



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

June 25, 2020

Regina Jackson: Okay. Welcome to the Oakland Police Commission's meeting on Thursday, January 25th. I am now calling the meeting to order. I'd like to take a roll call. Commissioner Harris?

Ginale Harris: Here.

Regina Jackson: Commissioner Dorado?

Jose Dorado: Presente.

Regina Jackson: Thank you. Commissioner Smith?

Thomas Lloyd Smith: Here.

Regina Jackson: Excellent. Thank you. Commissioner Gage?

Henry Gage, III: Here.

Regina Jackson: Thank you. Commissioner Anderson?

Tara Anderson: Here.

Regina Jackson: Thank you. Mr. Rus, it has been our experience that for some reason, Mr. Prather ends up in an outer section. Can you check, so that we can promote him to panelist, please?

Juanito Rus: I've checked, and he is not there yet either at this point.

Regina Jackson: Oh, okay. No problem. Okay. Well, we have a quorum, so we can go ahead and move to request any comments before we go into closed session. I'll hand that over to you, Mr. Rus.

Juanito Rus: At this time I'll take public comment on the closed-session items, and I see two hands raised in the queue. We'll put one minute on the clock. The first speaker I'm showing in the queue is Assata Olugbala. Hello, Assata Olugbala. Can you hear us?

Assata Olugbala: Yes, sir. Thank you very much. Since you are in closed session dealing with legal issues, it is my hope that you realize that you have to be in compliance with the Brown Act, and you also have to be in compliance with the Governor's Executive Order N-29-20. That Order relates to the fact that we are dealing with COVID-19, and therefore all public meetings are under telecommunication form. That Order also says that you are required to, as much as possible, to minimum possibility, to have public participation and transparency stay at a normal state.



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When we have individuals saying that they are not, we're having the open forum and public comment going on at the same time. That is not in compliance with the Brown Act. Please try to have compliance.

Juanito Rus: Thank you, Ms. Olugbala. Your time is up. At this time I'll call on the next speaker, who is a phone-in attendee with the last four digits 0501. Hello, 0501?

Gene Hazzard: Yes. Can you hear me?

Juanito Rus: We can hear you, Mr. Hazard.

Gene Hazzard: Okay. Thank you. Last commission meeting, when Mr. Frazier talked about the court action regarding the gas and the projectiles, there was a preexisting action back in 2003, so the police violated that court order then. I think it's important to know that, as you go forward in looking at how you're going to come up with addressing what they violated in 2003, 2004. I tried to speak to that, but inadvertently I think Commissioner Jackson, Chair Jackson, forgot to speak to that, because I definitely raised that as a concern. That weighs heavily in going forward with regards to how are you addressing the police department, and it's ...

Juanito Rus: At this time I don't see any other hands raised in the queue, Madam Chair, and I'll return the meeting to you.

Regina Jackson: Thank you very much. As I have written back my apology to Mr. Hazzard, we will try and clarify that this evening. Thank you for reminding me. Sometimes managing the meetings, particularly when they go on long, can be very challenging, so my apologies. Now we are going to adjourn to public ... excuse me, to closed session, and we will be back by 6:30. Thank you for your patience.

Regina Jackson: Let me take roll call again, please. I know Commissioner Prather joined us during closed session. Commissioner Prather.

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

Regina Jackson: Thank you, Commissioner Harris. I'm sorry. You're on unmuted.

Ginale Harris: Hi, I'm here.

Regina Jackson: Thank you. Vice Chair, Gage.

Henry Gage, III: Present. Thank you.

Regina Jackson: Thank you. Commissioner Anderson.



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- Tara Anderson: Here.
- Regina Jackson: Thank you. Commissioner Smith.
- Thomas Lloyd Smith: Present.
- Regina Jackson: Thank you. Alternate Commissioner Jordan.
- David Jordan: Present.
- Regina Jackson: Thank you. Commissioner Dorado.
- Jose Dorado: Presente.
- Regina Jackson: Thank you. And Alternate Commissioner Brown.
- Chris Brown: Present.
- Regina Jackson: Excellent. Thank you. And of course I am here as well, Chair Jackson. We have nothing to report from the closed session. I would like to welcome... Excuse me, we have a forum. I would like to welcome everyone to the Oakland Police Commission meeting. This evening we have an exceptionally packed agenda. And as I mentioned when we first moved into Zoom land, in order to... We switched up the agenda to facilitate flow. In order to include the maximum number of public speakers, we are splitting our open forum into two parts so that we can hear first from the Chief, then from the public for 45 minutes, then we will hear more presentations and take action.
- Regina Jackson: And then we will listen more to the public starting again at 9:30 PM. In addition, on Monday, we received a request to update the public about the use of force policy development. By the time we received this request, we had already placed the topic in a draft agenda. Please direct your attention to item of business, number 13 on our agenda, entitled Use of Force Ad Hoc Committee Update. We will ensure that the full text of Monday's request is included in the public record for this meeting. As a final point, I want to again, remind the public that we will continue to enforce our bylaws about using vulgarity in public comments. Thank you very much. Mr. Rousse, if we can advance, please.
- Regina Jackson: Next, we have an update from Interim Police Chief Manheimer. Chief Manheimer, we have discussed the importance of the brevity in your report, and then we'll keep you to 10 minutes.
- Chief Manheimer: Thank you, Madam Chair. I appreciate you have a very packed agenda and greatly appreciate the opportunity to address you all with updates and specific



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issues. This was a big week for us, as well as for the city. Our budget was up before council for the entire city. And we're pleased to announce to you that within the budget, we were given some opportunity and time to be able to look at something that I think your commissioners were talking about last time, which was alternative service delivery for those calls that we feel, the community feels, and others that could be done without police as alternative community safety net services.

Chief Manheimer: And we look forward to standing up those conversations, both within the community and with, I think some eye towards the safety net services first. With mental health, as you know, we have a MHET Team, but we are very excited about MACRO, that we'll be standing up and look to that as an opportunity to begin the type of service delivery that will see non-police response for issues that are not police issues. So that is something we move forward with. Commissioner Dorado may be aware that the NSCs will be moving over to Joe DeVries. And the new department that they've stood up for interdepartmental initiatives.

Chief Manheimer: We look forward to advancing and supporting that as I think that's a great way for a holistic and interdepartmental response to community problems and issues. So along with that, we are looking at our calls for service. I did want to clarify, because I've heard a lot of different percentages and figures around our mental health calls for service. We have about 2,000 calls for service a day, of which about 500 are 9-1-1 calls. And about 40 are mental health calls. I've heard the number being used 40%. I want to say it's about 40 mental health calls a day. That is not to say however that we are not looking at the other categories and we'll be doing a full analysis of all of our non-emergency calls for service to see where the areas are that we can look to have alternative service delivery. We all have that same interest. And so look forward to standing that up.

Chief Manheimer: The second thing that I wanted to highlight for you today was that there was a question about our rape kits and the California Attorney General's Office, which issued an audit of untested sexual assault rape kits in law enforcement agency possession. There was a number of records that require further review. For us, it's 169 cases. They're all from prior to 2006. And should you not know, 2006 was beyond the statutory limit. But that limit for prosecution of those cases was expanded out. So we've now entered those into the limits set by the state for testing. And we are bringing those test kits back. We've had to do some work on that. We do commit to testing them all. However, they are significantly expensive. So we are putting in for a couple of aggressive grants for that.

Chief Manheimer: And we are looking to apply Attorney General's grant and get on top of the rest of that testing. Did you have any questions about that? I have included the entire letter, which has deeper dive on that in your packet. So I won't go into



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any further given the time and brevity. I did want to go over our crime stats very quickly. That is something that I've committed to bring to you every week. You have them in your packet. Again, I won't suggest that I need to sort of read those to you. But I want to just give you a couple of highlights. The highlights are that we have homicides and shootings up about 15% over last year. As I keep saying, we were doing better pre COVID and pre shelter in place, but we have seen a significant uptick in our shootings, up about 23% over last year. Areas three and five are really the drivers of this increase.

Chief Manheimer: There were 40 increases in area five alone. We're all over that. Captain Lewis and Chief Armstrong are on top of that and working within the community with some very, I think, innovative strategies. And we're hoping to get that under control. I will say guns are fired at a very alarming rate in our city. Every day there are really more than 12 shootings here in Oakland. I want to say each shooting does not end up with someone being injured. However, those bullets end up somewhere in our community, whether someone's home, vehicle or on the streets. And so I will say that we are... Have increased our gun recovery rate.

Chief Manheimer: So we have about 26% increase in those gun recoveries. 541 recovered this year. Whereas, we only had about 430 last year. One of the things we really highlight here is the ShotSpotter, because ShotSpotter for us means that we get an immediate alert as to where guns are being fired in our city. And we are very intimately aware that folks are not calling. A lot of times, for whatever reason they are not calling in. And with ShotSpotter, we are one of the few cities I know where we do respond to each of those calls for service. And within probably three to five minutes, we are able to get a detailed and very accurate picture of where those shots-

Regina Jackson: Hello, Chief Manheimer?

Chief Manheimer: I'm sorry. Am I there again?

Regina Jackson: Yes, you're back.

Chief Manheimer: All right. So anyways, ShotSpotter has been a very important piece of making sure that we get to render aid to victims, locate suspects, locate guns, and locate evidence for prosecution. So that's where we are on our crime stats. As you know, and I was very pleased to see that CPRA and our Chair Jackson are invited to our IMT, which is our Independent Monitoring Team, federal monitoring team site visit. We had one this week. It went well. I think we are working well with the monitor. And CPRA Director Alden was there for a couple of our meetings and we look forward to having you on those again. We are working forward on our technology, as well as our stop data update. And I will



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bring you back another time, some of the details on that. But in respect for your time, I have a couple of other items I wanted to go over, Chair Jackson.

Chief Manheimer: They are on your agenda today. I will share that for item number 11. I actually did send you an email, Chair Jackson, from myself and Lieutenant Aaron Smith of our Recruitment Unit. You have an item, item number 11 on your agenda. And that is us urging the Civil Service Commission to do certain things around applicants for the OPD. This very much is close to what the city council resolution was passed two weeks ago, zero tolerance policy for racism. For racism eradication and I would like to request respectfully that in the last resolved section, and I can go through this further with you. I did send you an email as well. That we reconcile with the City Council Resolution so that they're in alignment as they go forward to the Civil Service Commission. Council member Taylor and Lieutenant Smith, both pointed out that if we could modify the substitute instead of two unsustained complaints for an applicant, we put a pattern of unsustained complaints recognizing that even our own study showed that there were disparities in internal discipline.

Chief Manheimer: And that for applicants coming, especially local applicants coming to the OPD, we would like to give the background investigators some latitude to ensure that we are not creating disparities as we are looking at our applicants. I can submit that to you further in writing. I have sent you a preliminary email on that. For my last two items. I'd like to suggest that for item number 14, Madam Chair. This is the first time, I know that this ordinance on acquisition and use of controlled equipment has come before an ad hoc from the department before.

Chief Manheimer: And this is something that you have slated to go to City Council. I'd respectfully request, maybe through the Vice Chair, who I understand was the author of this item, if he and or other members of the commission were willing to meet with me, there's really some safety, and protection and rescue issues here that I'd like to seek to further understand. And maybe have some dialogue with Vice Chair Gage and any other members of the commission, if they would seek to do so. As I would like to better understand this before it goes to the City Council.

Chief Manheimer: So, that's a request that I have that I'd like to put forward. And then finally, Chair. I did send you a couple of emails on this and was hoping to discuss it with you. I did not really get a chance to. I apologize about that. I want to say that for this item number 10, in which Commissioner Prather and the unanimous vote of the Commission was a direction to bring forward a general order on a new crowd management use of force. I did explain that we are currently under a temporary restraining order from the court regarding this issue. And that we have a policy that we really developed with the plaintiff's attorneys, as well as the collaborative efforts of the ACLU and the Civil Rights Attorney, Jim Chanin,



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and others, that started the policy and ended up being what is our current crowd management policy that I did submit to you in lieu of a new one.

Chief Manheimer: Because I feel that we're bound by those. But what I really want to let, especially Commissioner Prather and the rest of the Commission know, is I have heard not only your voices and your direction. And I have heard the voices in our community. I am aware of the pain. I'm aware of the actions that we took that have caused harm in our community. I have also seen the violence that we have sought to protect in the community, but it does not in any way mitigate the concerns and the harm and the desire to have some assurances that when we deal with protestors and demonstrations, that we will align with the community's values. And that we will align with the recognition that our Oakland community is hurting. And what I would like to suggest at this point or respectfully request is that we could get time together to work on this through an ad hoc or through some other means of having discussion around this.

Chief Manheimer: I want to assure you, Commission and community, that we are committed to moving forward to not using militarized equipment, like tear gas and rubber bullets on peaceful protesters. That the last thing we want to do is to use these types of munitions, smoke and gas. But that there are requirements of us when protecting the community to sometimes use opportunities and options that will ensure some protection for our community. But we want to find that balance. We want to be in tune with where our community understands and is assured that we are doing it with the community's greatest values and least harm possible.

Chief Manheimer: So if there's an opportunity, I first want to say that I'm sorry I did not feel that I could bring forward a new order. But that I want to assure you that I want to work with you all. We want to work with you all. And come to that level of collaborative understanding that I believe we can get to. So, that's it.

Regina Jackson: Thank you. We have two questions from the Commissioners. Alternate Commissioner Brown, followed by Harris. Mr. Brown, you've been on muted.

Chris Brown: Thank you, Chair. Good evening, Chief. I had a question about the mental health call numbers. I'm curious whether the mental health number you quoted is because a call was... It comes into dispatch as a probable mental health issue, or because it was resolved with the mental health disposition such as a 51-50 or referral or transport to the social service?

Chief Manheimer: Exactly. And I have that question too, I will be quite honest with you. We did look at that 40 calls for service number. Actually, it takes into account three or four of those different, we have a whole breakdown that our Sergeant of our MHET Team, our Mental Health Engagement Team put together. I, however,



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question that that is a full number. When you talk to our officers out there on the streets and you look at the responses, I believe that it will be a larger bucket, but it's very hard to ferret out which ones started as some other type of call, and ended up as a mental health call. Or started as a mental health call and ended up being something different.

Chief Manheimer: Where in it was an arrest, or it was a booking on a mental health commitment. So I think we have to do a much deeper dive. But I remain truly committed to the fact that mental health and homelessness are the two areas that I think are the most fertile for looking at alternative delivery of service. I wish I could tell you that I believe that number. I don't fully believe it. I think it needs a lot deeper dive.

Regina Jackson: Thank you, Chief Manheimer. Commissioners Harris, Anderson and Prather are in the queue. Commissioner Harris.

Ginale Harris: Thank you, Chair. So a couple things, Chief. You said in regards to the ShotSpotter, so when you speak, Chief, I listen to you thoroughly and I listen to your words. And sometimes some of the things you say are really disturbing, because I know they're absolutely not true. And I don't know if you know this because you are so new here, but the ShotSpotter, you said that when people call, they're not calling, but when they call you respond to all calls. Well, not in East Oakland you don't. We can't get anybody to come out here, because they're so backed up on high level calls here. And I'm curious to know how many guns... You made a statement that guns are taken off the street because of the ShotSpotter. So I want to know how many guns have been recovered due to the ShotSpotter? So, that's one. And then on item 11, again, you wordsmithed, and you said something into the effects of, "Too unsustainable and it should be patterns."

Ginale Harris: However, the resolution urging Civil Service Board to reject officers with prior misconduct, I think that is a very big difference. And I think it's very clear on what the public wants, what we want. They have no room here in Oakland for any misconduct, nothing. We don't want it here. We've had it here for a very long time, and we do not welcome it with open arms. I agree with the concept, but we worry that there's not enough time to review the plan to ensure there are no loopholes. And that's the problem that we're having is that we're rushing. And it's not being thought out thoroughly and we're trying to put Band-Aids on things, but we do not want any officers here that are bad actors here in Oakland. We don't want it. I don't want them anywhere. But if we can keep them out of Oakland, that would be terrific. Terrific.

Regina Jackson: Thank you.



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- Ginale Harris: Yeah. Thank you. I'm sorry. One more thing.
- Regina Jackson: Okay, go ahead.
- Ginale Harris: Protection of the community. You said about the gas, and the bullets and all of that. We don't want that here in Oakland either. We don't need that. We've gone a long time without having gas, or bullets, or any of that stuff for a long, long time. I think it's just another way to harm Black people, Black and Brown folks that are in communities that are already broken. And this is a form of control that is hurtful. And I think we have to come up with better and creative ways to connect with the community rather than hurt it. So, yeah, that's it.
- Regina Jackson: Thank you, Commissioner Harris.
- Chief Manheimer: Thank you. Very quickly through the Chair. Commissioner Harris, we don't want any bad actors either. I assure you right now. In fact, we don't basically take really any laterals. And the ones we do take, have a pretty spotless record. What I was asking for, and this really came through our recruitment team through Lieutenant Aaron Smith, and as a Council Member Taylor also pointed out and changed it in the council's ordinance. These are on unsustained complaints. We know that oftentimes unsustained complaints can be an indication of disparate treatment. Sometimes that is why an individual will leave their agency. And so we are asking instead of two unsustained complaints where they've done the investigation and found no misconduct, that we look for a pattern. Because it may well be that they were targeted or they simply did not get a fair shake at their old agency. Similar to what we had here with our disparate discipline. So that is something we're asking for. And I think our background unit under Lieutenant Smith was fairly clear that that would be a fairly small change.
- Chief Manheimer: And again, these are unsustained, Commissioner Harris. We don't want anyone with a history or pattern. The second thing about ShotSpotter, if I could just say, we respond and are required to respond to each ShotSpotter report, and collect casings and other evidence. So I didn't mean we respond to every call. It's every ShotSpotter call. That's one of the reasons why I think we have such good success. Whereas, other cities it's not as effective. And I was not relating the recovery of guns to ShotSpotter. I was really relating the recovery of more guns to the fact that there is more guns and gun crime out there. As to the-
- Regina Jackson: ... Thank you.
- Chief Manheimer: Thank you>.
- Regina Jackson: Commissioner Anderson, followed by Prather, followed by Gage.



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- Regina Jackson: You've been unmuted.
- Tara Anderson: Thank you, Chair Jackson. Through the Chair to Interim Chief Manheimer. I appreciate that within two weeks time, we're able to get this additional detail around mental health calls. I'm curious, my first question, I'm curious how long we can expect to wait to get an analysis of all calls, not just calls that one would characterize as non-emergent or more tenable to go to a community-based response?
- Chief Manheimer: Thank you. So we have started already, the Fire Chief, myself are in discussion with the City Manager and the rest of the executive team about how we do that deeper dive. We do have all of the evaluation and mental health related calls. In 2017, there were 13,000. 2018, 13,000. Which is about 38 or 40 per day. 2019, the same. 2020, thus far we're on slated for a higher level. So we would expect within the next 30 days to have done quite a bit of the analysis on those lower level calls. There's quite a lot of categories, we need to get through that. We've been given some report back dates by the council. Council also has a very high interest and expectation around this as do you all.
- Chief Manheimer: So we are looking to within the next, I think the City Administrator put some landmark timeframes on there. I think it's a 30, 60, 90 day report back period to start to look at. I want to be clear that after we identified these calls, that it's my hope that we actually stand up the infrastructure to be able to refer them too, and not just not respond, because when they call we go. So, that's my only concern. Did that-
- Tara Anderson: ... Thank you, Interim Chief. I'm interested in seeing more than just something that would be characterized as a mental health call. So I look forward to seeing what I hope is a more comprehensive analysis, representing all the calls for service, including misdemeanor offenses, really understanding what's being responded to and when, to the point that we came to as a Commission during our last meeting. We are interested in minimizing the touch of police, not only in something that would be characterized as an instance of behavioral health. Whether it be substance use challenges or a critical incident associated with a mental health crisis.
- Tara Anderson: But really digging deeper and looking at other cases. So again, I look forward to what I hope is a comprehensive analysis. So my second question, I'm curious if there's been any conversation about AB-1472, which is an Assembly Member, Mark Stone, bill. Which would make false reports to police, including 9-1-1 calls a violation of the Ralph Civil Rights Act when made against a person because of that person's race or other protected characteristic? I'm hopeful that this bill will certainly prevail through our state legislature, but curious what thoughts the department has given to this policy proposal?



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Chief Manheimer: Well, thank you so much. I have heard that. I know there's a lot of different policies up there. Clearly we never, I mean, there is a whole idea of weaponizing the police, and we never want to be in that position. I know I was not here when there was a Barbecue Becky and these other cases I've heard of. But they're not just for this community and for Oakland. This is something that we've been dealing with throughout, even Nextdoor now is putting policies together where they're saying, "Do not ever categorize someone on the basis of race, sex or anything else." So we look forward to the policymakers trying to iron those out. And we certainly would never want to be in a position of that. In fact, we do not respond to calls for service where there's no crime being committed, or it sounds like it's just a suspicious person. We want to know-

Regina Jackson: ... Thank you, commissioner.

Chief Manheimer: Okay. Thank you.

Regina Jackson: Thank you, Chief. Commissioner Prather, you are unmuted.

Edwin Prather: Thank you, Chair. Good evening, Chief. Thank you for your time and being here. I had a couple of comments. One, in regards to ShotSpotter. I'd really like us to pump the brakes a little bit on its efficacy and success. Without getting too deep into the weeds on what ShotSpotter is. I have some knowledge base of ShotSpotter. And for my colleagues who have not come into contact with it too much, it is a system from a for-profit company, just like red light cameras would be outsourced to a for-profit company. The for-profit company markets its ability to identify gunshots faster than 9-1-1 calls. The problem is, is that when the police arrive on the scene due to the inaccuracies in ShotSpotter, it can often be a worthless endeavor. The ShotSpotter has an 80% accuracy rate of the quarter of a football field.

Edwin Prather: And so if you're dealing with a density of communities, like apartments or houses that are close together, a quarter of a football field is not going to get the job done. And it is going to lead police officers on a wild goose chase, which it often does. And there are numbers of officers in the cities, in the jurisdictions that use ShotSpotter who hate it. Who don't the system. And I think that... And I should also mention, sorry. That ShotSpotter doesn't recognize, or it cannot detect .22 caliber guns. So we're relying on a system here as something that is highly effective, which frankly, my experience with it is the exact opposite. It's not a good system, and frankly, I think now is not the time to address it, certainly not during this meeting, but I think a future agenda items should be placed on our future meeting just to have the department address whether it's even been successful in one case. Just a test case. Give us a case where it's been successful. There was no accuracy testing on ShotSpotter and frankly, I would



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argue that our money is probably spent better elsewhere. Again, not a topic of discussion tonight. I'll move on.

Edwin Prather: Look, I'm hard on the department when I need to be hard on the department. I'm going to recognize the department, especially the chief did come to tonight's meeting with a new leaf. I've had several conversations with folks in the department and outside of the department regarding the crowd control and crowd management policy and issues and those types of things. I know that it has been the feeling within the department that the department has felt that it is, I'll just say, sorry. It is sorry for how events unfolded with the use of chemical agents and rubber bullets, even though the rubber bullets... We're not Oakland PD, but were another agency, but I have heard informally that OPD regretted the use of those items.

Edwin Prather: Now to hear the chief, and look better late than never, but to hear the chief say tonight, here in her comments, with all the attendees at our meeting, that they don't want to use these items, that they regretted using these items, that they never want to use these items on peaceful protesters, I think is a step in the right direction, because to have leadership acknowledge the policies and the shortcomings thereof is important.

Edwin Prather: Look, we can get into the technical issues regarding the TRO and the legality of amending or going further than the TRO requires later. I don't think that's important. I brought a motion last week that was voted on in order to have the department recognize that they should not be using militarized weapons on unarmed residents of Oakland. And what I hear the chief saying tonight is that they don't want to use these items, and they will not use these items. But what I hear the chief saying is that, and it gets to a technical issue of the TRO and what they're able to do and not do. But what I hear is the spirit of the chief, or the spirit of the department, the apologetic nature of what happened, or what she's saying.

Edwin Prather: I do believe that it is important to recognize when someone admits that they're wrong and I believe the department has done that, and we're ready to move forward and address crowd control and crowd management. I want to thank the chief, and thank you, Madam Chair, for allowing me to speak on that. That's really all I have.

Regina Jackson: Thank you very much. We have Commissioner Gage. You are unmuted.

Henry Gage, III: Thank you, Chair. First, a brief housekeeping item. The weekly crime reports that are in the agenda packet. I'm not sure if this should be directed to the department or to other staff. I believe these reports are usually color images and unfortunately do not translate well to black and white, which had rendered



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many of them difficult to read for members of the public. If folks are listening and want to find a more readable version, that can be found on the web, by going to the Oakland, California website for the police department resources open crime incident data reports. Under that folder will be a reports folder containing weekly citywide reports.

- Henry Gage, III: The second comment is somewhat more substantive. Chief Manheimer's comment with respect to ShotSpotter activation is something I find somewhat amusing, because OPD is required to respond to ShotSpotter activations, because that response was mandated by the Privacy Commission when it approved a use policy for the ShotSpotter system.
- Henry Gage, III: And to be clear, to Commissioner Prather's point, ShotSpotters effect on crime is, as yet, unproven. The Privacy Commission received data on efficacy until sometime next year. I'm going to reserve judgment until I review the annual report.
- Henry Gage, III: [inaudible 01:47:18] I am always open to discussing use policies [inaudible 01:47:24]. And frankly, I look forward to hearing any concerns you wish to raise after this ordinance has passed. No PD is required to issue use policies for militarized equipment, as well as gunshot detection system. You're putting the cart before the horse if we think that we need to discuss myriad safety concerns before the department issue use policy is even [inaudible 00:05:48]. With that, thank you, Chair.
- Regina Jackson: Thank you. I see no more questions here. I want to say something just before we open the open forum. And is this, I just found out that the auditor trashed the commission in an email. An email she did not send to us. She sent it to her mailing list. Unfortunately, this is exactly how the auditor did the audit, behind our backs and for her own political gain.
- Regina Jackson: Let me raise just a few points. In her report, the auditor recommended that the commission have no power to remove the Chief of Police. She said only the mayor should have that power. That's not police accountability. In her report, the auditor said the officers who killed Joshua Pollack were generally exonerated. As the auditor should have known, the department settled with the family of Mr. Pollack for 1.4 million. Again, that's not police accountability.
- Regina Jackson: Here's the third point. Last year, Kat Brooks came to our meeting with an Oakland business owner. She warned that the department was overcharging local black and brown owned businesses. The auditor insisted that the commission should have paid Ms. Brooks no mind. Once again, that's not police accountability.



