies. OPD claims that the BearCat is a rescue vehicle.
- Joseph Mente: How many times has OPD used the BearCat when it was the only viable vehicle for the needs of that deployment? Was it more or less often than was used as a shooting platform? Going with the existing solution because they have five months right there. Secondly, I get that it takes an excruciating long time to get things done in a large administration but 12 to 18 months to procure a vehicle after it's already been selected as completely bonkers. Three to six months is a much more reasonable timeframe. Yes, there are limits to what the Police Commissionaire can mandate, but there's no need to throw punches right now. But there are ways to get this done with the cooperation of OPD administration. Thank you.
- Juanito Rus: Thank you, Mr. Mente. The next speaker in the queue is Jennifer Tu. Good evening, Ms. Tu.
- Jennifer Tu: Hi. Thank you. I just want to remind everyone like what John Lindsay-Poland said earlier that OPD came to the commission in 2019. In the summer of 2019 because they wanted to replace the BearCat. The BearCat what was funded in 2008, it is past its lifespan at this point and two years is not going to work with the department's needs. So please, go with the task force recommended eight months' timeline. Commissioner Garcia raised some questions around that timeline and how it might work. I believe Omar Farmer was trying to answer exactly those questions and he offered in that during the previous item to be around to answer those questions for the commission. Please, give the rest of my time to him. Thank you.
- Juanito Rus: Thank you, Ms. Tu. The next speaker in the queue is Kevin Cantú. Good evening, Mr. Cantú.
- Kevin Cantú: Good evening again. I think it's inappropriate to limit our time just because this is a topic that members of the public are interested in talking about. And I think it's kind of sketchy not to give a little bit more time to members of the Ad Hoc who have more detail about the specifics of the history and potential options going forward here. I've not been convinced that the BearCat has a real need and that it's not just an attempt to address some almost entirely fictional TV, movie, scenarios with terrorist attacks or whatever. I'm not convinced that OPD needs it. And I urge you



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

on any timeline to end the use of the BearCat and APCs and other technology like this from the military. Thank you.

Juanito Rus: Thank you, Mr. Cantú. The next speaker in the queue is Assata Olugbala. Good evening, Ms. Olugbala.

Assata Olugbala: Yeah. So, I wish some time would be given to the fact that we need to consider what methods can be made available to protect police officers. That officer that was killed and caught a while ago was the father of seven children. It disturbs me that whatever could have been done to protect him didn't happen. With the BearCat is identified as a protective tool, not a scare method, not some win. When you have active shooters, when you have a domestic terrorism and military terrorism going on, you've got to have ways to protect officers. Have some compassion for police officers. If you want to get rid of the BearCat, come up with alternative protective method so we don't lose officer lives.

Juanito Rus: Thank you, Ms. Olugbala. The next speaker in the queue is Tracy Rosenberg. Good evening, Ms. Rosenberg. Can you hear us?

Tracy Rosenberg: Yes, I can. Thank you. And good evening once again. I just want to say thank you for the resolution, but I do want to encourage you to look at a timeline of approximately half of what's been put forward. Your resolutions are of course only that. The council has the opportunity to mitigate or alter if that proves it to be the case. But from everything that I've heard, the purchase of an armored vehicle that is not a tank is an achievable thing. As John had mentioned, the Cop's Grant funding is there and from everything I've heard the BearCat is on its last legs beyond its expiration date and likely isn't even going to be workable in two years. So, I think we are going to an extreme on the timeline and something like 12 months would be more appropriate. Thanks.

Juanito Rus: Thank you, Ms. Rosenberg. At this time, Madam Chair, I have...

Regina Jackson: Mr. Rus. Where'd you go?

Juanito Rus: My apologies. At this point, I have Mr. Farmer in the queue but no one else, Madam Chairman. May I put you [crosstalk 03:33:08]?

Regina Jackson: Okay. Thank you. You can give him propounding two minutes that he requested.

Juanito Rus: I will do that. Mr. Farmer, you have the floor. Two minutes.

Omar Farmer: Thank you very much. So, what I was saying was that to keep the process on track for an eight month timeline. If OPD recommends for this to be fast tracked due to it potentially being a single or sole source situation, or because it's a specialized piece of equipment which OPD has referred to it as. I have the references for. And/or that it's in the best interest of the city to go around the bidding process due to the BearCats troubled history, such as it being used as a shooting platform in the Pawlik killing or something to that effect. All of that would support a faster timeline. I



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

appreciate Commissioner Gage's feedback on the purchasing ordinance, but in many cases you can choose a single source provider based largely on the price offered by a specific vendor. And they have a vendor, the Armored Group that they settled on previously so that may be the case.

Omar Farmer: In that situation, it's my understanding that you can bypass the competitive bidding process because you're certain that no other vendor can match or beat that price since they've used them before. And they already vetted them. Regarding the sole source option, in some instances, the sole source is the choice because it's the only vendor available at a specific time which would be now because the community is calling for it now. And the Armored Group has the specific vehicles that OPD stated that they wanted available right now. You could also choose a single source provider based on the quality of goods of vendor offers and of OPD is satisfied with the suburban then that could very well be the case. And like I previously stated, the reason this recommendation was written was to assist with whoever the decision makers are in all of these different scenarios.

Omar Farmer: We're just trying to provide the decision makers with the best information. As previously discussed, the vendor who stated he provided OPD with its current suburban stated that he can have a new suburban ready in three to four months, or you can buy one of the two Suburbans that he has ready for use right now. He also has Sprinter van that have a comparable headroom in space to what the Bearcat has. So, if for some reason the affirmation timeline still can't be met, city Council has the authority to add an additional 90 days to the contract, if it's due to something out of OPDs control. OPD originally stated that this will be a 12 to 18-month process so I don't understand why two years is required and early to mid-20.

Juanito Rus: Mr. Farmer.

Omar Farmer: Can I just get 10 more seconds, Chair?

Regina Jackson: 10 seconds.

Omar Farmer: Okay. And early to mid-2019, OPD had been shopping for another BearCat. Sometime within that timeframe, they purchased an armored suburban. So, years have already been spent on shopping for armored vehicle. And I would like to know how long it took to purchase the suburban previously. Surely, it wasn't two years. Thank you.

Juanito Rus: Thank you, Mr. Farmer. Seeing no other hands in the queue, Madam Chair I return the meeting to you.

Regina Jackson: Very good. Thank you. Hands from Commissioners Jordan and Gage, I believe, in that order. My apologies if I got it backwards.

David Jordan: Thank you. And thank you everyone for weighing in on this. I don't want it to seem like we are dismissive of the possibilities. I think that we are all open to a much improved process or timeline. And if that is how it shakes out, I think that's amazing and the sooner the better. And I would like



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

to hear from the department about the Cop's Grant and how it's been used in the past? That's not been part of the conversation we've had so far. Those conversations have been relatively extensive. So extensive that sometimes the details of them start to blend together. So, I apologize if I can't speak to exact sort of verbatim quotes but like I said, we did a significant amount of research around this. I had a lot of conversations. Commissioner Gage did an extensive amount of research around sort of the legal aspects of the procurement piece.

