



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Meeting Transcript

Thursday, June 27, 2019

6:30 PM

City Hall, Council Chambers

1 Frank H. Ogawa Plaza, Oakland, California 94612

Regina Jackson: Hello, everyone. Apologies for starting just a bit tardy. It is now 6:36 on June 27th. Welcome to the Oakland Police Commission. Our first order of business is a call to order. Commissioner Ahmad.

Mubarak Ahmad: Present.

Regina Jackson: Commissioner Dorado.

Jose Dorado: Here.

Regina Jackson: Commissioner Anderson.

Tara Anderson: Here.

Regina Jackson: Commissioner Harris.

Ginale Harris: Here.

Regina Jackson: Here for myself. Commissioner Smith.

Thomas Smith: Here.

Regina Jackson: Alternate Commissioner Brown.

Chris Brown: Present.

Regina Jackson: And Commissioner Prather is away on business. We have a quorum.

Regina Jackson: Excuse for my huffing and puffing, but I ran around the building to get in, so I'm still catching up to myself.

Regina Jackson: The next item is the welcome and open forum. For ... this is 12. Okay.

Speaker 1: [inaudible 00:07:46].

Regina Jackson: Okay. Sorry about that. Okay, for open forum, speakers may show up in any order. Oscar Fuentes, Maureen Benson. Two? Okay. Okay. Michelle Lazania. Forgive me if I'm mispronouncing any. And Ann Janks.

Speaker 2: Hello. So I want to just to draw people's attention to the fact that the information provided in the OPD's budget is from June 5th. It's out of date. Well, they passed the budget anyway. But none of that stuff was in it. And I think the net effect of the budget was to give them an extra half million dollars in overtime. So, there's probably no need to discuss any of those items.

Regina Jackson: Thank you. [inaudible 00:08:42].

Speaker 3: Good evening, commissioners. I did send an email to Commissioner Jackson. She forwarded it to all of you, I believe last week about missing person Jonathan Bandabaila. I'm gonna give you specifics to this case and I'll talk about the general complaints or improvements that can happen with the Oakland Police Department.

Speaker 3: So I'm gonna give you a timeline of what's happened for his family since his case was reported on May 3rd.

Speaker 3: For this particular missing person's case, this one case, these are the list of failures reported by Jonathan's parents to me. The Bandabaila family has never received a timeline showing what steps or procedures have been taken by the detective, other officers, or his supervisors to thoroughly investigate Jonathan's disappearance. They haven't been shown the video surveillance taken from the San Mateo Bridge where Jonathan's car was recovered, even though the family has repeatedly requested it. They also have not been shown any details or copy of the Sage P report detailing what was reported or done on the night Jonathan's vehicle was recovered by the Stage P officers. They haven't been given access to Jonathan's vehicle, which has been sitting in the same private tow yard since May 4th. They haven't been told anything found regarding Jonathan's bank accounts.

Speaker 3: They haven't been told anything about Jonathan's cell phone data including the last location where his cell phone pinged and whether any search was done in that area. Last Friday, June 21st, the detective called Jonathan's parents and advised them that he was no trained to read or interpret the codes on cell phone data. He told them that he would be unavailable for two weeks because he was attending school to learn how to interpret cell phone codes and data. He did tell them that Jonathan's mother was not the last person to see him alive on May 3rd. The detective must know something but he refused to share any of the details with these parents.

Speaker 3: The detective asked Jonathan's parents for his laptop. A laptop which his parents asked the detective to take on the day that they made the missing person's report on May 3rd. May 3rd the detectives said that the laptop wasn't

important. But now, 49 days later, somehow this laptop might be important and provide leads or evidence. The parents were still willing to hand over the laptop even though at this point they no longer had any faith in the detective. The detective advised them that he would send someone from the FBI or a sergeant to retrieve the laptop last Friday. No one retrieved the laptop. No one called them with an update. It's six days later and still no one has retrieved this important laptop.

Speaker 3: All of these failures even after repeated promises in person from meetings with Chief Kirkpatrick. What more does this family have to do to get a thorough and complete investigation? They've appealed to everyone from the mayor, the Chief of Police, to Congresswoman Barbara Lee, local reporters, churches, the community, and now to members of this commission. It's be 55 days without knowing anything about what happened to Jonathan Bandabaila. Can you do something to help this family? Can you make recommendation to make sure this lack of urgency and service does not happen to any other Oakland family?

Speaker 3: This family has lived in Oakland for 20 years and never had to call the police. They raised al their children here. And the first time that they called for police help, this is the service that they received.

Speaker 3: OPD's general order DGO 0-06, which is OPD's policy and procedures regarding missing persons reports, which is public on the city of Oakland's website, shows an effective date for this general order of March 15th of 2001. And the attached policy is dated December 15th, 2009. After almost 10 years, it appears that this policy has never been updated and I ask you why.

Speaker 3: According to the California Department of Justice, missing persons statistics, Alameda County has the highest amount of missing persons reports in all of the nine barrier counties.

Speaker 3: According to the National Human Trafficking Hotline, California consistently has the highest number of human trafficking incidents reported in the entire United States. One out of seven endangered runaways reported to the National Center for Missing and Exploited Children was likely a child sex trafficking victim. Experts agree that Atlanta and Oakland are the two of the biggest trouble spots in the entire country.

Speaker 3: Does this training meet the current post recommended standards? Is their training up to date? Should they add policy and procedures regarding using social media for missing persons cases? Additionally, OPD general order A-16 is the public information policy. This also appears to be an outdated order. The effective date is June 29, 1999. This general order has no sections on policy and procedures that specify missing persons reports.

Speaker 3: Current staffing for OPD's media relations office is only two officers. The listed job duties on this website does not mention anything about social media. There

is no mention of social media context or who is responsible for approving the content. Yet, OPD does have active Facebook, Twitter and NextDoor accounts, but who is managing them?

Speaker 3: There are also individual OPD pages for specific areas of the city, captains, lieutenants, sergeants and who is approving their content?

Speaker 3: Who is responsible for managing these pages? What is the strategy for OPD using social media? How do they prioritize what they post? From the content that I viewed, they have used social media as a deterrent from side shows, to highlight high profile arrests, for showing community outreach, to warn and advise citizens of potentially dangerous situations, for recruiting, and yes. I did see two missing persons bulletins posted. And yes, one of them was for Jonathan. But it was only after the family came to two city council meetings. We came to one police commission meeting, and then two days later, his post was finally put on their Twitter feed ... forty-nine days after he went missing.

Speaker 3: On Twitter alone, OPD has 41,300 followers. If Jonathan's press release was posted on the day the missing persons report was received, 41,300 Oakland people would have known about Jonathan and they could have shared it. Social media is a powerful tool. In 2013, the International Association of Chiefs of Police surveyed 500 law enforcement agencies in 48 states. And 95.9% of these agencies use social media. Eighty point four percent reported that social media helped them solve crimes. Seventy three point one percent reported that it improved police community relations. OPD needs a social media policy. OPD may need to create a new position of a social media manager. A position that many other agencies already have. It's 2019 and I ask you to please evaluate OPD's Youth and Family Services division now.

Speaker 3: Do their staffing levels compare with other departments who handle over 1,400 missing persons reports annually? How many detectives do they have assigned to investigate missing persons cases? Is their current staffing sufficient? Should missing persons cases still be handled under the umbrella of Youth and Family Services or is their caseload so large that they need a dedicated missing persons division?

Speaker 3: Please commissioners, do something to give Jonathan a voice and help this family.

Regina Jackson: Thank you. Ma'am, as of last night, I still have not received an update from the Oakland Police Department. I'll be following up, not just in writing, by phone. And to the fellow commissioners, I hope that they can provide something. I'm just saying that based upon the email I received, I did request an update. Do we have one, Deputy Chief?

Speaker 4: Deputy Chief [inaudible] from the Oakland Police Department through the chair. Chair, we responded back through email to the commission and offered the

opportunity to have commissioners come and meet with Deputy Chief Cunningham, the head of the criminal investigations division to provide a full overview of the case and where we are and everything that we've currently done.

Regina Jackson: My apologies. I conflated two different items and that is absolutely correct. My error. So, I believe now I need to forward that information to you so that we can install the meeting that will allow for an update directly to the family. So thank you very much, Deputy Chief. Again, my apologies. I will forward that late tonight after we get out.

Regina Jackson: Can you do a card for us later?

Speaker 5: Hm? For me?

Regina Jackson: Yeah, we don't have all the speakers from this time yet before we go to yours.

Speaker 5: For, I believe this is open forum, is that correct?

Regina Jackson: Oh yes, yes, I just didn't have a card for you.

Speaker 5: I believe there is a card for open forum, the item number three, correct?

Regina Jackson: Twelve. Three. Got it. Thank you.

Speaker 5: Thank you very much.

Regina Jackson: What happened to the other ones?

Speaker 1: [inaudible 00:17:58].

Speaker 5: Good evening. [inaudible] Day. I think that a very apt segue from what the young lady was just speaking about -

Regina Jackson: Thank you.

Speaker 5: That actually ...

Regina Jackson: You can keep those.

Speaker 5: Overlaps and intertwines exactly what she's talking about for a problem is the fact that when this Chief was hired, she promoted people who covered up the sex trafficking of an underage girl in our community. An underage girl of color who was very vulnerable, who was out on the street, who was on drugs, who was known to be on drugs, and yet she was passed around the whole department. And then after it was revealed that she was passed around multiple departments but we're just talking about OPD. But when she was

passed around OPD through supervisors and other people, when it was found out, they tried to cover it up.

Speaker 5: Chief Sean Whent that tried to cover it up. Chief Sean Whent then retired and said that he wanted to be with his family, when in fact, he retired right in front of this rape scandal breaking. But, bottom line, the people who the federal government came in and found out the NSA federal court came in and found out that there was a cover up and that there was officers that who were involved in the cover up in OPD chain of command. When those officers were identified to the incoming Chief, instead of firing those officers and getting them off the street as predators inside of our community, she promoted them. Right? So how can we be, number one and number two on the sex trafficking map for the U.N. and yet the Oakland Police Department is participating in the sex trafficking of minors? And then, as an example of leadership, that is rewarded by promotion of covering that up.

Speaker 5: This is the problem what we're talking about with this Chief sitting over and listening to everything that this lady just said and not jumping up here. But when somebody said that their bicycle was missing or something, she jumped up and she was all over there telling them how she could help them. Get her priorities straight. Well, actually, we don't need her priorities straight. We're still asking for her to be fired.

Regina Jackson: Thank you.

Maureen Benson: Good evening. My name is Maureen Benson. I'm a former police commissioner here speaking on behalf of myself, not on behalf of the many organizations that I am a part of. I want to continue to call out that this commission is not engaging in the agenda setting process as it has been passed by policy and rules of this commission. There are multiple items on this agenda tonight that were not discussed on a previous meeting nor are on the pending agenda matters list. Secondly, the reason you have that policy is so that you can better engage the community. If you calendar out to the items, people in the community can know about it. That last time I was here, I spoke on the fact that you were having a budget public hearing that was noticed to the community barely 72 hours before it was on the agenda.

Maureen Benson: Tonight, you have a packet that's well over 200 pages of reading that was sent to me Monday afternoon. This is an accessibility issue. This is a violation of your rules. And it is a glaring effort to not be inclusive of the community. There are many organizations other than the one that continues to come here that is actually interested in many of the issues you're touching on. But if you don't do community outreach, if you don't let people know what's going on in your agenda weeks out, which you could. You have a list of dozens of items you could actually calendar them out well weeks in advance and do community outreach to groups that are engaged.

Maureen Benson: You could also translate those item. There are many, many things you could do with long term planning. This commission continues to fail to do that. And you see it in the results of the very few people who attend in this audience. I'm imploring you, follow the rule that you passed. Do a better job engaging the community and please pre-plan out the items you're dealing with. People cannot when they get an agenda packet hundreds of pages thick thoughtfully read all of the materials when they get home from work Monday night, and again Tuesday night when people are taking care of their children and then come to meeting on Thursday night. This is a very serious accessibility issue. I hope you all address it.

Regina Jackson: Thank you. We have a last minute submission from Nino Parker.

Nino Parker: Good evening. Good evening, Nino Parker, homeless advocate. Lake Merritt, as well as hopefully be on the homeless commission one day. I run a program called the Green Team as well. The Green Team started out at the Lake Merritt under the 12th St. bridge there. And one of the issues that's happened back in March, I had some bikes taken from under the bridge. The DPW was doing one of their postings and when they posted that, it was a Friday. And you're not able to take anything until the date of the posting which was the following Tuesday. But that day, they decided to take my stuff.

Nino Parker: I have a city witness, city worker, that actually approached me and told me he saw an officer go over and cut the locks off my bikes so DPW could take them. I made a formal complaint. Mary Padar's her name, they had the outside agency that actually works for the city call Warren and Company and the city sends out their claims to them and they decide on a preponderance of evidence. Well, apparently she was told that they didn't cut the locks off. Joe [inaudible] told her that it was posted properly.

Nino Parker: So she can go on the preponderance of the evidence. Well, it happens so that there was a city council meeting and there was an issue with the city workers and he showed up here. So I got someone from Rebekah Caplan's office to go talk with my witness and he told her he saw the cut the locks off.

Nino Parker: So I'd like this case revamped. I don't wanna have a big fight back and forth with the police department. I would just like to be reciprocated and get the money i asked for for my stuff that was taken. At the bottom of the form on the claim form, ti says if you are subject to punishment or penalty if you lie. I wanna clear my name, most of all. If Miss Mary Padar thinks I'm saying this stuff to try to get something, let me clear my name by proving my case that the police did cut the locks off my bikes illegally and DPW took my stuff illegally. Thank you.

Regina Jackson: Thank you.

Speaker 6: [inaudible 00:25:19].

Regina Jackson: Commissioner Harris, did you wanna talk about item four?

Ginale Harris: [inaudible] case review?

Regina Jackson: Sure.

Regina Jackson: So we're gonna move to item four, which is Bey Case Review, the commission will present bids received for investigative services and the commission will discuss the bids to make a vote on further actions.

Ginale Harris: So, I reached out to three different investigative entities to see if they were interested in taking on the Bey case for investigative purposes. One declined and two submitted entries to the police commission. One ... was Henry Gage III, thank you Mr. Gage. And the other was from the law offices of Amy Oppenheimer, Attorney at Law.

Ginale Harris: So included in your packet is an overview and statement of interest that I hope you all were able to read. So you wanna go to public comment?

Regina Jackson: Mm-hmm (affirmative). [inaudible] investigators introducing [inaudible 00:27:16].

Ginale Harris: Sure. Mr. Gage -

Regina Jackson: Excuse me.

Ginale Harris: Oh, I'm sorry. Go ahead.

Regina Jackson: No, you go ahead. I'm sorry.

Ginale Harris: Mr. Gage, can you please step up to the podium and introduce yourself? And give us your qualifications.

Henry Gage III: Good evening, commission. My name is Henry Gage III. I'm an attorney here in Oakland, California. My experience is somewhat wide ranging. I have experience in multiple levels, both as a line investigator and as a director level investigator and manager investigations. I've served as a trustee at my University for the last three years. And as part of my position as a trustee, engaged in a number of administrative investigations, everything from title line issues to allegations of all sorts of misconduct by both faculty, staff and students.

Henry Gage III: On the day to day basis, the practice at the law firm I've worked for, we investigate cases where police officers are filing a number of different sorts of complaints. We started with injury cases, under workers compensation. We've additionally expanded the firm's practice to also cover other employment matters. We consult on a regular basis and we have experience with employment investigations as well.

Henry Gage III: Now ... I wanna make something clear though. In my review of the Beys matter, I've been looking through some of the district court filings of late. And one of the things that stood out to me was the degree to which translation has become an issue. As you know, the Beys have appeared before this commission on a regular basis and they've made a number of allegations that are very troubling. Unfortunately, the way they've made these allegations are often difficult to understand and it's hard to really fully understand the entirety of what they're alleging. That difficulty in translation is very apparent in the federal court documents. The court itself seems to have had difficult understand exactly what the Beys have alleged and it also appears that the family really could've benefited from the advice of counsel throughout this litigation.

Henry Gage III: Now, I've had a chance to review the resume and qualifications of Miss Oppenheimer and Miss, I don't wanna mispronounce her name, so I won't say it.

Speaker 1: Seidel.

Regina Jackson: Miss Seidel.

Henry Gage III: Seidel. Thank you ma'am. They have more experience than I do. And I think they are a compelling bid. I highly encourage this commission to look seriously at their offer. I am of course wiling to take on this role if offered, but I think it's more important that whoever takes on this role be able to produce work that is of the highest quality. That doesn't need to be me. If you look at their resume and you look at the experience they have, I think it would behoove this commission to take their bid and reject mine. Thank you.

Regina Jackson: Thank you. So I'll ask attorney investigators Annetta Seidel to come to the podium please. Thank you for coming.

Annetta Seidel: Thank you for having me. So let me give you ...

Regina Jackson: Sorry, can you speak into the mic?

Annetta Seidel: Oh, sure.

Regina Jackson: Thank you.

Annetta Seidel: Yeah. Let me give you brief understanding of my background. I am a UCLA undergrad. I went to Columbia Law. I'm from the Bay area. I grew up here. I practiced litigation for about eight years. Graduated law school in 2008. After eight years of litigation, I saw the light. And I became a workplace investigator about two years ago. I joined Amy's firm. In that time, I have investigated, I've been the principal investigator on over 50 complains ranging from complaints lodged at public entities to private sector employers. From the tech company to

small businesses and in some instances, I've done some sexual harassment in educational settings.

Annetta Seidel: I looked at the scope of work. I think that you all spoke with one of my colleagues and so that information was relayed to me. I mean the complaints I've looked into, have to do, like I said with sexual harassment, discrimination, on a racial, age, religious, gender, sexual orientation, sexual identity basis. And also bullying, workplace bullying, and other misconduct. Typically, our cases are in the workplace environment. At times, we have done educational settings. My colleagues and I do handle public entities and so that involves fire departments as well as police department investigations. Looking into workplace complaints. At times, we do take citizen complaints as well, so we've done that on behalf of some fire departments and some police departments.

Annetta Seidel: Looking at the scope of work, I just want to make sure that I'm clear as to what the commission is looking to get to engage this investigator to do. My understanding is it could be one of two things. To review a prior investigation of the Bey case in light of new additional information that has surfaced, produced by OPD. And the scope of work document also talked about looking at investigation systemic racial and religious discrimination within the department. So those are two different -

PART 1 OF 9 ENDS [00:33:04]

Ginale Harris: ...department. So those are two different ... They may be related, but they're two different scopes, right? And so, I just wanted to get some clarity on that, and I can answer any questions that you all have about my practice. Okay.

Speaker 7: Thank you. Do the commissioners have any questions of ... Oops, sorry. Go ahead.

Thomas Smith: Listening to the comments, I have two additional things I wanted to mention that I had forgot to say. First, I agree with the concerns mentioned with respect to the scope of work. Including the agenda packet is a proposed modification to the scope of work that I think you should consider. What I've seen so far is a little bit rambling and hard to specifically understand what you're asking for in terms of this investigation. Additionally, pending before city council is some proposed legislation that aims to change this commission's power to engage in contracting with professional service providers.

Thomas Smith: On the surface, this is a good thing. Unfortunately, there are some pre-qualifications that are involved before the commission can exercise that power namely: training and research requirements. Given that these things are happening close in time, and given the potential need to amend the scope of work, I want to make sure you're aware of that pending legislation. Thank you.

Speaker 7: Thank you. Commissioners, are there any questions of either of the applicants? Commissioner Ahmad and then Commissioner Dorado.

Celine Bay: I had a question for us as commissioners. So, do we have the power to hire an attorney or just make a recommendation?

Speaker 7: Well, to hear some, we don't have the power to do anything. But I would submit that we can select an investigator. That was the action that we agreed to take, and that we will work with the system to get them on as a vendor so that they can be paid. We would have to do that through, excuse me, through our interim CPRA director, Mr. [Nisperos 00:35:13]. So he has the power to actually hire the investigator.

Ginale Harris: Regarding the scope of work, maybe it might help to give you a sense of what my ... How I would approach each. So if it's a review of the prior investigation, typically what my firm will do is go ... If there's an investigation report, we will review that for thoroughness to make sure it's impartial to see if there are any holes in the findings and in the information that the findings were based on.

Ginale Harris: So I'm doing an assessment of what did this investigator look at, and did their findings correlate with that, with those facts that they reached? If there's any need for me to investigate any additional witnesses or go back to anyone that was interviewed, that might be also me doing additional interviews to make sure that this investigation presently is thorough.

Ginale Harris: And then, I will be rendering factual findings based on the allegation. So, based on a preponderance of the evidence, is this allegation substantiated or not? And here's my analysis. So that's the review of a prior investigation. As far as looking at systemic discrimination, what our firm does in that instance is we do workplace assessments. So, when we go into an entity, we will pull either via by taking a sample pool of employees, or agents, or officers to test to see if there are any pending issues that are of concern, report that back, and see if any of those are pressing enough to start an investigation.

Ginale Harris: We may also put out a survey to solicit information from employees or from the body to say, "Here is where the issues we're looking at." Again, we report back to see if there's anything you all want us to investigate. So that's how we test the entity. But our firm does not look at the workplace culture on a systemic level in that sense of, are you all ...

Ginale Harris: We're a smaller shop, right? So we come in and handle and investigate more manageable complaints and allegations. But to come in and say, "As a whole, is your department meeting its anti-harassment anti-discrimination policies as a whole?" That's a larger task. And so, we would have to be strategic with you all and exactly what you're looking for, and what our approach would be. Okay?

Speaker 7: Thank you.

Ginale Harris: I hope that helps.

Speaker 7: Thank you. Commissioner Anderson.

Ms. Sydell: I'm sorry, I have a question for-

Speaker 7: Ms. [Sydell 00:38:26].

Ms. Sydell: Sorry.

Ginale Harris: Yeah.

Ms. Sydell: In the cover letter provided before your resumes, I see that there's a hourly rate that's also for case supervision. Typically, our ratio to your work to supervision, what are we looking at in terms of supervision costs? I'm thinking about this in terms of, I'm taking \$50,000, which is my understanding of the constraints that we're working with to do a source kind of vendor contract with a provider. I want to get the biggest bang for my buck, and trying to understand how much of your time we have to address the two different scopes of work that had been put forward.

Ginale Harris: Okay. So, the supervision is mainly when ... If I'm the principal investigator, I do 90% of that work. I do the investigations. I do the interviews. I do the followup. I draft the report. The supervision comes in as a standard before we send out any work product to a client. That is Amy Oppenheimer who has 30 years of experience, founded the Association of Workplace Investigators is an expert witness, was an admin judge here in Oakland.

Ginale Harris: She will review all of the attorneys in the office, all of our work product in our reports before we send it out for some consistency and we go back and forth. And so, her time is mainly reviewing the report under, I would say, on average about five hours of review that you would get in the supervision. The rest of it would be my hourly rate. Does that answer your question? Okay.

Ms. Sydell: Yes, it does. Thank you.

Ginale Harris: All right.

Speaker 7: Oh, go ahead, Mr. Bay.

Celine Bay: I think I can clarify on the the summary when they're splitting the investigation versus the systemic racial. If we look at it in the same way the Pollack's investigator was hired to do the independent investigators in Pollack. And then tonight on the agenda is to expand the Pollack's investigators contract to then audit the CPRA is in the same vein is that this investigation can start off concentrating on the investigation end.

