



**CITY OF OAKLAND  
OAKLAND POLICE COMMISSION**

**Meeting Transcript**

**Thursday, April 25, 2019**

6:30 PM

City Hall, Council Chambers

1 Frank H. Ogawa Plaza, Oakland, California 94612

Ginale Harris: (silence) We're getting ready to start the meeting, if we can have the commissioners please return to the dais. Thank you. Okay, hello? Hi, we're going to call to order. We're going to get this meeting started. Hi, so we're going to do roll call. So Commissioner [Amin 00:11:50].

Male: Here.

Ginale Harris: Commissioner [Dorato 00:11:55].

Male: Here.

Ginale Harris: Here for myself, which is Ginale Harris. Commissioner Smith.

Comm. Smith: I am here.

Ginale Harris: And Commissioner Brown.

Comm. Brown: Present.

Ginale Harris: Okay. Welcome everybody to the April 25th Police Commission meeting. We're going to go right to it since we're a little bit late so let's get to the open forum. And we have Ryan [Vanderpool 00:12:27].

Ryan Vanderpool: You got it.

Ginale Harris: Thank you.

Ryan Vanderpool: Cheers. Good evening, Commission. Thank you for hearing me out. Ryan Vanderpool is my name, I live about a half a block away from 42nd and International. About a week and half ago there was an incident where there was a sideshow and I want to thank the Police Commission, I want to thank the police, the officers for their restraint in force. They basically stood down. I don't know all the circumstances but from what I hear it got out of hand, I heard gunfire, I smelled the bus burning from my backyard, I saw the smoke but instead of calling in all the helicopters, instead of calling in the tank, the Oakland Police stood down.

Ryan Vanderpool: I firmly believe that was the only call that could've been made to prevent riots and I thank you for that. Had there been riots, it literally would've been in my backyard but instead the police stood down. I don't know who made that call, I don't know how far up the chain of command that went but you stood down. There could've been pictures in the paper the next morning of the police line and the civilians and clashing but instead you stood down so thank you.

Ginale Harris: Thank you, sir. Mary [Vale 00:13:50].

Ryan Vanderpool: Pardon me?

Ginale Harris: Mary Vale.

Ryan Vanderpool: Oh.

Ginale Harris: No? Okay. We'll come back to her. Ms. Asada? Oh, you're there, Mary Vale? Okay, thank you.

Mary Vale: Mary Vale. We're in budget season and of course without the right policies and the support, both you guys and the Community Police Advisory Board don't get to fully ... you're not in a position to fully exercise your oversight and your policy leadership authority. And of course we have, the head of the line, we have this battle over your staff reporting to you as opposed to reporting to the administration, which will be coming up next week but that's the opening round.

Mary Vale: I hope you'll take a deep look at the OPD budget. I've encouraged the members of the CPAB that I know to take a look at the funding for their initiatives and the department's initiatives around community policing. Thank you very much.

Ginale Harris: Thank you, Ms. Vale. Ms. Asada?

Male: Before we get too far down the road I just wanted to make sure that we had staff quorum-

Male: We can't hear you.

Male: ... and that [crosstalk 00:15:18].

Male: Mic, mic. Can't hear you.

Male: Okay. I just wanted to verify that we have a quorum in that we were having the chair designated Commissioner Brown as a voting member until such time as we have other commissioners present.

Ginale Harris: Sure. Thank you. We do have a quorum including Commissioner Brown as a voting member today, for the record. Ms. Asada.

Ms. Asada: Love life, measure AA failed and the City Council needs to stop interfering in the voting process. I'd like to give you a report on what happened at Public Safety on Tuesday. There was a report on missing guns at that Public Safety meeting and I brought up the fact that there was an article in the newspaper in June of 2016 that mentioned that in the Bay Area police departments 944 guns were either missing, stolen or unaccounted for in 2016.

Ms. Asada: In Oakland's police department 370 weapons were missing in that year. There was a report on a Memorandum of Understanding that was signed in 2017 by the police chief that allowed a working relationship between the police department and the two Veterans Offices that exist in the city of Oakland, and that arrangement would allow the police department to work with the Veterans Police whenever necessary around criminal activity.

Ms. Asada: Unfortunately, the Memorandum of Understanding was signed by the police chief without going to counsel as the charter mandates, so for two years there was an illegal Memorandum of Understanding with the Veterans Department.

Ms. Asada: The Public Safety Committee asked to see the Memorandum of Understanding, it was not available, that item is coming back. There was also, at that meeting, a grant that would allow the police department to purchase police equipment. Unfortunately, the grant was not completely put in its proper title because that grant allows you to weigh in on juvenile justice issues and that grant only allowed the department to purchase equipment but they could have weighed in on doing things that were, like restorative justice, and they cut the grant title in half. So that was unfortunate.

Ms. Asada: I'll stop there and I hope that, oh, one other thing. [Guyo] told me that the Police Officers Association has worked out its problem and there's no need for the Public Safety Committee to work on that letter and I found out that is not true because there's an investigation going on, the police officer, I've not met with the chief because of that investigation, I don't appreciate Mr. Guyo misleading me and I hope he will rectify and bring the police officers, Black Officers Association letter to Public Safety for whatever it needs to be done in terms of that body's interest.

Ginale Harris: Thank you, Ms. Asada. Lorelei Bosserman.

Gene Hasit: For the record, Gene [Hasit 00:19:26]. One, on item number 15 why is, looking at the minutes, way down the line? The minute should be in front of the agenda right after open forum. That's a procedural matter and it should come in the front so we could all be aware of that minute.

Gene Hasit: Two, you know, while the police officers stood down on the sideshow, they need to be proactive and stay on social media because most of the folks who are coming here on sideshows are coming from out of town, from Fresno,

Stockton, LA. So somebody in the police department need to be monitoring that when it happens so you can get in front.

Gene Hasit: Two years ago when they shut down 880 and then over on Maritime, so while we could give some kudos for the police officers standing down then but get in front because it's wildly broadcasted so they know when these things are going to happen. Palm Tree, where's that letter that Mr. [inaudible 00:20:53], you had made a motion, second later on the Palm Tree? You know, you were supposed to be writing a letter, you and Chairperson Jackson regarding that because that was a matter that was coming up before the council and you said you're going to do that letter and I don't think if you've done the letter, I like to see it. If you haven't done the letter then fine, let's get a letter there because that matter on Palm Tree is going back so the Police Commission, as you indicated, you have some concerns over that contract so please, if you don't have the letter, fine but you need to write that letter and give that to Public Safety or to the City Council, thank you.

Ginale Harris: Lorelei Bosserman.

Lorelei B.: Hi, I'm Lorelei Bosserman. I want to echo the thanks to the OPD from the gentleman who was just here talking about them not escalating so I appreciate that. I also want to let anyone watching from home know that on Tuesday, April 30th, that's this coming Tuesday, there'll be a special meeting of the City Council at four o'clock and the first agenda item is going to be the job description for the Inspector General for the Police Commission and I believe that they are going to be discussing the fact that it's been difficult for the Police Commission to get staff who actually report to them so it'd be great if people could come out, thanks.

Ginale Harris: Thank you. Rashida [Granoj 00:22:41].

Rashida G.: Thank you. I wanted to let all of you know that we have some special friends from Bakersfield here tonight. They are from the Faith and the Valley group, they are affiliated with [PICO] California and they are working hard to establish some form of civilian oversight in Bakersfield. And so they are here to observe what you guys are doing, so I hope that you'll join me in welcoming them to Oakland and wishing them good fortune in their effort.

Rashida G.: I wanted to follow up on Lorelei's comments. We are doing outreach to try to get as many community members to attend the Tuesday meeting at four o'clock at this council chambers right here. It's agenda item five and it would be helpful to us in our outreach to the community if you would also join us and outreach to your own networks and ask your own networks, friends, associates, allies to come and support the demand that the IG job description include the fact that that staff position is supervised by the Commission and not by the city administrator.

Rashida G.: It's important for the community to insist that the Council stand by the vote that they took and not be intimidated or bullied by the city's administration into doing something different. This is a really important kind of critical point in the fight for independence of this commission and all of you should have, I would think, a strong stake in the outcome of this decision so we hope that you will join in outreaching and getting folks to show up and show up strong. Thank you.

Ginale Harris: Thank you, Ms. Ganaj. Saleem [Bay 00:25:06].

Saleem Bay: Good evening. Saleem Bay. I just wanted to comment on last week's attachment 15 in this agenda and it says, "The Bay case, noticing the federal monitor", this item was item 10 on the agenda. The Commission were discussing their vote on a letter that would be submitted to the federal monitor, this was discussed.

Saleem Bay: It also then goes on to say a motion was made by Vice Chair Harris, seconded by Commissioner [Ahmad] to hire outside counsel for this specific process, the motion passed unanimously. That's not on the agenda because then, after that happened I waited all the way until almost midnight to make sure that when the next agenda was set or agreed to by this commission that this would be on there and that was agreed to.

Saleem Bay: I then sent a followup email prior to the agenda coming out to Chair Jackson who assured me that it would be on this night's agenda, to hire an independent investigator for our case. So we're not even arguing about the merits of whether an independent investigator needs to be hired, it's been established. Why hasn't it been done?

Saleem Bay: I always bring this. Look at all these people. These were people, human beings, they still have families. Mr. [Prowler 00:26:45], please. Thank you. Right. Right? These are the people. So when you kick the can down the road you kick them justice down the road for all of these people and their families.

Saleem Bay: What I just read about independent investigation? Yeah, that's what the white press says about it. Where are they? You want to investigate something that's associated with this black reporter that you can find under every rock something negative about a Muslim but then when he finds out that the police was involved in this and that the commission backs this up, this is your credibility, not mine. The evidence speaks for itself, why isn't this on this agenda?

Saleem Bay: Obviously Robert's Rules of Orders, yada, yada, yada, that can't happen until the next one but what is the legal status or legal ruling on agreeing to do this but never putting it on the agenda? And it was agreed upon in the agendized section of the meeting that it would be on the agenda. And it was agreed upon in an email by the chair that it would be on the agenda.

Saleem Bay: And we still haven't even seen a final letter of what you voted for, I didn't get finished reading it but you also voted to send a letter to notice the [ORC] NSA court on behalf of the Police Commission, a letter to notice the compliance director who can hire and fire the chief and is actually in a superior position to this commission. There's no choice of whether or not you can notice these people. When you see something criminal, that's your job. I shouldn't have to beg you to do that. Where's the letter?

Saleem Bay: Again, I don't care what you feel about me, I'm not here for me, for Saleem Bay, this ain't about political stance, I'm not playing political games with you, I don't care about what you get out of being on the commission, I've been here for justice since '04 for my brother here. What is this, 2019? How long have you been involved with police reform? Anybody over a decade? You abstained last week too and you voted for the mayor.

Ginale Harris: Thank you, Mr. Bay. We're going to move to the next agenda.

Male: [inaudible 00:29:25].

Male: Can't hear you.

Male: Can the commissioners respond in open forum if we have a comment?

Male: I think that you're allowed to make a very brief response. The important part is brief.

Comm. Ahmad: Okay, thank you. I just wanted to say, first of all, I've been a citizen of Oakland since 1988 and I voted for measure LL just like a lot of the citizens out there. I got on the police commission by filling out an application and one of the things I had to say about that is I'm for justice also, and if I abstained on something is because I didn't fully understand it. I'd rather abstain than take a stance in order for the measure to go forward without blocking it, that would be my reason for abstaining from anything that I vote that's put to the vote.

Comm. Ahmad: And secondly, I just wanted to say about the missing guns that Ms. Asada said, if this is public record then my question would be to the chief, is it true? Because a lot of people can get up and say things but if we don't know all the facts, is it true? And for brother Bay, not to be personal because it's not personal with me at all, I'm here for justice and when I raise my hand and said, I've been out there protesting, if you look up the paper, when Oscar Grant was shot, that's my picture at the barge station protesting inside the building when he was shot first.

Comm. Ahmad: When Rodney King was shot I was right here protesting. After the riots and police was here in Oakland, you know, trying to contain the people, I've been active in the community because I'm a black man and I have five black sons and a black daughter and I'm here for justice, and like this lady said last meeting, we

don't get paid for this. I don't get any pay. I'm doing this because I want justice for everyone. Thank you.

Ginale Harris: Thank you, Commissioner Ahmad.

Saleem Bay: And I would just say, just real brief, just very brief-

Ginale Harris: Mr. Bay, excuse me, just for a moment. I just wanted to acknowledge, it's seven o'clock and the Chair Regina Jackson is in attendance.

Saleem Bay: Thank you.

Ginale Harris: Forgive me.

Saleem Bay: I would just say that this has been before this commission since June of last year. Every commissioner has been at the majority of these meetings, would be my understanding, I haven't missed one so I can't see any reason to not understand the principle of moving this forward for justice, that's my position. Where is our investigation? I don't see anybody clapping and supporting the fact that these people ain't getting no justice. I hear you back there, I don't hear you back there is what I don't hear when I keep saying this and nobody's getting an investigation, I'll hear no clapping back there, I'll hear no support back there but if I say something about the public pretender, about four of you will be up here telling me how long I am.

Ginale Harris: Excuse me, Mr. Bay.

Saleem Bay: Yes.

Ginale Harris: It's just been brought to my attention that your item, the letter, is not on the agenda. I need you to know that I directed that it be on the agenda. Unfortunately I have been traveling and that's why I'm late tonight, just fell asleep, sorry. I will ensure that it is on the next agenda, I do not know what happened. Just being accountable.

Female: It's attachment six.

Saleem Bay: For hiring an independent investigator, that's what we're talking about?

Ginale Harris: Okay. Yeah, they're saying attachment six. Yes, oh, it's here. Yeah. But that was the letter that we were supposed to publish after the edits. Okay, so it is here then, thank you. [crosstalk 00:33:30].

Saleem Bay: Is there an agenda item associated with it?

Ginale Harris: I'm sorry?

Saleem Bay: What is ...

Female: We voted on hiring an independent investigator [crosstalk 00:33:39].

Ginale Harris: Yes, yes, okay. That is all supposed to be encompassed in item six.

Saleem Bay: Ah, okay.

Ginale Harris: Okay, thank you, excuse me.

Saleem Bay: So reading between the lines, as long as it's taken care of.

Ginale Harris: Yes, sir.

Saleem Bay: I didn't see Bay up there, which is actually the basis of this case that has the new investigation so to us if it's not on there, that's not addressing what we're talking about.

Ginale Harris: I get what you're saying and while your instance is the reason why we're doing an [inaudible] process, it's bigger than just Bay in order to anticipate any future instances where the same might apply.

Saleem Bay: I do understand that but there is a separate issue for Mr. [Pollock 00:34:22]. Mr. Pollock made sure that you had an individual vote to make sure that you pushed Mr. Pollock's thing through investigation through. We're just asking for equal justice, give us why we bundled in when Mr. Pollock has an investigation going on right now.

Ginale Harris: Your items are in there but in addition to another entire process.

Saleem Bay: Thank you, I'll just wait on it to come up.

Ginale Harris: Thank you, sir. I'm sorry, Commissioner Ahmad.

Comm. Ahmad: Yeah, I just wanted to say also I missed another point and Mr. Bay's conversation about I voted for other mayor, I voted my mind. I'm 60 years old and I'll always vote my mind, and not to ...

PART 1 OF 7 ENDS [00:35:04]

Comm. Ahmad: 60 years old and always spoke my mind. Not to have it a personal thing but that's just where I am and then when you mention that you've been fighting this case since 2004, and the Police Commission has been in existence for about 17, 18 months and you haven't had movement in all these years, how are we magically going to wave a wand and make everybody fall in order, fire people, hire people and do everything?



Comm. Ahmad: This is the first commission, and I'd like for the public, which some people have been to work with us. We're trying to get it right. Thank you.

Regina Jackson: Thank you Commissioner Ahmad.

Regina Jackson: (silence).

Regina Jackson: Again, my apologies to the entire community for my tardiness. We are on item four, we'll come back, officers association letter.

Regina Jackson: (silence).

Regina Jackson: Speakers-

Gene Hasit: Madam Chair, you weren't in here when I spoke at open form, if I will take a personal tribute. Why do you have item number 15, meeting minutes at the end? Shouldn't the meeting minutes be always at the beginning of an agenda?

Regina Jackson: Yes, the tendency is to do that. The last few agendas we were told that you wanted power packed specific unique items up front. We'll make sure they get closer to the front but that's the adjustment that we made. Sorry.

Regina Jackson: (silence).

Regina Jackson: Is the representative for the OBOA here?

Regina Jackson: (silence).

Audience: [inaudible 00:37:10].

Regina Jackson: Okay, so ... Okay, thank you.

Comm. Ahmad: Can I say something?

Regina Jackson: Yes Mister Ahmad.

Comm. Ahmad: In response to no Black Officers Association here, you see, and the public is bringing up the thing about the letter, and then Officer Hogram who's usually, what is he Acting Chief or? He's high rank, he's usually always here. You know that's kind of sad that there's not even a black officer over there. I look back today, I don't know where they are. But thank you.