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- Regina Jackson: The auditor's recommendation is to plan meetings months in advance and to ignore all public demands of the moment. For all of you members of the public who are calling in tonight to speak at public forum, the auditor's recommendation is that we should get to all of your problems months from now. Do you agree with her?
- Regina Jackson: Look, I would let the auditor speak for herself, but I got an email two hours ago that she's not going to be here. Thank you very much. I'd like to advance the agenda and turn it back over to Mr. Rus.
- Juanito Rus: Thank you, Madame Chair. At this point, we will open the meeting to open forum public comment. Members of the public who wish to speak may raise their hands in the Zoom queue and they will be called in the order in which they raise their hands. Speakers will have one minute to speak. Excuse me, while I put the time clock up. At this moment, I'm seeing 21 hands raised in the queue. The first speaker in the queue is Ann Jenks. Hello, Ann, can you hear us?
- Anne Janks: Yes.
- Juanito Rus: You have one minute, whenever you're ready.
- Regina Jackson: I thought I was raising my hand to do public comment on the chief's report. I'd like to ask the commissioners please do not vote to suspend carotid holds. That is simply an incredibly narrow suspension of something. We've asked you to protect the residents from asphyxia at the hands of police, please use that strong language and do not do something that is minimal. Please reject the ad hocs report on use of force. It does not enable the community to participate adequately. It in fact instructs the community that the ad hoc is going to meet in private with the police behind closed doors. It's unacceptable. It needs to stop now.
- Regina Jackson: On crowd control, please, an immediate ban on tear gas in Oakland, in line with San Francisco and Berkeley, no other weapons, no discretion for the incident commander, which has been untenable, no LPD investigation, no mutual aid with any jurisdiction that does not abide with our policies. Thank you.
- Juanito Rus: Thank you. Time has expired. At this point, I will call on the next speaker in the queue listed as Maureen Benson. Hello, Maureen, can you hear us?
- Maureen Benson: Yes.
- Juanito Rus: You have one minute, whenever you're ready.



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- Maureen Benson: This is an approved statement from Anti Police-Terror Project. We acknowledge tonight's agenda has critical issues we must tackle. As Kat Brooks says, we're in a movement moment. And while we are in this moment, this commission must be in tune with the rhythm of the community now engaged in increasing vigils and family support, organizing actions, mass bailouts, filing lawsuits, providing community watch and neighborhoods being terrorized by the upswell of white supremacist groups and all of this on top of the previous work we were doing.
- Maureen Benson: Consider this as this commission continues the practice of releasing hundreds of pages of documents within 48 hours of your meetings. Consider this as people who call in to share talking points are also filled with rage and worry and desire for change.
- Maureen Benson: We've done our best to offer some feedback this week, but it's far from enough. Consider how your meetings could look if you were in rhythm with the community, you might be mapping out these conversations over the next few months, inviting experts as panelists with drafts in advance. Consider the need to pivot and adjust your timelines given this movement moment, so we can work together. We thank you for your work to hold OPD accountable, and invite you to deepen your investment in a people driven process.
- Juanito Rus: Thank you, Ms. Benson. Excuse me. I was muted. The next speaker I have in the queue is listed as Allie Bach. Hello, Allie, can you hear us?
- Allie Bach: Hi, there. Yep.
- Juanito Rus: You have one minute, whenever you're ready.
- Allie Bach: Great. Thank you. OPD is use of force is impetus for its correction and for resulting in wildly inhumane injuries and completely unjust murders at the hands of police. The use of force deployed recently on protestors is abhorrent and I think it's ironic because the interim chief herself admitted that OPD has caused harm to the community. She said, we look forward to not using militaristic types of force, yet you have deployed these tactics on countless residents and at peaceful, underage young people at the end of their march, which is why lawyers have succeeded in the restraining order against OPD's excessive use of force.
- Allie Bach: For item nine, y'all have said that you don't want any "bad actors". The fact that Sergeant Joseph Turner is leading this use of force work is disgusting. APTP has called out his horrific history. We demand he be removed from the use of force policy work.



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- Allie Bach: For item 10, this is an opportunity for the commission to step in and engage with community to create an OPD general order. I urge y'all to do that. Thank you.
- Juanito Rus: Thank you. The next speaker I have listed in the queue is a phone attendee with the last four digits 0501. I believe, Gene Hazard. Hello, Mr. Hazard.
- Gene Hazzard: Yes. Thank you. Mr. Prather's comments doesn't take into account that the police department defied a court order from 2003. You need to address that. They defied. I respectfully disagree with the chief with regards to they've defied a order in 2003. I'd like to know from the chief, what kind of relationship does the department have with mental health services with the Alameda County Healthcare Services? How do they deal with those kinds of triages there? But really go back and look at what happened in 2003, and how the police department defied the order in the use of tear gas and projectiles. And when will Council member Giles say something?
- Juanito Rus: Thank you, Mr. Hazard. Your time is up. At this time, I'll call the next person in the queue listed as Lorelei Bosserman. Hello, Lorelei, can you hear us?
- Lorelei Bosserman: Yes, I can. Thank you.
- Juanito Rus: You have one minute.
- Lorelei Bosserman: I want to thank the commission for all the work you've done over the last two and a half years. I know you're catching a lot of grief from a lot of people who don't seem to understand the work that you have been doing and how difficult it's been to do that work. You've got obstacles set in your path constantly. You still don't have a staff member who reports to you. And you're working your butts off. And you have managed to do really significant things to hold OPD accountable. You're changing their policies. You have fired officers.
- Lorelei Bosserman: Sorry. I just want to say all of this because I appreciate it. And I appreciate you. And I don't think people are aware of it. Someone recently said to me, I hope the commission puts more pressure on OPD than they have in the past. And I thought they're firing people, what kind of pressure are you looking for, and how are you going to help them do it? Because there's a lot of work and people could be chipping in. And that's about it. Thank you.
- Juanito Rus: Thank you, Ms. Bosserman. the next speaker I'm showing in the queue is listed as Jennifer To. Hello, Jennifer, can you hear us?
- Jennifer Tu: Hi. Yes, I can.



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- Juanito Rus: You have one minute, whenever you're ready.
- Jennifer Tu: Thank you, Mr. Ruse. Hi, my name is Jennifer To. I'm from district three and I wanted to speak briefly about the military equipment ordinance. A couple of meetings ago, the National Lawyers Guild showed us some very graphic photos, including one woman who had about 20 enormous bruises across her back from less lethal rounds. We also heard multiple public speakers share their experience of getting tear gassed. There were kids who got tear gassed. There was that [inaudible 01:58:16] woman who was going through a fertility treatment, who was in a car caravan, who was here gassed.
- Jennifer Tu: What I want to say is when the police have military equipment, they will use it. They might not want to, but they will use it. If OPD cannot control itself from attacking peaceful children and their constituents, if OPD cannot stop mutual aid from attacking the people of Oakland, the existing policy is insufficient. Please ban all military equipment [inaudible 01:58:42] PD. Thank you.
- Juanito Rus: Thank you. The next speaker I'm showing in the queue is listed as Sameena Usman. Hello, Sameena. Can you hear us?
- Sameena Usman: Yes. Hello. My name is Sameena Usman. I'm the Government Relations Coordinator for the Council on American-Islamic Relations. As the previous speakers have noted, we absolutely need to have a military equipment ordinance and it should have been in place long before, when it was initially introduced. I think we've been hoping for this ordinance for well over a year. You have 40 community organizations that are in support of this ordinance.
- Sameena Usman: Again, if police is going to be using tear gas, gas launchers, rubber bullets, assault rifles, tank like vehicles and other militarized equipment against the population, we need to have an ordinance in place in order to control this. I took my daughter to one of the protests and we were in a prayer circle and all of a sudden the police started shooting projectiles into a peaceful crowd. We cannot have this happen. We need to protect our first amendment rights. We need to protect our community from this type of equipment being used against them. Please pass this military equipment ordinance.
- Juanito Rus: Thank you. Your time is expired. The next speaker I'm showing in the queue is a phone in attendee with the last four digits 0185. Hello, 0185, can you hear us?
- Michelle Lazaneo: I can. This is Michelle Lazaneo, spokesperson for the Jonathan van Di Bella family. Interim Chief Manheimer, Most of OPDs 151 departmental general orders are 15 to 20 years old. Your missing persons policy is 10 years old and doesn't meet the current best standard practices. Your crowd management,



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crowd control policy hasn't been updated since 2013. You have no social media policy, even though Commissioner Harris provided you all-

Regina Jackson: Mr. Ruse, can you still hear me?

Michelle Lazaneo: Hello?

Juanito Rus: I can hear.

Michelle Lazaneo: Can you still hear me?

Juanito Rus: Excuse me. Yes, I can hear you.

Female: Mr. Ruse, give her her time back.

Juanito Rus: Very well.

Michelle Lazaneo: You want me to start from the beginning?

Regina Jackson: Mr. Ruse?

Juanito Rus: Yes. I'm here. Chair, can you hear me? Chair, can you hear us?

Female: I hear you.

Juanito Rus: Apparently the Chair can't hear the rest of our conversation. I will start your time at one minute.

Regina Jackson: Mr. Ruse, did we lose Michelle?

Michelle Lazaneo: No, I'm still I'm here.

Female: We hear you. [crosstalk 02:01:29].

Juanito Rus: I will text the Chair. You have one minute and you can begin whenever you're ready. I'm sorry.

Michelle Lazaneo: Interim Chief Manheimer, most of OPD's 151 departmental general orders are 15 to 20 years old. Your missing persons policy is 10 years old and doesn't meet the current best standard practices. Your crowd management control policy wasn't updated since 2013. You have no social media policy, even though Commissioner Harris provided you all with copies of samples of at least three social media policies from neighboring agencies.



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- Michelle Lazaneo: You can't blame your lack of implementing a policy on this commission or the suggested ad hoc committee. Submit a social media policy ASAP. Let the commission and public provide input. We have been asking for these policies for over a year. We've waited long enough, assign a Deputy Chief or Lieutenant, assign somebody, and get it done. Thank you.
- Juanito Rus: Thank you. The next speaker I'm showing in the queue is listed as Kevin Cantu. Hello, Kevin, can you hear us?
- Kevin Cantu: Yup. Can you hear me?
- Juanito Rus: We can hear you. You have one minute, whenever you're ready.
- Kevin Cantu: Regarding crowd control equipment and policies. I'd just like to make a general comment that I have observed that use of force policies by police, and Sheriff's departments and highway patrol helping them, have been ludicrous. Veterans frequently comment that when facing crowds, they have much, much, much more restrictive uses of force policies and restrictions on their ability to escalate.
- Kevin Cantu: I think that we should commit to no longer suppress peaceful protest with curfews or arbitrary declarations, of illegal assembly, no [inaudible 00:21:34], no tear gas, no rubber bullets, baton rounds, all this other fucking bullshit. Sorry. I think it's wrong.
- Juanito Rus: Thank you, Mr. Cantu. Your time is up. The next speaker I'm showing in the queue is listed as a Assata Olugbala. Hello, Ms. Assata, Can you hear us?
- Assata Olugbala: Yes, I can.
- Juanito Rus: You have one minute, whenever you're ready.
- Assata Olugbala: This process has to stop. You are not following the Brown Act. You are not. You are using Executive Order N2920 to have exclusion in participation of the public that is guaranteed by the Brown Act. There is a tremendous difference between public comment and open forum. Public comment is for all items on the agenda. Open forum is meant to have comments on items not on the agenda. Two separate [inaudible 00:22:37]. You are participating in exclusion when you try to combine public comment and open forum. I can speak on every item if I want to. I have that right under the Brown Act. You cannot condense my comments. And if I have to call every meeting and say this, I'm not going to participate in a process that's not fair.



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- Juanito Rus: Thank you Ms. Olugbala. Your time is up. The next speaker I have in the queue is listed as John Lindsay-Poland. Hello, Mr. Lindsay-Poland, can you hear us?
- John Lindsay-Poland: Before you start the clock, could the Chair clarify whether you are following the agenda with public comment on each item or only this chance to do public comment? There was no announcement.
- Regina Jackson: I can clarify. Yes, there will be public comment on each of the items, but we did want to create a longer public comment as needed based upon all the people that have commented over the last couple of weeks. It sounds like there aren't as many, but yes, that's the intention.
- John Lindsay-Poland: Thank you Chair. My comment, can you hear me?
- Regina Jackson: Yes, we can hear you.
- John Lindsay-Poland: My comment is just new information that we learned this week that OPD has deployed AR-15 assault rifles on an average of twice a day, more than twice a day, for the last year. These assault rifles, when they're deployed, are not considered uses of force unless they are pointed at someone or fired. They are not regulated in terms of the reasons for their use or the circumstances of their use, which is all the more reason why we are hoping for a militarized equipment policy.
- John Lindsay-Poland: I believe that Interim Chief Manheimer was not here when that policy was introduced. That proposed ordinance was introduced over a year ago. There have already been extensive meetings with OPD, and I agree with Vice-Chair Gage that no more needed I'll comment on the other points as they come up. Thank you.
- Juanito Rus: Thank you. The next speaker I'm showing in the queue is listed as Cameron Byrd. Hello, Cameron, can you hear us?
- Cameron Byrd: Yes. Thank you, commissioners. Chief Manheimer's claim tonight that she would never want the police to be "weaponized" is a bit absurd. It's quite a statement, given that an unweaponized police department is exactly what so many of us in the community pine for. Unfortunately though, an unweaponized police department is an oxymoron, and, alas, examples of OPD, "weaponization" keep tallying up.
- Cameron Byrd: Today, I was taken back a month in time to the dawn of our current chapter of righteous protests. I learned that an Oakland resident named Robert Sanchez, a restaurant worker, was shot in the eye with a rubber bullet at 14th and



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Broadway the night of May 30th. Look it up. He's currently raising money for surgery on GoFundMe and I'm told his eye will likely have to be taken out.

Cameron Byrd: A "crowd control" policy that leaves the police any wiggle room at all, we can rest assured will be exploited to give the police maximum discretion the next time they claim they need it. It will be weaponized, just as the auditor has seemingly weaponize the power of her pen to stamp out actual accountability. Keep up the good work commissioners. Thank you.

Juanito Rus: Thank you, Mr. Byrd. The next speaker I'm showing in the cue is listed as Megan S. Hello, Megan, can you hear us?

Megan S: Yeah, can you hear me?

Juanito Rus: We can hear you. You have one minute, whenever you're ready.

Megan S: Hi, thanks so much. I just wanted to say thank you to the commission. I think the auditor is being really unfair and I think it's clear why she's being unfair. You guys are bringing to light a lot of things and making a place for us to see a lot of the contradictions that OPD spins.

Megan S: Chief Manheimer, I'm really interested by the language that you use. You say you hear a lot of numbers regarding the number of mental health calls and that they're just floating out there. These are numbers that you've said in these meetings. We're hearing those numbers because they come from you. It's really clear at all these meetings that you're not very familiar with the nuts and bolts of how the Oakland Police Department works. And there's a lot of talking about our community, our values, our city. I invite you to be in community with us, which means being accountable to us and taking responsibility for the things that you've said, either in error or deliberately.

Megan S: I'd also like to say that I don't know, Commissioner Prather, if you're the right person to accept her apology or anyone else's apology. Did you get gassed? Thank you.

Juanito Rus: Thank you. The next speaker I'm showing in the queue is listed as JP Masser. Hello, JP, can you hear us? You can mute yourself. JP Masser.

JP Masser: Hold on. Can you hear me now?

Juanito Rus: We can hear you now. You have one minute, whenever you're ready.

JP Masser: As Mr. Hazard pointed out, the OPD was already in violation of the crowd control policy they agreed to, and the negotiated settlement way back by 2003.



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I find it totally absurd that anyone would even think of relying on any statement by OPD about whether they will continue to use militarized weaponry. They've violated their policy again and again and again, in, occupy During Black Lives Matter, at the say her name protests, and now.

JP Masser: They get sued and then nothing happens and they sign another agreement and nothing happens and they go out and they do the same thing because they're not accountable. The only viable path is a total ban on this stuff. Thank you.

Juanito Rus: Thank you. The next speaker I'm showing in the queue is listed as Maham Shahid. Hello, Maham, sorry, excuse me. Can you hear it?

Maham Shahid: Yes, I can. Hello.

Juanito Rus: You have one minute, whenever you're ready.

Maham Shahid: Good evening. My name is Maham and I'm a representative of the Council on American-Islamic relations, serving San Francisco and the Bay area. We want to speak to item 10 and demand that the commission should change OPD's crowd control policies to permanently prohibit use by OPD of tear gas and other chemical agents at Demonstrations. There must be no discretion for incident commanders in applying the ban on chemical agents.

Maham Shahid: The commission must also stop OPD from allowing other police and sheriff departments from using these weapons on crowds in Oakland, by ordering an end to mutual aid deployments in Oakland with outside agencies that don't explicitly agree to abide by Oakland's policies for crowd control.

Maham Shahid: We also look forward to seeing the commission vote on item 14, to make sure that strengthening the language on outside agencies in the ordinance is supported because having military equipment present doesn't diffuse the situation. It fuels fire and increases the tension between community and law enforcement, which is not what we want. Thank you so much.

Juanito Rus: Thank you. The next speaker I'm showing in the queue is listed as Joseph Mente. Hello, Joseph, can you hear us?

Joseph Mente: Can you hear me?

Juanito Rus: We can hear you. You have one minute, whenever you're ready.

Joseph Mente: [inaudible 02:12:28]. To chief Manheimer, Do you have data on how many officers responded to each call for service? We've heard time and again about three or four cars worth of officers responding to trivial matters. Examples



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include so-called routine traffic stops or shoplifting of a Capri Sun, yet you claim that the police force is spread thin. I would really like to have some data here, but it seems to me that you're just wasting your own time and wasting taxpayer dollars. Get control of your department. OPD has been mismanaged for decades and still is. How many millions of dollars were spent arresting, transporting, processing, and containing peaceful protesters who were never charged?

Tasha Monday: This is Tasha Monday. I'd just like to say that the comments from the auditor are completely unfair and to remove teeth further from this commission is not helpful or conducive to the concept of police oversight. It is antithetical to the purpose of this committee and it strips a lot of democracy away from this process. Thank you.

Juanito Rus: Thank you. The next speaker I'm showing in the queue is listed as Ashley Greenwood. Hello, Ashley, can you hear us?

Ashley Greenwood: Hello, Mr. Ruse. Thank you. I just wanted to speak to item 10. I went to protest on the 29th, 31st, and the 1st. The 29th we marched on to the OPD station, where about 50 officers in full riot gear emerged to block us from the street, immediately escalating things. It was scary. It's scary to see officers in that kind of outfit.

Ashley Greenwood: And then on the 31st I witnessed OPD shoot tear gas into the car caravan. And I would really like to hear Chief Manheimer speak specifically on that event, because I cannot imagine how she can justify that being proper use of their tactics or whatever.

Ashley Greenwood: And then on the 1st, the 8:00 PM curfew announced at 4:00 PM, which gave carte blanche to let officer use tear gas. Please ban the use of those weapons.

Juanito Rus: Your time has expired. The next speaker I'm showing in the queue is listed as Gemma Corales. Hello, Gemma, can you hear us?

Gemma Corales: Hello? Can you hear me?

Juanito Rus: We can hear you. You have one minute, whenever you're ready.

Gemma Corales: Thank you. Manheimer, earlier you said that you needed to protect the community during protests and that's the problem. The people out there are the community. You are tear gassing the community. You're terrorizing the community. I don't understand how many times we have to tell you this for you to understand that.



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- Gemma Corales: I cannot believe that you have Sergeant Joseph Turner leading the use of force work. It's deplorable. He murdered Richard Perkins [inaudible 02:15:39] three other officers. You need to remove him from the force policy work, prohibit the use of OPD of tear gas, other chemical agents, rubber bullets, and flash bang grenades at demonstrations. OPD is a terror force in our community. And goddamn, I don't know how we have to explain it. Why do you want OPD officers with prior misconducts? Why do you want that? And finally, black lives matter. I yield my time.
- Juanito Rus: Thank you. The next speaker in the queue is listed as Kellan Thomas. Hello, Kellan, can you hear us?
- Kellan Thomas: Yes, I can hear you. My name is Dr. Kellan Thomas. So, I live and providing mental health care in District 3. I agree with Commissioner Harris that the two complaints by different complainants should be enough, so please don't allow things like patterns, which are completely unenforceable and meaningless terms, two complaints is enough. Oakland needs a military equipment ordinance to control all types of militarized equipment and not just more planning conversations with OPD. On June 1st, tear gas was used in Oakland against peaceful protestors during the pandemic. That is why Oakland must prohibit collaboration with outside agencies who won't honor these policies and will use a militarized equipment. Oakland has a precedent of prohibiting OPD collaboration with agencies like ICE, so this should extend to other agencies that want to use militarized equipment against our citizens. Please note that these are not related to... The tear-gassing people has nothing to do with all the other incidents listed. Stop tear-gassing.
- Juanito Rus: Thank you. The next speaker I'm showing in the queue is listed as Gabriela Medder. Hello, Gabriela, can you hear us?
- Jay Farber: Hi. This is actually a Jay Farber. We're joining on the same computer here. I'm speaking to suggest an idea for police reform. I'm worried that the actions of OPD and the recent protests, among many other incidents suggests, that even when there is an existence of an ordinance that should protect our community from undue police violence, it's not actually sufficient to create change. What I believe might be enough would be tying financial incentives for OPD to its ability to reduce actions that involve the use of force. In war, this is called compensatory payments. The US military pays this out when they kill a civilian in a time of war. I'm suggesting that something similar we used for when use of force actions are taken by OPD, that compensatory payments be paid to victims or their families when it involves the actual death of a community resident. I urge the commission to consider a program like this to tie the financial incentives to OPD, to helping them figure out ways to reduce police violence.



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- Juanito Rus: Thank you. The next speaker I have in the queue is listed as Ellen Monroe. Hello, Ellen, can you hear us?
- Ellen Monroe: Hi. Yes, I can hear you. Can you hear me?
- Juanito Rus: We can hear you. You have one minute.
- Ellen Monroe: Hi. Yeah. I'm Ellen Monroe. I'm a resident of District 1 in Oakland, which is occupied [inaudible 02:19:10] territory. First of all, I know that we're just supposed to be speaking on one item, but it was a little bit unclear whether we are supposed to call back in for the next item, so I'm going to say everything now. I don't believe that true reform can happen within the current structure of the Oakland Police Department, but I know we're trying to talk about details today.
- Ellen Monroe: So, first item, item nine, ban all neck holds. Don't stop at carotid choke holds. Ensure that there is a zero tolerance policy and people see consequences. On item 10, I ask that you end the use of tear gas, chemical agents, other militarized equipment. I would really prefer that you demand the end of the use of all deadly weapons by the police, but at least military grade ones. Regarding this process, I also ask that you conduct meaningful public dialogue with individuals, community organizations, so policy discussions need to happen on a realistic timeline with opportunity for education and engagement, not just one minute comments. Thank you.
- Juanito Rus: Thank you. The next speaker I'm showing in the queue is listed as [Dukanovic 02:20:15]. Hello, Dukanovic, can you hear us?
- Dukanovic: Oh, yes. Thank you. Well, [inaudible 02:20:21] to say thank you to the Police Commission for the work you're doing. It is appreciated, and we are noticing. I would just like to speak on what everyone else has pretty much said today, that there is no room for tear gas or rubber bullets and chemical weapons in Oakland. We should not allow mutual aid services to use it, as well. They're inhumane, they end up making the problem worse, and you cannot trust the Oakland Police Department to use them responsibly. That was just something that will not ever happen. And I like the idea that some other speakers said about tying finance to use of force because, at the end of the day, it's all about money, and sounded like good idea. I yield my time. Thank you very much.
- Juanito Rus: Thank you. The next speaker I'm showing in the queue is listed as Bruce Schmiechen. Hello, Bruce, can you hear us?
- Bruce Schmiechen: Can you hear me?



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- Juanito Rus: We can hear you.
- Bruce Schmiechen: Bruce Schmiechen, Faith in Action East Bay. We're an organizational member of Coalition for Police Accountability. A number of things I want to follow up on that the coalition has actually communicated with commissioners. Number one is the carotid hold ban is inadequate. George Floyd was not killed by a choke holder carotid ban. We need a stronger asphyxia language that addresses the entirety of this issue, and CPA has actually offered up that. So, we'd asked you pass that. Don't move forward on use of force ad hoc report until there are no further closed meetings with police without public access. And on crowd control specifically, you need an immediate ban on tear gas in Oakland, no rubber bullets or other such weapons on crowds, no discretion of an incident commander, no OPD investigation. The Commission should engage a full public investigation. No mutual aid to any jurisdiction that doesn't abide by policy. And also, large identifying numbers front and back on any [crosstalk 02:22:32].
- Juanito Rus: Thank you, Mr. Schmiechen, your time is expired. The next speaker I'm showing in the queue is listed as Oliver Dylan. Hello, Oliver, can you hear us?
- Oliver Dylan: Hi. Can you hear me?
- Juanito Rus: We can hear you. One minute whenever you're ready.
- Oliver Dylan: All right. I want to say first that I wish the auditor were here on the line, as it's people in these positions and our City Council members who voted on the hasty orders this last City Council meeting that are ignoring a lot of our concerns. It's not necessarily this Police Commission, and we do appreciate the work that you guys do. I also want to speak to City Council Member Reed and Chief Manheimer's comments in a City Council meeting about two weeks ago, that they would hate to see a situation where the police did need to use these lethal or militarized weapons and not be able to use them. And I just think that that's wrong. There isn't a situation where that is necessary in a community, in a city like this, and so a general ban on these things is what's absolutely necessary. I also want to second a lot of my other community members' comments.
- Juanito Rus: Thank you. Your time is up. The next speaker I'm showing in the queue is listed as Lucio Majilla. Hello, Lucio, can you hear us?
- Lucio Majilla: Hello. Can you guys hear me.
- Juanito Rus: We can hear you. You have one minute whenever you're ready.
- Lucio Majilla: Okay. I think that Sergeant Joseph Turner on the use of force commission is... I mean, a very simple search of his record seems to be highly problematic, and



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some other people have brought that up so I just want to add my voice to that. As well as use of force restrictions and mutual aid protocols, it seems, again, very clear the community, there's no need for militarized weapons, tear gas, chemical weapons, rubber bullets, and I would like to echo what was said earlier by another citizen who said that it's not really reasonable to think that the police need that. There's been no issues that the police shouldn't be able to solve without that. And yeah. Okay. Thank you.

Juanito Rus: Thank you. The next speaker I'm showing in the queue is listed as Fi Tran. Hello, Fi, can you hear us?

Fi Tran: Yes. Thank you. Hi, Commissioners. I'm still in awe at the fact that the Police Department cannot provide details and data on the number of calls, types of calls, and timing of call response. I don't know about you, but that's basically incompetence, right? How can this department accomplish anything if they don't know what calls they're getting and how many at any given time? Also, with respect to police accountability, the police are not capable of following the laws they're sworn to protect. We can create laws against use of force, but we really must take away these tools of oppression. We not only want you to prohibit, we want you to help us take them all away now. And obviously, we do not want loopholes for officers who have engaged in this conduct. Let's start with the current officers. Let's start with Sergeant Joseph Turner. Thank you.