Celine Bay: And then when we start talking about the evidence that comes out of that, that shows that there are systemic racial issues that need to be addressed. They can bring it back to the commission, then the commission can do just what they did with the Pollack and say, "Listen, we would like to expand this contract for you to then start looking at this piece." Does that kind of make ... Rather than just say, "How did this whole contract? We want you to do this investigation, and we want you to do a total top down of the department," which this contract is definitely not going to cover.

Celine Bay: So that's why we're just saying let's start with the investigation. But just to show that the scope of work is just like what Pollack revealed in the investigation that showed that there was a deficiency in the CPRA that needed the Pollack investigation, and the subpoenas, and all of the different things that came from the first part of the Pollack investigation.

Celine Bay: So first part of the Bay investigation, we believe we'll then end up with the systemic racial problems that the Oakland police officers have been talking about, that the community has been talking about for 50 plus years. And that once it's then independently verified outside of the city, then this commission can then take action on those racial issues that have been exposed. Thank you.

Speaker 7: Yes, Commissioner Ahmad.

Mubarak Ahmad: Yes. Mr. Bay, I had a question for you, sir. I wanted to ask you, when your case first happened, who investigated this? [Cipra 00:09:35]?

Speaker 7: Yes.

Celine Bay: Well, the very first complaint that we put in was to CPRB. CPRB closed it in 2007. We then found new information. We recomplained in 2011, and CPRB closed it in 2012. We got even more information, and we complained to the federal monitor, Mr. Frazier, in 2013. He then reopened all of those previous complaints as 131062. So that's how 131062 is actually the combination of all of the complaints that came together under one umbrella.

Mubarak Ahmad: Okay. So, does CPRA never investigated?

Celine Bay: The CPRA has never investigated.

Mubarak Ahmad: So Mr Fennel-

Celine Bay: Oh, Mr Fennel investigated one of the cases. Yes, Mr Fennel investigated one of our complaints and closed it after a year without investigation. So that was actually part of the ... IAD16-0147 dash was investigated by Mr. Fennel and closed by the CPRA.

Mubarak Ahmad: Okay. Did Mr. Nesparos ever have any hand in investigating any of your complaints?

Celine Bay: I don't know. MR. Nisperos, What years were you associated with the ...

Mubarak Ahmad: Yeah, I don't either.

Celine Bay: But I would just say being the issue that, that we're trying to take it away from the CPRX because of the fact that they've repeatedly failed and failed and failed, and the fact that they're in disarray, and there's interim things going on in the investigators. All the investigators that were under the CPRA have investigated and closed these cases, which are the issues that need to be independently investigated. And that's why we can't have anything associated with the City of Oakland touching this. And that's why we were voting on an independent investigation.

Mubarak Ahmad: Thank you.

Speaker 7: Thank you, Mr. Bay. Excuse me. Are there any more questions from the commissioners? Okay. So we'll go to open forum. Excuse me. We'll go to public comment. So, I have Henry Gage, but I'm not sure if you want to ... No? Okay. We have Nino Parker and [Celine] Bay. Okay.

Celine Bay: Celine Bay. Seems like I was just up here. Just to reiterate that we're looking to close this for last year solid. Ivan missed one meeting, and is actually over a year. This is overlapping, in which our every meeting that the commissions had over the last year, 13 months, I've made it to. And every meeting I've said the same thing. We need an independent investigation. We need an independent investigation. Different things about what was hamstringing in this commission have come to fruition. And that it's what you're dealing with.

Celine Bay: All we're asking for is the exact same thing that you did in the Pollack case. You had a choice between two investigators. You chose one of the investigators, and you put them on the job, and let them go forth. That's what we're asking for the exact same thing. We don't need anything other than to choose one of these. We will be happy with actually taking Mr. Gage's recommendation that Ms. Oppenheimer's firm do it, and that at some point we see if that expands. Thank you.

Speaker 7: Thank you.

Nino Parker: Nino Parker, Homeless Green Team Executive Director. My black advocate as well as helpful to be on the Homeless commission One day. I'm just up here to just commend although Mr. Bay has a lot of strong commentary, I have to just say to see someone have something happen that happened in his life, and to see him learn the law, and learn all about this case, and what an educated

person to show what we should do, not let people step on us and walk on us when it comes to the law because we don't have the knowledge.

Nino Parker: But he went and learned it. He studied his case. He was motivated and pushed hard. And just to see him have gotten this commission to take his case and see people have of lawyers and stuff that want to be involved, I commend them. I commend them. I commend those prisoners that go to prison and sit in their cells until they learn the law and become lawyers. I commend that. That's good that. It's what we need to do. We need to handle our own stuff sometimes.

Nino Parker: Like I say, he has a lot of strong commentary. I get that. When you go through the pain and suffering that he's gone through, I get that. But he also has a lot of good things to say and I appreciate you guys are listening to him. He's gone through a long struggle. Thank you.

Speaker 7: Thank you. So is there any more discussion on the item? It sounds like, excuse me, we could vote for Henry Gage. But it sounds like Henry and Mr. Bay are both in concert along with approving our contract, our vendor contract with the Oppenheimer firm. Is there any more discussion, or are we ready to take a vote? Okay. Sounds like we're ready to take a vote. Oh, I'm sorry. I need to make a motion, don't I?

Jose Dorado: No, ma'am. I wasn't annoyed about that. I am not sure what you're voting on. I don't know what the scope of service is as council pointed out when she stepped to the microphone. So can you make a real clear motion on what the scope of service is going to be?

Speaker 7: Yes. And if that's the case then-

Ginale Harris: So the scope of service was in our last agenda two weeks ago, and it was supposed to be in this agenda. However, I don't work for the city administrator's office, so I can't control that. But it was in the ... It was in the agenda packet at our last commission meeting.

Jose Dorado: Madam Chair.

Speaker 7: Yes.

Jose Dorado: I would reiterate what the council has said. To do both of those tasks, I don't think you can get both of those tasks for \$50,000.

Speaker 7: No, we're not trying to do both of those. Right now what we're trying to do is pull up the language that we expected to be able to reference tonight on a single item. But thank you for requesting the clarification. Commissioner Anderson is working diligently on the laptop to pull it up. I guess we'd have to follow up with Chrissy about this.

Ginale Harris: Thank you, Commissioner Anderson. So the independent investigation job description. I'll read it and then we have the scope of work summary as well. So potential new evidence of OPD department general order DGL violations have been exposed by civil complaint discovery produced by the City of Oakland in Bay versus Oakland currently in San Francisco, northern California District Federal Court 14-CV01626-JSC relating to OPD-IAD, and city administration CPRB complaints: 07-0538, 131062, and 16-0147.

Ginale Harris: As such, the Oakland police commission voted to retain the services of a business licensed to conduct an independent investigation of the above cases for the said violations related to complaints of racial and religious profiling as mandated in Measure LL. So the scope of work summary. Independently investigate OPD employees and supervision for manual of rules MOR violations related to California penal code 13519.4E, and DGOM-19 probations against racial and religious profiling under color of law.

Ginale Harris: Investigate and document OPD employees, and OPD management for any and all systemic workplace discrimination, and analyze its ramifications on border systemic discrimination, and profiled communities in part based upon OPD policy, culture, promotion, supervisor, complicity related to systemic failures to resolve entrenched OPD discriminatory practices based in part on lack of training, willingful ignorance, racial and religious specific emunis, systemic explicit and implicit bias based community policing practices, and culturalized historic racism. So that is the scope of work. So we also have investigators responsibilities. Should I?

Ginale Harris: (silence)

Ginale Harris: I'm going to make a motion to hire an independent investigator for the scope of work that entails potential new evidence of OPD department general order violations that have been exposed by civil complaint discovery produced by the City of Oakland in the bay versus Oakland currently in San Francisco, northern California Federal District Court 14-CV01626-JSC relating to OPD-IAD, and city administration CPRB complaints: 07-0538, 13-1062, and 16-0147.

Ginale Harris: As such, the Oakland police commission voted to retain service of a business license to conduct an independent investigation of the above said cases.

Speaker 7: I there a second?

Jose Dorado: Second.

Speaker 7: Okay. It's been properly moved and seconded. We've already taken public comment so we can go to a vote. Commissioner Ahmad.

Mubarak Ahmad: I.

Speaker 7: Commissioner Dorado.

Jose Dorado: I.

Speaker 7: Commissioner Anderson.

Tara Anderson: I.

Speaker 7: Commissioner Harris.

Ginale Harris: I.

Speaker 7: I for myself. Commissioner Smith?

Thomas Smith: Abstain.

Speaker 7: Okay. So we have five affirmative votes and one abstention. The motion passes.

Celine Bay: Madam.

Speaker 7: I'm sorry. Abstention by Commissioner Smith. What?

Ginale Harris: No, [inaudible 00:22:58].

Speaker 7: Oh, my apologies. Oh, okay. So the second motion. Thank you.

Celine Bay: Madam Chair.

Speaker 7: Yes.

Celine Bay: The motion did not include the limit of \$50,000. I'm assuming by your comments earlier that that is the type of contract that you would like for us to process.

Speaker 7: Yes. And that will be specifically stated in the second motion when we identify who.

Celine Bay: Okay.

Speaker 7: Okay.

Tara Anderson: So I'd like to make a motion that we contract or employ, I would say, contract not to exceed \$50,000 the Amy Oppenheimer firm with Ms. Sydell.

Ginale Harris: Unfortunately, I'm still not clear on your scope of work. I received the language that you read just now. It's still saying two distinct things. And so, I think that we need to have some further discussions as to ... Because what I hear your

commissioners saying is that there's a \$50,000 budget for this. But the scope of work is still projecting two things, which is to review some prior cases in light of additional information, and also look into some systemic violations of racial and religious discrimination. So those are still two assignments, right? So maybe some further discussions as to concretely what you're looking for and that would include [inaudible 00:24:51].

Tara Anderson: So I think the second piece to what you said is something that is later down the line. The scope of work for this case is the cases that I read off. And as you stated, to look into to see if there's something there that needs to be investigated further. And then we will take it to another level if there is something that should be investigated.

Ginale Harris: Okay. And so, we would need to loop in Amy Oppenheimer as well in these discussions. So, I understand your proceedings here, but that's something that we need to clarify with her, if that's okay with you all.

Speaker 7: That's fine.

Ginale Harris: Yeah.

Speaker 7: Thank you. Mr. Nisperos, that motion did ... She's going to restate it so that it can be clearer.

Celine Bay: The first motion, Madam Chair?

Speaker 7: I'm talking about the second one.

Tara Anderson: So I want to make a motion to contract the Amy Oppenheimer Law Firm not to exceed the amount of \$50,000 to do an investigation on the Bay case is 07053813-1062, and 16-0147 with Ms. ... Excuse me. With Ms. Sydell as the investigator.

Speaker 7: Is there a second?

Jose Dorado: Second.

Speaker 7: It has been properly moved and seconded. Are we ready to take a vote? Okay. Commissioner Ahmad.

Mubarak Ahmad: I.

Speaker 7: Commissioner Dorado.

Jose Dorado: I.

Speaker 7: Commisioner Anderson.

Tara Anderson: I.

Speaker 7: Commisioner Harris.

Ginale Harris: I.

Speaker 7: I for myself. Commissioner Smith.

Thomas Smith: Abstain.

Speaker 7: Okay. We have five affirmatives and one abstention. The motion passes. Okay. So the next item is Oakland city charter revisions. This item was put on the agenda quickly based upon a time constraint that was communicated to myself and that I shared with the Vice Chair. This is around city charter revisions.

Speaker 7: We are understanding that a press Council President, Rebecca Kaplan, has requested the updated language by the end of July, 2019. So, we wanted to put this on the agenda early so that we can list it again at the next meeting so that people can think about what the sections are that they want to specifically speak to, talk about.

Speaker 7: And then we can also, given the workload and and level of coughing that's just going on around the day is here, identify what role the commission can or wants to play in this. Whether or not we have the capacity to create ad hoc, or if there are individual people that would be willing to meet with the coalition and anyone else that is working on language.

Speaker 7: That's the crux of what we're looking at right now. Is there anybody else that wanted to speak on that and/or ... Ms Rashidah, would you like to say something about that or no? No? Okay. Okay. So, I wanted to know if the commission has any questions on that. If you are wanting to convene an ad hoc for this subject, or if there are individuals who feel like they want to participate in meetings to ... You again, huh? Great. Okay. So, Commissioner Harris, you want to contribute individually or you-

Ginale Harris: Yes.

Speaker 7: Okay. Very good. Is there anyone else that wants to do that on the part of the commission? I think I will share any recommendations I have with you. Okay. So, is everyone good with our, just having Commissioner Harris represent our interests as it relates to the modification of language? Okay, terrific. So then that's what we will do. I don't think we have to make a motion on that. So for state ... Yes.

Male: [inaudible 00:29:53].

Speaker 7: Well, then I guess he's going to have to leave because ... Yeah. Thank you. So we have Maryvale, Risa Jaffe, Henry Gage, and Maureen Vinson.

Female: When LL was put on the ballot as a result of community council member collaboration, you guys didn't exist. But right afterwards when we started talking about in 2017/2018, council made sure that you had input into the ordinance, and you had extensive input. So this is the next generation of ... And of course, we need to have your input on ... And there will be ... There's some kind of bright line issues that everyone's aware of, and there's some also more subtle things looking back at the original Measure LL that maybe we could've done differently in those. You need to be part of that discussion with the coalition drafting committee, the council folks that we're working with primarily Council President Kaplan is taking the lead also also Council [Mcdayo 01:04:31]. So welcome your willingness to participate in the process.

Speaker 7: Thank you. [inaudible 00:31:45].

Rashidah G.: Thank you. Rashidah Grinage here. So, just for context, it seems as though the council is committed to putting the cleanup measure on the ballot in March of 2020, the primary ballot. And as a result, it means that we have to really work very efficiently because there's a very long process that is required for getting so that by the time that it's required to forward the ballot language to the Alameda County clerk, by that time, there has to have been committee meetings and council meetings, and it has to go to the city attorney's office and so on. It's a pretty elaborate process.

Rashidah G.: And so, we are looking to try to have something to show the council when they get back from summer recess. So, the sooner we can get the input from the commission and start hearing what your concerns are, what your issues are in terms of-

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Rashida Grenage: What your concerns are, what your issues are in terms of amendments, the better, the sooner we can get that idea. We look forward to hearing from you. I'm sure that you will pursue this with the Brown Act in mind and not have serial conversations that are problematic. You'll find a way to communicate appropriately, then relay that information to us. Thank you.

Chair: Thank you. Miss Grenage, do you have a set of dates that you are meeting set up yet?

Rashida Grenage: We have a meeting scheduled for next week. Subsequent to that, we have nothing planned yet except that we're trying to arrange a meeting with Rebecca Caplin. We don't have that date set yet, but it will be sometime in July after the 11th. We will certainly let you know when that meeting is set up.

Chair: Thank you. I'll make sure to send some suggestions next week because as great as this is, obviously it didn't anticipate everything. It's wonderful that the council is making a commitment to get it on the ballot. Thank you, Commissioner Harris, for representing us. Thank you.

Risa: Hi, my name is [Risa Jaffe 01:07:30]. I'm speaking for myself as an individual and the comment I'm going to make has nothing to do with the individual people sitting out here. You're great. When I first heard that Measure LL included three members appointed directly by the mayor, I was astounded. The only reason why we have a commission is because mayors, for a long time, haven't really done their jobs. To have on the commission, three people appointed by the mayor really feels like a conflict of interest to me. I don't really see how that works, the appearance of that. Again, nothing to do with the individual people here. The appearance of that is really bad. I ask you, the individuals who are mayoral appointees, to ask to have that removed. Thanks.

Chair: Thank you.

Maureen Benson: Hi. Good evening. My name is Maureen Benson. I'm also speaking on behalf of myself this evening. I'd like to echo what we just heard from Risa. I actually just spent hours watching the July 26, 2016 city council meeting where hours and dozens and dozens of folks from the community came forward and spoke out against the mayor directly appointing people to this commission. They spoke out against the tendrils of city hall having anything to do with this commission. What I'm concerned about now that there has been an expedited process brought forth, again on the agenda was never discussed. Now, here we are. This is a violation of your actual process to put things on the agenda. We don't actually have authentic community input. There are many, many groups in this community that have severe reservation about the integrity of this commission and are not actively engaged. Yet, we're not asking them why.

Maureen Benson: If we're going to rush this through with only the people who are currently participating with this commission, we're not actually going to get real community input as to why people have reservations about this commission. I think it's really alarming that we're just going to rush this through and get some feedback in July. I think there has still not been a thorough thoughtful evaluation of what has been effective in this commission and what has not. It's been highly politicized. It's been highly steeped in what makes it look good to city council. Again, I brought this up last time, but there were complaints against Commissioner Smith that are now a low level priority. There are many, many layers to what is not making this commission work. If we were really committed to having an independent commission, we would have thoughtful community engagement. It's a great opportunity for the community outreach subcommittee to do some work here.

Maureen Benson: You might not be so concerned about a very rushed July deadline, you might be thoughtful and say, "What would it look like for this to go on the November

ballet instead of the March ballot?" I know that's potentially disruptive for the talking points of the coalition on police accountability, but that's not actually my primary concern at all. I hope that you would err on the side of community input. I hope you would go back and watch the city council meeting from July 26 in 2016 where you saw outrageous community concern for hours about multiple things there that actually could tell you some really important information. Thank you.

Chair: Thank you.

Celine Bay: Good evening. Celine Bay. It's very important to get it correct because time is valuable, especially where the community comes. The community works all day just like everybody who volunteers there time up there works all day to then come here and go through the machinations that it takes to get this body to actually function as it's meant to be. As the people who voted in the community want this to be an independent oversight of OPD. They want OPD held accountable. You have been given that responsibility. When you have a chance to amend and correct something, it's very important just like we looked and saw that it was a poison pill to bring the CPRB up underneath this organization and change the name just as it was revealed in Pollock. Now, we have to issue subpoena, we have to go through interim people, and do all that. Just as we've been trying to fight tooth and nail for over a year to get legal representation that is representative of the people independent of city hall. Just as this body has had to jump through hoops just to do its job.

Celine Bay: This is what I would say the mayor appointed mayoral people here. The mayor should have an open door to you. All three of the people should be in her office if this is what the priority is and say, "Listen, Mayor. You're sabotaging us." How can we represent this if you're doing? It's really disingenuous and disconnected to say that you are appointed by the mayor and then you fight the mayor in public and city council just to get basic things done. That's dysfunctional. That was one of the poison pills. That's why the community should've have had all of the seats at the commission.

Chair: Thank you. Commissioner Anderson.

Tara Anderson: Thank you, Chair. I really appreciate all the community input and dialogue. I think a core part of our democracy is being able to have a representative vote. We know that there's lower turnout rates for primaries versus full elections. Although, it is a presidential primary. I do think we need to think about the sequencing of what ballet this does land on. I think that's really important. I'd also say that however the process moves forward in terms of whichever ballet this does end up on, ensuring that we're able to incorporate key findings that I expect would come from the audit, which won't be released until October. We really just have to make sure that as this moves forward, we are able to work collaboratively with the council and I really appreciate what I think is us feeling heard by them wanting to take some immediate action. I really hear the

concerns about it is a long process to get anything on the ballot. There's a long road ahead and a lot of steps ahead. I want to ensure that we have the ultimate best circumstances to meet this goal. We can do a whole bunch of hard work to get something on the ballot for March 2020, have a very low voter turnout that's not going to be educated in the way that we need them to be to vote, yes on these changes. Just some additional thoughts and thank you for the comments.

Chair: Thank you. Commissioner Harris.

Ginale Harris: I just want to second what Commissioner Anderson is saying. The reason why I raised my hand, because I feel real strongly. I've been sitting up here on this dais for almost ... this is going into my second year. It is completely ridiculous, dysfunctional, and everything else. People don't see what's behind the scenes here. It's a lot of work. Not saying that I didn't sign up for hard work, but everything we do is rushed. Everything. I've had enough. It's like everything is rushed. Then, we go back and nobody wants to own we made a mistake or maybe we shouldn't have done that. We have no legal council. We're going nowhere. We have nothing. That's a big deal. We're sitting up here trying to wing it with the lawyers that we have up here on the dais. That's not cutting it. Then, people come here and they point fingers.

Ginale Harris: It's not okay because we didn't write the measure. We didn't write it. I would like to be a part of writing because I sit up here and I can tell you all the things that are wrong with this measure. Everything we do that is in the measure now is being challenged by our own city attorney. Every single thing for everything on this ballot is being challenged. If we exercise the right, they challenge it or their interpretation is different. It's English, so I don't know why everybody has so many interpretations. I wanted to do this because I feel like we need a voice. Community, I respect and admire everybody who comes here. We need people in here that this is going to affect.

Chair: Thank you. Moving forward to item six, the CPRA independent audit commissioned by the open police commission.

Ginale Harris: The commission will review the revised scope of services from the Mason Investigative Group and may vote to approve the revised scope. In your agenda packet, in our agenda packet, we have a ... what is this? I'm sorry. From the Mason Investigative Group, it's a letter of interest. Did she put the scope of work in here? I can't see it. Here it is. No. Yes, I have that. Where's the scope of work? No. Okay. This came about on our last commission meeting in regards to an independent audit of the CPRA just based on red flags that have come up for this commission in regards to the investigations that have taken place while under the CPRA. I think it would be helpful and insightful to know what is happening in the CPRA. I have been asking from the beginning in regards to investigators and how many cases they carry, how many are open, how many are current, how many are closed. I would like to say thank you to the interim

director, Mister Nisperos because he actually gave me the information that I asked for two years ago. It was easy peasy. It was interesting. We now have to discuss, I'd like to take a vote, and make a motion in regards to doing an independent audit and hiring an outside entity to do an independent audit of the CPRA.

Chair: Did you want to make a distinction between the audit that's being conducted inside the city versus this one? I believe that the one that was put forth for CPRA and the police commission is going to be distinctly different from what we are looking for.

Ginale Harris: Right. I would say, yes to that. For me, it's a no brainer. I don't want any city or government entity having their hands in any of the investigations that we have set forth because of all of the dealings we've had to deal with, things not coming forth, and things of that nature. If you have somebody who is completely disconnected from the city and completely disconnected from the commission, then we will have a fair and thorough investigative process. That's what I'm looking for.

Chair: Does anyone else have comments?

Ginale Harris: Do you want to bring up Mister Mason?

Chair: Is Mister Mason here? I don't think we asked him to be, but that's fine. Just checking.

Ginale Harris: Public comment.

Chair: Public comment by Celine Bay, Mary Vail, Rashida Grenage, and that's it.

Celine Bay: Celine Bay. For this process, do we get three separate bids for this contract with Mason?

Ginale Harris: We did.

Celine Bay: You did?

Ginale Harris: We did.

Celine Bay: I'd like to just go back to what I said earlier about splitting the contracts for us just as we're voting for an amendment to this contract for Mason's contract. The same thing can be done for the contract for the Bay as things expand or to get into the systemic side. Thank you.

Chair: Thank you.

Speaker 8: Many years ago including the time that Mister Nisperos was working for [inaudible 01:22:37], there's always been a question of adequate resources in investigations. What seems to be coming out about how things have been in terms of the investigative staff for the agency in recent years, I'm shocked as somebody who worked as an attorney investigator for a federal agency about the fact you don't have, beyond the point of intake, a protocol, basics that happen in all the investigations. There are apparently unresolved work issues. That's how internal affairs from both agencies get to dominate. They get the evidence first, they've got the resources, they're supposedly following their standard procedures. You don't have that here.