Regina Jackson: Yes, Miss Gleason, yes.

Miss Gleason: About an hour, and a half ago we had an officer who was severely injured, and he's in the hospital right now and people are there with him at the hospital.

Regina Jackson: Thank you very much, we didn't know.

Comm. Ahmad: My apology.

Miss Gleason: That's okay.

Regina Jackson: What I'm going to do is read the letter into the record. Oakland Black officers challenge racist culture at OPD. The following is an open letter to the Oakland Police Department Chief Ann Kirkpatrick, Merely Bischaff and city administrator Sabrina Landreth. The Oakland Police Officers Association, OBOA, is very concerned that a culture remains in place at Oakland Police Department, OPD, and senior leadership that could be perceived as unfair, racist, inequitable and not in line with the Oakland Police Department's core values.

Regina Jackson: We believe the citizens of Oakland deserve a policy, excuse me, a police department with strong senior leadership that acts quickly and decisively when faced with tough decisions and challenges around race and equity. We are even more concerned that our current leadership does not effectively meet these challenges. The Oakland Black Officers Association is the Oakland Police Department's first minority advocacy association and has been in existence for nearly 50 years.

Regina Jackson: OBOA exist to advocate for the fair and equitable treatment of our members and the minority community. Over the years the OBOA has been made aware of instances of disparate treatment of our members at all ranks as well as from our professional civilian staff members. Some of the disparate treatment includes unfair bias treatment in personnel decisions, unfair and or bias internal affairs investigations and discipline. Overlooking qualified black officers, members for assignments and positions. Bias, unfair treatment of black applicants during hiring, the academy and field training program.

Regina Jackson: The most recent example of a lack of action by OPD leadership occurred in the miss handling of a recruiting and backgrounds commanders conduct. The recruiting and background unit works to attract candidates who are qualified, motivated and reflective of the diversity of the city of Oakland. The unit's former commander threatened these efforts by engaging in the following conduct. Rejecting qualified minority candidates for very minor issues. Setting an internal undocumented standard that favored applicants with a formal education over candidates without one.

Regina Jackson: He also looked less favorably at online universities or trade schools like DeVry, Carrington College, or the University of Phoenix and would refer to these institutions as fake schools. Candidates who previously used Adderall, Cocaine, Mushrooms, Acid, LSD, or drugs typically used by more affluent users were considered for employment while candidates who previously used Cocaine, Base Crack or Heroin were immediately rejected.

Regina Jackson: Failing the grand extensions to two black officers to remain in their positions but granting an extension to a similar situated white sergeant. Despite OBOAs bringing these serious issues to the attention of Chief Kirkpatrick on October 15th, 2018, and Chief Kirkpatrick's assurances that these issues will be addressed, and the then recruiting backgrounds commander would immediately be removed from his position, nearly 90 days lapsed before any action was taken.

Regina Jackson: It was only after the OBOA met with the city administrator, and the mayor that the former unit commander was removed from his position. The Chief's inaction and unwillingness to address disparate treatment in the hiring and retention of officers is egregious and hurts our members and the public at large.

Regina Jackson: It undermines the department's ability to address one of the community's top issues, secure candidates reflective of our community and fosters inequity throughout the department and our subsequent treatment of the community. We can not continue with this lack of leadership and ask that our concerns be addressed in a timely and transparent fashion. This letter was submitted by the executive board of the Oakland Black Officers Association. This was published in the Oakland post on March 15th, 2019.

Regina Jackson: Now I'll ask if there is any advocate here to speak on behalf of OBOA?

Regina Jackson: Okay, are there, let's see. Speakers on item four are Lorealide Bosserman, Gene Hazard, Misses Sada, Mary Vail, Melody Davis. You may come in any order. Rashidid Renash, Celine Bay.

Gene Hasit: For the record, Gene Hazard.

Gene Hasit: Yeah, those are very serious allegations and this body should demand from the police chief to respond to that. My understanding is that the police chief has declined to meet with the officers on these serious allegations. This matter should also be brought before the public safety committee. You all have the chief to come, and the black officers to come to the Public Safety Committee. You can't hide this under the desk.

Gene Hasit: You know when the mayor, when we had this scandal of the pedophiles in the police department. Then the mayor chose to direct the public's attention to quote a racist text message. You got to be serious about what's going on in this town and your responsibility. I keep telling you to take the challenge regarding the role of the mayor in hiring and firing with regards to conduct or miss conduct in the police department.

Gene Hasit: Under 305 [inaudible] she can't do that, so why are you ignoring what I'm saying? If you read it and you see Measure LL, you see those cross hairs. It's your responsibility to correct that. That's all I'm saying. Do the challenge, let the

court make a decision whether or not what I'm saying does in fact a conflict met with Measure LL, thank you.

Regina Jackson: Thank you.

Regina Jackson: (silence)

Mary Vale: First of all, without the representative of the Officer's Union here and the chief is also missing again, I think she found the previous hearing on this subject unpleasant, and she's decided not to be here. I don't think there's anything much you can do tonight. But this is a long term issue. There are more related issues from around treatment of African American male and female officers and whistle blowers in the department pending in two lawsuits.

Mary Vale: Tonight isn't about women's officers and there's been no letter to the department from woman officers but years ago when they were considering updating the CPERB ordinance, CPERB had a hearing, and I remember very remarkably an employee rep was there and was saying a department that miss treats female victims of crime and African Americans in our community is most often unfortunately a hostile work environment for women and African American officers. This is just like the letter raises issues that are just like the most current issues tip of the iceberg.

Mary Vale: But I think as a commission that oversees the department you need to dig deep, and it's probably a longer term project, and you probably got stuff ahead of it. And I certainly hope that the dialogue between the commission, and the union continues.

Mary Vale: Thank you very much.

Regina Jackson: Thank you.

Melody Davis.: Melody Davis. I was said from March, no October to December the black police officers gave her a chance to respond to it or say something about it and she didn't. Kind of like she has no respect for nobody. You know Measure LL, people voted on for you guys obviously, so she said she don't care about you all either. You all know that sooner or later this is going to be a issue, and it's in the Post Newspaper and people going to see it. It's out there.

Melody Davis.: I want to know, do they have a target on their back or what is going on? This is another circus again. You guys are supposed to be over her and she's not giving a hoop. But yet these people are working under some dangerous situation. They don't know, evidently the chief don't have their back. She doesn't care what happen, and those elucidating drugs, Mushrooms and LSD and stuff like that, that go on forever.

Melody Davis.: Heroin when you kick it, you kick it. You're through and for them to have a job as a police officer that take care of a city, that's what they want to do, what the code says for them to do, they want to do it. They're clean and sober but them drugs, the LSD, and the Mushrooms, they may come ten years down the drain. We won't know that until somebody decide to test the brain and test all that stuff, but my thing is that she disrespecting you guys. I'm not for that. And yes, they should have her come to the safety meeting also and do something, stand up for this letter.

Melody Davis.: She's not giving you guys no respect at all. I'm just a citizen in the community, and it's just a shame that we're going down like that, and she gets paid very good money. At least she could act like she care and nothing else.

Regina Jackson: Thank you.

Ms. Asada: Love life, Measure AA failed and people need to stop messing with the voting process. I'm talking about the city council. I just got two phone calls. A police officer was stabbed in the neck over by the police administration building just recently. I think the worst of what's happening around this is the lack of cohesiveness that needs to be in any organization and this letter breaks that bond that has to go on.

Ms. Asada: The bond has always been somewhat broken because I've never heard of unions where you have the Black Officers Union, the Asian Officers Association, the Latino Officer's Association, and the ... There's no working environment where you have separate groups like this, and we need to find out why that has to exist that we all have the ability to just have one working group.

Ms. Asada: There has been tensions in this police department for quite some time. I've been hearing since I got here in 2007 about the issues around black officers because I concentrate on black things. I started on the premise that black officers were not being hired, brought up that Latino officers were being hired, and somebody told me on this body it didn't matter because Latinos have a lot of catching up to do.

Ms. Asada: I've been very upset about the fact that discipline is different. Hiring is different. Promotion is different for black officers. But I have to say this, black officers participate in some of the problems that are going on in the police department and fixing those problems, we can't ignore that. It's not just about being black and you doing things, things are happening to you. You are part of the problem too in some cases.

Ms. Asada: I want this to be fixed. Lastly Judge Oryx said in his five requests that have to be addressed in August, discuss the basis for the allegations of the OPOA letter of grievance. Somebody in this city has to take action. That's the judge's mandate. Gallow, that's a mandate by the court. Don't tell me it's been worked out. It has not been worked out. That's saying something right there. When you have the

public safety committee saying the different between a police department, and the black officers has been worked out. That's problematic.

Ms. Asada: I don't know what's going to happen. I hope this officer who's been stabbed that this doesn't have anything to do with the tensions that are going on. And there's a probability it might.

Regina Jackson: Thank you.

Rashida G.: Good evening. The question before you is what action is appropriate for you to take in this circumstance. My thought would be that you would ask for the documentation from the OBOA that underlies the allegations in their letter. And that receiving those, you would then demand that the chief respond to each of the allegations, including the evidence produced in writing and that all of this becomes part of her evaluation and that you establish a date certain for each of these, so it doesn't drag on forever.

Rashida G.: That would be the way I would go about it. You might have other ideas but clearly some level of follow through is necessary, so thank you.

Regina Jackson: Thank you.

Regina Jackson: (silence).

Speaker 1: Madam Chair, [inaudible] with the Oakland City Council. I just wanted for the public, since the public safety came up regarding the letter, I just want to let you know publicly that we did have conversations with our police that we do the scheduling for the public safety committee and that this item will be heard. We do have a standing item that deals with recruitment and hiring and other practices and this letter will be heard out of that item at the following meeting as well as the NSA. Where are we with the NSA?

Speaker 1: Thank you.

Regina Jackson: Thank you very much.

Audience: What are you all clapping for? [crosstalk 00:54:26].

Regina Jackson: Mister Bay, Mister Bruce Smicken and Lorealide Bosserman.

Saleem Bay: You're calling my name. Saline Bay. Just following up on that. First of all, just as a piece of history that I believe there's only six black officers in OPD in like 1967 or something like that out of 600 officers. My understanding is those six officers were some of the worst officers on black people. We never had any black OPOA and everything come together in all those 50 years that black people been getting cracked in the head that led up to the NSA.

Saleem Bay: The NSA started in 2003. There's decades in between the 1960s and 2003 when it becomes oh no, we actually got to address this. It's 2019. The same officer's mentality that created the department in the '60s, and the '50s is prevalent right now in leadership. Why? Because when I present it personally and was presented to this commission, evidence of racial profiling, and the chief was brought up here, she took the fifth.

Saleem Bay: But she didn't say oh well, I can't come in on this, but you know what, I actually can read this, and it does say racial profiling in my department that I need to take care off. Have you heard anything from her since then? That was October of last year. I keep saying please bring her back and ask her again. Especially after the first of the year when the documents that she was claiming she could talk about have been unsealed by AB1421. Okay, so she needs to come back.

Saleem Bay: The other thing is, and I want to echo Commissioner Ahmad on that I apologize that I missed. Hope everybody wrote down about those 300 missing guns in our community. Where are they? They are on the black market. That's where they are. That's what happens and that's how those guns get into our community and make our community unsafe and become illegal weapons and get whopped in our community. And why people have to protect themselves from these weapons. So if the police are part of putting illegal weapons in the street and part of arresting people for carrying weapons to protect themselves from illegal weapons, how do we win like that?

Saleem Bay: Also, it's a blue wall of silence.

Regina Jackson: Thank you. Bruce, yes.

Bruce: Bruce Smicken, coalition for Police Accountability Oakland Community organizations. I'm really glad to see this being published, and I know that these are long standing issues in the department and I know, I'm sure there are a lot of officers in different situations. I'm sure the black officers experience it in a particular way. I'm sure woman police officers face challenges because they're entering a work force that was traditionally male, lots of discrimination based on that.

Bruce: I really want to stand with the Black Officers Association, all the officers in the police department who want to see a department that deals on a level of equity, racial equity, every form of equity and humanity and dealing with people in a human way among themselves, but I just want to say having said that, that those good decent officers, the officers who are struggling with problems of discrimination et cetera, in the department would strengthen their hand. If I found I'm not putting this on black officers only, I'm putting this on any officer who wants to see good, decent treatment within their organization, they would strengthen their hand periodically they would come out and support the community on similar issues.

Bruce: I don't see that, and I don't hear it periodically, and I'm not saying that means we shouldn't support them, but they would have a hell of a lot more support and trust in the community if we knew there were officers within the department who were as willing to speak up and things like racism, racial profiling, et cetera that impacts people outside of the department as well as the way these issues impact inside the department.

Bruce: Thank you.

Regina Jackson: Thank you. Lorealide Bosserman? Nope, okay, thank you.

Regina Jackson: Commissioners are there any questions on this item? This will be back next time. Okay, we're going to move ... I'm sorry, Commissioner Harris and thank you for handling the meeting for me.

Ginale Harris: No problem. My question is, is that we have this letter before us, but what is it that were like, we don't have any black officers here today, which I'm not surprised. They still work for the department, and we are not, I would assume, I'm not going to say I know because I don't, but I would assume that there will be some backlash if they come out. I did receive some anonymous emails from officers. I don't know who they are, and I can't identify them because the letters were anonymous saying this very thing, supporting this letter.

Ginale Harris: My thought is, is that if this racism is within the department, imagine what they do to the community. This is the part where I say that transparency and trust is vital and important and it doesn't exist. People want it to exist. I want it to exist, but it doesn't exist. It doesn't and that's why you don't see people in this forum like they should be. We are speaking on people's behalves every two weeks that we come in here because they don't want to come in here. They're afraid of what will happen to them if they come in there. If police feel that way, imagine how community feels that way.

Ginale Harris: I mean, yes I want to get to the bottom of this but what does that look like? Like what does that look like, right? What does that look like? Do we subpoena an officer to come here and tell his truth and then he goes back and doesn't have a job, or he gets picked on, or he gets segregated from everybody else. How do we deal with something like this?

Regina Jackson: Thank you Commissioner Harris that we obviously will be addressing that, yes.

Audience: [crosstalk 01:01:28].

Audience: We need [inaudible] in here that can take control, that's what you need.

Regina Jackson: Yes, I did want to clarify something. Miss Gleason, is she still back there? I heard something that I just wanted to clarify. The police chief refused to meet with OBOA? Can you clarify that?



Miss Gleason: Yes, I can clarify that. The police chief sent a written invitation to meet with the OBOA, and they declined.

Audience: That's because of the investigation and lawsuit.

Regina Jackson: Okay, all right, thank you very much.

Miss Gleason: You're welcome.

Regina Jackson: Are there any other questions on that point for Miss Gleason? Or another? Okay, Commissioner Prather.

Comm. Prather: Thank you madam Chair. Look, I don't know what the solution here is because you know I think we're at the last commission meeting we invited OBOA to come because we wanted a fair forum. Because I think all of us felt that having the chief respond to the letter without having any representative OBOA seemed unfair, unbalanced. My information and probably a lot of it has trickled to other commissioners is that this isn't a fair forum. It's not a fair fight in this forum for the OBOA to come, and I think having no member, no representative of the OBOA here and that speaks volumes about their inability.

Comm. Prather: I mean look, these are individuals who under the shroud of, what am I thinking? An amenity submitted a letter on a very important issue, and their inability to be on television, to be in a public forum, is clear. How they've gone about it, you know I'm very proud of the issues that they brought. I think we do want to get to the bottom of it. But at the same time we've got on both sides really involved in an investigation and litigation and I just don't know how to square that, and I think Commissioner Harris brings a good point about a subpoena, and our ability to subpoena document or witnesses to provide information to us and perhaps this is a test case for that.

Comm. Prather: But the last thing I would want to do is to put someone in a very uncomfortable position while we're seeking information, while we're the fat gatherers, we're actually causing harm to that individual because that's not the purpose. The purpose is to help and to heal, and we're not, you know if we subpoena perhaps we're not doing that but perhaps we are.

Comm. Prather: I think, I don't really have an answer but there are many issues at play, and I think other commissioners probably have feelings about this. It feels like we need to do something but that thing we need to do just isn't readily clear to me.

Audience: [inaudible 01:04:26].

Regina Jackson: Thank you Commissioner Prather, and I wanted to say that I have spoken to several members of the OBOA as well and in trying to honor the investigative process of course they said we can't come. The bigger issue is that there's no communication. I mean that's when you know that something is really broken.

We'll be thinking about some of the suggestions that Miss Rashedid made about getting the information to us. I will be interested in hearing from the police chief what her approach to mend these fences looks like. Short of that meaning there's still a host of things that could happen.

Regina Jackson: I'll be looking to have a conversation with her about her plans. To that point, Commissioner Harris. Oh sorry and then Commissioner Prather.

Ginale Harris: You know when this letter first came out, I thought about it. I had to sit and really think about it long and hard and yes, it is absolutely wrong, right. I'm just going to give you my honest thought. Here we go. You know the OBOA came out with this letter, and I would imagine that these things have been going on since a black police officer was able to be a police. It was not too long ago that the first black police officers were not able to even go into the police station, right. They couldn't carry guns. They had to live down in the YMCA, worked down at the YMCA. It wasn't that long ago that that was happening, right.

