



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- Regina Jackson: Okay, very good. Thank you.
- Regina Jackson: Okay, now I'm having some trouble.
- Juanito Rus: We are now live with the police commission meeting.
- Regina Jackson: Thank you. So, welcome to the special meeting of The Oakland Police Commission. This is Thursday, April 9th, 2020. As we all shelter in place, I would like for us to remember those struggling with Covid-19 and keep them in our prayers for recovery. We want to thank Chief Intelligence Officer, Pete Peterson, city clerk, LaTonda Simmons, and [inaudible] Mike Munson for their hard work to get us to this place in zoom land. This is our first time doing an online public meeting. There will be some errors. We will learn from each subsequent meeting. We appreciate your patience as we move through this. For the purpose of this meeting, there are some changes. Public comment will be reduced from two minutes to one minute, there is a timer embedded in our platform and at the end of that time you will be muted so that the next speaker may proceed. There will be no seating of time.
- Regina Jackson: If members of the public would like to speak when given the opportunity to address items on the agenda, they will be prompted to raise their hand so that we may see the number of speakers in the queue. Please do not raise your hand before the invitation is made to speak. The host, Juanito Rus, will lower the hands of those who raised their hands before the invitation. Members of the public will also have the opportunity to comment on action items before action is taken. Members of the public will also have the opportunity to comment on items not on this agenda during open forum only. On roll call for today's meeting, please respond as present.
- Regina Jackson: Commissioner Gage?
- Henry Gage, III: Commissioner Gage, present.
- Regina Jackson: Thank you. Commissioner Harris?
- Ginale Harris: Commissioner Harris, present.
- Regina Jackson: Thank you. I'm having trouble un-muting Commissioner Anderson. I'll go to the next one.
- Tara Anderson: Commissioner Anderson, present.
- Regina Jackson: Oh great, great. Commissioner Smith?



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

Thomas Lloyd Smith: Commissioner Smith is present.

Regina Jackson: And Commissioner Prather.

Edwin Prather: I'm here, thank you, Chair.

Regina Jackson: Thank you very much. Alternate Commissioner Brown?

Chris Brown: Present.

Regina Jackson: Thank you. And Alternate Commissioner Jordan? Okay, it would seem that Alternate Commissioner Jordan is not here yet, and Commissioner Dorado is absent. I will chair this meeting. Well we got through the roll-call.

Regina Jackson: So, the first item was to call to order. We have just done that. We have done the roll call and the Determination of Quorum and we do have a Quorum.

Regina Jackson: The third item is for public comment on closed session. Juanito Rus-

Juanito Rus: Yes. Anyone who wishes to make a comment, please raise your hand.

Regina Jackson: So it sounds like we don't have any public comment prior to-

Juanito Rus: I'm seeing no hands raised.

Regina Jackson: Okay, very good. So, we are going to adjourn to close session and we will be leaving this meeting and we expect to be back by 6.30, and we will alert Juanito Rus if we're going to be later than that. Again, we thank you for your patience. Thank you Commissioners. We'll see you in our closed session.

PART 1 OF 5 ENDS [00:34:04]

Regina Jackson: John, can you hear me? Or David?

John Alden.: Hey, this is John. I'm here.

Regina Jackson: Hey John.

Regina Jackson: I see Chris, Juanito, Mike, John and myself.

Juanito Rus: They're on a [inaudible] you should be able to pull up a tab called "Participants," which you will see at the bottom of [inaudible 00:51:01].



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- Speaker 3: Yeah, I can hear [inaudible 00:17:03].
- Regina Jackson: Is... Juanito are you here with us?
- Juanito Rus: I am.
- Regina Jackson: Okay, terrific. Can you open the meeting back up?
- Juanito Rus: This meeting was never closed.
- Regina Jackson: Oh, got it. Okay. Thank you very much. So it is now 6:30 and I'd like to welcome you to the special meeting of the Oakland police commission. This is Thursday, April 9th, 2020. For those of you who heard my opening message, I'm going to repeat it for those that are just joining us now.
- Regina Jackson: As we all shelter in place, I would like for us to remember those struggling with COVID-19 and keep them in our prayers for recovery. We want to thank the chief intelligence officer, Pete Peterson, city clerk, LaTonda Simmons and [Kate Ops 00:28:52], Mike Munson, for their hard work to get us to this place in Zoom land. This is our first time doing an online public meeting. There will be some errors and we will learn from each subsequent meeting. We appreciate your patience as we move through this.
- Regina Jackson: For the purpose of this meeting there are some changes. Public comment will be reduced from two minutes to one minute. There is a timer embedded in our platform and at the end of that time you will be muted so that the next speaker may proceed. There will be no seating of time. If members of the public would like to speak when given the opportunity to address items on the agenda, they will be prompted to raise their hands so that we may see the number speakers in the queue. Please do not raise your hand before the invitation to speak is made.
- Regina Jackson: The host, Juanito Rus, will lower the hands of those who raised their hands before the invitation. Members of the public will have the opportunity to comment on action items before action is taken. Members of the public will also have the opportunity to comment on items not on this agenda during open forum.
- Regina Jackson: We are now on item five. But I'd like to take roll-call once again to reestablish our quorum. On roll-call for today's meeting, please respond as present.
- Regina Jackson: Commissioner Gage?



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

Henry Gage, III: Present.

Regina Jackson: Commissioner Harris?

Ginale Harris: Present. Oh, you have to be....

Regina Jackson: Commissioner Smith? Commissioner Smith? Okay, we'll move to Commissioner Prather.

Edwin Prather: I'm here. Thank you.

Regina Jackson: Thank you very much. Commissioner Smith?

Thomas Lloyd Smith: I'm here, [inaudible 01:05:30].

Regina Jackson: Okay, great. Thank you. And commissioner Anderson?

Tara Anderson: Present.

Regina Jackson: Thank you. Commissioner Brown?

Chris Brown: Present.

Regina Jackson: Alternate Commissioner Jordan?

David Jordan: Present.

Regina Jackson: Excellent. And we have a quorum. For the purposes of attendance, Commissioner Dorado is unable to join us so he's absent and I will chair the meeting.

Regina Jackson: We have just come out of closed session and I just wanted to report that there are no reportable actions and we will move forward to the report from the chair. I wanted to say that I have a script to read and I wanted to say to the commissioners and the members of the public that in my report tonight I would like to brief you on the Skelly report. In the Pollock matter that was received this week.

Regina Jackson: As you may recall, the commission made the determination to convene a discipline committee on this matter in July of 2019. In accordance with the due process rights afforded to all officers, the discipline committee's recommendations were subject to review in a Skelly process in which the officers were represented.



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

Regina Jackson: The Skelly officer in this matter issued a 33-page analysis and report. In summary, the Skelly officer has recommended that the use of force violations as to each employee be sustained. The report also asks the discipline committee to reconvene as to a finding related to one officer. I can report that the discipline committee is reconvening. I will review the report and move forward with the appropriate next steps in a timely manner. For a reminder, the members of the discipline committee are Commissioner Dorado, Commissioner Prather, and myself.

Regina Jackson: This report and the reconv-

PART 2 OF 5 ENDS [01:08:04]

Regina Jackson: And myself. This report and the reconvening of the Discipline Committee is the next step in the due process rights afforded to every officer. I'll continue to keep you updated as this process continues. The Skelly report with the necessary redactions is a public report and it was issued by the City Administrator's office today. It has become available online through the city's Next Request platform for public records for those that want to take a look. Thank you very much. Mr. Rouse, do we have any public comment on item five?

Juanito Rus: Excuse me. We actually skipped item six, the open forum public comment section.

Regina Jackson: Okay, my apologies. I talked about there being errors and this is the first one. Thank you very much. So let's go back to the Welcome and Open Forum and I'm going to hand it off to you, Mr. Rouse for the public comments.

Juanito Rus: If you would like to make a public comment, please raise your hand and I will call all hands raised in the order that they were raised. One minute per participant... I am seeing no hands raised at this time.

Regina Jackson: Wow. Okay, so are there any public comments for the report from the chair? Item seven.

Juanito Rus: I see one hand raised... seeing one Maureen Benson. You will have one minute. Hello, are you there Ms. Benson?

Maureen Benson: Yeah, thank you. I just wanted to congratulate the commission on the report from the Skelly hearing and so really glad to hear that part of what the commission was designed to do is working and really just proud of all of the members who did the work to eliminate that there were issues of discrepancy



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

not only in the Chief's findings but in CPRA's findings and so just want to throw a shout out and appreciation to you all. That's it.