Speaker 8: I think this audit investigation is a major tool that you'll need that your new [inaudible] director will need. The investigative supervisors will need to basically right the ship, rebuild, and start operating under processes where no one can question the completeness, the objectivity, the thoroughness of the investigations. Lastly, I've got to tell you a couple of neighbors involved in minor allegations in attentiveness to a crime situation in our neighborhood. They filed online. There was this long period of time where it wasn't acknowledged. They're a lot more trusting of technology than I am. Their complain is floating out there and nothing's being done with it. We need to end the drift, the lack of structure, and the lack of process. Hopefully, this audit will give you the evidence, the information, and the tools to start doing it right. Thanks.

Chair: Thank you. Do you want to go ahead and make your motion?

Ginale Harris: I'd like to make a motion that we contract the services of Mason Investigative Group to do the independent audit of the CPRA not to exceed \$50,000.

Chair: Is there a second?

Jose Dorado: Second.

Chair: This properly moved and seconded. We have taken public comment. Are we ready to vote?

Speaker 9: Quick question. Are we authorizing a new contract or is this intent to amend the existing agreement to add this scope?

Chair: I think that we were amending the existing agreement.

Ginale Harris: Yes.

Jose Dorado: Madame Chair, at the direction of the commission, we withdrew the previous application for contract. There is no existing contract.

Chair: Great. Thank you for the clarification. Now, it's not revisiting a new thing. This is the purpose for which we are moving forward. Are you clear, Sergio? Great. Thank you. Now, can we vote?

Ginale Harris: Yes.

Chair: Commissioner Ahmad.

Mubarak Ahmad: Abstain.

Chair: Commissioner Dorado.

Jose Dorado: Aye.

Chair: Commissioner Anderson.

Tara Anderson: Aye.

Chair: Commissioner Harris.

Ginale Harris: Aye.

Chair: Aye for myself. Commissioner Smith.

Thomas Smith: Abstain.

Chair: Okay. We have four affirmative votes and two abstentions. The motion passes. Moving to item seven, the Pollock Investigation update. This has been an ongoing item issue that we have been attempting to deal with in our best efforts. I want to make a comment. I am standing by the vote of June 13th. The principle position that myself and four other commissioners took. Given the CPRA acknowledgement that the matter was closed, complete, and the last position to be that of the chief of police, which is the chief compliance officer and the intervening period between June 13th and now, the city attorney's office has voiced its objection to basically our intention to put in place the adjudication section of Measure LL. I believe that the city's attorney's office is representing too many varying interests in this matter. For the purposes of moving this matter forward, I am calling for the convening of a discipline committee. The commissioners on the discipline committee will be Commissioner Dorado, Commissioner Prather, and myself. We will be meeting starting July 1 in order to hopefully make some recommendations that do not allow the 3304 to be harmed. I don't know if there are any questions from the commission. If there will be none, I'd like to call up Miss Rashida Grenage and Celine Bay.

Rashida Grenage: Thank you. I just want to support your decision. I understand that this has been a grueling process for this commission. Through really no fault of yours

specifically, you were put in a situation that was impossible. You've done the best you have been able to do based on your sincerity to do the right thing. Every time you think you've done the right thing, someone tells you that's not the right thing. I understand that you must be very frustrated and that you must be very upset that the decision you made has been essentially overruled by the city attorney. What else is new? I do believe that convening a discipline committee under this circumstance is probably ultimately the best for this commission. To undertake this responsibility, that was what this measure was designed to do to give you the opportunity to be the final word when there is a conflict in findings of a serious case of misconduct, which the allegations are serious. You are the ones, not the professionals, not the police department, not professional investigators who are employed, but you, the residents of Oakland, are the ones that have the final word. Now, you do. We're putting our trust in you that you will come out with the appropriate decision at the end. Thank you.

Chair: Thank you.

Celine Bay: Good evening. This is Celine Bay. First off, any committee of three members of the commission should have two community members. There should always be a majority of community members in anything that's being decided by this commission. I mean, that's the will of the people. That's why the balance of the commission is four and three. Therefore, when you break it off into ad hoc committees, you really need more community representation than you need mayoral representation in order for that to be accepted by the community as something that is legitimate. The issue being with the mayor, her legitimacy, and her backing of a corrupt OPD department, also adjudicating the final say over OPD department does create a conflict and the perception of biased inside the community. I would just ask that you change your bylaws to state that there always has to be a majority of community members on any type of ad hoc committee going forward. With that said, the Pollock investigation revealed a lot of things.

Celine Bay: It really ripped the seam inside this commission. It showed that the CPRA was not supporting this commission. It's why we're issuing subpoenas and doing different things right now. The other side of it is that the police department that's just as guilty, the reason why there's a Pollock issue is that they pulled up a bearcat and 24 people with high powered weapons on a man who as breathing shallow in between two houses. That right there is a fundamental issue in whatever policy that escalates that to a point to where you have SWAT out there on somebody laying down inside of an ally. That needs to be addressed before someone else gets murdered in Oakland.

Chair: Thank you. I have another speaker card from Jim Channing. Before Jim Channing comes up, I'm sorry. Did someone turn in a black phone from the ladies bathroom?

Jim Channing: You ready? Thank you. Most of what was said by Miss Grenage, I agree with. I don't need to repeat what she said except to say that I agree with it. I think you've been handed a hot potato. The potato is going to burn whoever's holding it when the statute runs the 3304. I agree with the chair's decision only if the disciplinary committee begins Monday, July 1st. Monday, Tuesday, and Wednesday, and you give the hot potato to someone else because the city is going to play the blame game when the inevitable OPOA lawsuit comes. You should not have any of the blame because you don't deserve it. That doesn't mean you won't get it in the wonder world of Oakland politics. I think that the city attorney has never made a definitive statement about when the 3304 has run. We know that it would've run, but for John Burris's lawsuit. John Burris's lawsuit did not name the lesson lethal person on Phillips. It also did not name the lieutenant. There's a question about whether the 3304 is run on them completely.

Jim Channing: The way to go is to follow all the rules, which to be absolutely thorough, you should do the disciplinary committee. Even though I agree with your last vote, I think you just got to put the icing on the cake on this one and give it to someone else. I rest on the previous comments I've made about the CPRA. I think their investigation was a disaster. They didn't begin it until someone made a complaint, which is the old CPRB rules. It's not your rules. Their investigation was an unmitigated disaster. I've already made that point. I agree with the chair's decision. Thank you.

Chair: Thank you. Moving to item eight, commission subpoena related to CPRA. Is there someone from the city attorney's office? Mister Nisperos, do you have any information?

Mister Nisperos: I'm sorry. I was interrupted. I didn't hear your question.

Chair: I was basically trying to figure out who can address us on the commission subpoenas related to the CPRA, item eight.

Mister Nisperos: I would assume the city attorney.

Chair: Myself as well, but I don't see anybody here. I was just wondering if you had any information.

Mister Nisperos: I do not have any information that I can provide you, ma'am.

Chair: Okay. Thank you. Commissioner Harris.

Ginale Harris: I saw an email that was sent to us in regards to the subpoena. I can read it.

Speaker 10: Yes, please.

Speaker 9: I would caution the commission that, that is an email that is attorney client privilege. You would need to waive the privilege on that.

Ginale Harris: I understand. However, then they should show up. Do you know what I'm saying?

Chair: Yes.

Speaker 11: You're the client, you could waive it.

Chair: I think the point is that at the last meeting, I shared with the audience that the city attorney's department suggested that they needed more time because they had hired an outside entity to review or analyze. I told them that it was still going to be on the agenda. This is what we get. It's ridiculous. It really is. It's one of the reasons that we've got to make sure that we can hire our own attorney. This is ridiculous. We are the client. Yes, Commissioner Harris.

Speaker 11: Waive it.

Speaker 10: Vote to waive it.

Ginale Harris: The problem with waiving it is that we open ourselves up. We don't have an attorney. I would love to. However, we get these responses via email, but we can't share it with the public and that is my concern. If it's not wrong and nobody's doing wrong, then let's share it with the public. Right? That's not the way it is. This is what I'm talking about with the language. It's like we can change the language in Measure LL. We can do that, but-

PART 3 OF 9 ENDS [01:39:04]

Ginale Harris: It's like we can change the language to measure LL. We can do that but it's the charter, the ordinance, things that are in there that prohibit us from doing things because of the interpretation from the city attorney.

Regina Jackson: So, it sounds like we will put this item over again and I will contact Ryan Richardson in the morning and demand a response to this item.

Speaker 12: I'm sorry-

Regina Jackson: [crosstalk]

Speaker 12: I didn't sign up for this item because I expected information, but...

Regina Jackson: Okay well you can get on the back end, thank you.

Speaker 12: ...this is like the third time I've come for this and received no information. I was hoping that maybe we could get a recap of what's going on. I know subpoenas

were issued, are they... they're not complying with the subpoenas? If you could just give...

Regina Jackson: I can give you a little bit of information, at least what I've been told. So, what the recommendation from the city attorney's office was that the subpoenas be turned in to Mr. Nisperos. They were recommending that he do the investigation, and I believe that everyone has turned them into you. Is that correct?

Mr. Nisperos: Yes ma'am.

Regina Jackson: Okay and so have you done anything with them? Is there anything that you can share?

Mr. Nisperos: I've stacked them in a pile.

Regina Jackson: Alrighty. Can you tell us what the next steps should be or do you need to check with the city attorney's office to figure that out?

Mr. Nisperos: I don't need to check with the city attorney to figure out the next steps. At this point in time I'm just a warehouse.

Regina Jackson: I'm sorry, at this point in time what?

Mr. Nisperos: I'm just a warehouse. I am just holding the documents because they were turned into me.

Regina Jackson: Okay, so I guess my question is when we issued the subpoenas we were very clear that we as individual commissioners should not be reading the information because we don't have a vessel to identify or the specific skill set to recognize what it is that we need to highlight or turn over. So, am I supposed to be looking for more clarification from Ryan Richardson I mean, again, this is the problem. We execute our right during measure LL and then it goes nowhere. So if you're a warehouse I'm just trying to understand what do you understand the expectation from you?

Mr. Nisperos: The expectation from me is to hold the subpoenas until the commission and, or the city attorney makes a decision about what's going to happen next. You asked for the subpoenas they were supposed to come. If I issue a subpoena then the material that I request comes to me. You issued the subpoena so the material that you requested comes to you if the subpoena is honored.

Regina Jackson: Well but it can't come to us because we are several individuals which is why you're warehousing. Okay I-

Mr. Nisperos: No ma'am, it would come to the commission in an open meeting. It would be a presentation, so no it's not going to go to an individual it would come to the commission at a meeting.

Regina Jackson: So if you have them, would you want to present them to us at the next meeting?

Mr. Nisperos: No ma'am. They're not mine to present.

Regina Jackson: Okay. So then we should be presenting them. Is that what I'm hearing?

Mr. Nisperos: What was your question?

Regina Jackson: Should we be presenting them? Is that what I'm hearing?

Mr. Nisperos: Should you be presenting them?

Regina Jackson: You said they're our subpoenas, yes.

Mr. Nisperos: You've presented the subpoena. It's whether or not the subpoena is going to be honored.

Ginale Harris: Right.

Regina Jackson: Okay. Well legal council is just here for the Brown Act and [sunshine] right. Can you eliminate-

Speaker 13: I think the real question is have documents been produced in response to the subpoenas to you Mr. Nisperos?

Regina Jackson: Yes, he's holding them.

Mr. Nisperos: They've been produced to me but not as an agent for anyone. Just produced to me to hold them.

Speaker 13: Okay.

Ginale Harris: That's not what the email says. [crosstalk]

Regina Jackson: Unclear. So do you have some comment. Any-

Speaker 13: Well-

Regina Jackson: direction, information? [inaudible]

Speaker 13: I mean short question. I believe that you had asked Mr. Nisperos to receive the documents so that he could review them and determine whether appropriate action needed to be taken as-

Regina Jackson: Actually, no that is not the case. The city attorney's office recommended that they go to Mr. Nisperos because we should not be opening them individually. That apparently exposes us and so there wasn't a process in place. Again, we have a couple of attorneys here but that doesn't necessarily mean that a process had been delineated. So I am trying to get an update, short of having somebody from the city attorney's office to provide that update. So I think that the one that has been shared is perhaps all we have at this five minutes, but rest assured that I will do some digging and we will figure out how to move this forward so that the community and the rest of us can understand what the value of the subpoena was in the first place.

Ginale Harris: This is such a fucking [inaudible 01:44:55].

Audience: Mm-hmm (affirmative)

Ginale Harris: I've had enough.

Speaker 14: She'll let you do it on the back end.

Mr. Channin: Oh I'm sorry.

Regina Jackson: Mr. [Channin] we can do it on the back end. Go ahead and make your comments please.

Mr. Channin: Thank You.

Regina Jackson: Mm-hmm (affirmative)

Mr. Channin: I'm having a lot of trouble following who's the attorney and who's the client. In my office the client says what they want and I facilitate it, otherwise I withdraw.

Audience 2: Right.

Mr. Channin: That's the standard of ethics that I understand. So if you want a subpoena issued and they have problems with it ethically or they have a conflict of interest, they should withdraw. That's the standard of ethics even for the open city attorney with all their various conflicts. I would be disbarred or disciplined if I said the things that are being said now. That's what would happen to me.

Regina Jackson: Thank you very much.

Mr. Channin: You're welcome.

Regina Jackson: [inaudible] No, no.

Mary: Can I speak and fill out a card afterwards too?

Regina Jackson: Go ahead [Mary 01:46:12]. Yes Ma'am.

Mary: You've been talking about Mr. Nisperos being the repository, so my first question... where these subpoenas served and returned with information or were they served and no one is agreeing to provide any information?

Regina Jackson: It is my understanding that they were served and information was delivered in packages. I've not opened them and it sounds like Mr. Nisperos hasn't either. So I do believe they were complied with, but that's a presumption based upon packages.

Ginale Harris: I can tell you that that's not the case.

Mary: Well, the subpoenas have been returned with information. We don't even know how responsive the information is but its been-

Regina Jackson: Exactly.

Mary: Returned. Again, the agency that I worked for, we would issue a subpoena. Usually, pre hearing and one of two things would happen. It would be returned with the information and the lawyers and investigators assigned to the case would review the substantive information and continue on working on the case or the party would say, "no, we think your subpoena's not correct". In which case we would have the decision as the party issuing, whether or not to seek subpoena enforcement.

Mary: It sounds like it's the first scenario. So as I understand these subpoenas are... the information sought is to educate you about what happened in the so called quote investigation unquote of the [Pollak] case.

Regina Jackson: Yes.

Mary: And so I think a first step would be to have somebody on the CPRB staff look at it and prepare a summary. You could also after you have that summary meet in closed session and look at the raw data. But not doing anything and just using Mr. Nisperos as a potted plant container to hold the stuff is not productive and I can't imagine that the city attorney would want... You've issued the subpoenas, they've been returned to just let it all hang out there unless she's protecting one of her other clients from accountability.

Regina Jackson: Well as I have said, as not just myself has said the city attorney seems to work for everybody except us and every time we try to take or assert independence we're told why it can't work, why it won't work, why it shouldn't work. We had

the subpoenas prepared and approved through an attorney. So they were properly executed and we've never been through this process before and most of us are lay people.

Mary: Well, two more things. So she just wants you to hold them and not do anything with the information?

Regina Jackson: I'm going to ask some real direct questions tomorrow since they are just sitting-

Mary: And find out when, for example, the Ethics Commission issues a subpoena they're investigating somebody in city government. How they handle the subpoena information and the sensitive information that's been returned-

Regina Jackson: Thank you.

Mary: In fulfillment of the subpoena.

Regina Jackson: Thank you. I can do that. Commissioner Harris.

Ginale Harris: For me, just listening to all this it is very upsetting. I'm upset here all the time but this is upsetting because we're on a hamster wheel. Why is everybody keep referring back to the same thing that we are trying to pull things away from? Right? It's like give it to... Mr. Nisperos is there because we don't have an Executive Director, right? We're looking but we don't have one. It's the same CPRA that we're doing an audit for. Same CPRA, right. But my thing is that the public really expects us to give the subpoenas to someone in that office to open them and execute our wishes. That's not going to happen. That's not going to happen. So that's why it's, let's get off this hamster wheel and let's do something because I'm over it.

Speaker 15: [Celene Bay 01:51:01] and I agree with that whole heartedly. One of the things that I would say is, number one, LL enables the executive director to see personnel files. So if he can see personnel files he should be able to see subpoenas files. This is what LL enables the executive. That's why he's supposed to be able to see the personnel files and then report back to the commission or you're not able to see it unless you go into a discipline committee. What I see outside of the hamster wheel is you have the [Pollak 01:51:41], and this was generated through the [Pollak] investigation, right. You have a [Pollak] investigator who is empowered by this and they're a lawyer and they're representing you and they have the legal, you're the client to that lawyer, you can have that person because it [Pollak] related look at the [Pollak] related subpoenas. That's part of the investigation. We can't do that you can't-

Regina Jackson: They've been subpoenaed too.

Ginale Harris: Right.

Speaker 15: So...

Regina Jackson: We really need an outside entity who can look at that.

Speaker 15: So most definitely then, the bottom line is it's the city attorney's office is where we're being sabotaged. That's where we're being sabotaged from the beginning. We're on our second attorney from the city attorney's office and we still can't get any traction and so being sabotaged again as the mayor's appointees. The mayor sits down with the city attorney all the time and if you are representing the mayor and you want this commission to be successful, why not have the mayor tell the city attorney to do what this commission needs it to do and to stop sabotaging it. Absent of that, that means the mayor is part of the game that's sabotaging you, right. Because if she ain't going to do anything she's part of the problem. So even if she's not saying anything or doing anything she's actually sabotaging you passively because she could be saying something to the city attorney's office.

Regina Jackson: So like I said what I will do between now and the next meeting is work with or maybe we can do something outside of the discipline committee preparation to identify a process that the commission can vote to approve at the next meeting.

Speaker 13: And Chair Jackson, I do think that the commission does have some options with regards to these subpoenas. Certainly-

Regina Jackson: Do tell.

Speaker 13: The subpoenas are the commission's. The commission can vote to authorize the turning over of the documents that are responsive to Mr. Nisperos. Mr. Nisperos, as the CPRA Director, happens to oversee the agency and it's his duty to ensure that CPRA employees are performing their duties, so you can direct Mr. Nisperos to review those documents and determine whether staff who were investigating the [Pollak] investigation engaged in any misconduct. That is something certainly the commission can do. If they're inclined to do so.

Regina Jackson: I actually think that we might like to have an independent attorney review them. I'm speaking for myself, I'm sorry, but that is my response to you. I don't know if the commissioners feel differently or if, like I said, there should be a process put forth at the next meeting that we can vote on or argue or discuss. So that will be my representation to take on. Thank you very much for your recommendation.

Regina Jackson: So now we will move on to item nine, CPRA Executive Director Candidates. And before we have Commissioner Harris provide us an overview, I just want to say that the level of work that went into creating the recruitment and the actual interview process has been exceedingly onerous. I'm glad that Former Commissioner Benson is in the room, because she worked diligently on it with Commissioner Harris. I think part of the reason that some of us are coughing up

here is that the hours, even on the back end, were so laborious, and we were here last night...

Regina Jackson: We are fortunate to have a few of the candidates here but I do want to say to Commissioner Harris that we so appreciate all of the leg work on the front end. And Commissioner Anderson joined us after I joined and if we had not had a strong foundation in place, I do not think that we would have been able to do as outstanding a job as I think we've done. So thank you. Commissioner Anderson, do you want to say something?

Tara Anderson: Yes Chair, thank you. I want to echo your comments and really appreciate both Vice-Chair Harris and Former Commissioner Benson. The body of work that was done that we leaned on to be able to complete this process was tremendous. It was a significant amount of work. And we had differing opinions on a number of points, but being able to have thoughtful dialogue about what we think are the best skills and attributes for the new Executive Director to have, I think we're better for it. We had three tremendous, excuse me, four tremendous individuals come before us yesterday and certainly appreciate their time, their professionalism, just quite a significant amount of work, expertise, and I think where we've landed really will serve the CPRA, and I look forward to hearing more about our candidates, and for our fellow commissioners to hear more about them.

Regina Jackson: Great, thank you. Commissioner Harris.

Ginale Harris: I'm just really glad that we are at the end of the rainbow. I'm very glad. Very glad. But we saw it all the way through. I think it was a very thorough process. We had really good questions, we kind of threw in some questions on the back end. I was very interested to know if they knew about Oakland. Right? So all three of us kind of jammed them up about what do you know about Oakland. So you would be surprised, but a lot of people did not do their homework. And here we are with two candidates. So welcome to the candidates. Can we have the candidates please come to the podium? Mr. [Aldin 01:58:23].

Ginale Harris: We'll have Mr. [Mao 01:58:28], we'll have you come after Mr. [Aldin] okay?

Mr. Aldin: Thank you commissioners. I appreciate you moving me forward to this phase in the process, and also making time to hear from me yet again tonight, cause I know at least three of you have heard from me a lot in the last couple of weeks. I particularly wanted to thank the personnel committee, Chair Jackson, Vice-Chair Harris, Commissioner Anderson, for moving me forward to this point in the process and also for pushing me a lot with very thoughtful questions about the job. You definitely pushed me to grow a little bit more. And one of the things I find exciting about this possibility is that I think there is even more opportunity, not only for me to help Oakland and this Commission, but also for me to grow.

Mr. Aldin: I also want to thank the rest of the commissioners for taking some time to chat with me tonight, I didn't get to talk to all of you, Commissioner Brown, I hope I'll have a chance to catch up with you soon. And Commissioner Dorado and I had a chance to chat a little bit. [Especialmente de la historia de la comunidad Latina en Oakland 01:59:34] and I thought was really useful. So I appreciate your time.

Mr. Aldin: You've asked for a brief biographical statement. I grew up as a progressive in a very conservative traditionalist community in Southwest Ohio. Home to John Boehner, you might remember from being speaker of the house for a time. So I was definitely on the outside from a values perspective. I grew up in a unitarian home and so some of our heroes were people like [Thureau 02:00:10], Gandhi, King, and those inspirations to me as a kid.

Mr. Aldin: Another one I learned about later as I got to know the California side of my family a little better was Thomas Starr King, who was as you know, probably, a reverend that came from the Massachusetts area after having lived a reasonably privileged life, and came out to the Bay Area in 1860, in part because he thought this was a place where he could really make a difference in what appeared to be the incipient Civil War. And he was someone who spoke out very eloquently about the importance of California remaining a free state, an anti-slavery state, and part of the Union, and a lot of people credit him for moving California into the union column during that war. He died before the war was over, sorry I get choked up about him. But he's interred at the church I attend. So he's an inspiration to me to always be thinking about ways in which one can stand up for social equity, particularly racial equity, even when it might be unpopular or difficult as it was for him.

Mr. Aldin: Those inspirations drew me as a young man to go to law school. I thought that was probably going to be the best way to get the tools I needed to exercise my general outrage at injustice. And after going through law school, I was persuaded by some of my mentors that it would probably be a good idea for me to try to be a prosecutor here in the Bay Area. And I was persuaded to do that because it seemed like it was an opportunity for me as someone who was a progressive to try to change that system from the inside. To realign some of the priorities and prosecution and to try to make the criminal justice system a more just system than it has been in the past.