David Jordan:

And we really are making what feels like as community members. We are you, we are not department chills. We are looking to do this just as you are but we are responsible for these decisions. And thus, we are trying to make decisions that are effective. And I apologize that you feel like that is not as responsive as you would like it to be, but I feel like I need to stand by what we put together. And I'm very curious to hear what the Commissioner Gage has to say around the additional language about repurposing the BearCat and stipulations on how it's used in the future. Thank you.

Regina Jackson:

Thank you, Commissioner Gage.

Henry Gage, III:

Thank you, Chair. Colleagues, I want to make a couple comments after hearing public comment. First, is that 24 month window that's proposed under this draft is a window. It does not mean that the department cannot move more quickly and we all want them to move more quickly. The issue is that we don't know that they can meet the shorter deadlines. We can't set the timeline that we aren't confident that department can meet. In a statement previously the department has told us about 12 to 18 months is their estimate for procurement. With respect to comments made about what happens when the BearCat is out of service we've been informed by the department that OPD mix mutual aid requests and uses BearCats from other jurisdictions.

Henry Gage, III:

The department has already shared that the armored suburban is not sufficient to replace the BearCat. We also don't know if we're looking at a sole source vendor purchase. We'll have a better understanding of that issue once an RFP has been drafted but at present, it's difficult to imagine that we cannot receive multiple responsive bids. We're not talking about specialized lab equipment here, where only one manufacturer has the... It would be the patent for the appropriate device. We're talking about armored vehicles. You don't have to buy from Armored Group. We could buy from Ford. We could buy it from any member of manufacturers that create police package vehicles. For these sorts of reasons, it's certainly possible for some of the competitive aspects of fitting to the way, but to immediately jump to that before even considering receiving responses bits feels highly inappropriate.

Regina Jackson:

Commissioner Gage, are you finish?

Henry Gage, III:

Yes, chair. Too hard just because we have comments or questions about this proposal. I didn't know earlier that I have some proposed language to address the transfer restriction issue.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

Regina Jackson: Yes. Thank you. Commissioners, are there any other questions? Any lack of clarification that folks need clarified? I see no hands. So Commissioner Gage, if you have your additional proposed language as it relates to the transfer and anything else, I would suggest that now.

Henry Gage, III: Thank you, chair. The amendment that I'm proposing is frankly very brief addition. The new resolved clause that would state as follows: Resolved. The Oakland Police Department shall not transfer the BearCat to another police department or law enforcement agency, period.

Regina Jackson: Thank you very much for that suggested amended language. I guess at this point we should ask if we're ready for a vote, because it seems like this is where we are. Does somebody want to move passage of the resolution with the amended language? Vice Chair Dorado.

Jose Dorado: Thank you, Chair Jackson. I moved that we approve this resolution 21-04 with the amendment as laid out by Commissioner Gage.

Regina Jackson: Thank you very much. Is there a second?

Marsha Peterson: This is Commissioner Peterson. I second.

Regina Jackson: Thank you very much. It's been properly moved and seconded. We have taken public comment. We are ready to vote. Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Garcia?

Sergio Garcia: Yes.

Regina Jackson: Thank you. Commissioner Harbin-Forte?

Brenda Harbin-Forte: Yes.

Regina Jackson: Thank you, Commissioner Jordan?

David Jordan: Yes.

Regina Jackson: And yes for myself. We are unanimous in the passage of the resolution with the amended language. We will make sure to update that language and I think posted in the next agenda so that everyone can see the final. I want to thank Commissioners Gage and Jordan for handling the alliance share of the work and preparation of this resolution. Along with John Lindsay-Poland and



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

Omar Farmer who put a substantial amount of work, not only into the Ad Hoc, but also into giving us feedback on the resolution. Thank you very much.

David Jordan: Sorry. And Anne Janks.

Regina Jackson: Oh, I'm sorry. And Anne Janks. Thank you very much. So, at this time it is 10:15. I want to do two things. I want to have someone extend the meeting, but I also want to table several items. We will take public comment on them but we will actually take action on them at the next meeting. So, let me ask for a motion to take us to 11:30 and hope that we can get out before that?

Marsha Peterson: I move that, this is Commissioner Peterson, I move that the meeting be extended to 11:30 PM.

Regina Jackson: Thank you. And Vice Chair Dorado?

Jose Dorado: Second.

Regina Jackson: Thank you. It has been moved and seconded to extend the meeting to 11:30. Let's go ahead and take a vote on that extension. Vice Chair Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Garcia?

Sergio Garcia: Yes.

Regina Jackson: Commissioner Harbin forte?

Brenda Harbin-Forte: Yes.

Regina Jackson: Thank you. Commissioner Jordan?

David Jordan: Yes.