Ginale Harris: But it was only until these things started to effect the blue that they wanted to come out and say okay, we're being racially discriminated, knowing that the community has been racially raped all day, every day for years. Welcome to our world is what I say to that. Now do I say it's right? No, it's not. However, this investigation and this lawsuit only ends up with the city of Oakland paying our money, which is coming out of the people who pay tax's pockets.

Ginale Harris: It ain't coming from the police department budget. It's not coming from the police officers who are doing all of this harm. It's coming from us by our water going up, our PGNE going up, our garbage going up, our taxes going up, our schools declining, closing. That's where it's coming from. I want to think of, I would ask, not think, I would ask that everything yes, monetary is good, and it hits the people where it hurts. But it's hurting the city of Oakland. Like we have a tremendous amount of lawsuits under this leadership.

Ginale Harris: It effect us. All of us and especially every time I have to pay one more higher tax, I get upset. I don't want to pay it and then we have more lawsuits and yeah, we're closing schools. It don't make no sense. Then they come in here talking about we need wellness money. What? Like that doesn't make sense to me. I just would really ask that we all think long and hard about when we're giving our money, or we are supporting things that are not okay.

Ginale Harris: That's all.

Regina Jackson: Thank you Commissioner Harris. Commissioner Prather.

Comm. Prather: Thank you Madam Chair. I might suggest that one way to deal with this is to perhaps if the Chair in her discretion wanted to create a ad hoc committee, that committee could meet with representatives of OBOA because it sounded like to me that they were willing to meet privately and to discuss some concerns and

perhaps sort of a sub group could meet and see if there is any concerns there that this commission should be a part of, and we could then discuss at our next meeting's agenda. That might be more informative. I just put that suggestion out there.

Regina Jackson: Thank you for that suggestion. Misses Sada.

Ms. Asada: Yeah, point of clarification. It is my understanding that there is an investigation into the charges in the letter. Could you clarify who is doing that investigation, please?

Regina Jackson: Yes, I understood that finally there was an investigation opened on the part of the OPD through IAD, but we also requested, I believe it was at the last meeting that CPRA do a similar investigation. I'm not sure, I know Karen you've just gotten back. Are you familiar as to whether or not that investigation's been opened?

Karen: I am not familiar with that.

Regina Jackson: Okay, can you make sure that it is opened? I'm sorry.

Audience: The police are investigating the police?

Regina Jackson: Yes, well, you, yes. Just for your information, it is my understanding that whenever a complaint comes to the leadership an investigation is supposed to be opened up within 24 hours. Particularly if it's a miss treatment of police officers. I'd be interested to know if in fact that investigation got opened within 24 hours of October 15th because what I'm reading is that it didn't get opened-

PART 2 OF 7 ENDS [01:10:04]

Regina Jackson: October 15th, because what I'm reading is that it didn't get opened until January. So that's one issue. But when it was raised to us, then we decided that we should have an investigation of our own, again, not just a compliment because obviously we perhaps have a better opportunity to get more transparent information because it is as Commissioner Prather stated the fact that they are willing to meet, they're just not willing to meet with the chief. That says volumes. Commissioner Harris.

Ginale Harris: I too have a concern in regards to the police policing the police. I have always had a concern. It doesn't make any sense to me why we would have the fox investigating or looking over the hen house. It doesn't. And the conclusion is going to be the same. "Oh, it doesn't happen. It didn't happen. It's not happening." When we know it is. So with that said, I would say we take a leap, and we say we should do an investigation. We should hire an outside entity to do an investigation on them.

Regina Jackson: Thank you very much. And to that point, I will create an ad hoc committee on this subject. I'd like to know what commissioners might like to participate on that. Okay, so Commissioner Dorado, Commissioner Smith. Okay, and then I would like to participate as well. So we have the ad hoc committee and we will follow up to get a meeting on the docket quickly. Yes, Commissioner Dorado.

Com. Dorado: Yes. I'd like to see the view of an ad hoc committee along these lines be expanded to include the investigation into what white supremacists are now in OPD, and what influence they have within the department because that's I think part and parcel of the culture that we have to be focused on.

Regina Jackson: Okay. I think that that is a very, very important piece. In terms of the ad hoc committee though, I think we really ought to keep the focus on the black officers and then if we want to do more down the road, because that obviously does have impact. Commissioner Ahmad.

Com. Ahmad: Yes. My question is just for information only. And it's sort of like a statement too because we're saying we should hire an investigator. Do we even have an investigator hired yet?

Regina Jackson: No Sir. We don't.

Com. Ahmad: Okay.

Regina Jackson: We're working on it, but apparently there are some interesting hoops. No surprises there though, right? Okay. All right, we will move onto item five, the review of CPRA pending cases and completed investigations.

Ms. Tom: Thank you Chair Jackson. I just wanted to alert you that there are two items that are included in this item. First are a list of the pending cases and second, our list of the completed cases that have been completed in the two week periods since you last met. I just would like to note that since I just returned from vacation, I did not have any... I myself did not participate in the preparation of the pending case list or the completed case list. And as to the pending cases, I do know that there were requests that were made at the last meeting that I was here for, that are still not included in this list. And so I have checked to see what happened there since my directive was to comply with the request made by the commission.

Ms. Tom: And my understanding is that there were some questions about finalizing the pending case list that came and our counsel who was assisting us wanted to speak with me before making those final changes. And because I wasn't here, that's why this is still coming in the old format and not in the new format as requested by you.

Regina Jackson: So Ms. Tom, thank you for that update. Will you be able to prioritize meeting with the counsel so that we will be able to have the benefit of that changed format by our next meeting?

Ms. Tom: Yes.

Regina Jackson: Okay, great. Thank you. [inaudible] Did you want to go ahead and review the commissioners? Do you have any questions on the agenda report? Commissioner Harris.

Ginale Harris: Ms. Tom. Hi. So I just want to know, are these three sheets the complete list of pending investigations that are open, or are these just the excessive force and racial profiling cases?

Ms. Tom: I think I should clarify. This is the complete list of cases that the investigators are working on. However, the intake personnel are working on additional cases that are open. So just to clarify that issue. So there are additional cases in our office that are being investigated by intake staff, but on this particular list with the three pages, that is only what the investigators are working on.

Ginale Harris: And do you know how many cases the intake people are working on?

Ms. Tom: specifically? I do not have that, but I have general statistics, which is I believe on average they have somewhere in the 20 cases a piece range, at any given time.

Regina Jackson: So, to commissioner Harris's point, that would round up to in excess of 50 cases? If we've got 30, some are here-

Ms. Tom: You mean total within the office?

Regina Jackson: Yes.

Ms. Tom: That's correct.

Regina Jackson: Okay. All right. Thank you. Did you have any other questions to that?

Ginale Harris: I don't know if you'll be able to answer this question, but I'm looking at patterns on the data and one of the things I noticed is that these cases are not being turned over 24 hours after. Right? Do you see the dates on the cases?

Ms. Tom: I think I understand your question. What you're saying is the incident date is not 24 hours before. I mean-

Ginale Harris: The received from IAD is not the date that is proper to be given to your agency, which has been a problem since the creation of this commission. So we want to try to get it better. You know what I'm saying? They're supposed to abide by what measure LL has, and so we want to make it better. So through the chair, I

would ask that you please give some instruction to the chief to make sure that they get in the time they're supposed to get in.

Regina Jackson: No problem. I will take care of that in a direct fashion, but I do believe that we have Ms. [Gleason] here. Hopefully you can jot that down as well Ms. Gleason. Thank you. I'm getting an affirmation. Are there other questions on this report?

Ginale Harris: I think I have. So on the last page of the report, on the ones that are closed, it's not very descriptive, like from a public perspective. You have the first set of dates which like on the first one, I'll give an example. 4/1/2018, what does that mean? Is it closed on that day? Did it open that day? What does it mean?

Ms. Tom: I'm sorry, could you repeat that one more time?

Ginale Harris: So on the page recently completed investigations, there's only two. So on the dates where it says 4/1/2018. So you see there's two different styles on here. So this is not a uniform. This is kind of like a cut and paste sort of thing.

Speaker 2: But there's no header on [inaudible]

Ms. Tom: Yeah. Okay. I just got some clarification and apparently the header that should have said that, it was somehow deleted. So it'll have to be corrected for the next go-around. But just to clarify the questions you have about the dates. So the first column is the case number, the second column is the incident date, the third column is the initials of the investigator and the fourth column is the date that investigation was completed.

Ginale Harris: Okay. So one more question. I'm sorry, I'm just full of them today. I've noticed also, so remember I'm a pattern person, so I'm noticing on all the cases they almost look like they all take up to one year to complete. Why is that? Is that just a coincidence?

Ms. Tom: First of all, technically pursuant to the government code 3304 which is the statute, that is technically the date that absent an exception which it's articulated within the government code that there is a year to investigate the case.

Ginale Harris: Right. I understand that there is a year up to, right? But all of these cases have taken a year or longer, every single one, every one. That's what I'm just not understanding. But is that just coincidental?

Ms. Tom: I don't think I can answer your question. It's not coincidental, but I don't understand the question in terms of that. That's the amount of time it took to complete the investigation.

Ginale Harris: Okay. Thank you.

Regina Jackson: Okay. If there are no more questions on this item, I would like to announce that I have accepted Miss Tom's resignation for the interim executive director position effective May 3rd. This will be her last meeting with us. I wanted to announce that to the public and give Ms. Tom an opportunity to share whatever she'd like to share.

Ms. Tom: I just wanted to thank the commission for the opportunity to serve with you all. Thank you very much.

Regina Jackson: Thank you.

Ginale Harris: Thank you Ms. Tom.

Regina Jackson: So we're going to go to public comment now. First up is Lorelei Bosserman or not. I see Mr. Hazzard, Rashidah Grinage, Gene Hazzard, Saleem Bey, Ms. Assata. Mr. Hazzard.

Gene Hasit: For the record, Gene Hazzard. I find it very interesting that staff seems to have... Ms. Harris speaks perfect English, and for staff to say, "I don't understand your question." The question is this Ms. Tom, let's see if I could do it. Why does all the cases take one year to investigate? You can't tell me all those cases are on the same track because they all look different. And then you're going to tell Ms. Harris that, "I can't answer that." A reasonable person would look at those states of an incident and they all take the same [inaudible] time to investigate. Something's wrong with that picture. I think that's what Ms. Harris was alluding to. I don't want to put words in their mouth, but I do think that's what she was alluding to. It's odd. Madam chair, you need to codify, put in writing what you send in to the chief because something may get lost in the transmission of what it is that you've requested.

Regina Jackson: Yes sir, I've made my notes. That email will go out tonight.

Gene Hasit: Thank you.

Regina Jackson: Thank you.

Gene Hasit: When the other person was sitting, where Ms. Tom was sitting last week, they still come up with confusion in their head about serious matters. If this is the kind of staff that you have, you're in a world of trouble, you are in a world of trouble. Because these are serious issues that are being brought and only thing you get is delay or confusion on part of what questions you are asking them to bring back. And they're supposed to come prepared and invariably they never had been prepared. Thank you.

Regina Jackson: Thank you Mr. Hazzard. Ms. Tom and I did have a conversation around talking points when people are on vacation so that they can reference items. And so while-

Gene Hasit: Via telephone.

Regina Jackson: I certainly understand that as well, but that process for whatever reason was not in place and so we will make sure that it is moving forward.

Gene Hasit: I will accept that response for right now. [inaudible]

Lorelei B.: Hi, I'm Lorelei Bosserman. I have a question I would like to ask Ms. Tom, I don't know how this works. Do I say through the chair?

Regina Jackson: Through the chair.

Lorelei B.: Through the chair, okay. I have a question about the cases that come in and are with the intake people before they get assigned to investigators, how long do they stay there? Because I'm wondering if that might be something that you guys would want on the list also.

Regina Jackson: Ms. Tom.

Ms. Tom: The cases that go in through intake, they're told that their general turnaround time and expectation to complete that is 60 days.

Lorelei B.: 60 days. Okay. Thank you.

Regina Jackson: Is that clear? Thank you.

Rashida G.: Rashidah Grinage. I have two things. One is, I think it would be useful for there to be in writing and available to the public a description of the intake process and the investigative process. Basically what happens when [inaudible] receives a complaint. It goes to the intake person first, what do they do? What are the criteria for deciding which of them become subjects of a complete investigation and which of them don't? What criteria are applied to that decision? Who makes the decision? I just think we need a full understanding of what the process is. I think we also need to understand whether the complainant is informed when their case is about to be or has been closed so that they can come to the commission and speak to it if they disagree with the findings.

Rashida G.: So in the case that's been closed, that's reporting out tonight, the complainant should have the opportunity to come here and tell you why he or she does not agree with the findings. A lot of this was procedure at the CPRB and somehow it's all been lost, and I don't know why. So I think that we in many cases have gone backwards and not forwards in transparency and clarity.

Rashida G.: Which brings me to the second point, which is the lack of a narrative that used to be present in the CPRB closures where a description of the incident is provided. Obviously the officer's name is not included, but the nature of the incident that occurred, what the allegations are, what the findings are and what



they're based on. As in, we couldn't identify the subject or officer, there was no video or the video terminated before this part of the incident occurred. Or the witness contradicted blah blah blah, or there were no medical reports, et cetera. I mean there are a lot of reasons that one can point to for findings, and we deserve to know what those reasons are. And we used to be able to do that under the CPRB, and Ms. Tom can attest to that because she did the work and now she's not. And so we need to understand what has been lost in translation. Why is the work that was done even after the [Copley] decision not being done now?

Rashida G.: We have raised the question before and we've never gotten an answer and we're going to keep asking it until we get a satisfactory answer, and until we get the results that we deserve to have. Thank you.

Regina Jackson: Thank you.

Ms. Asada: Love life measure AA failed and the city council needs to stop messing with the voting process. There are items on this list, that's pending cases that appear not to be class one violations. According to measure LL, the agency is only supposed to be involved with class one. Sleeping in your vehicle is not a class one. I don't know what general conduct is. I don't know if rudeness is a class one. I don't know. Improper dissemination of computer information is a class one. I don't know if demeanor is a class one. I don't know if unlawful activity is a class one. So are we in compliance with measure LL mandate as it relates to only class one. Now one time they were telling me they were doing catch up with ending the CPRP complaints. But these are complaints that have been filed after measure LL has been completed as an ordinance.

Ms. Asada: The other thing is we need to move towards the agency's investigations serving the complainant's best ability to participate in the process. The police officers have support, they have representatives that can come from the union when they have to testify. The complainant has no support. And what happens in other cities, there are advocates that come into the process to meet with the complainant to say, "Do you need any help? This is the kind of help I can give you. This is what you need to know when you go before the agency to..." At the end of the process, the former director was working on a process that the complainant would get a summation of what happened related to their case. The police department doesn't want this to happen because there is an invasion of privacy, but this would be very, very general, that that information would be shared.

Ms. Asada: But class one is good because at first I didn't think it was good to have just class one because they're complaining about there's so much of a workload. The elimination of class one and two means you have less work to do now with measure LL. So at your discretion would you deal with whatever you think is appropriate?

Regina Jackson: Absolutely. So Karen, I'll follow up with you tomorrow but I think that that makes sense that we could go ahead and reorder the future reports under your direction to just reflect clash one. Mr. Bey.

Saleem Bay: Saleem Bey. So all I can rewind it all the way back and say that from the original foundation of this commission, we and the community that wasn't listened to said, "Do not incorporate the CPRB underneath you. It goes directly to your credibility." And it's on tape. You can see all of it. How many times you kept saying the CPRB. The last few weeks that Ms. Tom was gone, every report from the CPRB was, "We don't know, because Ms. Tom is gone." Then as soon as she's back, she don't know because she was gone. All right, so I'm just letting you know that this is like trapped upside down world where somebody can keep on saying the same thing. Not only that, but in the very next agenda item, you're going to be addressing an independent investigation of 07-0538 which was opened and closed without investigation by Ms. Tom.

Saleem Bay: Then the letter that we're asking for a case number on couldn't get a case number until Ms. Tom came back. But in the letter it says 07-0538, so why would we let Ms. Tom, assign a case number to an independent investigation of herself. I mean, if I'm not making sense, please... Right? This is what we're seeing out here and it doesn't make any sense that we keep coming up there. We told you Ms. Brown was crooked, she had to go. We told you that Finnell was crooked and had to go. We told you that the chief has to go. Now police accountability is saying the same thing we're saying. In fact they're holding the press conferences, but you know like we say, white people's ice is colder than black people's ice. Right? Still ice though. Bottom line is, is what the point being is we keep telling you these things and they come to be and that we're still not being listened to, right?