Mr. Aldin: Over time that eventually led me to working in police oversight in San Francisco, where I spent ten years in three different positions working in the police department, working for the Department of Police Accountability, which is the analog to CPRA here. And then working in the District Attorney's Office, always on matters involving investigating police officer misconduct, shaping policy in San Francisco, and trying to use the skills I had learned about how the criminal justice system worked, and often didn't work, to try to move that system to a more just place.

Mr. Aldin: I think one of the things I can offer to you is deep expertise in how exactly officer misconduct cases are investigated, crafted. How they have to be structured by folks like CPRA and the commission in order to be successful as they move through then the appeals process. How policy can be shaped in a police department to accomplish some of the progressive policing goals that you and I share. And I'm really excited about the opportunity to be able to do that in Oakland because I think this city is not just committed to some of those progressive values that I share, but also is right now on the cusp of a lot of really cutting edge, far-reaching work, and I'm particularly impressed by things like the Probation and Parole [Search] Policy that all of you have worked on over the last few months.

Mr. Aldin: I've had opportunity to get to know the community here a bit. I've reached out to some people in Oakland City government, I've reached out to some people in the community. I want to particularly thank many of the people who are here in the room tonight who have been willing to chat with me after some of the meetings here at the commission that I have attended, and sort of get me up to speed about what's going on. And I look forward to getting to know the Oakland community more in the future should you pick me for this position. I am grateful to have been welcomed. I know that I am new here and I have a lot to learn, and I am eager and excited about learning more about Oakland and hopefully helping in this process that you're going through now of creating a more robust disciplinary system. Thank you. Any questions?

Regina Jackson: Commissioners, any questions? Okay, are there any questions-

Mr. Aldin: Okay. Thank you.

Regina Jackson: Hold on. Are there any questions maybe from the community? Maybe we can take a few. [inaudible]

Mr. Aldin: I'm sorry. [inaudible]

Mr. Aldin: My purpose? Well this stage in my career, what I'm really looking for is an opportunity to keep reforming the criminal justice system specifically by working on police officer misconduct, and police officer policy. So for example, one of the things I really was grateful to have had a chance to work on in the past was San Francisco's revision to their Use of Force Policy. I was one of many people on that. But moving towards creating time and distance in policing, instead of rushing and using force immediately is really important to me, so that's an example of how it's important to me to see policing in general in this country, but particularly here in Oakland and in the Bay Area, be an example of how policing can be constitutional, progressive, supportive of the community. To have a guardian mentality instead of a warrior mentality. So that's what motivates me to do this kind of work. [inaudible]

Ginale Harris: Can you come to the podium please?

Regina Jackson: Yeah, that would help everyone. Okay. And as soon as he asks his question then Commissioner Ahmad.

Jack Bryce: Yes. My name is Jack Bryce and I was a community activist, I was involved in a lot of things. I sit here and I'm confused because I'm cool with people in the audience, but I'm also cool with law enforcement. But one thing that bothers me is we keep using the word community, community, community. So when we say let's work on the community, what community are we talking about? Because, the community that I see that is impacted is not here.

Ginale Harris: Correct.

Jack Bryce: And so how can you build and say we're going to work with the community but we're not talking about the community that's impacted or that looks like the people that are being harassed, or whatever's being done by law enforcement. I'll give you example. The reason I stepped back, people say, "never call the police, stay away from the police". Well last year, about this time, my girlfriend was murdered in Richmond, California. She was stabbed 30 times and set on fire, and she was screaming for help, and she ran out her apartment, and the person dragged her back in, and continued to stab her as she was screaming for help. No one called the police. No one did anything. But then yet we have people say, "never call the police". I mean I get confused.

Jack Bryce: But I don't know, I'll just stop there cause it's triggering, but when we talk about community, let's not talk about... to some people it's a fantasy, to us it's a reality. So when we talk about community, let's start having the people that look like the community or like the Brookfields the Sobrante Parks the Villages. When we start hearing from the big aunts, the uncles, the aunts, the big brothers, then that's the community we're talking about. That's all I have to say.

Ginale Harris: Can I respond to his comment?

Regina Jackson: Sure, and then Commissioner Ahmad.

Ginale Harris: I'm just respond to his comment, Commissioner Ahmad.

Mubarak Ahmad: Yes it's alright.

Ginale Harris: Thank you. I appreciate that. And I too am with you. I believe when I say community, that's the community I'm talking about. However, we have to put responsibly where it lies. I understand that when people say police, they don't want to come. When you come in City Hall, they don't want to come. My people, my own people-

Jack Bryce: Right.

Ginale Harris: They don't want to come in here. They don't want to come to this kind of setting. It's not comfortable for them. They feel like they're being overseen by police officers. I too come from a community that says, "don't call the police".

Jack Bryce: Right.

Ginale Harris: Right? Which is why I applied to be a Police Commissioner.

Jack Bryce: Right.

Ginale Harris: Because change starts within.

Jack Bryce: Right.

Ginale Harris: And I will always speak my truth and I will always say my community because I am the voice.

Jack Bryce: Right.

Ginale Harris: I feel like I have that right to say, "I am the voice and I will not allow people to speak about my people"-

Jack Bryce: Right.

Ginale Harris: "But not for my people".

Jack Bryce: Right. Right.

Ginale Harris: So I get it. And I thank you for coming today, just to say that.

Jack Bryce: Right.

Ginale Harris: Because sometimes I feel like people are not listening.

Jack Bryce: Right. But to be honest I'm an activist but I had to pull back, cause sometimes my sons and the people I said I was speaking for weren't comfortable coming into a room with activists that they didn't know either. And I get it a lot when people say, "well they're not speaking for me".

Ginale Harris: Yeah.

Jack Bryce: You see, but I admire you for, if you want to make the change, then become the change.

Ginale Harris: Right.

Jack Bryce: But it's a struggle and we're all here just trying to figure it out. But to me it's like a dialog, but I know it's in my heart. I can't look at [Loron] and then, [Nino 02:09:34], and I'm cool with both sides, so I had to pull back because it was draining me to be an activist when I'm cool with [Loron 02:09:42], and [inaudible 02:09:43], but I'm also cool with the people in the community, and then when people jam you up, they don't know, you are the community, because all the young men and women that you have done so much for, you are the community, too. That's all I want to say.

Jack Bryce: It's kind of horrible when people say, "oh, I represent the community", but you don't look like the community. So I don't know. I just want to say that, just share that with you so when you do this work, make sure you deal with the impacted community. Get the mothers. Get the young mothers, the fathers from Brookfield, Sobrante Park, and all over Oakland. Thank you.

Ginale Harris: That's why-

Regina Jackson: Thank you.

Ginale Harris: We invited you here today. So you could ask any question you want to ask that is relevant to the Sobrante Parks, to the East Oakland, Deep East, 86th, 85th, 98th-

Regina Jackson: Right. All of that. Commissioner Ahmad, I know you had a question, I'm sorry.

Mubarak Ahmad: Yes. My question was for Mr. [Aldin 02:10:36]. You mentioned that you worked in San Francisco on the police, Community Policing Board, I believe is what you-

Mr. Aldin: I was part of the Department of Police Accountability, which is the successor to the old Office of Citizen Complaints.

Mubarak Ahmad: Okay. And so I wanted to ask you were you on that commission when Mario Woods was shot?

Mr. Aldin: No, I was not.

Mubarak Ahmad: Okay.

Mr. Aldin: I have never been a member of that Commission. So at the time that that shooting occurred, I was working in the Internal Affairs Division within, I think, just a few days of that occurring, actually, I moved over to the Department of Police Accountability.

Mubarak Ahmad: Okay, thank you.

Mr. Aldin: Sure.

Mr. Aldin: May I follow on, Commissioner, to something you were saying?

Regina Jackson: Yes.

Ginale Harris: Absolutely.

Mr. Aldin: I do really get that part of the work of being anyone at CPRA, but particularly the Executive Director, is compassionate listening. And I think that if you were to select me, if the city were to select me, part of my job in particular would be to get out to everybody who's here, and all of the folks who come and speak here, and all the folks who don't come and speak here, and go to where they are, meet them where they are, understand what their needs are from CPRA, and while we're an institution that is primarily

PART 4 OF 9 ENDS [02:12:04]

John Alden: From CPRA. And while we're an institution that is primarily designed to take in complaints and process them, I think there's still a lot of work that we might be able to do if we're going out to the community and talking to them about what is and is not going well and how that might inform the policy advice that we can then pass on here to the commission. So I definitely would not be the kind of Executive Director that's waiting at the office for people to come to me. I can guarantee you that.

Regina Jackson: Thank you very much.

Ginale Harris: May I Introduce...?

Regina Jackson: Mm-hmm (affirmative)-

Ginale Harris: So now I'd like to introduce Mr. Sokhom Mao. How are you doing today, Sir?

Sokhom Mao: I'm sorry.

Ginale Harris: How are you doing today?

Sokhom Mao: Oh, I'm doing very well, Thank you.

Ginale Harris: Very good.

Sokhom Mao: It's... Impatiently waiting for my time so I thank the chair. Thank the personnel committee. Last evening I had the opportunity to meet Commissioner Anderson, Commissioner Harris and Commissioner Jackson. And I thank the personnel committee chair, Chair Harris, for her hard work in the efforts of coming to this point and I appreciate the entire commission. It is my high honor and privilege to be here before you today. And I appreciate the opportunity to advance me to the next level.

Sokhom Mao: I'm an Oakland native, born and raised right here in this city. In fact I was born several blocks from here at Samuel Merritt Hospital now, called Alta Bates Hospital. When I was nine years old, my mother passed away and I was placed, five of my siblings and myself were placed in the foster care system. I lived in Oakland Public housing projects here, and my family survived on government assistance.

Sokhom Mao: I went to Oakland public schools: Washington Elementary in North Oakland, Roosevelt Middle School in East Oakland and Oakland High School. Proud Wildcats. All of my siblings graduated from Oakland High. My uncle, a baker, worked for an Oakland institution for over 35 years. Colonial Donuts on Lakeshore. My grandparents were members of Oakland churches. I have never left my city. Never even thought about moving anywhere else because I am committed to solving Oakland's toughest problem around police accountability.

Sokhom Mao: That is why I became a chief executive of a social services agency, serving the most underserved and marginalized population in our city with over 15,000 clients served each year and budget of over \$ 9.5 million, providing supervision to over 70 staff. The people of Oakland are the most valuable assets that we have to honor and to cherish. The diversity of our city and the talents we desperately need, is a priority. It's critical.

Sokhom Mao: Prior to my time as agency executive, I was the chairman of the citizen police review board and as chairman I oversaw a wide-range of functions: the initiation implementation of police policies and procedures, conducting independent investigation of misconduct allegation ensuring internal investigation are conducted appropriately and thoroughly, recommending for mediation on police conduct, issued disciplinary action to the city administrator and saw the need to have intake support staff assist the complaint process.

Sokhom Mao: With that visible need I helped increase the capacity from four to fourteen full-time staff. Successfully advocated to the city council for the need to increase the annual operating budget from \$ 600 thousand to now a budget of over \$ 2.5 million. I understand the challenges the community are faced with each and every day, and the complexities of the relationship with the police department and the misconception of policing.

Sokhom Mao: I'm a member of my neighborhood crime prevention council, NCPC 14y and 16x, Lakeshore. The city officials have been vowing for almost, nearly two decades to implement a federal mandated reform designed to fix the troubled police department and as your executive director my plan is to work with this oversight body to fully bring the department into compliance. Of course, working with other city entities including, the police department and the federal monitor.

Sokhom Mao: Some of the main responsibilities of the commission is imperative, like the three member disciplinary panel committee, which has oversight of misconduct of on-

duty incidents including, officer-involved shootings or complaints of excessive force. The citizen police review board will be strongly considered that the board was established in the 1980s to investigate complaints against police but it had far lesser authority.

Sokhom Mao: Now that we have an Oakland Police Commission, the authority has expanded. My current role as the chief development officer of a social services agency is responsible for designing... I design, develop and implemented the agency's strategic plan. Charged a course for reaching my goals, examined the size and support staff and created a blueprint for success. A blueprint that is designed to help implement the strategic plan.

Sokhom Mao: Design and develop... involved the support of the commission and actionable steps towards achieving those goals and those realistic goals. I helped implement assigned tasks, due dates, deadlines, complex tasks, if there is a complex task that would be divided into smaller action items. Scheduled performance review metrics for success with my staff investigators. Hiring, managing and retaining staff. My leadership style has always been management and retention and coaching, which is well-defined in the rules and responsibilities of each staff.

Sokhom Mao: Regular management check-in. I always make sure that my staff... my direct super... my direct reports have 45 minutes of my time, each and every week. I design work plans that meet those goals and also I understand that there's meshing of styles so, your style might be different Commissioner Brown than Commissioner Anderson.

Sokhom Mao: So creating an environment that accommodates everybody's different working style is very important to me as the executive director. Also, as the executive director, I will institute measures that will help employees feel secure, valuable and able to grow. Some methods include express appreciation, recognize the work and accomplishments. Help individuals grow, like I said, to know my staff career opportunities and aspirations, help them achieve their goals when appropriate.

Sokhom Mao: Challenge my staff, help challenge my staff develop new skills and take on new responsibilities when appropriate. Work closely with the commission around priorities and tasks and advancing the mission of the Oakland Police Commission. And obviously, fiscal management which is critical. Budgetary control, reviewing the balance sheet, making sure that we have the proper support in order to run a successful agency.

Sokhom Mao: And then the most critical part, and I think that's been missing in the conversation today and previous conversation, is that increasing visibility. If the citizenry of Oakland do not know that the Oakland Police Commission is the oversight body and the agency is the primary agency that provides... that intake

complaints and investigate complaints on police officer misconduct. Then are we really performing our duties? That is the question.

Sokhom Mao: And so we need to be proactive, to go out there to and increase the visibility to develop an engagement plan. I have developed an engagement plan for my agency and I look forward to developing an engagement plan with the support of the community members. And also understanding the community based organizations in the city such as, The Unity Council, The East Oakland Youth Development Center, [Lyle Family 02:20:19], Eastbay Asian Youth Center, The Black Organizing Project and etc. I can go on.

Sokhom Mao: But these are community-based organizations that knows my work product and recognize and value my work product in engagement and so I will bring leadership abilities, but not only leadership abilities but I will get to work on day 1 on accomplishing all of the tasks that I have listed. But also always balance in my approach. I'm always impartial when I review cases and when my investigators are reviewing cases. I gave an example yesterday, Commissioner Anderson as you might recall. I'll look at the intake process and finding out what are the... how are the investigators interviewing the complainants.

Sokhom Mao: There's within a 24-hour period because if a complainant brings forth a complaint and we wait past the 24-hour period, they might second-guess the story of what happened and what occurred during the misconduct. So those are the systems that I would put in place and I will be more than happy to take any questions from the Commission at this time. And I just want, again, to Thank you so much Chair Jackson.

Regina Jackson: Thank you very much. Commissioners are there any questions? Like Commissioner Harris said, we grilled them pretty well so we'll be quiet. Are there any questions from the community then? Bruce?

Bruce: Specific to this person or in general?

Regina Jackson: I'm sorry?

Bruce: Specific?

Regina Jackson: Specifically for him. If you missed an opportunity to ask a question Mr. Alden, maybe you can do that after.

Ginale Harris: Okay.

Regina Jackson: Okay. Mr. Channon, then Mr. Fuentes, and I'm sorry...

Mr. Channon: Yes, I have a question for both candidates.

Ginale Harris: Mr. Mao, why don't you step up to this podium?

Mr. Channon: What? What?

Ginale Harris: No. Mr. Channon, I'm having Mr. Mao, step up to the podium so he can answer.

Mr. Channon: I have a questions for both candidates. I'd like you to tell us, step-by-step, how you would handle an officer-involved shooting and how you would deploy your staff to make sure there's a full and thorough investigation? And if you know anything about the Paulette case, to please tell us what you would do differently from what the CPRA did there. If you don't, I'd just like to hear your methodology. Thank you.

Regina Jackson: Thank you.

Sokhom Mao: Thank you, Mr. Channon, for that question. Right now, when there are police officer-involved shooting, there a specific investigators that goes to the scene of the matter. And so, what I'll do is make sure that we institute a policy, that the internal affairs or the detective that's arriving on scene within hours that the gather of evidence is sent over to the CPRA investigators, immediately. And that all the evidence are collected and are being reviewed by our investigators immediately.

Sokhom Mao: And they will find out, make sure that the command staff that's overseeing this police-involved shooting communicates thoroughly to our investigators. And so we'll make sure that that policy is in place. I don't know, currently, what's in place right now but there should be a transparent communication between the command staff who is overseeing the police officer-involved shooting to the agency.

Sokhom Mao: So there needs to be some strict polices. If there's not policies in place within the general orders or the policy currently, then there needs to be... develop a policy that communicates those evidence and issues so we can conduct out own independent investigation.

John Alden: I think that's a great question because I think there are no more important cases to investigate than officer-involved shooting cases. And I think it is important for an organization like CPRA to remember, it's not just that the case needs to be investigated but that it needs to be investigated in a way that gives the public confidence that it was investigated well and independently.

John Alden: And in my opinion, there are several things that should happen in an investigation like that. One, is that there should be someone from CPRA who goes to the scene of the shooting, immediately, right after the shooting happens. Not just rely on recounting from the police department but should actually be there in person. That is sometimes difficult to accomplish but I think it's worth doing.

John Alden: In addition to that, in my opinion, there should be rapid, immediate transmission of information from the police department to CPRA about what the police department has gathered about that shoot. It's my understanding, from the presentations I've heard here at the commission, that there was some portion of information, my impression is that it was a substantial portion of that information, that wasn't provided to CPRA until many months after the officer-involved shooting occurred.

John Alden: To my mind, that is clearly not best practice. Anything that the police department generates should go to CPRA immediately. In addition to that, I think that CPRA investigators should have the opportunity to observe all the interviews that are done by officers as they are happening, contemporaneously. I think there are good legal reasons why they should be in a separate room, we'll be watching that through closed-circuit television which we could get into another time if you want to talk some more after.

John Alden: But that should be happening immediately also. And interviews at CPRA with those officers, at least the initial interview, should be happening very close in time to the shooting itself. Days not months. Now there may be additional follow-up interviews that would have to be done in addition to those interviews some months later. But there should be initial interviews done by CPRA within days, not months of the shooting occurring.

John Alden: That's another reason why everything that the police department has needs to go to CPRA immediately so that those interviews can be done while it's fresh. CPRA should also have opportunity to do at least some field work, that is to say, going out to where the shooting occurred and trying to meet people that may have seen, heard or learned something about the shooting.

John Alden: It's been my experience that in almost every community, there are people who will be comfortable talking to a civilian investigator from a group like CPRA especially, once they learn what the role of CPRA is. They know that these folks are not the police and they are there to double-check the police's work. They would be comfortable talking to CPRA but wouldn't be comfortable talking with the police department and getting statements from those individuals is important too.

John Alden: Finally, I think, an important part of assessing cases like those is looking, not just at the moment that the officer pulled the trigger, but looking holistically at the entire series of events. You know, what happened 30 minutes before, an hour before, two hours before. How was the stage set by all of those who were involved? How did we get to the point where the officer pulled the trigger? I think too often in many police agencies we only look at that moment where the officer shoots.

John Alden: I think it's really important to look at all the supervisors at the scene, look at the conduct of the officer before the shooting actually occurred. To see whether

they complied with policy all the way through the interaction and whether maximum opportunity to create time and distance is really taken advantage of. And if not, why not? And could that have been done better? There should be an analysis of each of the individual officers involved, not just the shooting officer, as to whether they violated policy but also as to whether their tactics could've been better even if they complied with policy if there is something specific that could've been more effective.

John Alden: We should be learning from that. And we shouldn't be afraid to look at that. And I think there also should be robust communication between CPRA and the police department after that investigative process is done about what they conclusion should be and whether they agree or don't agree. And so that those agreements and disagreements can come here to the commission for the commission to evaluate, in a timely fashion, long before the 3304 has passed.

John Alden: To the maximum [inaudible] available. I know that, here at the commission there is still some discussion about what, exactly, the discipling committee process is going to look like so how that conversation would occur, I think is still a work in progress, but I that's a very important component. That all of those parties need to have to have a conversation with each other about where we're going to go with the findings and the case. And that should be done in such a time that if it leads to more investigation we can circle back and do it again. It shouldn't be 11 months and 2 weeks after the shooting.

Sokhom Mao: Can I add something? The investigation... our investigators. I don't know if they're privy to investigating the case of a police officer-involved shooting as it. From my experience on the police board, the investigator received information from the internal affairs and from the command staff and from the detectives who actually are investigating police officer-involved shootings. And so we'll have to look at what type of specific training that investigators currently have and to see if we need to add additional training for them to go out to conduct that investigation.

Sokhom Mao: Because it's very different investigating a officer-involved shooting versus misconduct cases are two different tracks. And I want to make sure that my investigators are fully equipped with the resources and with the proper training that they come with a thorough conclusion on that police officer-involved shooting. So it's very critical for me, as an executive director, to make sure and to ascertain the information that are coming before me when, where conducting a very serious case when it's a police officer-involved shooting.

Regina Jackson: Thank you very much. I think is... No, you're taking back? Okay. Bruce, you have a question? Come up to the podium and then they, I don't think they're going anywhere. Thank you.

Bruce: This is, I don't know either of these gentlemen, and I'm just hearing what they have to say tonight. But one thing, the first... I'm sorry I'm terrible with names.

Regina Jackson: Mr. Alden

Ginale Harris: Mr. Alden

Bruce: What the first gentlemen mentioned, that perked my ears up, because it's something very concrete, was he said you worked on the use of force policy in San Francisco. When I went up to Sacramento to support AB-392, was it this summer? Whatever. Use of Force. Dr. Shirley Webber, who is really one of our finest legislators, was testifying on behalf of her bill, which passed, finally, Use of Force Bill. She referenced two general orders that she knew of that met the kind of standards that she was trying to achieve. One was Seattle, one was San Francisco.

Bruce: So that's just something concrete that I think is a good piece of information to have about something he's accomplished apparently.

Regina Jackson: Thank you very much. Are there any other questions for our candidates? All right, hearing none. I would like to ask the Commission to consider moving forward, both candidates. We, unfortunately, don't get to make the final decision, another issue that could be fixed in the Charter language. But we, I think it was the vote of the personnel committee to recommend that the two candidates come before the full commission.

Regina Jackson: We thought that they should both go forward to the city administrator and so it is the pleasure of the commission to either confirm or decline that. Commissioner Dorado.

Jose Dorado: I would move that we move both of the candidates, Mr. Mao and Mr. Alden, to the city administrator for consideration and a decision.

Regina Jackson: Excellent.

Thomas Smith: I second that.

Regina Jackson: Okay. That's properly motioned and seconded. And we've taken public comment so can we take a vote? Commissioner Ahmad?

Mubarak Ahmad: Aye.

Regina Jackson: Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: Aye, for myself. Commissioner Smith?

Thomas Smith: Aye.

Regina Jackson: And that is unanimously approved. Can we all clap it up for the whole group.

Ginale Harris: Chair, I would like to point out our original deadline was July the 11th, we actually met this goal a meeting early.

Regina Jackson: How about that? Now, the only challenge... yeah, Commissioner Smith?

Thomas Smith: Really, I just want to say thank you to the personnel committee, I mean, Wow. That was very impressive and really appreciate all the work that you guys did and you really came through for us and thank you.

Regina Jackson: Thank you, again we share that with former Commissioner Benson. But the Lion's share was the two, Benson and Vice-Chair Harris. Very, very proud of this process. Hope we never have to do it again. Having said that, getting to an early meeting, what we did learn was that city administrator Landreth is either, now on vacation or leaving as of Monday. So unfortunately, she will not be able to meet with both of the candidates for almost two weeks.