Regina Jackson: Thank you. And yes for myself. So, we are already unanimously approving an extended time to 11:30. Now, to my proposal of tabling. I move to table items 10, 12, 13, 14, and 16. My intention is that we can listen to public comment, but take them up at another meeting. I am mindful of the fact that we must review and approve the annual report, that's got to go forward to the City Council.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Regina Jackson: But the other items don't necessarily have to be there. They're not time certain. We still have the items eight and nine that we need to address, and then 11. So with that, I move that we table the numbers that I mentioned, 10, 12, 13, 14, and 16. Can I get a second?
- Jose Dorado: Second.
- Regina Jackson: Thank you very much, Vice Chair Dorado. Let's go to public comment for those items, and then we can continue with the items that are on the agenda that we need to move through. So, Mr. Rus, if you can announce public comment for item 10, 12, 13, 14, and 16, please.
- Juanito Rus: Thank you, Madam Chair. At this time, if any member of the public wishes to make comment on item 10 on tonight's agenda, the report and review of CPRA pending cases, please raise your hand in the Zoom queue. The first speaker is Joseph Mente. Good evening, Mr. Mente, can you hear us?
- Joseph Mente: Can you hear me?
- Juanito Rus: We can hear you.
- Joseph Mente: Joseph Mente. I'd like to comment on 10. So, at the last CPRA report, on February 25th, I had asked for Mr. Alden to include some KPIs, specifically the time to closed cases and the caseload per investigator. I'd like to repeat that request, so we set a good example for OPD. Thank you.
- Juanito Rus: Thank you. The next speaker in the queue is Assata Olugbala. Good evening, Ms. Olugbala.
- Assata Olugbala: Yes. With these reports, you continue to give the same information. The majority of the findings resulted in no findings, unfounded, exonerated, not sustained, no MO on the violation. Sustained, you had four for performance of duties. Failure to accept a report, three. Custody of prisoner, one. Conduct towards others, one. Not one use of force violent complaint was found to be sustained.
- Assata Olugbala: This goes on too much. This is the most important thing going on with the Police Commission, is to hold police officers accountable for misconduct, in my opinion. And nothing's happening. Nothing's happened. Sustained performance of duty is the highest, four, and you say nothing about it.
- Juanito Rus: Thank you, Ms. Olugbala. The next speaker in the queue is a telephone attendee with the last four digits, 5802. I believe that is Mr. Saleem Bey. Good evening, Mr. Bey. Can you hear us?
- Saleem Bey: Yes. Saleem Bey. I'd like to speak to the ad hoc and the fact that it is very suspect that the ad hoc committee John Bey investigation has not been covered, has not been talked about, it's not even covered in the future agendas that are out there, but I know that it happens to be coming up in the next couple of meetings. So, there's a reason why, the fact this investigation includes the CPRA and Mr. Alden, that these things don't appear.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Saleem Bey: Also in the minutes where it comes up, and it says about the fact that the reason why the annual report had to come back to be corrected was the fact that it was whitewashed out, the Bey case is not in there. And so, that is again a whitewashing if you accept the minutes as they are, and don't accept the fact that the annual report was incorrect, by the fact that the CPRA staff and Mr. Alden-
- Juanito Rus: Thank you, Mr. Bey. Thank you. The next speaker in the queue is a telephone attendee with the last four digits, 7935. I believe that's Mr. John Bey. Good evening, Mr. Bey.
- John Bey: Yes. This is John Bey. Yeah, there seems to be some maybe confusion or something with regard to the independent investigation that the Commission hired, along with an ad hoc committee being formed to cover IED 13, 10-62. Again, it's the one that Mr. Alden interceded, intercepted, and preempted in City Council prior to them getting the report that they themselves requested directly from the independent attorney firm.
- John Bey: And yet again, it was supposed to have been presented at one of these few meetings because he delayed it in January to March, which is, this is the last meeting of March. So, when will the Commission address it?
- Juanito Rus: Thank you, Mr. Bey. The next speaker in the queue is Reisa Jaffe. Good evening, Ms. Jaffe. You have the floor.
- Reisa Jaffe: Hi. Yes. Thank you. So, to the point about things continually going in the officer's favor, it would be really interesting to know what specific policies are allowing that? We know a lot of the problem we have is the policies are allowing loopholes that protect the officers and not their victims. And so, if we can have a continual look at which policies you prioritize for work to address this issue. Thanks.
- Juanito Rus: Thank you, Ms. Jaffe. At this time, we'll take public comment on Item 12, Commission Retreat Follow-Up. If any member of the public wishes to comment on Item 12, please raise your hand in the Zoom queue and you'll be called in the order in which your hands are raised. Seeing no hands, we will move to Item 13, Meeting Minutes Approval.
- Juanito Rus: If any member of the public wishes to comment on Item 13, please raise your hand. Seeing no hands on Item 13, we move to Item 14, Committee Reports. I see hands on Item 14. So, the first speaker in the queue on Item 14 is Jennifer Tu. Good evening, Ms. Tu. You have the floor.
- Jennifer Tu: Hi, thanks. Thank you. I just wanted to encourage first, thank you for having this section. I think it's fantastic that we have the opportunity to hear from the different committees. I wanted to encourage the Rules Committee to bring a proposal around under what circumstances public comment will be restricted. In particular, I think it might be helpful to know if there's a specific time in the evening at which that could happen, and a report of the number of people in the queue when we have a restricted public comment time. I think that would be a great way to



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

introduce a little bit more transparency, and also make it a little bit easier for the public to accept when this needs to happen. Thank you.

- Juanito Rus: Thank you, Ms. Tu. The next speaker in the queue is Kevin Cantu. Good evening, Mr. Cantu. The floor is yours.
- Kevin Cantu: Good evening, again. I'd like to second that suggestion. I think that what happened earlier today was a little bit silly.
- Juanito Rus: Thank you, Mr. Cantu. Those are all the speakers on Item 14. The next item is Item 16, Agenda Setting and Prioritization of Upcoming Agenda Items. If any member of the public wishes to make comment on Item 16, please raise your hand in the Zoom queue at this time.
- Brenda Harbin-Forte: Excuse me. May I be recognized?
- Regina Jackson: Commissioner Harbin-Forte?
- Brenda Harbin-Forte: Yes. It really is more a matter of protocol. I've submitted a form to add an agenda item for the next meeting.
- Regina Jackson: That's fine. I'll be able to get it. I just, again, because of the lateness of the hour and we have a couple other things we still have to go through, that's the only reason I had to table it. We'll make sure that it gets on.
- Brenda Harbin-Forte: All right. Great. Thank you very much.
- Regina Jackson: Thank you.
- Juanito Rus: And at this time, Madam Chair, I see no hands raised in the queue on this item, either.
- Regina Jackson: Okay.
- Juanito Rus: Those are all the items that you moved to table.
- Regina Jackson: Thank you very much, I appreciate that. And thank you Commissioners. So, going back to Item number Eight, A Resolution to Support City Council Signed Ordinance Amending Anti-Nepotism, it's an exception for OPD and OFD. I would like to propose that we consider and discuss this resolution. What we're finding is that as it relates to anti-nepotism, particularly in police and fire, you often have folks who are negated from certain opportunities based upon relationship. And there are a lot of people in both police and fire with family and all kinds of stuff. So, anyway, I see a hand up from Commissioner Gage.
- Henry Gage, III: Thank you, Chair. I didn't want to interrupt your presentation. So, if you have anything further to say, I can wait until you conclude it.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Regina Jackson: That's okay. I'm fine, thank you.
- Henry Gage, III: Thank you. I have to admit, when I see an item like this, I immediately get my hackles up because there's an immediate concern that we want to make sure we're very careful when it comes to taking action, either in support of, or in opposition to this sort of proposed legislation. That concern is heightened for me because I was not able to identify the proposal that's before City Council, but I see the resolution in the agenda packet. But I haven't been able to track down the Council legislation that this resolution is referencing. And I think that would be useful to have a better understanding of what's actually on the table.
- Regina Jackson: Certainly. I haven't tracked that to figure out when it was coming. I thought it was already in process. So, I guess we can identify the dates and look at the stronger context. I think that the challenge that was the... well, the end run for this is that without this resolution, for an exception, that there are typically lack of gender equity, quite frankly, that happens based upon, sometimes the relationship, live in marriage, whatever, that goes on in the public safety arenas.
- Regina Jackson: So, if there isn't a stronger context that you're trying to link it to, then perhaps we should also table this to align it so that you and perhaps others can be more comfortable in making a decision one way or the other. Are there other questions from Commissioners? Okay. I'm seeing none. Oh, I see a hand now. Commissioner Harbin-Forte.
- Brenda Harbin-Forte: Thank you, Chair. Should that be in a form of a motion then to table?
- Regina Jackson: I think it will. I just wanted to make sure that nobody else had questions that needed to be answered before we did that.
- Brenda Harbin-Forte: All right.
- Regina Jackson: And I'm not seeing any, so feel free.
- Brenda Harbin-Forte: All right. So, I'll move to table this motion of this item to the next meeting.
- Regina Jackson: Okay.
- Jose Dorado: Second.
- Regina Jackson: Thank you. Vice Chair Dorado is the second. Okay. It has been properly moved and seconded, and we've heard public comment on this. So, why don't we go ahead and vote?
- Juanito Rus: Excuse me, Madam Chair. We didn't hear public comment.
- Regina Jackson: I'm sorry. You know what? You're right. I'm sorry. We did so much public comment, my apologies. Okay. Mr. Rus, take it away.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

Juanito Rus: Thank you, Madam Chair. At this time, if any member of the public wishes to comment on Item Eight on tonight's agenda, please raise your hand in the Zoom queue. And now, seeing no hands, we've taken public comment. Madam Chair, the meeting's yours.

