



**CITY OF OAKLAND  
OAKLAND POLICE COMMISSION**

**Meeting Transcript**

**Thursday, April 11, 2019**

6:30 PM

City Hall, Council Chambers  
1 Frank H. Ogawa Plaza, Oakland, California 94612

Madame Chair: Okay, we're about to call the meeting to order. Commissioners, can you please report to the dais? Hey there, how you doing? [inaudible] Welcome everyone. It is now 6:34, and I'm calling the meeting to order.

Speaker 1: I've got something for you. Here you go.

Madame Chair: Thank you. Need to take roll call again.

Speaker 2: Is there any [inaudible] ...

Madame Chair: Okay. So, if I can have everyone's attention please? My fellow commissioners, hello? Thank you. We've just come back from closed session and we have a reportable item. I'd like your attention please. So, in closed session, the commission determined that we need the assistance of legal council ... Okay, I'm going to be right on top of it. [K Top 01:06:22], can you amplify the microphones please? In closed session, the commission determined that we need the assistance of legal council to conduct an appropriate and valid assessment of the police chief's performance pursuant to the commission's responsibilities. We have asked the firm of Garcia Hernández Sawhney, LLP to assist us, and will be bringing their retainer agreement to the next commission meeting for appointment.

Madame Chair: Now we are on item four, welcome, purpose, and open forum. I would like to take a moment, as a point of privilege for the chair, and remark on our last meeting. Upon reflection of the unprofessional atrocity that was our most recent meeting, there are three words that come to mind: out of order. These are the words that escaped me while I was under the shock and utter disbelief of witnessing the both deplorable, insulting engagement with Public Defender Brendon Woods. To quote our special guest, Sam Johnson ...

PART 2 OF 11 ENDS [01:08:04]

Madame Chair: To quote our special guest, Sam Johnson: I was triggered by the shouting match. And would hope that we could show each other some respect. This behavior to say the least is unbecoming to the positions we hold. Our commission meetings should be where people come to share their stories, concerns, and traumas. Not

to be triggered. And certainly not be disrespected. It is of the highest importance that these meetings be conducted with class. Anything less than that is a detriment to the effectiveness of our collective goals.

Madame Chair: As commissioners, we have the role and the responsibility to listen, ask questions, make policy, and other recommendations. As sworn individuals, our conduct should be professional at all times. We must remember that any one commissioner's behavior reflects on us all. We are a major city. We must hold ourselves to a higher standard.

Madame Chair: The second commissioner to commissioner argument was also troublesome. In watching the tape, it seemed that Commissioner Smith was calling for a point of order because the conversation had gone off topic from agenda setting. However, the rules on points of order allow for someone to interrupt. And that I did not realize.

Madame Chair: However, the back and forth that ensued, which led up to a threat of bodily harm, was the worst moment I have been party to since joining this commission. As Chair, my role is to manage meetings and provide leadership in word and deed. I will be more accountable for keeping us on track and shutting down disrespectful conversations.

Madame Chair: While all commissioners are leaders in their own right and we come to this work from diverse paths, I expect that all commissioners moving forward will display that kind of respectful decorum with the community, the staff and each other. That the city of Oakland deserves, and that which we agreed to when we accepted this assignment. That is my statement.

Madame Chair: I'd like to take an additional roll call in order to identify the additional commissioners here. Commissioner Ahmad?

Comm. Ahmad: Present.

Madame Chair: Commissioner Harris.

Comm. Harris: Here.

Madame Chair: Aye, for myself. Alternate Commissioner Brown.

Comm. Brown: Present. Present.

Madame Chair: Commissioner Anderson.

Comm. Anderson: Present.

Madame Chair: Commissioner Prather.

- Comm. Prather: I'm here.
- Madame Chair: And excused absence for Commissioner Smith, as well as Commissioner Dura to. We didn't get the notice of Commissioner Durato's necessary absence until after the agenda had been let.
- Madame Chair: So, in terms of open forum, I have notes from Mary Vale. Jean Hazzard. Sorry. I actually had the first one from Jessie Smith. Nino Parker. John Jones III. Rashida Granage. And Oscar Fuentes. You may come up in any order.
- Speaker 3: I just wanna say [inaudible 01:11:47]. [inaudible]
- Speaker 4: Many of them relate to your continued functioning and the staffing situation and your Independence. And ... stand up to those that are trying to frustrate 83% of the voters' will in creating the system we created under measure LL and we'll be standing by you. Thank you.
- Speaker 5: Thank you.
- Rasheeda: Good evening. I was asked by Patrick Caceras of the BART oversight agency to remind you of the invitation that you all received to attend the NACOL conference, which is right here in Oakland. It's a training conference on May 3rd at the BART office. They already have about a 100 folks signed up from all over California and possibly beyond, but to his knowledge, there were no responses from you and he was hopeful that at least some of you would be able to make that confrenc.e so he asked if I would remind you of that and so I have. Thank you.
- Speaker 5: Thank you.
- Jesse Smith: Jesse Smith. Having been a resident in Oakland for about 20 years now, I believe this will be my last time attending a city hall meeting. I've been homeless for over a year. Actually, as a friend and colleague, Parker has clarified to me, I haven't been homeless. I've been transient because I don't sleep in a tent. I sleep on the BART. And so, I will be finding housing out of state. This being my last meeting, I would like to say to the committee here, that, through all the troubles and even traumas that have come about after many decades of hard work, this commission being part of a legacy that goes back so far. That the way forward is to start chopping off heads. Because the city isn't giving the basic modicum of support and resources to this commission.
- Jesse Smith: If you start firing people, they will start paying attention. And i can tell you that because the matters that the 83% voted on, concern rape and murder. What we want, the 83%, we want blood, but we're not gonna get that. So you're not gonna hurt anybody by firing the police chief, firing any dirty cop that comes into your radar. That will not only galvanize support from the city, in terms of

the institutions and the resources, but it will build reputability and support from the community.

Madame Chair: Thank you, Jesse. Safe journey to whatever city you find.

Gene Hazard: For the record, Jean has it. You should've been at the rules committee this morning. At the rules committee, that had a item with respect to the inspector general. And counsel for the city found a way to defer any action on that item. Cause that was supposed to appear before the counsel on the 16th. It's been pushed back. Oh, thank you. And, two trains coming in opposite directions cause the city administrator had previously, and counsel, raise issue about the conflict with the charter.

Gene Hazard: And the city attorney this morning had said there are other legal issues. And I don't know what hat could be because how long they been dilly dallying around with the inspector general? And I told you that you need to step up to the plate and file a lawsuit. Matter of fact, you could do a validation and you don't have to go through a protracted lawsuit with regards to, cause that's what we're dealing with measure double A right now.

Gene Hazard: You could do a validation and let the courts make the determination whether in fact what I'm saying, that measure LL is in conflict with the city charter. The validation expedites, it's almost like a preliminary injunction. So you need to consider that and go in for- because you gonna continue to get this push back on the other side with regards to what jurisdictional power is. Thank you.

Speaker 5: Thank you.

John Jones III: Good evening. For the record, my name is John Jones III. I'm a member of the Coalition for Police Accountability. Provided some handouts. Unfortunately I did not have enough. So that I apologize for that.

John Jones III: This information details a number of investigations that took place int he city of Oakland dealing with sex trafficking. The reason why this is a major concern to me is the fact that when we see the high number of women, adult women sex workers who have been arrested, as opposed to those who are purchasing sex, as opposed to those who were quote unquote pimping. When we talk about accountability in keeping this department accountable, we can never overlook, we can never underestimate the amount of overtime that is being spent. I believe at the public safety committee that number was 21 million.

John Jones III: At a time where people, human beings in Oakland are sleeping literally under freeway overpasses, on bus benches. We just heard a public speaker share that he is unsheltered. And it seem like every time there's a budget year, which we in one right now, when other departments are asked to slash their budgets, for some strange reason, police overtime seems to just increase with no real accountability.

- John Jones III: I'm asking you all to really look into OPD's policies and procedures. Why is there so much overtime spending? Do we really need police officers, for example, at the Warrior game? No. Do we need OPD officers being contracted with AC Transit to quote unquote guard the equipment at construction companies? I raise that up and it's still happening at a time when citizens and residents are unemployed. Those jobs can go into communities. At the end of the day, please, look into their procedures and ask yourself what they don't need to do. So that way, we can make sure money goes to where it should go. So thank you.
- Madame Chair: Thank you.
- Oscar Fuentes: Hi. This on? Last meeting, I asked a question about the part of the enabling ordinance that covers firing the chief for cause. It seems in the enabling ordinance, it says after a finding of cause and a vote on that, but it doesn't state a process. And it doesn't start what cause is. I was hoping there'd be an answer for that. I was told there'd be an answer.
- Madame Chair: Thank you Mr. Fuentes. We did put that over to Mr. Rubin. So can you answer that question please?
- Mr. Rubin: So I believe the question is what constitutes cause for firing the police chief. Charter provides that that's going to be set forth enabling ordinance section 2-45-07E defines cause as any one of the following: continued intentional and willful failure or refusal to perform the duties and responsibilities of chief of police as required by any employment agreement with the city, the city charter, the city's governing laws and regulations or any laws, rules or regulations of the governmental entity-
- Oscar Fuentes: Can I stop you? I know that part. I could read the enabling ordinance.
- Mr. Rubin: So-
- Oscar Fuentes: My question was, what is finding? What is the process of finding?
- Mr. Rubin: Finding? So, ultimately, this decision is a discretionary decision of the Oakland Police Commission. I've advised the Oakland Police Commission as to the process they would need to go through. If they want to disclose additional information as to other things I may have advised them, they would probably need to vote on that particular issue.
- Madame Chair: So let-
- Oscar Fuentes: So it seems to me that in a meeting, it could be put on the agenda, firing the police commissioner for cause. The cause could be stated. The vote could be taken. I think there's cause. There's been ample conversation publicly about there being cause. The Monitor mentioned there was probably cause, so, I

suggest that the Commission stop taking this shit and just fire the chief. And then we'll move on from there.

Madame Chair: Thank you. Last speaker on this item is Nino Parker.

Nino Parker: Good evening, Commission. My name is Nino Parker. I am the Executive Director of the Home Screen Team. And a homeless advocate at Lake Merritt. Recently I had lost some bikes that were taken during a posting, but the posting was for a four days later, the bikes that were taken were taken on March 8th and the posting was for hat following Tuesday. I have since then made a complaint with the city. I got a letter back that says I had 15 days to respond to it had it not gone to the city attorney's office, I would not know that, and I would've just missed out on my claim.

Nino Parker: There was a woman by the name of Miss Padar. Mary Padar. She is the supervisor in charge of investigations when you put in a complaint with the city. I complained with the city. I asked her to please give me some idea of how much time a claim takes. She said anywhere form two to six months. That process has to be changed. Cause if a homeless person loses their stuff, they can't wait for two to six months to be reciprocated.

Nino Parker: One of the things that was taken was ac argo bike that I had. It's a bike that you can put bottled water on it. I would put things that I sell on it and they have really taken part of livelihood by taking that. The other, I think most important issue about this is, months ago, I came in we talked about a homeless policy that hadn't been updated since 1996. It was supposed to come in that September. Then we were told it was gonna come in that December. Where are we now? We are in April. Where is the police policy? It's important to know what that policy is, that will tell us whether they can cut the locks off and take people's stuff or not when they're assisted by DPW.

Nino Parker: This all has to change. People and their possessions have to be taken, like anybody else, if you have a car, you don't expect to one just come and take your car from you or come in your house and take your couch. What a person owns is their wealth and their worth. And no one has a right to take that from a person without that being reciprocated or being getting something back for it.

Nino Parker: So I would hope that this police department can make some calls to Miss Padar and do this with some expediency so I don't have to wait for two to six months to get back my stuff. Thank you.

Madame Chair: Thank you, Mr. Parker. I'll make a call tomorrow.

Miss Asada: Did you call my name?

Speaker 6: [inaudible]

- Madame Chair: I did not, Miss Asada.
- Speaker 6: Celine Bay and John Bay are [inaudible 01:25:07].
- Madame Chair: Okay. So, for item four.
- Miss Asada: I'll fill it out if you have-
- Madame Chair: No. No, no, no. I see it. That we've had some challenges with the coordinating, but Janel just helped with it.
- Madame Chair: So, Miss Asada. Mr. Jean Hazzard. Rashida Granage. John Bay. Celine Bay. Are the speaker cards for item four.
- Miss Asada: All right. All right. Love life. Love black people. I have for a number of years gone before the city council, gone before the public safety committee, and even gone to this body to talk about the negotiated settlement agreement. I don't remember a whole lot of other folks talking about it. Or putting the pressure on getting something done. Now we got a group of people saying they want a follow up commission to deal with the work that Warshaw is supposed to be doing around the NSA. I don't believe you are sincere because for 17 years, I haven't seen any hard thrust concentration on getting the NSA dealt with. And that includes the NAACP and Pueblo and all these other groups. No hard work. So don't come here talking about we want a commission. You need to get this commission working right. The fact that you made so many concessions with the measure LL that didn't give this body the power. Your power is, your basic power is, and I'll say it again. You can make recommendations on policy and procedure and your number one power, if you have it, and you haven't demonstrated it, is to fire the police chief. That's your power under measure LL.
- Miss Asada: Now people back here, like you gal talking about Warshaw is the problem. Some other people saying y'all having a press conference to fire the chief and then [inaudible] nothing's happening. Okay? Y'all can sit around and act like you doing something, but I'm calling you out. Is nothing happening. Nothing's happening. You gotta go back and readjust the ordinance, measure LL, and get the power that you need if you really wanna do something. And you can fire the police chief right now.
- Speaker 5: Thank you.
- Salim Bay: Good evening. For the record. Celine Bay. The first thing, I have so many things I have to talk about, but I'm gonna start with the fact that, respectfully, I disagree with you, Chair. For the last year we've been watching Mr. Smith's microaggressions against the vice Chair. We've watched his respect grow and grow and grow. That was the culmination of all of that for the year. So it's not just like it just popped up and this happened. We've been watching this go

down. From the Chair's position, he's been disrespectful. We've called him out multiple times for this so it didn't just get to that. The other thing is, Mr. Smith is the city attorney for the city of Antioch that protects the police officers in Antioch corrupt officers during the day time and then we're supposed to believe he has the city of Oakland's citizens' best interest and flips his hat around. And now, he's all cool and he's gonna protect our rights from the police chief. Right? So we don't believe any of that also.

Salim Bay:

The other issue that I wanted to talk about is specifically about the public defender. The public defender record in our community is horrendous. Right? It is the gateway to the prison industrial complex. When we're looking for a defense, and I would just ask, I don't know if the brother who's come up has changed any of this, but I'd be interested in hearing exactly how many cases he's winning versus how many he's settling. You see, because settling is just as bad as losing. If the DA comes and says, "I'm giving you 25 years," and your public defender comes up and goes, "You know what? Let's settle for seven." They got you for 20. Or, "I don't have time to defend you for 20. Take the seven years."

Salim Bay:

So this is what I do, it is a very important thing. He needs to come up and explain how he's changed the dynamic of people going to jail in our community.

Speaker 5:

Thank you.

John Bay.:

Good evening, for the record, John Bay. I just wanna second the dedication and, you know, like I said, when I cite Oakland and Oakland citizens, Miss Asada's right at the top. Mister Hazzard is at the top. From before I was thrust into this position to have to come down here and ... demand justice. Demand accountability. I was able to learn much from them and how they conducted themselves. It's not enough just to get up and drool. You have to make a point. And then make a point. And the point is, what we come here for is oversight of the Oakland Police Department by this body.

John Bay.:

And we expect some results. It's a learning process for the people up here, fine. Okay. But let's show some sincerity. The people from this side who come from the community from their homes from whatever they were doing to bring something that's important to them. To you. So that we can have hopefully clear guidance. A fair opportunity. And then to be shut down or ignored or demeaned. It's not proper as well. So there's a lot that needs to be addressed, but the bottom line, the commonality that what we're here for is the oversight of the police department.

John Bay.:

I don't have to say the job that the record of the police chief right now. It's being number four in line. She's equally bad as all the rest that she's replaced in the short term. And what that shows is the leadership that brought her to town as the solution is failed leadership and that's the Mayor. That was her decision. After she brought a couple of people who didn't wanna be in the job, who

weren't qualifier for the job. Who had too much dirt on they own to do the job. Then she brought this woman in. Under false pretense. We've been hoodwinked.

Speaker 5: Thank you. Anne Janks. Rashida Granage. Jean Hazzard.

Speaker 7: [inaudible]

Speaker 5: Oh, I'm sorry.

Speaker 7: I'll give you it again though.

Speaker 5: No, that's okay. Thank you.

Anne Janks: Anne Janks. So, I feel like we're leaning heavily towards going off the rails. I was really horrified at the way the public defender was treated. I really appreciate when people come and give their perspectives, especially when we're talking about policy. As many different voices as we can hear on policy I think is incredibly valuable. Whether I agree with them or not.

Anne Janks: And I was horrified that anybody would be treated that way. And I think that further discussions about the capacity of the public defender's office aren't appropriate here. I'd be glad to debate them in another setting, cause I've lived in a lot of places and I'm very, very impressed with the public defender's office. And a lot of the work that they're doing.

Anne Janks: Policy and dealing with bad cops I think is a plenty large function for us to take on within this commission and in appreciate your focusing on that and being respectful to everybody who comes to the microphone. Thank you.

Speaker 8: Who is the [inaudible 01:34:00]?

Madame Chair: Okay, now we're going to item five, which is the Oakland Police Department's budget for managing job related stress.

Madame Chair: Excuse me, [inaudible 01:34:23], our alternate Commissioner has a hand held mic and it needs to be turned up please.

Speaker 9: Thank you, Lieutenant [inaudible 01:34:31].

Lt Shavies: Good evening. Chair Jackson and Police Commission, thank you for having me. I apologize. I'll lift it up. I appreciate this opportunity to speak with you all about the police department's professional development and wellness unit. It's a unit that plans to provide wellness an service to its members. And the fact that I'm standing before you all today and the fact that it's been on your agenda multiple times in the past let's me know that it's important to you. And I appreciate that.

Lt Shavies: At he last commission meeting, Commissioner Prather expression an interest in metrics by which we evaluate the overall success of our program as well as how we evaluate Doctor Palmetry. That was part of at the last meeting, I apologize for now being here. And then last week, city council member Taylor kind of echoed your same sentiments. And so, with that in mind, took it upon myself to do some research as it relates to the metrics by which we measure success of our overall program as well as the services that it provide. Found that effectiveness is measured across multiple dimensions, which would include health, finance, satisfaction, organization support, participation and then performance and productivity of, for us, the officers that we employ. All right.

Lt Shavies: There were questions also at the last meeting raised about Dr. Palmetry's licensing and qualifications. On Monday, I provided Chair Jackson with his curriculum vitae, or his lifelong resume of sorts to outline some of his accomplishments. I can also share those with you. He was a licensed therapist. Specializes in the treatment of post traumatic stress and stress related issues since 2003. He has provided or assisted or facilitated over 300 critical incident debriefs for various police departments throughout the Bay area.

Lt Shavies: Doctor Palmetry is the Vice President of EAP from 1987 to 2003. He was responsible for products being delivered to 900 different employees and 1.2 million employees. So, 900 employers, 1.2 million employees. He developed the employer services department for MHN which is the Mental Health Network. And he specialized in critical incident debriefs and job performance referrals. He was also certified by the International Critical Incident Stress Foundation in 2003.

Lt Shavies: [inaudible] police department in the last five years since 2014, he's conducted 32 critical incident debriefs following either critical incidents or incidents in which children have been harmed and our members were witness to that. So dealing with the vicarious trauma that they may have been exposed to. He's also served 387 members doing those debriefs.

Lt Shavies: Individually he served 591 members of both our sworn and professional ranks. So, the professional development and wellness units goal is to provide centralized access to services for all OPD employees. That includes both sworn and professional staff members. The unit is gonna provide learning opportunities. I don't know if I mentioned, but I'm the Commander of the training section, which is why the name was changed. So in March 8th of this year, the unit was moved from personnel to the training section so that there's an emphasis put on training, professional development, as well as wellness.

Lt Shavies: The chief is also committed to providing all the necessary resources. She's providing an officer, and I know that there has been some discussion as to the previous two to three years, when it was under the personnel section. There was but one employee assigned to the unit who did the, I think she may have spoke last week, but did what she could as being the sole employee. Now we're

trying to get her some help so that we could provide a better service for our members.

Lt Shavies: In the past year, we provided vicarious trauma training to members of the police department, both sworn and professional. We're also gonna roll that out to our dispatchers. They're also exposed to trauma over the phone on call in, call out. I want our members, and this is just me, and I believe this is the purpose of the unit. I want our members to be well. If you've ever heard me talk, i want our members to be trauma informed and provide trauma informed services. I think that hurt people will go out and hurt people, but someone who's healed and who understands what trauma, someone in the community may be going through, when they get there, and so that you don't meet that trauma with trauma.

Lt Shavies: I think that that's important. And I think that that's something that has been missing. And so, getting our members to understand that they too are experiencing trauma and so to deal with that first before they deal with the traumatic scenes that they are often called to.

Lt Shavies: With regard to metrics, there are number of different ways in which we could measure them. A lot of it is based on self-reporting. Because it is mental health. Or, anonymous surveys in order to measure that. But I'm extremely interested to hear from the commission in the same way that I'm interested to hear from council member Taylor about ideas that you all may have around measuring our success. Cause I think it's important what metrics you would like to see as measured by.

Lt Shavies: With regard to budget, I believe our fiscal manager provided the commission with a PowerPoint dealing with budget. It should be attached, I believe it's attached in the agenda.

Madame Chair: Referencing the one pager.

Lt Shavies: Come again?

Madame Chair: With the bubbles on it.

Lt Shavies: Correct. So, the programs, obviously, like I discuss EAP, critical incident response, our peer support team.

#### PART 3 OF 11 ENDS [01:42:04]

Lt Shavies: ... AP, critical incident and response, our peer support team, substance abuse referrals, clinical psychologist referrals, and then the type of training is a lifetime fitness, whether it be a physical activity as simple as walking or as rigorous as other weightlifting. As well as yoga, mindfulness, and meditation, want to provide comprehensive services to all members. I'd also be interested, I know

that this body has been charged with dealing with sworn officers, but the unit serves both sworn and professional. I'd be interested to hear any thoughts and concerns that you may have with regard to how we divvy up services.

Lt Shavies: Some of the numbers from fiscal year 14/15 through present are in the PowerPoint, and I apologize that fiscal services manager was unable to be here today. But, if there are any questions that I can answer, I'll try my absolute best.

Madame Chair: Okay. Thank you. Commissioner Harris has a question.

Lt Shavies: Yes ma'am.

Comm Harris: Hi.

Lt Shavies: Good evening.

Comm Harris: So this item has been on our agenda quite a few times and the chair has asked for specific information.

Lt Shavies: Yes ma'am.

Comm Harris: And I keep hearing the department itself say how important the wellness program, or wellness, for their officers are. However, we're not getting the information.

Lt Shavies: Yes ma'am.

Comm Harris: I think that this a one liner, so to speak.

Lt Shavies: Okay.

Comm Harris: It doesn't give us any kind of answers like to questions, how many officers have used these services?

Lt Shavies: I have those, I thought I talked about it.

Comm Harris: I mean, but these are things that should have been included in this packet.

Lt Shavies: Okay.

Comm Harris: Like, if you're asking for things you want to have supportive documentation behind it when you ask for them.

Lt Shavies: Yes ma'am.

Comm Harris: Especially if you're saying that hurt people hurt people, which we know that-

- Lt Shavies: Yes ma'am.
- Comm Harris: 'Cause we've been under the NSA for 17 years. The questions, that's just a common sense question to me. Is how many officers have used these services and how do you measure how effective these services are?
- Lt Shavies: Okay. So, couple things, I have provided the numbers for the officers that have been trained through peer support, Dr. Palmertree, and also vicarious trauma. There are cert ... so, there are confidential-
- Comm Harris: How many officers have you-
- Lt Shavies: So, what's in the packet that you said it should be provided within the packet, if you go to page six it discusses how many officers, but also there's a confidentiality piece to this as well. It's all for ... also a self selecting piece in that-
- Madame Chair: So I think that ... you're talking about the Michael Palmtree counseling consultation services of the numbers.
- Lt Shavies: Right. We're talking about ... in with regards to training and with regards to exposing members to understand and recognizing trauma, I believe that I provided those. I can go through my email and find them. But I know that I've provided them.
- Comm Harris: I would like it to be-
- Lt Shavies: So, so-
- Comm Harris: If I don't recognize it, the public is not going to recognize it, you know? I want something that's broken down to where we ... only you understand this, I think. Right? 'Cause I don't.
- Lt Shavies: I apologize.
- Madame Chair: Actually, Commissioner Harris, there are individual numbers, I think what we need is totals at the end of each year. That would make it a lot easier to understand. Appreciate that it's broken down per service, but then wrap it up with like a grand total and that will help us understand that.
- Madame Chair: To your point though, Commissioner Harris, in terms of the measurements, you know, how can we tell that someone is ready to reenter work. That they are no longer traumatized because we know that the whole trauma and triggering takes a long time, right? So if you could help address that?
- Lt Shavies: So there's issues with confidentiality, and issues with HIPAA, and issues with the way in which a person is treated by a doctor that I as a lieutenant of police

within a training section, there's laws within the same way that if a person is under treatment of a doctor, they can be cleared by the doctor, but I may not have access to their medical file.