Regina Jackson: Therefore, July 16th, we hope to learn who she is recommending gets put forward. And I'm not certain, I don't think we asked the question of either candidates, how quickly they could report to work. Do we... did they say within two weeks or was it a month?

Ginale Harris: Mr. Alden said by the end of the month and Mr. Mao said right away. Correct Mr. Mao?

Regina Jackson: Okay, so given background checks and everything else hopefully, we will be able to welcome our new full-time executive director early August. Woo-hoo.

Ginale Harris: All right. Next Item.

Regina Jackson: We work so hard for some of these wins. Okay. So we are at item 10: OPD budget update. I didn't see Chief Kirkpatrick but we have Deputy Chief Armstrong. Thank you very much.

Leronne Armstro: Thank You. Good Evening. Deputy Chief Armstrong, the Oakland Police Department. We were asked to come back by Ms. Love for some follow-up regarding the OPD budget. I know that you received a presentation from [Nell Wallen 02:36:10] in the budget office in May so, we won't have to go through

that. There was a specific question that you wanted answered regarding OPD's five hiring priorities and how that process works.

Leronne Armstro: So we brought our personnel manager here today to explain to you what our five priorities are, how she comes up with those priorities and, how we work directly with human resources to determine what is the OPD's priorities for hiring and, how we fill our vacancies at the department.

Regina Jackson: Thank you.

Kiona Suttle: Good Evening Commissioners. Kiona Suttle, personnel manager for the Oakland Police Department. So our hiring priorities are based on the overall impact of the vacant position on departmental operations. So you could conceivably have a priority that is within the top five that may have one or two vacancies and a lower priority that has more vacancies and it's because of the critical position and how it effects our overall operations.

Kiona Suttle: So right now, there are currently 25 professional staff classifications within OPD that have vacancies. Of those 25 classifications, 12 have an existing eligible list and are in various stages of the interview or background process. The remaining 13 classifications are in various stages of the recruitment process. In total there are 43 professional staff vacancies department-wide and I'm going to go over our top 5 hiring priorities.

Kiona Suttle: Number one is the Criminalist two classification which has four vacancies. Our second hiring priority is the latent fingerprint examiner two which has one vacancy. The third priority is the police performance auditor which has one vacancy. Fourth priority intake technician which has one vacancy and the fifth priority is the administrative analyst two classification with one vacancy.

Kiona Suttle: So the department works closely with HRM to fill all existing vacancies however, based on HR and staffing and the number of vacant positions city-wide, HRM will only actively recruit five OPD classifications at any given time. Now some of the requirements are governed by the various MOU's, like the sworn promotions. And so when a sworn promotion comes up it does take precedent over some of our priorities so it's moved to the top.

Kiona Suttle: So, again, right now the Criminalist two is the number one hiring priority but HRM is in the beginning phase of working on promotions for the Lieutenant of police classification. So once they actively start working on that, that will become our number one priority and again, it's because the deadlines for promotions are driven by the MOU.

Ginale Harris: Can I ask her a question?

Regina Jackson: Can we get one question in?

Kiona Suttle: Yes.

Ginale Harris: What is the timeline for the promotional hiring?

Kiona Suttle: The timeline, it typically takes about three or four months to complete the process.

Ginale Harris: For one promotion or for all promotions?

Kiona Suttle: So it's done by rank. So again, right now, HRM is in the beginning phases of working on the Lieutenant of Police promotional process. So there's a lot that goes into the process. OPD and HRM, they work with an outside consultant who comes in. That consultant will meet with subject matter experts within the department to help develop the written and the oral test. So it's a lengthy process but again, the timelines are outlined in the MOU which is why it takes top priority.

Ginale Harris: So every time we do a promotional hiring we change the way the questions or the test... we change them?

Kiona Suttle: Yes. They vary and it depends on the consultant chosen by HRM to run the promotional process.

Ginale Harris: Okay. Thank you.

Leronne Armstro: And then just to add to that, I think to add to your question, every time we go through a promotional testing process, there is a test development process that starts off. So you wouldn't have the same questions on each test we develop, we put a team together of departmental staff, subject matter experts and all areas. They come together and then they work with the consultant on the development of a test. Once that eligibility list is produced that list is for one year. It lasts for one year and then expires then we have to, again, test again and go through the process again to develop a new promotional list for that specific rank.

Ginale Harris: Okay. Thank you.

Regina Jackson: Please continue.

Kiona Suttle: I can answer any questions you have regarding our top five hiring priorities or if you have questions about other classifications that are not within our top five hiring priorities, I can answer questions that you have about those as well.

Regina Jackson: Mr. Ahmad, has a question and then Commissioner Anderson.

Mubarak Ahmad: Yes, good evening. I wanted to ask you, what is the standard policy on hiring an entry level officer? Is any BA degree or background education required?

Kiona Suttle: So right now, I believe the minimum education requirement is a high-school diploma. However, there is incentive pay if you have a degree.

Ginale Harris: Oh, wow.

Mubarak Ahmad: High-school diploma or a GED?

Kiona Suttle: Yes, high-school diploma or a GED.

Ginale Harris: Yeah, that's good.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Can you clarify, for me, about only five requirements at a time and why it's limited in that way?

Kiona Suttle: So HRM, Human Resources Management Agency, is the lead hiring agency for the city of Oakland and they work with each respective city department within the city of Oakland. And so because HRM is the lead agency, OPD cannot recruit on it's own for our professional staff vacancies we have to work with Human Resources Management.

Kiona Suttle: And because of their staffing level and because they are responsible for recruitment for all city-wide classifications for every agency, the number five for the hiring priorities was established by them.

Ginale Harris: Mm-hmm (affirmative)-

Tara Anderson: Are you... can you direct me to where that might be codified or is that an administrative decision?

Kiona Suttle: That's an administrative decision made by HRM and again, it's based on their staffing level and the number of vacant positions city-wide.

Regina Jackson: And so they are severely understaffed themselves. Do you have the... this might be a fair question but answer it if you can. Do you have any sense from them when they are going to get fully staffed because then that would make all of hirings move a bit quicker?

Kiona Suttle: So I don't have a specific answer for you however, they are working on becoming fully staffed because until they're fully staffed, they can't provide full service to other agencies. So getting HRM fully staffed is the number one priority but in the meantime they work with each respective agency within a city and each agency has five priorities that HRM will work on at any given time.

Regina Jackson: Thank you. Commissioner Ahmad?

Mubarak Ahmad: [inaudible]

Ginale Harris: Do you have a question?

Regina Jackson: My apologies, Commissioner Brown.

Chris Brown: Thank you. What's the total number of criminalist two positions that we would have if we were fully staffed?

Kiona Suttle: So for criminalist two we actually have four vacancies and the total authorized number is five... I'm sorry, 11.

Chris Brown: Much better.

Kiona Suttle: Yes.

Chris Brown: Thank you.

Mubarak Ahmad: And my question was, you said you had one for finger print analyst, what are the requirements for that as far as education? Would that be just an entry-level training job?

Kiona Suttle: So it's actually a latent fingerprint examiner two-

PART 5 OF 9 ENDS [02:45:04]

Speaker 18: Training job.

Speaker 17: So it's actually a latent fingerprint examiner two. I don't have the specific qualifications for you right now.

Speaker 18: Yeah. [inaudible]

Speaker 16: Commissioner Ahmad and then Harris. Oh, okay. Sorry, Commissioner Harris.

Ginale Harris: So I remember sometime ago, police communication dispatcher was a lot, it was understaffed tremendously. So has that changed? Did you hire? Is there a list?

Speaker 17: So we have hired a significant number of dispatchers. So right now the department is authorized 63 dispatchers and the city administrator approved us to over hire by 10, so we are currently in the over hire for the dispatchers right now.

Ginale Harris: So you hired 40?

Speaker 17: We hired a lot. I don't have the exact number, but again, we're authorized for 63, and then we were authorized to overhire by 10, and so right now we actually have 66 dispatchers who are working.

Ginale Harris: Oh good. Wow.

Ginale Harris: That's almost the same amount as the police department.

Speaker 17: Yes, some are in training and the training is very extensive. I believe the training is about about 40 weeks or 40 plus weeks. And so even though they're hired, they do have to go through that extensive training process.

Ginale Harris: Okay.

Speaker 17: And the budget actually increased our authorized staffing for dispatchers by one.

Ginale Harris: Oh, that's good.

Speaker 16: Excellent.

Ginale Harris: Okay. Thank you.

Speaker 16: Please continue.

Speaker 17: Do you guys have any more questions for me?

Ginale Harris: Not yet. Keep keep going. We'll think some up. Oh, Mr. Channon has a question.

Mr. Channon: I just want to follow up on something Commissioner Anderson brought up. This rule of five by this human relations organization is a gigantic bottleneck. In all my years around here, I've seen, like OIG just lost one of their best researchers, and because of this rule of five, they can't hire a replacement because there's such a low priority cause there's so many other OPD personnel that need to be hired. And this rule of five needs to be seriously looked at and probably replaced in my view. If they can't do an efficient job, then I think the OPD itself should have the hiring power or something. I don't know all the details, but I know something wrong when I see it and this is wrong. Thank you.

Speaker 16: Thank you.

Ginale Harris: Yes we should.

Speaker 16: Is that the end of your report?

Speaker 17: Yeah, those are the top five priorities, but again, there are actually 13 classifications for which we have vacancies, so. Okay.

Speaker 16: Do you have some approximations? I mean I realize that you are held hemmed up by the HR, but are there some goals like by the end of the year, you know.

Speaker 17: It's really hard to say because our priorities can change as vacancies become open within the police department. So for example, Mr. Channon had talked about a position in the office of Inspector General. That position has actually been vacant for some time, but because of its impact on department operations, it has been moved up to number three for our hiring priorities. So that's the police performance auditor. But again, these are our five top priorities as of today. But if a critical vacancy opens up, then we'll have to, we may have to adjust our priorities again based on department operational needs.

Ginale Harris: Perhaps another unfair question if you don't know it, that's great. How long ago was the rule of five put in place?

Speaker 17: This rule of five was implemented. It's been over a year now. I don't have the exact date-

Ginale Harris: So it's relatively new?

Speaker 17: Yes ma'am.

Ginale Harris: All right. And that is something that the city administrator would have been responsible for putting in place-

Speaker 17: This is something that the the HRM put in place the, yeah, the director of HRM.

Ginale Harris: Yeah, but okay. But they report to her. Okay. Commissioner Dorado.

Jose Dorado: What was the rule prior to the rule of five?

Speaker 16: Oh, I'm sorry. Sorry, go ahead.

Speaker 17: I just wanted to add that the city administrator has authorized additional staffing for HRM because she does recognize some of the issues that it presents to only have five hiring priorities at any given time. However, until HRM is fully staffed, they can't provide a full range of services to other city agencies. So we are all working together to try to fill all of the vacancies within the city of Oakland. So ...

Speaker 17: Understood. Thank you. Yes sir.

Jose Dorado: What was the number prior to the rule of five?

Speaker 17: There was not a specific number that they gave us to work on prior to the rule of five. But you have to understand within the last couple of years there have been a lot, there's been a lot of turnover at HRM. So in order for them to be

able to do their job and do their job responsibly and efficiently, I think they had to come up with a number because like I said, we have 13 classifications right now that are in various stages of the recruitment process. But we have 25 classifications that have vacancies within the department. So ...

Speaker 16: Are there any other questions?

Speaker 17: And just to clarify, the 12 classifications that have vacancies but they have an actual eligible list. We're interviewing people. There are some people in the background process. Those positions are still vacant, but we anticipate filling those positions, you know, hopefully within the next few months depending on how interviews go and then how long the actual background takes. And so once an eligible list is established, then that particular classification comes off of the priority list for hiring. Because we do have an eligible list that we can work from to begin interviewing people and then if they pass the interview, placing them in the background process.

Speaker 16: Commissioner Dorado.

Jose Dorado: To Mr Channon's point, are there any other police departments that you're aware of that does its own hiring or some of its hiring, that would not have this bottleneck that we have here?

Speaker 17: I think most other city agencies also work with their human resources department to complete the hiring process. We did work with HRM to mostly take over the recruitment process for the Police Communications Dispatcher position, but for the most part, I think that other agencies work in a similar manner to the city of Oakland. They may not have as many vacancies as we have. I can't speak to that, but I think most of them do work in a similar manner to the city of Oakland. Not with the five priorities, but just the overall recruitment process.

Speaker 16: Any other questions? Okay. Hearing none, I'd like to thank you very much for coming tonight. Thank you. Very helpful.

Speaker 17: Okay.

Speaker 16: Let's see there are, you know what, don't go too far. We have a, we have a few speaker cards or maybe questions for you to answer. Oh, most people left. Okay. I'm going to call names anyway and we'll see. Celine Bay, Mary Vale and, and Riza. You don't want no. Okay. And Oscar Fuentes? Nope. Everybody's waving me off. Okay, sounds great. [inaudible] Nope. Nope. [inaudible] This is item 10.

Speaker 16: Nina Nino. Yep.

Nino Parker: I was eating a cookie.

Speaker 16: Sorry about that.

Nino Parker: Distracted.

Speaker 16: Look you gotta get your grip on wherever you can.

Nino Parker: [inaudible] I'm Nino Parker [inaudible] green team, black advocate hopefully be on the homeless commission one day. Yeah, I think there's been a lot of questions at city council and you know, just in general about the police budget. I feel as though, how can your city be expanding and growing like it is and taking money away from city workers? Mind you I have nothing against the police, we need them. But the budget is being pushed a little bit too much that way. How can you have your city expanding, losing city workers, and how can you have your city expanding logically and losing fire departments? How are you closing fire department ... your city's getting bigger and you're closing fire departments? Am I, is this some logic I'm not understanding, ma'am?

Nino Parker: So, you know, like I said, I don't have a problem with deputy chief Armstrong. I think that we, there's a lot of things they do here and they do well and there's other things that they don't do well. And that's with any department of every city department. But we've been talking a lot about how much budget's going to the police department. And to me it's like, I haven't seen anything getting more crazier out here except for homelessness. And there's more crime in that because that when you have the have and the have not so close together, you're gonna always have car window's broken. People stealing from stores, that's just the way that is.

Nino Parker: But I think it's important that, I don't know what your role is in the budget. Maybe you can be advisory to the mayor's office. I don't know, but there's a little bit too much money being shifted to the police department and I don't think that there's a massive crime wave in Oakland. I have, I mean there's a lot of things that are constantly going on. There was a, I heard there was a armor car robbed, that's crazy, you know, to hear that someone's going that far with automatic weapons. But at the same time we got to distribute this money equally into services for folks because the ... I hear a lot of the budget and you guys might wanna look this up, is going to the police department. Thank you.

Speaker 16: Thank you Mr. Parker. We weren't involved at all in the budget process this year. However we are learning and we are going to be creating some policies around any new expenditures and things like that. So I think we'll be in a much better situation to make contributions in the future.

Nino Parker: And you guys were very aware of that audit. Then I talked with the auditor and she, she'd done a great job. I was at city council when she bought a lot of stuff about it. Once again, a lot of money being spent that has been exposed being spent. Not that I'm not blaming it on him, I'm just saying that there's monies out

there that are going places that could be, you know, helping ... at least maybe buying some tents. I don't know. Thank you.

Speaker 16: Thank you.

Speaker 16: Those are all the cards for item 10 so we will move forward. The next item is the review of the CPRA pending cases and completed investigations. Interim Executive Director, [inaudible]

Speaker 19: Yes ma'am. Thank you. At the front of the pending cases list is a report that was requested by the vice chair to answer some questions. One was whether or not I've started any auditing of the agency and the response was, no I have not. To do an audit would require more time than I will be available in this position.

Speaker 19: The second item is how many cases does each investigator have and I list the investigators and the number of cases that they're having, which of them are told.

Speaker 19: The next item is what are the guidelines that the investigators currently follow for investigations and basically they are just the guidelines of experience. We do not have a manual, but it is one of the recommendations I'll be making to the new executive director, is to create a manual that identifies what specifically are the guidelines.

Speaker 19: Currently they do pretty much follow the guidelines that are followed by IED and just generally approved investigation approaches.

Speaker 19: Fifth and finally I wanted to bring to the attention of the commission something that is developing into being a recurring pattern. And that is officers pulling out their weapon and pointing it at the ground in what they call the low ready position. After I wrote this report, another case I had to review. In my opinion, it's becoming a serious problem. Currently it is not classified as a use of force, whereas to lift the weapon up and to point it directly is. But the feeling that I've seen from our complainants is they don't make the distinction. If you pull it out of its holster, you've scared them to death. And so it's one that I come into the commission for policy consideration.

Speaker 16: Thank you very much. Do we have any questions? I first looked, before commissioner Harris speaks, I was looking at many of the visual graphs that were included. I want to thank you very much. I am a visual learner and it's very important for me to be able to see the processes laid out so that I can reference them. So Commissioner Harris.

Ginale Harris: Thank you. [inaudible] for this information. I have a question and I believe I've asked you this question and you have given me the answer. However I'd like to ask it so the public can know it cause I've asked it before. So these are the

remaining, I guess, investigators that we have in the CPRA. I know Miss [Tom] was promoted to a senior investigator level.

Speaker 20: No ma'am. A complaint investigator three.

Ginale Harris: Complaint investigator three and they don't carry cases, correct?

Speaker 20: No, not as a supervisor. I would think in the rare exception if there were particularly complicated case and the supervision of the other investigators was not a clear and strong mandate that a case would be assigned to them. If I were the director I would, if I had a big case and I wanted experience on it. Heavy experience.

Ginale Harris: Right. Do you feel, I just for me I would think that although she is a supervising investigator because we are short staffed that she would take on some cases?

Speaker 20: And you would be very wrong. Her responsibilities over intake and investigations are just exhaustive. Which is one of the reasons I'll be recommending the creation of an additional complaint investigator three, so we can bifurcate the responsibility; one over intake, one over investigations.

Speaker 20: It's important to control intake. That's where we jam up and right now there is a 90 day goal to get out of intake. That goal, in my opinion, should be reduced back at the very most to 60 days. But it means the coordination of an expert. The folks who are intake technicians are not lawyers and they're not well versed in manual of rules. And if we could have somebody who was looking over their shoulder and identifying the cases that come in, which rule violation is this? I mean right now they're going through collecting of standard bits of evidence, which is a very important task, but being able to identify how important the case is and whether or not it constitute a violation of rules. If we could have that early on in the process, then we could have a better chance of meeting our ultimate 180 day goal of completing the investigation.

Ginale Harris: So can I ask you if you can make some suggestions and provide them to the commission, so we would, this is what I have been looking.

Speaker 20: Yes ma'am.

Ginale Harris: And these are the answers that I was ... because I couldn't understand it, none of us could. Like why these cases are taking so long or you know, because we're not in the office, we don't know what is happening. And you just have identified some issues that can help speed up the process because we don't work there.

Speaker 20: Well, very much like the Chair, I'm a visual person so I need to be able to see. I had told staff that hopefully before I leave that I was going to take pieces of typing paper and tape them to the wall and just ... so I can see it.

Ginale Harris: Right.

Speaker 20: If I can see it, I can understand it.

Ginale Harris: Right.

Speaker 20: If you tell it to me, it's not going to sink in. Which made law school really hard for me.

Ginale Harris: Right. I mean that would help us also in our budgetary process.

Speaker 20: Yes ma'am.

Ginale Harris: In knowing what we need and what we, you know, what we can use and how we can make this office most efficient.

Speaker 20: Yes ma'am. And speed things up. Where are the areas where it's bottlenecking and how can we address the bottlenecks so that it operates more efficiently?

Ginale Harris: Mm hmm. Is it possible we can get a copy and I think this is probably a question for DC Armstrong. If we can have a copy of the protocol that IAD uses for investigations. Can you provide us a copy with that?

DC Armstrong: Yes, we can. We can have [inaudible] the IAD Commander work with Mr [to] to provide them not only our investigative manual but our [inaudible] our policy regarding internal investigations and how they're classified as both, class one being the highest level and class two being the lower level of violations of policy.

Ginale Harris: That's why you the liaison. We like that. Thank you very much.

Speaker 16: Thank you. Mr [inaudible]

Speaker 20: Yes Ma'am.

Speaker 16: re there any questions? I mean, I know that we haven't had a report because we've been allowing Mr [inaudible] to get up to speed, but I feel like what we're getting was well worth the wait.

Thomas Smith: Yeah, sure.

Speaker 16: Commissioner Smith.

Thomas Smith: I wanted to thank you Interim Director, Mr Nesparrows. I want to thank you because I mean your description was so clear and it seemed to really point out exactly where the bottlenecks are and what we can do to change that. And I think at two levels; one, I think it'd be great if you can come back each meeting

with additional recommendations that help us think about how to spend the resources so that we can get better response. But in addition to that, before the new executive director comes in, it would be great if you can draft something that would give that person a running start as they start their first 90 days and they try to figure out what the biggest issues are. Because you've got the vantage of experience, expertise and you're in it right now. And so if we can capture that, I think as we transition the new person in too, it'll help them to prioritize.

Speaker 16: So to your point before Mr Nesparrows responds, I don't know that I've had the opportunity to share with the commission that Mr Nesparrows has been very, very generous with his time and he has committed to staying on several weeks after the new person starts to train.

Mr Nesparrows: Well what I hear you saying [crosstalk] Madame Chair said, I would volunteer to stay on an additional two weeks unless I was getting in the way.

Speaker 16: Two weeks. Okay.

Mr Nesparrows: If the new executive director thinks that I've lived up to my usefulness, I certainly don't want to be under foot. I would volunteer to that person personally to be available to them by phone or email or coffee or lunch. But-

Speaker 16: And what I'm hoping, and again very much appreciate, is that any one of us or no more than three of us could also take some of your time in that space to understand some of your exceptional learnings. Cause I know that oftentimes these reports can't near about capture, you know all the nuances and so whether you are working to support that person or perhaps being available to educate us in some other ways, that would be all very much appreciated.

Mr Nesparrows: It would be my pleasure. I made that offer whenever I had to resign and it stands.

Speaker 17: Terrific. Glad to hear it. Thank you. Are there any ... Commissioner Anderson.

Tara Anderson: I really appreciate your characterization of the trauma that one can experience just by the exposure to an incident, and how that relates to your other recommendations. I'm curious both in the context of reducing timeline for review, cause an expedited review can be quite beneficial for someone. It has me thinking about all of the different, that combined with this acknowledgement of the significant trauma, one could have experienced regardless of whether or not you can find a specific rule was violated. That person is still experiencing that harm. And so I'm curious if you've seen any opportunities to expand CPRs potential role in connecting individuals to supportive services that are going to help them as they grapple with that trauma, regardless of whether or not a proceeding can or a case can proceed through the CPR investigative process. I'm trying to create, think through

opportunities to link individuals to the support they need. Regardless of a [inaudible] structure that isn't able to adequately pursue some sort of policy remedy in the moment.

Mr Nesparrows: I think that's an excellent suggestion. One. I wish I'd thought of myself and, and to be honest with you, I'm just learning the system. So something as sophisticated and necessary as that has not crossed my mind. I don't think I'll have the time to explore the agencies that are out there, but I'm going to put that on my list of recommendations for the new director. I think that's an excellent suggestion and probably something CPRA and CPRB should've been doing a long time ago.

Speaker 16: Sure. You know, I have a question and I'm not sure if DC Armstrong can respond.

DC Armstrong: Yes, I can.