Saleem Bay: We been involved, like I said, with police reform. That does go back to like at least 1993 in Oakland, right? My brother was murdered in 2004, because he was one of the lead people fighting for police reform. That's why he was targeted. So when I come here again, it's not for me, it's not personal, but I bring the message for the people who can't speak, and I'll keep bringing it until we get an investigation. And I'll leave you with this. CPRB 160147 was closed by Anthony Finnell after sitting on it for almost a year. When I came to the CPRB meeting to talk against it, I was given one minute to rebut what they sat on for a whole year. Right? One minute. So when you talk about closing cases and everything, I went to the CPRB to argue against my case being closed or our cases being closed, which is still connected to all of this other cases.

Saleem Bay: So I just want you to know who you dealing with, people who are not here to have your best interest at heart. If the CPRB was doing its job, 83% of the population would not have voted to create you, to take the power away from them. Not incorporate them underneath you and then allow them to deflect justice every time they're supposed to give a meeting. I just say clean house, reorganize. You have the ability to hire all new people and start fresh with your

credibility and have some people in here who don't report directly to the city administrator for the last 10 years. Where's their loyalty to, to their boss or to you?

Regina Jackson: Thank you very much, Mr. Bey. Prior to starting item six, I need to defer to Commissioner Smith. [inaudible] That is it. Yup. Oh, sorry. I jumped ahead. Sorry. Okay. So we're on item six. The report from the ad hoc committee on the CPRA appellate process. Commissioner Harris.

Ginale Harris: Commissioner Brown and I are on the ad hoc. However, as I stated to Commissioner Brown, we need legal counsel. We don't have legal counsel and I want to make sure that we have an outside legal counsel to put this process together. So I'm not going to do it with the council that we have and I'm just gonna leave it at that.

Regina Jackson: Thank you very much Commissioner Harris. Any other comments on this subject? Commissioner Prather.

Comm. Prather: Thank you Madam Chair. I did to the aid of the ad hoc committee, which I'm not on, did reach out to potential counsel for the purpose of potentially providing a letter of potential employment to a wish for employment. And the two firms that I contacted were not interested in working for the commission, which given our current status with the city attorney, and we'll just leave that at that, it's not surprising. So it may be that we will not have counsel on this particular matter until some of the issues with city council become clarified. But I think we may have clarity hopefully soon, one way or another. But I did reach out to sort of those in the community to see if there was interest and on this particular issue there was not.

Regina Jackson: Thank you for that update Commissioner Prather. Yes, I do expect that both commissioner Harris's point is an excellent one. We really do need to create some systems that can apply across the board, but given all of the legalities and the interesting twists and turns that have befallen us of late, we do need to be able to move forward in the ways in which we can, and I realize that I may be kind of speaking a little... Not quite in circles, but not as openly as possible. We have got ourselves in a bit of a jam and we are working through it as it relates to getting legal counsel. The legal counsel that we have is very limited in scope and cannot assist us with this process. So, Commissioner Harris.

Ginale Harris: I would just say that we are right now at odds and we're in a battle, like straight up, that's it. I'm going to say it. We're in a battle. And me personally, and I'm not going to speak for the commission because I haven't spoke on this, but I'll speak for me. I think we need to have some legal challenges right now. Like enough, we've been almost a year and a half on this dais and obstruction, obstruction, obstruction and fight, fight, fight, and I'm done. It's like, let's go to court then.

Regina Jackson: Thank you commissioner Harris. So given that, we're going to go ahead and move on and try and meet outside this process in order to figure out our way forward. Before-

Saleem Bay: Public comment.

Regina Jackson: Oh yes, public comment. Thank you. And Commissioner Prather.

Comm. Prather: Thank you. Now that we're on item six, I think I'd just like to mention, I think during public comment, Mr. Bey had mentioned there was no final copy of his letter and I did see that your final letter that on April 12th went to Mr. Warshaw is included in the packet. It's included, the title of this particular agenda item doesn't contemplate such an inclusion, but it's included and it was disseminated to the public. So I'd just like to mention that you did draft the letter as we voted to during the last meeting and it appears you did send the letter Madam Chair. So that is here.

Regina Jackson: Thank you. Thank you very much. So now we're going to go to public comment.

Saleem Bay: Before we can go to public comment, could I just speak to that since that letter-

Regina Jackson: Mr. Bey?

Saleem Bay: Yes.

Regina Jackson: Yeah, you signed up for public comment, that's cool

Saleem Bay: Yeah, I did, but this would have been the agenda item. This was a whole issue. If it was agendized I would be able to come up and speak on the agenda item that was our agenda item. But because, like you said earlier, it's wrapped underneath it, right? Is that what you said?

Regina Jackson: It's a bigger-

Saleem Bay: It's inclusive.

Regina Jackson: Yes. Included in part of a bigger item.

Saleem Bay: Right, right. And that at that point we were going to somebody needs to make a motion to hire an independent investigator cause that is exactly what it says here, that there was a motion made and passed to hire an outside investigator. That specifically was supposed to be an agenda item, a separate agenda item. But since you have put the letter underneath there and that was all part of that same piece, then we can actually deal with that and somebody can make a motion, we can get this thing done and I can sit down, please.

Ginale Harris: Can I speak to that?

Regina Jackson: Yeah, I guess. Okay. Thank you. Commissioner Harris.

Ginale Harris: So I'm going to reply Mr. Bey. So right now we are trying to look for counsel and nobody wants to come work for us.

Saleem Bay: Well actually, I meant we're talking about an independent investigator just on the same principle that somebody from Mr. Pawlik was walked off the street and was hired by this. We actually have an investigator that we've agreed to. We've gone through a vetting process. Once it was agreed to that you were going to hire an investigator. That investigator would have to be approved by us, right? In order for it to be impartial or somebody to agree to it, both parties are going to have to agree to it.

Comm. Prather: Point of order Madam Chair. I'm sorry, we're way off of our agenda item at this point.

Saleem Bay: You're not. This is a part of the agenda. [crosstalk]

Comm. Prather: And I'd like to call for a point of order.

Regina Jackson: Hold on. Okay, excuse me-

Saleem Bay: You brought it up and this is the Bey case. This is the letter that was associated with it and under the agenda item that created that, that was supposed to be on that, it said there was a motion made. And then the chair just told me personally in public on record that we were about to deal with that under this item since it doesn't have my name on it. So Mr. Prather please, every time you open your mouth for that case, it ends up being delayed. So if you would just sit there please and either abstain or don't participate, it would go a whole lot better. But every time you open your mouth you're talking to can't deal with our case.

Regina Jackson: Mr. Bey.

Saleem Bay: Yes.

Regina Jackson: Please, he actually has been helpful, it's just not-

Saleem Bay: To who?

Regina Jackson: I promise to you as well. Okay? Yeah. He has advised. [crosstalk] Here's the point that I need to clarify, with respect to council that we don't have, we have also identified in the previous Pawlik case that we wanted to identify an investigator. We are in the process of trying to get that person hired as a vendor. I'm not sure whether-

Saleem Bay: So let's start the process on ours. That's all I'm asking. [crosstalk]

Regina Jackson: That happened prior to yours, and so what we have not yet done is being able to find an investigator that we can engage, that you now say you want to be able to approve, I mean basically what we would do-

Saleem Bay: And I was saying, there was never a discussion about who the investigator was going to be or how-

Regina Jackson: Exactly. And so my point is that, that is something that we did say that we wanted to do. Okay?

Saleem Bay: So, just for clarity-

Regina Jackson: The one vendor that we have authorized as it relates specifically to Pawlik, I'm not sure if that investigator could also potentially address yours.

Saleem Bay: Absolutely not.

Regina Jackson: Well, hold on.

Saleem Bay: No, absolutely not. We didn't vet him, we didn't meet with him, we don't know him, we don't know what his background is.

Regina Jackson: But here's the deal Mr. Bey, if the commission identifies that they want to hire an investigator to deal with your case, we would make that decision. We want to make it as it relates to-

Saleem Bay: So, that sounds really nebulist is what I'm saying.

Regina Jackson: Mr. Bey. Mr. Bey, hold on.

Saleem Bay: You're supposed to be voting on an investigator right now. We're not talking about-

Regina Jackson: But we can't do it. We can't do it. We have not found one yet.

Saleem Bay: Did you not just say at the beginning that our case was about to be voted on for... I heard it.

Regina Jackson: Yes, but what we also heard was that we had-

Saleem Bay: Oh, but Mr. Prather just told you that now you can't do it. Is that what we're saying? Is that what I hear?

Regina Jackson: What I am saying to you, Mr. Bey, is that the word that we just got is that the two-

Saleem Bay: From who?

Regina Jackson: Mr. Prather.

Saleem Bay: Is he the be-all, end-all?

Regina Jackson: No. But he was-

Saleem Bay: He's not legal counsel. He's not legal counsel.

Regina Jackson: But he was the person who had the responsibility to identify.

Saleem Bay: No. Nothing is so shady with our case.

Regina Jackson: Okay, so...

PART 3 OF 7 ENDS [01:45:04]

Regina Jackson: To identify-

Saleem Bay: No, nothing associated with our case.

Regina Jackson: Okay, so-

Saleem Bay: He's not associated with our case-

Regina Jackson: Mr. Bay.

Saleem Bay: So he doesn't have any right to identify anything-

Regina Jackson: Mr. Bay.

Saleem Bay: And really and truly shouldn't be saying anything about it-

Regina Jackson: Mr. Bay.

Saleem Bay: To try and deflect this.

Regina Jackson: I'm going to say one last time sir, okay what-

Saleem Bay: First, say what you said in the beginning and start from there.

Regina Jackson: What I'm going to tell you-

Saleem Bay: You were going to hire an independent investigator.

Regina Jackson: That is-

Saleem Bay: And it wasn't on the agenda-

Regina Jackson: Mr. Bay.

Saleem Bay: That it was incorporated in this. What has changed?

Regina Jackson: I'm not going to have you talk over me. I'm going-

Saleem Bay: What has changed though? This is what I'm trying to find out.

Regina Jackson: Why don't you stop so I can say it?

Saleem Bay: Okay.

Regina Jackson: Thank you very much. So, our agenda was to identify an investigator for your particular case. We have not found one yet. That is the update and that's what he was sharing. So, we-

Saleem Bay: And I said that we had found one.

Regina Jackson: You found one?

Saleem Bay: Yes, it's our case.

Regina Jackson: No, no, no, but did you recommend the investigator to us?

Saleem Bay: No.

Regina Jackson: I don't remember that so we could bet that.

Saleem Bay: I don't remember you saying that there was a process that you were choosing an investigator.

Regina Jackson: Well, what we said was that we were willing to do it, and the whole identifying is-

Saleem Bay: [crosstalk] To vote on hiring an independent investigator. Mr. Prather last meeting, since we're going to go back to the last meeting, Mr. Prather specifically separated out an independent investigator from the letter, okay, specifically. "Oh no, we're going to vote on that next week. It's in proper force to put it in." That's in the video. Now this week, he comes back and goes, "Oh wait, wait, wait, I have another thing that ..." I'm just going to let you know-

Comm. Prather: If I may interject.

Saleem Bay: It says in the meeting minutes that you're going to hire somebody.



Regina Jackson: We plan to. We need a little bit more time. The investigator that needs to be-

Saleem Bay: [crosstalk] This sounds like-

Regina Jackson: Hold on. Hold on Mr. Bay, not everything is as simple-

Saleem Bay: [crosstalk] You just changed what you just said. As a matter of fact, you sent me an email that said it was going to be on the agenda.

Regina Jackson: I do understand that and what we looked at was that there needed to be a bigger approach to a process that-

Saleem Bay: You ain't bigger approach for Polic. You're not a bigger approach for ... I'm just saying-

Regina Jackson: No, no, no.

Saleem Bay: You're using two different standards.

Regina Jackson: Well, no, it's not a different-

Saleem Bay: [crosstalk] The standard for Polic was, "Oh, here it is"-

Regina Jackson: Mr. Bay.

Saleem Bay: "We got to hire these people, we're going to vote for them."

Regina Jackson: Mr. Bay.

Saleem Bay: And then when I come up here and you tell me that it's going to be-

Regina Jackson: [crosstalk] Mr. Bay, these are different processes for different circumstances and then what we realized-

Saleem Bay: [crosstalk] That sounds like, I'm just telling you, it's deflecting and nobody is believing that.

Regina Jackson: No, Mr. Bay.

Saleem Bay: If you rewind the tape, you said you were going to deal with-

Regina Jackson: That was my plan. It is still my plan.

Saleem Bay: And then what happened? Mr. Prather change your plan?

Regina Jackson: No. He is the one that we asked-

Saleem Bay: [crosstalk] You just said that. You just said Mr. Prather changed your plan, that you had a plan and now it's changed.

Regina Jackson: Mr. Bay-

Saleem Bay: What is it?

Regina Jackson: We have different specialties. I asked him to look for them, okay? He was able to look for them and they said, "No, we don't want to touch it." We have to be able to find other-

Saleem Bay: You gave Mr. Prather the responsibility to look for an investigator for our case?

Regina Jackson: To look for an investigator. Oh, Commissioner Prather.

Comm. Prather: We are so far off topic that I object to being asked a question but I will answer it. I looked for legal council. The motion last meeting was to have Vice Chair Harris made a motion for legal counsel to advise the Ad Hoc Committee on a potential appellate process for CPRA decisions.

Saleem Bay: It doesn't say that.

Comm. Prather: That is the only motion that was voted on and that motion approved that-

Saleem Bay: [crosstalk] It says clearly, a motion was made.

Regina Jackson: Excuse me, Mr. Bay. Commissioner Prather needs to ... He needs to finish his point.

Saleem Bay: [inaudible] document. He's lying. He's telling not the truth.

Regina Jackson: Let him talk.

Comm. Prather: Based on the motion, I attempted to identify counsel who would potentially fill that role for the Ad Hoc Committee.

Saleem Bay: [inaudible] Thomas Smith.

Regina Jackson: Let him finish, Mr. Bay.

Comm. Prather: Following Vice Chair Harris' motion, there were no council, well the two firms or the two individuals I spoke to declined to offer. I have had no contact, nor was I tasked with or have anything to do with an investigator as it relates to that item. Let's not conflate the investigator that we voted and approved in relation to the Polic situation. So, those are to me, two different situations. Madam Chair, you're so far off topic, I'd like you to invoke rule three point three regarding conduct. We need to move on.

Regina Jackson: Okay, so Mr. Bay-

Saleem Bay: First of all, I have to object. I want to object, first of all I'd like to object on you giving the responsibility to Mr. Prather who's kicked the can down the road.

Regina Jackson: [crosstalk] Excuse me, Mr. Bay. Commissioner Harris needs to address you and I need for you to stand down for a moment.

Saleem Bay: Please.

Regina Jackson: We're not going to talk at the same time. We can't operate that way.

Saleem Bay: Go ahead, go ahead.

Regina Jackson: Okay, thank you.

Ginale Harris: Mr. Bay, I'm going to give you my truth, okay? Yes, we voted to hire an investigator for you, we did, and it's not on the agenda like it was supposed to be. It's not and it was supposed to be. Why is it not on the agenda? I don't know but I will find out.

Saleem Bay: Will it be on the agenda on the next one?

Ginale Harris: I can't ... This is the Chair's call, but yes-

Saleem Bay: I mean, you said it was going to be but ...

Regina Jackson: Yes, it'll be on the next agenda. There were several challenges that this agenda-

Saleem Bay: I just want to let you know how many times I've heard those exact same words come out his mouth. In fact, I'm standing here at the mic based on those words.

Regina Jackson: I'm going to need just a little bit more time.

Saleem Bay: Just to let you know, we're talking about equality and we're talking about how fast that you moved on Polic.

Regina Jackson: [crosstalk] I do understand.

Saleem Bay: There wasn't no somebody got to talk about this or somebody has to talk about that-

Regina Jackson: Mr. Bay, I got your letter done, I'm moving on the next thing and we have to move on. Please take my word for it. Jenelle and I will work on it making sure that it gets on the agenda.

Ginale Harris: Let me tell you what the hold up is, okay? So, we are right now trying to find legal counsel for ourselves so we can move forward with the IG position, so we can move forward with the Polic case, so we can move forward with your case. We don't have no counsel, we have the city attorney's counsel sitting over there assisting us right now. That's the real topic. They will not let us bring on anyone, so we are fighting with people to bring the people we need to bring to get this work done.

Saleem Bay: So, I'd just say on that account that you are the commission.

Regina Jackson: Yes.

Saleem Bay: Okay, and that you have powers as outlined in LL and you abdicate those powers when you come back with these excuses and tell us that you can't do what you said you're going to do.

Regina Jackson: Mr. Bay.

Saleem Bay: And here's one more thing. Please. You know how adversarial it's been between us and Mr. Prather, so why would you allow Mr. Prather to be involved in this in any situation anyway?

Regina Jackson: So, we're not going to have a conversation about this. I will let you know that Mr. Prather has excellent resources-

Saleem Bay: For you.

Regina Jackson: For the subject matters.

Saleem Bay: Not for us though, not for us.

Regina Jackson: You don't get to pick whether it applies for you.

Saleem Bay: Let me say one thing please.

Regina Jackson: And this'll be the end.