Madame Chair: Okay, so, do you want to clarify your question then and then-

Comm Harris: So, without the HIPAA information, I'm not asking for specific people. I just want to know how do you measure the effectiveness of this program? A million dollars can be spent somewhere else if it's not needed. So, I'm just like, why is it needed? These little numbers here that you're showing us, it gives us a little information, like trained 324 office in CPT. The public doesn't know what CPT and academy classes. What classes are you talking about?

Lt Shavies: So, CPT is the police department's Continued Professional Training. It's mandated by post-

Comm Harris: Right, but such as what?

Lt Shavies: It's a variety of-

Comm Harris: I know. What's in it?

Lt Shavies: Okay.

Comm Harris: You know what I mean? That's what I'm asking.

Lt Shavies: I can provide the curriculum to the chair if that's what you would like.

Comm Harris: Okay. All right. Thank you.

Madame Chair: Okay. And Alternate Commissioner Brown has a question.

Alt Comm Brown: Actually I have a multipart question, is that okay?

Lt Shavies: Yes sir. I didn't hear the initial thing.

Alt Comm Brown: Actually, I have a multipart question, if that's okay. I keep, I'm sinking here. First in the items on the consulting services, is that with one counselor providing all of these services?

Lt Shavies: There are, so it is a good question, you're right man. The numbers here are for one counselor. The Oakland Police Department, both sworn and professional, have access to the EMHT network, which has 15,000 folks. There's also, it's also in here, a number of referrals that are made by Dr. Palmertree. A person can also, independent of Dr. Palmertree, a person who may not want to go to Dr. Palmertree, has access to the EAPMHN network in order to see someone. As well as their family.

Alt Comm Brown: Okay. So it seems to me that you lack and oversight, an umbrella organization-

Lt Shavies: I can't hear you, I apologize.

Alt Comm Brown: It would seem to me that if you want to show the efficacy of counseling you lack an umbrella organization. The HIPAA would require to allow sharing of outcome information, is that correct?

Lt Shavies: I don't mean to be rude, is there, I think because the distance to the microphone, I can't hear unless someone else can help me.

Alt Comm Brown: Can we improve my mic please?

Lt Shavies: Yeah, I apologize, I'm sorry.

Alt Comm Brown: Hello? Hello? So, it appears that with all these different providers that you don't have an umbrella organization under which you can collect efficacy information for the officers because of HIPAA, is that correct?

Lt Shavies: So, I believe EAP provides information to Risk Management, which again, is because of confidentiality, that information is provided to Risk Management and not necessarily to me as the Commander of the section.

Alt Comm Brown: Okay. And, there's a lot of questions here.

Lt Shavies: Okay.

Alt Comm Brown: I would like, can I consult with him privately? At some time and not take this up here.

Madame Chair: Absolutely. You can set up a meeting with Lt. Shavies.

Alt Comm Brown: Great, Lt. Shavies, we should meet separately so we don't take just-

Lt Shavies: I would love that, sir.

Alt Comm Brown: Or questions here.

Lt Shavies: Okay. I would love that.

Alt Comm Brown: Thank you so much.

Madame Chair: Commissioner Anderson.

Comm Anderson: Hello, thank you. This has been on every agenda since I joined the police commission. This is the closest I think to meeting the expectation, but still falls short.

- Lt Shavies: I apologize.
- Comm Anderson: I'd like to, I appreciate the pictorial representation of the budget, I think we were expecting a little bit more of a traditional line item budget where we could see things spelled out. Through my own addition, I see that approximately just under \$1.8 million is devoted towards the wellness program budget, so again that would be clarified, if that is incorrect, through having a line item budget.
- Lt Shavies: Yeah.
- Comm Anderson: I understand that \$750,000 of that is a specific grant program. I'll just finish my comments and then you can respond to the points that I'm making. I also see that through that particular healing grant award there are several different nationally known organizations that regularly help develop measures for law enforcement, particularly in this area. So I see RTI, the Urban Institute, and the International Association of Chiefs of Police, and I'm just curious how they've been accessed in developing measures that would be appropriate that you've called upon us to suggest for you?
- Lt Shavies: That's an excellent question, I appreciate it. So, IACP, DOJ provided the grant, so the \$750,000 is not the Oakland Police Department's money to spend. There are a number of community organizations that that money is divvied up to, so Equal Justice USA, Youth Alive, Bay War. And you said how have they provided insight? So, ICP, we have a weekly meeting, we've had four site visits where DOJ and ICP have come in, where we've had collective meetings to work towards collective healing within the community. So that's not just the police department but those organizations that I mentioned. You talked about Urban.
- Lt Shavies: Urban did a survey last year, and I can provide that information to the chair and the rest of the commission if you like, the responses with regard to services, with regard to whether or not officers felt they were getting services, if they knew how to get services. Urban did that analysis of the survey. So, I could, if the chair would like that, I can also share that with her. And so, again, and I know that it probably would have helped you to have a line items so that you would what money went to Youth Alive, what money went to Bay War, what money went to different organizations, but the City of Oakland to provide listening sessions in the community and i will try my best to get that to you.
- Lt Shavies: But there's, there ... it's a different companies. It's not the city, it's not the Oakland Police Department, and I don't have complete access to the way in which they spend their funds. And the grant, it's about collective healing and it's about wellness, but I think it's been confused that it's a wellness grant. It's a healing grant that's in conjunction with the police department and the community to health both members of the police department and the community. It's not just the police grant, their talking to folks who have been victims of crime, whose family members have been victims of crime, in providing them with trauma training. We have the opportunity to see someone

after a traumatic event and I often do people within the community have an opportunity to recognize trauma and to see someone.

Lt Shavies: So the grant is there to provide services for those in the community.

Madame Chair: Thank you, are there any other questions? Commissioner Prather?

Comm Prather: Thank you Madame Chair. Good evening. I'd like to turn to the Palmertree matter, again. I attended a public safety committee meeting, not the most recent, but maybe two meetings ago, and I think it was in response to a question by Chair Gallo at the time, that it was your policy director's position that Mr. Palmertree's licensing as a marriage and family counselor was the only credential, licensing credential, that could be obtained in this area, was sufficient. Is that still the department's position?

Lt Shavies: I don't believe ... I wasn't at that meeting, so I can't speak to it. But that is not, I was ... okay, you want, who you want to-

Comm Prather: I'm sorry, go-

Lt Shavies: You want me to answer?

Comm Prather: I really would like to answer that question. Thanks. So is the department's position that Mr. Palmertree can only obtain the marriage and family counseling license in this area? There are no other licenses he could obtain that is relevant to the types of counseling that he's doing?

Lt Shavies: He has a number of certifications that's relevant to that counseling. He's kind of at the forefront within the entire area, with regard to that type of ... when I say that type, we're talking about Critical Incident Post Traumatic Stress, correct?

Comm Prather: Uh

Lt Shavies: 'Cause he has a ... your question was, is that the only thing that he has and it's not true. He has certifications in other areas.

Comm Prather: I don't want to tribute Tim Burch's comments to you, sir. Tim Burch had represented, he represented the department.

Lt Shavies: He's an awesome guy.

Comm Prather: And, he's no longer with the department as I understand.

Lt Shavies: I haven't seen him in a while.

Comm Prather: And Mr. Burch said that when asked why Mr. Palmertree was a marriage and family counselor, that that was the highest or only license that he could obtain

in these areas. And he represented that there were no licensing or credentials that he could obtain in anxiety disorder, depression, substance abuse, PTSD, or job related issues. Which are the other areas which he counsels besides the marriage and relationship issues. So I'm just worried ... look, the bottom line is, Mr. Palmertree presents both on his website and on this document as a marriage and family counselor. I think we all share concerns that he is being used in a number of other areas to counsel and appears to have no credentials in those areas.

Comm Prather: Do you have information, other information, that he does have credentials in other areas.

Lt Shavies: I do. I have provided his curriculum vitae with the chair. So there are a couple of questions wrapped up in that. The first was, was it true that that's the only thing he's credentialed in, and that's incorrect. The second was is that the department's stance, correct, that that is the only license that he could get, right?

Comm Prather: Well, sorry-

Lt Shavies: It sounds like you answered it ... you had I think five additional ways in which a person could be licensed, correct?

Comm Prather: I ... I apologize, I'm not trying to attribute Mr. Burch's position or comments to you, sir.

Lt Shavies: Okay.

Comm Prather: I'm only saying that the only information I had walking into this meeting was Mr. Palmertree was a marriage and family counselor who counsels in other areas. And now I'm hearing that he does have credentials-

Lt Shavies: Right.

Comm Prather: Actual licenses in other areas, yes?

Lt Shavies: And so, in order to kind of dispel, I don't want to call it a myth, but that belief, the reason why I shared his curriculum vitae. Or, the reason why I shared his resume with the chair, I can also share it with you as well Mr-

Comm Prather: I appreciate that, and I'm sure Madame Chair will distribute ... disseminate that information to me at the appropriate time. I guess I'd just like to hear from you that he does, and you don't have to say yes.

Lt Shavies: Yes, he does.

- Comm Prather: You don't have to identify what they are. But he does have other licenses in other areas.
- Lt Shavies: I thought that I presented that. Okay, it is.
- Madame Chair: Okay, so, Alternate Commissioner Brown would like to add some comment.
- Comm Prather: I have some more questions, but I'm not done.
- Madame Chair: Oh.
- Comm Prather: I'm happy to cede and come back.
- Madame Chair: Okay. Okay, so, we're gonna back to, you're going to clarify. Correct?
- Alt Comm Brown: I'm just going to clarify some issues about licensure. Typically, in fact, in all cases in California, to begin treating someone in a mental health capacity, you have a single license. You're either a psychiatrist, a psychologist, an MFT, a social worker, or a clinical counselor. You get one of those licenses. Then, once you're licensed, you begin to specialize in different areas. So the fact that you're called a marriage and family therapist, you have roughly the same education, and identically the same supervision requirements to get your license as a social worker and as a clinical counselor.
- Alt Comm Brown: And roughly the same hours as a psychologist as well. Obviously, psychiatrists have way off the chart in what it takes to become a psychiatrist. So when we say that somebody has a single licensure, we're only talking about getting into the game. Once you get in the game you really need still to, in fact, over the process of your 3,000 hours to get into the game, you'll begin specializing. And once you're in the game, there's a two year continuing education requirement that people tend to specialize around. So they'll find that they take their continuing education, whether it's trauma, whether it's couples, whether it's any other number of disorders, all of these people are qualified to treat all of the items that appear on the July 3rd memo.
- Alt Comm Brown: Every one of them receives almost identical training in those items. The psychologists are specially trained for testing and evaluation. That's something that they can do that the marriage and family therapists, the social workers, and the counselors can't do. So that's how this is broken up. So when you ask, you should be asking about someone's specialization, what their additional trainings are, what their certifications are, but you only get one license. And that's all you need.
- Madame Chair: Thank you for that clarification. Commissioner Prather?
- Comm Prather: I mean, I appreciate that, but I'd really like to hear from the department and not my colleague on these issues. And frankly, look, I think the bottom line is, in

looking to what the enabling ordinance calls for us, is that we're here to review and comment on the education and training the department provides. And frankly, if this is what the department is going to give us, we'll review and comment and provide that to the Chief as is required by the ordinance. But, we have these questions. And what I haven't heard, and maybe the CV covers that, it's not part of the materials that were disseminated to the public for tonight's meeting. I haven't heard whether Dr. Palmertree has engaged in officer specific training for post traumatic distress.

Comm Prather: I haven't heard any of these other, all I have, right, is that he's a licensed marriage and family counselor. And I get that he's, he has to do continuing education. We all have to. I'm a lawyer, I have to do continuing education. We all have to continue in our craft, but there's nothing else that's been provided that shows that he has the bona fides to continue dealing with these issues. And there's another issue, right?

Comm Prather: He continues to be the only person who answers our RFQ year after year, after year, right. He is your guy. Has the department asked itself why is he the only person who responds to the RFQ? Has that question been asked internally?

Lt Shavies: Has the question been asked internally? So, again, on March 8th, I took over the unit. I'm sure the question has been asked internally. Externally, I've done my own research, and I talked about it at council, there are a number of agencies because I'm new to this and I'm trying to learn in the same way, and Commissioner Brown I appreciate you educating me this evening.

Lt Shavies: I talked about some things that had been occurring in Chicago just this year, the number of suicides and how they are unable to find anyone to answer theirs as well. And it's an extremely, and I'm not a psychiatrist, or a psychologist, or a therapist. And, actually, honestly, it would actually be speculation for me to say why someone didn't respond to an RFQ. So actually I can't give a really good answer.

Comm Prather: I appreciate the candor, because I could speculate as to why, and I don't want to. If you don't know the answer, that's fine.

Lt Shavies: To speculate would be uninformed.

Comm Prather: I guess my only question has there been previous discussion of why there's only been one response traditionally, or yearly, to the RFQ. If the answer is I don't know then that's absolute acceptable answer. I'll accept that tonight. I do want to ask, and maybe this is, because you're new, this isn't the right question to ask, is, I mean obviously, what jumps off the page, you know in this PowerPoint, is the fact that year after year, after year, after year, Dr. Palmertree is seeing more people. From fiscal year 14/15 till to date, it's gone up 95 people, 115, 132, 149. Has the department looked at, critically, why each year the number of

individuals seeking assistance from Dr. Palmertree has gone up and maybe the answer is that's a good thing.

Comm Prather: I just don't ... I can't read that from this document.

Lt Shavies: So, I would think that it's a good thing. I would think anecdotally, I think that every human being on earth should seek therapy, or just talk to someone. So, I think, success would be 100%, maybe not Dr. Palmertree, because I don't think it's that one human being should see 1,100 people. But I think every human being should get help. And that's all I'll say about my thoughts. I think it's a good thing that the numbers are increasing. It means that the people trust him. It means that people are willing to get help, it means that people are coming out of the shadows and there's a mental health, the stigma is being broken. I think it's important for people to seek help, especially like there are things that we see every day that human beings shouldn't see.

Lt Shavies: There are things that people in our community see every day that human beings shouldn't see. And I think that it's important for people to talk through that. And the fact that it's going up is a good thing.

Comm Prather: I sincerely appreciate the glass is half full approach to this, I agree. I agree with everything you just said, the problem is, the numbers could also indicate that we have a serious drug and alcohol use problem within the department and more people are seeking out help. It could mean that more people have PTSD, it could mean that people are having more family and relationship issues.

Lt Shavies: People for sure have more PTSD.

Comm Prather: It could mean a lot of things. And here's the problem, and you asked for our commentary, and I'm going to give you my commentary early before the report is, Dr. Palmertree doesn't break those numbers out. Here he lumps together the number of people he sees and why he sees them. He sees them for anxiety, depression, PTSD, does the department track those numbers? And I get the HIPAA concerns.

Lt Shavies: Do you mind if I take notes?

Comm Prather: I understand the HIPAA concerns, but tracking them by the type of counseling they're seeking, the department could say hey this year we've got a rise in alcohol abuse. This year we have a rise in this particular issue. Job related stress. Marital stress. And you could address that. But just having this template ... look, this letter reads the same year after year from Palmertree. It just plugs in new numbers and the numbers are rising. And there's not been a critical analysis of this and that causes pause. Like, you read this and that's what jumps out to you.

Comm Prather: So, you know, we want to talk about, and I see Miss Gleason lurking. Virginia, you have to-

- Virgina Gleason: You wanted to talk a little bit about fiscal, so, um, uh-
- Comm Prather: You gotta come up to the mic.
- Virgina Gleason: Lt. Shavies is over the health and wellness unit, kind of the operational piece of it.
- Virgina Gleason: Oh, Virginia Gleason, from the Oakland Police Department, I'm over the Bureau of Services, the fiscal unit is within the Bureau of Services. And so, we received all the input about the renewal of the contract at the public safety meeting. And we are going to, so it's been renewed for a year. Before we go out to have it bid again, we would like to have input from the police commission about the types of metrics you would like to see in the contract. We can incorporate that into the ultimate professional services agreement that we get with whoever the psychologist.
- Virgina Gleason: Hopefully we will have more than one person respond to the bid. We work closely with the city's procurement department about how we put the contracts out and what the various restrictions are and all the riders. Contracting with the city of Oakland has some additional riders that are involved in contracting different from other places and we have found that in some cases that does shrink our pool once they see some of the particular issues that they have to sign off on. But, we gladly would participate with you in drafting the next RFP that will go out next year. We probably would need to start working on it three to four months before it expires so that we are sure that we have a process in place. So, we, like I say, welcome that. Including, we can write the metrics into the contract.
- Comm Prather: Thank you. I just have one last question. Which was, there was a mention of how satisfaction was measured, and it was measured through the actual participants and I'd just like to ... and there was also mention of anonymous surveys. So, a couple of questions if you could answer, is the survey, is this survey ... is there anonymous survey? Is it given to just participants or is it given to everyone in the department whether they seek services or not?
- Lt Shavies: Whether or not a person is participating, whether or not, I apologize ... hello, hello, so whether or not a person participates is confidential. It's given, it's shared department wide, is your question. And also, and I think Director Gleason said it, but, we appreciate the fact that it's here and we would like to know ... the commission is here to make the police department better. And so if there's ways in which we could measure in a more effective manner, I would love to hear some of those ideas.
- Madame Chair: Lt. Shavies, one of the things that I would like to suggest, is that you all try to identify what measurements that you think would be helpful and then we can review that and edit. And the other thing that I'd like to say is that for you being in this particular assignment for one month, I think that you have done an

excellent job. I don't necessarily think it was fair for them to put you out here like that.

Madame Chair: So, hopefully, we will be able to support you in terms of the wealth, excuse me, the health and wellness and I would suspect that there are probably members of the community that have some suggestions on measurement tools as well. So, please, email me. Thank you. Thank you very much.

Lt Shavies: Thank you Chair.

Madame Chair: Yes. My paper has paper. So public comment please come to the podium in any order. Gene Hazard, Elise Bernstein, excuse me, Bernstein, John Jones III, Mary Vail, Jessie Smith, Miss Asada, John Bay, Kathy Leonards, Salim Bay, and Lorelei Bosserman.

Gene Hazard: For the record, Gene Hazard.

Madame Chair: And Nino Parker.

Gene Hazard: One month he's been on the job. This has been going on since 2007. 2008 was the first RFQ. 2012 was the second RFQ, and then both of those two, they waived the bids. And now the story, and in between they gave an extension. So, I think it's unfair for the Chief to put this young man to explain what, over 11 years, but I'd like to ask some questions to the chair.

Madame Chair: Yes sir.

Gene Hazard: We gave hours, 563 hours, we gave, given the number of individuals. How many of those individuals have been repeated? Okay? And for what the reason? That's not confidentiality. That's not breaching the confidentiality. How many were repeated? Then he's indicated the stress level of seeing children who are victim of situations, in the community. What about those individuals in the police department, though the DA did not charge them with a homicide offense, are they included in these numbers? Because all too often, they escape being indicted by the DA's office. Justifiable homicide. And how many of those officers have had continued justifiable homicides. Are these numbers reflected in all that's being presented in terms of the people Mr. Palmtree, those are critical numbers, too.

Gene Hazard: And, so, we need to know, so, Mr. Prather's concern with the categories for which, it ain't just being drunk on the job. It ain't seeing children who have been unfortunately killed by outside the department, but what about the police officers who have been involved in these shootings? How many of those have been seen by Palmtree? And so, it's not breaching confidentiality to give categories. And I think that's what Mr. Prather was going. Okay. Thank you.

- Madame Chair: Thank you. Lt. Shavies? You taking those notes? I just wanted to make sure, okay, thumbs up, thank you. So he can hear you. Thank you.
- Elise Bernstein: Elise Bernstein, Coalition for ... Coalition for Police Accountability. It's not the first time that we've seen presentations by OPD that are totally inadequate. I think it's 98% of them. And all too often, it's a person who really shouldn't even be giving the report. They don't really have the information they need. And the reports are so non-specific, so undetailed, they kind of lump it all into the general resistance of OPD. They just don't want to share what's going on.
- Elise Bernstein: The questions by three counselors, commissioners, especially, were wonderful in terms of looking for specifics. But, unfortunately, the wrong person was presenting, or not his fault at all. And I think it's just part of the same game of not going along, or just trying to go along and not really solving the problem. Thank you.
- Madame Chair: Thank you.
- Kathy Leonard: Kathy Leonard with the Coalition for Police Accountability. Is this working? So I'm a little distressed. I'm hoping that I, that Commissioner Prather did not uncover the fact that perhaps there's an unqualified person treating police officers. We've been under the negotiated settlement for 16 years, so if an unqualified person is giving treatment related to Post Traumatic Stress, drug, alcohol abuse, and other job related mental and emotional health issues, I'm reading from the agenda,

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- Kathy Leonard: ... mental and emotional health issues in reading from the agenda, then that's really bad that the person who is doing that is licensed for marriage and family counseling. So I can get a credential myself and get a job treating officers? Is this what I'm hearing? Because this is outrageous if this is what I'm hearing.
- Kathy Leonard: I'd also like to know if the treatment that these officers are seeking, if it's mandated, if they're sent to treatment, or if they are voluntarily seeking treatment. Because I'd like to know if the officer who killed Mr. Bay's brother got treatment. I'd like to know if the officer who killed Demoria Hall while he was sleeping was ordered to treatment. And I'd like to know if the officers who killed Joshua Powley received any type of treatment.
- Kathy Leonard: If it was by a person who is licensed as a family and marriage counselor, then nothing has changed and nothing will change. I'm going to be bringing this up at the community policing advisory board, I'm a board member, and we're gonna be talking about this, too. Because, this is outrageous. This department will never change if this is the type of things that are going on. We spend more money with the department, there's 60% of our budget goes to the police department. And this what we're getting for our money? C'mon, let's do better.

- Madame Chair: Thank you.
- Speaker 10: I do have questions about whether this program is working where you still have officers fatally shooting people, supposedly under stress. Where you still have officers with domestic violence, sexual misconduct, alcoholism, and I think the previous speaker talked about, "Is this voluntary? Is this counselor somebody everyone in the department likes and that's why he gets the contract?"
- Speaker 10: Couple of years ago, the city council got criticized like rolling over the security contract for the building, for city hall. The number of rollovers, it almost makes you think this guy's pals with important people in the department and we just ... everyone in department's happy, so we roll over the contract again. It's fiscally irresponsible and again, these types of spending problems, practices, in OPD, that happen over, and over, and over again, cost us money, the problems and the services aren't necessarily complete or being resolved.
- Speaker 10: It's just not acceptable and I'm hoping that the council and you guys will keep pushing. No question this type of treatment service is necessary given the nature of the law enforcement job. Finally, yeah, a friend of mine who's in the family counseling field, I shared with that individual the case loads. And the professional's response was, "This one person doing all, the you know, that's not a professional work environment for them. And then from the city's perspective, you're not getting the services you need."
- Speaker 10: So, again, I get this clubby, roll over contract impression from the prior reports. It's gotta stop.
- Madame Chair: Thank you.
- Jesse Smith: Jessie Smith.
- Jesse Smith: This particular issue is something that I have been working on for seven years now, on record. Specifically, the mental health crisis within the police that causes more police to die from suicide than from any other cause on line, on the field. When I looked at the packet that was sent out, I looked for good signals that they were doing the right thing. I found none.
- Jesse Smith: Except for, the two best things I found, was one that any cop going in for an assessment would be paid in overtime. And I support that because it quantifies the trauma being inflicted on the cops. The other thing that I found encouraging in the packet was that they assessed traumas such as to reporting to a SIDS case, which is a Sudden Infant Death Syndrome case, which isn't violent, but that's extremely traumatic for a person to sit around with a dead baby all night. They're not gonna be the same person the next day.
- Jesse Smith: Now, on this, as I said, I've been researching this for seven years, I've gone around the country, I've interviewed many police, and worked on different

scenarios. There are a lot of products being sold. And a lot of them are woo and nonsense, specifically when I looked at Michael Palmertree's website, I found that he endorsed em, which is not a respectable form of theory. When it was studied ... there was only one particular form of therapy which is called Evidence Based Therapy and that's Cognitive Behavioral Therapy. And it's extremely effective for treating PTSD.