Regina Jackson: Okay, very good. Thank you. So, my apologies that we overlooked public comment in that moment, it's getting late. Oh, anyway. We will vote now. Vice Chair Dorado?

Jose Dorado: Aye.

Regina Jackson: Thank you. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Garcia?

Sergio Garcia: Yes.

Regina Jackson: Commissioner Harbin-Forte?

Brenda Harbin-Forte: Yes.

Regina Jackson: Commissioner Jordan?

David Jordan: Yes.

Regina Jackson: And yes, for myself, we are unanimous and tabling Item Eight to the next meeting. And between that, hopefully we will be able to gather more context in terms of the timing of the City Council, and any additional background information. Thank you. So, now we will go to, excuse me, Item number Nine. And to provide context for this item, I'd like to call on Mr. Alden. Mr. Alden, are you there?

John Alden: I'm here. Sorry, it took me a little bit to unmute my microphone for some reason. Thanks for your patience.

Regina Jackson: Okay, certainly.

John Alden: I might have to defer to Conor Kennedy for part of this. But it's my understanding that our counsel has advised that if we are going to have the Police Commission access some of the meetings that CPRA and OPD have as part of the adjudication process to determine whether or not those two agencies are of the same mind or not on particular discipline cases, that the document that you see here at Item Nine, requesting access to those meetings, would be advisable. And I know we've talked about the issue of say, the Chair of the Commission, or others on the Commission, being able to attend those meetings as a way of overseeing that process and making sure that at least the Commission has some transparency in how that process is conducted.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- John Alden: Now, long run, we've had some conversations about perhaps that process being observed by the Inspector General. But of course, you don't have the inspector general hired yet. So, in the meantime, this would be our approach to doing that. If there are other questions about why, as a matter of law, this is required, again, I prefer to defer to Conor Kennedy. But that's the justification for having this item on the agenda tonight.
- Regina Jackson: Thank you very much. Mr. Kennedy, would you like to provide any more context as to why this is important?
- Conor Kennedy: Of course, Chair. Thank you, Director Alden. So, Commissioners, as you all know, S1 is the name of the ballot measure that was passed in 2020 to update the Commission's authority, expand it in many ways, but also just to update it, and others. So, S1 added a new process for members of the Commission to request access to confidential personnel records, when that access is for reasons related to policymaking or when that access is related to direct oversight of the Chief of Police and the CPRA.
- Conor Kennedy: So, the charter now says that a request for access to anything that involves personnel records for those two purposes, it needs to be publicly approved by the Commission. The Commission sits in open session and articulates the specific policy making or oversight reasons that it needs access to the confidential personnel records, and that's in 604F2. This letter is the first request.
- Conor Kennedy: You'll see that we included a limited list of reasons for which members of the Commission would need access to the meetings that Director Alden just mentioned. And in the letter, what we did is we tied that access over the next calendar year to specific purposes that the Commission's already taken public action on during its special retreat, and approved or considered and deliberated on taking up certain policies. We mentioned all of those policies in this letter.
- Conor Kennedy: It also sets out, on our own, a reasonable protocol just to document the requests for access to these meetings. We're going to be making requests after the Commission approves of this letter right now. Still, on a meeting by meeting basis, we're going to make sure that we give the folks at OCA and the department, OCA is the Office of the City Attorney, the opportunity that they need and the advanced notice that they need to set up this process so that it does comply with all confidentiality rules for us.
- Conor Kennedy: So, yeah. I mean, recently the Commission did seek access to these meetings, and OCA specifically asked us to comply with the process and the charter that's put there through a proposal by City Council and voted on by members of the public. So, here we are. And with that, I'll pause there for questions if anyone wants to direct them either to me or to Director Alden about this letter. Thank you.
- Regina Jackson: Thank you, Commissioner Gage.
- Henry Gage, III: Thank you, Chair. So, as I understand it, the intent of this request is to ensure that members of the Commission can oversee concurrent meetings between the CPRA and the Office of the Chief.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

The issue I'm seeing here is, I guess, a question. How can Commissioner access for policy or oversight reasons be separated from the potential for Commission discipline processes?

Conor Kennedy: I can answer that, Commissioner Gage. It's because, in addition to the general desire to oversee concurrence based upon the Commission's policy authority, it might, during the next calendar year, want access to certain portions of these Friday discipline meetings when the topic A, involves confidential personnel information, but B, pertains to a specific policy that the Commission is currently considering amending or changing. So when, for example, the executive director of the CPRA says, "Chair, there's going to be a discipline meeting where you're going to see a new issue come to light about a specific area of policymaking over which the Commission has policy-making authority."

Conor Kennedy: We are, for the next calendar year, getting the Commission's approval to request access to meeting, so that the Chair or other members of the Commission that are part of... That we email OCA and ask for them to attend as well, can see that play out. Not for the purpose of an investigation, but instead to better understand a specific policy area. I hope that answered the question you were asking, Commissioner Gage.

Henry Gage, III: Thank you. As a follow-up, it sounds like the trigger, the question that comes to mind is how would Commissioners understand which meetings are discussing issues that would fall within the policy and oversight buckets? And it sounds like we would be reliant on the CPRA director to flag issues of interest to the Commission for non-disciplinary reasons. Is that an accurate understanding?

Conor Kennedy: A, yes it is. But B, it also leads to another important piece here, that the executive director sort of foreshadowed. Which is that what is coming up over the next year is the Commission's appointment of a new independent Office of the Inspector General, expressly charged with overseeing structural issues, and a series of just internal review issues. The OIG would be attending these meetings instead of the Commission after this calendar year. And if it turns out that the Commission still wants to attend these meetings for specific policy-making reasons, we would revisit that and try to get approval for a new letter.

Henry Gage, III: Okay. I can certainly understand how OIG would benefit from this sort of process. I think I'm more concerned about Commissioner involvement with the process, because of the potential for disciplinary overlap. But it sounds like there's a sufficient firewall in this proposal that would allow for Commissioners to only have access to the part of the process that specifically discusses the policy oversight issues. Is that what's going on here?