Juanito Rus: Okay. Thank you. The next speaker in the queue is listed as Starchy Grant. Hello, Starchy, can you hear us?

Starchy Grant: Yes. Hello. I'm a resident of District 1, and on item 10, I ask you to remove and ban tear gas, rubber bullets, pepper spray, flash bangs, and other weapons of war from OPD or anyone providing mutual aid to them. These dangerous munitions are banned for use in war under the Geneva protocol for good reason. They simply cannot be used in a proportional, safe, and controlled fashion without risking death, permanent injury, and harm to targets and to bystanders. Thank you. I yield my time.

Juanito Rus: Thank you. The next speaker in the queue is Mariano Contreras. Hello, Mariano, can you hear us?

Mariano Contreras: Yes. I'm speaking for Latino Task Force and the Coalition for Police Accountability. I want to make my comments addressing to the city auditor. I want to remind the city auditor that in 2016, over 83% of Oakland voted to establish an independent police commission with the authority to fire the chief with cause. It is written in the enabling ordinance. How is it that you can make a statement that only the mayor should have the power to fire the chief? Please read the enabling ordinance. And how is it that you can propose to eliminate



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the community from participating in the Police Commission meetings? Auditor Ruby, do you know the meaning of an independent police commission? Auditor Ruby, please stay in your lane. Thank you.

- Juanito Rus: Thank you. The next speaker in the queue is listed as Deborah Lee. Hello, Deborah, can you hear us? Deborah Lee, you can unmute yourself Last call, Deborah Lee. Very well, I'm going to lower your hand in the queue. The next speaker I'm showing in the queue is listed as Chelsea Crandell. Hello, Chelsea, can you hear us? Chelsea?
- Chelsea Crandell: Hi. Can you hear me? Sorry about that.
- Juanito Rus: We can hear you. You have one minute whenever you're ready.
- Chelsea Crandell: Okay. Thank you. I'm from council District 2. Well, I appreciate the policy and the work you've been doing. Police shouldn't have access to militarized weapon because they've proven time and again that they'll use them. We respectfully demand a new OPD order that bans chemical agents, rubber bullets, flash bang grenades at demonstrations, in line with San Francisco and Berkeley policies. Police are intended to protect all people and their Constitutional right to free speech, more so than superficial damages to property. I'd also like to suggest no collaboration with outside agencies, such as ICE, that can use militarized equipment on civilians. And also, that Joseph Turner should be removed from force policy work given the murder of Richard Perkins by him and three other officers. Lastly, I'd like to say that the current language on the carotid choke hold bands is inadequate and the language must be enhanced to eliminate potentially lethal neck holds of any kind. Thank you so much. I yield my time.
- Juanito Rus: Thank you. The next speaker in the queue is listed as Dana. Dana, it looks like is using an older version of Zoom, so I'm going to briefly promote them to a panelist position. Hello, Dana, can you hear us?
- Dana: Yeah, hi, can you hear me?
- Juanito Rus: We can hear you. You have one minute whenever you're ready.
- Dana: Okay. To the commissioner who accepted Manheimer's apology, I just want to say, I didn't hear an apology from her, and I haven't seen any plan to follow through on her weak position of just not wanting to deploy military-style crowd control. I would also point out that on the night of June 1st, your police force seemed quite eager to tear gas myself and other youth protesting before the curfew. We need a ban on all military-style crowd control, including tear gas, flash bangs, and rubber bullets. For item nine, I want to say, please remove Joseph Turner from the carotid choke hold review, and while you're at it, please



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remove him from the police force. And I think that the language of this item should be expanded to include all forms of asphyxiation by the police. Thanks. I yield my time.

Juanito Rus: Thank you. ... The next speaker I have in the queue is Deborah McCracken. Hello, Deborah, can you hear us?

Deborah McCracken: Hi. Yeah. Can you hear me?

Juanito Rus: We can hear you. You have one minute whenever you're ready.

Deborah McCracken: Awesome. I just wanted to call and second the voice of many of my community members who have spoken up on behalf of the issues on the table tonight. I want to ask that Sergeant Joseph Turner is removed from the use of force work. I also want to ask that we've make sure that other police departments that are not in compliance with Oakland's use of force restrictions are not allowed to render mutual aid, and that all militarized weapons, including chemical agents and tear gas are no longer prohibited to be used at civil disobedience and peaceful protests here in Oakland. My yield my time.

Juanito Rus: Thank you. At this time, it looks like Deborah Lee raised their hand again. Hello, Deborah, can you hear us this time?

Deborah Lee: Yes. Can you hear me?

Juanito Rus: We hope we can hear. You have one minute whenever you're ready.

Deborah Lee: Thank you so much. Hi, everyone, commissioners. My name is Reverend Deborah Lee. I'm a United Church of Christ minister. I'm the director a statewide interfaith movement for human integrity, which represents 200 congregations engaged in immigrant justice and ending mass incarceration. I think fundamental to our work is this value about the sacredness and the sacred duty to protect life. And I believe that's also maybe something you share with us. We're very upset about the blatant and reckless disregard that there seems to be for human life in the use of tear gas, chemical weapons, and militarized weapons. Many of people in our network, faith leaders, we were urging them to go out to the protest, as well as they were bringing children, young people, and was very saddened that they had to experience this part of Oakland. So, I ask you to please approve item 10 and item 14. This is why we have a commission. Thank you.

Juanito Rus: Thank you. The next speaker I'm showing in the queue is listed as Judy Bell. Hello, Judy.



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- Judy Bell: Hello. Can you hear me?
- Juanito Rus: We can hear you. You have one minute.
- Judy Bell: Okay, cool. Hi, my name is Judy Bell [inaudible 02:34:34], and I'm a youth educator residing in Oakland. The history of police violence has gone for far too long in this country, and no matter how many times we try to say it, change has yet to be done. I wanted to speak on item nine in terms of the carotid choke hold, and the choke hold is designed to stop blood flow and air to the person in the hold. And there have been many instances where victims can not breathe, to police brutality from Eric Gardner to Johnny Rush. And even though George Floyd wasn't killed in a choke hold, why do police use violence to kill, especially when many of these victims are unarmed? Are police really trained to kill, or are they trying to deescalate situations? With that being said, Sergeant Joseph Turner should be fired.
- Judy Bell: And then, speaking on behalf of item 10 with chemical weaponry, tea gas is considered illegal in war, so why are they used against our own people? It's quite ironic how tear gas is being utilized even through a pandemic that causes respiratory issues. With that being said, police should not have access to militarized equipment and civilians. It's inhumane, and the police as a system need to be abolished. Black lives matter.
- Juanito Rus: Those are all the speakers I have in the queue at this time. I also wanted to read in the names of public commenters who submitted written public comment prior to this meeting. The Commission received six written public comments prior to tonight's meeting. They were submitted by Ashley Erickson, Mary Vale, Maura Darrow, Catherine Williamson, Reed Williamson, and Kathy Leonard. And with that, I will turn the meeting back to you, Madame Chair.
- Regina Jackson: Thank you very much. Appreciate all of the public comment, and Ms. Olugbala, you're exactly correct. I messed up by putting the two items together, public comment and open forum, and that's my failure. We will be listening to all public comment after each item, though. I just wanted to clarify that. I also want to correct my error with Mr. Hazard. I want to, through ,the chair speak to... Well have, I guess, Deputy Chief Armstrong respond to Mr. Hazzard's inquiry about the federal lawsuit CO32961 and CO32962, that was filed by ILW local 10 in 2004, prohibiting the use of tear gas and projectiles, and whether other law enforcement entities are held accountable under the 2004 court order. I'm directing it to Deputy Chief Armstrong because I know that Manheimer was not there.
- D.C. Armstrong: Yes. So, Chair, we are following up with the city attorney's office. We didn't come prepared specifically to speak to that case. I do recall that case, and I



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know there was litigation as a result, but I'll have to have the city attorney research it and see if the statute of limitations on that case expired. Whatever sanctions that the department had as a result of that, I know that the Spalding case was the last case that around crowd control that the department agreed to the policy that we included today, and that has been our most recent crowd management policy. So, I'll get those answers for you in follow up through email. We might have to wait a minute in order to get them, but the city attorney's researching it as we speak.

Regina Jackson: Okay, excellent. Thank you very much. Okay. I am not certain, based upon the way we did this, if... Excuse me. We've taken public comment on the Chief's update, and so we... Excuse me, can you go forward? So, I don't know if we've taken comment on the Chief's update. If there is public comment, we should take it now and then move forward to item eight.

Juanito Rus: Very well. At this time, I will take public comment on the Chief's update, item seven on the agenda. If you would like to comment on the Chief's update, please raise your hand in the queue. One minute per speaker. ... This time I will call for comment. The first speaker in the queue is Ann Jenks. Hello, Ann, can you hear us?

Anne Janks: Yes, sir. Chief, a couple of things. First of all, we had asked a series of questions about stopping an arrest in the East Oakland collective. At that time there weren't answers, and we very much would like to get answers. It had to do with a timeline, it had to do with when you identified a person driving in a car with a mask on as being somebody that you thought was a suspect. In terms of the calls, you talked about [inaudible 02:40:04] doing a deeper dive. I hope you intend to involve Chief [inaudible 02:40:07] office. One of the problems is you're not going to be able to get enough data because the calls are not coded in such a way that a specific code is going to be obvious as to whether it should be responded to with a badge and a gun or by community support. And we don't really want any more ad hoc committees meeting with you behind closed doors, so let's not do that suggestion. Thanks.

Juanito Rus: Thank you. The next speaker in the queue is Assata Olugbala. Hello, Ms. Assata, can you hear us?

Assata Olugbala: Yes, sir.

Juanito Rus: One minute whenever you're ready.

Assata Olugbala: I really appreciate... I'm ready. Thank you, sir. I really appreciate it Mr. Prager's information about ShotSpotter because at the City Council meeting, if what you're saying is true, a lot of misinformation was given about ShotSpotter at the



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last City Council meeting. What I could not understand was, there was an agreement that they needed to evaluate further ShotSpotter. Instead of that evaluation or effectiveness of it going to the Police Commission, it's going to the Privacy Commission. The Privacy Commission has no authority to look at the work of the police officers around whether you can hear guns in a certain area. Their job is to look at telecommunication privacy, and they also have a mandate to protect the sanctuary city component. So, I don't understand why ShotSpotter is being reviewed by the Privacy Commission.

Juanito Rus: Thank you. The next speaker in the queue is Jennifer Tu. Hello, Jennifer, can you hear us?

Jennifer Tu: Yes, I can. Thank you.

Juanito Rus: Whenever you're ready.

Jennifer Tu: Thank you. Through the Chair, Chief Manheimer, what day will the Commission received the analysis around calls? That's all.

Regina Jackson: Chief Manheimer, can you respond to that question please?

Chief Manheimer: Yes. Through the Chair, we are working on that call analysis, call load analysis, with the city administrator's office. We don't have any timelines yet because we are bringing in a consultant to do that deeper dive. I want to be clear, we do already have, by category, every single call for service. The problem is that they're in very broad categories, so we will need to parse those out in terms of how many of those calls involve violence, how many would be appropriate for a non-police response. So, we are going to get on that. I don't have a date yet because we have to do the consultant contract. So, when I have that date, Chair, I am happy, on my biweekly updates, to bring you that process and progress.

Regina Jackson: Chief, do you think that you will have the information before the next Commission meeting?

Chief Manheimer: Oh, in no way would we have it before then. We receive 2,000 calls a day. Of those, there's probably 40 to 50 different codes, and in those codes are sub codes. So, we have a very old CAD system. We can get the calls in terms of category, but those categories don't determine whether or not there was violence involved, what the disposition was, and how we ended up determining whether or not that we would need a police response. That will take more analysis, and that's the problem. We're hoping 30 to 60 days.

Regina Jackson: 30 to 60 days?



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- Chief Manheimer: Yes.
- Regina Jackson: Okay. Wait, because we need to do better. Okay. Thank you very much. Mr. Rus, you can go back to public comment, then, please.
- Juanito Rus: Thank you. The next speaker in the queue is Kevin Cantu. Hello, Kevin, can you hear us?
- Kevin Cantu: Hello again. I think I missed most of the discussion from Manheimer's update, but I just wanted to note to the amusing moments that I joined the call right before that the Chief said something about how ShotSpotter helps us get there right away. Since people aren't calling, Lord knows why they don't call, and it's just kind of hilarious. We have called this Commission over and over explaining why we don't always call, that having a bunch of armed police show up after gunshots in my neighborhood, I have to talk to them. And you carefully approach. You try to make no sudden movements, no hands in my pockets. Right? Because if I sneeze and I was wearing soft shoes and they didn't hear me coming, is somebody going to jump and shoot me?
- Juanito Rus: Thank you. Your time is expired. The next speaker in the queue is Ashley Greenwood. Hello, Ashley, can you hear us?
- Ashley Greenwood: Hello, thank you. I did just want to say thank you to all the commissioners. I have been really impressed with all of the thoughtful questions, and it's encouraging to know that we have such a good group of advocates for the community. So, I did just want to say that. And I wanted to ask, one of the first meetings that we had about specifically the protest on June 1st, the Commission asked Deputy Chief Anderson for a full audit of the number of tear gas, rubber bullets, et cetera that were used, and I was wondering where he was in collecting that data and if that data would be made public. To my knowledge, and I've tried to attend every meeting since then, I haven't heard anything brought up about the progress of that report, so I wanted to make sure that we were going to see something on that. Thank you.
- Juanito Rus: Thank you. Madame Chair, that was the last speaker who raised their hand when the question was called. Since then, three additional speakers, now four, have added their hands to the list. I'm happy to turn the meeting back to you.
- Regina Jackson: We will take all five or four, excuse me, and then we'll move forward. Thank you.
- Juanito Rus: Thank you. So, we will finish with Fi Tran. The next speaker in the queue is Grace. Hello, Grace, can you hear us?



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- Grace: Hey there. Can y'all hear me?
- Juanito Rus: We can hear you. You have one minute whenever you're ready.
- Grace: Great. Thank you. Chief Manheimer, I would like to know what are the innovative strategies you're using for police to deal with murders by partnering with people in the community. If people do not trust the police enough to call when shots are fired, I think you know trust is the reason, even if you pretend you don't, how could police possibly institute any strategy innovative enough to repair 400 years of broken trust? Chief Manheimer, do you feel shame about leading a police force that is so abusive that you were under a temporary restraining order? Do you feel shame for leading an institution that supports white supremacy by killing black and brown people? Do you feel shame when you say you want to act in alignment with your values given your history of not aligning with values of basic respect, care, and empathy? I yield my time.
- Juanito Rus: Thank you.
- Chief Manheimer: Through the Chair-
- Juanito Rus: The next speaker-
- Regina Jackson: Go ahead, interim Chief.
- Chief Manheimer: Yes. Through the Chair, could I have a response to that?
- Regina Jackson: Quickly, please.
- Chief Manheimer: Yes? Okay. Thank you. Yes. No, not only don't I feel shame, but I do want to say at this moment that each and every one of these officers, many of whom are younger, who have come up under the NSA and our progressive reforms, go out each and every day to serve this community, to serve it well. We recognize the historical context, we recognize that we are each painted with the brush of the actions that we see nationally, and we come in every single day committed to serving this community. Do we have trust to rebuild? Absolutely. But I will tell you that it is a tough time and a landmark time for all of us, and I am hoping we can take this time to move forward together and to rebuild and work on that trust.
- Regina Jackson: Thank you very much. Mr. Rus?
- Juanito Rus: Thank you. The next speaker we have in the queue is Starchy Grant. Hello, Starchy, can you hear us?



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- Starchy Grant: Yes, hello. ShotSpotter is a system of microphones on public streets, generally concentrated in neighborhoods of color. No matter how good the intent may be behind the system, we do need to recognize that this is a surveillance system, and we must regard it as such. It detects loud noises by recording sound, including background conversation, and unfortunately, the system of microphones cannot prevent gun violence. I urge the Commission and the Department and, ultimately, the City Council to continue to work with the Privacy Commission or any work on ShotSpotter and also to review the Electronic Frontier Foundation's work on this technology at eff.org/pages/gunshot-detection. Thank you.
- Juanito Rus: Thank you. The next speaker in the queue is Jasmine Faulstich. Hello Jasmine, can you hear us?
- Jasmine: I can. Good evening. Thanks for taking my comments. I have two things that I want to talk about. One is, the Chief mentioned that the police force takes some lateral transfers and that she looks for bad behavior through recognition of a pattern and I'm wondering how she finds that... Where she's getting this information from? My understanding is that there isn't a central repository of police misconduct and obviously an officer wouldn't include that on their resume.
- Jasmine: So is there something particular in the Bay Area or across California that would give us information about this history of these officers? And then a comment on the question of having 30 to 60 days to get the data back that has been requested, seems a little obscene given that the police department gets 40% of our general fund. You got some money, spend it.
- Juanito Rus: Thank you. The last speaker on this item is Phi Tran Hello Phi can you hear us?
- Phi Tran: Yes. Hi, thank you. Just two quick things. One, the request for call data was actually from weeks ago not today. The fact that this work has not even begun is quite frankly offensive to all the Commissioners and public comments requesting it, meeting after meeting. And I just wanted to add a quote from the report for the ShotSpotter contract that was part of the City Council agenda. "OPD cannot pinpoint direct causal impacts on gunfire activity in Oakland from use of ShotSpotter." This is from the report that was submitted by ShotSpotter. I don't know why we have to listen to anyone talk about the data on this when the police clearly says that they can't prove it. Thank you.
- Chief Manheimer: Madam chair can I-
- Juanito Rus: Thank you.



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- Chief Manheimer: ...can I disqualify just one point?
- Regina Jackson: Yes.
- Chief Manheimer: We absolutely have called data by category. It's not the call data and I can furnish that to you tomorrow. It is going into those reports and discerning which ones would still have required a safety police report and which ones would really lend themselves to any type of alternative service delivery. I want to be clear, I have the data and the numbers. What we haven't done is look into those and see which ones truly lend themselves to having a non police response.
- Chief Manheimer: And I'm trying to do more than just mental health or more than homeless, which are other calls that would not require that response. So I can give you that call data any day of the week, I want to be clear on that. It's the further research and really reading those reports and looking through them and those are voluminous. We have over 2000 a day. That's what we're committed to doing.
- Regina Jackson: Okay. It sounds like based upon the speaker's reminder that we actually call that out, I believe, at our town hall meeting on peaceful demonstrations. You probably have maybe 15 or 20 more days if we're talking about 60 to 90, since that should have already started but I will look forward and please just go ahead and send that information to all the Commissioners.
- Chief Manheimer: Will do.
- Regina Jackson: Thank you. I want to call on Deputy Chief Armstrong quickly. He says that they do have an update on Mr. Hazard's inquiry about the 2004 lawsuit. So, whenever you're ready Deputy Chief Armstrong.
- D.C. Armstrong: Yes, chair. Thank you. The City Attorney did call back and say that they looked up the case and we did agree to a settlement in that 2004 case which did include policy updates. But those policy updates was revised again in 2012 with the Spalding Case. We had an initial settlement that led to a change in policy in 2004 but then there was an updated policy completed in 2012 as a result of the Spalding Case in as... The 2004 litigation did not lead to a banning of those particular items that was mentioned. Tear gas and other things, is what we've gotten from the City Attorney. Thank you.
- Regina Jackson: Thank you very much for the update and I will see if there's any further followup for Mr. Hazard. Okay, we're going to move ahead to item number nine. Status on the Consensus Policy Changes and the OPD Special Order 9025 on Suspension of the Use of Carotid Restraint. Chief Manheimer?



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- Chief Manheimer: I'm sorry. Could you repeat that Ma'am?
- Regina Jackson: We're on item nine.
- Chief Manheimer: And that's the Use of Force Policy. I'm going to have Deputy Chief Armstrong handle that since he was a part of ad hoc and the development. I'll turn it over. [inaudible 02:54:41] Oh, this is the removal of the carotid, thank you. I wanted to clarify that the removal of the carotid was also brought forward with the positional asphyxia policy, that a couple of your members brought forward and that was brought forward originally by Ann Jenks and a couple of other members.
- Chief Manheimer: One of the things that we wanted to do is bring the carotid forward immediately and not wait for just its incorporation in the Use of Force Policy because we felt that we wanted to let the community and our leaders know that we are ready to endorse this immediately as a sign of good faith of the rest of the Use of Force Policy yet to come, that that would incorporate and signal the complete embracing of the '8 Can't Wait' policy.
- Chief Manheimer: If you would allow me, what we will do in prohibiting the chokehold and carotid restraints is to remove it from our policy, remove it from our training block in the Academy and we have to wait for that until post decertify it and then require several things with that. Which are the de-escalation as well as the duty to intervene and all of that will be brought to you when we do bring forward the Use of Force Reform.
- Chief Manheimer: But both the positional asphyxia, which came to us through several members for the Coalition for Police Accountability, as well as the decertification of the carotid restraint. And I want to clarify that we have not had chokeholds in our policy. However, we do have the carotid restraint and we are removing that effective upon your adoption of this Special Order.
- Regina Jackson: Thank you.
- Chief Manheimer: We would ask at this time for you to adopt the Special Order so that we can move it forward.
- Regina Jackson: Thank you. I have questions from Commissioner Harris and then Anderson. Commissioner Harris you're unmuted.
- Ginale Harris: Thank you chair. When I saw the agenda, I was a bit confused because the language that is on this paper today is not what I had in mind. I don't believe in suspensions of things that kill people. My thought is to get rid of it altogether. Ban it, make it illegal to do it, all of that. All of the above.



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- Ginale Harris: Now under the description in item number nine, it says, "The commission will ask for a status update on pending policy changes related to warning before shooting." I don't remember this item if we've ever spoken about it and I think this is in need of a deeper conversation. I don't believe you should be shooting at people, period. I don't think we should come up with a policy that justifies when to shoot at people. That's just my thought.
- Regina Jackson: Thank you. Commissioner Harris. Commissioner Anderson, you are unmuted.
- Tara Anderson: Thank you chair. And through the chair to interim Chief Manheimer. I'm a bit confused similar to Commissioner Harris in that when we discussed this during our last meeting, an affirmative statement was made indicating that this was a ban-
- Chief Manheimer: Right.
- Tara Anderson: ...and it is not. And to me why it is not, is it's a removal. It's a removal saying it won't be trained on anymore. It's saying it won't be included in the policy. That is to me, silence on the issue. It is not an affirmative directive saying, "This is not allowed in our department." That's what concerns me about today's Special Order.
- Tara Anderson: I'm curious about how... Given the call to action that we've received from the community and from City Council to move forward on this specific issue, how we might be able to incorporate explicit language prohibiting that hold. I equally acknowledge that the chokehold has not been used and is been California Law not to be included in policy for some time. And how we might go further and incorporate some of the language that's been recommended by the coalition relative to asphyxia.
- Tara Anderson: I'm inclined today to, as we can as a commission, if my fellow Commissioners agree, to modify this Special Order to represent what I'm hearing from community and what I've heard called upon us by City Council. And I would like to do so in a way that we are in agreement and don't need to go to City Council but if we are not in agreement, I think that we need to move forward as a Commission and present this for the City Council to be the ultimate kind of arbiter as they are outlined to be through the charter and ordinance that govern our authority as a Commission.
- Chief Manheimer: Madam chair, if I could for a moment. [inaudible 03:01:53] This is the language that was given to us by our Attorney as being the correct language because if we remove this from our options for the Use of Force and then we say we ban it, there's nothing to reference banning, it's the way our general orders are written. This is the language I want to assure everyone, "Unequivocally. End of



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statement. There shall be no carotid restraint. Or chokehold." And that's the language used per the Attorney's in the Order.

Chief Manheimer: And so I don't know how to be clearer and I don't have our City Attorney here but this is the effective saying and it is the language to use that reflects the rest of the policy. No carotid, no chokehold, period. And if you see page two, it says, "Any use of that shall be prohibited and disciplined." That is simply the language of the way to do that in the policy and the decertification, the training is required legally as well.

Regina Jackson: Yes, chief Manheimer I believe however, there are... We've heard calls from the community tonight to go further in terms of the asphyxiation component to it. We have two followup questions or comments. One from-

Chief Manheimer: Can I just add one thing. The rest of it, the positional asphyxia is embedded in the Use of Force Reformed Policy. All of the rest of that is in there if you-

Regina Jackson: Okay. Thank you.

Chief Manheimer: Okay.

Regina Jackson: All right. Commissioner Harris and then Mr. Alden. Commissioner Harris you're unmuted.

Ginale Harris: Thank you, chair. I don't know... I'm a bit confused right now because you're [inaudible 03:03:50] I'd like to know the name of the Attorney that gave you that information because no way and no how did this come across, in this language from any Attorney. And then there was a City Attorney in our ad hoc. This did not... I don't know who's giving you this information but this is not the language.

Chief Manheimer: Okay. Chief Armstrong has the City Attorney on the phone.

Ginale Harris: Okay.

Chief Manheimer: And she is saying that well, they gave that language here, it is okay to add in additional language. If you all feel that you want it clearer, let me know the language you want and we'll still run it by the City Attorney but I see no reason why we cannot modify that language. The intent is the same but if you feel that's not clear enough, we certainly want to ensure and afford our community the opportunity and the Commission to say how you want it.

Ginale Harris: Right. Thank you Chief but what I don't appreciate is the fact that this got slid in without consultation or collaboration.



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- Chief Manheimer: Well that is part... I'm sorry.
- Ginale Harris: It ended up on our agenda and this is not the language and it does not mean the same thing.
- Chief Manheimer: Thank you.
- Ginale Harris: [inaudible 03:05:17] is not the same as banning or getting rid off.
- Chief Manheimer: I [inaudible 03:05:23] argue with that. I think legally it did but we're happy to accommodate however it is you want to do it. I think-
- Regina Jackson: Thank you Chief Manheimer.
- Chief Manheimer: Thank you. Okay.
- Regina Jackson: We've got several other questions-
- Chief Manheimer: Thank you.
- Regina Jackson: Mr. Alden, followed by Commissioner Prather, followed by Commissioner Anderson.
- John Alden: Thank you, madam chair. I am glad to hear that we are moving towards a consensus that in addition to removing the carotid restraint from the list of authorized Uses of Force, that it appears we're all on the same page, that we would also add a prohibition on the carotid restraint. There's been some discussion about what that language would look like. I would offer up some language that the Federal Department of Justice under President Obama had suggested to the San Francisco Police Department a few years ago in which did get incorporated into their Use of Force policy, DGO 5.01 and it reads as follows, "Prohibited use of chokeholds. Officers are prohibited from using the following control holds, a, Carotid restraint, B, Chokehold." There's some further material defining what chokehold is but I think we have that here already at OPD.
- John Alden: I'd suggest something as simple as that and I think it speaks loudly and it speaks for itself. And I might add also from a disciplinary perspective which we're often thinking about at CPRA that is much easier to hold an officer accountable for using a hold that's actually banned than it is to discipline them for using a hold that simply isn't listed in the order. And I think that's an important followup to the point that Commissioner Anderson was making. So I'm certainly very glad to hear that we have some consensus now that an explicit prohibition is something we could do.