Jesse Smith: In fact, there is a pile of academic research specifically on first responders and police specifically, having ... they like Cognitive Behavioral Therapy. However, EMDR, when it was studied, it was shown to have the exact same ... I have time ceded to me by Lorelei. EMDR has the exact same success rate as CBT only when run in tandem. The EMDR practitioners, such as Palmtree, are not necessarily practicing the full CBT protocol. On the whole, we haven't been offered any therapy which can be validated by any academic source.

Jesse Smith: Even worse so is the idea of using clergy, cultural relevant therapy, to bring in the church. Now if this a medical problem, we don't look at somebody with depression, or bipolar disorder, and say what they need is religion. If someone says that you turn around and walk the other way. The inclusion of this is consistent with in the past as was mentioned, a healing grant, that it's both the cops and the community. This has already been done under Measure Y and it was a pay to pray scheme, basically.

Jesse Smith: Go through a trauma, they'll come around for you, and they got paid out of the government. And this idea of continuing this program through the police, it's an insult. The exposure to trauma over the phone, this is a very real thing, it also applies to everyone who works in city hall, when a murder happens. Do you know how many people have to process that paper, have to talk to grieving families.

Jesse Smith: I'm trying to be concise here, I've got some notes. Oh, mindfulness and weight lifting, this is also an insult. They haven't provided one single thing, and it's very easy, because as I've said, there is a pile of academic evidence that shows that in treating first responders, what you need is Cognitive Behavioral Therapy. It is an evidence based therapy and it is completely absent from any of the proposals here.

Jesse Smith: One reason I focus on this is because it's a holistic solution to the problem of police. Not only their own suicides and depravity and domestic abuse and all of the problems they have, but also the way that they treat the community. It's not the one solution, but it is a solution that is necessary and could potentially revolutionize everything that we do here. And I just want to look to see if I have one more point, pardon.

Jesse Smith: Oh yes, CPT, Continued Professional Training, that's not CBT. We need real science.

- Madame Chair: Thank you.
- Nino Parker: Hello, Nino Parker. Green team, lake merit, black activist, advocate. Anyway, something I was interested in, does Mr. Palm have the right to tell an officer that he needs to go on medication? And if he does, does he monitor that? How ... I know a lot of stuff is personal and private, but I'm just wondering are out here that have been told they need to take this medication or that medication, if they don't, what happens to them? How do they feel?
- Nino Parker: One of the things that I was interested in, and we talked about trauma, I think one of the things in police training should be to be trained for trauma. Now I understand if you're sitting with a dead baby, or you see a kid in an accident and the body's mangled, but one of the things that you guys should be used to is trauma when you see a dead body that's been shot up by police officer and has a pound of lead in him because he has so many bullet holes. You guys should be able to handle that trauma. And the trauma as well as the first human being to ever to be killed by a robot, I believe was in Dallas, blown up by a robot bomb.
- Nino Parker: I wonder did those officers get some kind of training for that trauma that they forced on a lot of other people 'cause that would stick in my craw for a long time. Now, little upset about that. One of the things I just wondered, are these officers, do they come to this doctor and see him for a period of time and then he releases him and says, "Hey, you're okay." Or are some of these officers like someone on the brink, you know, are some of these problems, anger problems, people that ... some of these officers that might have many complaints about a little bit of brutality or being, using a little bit too much force, and then this doctor puts him on meds. Is he protecting us?
- Nino Parker: One of the problems I have, any time you have the same person getting the same job all the time, I always feel there's corruption. With that said, I think this whole thing of paying this guy that much money, is a little bit extreme. Now that I've thought about it a little while here. I'm to here to be an enemy of anybody, but I am gonna always tell it like I see it. I'm not here ... Jessie and I have way different politics, I think some of our goals are the same, but I'm not that hardcore. I'm just really trying to make it so that things are fair and equitable when it comes to law enforcement period.
- Madame Chair: Thank you, Mr. Parker.
- John Bay.: John Bay for the record. I think this is a kind of a process issue, and if needs to be, which again, validates the need for a police commission. Where the RFQ process needs to be looked at, why can't Oakland find people who are willing to work for a million dollars? Something is wrong there and we can learn a lot from maybe someone who has declined in the past, or whatever. But I think that needs to be an aggressive process, redone ... sounds like from the ground up, because there doesn't seem to a lot of weight holding up the back of the Lieutenant's statements.

John Bay.: And, so, one way to look at numbers was the way he looked at them, and you can also look at them to say if we've had a consistent flow, progressive in people going through this counseling. Yet, we're unable to come out from under an NSA at the same period of time those are running on parallel tracks. So we have to at least look to see if there is a relationship at some point. So, just to, even though this is a specific item, you have to consider what's related to it and the failure, again, to be able to come out of the nsa and the presentation and the information that was given to me, again, speaks to a management failure, and that's the Chief.

John Bay.: That if she would have a person come to make a presentation at this late date, as long as you've been in existence. The police department should know to come prepared to the commission, don't have them have to flip through ... somebody should put it in a fashion where it's easily readable, you don't have to be directed to certain pages, it should just jump off the page. Find the numbers, justify what it is that they're going after, and you get the support from the commission. But now, you all are pulling teeth, and he's given you all assignments.

Madame Chair: Thank you.

Miss Asada: Love life, love black people. This is not the first time Mr. Palmtree's job appointment has been challenged. I challenged it in 2012, and absolutely nothing was done in terms of considering the fact that Palmertree was not a licensed practitioner capable of dealing with these issues. The council just overlooked it and renewed his contract. And so, he went from in 2003, from \$50,000, I mean \$50,000 a year, to 75,000, and now he's getting 100,000. And the question is: based on what criteria did he get pay raises?

Miss Asada: That's one of the questions. Here's another question. In 2012, it was said that the officers liked him. That's the only thing that was said. So I talked to some police officers. And they told me why they like him, because he's not going to put their jobs at risk. He's not gonna put their jobs at risk. Okay? So, they don't worry about whatever he gives them, he's not gonna make sure that anything happens so they don't lose their jobs. A question I had.

Miss Asada: How many officers have, because of stress, claims under Workman's Comp, have they done this? How many officers, because of stress or trauma issues have been identified as not fit for duty? How many officers come under, whatever assistance they get, under the Equal Assistance Program, which is free, and how is that working? More in depth information, not just Palmtree. How many assessment related to depressions, stress, suicide, violence, abuse, trauma, addiction, anxiety disorder has occurred?

Miss Asada: The reason why I'm asking that is, there are ... could I please finish? There are three things that have to happen to have an effective program around this issue. Intervention, assessment, and consultation. Palmertree is considered the

expert on consultation. Who's doing the assessment? Who's doing the intervention? Okay? Another question. Is he a full time employee? Because he has a thriving business in San Francisco, it says that he works 69 hours per month, I figure that to be like 2 hours a day, and he's getting \$100,000 a week.

Miss Asada: And the last thing that I have to say. Under the circumstances that black officers have identified, that they have been discriminated against in a letter that you're going to deal with later, that could be identified as stress or trauma, is Palmertree qualified to deal with racism?

Madame Chair: Thank you.

Salim Bay: Salim Bay. So it says regarding the management of job related stress and regarding the signs and symptoms of Post Traumatic Stress Disorder, drug and alcohol abuse, and other job related mental and emotional issues. We're not talking about dog groomers, we're not talking about people who pick up litter, we're talking about armed people in our community suffering from PTSD, okay? So it carries a larger weight when we're talking about a group of people who have a license to kill inside our community when you're talking about mental issues and getting 'em correct.

Salim Bay: As a person who studied a lot on PTSD, I do understand that substance abuse is at the heart of it. Right? So what we're talking about, and it takes a long time to get over that, too. This is a metered healing. So, are we saying that all the time they're going there that they have these substance problems, yet after thirty minutes with the person, they're going back in our community? Is that what we're saying? Because that to me is causing me traumatic stress right now. Thinking about that.

Salim Bay: The other issue is, is that we never, ever, ever test police officers at the scene of a shooting. How do we know they not PTSD? How do we know they're not hopped up on cocaine or some kind of speed or alcohol or anything? We test firefighters, right, who run into buildings for some type of drug abuse. So why isn't the police department being tested for these same things? You're telling us right here that they're is a problem, we just don't know according to the person that came up there how large the problem is.

Salim Bay: We look like the person who's been doing this contract, Mr. Palmertree, has been covering this up for x amount of time because it's always been there. So, just to close this out, it's crucial for the community that these police officers who have these, or going through these mental issues, as human beings, we all go through these mental issues, but you can't go back to the job if you have Post Traumatic Stress and you have not cleared. That means that you have a propensity to violence is one of the things that you do. You have a short temper, you have all of the things that you don't need when you are trying to deescalate something.

Salim Bay: So, what we're looking at is an escalation, which looks like it's mental health related inside the Oakland Police Department. And lastly, again as my brother said, it's a sign of leadership that you would send the person unqualified up there to answer these questions, or, excuse me, to not answer these questions that are really pertinent to the safety of the community that you are really here to protect and serve.

Madame Chair: Thank you.

John Jones III: Once again, for the record, John Jones III. I'm not going to belabor all the excellent points that was being made. I think this issue for me is pretty clear. But i also think that it's even more clear, for myself at least, that, if we just take a step back, and I want to share something. Right now, I'm going to speak as a formerly incarcerated person. Because it's interesting when I hear people talk about trauma and hurt people, and hurt people, we know that to be true.

John Jones III: What we also know to be true is what accountability looks like. Depending on who is the quote unquote perpetrator. Or the one who's causing the harm. And for me, honestly, it was triggering for me to sit here and hear these level of protections, we can't disclose this. When you're incarcerated, all your business is out there. Brendan Woods know this. When your name is on a court document, when it says the State of California versus John Jones III, and I'm thinking, "How the hell did I piss off 40 million people?"

John Jones III: The data they give you, when you in prison, they will say a certain percentage of people have Hep C, like, everything is detailed, it's out there. And this is the amazing thing about that though, it's so amazing, because no one who commits crime ever takes an oath to protect the people. So, when I'm starting to hear this, I'm thinking, okay, the police supposed to be the good people. They should be held to the highest standard. It's just like as a parent, you can't tell your kids to do something that you're not doing.

John Jones III: And I'm not suggesting that the police are our parents, but I think the relationship in terms of being authority figures is no less true, it's no less real. So at the end of the day, when I'm hearing we can't disclose this, we can't share that, we have to protect this. I'm thinking about something I heard somebody else say, you know, it's awful, but it's lawful. Lots of things that have been lawful in this country's history have clearly been awful, that's unacceptable.

John Jones III: And I'm gonna end on this note, so as I hear this, what I'm really getting out of all this is this: if someone wants to be a criminal, don't be a gang member or a thief, just join the force. Straight up. Seriously. Because the protections is making it seem that way. If you want to hold this department accountable, they have to hold themselves to the highest standard.

Madame Chair: Thank you.

Madame Chair: So I believe that Lieutenant Chavies will be coming back with responses to those questions and in the meantime, perhaps, one or two commissioners will also be engaging in order to get that done. Outstanding questions.

Madame Chair: Moving on to item six, the OPD response to Oakland Black Officers Association OBOA letter. Police chief.

Police Chief: Good evening commissioners, I'm here to address the issues that were raised by the OBOA letter that was posted in the Oakland Post newspaper. So the underlying issues associated with that had to do with concerns raised associated with our recruiting and our backgrounds that we do to hire people. So I thought, at your request, that you had asked for kind of a time line associated with recruiting and background issues, so I'm going to give you a very quick overview and then drill down to anything that you would like to speak toward.

Police Chief: As you know, I came onboard as the Chief of Police at the end of February in 2017. But, when I came, in the month of December 2016, prior to my arrival, the city police department had done an audit associated with hiring and recruiting practices as an outflow of what happened with the sex scandal. There was an audit that I received when I arrived. There were 11 recommendations as result of that audit and the overall, I would say, scope of those recommendations also led to a perspective that Oakland needed to be much more strict in what we were looking for in candidates for police officer.

Police Chief: And really emphasized risk issues, risk indicators, and that's what I inherited. When I came, our police academy classes, which we are allowed by budget, to have as many as 45 members per academy class. We were averaging around 20 to 25. Because we had been, apparently, screening, very carefully, but in that screening, a lot of people were being deselected in the process. I, as along with other, really were concerned about the hiring and the recruiting practices because our attrition rates would not be keeping up with our hiring practices. Plus there was concern, what are we looking for and how are we screening people out?

Police Chief: We in November, started to look at the statistics, this is November of 2017, and we were looking at what were the reasons that people fell out in the hiring process. And among many things, one of the major indicators was too much time was between the processes of hiring. So you might have as many as say, 1,500 applicants, but because of the time and distance it would take us to get to the next stage of hiring, a lot of people wouldn't show up. And so, your pool start dropping. In December of 2017, we as a police department were starting to look at expanding our testing from a particular written test to an additional test.

Police Chief: A lot of our fellow police departments around the Bay Area were using a particular type of test and we were using a different test. So now, as of today, we accept both tests in order to have a more expansive pool. All along the lines,

we were still working on recruiting and backgrounding and what could we change so that we don't eliminate good candidates, but who were being screened out historically. In March of 2018, we even changed our total hiring practices because you were aware that we had critical shortages in our dispatch, in our communications division. With your, you might be aware, that Virginia Gleason, who is the Deputy Director over the Bureau of Services had communications under her. She had dispatch communications. Virginia comes with an incredible background and not only has she been a long term attorney, she also had served as the number two in a privately owned business that was associated with recruiting and screening police chief candidates for a company.

Police Chief:

So, she had an extensive background in recruiting and hiring, so when she took over the recruiting and hiring of dispatch, not only did she clear up that backlog, she changed the whole paradigm of how we screen people. During all of this time period of 2018 our recruiting and background unit actually fell under the training academy. The police academy, under that command. There had been quite a bit of discussion internally about moving the recruiting and background from that command, that chain under the training academy, to Virginia under her chain of command. Okay?

Police Chief:

And so, and then we had the issues that came up in the fall, associated with women, if you may recall. And there was a San Francisco Chronicle Sunday front page article that had to do with Oakland Police were unfairly screening women. At that time, that is when internal discussions within our own command was about let's move background and recruiting under Virginia Gleason because her experience. This is last year in the fall when that even arose. Virginia Gleason, Director Gleason, Deputy Director, had a lot of units assigned to her bureau. And there was concern about her capacity to take on one more unit.

Police Chief:

This is in October November time period. At that time, it also was the time that the president of the OBOA came to see me to have a conversation. The president of the OBOA is the sergeant over the background and recruiting unit. And in that discussion that we had, just the two of us, there was just concerns that he had expressed and I understand and I cannot go into details and I will not, because it involves personnel matter and issues. But he did and we spoke about the function of the recruiting and the background. He left, I went to my own command, and I said we need to, I'd like to go ahead and I said, "We need to ... I'd like to go ahead and give the unit to Virginia. But because of the capacity we were not ready to make the switch."

Police Chief:

Once a year, our officers, under union contract, in our entire unionized group, they bid once a year for shift change by seniority. That shift occurs in the month of February. That's when all the seats move in the house. I wanted to tie the movement of that unit to that time period. It would give Virginia Gleason an opportunity to gear up to take on that role. Then in the month of January, early January, I received a call from Mayor that indicated that she had received a

letter from the OBOA and did I know anything about it. I said I didn't know anything about a letter and she then sent it to me.

Police Chief: Based on the contents of that letter, the movement occurred then and there under Deputy Director Gleason. As a result of that, we had made incredible changes as well and we working on all these changes in our background and recruiting and then we had made a lot of changes that we would be happy to speak to. I do want you to meet the head, we just created a Lieutenant over the background and recruiting unit, that's Lt. Wilson Lau, right back here. And then also back here is Antonay Hicks, she is a professional staff member and she is also very big in her leadership role over background and recruiting. So we have her here.

Police Chief: We were still progressing in many of our changes and very happy with the changes that we were making, but one of the criticisms we had had was too many, particularly, people of color were being screened out. Something that Deputy Director Gleason did during this time in January and today, she went back to every single packet of candidates who had been screened out for the entire year last year. And we put them completely back in. Those are the types of things, we have looked at changing our and expanding our psychologist for review and screening. We're looking at other methodologies. We're trying to be open to changing how we recruit and backgrounds.

Police Chief: Then things were moving along until the letter, it was a ... the letter that ended up in the Oakland Post was not the letter that was received at the top of the year. Regardless, regardless, the issues are still need to be addressed. I have asked the department, the city's, not the department's, but the city's director over race and equity, and if you don't mind, I think most people know, but if I may have Darlene Flynn come forward so people can know her, meet her. If you don't mind coming out.

Darlene Flynn: Okay.

Police Chief: Darlene runs the entire department for the city about race and equity. And I reached out to Darlene and I asked Darlene to come in and meet-

PART 5 OF 11 ENDS [02:50:04]

Police Chief: I reached out to [Darlene 02:50:01], and I asked Darlene to come in and meet with us, and I said, "Darlene, these are real issues. I want them corrected. And, I want to not only correct anything from our history, but where we are today and how do we go forward." And Darlene, if you don't mind. I don't know that you have a lot to be prepared, but you may want to speak about how we as a police department can go forward ... In our practices of really getting equity. So go ahead.

Darlene: The job of the department, or the purpose of the department is to work with all departments to use a more rigorous ... I have a terrible cold. You'll just have to bear with me. More rigorous and defined process for designing into equity.

Darlene: So, as we look at the complaints that were raised by the letter, we will be able to look for data to substantiate those complaints and also work with the officers themselves to think about what would it take to achieve a more equitable outcome in the future.

Darlene: So, it is very outcome driven, it is very result-based, and we will be looking at setting equity outcomes with the leadership of the department and with the officers involved who are most impacted by any disparities that are seen in the data.

Darlene: So, this means a slightly different approach because we focus on equity first and back out of the disparities that may exist as put forward by the officers that wrote the letter, and think with them about what would it look like if we were rearranging or revising policies, practices, and procedures to achieve a more equitable outcome.

Darlene: So, it is a disciplined approach to problem solving that brings a particular viewpoint that is what is being used across the rest of the city, honestly.

Darlene: And you can see some of the results of it coming out in some of the policy proposals that are coming out from other departments. We have not yet had the opportunity to do that work inside the police department, so this is going to be our first, it is going to be new, they are going to be getting training from me that other folks have gotten in the city, and we are going to be working with those principles to see if we can get to a more satisfactory outcome for the officers, and ultimately for the public.

Police Chief: Thank you Darlene. I appreciate it.

Darlene: You bet.

Police Chief: One other thing I should add is that over a year ago, or about a year ago ... In the one year mark, we did join with [Mr. Burress 02:52:33] and the plaintiff's attorneys, as well as the monitor in which the Oakland Police Department has entered into a contract with a vendor to study the disparities in discipline.

Police Chief: And that contract is now signed, and we are ready to go forward with a formal study to deal with disparity in discipline that has been historical in our department. And that is my report to you.

Madame Chair: So Chief, first off I would like to know ... Excuse me [Mr. Fuentes 02:53:13].

Madame Chair: Thank you.

- Madame Chair: Chief, when was the investigation opened? What date?
- Police Chief: With respect to any personal matters, specifically, I ...
- Madame Chair: No, OBOA. When was the investigation opened?
- Police Chief: I've been counseled by our legal team not to address those issues.
- Madame Chair: Do you have a question?
- Police Chief: Okay, [Commissioner Harris 02:53:41].
- Comm Harris: So first I'm gonna apologize that the letter is not included in our packet. It was supposed to be, but it's not ... Okay, well we don't have it in ours.
- Comm Harris: No I have it, I have it on my phone. Thank you.
- Comm Harris: And second, Chief, this is not just about disparities on hiring practices, this is about ... Unfair, unbiased treatment in personnel decision, unfair. Or, unfair internal affairs investigations and discipline ... Overlooking qualified black officers/members for assignments and positions.
- Comm Harris: Biased and unfair of black applicants during hiring, the academy, and field training programs.
- Comm Harris: The most recent example of lack of action by OPD leadership occurred in the mishandling of a recruiting and background Commander's conduct. So that's just a couple things ... [crosstalk 02:54:41].
- Police Chief: Right.
- Comm Harris: But the letter goes on and on and on, and on ...
- Police Chief: Right.
- Comm Harris: In regards to more. So we, today would like you to address some of these issues, without saying you can't answer.
- Police Chief: I could answer in principle. You've asked me a very direct question, Chair.
- Comm Harris: [inaudible 02:54:56].
- Police Chief: So I will answer as best I can in principle.
- Comm Harris: Yeah.

- Police Chief: All allegations of any kind of misconduct ... Including discrimination ... Are all IA's, internal investigations, as well as city investigations ... Open at the time that the complaints are received.
- Police Chief: That's my answer to you.
- Comm Harris: So, what I think what I'm hearing is ... The investigation wasn't opened when you sat down with the Sergeant, who is the president of OBA, but was ... [crosstalk]
- Police Chief: I will not violate ... Employment law.
- Comm Harris: I'm just trying to clarify.
- Police Chief: I'm not going to violate it, and to ask me to violate the law ... [crosstalk 02:55:45].
- Comm Harris: Nope, no problem.
- Police Chief: I won't do it.
- Comm Harris: Just trying to clarify.
- Police Chief: For me to speak to specifics, is a guarded ...
- Comm Harris: I ...
- Police Chief: Employment ...
- Comm Harris: It was a specific question ...
- Police Chief: Law ...
- Comm Harris: Did the investigation open after the meeting, or did it open after you got the letter?
- Police Chief: I answered the question in principle. And that is the ... That is as close as I can get.
- Comm Harris: Commissioner Harris, can you please share a copy of the initial letter that was given to you?
- Comm Harris: If you're stating that this is not the letter, can you give us a copy of the initial letter that was given?
- Police Chief: I will have to seek legal counsel for that, as long as it's allowed, I have no problems with that.

- Comm Harris: Okay, so ... Clearly we're not gonna get any answers.
- Madame Chair: Excuse me. Excuse me. Community please, we're trying to let the Commissioner as a question [crosstalk 02:56:36].
- Comm Harris: Yeah.
- Comm Harris: Clearly we're not gonna get any answers, and however ... We need you to understand Chief, that this is very serious.
- Police Chief: It is a serious matter. [crosstalk] And it has been taken seriously.
- Comm Harris: But you're not taking it serious because we are the body.
- Police Chief: I understand.
- Comm Harris: We are the body ... That ...
- Police Chief: I will not violate the law. I wanna make it clear. I will not violate the law.
- Comm Harris: But we're not asking you to violate the law. We don't violate the law either. We're just trying to look into a situation, that has happened, that has been brought to our attention. That's all.
- Police Chief: I understand.
- Madame Chair: So ... I think that it probably makes sense. Do we have a CPRA investigation going along in alignment with the IAD investigation?
- Police Chief: I'm not aware of one.
- Madame Chair: Okay, well ... Open one please.
- Police Chief: [Commissioner Prather 02:57:37], you have a question?
- Speaker 11: Sure. Thank you.
- Speaker 11: No, I got a question.
- Speaker 11: Thank you, Madame Chair.
- Speaker 11: Have you met with OBOA ... After the receipt of the letter?
- Police Chief: I requested there, to meet with me. And they did not take that offer.
- Speaker 11: They declined to meet with you?