Regina Jackson: Thank you very much. And there are no other comments, Mr. Rus?

Juanito Rus: I see no other comments at this time.

Regina Jackson: Okay, great. Thank you. Okay, we are moving forward to item number eight, an update on the city auditor, the commission audit as well as the CPRA audit. John, would you like to discuss a little overview of the CPRA audit? I actually have... you know what, I'm going to take that back. I actually have a comment that I'd like to share but I need to find it. Okay... Give me a moment please. I'm sorry. Okay, so the audit is on the agenda because I wanted to brief everyone on what is expected. The audit in fact has been delayed several times and we expect it to come out late April. We're waiting for further revisions from the auditor's office and we hope that they'll take a fair look as it's the first time that an oversight committee has ever been convened in Oakland. Now I will invite you, John, to make any additional comments if you like and if you don't that's fine too.

John Lindsay-Poland: Thank you, Madam Chair. I think that what you said applies just as much to CPRA as to the commission. I really appreciated the work of the auditor's staff as they have been going through both the audit process and also the review process, now at the end of this cycle. They've been very cooperative and had interesting insights as I think your comments indicated, Madam Chair, they've asked that we not make any of those public yet, but we do anticipate those will be public soon. And we're looking forward to that report coming out so we can move forward on ideas there. I think that's about all I can safely say right now given that the findings that they are working on are still in progress and remain confidential until they're done.

Regina Jackson: Thank you very much.

John Lindsay-Poland: Thank you.

Regina Jackson: Mr. Rus, do we have any public comment on this item?

Juanito Rus: Opening the floor for public comment. I see no hands raised.

Regina Jackson: Okay, great. Well, we will move forward to item nine, Committee Reports. I would like to state that this particular item is incomplete as it fails to identify or address all the ad hoc committees. I would like to table this and have some



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

more work done on the document and then bring it back for discussion then...  
Do I have a motion to table this item?

Ginale Harris: Hold on, hold on. Hello?

Regina Jackson: You're on, Commissioner Harris.

Ginale Harris: Oh, I'm sorry. For whatever reason I don't have the ability to raise my hand here.

Regina Jackson: I saw it.

Ginale Harris: Okay. I would like to make a motion that we table this item. May I make a comment, Madam Chair?

Regina Jackson: Why don't we see if there's a second and then have you make the comment after that?

Ginale Harris: Okay. [crosstalk]

Regina Jackson: Okay. Is there a second? Commissioner Anderson?

Tara Anderson: Second.

Regina Jackson: Okay, thank you. It has been properly moved and seconded. I will go back to Commissioner Harris for your comment.

Ginale Harris: I mean we are doing things... thank you, Madam Chair. Because we're doing things so differently, it's a little confusing on some of the reports and the items that we don't get to get because of the Brown Act of course, but when I read the report I was taken back because there were more contributions than is outlined in this report, and I know that because I work on the ad hoc. And so this was a joint effort I would say, so I'm glad that we are tabling this item so we can have more discussion and more commissioners are able to have their input reflect on this report since they came from a lot more than just one commissioner. So I just wanted to comment on that.

Regina Jackson: Okay, thank you. Commissioner Smith, I have been told your hand was up but I didn't see it.

Thomas Lloyd Smith: Oh no, I was just trying to second the motion that was made, but sorry I've lowered my hand, but I agree that we could use some more work on the report



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

and make sure it has a shared perspective. I agree with what Commissioner Harris said.

Regina Jackson: Okay. Thank you very much. We can take public comment and then we can take a vote to table this item. Mr. Rouse, you're on.

Juanito Rus: At this time I'm seeing one hand raised... Very well. I will ... two hands raise. All right. This item is closed to hand-raising. The first comment will come from Mr. John Lindsay-Poland. Mr. Lindsey-Poland, are you there?

John Lindsay-Poland: Can you hear me okay? Can you hear me okay?

Juanito Rus: We can hear you.

John Lindsay-Poland: Okay, thank you. It's a little confusing and with an item like this that combines reports from so many different ad hoc committees, so I'm not entirely certain what the commissioner's comments refer to, but I would just say that on the proposal to table or temporarily disband the ad hoc committee on equipment, on militarized equipment for the American Friends Service Committee, we would oppose that. There is concern that under the county and state stay-at-home orders in the community that there could be some militarization of tactics and equipment used by OPD and or by other agencies that will require the commission to step in and be engaged on this issue. And so we really believe it's not the time to disband something like that. In addition, the Use of Force policy [crosstalk 01:18:57].

Juanito Rus: Thank you, sir. Your minute is up. I going to have to put you on mute. Thank you... I had a second hand raised but I do not see that hand any longer.

Regina Jackson: Okay. Then we will go back to... I have some hands raised myself. Commissioner Harris.

Ginale Harris: Thank you, Chair. So I just wanted to ask through the chair, are we able to comment on this item still as commissioners?

Regina Jackson: Yeah, go ahead.

Ginale Harris: First I want to just acknowledge John's comment. However, I just feel like when this item first came on the agenda, it was brought to our attention in a hurry, I would say. It was brought as a very big priority, which I agree. And then it just disappeared. There were a few times where we asked for this item to be on the agenda and we were told that it was not ready. We were told it was not ready on more than one occasion.





# OAKLAND POLICE COMMISSION

## SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- Ginale Harris: So I want to make sure that everybody is still on the same page when it comes to submitting this item. I have seen the bearcat in the community, in my community, on several occasions. On several occasions. Why they were there? I don't know, but I have seen it more than three times since this item has been brought to our attention. So I just want the public to keep that in mind. But this item has been brought more than once and we were told that it's not ready. So I want the public to understand that we have had this item on the radar, but it needs to be looked at more deeply by the commission. But thank you John. That's it.
- Juanito Rus: Jared Jackson? Jared Jackson?
- Regina Jackson: Commissioner Gage?
- Henry Gage, III: Thank you, Chair. I'm struggling to follow the conversation right now. It says on here there's three reports on the committee report section. One for equipment, one for use of forest and one for rules of procedure. There's a comment made earlier about the report being incomplete. Could you elaborate on that?
- Regina Jackson: Yes. I believe that this comes under a section that is called Commissioner Reports, and there's some information from several ad hocs but not all ad hocs. So I think that in fairness to all of the commissioners who have ad hoc items that they should be able to identify and update the information there in. In addition, that I feel like there is less than a shared perspective on the items and so there's more work that needs to be done. That's pretty much what I am looking to make sure happens. That this report has more work and that we can bring it back for a discussion when it's more appropriately ready. So with that we have had a motion, a second, public comment and I'm ready to take a vote on tabling this item. Commissioner Gage? Commissioner Gage? [crosstalk 00:01:24:06].
- Henry Gage, III: Abstain.
- Regina Jackson: Okay, thank you. Commissioner Harris?
- Ginale Harris: Yes.
- Regina Jackson: Okay. Thank you. Commissioner Anderson?
- Tara Anderson: Aye. Yes.
- Regina Jackson: Thank you. Commissioner Smith?
- Thomas Lloyd Smith: Yes.



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- Regina Jackson: Uh-Oh and Commissioner Prather?
- Edwin Prather: Yes.
- Regina Jackson: Okay. And, "Aye," for myself, a motion passes. This item will be tabled to another time. I don't want to railroad us to the next commission meeting. I'd like for us to take the time that we need to make sure that it's ready. Thank you. So we're going to move on to item number 10, Police Commission Annual Report. You all have a copy in front of you. It was based upon the outstanding document that Commissioner Prather worked on last year for our first annual report. I want to pay homage to Chrissy Love our admin assistant that did the lion's share of pulling the information together and then Vice Chair Gage made some additional edits, and I'd like to know if in its current state if it is ready or if people have more edits.
- Female 1: Okay. I can't even see it... I must have it in front of me.
- Regina Jackson: I don't know if you can go to your commission email and pull it back up.
- Female 1: Yeah...
- Regina Jackson: We did. We might be able to pull it there, but in the meantime I don't see any hands raised to contribute. Obviously after we take public comment, we'll take a vote if we have a motion and a second and if people need a little bit more time, that's fine too.
- Ginale Harris: Where is it?
- Regina Jackson: Okay. I thought I saw a hand. Ms. Anderson, did you have your hand raised?
- Tara Anderson: No, I did not.
- Regina Jackson: Oh, okay. Got it.
- Juanito Rus: I believe it's Commissioner Anderson? [crosstalk 01:27:12].
- Regina Jackson: Thank you. It keeps moving on me. Okay. Commissioner Anderson?
- Tara Anderson: Thank you, Chair. One area that I thought could be added is the commissioners who joined during the course of the year. There's a specific emphasis on those who left and there's the update of who was a commissioner as of December 31st, 2019 but I think it would be helpful to enumerate when I joined and when



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

Commissioner Gage and alternate Commissioners Brown and Jordan joined, so...