Conor Kennedy: 100%, Commissioner Gage. We would, first of all, make sure that it's feasible to segregate the agenda of the Friday meeting, the records related to the specific issue pertaining to the policy matter area, and the schedule of the Friday meeting before we try in any way to proceed with attending any such meeting. And by we, I mean, the Commission, I would not be the one that was attending.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Conor Kennedy: So we would, according to the protocol we laid out in this letter, have enough advanced notice, and we'll always pause for collaboration with OCA and members of the police department that are running the process to ensure that that firewall or safeguard process is there. I know the Director Alden is also raising his hand, so if he has a different understanding or wants to clarify, I would welcome him to chime in as well through the Chair.
- Regina Jackson: Yes. Please do, Mr. Alden.
- John Alden: I agree with what Mr. Kennedy was just saying. I'd also add that to the extent there could be some overlap with discipline. That's really only an issue, at worst case scenario, for the three Commissioners who sit on the discipline committee for that case. And that's only three of the Commissioners on this panel. And so, that's another tool we can use to help make sure there's some separation as necessary. And I'm not even sure that it is [inaudible 04:13:25] might be some caution. So there's a lot of ways we can handle that, the concern you raised, Commissioner.
- Henry Gage, III: Thank you, Director. As a final follow-up and just a note, I imagine, for the Commission, specifically the Rules Committee, this seems like an area where we should probably take some immediate action to codify and create a structure around this process. Because for example, ensuring that Commissioners who attend these meetings create a record of attendance so that they do not also sit on the same discipline panel that these meetings would be.
- Henry Gage, III: In my opinion, it seems like a commonsense firewall to set up. Is that something that the agency or the counsel can help craft? Because I imagine the language for these sorts of rules is going to be tricky.
- Conor Kennedy: Yes.
- Regina Jackson: Commissioner Gage, any more follow up?
- Henry Gage, III: No, thank you, Chair. Thank you, Counsel, and thank you Director.
- Regina Jackson: Certainly. Are there any more questions from the Commissioners? I do agree with Commissioner Gage that we need to take action on this. Are there other questions? No questions. Okay. Then we will go ahead to public comment and then come back and decide how we want to move. Mr. Rus.
- Juanito Rus: Thank you, Madam Chair. If any member of the public wishes to comment on Item Nine on tonight's agenda, please raise your hand in the Zoom queue. I am seeing no hands raised, Madam Chair.
- Regina Jackson: Okie dokie. Since there are no questions or comments from public comment, are there questions from the Commissioners at this time? Or are we ready to make a motion? Okay. I see Vice Chair Dorado.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Jose Dorado: I move that we adopt the request for permission access to discipline meetings slash personnel information as written.
- Regina Jackson: Thank you. Is there a second?
- Marsha Peterson: I second.
- Regina Jackson: Thank you, Alternate Commissioner Peterson. Since we have taken public comment, we are ready to vote. Vice Chair, was there somebody trying to say something? Somehow, all these got unmuted. Okay. So, Vice Chair Dorado?
- Jose Dorado: Aye.
- Regina Jackson: Thank you, Commissioner Gage?
- Henry Gage, III: Yes.
- Regina Jackson: Thank you. Commissioner Garcia?
- Sergio Garcia: Yes.
- Regina Jackson: Thank you. Commissioner Harbin-Forte?
- Brenda Harbin-Forte: Yes.
- Regina Jackson: Thank you. Commissioner Jordan?
- David Jordan: Yes.
- Regina Jackson: Thank you. And yes, for myself, we are unanimous and the resolution is passed. Thank you very much. Now, we will move forward to Item 11, Police Commission 2020 Annual Report. You all may remember that the annual report needs to be forwarded to City Council, and specifically the Public Safety Committee of City Council. There was a suggestion that we needed to add the Bey ad hoc to the annual report.
- Regina Jackson: And I will share that one of the reasons that there was an oversight on this was that initially former Commissioner Harris was identified as a liaison to the Beys. It did not immediately become an ad hoc, and was actually not staffed as an ad hoc. And so, when our admin, our admin, meaning the police commission's admin, put together the annual report for my review, it wasn't listed. And I did not notice it because of the kind of strange way that we moved through last year.
- Regina Jackson: I did acknowledge the oversight and it has been corrected. So, if there are any questions about the annual report, please ask them now. And otherwise, we can go to public comment if there are no questions. Okay. I see none. So, Mr. Rus.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

Juanito Rus: Thank you, Madam Chair.

Regina Jackson: Thank you.

Juanito Rus: If any member of the public wishes to comment on Item 11 on tonight's agenda, please raise your hand in the Zoom queue and you'll be called in the order in which your hands are raised. The first hand in the queue on this item is a telephone attendee with the last four digits, 5802. I believe that is Mr. Saleem Bey. Good evening, Mr. Bey. You have the floor.

Saleem Bey: Yes. Yes. Good evening. Saleem Bey. I would just like to close this issue out. The fact of the matter is, is that the same people who are doing the annual report are the same people that are covering up issues associated with failures with the CPRA. And every time that we ask, "Who is it that's actually associated with it?" It happens to be a conflict of interest with the fact that the people that are associated with it, are also being supervised by people who are overseeing the same people who have failures in the CPRA.

Saleem Bey: The fact of the matter is, is that the CPRA is the same people as the CPRB, Joan Saupe, Karen Tom. You have the same people who've been closing cases after coordinating with IAD. There is a conspiracy between CPRA and an IAD closed cases.

Juanito Rus: Thank you, Mr. Bey.

Saleem Bey: If you have the same people, you're going to have the same result.

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

Assata Olugbala: Yes. It is my hope that the annual report will give an explanation for why the auditor was eliminated from being in the position of doing performance in what other evaluations he was supposed to do, or she. The other thing is an extensive breakdown of the cases by CPRA, and some explanation of why the cases are disproportionately not finding any sustained casing decisions, and a reason for it. And lastly, you're not going to talk about it, but I'm going to talk about it because I'll be in that meeting, why you made the decision not to support Ginale Harris, and how you dealt with the complaints around the community, around you-

Juanito Rus: Thank you, Ms. Olugbala. Those are all the speakers on this item, Madam Chair.

Regina Jackson: Thank you very much, Mr. Rus. So, at this time, I would like to know if there are any questions about the report or if... Excuse me, I see a hand from Commissioner Harbin-Forte.

Brenda Harbin-Forte: Yes, I'm sorry. I would like to be clear about the Bey ad hoc. I thought that it was formed for the purpose of hiring the attorney. That was not the reason it was formed, and therefore that once the attorney was hired, that ad hoc no longer needed to exist. So, I just need clarification from-