- Police Chief: Yes.
- Speaker 11: Okay, thank you.
- Madame Chair: Any other commissioners have questions?
- Madame Chair: Well it sounds like we'll probably be following up [Chief Kirkpatrick 02:58:18], thank you very much.
- Police Chief: I wanna qualify, after you said receipt of the letter ... I'm talking about when the OBOA letter posted in the paper, we requested to meet.
- Police Chief: Okay, thank you.
- Madame Chair: Thank you.
- Madame Chair: Public comment, next.
- Madame Chair: So, [Nino Parker 02:58:40], [Laura Lybosserman 02:58:41], [Mary Veil 02:58:43], [Rashida Granage 02:58:44], [John Jones III 02:58:45], [Gene Hazard 02:58:46], [Ms. Asada 02:58:47], [John Bay 02:58:49], [Kathy Leonard 02:58:50], and [Selene Bay 02:58:52], in whatever order you like.
- Madame Chair: Mr. Hazard.
- Gene Hazard: For the record, Gene hasn't ... You know it's insulting for the police chief to come here, and give you this, half baked ... What the real substantive issues are. What OBOA's complaint.
- Gene Hazard: You could get the letter, so contact the Oakland Black police officers, and you get that letter.
- Gene Hazard: 'Cause when she says she can't give it to you ... Give me a break, all right?
- Gene Hazard: This goes deeper than ... Recruitment.
- Gene Hazard: It's what's happening internally. And she tries ... Oh this happened before she got here, no it didn't.
- Gene Hazard: There may have been some evidence of some things. But what these officers ... This complaint ... Is under her watch. Not what happened before.
- Gene Hazard: She hasn't even done anything to address ... Negotiating settlement agreement. She elevated officers who were involved in the sex scandal. Under her watch ... That didn't happen ... Well some of the activity may have happened before, but when this whole ... Submission of the complaint ... It was on her watch.

- Gene Hazard: She didn't see anything wrong. All y'all have sex with this underage ... Teenager.
- Gene Hazard: But you know what? You're gonna get rewarded, we're gonna elevate you.
- Gene Hazard: So, this should be an insult to you, and certainly to the public.
- Gene Hazard: She didn't give ... Answer nothing. And the equity? She said, "Oh, we got this equity thing to deal with the ... The discipline."
- Gene Hazard: Oh. Come on. So you know that that says?
- Gene Hazard: She was aware of the complaints, of the OB-, and chose not to do anything about it, until it got to this stage, oh let's hurry up and put in place a structure to deal with these disparate treatments.
- Gene Hazard: Thank you.
- Speaker 10: First of all, the Chief lost me, when we had to sit through 10 minutes of chatter about unrelated subjects, before we slowly eased up to the ... African American word, and the D word.
- Speaker 10: And then she tells us, "Oh, the letter in the post isn't the real letter."
- Speaker 10: It makes me very skeptical of everything she says. As Mr. Hazard pointed out, this is ... And the two lawsuits, both by African American officers ... They're about discrimination ... But they're also almost the kind of claim a whistleblower would file.
- Speaker 10: Because both officers ... The female officer in internal affairs, doing investigation of the scandal and the cover up, was basically run out of her job, for doing a follow the facts investigation.
- Speaker 10: And the original plaintiff, the detective ... Investigating the primary sex scandal officers ... Wife's death, did what you ... You watch on TV, you have a family member die, the other family members ... They're always at least ... You go through a cursory inquiry, and he was told, you're not supposed to do that.
- Speaker 10: 'Cause, he's a fellow officer.
- Speaker 10: So the cover up issues, the whistle blower issues, even the union ... The OPOA, the white male dominated officer union ... They have a problem with this disparate discipline, that's why it's under the agenda, under the NSA.
- Speaker 10: Because when they have to finally discipline somebody, they'll of course pick the low ranking officers as the fall guy, or fall girl. And, load them up with the discipline, and let everyone else, including officer who were supervising, walk scot free.

Speaker 10: These ... The two cases ... The grievances of the OBOA ... They're about discrimination, but they're also about cover up, and a culture ... Remind you in the last two and a half years, two upper middle management, highly regarded, African American, female managers in the OPD left.

Speaker 10: One for the private sector, one to be chief in Portland, Oregon. There's obviously a problem with the culture, and the way people are treated, promoted, their experience on the job everyday with ... Sex and race discrimination in OPD.

Speaker 10: And that's, that's one of the things in the culture that's gotta change under the NSA and for the good of the city, thank you.

Speaker 12: Hi, I'm [Laura Lybosserman 03:04:31], this was unbelievable. Oh, hello? I'm Laura Lybosserman, now can you hear me?

Speaker 12: This was unbelievable. For over 10 minutes, the Chief gave us fact after fact that was completely irrelevant.

Speaker 12: The question is, what did you do? And none of that ... None of that answered the question.

Speaker 12: We finally got to something of substance, which is that she consulted someone who suggested a study. We don't need a study, we know what's happening. We need you to do something about it.

Speaker 12: And I'd like to know how much money that study is gonna take.

Speaker 12: A study. Unbelievable.

Speaker 12: What also is unbelievable to me, in spite of the fact that this keeps happening, is that this keeps happening. The Chief sends in people who do not have the information that you've asked for. You asked for ... Going back one agenda item. You asked for additional information about something, and she brought in someone who's been on the job for one month.

Speaker 12: You ask her a question, she actually can answer things, but she doesn't. And, I understand that you will not break the law, and I understand that there are confidentiality issues, and personnel rights, but I honestly get the impression that over, and over, and over again ... That you're pulling that out when it simply doesn't apply.

Speaker 12: Lastly, I would like to say that when you refer to the sex scandal, you could call it what it was, which was a rape scandal.

Speaker 12: When an adult has a sex with someone under 18, that is rape.

- Speaker 12: Thanks.
- Madame Chair: Thank you.
- Kathy Leonard: I continue to be disappointed by the Oakland Police Department. They've been under the Negotiated Settlement Agreement for 16 years, and all we hear is excuses.
- Kathy Leonard: When a person keeps coming to the podium and keeps giving you excuses, they have no plan on changing their behavior, because they don't believe anything is wrong.
- Kathy Leonard: And that's exactly what's going on here. First of all, the ... Continual referral to ... The sexual abuse case, which really was ... Oakland police officers engaging in pedophilia ... That's really what it was. Raping an underaged child.
- Kathy Leonard: It's rape, it's pedophilia. But none of them were charged.
- Kathy Leonard: Talking about dispatchers ... And I don't even know why this dispatchers were brought up, because the issue is ... Black police officers.
- Kathy Leonard: So I don't understand that reference at all. And then with all due respect to [Darlene Flynn 03:07:21], who I completely respect, her department is understaffed. This city is not serious about dismantling inequality on the basis of race.
- Kathy Leonard: 'Cause if they were, she wouldn't be overworked. She sick today. But she was hauled off her to give some testimony, and there's two people in her whole department, to service the entire city, to rid the entire city ... Of racial discrimination. You tell me how two people can do that.
- Kathy Leonard: Two people.
- Kathy Leonard: This department, has no will to change. Next week, we're gonna hear the same old bull, and the week after that we're gonna hear the same old bull again. We're gonna hear, excuse after excuse, after excuse.
- Kathy Leonard: I'm tired of excuses.
- Kathy Leonard: Oh the past person, it was their fault.
- Kathy Leonard: Well what are you doing to clean up the mess? The officers didn't write that letter just because they didn't have anything to do. Let's get this department cleaned up, let's be serious about making change in the Oakland Police Department. And in the entire city of Oakland for that matter.
- Kathy Leonard: And staff Darlene Flynn's department for God's sakes.

- Madame Chair: Thank you.
- John Bay.: John Bay, for the record.
- John Bay.: I think that the previous item on that ... Wellness and this ... Just table them for a minute. Because there's no reason for him to come back in two weeks, 'cause he won't be prepared.
- John Bay.: 'Cause you need ... There's a lot more information to get. And this shouldn't be over with. It needs to be followed up with the black officers, and for her to say ... Everything was going along fine until the letter came, apparently it wasn't. You just didn't know.
- John Bay.: And that's right there, that's the problem. That's where ... That's how come it's a culture. She didn't even know and she's at the top.
- John Bay.: And that presentation again, she's at the top. So I think we should really applaud the Lieutenant for the ... Exemplary job he did, based on comparison to that.
- John Bay.: So it's, too comfortable to say, "Well that's a personnel issue. I can't speak on that."
- John Bay.: They're well versed on what they can't speak on, but they can't give answers to this body, and to the public who comes to hear what they have to say.
- John Bay.: That's a serious issue. If ... the black officers have problems with racism, what does a black man in Oakland ... What's it looking like for him. Not very good. A black, stressed officer being racially targeted, to go out there and beat up his brothers.
- John Bay.: Because only one person is doing the stress release.
- John Bay.: So for them, also for her to come up with ... A commission ... Excuse me, bringing in an outside person ... How much is that?
- John Bay.: Again, we're talking about police budget, over time, all these stress issues ... Now you wanna bring in someone else to tell you about racism? It's ridiculous.
- John Bay.: Failure, in the department is at the top. And you get to see it. So we can't say, "Well we don't know what she does, as far as leadership." We do, and it ain't good.
- Madame Chair: Thank you.
- Salim Bay: [Selene Bay 03:10:59].

Salim Bay: So, when she interviewed for this job, I know that the job description said, "Failing to respond to racism, to get out of NSA."

Salim Bay: All right? So when she came here, we were looking for a Chief that was gonna address racial, profiling, racism in the department. So for her to get up, two and a half years later, and go, "Oh, what? Racism in my department?"

Salim Bay: BS. BS. You knew this was a racist department when you were hired. You were hired, supposedly to address racism. That was one of the highest priorities of the department, to get out from under the NSA.

Salim Bay: We didn't hire you to keep the NSA going ... Well we didn't hire you at all ... Very, first of all. But, you weren't hired to come in here and kick the can down the road, for racism.

Salim Bay: And again, like my brother said, if racism is that rampant in the department, that people would risk their promotions and their careers to go against the head, what is it that the community who's been saying, "We are being racially profiled, with animus."

Salim Bay: So if you're not addressing that, Ms. Chief, then you need to go. You need to go for all kinds of other reasons, specifically for promoting officers that covered up the rape of a young girl of color.

Salim Bay: That's your first thing, you came in a promoted people who were crooked into your command. That makes your command compromised. Why would you promote people who covered up the rape of a young girl?

Salim Bay: Most people are running from that. The other issue is, is, how many times have you heard racial profiling, Chief? And you still haven't come and done anything. We gave you a document in October that stated racial profiling. You got up here and said, "I can't say anything about it."

Salim Bay: But, you didn't go back and do anything about it. Right? That was in October. This is, April.

Salim Bay: Hey, hey, goodbye.

Salim Bay: Get rid of her please.

Madame Chair: Thank you.

Rasheeda: [Rashida Granage 03:13:14]. I have an idea, let's call [Dr. Paulmater 03:13:17] to come here, I think we could all use him right now.

Rasheeda: I've learned a new language this evening, it's called, "Police Speak." You say 50 words, when you could've said five, and all of them are irrelevant to the topic.

- Rasheeda: That is, "Police Speak."
- Rasheeda: So, just wanted to remind the commission that you have subpoena power. Whatever you ask for nicely, and are told you can't have, you issue a subpoena.
- Rasheeda: You can also subpoena people ... You can call people to come, as witnesses. You can call the president of the Black Police Officer's Association, to testify. Right? So, you don't have to accept this ... I won't even use the adjective.
- Rasheeda: You don't have to accept this kind of response, and asking for it to come back, isn't going to yield anything more. Right? We've seen that.
- Rasheeda: We've seen this movie. And we know that how many times you bring a subject matter back onto your agenda, you don't get any further than you were the last time. Right?
- Rasheeda: And so, enough of that ... You set deadlines for materials, and if you don't get them by the deadline, you issue the subpoenas, and then you bring people in to testify, and you make decisions. And maybe that means that on your agenda, you need to list certain items as action items, as well as informational items, so that allows you take a vote ... On something after you hear this sort of response. That you can actually, make a decision about what to do.
- Rasheeda: Thank you.
- Miss Asada: Love life, love black people.
- Miss Asada: Let me talk about the mayor for a minute, because she can fire the police chief too, without cause. When we had the sex scandal, there was a press conference ... And the mayor said, "We're gonna be doing an investigation, into some racist texts, within the police department." And she said, "I think it's very important to let you know, that these were black police officers."
- Miss Asada: That was a diversion tactic ... To take your focus away from the sex scandal, and look at these black officers and what they were doing wrong.
- Miss Asada: The culture ... And this letter says this ... The culture in this police department has been here for a long time, around racism and unfair practices.
- Miss Asada: What has happened since this chief has been here? It's been a continuing process of racism. Not just in this police department, throughout this whole country. Whether you call it policing, whether you call it education, whether you call it your job ... Whatever you call it ... Racism is there.
- Miss Asada: I have never heard under the banner of the Blue Wall of Silence, that police officers will expose ... Something must be very serious ... Because the Blue Wall of Silence, I heard from a police officer ... You don't break that, wall.

Miss Asada: These officers have broken the wall. That means this area is serious. And when you're dealing with the area, you don't bring the perpetrator to do the explanation of why you raped me. You bring the victim, and maybe the perpetrator after that.

Miss Asada: So, I don't understand this process, and I don't know who can come to represent the black police officers. But it's very clear.

Miss Asada: And I wanna put some weight on [Everhart 03:17:43]. Dr. Everhart came in this department, and refused to allow them to embrace the fact that racism exists. She only told them that they are the victims of implicit bias.

Miss Asada: That they unconsciously don't know what they're doing. So don't be surprised if at the end of all this, Everhart is gonna tell you, that his is happening because of implicit bias, not because of racism.

Miss Asada: And I wanna end this, as black people will say.

Miss Asada: Bye, Felicia.

John Jones III: For the record, [John Jones III 03:18:24].

John Jones III: You know for me, the significance is this, as someone who grew up in the inner city as a black person.

John Jones III: There's two things we notice about policing in the hood, right?

John Jones III: The first thing is ... And there's this song ... I'm gonna quote an infamous poet, who's in the Rock and Roll Hall of Fame ... He says, "And they'll slam you down to the street tops, black police showin' out for the white cop."

John Jones III: In the black community we knew, that police brutality doesn't matter the race. It's the color, it's the blue, it's the uniform.

John Jones III: The second aspect, we have noticed, there are tons of black officers who have remained silent ... For whatever reasons ... Silence is a form of violence.

John Jones III: Right? So for me, and I'm recalling a situation that happened somewhere in the Midwest, where there were a number of black officers who came forth to espouse police brutality.

John Jones III: All of them were fired. So I wanna commend these officers in this regard. I was not there, I don't know, but it takes courage and strength to step up and say something is wrong.

John Jones III: To against your own self-interests, 'cause I can understand why sometimes people are quiet.

- John Jones III: And I wanna be clear, I say understand it, I don't say I believe in it, I don't say I support that. But, I understand humans, are humans. But in this situation when you have black officer standing up and saying, "Look, something is wrong." Which, as we said ... We already been knowing that.
- John Jones III: When you're with it to get to a place and say, "You know what? I don't have to be silent anymore." I call that transformation, that's growth. And I welcome that on anybody, 'cause we all are in a position to where we can grow. To accept the challenges of today.
- John Jones III: So, I really submit to you to take this, utterly serious. Obviously everything on this agenda is serious, but at the end of the day, as I'm sitting here, and I'm listening to the community speak, and I'm listening to the department speak ... It's just more, and more, and more, and more of a reason, to do what it is you need to do, to make this happen.
- John Jones III: So, thank you.
- Madame Chair: Thank you.
- Nino Parker: [Nino Parker 03:20:43], on the screen team executive director, also, homeless black advocate for Lake Merit.
- Nino Parker: There's a beautiful black woman that's always at City Consul. We're outside in front one day, and she asked me, "Why does it have to be black advocate?" Because there's no other advocates advocating for black in the homeless world.
- Nino Parker: People have a tendency to advocate for the people they are, or the people that are their race.
- Nino Parker: My question is, can we all step for a minute, let's just step way back. Why is there a black policeman's association? Why is there a black fire department association? Why are all these associations ... Most doctors, lawyers, they always have to have a black association. You know why? Why do we think?
- Nino Parker: Because of racism. That's why these things are formed, because of racism. That's why ... Their history is out of racism. Black officers, or black firemen, they get discriminated on the job, and then they form their own body to help themselves. Like, they're own little union.
- Speaker 13: Strength in numbers ...
- Nino Parker: And, so that's what that's about. Black associations were never ... Are formed, are pushed to happen. I didn't start by saying, "I'm Nino Parker, black advocate." I just was a homeless advocate.

- Nino Parker: But, then when I found out that people weren't advocating for black people, I realized, hey I gotta step up to the plate. And, here I am.
- Nino Parker: One of the things to step back really quickly ... I'd like to know, how many people that this doctor has put on permanent leave, on medical leave, and are they getting paid. I'd like to know, what kind of money from your budget comes out for officers that get to have time off because of this particular doctor.
- Nino Parker: I'll give you a week off with pay, because I can sign this for you. That might be interesting.
- Nino Parker: How that's happening. One of the things to help you real quickly, with the ... Recruitment problems, I've got a few ideas for you, really quickly.
- Nino Parker: Black recruitment, did you guys try, going to any of the high school, or junior high schools, and talk to some young black men when they're young? Instead of all this ... This kind of attitude that they're having a negative view of the police? This might help.
- Nino Parker: You have in San Francisco, they have this police mustang that they take out, and they talk with kids about it. You can have a ROTC type program, and get some young black officers in. Some honest black officers, that they are not gonna be out there, raping, or mistreating people because ... Doing police stops because of the color of their skin, when their skin color is the same.
- Nino Parker: Anyway, I don't wanna take too much time, thank you folks, I appreciate you.
- Madame Chair: Thank you.
- Madame Chair: Just to clarify, we got a speaker card, but we don't know what number it's for. [Mr. Blacksure 03:23:46]? It's for six? Okay, thank you.
- Madame Chair: So come on up.
- Speaker 14: Good evening, commissioners.

PART 6 OF 11 ENDS [03:24:04]

- Speaker 14: Good evening Commissioners. I still stand that you all are doing a great job in light of the lack of resources that has been given to you. It's criminal. It's simply criminal how the City of Oakland mandated by the citizens of Oakland to start a Police Commission, and they won't give the basic tools to be successful in your endeavors. Sabotage. Shameful. Shameful.
- Speaker 14: We can sit so smugly here and watch all the degradation that's going on in the community that I was born in, gentrification. Just last year, I saw one of my young brothers shot down along with four other, police came, they did their

supposedly duties, but if they had done their duty from the beginning, drive around the neighborhood instead of hanging out at Winchell's Donuts. There's no crime going on down on Hegenberger. Not like there's going down on 90th and Macarthur where my mother lives. I'm more concerned every day with the lack of law enforcement and then the lack of assistance that's given to this body that was mandated by this City, by the voters. White, Black, and Other, and you sit here so smugly and don't do your job.

Speaker 14: I've worked for big companies and I'ma do like Trump, if you work for me, you'd be fired. Thank you.

Madame Chair: Thank you. Commissioner Prather?

Comm Prather: Uh, thank you Madame Chair. I really just want to express my thanks for public comment tonight. We messed this up because I think we should have invited the Oakland Black Officers Association to at least be here or respond or hear the comments. I think it was unfair of us to provide a forum for the Chief to respond to the letter that unilaterally and not have a debate or rebuttal from the Oakland Black Officers Association. That's on us. We'll learn. We didn't do this right. But we can rectify that. This is one of those moments that I'm glad that we ordered a transcript that be prepared. I hope members of the Oakland Black Officers Association are watching or listening. I also like to give them a copy of the transcript of the Chief's comments, or the Chief's response.

Comm Prather: Obviously they didn't ... they didn't avail themselves of the opportunity to meet with her. And that's fine. Maybe this is the forum that they'd like to respond to her comments. And if that is, I think we give them the opportunity. I think we should put that on the agenda. But, this absolutely, from Mr. Jones, to Miss Rashida, to the Bay brothers, to Miss Asada to everyone, I appreciate the comments, because this cuts it to the core issue which is racism in the department. I mean there is no greater issue, we can talk about search policies and budgets and annual reports and everything else, but if the Black officers don't have confidence in the department we have a problem.

Comm Prather: I mean, it's, we can talk about transformative, we can talk about all the transformative things that the department thinks they're doing, but if they don't have the support of the rank and file African-American officers, I mean, that's, that says volumes. This needs to be addressed, I see my colleagues kind of shaking their heads. I don't know if we can get the OBOA here because I don't know if they have whistleblower protection for sending a letter. I have a lot of questions that come from this letter and this other thing. But, if they're willing and able, I'd like to invite them to come, I'd like to hopefully when we set the agenda, you know, add this to ... whether it be the next meeting or any future meetings, I think we should provide the forum in, we definitely need to follow up on this issue.

Madame Chair: Thank you. I've just sent that text. Yes, Miss Asada?

- Miss Asada: Can they send an advocate that represents and understands?
- Madame Chair: Well as soon as-
- Miss Asada: [inaudible]
- Madame Chair: As soon as I get an answer back we'll figure out who can come.
- Miss Asada: Yes ma'am.
- Madame Chair: Thank you. So moving on to item seven. RO2 searches of individuals on probation and parole. I'm going to let Commissioner Prather give us any additional updates. I think that we're still reviewing.
- Comm Prather: Thank you Madame Chair. Item seven RO2 searches of individuals on probation and parole has been a reoccurring item on our agenda. I'd like to thank the chair for adopting this new agenda format. I think the public will see that we've now listed the dates in which this item was previously discussed. It should help everyone track ... I'll pause for a minute while the department leaves. Hold on.
- Comm Prather: This new format should help track previous drafts, or previous discussion, we don't have the same capability that the City Council has in listing their meetings at to click on links to documents, but at least now with the dates listed, thanks to Madame Chair, I think we'll be able to go to specific meetings and look at minutes and look at drafts that way. I feel that way there's added information and transparency. For those of you just joining us, this matter originates from 2018 when there was a discussion between OPD and this body about RO2 and drafts just to make short work of it. OPD submitted its draft to the City Council, we submitted a competing draft to City Council, the City Council rejected both drafts and sent them back to both the Police Commission and OPD to work together on, hopefully, presenting a unified draft.
- Comm Prather: We have met, I and my subcommittee, have met with the police department on this issue. We did have several concessions from them which are reflected in the various documents. This is now the 4th time this year that we brought this matter to this body to be considered. This current draft you will see that there are two, there are two drafts, which are included in the packet tonight. Attachment A is going to be the redline from the last version. Attachment B is going to be your clean copy of the policy. A number of changes, really wordsmithing, has been made since the last meeting, since the last version of this document.
- Comm Prather: I did incorporate any edits or comments I received between last meeting and the time of posting. I understand some additional edits and comments may have been made after the agenda was posted after this document went out. There was very much care taken to try to remove any offensive language, obviously to remove the, any mention of rehabilitative efforts by OPD or anything that could

have been construed as offensive to those on probation, parole, mandatory supervision, or PRCS. I'd like again to thank Brenden Woods from the Alameda Public Defender who was here who worked tirelessly with me on this document and having him and his office provide me research and comments.

Comm Prather: With that I'll leave it to questions or additional edits if the commission has any.

Madame Chair: Commissioner Anderson?

Comm Anderson: Yes, thank you. In the spirit of Commissioner Harris requesting that we hear from additional voices, which I fully support and echo, I reached out to the Director of Policy at Community Works West and affiliation with Project What which is a program for 18 ... for 13 to 19 year olds who have a parent who is incarcerated. And they have provided specific feedback that I'd like to make edits on the record about today. In addition, I reached out to Eric Henderson, who's the Director of Policy at Initiate Justice whose mission is to eliminate mass incarceration. They're created by and for incarcerated person, formerly incarcerated, and incarcerated loved ones. And they had very specific edits that I wanted to have reflected today. And if approved, I'd support moving forward.

Comm Anderson: One of them is the call out of non-violent offense but no clear definition of non-violent felony as referenced in the document. Here I'd like to recommend that we include a definition found in the penal code on violent felonies. Penal code 667.5 subsection C and that would replace A2 and then we just move those numbers down. The other recommended edit I would like to make is to Section B, B3 in particular. It was emphasized that portions of this statement were an understatement, and I fully agree with those. As stated in the document before you, it says, "inquiring about an individual's probation, parole, mandatory supervision, and PRCS status, especially at the beginning of an interaction or without an apparent basis for the inquiry, can be viewed."

Comm Anderson: I recommend striking out especially and striking out can be viewed and replacing it with is an unjust and improper assumption that the individual has a criminal history. With those amendments I fully support moving forward with this matter today.

Madame Chair: Thank you. Commissioner Prather.

Comm Prather: Yeah, just a question for clarification, Commissioner Anderson, and I support those edits, is it your recommendation that the penal code section be referenced in a new A2 or that the definition of a violent offense from the California Penal Code which defines a violent offense be listed out in its entirety.

Comm Anderson: That's a good qualifying question. I think that the reason we call out non-violent offense because there's nowhere in the penal code that is, so it has to be defined within policy, so that's why there's the emphasis. But I think to be most clear to those who would be implementing the policy to seeing those in concert

together I think would be important. So I guess, I'm saying both. To have it referenced as under the definition section so that we're explicit then when there's a reference to violent felony that we're referring to the exact portions of that underlaw.