Speaker 16: So this low ready position. If you saw it coming at you, wouldn't it be impressively scary?

DC Armstrong: Yeah, Chair I will say that, you know, Chief Kirkpatrick has already begin to work within the department. You will have come in before the commission probably in the next week or two, a new special order that the Chief is preparing to sign a that captures all use of force, including the low ready. So you'll see moving forward she has made the effort to make that a part of our use of force reporting. So in the future it won't be an issue regarding the failure to report those types of use of force.

Speaker 16: Thank you very much. Commissioner Harris.

Ginale Harris: I worked on that special order as well and the issue I think we were running into is the language. I saw unintentional, right, pooling of the weapon or pointing. But anytime you draw your weapon out of that holster, it's intentional. The intent is to kill you, period. Not to stop you, it's to kill you. That's how the training is. Right. So the training has to match the wording and the special order and I think that is the issue that I was having. So we agreed to disagree. However, we have a lot of work to do on that policy. So I'm in hopes that you will be joining us. Thank you.

Speaker 16: All right, well glad to get that update and we'll be looking forward to it.

DC Armstrong: Yes ma'am.

Speaker 16: Are there any other questions on Mr Nesparrows' report?

Speaker 16: Well done. Well done. Okay. So we are going to move forward.

Speaker 16: Wait a minute. Yes. Nope ... we have public comment. Okay. Sorry. And [Rashid] is leading the way. Okay. And I only have yours as a comment for this item. Thank you.

Rashid: Yeah, so I was looking at the second page of the attachment and it says that the current [Sipra] investigator process is consistent with standard investigator processes and with IADs processes which were approved by the NSA last summer. So you just asked DC Armstrong for that. But it appears that you already are following that. So I'm a little bit confused about it.

Ginale Harris: I can answer that.

Speaker 16: Commissioner Harris.

Ginale Harris: So in the first paragraph it says currently there are no written guidelines for an investigation. That's what I want to see. Now if we are following IAD, I don't know what they are. I want to know what they are. So that's why I was asking because I think that they get everything before we do, which is why they are more efficient than we are. And if we are following what they're following then it should be the same.

Rashid: Okay. Thank you. I also was looking at the the caseload and it doesn't appear to me to be out of whack with other agencies. It's pretty standard to have an investigator carrying 10 cases. I'm not sure what the issue is to tell you the honest truth. If you look at the other agencies like Berkeley and San Francisco, you'll find that in many cases they're carrying more than 10. DC Armstrong, just clarify, that this use of force issue has been before the judge. It was discovered as under reporting of the use of force and it was then apparent that the order wasn't clear to some of the officers, and they're working on fixing it.

Rashid: On the spreadsheet, I was pretty alarmed because almost all of these cases have blown seriously the 180 days. There are only one or two of them that are not, and one of them it looks like blue thirty three O- four, that is a page one of three on that spreadsheet. The one on top called excessive force. It looks like the statute ran in April. I don't remember it being reported out. I don't remember you're closing it and one would think that if it was sustained that it would carry discipline if it wasn't blown. And I would ask that you investigate what happened in that case unless it was told, but that is not mentioned here. So this is not a good report at all. This is seriously, seriously, out of line. Seriously underperforming. Good luck to whoever you hire dealing with this.

Speaker 16: Thank you.

Rashid: I hope this person is not going to look at this because they may turn down the job if they look at this. I don't know. Just kidding.

Speaker 16: Appreciate that. So Mr Nesparrows, can you report back to us on this item, the this case number one eight zero three four five okay, excellent. I did want to ...do.

Speaker 16: That [inaudible] blown the thirty three O- four?

Rashid: [crosstalk]

Speaker 16: Oh okay.

Speaker 16: I did want to also draw our attention to the recently completed investigations and there are a significant number of sustains, which I'm, you know, that is real different than what we have heard in the past.

Speaker 16: You don't think so?

Speaker 16: I mean we haven't had a report in a while so-

Ginale Harris: I am not surprised by this report. This report is the same report that we've been looking at since our first commission meeting, so I'm not surprised. And I am just recently now getting some answers in regards to the question that I have been repetitively asking. So I am not surprised and this is why I feel like something else needs to happen.

Speaker 16: So having taken public comment at it seems like there are no other comments or questions. So we can move forward to item number 12, OPD's policy on deployment of the BearCat and other militarized weapons.

Speaker 21: [inaudible] So we were asked to come back to take any questions from the commission regarding our BearCat policy. Tonight I have our Special Operations Division Commander, Captain Wingate here to answer any questions related to the BearCat that the commission might have.

Speaker 16: Thank you.

Speaker 16: Commissioner Anderson.

Tara Anderson: Hello. My first question is, if you could clarify for me, and this maybe either of the two of you, what is the source of funds that is being utilized for the procurement of the BearCat that is before us for a decision today.

Captain Wingate: Okay, so the source of funding is from a first line, first responder grant, state grant.

Tara Anderson: Is that the citizens options for public safety?

Captain Wingate: I'm not. I'm not sure.

Tara Anderson: Which is my understanding. The source fund.

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Regina Jackson: ... Which is my understanding the source funds for that are sales tax, which is a regressive tax that largely are low income and communities of color support. And the other portion of funds supporting that are the motor vehicle license fee. Are you familiar with the source funds?

Speaker 22: No. So, that would be manager Nell Taylor that does that.

Regina Jackson: Thank you. Why I bring these questions up, it's a bit concerning to me that a source within in name being the citizens option for public safety being utilized to purchase what I do see as a mill-

Speaker 23: Militarized.

Regina Jackson: Thank you. Militarized vehicle is especially concerning for me because I am not confident that our citizens of Oakland, and that term is problematic in of itself would support the procurement through that particular use of funds.

Speaker 22: Okay. So, my attendance here was to specifically give some clarity on exactly, [inaudible] start off with what a BearCat is, right. We call it militarized weapons. However, the military does have BearCats, but it's only for bases in the United States that operate with their own police force, like their NP's. So, they would have their own internal SWAT. So, they use it as a rescue vehicle, active shooter. It's not something that goes over to Afghanistan or Iraq. It's not a military grade. What you have is you have a Ford F550 truck chassis, and they take the same thing that like an armored car would have, except for the armored car has a separate driver's compartment, and then the rear is separated with two doors. The BearCat is just a one, it's all from the drivers, and there's no divider all the way through.

Speaker 22: It's about half an inch of armor. It will stop a handgun or a rifle round up to seven-six-two. It's got bulletproof glass, that is some points are one and a half to three inches thick. So, essentially the BearCat is a truck chassis. And they originally provided that as a rescue vehicle. I think the first time I ever saw one was watching the live feed from Columbine high school when they had the armored car come up, and putting kids in the back when they weren't sure where the active shooter was. So, that's kind of what the BearCat is. And that's how it made its way into modern law enforcement. It's not a military grade vehicle. Yes.

Regina Jackson: Okay. I just wanted to know, do we have a presentation that you're giving tonight? Like a written-

Speaker 22: No.

Regina Jackson: No. Overview?

Speaker 22: No. This was, as theChief said, letting you guys know that a bad draft policy is heading your way, and to kind of ask any questions that you have to truly understand the BearCat so you have a little bit of understanding when you actually do read it and see it and review it.

Regina Jackson: So I'm just reading analysis and OPD presentation on the use of a BearCat, so that's why I'm asking the question.

Speaker 22: I can give you a historical use on it. So, the BearCat was actually purchased with grant funds in 2007. We've used it since 2007. The current one that we have is aging to where it's in the shop at least half the time that it's actually there. It is something that we do use.

Regina Jackson: How often do you use it?

Speaker 22: In the upwards of about, I would say 150 times a year.

Regina Jackson: And what are the variety of reasons that you use it?

Speaker 22: So, the... I'll go back in the history of it. It was used exclusively by the SWAT team, when we knew we had an extremely high risk incident, with a barricaded person who was armed, and that went from, that's how it originated. So, it was only deployed by the tactical team. A couple of years ago, we realized that it's the, patrol sees a lot of very high risk moments, very dangerous moments initially when an incident occurs. So, they wanted, we wanted to have patrol have the ability to have the BearCat deployed under a very specific criteria without abusing it or using it, because it's not something that you patrol in. It only goes, it only leaves, it's actually housed at Eastmont. It only goes from Eastmont to whatever scene per a lieutenant, or hires order. Making sure it meets the criteria. So, it's not something that drives up and down international boulevard patrolling. It does not happen.

Speaker 22: So that is the reactive use to that would be for a high risk incident. ShotSpotter has multiple gunshots, officers arrive, man seen running in the yards of the rifle. They're probably going to ask for the BearCat because that is the only piece of armor that... I'm sorry. You guys want to wait for your time. I will explain that the BearCat is the only thing, it's the only vehicle that we have that can actually stop bullets like at Calico, the Calico [inaudible] had a shooting the other day, one bullet went through the door of a vehicle and actually killed a motorist. Like there's no other vehicle that we have that can actually afford the protection. So, if you have to sit there mid-block at a scene with an armed person, that's really the only thing you have to afford.

Regina Jackson: Thank you. Hold on just a second. Commissioner Smith please.

Thomas Smith: I hear the explanation of the BearCat. I actually think the more important question here is the one that commissioner Anderson raised, which is linked to funding. And because the thing that I'm thinking about is, okay, great. We hear the explanation of the BearCat. But the real question on the other side of this is, what happens if we don't use the funding on the BearCat? What are the other possible uses for that money? Because in order to make a decision around this type of thing, or whether the BearCat is something that funds should be expended on, you really have to know what are the other options, what are we sacrificing. And whether or not those options could be more helpful to the citizens of Oakland than a bulletproof BearCat running around to shielding people.

Speaker 22: Okay. I mean, so there's obviously it's first responder, it's a first responder. So, there could be, it'd be a very large list of things. There are other uses. I know Chief Armstrong has looked at other possibilities for it.

Thomas Smith: No, no. Not for the BearCat.

Speaker 22: No, no, no. I'm, that's what I'm talking about. [crosstalk] ways to spend that money. Right?

Thomas Smith: Right. Exactly.

Speaker 22: There's other things that it could be used for, but I don't think there's anything, there's nothing that even measures as close to the actual direct immediate safety of officers who are out in the field facing armed confrontation.

Thomas Smith: Well, I mean, that's your opinion, right? But you might show us the other uses, and we might feel something differently.

Speaker 22: I'm Just say it's directly, that is the only, that is the only thing that is between the like flesh of officers and bullets from people. I'm saying there's no other thing, I mean, we could go, we can do from motor cycles...

Thomas Smith: Bullet proof vests, other-

Speaker 22: ... We can do, not for a rifle round though.

Tara Anderson: I have a question as well. Actually I have several, but I'll just ask one for now. If, and I don't see myself ever voting for a BearCat, period. But is the goal in asking for a second BearCat because you are retiring the 2007 BearCat, or are you just making a collection?

Speaker 22: Yes ma'am. That vehicle is, it's not easy to maintain. It's in the shop more often than not.

Regina Jackson: Okay. Thank you. Commissioner Harris.

Ginale Harris: Thank you. I think it's not that for me, it's not the BearCat itself. It is the people who use it. We are far away from training deescalation tactics. I think we need to focus more on something like that, because we use the BearCat, and it got a really bad rap when Joshua Pawlik was killed. And so, I think that's where everybody had a visual of the way the BearCat was used, and the decision making that went behind it. And I don't think it's so much of the BearCat, I think it's the decision making that makes us very leery about getting another vehicle like that. Because it's like, what else? Are you going to come out, I mean, there was a man who was, I mean, coming from a citizen perspective, not from an officer perspective. He was laying on the floor in a sleeping bag, shallow breathing, and they brought a BearCat.

Ginale Harris: I know he had a gun. However, there's many guns in Oakland, and you've dealt with similar situations where people have pointed them at you. But I've actually seen on TV where they, a person walked into a school, shot up to school, and they walked him out. They walked him out, and they arrested him without a BearCat. So, I think, just giving you a perspective, just it's not the BearCat itself. It's just the decision making.

Speaker 22: I absolutely respect that. The funeral today for the Sacramento police officer, she sat there for 45 minutes until they could get an armored vehicle to come get her, because every time they went to grab her, because she was out in the open, the suspect just shot, effectively shot at the officers trying to rescue her. So, they sat there and watched her bleed out for 45 minutes until they could get a BearCat, because there's was broke, and they had to go to a neighborhood city to borrow one.

Speaker 22: So, it is critical. It is important. And I understand it's very, sometimes it's very hard to follow. Especially, and I don't know a lot about, I don't know anything about the investigation because it's a separate between our internal affairs, and personnel matters, so I don't know. But I do know that the policy that you guys will get is very strict. It's very stringent on when, where, who, and I think that's what we're looking at from this commission is to look at the policy and make sure it's a sound policy, and make sure that if there was something that went wrong in the past, that it does not happen again.

Regina Jackson: Commissioner Brown.

Chris Brown: Thank you for coming tonight. I have a couple of questions for you. When you listed the number of deployments, does that include staging without it being used?

Speaker 22: Yeah. So, I'd explained the reactive deployments for the BearCat. One of the things that we do as a matter of homeland security things would be for like Raider games. Anytime we, at the Colosseum, when we have a group of people that has 20,000 or more, like a Warriors game, Raiders game, or a bigger A's game, we stage it out there because in the past the attacks, when vehicles drive

into pedestrians, or active shooter incidents, there's really, it is a rescue vehicle. So, we could actually drive into an active shooting thing, or even another vehicle that was hurting people. We could actually drive right to it with no hesitation, and get to where the killing is happening. And that is really, it would be complacent to not have that vehicle with those capabilities actually at a public event with that many people, with that many pedestrians and citizens there.

Tara Anderson: So, after the Raiders leave next year, we won't need it then. Right?

Speaker 22: I can't comment on the Raiders ma'am.

Chris Brown: So, it seems like there's some language in here that's at odds, because you talk about the deterrent effect of having this, the BearCat, well, maybe it's not a [inaudible 03:29:41]. You talk about the turn, the fact that the BearCat, and you talk about having it, have to be immediately available for an emergent threat as opposed to being somewhere where it's not intimidating people just by seeing there. How do you reconcile those two things?

Speaker 22: I don't know if you've actually physically seen the BearCat.

Chris Brown: I've been in it.

Speaker 22: The BearCats been to boy scout events. Boy Scouts want to see it. Bless you. It's been to like, anytime it's out in the public, like the Warriors game, or anything else. It is probably used for more photo ops. We let people, we will let people look at it, we'll let them sit in the back, and it's really not as monstrous as you would think. I know on TV they do show it in more of a, like offensive fashion. But that is not how we deploy it. That's not how we do it. And it's, it'll be, it's gone to several community events. It attends the Special Olympics events, the polar plunge, the BearCat is a, it's a pub... I mean, it's, there's nothing really secretive about it. And we do break down that image by letting people have access to it.

Tara Anderson: So, I'm trying to wrap my head around why it's going to boy scouts, and why it's around young people at all. I mean, it's not a toy.

Speaker 22: It's not a toy. But since it is, since the police department, since we do build trust, and we want the community to understand what we do and why we do it. It was a request that a troop leader had, that they wanted to see it.

Chris Brown: [crosstalk 03:31:17]. Is it a recruiting tool in that respect?

Speaker 22: I'm sorry I-

Chris Brown: In that respect, does it act as a recruiting tool?

Speaker 22: We don't use it for recruiting.

Chris Brown: Okay. My last question is about...

Regina Jackson: Hold on. Commissioner [inaudible 03:31:31].

Chris Brown: ... The lifespan of the existing BearCat, and there should there be a second one. Your proposal seems to indicate that you would actually have two at the same time. Is your intentional to put this one back in a sort of resting position and then use it when necessary, and bring in the new one to be the primary vehicle?

Speaker 22: So eventually, I mean, right now we have zero, they're dependable. If we did have a new one that was dependable, it would not be able to deploy outside the guidance of the rules that we're trying to, so, the proposal that we want reviewed by this commission, is that the, when it goes, the authorizations, everything else. So, we are looking for the guidance from this commission, and agreement that it can only go, it can only be deployed under the specific circumstances with this documentation, et Cetera, et cetera. So, if there was one or two, it wouldn't matter, because it wouldn't be able to go anywhere unless it met that criteria, and that standard in those rules.

Chris Brown: Okay. Thank you very much.

Regina Jackson: Commissioner Harris then Smith.

Ginale Harris: So, in your honest opinion, do you believe that the young lady who was killed, if they had access to a BearCat, it would have helped save her life?

Speaker 22: That is what the Sacramento Police Department initially and there's been no report or investigation yet. But that is what I was told, yes.

Ginale Harris: I mean, just in your, I want your professional opinion. If they had access to it immediately, do you think it would at least help save, or... She was out there 45 minutes.

Speaker 22: Yeah. I Honestly think yes. If the cause of death was bleeding to death or blood loss that could have been prevented, then yes, I would say absolutely.

Ginale Harris: Thank you.

Regina Jackson: Commissioner Smith.

Thomas Smith: I mean, I wanted to make a comment, and my comment was this, I'm troubled by the fact that the BearCat would be something that's a public relations tool, because I don't want the public thinking about the police in BearCats. It's just, it's the wrong message. I mean, what I want to see is I want to see officers connecting with people in the community, and not around like military hardware, not around like bulletproof vehicles, not around stuff that suggests use of force, not around that kind of stuff. And so, when I hear you saying that

we deploy the BearCat and bring it to go see the boy scouts, and the Warriors games, and all those kinds of things, I think wrong, wrong, wrong. That's not the OPD image that we want. What we want is, we don't want people thinking about BearCats and violence when they're thinking about OPD.

Thomas Smith: We want them thinking about officers who can connect with them, and who they can actually trust to bring issues to. I think when you said that, that made me think even more, I don't want a BearCat. And we need to figure out a better way to use those funds. And I'm not saying that I'm not open to hearing the suggestions, but that is not the public relations tool that I want to hear that OPD is using.

Speaker 22: So, I do want to clarify for the commission. So, when I say warriors games, that's not for recruiting. That's not for public relations. That is specifically for the global threat that we face. That when we have [inaudible 03:35:05]-

Thomas Smith: In the boy scouts?

Speaker 22: I'm sorry.

Thomas Smith: In the boy scouts?

Speaker 22: But that's a whole separate thing. So, when I say the boys... So, if somebody contacts and says, "We want to see it. We want to know why you have that. We want to see what it is." [crosstalk] say no.

Thomas Smith: That's not, but the right answer, you know what, that's not what OPD is. If you want to make a connection with us, meet our officers, learn about them, understand what our commitment is, what we view as most important within this community, which is attaining legitimacy, making sure we're responsive to your needs, and making sure that we provide excellent protection and service to everyone who's entitled to it.

Speaker 22: Which is exactly-

Thomas Smith: That is what the answer should be.

Speaker 22: Which is exactly what happened that day. Because they spoke to walking officers, they talked to patrol officers. So, just one of the aspects that the boy scouts wanted to hear.

Regina Jackson: Commissioner Brown.

Speaker 22: So, I'll say in response to that. I think it's not or right? it's and, right? I think it's both. It's not either. I think that the reality is that, we have a job to do when it comes to situations where life is at risk, and this is a tool, this is a tool that we use in order to make sure, not only for police officers that we rescue, citizens

that might be in trouble too. That might be in danger of losing their lives. So, these are contemporary tools that are used by most police departments in order to protect community. And so, I understand that we're not saying that we want to get another militarized vehicle. That's not really our purpose.

Speaker 22: Our purpose is really to use this vehicle to help rescue officers, and keep officers safe when they have to go into very difficult, very serious and critical situations. We had to deploy two nights ago where somebody is on a porch firing a gun. We can't send police officers into situations where they might potentially get hurt. That vehicle is a tool to be able to reduce the likelihood that somebody might get injured. And so, that's important to police officers is to know that I am willing to go and put my life in danger, but I also want to have the tools that can help keep me safe.

Speaker 22: And so, if we use it properly, if we follow the policy and guidelines that set forth. And one thing that Chief Kirkpatrick has done is that, as a result of past incidents, she has produced new policy that governs the use of that vehicle. We didn't have that previously. And so, now every officer that uses it, every commander that deploys it will now have a policy that they will have to follow. And then they have to actually write an after action report to explain why they made that decision, and why it was appropriate to use that particular vehicle.

Speaker 22: And so, we are at the executive level trying to put in mechanisms to ensure that the vehicle is used properly, and we are notified when that vehicle is deployed. So, the Chief has made it a point to put in a policy that when you deploy it now you have to actually call the captain to say, "Hey, I'm preparing to deploy the BearCat." And so, by making those calls, we at the highest levels get a chance to understand why, and which you want to use that vehicle. And if we determine that it's appropriate to do that. So, these mechanisms now I think put in some accountability tools to make sure that it's not being deployed in a manner in which is not consistent with our values.

Speaker 22: So, I just offer that to say that the Chief is on top of trying to sort of get a clear understanding of when that vehicle should be used, and doing it, codifying it and policy. And that'll be coming before you shortly.

Regina Jackson: Commissioner Brown.

Chris Brown: One question. And you may not be able to answer this. There was an incident where a citizen was in a car [inaudible] and sleep with a gun. Actually he wasn't, he may have been under the influence, but he had a gun, and there was a lot of time and effort that went into trying to solve that situation. Was the BearCat involved with that situation?

Speaker 22: I don't know what specific situation you're speaking of.

Regina Jackson: Was that the [inaudible] situation? Okay. Yeah.

Speaker 22: I believe the BearCat was-

Chris Brown: Was it?

Speaker 22: The BearCat was not... We can look at that. I don't want to say anything that's not accurate, because I wasn't a part of that investigation or a part of that incident. But if you want us to look into what was related to that incident, we can. I don't want to comment on something that we're not completely sure about.

Chris Brown: Okay.

Speaker 22: And I think the city attorney, or somebody might say we can't talk about those things.

Chris Brown: Okay. Thank you very much.

Regina Jackson: Thank you very much. I just have to say before we go to public comment that, I love the city of Oakland, and I don't think there should be any place for BearCats. Oh, and Commissioner Anderson and then Dorado.

Tara Anderson: Thank you. I have a couple of followup questions and comments. I've heard a lot so far about the rescue capacity of the vehicle. Are you familiar with any rescue agencies that have BearCats, like fire departments or EMS?

Speaker 22: So, this particular one, when we put out for bid it actually is an Oakland fire slash police, they actually have the hose adapter on it so that the BearCat could actually pump water on a fire, and get close enough to a fire.

Tara Anderson: I'm curious, I know it might not be possible to provide specific detail on when the BearCat has been deployed as you indicated. But I don't think that we can move forward with any discussion about a policy around the use of an existing piece of equipment that many on the dice don't think the police department should have to begin with without our real summary. I appreciate that you've indicated that it was deployed 150 times over the last year. It would be great to know within a calendar year period how often it was in the shop getting repaired, how often it was deployed for which specific instances. So, having that in aggregate summary form will inform us better as we respond to the policy, and any future requests around any type of vehicle acquisition.

Tara Anderson: My understanding about the decision that's before us today is one, whether or not to approve spending of the cop's funds, which I will not, on the procurement of a BearCat and two, whether or not we're willing to engage as an ad hoc committee with the police department on the policy that's been referred to today. So, I believe that those are the two things before us. And with that, I want to speak to kind of the division between real or perceived military vehicle. It's my belief that this armored vehicle is a military weapon. And the question

for Oakland is, do we want this type of tool to be available for rescue protection or a perch to shoot someone from? And I don't think we do. And that's what's really concerning for me.