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Regina Jackson: [crosstalk 04:22:42] actually the general understanding, but the reason that there was concern about the Bey ad hoc not being listed or being overlooked, that's what I clarified. And so, I went on and put that in. But because the route on the Bey item did not start as an ad hoc, that's the way it was overlooked. But it did exist and I'm putting it in the report so that it is appropriately reflected.
- Brenda Harbin-Forte: It still exists as an act of ad hoc? And what is the-
- Regina Jackson: No, this is the 2020 Annual report.
- Brenda Harbin-Forte: The report says that, "As of December 2020, the following ad hoc committees are active." And it lists the Bey cases. I thought that that ad hoc, while it was formed perhaps in 2020, that the work of that ad hoc was concluded by the end of 2020. And that's why I'm asking for clarification.
- Regina Jackson: No, no, no. You're correct. And I think that the answer is that there was not a narrative that specified what the purpose of the ad hoc was. I think many of us thought that it was to see the Bey case actually be assigned an attorney. There are some that might consider that it should operate until there is a decision, which we don't have.
- Regina Jackson: So, my purpose was to assure that we included the ad hoc because it was in place in 2020. Perhaps the wording of December activity maybe should be changed. But like I said, I was trying to address the oversight of it not having been mentioned at all.
- Brenda Harbin-Forte: All right. I guess I agree. I just didn't want... I was confused. I thought others might be as well. I think certainly it should be listed as a committee that was formed in 2020, but in terms of active committees, if the work of that ad hoc has been completed-
- Regina Jackson: Yes.
- Brenda Harbin-Forte: ... and it was completed by the end of the year that it should not be listed as an ad hoc committee that was in existence as of December, I think. And I also don't want any questions from the administrator or anyone else who thinks that we may not have accurately described the ad hocs that were in existence as of December, 2020.
- Regina Jackson: Yes, and I appreciate your asking for the clarification. Hopefully everyone else is clear. I have made a recommendation that, given that scenario, that when ad hocs are created, there is a brief narrative that speaks to the purpose so that we can identify. For example, when we did the police chief search, once the police chief was identified and referred to the mayor, then that ad hoc ceased to exist.
- Brenda Harbin-Forte: Correct.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Regina Jackson: So, there's just a little bit more terminology moving forward that I think is important so that everybody can be very clear. At this point, do we want to move this report so that it can meet the timeline of the Public Safety Committee and City Council? Vice Chair Dorado.
- Jose Dorado: Thank you, Chair Jackson. I move that we accept the 2020 Annual Report as written.
- Regina Jackson: Thank you. Is there a second?
- Sergio Garcia: I second.
- Regina Jackson: Thank you, Commissioner Garcia. Let's see. We've taken public comment. It has been properly moved and seconded. So, let's vote. Vice Chair Dorado?
- Jose Dorado: Aye.
- Regina Jackson: Commissioner Gage? Commissioner Gage?
- Henry Gage III: Yes.
- Regina Jackson: Thank you. Commissioner Garcia?
- Sergio Garcia: Aye.
- Regina Jackson: Commissioner Harbin-Forte?
- Brenda Harbin-Forte: Yes.
- Regina Jackson: Commissioner Jordan?
- David Jordan: Yes.
- Regina Jackson: And yes, for myself. We are unanimous in passing the 2020 Annual Report. And I will forward this on to Council Member Fife and the City Council for their review. Thank you very much. It is almost 11 o'clock and we have actually tabled... Oh, excuse me, Mr. Rus, did you have any more speakers that needed to be included on this second piece of the open forum?
- Juanito Rus: There were no additional carry overs from the earlier portion. But I was not sure whether, given the comments by Commissioner Harbin-Forte, if we still needed to ask for public comment at this time?
- Regina Jackson: I think that we could, but I think the purpose typically is to have those that were not able to complete to come at this time. It looks like you have one person. So, we can hear that one.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Juanito Rus: [crosstalk 04:28:48] second, quick question for the rules committee, there are people who are raising their hands now, however, some of them spoke during the earlier public forum. This is, I believe, considered a continuation, so they would not get a second chance. Am I correct?
- Regina Jackson: These are non-agendized items, but Commissioner Gage has his hand up.
- Henry Gage, III: Thank you, Chair. Speaking for the rules committee, our intention with the splitting of open forum here was to ensure that the first portion of open forum was time limited, but that the second portion of open forum would allow for individuals to speak, that had not had an opportunity to meet the earlier time window. Under that logic, if individuals have spoken in the previous 15 minute window, they would not need to be afforded an additional two minutes during the second open forum.
- Henry Gage III: But this is an appropriate opportunity to open for public comment, particularly for individuals who have not had an opportunity to speak. And of course, given the practicalities involved, if we do not have a high number of speakers [inaudible 04:30:05] let people who've asked to allow all members of the public to speak, regardless of whether they met the earlier 15 minute window.
- Regina Jackson: Okay. So, Mr. Rus, go ahead and call the community members-
- Brenda Harbin-Forte: Excuse me, Madam Chair, point of information. I had my hand up, and I haven't been recognized.
- Regina Jackson: Oh, I didn't see it. My apologies.
- Brenda Harbin-Forte: All right. At the beginning of the meeting, I requested that the agenda be amended to delete any suggestion that we were limiting speakers, because it is not at that limitation and any suggestion that it was just for overflow does not comply with the rules, and I don't think it complies with the Open Sunshine ordinance either. But it certainly doesn't comply with our rules.
- Brenda Harbin-Forte: So, we are not saying you can't speak unless you have your hand up in the queue at the beginning of the meeting. The second part of open forum is for people to address items that were not on the agenda. To the extent that they have already had their opportunity during what I'll call "open forum phase one" [inaudible 04:31:20] then certainly the Chair can prohibit them from speaking again, because they've already had their opportunity.
- Brenda Harbin-Forte: But for people who were not present at the beginning of open forum, who came in the middle, who've been waiting to join the meeting so that they would get an opportunity for open forum phase two, they should not be penalized. And that was not the intent of the rules committee, it's inconsistent with our desire to make sure that the public gets a full and fair opportunity to address the commission on the issues of concern that are within the commission's jurisdiction. So, that's the reason for saying, "Let's take that language out of the agenda so that it doesn't confuse people."



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Regina Jackson: No problem. So, Mr. Rus, I would recommend that you request that members that want to speak on un-agendized items, that this is the time to do so.
- Juanito Rus: Very well. Thank you, Madam chair. And thank you for the clarification from the Rules Committee. At this point, if there is any member of the public who wishes to speak on an un-agendized item, please raise your hand in the Zoom queue. I see two speakers, the first of which did not speak in the earlier session. And that is Mr. Kevin Cantu. Good evening, Mr. Cantu, you have the floor.
- Kevin Cantu: Good evening, again. So, before this whole meeting, earlier in the day, a friend pointed out that the last time a public speaker shared the story of a young man who was stopped by an OPD officer after dark, and the officer declined to provide a name or badge number in a kind of scary way. And the speaker had actually shared the story because that young man attempted to come to the public comment at the beginning of the meeting and then had to go away, but was not able to get in under that 15 minute limit, was not in the short list.
- Kevin Cantu: And I think that this illustrates the conundrum provided by this abbreviated initial public comment. Because while it presents everyone who considers raising their hand at the beginning of the meeting with a choice between potentially cutting off some important new thing that might move the committee, versus trying to take up space for the things that we care about and that we want to speak about, and that we want to influence you by mentioning early. And I think that this is a choice that perhaps you do not intend to force upon us and will have impacts that you may not like.
- Regina Jackson: Thank you, Mr. Cantu, is it possible to encourage that speaker to contact either the police chief or myself so they can follow up on that complaint?
- Kevin Cantu: I have this from... It's all secondhand and I don't know the speaker, so I cannot tell them. And it seems unlikely that they are still on this meeting, listening now, given that they were not able to stay late in the first meeting that they attempted to attend to say this.
- Regina Jackson: Okay, thank you. I appreciate that clarification.
- David Jordan: Sorry. Can I jump in on that really quickly, before we move past that?
- Regina Jackson: Yeah. I'll ask Mr. Rus to hold. Yes. Go ahead, Commissioner Jordan.
- David Jordan: Yeah. So, the person who brought that up was Ann Janks, actually. And I believe there was some follow-up with the chief when that was brought up about finding out where and when that took place, with potential to track that specific officer down. So, if memory serves, there was some movement on that, but Anne would be the person who would likely have the most insight, or the individual who she's acquainted with.