Saleem Bay: Well, just last week when you went to vote on Mr. Polic, Mr. Prather brought in one investigator who was a civilian and one investigator who was law enforcement, knowing that this body will not accept a law enforcement investigator. So, otherwise you bring one person in, okay well we're going to vote for him. But please, I'm just asking you this-

Ginale Harris: [crosstalk] He's not hired.

Regina Jackson: He's not hired, sir.

Saleem Bay: But here's the deal, follow your own minutes.

Regina Jackson: [crosstalk] No, no, let me share ... Yes, and I will. The difference is that measure LL gives us powers but we're not able to execute the powers, we're having-

Saleem Bay: You have the power to fire the Chief.

Regina Jackson: Certainly ... It's not that simple. We are doing due diligence because it is a severe responsibility to do something like that.

Saleem Bay: That sounds like what the Democrats are saying about Trump right now.

Regina Jackson: [crosstalk] You know what? You can say what you want, Mr. Bay but we have to move on. We are going to move on, Mr. Bay.

Saleem Bay: [crosstalk] You got all this criminal stuff about ... You can say all the criminal stuff about the Chief, but we're going through a process.

Regina Jackson: I want you to step away from the mic, I have handled as much as I can and I will get back to it.

Regina Jackson: So, Mr. Hasar?

Gene Hasit: Yes. Recommendation to look at a source for possible legal counsel. Check with public advocates, check with ACLU and with respect to investigator, if Mr. Bay have someone, then let him recommend to you a possible foreign investigator. No, but you didn't say that.

Regina Jackson: No, I actually did. I said, have you brought that to me?

Gene Hasit: Okay, but maybe that all confused in the ...

Regina Jackson: That's fine.

Gene Hasit: The discussion.

Regina Jackson: Thank you for the recommendations.

Gene Hasit: But there tends to be some confusion was represented, or what was said at the meeting because Miss Harris is saying one thing and supported what Mr. Bay has said, and Mr. Prather is saying something else, so we need to have things-

Regina Jackson: I conflated the issues. One was a subject of an investigator, the other was a subject of general counsel. The counsel is to advise us on how to do the rest of it. It's not real easy and there are a lot of barriers for us.

Gene Hasit: Well, look at public advocates.

Regina Jackson: I've written that down, thank you very much.

Gene Hasit: Look at ACLU. There are a lot of public legal firms, I don't think they'll have problems with addressing what you need to have addressed.

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

Gene Hasit: Thank you.

Regina Jackson: Uh-huh.

Regina Jackson: Commissioner Smith.

Comm. Smith: So, I'm going to recuse myself from this item because this is a firm that I formally worked for.

Regina Jackson: Thank you very much.

Regina Jackson: So, item seven is the Retainer Agreement for Counsel Assisting with the Oakland Police Chief Evaluation. We had the meeting in a closed session, I would like to accept a motion to approve the retainer agreement. Commissioner Harris?

Ginale Harris: Second.

Regina Jackson: Oh, you second it. Let me make the motion, let me go back. I'd like to make a motion that we accept the Retainer Agreement for Counsel Assisting the Oakland Police Chief Evaluation. Commissioner Harris?

Ginale Harris: Second.

Regina Jackson: Okay, it has been properly moved and seconded. Let's say we have to have public comment. All right, public comment on this subject is Gene Hasar.

Gene Hasit: For the record, Gene Hasar. Well, what this investigator does evaluation of the police chief, what makes you think that the police chief is going to be responsible ... How would that investigator go about evaluating police chief based upon anecdotal, written or what interviews, or what?

Regina Jackson: So, we are going to be talking to that person but what they're going to help us design is a process.

Gene Hasit: The process for the evaluation?

Regina Jackson: Correct, so I can't tell you what I don't know yet because-

Gene Hasit: [crosstalk] Okay. No, I got that. I just wanted to make sure there's a process-

Regina Jackson: Absolutely.

Gene Hasit: And you just don't do something that's anecdotal.

Regina Jackson: No, no. I mean, that is one of the challenges of the commission because things, formats, templates, foundations have not been in place, we want to create them so that they're not unique to this one instance and they can follow us.

Gene Hasit: And I might say, you might want to talk with a judge, Lauris Cornell Hasar in San Jose because she's been very much involved with the activity around [inaudible 01:57:44], so you might want to contact her.

Regina Jackson: I appreciate that. May I get that information from you later?

Gene Hasit: All right.

Regina Jackson: Okay, thank you. All right, two new speaker cards, one from Melody Davis and the other from Celine Bay.

Melody Davis.: Melody Davis. Chair Jackson, I heard you asked for the ... Whatever that you just did, y'all voted and she did second? Was that done right?

Regina Jackson: Yes.

Melody Davis.: Okay, so did you ask them ... The rest of the people that go along with it?

Regina Jackson: Wait, so we can't take a vote until we hear from the public.

Melody Davis.: Oh, answer the vote.

Regina Jackson: So, that's why we stopped.

Melody Davis.: All right. I just had another meeting with some other people with how things are supposed to run. I had to show them, so I just want to make sure y'all doing stuff right. Something right.

Regina Jackson: Yes ma'am. I appreciate that. Mr. Bay.

Saleem Bay: Celine Bay. So, I see that you guys are agreeing for a retainer agreement to hire a law firm to do something for you. You can do a retainer agreement to hire a law firm to do an investigation, how is that different that you don't need counsel for this but for an investigation, I was just curious, is there a difference?

Regina Jackson: Ultimately, no but we would actually have to have the recommended investigator to be able to hire.

Saleem Bay: So, if you receive a recommended investigator or whatever before, we can get this on the agenda and get this voted on the very next time?

Regina Jackson: Yes, if you can send that to me, yes.

Saleem Bay: All right, we'll get you those people. Although, again, we weren't told that that was part of the process, we were told just to show up for you to vote to agree to do it and then you can go and retain somebody once it gets agreed that you were going to vote to retain that person.

Regina Jackson: I thought we did vote. Yes.

Saleem Bay: So, we just don't have a person?

Regina Jackson: So, no. We voted to do it, we just don't have the person. That's correct.

Saleem Bay: All right, well I'll get you a couple of people.

Regina Jackson: Thank you very much. Go back.

Ginale Harris: We support our services to agree cases not on the agenda.

Regina Jackson: Yes, I got. Yes, I sent that to her.

Regina Jackson: So, we have heard public comment. I would like to revisit the motion on the floor that has been seconded to approve the retainer agreement. Are we ready to vote? Commissioner Mod, how do you vote?

Comm. Mod: Yes.

Regina Jackson: Commissioner Durado?

Comm. Durado: I.

Regina Jackson: Commissioner Harris?

Ginale Harris: Yes.

Regina Jackson: I, for myself. Commissioner Smith is recused. Commissioner Prather?

Comm. Prather: Yes.

Regina Jackson: And the vote passes, thank you very much.

Regina Jackson: Well, we are at a recess moment however I would like to recommend that we delay recess because we have a closed session coming up, and try to handle as



many items on the agenda as possible. What say, you fellow Commissioners, are you prepared to give up the recess and move forward?

Ginale Harris: I.

Regina Jackson: Okay, Commissioner-

Comm. Prather: Do we want to get Commissioner Smith?

Regina Jackson: Oh, we can bring back Commissioner Smith, but that's okay. Thank you. So, Commissioner Mod, can we vote to give up the recess or delay?

Comm. Mod: Yes.

Regina Jackson: Thank you. Commissioner Durado?

Comm. Durado: Yes.

Regina Jackson: Commissioner Harris?

Ginale Harris: Yes.

Regina Jackson: I, for myself. Commissioner Prather?

Comm. Prather: Yes.

Regina Jackson: Okay, thank you. So, we will move forward to item nine, the National Association for Civilian Oversight of Law Enforcement (NACOLE) Conferences. This is for a conference that's actually in our backyard here at the Kaiser Center in Oakland on May 3rd. I am not sure who among the commission can attend, so we'd like to hear from you all. Commissioner Brown?

Comm. Brown: I'll be attending.

Regina Jackson: You'll be attending, excellent. Is anyone else available to attend? Commissioner Harris?

Ginale Harris: I can't stay for the whole thing because I work swing shift, so I'm going to come in the morning and stay till ... I'm going to push it to 12:30. But I start work at one and I'm taking the day off to attend the April 30th meeting, so I'm going to make sure.

Regina Jackson: Okay. Thank you very much for that. Commissioner Durado?

Comm. Durado: I think I'll be there.

Regina Jackson: Excellent, thank you. Commissioner Smith, we started the discussion of NACOLE, are you going to be able to attend?

Comm. Smith: No, I won't be able to attend.

Regina Jackson: Okay, thank you. And I myself, I'm going to be out of town, so I will not be able to attend but I will ... Anybody else? Okay. So, Miss Thom, I'm not sure if there is any other information that needs to be related through you to NACOLE in terms of registration?

Miss Thom: I've already asked Mr. Ruse to handle the NACOLE registration matter, so if there's anything he needs, he can contact you.

Regina Jackson: Okay, great. So, Mr. Ruse, you have that Commissioners Brown, Harris and Durado will be attending. Okay, great, thank you.

Regina Jackson: Okay, so I don't have any other speakers for item nine unless one is coming. Oh, no, that's 10. Okay, great. So, we will move forward to the creation ... Okie dokie, sorry about that. Thank you very much, Vice Chair.

Regina Jackson: So, there is an additional National Conference that is scheduled for Detroit from September 22nd to the 29th. Are there any Commissioners that are expecting or planning to attend?

Ginale Harris: I'm going.

Regina Jackson: Commissioner Harris. Commissioner Durado?

Comm. Durado: I do.

Regina Jackson: And I'm going to check my calendar, I would like to attend, I just need to make sure that I can. Commissioner Prather?

Comm. Prather: Please mark me down for a maybe.

Regina Jackson: Maybe, okay, very good. So, Commissioner Brown?

Comm. Brown: It's not clear yet if I have the time, so it's a maybe from me as well.

Regina Jackson: Okay, all right. So, Mr. Ruse, I presume that you are also handling the registration for the National NACOLE Conference, is that correct? Can I hear you?

Mr. Ruse: Yes.

Regina Jackson: Okay, thank you. So, at this point, it's Commissioner Durado and Harris are confirmed, and Commissioners Jackson, Prather and Brown are maybes and ...

Excuse me, and Commissioner Smith is also a maybe. Let's see, can we as a body take a look at our calendars and firm up perhaps by the next meeting? This is a fairly elongated process. Okay, great, thank you very much.

Regina Jackson: All right, now we can move to item number 10 which is the Creation of Ad Hoc Committee on OPD K-4 Use of Force Reporting Special Order. So, OPD had sent me an email requesting that the commission establish an Ad Hoc Committee to work with members of OPD on the K-4 Use of Force Reporting Special Order. I actually received request to work on this committee and wanted to present that Commissioners Tara Anderson and Commissioner Prather and myself were wanting to move forward on that. What I didn't think about was that there might be additional members that wanted to move on that item as well. So, Commissioner Harris, you are interested in working on that?

Ginale Harris: Mm-hmm (affirmative), yes ma'am.

Regina Jackson: Okay, so we'll go back and I will either pull myself from the committee or ask that ... That's what I'll probably do. Okay, so as it stands now ... Yes?

Ginale Harris: I would say, I would just make a suggestion that we switch it up a little bit. This is our second policy and the same people are going to be working on this policy.

Regina Jackson: Actually, no, Tara's new to the group but that's fine.

Ginale Harris: Okay.

Regina Jackson: So, what I'll do is actually bring it to the group first to see what the interest is and then we'll try to segment that to make sure that we keep moving it around. So, the final members on the Ad Hoc Committee, presuming Commissioner Prather, that you still want to work on it, are Commissioners Anderson, Prather and Harris.

Regina Jackson: Okay, and with that we have speakers Bruce Meekan, Laura Libosserman ... And that's it.

Bruce: Bruce Meekan, Coalition for Police Accountability and Oakland Community Organizations and I'm not 100 percent sure what the department is asking you to review when it says K-4 Use of Force Reporting Special Order. But, my sense is that the entire use of force policies of the department need to be looked at, reviewed and I would say rewritten, frankly, I say that even though it's just the beginning of the process from the ground up incomprehensibly. And I had the privilege, about a week and a half ago, of going up to Sacramento when the hearing on Assembly Bill 932 which is Doctor Shirley Webber sponsored the Use of Force, rewriting the state policy and couldn't get in the hearing because there were hundreds and hundreds of people up there from all over the state which was great.

Bruce: But, one of the things I did hear that was, I think, useful and instructive to me is Doctor Webber who is really sharp, boy, she's sharp, said that in designing her bill, writing her bill and working on the concerns, they looked at the Seattle Department manual which has just been rewritten in this past January, and also they said San Francisco. But, I think I gave a couple of ... I downloaded the Seattle Department manual and looked at it and it is comprehensive, it is deep, it frames it in a way that any officer on the beat should be able to understand what their responsibilities are and compared to the way this stuff is written in the OPD, it's like a world away.

Bruce: So, I've given you guys ... A couple of you, I've seen personally and given you but I would really recommend using ... And I'll send you email links to this from the web, that ... Huh?

Speaker 4: [inaudible]

Bruce: Oh, just real quick, I just want to say that I would say in particular, that Seattle Department manual is really worth looking at as a [inaudible] and probably not perfection, but very important. And this needs to be done comprehensively, not just some review, not just what the OPD is asking you to look at because the whole damn thing needs to be looked at because the Polic case proved and state law, which has screwed up 1872 crazy ass state law govern use of force, has proven in the stuff on Clark case. Where my understanding is from folks I know who are in the public defender community, said that people who work with Pacara, he wanted to press charges but DAs and AGs never want to put forward a case that they think they're going to lose and he thought under existing use of force.

Bruce: So, we had the same thing here, the way the disciplinary thing was handled in the Polic case. This needs to be completely revamped from the ground up and I'll send you guys these links because it's useful to have something where another police department of a large city is able to work within this framework. So, anything they say, no we can't do this, you're blah blah blah, stepping on us. No, no, it can be done.

Regina Jackson: Thank you very much, Bruce. Bruce gave me the-

Bruce: And also ... Oh yes, well also you as you know they ... Thank you. The training needs to be a big component of this, retraining because yes, it is unreasonable when you change the rules to have people who have been working under another set of rules for God knows how long, to conform to the new rules automatically. So, the new trainees and even harder is going to be retraining the guys who have been working under this crap orders, if you'll pardon my french, that they've been able to abuse for how long. And the Polic thing should never have been happened and de-escalation has got to be mandated. Very important.

Regina Jackson: Thank you very much, Bruce. For Commissioners Prather, Harris and Anderson, I'll be handing over the Seattle policy that Bruce gave to me. I also have the San Francisco one, so I will send that forward to you and obviously the new language around unconscious and unresponsive people would be one of the added pieces. But in terms of what the police department has given us in draft, that is for us to reference and make our own contributions to.

Regina Jackson: Are there any questions from the Commissioners? Okay, great, moving forward. Oh, I'm sorry, those are the policies but also there are some trainings that have also been forwarded to my attention and those will need to be reviewed and amended to align with the policy that we're going to end up with.

Ginale Harris: I have a question.

Regina Jackson: Okay, Commissioner Harris?

Ginale Harris: So, this attachment, 10A, is this the copy with the changes already made or is this the copy ...

Regina Jackson: This is a draft that they want us to consider.

Ginale Harris: Okay.

Regina Jackson: Okay-

Ginale Harris: Can I just ask one more question?

Regina Jackson: Yes, you can.

Ginale Harris: I'm sorry. So, wouldn't it be wise for future policies, that we sit down at a table together from scratch and do it, instead of them presenting this with their changes and then we put our changes and then ... So that we can come up with something that's ideal?

Regina Jackson: So, moving forward, I absolutely agree that that would be best. I think that when we had the policy on probation and parole, we came up with ours, they came up with theirs and now we end up with kind of a co-mingled, coordinated process, which for the first time was good and we did sit down at a table to do that. I believe that what the police chief was trying to do was get ahead with her own folks about how they were thinking about it because she knew that changes were necessary.

Regina Jackson: And so, moving forward, I think that there are a list of policies that have been shared with us by Karen, and perhaps, I think it's Mr. Bassett, in terms of policies that are coming down the pike so that we can just sit down at a table and begin to hash it out together, because I do believe that there is a lot of value to the perspective that Commissioners have to different approaches. And I

don't necessarily think that it's always got to be the police give it us and then we rework it and give it back to them. I think it would be best on that, but you have a question and I think it makes sense. Yes.

Ginale Harris: I'm just interested to know where their thinking is coming from, like why do they believe that this is the best way?

Regina Jackson: I'm not sure and I don't want to speak for them, but what I would say is that when you all schedule your meeting, then you can have that conversation so that there is some narrative around that and perhaps you can reach a meeting of the minds of how to approach it in the future, so it is a collective from the gate. Miss Gleeson, are you-

Miss Gleeson: [inaudible] I wanted you to address it.

Regina Jackson: Oh good, you wanted to address it, no problem. Thank you very much. Please come forward.

Miss Gleeson: No, I just wanted to hear your conversation.