Regina Jackson: Excellent points. Thank you. Are there any other hands? If there are none other, I would like to accept a motion to approve the annual report with the edits that Commissioner Anderson offered and then we will reshare it with everyone via email. Commissioner Anderson, is there a motion? Sorry, it's not unmuting.

Tara Anderson: Oh, sorry. I didn't press the unmute.

Regina Jackson: No problem. Okay.

Tara Anderson: What is our deadline for submitting the annual report?

Regina Jackson: Well, actually we were supposed to get it out April 4th but of course with our canceled commission meeting, this was the first one after it. I would imagine, however, given COVID and the fact that so many people are off their mark, that as soon as possible is fine.

Tara Anderson: Then through the chair, I'd like to make a motion to adopt the 2019 Oakland Police Commission Annual Report with the amendments to include the dates upon which Commissioners Andersen, Commissioner Gage, alternate Commissioner Brown, alternate Commissioner Joy Jordan joined the Oakland police commission.

Regina Jackson: Thank you. And I have a hand from Commissioner Harrison, then one from Commissioner Smith in that order please.

Ginale Harris: I am looking at the Public Outreach section of the... I'm a little bit thrown off. It's speaking more of...

Regina Jackson: Excuse me, Commissioner Harris.

Ginale Harris: Yes.

Regina Jackson: I'm sorry. I thought I was calling on you because there is a motion on the floor. We actually need to get a second and then we can do comments.

Ginale Harris: Okay. Well, I can't get my hand up fast enough before [crosstalk 00:22:44].

Regina Jackson: And then if you have another suggestion then we could do a friendly amendment.



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- Ginale Harris: Okay, no worries. So I can second that motion.
- Regina Jackson: Okay, very good. Thank you. So it's been moved and seconded and now Commissioner Smith, I've just unmuted you. My apologies. There's a little bit of a delay on the unmute.
- Thomas Lloyd Smith: No worries. I was just going to second but it's already been done, no need.
- Regina Jackson: Okay. Thank you very much. It has been properly moved and seconded. Now back to Commissioner Harris for comments on the Public Outreach piece.
- Ginale Harris: Yes. The Public Outreach, it doesn't fit the comments underneath Public Outreach is a bit confusing. I would say it's talking about the legislation that Vice Chair Henry Gage and John Lindsey-Poland of the American Friends Service Committee created and that is not the only public outreach that went on for the whole year. So...
- Regina Jackson: Yes, you are quite correct
- Ginale Harris: I think. Yeah. Yeah. I would like to amend the Public Outreach part. I don't really have it off hand of what else, but I will go back through my notes that I have and I can provide it to Vice Chair, Commissioner Gage. There were several attempts. We had town hall meetings. We had community meetings, offline community meetings in regards to the outreach, reaching the community that these policies affect. We had Raheem come in and do some public outreach that does not reflect in this report. There are several other things too. I don't have them off the top of my head, but I think it's necessary to put in. I don't think that this one thing reflects what we did all year.
- Regina Jackson: Okay, terrific. I think that what we should do then is have Commissioner Anderson identify a friendly amendment and then Commissioner Harris, if you want to send those items to Commissioner Gage and perhaps copy me and that way we can get it updated and resent out.
- Ginale Harris: Yes.
- Regina Jackson: That work? Okay, so [crosstalk] yes, Commissioner Gage.
- Henry Gage, III: Thank you, Chair. What section of the annual report are you referring to right now?
- Ginale Harris: The Public Outreach.



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- Henry Gage, III: What page is that on of the agenda?
- Ginale Harris: It says page eight.
- Henry Gage, III: Page eight is not the annual report. That is part of the report from the equipment policy.
- Ginale Harris: Okay.
- Regina Jackson: Oh, we're on item 10 Police Commission Annual Report.
- Henry Gage, III: Yes. I believe Commissioner Harris, you had made some comments about Public Outreach being incomplete, but that Public Outreach section on page eight you're referring to is only with respect to the equipment policy.
- Ginale Harris: Okay.
- Henry Gage, III: The annual report starts on page 14 and there isn't a section under the annual report titled Public Outreach.
- Ginale Harris: Okay.
- Henry Gage, III: There is a section that discusses some of the commission's noteworthy items to date. That's on page 19 and it sounds like we should create a "Public Outreach and Other Items" section or add to that section on page 19.
- Regina Jackson: Okay, thank you for that clarification, Commissioner Gage. I've also received a comment that may be the... excuse me, it's a question around double checking the term endings that are correct, but I'd like to go back because now the motion on the floor is to approve the annual report with the stated amendments around adding the commissioners who joined in 2019 and we can also double check to make sure that the term endings are correct. Given that, if we don't have any other questions or comments, we can go to public comment. Mr Rouse?
- Juanito Rus: Very well. I will not take public comment. Please raise your hand if you would like to comment. I'm showing two members of the public who wish to comment. Three members of the public who wish to comment. Well, I will take the comments in order listed as Anne, Bruce Schmiechen and Lorelei Bosserman. First commenter is Anne. Good evening, Anne. Can you hear us?
- Anne Janks: Good evening.



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- Juanito Rus: You may begin when ready.
- Anne Janks: Okay, thank you. So unfortunately I thought that number nine was going in order of the reports because all the comments were on the first report so I didn't want to confuse it by adding a comment from a later report. But I did try to email in a comment from the Coalition for Police Accountability on the Use of Force report and I'm going to start it now instead, sorry for the hijacking. These reports on use of force do not even provide who is at the meetings drafting policy out of reach and out of sight of the public. The ad hoc committee has existed for almost a year and that is too long to produce policies without publicizing work, whose input it is based on and without public participation into such important policies. Engaging with the policy so central to how our communities are policed should start with analysis of the current policies and how the current policy translates into policing and an analysis of some examples of problems with use of force.
- Juanito Rus: Thank you, Anne. Your minute is expired. Next speaker is Bruce Schmiechen. Hello, Mr. Schmiechen, can you hear us?
- Bruce Schmiechen: Yeah, and then I'm going to continue where Anne left off. Actual practices that need to be addressed would provide the logical starting point for revising policy. Without some inventory of incidents that had been problematic within the department's process is backward and in effect line to some of the most significant issues that concern communities regarding use of force. Best practice languages from other departments which, according to reports has been the basis for the revisions, may or may not address the real problems that have existed within OPB regarding use of force. The public has now been told three times there were only two or three more meetings before a draft would be made public. It seemed improbable when first announced five meetings ago the public is again told more meetings will happen behind closed doors without knowing who is participating and without a public draft of the policy being provided. On such important policy and for body constituted to provide residents with a voice on how they're policed is very disappointing. The commission should immediately create a webpage with links to documents and wait for residents to leave comments.
- Juanito Rus: Mr. Schmiechen, your time is up. I'm going to place you on mute.
- Bruce Schmiechen: Yeah...
- Juanito Rus: The next commenter I have is Lorelei Bosserman. Hello Ms. Bosserman, can you hear us?



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- Lorelei Bosserman: Yes. I'm sorry I didn't unmute fast enough. Can you hear me now?
- Juanito Rus: You're on.
- Lorelei Bosserman: Okay. I'm going to pick up where Bruce left off. We're calling on the commission to immediately.
- Lorelei Bosserman: 1-Create a webpage with links to documents and a way for residents to leave comments and add their name to receive Use of Force policy updates.
- Lorelei Bosserman: 2-Organize virtual meetings analyze some of the uses of force which demonstrate the need for change and the problems with the current policy and practice.
- Lorelei Bosserman: 3-Offer a plan explaining how the public will have access to and a voice in the development of Use of Force policy moving forward. CPA is willing to do whatever is needed to help bring this to fruition. Thanks. That's all.
- Juanito Rus: There are no more speakers on this item?
- Regina Jackson: Okay. Very good. I have a hand raised from Commissioner Harris.
- Giniale Harris: Hi. Thank you. Thank you all for your comments. I'm going to state all of my action in regards to the ad hoc Committee of Use of Force. The coalition, particularly Ms. Janks has asked and made her comments in regards to the public seeing or participating in the Use of Force policy writing, which I agree. However, this first stage, there are several components to the use of force. Because it has been almost a year, we have already completed one section of the Use of Force that the coalition has been very much a part of the AB392. So then we went onto the Use of Force section where there are several components. We are now on section F, which they are aware of because every time we complete a section, I forward it to Mr. Schmiechen, who I assume shares it with the rest of the community that he is in contact with.
- Giniale Harris: The reason why it was decided not to involve the public at this point is because we have had... In the beginning, we've had some guests experts come and not know exactly where we are in the policy critiquing and writing, and it has become disruptive to our process. So I have asked the public to please be patient. I don't know...