Comm Anderson: I think that what we're trying to avoid here is some general interpretation by an individual officer about what a violent felony is.

Madame Chair: Commissioner Harris.

Comm Harris: I just want to thank Commissioner Anderson for doing that. That was very nice of you and I think it was thoughtful. You know, it was a lot of push and pull with this policy. I still am not really in a perfect world, you know, I would like to be the way that I would like it to be written, but I appreciate the changes that have been made. I agree with you on taking out the words. I also would like to, just for the record, take out words like typically require, you know something that leaves it wide open. Or things as Commissioner Anderson pointed out, things that are just solid. So, again, thank you for that, and thank you Commissioner Prather for the changes.

Madame Chair: Yes, Commissioner Anderson.

Comm Anderson: I'm sorry, I forgot to mention that we would have wanted to hear directly from the project youth themselves. There's an ongoing with when they meet, it's actually the same exact time as when we meet. So I indicated to them that we would work on like as we move forward and work on more policy proactively how we can work together to ensure that their voices, that we hear directly from them as opposed to a representative in an organization on their behalf.

Madame Chair: Great, thank you.

Comm Anderson: And I also wanted to extend my thanks to the Public Defender of Alameda County, highly respected across the state, advocating in Sacramento just this week on some very important pieces of legislation. So that you also take your time to be here with us and provide recommendations on a piece of legislation that you'll be on the front lines, or rather piece of policy, that you'll be on the front lines of seeing whether or not it's actually being implemented. I appreciate that very much, so thank you.

Madame Chair: Commissioner Harris.

Comm Harris: So, I just want to make a comment in regards to the policy as well. We just heard from the OBOA in regards to internal racism within the department. And this is why I was very adamant about the language, because the people it effects. Again, it mostly effects Black people. Poor, Black people. And so it was very important to me that we get this right and again, in a perfect world, in this

whole thing would be changed in a whole different way. However, you know, this is a start. That's what I'll say. Thank you.

Madame Chair: Thank you. If there are no more comments we can go to public comment. I have cards from John Jones III, Lorelei Basserman, Nino Parker, Michael Tegas, forgive if I'm misenunciated, Mary Vail, Reshida Granache, John Bay, Kathy Leonard, Salim Bay, and Miss Asada.

John Jones III: Thank you. Once again, for the record, John Jones III. First of all I want to start out by saying good evening. I don't think I said that. It's been a challenging evening, so I definitely want to say good evening, I hope all is well with you and your family. Also I want to extend some healing wishes to Darlene Flynn over there, I hope you feel better. I hope it had nothing to do with that debate last night, but that's for another time.

John Jones III: We was in a debate last night. I want to share something that's really important though. I've been speaking to a number of people who are currently on probation and parole. And even for those who have transitioned off, been on paper, it is extremely difficult to ask someone to come here to speak. I want to be clear about that. Anything that's associated with police is traumatizing. There's always been a fear, not just a fear, this is real, it's actual, a fear of retaliation. Right? A fear of retribution.

John Jones III: People are concerned that they speak their truth about how they've been harmed, and this is based on real threats. You know, in fact, I was having a conversation with my parents last weekend. My dad was brutally beaten by OPD in North Oakland. This is around the same time as Rodney King, and that situation, I think i shared before, no one recorded my dad. But he was on probation. And I was like, well, Dad, this is the work I'm doing, I would love it if you would come down and speak. He like, no son, uh uh, I know how they get down.

John Jones III: And mind you, my dad turned his life around. You know, he works in the city, he's doing great. For someone like him, and his conviction is decades removed, and to still have hesitation to wanna share the experiences of being on probation or being on parole as it relates to the police. This is another reason why I want to close with this, why I'm angry. You know, James Baldwin said to be Black is to be in a constant state of rage. But, I'm angry for a number of reasons, I'm seeing the time, but I'ma be real quick.

John Jones III: I'm angry that we live in a community where violence is still taking place. And we have residents who are still impacted by this violence but they are afraid to speak out because they don't trust this department. That's real. Right? And sometimes when they do show up to quote unquote investigate they treat our neighbors, our loved ones like criminals. At the end of the day I keep saying this, it's just so important, it's this amazing paradox, I feel like we hold people in prison to a higher standard than we do this department. It should be the other

way around. Why are we expecting people who have committed crime to turn themselves around with little to no resources. No excuses, no nothing.

John Jones III: But, every time, every agenda item, item after item, we're just hearing these excuses and it gets tiresome. I get moments when I don't even want to come here. And that speaks a lot about the state of our department. But I do want to thank you all for the work that you're doing. We're gonna keep pushing.

Madame Chair: Thank you.

Lorelei B: Hi, Lorelei Basserman again. I want to encourage you to vote for this policy. I know it's not perfect, but it's so much better than what we have right now 'cause we have nothing. And so we don't even have the protections that are in this. And getting this through now so it can go into effect doesn't mean you can't keep working on it. You can go to another revision. That's all I want to say. Thanks.

Madame Chair: Thank you.

Michael Tigas: Michael Tigas, member of the Coalition for Police Accountability. I just want to commend you for the hard work and the backbone that you've shown in pushing this policy through against both the City and OPD's resistance. If you accomplish nothing else, that you have accomplished, you have set the tone now. And going forward, once the City Council approves it, and I'm sure they will, then you can address other policy issues with the credibility that you deserve. And with the support of us, the usual suspects, who show up here every week. Thank you.

Madame Chair: Thank you.

Speaker 10: You have come a long way. I remember the first hearing where representatives of the police department said, when it was clear that there were disagreements between your draft and their draft. Oh, well, we're OPD so we'll just put our version into effect and they were reminded that if there continues to be a disagreement it goes back to council. And when it went to council the first time and they referred both policies back and they said meet and confer and get more community input. All that's happened. I think the draft is at a really good point right now for you to vote and move forward with it. Whether it means going back to council one more time to deal with OPD disagreements.

Speaker 10: and it's important procedurally for you guys because you've been working on this like you would on the ordinance and you've had all these resources withheld. For the community to see that you're working on what you can work on and pushing it forward and you'd be able to do more without the resistance from the administration. Thank you.

Madame Chair: Thank you.

Miss Asada: Love life and love black people. I just want to take a minute to let you know that a part of what you are attempting to do, one aspect of it is to allow men and women who are on parole or probation to have a sense of dignity and respect while they're back in their communities. Something happened today that's gonna help these individuals and the rules committee, there is a grant that is going to be brought to the Life Enrichment committee on April 23rd, the grant is for \$3.9 million and it has various components of 3.4 million, 3.3 million, 3.7 million, and it's for transitional employment and job placements services for Oakland residents on parole.

Miss Asada: So I thought I'd share with you some very good things that are potentially happen. And you guys need to do some PR work. For yourselves. And you need to be at that meeting to say, not only are we looking at, your looking at jobs, but we're looking whatever you want to say about helping parolees and get the dignity and respect through the policies that we are creating. Okay, thank you.

Madame Chair: Thank you very much Miss Asada. Nino, Rashida, John Bay, Kathy Leonard, Salim Bay. Oh, I'm sorry, I'm being asked if you could restate the date.

Miss Asada: April 23rd [inaudible]

Madame Chair: April 23rd Life Enrichment. We can look that up for more details. Thank you. At 4:00, thank you so much. Rashida Grenage, Nino ... you don't need to speak, okay. Kathy, no? Everybody's passing? Okay. All right. Oh, Salim, sorry, okay.

Salim Bay: Salim Bay for the record. What I did want to say is again, this policy doesn't just impact the people who are being searched. It impacts their family, the people who live around them, their associates, and all those things, so there is a ripple effect that goes out that effects the whole community on this. If this does it better, we appreciate it, but the other issue is it doesn't speak to the disparity once somebody is arrested and goes through the Public Defenders office.

Salim Bay: There is a disparity in sentencing. Right? There is a disparity in convictions. There's a disparity in charging. There's a disparity in how much they throw numbers at you in order to do this. Until we address that, right, let's stop patting the Public Defender on the back and have him shut this system down. It's illegal. It's, we're incarcerating all kind of people in our community. These are people that I know, people that I live with. I've seen people violated on parole. I've seen them working, get violated, lose their job, go back to prison, come right back out and then what do they do, they start crime. And then the police pick them up, then it's a vicious cycle.

Salim Bay: so this is all we wanted, what we really want to get this down to is the Public Defenders office, okay, yes, this is just one piece of it. But we're not satisfied with how many people are still going to jail in our community while people in the White community are getting slap on the wrist. People in the White community are getting probation. Fight for that. When the incarceration rate

goes down in our community, I'll pat the Public Defender on his back. All right? But until that point right there, yes, this is a step in the right direction, thank you for your advocacy but you part of an illegal system.

Salim Bay: Illegal racist system that keeps feeding Black bodies, brown bodies, poor people's bodies and you not doing anything about it but collecting a check and not stopping what's going on. So let's get to those pieces, too.

Madame Chair: Thank you. Those are all the speakers' cards I have on the subject. Commissioner Prather.

Comm Prather: I have a motion. Subject to these edits, I'd like to add a section A2 in thereby making A2 A3 and A3 A4, I'd like to add a section A2 titled Violent Offense and the text of that section will say a violent offense is as defined in California Penal Code section 6675, .5C. I'd like to edit Section B3 striking from the second line the word especially striking from the third line can be viewed as and inserted the word is.

Comm Prather: Subject to those edits, I move that we adopt this version of R2, RO2 searches of persons on probation, parole, mandatory supervision, and PRCS as our version of this policy.

Madame Chair: I second that motion. Are we ready to take a vote.

Speaker 15: Commissioner Prather, did you say 667 B3?

Comm Prather: No, I said, 667.5C as in cat.

Madame Chair: And with that, are we ready to take a vote? Commissioner Amad.

Comm Amad: Yes.

Madame Chair: Commissioner Harris.

Comm Harris: Yes.

Madame Chair: Aye for myself. Commissioner Anderson.

Comm Anderson: Yes.

Madame Chair: Commissioner Prather.

Comm Prather: Yes.

Madame Chair: I wish we could throw out the confetti. The motion passes unanimous. Whew.

Comm Prather: I have a second motion.

- Madame Chair: Okay.
- Comm Prather: Thank you. I would like to set a deadline of four weeks, I move that we set a deadline for four weeks for the OPD to provide comment, if any, and that we by course and ... that we submit this to the City Council for their approval in four weeks subject to comments and edits, comments by the Oakland Police Department.
- Madame Chair: And I'll second that motion.
- Madame Chair: [inaudible]
- Madame Chair: What's today, April 10th? 11th? I don't know what day it is.
- Comm Prather: What's the date of our second meeting in, or sorry our first meeting in-
- Madame Chair: May 9th? May 9th is our next commission meeting in May.
- Comm Prather: So, I'd set a deadline. I amend my own motion to have a deadline of May 10th.
- Madame Chair: Okay. So, I second the motion. Are we ready to take a vote? Commissioner Amad.
- Comm Amad: Aye.
- Madame Chair: Commissioner Harris.
- Comm Harris: Aye.
- Madame Chair: Aye for myself. Commissioner Anderson.
- Comm Anderson: Aye.
- Madame Chair: Commissioner Prather.
- Comm Prather: Yes.
- Madame Chair: Again another unanimous motion, motion carries. Thank you.
- Madame Chair: And I would just like to say that I am so excited about all the commissioners that contributed to this policy, all the community, the felons that testified, our public defender, this is about getting together to get something down. Now let's move on to the next policy.
- Madame Chair: Yes, Commissioner Prather.

Comm Prather: Thank you Madame Chair, I too want to just echo again all the help and support and the edits from both my colleagues and the public. There's just so many resources were made available to me and the others who put work into this policy. I'd just like to say, I don't think the work is done, I think we're gonna have to fight for this policy at City Council and to the extent that any of you can be there. Ah, look, I think the edits are good edits, I think we can justify the edits, I think we can support them with public comment, I think we can support them with research and real empirical data. I think everything is on our side. I will go and I will argue for this policy at City Council, but please don't, let's keep the momentum and let's not give up on this 'cause this is the first step. This has to pass at council, so thank you everyone for your help and thank you for Mr. Woods for sticking around. Appreciate it.

Madame Chair: Commissioner Harris.

Comm Harris: Chair, can I request we take our recess early so we can use the restroom.

Madame Chair: I think that would be fine. Yes. So we are going to call our recess early, right now. It is 9:24, can we be back at 9:32 ready to rock and roll. We still have a healthy agenda to get through.-

PART 7 OF 11 ENDS [03:58:04]

Madame Chair: It is 9:34. We need to call the meeting back to order. Can I have all the commissioners back at the table please? Have you seen Commissioner Harris? Oh, okay. Excuse me, can I get all the commissioners back to the dais please, it's 9:34. Commissioner Prather, Commissioner Harris, Commissioner Brown please. Yes ma'am. Yes. Where'd you get that? Okay, one last time. Please commissioners, we still have a long agenda. Can you please report back to the dais? Come on Commissioner Harris, come on. Right. Prather, can you see ... [crosstalk] maybe I sent her a text. Okay.

Madame Chair: From close. Yeah. It is 9:36 we are back in session. I would like to clarify two things, when we reported out from the closed session, I neglected to report the votes. There were five votes to support our hiring legal counsel to advise us on developing a process for police performance, police chief performance. So there were five votes. They were all affirmative. Thank you.

Madame Chair: Secondly, it has been brought to my attention that we at the police commission have done something kind of special with the policy and that we should put together a press release to announce that. In the meantime we have invited the coalition for police accountability to put out one that's going to be a little bit more quickly turned around since we have to design it, present it, and then affirm it at the next meeting. So we are delighted that our partners in the community are willing to celebrate this. And then we will do a more formal one since it's our first ever and it'll be in the packet for the next time. Okay? Thank you so much.

- Madame Chair: So we are on item eight, review of community policing. It was separate pending cases and completed investigations. [inaudible] is with us today. Commissioners, if you will look on attachment eight, there are two items, there are the pending cases and there's also the completed investigations. Go ahead. If you have any questions about them.
- Speaker 16: You won't be providing an overview or ...
- Madame Chair: No, this is all that, um, has been provided. Interim executive director, Karen Tom prepared this document. That's all I know.
- Speaker 16: She didn't give you any talking points, that's what I'm-
- Madame Chair: No. No.
- Speaker 16: Okay.
- Madame Chair: All right. Thank you. Um, do we have any questions? Commissioner Prather, followed by Commissioner Anderson.
- Com. Prather: Thank you madam chair. I guess I'm going to always ask this question because on attachment 8A, case 18-0345, case 18-0346 and case 0354 all either passed or about to be passed the 3304 deadline, what is the meaning of ... Oh, I'm sorry. I didn't notice my mic wasn't there. These three cases are passed or will you pass the 3304 deadline? It's all paid through the chair, can you address that?
- Speaker 16: 18-0354 was completed, but it has not yet made it on the completed case list. The other two cases I cannot comment out because those are investigator [Greer's] and she is on leave at least for another week. And therefore I can't provide any information until she returns.
- Madame Chair: Commissioner Harris.
- Comm Harris: So when investigators report back to their supervisor, do they give any kind of report back on ... They know you guys come to these meetings, right?
- Speaker 16: Yes, of course.
- Comm Harris: Okay. So just for me, I'm thinking they would give you a report back because they see, we see that these dates are past due. So is that not required in the office? That's the question. I'm sorry, I'm just confused.
- Speaker 16: Again, I don't know the particular circumstances as to why these deadlines weren't met and I could not talk to investigator Greer because she is not in the office, so I can't provide any further information.

- Respondent: It's the process.
- Comm Harris: Yeah, I think that's what I was asking. What's the process?
- Madame Chair: Okay. So to clarify, I think everybody's asking you what is the actual process, not specific to this case, but just in general.
- Speaker 16: I'm sorry. Clarify the question for me, the process for ...
- Madame Chair: What is the process for getting the updates?
- Respondent: None.
- Comm Harris: There is none. That's okay.
- Madame Chair: Are you still confused?
- Speaker 16: Yeah, I am.
- Madame Chair: Okay, Janelle, would you restate the question?
- Comm Harris: What I'm asking is like what is the process? I know that you're sitting in, so I don't expect you to know, but I'm just thinking because you've worked in that office so long that you might know it. What is the process when an investigator leaves out of the Office for whatever reason, and it's on the sheet here and you know that the date is coming up, so how do you report back? Like how does that report back? Do they just leave and say, "Oh, well when I come back they'll get the information?"
- Speaker 16: Okay, this is my own personal experience.
- Comm Harris: All right.
- Speaker 16: If it's unplanned, like it's some kind of emergency or medical issue, perhaps she wouldn't have had time, I don't know, under those circumstances. Normally if it's a planned absence, obviously it's something that you're either going to prepare and have it done before you go out or you are going to discuss it if you have the opportunity with your supervisor. And I would always hope that you're working far enough in advance that no matter what comes up, that you will have completed your cases well in advance of an approaching deadline. I myself don't work that close to a deadline unless there's other circumstances because sometimes things happen. But I can't speak to the policy as a whole. I'm not the supervisor, I'm not the director. I just know how I operate and that's how I operate.
- Comm Harris: I'm just asking again because this particular sheet was on our last agenda meeting and so people knew that this was coming up. Right? So where is ...

- Speaker 16: I understand. I'm upset also when deadlines are not met, but I can't address these because like I said, I don't know the circumstances behind them.
- Madame Chair: Okay. So it sounds like when Miss Tom gets back, I will follow up to understand what the practices and policies are because to have like weekly updates or working papers so that somebody can reference to get what the most recent information is would just be a real responsible thing. We can all step off the wrong curb. Where are we in our workload is what's most important, how that can communicate if you're not there for whatever reason. Okay. So hopefully you'll share that with Miss Tom and then she'll be hearing it for the second time from me. Commissioner Harris.
- Comm Harris: Would it be appropriate to make a motion to have an audit done in that office?
- Madame Chair: Yes it would, however-
- Com. Prather: It would need to be on another agenda.
- Madame Chair: Gotcha. And that's not a problem.
- Speaker 16: The one we got here?
- Madame Chair: Yes, and there is an audit coming. We'll put the next one on the agenda.
- Comm Harris: Okay. Thank you.
- Respondent: [inaudible]
- Madame Chair: Not on our watch. Do we have any more questions? Commissioner Anderson, I think you had a question.
- Com. Anderson: We discussed a formatting requests that we had for this report out and it's not reflected here. I'm assuming you're not in a position to speak to that.
- Speaker 16: Well, again, I know that Miss Tom began that process.
- Com. Anderson: Okay.
- Speaker 16: And I know she was speaking to people in the office about it. I just know that it wasn't completed.
- Com. Anderson: Okay. Thank you.
- Madame Chair: Commissioner [Matt 04:16:10].
- Com. Matt: Yeah. Sorry. I wanted to ask you, I see a case on attachment 8B on the back page and it's recently completed investigation the case 180303 and it says it's

unfounded but also the incident date was 9-6-2017, and the completion date was march 26, 2019. So is that the average time it takes for an investigation?

Speaker 16: Again, I don't know this case. My assumption given looking at those dates is that the case might have been tolled and then she began to work back on it after it had been tolled. That can only be my assumption because the deadline for us is within the year that the complaint is made.

Com. Matt: And it happened, yeah. Okay. Thank you.

Madame Chair: Commissioner Anderson, your questions were answered, correct? Okay, thank you. Yes. Once again, I think that when we ask for something and it can't be done in time for the meeting, it will be great for us to have a heads up to that point. I realize that's not exactly something you would be able to do, but that's one of the briefings that should be given to you to execute just for future. So we'll talk to Miss Tom about that as well. Commissioner Harris.

Comm Harris: Are these all of the cases that are pending in the office, or are these just the ones that we need to be looking at?

Speaker 16: I did not prepare this document, but I'm assuming that those are all of the pending cases.

Comm Harris: So just to be clear, these are for all the investigators we have, which is three or four, this is all the cases we have?

Speaker 16: Again, I'm only making an assumption.

Comm Harris: Okay.

Madame Chair: And have all these cases, 15 are described as excessive force. And I imagine you don't have any information to highlight for us on that either. Okay. All right we'll follow up with Miss Tom. There are no more questions, we'll go to public comment. All right. I Have Laura Liebesman, Michael [Tigist 04:19:12], did I say it right last time? Mrs. [Sada 04:19:15], Celine Bay, Rashida Grenache, John Bay, Kathy Leonard, Elene Warren and Jean Hazard.

Gene Hazard: For the record, Jean Hazard. I'm troubled. We get a half baked ... No. A no-baked presentation from the police chief. Now we're getting a half-baked presentation from the investigative unit, and they can't tell you about a process? That tells me that department is dysfunctional. They're picking up a paycheck and they come before a body that's supposed to be doing their job. So how can you do your job when staff is undermining you? It's unconscionable for them to come ... This is like what's happening at 1600 Pennsylvania.

Gene Hazard: They will give whatever comes out of their mouth, which is not directed to the question that you asked, and then they tell you we need more time. That's what

they said the other week when we were talking about, "So how do you determine the priorities of investigating cases?" And they couldn't tell you that. But they could always tell you something about a delay, but they don't really tell you why the delay, it just happened. And they have more than sufficient enough time. They don't even give you the courtesy to tell you and they know when each meeting is going to be. They know the agenda. Do they pick up the phone and say, "You know we're going to have ... can you bear with us?" They don't even give you that courtesy.

Gene Hazard:

But they'll come up here and say nothing. So again, I keep telling you, you could look at taking action and with this whole bit because some of this stuff is coming from the mayor's office through the city administrator. Okay. And yet there's some conflict and all of this and you could use validation, all right, take a validation action with respect to resolving this conflict that the courts decide. You don't have to go through a protracted litigation. And I got the information right here with regards to your understanding of validation because that could be a means by which you could resolve this issue. Because if you continue in the framework you're doing right now, you're going to continue to get what you've got this evening.

Madame Chair:

Thank you.

Kathy Leonard:

The same thing happens. The police chief sends somebody to the CPAB meeting, the Community Policing Advisory Board meeting. The public or the board asked a question. "Oh, I don't have that. I have to get back to you next week." By then the person who asked the question, a member of the public may not be available or the next month, because we have monthly meetings. So the rhythm is broken. Maybe they come back the next month and they have an answer, but maybe that brings out some more answers that need to be questioned. We need the chief to be there. The chief is supposed to be at our meetings. And they send people who don't have answers. They sent this guy here on the job one month. We're paying everybody though. Everybody's getting rich. We're paying CPRB, we're paying CIPRA.

Kathy Leonard:

I don't understand why you would come to a meeting and don't say, "I'm not going to that meeting until I know exactly what's going on because I'm going to be embarrassed. Because people are going to ask questions and you setting me up for embarrassment." I just don't understand it. Statutes of limitations are running. Criminal cops are getting off because CIPA isn't doing their job. Heads need to roll. I'm sick and tired of people who are unqualified, showing up at meetings with no answers and nothing's happening and we're coming back again wasting our time. My back's been killing me for a month, but I'm here today to once again ... For what? For what?

Kathy Leonard:

Because things are not happening. I'm tired of the inefficiency, the incompetence. Every time I'm here, I'm saying, "Get it together, get it together, get it together." I'm tired of saying that. Don't come to our meetings. Don't

come to our city meetings if you don't have information. Come with information because we will be asking you questions. Everybody knows the coalition for police accountability, of which I'm a member, we ask questions. We will be asking you questions. So be prepared to respond to the questions that we're going to ask you, it's going to happen. Don't embarrass yourself. Don't embarrass your department. Just sick and tired of this. Stop wasting our time, our money and trying to make fools of us. We're not falling for the crap.

Madame Chair: Thank you.

Mr. Reus: Excuse me, Madam Chair.

Madame Chair: Mr. [Reus]

Mr. Reus: For the chair, I've been out for the last month so those two cases that you reference, I am not aware of what's going on with those. There is a process in that there are monthly investigator meetings when investigators give updates on their cases. They also meet regularly with the director. We organize our cases by the date, the 3304 dates and when those are coming up, both the director and our legal counsel are on top of those and tracking with the investigators. So there are regular conversations between the legal counsel, our director and the individual investigators assigned to those cases with respect to when they're going to be complete, when they have to be ready for the next stages because the 3304 is with respect to discipline, not just with respect to our findings.

Mr. Reus: So I think maybe there's been an image here that there isn't a part there. It's an ongoing, it's not a written process, but there is an ongoing tracking of cases internally and an ongoing discussion about cases between the director and counsel and also city attorney and with our counterparts in the OPD with respect to those cases and when there they have to be completed. So I don't know if that answers the process question, but those are tracked through meetings, both individual meetings and monthly investigator meetings.