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- Regina Jackson: Thank you very much. Commissioners Prather and then Anderson and I'm going to have to turn over the meeting to Vice Chair Gage I will jump back on momentarily.
- Edwin Prather: Thank you, madam chair. I too agree with Mr. Alden. It's a good thing that we're having common ground on these issues and I apologize, I feel like I'm coming a little bit late to this wordsmithing party which is obviously my great love. With a little bit of research, I've been able to identify a number of different police practices involving maneuvers around the neck.
- Edwin Prather: So you have not just the carotid holds or the chokeholds but there are a rear naked chokes, wind chokes, air chokes, tracheal chokes, true chokes, push chokes, chokeholds, vascular neck restraints, lateral vascular neck restraint, blood chokes, bilateral carotid compressions, strangle holds and sleeper holds. I think that these are all categorized into two main holds, one that cuts off air and one that cuts off blood.
- Edwin Prather: But I like to see us develop something broader that perhaps eliminates officers grabbing individuals around the neck. And that to me would encompass all types of chokeholds, chokeholds, air chokes, wind chokes, lateral vascular, neck restraint chokes. Because what we're saying is that, "Look, no kind of grabbing around the neck is appropriate. And I think that what happens is if you identify two holds, there's always going to be another kind of hold.
- Edwin Prather: And so to me, we can try to list out every type of hold that I've mentioned and I'm sure I've missed some but if there are others there... I think there's a way that we can identify the maneuver around the neck and codified that. It sounds like the department will agree to that because we're on the same page that grabbing around the neck or... Sorry. A ban of grabbing around the neck is going to better help protect our residents. I think I would offer that at this point. Thank you.
- Henry Gage, III: Thank you Commissioner Prather. Director Alden you're in the queue?
- John Alden: Taken a moment to unmute. I actually spoke already so I'm good.
- Henry Gage, III: Thank you director. Commissioner Anderson you're in the queue?
- Tara Anderson: Thank you, vice chair [Gage 03:10:34] And I appreciate all of my fellow commissioners comments and I appreciate that we're getting closer to possible consensus here. One concern I have are the references to the draft Use of Force Policy being a solution especially given our commitments to have a thorough public engagement process. That would not become policy until several months from now in order to honor that process. So I'm wondering if there's language



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that we can pull from that draft or a combination of language that we've heard from director Alden and Commissioner Prather that we can insert at this point to encompass all of the items that have been discussed.

Henry Gage, III: Thank you Commissioner Anderson. Commissioner Jordan, you're in the queue?

David Jordan: Yes. Thank you vice chair. So [inaudible 03:11:49] we went through the trouble of delineating all of the different types of neck based chokeholds, carotid holds and chokeholds air and blood. I think it's important that for those of you who have not actually looked at the Coalition for Police Accountability's statement on positional asphyxiation but those are not actually chokeholds per se. Those are what they call prone restraints positional asphyxia, meaning that somebody pinning somebody to the ground, sometimes it is crushing, sometimes it is... It's important that we delineate those as a separate thing but also an equal risk. That's all I really wanted to add there. Thank you.

Henry Gage, III: Thank you for sharing Jordan. Do any commissioners restrict further comments before we go to open... Excuse me. Before we go to public comment. Seeing no hands, Mr. Rus would you please open public comment for the initial setup, no longer than 20 minutes.

Juanito Rus: Thank you Vice Chair Gage. At this time I'm showing... If you would like to speak on this item, please raise your hand in the Zoom queue. At this time, I'm showing... 11 hands raised, 12 hands, I'm going to cut it off here... 13. The last one is Terry McWilliams. The first speaker in the queue is Anne Janks.

Juanito Rus: Hello Anne, can you hear us?

Anne Janks: Yes.

Juanito Rus: Whenever you're ready.

Anne Janks: I will be really clear about what asphyxiation is. Asphyxiation is what killed George Floyd. He did not die because somebody had their hand around his neck. They were sitting on his back and kneeling on his stomach. That's how more people die than die from the carotid hold. If there is no good faith in offering to immediately adopt a weak protection, please adopt a meaningful protection that protects people from the way that they're most commonly harmed, when they're being detained by police.

Anne Janks: I urge the chief to stop talking about... It's a deplorably weak series of demands. Please stop talking about it. You can hold somebody down by their limbs, you can roll them over to their side. They don't need to die because they're being



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suffocated and that's what you need to address, not just the neck holds. Neck holds are in there too. Thank you.

Juanito Rus: Thank you. The next speaker in the queue is Jim Chanin. Hello, Jim, can you hear us?

Jim Chanin: Can you hear me now?

Juanito Rus: We can hear you. You have one minute, whenever you're ready.

Jim Chanin: Thank you. I just want to say that I find this discussion somewhat disjointed. I obviously agree that the carotid should be banned and maybe you want to do that as a separate item but I also agree with Ms. Jenks that, it solves a very small, tiny part of the problem, it does not solve the George Floyd problem. I think that you should either pull the section on positional asphyxia from the use of Force Policy and do that tonight or you should send it back to someone who can write up an all encompassing policy that prohibits all the holds talked to or talked about by Commissioner Prather, incorporates the Use of Force, issues that we raised and really sets forth the complete issue so officers can't get out through their Attorneys from choking someone to death. Thank you.

Juanito Rus: Thank you. The next speaker in the queue is Bruce Schmiechen Bruce, can you hear us?

Bruce Schmiechen: I can and I appreciate, particularly, some of the latter comments by the Commissioners and Jim Chanin. And I'm just going to start reading what this policy trend to me as [inaudible 03:16:35] asphyxia that Coalition for Police Accountability has put forward. I'm going to start reading it and I think others might be on line to finish if I don't get through, which I probably won't but... "Obviously banning chokeholds and crowded helps. But de-escalation is required even while detaining and restraining a person. Putting pressure on the back, the chest, the neck or the stomach can restrict breathing.

Bruce Schmiechen: A person who's lying on their stomach is at increased risk of difficulty of breathing. An officer shall not sit, kneel, stand or lean on a person's chest, back, lower back or stomach once a person is restrained. Whenever feasible, an officer should not force the person to lie on his or her stomach. A person under an officer's strict control should be immediately repositioned so that their breathing is not obstructed either on their side or to a sit or upright position. Putting weight on a person's back or shoulder must be transitory. As soon as possible, all weight shall be removed-

Juanito Rus: Thank you. That is your time. The next speaker in the queue is Starchy Grant. Hello? can you hear us?



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- Starchy Grant: Yes. Thank you. So I certainly support a prohibition on carotid restraints but we've seen people are killed by police across the country in neck holds by police whose departments forbid these techniques. What we need to know is what kind of consequences there will be for officers who kill or harm people. Whether it's with neck holds, tear gas, guns, teasers, forced ketamine injections, unrestrained joy rides in the back of the wagon. We don't want to try to imagine all the ways a motivated police officer will come up with to harm someone. We just need to make sure there are consequences for them all. Thank you. I yield my time.
- Juanito Rus: Thank you. The next speaker in the queue is Grace. Hello, Grace, can you hear us?
- Grace: Hi. Yes. I just would like to echo what all of these other folks are saying the language around suspending crowded restraints is simply not enough. Cops should never be choking people, period. Chief Manheimer I hope that when you talk about showing the public that you are committed to doing better, you know that you have to actually do so too. The public is watching you. Your excuses for maintaining abusive practices are lazy and transparently evil. As a dedicated abolitionists, I believe that the only way you can do better is to leave your job. I yield my time.
- Juanito Rus: Thank you. The next speaker in the queue is Maureen Benson. Hello, Maureen, can you hear us?
- Maureen Benson: Hi. Sure can.
- Juanito Rus: Whenever you're ready?
- Maureen Benson: So the fact that [inaudible 03:19:27] are still leading this Use of Force work, as a problem. Please recall that he was called out in person at commission meetings in the past and to have him still leading with his record is horrifying. We demand to be removed from the Use of Force Policy work. Of course, I agree that this is the beginning. It sounds like this process is outside the very methodical Use of Force process even though there's been consistent effort by the ad hoc. [inaudible 03:19:50] for how to engage the community. This round the back way is really problematic.
- Maureen Benson: So to wing on the dyes and add language when there's a use of force ad hoc process that they're even proposing tonight, is a problem. Please thoughtfully and efficaciously, not efficiently, engage the community process. This is an excellent example of one area of use of force, where you could have a panel and bring experts and have deliberate detailed conversation and do this well. We ask that you reach out to your community partners and collectively create a



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revised timeline with areas of priority that break up the elements of Use of Force into digestible pieces mapped out so the community can engage thoughtfully and focused on depth over breadth. Thank you.

Juanito Rus: Thank you. Next speaker in the queue is Assata Olugbala Hello, Ms. Assata Can you hear us?

Assata Olugbala: Yes, sir.

Juanito Rus: Whenever you're ready.

Assata Olugbala: Yes, sir. When George Floyd was murdered, the policy for the Minnesota Police Department was, "Once an individual has been restrained in a prone position, they must immediately be brought to a sitting position or an upright position." I'm saying that to say policy means nothing if you don't have enforcement.

Assata Olugbala: And lastly, if you have a police department who has been mandated by the Federal Courts to eliminate excessive force and racial profiling and for 17 years, they have been unable to come under that mandate, what makes you think they are going to be able to come under this policy? And I don't understand if we don't have the capacity to have legitimate enforcement of policy, why are we just creating policy?

Juanito Rus: Thank you. The next speaker in the queue is Rashidah Grinage. It appears Ms. Grinage is using an older version of Zoom so I will promote her to the panel at this time. Ms. Grinage you're muted.

Rashidah Grinage: Thank you.

Juanito Rus: We can hear you now. You have one minute, whenever you're ready. Hello, Ms. [inaudible 03:22:44] It appears you're muted again.

Rashidah Grinage: Okay. Can you hear me now?

Juanito Rus: We can hear you now.

Rashidah Grinage: Thank you very much.

Juanito Rus: Whenever you're ready.

Rashidah Grinage: Sorry. I want to associate my comments with Bruce [inaudible 03:22:56] and Jenks and Jim Chanin. There's no reason to minimize the policy to chokeholds or carotid. It's very clear that as Mr. Chanin said, that would remove only a very small percentage of the behaviors that lead to death. There's no reason to go



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small. If you're going to do a discreet policy on this specific aspect of Use of Force, make it meaningful, make it comprehensive.

Rashidah Grinage: There's no reason to restrict it to something that will not affect most of the causes of death that are the result of asphyxiation. So it isn't clear to me at all why you would want to do that. I would hope that you would go bold and be comprehensive on this particular piece of the Use of Force Policy. Thank you.

Juanito Rus: Thank you Ms. Grinage. The next speaker showing in the queue is listed as Megan-S. Hello, Megan. Can you hear us?

Megan S: Yeah, hi. Thank you. I want to echo the speakers that came before me and say that essentially, the policy and the way that it's being added with this language snuck in by a different attorney than the one who's working with the use of force ad hoc policymaking group is really problematic. And it doesn't seem like a gesture of good faith at all to say that you'll confirm this other policy. I also want to say the fact that Sergeant Joe Turner is on that committee just shows what happens when we don't have the strength of enforcement within OPD. I really urge the commission to listen to Mr. Alden and really write this in a way that, as the caller before me said, goes big, is enforceable, and has concrete consequences associated with it. Because we all know that when these holds happen and people cannot breathe, there are concrete consequences for them. Death. Thank you.

Juanito Rus: Thank you. The next speaker in the queue is a phone in attendee with the last four digits 0501. I believe this is Gene Hazard. Well, Mr. Hazzard, can you hear us?

Gene Hazzard: Yes. Thank you. I like to use the adage, keep it simple, stupid. Anything that restricts the flow of blood or air to the lungs or to the brain is prohibited. And you have to have severe consequences for the misuse of that policy. Mr. Alden is exactly correct. Keep it simple. This is not broad. Any use of restricting air to the lungs and blood to the brain is prohibited. So that's all encompassing. And have severe consequences where there's a misuse to that policy. And thank you, Chair Jackson, for acknowledging the 2003... And there's no such thing as the statute of limitation runs out on a court order. And Mr. Melvin Mackey will be getting in contact with you with regards to application of that order.

Juanito Rus: Thank you, Mr. Hazard. That is your time. The next speaker in the queue is Ashley Greenwood. Hello, Ashley. Can you hear us?

Ashley Greenwood: Hello. Yes. I just wanted to echo what most of the speakers before me said. I do think that it's important that this policy include everything that restricts blood or oxygen to the brain or lungs. That just needs to happen, or else it's not



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effective. I also wanted to ask if there could be some clarity on how this policy would be carried out within the department when it is passed. What that looks like in training, what that looks like for new recruits, for existing police officers. Because obviously this needs to go beyond just language. And I think language is really important. So maybe that's why we're starting there, but some more clarity to that would be helpful. Thank you.

Juanito Rus: Thank you. The next speaker in the queue is Terri McWilliams. Hello, Terri. Can you hear us?

Terri McWilliams: Yes. Can you hear me?

Juanito Rus: We can hear you. Whenever you're ready.

Terri McWilliams: Yes. Terri McWilliams, Faith in Action East Bay, Coalition for Police Accountability. I echo what everyone is saying, that we aren't just banning any type of restraint that could lead to death, but we are... I mean suspending. We are banning and calling for all bans of those types of uses of restraint. George Floyd was murdered because there was a blatant disregard for policy. Policies are to keep people safe in this case, and that did not occur. So going forward, you can write all the policies you want. As it's been said before, if these people are not held accountable for their actions for disregard of the policy, then you'll just have others doing the same thing. And unless there is a conviction in this case, policy still won't mean anything and we'll have a different kind of problem. We'll be back here again trying to get justice. So understand, no justice, no peace. Do the right thing. Ban all types of chokeholds. Thank you very much.

Juanito Rus: Thank you. At this time, Mr. Vice Chair, those are all of the hands that were raised at the beginning when I called the question. Since that time, three additional hands have been raised. How would you like me to proceed?

Henry Gage, III: Please take the three additional speakers, and we'll move on from there. Thank you.

Juanito Rus: You're welcome. Thank you. The next speaker in the queue is Jennifer Campania. It appears that Ms. Campania is using an older version of Zoom, so I'll have to promote her to the panel. Hello, Jennifer. Can you hear us?

Jennifer Campania: Yes. Can you hear me?

Juanito Rus: We can hear you. Whenever you're ready.

Jennifer Campania: Awesome. Thank you. I just want to point out that the community is not really asking for any types of reform that are being presented in this type of policy.



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We can look at the case with Eric Gardner, where chokehold was not allowed in NYPD, and yet he was murdered over something really stupid. And so there isn't... Nothing happened then. None of those officers were held accountable. None of those officers went to jail, went to prison. So no matter what you do or how you frame it, what language you use, an officer can still murder somebody and get away with it. Maybe they'll get fired, maybe they'll get suspended. They're still going to get their pensions. Or maybe they'll leave that city and go work at another department. It doesn't matter. We're not asking for reform. We're asking for the abolition of police, period. Thank you.

Juanito Rus: Thank you. The next speaker in the queue is Lorelei Bosserman. Hello, Lorelei, can you hear us?

Lorelei Bosserman: Yes, I can. Can you hear me?

Juanito Rus: We can hear you. Whenever you're ready.

Lorelei Bosserman: Thank you. I'm going to continue the recommended language from CPA about asphyxiation, picking up where Bruce left off. If holding a person down while restraining them, officers shall avoid putting weight on the person's neck or head, which can fracture the hyoid bone or cervical spine. Officers shall not pile on or dog pile on top of a person. If additional restraint is needed, additional officers can hold the limbs to restrict a person's movement. Officers shall be aware of environmental factors, including the nature and temperature of the surface to which they're pressing the subject. For example, holding someone down on a hot or jagged surface or in mud or water can cause injury or impaired breathing. Officers shall recognize risks such as the person saying they can't breathe, gurgling or gasping sounds, panic, prolonged resistance, and sudden tranquility. Officers shall constantly monitor the condition and vital signs of the person who is being restrained or placed in restraint.

Juanito Rus: Thank you, Ms. Bosserman. Your time has expired. The last speaker I have in the queue is Michael Sagehorn. Hello, Michael. Can you hear us?

Michael Sagehorn: Yes, I can. Can you?

Juanito Rus: We can hear you. Whenever you're ready.

Michael Sagehorn: All right. My concern is how will the city of Oakland protect the legal ramifications of police officers when they are confronted with suspects or people of interest who do not comply with basic commands to stop, cease, and desist? No one wants people to die. But what are the recommended procedures that are needed to ensure that not only that the citizens, but the police officer are protected by the city of Oakland? Thank you.



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- Juanito Rus: Thank you. At this time, those are all the speakers I had in the queue. Mr. Vice Chair, I will return the meeting to you.
- Henry Gage, III: Thank you, Mr. Rus. Commissioners, from my review of this document, this special order addresses a narrow issue, in that it simply addresses carotid restraints. As has been referenced by comment, the draft use of force policy addresses a broader set of issues and discusses the carotid restraints, chokeholds, as well as asphyxia. And this draft is, of course, subject to further amendment as we receive feedback. We have a number of options before us. We can take action on this narrow issue, pending adoption to the full draft use of force policy; we can amend this special order to widen the scope; and we can reject this special order in favor of incorporating this language into a final use of force draft. Do commissioners wish to make comment? Commissioner Anderson, you're in the queue.
- Tara Anderson: I'm certainly not interested in approving what's before us. And I hear the call to be bold and comprehensive. I also am seeing urgency, especially with the directive coming from the governor that is likely timed, is my understanding, to have the post modifications happen, I believe at their June 30th meeting. And so I'm less inclined to push this into the longer timeline that is the more comprehensive use of force revision. Sorry, I guess I'm maybe in between your recommendations two and three. I think that we need a policy, a special order that covers asphyxia more broadly, reinforces consequences. And I'm very interested in what my fellow commissioners have to say.
- Henry Gage, III: Thank you, Commissioner Anderson. Commissioner Harris, you're in the queue.
- Ginale Harris: Thank you, Vice Chair. Well, first, I am not interested in passing this. I think that we should reject it altogether. And I want to piggyback on what Commissioner Anderson was stating. But I do want to also bring to the attention of the public and to the commission, there are some consequences in our privy. But the bigger picture is these protections that these police officers have [inaudible 03:36:53] and they are absolutely outrageous. Because if a civilian does the same thing that a police officer does, they go to jail. And I am by no means against police. I am against bad police, which there are plenty of them.
- Ginale Harris: So I want to be clear that, yes, I too want accountability. But accountability doesn't mean fire them and they go on to another department to hurt somebody else. Accountability means they no longer can be a police officer, they no longer have protections of a police officer. So I want to come up with some idea. My idea that I've thrown around a little bit and played with is that they should have insurance protection, just like doctors do. So the public, one, doesn't have to do all these payouts and they move on with their life as if nothing happened. That they will be responsible to the people that they hurt. So



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I would like to reject this. I would like to make a move that we reject this special order.

Henry Gage, III: Before taking Commissioner Jordan's comments, it's been moved by Commissioner Harrison... Pardon me. It's been moved by Commissioner Harris that the commission reject this special order. Is there a second? There is no second at this time. Commissioner Jordan, you're in the queue.

David Jordan: Thank you, Vice Chair. First of all, I'd like to echo and support the idea of reexamining crowbar so that we can bolster potential punitive actions against officers who are engaged in misconduct or go against policy. But more importantly, I want to speak to the issue at hand. To start with, I want to say that I don't necessarily think we should reject this out of hand. I think we should lean towards the language here to include positional asphyxia. So I think that there are people... Not think, I know that there are people dying, clearly, who were having this experience. This is a thing that is of great concern at current, right now, and it's continuing to happen. And if it happens tomorrow or later this week or next month before we add the ad hoc on use of force is able to finalize its policy, we're partially responsible. I think this is a little bit of a bandaid, unfortunately. But I think it can put some safeguards in place so that we can help to ensure that this doesn't happen here before we finalize an actual use of force policy.

David Jordan: And also, I don't want to talk too much about my own personal experience, but I want to illustrate why this is special to me. When I was 14, I had interactions with the police, and they engaged in prone restraints, which is standard operating procedure. But I had a full grown man with his duty belt and his armor kneeling on the back of my head and kneeling on my back, and I could not breathe. And I was inhaling the dirt from the ground. And he held me there for, honestly, who knows? It's all relative. You can't track time during an experience like that, but it felt like a dangerous amount of time. And that's just my experience. If it happened to me then, and we know it's happening to others all around the country, we need to take immediate steps. And unfortunately, that may cut into our time to address other things tonight. But I think this is of vital importance. That's all I have. Thank you.

Henry Gage, III: Thank you, Commissioner Jordan. Commissioner Anderson, you're in the queue.

Tara Anderson: Thank you, Vice Chair Gage. And I appreciate Alternate Commissioner Jordan's emphasis on urgency. And this is where I am back between, Vice Chair Gage, your recommendations two and three. And I wonder if there's a way forward in taking our time, putting this to the next meeting, in order to ensure that we have the more comprehensive language on asphyxiation. And take a mind meld



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between the offerings of Director Alden, Jim Shannon, and Commissioner Prather.

Henry Gage, III: Thank you, Commissioner Anderson. Commissioner Prather, you're in the queue.

Edwin Prather: Thank you, Vice Chair. Along with Commissioner Anderson's suggestion, I'd be willing to work on a draft of this special order between now and the next meeting with the appropriate parties. And I guess that's the real question, is who are the appropriate parties? I too am moved by Commissioner Jordan's move for urgency here. And I would agree that time is of the essence. I'm also trying to balance that with creating or editing on the fly a special order here on the dais, which doesn't feel right to me. I would like to encompass all of the comments by others, Mr. Chanin, Ms. Grenage, the coalition, and others. I think Ms. Benson warned us specifically about just crafting here on the dais. And I take that all to heart. I think all of us are, really. But I don't think we really need more than a few days or a week to do that. And so I'd be willing to volunteer for that duty, if that's what Commissioner Anderson's motion is.

Henry Gage, III: Thank you, Commissioner Prather. Commissioner Smith, you're in the queue.

Thomas Lloyd Smith: Yeah. My comments are brief. I'm willing to volunteer to join Commissioner Anderson and Commissioner Prather if they want to work to broaden the scope of this action. I did think similarly that the longer that the current policy remains in place, the less the protections are. But if we can do something quickly and bring it back to the next meeting, then that would be a greater good than having something that was narrow and delivered to us without our thoughtful input. So I just basically want to say that, yes, if that's your motion, Commissioner Anderson, I'd be happy to second it. I'd be happy to participate in the process with you and Commissioner Prather.

Henry Gage, III: Thank you, Commissioner Smith. Commissioner Dorado, you're in the queue.

Jose Dorado: Yes. It seems to me that if, in fact, we can wordsmith this just to cover any possibility of someone getting killed with a carotid or a chokehold. I'm not sure, maybe I'm missing something and maybe somebody can clarify it. But if, in fact, we can pass something tonight so that we, in fact, cover this area as broadly as possible and then incorporate it into something more comprehensive down the road, what is the disadvantage? So if somebody could answer that, I'd very much appreciate it.

Henry Gage, III: Thank you, Commissioner Dorado. Please excuse my background. Do any commissioners wish to make further comment at this time? Commissioner Prather, you're in the queue.



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- Edwin Prather: So absent a motion on the floor, Vice Chair, I would move that we... I guess what we're saying is that we set up an ad hoc committee to amend this special order and to present it for a vote at the next meeting of the commission.
- Thomas Lloyd Smith: Thank you, Commissioner Prather. We're essentially tabling this item, right? Until the next meeting.
- Edwin Prather: Well, I think it's tabling, but I also think it's... I'd like to weave in... Do we need-
- Thomas Lloyd Smith: No, I agree with everything you said.
- Edwin Prather: I'm happy to take suggestion on this, Commissioner Smith.
- Thomas Lloyd Smith: No, I would second that motion. I said before, I do think that if we have an opportunity to broaden the scope and capture those other elements so that we can provide broader protections within the two week span, then that's a quick enough turnaround time, that I think it would merit a small delay to get a broader sweep of protection. So I would be in favor of that. I second it, but we can still take comment and hear what others think.
- Henry Gage, III: Thank you, Commissioner Smith. We have taken public comments. Commissioner Harris, you're in the queue.
- Ginale Harris: Thank you, Vice Chair. So being that this falls under the use of force work, I'd like to make a substitute motion and ask that it be the first stage of the use of force ad hoc work.
- Henry Gage, III: It's been moved by-
- Ginale Harris: Yeah, go ahead. Go ahead, I'm sorry.
- Henry Gage, III: Thank you, Commissioner Harris. It's been moved by Commissioner Harris that this item be transitioned to the use of force ad hoc committee. Is there a second? Commissioner Dorado?
- Jose Dorado: Second.
- Henry Gage, III: It's been moved by Commissioner Harris and seconded by Commissioner Dorado. Do any commissioners wish to make Further comment before I call a vote? Commissioner Anderson, you're in the queue.
- Tara Anderson: Thank you, Vice Chair Gage. I appreciate the substitute amendment by Commissioner Harris, knowing the work that she's done when I was chair under the use of force ad hoc. I'm just wondering that, given the more limited scope of



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this and the offerings that have been made by Commissioners Smith and Prather, and knowing the other aspect of the work that we have to spend our times planning between now and the next meeting, I'm concerned about our capacity to move forward with our public engagement responsibilities for the more robust revision while also holding this. So I hear your motion and I think it's important, but I'm also conflicted because I hear this offering of support from fellow commissioners, and I entrust that they'll be able to do that. I'm not sure how much support we're going to get when we come to our report out from our ad hoc. So just sharing some of the conflict that I'm feeling about how to vote on this particular motion.

Thomas Lloyd Smith: Well, yeah, and so as it stands now, the substitute motion would be voted on first. And if that does not pass, then we would vote on Commissioner Prather's motion, which I seconded. I understand the two options. Once again, I think the ad hoc idea in this case, because we're seeking a two week turnaround to get this back to the table quickly, that's the one I plan to support. Because I do think how quickly we turn this around matters, but I think it's up to the commission to see how it plays out.

Henry Gage, III: Thank you, Commissioner Smith. Commissioner Jordan, you're in the queue.