OAKLAND POLICE COMMISSION MEETING TRANSCRIPT

March 25, 2021

- Regina Jackson: Okay. Thank you very much. We'll follow that up and make sure that it's been handled. DC Joshi said, "Hey, we want to follow that up." So, that's why I asked the question. Thank you very much, Commissioner Jordan. Mr. Rus, back to you.
- Juanito Rus: Thank you. And thank you, Mr. Cantu. The next speaker in the queue who did not speak at the earlier period is Anne Janks. Good evening, Ms. Janks, you have the floor.
- Anne Janks: Good evening. I take a shot at Jameson's every time my name is mentioned. So, my liver requests. Here's the story, it was not in fact because there was a 15 minute limit. There were so many people speaking, he was in line and eventually just had to go back to his school, the Zoom school, college class that he's taking. And he's my neighbor, and it's very easy to get ahold of him. My understanding is he has filed a separate complaint.
- Anne Janks: We do have an outstanding question that I would, at some point, like clarified. Which is whether this thing that the officer called a security stop, the car was not moving, the officer just stopped his car, got out and shown his light inside the car. But asked none of the people in the car for ID. If a security check such as that, which I, for some reason have never experienced, is documented, I think the answer that I got was that it ought to be.
- Anne Janks: So, we'll find out whether it was properly documented so that it can count towards the racial disparity data. But it was not about a 15 minutes limit, although I have asked separately that we somehow invite people to speak at the beginning, who don't show up and sit all the way through the meetings like Kevin and I. Now Kevin has to take a shot.
- Anne Janks: But he just couldn't wait, it was a meeting that had a lot going on and there were a lot of people lined up to speak and he waited as long as he could. And then, he shot me a text saying, "I can't wait any longer." So, thanks very much. I believe there's a separate complaint filed about it. And I would like to confirm that security checks also have racial disparity documentation. Thanks, bye.
- Juanito Rus: Thank you, Ms. Janks. Take care of your liver. The next speaker in the queue is Ms. Assata Olugbala. Good evening, Ms. Olugbala, can you hear us?
- Assata Olugbala: Yeah. Two points. Today in a meeting of the council, during open forum, I brought up an issue for which a council member replied. And the City Attorney advised that procedurally, you're not supposed to respond to open forum comments. Something to do with the not being agendized items. So, I don't know if you want to... And I've heard this before, they even announced that the purpose of open forum is for you to make comments, but the council will not be responding. And second, Mr. Rus, I'll volunteer to have my open forum comments at the end of the meeting in case people can't stay. I don't mind, because I'm going to be here all the way to the end. Thank you.
- Juanito Rus: Thank you, Ms. Olugbala. And the last speaker in the queue is a telephone attendee with the extension 5802. I believe that is Mr. Saleem Bey. Good evening, Mr. Bey.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Saleem Bey: Yes. I'd just like to respond to the mayor's appointee, the judge, who's commenting on her interpretation of the same thing that has been happening for years before she even came on. So, any interpretation that you have that you didn't consult Ginale Harris, it can only be an interpretation or a guess on your part. Especially as it's [inaudible 04:40:56] is the fact that you were appointed by the mayor, a person who was being investigated, associated with this.
- Saleem Bey: So, the fact that you keep bringing it up, or the fact that you bring up anything associated with the Bey case, associated with a technicality, but have nothing to say about the Bey case in terms of the actual facts of the matter that's going on, you aren't anything but a shill for the city. And that we have no confidence in the fact that if you say our name, that it has anything to do with anything other than the fact of you trying to obfuscate the fact that the city is responsible for racist and a religious profiling of the Black and Muslim community.
- Saleem Bey: And so, you aren't saying anything about what is happening with the evidence that's available. And please don't say anything about the technicality associated with anything with Ginale and the cases that she's handling, that you haven't said anything else previously about. So, that makes you a hypocrite and a shill for Mayor Libby Shaft as an appointee. Thank you.
- Juanito Rus: Thank you, Mr. Bey. At this time, there are no more hands in the queue. Madam Chair.
- Regina Jackson: Thank you very much. At this time-
- Brenda Harbin-Forte: Madam Chair, I do have my hand up, if you would recognize it.
- Regina Jackson: Oh, sorry. Commissioner Harbin-Forte.
- Brenda Harbin-Forte: Thank you. I'd like to reassure the public and try to see if we can clarify for them what the purpose of open forum is, both of them. And also, to just remind them that I think even this evening, we did not run out of time for people in phase one of open forum. I think we just had a lot of people who, as Ms. Olugbala and others who just decided that they would wait until phase two of open forum on some of these issues. So, I just want them to know that there is time for everyone to be heard during open forum, the way we've structured the rules.
- Brenda Harbin-Forte: We've also structured the rules so that if there are more people in the queue at phase one who could not be heard that the Chair can reduce the speaking time from two minutes to one minute. So, that if there are a number of people who wish to speak on non-agendized items at the beginning, we can accommodate. Let's say if there are 15 people who wish to speak, the Chair could give each person one minute each and everybody could be heard in that 15 minutes.
- Brenda Harbin-Forte: And as was suggested at the last meeting, some of the public members suggested that people who don't need to leave, just not take up time at open forum. I also will note that during open forum, three or four people spoke on items that were already agendized. So, if we can keep to the rule, and again, perhaps if the Chair explained that the outset, that the purpose of open forum is



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

not to address matters that are on the agenda, that we can have meetings run more smoothly and we can avoid any confusion from members of the public.

Brenda Harbin-Forte: But the suggestion that open forum is just like public comment, we've tried to educate the public. But we want to hear from everyone, and we want to give them adequate time, and again, not to restrict them if they were not here or did not have their hand raised in the queue at the beginning. That was just for clarification. It just seems that people think that somehow we are going to miss people or miss points. I would also like to point out for the education of the public, that the open forum is done before we set the next agenda, generally, so that we are not going to miss out on any suggestions to agenda items.

Brenda Harbin-Forte: In addition, because we have public comment before every item on the agenda, before we take action, everybody who wishes to be heard on that particular agenda item will get an opportunity to make comments, to help educate the commission before we take any action. So, again, wanted to just, as Co-Chair of the Rules Committee, just to reassure people that we are not trying to keep them from saying whatever they wish to say on the agenda items and during open forum. Thank you, Madam Chair.

Regina Jackson: Mm-hmm (affirmative) [inaudible 04:46:07] Mr. Rus, if you could advance to the next slide, please. And to the next slide, thank you. So, I'm happy to take a motion to adjourn this meeting. It's 11:15. I see a hand from Vice Chair Dorado.