Tara Anderson: And I think that although this is specific to military equipment, the research that has been done around the 1033 program, which was the controversial federal program around local law enforcement procuring vehicles from our military, that those departments that have militarized tools are more likely to kill their citizens. And that's what we're here to prevent. And certainly I don't, I believe you're committed to that goal as well, and very committed clearly to saving lives. And so, I'm trying to understand more about how that does that, because I don't see it. What I've seen is the lives that have been harmed, and the fear that it's instilled in our community.

Tara Anderson: And I do know that in those same studies, those communities that have reduced or eliminated military type tools from their suite of tools actually are safer communities. And it's not just for the community at large, but the officers as well. So, if anything I have said is not true, I need a different understanding in order to be able to engage in a conversation around a revised policy around something that I think maybe we shouldn't have to begin with.

Speaker 22: Okay. So, going back, we do have the data of all the deployments going back for a calendar year. So, we can get that to you for sure.

Tara Anderson: Thank you.

Speaker 22: 1033 program, we've never accepted any military equipment. I only think we have a magazine like the little magazine they send your department. We have always stayed away from that, and you'll be very happy and comforted to know when it comes to like the rifles, even for our SWAT team, we had the option of going full auto. Like, no, we're not in a combat zone. We don't do that. We account for every single round. We don't wear the current OCP... The camouflage fatigues. Our SWAT team wears all black, because that's what absorbs light the best, and it kind of blends in with the thing.

Speaker 22: So, there are, we've stayed away from it. We did actually, there was a time where they did wear those cammo for a short period of time, but we got rid of them. It was not while I was the commander, I was actually in the military. I'm still close to it, so I don't like, there's, I understand the reason why we don't have the military here, and that's why we don't operate as a military. So I understand, and I respect it very much. And so, yeah, you'll be happy to know that we do not have, or we've never accepted any military equipment from the government.

Tara Anderson: Thank you.

Thomas Smith: Commissioner Anderson, I want to respond to, I think you, you mentioned a question about why we were here. I think the request is for us to form an ad hoc committee. That's what our request was for, for that. And I think if we can do that, form that committee, I think we can answer all of those questions. We can give you the, whatever, the ad hoc committee, the opportunity to see the vehicle, to review the policy and then have a conversation and do the research that you'd like us to do regarding the questions that you just raised.

Regina Jackson: So, Commissioner Armstrong, I'm sorry, go ahead.

Tara Anderson: And I also want to provide more context to my background, and where my questions come from. My brother is a sworn officer who served on a SWAT team, and I hear your compelling argument around the officer who lost their life in Sacramento. But I also know the numbers of black young men...

Regina Jackson: Thank you.

Tara Anderson: ... In Oakland who have lost their lives. And so, wondering how this tool preserves those lives as well as the life of my own family member who serves within a police department. So, I hold all of that when I'm thinking through what are the best tools for Oakland police department. And I just wanted to emphasize that I see this through the eyes of someone who loves someone who is put in danger every day wearing a badge. And also knowing that there are people who are in danger every day that don't have badges and aren't safe. And don't see themselves as safe, especially when they see someone with a badge. So, that's where I'm coming from with my comments.

Regina Jackson: Thank you Commissioner Anderson. I also just want to say as it relates to calculations, sounds like the BearCats in good enough shape to operate about half of the year, 150 out of 365 days. So, having said that, we have a stack of people that want to make comments after commissioner Dorado's comment.

Jose Dorado: One of the things that was emphasized in Obama's 21st century effort, was the chain from a warrior to a guardian mindset. I don't see that reflected in the acquisition of a BearCat. But I want to also mention that you, I'm sure remember the fallen four. And you then remember the outpouring of grief from the community as a whole out there on 73rd avenue. And one of the things I've criticized OPD about was the fact that they, after that happened, that affected really the entire city that they closed ranks, had a fundraiser down around the cop bar, down here in [inaudible] had absolutely no community input, invitation, or community people there.

Jose Dorado: Purposely it was a closed fundraiser. I only knew about it because I knew somebody, that was a mistake, and it was compounded by the fact that on the one year anniversary, OPD decided to have it in the middle of the afternoon, again, there was no community involvement whatsoever. Even after having seen the outpouring of grief over there on 73rd avenue from the community as

a whole, it was a cross section of Oakland. There were mothers with their babies in strollers, there was bikers out there, there was techies, there was everybody out there of all colors, and yet OPD did that.

Jose Dorado: So my point is that we're not de-emphasizing officer's safety by making these remarks. We value the blue, and you saw it graphically when the four were shot down. But believe me, a BearCat is not a vehicle of trust. If in fact as the Chief likes to use the word transform that she's a change agent, this is a change, and a transformation in the wrong direction. Thank you.

Regina Jackson: So, before we take public comment, I would like to make a motion. And I'd like to make a motion to deny the request for the purchase of a second BearCat. Is there a second?

Jose Dorado: Second.

Regina Jackson: Okay. It's been properly moved and seconded. Now we'd like to take public comment. I have speaker cards from Nino Parker, Henry Gage, Bruce Macon, John Lindsay Polar, Oscar Fuentes, Risa Jaff and, Ann Genx, whomever is still here.

Nino Parker: Good late evening. Nino Parker, Homeless Green Team, black advocate like merit as well as hopefully beyond the homeless commission one day, I have to do other holding each time out. Chief Armstrong, once again, you're a good guy, this is not about you. But first of all, let me give you a tip. The next time you have an officer bleeding out, I got a good idea. You know those armored cars, you guys that they use for the guard cars and all those things? Take about four of them and surround the officer. If you don't have a BearCat. Take about four of those, they are bulletproof. The regular, the ones that you go to store and pick up the money, they're pretty [inaudible 03:51:01]. Take four of those and...

PART 7 OF 9 ENDS [03:51:04]

Thomas Smith: Got the money, they're pretty bold. But you take four of those in Israel. Now if you're telling me to police, you need a BearCat, seems like you don't need police cars anymore. That's what is. So you sound like The BearCat can be the only thing you go to any type of shooting in it. If you want to do police rate relationships, what they do in San Francisco is they have a police Mustang. It has lights on it. It's all kind of, then the kids can get in and play and stuff. That's a good relations tool. And The BearCat for repair, he just told me it was just the basic chassis on a Ford F-150, buy a new motor, for a third of F-150. Fix the thing. I mean it's simple as that. And the most important thing folks, the most important thing about a BearCat, is when we have our youth in the neighborhood and you come in and you're after some black man and all those kids have to see this militarized vehicle, coming down the street.

Thomas Smith: It puts an image in those kids' head for the rest of their lives. It's like, Hey, this, now they're bringing things into our community. That's not, that's just not a good thing, period. Especially for the kids. And then, that's like my last nine seconds, the other day we were here talking about facial recognition. If I put on a Hoodie and pull it tight and put on some sunglasses, I look like 1000 black men. What that facial recognition would do, allow you to stop people for walking and you stop us for driving. If you get facial recognition, we'll be stopped every day. Oh, you look like the guy, you looked like that guy over there, you know? Our technology shouldn't be used against our people. One last thing, the first time a human being was blown up in America was by the Police Department in Dallas. That guy was in a parking lot garage. They didn't want to go in there after him. They took a robot bomb and blew up a human being. Just don't go with technology.

Tara Anderson: Thank you.

Jose Dorado: Hi. I just what was the amount of time that they were saying that Taro Sullivan was lying there waiting for a BearCat because one was...

Tara Anderson: He said 45 minutes.

Jose Dorado: Okay. So I'm reading the chronicle here. It says at 6:28 PM, 17 minutes after O'Sullivan was shot, a BearCat armored vehicle arrived, but it took another half hour before rescuers, and The BearCat got to O'Sullivan. So I think it's very gross to bring the death of another person in here, so you can have your BearCat. They had a BearCat. It got there on time. It was the incompetence of the police officers on the scene that caused them to wait another half an hour to use it. It says during the stretch recordings capture officers asking about where the shots are coming from, formulating a plan of deployment and attempting to zero in on O'Sullivan's location. It sounds like The BearCat actually added to the confusion. It didn't help anything. There was no missing BearCat. You're lying. The second thing I want to point out is that the cops funding, also, is for frontline. The cops funding is for Frontline Municipal Police Services. It says this is the law. It's AB 2AB3229.

Jose Dorado: It says it includes community crime prevention programs. So it sounds like that could be deescalation tactics so that another police situation doesn't happen. Ways of engaging the community in healthier ways. All kinds of things that you guys could spend that money on. So I suggest you go back, and I also think it's offensive to come back again. These questions were asked the last time and instead of leading with what else you could buy, you guys just pushed The BearCat, and you pushed it in a really offensive way. Taking advantage of this fresh memory of a person dying to get your BearCat. And that's the police department that we deal with. We know you lie, we know you manipulate, and it's offensive, and it has to stop. It has to stop. Someone shouldn't be able to sit in this audience and Google this in two minutes and find out that you're lying.

That's how little you care about the people in this city and how much, how much confidence you have that you'll always get what you want. Anyway.

Tara Anderson: Thank you.

Mubarak Ahmad: [inaudible] For police accountability and Faith in Action East Bay. And speaking as a coalition member, I just want to state that, our position is that before anything like this comes before you or The Council or anybody, there should be a process where these kinds of grant applications are open for discussion. So we're not having them de facto after the fact, whatever. And just in general, in relation to The BearCat, I mean, I have a problem that's really not about The BearCat per se. I was educated John Lindsay Poland is going to speak from American Friends Service Committee and told me about AB 3131 a state law that was passed in and vetoed by Jerry Brown on transparency and accountability in military equipment acquisition. Here's the Bloomington Indiana Police Department, a general order on the use of armor aggressive vehicles.

Mubarak Ahmad: That actually is a very restrictive order and actually does make it clear that these, that the proper use of an armored vehicle is for rescue and safety in very, the most precarious situations. But I'm hearing we're going to have a new general order, but I'm looking at OPD Policy for the use of The BearCat issued via email to commanders, 8416137 and 310 18 and it says armed suspect in vehicle. We've had incidents with citizens asleep unconscious with firearms inside a vehicle. BearCat allows closer proximity to deploy less lethal munitions, being barred, to alert, wake up occupant. Note in these situations that BearCat shall not be used by patrols to enter the vehicle to detain or arrest the occupant. So I believe that probably The BearCat could be deployed in some of these situations in a defensive way, maybe to facilitate some form of deescalation nonlethal.

Mubarak Ahmad: But what happened here with The BearCat? It wasn't used to deescalate. It wasn't used for defense. It was used as shooting platform. So there's a real problem even if we come and get a new order, a new policy, because this is old policy, and it makes me sick when I read this, to think that there's this disconnect between intentions on paper and reality and that's a real problem within the department. And I'm not blaming all officers for this, but something is seriously wrong, you know, and it has to go deeper than a new policy. We need transformational leadership that will make sure that, that if we do have a new policy, even if we have a new BearCat, that it's never used like that again. And that good solid restrictive orders if that's what we're going to do, are followed. The training is there, it's clear in the police incident. The commander didn't know what the hell he was doing. So there's a problem, and it's not just about the military vehicle. Thank you.

John Poland: I'm John Lindsay-Poland with the American Friends Service Committee and a couple items. First, I understand you're saying that you're going to get rid of the old vehicle and yet the proposal that came from the chief said that it would not

be, this would be a second vehicle and that it would be the second vehicle would be useful because if you had somebody who was in a car, then you could block them in with two BearCats. So it's one or the other, you're either getting rid of it or you're not getting rid of it. Second, on data on deployments, I did file a Public Records Act Request. I was told this week that it would take months, if not years to determine information about deployments of The BearCat, since the beginning of 2016. Because we were seeking information not only about the date and place of deployment, but also on who it's impacted.

John Poland: So this isn't another point. There is no reporting right now about The BearCat. Do we need policy that looks at reporting on when it's used, how it's used, who's been impacted, what other agencies might've been brought in? It is a use of force. And that's, I guess the other point that I think y'all have gotten, which is that if you have a vehicle that is resistant to 716 7.62 rifle rounds, you are communicating that you expect a threat. You expect a military threat. A 716 7.62 rifle round is a military threat. And yet it has been deployed to in situations where there is no articulable threat. It is deterrence. And yet if you have something as deterrence, you're going to use it anywhere. I mean, why not actually bring out full on tanks if in fact what you want is deterrence.

John Poland: So the other point I want to make is that, and I believe Ann Jenks is ceding her time to me, is that, we need a proactive policy. I want to urge you not just to pass the motion that the chair has just made, but also to make a motion and pass a motion to form an ad hoc committee. And not only for The BearCat, but also for other types of military grade equipment that were covered by an executive order that was in the basis for AB 3131 that Bruce mentioned. In the Pawlick killing, it was not just The BearCat, it was AR-15s. This commission does not know how many AR-15s OPD has. We don't know how many sonic weapons they have. We don't know how many flash bang grenades they have. We don't know a lot of different kinds of equipment about what they have nor is there any oversight about their acquisition or reporting.

John Poland: So my suggestion to you is to yes, form an ad hoc committee but be proactive in generating and drafting. And I will support this in all ways that I can, using all the literature and other expertise, in order to draft a policy for the acquisition, for the use and for reporting on, including reporting on impact on the community. Because what we don't have here is any sense of what has been the impact on community in terms of intimidation. We know it, we sense it, but there is no way of measuring it at this point. The OPD just gets the things that the boy scouts, gee wasn't that cute that we had The BearCat there, but there's no real sense of what's the impact on the community is. And so, an ad hoc committee can then jet proactively, generate policy for these different kinds of military grade equipment. This would be a very important way for having intentional decisions about the kinds of things that Commissioner Anderson has raised about what are both the impacts as well as the needs for any type of equipment that the department acquires.

Tara Anderson: Thank you very much.

Jose Dorado: And Tara, its just come to my attention it's a hair after 10:30, so we should probably vote to extend the meeting.

Tara Anderson: Flies. May I have a motion to extend the meeting to 11 o'clock? It is now 10:32. Just hold on one second. Thanks.

Chris Brown: We have a motion on the floor.

Tara Anderson: Oh sorry.

Chris Brown: I think we can dispense with pretty quickly.

Ginale Harris: Well we can't, we've got to taking so...

Tara Anderson: Go ahead and then we'll do it after that. Thank you.

Regina Jackson: Should I reset directly? A lot of stuff has already been said, so I won't repeat. I just want to offer a vision. I think the best way to keep police, and the community safe is to just envision a whole different community. Like what if there was unlimited funding for restorative justice, and we weren't going out looking for beg money for BearCats. Like what would that community look like? Maybe it wouldn't be people with guns. So we just, we need to start looking at things differently. We can't just keep doing it the same. Otherwise, we just have the same things.

Ginale Harris: Thank you very much. So, we have a motion that has been properly moved and seconded, and we've taken public comments. So we need to take a vote. And then right after that we will move to extend the meeting. Commissioner Dorado?

Jose Dorado: All right.

Ginale Harris: Commissioner Anderson?

Tara Anderson: Aye. Commissioner Harris?

Regina Jackson: Aye.

Ginale Harris: Aye for myself. Commissioner Smith?

Thomas Smith: Aye.

Ginale Harris: Okay. The motion passes unanimously. Now we, I'd like to make a motion that we extend our meeting until 11 o'clock. Is there a second?

Jose Dorado: Second.

Ginale Harris: Commissioner Dorado has seconded. Wait, I don't think we need to take public comment for that. So we'll go ahead and take a vote. Commissioner Dorado?

Jose Dorado: Aye.

Ginale Harris: Commissioner Anderson?

Tara Anderson: Aye.

Ginale Harris: Commissioner Harris?

Tara Anderson: Aye.

Ginale Harris: I for myself. Commissioner Smith?

Thomas Smith: No.

Ginale Harris: Are you playing?

Thomas Smith: No. I'm serious.

Ginale Harris: You say, okay, well let's still pass it. So you got stay here. Okay. I actually like to put forth, another motion. I would like to move to direct the police chief to provide a comprehensive list of grants that the Oakland Police Department hopes to apply for and for what purpose so that we can review and approve prior to grants preparation. Okay. It's been properly moved and seconded. Is there a question on the motion?

Regina Jackson: I have mixed feelings about this. Because I have seen instances where too much administrative oversight has stifled the opportunity to pursue a grant or just creates a lack, because there's so much additional oversight, they just don't pursue them. And so I think there's a balance, to be sought, and achieved in ensuring that there isn't, you know, this pursuing solicitations that would result in procuring things like militarized weapons, I wasn't able to say at that time for some reason. But also allow for innovation and being able to respond to things in the moment.

Ginale Harris: You want to offer a friendly amendment?

Regina Jackson: Yes.

Ginale Harris: Go ahead.

Regina Jackson: I mean if others.

Thomas Smith: Yeah, I was going to make a comment too. I was going to say two things. One, to your point, if it was a broad motion of all grants, it may be too broad to fit under this. So you may want to narrow it to these militarized type of. If you narrow it in that way, it probably still fits under the scope. And it also addresses your concern.

Regina Jackson: My concern would be kind of this COPS Fund becomes available on a regular basis. There's a formula that creates it. And it's roughly around 100000 dollars, give or take every time it comes to Oakland specifically in what I was able to research. And so, I think there are some instances where there's a formulaic thing that's on a cycle that you can, plan for and there are some federal solicitations that'll pop up and you have 60 days, 90 days to respond to them. And I wouldn't want to stop the department from being able to pursue those opportunities, for a delay of having to seek our approval. I think ultimately things like these need to have approval through us. So I think there's a balance that won't stifle innovation and pursuing opportunities that can become available. And also ensure that we're not, you know, on a path to purchasing or something or designing a program that doesn't represent what we want the police department to be doing.

Ginale Harris: So to your point, and I can definitely make that adjustment. I'm also interested in having us look at what some of the other options are because, you know, I like Violence Prevention work. It is in my backyard. It's my central focus because of my work with young people and we don't have, there's not enough money out there for it. And I believe that more of our officers should actually be affirmatively involved in those kinds of, building those kinds of tools and partnerships. But having said that, I totally understand and accept the recommendations at the scope, be a bit more narrow. And perhaps on a, I don't know, twice a year basis or something like that you know, they come to us with what they're looking to do so that it really is about planning. We recognize, I write for grants all the time, so I know about stuff that just kind of drops in your lap and you have to respond. So I'd like to modify my motion to direct the police chief. I still want a comprehensive list though. Comprehensive list of grants. Say it again.

Jose Dorado: For which.

Ginale Harris: For which they hope to apply and with specific focus on any militarized weapon procurement that we can review and, or approve prior to grant preparation. Is there a second? Is that still not it?

Jose Dorado: I'll accept that second.

Ginale Harris: Okay. It's been moved and seconded. Are there comments and discussion phase? Okay. Commissioner Anderson and then Harris.

Tara Anderson: I also would like to see a forecast for other types of grant, but I, the approval portion for unilaterally approving every single grant application that's pursued by the department, is what I'm concerned about. And I understand at the same time, that we still need to be within scope of this item. So I would be very interested in finding a way that we could get a list of all things. But I agree with the emphasis relative to your motion that anything for militarized weapons or tools of any kind, that come to us for approval.

Ginale Harris: So did the motion then serve the purpose?

Tara Anderson: Yes but I wanted to clarify.

Ginale Harris: Okay. Very good. Thank you.

Chris Brown: Can I say something?

Ginale Harris: Yes. You may say something.

Chris Brown: All right. I think you're going to run into definition problems. These guys are not going to understand this as a militarized, as militarized or as a weapon. Right? And we ran into this in the discussion about quasi funds and Urban Shield. Is that the definition and perception of what is militarization varies widely. And you can say it's perceived that way by the community and you might be able to actually measure that. But then how do you, are you going to survey in order to measure that?

Thomas Smith: We can have some folks define what we mean more specifically by this. I mean we've, we made a motion, but we can also have some folks deliver a message just assembling that. This is what we mean when, you're talking about a BearCat. You're talking about, weapons that are military grade, we're talking about.

Chris Brown: I think if you do get, if you do have an ad hoc committee that develops acquisition, use and reporting policy, they'll get the message.

Ginale Harris: I totally hear you. And that's the next thing. I just wanted to make sure that we got through this thing. So thank you very much. So we kind of, I'm offered a motion that has been properly seconded. Can we take a vote on that motion? Commissioner Dorado?

Regina Jackson: Oh, did you apply it?

Ginale Harris: Okay. I'm so sorry. Okay. It's late. Commissioner Dorado?

Jose Dorado: All right.

Ginale Harris: Commissioner Anderson?

Tara Anderson: Aye.

Ginale Harris: Commissioner Harris?

Regina Jackson: Aye.

Ginale Harris: Aye for myself. Commissioner Smith?

Thomas Smith: Aye.

Ginale Harris: Okay. And the motion passes unanimously. So to the third piece. Did we want to set up an ad hoc committee in order to get ahead of this process and focus it on both acquisition, use and impact? Anticipation. I know that we've got, we don't exactly know when the policy itself is going to come down to us. It could be that, you know, it's August before we see it. I don't know if that, that makes a difference in terms of who might like to serve, but I would like to know your pleasure. Would you like to set up an ad hoc committee now or should we wait until we have the policy before us? I'm open. I just want to know what your pleasure is. Yes. Commissioner Dorado.

Jose Dorado: I'd say let's wait. We've got a lot on our plate. And if in fact that, I think there's going to be some rethinking at OPD. So I would say for now, let's just wait.

Ginale Harris: Okay. Does anyone else have a strong feeling one way or the other? I think that's an excellent recommendation. So we'll just wait. What?

Tara Anderson: I don't like The BearCats. I don't want to work on them.

Ginale Harris: No, I understand. I understand. Now, we are on item 13 commission letter to city council regarding OPD contract with Michael Palmertree. So this was an item that was prepared a few weeks back. Alternate Commissioner Brown suggested to me that there was some language that he felt he could confidently communicate, that was a little bit more nuanced as it related it to what we were trying to share. Did you want to say anything? The letter's already been, I think the letter has been approved. We just made some changes to it.

Chris Brown: Right. The changes were to make a more general statement about the kind of skills that we'd like to see and to address the way that somebody who's qualified for that position would go about the illustrating his commitment or her commitment to those skills. I noticed there's a semi-colon in here that should disappear after the first bullet item, but it may be too late for that. And so, and also the dresses are concerned with the fact that this was given as a no bid contract and yet without justification for it being a no bid contract and yet without justification for it being a no bid contract. So we just wanted to get on the table for having disapproved of that process.

Regina Jackson: Thank you for your assistance in that regard. I think Mary Vale is gone. She is my only note card for this item, so we will move ahead to the police commission retreat. For many of you, you may remember that this comment, that this recommendation, I made I think last June and for many reasons we weren't able to pull it together. What vice chair Harris and I did was say, oh my goodness here, if we let too much time go, this is just going to get past us again. We don't have a specific date in mind, what we thought would be important was to identify, at least a couple of people who might be able to facilitate this. We were able to get one proposal in, in time and I'm sorry?[inaudible 04:16:08]. We were thinking that it would probably be into late August, early September, something like that because we know that there's at least one more alternate commissioner who should be, you know, coming up semi soon and we wanted to make sure that we could be most inclusive.

Regina Jackson: So the real review, is around kind of the work plan. We did get one scope and I personally have worked with this, this consulting entity on strategic plans, on recruitment. They're an outstanding and they have a litany of current and former clients that really represent the community that we have been kind of throwing that term around. But I know that it was in my thought that we needed to have a work plan or an annual plan that you know, dedicated what it was that we wanted to be able to accomplish and do it in a formulaic and strategic way. But it would also help us identify, you know, norms.