PART 3 OF 5 ENDS [01:42:04]



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

Ginale Harris: So I have asked the public to please be patient. I don't know where two or three meetings came from, but we are almost done with our edits, and it will be out shortly, where the public can participate in the editing of what we have come up with.

Ginale Harris: I know that this is a very important process and transparency is 100%, and I, too, believe that the public should most definitely be a part of. I am doing my part as a commissioner, as lead of this ad hoc to share as much information as I can.

Ginale Harris: I was unaware that you wanted to know who was at this meeting. I have been communicating with some members of the coalition, and I have never been asked. But I can share that information, if you like, every meeting, if you like. But we are almost at the end of our process, so to change it now would be disruptive to the process. So I don't want to do that.

Ginale Harris: So I've asked my fellow commissioners to join me in keeping the process as it is. It's not that we don't want to share. It's not that we don't think it's important, and we believe that the coalition is a very important part of this process, because they have been helpful every step of the way. We know that.

Ginale Harris: So it's not that we're withholding, but I would ask that you please be patient. It is almost over. I have sent all of the edits up and to where we are now, so Mr. Schmiechen has all of our edits, and that's all the work that is done. There is nothing else that has been done. I want to make sure that the public gets the full document of where we are and what we have done. The document that we will submit to the public is not the document that will be submitted or move forward in any kind of process. This is just what the ad hoc came up with in working with Oakland Police Department and the City Attorney's Office and the police commission. That is it.

Ginale Harris: As the representatives that have been chosen, we felt, "Okay, this is something we can live with." Now, the public may not agree with it, and that's why we will be bringing it to the public. This is where it's most important that your input come in.

Ginale Harris: I was under the impression that Anne Janks was spearheading a community process, because she emailed me and I sent her a list of all the agencies that were interested in participating in this online meeting that she was proposing. I myself could not commit to that, because I am working on different projects at this time, but Commissioner Anderson and Vice Chair Gage committed to meeting with her on a Saturday. So I do not know what came out of that meeting. I did ask, and I got somewhat of a response, but I did not get a response from Miss Janks. so I don't know where we are with that.





# OAKLAND POLICE COMMISSION

## SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- Regina Jackson: Okay. Thank you very much, Commissioner Harris. We will follow up with that. I see another hand. Commissioner Prather? Go ahead, Commissioner.
- Edwin Prather: Yeah. Thank you, Madame Chair. I just wanted to say that I think that the ad hoc committee on use of force has a really daunting task. I mean, this is such an important thing for not just this commission and this community, the city, but it's something that the whole state is considering. It's not easy, and it's not easy to address all the myriad of viewpoints and people who want input into the topic. What I see here, just from sort of an outside ... I mean, I'm an insider, but I'm an outsider when it comes to the actions and activities of the ad hoc committee, is that they have to find a way that works for them.
- Edwin Prather: What we shouldn't be doing is putting more impediments in their way. This is a very difficult task, and what that has to be balanced with is a level of transparency and inclusion of the community, which is what we are. I mean, we are a community watchdog or oversight group. So, by our very nature, we are all about transparency and all about community involvement and engagement.
- Edwin Prather: So that's where this becomes difficult. I think I learned good lessons when we drafted the probation and parole policy in having not necessarily these forums or sort of formalistic ways of communicating with the public, but just by being very open about what we were doing and where we were at and the back and forth and sort of giving reports where it felt like we were doing something, or at least being as transparent as possible.
- Edwin Prather: I mean, we didn't nearly have the types of things that I think are being called for this ad hoc committee to do. So the one thing I think I would really encourage is for us to be supportive of them and the amount of work that this is taking, because it is monumental, in both scope and in task and in effort. For us to sit back, for those of us not on the ad hoc committee to really say anything about the way they're doing it I think it would be really ridiculous, because they have tackled this, and they should determine at what point it makes sense for other engagement and involvement and what works for them, but, at the same time, keeping in mind the level of transparency and community involvement that needs to be had.
- Edwin Prather: So I wanted to thank the committee, the ad hoc committee, for their work thus far, and I wanted to really just say I support them. When it's time to do what needs to be done, let's make sure the community is involved. But I don't hear anything that smacks of "We're not involving the community." But, again, this is a volunteer position, and I think that they're doing the very best job they can. Thank you, Chair.



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- Henry Gage, III: Chair Jackson?
- Regina Jackson: I see hands raised from Commissioner Smith and Anderson and then Gage.
- Henry Gage, III: Chair Jackson [crosstalk 00:01:49:06].
- Thomas Lloyd Smith: Yes. [crosstalk 01:49:10].
- Henry Gage, III: There is a [crosstalk] issue here.
- Regina Jackson: Excuse me. Hold on. Commissioner Gage, what is your point?
- Henry Gage, III: Thank you, Chair. The agenda item we're currently discussing is the Police Commission Annual Report, and the discussion we've been currently having, important though it is, is entirely off-topic. We are discussing the conduct of use of force ad hoc, which, while that should be a topic of conversation, it's not something we [inaudible 01:49:38].
- Regina Jackson: So the problem was that the folks that were trying to call in couldn't get in in time. So we're going to get back to the annual report, but thank you for that clarification. Commissioner Smith?
- Thomas Lloyd Smith: While recognizing Commissioner Gage's comment, I will just direct my comment towards the relevant agenda item that we're actually on, which is to say I was going to just mention that the motion that we had prior to public comment probably needs to be withdrawn and then restated, if we're going to add additional components to what we wanted to do with the annual report. So I just wanted to circle back and remind. I think what we were talking about in addition to the edits that Tara originally raised was potentially adding a community section, community outreach section to that report.
- Thomas Lloyd Smith: So, once again, two points. Just one, the motion would need to be withdrawn and then made again to establish that additional community section, plus the original edits that Tara raised.
- Regina Jackson: Okay. Thank you very much. Commissioner Anderson, since you authored the initial motion, would you be willing to withdraw and then remake it to add to the pieces that we're proposing add to the annual report?
- Tara Anderson: I would, and in the spirit of the public comments and also understanding the scope of the current agenda item, I do want to acknowledge that we have an opportunity, as we have tabled the previous agenda item, when we come back to be more explicit about what we mean when a community-involved process is



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

forthcoming. We've all collectively acknowledged that must happen, and I think we have a duty to describe what that will look like.

- Tara Anderson: Then I will withdraw my previous motion, and I would like to submit a new motion to adopt the Oakland Police Commission Annual Report to include the start dates of Commissioners Anderson, Gage, alternate commissioners Brown and Jordan, in addition, to add a section entitled Community Outreach to be drafted by Commissioner Harris in consultation with others and, subsequently, after those amendments are completed, the report submitted to council at the discretion of the chair.
- Regina Jackson: Is there a second? Okay, I see ...
- Thomas Lloyd Smith: Second.
- Regina Jackson: Commissioner Smith.
- Thomas Lloyd Smith: Yes, I'll second that.
- Regina Jackson: Okay. This has been properly moved and seconded. Yeah, it's been properly moved and seconded. Do we have public comment?
- Speaker 5: I am showing one member of the public who wishes to comment, Miss Marine Benson.
- Regina Jackson: Thank you.
- Speaker 5: Miss Benson?
- Maureen Benson: Yep. Un-muted. Also, just a reminder that the term limits need to be reexamined. It looks like some of the term limits are incorrect, but I support the addition of the community outreach piece.
- Regina Jackson: Thank you. So since we have ...
- Juanito Rus: I see no additional commentators.
- Regina Jackson: Oh, I'm sorry. Did you say you have additional commenters?
- Juanito Rus: No additional comments. No additional commenters there.