Madame Chair: So couple of questions. It doesn't answer the question because we were just here two weeks ago and if the monthly meeting happens the day after our meeting, then we don't have any information moving forward and we meet twice a month. The second question that I have is actually why are you meeting with the city attorney?

Mr. Reus: The city attorney has to be involved in all these cases with respect to the city's liability on these things. When a case is finished, the individual officer then has the ability to appeal whatever decision comes out and those decisions then go to arbitration and a few years ago members of the audience might remember-

Madame Chair: But I thought you have access to your own attorney?

- Mr. Reus: No, the city attorney doesn't consult with us on our cases, but they do monitor the dates because they are then going to be defending the city's determination both from us and from LPD and from this party in arbitration and subsequent appeal processes. So they have to, if they're not involved on the front end, then they would be uninformed on the back end when they're going to have to be involved in the legal issues with the OPOA attorneys who are representing the officer's involved in these cases.
- Madame Chair: Okay. We'll talk a little bit later about that process. And I'm going to go back to public comment. Thank you very much. Laura Liebe-
- Laura Liebesman: Hi. Yeah, I'm Laura Liebesman. I am dismayed acting Interim Executive Director John Sop that you knew you would be coming to this meeting tonight. You knew what document would be presented. We all knew what document would be presented. It's been posted for a number of days and yet you did not bother to familiarize yourself with it. That's just [inaudible] Why did you come to the meeting? But I have to say that I'm now sort of concerned about this information about the city attorney and exactly what's going on there. And I leave that in your hands. Good luck. God speed.
- Madame Chair: Thank you.
- Melody Davis: Hello, my name is Melody Davis. I wasn't going to say anything because I figured this other people who are more knowledgeable than I am said the right things. But when this young man put his foot in his mouth, I decided I need to say something. I worked for Alameda County for 30 years and it was always a change of command when somebody was away from their desk, someone knew what was going on. So I think the right word that I want to use is, this is a farce, F-A-R-C-E. That means it's fake. And you know, like I said, thanks to him, I wouldn't have said nothing, but he put a big foot in his mouth. It's a disgrace. I've been here all my life, 66 years and it comes to this BS. The lady right there, y'all could've just tabled it. Hers was number seven, y'all should have table that. Y'all understand nonprofits and board before. She don't have no report, that's well. But don't be up here looking stupid because that makes all you guys look stupid. Like I said I wasn't going to say nothing, but all y'all look like fools up there.
- Melody Davis: And Miss Tom, that lady Tom, she was at the meeting Tuesday night, so all of a sudden she got sick. At the Tuesday night meeting we had downstairs, talking about the mayor getting \$97,000 a month. Okay. Well, I don't know what meeting that was. You know what I'm saying? I'm dead tired. I go everywhere I want to go. You know what I'm saying? You tell me you're a free country [inaudible] I want to see about my community. I live in West Oakland. Okay? This is totally ridiculous. Y'all need to be ashamed of yourself. I hope you guys don't get paid or either a stipend. Because that ... Okay, there you go. I knew it. Y'all get paid, huh?

Speaker 16: Nope.

Melody Davis: Y'all get a stipend. But all y'all can look up there look like a fool ,because that's what's happening. You ought to measure LL, that got voted by the community, citizens of Oakland, California, right? You're all supposed to be doing a job. Maybe it's your passion, but you're not doing the job. So let's just be real. It should be dismantled? I don't know. I didn't vote for it, but it's a shame. It really is a shame that you guys up here, especially them two right there. I can say you if you didn't know what she was probably be doing here today, it would have been best just to have tabled it and kept it moving. And he puts his foot in his mouth talking about the city attorney and they have a policy. No seriously, what? You got a policy and she didn't know nothing about it, but he knew about it. So I guess ...

PART 8 OF 11 ENDS [04:32:04]

Speaker 17: See, he didn't know nothing about it. But he knew about it. I guess he decided, "Oh". I guess it's conscious, playing it to his mind all of a sudden. And he woke up. And Bobby-Lee say, "Stay woke." You know what I say? I guess he woke up. But he isn't awake enough with the foot in his mouth. He shouldn't have said nothing.

Madame Chair: Thank you.

MIchael Tigas: Michael Tigges, member of the Coalition for Police Accountability, among other things.

MIchael Tigas: What I'm seeing here with the non-answering answers, both on the Chief's part, and now with your agency, is dysfunction. Now, I understand you don't have an executive director. When [inaudible] is a policy analyst, he's not the one in charge. He just ... actually posts the truth, which was good, and then got excoriated for it. The thing that you have to do is get an executive director who can turn this place around. You're already ... the agency is already understaffed. The other thing is to know that they have to hire these people. They have 41 outstanding cases, and presumably they got a year to review them, and we saw that three of them have already passed the deadline. Why is that? And I don't suggest that you have to know, because the person who is in charge of the case is gone. Well, sorry but that is dysfunction in my mind.

MIchael Tigas: Thank you.

Madame Chair: Thank you.

Oscar Fuentes: I've just watched everyone sitting in that chair come here like they just were out at a bar or something, and got called into a meeting, and they walk in and their briefcase flies open and a thousand papers fall out. And they don't know where

anything is. They don't even know what documents they're looking at, and they keep bringing the same spreadsheet.

Oscar Fuentes: I'm actually a person who got an education very late in life. And I've had impostor syndrome the entire time. And so I'm shocked ... I'm shocked that anyone would come to a public meeting that's on video, and be as unprepared as you are. Sure, you're sitting in for somebody. But do some work beforehand.

Oscar Fuentes: It's just really offensive to everyone sitting here. It's not just you. It's Miss Tom, and ... It's just this attitude, "Well, I'm not ready. And I don't know. And, oh well". Y'all get paid. I pay that. And then you guys get paid really well. It's ... just call in sick next time. That's what I would do. If I wasn't prepared, and didn't want to prepare, I would just call in sick. Maybe that's what everyone else in the agency is doing too. I don't know.

Oscar Fuentes: But ... you should be very embarrassed, Miss Thao.

Madame Chair: Thank you.

Miss Asada: Love life, love people. Let me share something with you. One of the things that frustrates me about Oakland City Council meetings, and committee meetings are the staff reports. And quite frequently staff will come unprepared, and they divulge information for which it's twisted. And would you say by the police officer saying the licensing issue, but you notice nobody challenged it, they just accepted it. But here's the compliment. You're not gonna be doing that. You're going to say, in a very courteous and respectful way, "My expectation is that in the future you will be coming to meetings prepared to divulge the information that you should know about", and like you just said, "give me notice if you don't have the capacity so we won't even ask the question and embarrass you in front of the public".

Miss Asada: I'm looking forward to having this happen, because I've seen it so frequently at council meetings, and they compliment staff. We're so proud that you've given us, and the report was nonsense. I am looking forward to coming to your meetings. And you will have already given to staff; in this case the agency, and whoever else comes before you; and I hope the Police Chief will get a notice too, that no longer can she come with a presentation like that. And I will be at the next meeting to enjoy this event.

Madame Chair: Thank you.

Salim Bay: Something they ... The very first thing is that your credibility is based on your investigative honor. And I keep telling you, I've been saying that since last year. The dysfunction that you are revealing right here, is something that we've been telling you. All the cases that we've been telling you that been closed by these people, the fact that you exist is because the voters looked at the job that the CPRB was doing, it said it was unsatisfactory. They've been investigating the

same cases for the last, you know, I think since the 80's they've been around here. I don't know, these people been here at least for 10 years.

Salim Bay: But how is it that, well ... let's just say it like this ... we said don't create the commission unless you have a clean investigative arm. Measure LL allows the commission to reorganize the CPRA at will, and for no reason that you have to give them.

Salim Bay: But you have plenty of reasons. The whole community's been telling you. You been telling us what the reasons are. Now, let's take action. Okay. They're down to what, three investigators? Very good. Hire three new people, right? And replace them. Have them go work for the City Administrator's Office, who they've been working for, who they've been closing the cases for, for all of these years.

Salim Bay: I don't blame them. They gonna keep on collecting checks as long as you guys keep asking the questions, and they don't answer. And they keep coming up here, and talking about, the 3304 day pass. That means that you sat on it for a year, right? Please, Measure LL empowers you to reorganize the CPRA. Which means you can go out, and vote to at least hire interim investigators, on contract, and send them please, some other place.

Madame Chair: Thank you.

Rasheeda: Thank you. I would like to actually talk about the document. I think Commissioner Prather talked about the one that ended on the 7th of April; that's 180346. We don't know what happened, because it wasn't reported out. I mean, the deadline passed but there was no reporting of it. We don't know what the status of that case was. Then you have one for excessive force coming up on the 18th of this month, that's next Thursday. We don't know what that ... what will happen there either. I mean, you'll have to take some kind of action on it, presumably before 3304, right?

Rasheeda: Then, on attachment B, this is extremely troubling because, first of all it's case 180303. I understood that the 18 represented 2018, is that correct? Through the chair, that the 18 represents the year. Is that correct? That means it was received in 2018, but the incident date was in the 7 ... 9 8 17. It doesn't indicate when CPRA received the complaint, or when IAD received the complaint. See, in other words, none of this adds up to anything clear.

Rasheeda: I have Elaine's time? Thank you. In other words, we have the incident date, which is in 17. The case number indicates that it was 18. But we don't know when it was received, as a complain, because that's when 3304 starts. Alright, so then we have unfounded, unfounded, unfounded. We have no understanding at all what the basis for that determination is, because we need to remember that unfounded means it didn't happen. It doesn't mean that it's not sustained. It means it didn't happen.

Rasheeda: When you provide an unsustained ... an unfounded, you should provide the basis for that determination. Was it based on video? Was it based on the fact that you couldn't find the subject officer, you didn't know where he was? Or the person couldn't be identified? I mean what is the basis upon which you concluded that this did not happen?

Rasheeda: And if you have a legal reason for not being able to explain that, I wanna know what that reason is. Because, and you know Joan, I've known you since you were hired, you know that you used to give that information. The CPRB gave a narrative. And I think I have sent it to the Commissioner's, if I'm not mistaken. The CPRB used to give an explanation for how it reached its findings. It also gave a narrative about what the incident was that the allegations are predicated on. None of this is here.

Rasheeda: You're gonna tell me that Measure LL sent us backwards on transparency, instead of forward? No. No. If I need to do a public records acq request, because this is a level 1 complaint. It's subject to SB-1421, I'll get the information anyway. So you're telling me that the Commissioners have less access than I do as a member of the public? Good luck with that argument.

Madame Chair: Thank you.

Madame Chair: Kathy, John and Aileen?

Madame Chair: Kathy.

Madame Chair: Okay, my apologies.

Madame Chair: It's okay.

Madame Chair: Alright, so ...

Speaker 18: Isn't the ... that government bill 3304, isn't that the Officers' Bill of Rights? And then it proceeds with process. When you have that date 18, that's the year. And then you got 3304, but all 3304 is, is the Officers' Bill of Rights, and talking about the due process; if I'm not mistaken.

Speaker 18: I just want to get that clarification, if somebody could speak to that.

Rasheeda: Yes, government code 3304, penal code.

Speaker 18: Okay. Yes.

Speaker 18: Actually, y'all gonna be able to fire the Police Chief under 3304. [inaudible]

Madame Chair: Thank you very much, Mr. Hazard.

- Speaker 18: [inaudible]
- Mr. Reus: For the chair, just as a clarification, Joan earlier stated that the possibility was that it had been told, given ... what was pointed out by the audience here, the fact that the case number is in 18, it's also true that we get complaints about incidents that happened in the past. My guess would be that that was a complaint that was filed in 2018, about an incident that happened in 2017. And the 3304 date runs from the date of the complaint. We start our investigation, and that clock starts running when we get the complaint, not when the incident that was the basis of the complaint happened. But when the complaint is made.
- Mr. Reus: For example, you could come and have a complaint about an incident today, that was an incident that occurred to you last year. We would be mandated, potentially, to investigate that. The 3304 clock would start running-
- Madame Chair: Hold on, hold on.
- Mr. Reus: The 3304 date would start running from the date that the complaint is made, not from the date that the incident first occurred. Because otherwise the clock could potentially run out just because you didn't make your complaint in time. That's giving the complainant adequate time after the complaint is made for the investigation to occur. That would be my guess as to why that discrepancy is-
- Madame Chair: Okay, thank you.
- Mr. Reus: Without knowing more about the case-
- Madame Chair: What we definitely want, moving forward, is not guesses, but factual information. Double check that, and then you can come back. Joan, like I said, I will speak with both of you, and Miss Tom, to make sure that the next meeting is a bit more solid.
- Madame Chair: And I have to figure out ... I don't understand why the CPRB narratives are still with CPRA reporting. Sergio, do you have any understanding of that?
- Mr. Rubin: Yeah. It's seven days-
- Madame Chair: 'Cause it really doesn't make any sense that more information came with the other entity.
- Mr. Rubin: In short, I don't have the specific answer. The information I have, at this point, is that the report in the Commission has a format prescribed in the municipal code. And that's 246014D, lists the number of requirements for reports from the agency to the commission. Beyond that I'd have to look into it.
- Madame Chair: Okay. We'll do some research. Commissioner Harris.

- Comm Harris: Well, at one of our meetings, when we were discussing this, it was said that their attorney was trying to figure out a format. When Mr. Fennell was here, there was a format that was presented, and then their attorney said, "No, we couldn't have it." Then their attorney said, "We're trying to figure it out." And we did our first closed session. We did what we did in our closed session. And then it just went away.
- Comm Harris: They never reported back on the format, because I was consistently asking for it. And it just ... that's where it lied.
- Madame Chair: Okay. Well, thank you. Since Miss Grenache has shared with us the former CPRB narrative, we will work to make sure that we can at least the narrative back. 'Cause that just makes no sense.
- Madame Chair: Well, we'll find with this as we can.
- Madame Chair: Alright. Let's see. I think we've handled all the public comment on that section. We are moving forward to Item nine. This is the Commission discussing the letter that's to be submitted to the Federal Monitor, requested from the Bays.
- Madame Chair: [inaudible]
- Madame Chair: The letter that's attached is something that I prepared as the agreed introduction to Chief Warshaw, opening the information as it had been communicated to us. I wanna know that, if you all have any comments, any questions.
- Comm Harris: Is it our turn?
- Madame Chair: Yes, I'm speaking to the Commissioners.
- Comm Harris: This is the first time I'm seeing this letter. And I thought ... I mean, just for me that ... you would be working with the ad hoc committee, on the Bay case, in regards to the letter. Because there was some language that we wanted to submit it, in here. But I didn't hear from anyone. So, I don't know. This is the first time I'm seeing it.
- Madame Chair: I guess since I made the agreement to do the letter at the last meeting, maybe if I had known if you had suggestions, that you would have just sent them. I don't have any other explanation to share.
- Madame Chair: Is the language related to ... What I really wanna stay away from is looking prejudicial, or partial. I wanted to make sure that we were introducing, opening the doors, we had suggested that we would, but not trying to frame in any particular way. Because I'm really trying to protect the Commission as it relates to any potential future discipline committee. And I'm really trying to be cautious around that.

- Madame Chair: Are there any other questions from the Commission?
- Madame Chair: So, we'll open up to public comment. Mr. Bay?
- Salim Bay: I was gonna, instead of being public comment, since it's our agenda item, I just wanted to read something, and then you can go to public comment. If that's okay.
- Madame Chair: Sure, go ahead.
- Salim Bay: We did read the letter. And it was missing a few things. But overall it pretty much had it. If we could just read in these few changes, that we think would make the letter appropriate. The notice, excuse me. This pertains to correcting the attached notice.
- Salim Bay: First I would like the Commission to supply an official complaint number, because until there's actually an official complaint number, the Commission's side of this, which is that it's mandated by LL to investigate all complaints involving racial profiling, or any type of profiling. The Commission's tract is actually separate from this notice. And that's ... my understanding's that we would be addressing that at the next meeting. But it still needs to have an official number for a complaint. Because a complaint was taken last June, by Commissioner, vice-chair Harris at the instruction of the then-chair Thomas Smith, instructed her to leave the day. And actually get the complaint from me outside. From June until now we still don't have an actual, even though the complaint's been made. We would like you to instruct the CPRA to at least assign a number, even though they won't be the ones investigating it.
- Salim Bay: Unless you have a way of generating a number, a case number outside of them, outside their system. Which I don't think so. If you just ... Whatever it has to do to get a 19-XXX since we are in 2019, we would just like you to apply that, so going forward we have something to track and to find out. Because without that number, there is no starting date. There is no 3304 date. There is nothing that actually we can hold you accountable for, on the complaint with the new evidence. This is why we're asking you for a new number, which to us makes sense.
- Salim Bay: Secondly, in reading it, it said Saleem Ali Bey. My correct name is Ali Saleem Bey.
- Madame Chair: My apologies on that.
- Salim Bay: No, no. This is why we're gonna get this correct, so that we don't have to come back here.
- Salim Bay: Also, it should say "and John" ... and this everything I've already put in writing. So, you can-

- Madame Chair: Oh, okay.
- Salim Bay: You can reference it. I'm just reading off of that. Just so it's in the public record.
- Salim Bay: And to also add my brother, John Muhammad Bey. So, it's Ali Saleem Bey, and John Muhammad Bey, because my brother is a part of the ... just as big a part of the complaint as myself.
- Salim Bay: Also, we would ask the Commission to add the IAD131062. 131062 was supposed to be an investigation of a failed investigation, 07-0538. In 2013, on July ... Let me just read that.
- Salim Bay: "The Commission is noticing the Compliance Director based upon new evidence of OPD, racial profiling in now, in complete IAD131062. The Compliance Director's office wrote a letter dated July 23rd 2014 ordering OPD Assistant Chief Figueroa to investigate CPRB and IED07-0538 for misconduct."
- Salim Bay: The letter that I showed you a few meetings ago, from the Compliance Director to Chief Figueroa instructing him to investigate 07-0538, and its deficiencies, OPD then named it 131062. The Compliance Director knows it as 131062, 'cause that's how OPD reported the incomplete case as complete.
- Salim Bay: Is that ... do you understand that?
- Madame Chair: I am understanding that. My only confusion is ...
- Salim Bay: And I created a document that actually-
- Madame Chair: No, no, no. That's fine. My only confusion is the process by which you attach a number for a case that's not being investigated by CPRA.
- Salim Bay: CPRA investigated 131062?
- Madame Chair: No, no. I got that. But you're asking that we address a new complaint number. I'm trying to understand a process that would facilitate that.
- Madame Chair: Yes?
- Comm Harris: I think the reason the reason why CPRA is not investigating this, I think it still warrants a number. However, it's not being investigated by CPRA, because of what we've seen here today.
- Salim Bay: Right.
- Comm Harris: And there's some concerns from this commission that they will not do the investigation thoroughly, like they are supposed to, or had supposed to. So, we.

- Madame Chair: I'm just trying to make sure that we aren't setting new precedents, that would then have to be followed. I think a little bit of ... I don't know if it's research, or conversation, of discussion needs to happen in order to figure out-
- Comm Harris: How to do it.
- Madame Chair: How to do it, yeah. Yeah.
- Salim Bay: Well, I could make a complaint online tonight. And that complaint would be given a number. Can I do that? And then I can notice you?
- Madame Chair: I think you have answered the question. Thank you.
- Salim Bay: Okay. And then, we'd also like you to clarify with the Compliance Director, the mandate of this body. That you also will be conducting an investigation. We're asking you the Police Commissioners also moving forward, to investigate the new evidence of racial and religious profiling, as mandated by Measure LL.
- Salim Bay: That's factual, and that doesn't violate anything, or put anything in there. But we are meeting next week to ... I mean next meeting to go about figuring that how we can independently investigate this, is that correct?
- Salim Bay: Yes, okay.
- Salim Bay: And then lastly, would be that at the bottom that you would just put in, that you would be cc'ing the NSA Court Judge org., as well as the full City Council. And that was actually the wording of the motion a few meetings ago. If you go back to the meeting minutes, it does say that you agree to notice not only the NSA court, the Compliance Director but also the City Council. They should be received of this also, especially because Measure LL actually mandates that the body notice proper authorities when they see something criminal happening with OPD.
- Salim Bay: One of the bodies that's not even one here is the DA's office, is actually also supposed to be noticed too. I don't really care about the DA's office, only because they're involved in this at a certain level. I'm not really concerned about them being noticed. But I do wanna make sure that the City Council, the NSA Court Org. Board, and the monitor are the ones that are noticed on this.
- Madame Chair: Okay. I will go over that with Commissioner Harris. Are there any other questions about this before we go to public comment.
- Salim Bay: I did have one question also.
- Madame Chair: Okay. You can have your question, then Commission Prather.
- Salim Bay: Okay, last question-

- Madame Chair: Oh, actually Commissioner Prather has the question. Sorry.
- Comm Prather: I'll wait for Mr. Bey to finish.
- Madame Chair: Oh, okay. Alright.
- Salim Bay: I would just ask that the Commission adopt the changes that I forwarded to the Chair, to correct the letter. And that's it. Unless you have have questions for me.
- Madame Chair: Thank you.
- Madame Chair: Commissioner Prather.
- Comm Prather: Thank you, Madam Chair.
- Comm Prather: I don't have an issue with a lot of the changes that Mr. Bey is proposing to the letter. And this letter has gone out. Or it has not gone out. I think there was ... I was a little bit unsure about the timing, because this was written some time ago.
- Madame Chair: I would have to check with Krissy to see if it's actually going out.
- Comm Prather: Okay.
- Madame Chair: Because I made sure that it was signed before I had to do some travel, 'cause I wanted to make sure that it could move forward. But then I realized that everybody hadn't seen it yet. I think Krissy may have held on to it. We will have to update the date, and everything.
- Comm Prather: Great, thank you.
- Comm Prather: I wanna, just for the benefit of our colleagues who weren't here last year, kinda go through some history on this ... a little bit of history on this case. 'Cause I don't think the agenda correctly reflects ... This item has been on our agenda more than one time. And Mr. Bey has come time and time again during public comment, and or open forum, and mentioned many things about his and his brother's case.
- Comm Prather: I went back and I reviewed every meeting agenda, and every set of minutes to create a history. Just so that I could understand, sort of the evolution of this case. This case first came before us in September 13th 2018, to be exact. And it was agendized as a determination of IAD131062. It was at that meeting that our then Council Meredith Brown indicated that we didn't have the ability to affect a closure of an IED file, and she was tasked with figuring out, and I'll read the exact ... the exact motion.

- Comm Prather: To figure potentially what we need to do to exercise our right, and potentially other cases that citizens bring us. And they're referring to CPRB cases, right. At that point we had put the matter over on September 13th to address, if CPRB cases could be opened.
- Comm Prather: It next came before us on October 11th. And the motion at that point was that we ask our Policy and Procedure Ad Hoc Committee for appellate process for cases ... this is not directly in the wording but the spirit of this is CPRB cases, to reexamine those and using [inaudible] Director, Police Chief and potentially outside agencies to reexamine issues that come before us.
- Comm Prather: My understanding, that vote passed. And my understanding was that committee was to look at an appellate process for CPRB cases that had been closed, or maybe even CPRA cases that had been closed; that then someone wanted to appeal. And we weren't looking at IAD cases, or any of those. But we were looking at CPRB, or CPRA cases. At that point ... then Alternate Benson, eventually Commissioner Benson, Miss Harris. Sorry, vice-chair Harris, and myself were on the committee. I know that I was replaced on that committee by Alternate Commissioner Dooley. And I think what happened there, which was completely our fault in language, because we lost Commissioner Dooley at the New Year. We eventually lost Commissioner Benson, and then I think vice-chair was left as the sole, sort of sole member of this group, to determine an appellate process. And I think we start to conflate these two issue, which are ... We need to either decide there's an appellate process, or decide that there's not an appellate process. We haven't yet done that. And I think in fairness to Mr. Bey we need to do that.
- Comm Prather: We've sat on this way too long. And to use our joint favorite expression of "kicking the can down the road", we need to determine an appellate process. We're either gonna do it, or we're not. And who's gonna do it? And to vice-chair Harris's point, I think Mr. Bey has correctly identified that there really is no resource within the CPRA that can do this. We need ... if we're gonna do an appellate process, we need an appellate process, sort of outside of that. And whether we use some independent resource or not, I mean that's really what we're looking at.
- Comm Prather: I understood the motion from the last hearing to be something different. And what I understood that to be was that the Commission was going to ... that Mr. Bey was gonna prepare a packet, and that we were going to send a cover letter. But we couldn't say that we had made findings, or that we have a process, or that we are doing an investigation, because we haven't yet decided to do an appellate process. But because he had waited so long, the motion was, "Well, look. He wants it to go to the Federal Monitor. He needs a cover letter, 'cause he just doesn't wanna send it without some authority. Then we'll give him a cover letter, and we'll let him make the request for there to be sort of Federal Monitor consideration of his packet."