Regina Jackson: Oh, sorry, okay. So, you were standing over there in order to hear better. Got it. So, is there someone from the police ... I know that you didn't necessarily have a presentation, but did you want to address anything around the approach of presenting a draft to us?

Sgt. Turner: Yes, absolutely. Sergeant Joe Turner, I'm here with the training division, the policy and publication unit. So, I will keep my remarks brief because I don't want to speak for the Chief or the executive team, but in this case, this is a special order that is correcting a specific problem that was identified by the independent monitoring team, and so it's just basically a technical fix that needs to be done and so that's why I think it was done in this manner.

Regina Jackson: Okay, thank you for that clarification.

Sgt. Turner: My pleasure.

Regina Jackson: And so, question. I realized that you would need to speak with the Chief, but do you think that moving forward when we look at policies together, that we can actually start at a table as opposed to work being done and kind of shared with us, so that we can figure out scopes together?

Sgt. Turner: Yes, I understand your question. I don't want it to tie them into something where my viewpoint is more of a strategic thing, but I will say that I have enjoyed the collaboration that we've had so far. I appreciate that.

Regina Jackson: No reason not to continue that then, right?

Sgt. Turner: I absolutely enjoyed it. Thank you.

Regina Jackson: Okay, that sounds great, thank you. So, this is a clarification specific to the independent monitors, but it does give us the opportunity to be more expansive on the language, so thank you very much for that. Are there any other questions from the Commissioners?

Regina Jackson: Okay, so there is a clock ticking on timing so any support that I can provide to you all around getting those meetings going and reviews, I'll be happy to do.

Ginale Harris: What's the deadline?

Regina Jackson: I believe that we ... Excuse me, one more. We have, is it 180 days, 130 days, I can't remember exactly?

Ginale Harris: From today?

Regina Jackson: No, from the date that they shared which was a couple of weeks ago.

Sgt. Turner: Yes, so this, again, is something that for in terms of counsel, but it's, I believe 120 days and perhaps the city attorney can speak to that.

Regina Jackson: 120 days from about two weeks ago.

Speaker 3: I'm not the city attorney but I will look at the charter provisions right this second.

Regina Jackson: So, those days started about maybe two weeks ago, when you sent the first draft?

Sgt. Turner: I'm not sure, I'm not [inaudible] but yes.

Regina Jackson: I'm not holing you, I just wanted to get a general.

Sgt. Turner: Like I said, since this is a technical fix, the sooner we can get it done, the better.

Regina Jackson: The better. Okay, very good, thank you. So, look out for an email from the committee. Thank you very much. Thank you, Miss Gleeson.

Regina Jackson: Okay, so we're going to move forward to item number 11 which is Schedule a Public Hearing on Excessive Force. This item came on basically as an opportunity to create a process that includes community engagement in alignment with developing a policy.

Speaker 3: So, in answer to the previous question, it is 120 days.

Regina Jackson: Thank you very much. 120, okay.

Regina Jackson: So, just to restate, the last public hearing that we had which was facilitated by the coalition was on homeless. Then when we were looking at the policy for probation and parole, we ended up scrambling and relied greatly on Vice Chair Harris' relationship to actually engage felons. The concept of planning a public hearing on excessive force is to be able to, as a part of the process, access community voice so that that voice is baked in with the process development and not an after thought. Yes, Commissioner Harris?

Ginale Harris: Chair, you just called them felons.

Regina Jackson: I'm sorry, we ...

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Ginale Harris: ... them felons.

Regina Jackson: I'm sorry. We met with ex-felons.

Ginale Harris: People on parole.

Regina Jackson: Okay. We met with people on parole.

Ginale Harris: Yeah.

Regina Jackson: Okay. Sorry. So are we clear about the other statements? Okay, great. Commissioner Prather?

Comm. Prather: Thank you, Madam Chair. So I have a question because I'm happy to serve on the odd ad hoc committee regarding this revision to OPD policy K-4, but I hear sort of two different issues. The issue that I hear that OPD or at least Sergeant Turner is bringing to the table as he calls it, a technical fix that has been identified by the Independent Monitor. And so, what they're looking for is to address something that has been identified by the Independent Monitor. My read of their edits so far and it's not a deep dive, it's just a scratch the surface review, is that it's truly a one sort of category of edit. It's not a revamp of the policy. Regardless of what OPD is interested in, it sounds like the public is interested in a more deeper dive into K-04.

Comm. Prather: I have concerns that we can address a revamp of this policy in, basically at this point, let's call it a hundred days to do a symposium or a public hearing and to have everything that needs to come from that, to experts, because there's so such a body of work that has been done around excessive force, the use of force, that having dealt with the revisions to policy R-02, I mean that has taken us many iterations, a trip to the city council. It has taken, let's call it a year. I don't know that something that I would anticipate would be five or 10 times more difficult and this can be accomplished in a hundred days.



Comm. Prather: I'm wondering if the better courses and to address the technical change that needs to be made, so basically approach it on two tracks and to address the change that the Independent Monitor is calling for. But at the same time, tee up as is our marching order through the enabling ordinance to also then set the matter for a public hearing, to call for expert testimony, to get involved in deeper into the research that we'll need to because frankly, I've reviewed, lightly the policy that Bruce and me provided Seattle, and that thing is a bear. To get into that and to then overlay it or juxtapose the two policies, that's not three months worth of work. That's a year's worth of work. And so, I just want to be careful that we're understanding what it is we're biting off. I don't want to bite off more than we can chew and I want to meet the deadline because we need to make sure we get them because otherwise OPD will move forward without us and I don't want to do that. And I think Mr. Reus-

Regina Jackson: Yeah. Your point is well taken. So is it the-

Mr. Reus: Through the chair.

Regina Jackson: ... Commission's pleasure that we try to respond to the draft, which is very focused, but then like you said, move forward on a public hearing and then try to tackle the policy on a larger level, more inclusive and then put ourself on our own track with a timing perspective? Is that what I'm understanding? That sounds excellent. Okay. Mr. Reus.

Mr. Reus: I was just going to say through the chair, the notice that you received from the OPD on this was not a notice of revision of K-4. It's only a notice of revision of the special order regarding reporting of K-4. And so that split, the 120 days don't pertain to K-4, they pertain only to the special order regarding the reporting of K-4, so you don't need to worry about all of K-4 for that 120 days. That's not ...

Regina Jackson: Got it. Okay. Thank you.

Ginale Harris: Didn't you just say that?

Regina Jackson: Yes.

Ginale Harris: Okay.

Regina Jackson: All right. So, if there are no other questions we can go to public comment. Okay. Ms. Asada. Yeah, that's all we have for that one. Thank you.

Ms. Asada: Love life Measure AA failed and we need to stop whoever is interfering in the voting process needs to stop. That's the city council. Let me say this, that the need to do something after 17 years of the negotiating settlement agreements saying that the Oakland Police Department has to stop use of excessive force and racial profiling and it hasn't happened, the policy is not the issue. It's the lack of enforcement of 17 years and why that hasn't happened. And when Judge

Orrick last met with the police department, the city of Oakland, the number one thing he says that he wants to address is the under reporting of the use of force and whether force was used properly.

Ms. Asada: A couple of months ago the Oakland Police Department was lying and said that excessive force had gone down and they were not reporting use of force incidents correctly.

Regina Jackson: Correct.

Ms. Asada: The issue is not revitalizing the policy. The issue is the lack of enforcement after, I'm gonna repeat it-

Regina Jackson: 17 years.

Ms. Asada: 17 years. So, somebody is sending you all down a direction of doing something to me is meaningless. Excessive force itself is self-explanatory. I looked at that big old thick document, keep your hands off what people inappropriately. That's bottom line. So if you all want to go head on and have a hearing and all of this kind of stuff, but something is going on with the lack of leadership by this police chief that she cannot control her offices as it relates. And look at the items of pending cases. The majority of it is excessive force.

Regina Jackson: Thank you very much Ms. Asada. Is it the pleasure of the Commission to actually schedule a hearing or should we come back with some recommended dates and you'll look at a process later? Yeah. Commissioner Harris? Uh-oh, did I miss you, Ann?

Anne Janks: I'm sorry. I thought we were on 10. I was waiting for 11.

Ginale Harris: No, we're on 10.

Regina Jackson: No. We already did 10. We moved to 11.

Anne Janks: Okay. Anne Janks, Coalition for Police Accountability. We have in the course of the policy around focus on probation and parole, been talking to a lot of community groups and there is substantial interest in addressing the policy on use of force and substantial interest in being able to present a testimony at a hearing about use of force. I would submit, through the Chair to Commissioner Prather, that the length of time it took to do the policy on probation and parole had something to do with all of the shenanigans around the first effort policy and everything else. And I do think it's going to be possible to do this in a more timely way, assuming that there is not an entire end run effort. That's my optimism perhaps.

Anne Janks: But anyway, the Coalition would be very eager working with an ad hoc group, especially around outreach amongst some of the groups that we've already

been talking to and other groups for a hearing. Thank you. Oh, also, why is there no longer the captioning? It wasn't for this one. It wasn't for the last hearing. And there's some folks who have trouble hearing mumblers and they're asking why there's no ...

Regina Jackson: Okay. Thank you for letting us know. I did not have an appreciation for the captions. Ms. Ame will talk with Mike about that. What I'm hearing at least from Anne Janks is that perhaps, we can work with the Standing Committee on outreach to ensure that the lion share of work around the excessive force is shared. Commissioner's Durado and Ahmad, can we work on that?

Comm'r Durado: Yeah, we were just talking about exactly that.

Regina Jackson: Okay, great. And since I'm not on the policy piece then I will support you all on that. Yes, Mr. Ahmad.

Comm. Ahmad: Yes, hi. I don't want them to take a back step on that, but my thing is with all the social media and we already know what's going on with excessive force, and we keep spreading ourselves thinner and thinner with this ad hoc for this, this ad hoc for that. And we're not getting done what we need to do. We already know that there's excessive force in the community. You can look at Instagram or anything and if people can't see it. You can smell it. And my thing is we're just going around in circles on ad hoc committees about stuff that we already know is happening. Thank you.

Regina Jackson: So, Commissioner Ahmad, yes. Notwithstanding the prevalence of excessive force out there, I would submit that this actually might be a nice opportunity for us to get the outreach committee moving, just around one particular subject and then we can have a formulaic approach to outreach in general. Is that agreeable?

Comm. Ahmad: Yes, that's agreeable.

Regina Jackson: Okay, great. Okay. So then I'll work with you all on that. Commissioners Harris and then Prather.

Ginale Harris: I know it seems like we are going in circles and I read this thing and it's like reading a boring book, but there's a lot of things wrong with the language, especially on this policy, Commissioner Ahmad. I'll just read a one-liner for you. "While serious injuries as a result of police use of force are rare." Right? And they wrote this, so it's like we have to really just look at it and fix it. It's just like, this is ridiculous. They put it on the first page, like sneak it in the last three pages or something, but don't put it on the first page.

Regina Jackson: Okay. Commissioner Prather

Comm. Prather: Thank you, Madam Chair. I just wanted to make a suggestion to the outreach committee because I think the one resource that we didn't have last time that we do have now is a Chrissy Love our administrative assistant. And I think that we also have money in the budget for a potential outside vendor. So, no need to carry the laboring or yourselves for everything, but to utilize both in-house work and to assign tasks through the chair, think would be a good use of her time assuming we could dictate projects to her. And also, there may be a use for a vendor there because I think we were very lucky to have the committee from the Coalition for Police Accountability sort of step in last time. I mean, those are also things that we can sort of try to take back through the use of a vendor, the use of our own staff.

Regina Jackson: Excellent suggestion.

Comm. Prather: And, it's 9:00, Madam Chair.

Regina Jackson: Okay. Thank you very much. That's a great suggestion. Thank you. We will put that off and come back to another scheduling later. We are moving now to item 12 executive director interview process.

Comm. Prather: It's 9:00.

Regina Jackson: Huh? It's 9:00?

Comm. Prather: It's 9:00.

Regina Jackson: Oh, it is 9:02. Okay. Can we put over until we come back from closed session? And then we only have four items.

Ginale Harris: Great.

Regina Jackson: Five items. Yeah. Yes, Sergio?

Sergio: I think you need to announce that you're going to close session based on that item.

Regina Jackson: Yes, yes. Thank you. So it is now 9:02. We are going to go to close session, and then as soon as we finish we will come back.

Speaker 5: Because then you to [inaudible]

Regina Jackson: I'm going to take a roll call for our closed session.

Sergio: Here.

Regina Jackson: Commissioner Ahmad, Commissioner Durado. Are you here?

Comm'r Durado: Yes.

Regina Jackson: Okay. Commissioner Harris?

Ginale Harris: Here.

Regina Jackson: Commissioner Jackson, Commissioner Prather?

Comm. Prather: Yes. Okay. And Commissioners Smith ... I'm sorry.

Speaker 5: Yeah. You have to leave.

Regina Jackson: Okay. And Commissioner Smith will be absent. Okay, thank you. We will handle our business just as quickly as we can, and we will be back. Thank you.

Regina Jackson: (silence)

PART 5 OF 7 ENDS [02:55:04]

Regina Jackson: I think he had to leave. Yeah just ... There. All right. Okay I'll call you. So it is now 9:31 and we are back from closed session. I want to let you know that there was no reportable item. We have lost commissioner Smith and are soon to lose Commissioner Dorado's presence. And so we will be appointing as a voting member for tonight, our alternate Commissioner Brown. We are going to move forward with item 12. Executive Director Interview Process. I'd like to have Commissioner Harris provide us an overview.

Ginale Harris: Okay, so these are the ... We combined two processes together. And this is when Commissioner Benson was here. And this is what we came up with, so it's a preliminary essay and the scoring sheet is self-explanatory. There are three essay questions, then there's a past experience interview, behavioral and competency interview and then the final interviews. So I wanted to hear from the public and see what they think about this process, and if they have anything they wanted to add.

Regina Jackson: Mr. Prather.

Comm. Prather: Thank you Madam Chair. I want to appreciate the fine work that went into creating this process. I guess I have a couple of questions in regards to the essay. And maybe I'll just put all my questions out there and if anyone wants to address them that'd be fine in any order. I guess I've never really seen an essay be part of a job of this ilk and maybe I'm just ... I'm not talking about police accountability, I'm just talking about oversight and maybe in the legal profession we just don't use essays but that would seem odd to me. The references to Oakland in question one and question three, are also odd to me because it would seem to me to preclude non-local candidates.

Comm. Prather: So like if you were hiring someone from a different jurisdiction who didn't have the same knowledge base that a local person had like. So are we saying we'd rather have someone who's intimately familiar with Oakland as opposed to an individual like say from Detroit or Texas or somewhere else who has not ... They may be completely stellar candidate but they couldn't tell you anything about the Oakland Police Department. But they can't tell you about oversight, so that to me I think is an issue. And then number three ... And I also heard this from members of the public. The question about poverty in Oakland just seems to me to be odd. [inaudible]

Comm. Prather: Just seems to me to be very odd and it's somewhat off putting and maybe I'm just not familiar with the way these processes work. But to be honest if I were applying for this job and I saw this essay I don't think I would fill it out. It seems out of place. So I have problems with the overall concept of essay which I think can be mitigated. I have problems with the localization of the questions and then I have a question with poverty, with the question dealing with poverty. I'm not saying that can be asking asked in an interview or dealt with in an interview. But that's just my reaction to it. And two, I would love to hear from the public to see because maybe I'm the only one that thinks this way. I don't know.

Regina Jackson: So I'd like to address at least a portion of their questions. What I'd like to say about the localization of the commentary is in my history of work. I have seen people apply for positions, and not do any research on the circumstance that they are actually going to be faced with. And whether you live in Oakland and are devoid of the information or whether you live in Detroit, or wherever they need to have a sense of what's going on. And you can do research in newspaper and all that. Maybe you have friends in the area, but the point is that they should have a sense. Now to your report, your point as an attorney many attorneys because they write, write write, write, write in law school and write as a part of their work, are really great writers.

Regina Jackson: You are talking about someone who's going to manage people who are writing the investigations and all. And so having an opportunity to view their writing abilities because communication is such a key point, is actually kind of an okay thing. Now I get your point about more specific but I did want to address those two things. These days especially with the way people text and do all this short stuff, communication is really falling off. So I actually support the idea of essay because then you get a sense. Go ahead.

Comm. Prather: Madam Chair, I agree I think a great communicator in this role, a great motivator and supervisor of people is fantastic, is a prerequisite for this job absolutely. And however that can be achieved by the ad hoc committee is fantastic. One thought popped into my head I wonder if Chief Kirk Patrick was asked about Oakland's specific issues during her interview.

Regina Jackson: I don't think we know what kind of interview she had.

Comm. Prather: Okay.

Ginale Harris: I can say based on her based on the information we got back from her evaluation. It was terrible. I didn't understand it. Everything that I have received so far just seems very dated, like no one's looked at in a hundred years. So for me when I was writing this piece I felt like the person that should be in the seat of the executive director needs to know the history of Oakland. That's one. I don't care where they're from but they need to know about Oakland. They need to know about the NSA, they need to know about the history of racial profiling and excessive force here in Oakland, and why we are where we are at. And it's important to me that they know how to write.