David Jordan: Thank you. So I would speak in favor of if we don't feel comfortable editing tonight... And I do understand the limitations of that. I would speak in favor of a quicker turnaround, two week turnaround, and giving Commissioner Prather an opportunity to craft something new. Additionally, I think that the fact that the standing order was brought to us wholly formed by the department without any input from us, and there was a request that we just approve it with only having a few days to look at it and no opportunity to edit beforehand, feels like putting the cart before the horse, as was said earlier. This is a thing that we should have had more input on from John. So I guess I agree that we should... As much as I don't want to create another ad hoc, this is a priority and it should be treated as such. Thanks.

Henry Gage, III: Thank you, Commissioner Jordan. Commissioner Harris, you're in the queue.

Ginale Harris: Vice Chair, I just want to bring something to people's attention, to this commission's attention. This is a priority, right? And so if you do this special order in a two week turn around, it doesn't allow for Rule 2.16. So is the thought to writing it and just bringing it and then give public comment on it? I guess that's a question to whoever wants to answer me.

Henry Gage, III: Thank you, Commissioner Harris. My understanding would be that the proposal from Commissioners Prather, Anderson, and Smith would work as an ad hoc, and return to commission at our next meeting with a revised version of the



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special order. As you've correctly noted, we would need to waive the requirement to Rule 2.16, as it would require us to engage in a more lengthy process before adopting any policy. Commissioner Prather, you're in the queue.

Edwin Prather: Thank you, Vice Chair. I was only going to add that I think tonight's comments on the special order would count towards Rule 2.16. I think that public comment... As long as the editing is done in a transparent and public way, in which I think we can accomplish, even though we are doing it based on exigent circumstances, that we would be able to present something and have additional public comment on it. I think we are complying with the spirit of 2.16. And also the need, as Commissioner Jordan and others have pointed out, to get it done.

Edwin Prather: We've heard a lot of comments tonight from the public. I also reviewed a lot of written comments from the public tonight about errors in the special order and the need to, rather than to carve out and rush something through, to make it more broad. And that's what led me to do research on the various neck holds. And so I think we can put something together that both the community and that the commission, and frankly, that OPD, since they are the one bringing this to us, that we can all agree to. And so I think that this is a collaborative process that we can make happen.

Henry Gage, III: Thank you, Commissioner Prather. Before I call question, I'll take a moment of personal privilege to admit that I am in favor of the ad hoc committee work proposal. That said, there is a motion on the floor by Commissioner Harris, seconded by Commissioner Dorado, that this matter be forwarded the use of force ad hoc committee for further handling. We'll call the roll. Commissioner Dorado.

Jose Dorado: Aye.

Henry Gage, III: Commissioner Prather.

Edwin Prather: I'm sorry, Vice Chair. What motion are we voting on? I apologize.

Henry Gage, III: The question is on Commissioner Harris's substitute motion to forward this matter to the use of force ad hoc committee for handling.

Edwin Prather: Oh, great. Thank you for your clarification. My vote is no.

Henry Gage, III: Thank you. Commissioners, if you will kindly refrain from unmuting yourselves before I can find your names in the queue. Commissioner Anderson.

Tara Anderson: No.



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- Henry Gage, III: Thank you. Christopher Smith. Commissioner Smith, your microphone cut out. Would you kindly repeat your answer?
- Thomas Lloyd Smith: No.
- Henry Gage, III: Thank you. Commissioner Harris.
- Ginale Harris: Yes.
- Henry Gage, III: Thank you. The Vice Chair votes no. This motion is not passed. Substitute motion fails. Motion on the floor. I do believe it does not require an actual motion to form a subcommittee. As such, I'll take the privilege of the chair to request that Commissioners Anderson, Smith, and Prather meet with the Designee Chief Manheimer to discuss and draft an amended special order addressing concerns and draft an amended special order addressing concerns raised tonight by the public with respect to the scope of the special order. Do any commissioners wish to make a further comment at this time? Commissioner Anderson, you're in the queue.
- Tara Anderson: Thank you, Vice-Chair Gage. I'm just wondering if it might be more appropriate to have Commissioner Harris participate in that as chair of the use of force ad hoc, happy to support whatever she thinks is appropriate here.
- Henry Gage, III: Thank you, Commissioner Anderson. Commissioner Harris, do you wish to participate?
- Ginale Harris: Thank you Vice-Chair, but no, thank you.
- Henry Gage, III: Thank you, Commissioner Harris. Commissioner Anderson, you're in the queue.
- Tara Anderson: Then I'm happy to serve in that role.
- Henry Gage, III: Thank you, Commissioner Anderson. Given this vote and recent discussion, I will move that the commission table listing matter pending a revised special order to be presented by the previously mentioned ad hoc of committee. Is there a second? Commissioner Anderson, you're in the queue.
- Tara Anderson: Vice-Chair Gage, I'm sorry, could you repeat that again? I wasn't following.
- Henry Gage, III: My apologies. Given the debates and discussion with respect to the need for an ad hoc committee to revise the proposed special order, I move that we table this matter up to the next commission meeting without the ad hoc committee to revise this matter that we've presented. Second, the move by the Vice-Chair,



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seconded by Commissioner Smith, do standby, no call in the role. Commissioner Prather?

Edwin Prather: Yes.

Henry Gage, III: Thank you. Commissioner Harris?

Ginale Harris: Yes.

Henry Gage, III: Thank you. Commissioner Dorado?

Jose Dorado: Aye.

Henry Gage, III: Thank you. Commissioner Anderson?

Tara Anderson: Aye.

Henry Gage, III: Thank you. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Henry Gage, III: The Vice-Chair votes in the affirmative, the motion carries this matter of the table and the previously mentioned ad hoc committee will return to the revised version.

Henry Gage, III: Mr. Rus, would you please move forward to our next agenda item?

Juanito Rus: Chief Manheimer, do you wish to make a presentation?

Chief Manheimer: This is item 10, sir.

Juanito Rus: Yes, I can tell.

Chief Manheimer: I would defer to Commissioner Prather on this. This was his original motion to bring this back. I did, as I addressed earlier, submit our temporary restraining order and our standing crowd control measure in which we have those to put forward at this point. With all due respect to Commissioner Prather, what is his pleasure in this matter?

Juanito Rus: Commissioner Prather, what is your pleasure?

Edwin Prather: Thank you, Chief and Vice-chair. Yeah, I do feel like we had a discussion regarding the crowd control and crowd management policies. I think it was helpful to include it in the packet for the public to review, and I know that DGOs



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are available to us as individual Commissioners pretty easily, but I don't actually know how available they are to the public in terms of accessibility and ease of accessibility. So, I'd definitely like to hear public comment on the crowd management and use of force boarders.

Edwin Prather:

I don't think we have a particular motion to be made at this point. There is the temporary restraining order that is in place. I do think that the temporary restraining order does preclude the department from entering into a department general order that modifies the temporary restraining order. I think that that's highly problematic. Make any change to this DGO would require consultation and approval of all the parties that were part of the TRO as well as the court. So I don't think that there's anything for us today to sort of dictate or review. I think that the public's will has been indicated to the department. I think that they've heard it time and time again. So, I'm very appreciative of the public coming each and every meeting to express to the department how they feel, and I think we are making progress in that regard. And so I would say if there's discussion and modest individual Commissioners is in terms of a movement as to protocols, we can discuss that.

Edwin Prather:

I do want to ask one question of the Chief and her staff, and I then want to turn it over to public comment. The question, I understand it, and so I just want to make sure I'm clear on it, is there's been much talk about mutual aid. And I think that that's the one topic that I certainly didn't touch on at the last meeting. I only touched the distinction between armed and unarmed citizens as it related to the use of militarized weapons. But my understanding is that we have the OPD, and Oakland as a city has indicated to mutual aid departments, or departments that provide mutual aid, sorry, that it is our request and demand that they not use, or they abide by our militarized weapons policy, and that we've been that the response we've received is that those agencies will not come if we forbid that use of militarized weapons as such as our policy. So, gas and rubber bullets in the case of the Sheriff's department and whatnot.

Edwin Prather:

I don't know if we've had a proper discussion about what that scenario looks like. Can we effectively protect the residents of Oakland without mutual aid? I don't know how many officers were or law enforcement individuals were using, we don't know what agencies are available to us. It sounds like we would lose the Sheriff's office because the Sheriff's office has a deep need to use rubber bullets and maybe other chemical weapons or other militarized weapons. So I'd like to hear a little bit about what options we may have in that regard. But it sounds to me like change needs to happen at the Sheriff at the Sheriff's level. And I would encourage all Oakland residents to vote appropriately when the time comes for that, so the real change can be affected there. But in the meantime, how would we survive without mutual aid? Does the department need to come back to give us a summary report on that? But what does that



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picture look like? And if Chief Manheimer or any of her staff who are on the call can address that, that'd be appreciated.

Chief Manheimer: Through Vice-chair Gage, shall I respond now?

Henry Gage, III: Please do, thank you.

Chief Manheimer: Okay. Thank you. Thank you. Commissioner Prather, I would appreciate a longer discussion. I think the short answer is that there are mutual aid policies. We did forward to Mr. Ruse a flow chart, but I think it is a bit of a deeper dive and I would appreciate discussing it next time. The short answer is yes, that they do come with their equipment that they're trained and certified on, that we generally for all intents and purposes, try and keep them to facilities and other sort of back line issues when we need to have them. But I think it is something that has not come up publicly. I think it's an appropriate topic to bring forward to you. I think it's a bit of a deeper discussion. So at your pleasure, I would like to bring that back. We are prepared. We do have the order and we're prepared to discuss it now, but I think it's a little bit of a deeper discussion.

Henry Gage, III: Thank you, interim Chief. Commissioner Jordan, you're in the queue.

David Jordan: Sorry. I stepped away from my tablet, had to run back and unmute myself. Thank you, Vice-Chair. So at the risk of sounding hyperbolic, when Interim Chief was discussing this, we briefly touched on this item during her initial report. One of the statements she made was that they have these items and they don't want to use them, and we prefer not to be forced to have to use them, and they're weapons of last resort in a crowd control environment. And honestly, we're putting the burden of the sort of judgment, I mean, police work, there's a lot of judgment calls involved, we know this.

David Jordan: The stronger we can make policy around exactly what that judgment looks like, and when that call is made, the more likely they're going to hue to community will. Honestly, we really, really hate the idea of having to potentially use these things on the citizenry, smacks of sort of an abusive relationship. You know, this is, "Why are you making me hurt you," which is not the relationship we should be having with our police force. I think that in future conversations, and I feel like given the environment now, we're guaranteed to be having additional conversations, both about their use of force and in crowd control environments, as well as mutual aid, but that's not a place to start from my perspective. Thank you.

Henry Gage, III: Thank you, Commissioner Jordan. Director Alden, you're in the queue.



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- John Alden: Thank you for giving me a minute to jump in. I appreciated that some of the conversation earlier was about mutual aid. And I do think that there are some challenges there that we should be thinking about carefully moving forward. And certainly one of them is that some of the agencies and the county system and the state system we've been relying on in the past to bring us mutual aid, it seems to be, from what I'm hearing so far, bringing us agencies that are not interested in complying with our crowd control policy. And I think if that's the experience we had here, it would be important for us as we consider new crowd control policies and procedures in the future, we consider how we could develop relationships outside those traditional county and state structures that we've been using in the past that appear not to have served us the way we'd like this time.
- John Alden: And instead, maybe create some relationships directly with agencies that share our values around crowd control and as a general rule, it sounds like there's a lot of good reason to think that the cities in Berkeley and San Francisco probably do think a lot like the city of Oakland in that regard. And perhaps we need to be developing some independent relationships there about mutual aid and these kinds of situations where we can reinforce and help each other with the kind of aid that we know is going to comply with our community expectations. I hope that's part of the conversation moving forward, because I do think I am starting to see a pattern that the traditional mutual aid structures you've used in the past are not getting us where we want to go in first amendment cases like the ones we've seen over the last few weeks.
- Henry Gage, III: Thank you Director Alden. Commissioner Harris, you're in the queue.
- Ginale Harris: Thank you, Vice-Chair. You know, I never really thought much about mutual aid until the death of George Floyd. And I witnessed with my own two eyes, the disrespect, the anger, just non regard for Oakland citizens by the people who said that they are giving us mutual aid. You know, we got mutual aid from our neighbor and it really made me disgusted to see how the citizens of Oakland were treated with no regard for safety or anything else knowing that we have policies and laws that we abide by, and they are only our neighbor. They are right across the way. And you know, I first seen the display when they showed up with the army brigade to evict four mothers, single mothers, out of a home with militarized tanks, guns, AR-15s, for four single mothers.
- Ginale Harris: So I have a concern. I don't want that kind of mutual aid. And I am in agreement with Mr. Alden. I think we need to explore more relationships. I felt as if our mutual aid partners had the no boy mentality and it's not going away, and we don't care what you say. I think our ultimatum was, if we can't do what we want to do, then we will not help you. Well, you know, I say good riddance. You know,



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they forced themselves on four single women, they forced themselves on peaceful protests, and so I am very concerned. So that's just my thought.

Henry Gage, III: Thank you, Commissioner Harris. Seeing a hand from the Commissioner at this time, Commissioner Dorado, you're in the queue.

Jose Dorado: Can you hear me now? Thank you, Vice-chair Gage. Just a quick thought regarding mutual aid, and that is that it seems to me very strange that we would have an agreement of mutual aid that would not include an ironclad provision for those providing mutual aid to, in our case, Oakland, to abide by our crowd control policy. So that seems to me to be very, very strange. The flip side of that is that in fact, we were going to have relationships, as Director Alden suggested, with those entities or values such as San Francisco and Berkeley that has been suggested, that in fact, we not only have that ironclad provision, that they will abide by our policies. But also some consequences of some type to take action against those officers that break our crowd control policy. So we think those two thoughts developing any relationship with this possible case with San Francisco and Berkeley, it should be considered. Thank you.

Henry Gage, III: Thank you, Commissioner Dorado. Seeing no further hands from the commission at this time, Mr. Ruse, would you kindly open this matter to a open comment to report [inaudible 04:16:10].

Juanito Rus: Thank you Vice-chair Gage. At this time, if you would like to make public comment on this item, please raise your hand in the queue and you'll be called in the order in which the hands are raised. I see 16 hands in the queue ending with Jane Moses. The first speaker in the queue is Starchy Grant. Hello, Starchy, can you hear us?

Starchy Grant: Yes, hello. As submitted earlier, I support a total ban on chemical and other so called less lethal weapons of war from the streets of Oakland. I am very disturbed that the proposed OPD policy on crowd control in tonight's packet includes the use of these weapons, batons, and mass arrests. All of these techniques necessarily raise the spectrum of trauma and long term harm to people expressing their speech and to bystanders, and are disproportionate as described. Failure to disperse is not a crime that threatens anyone except those whose arrests are justified. If the police cannot solely to respond to individuals who are actually harming the community without resorting to indiscriminate assaults on the people of Oakland, you should not be there at all. If the Sheriff's office can't visit Oakland without militarized weapons or other violence against Oaklanders, you should not be welcomed here through mutual aid or otherwise. Thank you.



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- Juanito Rus: Thank you. The next speaker in the queue is Megan S. Hello, Megan, can you hear us?
- Megan S: Hi. Yes, I can. Thanks so much. I just wanted to say, looking over the attachments for this item, I wanted to point out that in the letter from Chief Manheimer, no date, she once again implies that protesters were responsible for the death of federal security officer David Underwood. I'd really like for OPD to be more careful about misinformation. We see it again and again, and this is something that I am not going to stop talking about. If I continue to see this misleading fact in documents being read and entered into the agenda and repeating, and I will say something about it. One more thing, Commissioner Prather, What happened to your sense of urgency? We need you to help us with this. I don't know what happened, you seem like some anyway, just a procedural note, that Commissioner Prather, according to all the websites, your term has been up since October 16, 2019. Please bring the fire or have them extend your term. Thank you.
- Juanito Rus: Thank you. The next speaker in the queue is Brit R. Hello, Brit, can you hear us?
- Brit R: Hi I'm Brit in district four, I'm just wondering what kind of police state I live in were unlawful assembly during a peaceful process deserves to be met with violence. I'm glad the Commissioner's seeing through the Chief's BS, because let's be clear, on the night of looting, there was a peaceful protest happening in Oscar Grant Plaza, which was escalated by the police shooting tear gas into the crowds, dispersing that crowd into the street with understandably angry people. And then suddenly those cops are nowhere to be found while local businesses were being looted. That's all I got.
- Juanito Rus: Thank you. The next speaker in the queue is Jim Chanin. Hello, Jim, can you hear us?
- Jim Chanin: Unmute, there we go. Can anyone hear me?
- Juanito Rus: Whenever you're ready, Mr. Chanin.
- Jim Chanin: Okay. Can you hear me?
- Juanito Rus: Yes.
- Jim Chanin: Oh, I'm sorry. Thank you. Yes, Chief Manheimer has failed to denounce the use of rubber bullets, tear gas, massive use by the Sheriffs, and she will not. I agree with Mr. Alden, that we need to look elsewhere. This mutual aid and our whole crowd control policy is going to be meaningless without getting the right people in the mutual aid situation. If you made the mutual aid section, it was meant to



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be mandatory with exceptions and Oakland police have apparently turned this into: come out and do what you want with whatever you got. And that's what's going to continue to happen if you continue to use these mutual aid people. I agree with Mr. Alden. I think we should get together with like minded cities and go elsewhere for our mutual aid. Thank you.

Juanito Rus: Thank you, Mr. Chanin. The next speaker in the queue is Kevin Cantu. Hello, Kevin, can you hear us?

Kevin Cantu: Yup. I commented earlier about my dissatisfaction with the use of force and escalation policies practiced by OPD and other orgs helping doing mutual aid here. But I'm also concerned by something that was brought up in a discussion perhaps a week or so ago where the Chief was suggesting that when a protestor in Oakland is abused, that their complaint cannot be filed with OPD, but it must instead be filed that whatever random city was providing police aid. And I'm curious how many such cases from other locations have been filed against OPD members providing mutual aid elsewhere.

Juanito Rus: Thank you. The next speaker in the queue is Jennifer Tu. Hello, Jennifer, can you hear us?

Jennifer Tu: Yes, Thank you Mr. Ruse.

Juanito Rus: Whenever you're ready.

Jennifer Tu: Great, Jennifer Tu, district three. Again, I also want to echo the speakers before me in calling for the ban of tear gas and rubber bullets during these protests. And a question for the Chief through the Chair, are you aware that the FBI charged two members of the extremist group, the Boogaloos, over the death of the federal officers that you attribute to the demonstrations in your attachment?

Chief Manheimer: On to the chair, did you want me to respond?

Henry Gage, III: Briefly please.

Jennifer Tu: Yes.

Chief Manheimer: Yes we are aware. I was at the press conference and I've been part of that investigation. And in fact, they came to Oakland that night to do it under the cover of the protest, and that was communicated in their case that the US attorney filed.

Jennifer Tu: Why are you including this with your...



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- Henry Gage, III: Thank you. Mr. Ruse, would you kindly grant the speaker an additional I believe 20 seconds of comment?
- Juanito Rus: Yeah, I will do that. How about 30?
- Henry Gage, III: Thank you. Ms. Tu, you may continue.
- Jennifer Tu: Thank you. Thank you, Mr. Chair. To the Chief through the Chair, why do you continue to include these deaths when you speak about the demonstrations, given that this is an extremist group that is not associated with the protest?
- Chief Manheimer: Through the chair again?
- Henry Gage, III: Briefly.
- Chief Manheimer: So immediately after the shooting of the two federal protective officers, who they did seek out to shoot, the demonstrators started to rush the scene and try and provide cover that, in fact, our officers had to come in and rescue the two individuals and the crime scene. So it was overrun by the demonstrators. So it was all part of a large, unruly, and disruptive crowd that did end up both using the demonstrators as cover. And then some of the protestors ended up over running that crime scene, and thankfully our officers were able to take both the victims and some of the evidence out of that scene before the demonstrators overran it.
- Henry Gage, III: Thank you, Mr. Ruse, the next speaker please.
- Juanito Rus: Thank you. The next speaker in the queue is Lorelei Bosserman. Hello, Lorelei, can you hear us?
- Lorelei Bosserman: Yes, I can, can you hear me?
- Juanito Rus: We can hear you, whenever you're ready.
- Lorelei Bosserman: Thank you. So the first thing I want to say is that Sheriff Aehearn is awful and we should never under any circumstances except mutual aid from him. Better to have inadequate policing than to accept aid from Sheriff Aehearn, ever, and those listening, please vote against him when you have the chance. And if possible, find someone good to run against him. The second thing I want to say is sort of a question that I think might be naive or uninformed, but I've been wondering lately when the police go out during the protest and stand in a line, what they're doing it for, because they're not protecting protesters from each other, and they're not protecting shops from being looted. It seems to me that



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the only crimes they find are crimes against themselves, which wouldn't happen if they weren't there.

Juanito Rus: Thank you, Ms. Bosserman. The next speaker in the queue is Assata Olugbala. Hello Ms. Olugbala, can you hear us?

Assata Olugbala: Yes, sir.

Juanito Rus: Whenever you're ready.

Assata Olugbala: Yes, sir. Several years ago, when the citizens police review board existed, there was a case of a California highway patrol officer who had been retained by the city of Oakland to do policing in the city, and he engaged in a shooting for which an effort was made to bring him before the commission for discipline issues, but no jurisdiction was allowed because he was a California police officer. My question is this: it is not just mutual aid that allows police forces from other cities or other jurisdictions to come into Oakland to do policing, and that that hiring policy still exist, and we can't hold these officers accountable. Somebody needs to look into that because that happened several years ago, we could not hold a California police officer, for...

Juanito Rus: Thank you. Your time is up. The next speaker in the queue is listed as Grace. Hello, Grace, can you hear us?

Grace: Hi. Yes. First off banning tear gas and rubber bullets is the bare minimum of a basically humanly decent choice. Secondly, black and brown communities know full well that police do not protect us, therefore mutual aid cannot protect us. The Alameda County Sheriff is known to have ties to the white supremacists, far right, as well as to the dangerously imperialist Israeli army. He is specifically as dangerous to our community. We do not need mutual aid. I yield my time.

Juanito Rus: Thank you. The next speaker in the queue is Maureen Benson. Hello Maureen, can you hear us?

Maureen Benson: Yes.

Juanito Rus: Whenever you're ready.

Maureen Benson: I'd just like to point out that this is another opportunity for the commission to engage with community and look for models to recreate the OPD general order. Much like rule 2.16 mandates you do, and please recall what I said earlier that the community you need to engage is incredibly overtaxed in this movement moment, be efficacious in your process, not efficient at the expense of losing valuable community input. This is a time to map out priorities over the next few



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months so that you can have thoughtful community input, which is not one minute blips after having barely a few days to read hundreds of pages of dense drafts. We ask you to reach out to your community partners and collectively create a revised timeline with area [inaudible 04:29:53] party that break up all of these urgent issues into digestible pieces mapped out so we can thoughtfully engage, and again, focus on depth over breadth. And of course we support the banning of tear gas, other chemical agents, rubber bullets, and flash bang grenades at demonstrations. [inaudible 04:30:09] the commission approving a policy with community input. Thank you.

Juanito Rus: Thank you, Ms. Benson, The next speaker in the queue is Ann Janks. Hello Ann, can you hear us?

Anne Janks: Yes.

Juanito Rus: Whenever you're ready.

Anne Janks: I want to address this issue of whether police departments would respond to mutual aid if we didn't let them have all of their weapons and tear gas to use upon us. Look, the fact is, sometimes police departments have tantrums, and best not to respond to that. Best to do what we need to do, and generally what we've found historically, nationally, is those tantrums take care of themselves. Please vote to implement immediate temporary measures until the police commission can fully and transparently engage all stakeholders, including a robust public engagement. An immediate temporary ban on tear gas in line with San Francisco and Berkeley, no rubber bullets, any other weapons, no discretion for the incident commander, which has proved untenable, no OPD investigation. The commission should investigate, and no mutual aid with any jurisdiction that does not read to abide with OPD policy. Thank you.

Juanito Rus: Thank you. The next speaker in the queue is a phone in attendee with the last four digits, 0501. I believe it's Gene Hazard. Hello, Mr. Hazard.

Gene Hazzard: Thank you again. We need a robust discussion by the court order in 2003, the commission needs to agenda and have the plaintiff's legal counsel, which was the Lawyers Guild and the Civil Liberties Union that filed on behalf of ILWU. I do not trust the interpretation coming out of the city attorney's office and all due respect to Deputy Chief Armstrong, there's no statute of limitation because Mr. Prather had said in this current order they made reference to 2003. So let's see in 2003 how they dealt with mutual aid and other issues in that order. So please, commissioners, invite the Civil Liberties Union or the Lawyers Guild who represented ILWU and so we could get the real story. I don't want the interpretation from the city attorney's office. Thank you.



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Juanito Rus: Thank you, Mr. Hazzard. The next speaker in the queue is John Lindsay-Poland [00:18:20]. Hello, John, can you hear us?

John Lindsay-Poland: Hello?

Juanito Rus: Hello.

John Lindsay-Poland: Hi, the commission voted unanimously last week to order OPD to come back to this meeting with a general order for banning the use of militarized weapons on peaceful protests. That didn't happen. So just as the commission assigned strengthening the policy on neck holds, the commission should take on rewriting the policy with the kind of community input that Maureen talked about.

John Lindsay-Poland: Crowd control is not the only policy that needs to change. The policy for simulated impact munitions, which OPD did not send to the commission this time, says that quote, "Chemical agents play a significant role in crowd control to control noncompliant crowds and deny public areas including when an unlawful assembly has been declared and the subjects do not voluntarily leave." This is not lawful under the TRO.

John Lindsay-Poland: About mutual aid, OPD already has policy for reviewing Oakland policies with agencies that come in so unless OPD wants to outsource responsibility for violent actions to outside agencies, they should have no problem with requiring those agencies to abide by Oakland policies.

Juanito Rus: Thank you, Mr. Poland. The next speaker in the queue is Ashley Greenwood. Hello, Ashley. Can you hear us?

Ashley Greenwood: Hello? Yes. I just want to ask the question do we need police at protests at all? Looking at the definitions in this document I don't think that I need police at First Amendment activities, especially if they're non-violent. I don't think we need police at demonstrations especially when there are 129,377 hours of overtime used to police these public demonstrations, the most overtime allocated for any cause in the entire department. It's hard to imagine why, LOL.

Ashley Greenwood: Also, I find it very suspect that handheld chemical agents are banned but non-held hand ones aren't. We don't want the spray back getting in the officers' eyes so we can shoot it through a gun, geez. Ban arrests for civil disobedience. Redirect traffic, like \$800,000 of misconduct cases in-

Juanito Rus: Thank you. Your time has expired. The next speaker in the queue is Joseph [Mentay 00:03:36]. Hello, Joseph. Can you hear us?



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Joseph Mentay: Yes, can you hear me?

Juanito Rus: We can hear you. You have one minute whenever you're ready.