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- Regina Jackson: Okay. Thank you. So it's been properly moved and seconded. We've heard public comment. Can we take a vote on the annual report, please? Commissioner Anderson?
- Tara Anderson: Yes.
- Regina Jackson: Thank you. Okay. Commissioner Prather?
- Edwin Prather: Yes.
- Regina Jackson: Commissioner Smith?
- Thomas Lloyd Smith: Yes.
- Regina Jackson: Commissioner Harris?
- Ginale Harris: Abstain.
- Regina Jackson: Commissioner Gage?
- Henry Gage, III: Yep.
- Regina Jackson: Okay, and the motion passes. So, Commissioner Harris, I will follow up with you on the community outreach piece, and we'll try and get that turned back around. Thank you so much.
- Ginale Harris: Thank you.
- Regina Jackson: All right. Now we're going to move forward to item 11, strategic communication proposal. We have had several discussions over the course of 2019 and a few into 2020 about the need for not only work plans, but strategic plans and communication tools.
- Regina Jackson: As you all know, we have one staffer, and that is our administrative assistant. So I invited Mr. Max Szabo to submit a strategic communication proposal, and he is going to be able to talk to us, to present as we have typically had others present, even though this will be virtually. If it's okay with everyone, I will go ahead and unmute him and let him talk a little bit about his experience and his credentials and give you an opportunity to ask any questions you might have. Okay. You are unmuted, Mr. Szabo.
- Max Szabo: Thank you, Commissioner, thank you, Chair, and thank you for the opportunity. My name is Max Szabo. I'm the principal at Szabo and Associates. Just wanted to



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

take a few moments and provide a little introduction into my background and expertise, and very much look forward to any questions that any members of the commission have.

Max Szabo: So I am an attorney, but my expertise is really in strategic communications, public policy, and legislative advocacy. Prior to opening up my firm, I was the Director of Communications and Legislative Affairs for San Francisco District Attorney George Gascon. In that capacity, I directed communications and legislative initiatives for a large government law office. I managed also, for the DA, landmark criminal justice reform initiatives and policies, many of which were duplicated around the country. So I've overseen strategic communications related to reform policies, as well as use-of-force incidents and use-of-force policy and much more.

Max Szabo: I mention those items because I believe that I have some experience with many of the issues and policies that come before this body and that you all will consider, in addition to extensive experience with regional and national media as well. I'll keep it brief. In closing, this body was created by the community, and its members are from the community. I would very much look forward to an opportunity to work with all of you to harness this community's voice and assist and advance your efforts around some of the most important issues facing the residents of Oakland. So, with that, I would look forward to answering any questions whatsoever that you may have.

Regina Jackson: Okay, and I see a hand raised by Commissioner Anderson.

Tara Anderson: Hello. Thank you, Chair. At this point, I'd like to recuse myself from further discussion on this agenda item. I used to work very closely with [inaudible] and have an ongoing working relationship with him. So to hold the integrity of any further conversation and or decisions that may transpire, I'm going to recuse myself. That means I'll exit the meeting and rejoin once this agenda item has concluded. Thank you so much.

Regina Jackson: Thank you very much, Commissioner Anderson. Are there any questions from the commissioners? Uh-oh, I saw a hand go. Oh, there it is. I'm unmuting you, Mr. Alden, and then Commissioner Harris.

John Alden: Thanks, Madame Chair. Well, I'm not a member of the panel. Just in an abundance of caution, I should follow the lead of Commissioner Anderson. I also have worked with Mr. Szabo quite a bit when I was at the San Francisco District Attorney's Office. So, again, I'm not a member of the panel. I think it might be best if I stepped off, just to avoid the appearance of conflict, not that I think there is one, but I think that'd be cleaner and probably better for the process.



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- Regina Jackson: Okay. Thank you very much.
- John Alden: Thank you.
- Regina Jackson: Commissioner Harris? Go ahead, Commissioner.
- Ginale Harris: Thank you, Chair. Hello. So I'm sorry. I'm used to looking at people, and looking at the screen. I'm sorry. Thank you for coming and sharing some of your experience with us. My question to you today is do you have any relationships, working relationships, with anyone that works for the City Administration of Oakland?
- Max Szabo: No, I don't.
- Ginale Harris: Okay, great. Thank you.
- Max Szabo: I put on my video so that [inaudible] my wife. We had a virtual event, and she wasn't able to attend. So that was the background a moment ago.
- Ginale Harris: Thank you very much. I appreciate it.
- Regina Jackson: Are there any other questions of Mr. Zabel? Am I enunciating your name correctly?
- Max Szabo: Yes. The S is silent, so it's Szabo, or Szabo is, I guess, [inaudible 02:00:48]. Can I actually ask one clarifying question of Commissioner Harris? Commissioner Harris, do I have any, you say, relationships with the administration? I mean, I don't have any really personal relationships that come to mind, but I'm sure I've come into contact with some folks. I don't have any work currently with any other Oakland agencies or otherwise, but I have no doubt that I've come into contact with members of the Oakland community, and I'm sure that I know some folks who work within the Oakland city government. So I just wanted to clarify.
- Ginale Harris: Right. Well, for clarification purposes, what I meant was have you ever been contracted by the City of Oakland to do any strategic communications for them at all?
- Max Szabo: No, I have not.
- Ginale Harris: Okay. Thank you.
- Regina Jackson: Are there any other questions?



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

Henry Gage, III: [inaudible 02:01:47].

Regina Jackson: Yes, Commissioner Gage? You're unmuted.

Henry Gage, III: Thank you, Chair. Mr. Szabo, I'm curious about your prior portfolio. Having read your report, can you speak to some of your prior clients and how you've served them with specific [inaudible 00:20:05]. Pardon me, specifically looking at crisis management, crisis response, and I guess you could say high-level, high-interest issues.

Max Szabo: Yeah, for sure. So I think I'm actually ... because I think it's the most relevant to this body is, really, the work that I did for at least seven years for the San Francisco District Attorney's Office. I think that the reality when you're working in an environment such as a big law office, where you're overseeing communications and most of the phone calls come coming in are inquiries related to cases, there's a lot of confusion, I think, around the criminal justice system. It's incredibly complex.

Max Szabo: So, in terms of the process, who's responsible for what, very frequently, it's what transpired? Did this person get out as a result of something that somebody in your office did or otherwise? The district attorney is the chief law enforcement official, and so the buck stops with the DA very frequently. That also means that the inquiries very often end up at the doorstep of the DA, irrespective of whether or not it's their responsibility.

Max Szabo: In turn, I would say that a significant body of the work there, especially around communications, relates to crisis. It's probably about 50%, if not more, of the communications there is responsive and reactive, instead of sort of proactive.

Max Szabo: So seven years of day in, day out receiving inquiries, I think, that fall under the crisis umbrella. True difficult situations that occurred during that tenure, there's several difficulties, frankly, that we had with law enforcement agencies, other law enforcement agencies, two racist and homophobic text message scandals that occurred in the police department during the time there, in the San Francisco Police Department. We had to take actions to respond to that, because it impacted the fair administration of justice, frankly, in cases that we were pursuing. Obviously, there were officers who were participating in the prosecutions of those cases that there were concerns about, and that, ultimately, resulted in review of 4000 cases.

Max Szabo: So a lot of crisis in that situation or in there. I mean, also, use-of-force incidents and making determinations that were made related to the criminal aspect of a use-of-force incident, in terms of making charging decisions related to use of



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

force incidents. The standard changed this past year, AB392, as I'm sure you're all aware, but even now, but particularly even before that, that standard was very difficult. The principal there, the DA had concerns with that standard.

Max Szabo: But there were some controversial instances that we had to make charging decisions on, and sometimes were not very popular. Nonetheless, those were cases that we had a constitutional duty to review and make a decision on. The communications, in terms of speaking with the media in that case and other very high-profile cases, cases like Kate Steinle, the murder that occurred on Pier 14 that President Donald Trump spoke to, so lots of crisis communications in that role over the years.

Max Szabo: Since I've moved to the private sector, I haven't had, I would say, tremendous amounts of crisis clients that require a tremendous amount of crisis, certainly not to that level and that regularity or with that frequency. But it does come up, and I'd want to think of some specific examples directly to that point.

Henry Gage, III: Thank you, sir. Nothing further from me.

Edwin Prather: Chair Jackson? Hi, Mr. Szabo. This is Edwin Praither. I think Chair Jackson is trying to recognize me, but her mic is on mute. But she un-muted me, so I'm going to go ahead and jump in here so that there's not this pregnant pause in our conversation.