Ginale Harris: They know how to communicate and write things so that they represent this city well. The poverty question has been a question a longtime question that every single ... I haven't had many jobs in my life, I was stable for 22 years and I always use that question and it was very surprising to me how people couldn't answer it, they could not wrap their head around it. So the population majority of the population that comes through the CPRA, come from poverty. And they have been affected by poverty in some kind of way. So the person that is leading this agency needs to understand the people that he's working for. And I say working for not working with, working for and so I felt it was important and it was not put in this.

Ginale Harris: It just said why are people poor? The first draft. And Miss Greanaj said, "I don't understand this, what is this?" And so I did the language differently to kind of ... It meant the same thing but differently. And I saw her point and then I explained why I put it and I think she saw my point.

Regina Jackson: And to add to Vice Chair Harris's point, I think there are a lot of assumptions and presumptions about why poverty exists or why people are poor, and in many instances people being part of a lower socio economic status is not their fault, they don't deserve that. They may not have had the education or opportunities, they may not have a history in their family of examples. And so there are a lot of assumptions around how people are poor or how they get poor, or the choices they make. And so an emotionally intelligent executive director is what we're looking for. Somebody who's self aware, somebody who has compassion and empathy for understanding the plight of the people disproportionately impacted by police, and the ones that end up having these investigations.

Ginale Harris: Yes ma'am.

Comm. Prather: Just one last thing then. Just for the record I'll say I think it's unfair to ask for an essay on socioeconomic poverty and how it affects Oakland in relation to the job description. I agree with everything that both of you are saying. I just don't feel it's a fair essay question. I feel we could ask it in an interview, again maybe I'm the only person who thinks this way. For the record I just want to state that I don't think it's a fair question to ask to be written about.

Regina Jackson: So it's a good point Ginale but- [crosstalk]

Ginale Harris: But there's no right or wrong answer to this question and I want everybody to understand that. We just want to see the mindset if this person can come up with the answer that is compassionate. You don't want us ... If someone comes into your office and they're the perfect writer, they know how to write. They have all the qualities and then you get to this question they say, "Well they're poor because they're lazy." I don't want him working for me.

Regina Jackson: Or her.

Ginale Harris: Or her. That's somebody that will never understand what the people of this city go through. And that's-

Regina Jackson: Let me ask a question Ginale.

Ginale Harris: Yes.

Regina Jackson: Would it mean the same thing if we asked the question in a verbal interview as opposed to writing? Or you just want to see it in writing?

Ginale Harris: I want to see how they think. We're not sitting in the room with them. And I want it to be documented. I want to see how you think, if you're a chosen candidate for this position you'll know how to answer this question, it's not hard.

Regina Jackson: Okay. Commissioner Brown did you also have a question? No. So Commissioner Prather I think that hopefully we will also hear from the community around that, I tried to offer up an option and we'll see. I mean maybe it makes sense to do a survey afterward. Maybe people wouldn't be forth coming anyway about the essay components. Mr. Russo I see you standing there.

Mr. Reus: Yes, through the chair I don't normally get up and talk.

Regina Jackson: Speak into the mic please.

Mr. Reus: I don't normally get up and talk on issues which I'm not reporting. But I read this and as all of you know I think, I'm also on the Education Training and Standards Committee of [inaudible] And I read this and the one thing that I would just ask you to consider is in all the various interview panels, that are within this process, may back. We're currently doing a hiring of investigators for our office-

Regina Jackson: We can't hear you.

Mr. Reus: And for any public sector hiring that we do, the first stage of that process is we have to get a panel of outside experts to do the initial review. Somebody who doesn't work for the city but people who are recognized experts in their field,



who will know what this technical things are. This is an enormously technical legal job, and non of these interview panels is there any expertise required of the panelist. I believe in having community input on interview panels but I believe that the commission should at least consider the Bay Area, is one off the birth places of civilian oversight. There are within a 50 mile radius of where we sit, many of the giants of civilian oversight in this country, who could be asked to be on the panel and would probably agree.

Mr. Reus: I've gotten them to agree to be on our panel list for interviews for investigators, and I think having at least one of the three interviews, having someone with expertise in the field who would know how to ask technical questions, with regards to Pole Bar, with regards to how to conduct investigation. There is not that in this process and I would ask the Commission to consider that at least in one of those panels, that having at least one expert involved in this process would be useful contributor to the process. And I'll leave it at that.

Regina Jackson: Thank you very much, why don't you send us your list of experts that have agreed to be on the panel from the investigators that would be helpful.

Mr. Reus: [inaudible]

Regina Jackson: I'm asking you to go ahead and share the resources that you currently have access to. Okay? Thank you. Are there any other questions from the Commissioners before we go to public comment?

Ginale Harris: I wanted to say something.

Regina Jackson: Okay, Commissioner Harris.

Ginale Harris: If you read through the processes itself, there're going to be interview panels of three people, each that blend of community members, nominated by commissioners and it says see below. Each commissioner can nominate up to two community members of their choice, to be on the interview panel. And then we have final interviews too. So I just think that we tried it the city way, and here we are. So I wanted just try another approach from what the community thinks. My thing is that this person will work for the community and it's important that they have all of these skills but every skill can be learned, so it's more important to me that they know what they are doing, yes. What they're doing but they have to have that balance.

Ginale Harris: And there's a lot of people in this world that have it.

Regina Jackson: Okay thank you, we'll go to public comment now. Bruce Meacan, Lorelei Bosman and Rashita and Mr. Fuentes I just saw that you had a comment for closed session so as soon as we finish this comment we can call you. My apologies it was out of eyesight.

Bruce: Bruce Meacan, Coalition for Police Accountability OCO. And I have to apologize. I tried to print this for myself. So I don't have this in front ... Screwed up my printer and blah, blah, blah. So I don't have this in front of me.

Regina Jackson: You can take the mic, there we go.

Bruce: So I don't have this in front of me. So I'm just ... But reading the third question about poverty asking, why is there poverty in Oakland? And then I think it says and how does that relate to ... Okay. My reaction to that. Well, and I totally understand the intent. I agree with that. And I think what you're trying to get to, is good information in terms of sense of the person. I would just suggest that the way it's still put I think about asking why is there poverty? Could open up a whole thing. Some people may feel they don't ... Who understand what that means in relation to policing and how poor people are impacted, may not feel equipped to come up.

Bruce: They may feel like, "Oh, I haven't read that latest book on income inequality from blah, blah." You know what I mean? It's a deep, deep subject. And I'm just wondering if there's a way of framing it, that might actually get you more insight into how they think in terms of asking them, what are the social and economic conditions or something that ... How do those things relate to policing, without them having to explain the bigger picture of why it happens, because you may get people who are good in terms of understanding the dynamic of where poverty and policing, but they may not feel equipped. So I'm just wondering if there's a way of ... And you may find by not just saying poverty per se, or why poverty, you may be throwing some people a softball in a weird kind of way with that.

Bruce: Because you're kind of saying, "Oh, this is what they want me to talk about." If it's a little more like what are the social condition or something that impact policing, you may find out some things about them that you might not find out just from the poverty ... I'm talking off the top of my head, and it was just my reaction.

Regina Jackson: Thank you, Bruce.

Lorelei B.: Hi. Sorry about that. Hi, I'm Lorelei Bosman. I'm speaking just for myself right now. I want to respond to Commissioner Prather's comments on the essay question. In my mind, there's nothing wrong with the essay question then again, I'm a technical writer. So something like that in a job application would make perfect sense. But I tend to think that it's a good idea, just my two cents. In terms of the poverty question, what bothers me about it is that there is no agreed upon answer. I mean ask experts and they'll all have a different opinion.

Lorelei B.: And I've got my opinions, but I'm not sure. I think it's this combination of things. But I don't know. And so I think a lot of good candidates for the job wouldn't know how to answer it, especially because it doesn't say, "What are your

thoughts on this?" It says, "What's the cause?" I don't know. Is that the right answer? And I've been trying to rack my brain just now for what would get the kind of information that you want to get? Because I think it's important. And I think I have a half form thing, something about how do you keep in mind the importance of poverty when handling complaints? That's about as far as I got? I don't know. Good luck.

Regina Jackson: So Lorelei just so that you know, it does say tell us your thoughts on why poverty in Oakland exists, and how it's connected to the work of the ED or the CPRA. So it's a little more broad.

Lorelei B.: Thank you. I should have looked at it before I commented.

Regina Jackson: No that's okay I just wanted to clarify, it's a little broader.

Rashida G.: Rashita Greanaj, I actually want to follow up on Mr. Russo's comments. I really agree with him that you need not only community input, but you need the input of people who have experience doing that job. And there are a lot of them in the Bay Area that you could draw on. One of them is a former CPRB director, Joyce Hicks. Some of you may know her. She then went on to become the director of the OCC in San Francisco. I don't believe that she's employed now so she might have some free time. But there are undoubtedly others as well. Who have years of experience in managing the investigation of complaints of police misconduct, who know the drill who knows state law who know POBO, who know all of the regulations that need to be kept in mind in this process.

Rashida G.: It's very complicated, very technical, very legal. And the commission deserves someone who is not only sensitive and empathetic but competent. Given the track record with all due respect, you guys need to have someone that you can count on to make the right hires, to develop transparency in process, to be a good communicator, to be comfortable in the field. To go out into the neighborhoods to do outreach. These are things that Mr. Panel used to do, and the CPRB used to do, but again with all of the human element that's required, also a level of competence and experience. And I think having at least one expert involved in the process would be a very advisable thing to do. Thank you.

Regina Jackson: Absolutely part of the plan. Thank you for the suggestion of [inaudible] six. So now we're going to go to Mr. Fuentes comment on closed session, which I missed.

Mr. Fuentes: Yeah, I'm not sure you're going to be able to answer actually.

Regina Jackson: Okay.

Mr. Fuentes: I do want to say about the essay questions. I just think that's a really great idea. It's a little bit thinking out of the box because a lot of time with city agencies that are actually supposed to focus on economic, social and political inequities

for people of color and black people. They pretend that the actual problem doesn't exist and that you don't need to have an opinion about it. And that's exactly why we're all here every single time. And so I applaud you for doing that. My question though was, I guess it's kind of giving it a little way. You guys have a closed session not supposed to talk about it.

Mr. Fuentes: But you did mention some stuff earlier. And I think the public would benefit from having a better understanding of what the problem is with hiring legal counsel. And you guys talked about it, you know the what the problem is, but it didn't actually come out the actual problems. Is the city attorney standing in the way currently of the Commission hiring legal counsel?

Regina Jackson: Short answer? Yes.

Mr. Fuentes: In what way?

Regina Jackson: [crosstalk] We actually can't go further into it, but we are really trying to look at our options in order to deal with it.

Mr. Fuentes: Fair enough. Thank you.

Regina Jackson: Thank you so much. So thank you very much for these comments. I want to thank former Commissioner Benson and Vice Chair Harris for their diligence in creating a process, and prioritizing within that process community voice, we will make every effort to also prioritize the technical responsibility and acumen that is required, to lead this effort. So thank you for the suggestions. And Mr. Russo. I'll be looking for that email with the contacts as well. Commissioner Harris.

Ginale Harris: So I would like to just make a request to some of the people in the public. So we have a Personnel Committee coming up on May six. And so this is where we want to finalize our product. So if you have any suggestions, if you can email them to me, and I could start reaching out to some folks and see what we can set up, that way we can have everything ready to go May six. Okay. Thank you.

Regina Jackson: Terrific. Thank you. Commissioner Prather.

Comm. Prather: Thank you Madam Chair. Let's not forget a former colleague of ours who had a significant role at CPRB, Mike Misbarrows who we all know and trust very much, who might also be able to provide some expertise in this. So I suggest-

Regina Jackson: Excellent point, thank you.

Comm. Prather: Maybe this committee could reach out to good old Mike on this. If he's watching. He's not watching.

Regina Jackson: He's probably watching. Excellent suggestion and hopefully he's got time for us too.

Ginale Harris: He does, I talk to him all the time.

Regina Jackson: Of course. There we go. Commissioner Brown are you trying to get up? No, just trying to get situated. Okay, got it. All right. Thank you. We will move on to the next agenda item, that's committee liaison other Commissioner reports. I would like to mention and this will be on the next agenda that I've been contacted by the city auditor's office, to begin to start an audit on both CPRA as well as the Police Commission, as is called for in measure LL. And so we will have that on the agenda at the next meeting where there will be staff who can address this scope.

Regina Jackson: But that's my update at this point and they will be getting started very soon after our next meeting may ninth. Anyone else have any updates?  
Commissioner Mott.

Comm. Ahmad: Yes, I was absent in the May meeting when I was ... March 28th meeting when I was going to give a report about community outreach. Some of the community outreach that I've done on my part is, we went to the fatherhood's meeting that was at Merritt College, I passed out cards inviting people to come out so I just go out in the community on my own, I hand out my Commission cards ask people come to my church. And this past weekend I went to the Berkeley flea market and handed tickets, not tickets but my business cards out, and also to baseball games where the little league baseball is going on right now.

Comm. Ahmad: So my community outreach is with parents and everybody that I feel would benefit or need some direction, or someone to talk to, or which way to go when filing a complaint. I told people about the online information on how to file so I've been doing that type of community outreach, just naturally on my own. So I just want to tell you, I am getting the word out. I was expecting to see more church members here tonight, but I didn't see anyone. So thank you.

Regina Jackson: Thank you very much. Commissioner Prather.

Comm. Prather: Thank you Madam Chair. I'd just like to report that the ad hoc committee on the parole and probation search met with OPD-

PART 6 OF 7 ENDS [03:30:04]

Comm. Prather: I met with OPD last week. We exchanged ideas. I did receive a draft of their new edits today, and I'll be asking that this matter go on the next commission agenda to comport with our deadline. Thank you. That's my report.

Regina Jackson: May I ask a question on that, because I haven't seen the most recent draft, are we pretty close?

Comm. Prather: I think there is one section that is...

Regina Jackson: A sticking item?

Comm. Prather: That needs work. It's really just a phrase that I think we've got to work through.

Regina Jackson: Okay. So we don't need another meeting, it's more conversations, or do we need another meeting?

Comm. Prather: Are you... Madam Chair are you... do you mean a meeting with OPD?

Regina Jackson: Yes, I am.[inaudible 03:31:05]

Comm. Prather: I'm sorry, I can't answer that. I really haven't looked closely at the proposed edits. I don't know if we'll need another meeting or not, but I'm happy to work with... what is it?... Captain Bassett and Sergeant Turner... I hope I get their titles correct, who'd been very amenable and knowledgeable and co-operative in this process, and so I'm optimistic that this can get done.

Regina Jackson: Great. I'm hoping that we can... I'm sure that's your goal too, that we can get this done by the next meeting so that we're actually looking at the final, final. Let me know if I can be of support.

Regina Jackson: Any other updates?

Regina Jackson: Okay. Having said none, we'll go to public comment. Lorelei Boschman, and that's the only speaker card for this item.

Regina Jackson: Lorelei, no. Okay, all right. Thank you very much.

Regina Jackson: Moving forward to item fourteen; police commission retreat. I put this back on the agenda as you all... or most of you know, we got very close to actually scheduling a retreat a little... about a year ago. And there are still many valid reasons to get together for a retreat. Some are focused around continuous team bonding but also opportunities for trainings and I think it's really important. And we had looked at a few different potential contributors, workshop presenters and things like that. What I'd like to find out... and we can do another Doodle poll and we will go with the majority who can attend.

Speaker 6: And Chair Jackson, as you are considering planning a retreat that's planned by the Police Commission, that retreat would be subject to the Brown Act.

Regina Jackson: Absolutely. We... that's the plan.

Speaker 6: Okay.

Regina Jackson: It would be a meeting. It would just be a different formatted meeting.

Speaker 6: Sure.

Regina Jackson: Thank you. I can send out a Doodle poll, but basically wanted to bring this to your attention to see if there are any burning subjects and topics that you would like to address, and would hope that we can plan for something in June or so, which was the plan for last year.

Regina Jackson: Yes, Commissioner Prather?

Comm. Prather: Thank you Madam Chair. I don't have any burning subjects. However, one suggestion might be... I don't know what the timing is of the appointment of another alternate commissioner, but perhaps any retreat might wait until that person is on board so that we can have a full complement of commissioners, because it would suck to leave someone out.

Regina Jackson: Great suggestion. Okay.

Regina Jackson: Any other commissioner's comments on that?

Regina Jackson: And may I ask... I'm not sure Ms. Rashida, if you could let us know if there is a time frame that you all are looking at in terms of recommending another community member for the alternate position?

Ginale Harris: Rashida's not on that.

Regina Jackson: Oh, I don't know who is. I'm sorry I always look to you because the coalition had so much to do with it. Mary Vale... oh, but she left, okay. Does anyone have any update on that?

Speaker 7: On the selection panel?

Regina Jackson: Yes, on the selection panel.