Joseph Mentay: Joseph Mentay, District One. OPD has demonstrated time after time they are incapable of being responsible and only using tear gas and rubber bullets actually appropriate. Policies for management and this commission are clearly not being followed. Since management is not in control don't give the line officers the equipment. When or if management regains control, then we can revisit this issue.

Joseph Mentay: Similarly, OPD has demonstrated they are not in control of the actions of officers brought into our city under mutual aid. Do not create the possibility of misuse. No mutual aid agreements with agencies who do not share our values. It's very late and this meeting has been very long. Thank you to all the commissioners, assistants, administration and community for sticking with it. Thank you.

Juanito Rus: Thank you. The next speaker in the queue is Jean Moses. Hello, Jean, can you hear us?

Jean Moses: Yes, thank you. My name is Jean Moses. I'm a member of Faith in Action East Bay and I wanted to add my voice to those who are emphasizing the importance of getting mutual aid only from jurisdictions that are willing to follow carefully and genuinely the policies set by Oakland. In the case of Sheriff Ahern, Faith in Action East Bay has been following his policies and procedures and evaluating them for the last couple of years and he's demonstrated time and time again a lack of concern for the citizens over which he has control. And I agree with the folks who have said that he is a bully and throws his weight around, and it's really important to put up boundaries for this person and not allow him to interfere in Oakland. Thank you very much.

Juanito Rus: Thank you. The next speaker in the queue is Elise. Hello, Elise. Can you hear us?

Elise: Hello? Yeah, can you hear me?

Juanito Rus: We can hear you. You have one minute whenever you're ready.

Elise: Yeah, I'm in District Three. I've lived downtown the last 10 years since Occupy. I just want to say that the use of tear gas, flash bangs and rubber bullets is terrifying and I have trauma from it for the 10 years I've lived down here. And I go to the protests and I see people getting hit and people get brain damage and y'all, I was at that protest where y'all were hitting people with rubber bullets and tear gas that were teenagers.



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- Elise: And then I hear some bullshit argument that this guy could see everybody and said they weren't children there and they knew that. That's bullshit. Anyways, I don't think we should take mutual aid from any place that is already telling you they won't abide by our rules, period. I'm sorry but use of force causes resistance which leads to violence and arrest. I'm a social worker and I-
- Juanito Rus: Thank you. That is your time. The next speaker in the queue is Kyle Mitchell. Hello, Kyle. Can you hear us?
- Kyle Mitchell: Yes, can I be heard?
- Juanito Rus: We can hear you.
- Kyle Mitchell: Thank you. So first, I just want to express my respect for the commission. Long meeting. It takes some fortitude. I also want to express a little disappointment that it takes so much, but notice what the commission can do and there are the overarching objectives that have to be kind of mapped onto those abilities and authorities, but it feels like we're really down in the weeds.
- Kyle Mitchell: It sounds like... Frankly, I'm an attorney, I deal with conflict every day. I forswore physical violence ages ago in my life. I'm very grateful for that. I've been hit with these munitions. If you put me on a skirmish line fully adrenalized under orders to be there, in that circumstance I can't say that I wouldn't use them.
- Kyle Mitchell: So I think there's policy and then there's simply not putting the munitions where they're going to be used and ensuring that those who come to render mutual aid don't have them and don't suffer that temptation as well, because we know where it leads. So if we need to change policy first and do ordinance later, that's fine, but I would encourage everyone to keep their eye on the ball.
- Juanito Rus: Thank you, Mr. Mitchell, your time is up. At this time those are all the speakers I had in the queue. Mr. Vice-Chair. I turn the meeting back to you.
- Henry Gage, III: Thank you, Mr. [Rus 00:18:20]. Mr. Prather, Commissioner Prather in the queue.
- Edwin Prather: Thank you, Vice-Chair. I just wanted to point out, thank you Mr. Rus for taking down the one minute clock. [Inaudible 04:40:52] people slow down a little. The TRO that I mentioned and that has been the topic of a little bit of discussion tonight was part of the work between the Anti-police Terror Project Community Ready Corps and some individual plaintiffs against OPD. There was a preliminary injunction hearing set and a temporary restraining order hearing was set on June 18th, and that was last week and that hearing was at one o'clock.



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- Edwin Prather: If you'll remember, colleagues, I expressed some shock that we had not been told that a TRO, a temporary restraining order, had been entered into by the court that was negotiated by the parties. So this was an agreement negotiated by Anti-Police Terror Project and OPD. Right now, the policy is that OPD is forbidden from using tear gas or chemical weapons against persons taking part in a protest or demonstration. They are forbidden from firing rubber bullets or similar projectiles that persons taking part in a protest or demonstration or firing flash bang grenades at the same persons that are taking part in a protest or demonstration, except in a few instances.
- Edwin Prather: And those instances are, they can use tear gas or a chemical weapon where it's determined to be reasonably necessary to protect the lives of people, to protect people from serious bodily injury or to prevent the imminent destruction of City Hall, OPD administration, so basically the police department, or the police department at Eastmont Mall. So as it stands right now, there are significant limitations on the police department's ability to use those items.
- Edwin Prather: Does it go far enough? Well, that's a topic that we have to discuss and we have to push, but I think the question to me is all the folks that are talking about chemical weapons and the need to ban chemical weapons, that's true, but right now we're in a position, I feel that is better than is reflected in the crowd control and crowd management policy. And that is going to be the topic of a future preliminary injunction hearing which will occur in front of the Federal District Court on July 2nd, 2020.
- Edwin Prather: And so that's why part of this is, there's an urgency to it, but there's also a court hearing on the matter on July 2nd. So when I commented earlier that we don't have the ability and OPD does not have the ability to enter into a new DGO, in light of this very matter being in front of the court, that's truly how I feel on the topic.
- Edwin Prather: Now, are we looking at a crowd control and crowd management policy from 2013? We are. Is it required to be reviewed and automatic revisions done every three years? It is. Was it done in 2016? It was not. Was it done in 2019? It was not. So this policy is woefully short and needs to be reviewed and revised ASAP. It is going to be reviewed and revised by the Federal Court and there are going to be some discussions about what happens with this DGO.
- Edwin Prather: And so what my recommendation would be, I still don't believe there is a motion to be made tonight, but after July 2nd we will know a lot more about what the parties negotiate, what the parties argue, and this will be the topic of a federal litigation. It is the topic of a federal litigation now and so we need to take stock of what preliminary injection is entered, if any, on the second. I



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imagine based on the indications in this TRO that there will be matters that are covered in a preliminary injunction.

Edwin Prather: I believe that our department will agree to many of those things. I think it's important that they continue to hear the message that we, the commission, bring and that the public bring about our expectations about how OPD deals with protestors, how it handles our residents when they want to go out and they want to voice their opinion. What is important in this that not be lost is the reason why folks are out there protesting, the reason why people are looting, the reason why they resort to the destruction of property.

Edwin Prather: It's not the destruction of property. It's the reason why they feel like they need to do that. And I think that that is an important message the department needs to continue to understand and needs to be sensitive to. And so I offer that because I think that it's hard to really understand all the legal machinations of what's happening in Federal Court. But July 2nd appears to be a very big day for this report and for this policy going forward. So thank you, Vice-Chair.

Henry Gage, III: Thank you, Commissioner Prather. Given that this matter is the subject of pending litigation it does not seem appropriate for the commission to take action at this time. I would ask any commissioners that wish to make further comment on this matter to raise their hand and if not, we shall move forward with the rest of the agenda. Seeing no hands at this time, commissioners, it is 10:16. Given the number of items before us, I have a proposal before we continue with the remainder of the agenda. Director Alden, I do believe you have a CPRA report item later on the agenda. Is that the required report for this month, if memory serves?

John Alden: It is required that CPRA make a report to the commission one a month. That is the only one scheduled for this month. I believe that the written report itself satisfies that charter obligation and I don't believe that further discussion is necessarily required by charter, although that has been our habit. If you would like to go to that report, we could but I am of the belief that having it on the agenda and letting the public see the materials in there about our caseload satisfies the charter requirement. So I defer to the commission about whether you'd prefer to go to that item, or work on one of the other many urgent items we also have on the agenda.

Henry Gage, III: Thank you. Commissioners, here is my proposal. I propose that we suspend the rules of procedure to take two items out of order. I propose that we take Item 13, the Use of Force Ad Hoc Committee Update, and Item 14, the Draft Ordinance on Acquisition and Use of Control Equipment out of order. I propose that we limit those items to 20 minutes of commissioner comments and 20 minutes of public comment, then we return to the regular agenda, assuming



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there is remainder of time afterwards. Commissioner Anderson, you're in the queue.

Tara Anderson: Thank you, Vice-Chair Gage. It wasn't clear to me by your statement, the remainder of the time available. I appreciate the emphasis on those agenda items. Actually, I'm curious, given what I think will be a rather quick dialogue around agenda Item 11, why it would be necessary to skip that at this time. And I'm not feeling confident voting for the measure, or the motion rather [inaudible 04:49:16] I wasn't clear on how the remainder of the agenda would be handled when referencing time available.

Henry Gage, III: Thank you, Commissioner Anderson. It is my intention to conclude this meeting no later than midnight and earlier than midnight if at all possible. Given that we have approximately one hour and 40 minutes before that time is reached under the proposed motion, we would have 40 minutes for both Items 13 and 14, and the balance of time remaining for other items on the agenda until such time as we adjourn.

Thomas Lloyd Smith: I second the motion.

Henry Gage, III: Moved by the Vice-Chair, seconded by Commissioner Smith. Before I call the question, Commissioner Harris is in the queue.

Ginale Harris: Chair, I did not have the intent on staying on this meeting till midnight. For the last three or four meetings we have stayed on our meetings until midnight and I have to wake up at four o'clock in the morning to go to work. And so I cannot have a sane mind to allow me to work on all of the issues that we have to work on if we have meetings till midnight. I cannot. So I will have to excuse myself at 10:30 because I cannot stay till 12:00.

Henry Gage, III: Thank you, Commissioner Harris. Commissioner Jordan, you're in the queue.

David Jordan: Yeah. I just wanted to speak in favor of the motion. There's a clear public mandate that we accomplish something concrete here and both of those agenda items are examples of our work products, our accomplishing something progressive that is moving forward and is concrete. As important as the Path to Justice Pledge may be and as important as the audit and the CPRA pending cases report are, those two things are really helping us move the needle and I think we need to prioritize them.

Henry Gage, III: Thank you, Commissioner Jordan. Is there any other commissioner question or comment before I call the question? Seeing no hands from the commissioners at this time, the question on the floor is whether to suspend rules to take two items out of order, Items 13 and 14 with commissioner debate time limited to



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20 minutes and public comment limited to 20 minutes before returning to the remainder of the agenda. Please stand by and I'll call the roll.

- Henry Gage, III: Commissioner Prather?
- Edwin Prather: Yes.
- Henry Gage, III: Thank you. Commissioner Harris?
- Ginale Harris: No.
- Henry Gage, III: Thank you. Commissioner Dorado?
- Jose Dorado: Aye.
- Henry Gage, III: Thank you. Commissioner Anderson?
- Tara Anderson: No.
- Henry Gage, III: Thank you. Commissioner Smith?
- Thomas Lloyd Smith: Yes.
- Henry Gage, III: Thank you. The Vice-Chair votes yes. Motion carries. Mr. Rus, would you please move to Item 13, Use of Force Ad Hoc Committee Update. Commissioner Prather, you're in the queue.
- Edwin Prather: Thank you, Vice-Chair. It being 10:22 I'd like to move that we continue our meeting past the 10:30 deadline to midnight to accommodate handling additional matters and discussions.
- Henry Gage, III: Thank you, Commissioner Prather. I will second that motion. Before I call the question, Commissioner Dorado, you're in the queue.
- Jose Dorado: I was just going to second. Go ahead and proceed to the vote.
- Henry Gage, III: Thank you, Commissioner Dorado. Please stand by. I'll call the vote. Commissioner Dorado?
- Jose Dorado: Aye.
- Henry Gage, III: Thank you. Commissioner Harris?
- Ginale Harris: No.



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Henry Gage, III: Thank you. Commissioner Prather?

Edwin Prather: Yes.

Henry Gage, III: Thank you. Commissioner Anderson?

Tara Anderson: Yes.

Henry Gage, III: Thank you. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Henry Gage, III: Thank you. The Vice-Chair votes in the affirmative. Motion carries. Returning to Item 13, Use of Force Ad Hoc Committee Update, Commissioner Harris has led the Use of Force Ad Hoc Commission on this matter. Commissioner Harris, do you wish to make a presentation?

Ginale Harris: Hello. Are you there, Vice-Chair?

Henry Gage, III: Yes, Commissioner.

Ginale Harris: Okay, I'm just trying to get my documents together. There's so many electronically so if you could just give me a second.

Henry Gage, III: Understood.

Ginale Harris: Jesus.

Henry Gage, III: Commissioner, would you like to go to staff for a report while you're preparing your documents?

Ginale Harris: Sure.

Henry Gage, III: Thank you. Chief Manheimer, do you or any of your staff wish to make a report on this item?

Chief Manheimer: I'm sorry, I was just unmuting. Is that Item 13, sir?

Henry Gage, III: Yes, Item 13.

Chief Manheimer: Yes, I'll turn that over, if you don't mind, to Chief Armstrong.

Henry Gage, III: Thank you. Chief Armstrong, to allow the commission [inaudible 04:56:10] we kindly request that you limit your presentation to no more than five minutes.



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- D.C. Armstrong: Chair, the presentation on the Use of Force Ad Hoc Committee Update will be done by either Commissioner Harris or Commissioner Anderson as the leads of the ad hoc committee.
- Henry Gage, III: Thank you. As Commissioner Harris is gathering her documents do you wish to make any statements at this time?
- D.C. Armstrong: Yes, I will say that I just want to appreciate all the collaboration and great work that went into it. We've spent over probably now about seven months working on this policy. We started off meeting twice a month. Eventually in the later stages in the COVID-19 pandemic times we've been meeting weekly. And so I just appreciate the commitment of the entire ad hoc, the idea that everybody could come together and share ideas to come up with what we believe is one of the more progressive use of force policies in the country based on our review of all of the major city policies throughout the country, and then taking what we believe was several departments' policies that were already considered to be progressive and then expanding beyond their policies and bringing them together.
- D.C. Armstrong: And then appreciate our last meeting where the ad hoc committee was willing to go in and just do a reference check to make sure that even though it was mentioned that the 8 Can't Wait hasn't went far enough, we will recognize that the ad hoc had already included everything that was in the 8 Can't Wait into our draft. So we're even more advanced than what was in the 8 Can't Wait.
- D.C. Armstrong: And so we can say that very few cities can say that they have checked the box of all of the things on all eight standards of the 8 Can't Wait and so this policy does that. And so just want to appreciate the collaboration, but also want to give it over to the commission as the lead and thank them for their partnership on this.
- Henry Gage, III: Thank you, Deputy Chief.
- Ginale Harris: So Vice-Chair, I'm going to ask Commissioner Anderson... I can't do it this way. I'm having a problem getting all my documents together. I'm unable to flip from screen to screen. I don't have the capabilities to do that at home. So it's really difficult for me to flip through 200 and something pages of things that I've already had prepared. I was not prepared for you to take this out of order. So Commissioner Anderson, if you will.
- Tara Anderson: Thank you, Commissioner Harris, through the Chair, and if it eases things at all, Commissioner Harris, this is PDF, page 68 of the 276. And I share your frustration in the item being taken out of order. One thing that we had discussed was reading through the document. Given the limitations on time, we won't be able to do that. It was the intention of Commissioner Harris,



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recognizing accessibility issues, that it would be important for us to read the document.

Tara Anderson: Given the challenges with time and the great introduction done by DC Armstrong, I'll just maybe dial back history a little bit more indicating that the item before us... We're focusing today on process and that's what we really want this ad hoc update to be directed toward. And as we came to this process in the beginning of January, or actually I should say many months before that, but when the decision was made to just come in compliance with the law, a collective agreement was made between the department and the commission saying that wasn't far enough because we know that several compromises were made on the road to the passage of AB 13, or excuse me, AB 392.

Tara Anderson: So now that we had made that decision, we quickly moved forward in having a document that was in compliance with the law and then moved forward with the process as described by DC Armstrong. This document that's before you is in four sections. You'll see here are some highlights of the draft policy. It was important to lead with core principles and the overall mission first, that we're emphasizing the direction on mandating deescalation. And I think it's important to emphasize here, it's not just deescalation relative to those suffering a mental health crisis but a broader policy on deescalation.

Tara Anderson: You can see here, making sure that concepts weren't just understandable to those who would be trained on them, but to the public at large knowing that's a constant challenge as we review these DGOs and training bulletins and special orders, that there's extensive discussion on the levels of resistance, force, less than lethal force options. We spent at least four meetings on that, and then you also see here the making sure there was compliance with the letter of the current law. Prohibitions on discharging firearms from moving vehicles and then the asphyxiation prohibition that we discussed earlier in our agenda together.

Tara Anderson: There are several policy sources that were consulted during the process, again, going beyond the state legislation to include other model policies from across the country, recognizing not a single one is perfect. There's problems with all of them. One significant one for me was around the use of language and person first language not being represented and wanting to be sure that we're talking about people, people are seen in this work product and so you'll see in many policies throughout the country the term subject is used.

Tara Anderson: Here we have listed the members of the ad hoc that participated. There were other participation at certain points, but in this final stretch, this is the group that was represented. We heard during our process and were called to account at previous police commission meetings about the concern of the nature of the ad hoc not being an open process. And I think that I certainly heard that loud



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and clear and then had made a commitment to, at a minimum, include more informed in the intention around public engagement. And so that's when we started engaging in memo writing.

Tara Anderson: Then I recognized, I was told that that was actually not appreciated and the real action that community and the public was looking for is a true kind of participatory representation so moving more on the spectrum of communication engagement towards consulting, involving and collaborating. And I'm hoping that today's focus can be on how we can make a promise to the public that we'll work together with you to formulate solutions and incorporate your advice and recommendations into what the ultimate policy looks like.

Tara Anderson: And so this is a first step in what is going to be a continued journey, that we've done a significant amount of work and there's more to be done. Here we're recommending for discussion, amongst commission members that there are three primary activities that we're engaging in. Townhalls, so this is a series of public town hall style meetings to solicit public comment and input where third party facilitators assist with the organizing, collecting, contextualizing of public feedback.

Tara Anderson: And then the public posting and written feedback. We have proposed here that there would be a 30-day open period to provide written feedback on the draft departmental general order, and there would be a specific process that we would have internally amongst the police commission to make sure that information is received and consolidated, and then distilled into a report that then comes back to the commission as a whole, as well as all of the information gathering that will come from the town halls.

Tara Anderson: And then because we know that any sort of convening, any sort of having to interface with the terrible websites that are in Oakland, including ours, that there's going to be people who will be left out, excluded, and so that's why back in November, we had instructed CPRA to enter into a personal services contract with Raheem to collect input related to the use of force policy revision. I can share that that has just passed or it's signed off on just a week and a half ago, which is a testament to how obstructionist the process can be both for a vendor trying to work with us and work within the city bureaucracy and the obstruction we faced as a commission when we are exercising our authority. Here, I see interest in having a timeline. In terms of public posting and written feedback, I think in actuality, it'll end up probably being more than a 30 day period. If, for example, we were to post on Monday, June 29th in a formal capacity, this draft policy, that is a part of the agenda before you, that we could close on the first Friday in August, which would actually give a 33 day review period and still allow sufficient time for the remainder of August for all of that information to be consolidated into a report form, to be provided back.



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- Tara Anderson: The Raheem contract and consultation, they will be doing targeted outreach based on individuals over the past three years, who have had contact with, been stopped by or harmed by OPD. That data collection surveying effort, we'll have a mid report for us part way, and then culminate on August the 30th. Again, to ensure that both of those forms of feedback aren't included in the ultimate draft that comes before the commission for a final decision, we want to make sure that there's ample time. Then to the first point about the town halls, I think that's probably been the greatest debate amongst that ad hoc, of what these will actually look like. Whether or not we'll do a combination of population specific hearings, invite co-hosts that will be working with us and/or whether or not they'll ever be the opportunity. As I know, all of our collective preference is to have this be an in person experience, but we know that the public health orders may prohibit us from doing so. We do have some commitments that would help with the third party facilitation.
- Tara Anderson: We're still in the process of finalizing those. Unfortunately, aren't able to, unless Commissioner Harris has an update.
- Ginale Harris: Yes. They do.
- Tara Anderson: Okay, great. Sorry. Hopefully I didn't go too far and everything has been represented.
- Ginale Harris: No. Thank you. I appreciate you, Commissioner Anderson. I also want to let Jim Chanin speak on our ad hoc a little bit, but before we do, I just want to clarify a few things for the public. I too, did hear about inclusion tonight, but I want to make something really clear. We created a process with this ad hoc, and it was very important to me that the people that are affected the most have their voices heard as well. We have very few black and brown people that come to these meetings. We put together this ad hoc because the public chose us to be representatives of the public, which we did. Now in doing that, I will say that I have shared every document from every meeting, with the very people that are saying this is not a transparent process. I just want to be clear that this is the process. Of course, I want to be inclusive. I am from East Oakland and this policy not only affects me, but it affects my neighbors. It affects my family. It affects everyone in my circle as well.
- Ginale Harris: I just want to make sure that I want to include as many voices as possible. I appreciate all of the voices that have been on here tonight. With that said, oh, and Sergeant Turner is not leading this ad hoc. I am. I just wanted to make sure that I put that on me. Sergeant Turner has helped in the process, but he has not led this ad hoc. The police department does not lead this ad hoc at all. The commission does. Jim, Mr. Chanin, if you will, please?



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- Juanito Rus: Mr. Harris, let me unmute him. He's in [inaudible 00:05:28]. one second.
- Ginale Harris: Thank you, Mr. Rus.
- Juanito Rus: Hello, Mr. Chanin, can you hear us? You can unmute yourself. Can you hear us?
- Jim Chanin: Yes. Can you hear me now?
- Juanito Rus: We can hear you.
- Jim Chanin: I'm sorry. I showed my age in my computer skills, but we won't comment on that. I just want to say, I want to thank Commissioner Anderson and Harris and Gage for all the work they did on the ad hoc policy, which I was a member. Commissioner Harris said much of what I wanted to say, which is, although we worked very hard on this and I talked to a lot of people, including the coalition members of which I incorporated many of the changes they wanted and added them to the policy, but not all of them. Having said all of that, this was never meant to be a final document without any public participation. This is our best effort and the public has to take it from here. We're not dictating to anyone.
- Jim Chanin: Having said all of that, I wish and I hope that members of the public and the commission will have a timeline process, more akin to what commissioner Anderson has laid out, because we don't have much time on this. I have to say in all honesty, the Oakland police department, after what I saw the end of May, the beginning of June and elsewhere, is more at a control now than at any time since Occupy Oakland. I think that there's a real sense of urgency given the promise of more demonstrations and the way the police are planning on responding to them, to get this done as quickly as possible, given full public participation. Thank you.
- Ginale Harris: Thank you, Jim. I also want to give you an update on some of the allies that we have agreed to partner with us, which I'm very excited about. I did reach out to the ACLU who helped us with AB-392. Today, we've got a commitment saying that they will assist us. We were assigned Alyssa Victory who will be assisting us with the use of force policy and the process on filtering all of the input from the public. My thought and this ad hoc spot is to have a series of town halls all over Oakland. I would say to the public now, if you have my email, Commissioner Gages' email, or Commissioner Andersons' email and your interested in hosting a town hall, please feel free to contact us because I would like to have different voices at the table. Just different voices, all opinions matter, all voices matter. If you can do that, that would be great. Vice chair?
- Henry Gage, III: Thank you, Commissioner Harris. Commissioner Anderson, do you wish to make a further comment before we go to public eye?



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- Tara Anderson: I probably spoke a little too much.
- Henry Gage, III: Thank you. Thank you both and thank you to all member of the ad hoc. Mr. Bruce, would you kindly open the forum to public comments and before beginning to take speakers, report on the number of people who wish to speak.
- Juanito Rus: Thank you, Vice Chair Gage. At this point, if you would like to speak on this item, please raise your hand in the queue. I am seeing 11 hands raised ending with Jasmine Bostitch.
- Henry Gage, III: Thank you. Would you kindly began public comment with one of [inaudible 00:10:29]?
- Juanito Rus: Thank you. The first speaker in the queue is Anne Jenks. Hello, Anne. Can you hear us?
- Anne Janks: Yes.
- Juanito Rus: You have one minute, whenever you're ready.
- Anne Janks: It's particular curious to limit the public comment time on the use of force ad hoc since the community has been blocked from the only participation or even transparency from the beginning while members of the commission met behind closed doors, working with OPD to draft the single most important policy for over 10 months. Let me summarize the process. For the better part of a year, we were given memos with no information. We were given no other information who the participants were or anything else. We were told just to sit and wait for the end. This needs to stop immediately. We call upon you to reject the ad hoc report. You've ignored repeated concerns. Transparency doesn't mean sharing information with an insider. It means having conversations in public and sharing documents. It doesn't mean vacuous memos and it shouldn't mean meeting with the police behind closed doors. They lie. They lie in public. They shouldn't be forced to do it in the public.
- Juanito Rus: Thank you, Ms. Jenks. The next speaker in the queue is Lorelei Bosserman. Hello, Lorelei. Can you hear us?
- Lorelei Bosserman: Sorry. I secede my time.
- Juanito Rus: The next speaker in the queue is Assata Olugbala. Hello, Mrs. Olugbala. Can you hear us?
- Assata Olugbala: Yes, sir.



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- Juanito Rus: Whenever you're ready.
- Assata Olugbala: [crosstalk 00:05:18:17]. Thank you. This is just a reminder that any policy that comes to a final stage, becomes a recommendation to the council. All policies that are developed within the police commission's authority are recommendations to the council. That's very problematic based on what I saw last Tuesday, how the council is serving the best interest of the police and not the citizens. The other thing is this issue of use of force is so important because year after a year, the majority of complaints that come before the commission and the citizen's police review board has been around the issue of use of force, mostly on African-Americans. Something has to be done. The NSA is not working after 17 years. I don't know if policy is going to work, but it should start with some issue of change.
- Juanito Rus: Thank you, Mrs. Olugbala. Your time has expired. The next speaker in the queue is Bruce Schmiechen. Hello, Bruce. Can you hear us?
- Bruce Schmiechen: Yeah, I can. I have a lot of concerns around this. I appreciate the commission wanting to engage the public. I think this is way too little, way too late. Coalition put forward proposals to begin town halls last September. That was ignored. We initiated some other outreach events, which some of the commissioners participated in and I thank them for that. Really there was no consistent effort to do public engagement over months and months when we could have been doing it. Now we're talking about a 30 day window. I also honestly don't understand what the Raheem process is in this total, in the current moment, but that's... I'm going to set that aside.
- Bruce Schmiechen: I think that we need more. We need some tables where people can speak more candidly, and this is not enough.
- Juanito Rus: Thank you, Mr. Schmiechen. The next speaker in the queue is Starchy Grant. Hello, Starchy. Can you hear us?
- Starchy Grant: Yes. Sorry. Can you hear me?
- Juanito Rus: We can hear you, whenever you're ready.
- Starchy Grant: Thank you. I absolutely agree that deescalation is to be a priority for armed officers if we are to have armed officers and I applaud your commitment to community outreach. I don't have as much background as the previous commenters into how this process has broken down previously. I will defer to them. What we really want to hear, however, is what kind of leverage will be behind this. If this is just about training, officers will go out of their way and find alternative training. Sometimes unions sponsor alternative training from



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industry celebrities like Dave Grossman, who prepare and encourage them to kill, literally prepare and encourage them to kill. The enforcement of our enforcers is key. Thank you.