Jose Dorado: So moved.

Regina Jackson: Thank you very much. Is there a second?

Brenda Harbin-Forte: Yes.

Regina Jackson: Commissioner Harbin-Forte?

Brenda Harbin-Forte: Yes. I second it, thank you.

Regina Jackson: Thank you. It has been moved properly, and properly seconded. Let us vote to go to sleep. Vice Chair Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Gage?

Henry Gage, III: Point of order, I believe the Chair has misstated the motion. I will nonetheless vote affirmative.

Regina Jackson: Thank you. My apology, I get a little tired, get a little giddy. Commissioner Garcia?

Sergio Garcia: Aye.



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 25, 2021

- Regina Jackson: I'm sorry?
- Sergio Garcia: Aye.
- Regina Jackson: Okay, thank you. Commissioner Harbin-Forte.
- Brenda Harbin-Forte: Yes.
- Regina Jackson: Commissioner Jordan.
- David Jordan: Yes.
- Regina Jackson: And aye for myself. Everybody get home safely, and we will see you in two weeks. Thank you so much.

Love, Christine (Chrissie)

From: Rachel Beck [REDACTED]
Sent: Wednesday, March 24, 2021 8:31 PM
To: Marsha Peterson; David Jordan; Tyfahra Singleton; Brenda Harbin-Forte; Sergio Garcia; Jose Dorado; David Jordan; Henry Gage, III; Regina Jackson
Cc: Love, Christine (Chrissie)
Subject: Suggestions for a revised proposal to sunset the BearCat

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

Dear Chair Jackson and Commissioners,

I was present at the January 11 public forum on militarized equipment, at which nearly 30 Oakland residents, many of whom live and/or work in East Oakland, spoke about the impact that OPD's BearCat has on them, their students, their clients, and their neighbors.

While I appreciate that the Ad Hoc Committee on Militarized Equipment has put more time into considering how OPD might phase out use of the BearCat, I am concerned about a couple of issues.

The current plan would phase the BearCat out over two to three years. There is a proposal at the Reimagining Public Safety Task Force to phase it out in eight months. Given both public input about the trauma the BearCat causes rolling through predominantly Black and brown neighborhoods and the amount of time the vehicle is undergoing repairs, I would like the Commission to consider the earlier sunset timeline proposed at the Task Force.

Furthermore, I am not clear from looking at the sunset proposal up for discussion at your meeting tomorrow, March 25, what mechanisms there would be for enforcement. It seems to give OPD broad discretion to ignore the Commission's recommendation.

I understand you have already put more time into this issue than you intended. But I think there exist better options than the proposal that you are considering to sunset the BearCat within two to three years. Please take a look at the earlier sunset plan proposed at RPSTF and see if that is a thing you can agree to.

Sincerely,

Rachel Beck
she/her/hers

Love, Christine (Chrissie)

From: Jennifer Tu [REDACTED]
Sent: Wednesday, March 24, 2021 10:29 PM
To: Regina Jackson; Henry Gage, III; David Jordan; Jose Dorado; Sergio Garcia; Brenda Harbin-Forte; Tyfahra Singleton; Marsha Peterson
Cc: Love, Christine (Chrissie)
Subject: e-Comment Agenda Item 7: Feedback on Militarized Equipment Ad Hoc Committee - BearCat retirement proposal

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

Dear Chair Jackson, Commissioner Gage, Commissioner Jordan, members of the Police Commission,

First, thank you for agendizing the BearCat retirement! As many members of the public have spoken across multiple meetings against keeping the BearCat, I am very grateful for the Ad Hoc's work and to the Chair for agendizing a proposal. That said, I was a little surprised and very disappointed in the timeline laid out in the proposal. The proposal would take nearly 3 years for the BearCat to be replaced, assuming no extensions are needed.

There are a few reasons I find this concerning:

- (1) We've heard from many different public speakers about the impact the BearCat has on kids of color, and how badly it can affect a kid's ability to succeed in school. Three years is a long time against a kid's school time - it's your entire middle school years, and almost the entirety of your high school years. Retiring the BearCat in a less leisurely fashion could make a difference for many kids' abilities to succeed in school - and our city's kids all deserve to have a fair chance at a good educational experience that sets them up for success in life.
- (2) In summer 2019, OPD wanted to replace the BearCat with another BearCat, and said that the current BearCat was in the shop >50% of the time. I am concerned that without encouraging them to take prompt action, the Department will find itself more and more with their favored tool unavailable due to repair needs.
- (3) The Reimagining Public Safety taskforce created and approved a resolution to retire the BearCat in 8 months. I don't understand why the Ad Hoc's proposed timeline is so much longer - almost 2 years longer! - than the taskforce's timeline. Tomorrow's meeting seems like a good opportunity to amend the proposal to be closer to the taskforce's resolution - here's a link to their resolution if you need it: https://drive.google.com/file/d/1dpqz811zU2VVLeaAaskntDXImulf_Tlt/view

I encourage the Commission to discuss amending the BearCat retirement proposal timeline from 2-3+ years, to 8 months, keeping it in line with the Reimagining Public Safety taskforce's 8 month retirement proposal. I'm looking forward to hearing your discussion tomorrow evening, especially on Item 7. As always, thanks for your hard work to improve our city.

Sincerely,

Jennifer Tu
(now District 4)

On Tue, Feb 9, 2021 at 10:06 PM Jennifer Tu [REDACTED] wrote:

Dear Chair Jackson, Commissioner Gage, Alternate Commissioner Jordan, members of the Police Commission,

I am a resident in District 3, and I am very disappointed in the Militarized Equipment Ad Hoc Committee training bulletin that was released a few hours ago, to be voted on Thursday evening.

I attended and spoke at the January 11 public forum, and heard the unanimous message from all public speakers that the Bearcat is a traumatic experience, especially for our Black & brown neighbors in the flatlands. We even had a teenager share his experience of what happened when the Bearcat was used against his family. I can't believe this young man had to take time out on a school night to share his family's traumatic experience!

At the January 11 forum, both Chair Jackson, Commissioner Gage, and Committee Member Anne Jenks noted that the community is clear we want to ban use of the Bearcat. Commissioner Gage noted that it could be possible to create a policy that excludes the Bearcat, but allows for the armored Suburban. Committee Member Omar Farmer offered technical expertise for how to make that happen.

I do not see any of that intent in the training bulletin that is included for discussion in Thursday's meeting! This training bulletin appears to allow for both the Bearcat and the armored Suburban, and does not distinguish when the armored SUV should be used instead of the Bearcat. This is the opposite of what several members of the Ad Hoc noted they heard from the public, and could be done!

I am so disappointed that the Ad Hoc held a public forum to solicit input, multiple members clearly stated the message they heard from the public, and then the policy that was created does not reflect that feedback at all.

Members of the Police Commission, this Oakland resident asks you to vote AGAINST approving the training bulletin in Agenda Item 11. It is not representative of public feedback, and does not reduce harm to our community.

Thanks very much for your time, and for your public service on this committee.

Sincerely,

Jennifer Tu
Oakland District 3