Speaker 7: I just asked Mary on the way up here and she said that Stephanie was still trying to schedule.

Regina Jackson: Okay. So Mary is the one that I should follow up with to figure it out? I mean it's conceivable if they are close that someone could be on board in June, so I just want to make sure that's even realistic. Thank you very much.

Regina Jackson: Okay. You all will get, like I said, a Doodle poll with hopefully some prioritization that you prefer to see, as well as timeframes. Retreats like this should go for about four hours. It could be four to six, we could split it up, but it really makes sense to have one bulk so that people can also participate with us.

Ginale Harris: Can I say something?

Regina Jackson: Yes, Commissioner Harris.

Ginale Harris: I would just suggest that this retreat is needed and so we all should be mandated to attend. Nobody can miss this retreat. I feel like building relationship is super important and we're 18 months in and we're just now starting to build relationship, and it shouldn't have been like that. We should have had some kind of introduction or just learn about each other first. So I just really feel it's important that we all attend.

Regina Jackson: Absolutely agree. And that's why Commissioner Prather's point about the next commissioner on board will be great so that we can all move forward as one group.

Regina Jackson: Commissioner Brown are you having a comment?

Brown: Yes I have a question. Are you saying that you think you can accomplish the retreat in four hours?

Regina Jackson: We might have to, but in terms of looking at a space, four or six hours would be great. We don't necessary know everybody's schedule. If we said four... even four hours, that's likely going to have to be a weekend because we can't really... unless we call a special meeting, which would be late into the evening, six to ten... that's a lot. So we'll just be sending out some options and alternatives. There is nothing to say that we can't have a follow-up to the retreat. And it would be great if we could do the follow-up fairly quickly thereafter, to address things that we want to go deeper on, or some things that came up in the retreat that we want to follow up on. But yes, I'm not saying a retreat be less than four hours, typically they're between six and eight.

Brown: I was about to say that our experience with the previous retreat was that the eight hours flew by, and it felt sort of rushed at that. I think there's value in being able to go and think about things and come back for a deeper dive into certain subjects. So maybe then separating them into two would make sense. I would also think four might be a little cramped.

Regina Jackson: Thank you very much. Are there any other comments on the retreat?

Regina Jackson: Okay. There being none, we're going to move on to item fifteen: Meeting Minute ugh... Meeting Minutes Approval.

Regina Jackson: Are there... yes, Commissioner Prather?

Comm. Prather: Thank you Madam Chair. I'm going to be asking that both sets of minutes be returned and that we not take any action on these minutes. There are significant and substantial errors in these minutes. For example, the tense throughout these minutes is incorrect. I just will point you to item on the first set of minutes, March 28th, the first sentence in item number three: Chair Regina Jackson will Welcome Alternate Commissioner Chris Brown. I understand that someone cut and pasted the agenda into the minutes, but the tense needs



to be changed everywhere. If this is reflecting actions that were taken, this needs to say, "Chair Jackson welcomed Alternate Commissioner Brown", and it's replete everywhere in the document under every heading and so I would ask that this go through and be changed.

Comm. Prather: I would also ask that under things like item 8: The Commission Annual Report, that if we take no action, that it should actually reflect that no action was taken so that there's no confusion on that. Turning to the April 11, minutes, I have the same edits in terms of tense and format. Sometimes the votes are referred to as passing unanimously without a roll call. Sometimes there is a roll call. It just... there should be a consistency to the minutes so that they look professional. They just don't... I don't... This is not a criticism of who did this, I just think we're still learning how to do the minutes at this point, and if there's a quote, there should be quotation marks. That's sort of an easy fix as well.

Comm. Prather: I think someone took too literally that our names should be corrected. It's not necessary to put Edwin Prather everywhere, it can just be Commissioner Prather I... I think that, that's fine. Yeah, it's just consistency in the minutes so that would be... I'm sure there's other comments, but I'm going to be making that motion.

Regina Jackson: I totally agree with you. Ms. Tom, do we send those minute drafts back to you so that you can have staff make the adjustments?

Ms. Tom: We can let them... we can... Mr Russo and I can let staff know that... about the request for... the revamp of the minutes.

Regina Jackson: Okay great. Commissioner Brown and then Harris say something.

Brown: Yes, on the lines of corrections, I'd like to request that... I'm using this as an example now, on page 73, item ten, paragraph three is a little vague based on the discussion we had earlier tonight about the subject. This is sort of a vague description of what passed today so I think that would be viable for us to have detailed verbatim motions in there. So that we know exactly what was moved and passed.

Regina Jackson: Thank you very much. And to that point, aren't we supposed to be getting some transcripts? Do we know if we've ever received those... the transcription service?

Ms. Tom: ... transcription service.

Ginale Harris: It was budgeted in our budget.

Mr. Reus: So there has been a transcript made of each of the last several months worth of meetings. Those are online. Your assistant Ms. Love has been handling those. They are, however, very long and so just from a cost perspective including them

in all the packets that go out would be several hundred additional dollar per meeting, so she's been putting the transcripts online but not including them in the packet. That is not... that was not a decision that was made in our office.

Regina Jackson: That's fine. That's... so we're all...

Mr. Reus: But that's where they are. They do exist. They are all online on the commission website.

Regina Jackson: So to that point though I will be asking Ms. Love to send us the links and perhaps whoever is working on the meeting minutes can actually reference them because they will have more information rather than less.

Regina Jackson: Commissioner Prather?

Comm. Prather: Thank you Madam Chair. I did want to mention one other thing and I thank Commissioner Brown for bringing this up. On page 73, under item 10, under the Bay case, it does state... and I think this is what Commissioner Brown was talking about, "A motion was made by Vice Chair Harris seconded by Commissioner Ahmad to hire outside counsel for this specific process."

Comm. Prather: I think this process we were referring to is the potential creation of appellate process. There's no mention of an investigator in this motion. I don't recall it. I'm not... as I sit here, I don't remember it. I'd like someone to go back and check this and I think this is what Commissioner Brown was referring to, is that we do need to have verbatim or more detailed motions because... This is the way I recall it, I'm not... I think other commissioners, it sounds like, may have a different recollection of what happened with this motion or how it was worded. But I think because it was the sticking point for a discussion with the public tonight and I think this should be made very clear. So, I do echo Commissioner Brown's suggestion that it be... if not verbatim, very detailed.

Regina Jackson: I totally agree. I do remember us considering and approving an investigator, but I totally conflated the legal counsel and the investigator. And now that only one is presented here, we should go back and get the detail. So, I will send a message to Ms. Love to clarify that.

Regina Jackson: Are there any other outstanding points that you wanted to... because I can't imagine that with as long as these minutes are that everything will get caught by changing tense and referring to the meetings. But what we'll do is hopefully put them back on for next time, May 9th, and then be able to approve them. And then I'll also ask Ms. Love to send us links to each of the transcribed meetings. That way we don't have to go around looking of them because navigating the website is sometimes not the easiest thing.

Regina Jackson: Commissioner Harris?

Ginale Harris: I just want to make something clear on these minutes just to give you a little background, in regards to, the outside counsel. We would have no reason to hire counsel for Mr. Bay... like for what? The IG is the person that was supposed to be doing the investigation, however, since we didn't have an IG, we were going to get him an investigator to investigate his case. I just watched the tape so I don't know where... what this is here, but I sent my notes to Regina prior to this meeting and I watched it and I sent them to her. And that's why I remember this conversation that... really vividly, because it wouldn't even make sense to hire an attorney for him... for what? Right?

Regina Jackson: Commissioner Prather?

Comm. Prather: So my recollection of the conversation was... is that there was an ad hoc committee created for analyzing how we should have an appellate process, if any, oversee PRA decisions. And then Miss Harris had asked, "We need counsel to advise us," meaning the ad hoc committee, "... on that process."

Comm. Prather: That because it's an appellate process, that means it's really kind of a legal issue, and that's what I understood the motion to be. I didn't understand the motion to be related to... specifically to Mr. Bay at all, except that his case would either be... is affected by any appellate process.

Regina Jackson: Right.

Comm. Prather: If that is mistaken... if my understanding of it is mistaken, I would want to go back, and I would want to revisit this discussion and revote because I didn't... I voted for something specific and it was for an attorney to aid Vice Chair Harris and Commissioner Brown in terms of their work on the appellate process. [crosstalk] Let's clear it up in the minutes in the next meeting. That is not a... we're starting to get off our feet at this point.

Ginale Harris: Okay.

Regina Jackson: No problem, both good recommendations. We will get that handled, and I will follow up in the morning with our assistant.

Regina Jackson: We are...oh, oh, let's see... fifteen. We have a couple of public comments; one from Melody Davis, the other from Jean Hazard and neither of them are here. Okay, very good.

Regina Jackson: So we will move forward to item 16: Agenda Setting and Prioritization of Upcoming Agenda Items. Several have already been mentioned tonight...

Ginale Harris: We can recap.

Regina Jackson: ... but in terms of recap... we want to make sure that the meeting minutes... corrected meeting minutes, get on there, the CPRA and Commission Audit, the

budget approval, close section. We want to set up another close section. Let's see... an update on...

Regina Jackson: Commissioner Prather? Sorry.

Comm. Prather: Thank you Madam Chair. In referring to the April 11 minutes, there was an item on our agenda for the inspector general position status update. That matter was tabled and so when a matter gets tabled, it goes to the next agenda by a... automatically. It didn't hit tonight's agenda, and it should have. Even if we're not ready to discuss anything about it, it should hit the agenda, and we should table it again.

Comm. Prather: I just wanted to point that out, and I think it should be on the next agenda. And I think it actually will be time-related to discuss the IG position update at the next meeting, but I wanted to point that out.

Regina Jackson: To your point, I also remember directing an item on the agenda around adopting a resolution directing the City Administrator to send out the job descriptions on IG and it is interestingly enough missing from this agenda. So yes, it will be put back on.

Comm. Prather: If I might, Madam Chair, it's just good to know even our lustrous chair doesn't control the agenda for this body.

Regina Jackson: Apparently.

Comm. Prather: ... and that some apparently higher power does. But I wanted to also add, we most certainly need to have a discussion of the probation and parole search policy RO2, on the next agenda, that will comport with our deadline of May 10th, to forward to the City Attorney. So, I would ask that also be on the next agenda. And I hope it does not fall off by some other means, because we need to take action on that before the deadline.

Regina Jackson: To your point on that, I think that there is one effort that my traveling kind of precluded my review. I reviewed everything Monday and I... you know. So I'm upset about that, but I will make sure that I sit down and go back and go back and go back.

Comm. Prather: Thank you Madam Chair. I don't think anyone's faulting you for items either hitting or not hitting the agenda.

Regina Jackson: I'm being... I'm just being accountable.

Comm. Prather: We understand what's happening. I'd also like to mention, and I'm frankly... I'm not quite sure how to handle this at this point. I don't know if I'm supposed to fill out a form anymore, I... but I would like us to examine our Agenda Setting Policy and our Outreach Policy as it relates to policies to see if they're still being

used, and if they are effective and if they should be changed or not. Just because we put them in place before doesn't mean they can't be changed. It seems that no one is filling out forms, so we need to eliminate the requirement that we do have forms, if that's the case. It doesn't have to hit the next agenda, I just thought that this would be an opportune time to bring it up.

Comm. Prather: I also wanted to remind the Chair and Vice Chair that I did submit a new draft of Rules of Conduct that was raised last year and it's ready for discussion again and so that can be... that is not of any emergent issue but certainly when Madam Chair and Madam Vice Chair are ready to put that on the agenda, I would be happy to present on that document as well. Thank you.

Ginale Harris: Madam Chair.

Regina Jackson: Okay. Yes, Commissioner Harris?

Ginale Harris: I know that we have a rolling list of items and so Rules of Conduct was submitted to Chrissy to put it on the agenda list.

Regina Jackson: We need a magnifying glass to read this thing.

Comm. Prather: If I could also then have the two items, a review of the Outreach Policy, and the review of the Agenda Setting Policy also added to the list.

Regina Jackson: Yes.

Comm. Prather: That would be great.

Regina Jackson: Thank you. And then we also wanted to revisit OBOA based upon our conversation earlier this evening. And then we should have the confirmations of everyone who's going to Maycall for both May 3rd as well... No, that would be the May 9th meeting, so the September national conference confirmed.

Ginale Harris: Madam Chair?

Regina Jackson: Yes, Commissioner Harris?

Ginale Harris: We have a meeting coming up on April 30th that is going to determine what happens with our IG position, but I think we should have some kind of report back on that meeting.

Regina Jackson: Yes. So let's...

Ginale Harris: What do we call it?

Regina Jackson: I'll go back to the title of what April 30th is called, and then we can just say update.

Regina Jackson: Yeah, the list is long. Okay. I think that we've gotten the key things. Does anyone else, in reviewing the pending agenda matter list... Yes, Ginale... Commissioner Harris?

Ginale Harris: Completion of our training... That has kind of sat on the back burner for a while and...

Regina Jackson: Okay.

Ginale Harris: I think we need to revisit because these trainings are not happening.

Regina Jackson: Okay. So what you're talking about is primarily, I think, for folks that need special training times, like if they're trying to reschedule in the afternoon, they should rescheduled in the morning or are you saying they're just not happening.

Ginale Harris: We have a list of trainings that we are mandated to do by Metro LL and we need to do them, like everybody is not...

Regina Jackson: ...trained. No, I got you. I actually thought you were thinking about the city attorney prepared trainings, no.

Regina Jackson: We have a list...

Ginale Harris: Chrissy has the list.

Regina Jackson: Okay. All right, then we'll go and see who needs what and when we schedule. Okay.

Regina Jackson: I keep trying not to have twenty items on the agenda and it just keeps not happening.

Ginale Harris: We'll just pick the one.

Regina Jackson: We'll prioritize based upon all of these. Okay. And... Anne are you trying to add.

Ginale Harris: Can I ask Commissioner Prather, he has three things.

Regina Jackson: Right. Yes. So, Commissioner Harris, go ahead.

Ginale Harris: Commissioner Prather, you had three items you wanted on that list; Agenda Setting Policy, Rules of Conduct and... Outreach?

Comm. Prather: Review of the Outreach policy and review of the Agenda Setting Policy.

Regina Jackson: Yes.

Comm. Prather: And then... I don't know if you mentioned it, but I think the two of you also had wanted to put the Bay matter back on and...

Regina Jackson: Yes, yes. Absolutely. And we have to decide...

Comm. Prather: Separate the Bay matter from the appellate procedure...

Regina Jackson: Appellate process. Yes.

Comm. Prather: That would make.

Regina Jackson: That makes life easier. Okay.

Regina Jackson: Okay. Commissioner Brown?

Brown: Yes, first of all I'd like... I'm new, still not aware of the process for getting these on the agenda. Is there a form I fill out or do I just propose it here?

Regina Jackson: I think you just propose it out loud and we put it on the pending agenda...

Ginale Harris: It's on our policy.

Regina Jackson: Okay.

Ginale Harris: We do have a policy and Chrissy will send it to you.

Brown: So I could not propose it right now then?

Regina Jackson: It's got to go on a list. Now we're all [inaudible] agenda.

Speaker 6: I will say the only firm requirements, the by-laws state, that the item has to be approved by a sitting commissioner before it hits the agenda. So, I think it can be any commissioner but I would probably recommend that you run it by the Chair.

Ginale Harris: It's on the policy.

Regina Jackson: The policy, technically, is that you speak with three commissioners... correct?

Ginale Harris: Yes.

Regina Jackson: And so what has been brought to my attention is that often times when we do speak to three, because we haven't announced it a public meeting who the three were, that you then don't know that the rule has been followed. What I have to do is figure out where to put it in the agenda; who talked to who about what and identify the subject matters, and we will try to go back at least to the

beginning of my chairmanship, so that I can clarify that the policy is being followed.

Regina Jackson: Yes, Commissioner Harris?

Ginale Harris: So for your question right now, I think it's fine if you give me the item and I will fill out the form and send it to Chrissy.

Brown: Thank you very much. The item is a presentation on crisis intervention as private police force given by the representatives of... yeah.

Ginale Harris: Crisis of intervention?

Regina Jackson: Crisis intervention.

Brown: Crisis intervention, yes. That's part of the police force given by representatives of something called CAHOOTS which is a organization out of Oregon.

Regina Jackson: Okay. And yes, I believe I have sent to you all an article that was shared with me by Anne Janks. It seems to be a quite unique and effective non-police response to certain kinds of issues. So we may consider having them present down the road, but that should go on.

Brown: Great. Thank you.

Regina Jackson: Thank you.

Regina Jackson: Any other items?

Regina Jackson: Good. Okay, so, we only have Lorelei Boschman on this...

Ginale Harris: And that's announced.

Regina Jackson: And she is waving. Okay. May I accept a motion to adjourn?

Ginale Harris: Yes. Second.

Regina Jackson: Okay.

Speaker 6: Motion to adjourn.

Regina Jackson: And that's seconded by commissioner Harris. So, everybody in favor say aye. [crosstalk 03:59:23]. We are adjourned at 10:28. Thank you.

PART 7 OF 7 ENDS [03:59:41]