Comm Prather: Most of those edits that Mr. Bey offered sort of fit within in that. But I think to intimate that we're doing more than that, like there is an appellate process, or that we've got an ongoing process or anything, isn't kinda where we're at. That doesn't mean we're not gonna do one. I think that, Madam Chair, I would ask you to sort of restalk, or restaff that committee to determine whether there could be-

PART 9 OF 11 ENDS [05:06:04]

Comm Prather: The committee to determine whether there could be an appellate process and then to, if there is going to be one, to then have that applied. But I don't want to conflate two issues, which are the appellate process and then our letter on behalf of Mr. Bay, which was voted to be approved at the last meeting, so ...

Madame Chair: Well, thank you very much for the timeline. The reminders, especially for newer commissioners, Commissioner Harris, did you all get vert far with the appellate process recommendations?

Comm Harris: There was no talk of an appellate process.

Speaker 19: And since Mr. Prather has made it clear that that issue with the appellate process is sufficiently distinct from the agenda item, which is this letter, perhaps that would be best discussed as a separate agenda item at another meeting.

Comm Harris: Well, it's in regards to this letter so we need to talk about it. So when Ms. Brown suddenly left is where the appellate process thing kind of went away because we needed legal counsel, right, and she just disappeared. No notice, no nothing. And that made me, personally, reconsider her advice because this was very pressing and I was given, this commission was given, evidence of something that was happening. And so it was very clear to me that this needed to be investigated where the IG position came in, this is where we settled for the IG, right? And we thought, okay, we're going to do the IG job description, we're going to put it in, we're going to get it passed. However, we faced obstruction from the city administrator with that process and it was kind of stuck there. Right? We were banking on having the IG to do the investigation to figure out, hey, is this what he says it is? Right? Do we have something in here?

Comm Harris: And it was out of our hands so that way it would have been determined by the IG, like here, can you do this investigation? And that's not what happened. We got roadblocked.

Madame Chair: Prather.

Comm Prather: So not to devolve too much down this road, but I agree with Ms. Harris. And as we'll discuss later in this meeting that I don't think the IG position is being filled any time soon. In the legal arena, when you want to reconsider a decision based on new evidence that's exactly what it is. It's a motion to reconsider based on

new evidence and someone is presented new evidence and then makes a decision whether the case can be reopened. If we were going to do that we would just need the committee to figure out the logistics of that and whether that's though [SIPRA 05:09:04], which I don't know if we feel confident in that, or whether it's an independent body or whatnot. But I mean, this is neither the time nor place to figure that out and that's why I suggested that our Madam Chair restock that Ah hoc committee so that it can look at a process, because we do need to create a process so that Mr. Bay can avail himself of the process, because frankly we failed him. We've just waited too long, and not to make excuses, I mean things happened, but things always happen. Right?

Comm Prather: So we just need to figure out are we going to have an appellate process or not? And I'm glad for alternate Commissioner Brown's presence, because I think he can add a lot to that sort of discussion when it happens about how cases could potentially reopened, or not reopened, or things like that.

Speaker 20: I have a question.

Madame Chair: So I'm watching Commissioner Brown, excuse me, alternate Commissioner Brown's head bob up and down affirming that maybe he could advise a little bit on that. So the question that I therefor have is would you be willing to work with Commissioner Harris on helping to design that appellate process because I think that was the initial, or the origin, of this work on behalf of the Bay brothers?

Alt Comm Brown: I'll be happy ... I'll be happy to work with you to first decide whether we can legally do that, but then also once if that's the case then design a fair process.

Madame Chair: And Commissioner Harris?

Comm Harris: So I would like to have ... So we don't have outside counsel, right? We need outside counsel. We need someone from the outside to give us direction on this appellate process, because we don't want to make any mistakes. I do not want any advice from the city attorney's office, at all.

Alt Comm Brown: Right.

Comm Harris: In regards to this. So I would make a motion that we hire an outside counsel for this specific process.

Speaker 20: Chair.

Madame Chair: Is there a second?

Speaker 19: I will sort of remind the commission that while certainly you can make that motion, the item that's being agendized is Bay case noticing the federal monitor, so I would suggest that perhaps you have that ...

- Madame Chair: Well, it may in fact be separate for the next time, but because it's kind of conflated and conjoined I can ... I feel like I can justify that for now. I'm looking for a second.
- C. Ahmad: I second.
- Madame Chair: Okay. So and Commissioner Prather?
- Comm Prather: Yeah, through the chair, may I confirm that current council at the dais is limited to only Brown Act advice and could not advise on such matters.
- Madame Chair: I think you should say it again louder into the mic.
- Comm Prather: Oh, gosh, I'm sorry. Through the chair, if I could ... I think we need to confirm that current council at the dais can only advise us on Brown Act matters and could not advise us on the creation of a CPRB specific or CPRA specific appellate process.
- Madame Chair: Can you confirm that?
- Speaker 19: So the contract that my firm has with the City of Oakland is to provide the Oakland Police Commission with Brown Act advice and Sunshine Act advice and other advice that is approved in writing by the city attorney's office.
- Comm Prather: Based on current council's inability to provide us that advice, I would second the motion, Ms. Harris's motion.
- Madame Chair: [inaudible 05:13:05].
- Comm Prather: Oh, I'm sorry.
- Madame Chair: That's okay.
- Comm Prather: I apologize.
- Madame Chair: We have a second.
- Comm Prather: I third.
- Madame Chair: From Commissioner Ahmad. So I think that, let's see, have we taken a vote? Yes. Then we're able to take a vote on that. Commissioner Ahmad?
- C. Ahmad: Aye.
- Madame Chair: Commissioner Harris?
- Comm Harris: Aye.

Madame Chair: Aye for myself. Commissioner Anderson?

C. Anderson: Aye.

Madame Chair: Commissioner Prather?

Comm Prather: Yes.

Madame Chair: Okay. So the motion carries. It's actually unanimous.

Speaker 21: Just a point of clarification-

Madame Chair: Hold on. One second. I'm just trying to get my bearings because this is all new territory here. So Commissioner Prather, okay. So we can do that and then I'll come back to you. So we have public comment. Mr. Bay is up first, but I want to make sure since we have a stack of speaker cards, and everybody else knows that after he's up you're up. Thank you.

Salim Bay: Selene Bay. So we're here to speak about the notice, and this is why we're trying to get the letter to get voted on today. We have a copy of the letter, everybody's had that, that's been cleared by the Brown Act, everything like that. What I asked for was this other language. Now, I didn't, from what I was hearing is, I didn't quite understand if Mr. Prather's issue was to not have the portion that I asked where it said, "That you would be doing your own independent investigation." Is that's just all ... I was trying to figure that one out, but the rest of it is agreeable to you? Is that what we're hearing?

Madame Chair: Mr. Prather, I think that that was my understanding. Yes.

Salim Bay: Okay.

Madame Chair: Mr. Prather?

Comm Prather: Sorry, I'm looking for my draft. Just if you could keep going, I've lost it in my myriad of paper here. Give me a sec.

Salim Bay: Right, right. So anyway, and then also the meeting minutes also very clearly says that this is a notice. And if you go back to the minutes, my point was that it's actually the duty of the commission as part of LL that you are subservient and underneath the NSA. Anything that happens within this body that affects the NSA, this body is mandated to notice the proper authorities. That's what the notice says. I'm not asking for a cover letter, we're not ... This is your job. I'm trying to help the commission make this notice while we wait on the IG position, the independent person, or whatever. We'll be patient if you just do the part where you send this notice out to the proper authorities. We'll know that it's going forward and everything like that and we can be patient on as you get to ...

I mean, hire an independent investigator, which is supposedly be on the next agenda, which is what we'll be dealing with.

Salim Bay: So I am, and my brother, have agreed that if the only sticking point is that Mr. Prather has is that it's not going to be investigated in parallel, we'll leave that out. But all the rest of it with the change of name, add my brother, 13-10-62, and also just make sure that because profiling is the basis of the creation of this body and it is also the mandate of the NSA that that is what the new evidence is, is that profiling. So racial and religious profiling is the basis of why you're going to the compliance director in the first place. So if you just adopt those, we will be happy with that. [crosstalk 05:16:59]-

Madame Chair: Okay, thank you very much. For public comment, I have Kathy Leonard, John Bay. Oh, these are not in order because these are for 12. Okay. So Kathy, are ...

Kathy Leonard: Oh, I signed in to cede to someone else. [inaudible 05:17:25]-

Madame Chair: Oh.

Speaker 22: [inaudible] if you need to.

Kathy Leonard: Oh, okay.

Madame Chair: You cede, who did you cede to?

Speaker 23: My time [crosstalk 05:17:27].

Speaker 24: Very good.

Madame Chair: My, okay.

Salim Bay: So without belaboring the point, but to belabor the point, because otherwise I wouldn't be here, I also just want to say is when you say 07.0538, that was closed my Ms. Tom in 2007. All right? And then 13-2-62 was found to be sustained for a purposeful failure to investigated by IAD. And that would be MOR-3-14.39, I believe. Failure to investigate, when actually we found out with new evidence that it's actually MOR-370.72 which is compromising criminal cases. Because my brother's case where I showed you how he was all shot up, was closed in 63 days and all of the weapons were left on the street. Therefor, enclosing that and then also finding out that the police had a relationship with the shooters in which they were helping them stay on the street, 3-70.72 is the proper MOR. So with IAD admitting the most basic, which was that they failed to investigate it because we found the documents after six years we found out that the police had closed my brother's case. Right?

Salim Bay: For the first six years after he was shot, the police were telling us, "Oh, no, we're working on it. Do you have anything new? Do you have anything ... " Right? So in

2011 we found out that his case had been closed in just two months. We also found out in reopening 07.0538 through the compliance director, that was then just reopened just 13-10-62 IAD found it sustained and we saw pay found it unsustained. So in history of investigations where IAD never finds anything sustained and CPRB is the reason why they never find anything sustained is why you created, we now have an incident where 13-10-62 was sustained by IAD and the CPRB found it unsustained, which then triggers another motion inside this body which then has to rectify why there's a difference between the IAD and the CPRB on 13-10-62. Thank you.

- Madame Chair: Commissioner Prather.
- Comm Prather: Thank you, Madam Chair. If there's no more public comment on this, I'll-
- Madame Chair: There's no more public comment.
- Comm Prather: I'll bring a motion, and I'd actually like to make sure that this is satisfactory to Mr. Bay. So he wants to come up and comment after my motion, assuming there's a second.
- Madame Chair: Okay.
- Comm Prather: So based on the letter, on attachment nine, I would move that we approve this letter for distribution to Mr. Warshaw, with a cc to Judge Warrick and the Oakland City Council.
- Salim Bay: Yes.
- Comm Prather: With the following changes. Obviously, we'd like to make sure that Mr. Bay's name's correctly spelled, or in correct order so reflecting Allie Selene Bay. And then it should reference John Mohammad Bay.
- Salim Bay: Yes.
- Comm Prather: So the second sentence in the second paragraph should read at its public meeting on February 20, 2019, Mr. Allie Selene Bay and Mr. John Mohammad Bay provided documents to the members of the Oakland Police Commission. It should also reference not only case number 07058, but also case number 13-1062. And that should be inserted prior to the comma on the next to last line on the second paragraph. The word "testimony" on that same line should be replaced with the word "comments". I feel that testimony intimates that we had a hearing and I don't want to intimate that we had a hearing, but Mr. Bay did provide comments. It should also, on the third line, where at the third line says, "Complaint and to request." "To" should be replaced by the word "Mr. Bay's" because it's Mr. Bay's request. And then the "Mr. Bay's" at the end of the third line should be replaced by "his". And in the fifth line, the word "testimony" should be replaced by "comments". There should be an additional sentence

added at the end of the third paragraph that says, "It is my understanding that Mr. Bay will provide a packet of documents to you under separate cover."

Comm Prather: Those would be the changes I'd make, Mr. Bay. Are those changes satisfactory to you?

Salim Bay: The only thing that I would just clarify was that it is my request, but it's the commission's duty. So we're not asking you to do ... I mean, it's not the request isn't coming from us, we requested that the commission do this notice. But it is the commission's duty to put the notice out there even if we didn't ask for it. So I would just say that we requested this, but the commission is ... The notice is coming from the commission. And that's why it's on the official heading, but it is the commission's duty to notice the proper authorities. So even though we're asking the commission to do that, and it's a very small thing, and I don't think that it's going to ... If it's going to mess all this stuff up, then let's put this on forward. But I would just say that. But it is the commission, this is coming from the commission. And this is the commission's duty according to LL.

Madame Chair: Mm-hmm (affirmative).

Salim Bay: So that would be the only thing, as well as the other thing was that 13-10-62, the provenance of 13-10-62 was the compliance director's office and this is why he's being noticed in the first place. And so I just want it on ... There's a letter that I shared with the commission a few meetings ago where we showed that it was the provenance of the letter was the compliance director instructing Assistant Chief Figueroa to investigate these cases. So I just wanted to make sure that the compliance director knows that the reason why 13-10-62 is actually coming back to him is because he's the one that initiated it and now it's been found that it wasn't properly investigated.

Madame Chair: Commissioner Prather.

Comm Prather: Through the chair, Mr. Bay, I think that that's fine. That's your argument to make to Mr. Warshaw and you're free to make it. I also, and as you know, I didn't vote to send this letter during the last meeting, but I'm still working on it nonetheless. I do feel that us putting this and making it our request does diminish the Police Commission by ceding our power and authority to make our own decisions and to clean our own house, we're now sending something to somebody else and saying, "Hey, look, we can't deal with this problem, so you deal with it." No, no. Let me. So in that vein, I'd like it to stay as it and that's why I'm resistant to say it is our request. Although, I recognize you're very valid point. It is our duty to root out racial profiling and other issues. That goes without saying, but in order to minimize the effect on the Police Commission, my motion would be to keep it with the edits as is and to asset the commission approve the letter with that as I suggested.

Salim Bay: I object.

Madame Chair: Commissioner Harris.

Comm Harris: I just want to-

Salim Bay: Yeah, go ahead.

Comm Harris: Make some ... Get some clarity. So it wasn't my understand that we were going to send a packet. I thought the packet was for the investigator.

Madame Chair: No, no, no. We weren't going to send the packet.

Comm Harris: Okay.

Madame Chair: He was going to send it under some [crosstalk 05:25:46]-

Comm Harris: This says [crosstalk 05:25:47]-

Madame Chair: Cover.

Comm Harris: Right.

Madame Chair: Mm-hmm (affirmative).

Comm Harris: But the packet is for the investigator, correct?

Madame Chair: Correct.

Comm Prather: Yes.

Madame Chair: For the independent moderator.

Comm Harris: Right, for the independent investigator. Okay. Okay.

Comm Prather: Madam Chair.

Madame Chair: Yes, Commissioner Prather.

Comm Prather: Vice Chair Harris, remember we talked about we didn't want to ... We want it to be sealed and remember that whole discussion, we were going to get a sealed packet?

Comm Harris: Right.

Comm Prather: And then we were like, oh, we should get it, oh, no we shouldn't get it. And there was that whole debate about ...

- Comm Harris: Mm-hmm (affirmative).
- Comm Prather: So we just decided to have Mr. Bay deliver his own packet. And so we'll send this letter. And that's why I added that last sentence to let Mr. Warshaw know that, hey, Mr. Bay will deliver his own evidence to you and we're just giving you notice that that it's coming.
- Comm Harris: Correct. I just think that this letter should reflect that we are sending the letter because we want this case to be investigated.
- Madame Chair: Well, I think that's why we're sending the introduction.
- Comm Harris: Okay.
- Madame Chair: I mean, you know, he can decide to investigate it or that's something that he wouldn't do. But we're opening the door to-
- Comm Harris: Let him know that we are going to reopen this case to be investigated.
- Madame Chair: Well, because we don't have an avenue for this appellate process, that's part of why we're introducing it somewhere else, because we don't currently have a process to deal with it.
- Comm Harris: Okay.
- Madame Chair: Because of the challenges with CPRA. Yes, Commissioner Prather.
- Comm Prather: And thank you, Madam Chair. And let me offer this, if Mr. Bay wants to wait a few months before we get an appellate process and we actually do open up, if we do open up, an investigative process or an appellate process so we can put that into letter. That would certainly be his choice. I understood from the last meeting that these things are separate, he doesn't want to wait, he wants us to send a letter so he can send the packet because justice delayed is justice denied. Let's just send it, right? That's what I understood and I'm okay with that and I still renew my motion with the edits that I had mentioned.
- Comm Harris: I don't think, well, for me, I'm going to speak for myself, I don't think it's that the letter should be sent just because justice delayed justice denied. There are several things that have come up while we were all sitting up here on this dais which gives me more reason why I think that this case should be re-investigated. I mean, things that have come out of our own office, the CPRA, things that have been coming from the city attorney's office. Their behavior, the city administrator's behavior. This is what makes me want to open this case again, because I think that it needs to be reopened. I don't think it's that we should send this letter just to be like, hey, there's a case but we don't have an appellate process. Well, that's on us. We should have had an appellate process but we've been dealing with fires. However, we're going to have one. We're not going to

send the ... I mean, the monitor this packet until we get this appellate process together, but I think we own due diligence to see this thing to the end.

Madame Chair: We have agreed to send an introduction letter to Chief Warshaw. That's what we're trying to finalize right now.

Comm Harris: And the city council?

Madame Chair: Yeah. Oh, and the city council. Judge Warrick. We've got all of the corrections, but what I'm looking for is a second on Commissioner Prather's motion so that we can clean this language up and it can go on out. I mean, this potentially, once Chrissy cleans it up tomorrow, I'll send it to you. And if it's ready it can go on out, but we need the motion that we can go ahead and get that done. I mean, excuse me, the second to Commissioner Prather's motion.

Comm Harris: Did you say you were okay with it, Mr. Bay?

Salim Bay: Yes.

Comm Harris: Okay. I second it then.

Madame Chair: Okay, so we have a first and a second. Can we take a vote?

Mr. Hazard: [inaudible 05:29:36]-

Madame Chair: Oh!

Mr. Hazard: Further comment.

Madame Chair: Yeah, excuse me. I'm sorry.

Mr. Hazard: Public comment.

Madame Chair: Yeah? No, no, no.

Mr. Hazard: [inaudible 05:29:41].

Madame Chair: Yes. Yeah, we actually did do public comment. Thank you. Whew, y'all got me coming and going here.

Miss Asada: I don't think I filled out a card.

Speaker 25: No, you didn't.

Miss Asada: I just need a point of clarification.

Madame Chair: Yes, ma'am.

Miss Asada: Having spent a number of years dealing with the NSA and the understanding of Mr. Warshaw, it has been my understanding that he has no obligation to interact with the council or any of the governing bodies of the City of Oakland. And my question to you is, do you have an understanding of a relationship that you have with Mr. Warshaw so you can approach him to deal with matters of this nature and in the future? Because Mr. Warshaw has no relationship with the public or with the city. We wanted to find out more about his scope of work for renewing his contract and all of a sudden the contract was taken away from the city council. So going back to that question, do you have an understanding of any relationship you have with Warshaw?

Madame Chair: So I have met him at an all parties meeting. I do not have an understanding, per se, but I can follow up the letter to say we would really like for him to take it seriously, but I don't know if he's duty bound. What I know is that we said we were going to support the Bay brothers in sending an introductory letter. I don't have any control after that though.

Mr. Hazard: [inaudible 05:31:28]-

Madame Chair: Mr. Hazard.

Mr. Hazard: Mine then, then you should have a fall back plan because if consistent with what Ms. Harris says, then it should revert back where it should never have been rejected by-

Madame Chair: So the fall back plan, as we just motioned before this last motion, is that we're going to get outside counsel to advise and there's going to be a separate development of an appellate process so that while this may be the impetus to create this process, we recognize that there may be other cases that need to access this same avenue.

Mr. Hazard: True. But I think that the nature of Ms. Harris's comments was put it back where it should be, back over in the [crosstalk 05:32:18]-

Madame Chair: I don't question that, but the question that we have right now is capacity. We also have some trust issues. So we have to be able to put a process in place.

Mr. Hazard: Yeah. It's true and I think that you're accommodating Mr. Bay's direction, but I just want just in case Mr. Warshaw says, "I ain't touching it"-

Madame Chair: We are working on two other angles.

Comm Prather: Madam Chair, a point of order, we need to vote.

Madame Chair: Commissioner Prather, yes. The 11 o'clock, is that what you're talking about?

Comm Prather: And we, yes, we need to vote on continuing the meeting as well.

Madame Chair: Yes, yes. I was getting ready to that. So I'd like to accept a motion to extend the meeting-

Speaker 25: Oh, you haven't opened [crosstalk 05:33:05]-

Madame Chair: Oh, okay. I am tired. Yes. Okay. So we're going to take a vote, then we're going to make another motion, and just have a ball. Commissioner Ahmad?

C. Ahmad: Aye.

Madame Chair: Commissioner Harris?

Comm Harris: Yes.

Madame Chair: Aye for myself. Commissioner Anderson?

C. Anderson: Aye.

Madame Chair: Commissioner Prather?

Comm Prather: Yes.

Madame Chair: Okay. The motion passes unanimously. I'd like to entertain a motion to extend the meeting. It is now 11:03. Thank you very much. It is now 11:03. Dare I say that I'd like to accept a motion to extend the meeting to 11:30? No?

Comm Prather: I reluctantly, Madam Chair?

Madame Chair: You going back to east Oakland?

Speaker 26: Yeah.

Madame Chair: I'll take you home.

Comm Prather: I will reluctantly move to extend the meeting to 11:30.

Madame Chair: Okay. And I will second. Can we vote on that? Commissioner Ahmad?

C. Ahmad: Abstain.

Madame Chair: Commissioner Harris?

Comm Harris: Yes.

Madame Chair: Aye for myself. Commissioner Anderson?

- C. Anderson: Aye.
- Madame Chair: Commissioner Prather?
- Comm Prather: Yes.
- Madame Chair: Okay. Now the motion passes with one abstention from Commissioner Ahmad. Thank you. Okay, we are moving to number 11, the Police Commission annual report. Commissioner Prather.
- Comm Prather: Thank you, Madam Chair. Item number 11, attachment number 11 is a draft of an annual report which is not your typical annual report. Unfortunately, I think we got involved in the process a little too late. I think I learned in putting this together that it really is like a yearbook. We need a yearbook staff who's going to work for six months on this thing. It is quite a bear of a project, but this is a summery fashion type of annual report. There are a couple of edits that I'll move to make. I think other people may have edits or typos. I was unable to get all of the information that I needed to. But, yeah, if you have edits, please indicate them and I'll include them in a motion. This is due in five days to the city council, and the mayor, and the public. And hopefully we are able to pass it tonight and I'm happy that we would be able to make such a deadline, so ...
- Madame Chair: First, may I commend you for not only getting the quarterly report together, but also getting the annual report, staffing the public safety committee. On behalf of the commission and all the other work that you've been doing lately, it's really impressive. The question that I had was, no, I see it. AB392. Thank you. Are there any additional comments for edits by Commissioner Prather?
- Comm Harris: There was a typo and I'm trying to find it right now, but I saw it online. And it's [inaudible 05:36:19]-
- Comm Prather: I welcome typo corrects. Thanks.
- Madame Chair: Are there any other comments, Commissioner Anderson?
- C. Anderson: Just a correction on my term. It concludes in October 2020.
- Comm Prather: I think I put 2021 for wishful thinking.
- Madame Chair: Yes, yes.
- Comm Prather: The other edits I have just right now, besides Commissioner Anderson's correction, there's a reference to public safety in the footer at page one which needs to be corrected. And then on the last, second to last page, page 10, on the top. That paragraph, I'm going to change the wording to, "Additionally the commission appointed Karen Tom to the position of CPRA interim director in

December 2018 to fill the recently made vacant position." That will how that's ... I'll move for the sentence to read as such.

Madame Chair: Given those edits, if there aren't any others and you can be looking now while we take public comment, I would like to accept a motion after that, that we with edits, can vote to make the updates and send out since it's due in five days. So on, wait, no, all those public ... I don't have any public comment for this particular item. Okay. So may I accept a motion that the annual report, with edits, be approved to be forwarded?