Edwin Prather: Part of what's difficult about these contracts is anticipating what the needs are of a particular client. I mean, when you're with an agency, and you described being at the DA's office, at the DA's office, you need sort of constant attention or babysitting to various media issues, because those things are going to come up, for sure, monthly, weekly, daily. I'm just wondering, what about us? What level do we need of your services? I think that's a big consideration. How many hours do you see you spending on our issues? Because it's one thing to have you up and ready to go. It's another thing, because we have a need. I'd like to hear what our needs are, as you perceive them, and how much time you'll be spending on them.

Edwin Prather: So that's one, and then two, I'd like to make sure that, if we do bring you in, that there is something that's done towards [inaudible] that has a long-term view. Right? So I'd like to see us teaching, whether it be CPRA or our own staff here on the commission, some of the things that we can do so that we're not so reliant on outside vendors, because, I mean, we could bring you on for three months, but we can't bring you on for three years, kind of thing. Right? In my mind, it would have to be a more eliminated engagement and that we start to figure out, okay, where our needs are and how you start to fill those needs.





# OAKLAND POLICE COMMISSION

## SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

Edwin Prather: I'm sorry for the ... I'm still trying to really crystallize my thoughts on this, but hopefully those two points can sort of start you on the answer that I'm looking for. I'll go back on mute and let you answer.

Max Szabo: Yeah, and I appreciate the dialogue. I mean, I think it's a relationship, and it goes both ways. Right? There's things that I can do to always add value and I'm going to be looking for. There's going to be things that I will see and that I will present, whether it's opportunities, whether it's the way that you're approaching conversations, whether it's policy. I have background in, obviously, a lot of the policies that you all review and what have you, and I've taken them from concept to reality. So I know what a lot of the bumps along the road are, who the stakeholders are, who to work with, who can be challenging.

Max Szabo: So I think that there is a fair amount of value where it will be me, driving and identifying, and that would be my part of the relationship, in terms of what I can add and my team, where we will be pushing the ball forward, for better or worse. It's not just earned media or social media or owned media or public education, paid media, or public service announcements are not paid, generally. But if you're providing public education, it's really how do all those mediums interact with each other? How are you communicating? You guys have a complex role. It's a new role. How are you communicating what you're doing? These are complex policies.

Max Szabo: I mean, I'll give you one more tidbit of background about me. I'm an attorney, but I didn't begin this work as an attorney. I went back to law school at night while I was working for the DA's office. So I actually learned communications before I think I would have been corrupted by my legal education. So I don't talk like a robot when I'm trying to articulate these complex issues to the public. It's really important to make sure that we're not speaking in legalese, we're speaking in common parlance, and in a way that people are going to understand, but, at the same time, understanding these concepts and these complex issues.

Max Szabo: So I guess to answer your question, I think it's a relationship. Right? My half of the relationship is to push the ball forward, to identify opportunities, and yes, and to teach you, teach you all, give you guys constructive feedback, criticism, push you in directions and advise how I think you should approach either situations, policies, or otherwise. So I don't simply see it as just communications. I feel like there's other matters in which I can provide insight and some suggestions and guidance to this body as well.

Max Szabo: The other half of that relationship is, frankly, on all of you. What are the needs that you have? What are the questions that you have? How can I help you be



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

more effective as a body, not just as individual commissioners, but in terms of how you guys are approaching these complex issues? In those moments of crisis, when you get a question, how should you handle these items?

Max Szabo: There's seven of you, so I do think that there's going to be a fair amount of ... My sense is that there will be a fair amount of work that will be involved in being more responsive to your needs and your questions and what have you. So I do believe that, between the the number of individuals on this commission, the issues that are within your purview, which are, frankly, the civil rights issues of our generation ... I mean, this is criminal justice, and criminal justice reform, even now, during a pandemic, is such a huge portion of what is in the public dialogue, is our approach to various aspects of the criminal justice system, because of how they are impacting and driving this pandemic. It's just such a prominent topic, and so I don't see there being a shortage of things for me to do. I don't know that there's going to be a shortage of items that you will all seek my assistance on.

Max Szabo: That's something that we're going to have to ... if I am fortunate enough to join your team, that I would be fortunate enough to be able to work with you all and hear from you all in terms of what you need. But in terms of the hours, I've never worked for a commission before, so it's difficult for me to gauge. But I would say anywhere from ... I mean, that's hard. I really don't want to make a ...

Edwin Prather: Yeah. So let me jump in on that point. So look, I'm an attorney, and I'm not going to take offense to the way attorneys talk. But the way I look at it is, typically, when you enter into a contract, someone identifies a problem and they tell you what they're going to do for you, and then they give you a number of what that's going to cost.

Edwin Prather: What I hear you saying is that, "I don't actually know all of your problems. It's kind of half up to you guys to come up and tell me what your problems are, and I'm going to charge you a flat fee for being a resource for you." That's what's hard for me to wrap my head around on this. It's like why aren't we engaging you on an hourly basis? Because I don't know how much we need you, and it sounds like you don't know how much we need you. So why a flat fee? It seems fiscally irresponsible to me to assume that there's a need there.

Edwin Prather: Look, if we grew into something together, I could understand that. But that's where, I guess, I assume that, for the figure that you put in your proposal, that you thought, "Hey, look, my hourly rate is X, and I think you're going to use me way more than that. So I'm going to boil it down to a flat fee, where I'm helping you on these issues," and I'm not hearing that. I'm hearing something that's much more vague and just like, "Hey, you're a commission, I've never worked



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

with a commission before. We'll figure it out together." So that's what I'm having ...

PART 4 OF 5 ENDS [02:16:04]

Edwin Prather: The commission before we'll figure it out together. So, that's what I'm having a hard time with. I'm starting to monopolize the conversation. I know Commissioner Smith has some questions so I'll just leave it at that. But that's where I'm kind of having a hard time with this right now.

Max Szabo : [inaudible] So, it's been my experience, so before the DA's office I was a consultant also. It's been my experience that unlike legal, I also have a small law firm that's separate and provides actual legal services, unlike legal generally consultancies on the strategic communications side tend to be, and as far as I'm aware, predominantly on a flat retainer basis, I think that the reason for that generally is because there could be a month where something happens that is far more, it takes way more time. And if I were to be billing that on an hourly basis, I'm not sure that that could potentially be problematic versus other months where the work may not be as significant.

Max Szabo : So I understand this is a conversation I've had with other clients before as well, but generally this is how most strategic consultancies operate. It's based on a flat fee, monthly retainer basis for their services and that is how all of my clients are. On the strategic communications side I don't have any clients that I operate on an hourly basis with.

Regina Jackson: Thank you. I'm going to let Commissioner Smith speak. He's been waiting for a while.

Thomas Lloyd Smith: Yeah.

Regina Jackson: Commissioner Smith?

Thomas Lloyd Smith: Thanks Max. So, I was also looking at your background and I mean I think your background, skill set and experience are impressive. There were a few things that came to my mind. I mean one was exactly along the lines of what Commissioner Proffer was saying. I was thinking to myself, you have a lot of experience in San Francisco, we're here in Oakland and there's a big difference between Oakland and San Francisco. And so, my first question was, how do you intend to bridge the gap between the experience and skillset that you've developed in San Francisco, but then trying to apply that to the city of Oakland, which is quite different. And I want to almost frame this for you because if we



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

were to bring you on, I'd think about a few different roles. The first part of it I would think of would be a diagnostic phase.

Thomas Lloyd Smith: And in that phase I would expect you to deal with a lot of learning gaps that you have in terms of the city of Oakland and the challenges the police commission face and who are our constituency that we're trying to serve. And I think you'd have to understand all of that before you'd be able to move on to the next phase, which you know, then quite frankly, then I think you'd then start thinking about, "Okay, well here are the issues, here I'd prioritize the issues for you." And then finally, "Here's going to be an action plan and how we're going to go about tackling that."

Thomas Lloyd Smith: And so, I'm wondering how you're thinking through those different things, that diagnostic phase, the prioritization and then actually the action plan and how long that's going to take you to do. And I don't know, maybe we need to have an ad hoc that would work with you to be able to help you sift through that because that's a lot of distance to travel because Oakland's a lot different than San Francisco.