Regina Jackson: And I mean, I think we're beginning to really gel as a commission, but you know, still kind of have agreements around how we want to move forward. So just want to, you know, ask if anyone has any questions, any thoughts, any suggestions? I know that vice chair Harrison and I were also acutely sensitive to the fact that there are certain funds that if we do not commit to spending them, we will lose them. And that is effective June 30, which is Sunday. So we just wanted to, you know, move with deliberate speed. And this is for, you know, hopefully we will have several retreats, but it's at least one to get us moving.

Thomas Smith: Yeah, I mean I think it's great that we've got some professionals on board that can help us put this together. I think, the retreat that we had before was a good experience for us. We haven't done it in a long time and so I support it.

Regina Jackson: Great. Thank you. Any comments, questions, concerns, Commissioners Harrison and Anderson?

Ginale Harris: So I noticed that the bottom of page three, it says budget does not include cost of facility, rental food, audio, visual, but I think we need a total budget cost.

Regina Jackson: Well, I think that we could probably, oh, I'm sorry. I think that we could probably, do a, if we wanted to approve something like this, we could do a overall budget of let's say 15000. That way we know what 11 is committed to and then we have some wiggle room for those other items.

Ginale Harris: Okay. Thank you.

Regina Jackson: If there are, Commissioner Anderson.

Tara Anderson: Just in terms of timeline, I think that August 30th certainly works for my schedule. I don't know if others are prepared to, and I know we have members who aren't present today, but I think it's important, especially given how soon we want to have this to circle around a particular time period.

Regina Jackson: And truth be told it can be in September. What I think we were thinking of was, let's get some planning going so that we can be in a position to have an informed retreat.

Tara Anderson: I also liked the idea of sequencing it before the national convening. Nicole.

Regina Jackson: Mr Smith.

Tara Anderson: I mean just since we're talking dates that I know, I know that's not the, I know we haven't agreed that that would be the date. I will be in Japan during that time. But you know, I think whenever the most people can do it.

Regina Jackson: I think what we can do is send out a Doodle poll and figure out when we can do it. And I think if we kind of make our north star the fact that it will happen and we have all our plans together that align, then the date is like the minor piece. Because there's a lot of work that has to go in to making sure that, you know, we've got a strong plan to plan.

Ginale Harris: The 30th is on a Friday.

Regina Jackson: Are there any other questions? I actually have no note cards for this item. Well would we like to move forward?

Ginale Harris: Yeah.

Regina Jackson: Okay. So, I'd like to make a motion that we approve the proposal for a half day retreat that was submitted by Walker and Associates, a date to be determined. And the proposal, be not to exceed 15000 dollars, of which we know 11 is the proposal that's hearing, but that there are other outside costs. Is there a second?

Jose Dorado: Second.

Regina Jackson: Thank you Commissioner Dorado.

Tara Anderson: Where are we going to have this retreat?

Jose Dorado: We need to figure it out.

Regina Jackson: Okay. It's been properly moved and seconded. Do you think that there needs to be more money in the budget in order to identify where we're going to have it?

Tara Anderson: I think we should just think about it and I want to put some timelines on putting dates out there so we could really get it done.

Regina Jackson: Okay. Yes. So Commissioner Smith and Brown.

Thomas Smith: So if we're going to think about, well two things. One, your motion is out there. We can't approve your motion and still tackle this issue. But I was going to say if we're going to think about places before even thinking about the physical play, we should think about what's the environment we want. Right? Because last time when we did it, we just sort of did it. And so we didn't really have a chance to think, should we go somewhere where we could be separate from, you know, the space we're always in or are we going to do something, you know, on city property so we can do it for free. I mean, we should talk about the environment we want.

Regina Jackson: Absolutely. But I don't think that we, I think that we can still approve the motion and handle that separately because for me, I would love to be in a rustic, natural environment, you know what I mean? But that's me and this, this is not that. So if there aren't other questions as it relates to the motion that's currently on the floor, is there a question?

Jose Dorado: There is no question.

Regina Jackson: Okay, very good. So can we move this motion and then via, I can direct Chrissy to send out, an email around what would you prefer? What kind of places would you prefer? You know, again, it has to be able to be, you know, connected, so that people can witness. But that's not that difficult. If we go to a hotel set up or hopefully even a city of Oakland space, like in Roberts Park or something, I don't know.

Jose Dorado: Just for Brown Act purposes, I would recommend either you delegate that to an ad hoc committee or have that discussion here.

Regina Jackson: Okay. Well, Why can't we just send that to our admin?

Jose Dorado: Or you can have your admin do it.

Regina Jackson: I think that's quicker, actually. Yeah. So are.

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Regina Jackson: I think that's quicker, actually. Yeah. So, do we have any other questions, or do we want to go ahead and vote?

Comm. Smith: Vote.

Regina Jackson: A question. Commissioner Harris.

Comm. Smith: Yeah. The one question as you said, "Not to exceed". So, if you're not to exceed, there's not... I think we should approve this proposal that's in front of us, but maybe we shouldn't put a cap until we know where we're going to hold the thing, because-

Regina Jackson: Not a problem.

Comm. Smith: - for 15K, we're not going anywhere except for the city of Oakland property or something.

Regina Jackson: Okay, not a problem. Let me restate my motion.

Comm. Dorado: I'll accept that.

Regina Jackson: Okay. I'm going to withdraw my motion, and he's withdrawn his second. Thank you.

Regina Jackson: So, I'd like to move that we accept the proposal for the half day retreat that has been submitted by Walker and Associates, for a total of \$11,000.

Regina Jackson: Is there a second?

Comm. Dorado: Second.

Regina Jackson: Okay, it has been moved and seconded. There is no public comment on this item. Can we please take a vote?

Regina Jackson: Commissioner Dorado?

Comm. Dorado: Aye.

Regina Jackson: Commissioner Anderson?

Comm. Anderson: Aye.

Regina Jackson: Commissioner Harris?

Comm. Harris: Aye.

Regina Jackson: Aye, for myself.

Regina Jackson: Commissioner Smith?

Comm. Smith: Aye.

Regina Jackson: Excellent. Now, the motion passes unanimously.

Regina Jackson: So, we have something in the ticker. Yay! Okay.

Regina Jackson: Whew. And now, we are moving to Item 15.

Comm. Anderson: Before we move on, Chair, one question.

Regina Jackson: I'm sorry.

Comm. Harris: So, can we, as Commissioner Anderson would say, can we tackle a timeline that we want to get the date for this retreat?

Regina Jackson: Certainly. What I was thinking was, that we could have Chrissy send out a 'doodle poll' with some options. We know that it will be north of August.

Comm. Harris: Okay.

Regina Jackson: So as long as people are okay with that, then we can-

Comm. Harris: North of August, before NACOLE.

Regina Jackson: North of August, before NACOLE. Okay. That is very specific, and that's good.

Comm. Harris: Right.

Regina Jackson: NACOLE is the 21st, 22nd?

Comm. Harris: It's the 22nd through the 25th.

Regina Jackson: Okay, so that basically, means it's either Labor Day weekend, or the weekend after that. Yeah. We'll send that out. We'll get Chrissy to identify those dates, okay?

Regina Jackson: Excellent. Thank you very much.

Regina Jackson: So, now we're moving ahead to Item 15, the Commission letter to city council regarding Kahoots. You all might remember that you all provided some excellent edits to the letter that I initially wrote. We actually approved forwarding it, based upon once those edits were added. So, it's just for your review and for your edification.

Regina Jackson: Do we have any questions? We do have two public comments.

Regina Jackson: Okay, so we have Rashida Grinage, and actually it's a 'no name'. It does say [crosstalk 04:27:03]. It's Reisa? Okay, very good.

Reisa Jaffe: I thought it was so good at remembering my name. Reisa Jaffe. I just wanted to let you know that we had great attendance, like 175 people. It was really fabulous.

Regina Jackson: Wow!

Reisa Jaffe: Rebecca Kaplan and Loren Taylor were both there. It was just wonderful. It was really well received. It was amazing to hear their presentation. It's complicated. It will take a lot of work to get it happening here, and it really is going to need a lot of community input to make it work here in Oakland, but it's really exciting, and it's a kind of vision and out of the box thinking. We just need to have more of it. If we could only get the police department to really sit down and envision something new and different. Thanks.

Regina Jackson: Excellent, thank you.

Miss Jenks: Yes, it was a wonderful event. Similar to the one that we had last February, around the homeless issues. But, this one was actually even better attended. I wanted to mention, also, that prior to that event, there were several meetings that happened with fire; the union firefighters and police dispatch, that Loren Taylor attended, and one of the council members aides attended. And, also with the Mayor. The Mayor is interested in this, as well.

Miss Jenks: It seems like it's one of those rare occasions where what the community wants, appear to be the same as what the city wants. Quite rare, but in this case, it might just be true. So, we appreciate your support, and we will certainly keep you looped in, as we start to develop the research that we will need to do, in order to do a pilot program.

Miss Jenks: So, if you have any thoughts that you'd like to share, or any assistance that you'd like to provide from your own expertise or background or whatever, we would be happy to fold it in.

Miss Jenks: So thank you.

Regina Jackson: Thank you.

Comm. Harris: I have a question.

Regina Jackson: Commissioner Harris.

Comm. Harris: Miss Jenks, so I know you have been doing a lot of work with Kahoots. And, I was thinking. So I have a couple questions. Now that this thing is really going, what does it look like? Like who's going to be working? Who's going to be doing

it? Who's going to spearhead it? What agency is going to, right? Who's going to do all of this? Do you have any idea?

Miss Jenks: This is in a very nascent stage. We are developing the questions. Not so much the answers yet. Basically, where we're at, is that there is money in the budget for an implementation report. So this is the time period when we start asking all; figuring out what the questions are, and figuring out what some of the answers for it are.

Miss Jenks: What we are very aware of, Urban Strategies is going to do the implementation report. And, they're very good at really engaging the community, and really getting engaged with all of the many stakeholders.

Miss Jenks: Somebody from Urban Strategies was at the meeting with OPD. and OFD, and Kahoots. It was a very, very positive and very productive initial conversation. I believe that the chief just mentioned to me, that she is looking at sending somebody up to Eugene.

Miss Jenks: The Mayor was also very, very positive-

Comm. Harris: A community? Are you going to attend that with them, if they go?

Miss Jenks: Well, if that works out. There actually might be some more appropriate people than me to do it.

Miss Jenks: But, anyway, what we do know, and what we're very much going to be looking at along with the many logistical questions and queries it housed. There's just many, many questions like that is, we now get to develop and discuss a program, that reflects Oakland; that addresses Oakland's needs, and is an Oakland project.

Miss Jenks: A lot of these conversations have been, "Well, how do you do it in Eugene?" Now, it's about starting to figure out what we can learn from people who have been doing it for a long time. But, fold that in with the needs of Oakland, and the communities of Oakland. Oakland is a very different place than Eugene.

Miss Jenks: But also, the first thing we're going to do is a pilot. The nice thing about a pilot is, you don't have to solve all of the gray areas. You can make the pilot the clearest and simplest place to figure things out, and then start growing from there.

Miss Jenks: Urban Strategies is working on it. We want to have ongoing conversations with lots and lots of people in the community. There were like 30 service provider and advocates from the unhoused and the mental health community that met prior to the main presentation. And, just started talking about how Kahoots integrates with existing services.

Miss Jenks: I mean, there's just a lot of conversations to start having. But the goal is, to do the implementation report, so that in the second year of the budget, you can have a pilot.

Regina Jackson: I really want to complement you on bringing this to our attention. It's an incredible resource. So, thank you, Anne.

Miss Jenks: I'm really, really very sad that you all had other things that you had to do last night, because the folks from Kahoots... I was obviously impressed with the program in theory, and on paper. The people are actually more impressive in person.

Regina Jackson: Well, that's wonderful. Now you know, we were actually trying to figure out who the next Executive Director was going to be.

Miss Jenks: Right, next door.

Regina Jackson: Yeah, just a little bit of work; real important work to do. Otherwise, we would have been there. Because I wanted to be there.

Miss Jenks: Well, we taped it.

Regina Jackson: Thank you. Oh good, you taped it. Great. We'd love to see it. Or I'd love to see it.

Regina Jackson: Now, we need to make another vote. I think we can get this done in 10 minutes, but we are at the 11:00, bewitching hour.

Regina Jackson: Can I accept the motion to extend the meeting 10 minutes, so we can finish the last two items?

Comm. Harris: [inaudible]

Comm. Dorado: Second.

Regina Jackson: Okay. Yes, I move to extend the meeting to 11:10, and I got a second from Commissioner Dorado.

Regina Jackson: Okay. So, can we all vote, [inaudible] 11:15... Oh, God!

Regina Jackson: Okay. Let's just really, really try hard.

Regina Jackson: Commissioner Dorado?

Comm. Dorado: Aye.

Regina Jackson: Okay. Commissioner Anderson?

Comm. Anderson: Aye.

Regina Jackson: Commissioner Harris?

Comm. Harris: Aye.

Regina Jackson: Aye, for myself.

Regina Jackson: Commissioner Smith?

Regina Jackson: There he goes.

Comm. Smith: No.

Regina Jackson: Okay. And the motion passes.

Regina Jackson: So, Committee Liaison, other commissioner reports. Who's up first?

Regina Jackson: Commissioner Dorado.

Comm. Dorado: I'm just going to be real quick. We finished the... Well, we're finishing up the mission statement on the task force between us, the Community Policing Advisory Board and Safety and Services Oversight Commission. Although, I've had real difficulty getting in touch with them. They've got emails and calls on the line. So, I should be talking to them shortly.

Comm. Dorado: I'm still working on getting together with the interns that came up with the re- envisioning OPD at the Safety Summit; Safety In Oakland Summit, working with Urban Strategies. I have to follow up yet with the people I met at the NACOLE- BART thing in May.

Comm. Dorado: I'll just leave it at that.

Regina Jackson: Outstanding. You've been busy.

Regina Jackson: Commissioner Harris.

Comm. Harris: So, I have been in talks with members of OPD, and with Peter Kim, who is in charge of some of the Youth Violence Prevention-Intervention Services. I did some investigating of my own in regards to resources for young people, who get out of jail, or are on parole, probation. There is nothing. We have nothing. I don't know where all this money is going, but, I'm following the money.

Comm. Harris: My plan is to implement what we have in San Francisco, which is similar to Getting Out-Staying Out. There's a booklet, and it's available online now. But, they have an array of services. They have a Probation Department that has it's own building for rehabilitation services that is very unique. The environment is

warm and welcoming. It's not restrictive. People are treated like human beings. We don't have that here. We have absolutely nothing. I have found in my work, my day job, that we have a lot of young people that are in jail in San Francisco. So, when they get out, they're going to come back to Oakland.

Comm. Harris: So, my hopes is that we can do some kind of warm handoff with our service providers out here. I know it's a stretch, but we got Kahoots, right? So, why not do something with the kids in the community? We have very limited resources for young people who are on parole and probation. So, I would like to create something in Oakland for them. So, I'm working on that now.

Regina Jackson: Outstanding. Thank you.

Regina Jackson: Anybody else have any updates?

Regina Jackson: Commissioner Smith.

Comm. Smith: One thing that I said that I would do, and I was in some dialog around it even today, was putting together that meeting with the Oakland Black Officers Association. And so, I actually have been in dialog. I need to get schedules coordinated, because I know the three of us are going to do that. So, I'll get your schedules, and we'll finish there.

Comm. Smith: Also, I've been re-energizing myself around the NAACP, and I've been making regular reports to them at all their meetings, about what's actually happening with the Police Commission. So, I'll be reporting back to them about the Executive Director search. They've been following along with us, regularly. I've been making reports. They actually ask quite a bit of questions. We've had some members show up from time to time, even though most recently not, within the last couple meetings. That's something that I'll continue to do.

Comm. Smith: And I'm looking to do... I have to be diligent about the way I schedule my time, but I'm looking to do more community outreach now. Just to try to build a relationship on a consistent reporting to some community based organizations that I've been involved in.

Regina Jackson: Excellent. Can you share, I guess, via email what those organizations are, because I was going to suggest, Jose, given the list of community organizations that we started way back when, with Andrea. Then this list that I saw connected to Walker and Associates, and whatever you and Commissioner Ahmad have come up with. Maybe we can dovetail those to, at least, promote the next meeting, particularly around input for the language; the measure language. We haven't had time, but we can make a nice push. It's summer. Maybe that'll make a little difference, and then we can also include those organizations, as well.

Comm. Smith: I think one other thing, when we finally do hire this Executive Director. I think we should organize something where the public can come out, meet that

person, and then, ask questions. Kind of like they did today, but really spotlight the person. Because everybody's saying, they're going to do the community outreach, but I think we can help jumpstart them by holding a forum, just so people come out and meet them. And, we can do it somewhere in the community. Maybe even a series of rotations around different community groups-

Regina Jackson: Around geographically, yes. Not unlike-

Comm. Smith: - I'd be happy to bring them to the NAACP, and let them do Q and A with them. We can each bring to different groups we're associated with.

Regina Jackson: Not unlike the reception that was hosted for us by the coalition.

Comm. Smith: Yeah.

Regina Jackson: Yeah. So, we definitely have a template. That sounds great.

Regina Jackson: Yes, Commissioner Anderson.

Comm. Anderson: I've had the opportunity to connect more with Campaign Zero. Folks may recall, during open forum during the last meeting, we discussed the report card that they had put out. The performance across California police departments, based on a panel that they were involved with at the Code for America Summit, which I was present for. Kind of followed up with some dialog around key components as we move forward with any revisions to the Use of Force Policy. Some key things to keep in mind. So, just preliminary conversations in addition to outreach to key researchers.

Comm. Anderson: Also, along with Commissioners Harris and Prather, been a part of this special order conversations about the refined language for the reporting purposes, and really see that experience highlighting even more why we need to do a more comprehensive reform of the Use of Force Policy.

Comm. Anderson: In the policy realm, because Commissioner Prather won't be available, I'll be representing our search policy; our version, the Commissions version, at what looks like will be the City Council Meeting on July the 9th.

Regina Jackson: Outstanding. Excellent. Thank you very much. Appreciate that.

Regina Jackson: I want to come back to Item Six, I believe. I do not think that we clearly identified the motion that would direct Mr. Nisperos to process the vendor. So, Commissioner Brown reminded me that we needed to clarify that. So, Commissioner Harris, did you want to offer-

Comm. Harris: Do I need to amend my-

Regina Jackson: Yeah, I think so. But, we don't know what it was. No, just give a new one.

Comm. Harris: Okay. So, I'd like to make a motion to direct Mr. Nisperos to hire the independent auditor contractually not to exceed \$50,000 for the CPRA Independent Audit.

Regina Jackson: I'll second.

Regina Jackson: We've already taken public comment. Can we vote?

Regina Jackson: Commissioner Dorado?

Comm. Dorado: Aye.

Regina Jackson: Commissioner Anderson?

Comm. Anderson: Aye.

Regina Jackson: Commissioner Harris?

Comm. Harris: Aye.

Regina Jackson: Aye, for myself.

Regina Jackson: Commissioner Smith?

Comm. Smith: Aye.

Regina Jackson: Great. Okay. Last item.

Regina Jackson: Our agenda setting. One of the things that we absolutely said that we wanted to do was, put the Oakland City Charter revisions back on. We're going to make sure that we connect and invite organizations to come out and offer conversation.

Regina Jackson: We definitely wanted to continue the commission's subpoena related to CPRA. But, in between that time, hopefully, I will be able to identify a proposed policy that we can review. A process, excuse me.

Regina Jackson: We definitely want to have the review of CPRA pending cases, and completed investigations, continue.

Regina Jackson: Bay Case review.

Comm. Harris: [inaudible]

Regina Jackson: Okay. What do we need to do?

Comm. Harris: Put it in a motion.

Regina Jackson: Oh, oh, yes. I'm sorry.

Regina Jackson: We also, wanted to make sure that we clarify the motion for the Bay Case because it's kind of the same thing.

Regina Jackson: So, please go ahead.

Comm. Harris: So, do I need to take back my first motion?

Comm. Harris: No...

Regina Jackson: Just uh...

Comm. Harris: City Attorney?

Comm. Smith: We've already voted to approve. I think you just make a second motion to supersede your first motion.

Comm. Harris: Okay. So, I'm going to make a motion to the second motion to supersede my first motion. And, the motion is, I would like to direct Mr. Nisperos to contract the investigator for the Bay Case review, not to exceed \$50,000

Regina Jackson: And, is there a second?

Comm. Dorado: Second.

Regina Jackson: Let's take a vote.

Regina Jackson: Commissioner Dorado?

Comm. Smith: And, just for clarity, when you say 'investigator' do you mean the-

Regina Jackson: The Oppenheimer group.

Comm. Harris: The Amy Oppenheimer Group, as investigator.

Regina Jackson: Okay.

Regina Jackson: Commission Dorado?

Comm. Dorado: Aye.

Regina Jackson: Commissioner Anderson?

Comm. Anderson: Aye.

Regina Jackson: Commissioner Harris?

Comm. Harris: Aye.

Regina Jackson: Commissioner me. Aye.

Regina Jackson: Commissioner Smith?

Comm. Smith: Abstain.

Regina Jackson: Okay. The motion passes.

Regina Jackson: I wanted to see... We will also continue the Police Commission Retreat, so that we can get an update.

Regina Jackson: We will continue the Committee Liaison of the Commission Reports and Agenda Setting.

Regina Jackson: Are there any additional items. Items from the pending list, that we think need to be on the next agenda?

Comm. Anderson: On page two of ten, we have Stop Data and Racial Impact report. It's prioritized as 'high'.

Regina Jackson: Okay.

Comm. Anderson: I'd like to start having regular data conversations here.

Regina Jackson: Stop Data and what was it called.

Comm. Anderson: And, Racial Impact Report.

Regina Jackson: Racial Impact Report. Excellent.

Regina Jackson: Any other items?

Regina Jackson: Commissioner Dorado?

Comm. Dorado: Just a question. Can I throw in the status of Community Policing in Oakland under the standing other Commissioner Reports?

Regina Jackson: Sure.

Comm. Dorado: Okay. Thanks.

Regina Jackson: Okay. And then, I think we probably need to go ahead and have the Pollock Update because we will have already met with the Discipline Committee and need to report out. So, we'll do that.

Regina Jackson: I think that leave us with a pretty full agenda. Are we good with that?

Comm. Harris: Are you doing an update on the hiring of the investigators?

Regina Jackson: I think we probably should, and that should come under our Committee stuff, because that's a personnel committee, right? Isn't that... No?

Comm. Harris: I would say, once the Executive Director is hired, it's under their responsibilities. They would be reporting out to us as a body, as a whole on that.

Regina Jackson: So, do we want to get an update in advance of that? Because, I think what we said-

Comm. Harris: We want them to be [crosstalk]

Regina Jackson: Okay. All right. So, we'll get an update on where they are in the process because... Yeah.

Regina Jackson: Okay. No problem. Update on investigator.

Regina Jackson: Okay, I would-

Comm. Harris: Investigators.

Regina Jackson: - love to take a motion to adjourn the meeting.

Comm. Harris: Motion to adjourn.

Comm. Smith: Second.

Regina Jackson: It's been properly moved and seconded. Could we all say, "Aye"?

Group: Aye.

Regina Jackson: Okay, and we are adjourned. Thank you very much everyone. Whew!

Comm. Harris: I have to be at work at six. You too? Six a.m.? Me too. Shit.

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