Juanito Rus: Thank you. The next speaker in the queue is Maureen Benson. Hello, Marine. Can you hear us?

Maureen Benson: Yes.

Juanito Rus: Whenever you're ready.

Maureen Benson: I just want to appreciate the ad hoc committee and in particular Commissioner Harris, who's reached out to APTP and the ACLU for engagement moving forward, now that that's open to the community. I'm glad that you took this time and I'm glad that you are now going to deeply engage the community. A couple of pieces of feedback, really excited about Raheem. We love Raheem and glad to hear they're a part of this. Another piece is to go through all the components of the use of force policy with the community and [inaudible 05:22:28] by September is not a realistic timeline, especially given the additional workload for community leaders during this national crisis. Regarding the town halls, we ask you to reach out to your community partners and collectively create a revised timeline with areas of priority that can break up the elements of use in force into pieces mapped out so the community can engage thoughtfully and focused on depth over breath.

Maureen Benson: Urgent does not always mean speed. I'd like to appreciate John Alden who had some great ideas around creating a priority list of areas to focus on based on the data from Sephora. If you map that out over time, folks can do deep dives into topic areas and we're being responsive by developing an [crosstalk 05:23:06].

Juanito Rus: Thank you. Your time has expired. The next speaker in the queue is Rashidah Grinage. Mrs. Grinage, it appears, has an older version of zoom so I will quickly promote her to the panel.

Rashidah Grinage: Hi. Can you hear me?

Juanito Rus: Mrs. Grenache. We can hear you.

Rashidah Grinage: Thank you. I want to followup on the comments that have been expressed. I don't want to look backwards though. I want to look forward. I think this is the time that we need a plan and I've heard Commissioner Anderson speak broadly about different strategies, but I'm still not quite clear on who's going to take the lead and how quickly we're going to have scheduled events and meetings and webinars. I was hoping to get a more specific plan expressed so that we could



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be aware of what that is. I'm hopeful that before too long, that will happen and that this process can unfold. As Mr. Chanin said, this is an urgent matter and it has been going on for quite a while. It's time for us to accelerate the [inaudible 05:24:33].

Juanito Rus: Thank you, Mrs. Grenache. The next speaker in the queue is a phone in at MD with the last four digits, zero, five, zero, one. I believe this is Gene Hazard. Hello, Mr. Hazard. Can you hear us?

Gene Hazzard: Yes. Thank you very much. To the Vice Chair, to the chair of the ad hoc, Ms. Harris, would you have the police chief provide your ad hoc committee with the list of those cities around the world that do not use guns for policing. That's very important. Then also provide the data related to the police related incidents that has resulted in death in those areas. I think it's critically important because the police do not have to use guns on patrols, which would be evident if we get that list around the world from those cities that do not use guns on patrols. Certainly, times could be lethal, but they're least likely to occur in a death [crosstalk 00:19:58].

Juanito Rus: Thank you Mr. Hazard. Your time has expired. The next speaker in the queue is Jim Chanin. Hello, Mr. Chanin. Can you hear us?

Jim Chanin: Thank you. I just want to add to Mrs. Grenaches' point about the urgency of this. I'm sorry about the flaws in the process. If I could turn back time, I would. It's not in my skill set though. I represented Scott Olson. I talked to him just a few days ago. He was a computer guy and part of his brain is gone because of these less lethal weapons. If we screw around and talk about the process, this is going to happen again. This chief, this council, this mutual aid, it's going to happen again. We need to do something with all deliberate speed and including people, but at the same time, getting a process. This isn't a final policy. We can always change it, but get it done now and then work on changes if you really want to. Thank you.

Juanito Rus: Thank you, Mr. Chanin. The next speaker in the queue is John Lindsay-Poland. Hello, John. Can you hear us?

John Lindsay-Poland: Yes, I can.

Juanito Rus: Whenever you're ready.

John Lindsay-Poland: I agree with previous speakers who say this is not ready to roll. I'm sorry. I see the urgency. I feel the urgency, but for one thing, this draft includes reference to eight or nine associated policies for different kinds of equipment, for different types of techniques that are in themselves... They're whole use of



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force policies in themselves and they're not included in this document. This document is not searchable. You can't search for a word in this 30 something page document. It needs more time. We need to advance this forward, but I think we require more time as well as I think a plan. Finally, I would like to hear the members of the ad hoc argue to us and to the rest of the community, what makes this so good? We don't really know why it's so urgent to move it as quickly without examination, unless you tell us what is valuable about this and that, how things can be changed later. Thank you.

Juanito Rus: Thank you.

Ginale Harris: Excuse me, Mr. Rousse. We're not able to put our hands up as panelists. Thank you.

Juanito Rus: Commissioner Harris, your hand is visible.

Ginale Harris: It is now.

Juanito Rus: Should I continue with public comment at this time?

Henry Gage, III: Please continue and we'll return to Commissioner [inaudible 05:28:53].

Juanito Rus: Very well. Thank you. The last speaker I had in the queue from when I called the question is Jasmine Bostitch. Hello, Jasmine. Can you hear us?

Jasmine Bostitch: Hi, good evening. The first police commission hearing I attended was last week. I'm obviously very new to this. I came in with a lot of righteous anger, and I just want to say that I'm really impressed with the amount of work that you guys have been putting in. This system is not perfect, but you're not working within a perfect system. I'll just say thank you. I'm grateful that this commission exists and that you all are putting in the good work. Obviously, we still have a lot of work to do, and the community needs to be in that work with you. I hope you all have a good rest at the end of this meeting. Good night.

Juanito Rus: Thank you, Ms. Bostitch. I have no further speakers on this item. Mr. Vice Chair, I return the meeting to you.

Henry Gage, III: Thank you, Mr. Rousse. Commissioner Harris, you're in the queue

Ginale Harris: Thank you. I just want to say to the public and to the commission, you are all absolutely right. This is an urgency, but I want everyone to keep in mind that there are three commissioners that are spearheading this ad hoc and that work on this effort every day for however many months you said, 10, nine, seven, six, whatever it is, every day. Then we get up the next day and go to work and take



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care of our families and do everything else. Yes. I believe that this policy is important, but for the last 17 years, this policy ain't done nothing for me or people who look like me. I'm asking for some empathy and some help. It's easy to throw around what we're not doing and how fast we're not moving, but that feels like abuse and I'm black. With that said, I am asking the public for help because I'm tired and I need help from the public to set up these town halls. If they could have been done six, eight, 10 months ago, they should have been done because there are three of us. Thank you, Vice Chair. Vice Chair?

Juanito Rus: Vice Chair Gage, your muted.

Henry Gage, III: Commissioner Harris, my apologies for interrupting. Would you wish to make further comment?

Ginale Harris: No, sir. I was just trying to make sure you were there.

Henry Gage, III: Thank you. Commissioner Anderson, you're in the queue.

Tara Anderson: Thank you, Vice Chair Gage. I've just want to appreciate Commissioner Harris who has been chair of this ad hoc, appreciate her passion, dedication, and making sure that during every meeting, along with Mr. Chanin, that a name was mentioned, a person, a real person and experience and appreciate the call to action and for support. I'm confident that people will reply and that the work will now be on us. I would like to say us, as more than just the ad hoc, and being able to complete this task. Really looking to our fellow commissioners to step up. In order to even do this on the timeline that I outlined, which would have a special hearing happening sometime in September, and then realistically, a vote on the final product in October. It's going to take a lot of work to accomplish that. Just really grateful again, that the ACLU was able to confirm today.

Tara Anderson: I think what our responsibility is, is as we receive that outreach after this call-to-action, and I do appreciate that offerings have been made at other times. Now, we focus on a realistic timeline that we can deliver on those promises to community to ensure meaningful engagement through a prioritization of the different categories and making sure that we have outreach across the city of Oakland, as much as again, the shelter in place will allow. Then also hearing that there's a lot of community action happening right now and wanting to honor all of those spaces where voices need to be heard and doing our best, not to compete with other efforts. We still have some planning work ahead of us, but I do hope that we'll be joined by other commissioners in taking forward those tasks.

Henry Gage, III: Thank you, Commissioner Anderson. Commissioner Prather, you're on the queue.



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Edwin Prather: Thank you, Vice Chair. I'd like to say, and I think I express the feelings of all the other commissioners, to commissioner Anderson, commissioner Harris, commissioner Gage, just our thanks for taking on the huge laboring that is the use of force policy. I know that when I was on the ad hoc committee for the probation and parole search policy, and we were able to do that. That presented a lot of logistical difficulties and that policy was four or five pages long and it took us months and we didn't have shelter in place and we could meet at a coffee shop and go over edits and wordsmithing and we could talk to the public more easily. It was just, we didn't have all the obstacles and problems that you as a ad hoc face today.

Edwin Prather: I will say though, that in drafting that policy, I did enjoy the feedback, the give and take, the back and forth, the presenting it at a meeting and having public comment and not having it be ready and taking it back to the drawing board. It's hard. It's not easy. I do really appreciate how difficult this must be. I can't imagine how difficult this must be for the ad hoc, but at the same time, I also know how rewarding, for me, working on the probation and search policy was, and is, and as I look back on it, it's some of the most important work I've done as a commissioner. I think, I'm trying to read your minds here, but I'm guessing that you probably believe that this is probably the most important thing you will do as a commissioner, is really have a heavy hand in drafting the use of force policy that will live on for years to come and protect so many of our Oakland residents.

Edwin Prather: I just wanted to say thank you. Look, there is no perfect process. Anyone could criticize your process. I think the important thing is, is not to focus on how we got to here. It's to focus on how we're going to move forward. We're still in shelter in place, and we still are working by zoom. We still can't meet face to face and things are harder to do right now. I just really appreciate the forward looking view that you're presenting on this Zoom meeting and that we will soon have drafts to be considered by all the stakeholders and to be able to move forward on a vote with a policy hopefully here in 2020. Thank you. Thank you again, Commissioner Harris, Commissioner Anderson, and Vice Chair.

Henry Gage, III Thank you, Commissioner Dorado. Commissioner Dorado, you're in the queue

Jose Dorado: Yeah, just quickly. Once again, Commission Prather said what I would say far better than I could ever, but I just wanted to say very quickly just reflect his comments that really appreciate the enormously hard work that the Commissioners Anderson and Harris and yourself, Vice Chair, have put in this whole process. I simply wanted to say, thank you for all your work. That's it. Thank you.



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- Juanito Rus: Thank you, Commissioner Dorado. We're heard public comment and commission debate. We've heard a great deal of feedback with respect to next steps. I do believe the recommendation of the ad hoc was to post the current draft for public feedback. Is it accurate to state that officially ad hoc is to move them closer to public view now? Commissioner Anderson, you're in the queue.
- Jose Dorado: Sorry. I heard Commissioner Harris too. One thing I was going to say before that was two points made during public comment that we would make sure that the documents that are posted are readable PDFs and also include links to other relevant materials. That was our intention all along.
- Henry Gage, III: Thank you, Commissioner Anderson. I will join in those remarks. Commissioner Harris, do you wish to make further remarks?
- Ginale Harris: Yes. The document was never intended to be anything set in stone. This was just something to work off of. And I did incorporate a lot of the coalition input in this policy, so I want to thank them for that, because a lot of feedback that Mr. Schmiechen provided, we did implement. It's all in there, and you'll see. So, I want you to know that we are listening. It's not that we are keeping you out of the process, but we have to have a civil process to be at a round table. Too many Indians in the kitchen and not enough chiefs, so it's like, we just needed something to work off of.
- Ginale Harris: This is not set in stone. Set in stone will be when the public puts their input. There is a little public input, majority of it, and a lot of it has to do with deescalation. That was a big part of the input that the coalition provided. But I have a six page document that was implemented from the coalition, and you will see it when you read it. And I just hope that this is something that you see we were listening, and this will be the test to see if the feedback is good or not. And if it's not, then we change it. Thank you, Vice Chair.
- Henry Gage, III: Thank you, Commissioner Harris. Before proceeding, a question for counsel. Counsel, the agenda item for this matter is that no action is to be taken on policy itself. I wish to propose a motion that we post this draft policy for public feedback with the conditions as stated as Commissioner Anderson, and that interpretation would be that that would not be action on the policy itself but rather perspective action.
- Conor Kennedy: Can you hear me, Vice Chair?
- Henry Gage, III: Yes.
- Conor Kennedy: As counsel, yes, I completely agree with the interpretation that you just spelled out.



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- Henry Gage, III: Thank you. With that advice from council, I would move that we as a commission post the draft use of force ad hoc policy for public comment and that the ad hoc committee begin the process of outlining dates for further public communication. Commissioner Dorado, you're in queue.
- Jose Dorado: Second.
- Henry Gage, III: Thank you. Do any questions or wish to make further comment before I poll the questions? Commissioner Harris, you're in the queue.
- Ginale Harris: Thank you, Vice Chair. So, I just want to reiterate to the public again, if there's any public entities that want to help set up these town halls to get them going and moving forward, I would really, really appreciate it, and so with the ad hoc, if you could assist us with that. That's it. Thank you.
- Henry Gage, III: Thank you, Commissioner Harris. Questions on the floor is to post the current draft of the use force policy under the conditions mentioned by Commissioner Anderson, refers back to searchability. Please stand by. I'll call the roll. Commissioner Prather?
- Edwin Prather: Yes.
- Henry Gage, III: Thank you. Commissioner Harris?
- Ginale Harris: Yes.
- Henry Gage, III: Thank you. Commissioner Dorado?
- Jose Dorado: Aye.
- Henry Gage, III: Thank you. Commissioner Anderson?
- Tara Anderson: Aye.
- Henry Gage, III: Thank you. Commissioner Smith?
- Thomas Lloyd Smith: Yes.
- Henry Gage, III: Thank you. Vice Chair votes affirmative. [inaudible 05:44:44] commissioners, please advise. Hearing none, motion carries. Moving forward to item 14, also taken out of order. This draft ordinance was the result of initial work by myself and Mr. John Lindsay [Poland 05:45:13] who were taken up by the ad hoc committee, as commissioned as outlined in the agenda memorandum. In short, this track ordinance would create a regulatory structure that largely models the



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surveillance ordinance that's overseen by the Privacy Commission. Before the Oakland Police Department could continue use of certain categories of equipment, the department would be required to present the Police Commission with both the impact statements and a use policy. These policies would be subject to commission review and recommendation to City Council, and City Council would hold ultimate authority to determine whether or not the department will be able to use such equipment pursuant to the use policy.

Henry Gage, III: Similar to the surveillance ordinance, these use policies would be reviewed on an annual basis by the Police Commission, which would therefore provide a further recommendation to council either continue approval on an annual basis or to recommend modification or rejection. The ad hoc committee that handled this matter was comprised of myself, Commissioner Jordan, and Commissioner Brown. Do any members of the ad hoc wish to speak? ... Seeing no hands at this time. Do you any of the [inaudible 05:46:49] of the commission wish to speak on this matter? ... I see no hands at this time.

Henry Gage, III: We'll note that I received the degree of public feedback with respect to this [inaudible 05:47:06] policy, and I will be proposing amendments to [inaudible 05:47:12] sections. Before doing so, Mr. Rus, if you would kindly open a forum to public comment and report out the number of speakers before beginning.

Juanito Rus: Thank you, Vice Chair. If any member of the public would like to speak on Item 14, please raise your hand in the queue at this time. ... At this time, I am seeing five hands raised in the queue ending with [inaudible 05:47:49] Grant. The first speaker in the queue is Ann Jenks. Let me put on the clock. Ms. Janks, you have one minute.

Anne Janks: The coalition for police accountability supports the language to demilitarize with additional language to protect us from mutual aid. Now, speaking as an individual, every statement I make to the condition will now include asking you, moving forward to stop meeting in secret to develop policy with OPD. The quarantine does not prevent you from putting it on Zoom. Speaking to one individual, such as Mr. Schmiechen is nice, and he has some good ideas, but isn't being public and it isn't transparent. It's not about listening for one organization. You don't get to choose who's permitted to participate, even if it's my organization. We need immediate transparency on this most important use of force policy. Thank you.

Juanito Rus: Thank you, Ms. Janks. The next speaker in the queue is John Lindsay Poland. Hello, John, can you hear us?

John Lindsay-Poland: Yes. So, I want to emphasize to some of the commissioners that this is an ordinance, it's not policy itself, but it creates a process for creating policy with



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community and an OPD input. And so, I would say one action for you tonight would be to address the issues of mutual aid. I would propose one provision to strengthen it in terms of mutual aid so that it would apply to any OPD cooperation with outside law enforcement agency, in activities in Oakland which deploy equipment under this ordinance and less that the [inaudible 05:49:57] is consistent with all of the restrictions and policies and reporting requirements established through this ordinance. I think you can bring it back at the next meeting with that addition for action and for the city council. Thank you.

Juanito Rus: Thank you. The next speaker in the queue is Jennifer Tu. Hello, Jennifer, can you hear us?

Jennifer Tu: Yes. Thank you. I'll be brief. I think it's worth repeating that OPD will use whatever it has, and that means that it's really important for us to and their military ordinance use. That's all.

Juanito Rus: Thank you. The next speaker in the queue is Assata Olugbala. Hello, Ms. Olugbala can you hear us?

Assata Olugbala: Yes, sir. Thank you. This particularly agenda item clearly states, as I said before, that once you complete whatever you have to say about this issue of [inaudible 05:51:13] riot equipment, it goes to the council. It goes to the council to say what will happen related to that subject matter. And you got to start letting the community know that you are a group that makes recommendations to the council, and that that's very, very problematic. And we need to face the fact that your powers around policy and procedures are recommendations. And secondly, it is very bothersome to me that the issue that is going on across this country related to systemic racism around African-Americans is not being dealt with presently with the Commission.

Juanito Rus: Thank you Ms. Olugbala, your time is expired. The next speaker in the... Nope, I have no speakers at this time. With that, Chair, I'll pass the meeting back to you.

Henry Gage, III: Thank you Mr. Rus. Having heard from a public, do any commissioners wish to make comment at this time? ... Commissioner Prather, you're in the queue.

Edwin Prather: Thank you, Vice Chair. Obviously, this policy has comeback. It says on our agenda that this is the first time we're looking at it, but I don't think that that is actually true. I think we've reviewed this and this has come before us several times. And I hate to delay this any further. I think one of the public speakers, I think it was Ms. Tu who said it best, the OPD will use whatever it has, and I think that that's correct. And if we want to place limitations and strictures on the use of militarized weapons, that we need to make the recommendation and we



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need to informed. So, I think I heard, Vice Chair, that you have potential edits to the document that you might be reading into the record, but I think this is a policy that is long overdue and we need to move it forward, whether that be this evening or at the very next meeting. Thank you.

Henry Gage, III: Thank you Commissioner Prather. As mentioned, I do have amendments, and I do believe that they can be read into the record and understood. I would ask that if commissioners take exception with this proposed plan of action, that they raise their hands now, and I will defer and instead provide a written documentation. I see no hands. I will proceed with an oral presentation about the [inaudible 05:54:20] amendments. Seeing no hands, I will proceed. The first amendment is under section two, definitions, subsection A, controlled equipment. And Mr. Bruce, if you kindly turn to the appropriate page on the agenda.

Juanito Rus: Let me see if I can find that. What page is that on?

Henry Gage, III: [inaudible 05:54:54] page 106 of the agenda packet. ... Thank you. If you kindly focus the screen on numbers nine and 11, under section 2A. Thank you. I'm going to try and do this as clearly as possible. Commissioners, please raise your hands if you wish to ask questions about those amendments. Under section two, subsection A, controlled equipment, I shall amend item number nine to read as follows: "Projectile launch platforms and their associated munitions, such as 40 millimeter projectile launchers, beanbag, rubber bullet, or specialty impact munition weapons, and riot guns used to disperse chemical agents." We'll stop briefly. If any commissioners wish to make a comment about this proposed amendment, please do so.

Henry Gage, III: Seeing none, I wish to amend number 11 to read as follows: "Explosives and pyrotechnics, such as phosphine grenades and explosive breaching tools, and chemical weapons such as tear gas, CS gas, pepper spray, and pepper balls." Any commissioners wish to make comment about that amendment, please raise your hands.

Henry Gage, III: The next amendment is under section three, acquisition and use of control equipment on page 108. However, the amendment I am proposing on the page following, 109, under section three, subsection A, paragraph 2A. Excuse me, paragraph 2B. [inaudible 05:57:51] that section currently reads, "Control equipment purchased," which should amend to say, "Controlled equipment funded." Any commissioners wish to make comments about this, please raise your hands.

Henry Gage, III: Seeing none, [inaudible 05:58:15] this document is to add a new paragraph three to section three, subsection A, to read as follows: "The Police Department



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shall not cooperate with law enforcement agencies or mutual aid partners that deploy controlled equipment that would be subject to this ordinance unless said cooperation and deployment of controlled equipment by such agency or mutual aid partner is consistent with the restrictions, use policies, and reporting requirements established by this ordinance." That concludes the balance of my proposed amendments. Do any commissioners wish to make comment on anything that's proposed? Commissioner Brown, you're in the queue.

Chris Brown: Thank you, Commissioner Gage. Commissioner Gage, I'd like to ask you to add an additional modification that you didn't mention earlier to section two, item A, control equipment number one, special purpose wheeled vehicles, subsection A. Change the word patrol to passenger.

Henry Gage, III: Thank you, Commissioner Brown, I will accept that amendment.

Chris Brown: Thank you.

Henry Gage, III: Do any commissioners wish to make further comment as to proposed amendment... amendments, excuse me, or the ordinance itself? Commissioner Anderson, you're in the queue.

Tara Anderson: Just want to appreciate you vice chair gage. And also Mr. John Lindsay Poland for all of the work on this, persistence, and clear attention to detail. As we know, details matter in this work, and while we are not in a position to make this part of a ordinance for the city, because that authority sits with City Council, I know that they are looking forward to receiving this. And just really appreciate all of the work that's been done, again, and persistence and making sure that it was covered on tonight's agenda.

Henry Gage, III: Thank you, Commissioner Anderson. Seeing no further hands from commissioner at this time, Mr. Bruce, would you kindly open the floor to public comments and report the number of speakers [inaudible 06:01:18]?

Juanito Rus: Vice Chair Gage, I believe we've already taken public comment on this item.

Henry Gage, III: My apologies, you are correct. The hour is late. We have taken public comment, we've heard commissioner comment, I kindly request that we move approval of this item as amended, [inaudible 06:01:43] to City Council requesting adoption of the proposed ordinance.

Thomas Lloyd Smith: Second.

Henry Gage, III: Moved by the Vice Chair, seconded by Commissioner Smith. Please standby. I'll call the roll. Before I call the roll, I apologize for the delay in reporting.



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Commissioner Harris has left the meeting, however, we still have quorum. Returning to the question of approval of the ordinance draft as amended informing City Council. Commissioner Prather?

Edwin Prather: Yes.

Henry Gage, III: Thank you. Commissioner Dorado?

Jose Dorado: Aye.

Henry Gage, III: Thank you. Commissioner Anderson?

Tara Anderson: Aye.

Henry Gage, III: Thank you. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Henry Gage, III: Thank you. The Vice Chair votes affirmative. The motion carries. I'd like to thank the members of the ad hoc for their work [inaudible 06:03:02] Oakland City Council will hear our request for this additional authority. Returning to regular order, we now arrive at item 11, "Resolution urging the Civil Service Commission to adopt rules to disqualify any applications for employment in uniformed ranks of the Oakland Police Department based on prior acts of misconduct." Commissioner Anderson, I believe you're opponent of this item. Would you like to make a report?

Tara Anderson: I would, thank you. And I know I'm recalling the commentary by interim Chief Manheimer from the top of our meeting, where in her address and report she drew attention to some matters that were discussion before the council on the zero tolerance policy, and I will speak to those. But first, I want to call out what you see before you as a resolution urging... It should read, "Civil service board," so throughout the document where the references to commission that should be struck out and replaced with board, as a minimum amendment that would be required to move this forward.

Tara Anderson: So, resolution urging the civil service board to adopt rules to disqualify any applicant for employment in the uniformed ranks of the Oakland Police Department based on prior acts of misconduct, the inspiration for this resolution comes from a similar resolution that was recently adopted in the city and county of San Francisco. I had the good privilege of doing that work and my day job and thought it was very relevant for the work in my home community and my role as a commissioner here in the Oakland Police Commission.



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- Tara Anderson: I do recognize that, again, turning back... And maybe, actually, it's relevant to read through the results section while I still have the patience of my fellow commissioners, as we draw closer to midnight. "Resolve that the Oakland police commission urges the Civil Service Board to adopt rules requiring the disqualification of any applicant for employment and the uniformed ranks of the Oakland Police Department if the applicant has been the subject of a sustained finding or two unsustained complaints by different complainants against the applicant by any law enforcement agency or oversight agency, following the investigation and opportunity for administrative appeal by the applicant, that the applicant while employed as a peace officer engaged in serious misconduct." The narrative goes on to describe what serious misconduct is referenced.
- Tara Anderson: The second item under that resolved clause is, "The applicant resigned or retired from their employment as a peace officer in any jurisdiction during the pendency of a disciplinary proceeding related to the alleged serious misconduct by the applicant while they were employed as a peace officer, and the proceeding was suspended or terminated as a result of the applicant's resignation or retirement, until such a time that the applicant has been exonerated for the pending allegation." The intention here is that we know, actually, from... It's well documented and experienced throughout the United States, that we have laundering bad actors. This was documented recently in a Yale law journal, with essentially that name. And so, as much as we can prevent those bad actors from coming into our department, the better off we are.
- Tara Anderson: Part of that practice, we have heard to a certain degree, is already in place within the department, but we know that we don't have full confidence in how that is applied. And so, to further Institute community trust, I am of the belief that we need action at our Civil Service Board caudifying such a responsibility, so rulemaking around disqualification is required. We do not have that authority, but I think it is important that we send this message to the civil service board of our intention.
- Tara Anderson: It's been brought up that there is some similar language that has been outlined and the zero tolerance policy. I pulled up a [ledge 06:07:45] digest version two of that policy, and I am not seeing any correction on the record to the components of the draft that you see before you that reference the sustained finding or two unsustained complaints by different complainants against the applicant. I understand that the reason that was brought up, at least the characterization of it, then the email we received, and as spoken to by interim Chief Manheimer, and we see it with our own discipline records, the institutional racism that is baked into decision making and playing out in our own disciplined process.