Max Szabo : Absolutely. They are very different. In terms of I think where, I mean especially in terms of obviously things related to the federal monitor that's quite different and I know that that plays a huge role in terms of the landscape in Oakland, especially as it pertains to police and oversight and independent oversight of that. You know, I will say that the issues in Oakland are, I think that the players are different. I think that the community is different, but I think a lot of the issues are similar. I think the country is, criminal justice reform, it's a national issue for sure. I have clients in the East Bay as well. I do work in Los Angeles, I do work here. I do work with national organizations and also on the communications and the media front, the media is very regional and I would say that that's not going to be difficult in terms of that aspect.

Max Szabo : I have very significant relationships with local, regional, national media, and I've also done a lot of work at the state level in Sacramento as well. So, it's a different town but I don't think that the topics are entirely different. There's certainly a learning curve and I think that that is part of the intake process. I did some homework in advance of our conversation this evening and I think I'm always going to be learning and I'm always going to be hungry to learn more about the issues and the constituencies and the aspects that you think to be important because that's going to inform as you noted, how I'm going to approach a lot of these issues and how I'm going to be effective frankly.

Max Szabo : It's not an overnight process, as it is with any client, understanding their needs and what they're facing is at the heart of being effective and good at this. And I



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

fully feel that despite my strong understanding of local San Francisco governance and the players in San Francisco specifically, understanding the issues won't be difficult. I can get familiar with the people fairly quickly I think, and the constituencies and I'd love to learn more and I'm not far away. So, being there on the ground with you once this pandemic is cleared up in the months ahead, won't be difficult for me. So, I hope that answers your question commissioner, is there a portion of your question that I didn't really articulate an answer?

Thomas Lloyd Smith: The one thing [inaudible] is what do you see as your greatest challenge if we were to hire you and bring you on within your first couple of months?

Max Szabo : Quite honestly, that there's seven of you, right, generally there's a client and that's one person. I think that in this case I would have effectively seven clients. And so, I think that that would be just straight forward, one of the more challenging aspects of this opportunity. But I don't see the uptake in terms of understanding what's going on, and to be honest I'd need to learn a lot about what you guys are facing and what's on the docket and what you are looking at and what's most important in your priorities. But I think it's also priorities of seven different people and recognizing that as a consultant, that will be a challenge.

Thomas Lloyd Smith: Thank you.

Regina Jackson Okay. Thank you very much, appreciate your time sir. Now, are there any other questions or should we go to public comment? Okay, I see no hands here so Mr. Rousse?

Juanito Rus: I see one, two hands raised. I will take them in order. First is Maureen Benson.

Maureen Benson: Hi, thanks. Just a few quick thoughts. I'm really curious what the campaigns are that you think you need strategic communications for and how it relates to your strategic plan. One thought I had is maybe you'll wait until part two of your retreat to solidify this. Also, my initial response is that 5,000 a month feels incredibly disproportionate to my perspective of what this commission needs ongoingly. Finally to bring, or not finally, sorry to bring someone in who needs to learn the people from Oakland and we have a huge pool of experts in communications here in Oakland that are well connected in Oakland and personally impacted, seems troubling to me.

Maureen Benson: Last couple of points, I want to remind you about the budget. There must be at least three outreach efforts, ideally three bids to compare for contracts up to 49,000 that'll exceed within 10 months of here. So, you're going to have to go



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

through the laborious bidding process. And finally, when you think about getting a PR consultant on deck, please make sure that you're committed to someone from Oakland who's connected in Oakland and prioritize hourly being connected in the community and be best focused on the main needs of the commission.

Juanito Rus: Thank you. With that, your time is up. [inaudible] Next hand is Mr. John Lindsay-Poland.

John Lindsay-Poland: Hi, can you hear me?

Juanito Rus: You're on.

John Lindsay-Poland: Thank you. I really wasn't going to comment on the merits of Mr. Szabo but I agree with Maureen that the lack of familiarity with Oakland is a little disturbing. He could also use a bit more concision, but my main comment is to the commission because this item comes before the commission with zero context for the public on what parameters led to this, whether there was a competitive process, whether there were other proposals. Who is recommending the contracting, whether you're going to decide something tonight. We have this two page thing for Mr. Szabo but other than that, there's not really any kind of context about what it is that's really before you. And I think it's incumbent upon the commission to actually describe, and it's actually come up in the conversation, what is it that you're actually seeking to accomplish with this proposal? I think Mr. Szabo in some ways has been going into this blind because that has not been clear, at least from what's been put forward.

Juanito Rus: Thank you Mr. Poland and your minute is up. [inaudible] No further comments Madam Chair.

Regina Jackson Okay. Thank you. I recognize Commissioner Prather's hand is up.

Edwin Prather: Thank you Madam chair. Reading Mr. Szabo's comments, taking in the public's comments and that of my fellow commissioners. I recommend that we table this issue. I just think that we're dealing with a information deficit at the moment and there's some research that I know I'd personally like to do. I think it's in fairness to Mr. Szabo, he's probably hearing about some of the issues that we're interested in for the first time tonight. So, gives him a chance to kind of get his bearings on that. But also for us, just to kind of regroup on this topic makes a whole lot of sense to me. And so I move that we table this item for the next agenda.

Regina Jackson Okay. And commissioner Smith's hand is up.



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

Thomas Lloyd Smith: So, I have two thoughts. One is I could understand the table if we are going to maybe have an ad hoc or someone meet with Mr. Szabo. I mean, I think his skill set appears to be really good and I think what's missing from the proposal is some focus around exactly what he'd be working on and how he would overcome the fact that he doesn't know Oakland and he's not familiar with Oakland. But that being said, I do think that the experience that he does have in San Francisco and that he brings is impressive.

Thomas Lloyd Smith: I mean it's a tough one, but this is one I would want to have further dialogue with him and see if we can sharpen the proposal and also develop a belief and a confidence that he's actually the right person to carry on this work giving its critical nature. So, I can second the motion to table, but I sort of attached to it the idea that, let's have an ad hoc, meet with him, see if we can sharpen the proposal and see if he's actually the right fit for Oakland and the Oakland Police Commission.

Regina Jackson Thank you, Commissioner Smith. Commissioner Prather?

Edwin Prather: I'll accept that friendly amendment. And so, I move to table this and I'm happy to work with Commissioner Smith and another commissioner if anyone's interested in this, to both talk to Mr. Szabo again and also do some other research and fact gathering.

Regina Jackson Thank you. I will join you all. [inaudible] We'll probably need a community person. So, it's been properly moved and seconded and we took public comment so it's probably time to vote on the tabling. So, commissioner Gage?

Henry Gage, III: Yeah.

Regina Jackson Your vote is yes to table? Thank you. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson Commissioner Prather?

Thomas Lloyd Smith: You have to unmute [inaudible 02:30:37].

Regina Jackson Okay-

Edwin Prather: I'm trying, I'm trying. Yes, yes.

Regina Jackson Thank you. Oh, and commissioner Harris's hand is up. I've just unmuted you Commissioner Harris.





# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- Ginale Harris: Thank you. Did we make a motion on this to vote on it?
- Regina Jackson Just a few minutes ago, what Commissioner Prather did was made a motion to table [crosstalk] item and create a ad hoc in order to probably not just meet with Mr. Szabo, but [inaudible] who might be the best person for us.
- Ginale Harris: And who second it?
- Regina Jackson Commissioner Smith.
- Ginale Harris: Okay, got it. I apologize. So, yes, my vote is yes.
- Regina Jackson Okay, terrific. So, the motion passes and I will tell... I will tell the other folks, John and Tara to come back in. Okay so, they'll be joining in a second. Commissioner Smith did I forget to lower your hand or did you want to say something else?
- Thomas Lloyd Smith: I was just checking, I might've missed it. Did you vote?
- Regina Jackson Oh and yes, for myself, I'm sorry. Thank you. I tell you these mistakes propping up as we get toward the end of the agenda. I'm just trying to give them an opportunity to rejoin before we move on. Okay, Commissioner Anderson, you're back?
- Tara Anderson: Present.
- Regina Jackson Okay thank you, and Mr. Alden, you are back?
- John Alden: Yes, I am. Thank you.
- Regina Jackson Okay, terrific. Thank you very much. Okay, so we're going to move forward to item 12, meeting minutes approval? If you all want to pull those out and make any edits or motion to accept. [inaudible] Yes, Commissioner Gage?
- Henry Gage, III: Thank you Chair. We'll move approval of the minutes.
- Regina Jackson Thank you. Is there a second? Do we need some more time? Commissioner Prather?
- Edwin Prather: I second.
- Regina Jackson Okay. It has been properly moved and seconded. Let's take some public comment please.





# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- Juanito Rus: At this time, if you would like to comment on this item, please raise your hand. I am seeing no hands raised Madam Chair.
- Regina Jackson Okay. Thank you very much. So, it has been properly moved and seconded. So, we will vote now, commissioner Gage?
- Henry Gage, III: Yes.
- Regina Jackson Thank you. Commissioner Anderson?
- Tara Anderson: Yes.
- Regina Jackson Commissioner Smith?
- Thomas Lloyd Smith: Yes.
- Regina Jackson Thank you. Commissioner Harris?
- Ginale Harris: I'm going to abstain because I was not at the meeting.
- Regina Jackson Oh, very good. Okay. And I for myself, so the motion passes. We are on item 13 and it is 8 o'clock. Agenda setting and prioritization of the upcoming agenda. I know that we need to put the introduction of the interim police chief on. We need to put the audit on, I believe that we delayed a training and I see Commissioner Prathers' hand up. Man, hold on a second. [inaudible] bouncing around. Go ahead Commissioner Prather.
- Edwin Prather: Chair you forgot to register my vote on the last vote and I vote in favor of approving the minutes.
- Regina Jackson Oh my apologies. I'm so sorry.
- Edwin Prather: Not at all. I know it wasn't personal.
- Regina Jackson Never that. Okay so, adding Commissioner Prathers' affirmative vote to the meeting minutes approval, motion passes and we are going to item 13 for agenda setting and prioritization. I made mention of several things, the introduction of the interim police chief. She did just start this Monday. I know that we had a training that was delayed from Mr. Appleyard so we need to get that scheduled. I expect that we'll have an update on the audit. We will have an update on the Skelly or the discipline committees action. Are there other items that people want to suggest?



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

Regina Jackson: Okay, I see no, okay now I see hands. Commissioner Harris followed by Commissioner Prather.

Ginale Harris: Chair we still have our list of rolling items that I would respectfully request that we look at and I [crosstalk] take that upon myself to do that if you like. Okay, because we do have some outstanding things prior to the Covid 19 and I know this threw everybody off but, that our existing.

Regina Jackson: Got it. Okay. Thank you so much, I appreciate that.

Ginale Harris: May I suggest one for the next agenda?

Regina Jackson: Sure.

Ginale Harris: The Bay case. I would like to put an update on there in regards to the subpoenaing that we ordered before our last meeting.

Regina Jackson: Very good. Thank you.

Ginale Harris: Thank you.

Regina Jackson: And commissioner Prather?

Edwin Prather: Thank you Madam Chair. One thing that we had voted on to have check-ins every meeting until it was finalized was OPD's support or our support of the juvenile diversion program.

Regina Jackson: Oh yes.

Edwin Prather: Again, due to the virus issues, it's not on this agenda. I have some update on that and I don't think I should necessarily provide it because it's not properly noticed on this agenda. But I do think we should add that back in. I think there's going to be action soon on that and so I think it would be appropriate to put that on the agenda for next week.

Regina Jackson: That will be great. Thank you. I know we need to add Mr. Alden's closures, his report. Let's see, I don't see any more hands and I still want to try and keep these agendas fairly tight. So, what I will promise you all to do is obviously get these prioritized and then work with Commissioner Harris to identify what other rolling items are important to add other than the Bay case update that she has recommended. Does that work for everybody? Okay, good. Is there any, uh-oh, Mr. Alden?



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

- John Alden: Forgive me if maybe this was mentioned and I didn't hear it, but I think we should probably have a conversation about city budget and how that might be affecting some of our activities at our next meeting.
- Regina Jackson Oh, very good. No, it was not mentioned, thank you. And since I see no more hands, public comment please Mr. Rousse?
- Juanito Rus: If you would like to speak on this item, please raise your hand. At this time I see only one hand raised, Mr. John Lindsay-Poland. Mr. Poland are you on the line?
- John Lindsay-Poland: Yes. Can you hear me?
- Juanito Rus: I can hear you.
- John Lindsay-Poland: Thank you. So, I just wanted to urge you to put on your agenda the ad hoc committee reports. Even if there are not written reports from each of those committees, that is the way you as a commission are doing work in many respects. So, it's important to hear from each of those committees, what is the status of that work if it hasn't met, when is it going to meet? Where are things at? If there are reports and there needs to be responses to those reports. It's also the only space in which the public can actually engage with you as a commission. And because they're ad hoc committees and then you meet in the whole commission. It's your opportunity under the Brown Act to really engage each other about the issues that the ad hoc committees are engaging and I would support what [inaudible] said before about really making the Use of Force committee work transparent-
- Juanito Rus: Mr. Poland your minute is up. Thank you very much.
- Regina Jackson Thank you.
- Juanito Rus: We have no more speakers at this time.
- Regina Jackson Appreciate that. Okay so, we have had public comment. Can we vote to approve the agenda setting and move toward adjournment? Commissioner Prather?
- Edwin Prather: What am I voting for? I'm sorry, to adjourn? I vote to adjourn.
- Regina Jackson Okay. You move to adjourn?
- Edwin Prather: Yeah. Did you not call for a motion to adjourn?



# OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

April 9, 2020  
5:30 PM

Regina Jackson: Oh, of course. Who would like to second that motion? I see Tara and Commissioner Anderson's hand followed by Commissioner Smith. Go ahead, Commissioner Anderson.

Tara Anderson: I second the motion to adjourn and I'm grateful to the chair for, I'd say a really well facilitated first virtual Oakland Police Commission meeting.

Regina Jackson: Well thank you very much. It has been properly moved and seconded. Juanito dare I ask, oh, I'm sorry we had Commissioner Smith, but I have a feeling he was trying to do that too. Do we have any public comment for adjournment?

Juanito Rus: I am seeing none.

Regina Jackson: Alrighty. Well we have brought to a conclusion the first virtual meeting of the Oakland Police Commission. I am exceedingly proud of my fellow commissioners and also as well, very, very proud of the engagement of community. I want to thank you. I want to bless you. You keep safe and keep sheltered in place and we will see you in Zoomland, April 23rd. Thank you. I was about to leave the meeting. Okay yeah, Commissioner Smith?

Thomas Lloyd Smith: Yeah, I vote yes, and that's exactly what I was going to say, but Juanito beat me to it. I'm glad-

Regina Jackson: Thank you, thank you. I'm falling apart right at the end here. Okay, thank you. Commissioner Anderson?

Tara Anderson: Yes.

Regina Jackson: Thank you. Commissioner Harris?

Ginale Harris: Yes.

Regina Jackson: Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Thank you. And yes, for myself. Commissioner Prather did we get you too, where are you? [inaudible 00:28:32]. Okay, Alrighty then. Well, we are done. It was great. I appreciate you all. Thank you. All right, good night.

PART 5 OF 5 ENDS [02:45:08]

Commissioners:

These Use of Force Ad Hoc Committee reports do not even provide who is at the meetings, drafting policy out of reach and sight of the public.

The Ad Hoc committee has existed for almost a year. This is too long to produce policies without publicizing work, whose input it is based on, and without public participation in such important policies.

Engaging with a policy so central to how our communities are policed should start with an analysis of the current policies and how the current policy translated into policing and an analysis of some examples of problems with use of force. Actual practices that need to be addressed would provide the logical starting point for revising policy. Without some inventory of incidents that have been problematic within the department, the process is backward and, in effect, blind to some of the most significant issues that concern the Oakland communities regarding use of force by OPD.

Best practice language from other departments, which according to the reports has been the basis for the revisions, may or may not address the real problems that have existed within OPD regarding use of force. As has been pointed out by members of the Ad Hoc Committee, using current policy from other jurisdictions is starting from the compromise language, rather than ever seeing what those jurisdictions considered ideal.

The public has now been told three times that there were only two or three more meetings before a draft would be made public. It seemed improbable when first announced five meetings ago. The public is again told more meetings will happen behind closed doors, without even knowing who is participating, and without a public draft of the policy being provided.

On such an important policy and from a body constituted to provide residents with a voice in how they are policed, this is very disappointing.

The commission should immediately:

1. create a webpage with links to documents and a way for residents to leave comments and add their name to receive use of force policy updates.
2. Organize virtual meetings to analyze some of the Uses of Force which demonstrate the need for change and the problems with the current policy and practice.
3. Offer a plan explaining how the public will have access to and a voice in the development of Use of Force policy moving forward.

CPA is willing to do whatever is needed to help bring this to fruition.

Anne Janks  
Coalition for Police Accountability