C. Ahmad: I second.

Madame Chair: Okay. Let me actually make the motion then. I move that we appropriately edit with the comments that have been identified by Commissioner Prather and the typo that Commissioner Harris mentioned, in order that we can forward the annual report in a timely fashion?

Comm Prather: A friendly amendment.

Madame Chair: Okay.

Comm Prather: The edits would be removing the reference to public safety committee at the bottom of page one. On page two changing the date of Commissioner Anderson's term end to October 2020, and alternate Commissioner's Brown term end to October 2022. I think he and I are guessing on that, but it's close. And changing on page 10 top paragraph to the wording, "Additionally the commission appointed Karen Tom to the position of CPRA interim director in December 2018 to fill the recently made vacant position." I hope you will accept my friendly amendment.

Madame Chair: Yes, I will. Is there a second?

C. Ahmad: Second.

Madame Chair: Okay, it's been moved and seconded. Can we take a vote on this?

C. Ahmad: Aye.

Madame Chair: Commissioner Harris?

Comm Harris: Aye.

Madame Chair: Aye for myself. Commissioner Anderson?

C. Anderson: Aye.

Madame Chair: Commissioner Prather?

- Comm Prather: Yes.
- Madame Chair: Okay. And the motion unanimously. Yeah, on to 12. Committee liaison, other commission reports. I know that we have a series of them. So whoever would like to go first, feel free. Commissioner Prather.
- Comm Prather: Thank you, Madam Chair. I did at the direction of the chair appear twice at the Public Safety Committee to make a report to what's on the quarterly report. And then I was asked to come back-
- PART 10 OF 11 ENDS [05:40:04]**
- Comm Prather: ... on the quarterly report, and then I was asked to come back. The City Council asked a number of questions of the City Administrator, namely what the job description of the Inspector General was and why it hadn't been posted yet. It asked whether, who directed or who did Chrissy Love report to. And it asked of the status of the outside council hiring. At this past Tuesday's committee meeting, the City Administrator prepared a report. That report was not well-received by the members of the City Council. They decided to send to the Rules Committee, which I was not present at this morning. But they sent to Rules a demand that it be put before the entire City Council that they yet reaffirm their action of last year that the Inspector General position report to us, that we be able to delegate and to control, that we employ Chrissy Love, our Administrative Assistant, and that our legal council be independent from the City Attorney, and that it not report to the City Attorney. So obviously that, like I said, that's in Rules and that is pending.
- Comm Prather: I think the one that I did want to mention that I thought was significant was that in the Public Safety Committee on Tuesday, there were a number of comments by President Kaplan in which he made the very salient point that our current City Administrator should recuse herself from anything to do with the Inspector General process. She said that because our current City Administrator served at the Police Chief for one year that potentially she could be subject to some type of investigation or discipline or any manner of things that could be done by the Inspector General. And so how could that person possibly report to her? How could she possibly hire such a person? And so that was quite the, I think the surprising comment. And I had not yet thought of that, and so I gave due credit to President Kaplan on that issue. This is a continuing issue. It's in front of Rules, and it will eventually end up in front of the City Council where they'll yet again vote to direct the City Administrator to follow their direction. I would say that the City Council's really upset at the City Administrator's illegal act. They're very upset at the City Attorney's obstructive and dilatory behavior.
- Comm Prather: So that is my report. If I go back to Public Safety, I will report again. Thank you.
- Madame Chair: Excellent. Thank you. Does anyone else have a report? Commissioner Anderson?

- Comm Anderson: I just wanted to thank the Chair and Chrissy Love for the follow through on our vote to support AB30, 392, The Weber Bill. Just wanted to report out that it did pass through Public Safety. It's now in Assembly Rules. So it is moving forward through the State Legislature. So thank you.
- Madame Chair: Lynn?
- Speaker 27: It's on the agenda.
- Madame Chair: Oh, okay. Great. Alright, so let us move on to meeting minutes approval. Does anybody have any edits?
- Comm Prather: Madam Chair, I move that we table the minutes to the next meeting.
- Madame Chair: Oh, yeah.
- Comm Prather: No, I haven't -
- Madame Chair: Okay. Is there a second?
- Comm Harris: Second.
- Madame Chair: Okay. It has been moved and seconded that we table the minutes to the next meeting. We actually have public comment, but I wonder if it makes any sense at this point. Nope, sounds like it doesn't. Okay. So moving ahead to item 14, Executive Director Interview Process.
- Comm Prather: I think we missed a vote on the motion to -
- Madame Chair: Oh, sorry.
- Comm Harris: The table.
- Madame Chair: Okay, so this is the vote on tabling the minutes until the next meeting. Commissioner Ahmad?
- Ahmad: Aye.
- Madame Chair: Commissioner Harris?
- Comm Harris: Aye.
- Madame Chair: Aye for myself. Commissioner Anderson?
- Comm Anderson: Aye.
- Madame Chair: Commissioner Prather?

- Comm Prather: Yes.
- Madame Chair: Great. Motion passes unanimously. We will review the minutes at the next meeting. Now onto point ... excuse me ... number 14, Executive Director Interview Process. Commissioner Harris, did you want to take the lead on that?
- Comm Harris: Sure. So the Personnel Committee came together, and we put together two ... this was done so long ago, I'm sorry. But we put together two different sets of processes, and we merged them to one document. And this is what you see before you today. So we want you to look at this process. This was taken from, one from Mr. [Nisperos] and then one from myself and Commissioner Bensen. And we just merged the two documents. And then now we have our Personnel Committee, which is Chair Jackson and myself and Commissioner Anderson. So that's what you see before today is the end result.
- Madame Chair: In addition to this, we did send out through our admin, Chrissy Love, emails to all the previous applicants to ensure their continued interest. I believe the last update out of 20 people, was it like 16 people were still interested? So that was great. We need to review amongst the three of us the last applicants that came in after the process had been reviewed and recommended for who goes next. I will send ... I think you already have those ... and I will send them to Commissioner Anderson tomorrow in hopes that we can review in advance of our May 6th Personnel Committee meeting. So that we can actually push forward on one process for all whomever the numbers of people are. And then we'll be, obviously, looking to engage community as a part of the process. Are there any questions on the documents that are before you? No questions, okay. We will go to public comment then. [Rasheeda Granash 05:47:17], Kathy Leonard, Michael [Teigs 05:47:20]. That's all for item 14.
- Rasheeda: Thank you. I made this comment when this brought forward the last time, but it's still here, so either people don't remember it or they don't agree with me. But on the essay questions, number three, "Tell us your thoughts on why poverty in Oakland exists and how it is connected to the work of the ED of CPRA." I'm sorry. I am sorry. I understand that there is a concern that underlies that question, but I think that to answer a question like that requires a background that an otherwise CPRA ED might not have, in sociology, in history, in economics, all sorts of academic grounding that one would need to be able to provide any kind of relevant response.
- Rasheeda: Because this question, poverty in Oakland, would be the same as poverty in Seattle or San Francisco or Los Angeles or Cleveland. So, it is a global question, right? Why is there poverty? But the question is what does this have to do with someone being an excellent manager of an investigative process of police misconduct. I'm not seeing the nexus. And frankly, I think it's a strange question to ask for someone with this particular skill set. Thank you.
- Madame Chair: Commissioner Harris?

- Comm Harris: Miss Granash, would you like me to answer that question? Because I'm the one who put it on the application. You want me to answer the question?
- Rasheeda: If you would like to.
- Comm Harris: I would like to. Okay. So I put ... actually the question wasn't even formed this way. The first time you saw it, it was put on there exactly, "Why are people poor?" Right? And I wasn't here when you made the comments, but I did watch the tape. And so, I've thought about what you said, and I restructured the question. However, I think the question is important because I understand that people go to school and they get educated and they have these certain skill sets, right? But unless you know how to treat the very people you serve or understand the conditions that they live in, you cannot be a good manager. And I know that because I deal with that every day. I deal with people who are highly intelligent. They are great at what they do.
- Comm Harris: But when it comes to understanding the population that their job applies to or affects, they don't get it. Their head is in a cloud. And that's hurtful. And it's not a question that's going to deem whether or not they get the job. But if you can't answer that question, we don't need you in Oakland. And so that's just my perspective.
- Madame Chair: So to add to that, and I'm glad that you restructured the question. I think it can go even a little deeper. But I think that, at its base, cultural competencies -
- Comm Harris: Yes.
- Madame Chair: ... and really understanding the plight of economic or socioeconomic disadvantaged people requires some emotional intelligence and empathy. And so what I think you're trying to get people to do is kind of connect with the genesis of the circumstance.
- Rasheeda: Thank you. I understand that explanation, and I agree with it. I just don't think the question is worded to get that kind of input, so I think it was -
- Comm Harris: And, and, may I? I mean, you could possibly be right. But you know me, very blunt and this is how I know how to say it so this is how I say it. And I thought I actually thought I toned it down a little.
- Madame Chair: You did tone it down. Would you willing to work with me to do a little bit more?
- Comm Harris: Sure.
- Madame Chair: Okay.
- Rasheeda: I think it can worked to get closer to what it is that you're trying to elicit from the person.

- Madame Chair: And now that you have shared that and you have heard that, maybe you'd like to try your hand at it as well. Okay. Thank you.
- Comm Harris: I'd like that.
- Madame Chair: Appreciate it.
- Comm Harris: Thank you.
- Madame Chair: Any more public comment? Mr. Beck?
- Bay: I think you guys, I think you guys ... [Celine] Bay. I believe that you guys covered that very well. Thank you.
- Madame Chair: Thank you. Okay, so we are at 11:22. Let's see if we can -
- Comm Harris: Is this the last -
- Madame Chair: We kind of got a 15, the Inspector General position status update.
- Comm Harris: Is there an action on this, or no?
- Madame Chair: Oh, I don't know if there's ... we already did the public comment, so we're gonna adjust the wording for the poverty question. Yeah. We'll just change it. That's fine. So Inspector General position status update. I think we kind of heard that go it -
- Comm Prather: In light of the status in front of the City Council, I move that we table this item.
- Madame Chair: Okay. Table the item. So are moving that the item be tabled?
- Comm Harris: Second.
- Madame Chair: Okay. Great.
- Comm Harris: Which item is this again?
- Madame Chair: This is the Inspector General position status update. And we have public comment here. Mary [Vail 05:53:29], Michael Teigs, Rasheeda Granash, Jean Hazard. Rasheeda, do you wanna talk, speak on that? We're gonna table it.
- Rasheeda: On which one?
- Madame Chair: Inspector General.
- Rasheeda: You're tabling it?

- Madame Chair: We are. Okay, thank you. So let's vote to table. It's been moved and seconded. Commissioner Ahmad?
- Ahmad: Aye.
- Madame Chair: Commissioner Harris?
- Comm Harris: Aye.
- Madame Chair: Aye for myself. Commission Anderson?
- Comm Anderson: Aye.
- Madame Chair: Commissioner Prather?
- Comm Prather: Yes.
- Madame Chair: Okay. And that is, the motion is successful, unanimous. I'm sleepy. Okay. Item 16, Receive bids for investigator services. Mr. Pray, Commissioner Prather?
- Comm Prather: Thank you, Madam Chair. So you have in your packet is item number 16, attachment 16A and B, the proposals, and CVs of Mr. John Alden and Mr. Eric Mason, who I believe are both ... is that Mr. Alden? And is that Mr. Mason? So I believe that they are both here at 11:25, showing their dedication to the Police Commission. Thank you, gentlemen, for being here. At the last meeting, we discussed the potential of hiring a stop-gap investigator to assist with the Pawlik investigation because CPRA was not only short-staffed but overburdened. And I said that I would bring bids and proposals to the Commission. I did contact more than two investigators. Not all of them decided to submit proposals. And so there are the two proposals I have. I think they are both exemplary. I think that they are both really fantastic candidates. They are also two very, very different candidates.
- Comm Prather: Mr. Alden is an attorney who has worked in the sector, in the police misconduct sector for many years, most recently with the San Francisco District Attorneys Office. Also with the group I know, the San Francisco OCC, but now known at the Department of Police Accountability. And has worked as an attorney for those entities for quite awhile. Mr. Mason, on the other hand, is not related to police accountability. He is an investigator through and through. He is not an attorney. And has been an investigator for 27 years. Both of these gentlemen come highly regarded and their rates are, to the extent that you're going to ask ... Mr. Alden has offered a \$300 hourly rate. Sorry. Normally 300, but is willing to discount his rate to 225 and 275. And Mr. Mason, I believe, was willing to give us a blended rate of 225 for his investigative work.
- Comm Prather: Happy to answer questions. I also think their resumes speak for themselves. I would like us to either hire this person ourselves or direct Ms. Tom, our Interim

Executive Director of CRPA to hire this person and to get them to work ASAP on the Pawlik case. But that's where I'm at.

Madame Chair: Are there any questions? Commissioner Harris?

Comm Harris: Thank you, Commissioner Prather. I am very pleased with this tonight, and I would say we make a motion to hire ourself. Instead of having Ms. Tom hire, I think we should hire.

Madame Chair: Prather?

Comm Prather: My only reaction to that is I did receive an email from Brown at Council today that the hire may be structured as a CPRA hire to avoid certain issues. And so I would style the motion as either. Either we direct Ms. Tom to hire that individual, or if there is some issue with that, we directly hire. I don't know what else we'll need to do to approve such a hire because we're not using a city contract nor a city process. But my understanding is this is sort of an emergency situation and that we'll figure out sort of the logistics of it as we go.

Madame Chair: Great. Commissioner Harris?

Comm Harris: Well being that Miss Tom is not going to be here for awhile, and this is pressing. I mean, how do we deal with something like that?

Madame Chair: Commissioner Prather, would you make the motion?

Comm Prather: I would like to hear public comment and -

Comm Harris: I'm sorry. You can -

Comm Prather: We need to pick one of two, so.

Madame Chair: We have two minutes.

Comm Prather: And Madam Chair, I would move to extend our meeting by a few more minutes. We do, they are both here. And I know we all want to get home, but they've both been here all night. So I -

Madame Chair: It's okay. Go ahead and make that motion.

Comm Prather: I move that we extend the meeting to 11:40.

Madame Chair: And so we have a second?

Comm Harris: Second.

- Madame Chair: Okay. It's been moved and seconded. Public comment? Item 16. I had Mary Vail. Everybody's gone home. Almost everybody. Okay. Miss Granash? Nope? Okay. Alright. Thank you. So I think that it might be nice to have both of the gentlemen just give us the overview that we wouldn't find in the paperwork.
- Comm Harris: Mm-hmm (affirmative).
- Madame Chair: Oh, Commissioner Anderson?
- Comm Anderson: We have an open motion to extend the meeting, so we have to just close that out.
- Madame Chair: Oh, sorry. Yes. Okay. So let's vote. Does been moved and seconded to extend the meeting. Commissioner Ahmad?
- Ahmad: Aye.
- Madame Chair: Commissioner Harris?
- Comm Harris: Aye.
- Madame Chair: Aye for myself. Commissioner Anderson?
- Comm Anderson: Aye.
- Madame Chair: Commissioner Prather?
- Comm Prather: Yes.
- Madame Chair: Okay. Motion ... it passes. I'm tired. And it's unanimous. So we are on the clock until 11:40. This is 11 more minutes. I would like to suggest that both gentlemen come up and present themselves. I normally will ask that question if people, especially with stellar backgrounds, to tell us what we might not find in the paperwork. Let us get to know you in two minutes or less. Yes, Commissioner Anderson?
- Comm Anderson: I just want to make a statement before the gentlemen present on their qualifications, just because I am currently an employee of the District Attorney's office, the San Francisco Attorney's Office, where John Alden worked, I'm going to start out by saying I think I'm going to have to abstain from any selection of the candidates so as not to appear inappropriate in any regard. This is no reflection on John and my knowledge of him and his work.
- Madame Chair: Excellent. Thank you very much. Mr. Alden?
- Mason: I am actually Mr. Mason.

- Madame Chair: Okay. Mr. Mason?
- Mason: And I am tired, too. It is past my bedtime, so I'm a little tired. So I'm the principal of a firm that has no law enforcement background in it at all. Nobody comes from a law enforcement background. Nobody was trained in anything resembling law enforcement. We're all Liberal Arts majors from various universities, and we practice a wide variety of civil and criminal investigations. So if we are selected, we come from a place -
- Comm Prather: If we, if I might interject here, Commission Anderson, if you were intending your last statement to be an intention to recuse yourself from the vote, the Political Reform Act typically requires you to actually leave the room.
- Comm Anderson: Just go?
- Comm Harris: Go get some food.
- Madame Chair: Go to the bathroom. Come right back.
- Comm Harris: Get some food. Get some food.
- Madame Chair: Sorry about that.
- Mason: So we've been working on all kinds of criminal cases for 30-something years, including homicides, many of them capital homicides. And we routinely get case files from cases that are old and that have been worked over by various agencies. So what we bring to the table, I think, is a neutral approach, an objective approach, and one that just has no slant one way or the other. And we're willing to jump into this case. We have the manpower. We've got five investigators and can probably get it done pretty quickly.
- Madame Chair: Thank you very much. Do we have any questions of Mr. Mason? Okay, thank you very much for your summary. And Mr. ... are you Mr. Alden?
- Aldin: I am. Thank you for having me tonight.
- Madame Chair: Okay.
- Aldin: My name's John Alden, and as Commissioner Prather mentioned, I'm an attorney. I've been working in this field for about 10 year for the District Attorney's office in San Francisco and also Department of Police Accountability, which is the corollary to your CPRA. And I'm also for the San Francisco Police Department's Internal Affairs Division. Before that I was a prosecutor. I also did some work in private practice. And in part of my proposal, I would bring in, as a sub-contractor if we needed it, another person who has a long background in civilian oversight of law enforcement, Barbara Attard. She's got about 20 years the East Bay, San Jose, and San Francisco, doing the same kind of work. I've

worked on I'd estimate probably in the neighborhood of about 20 different officer-involved shooting cases. And when I'd been working on them, that's been either when I was in District Attorney's office, looking at them from a criminal law perspective, whether any of the officers should be prosecuted. But then in most of my experience, the other nine years from an administrative perspective, like the kind of investigations that you do here at CPRA.

Aldin:

Part of my proposal would be to work closely with the folks at CPRA who've already done some of the work. I'd like to take advantage of whatever they've already figured out. In the proposal I've made to you, based on my understanding from Commissioner Prather, I would limit the scope of the work here unless you'd direct me otherwise to whether there were policy violations in this particular case. There's certainly other issues that an investigation like this could get into, such as whether there are policies that could be improved upon or whether investigations done by anyone else in this city of Oakland were up to best practices. Those issues I'd propose to set aside unless I am told the Commission asks me to look at those as well. But if those were issues that the Commission wanted me to delve into, I'd be well-positioned to do those. So I think the advantage of selecting me is you'd have someone who has a lot of depth of experience in these kinds of administrative investigations into police officer conduct, specifically an officer-involved shooting scenarios.

Madame Chair:

Thank you very much. Are there any questions? Is there a third person that -

Aldin:

Thank you.

Madame Chair:

Thank you very much. Is there a third person in the room, whose name I don't know?

Mason:

This is my colleague, Joe [inaudible 06:05:26].

Madame Chair:

Oh, got you. Okay. So we have heard from the two that we are considering for investigators. Okay. Get [inaudible 06:05:37]. On the clear accomplishments of both of you, I am interested in hearing a motion on one or both or ... Commissioner Prather?

Comm Prather:

Well, I'd just like to say I've talked to, I feel extensively to both. And I feel that they're both highly qualified. It's tough to encourage someone to apply and then have to pick one. But sort of push coming to shove, I just think that based on our current situation and the optics and the scrutiny of this particular situation, I would like someone without a law enforcement contact, without law enforcement background, no contact to DA's office. That's not to say that Mr. Alden's experience at that office wasn't very meaningful and would inform that, but just 100% clean and independent and no cop ties, no nothing. No DA ties to just ... someone whose done murder cases and come in. And that sounds like Mr. Mason to me. And so that that's where I'll be vote ... so my move is that the Commission hire Mr. Mason for the Joshua Pawlik investigation.

Comm Harris: Second.

Comm Prather: And that we either hire him directly and/or direct Miss Tom to hire him through CPRA and assign him the file immediately.

Madame Chair: Second.

Comm Harris: Is that a motion?

Madame Chair: I mean, just really like the other approach makes a whole lot of sense. Let's see. We don't have any public comment on this.

Comm Harris: No. I have a comment.

Madame Chair: No, I did it already. Okay, great. So can we ... yes, Commissioner Harris?

Comm Harris: I just want to state something as well. I agree with Commissioner Prather. I'm very excited that we kind of are thinking on the same wavelength. I would like someone who has no background, none of that in law enforcement, which includes the District Attorney's office, just based on what we've been dealing with for the last two years. So I agree. I am second, thirding that motion.

Madame Chair: Okay. And with that, let us take a vote.

Comm Prather: Just so I'm clear as to the motion on the record. The motion is to direct the Executive Director or Interim Executive Director of CPRA to enter a new contract with Mason Investigative Group. And an alternative, if that contract process cannot be completed, to authorize the Commission acting through the Chair to enter into a contract with the same group.

Comm Harris: Okay. Yes.

Madame Chair: And let's vote. Commissioner Ahmad?

Ahmad: Aye.

Madame Chair: Commissioner Harris?

Comm Harris: Yes.

Madame Chair: Aye for myself. Commissioner Prather?

Comm Prather: Yes.

Madame Chair: And the motion passes with one recusal. Okay, so we have two minutes to do agenda setting.

- Comm Harris: Mason.
- Madame Chair: I would like to put on the agenda that we adopt a resolution directing the City Administrator to release the job descriptions for the positions of Inspector General and Attorney as approved by the Police Commission. We have two tabled items from this meeting, the meeting minutes and the Inspector General update. Let's look at our pending list, which I believe has a budget hearing on it.
- Comm Harris: They already choose.
- Madame Chair: Okay, great. Any other items that we feel ... oh, I know ... we're cleaned up the language on the police -
- Bay: Yes, I have one.
- Madame Chair: Sorry, I didn't have one for you. Mr. Bay, go ahead.
- Bay: I just ask that you place on the next agenda the exact same thing that you did for Mr. Pawlik and that you would take bids for an independent investigation on our case.
- Madame Chair: Yes, okay. Bids for the investigation on the Bays case.
- Bay: Thank you.
- Madame Chair: Let's see. We need to ... I guess it doesn't, the neg whole thing doesn't cost, right? So we just need to confirm that we're going. Okay.
- Comm Harris: On May 3rd?
- Madame Chair: May 3rd, yes. Mm-hmm (affirmative). I would like for us to consider the retreat that we were supposed to plan a year ago, so let's put that on. We will report back on the contract for the General Council that we approved in closed session for the Police Chief's performance evaluation or process for that. Any other items?
- Bay: I just wanted to know, were we going to have any of the Black Officers Association -
- Madame Chair: So I got response back that, obviously since the investigation is open, they can't come. But I've asked, as Mrs. [Soder] requested, if there is an advocate or somebody that can speak on their behalf. And they're going to get back to me tomorrow on that. So we'll put the OBOA back on, so that anyone that knows anyone, retired or otherwise, that can speak to issues of race can speak.
- Comm Harris: Yes.

Madame Chair: Yes, Commissioner Harris?

Comm Harris: Will Miss Tom be back to give us the information on the pending cases and completed investigations?

Madame Chair: I believe so. Miss [Sopay 06:11:45], do you any information to that point?

Speaker 27: I believe that she'll be back on the 22nd.

Madame Chair: Okay, great. So then I will follow up with her. So I mean, that should be a recurring item anyway, but we should have the change in process and hopefully also the narration that we are looking to get as well. There was ... shoot. Yeah, I think we're fine.

Comm Harris: The retreat?

Madame Chair: Yeah, no, I mentioned the retreat. I think we probably have enough. It is now 11:41, so I would like to entertain a motion to adjourn.

Comm Prather: I move we adjourn.

Comm Harris: Second.

Madame Chair: Okay. And I assume there is no public comment.

Bay: Aye.

Madame Chair: Okay, great. So let's take a vote to adjourn. Commissioner Mot?

Ahmad: Aye.

Madame Chair: Commissioner Harris?

Comm Harris: Aye.

Madame Chair: Aye for myself. Commissioner Anderson?

Comm Anderson: Aye.

Madame Chair: Commissioner Prather?

Comm Prather: Sure.

Madame Chair: The Commi- ... the motion passes unanimously. We are adjourned at 11:42. Thank you, K-Top. Good night.

PART 11 OF 11 ENDS [06:13:04]