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- Tara Anderson: But rather than generate a rule around a greater flaw with the entire system, I would move either in the form of letter, accompanying our resolution or adding a further resolved clause that we call out the need for the civil service board to include an equity analysis in the development of the rules for disqualification to prevent reinforcement of institutional racism. I'm not interested in using the justification of prior bad acts within the department to minimize the standard that we would want to hold an applicant to. So, absent any commentary around what I've suggested, at a minimum, we do need to change the reference to Civil Service Commission to Civil Service Board.
- Henry Gage, III: Thank you, Commissioner Anderson. Commissioner Smith, you're in the queue.
- Thomas Lloyd Smith: Question for commissioner Anderson. Can you cover that again, the portion where it says, "Or two unsustained complaints"? So, if the complaints are unsustained, why is it that that is treated similar to a sustained finding?
- Tara Anderson: They're just trying to go after a pattern in practice, so seeing a history. And absent another jurisdiction not having an equivalent series of oversight mechanisms, it's important to have a proper review process.
- Thomas Lloyd Smith: So, the thing that I'm sticking on is if it's unsustained... If two unsustained equals a sustained finding, then essentially someone who's not found to be guilty of something is being treated, even though it happened twice, is being treated like somebody who was found to be guilty of something.
- Tara Anderson: Well, I certainly wish these were the equivalent of criminal law in terms of guilt. I think we know far too often there is conduct that is repeated the unsustained but absolutely inappropriate, and this provides the opportunity to root out that type of potential discipline record. And again, without having... I mean, we could put in here, I suppose, relative to the originating law enforcement jurisdictions IA and community review process, and I think, otherwise, we're not going to get at the wandering actors that have a pattern in practice that for one reason or another hasn't resulted in a sustained finding. I'm not interested in these lateral transfers working in our police department.
- Henry Gage, III: Thank you Commissioner Anderson and Commissioner Smith. Commissioner Brown, you're in the queue.
- Chris Brown: Thank you, Vice Chair. Commissioner Anderson, I'm curious whether the word sustained is going to be a problem if there are flavors of having not been found to have committed something that someone could work around the word sustained. Is there a definition of what sustained amounts to?



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- Tara Anderson: I do believe it's the same as we operate under law and the standards of exonerated sustained, unsustained that we see and our reports at each meeting. So, the spirit is to maintain those same definitions.
- Chris Brown: Okay, thank you.
- Henry Gage, III: Thank you Commissioner Brown and Anderson. Chief Manheimer, I saw your hand raised in the queue, do you wish to speak?
- Chief Manheimer: I'll defer to Chief Armstrong.
- D.C. Armstrong: Through the Chair, I think Chief Manheimer mentioned earlier that the preference was to emplace the word pattern in there because not sustain simply means that there was not enough evidence to prove or disprove that the allegation occurred, and so it could potentially affect somebody that might have not-actually been involved in the misconduct that was alleged. And so it could have a disparate treatment of African Americans in particular, who have obviously experienced disproportionate amounts of discipline or sustained findings. And that's where I think council member Taylor's intention was, to focus in on a pattern of not sustains, which would indicate maybe some similar misconduct is afoot.
- Henry Gage, III: Thank you, Deputy Chief. Commissioner Anderson, you have the queue.
- Tara Anderson: I appreciate those points so much, and not even through the chair, but just generally, I just am challenged by the fact that council member Taylor did not bring this to our attention directly. The written record that I'm seeing doesn't reflect that change. So I'm not inclined to modify it on the record here. I would like to put this forward with the higher standard, but also recognizing, again, this is a resolution urging the civil service board to take action and that they are in the position to reconcile the direction they're receiving from city council and the police commission. And I would hope absolutely, that they would do so through an equity lens. Again, I'm just challenged by the fact that we would use essentially these acts of institutional racism as the reason that we would lower the standard.
- Henry Gage, III: Thank you Commissioner Anderson. Commissioner Prather, you have the queue.
- Edwin Prather: Thank you, Vice chair. I support Commissioner Anderson and her efforts here. I do think that holding hiring and laterals in such a high regard...sorry, regards the wrong word, but putting such a high standard does make sense. I understand how I would feel differently, and I may even suggest some edits, if this were applying to current OPD officers. I could see where there generally I might see some problematic language here and there. Sorry, it's getting late. So my words



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aren't coming to me so easily. But because we're talking about hiring, because we're talking about the civil service commission and adopting applicants to come in as laterals. I do think that this higher standard does make sense that two incidents can be a pattern in practice.

Edwin Prather: I mean, frankly, one incident can be a pattern in practice, even if unsustainable. I wonder if, and I don't know the answer to this and I'm sorry, Commissioner Anderson if I missed it. But you know, we have certain language that we use here in Oakland in regards to an investigation being unfounded, or not sustained, or sustained, or just different buzzwords. Is that consistent throughout the state? Can an apples-to-apples comparison be made or are we going to have language issues if we say unsustainable? But I mean, regardless of your answer to that, I support your efforts here and thank you for pushing.

Henry Gage, III: Thank you, Commissioner Prather. Commissioner Dorado, you're in the queue.

Jose Dorado: I'd like to hear Commissioner... It's getting late... Terra's answer to Commissioner Prather's question, and then I want to make a comment.

Henry Gage, III: Thank you Commissioner Dorado. Commissioner Anderson do you wish to respond?

Tara Anderson: Thank you, through the vice chair. I appreciate the question. And there are certainly people more qualified than me to answer it. I will say for the jurisdictions that I am aware of, that includes several Sheriff's departments and Police departments. This is the same language that is used. But I do want to point out that the vision for this, is a standard that would be true for any officer, regardless of the state that they're coming from. And so I can't speak to the language that is used across the country, but I imagine that there is equivalent language that is in each other community and across the country. Here, I am losing my words too. I believe that that work and how ultimately the rule, again, the rule change is what ultimately will matter here and be enforced, that that discussion best sits with the civil service board.

Juanito Rus: For the chair [inaudible 06:20:00].

Henry Gage, III: Thank you Commissioner Anderson. Mr. Rus.

Juanito Rus: Director Alden would be able to speak to this as well, but the language as findings, to my knowledge is standard nationwide. Those same findings sustain, not sustained, unfounded, exonerated to my knowledge are used around the country in police discipline matters with regards to allegations of misconduct.



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- Henry Gage, III: Thank you, Mr. Rus. Mr. Dorado, Commissioner Dorado, excuse me you're waiting in queue.
- Jose Dorado: Thank you. A pressure gauge. I just wanted to speak in support of the resolution. And for me, the real operative word is two different.. What is it? Two different complainants. That is, unsustainable by two different persons. So that to me makes the difference in terms of my support and the OPD preference for pattern is far too flexible. Then you talk about... then you have to then go into the realm of what is the definition of a pattern and to what extent. So this is far more rigid and far more to my liking. So I just want to speak in support of it. And thank you for your work Commissioner Anderson.
- Henry Gage, III: Thank you Commissioner Dorado. As we are approaching the mid-night hour, do we have [inaudible 06:21:56] to take on the set of administrators to kindly open the forum to public comment.
- Juanito Rus: Thank you, Vice Chair at this time, I'll call for public comment on item 11. If you wish to speak on this item, please raise your hand in the queue and I will call you in the order your hands are raised.
- Juanito Rus: This time. I see three hands raised in the queue. The first speaker on this item will be Jennifer. Hello Jennifer. Can you hear us?
- Jennifer: Yes. Thank you. First I wanted to thank Commissioner Anderson for bringing this topic up, agenda item up. I think it's really valuable. And I want to remind all the Commissioners that you're not talking about prosecuting an officer, you're talking about whether or not to hire someone with a misconduct record. We already learned earlier today that OPD been seen walking around with AR-15 assault rifles, several times a day. These officers should be beyond reproach and having twice had someone complain about them and their conduct is not being beyond reproach. And so the question isn't whether or not the officer was innocent or guilty of what they were doing, it's whether or not Oakland wants to hire people with that kind of a record. That's it.
- Juanito Rus: Thank you. The next speaker in the queue is [inaudible 06:23:35] can you hear us?
- Public Speaker: Yes, sir. Thank you. I take great issue with the statement by Commissioner Anderson related to systemic racism not being a very valuable in consideration of this. There was a show on today, a talk show, a black officer Cariol Horne, of the Buffalo police department stating how she was wrongly disciplined and lost her job. And the disproportionately high number of African Americans who were in the police, it's not just open, who are wrongly disciplined, is a grave issue so please don't dismiss it. And the other thing is, when we are unable to



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have evidence of sustainability of complaints about officers, look how small the number is. There are too many officers who are not being found guilty of wrongdoing. And so because of that, many officers are going to get away with this conduct and coming under this particular.

Juanito Rus: Thank you [inaudible 00:10:44]. Your time is up. The next speaker in the queue is Joseph [inaudible 00:10:54]. Hello, Joseph, can you hear us?

Joseph: Yeah. Can you hear me?

Juanito Rus: We can hear you whenever you're ready.

Joseph: Thank you to everyone still on the call. I'm Commissioner Harris, we need to sign off. This is a good start. This is not sufficient to transform all OPD hires. I urge the commission to adopt this resolution. I agree with Commissioner Anderson's reasoning for screening out two unsustained allegations at this time. It has clear drawbacks and racial implications, but it's worth it at this time. And when trust and the reputation of lateral hires improves, we can revisit it at that time. Pattern is far too open to interpretation, the different but equally clear metric were to be developed. I would support and welcome that as well. I'm a hiring manager at my work. It is far better to not hire a great candidate, than to hire a terrible candidate. Let's not lose sight of the fact that many former OPD officers are in fact rehired after misconduct union protection. And that does not address this. Thank you.

Juanito Rus: Thank you. Those are all of the speakers I had in the queue at this time, Mr. Vice chair, I returned the meeting to you.

Henry Gage, III: Thank you Mr. Rus. Do you Commissioners wish to make further comment or propose any motions at this time. Commissioner Anderson, you're in the queue.

Tara Anderson: I would like to make a motion to pass the proposed resolution, urging the civil service board as amended to read board instead of commission to adopt the rules, to disqualify any applicant for employment and the uniform ranks of the Oakland police department, based on prior acts of misconduct. I would like a letter to join that resolution, emphasizing the importance of ensuring that the rules. Or do I have to do two motions? Is that what you were going to say? No. Okay. Then a letter adjoining the resolution to the civil service board emphasizing the need for an equity analysis and addressing the points of racial discrimination that have been proven to exist in the discipline process. Not only in Oakland, but other police departments.

Thomas Lloyd Smith: Those should be two separate motions so that we can vote on them separately.



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- Tara Anderson: Taking what I hear as a friendly amendment. My first motion is a resolution or adoption of the resolution urging the civil service board as amended throughout the document, removing commission and reference to civil service to adopt the rules, to disqualify any applicant for employment and the uniform ranks of the Oakland police department. Based on prior acts of misconduct.
- Edwin Prather: Second.
- Henry Gage, III: It's been moved by Commissioner Anderson, seconded by Commissioner Prather. Before calling the question, Commissioner Dorado, you're in queue.
- Jose Dorado: I was just going to second. I'm good.
- Henry Gage, III: Thank you Commissioner Dorado. Please stand by. We'll call the role.
- Henry Gage, III: Commissioner Dorado.
- Jose Dorado: Aye.
- Henry Gage, III: Thank you. Commissioner Prather.
- Edwin Prather: Yes.
- Henry Gage, III: Thank you. Commissioner Anderson.
- Tara Anderson: Aye.
- Henry Gage, III: Thank you. Commissioner Smith.
- Thomas Lloyd Smith: Abstain.
- Henry Gage, III: Thank you. The Vice Chair votes, Affirmative. Motion Carries. Commissioner Anderson.
- Tara Anderson: Thank you, Vice Chair Gage. I'd like to make a second motion that the resolution that we've just passed be accompanied by a letter, emphasizing the need for the civil service board to conduct an equity analysis and emphasizing our own report on the disparities that exist in the discipline process that we know is not exclusive to, to Oakland
- Thomas Lloyd Smith: Second.
- Jose Dorado: With a friendly amendment. That that letter be written by Commissioner Anderson.



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- Thomas Lloyd Smith: Second, either way.
- Henry Gage, III: It has been moved by Christian Anderson and seconded by Commissioner Smith asking [inaudible 06:29:54] for a letter of some kind of the afore mention resolution.
- Thomas Lloyd Smith: Did you accept that friendly amendment Commissioner Anderson?
- Tara Anderson: Sorry. I do. Yes. I will write it, I'm assuming on behalf of the chair, that it would be submitted by the chair, but I am happy to draft the letter.
- Thomas Lloyd Smith: I second it.
- Henry Gage, III: Before I call the question. Do and Commissioners need wish to make further comment? Seeing no hands, please stand by while I call role. Commissioner Dorado.
- Jose Dorado: Aye.
- Henry Gage, III: Thank you. Commissioner Jordan. Pardon me. Commissioner Prather.
- Edwin Prather: Yes.
- Henry Gage, III: Thank you. Commissioner Anderson.
- Tara Anderson: Aye.
- Henry Gage, III: Thank you. Commissioner Smith.
- Thomas Lloyd Smith: Yes.
- Henry Gage, III: Thank you. Vice Chair votes affirmative. Motion carriers. Commissioner Anderson, I kindly request that you forward your draft to the chair's attention. Copying itself, giving [inaudible 00:17:09].
- Tara Anderson: Will do. Thank you.
- Henry Gage, III: Thank you. Commissioners it is now midnight. Given the prior proposals and the [inaudible 06:31:25]. I would move that we table the remainder of the agenda and move to adjourn following receipt of public comment.
- Thomas Lloyd Smith: Second.



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- Edwin Prather: I like to make a substitute motion. I'd like to extend the meeting until 1230 to see what we can accomplish.
- Henry Gage, III: Looking at the remainder of the agenda we have before us the path to justice pledge, commission and CPRE audits in the [inaudible 06:32:00] report, as well as the forum. Keeping previous statements made by the chair we are not expecting a member of the city auditor's staff to be presenting, which we'll likely dispense of item 15. Is there a second to Commissioner Prather's motion? Hearing none, request for substitute motion fails. The question is on tabling the remainder of the agenda and adjourning following public comment. Any Commissioners wish to make comment before I call the question? Commissioner Anderson, you're in the queue.
- Tara Anderson: Part of me is inclined to power through some of these, but I also recognize that some of the items of substance do require more than I think we're capable of providing to them. But I do think that item 12 may, in fact, be rather quick. That's the only thought I had, which wasn't exactly what Commissioner Prater had indicated.
- Henry Gage, III: I do believe that can be characterized as a motion by Commissioner Anderson to substitute the prior motion with a motion to take item 12 and table our remaining agenda. Is there a second to substitute motion?
- Jose Dorado: Second.
- Henry Gage, III: Moved by Commissioner Anderson, seconded by Commissioner Dorado to as a substitute motion, take up item 12 and table the remainder of the agenda. Please stand by we'll call the role. Commissioner Dorado.
- Jose Dorado: Aye.
- Henry Gage, III: Commissioner Prather.
- Edwin Prather: No.
- Henry Gage, III: Commissioner Anderson.
- Tara Anderson: Aye.
- Henry Gage, III: Commissioner Smith.
- Thomas Lloyd Smith: No, I'm sorry. No.



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Henry Gage, III: The vice chair votes negative. Motion fails. Returning to the original motion to table the remainder of the agenda and adjourn following public comment. Do any Commissioners wish to make further comment before I call the question? Seeing no hands, please stand by while I call the role. Commissioner Dorado.

Jose Dorado: Aye.

Henry Gage, III: Thank you. Commissioner Prather.

Edwin Prather: No.

Henry Gage, III: Thank you. Commissioner Anderson.

Tara Anderson: Aye.

Henry Gage, III: Thank you. Commissioner Smith.

Thomas Lloyd Smith: Yes.

Henry Gage, III: Thank you. Vice Chair votes affirmative. Motion carries. Mr. Res would you kindly open public comments for the remainder of the agenda items.

Juanito Rus: Thank you, vice chair. At this time, the Commission will take any public comments on the remaining items on tonight's agenda. If you would like to speak on any of these items, please raise your hand in the queue and you will be called in the order in which your hands are raised. At this time I'm seeing only one hand. The first speaker in the queue is Joseph [inaudible 06:36:16]. Hello, Joseph, can you hear us?

Joseph M: Yeah. I just wanted to say that I'm inspired by all of the dedication that all of the Commissioners have in sticking through this at this late hour and good night.

Juanito Rus: Thank you. I see no other speakers at this time. Mr. Vice Chair, I return the meeting to you.

Henry Gage, III: Thank you Mr. Rus. Commissioners and city staff, thank you for your time. Members of the public, thank you for your time and attention. I look forward to further engagement with the work of this commission. Our meeting stands adjourned.

From: [Ashley Erickson](#)
To: [Love, Christine \(Chrissie\)](#)
Subject: Public comment for tonight's Police Commission Meeting
Date: Thursday, June 25, 2020 4:03:50 PM

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

I would like to submit public comment to the Police commission for tonight.

On Agenda Item 9: Carotid Choke Hold

It is unacceptable that Sgt. Joseph Turner is leading this use of force work. How can a man that has murdered a civilian 5 years ago be responsible for use of force or reform work? We demand he be removed from the Use of Force policy work.

On Item 10: New Crowd Management, Use of Force Restrictions and Mutual Aid Protocols

We demand that the Police commission step in and prohibit use by OPD of tear gas, other chemical agents, rubber bullets, and flash bang grenades at demonstrations **until** the Commission approves new policies for Crowd Control and Specialty Impact Munitions (which include tear gas, launchers, and flash bang grenades). The policy OPD submitted to the Police Commission is not a new order as stated in the agenda. It's the existing policy from 2013, and doesn't respond to last week's unanimous order to OPD to bring a new policy (general order) that would end the use of tear gas and other militarized equipment against "unarmed citizens." Don't try to pull the wool over our eyes - we see you.

Item 11: Resolution Urging Civil Service Board To Reject Officers with Prior Misconduct

We agree with this concept and worry we've not had enough time to review to ensure there's no loopholes.

Item 13: Use of Force Engagement

To go through all the components of the use of force policy with the community input you seek by September is not a realistic timeline, especially given the additional workload during this national crisis. We ask you to reach out to your community partners and collectively create a revised timeline with areas of priority which break up the elements of use of force into digestible pieces, is mapped out so the community can engage thoughtfully and focused on depth over breadth.

Thank you for your time. Don't let us down.

-Ashley Erickson

From: [Mary Vail](#)
To: [Love, Christine \(Chrissie\)](#)
Cc: [Regina Jackson](#); [grinage_rashidah](#); [Israel, Debra](#)
Subject: Comments on 6/25/20 Police Commission Agenda
Date: Thursday, June 25, 2020 4:09:42 PM

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

1) Interim Police Chief's report:

a) Highly skeptical on her comments/report about the OPD's asserted commitment to investigating sexual violence. NO a peiority with he rape kit's not being processed---- or the periodic media reports (e.g., May 2015, East Bay Express) about OPD actively discouraging victims from coming forward. Then here's the 2015-2016 rape scandal and cover-up involving OPD officers. It is very possible to conclude tha OPD's male supremacy culture too often drives its performance in investigating sexual assault cases.

b) Internal Affairs: This is a lot of staffing, coupled with a record more consistent with minimizing and justifying misconduct and immunizing OPD officers from accountability for misconduct. The NSA monitoring team has had recurring criticisms of IA's work product. Both the City of San Jose and the City of Pittsburg are giving a deep re-look at the IA staffing model, which puts officers in position of investigating fellow officers/ Union members. Oakland needs to do the same.

c) Overtime: So much being spent, so many questions to ask:

- 1) \$33,000 in OT for work with police dogs?
- 2) \$733,000 for work above rank? How/why does his happen? Is it necessary?
- 3) \$-six figures, some years for community meetings? I just don' believe that most of this is for community meetings required by community policing. It's of concern to me that thousands being spent in 2018-19 for the former Chief's "socialize our way to better community relations---coffees, living room conversations, forums. You should ask for a deeper breakdown on this.
- 4) A deep dive and proposed cuts needs to be made for OT related to "special events" OT. Has this spending gone down during SIP?
- 5) Why is so much OT used for training?

2) Use of force/tear gas/mutual aid and military weapons:

a) Mutual Aid with Sheriff's Dept. has to stop, paricularly after Sheriff Ahern's announcement that restrictions on tear gas use are unacceptable to him.

b) Ask the Police Chief about her statements that use of tear gas/flash bombs on peaceful demonstrators on night B , because there was violence on an earlier night.

c) A police deparment hat commits serial violations of policy and a succesdion of

Courtrders has both a culture problem and a rule-breaking and impunity problem.

From: [Maura Darrow](#)
To: [Love, Christine \(Chrissie\)](#)
Subject: Comments to the Police Commission tonight
Date: Thursday, June 25, 2020 4:24:30 PM

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

Hello Police Commission,

My name is Maura Darrow and I am a resident of Oakland. I would like to make the following comments regarding tonight's meeting:

I am a clinical social worker at a trauma center treating victims of police brutality and victims of violent crime. I have to speak with the police on a near daily basis. We need a better, safer system of community care that does NOT include the violence against black and brown bodies and peaceful protestors that has become normalized in the OPD department and within law enforcement across this nation.

Item 9: Carotid Choke Hold

The fact that Sgt. Joseph Turner is leading this use of force work is deplorable. Sgt Joseph Turner should be fired. He murdered Richard Perkins alongside three other officers and has engaged in drunken disorderly conduct. We demand he be removed from the use of force policy work.

Item 10: New Crowd Management, Use of Force Restrictions and Mutual Aid Protocols

This is an opportunity for the commission to step in and engage with Community to create a new OPD General Order!

The policy OPD submitted to the Police Commission is not a new order as stated in the agenda. It's the existing policy from 2013, and doesn't respond to last week's Police Commission unanimous order to OPD to bring a new policy (general order) that would end the use of tear gas and other militarized equipment against "unarmed citizens."

We ask that you prohibit use by OPD of tear gas, other chemical agents, rubber bullets, and flash bang grenades at demonstrations indefinitely.

Item 11: Resolution Urging Civil Service Board To Reject Officers with Prior Misconduct

I worry the community has not had enough time to review this concept to ensure there are no loopholes.

Item 13: Use of Force Engagement

The timeline you have requested to go through all the components of the use of force policy with the community input is not realistic.

We ask you to reach out to your community partners and collectively create a revised timeline with areas of priority which break up the elements of use of force into digestible pieces, are mapped out so the community can engage thoughtfully and with a focus on depth over breadth.

Thank you for your consideration,
Maura

--

Maura Darrow, LCSW
[REDACTED]

From: [Kate Williamson](#)
To: [Love, Christine \(Chrissie\)](#)
Subject: Public Comment for June 25 Meeting
Date: Thursday, June 25, 2020 4:25:01 PM

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

Katherine Williamson
District 5

Item 9

Comment: Carotid Choke Hold

Suspend the use of the carotid hold immediately. The carotid hold is not ostensibly different than a chokehold or a knee on someone's neck. As a use of force police officers are not able to tell when using it whether or not they have caused permanent damage until the person is incapacitated or dead. Oakland has a chance to lead in police reform by banning this awful procedure and beginning to restore trust in the community.

In addition, Joseph Turner is leading this use of force work from the police side murdered Richard Perkins alongside three other officers and has engaged in drunken disorderly conduct. We demand he be removed from the use of force policy work.

Item 10

Comment: New Crowd Management, Use of Force Restrictions and Mutual Aid Protocols

OPD used tear gas repeatedly on protesters during the past month. We are in a respiratory pandemic tear gas will damage the lungs of peaceful protesters exercising their first amendment rights. Protestors had no protection against tear gas. Police wearing riot gear had plenty of protection against rocks and bottles (of which very few were thrown.) Tear gas, flash bangs, and launchers are not a proportional use of force against civilians exercising their first amendment rights and should be banned in the use of crowd control.

Prohibit use by OPD of tear gas, other chemical agents, rubber bullets, and flash bang grenades at demonstrations until the Commission approves new policies for Crowd Control and Specialty Impact Munitions (which include tear gas, launchers, and flash bang grenades). Please ban the use of them now to protect our citizens who are still peacefully protesting police brutality.

Item 13

Comment: Use of Force Engagement

To go through all the components of the use of force policy with the community input you seek by September is not a realistic timeline, especially given the additional workload during this national crisis.

We ask you to reach out to your community partners and collectively create a revised timeline with areas of priority which break up the elements of use of force into digestible pieces, and is mapped out so the community can engage thoughtfully and focused on depth over breadth.

Katherine Williamson
District 5

From: [Reid Allen Williamson](#)
To: [Love, Christine \(Chrissie\)](#)
Subject: Public comment on June 25 Police Commission Meeting
Date: Thursday, June 25, 2020 4:41:00 PM

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

Reid Williamson
District 5

Item 9
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on depth over breadth.

Reid Williamson
District 5

Oakland Police Commission: Agenda Matter Submission Form

Please complete form completely.

Submitting Commissioner(s) (if applicable)

- Tara Anderson
- Chris Brown
- José Dorado
- Henry Gage, III
- Ginale Harris
- Regina Jackson
- David Jordan
- Edwin Prather
- Thomas Lloyd Smith

Name (if submitted by a community member)

Cathy Leonard

TITLE OF SUGGESTED AGENDA MATTER *

Transparency and Community Engagement on Use of Force Policy Development

SUMMARY OF SUGGESTED AGENDA MATTER *

This is a critical, historical moment when police use of force is being discussed in every community. At every Police Commission meeting, the public is told that the use of force policy is being addressed behind closed doors, working "very closely" with OPD. The public does not have trust of OPD. The commission damages the public's trust by continuing to work in secret with OPD on the most critical policy with no transparency or community engagement or input. Time is up. This process should have been public a year ago and it is past time to open the process, provide transparency immediately, and share the current working documents, and enable the engagement of the residents who are subjected to uses of force every day. The commission must vote at this meeting on whether to sanction ongoing secret policy work or require transparency and community engagement.

IS THE MATTER TIME SENSITIVE? *

- Yes
- No
- Maybe

DOES THE MATTER REQUIRE REFERRAL TO A COMMITTEE? *

- Yes
- No
- Maybe

DOES THE MATTER REQUIRE RESEARCH BY CPRA? *

- Yes
- No
- Maybe

Please provide any additional information pertinent to this request.

This issue is critical to the public trust in the commission. The residents have continued to be subjected to uses of force under an old and repressive policy while waiting for a transparent and open process that enables community engagement.

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