



**CITY OF OAKLAND  
OAKLAND POLICE COMMISSION**

**Meeting Transcript**

**Thursday, July 11, 2019**

6:30 PM

City Hall, Council Chambers

1 Frank H. Ogawa Plaza, Oakland, California 94612

- Regina Jackson: Okay, can we have all of our commissioners take their seats please. We're going to start in just a moment.
- Speaker 1: Hey, you know what? We should actually do a Public Records Act request and find out where all the [inaudible] had been pulled from-
- Audience: [inaudible]
- Regina Jackson: Welcome to the Oakland Police Commission meeting. The time is 6:34 and this is a call to order. Roll call, let's see, it looks like Commissioner [Ahmad] is absent. Commissioner Dorado?
- Jose Dorado: Here.
- Regina Jackson: Commissioner Anderson.
- Tara Anderson: Here.
- Regina Jackson: Commissioner [Harris] is not here. Here, for myself. Commissioner Smith.
- Thomas Smith: Here.
- Regina Jackson: Commissioner Prather. Alternate Commissioner Brown?
- Chris Brown: Present.
- Regina Jackson: Okay, and we have a quorum.
- Regina Jackson: So, for the welcome and open forum, I have speakers [Rashida Granage 00:06:22], [John Lindsey Poland 00:06:23], Miss [Asada 00:06:23], [Nino Parker 00:06:23], [Salim Bay 00:06:23], and I think that's all for item three.
- Regina Jackson: I want this over here. Anybody like to approach the podium?
- Salim Bay: Good evening commission, public. Salim Bay.

- Regina Jackson: Good evening.
- Salim Bay: First off, I would like to reiterate what we been saying since last year. That this chief must go. I want to reiterate why she must go. It started from her very first act as a chief in promoting the officers that covered up the rape, serial rape, serial gang rape, by officers of an underage girl of color in our community. If officers are not the place that an underage girl can go to for refuge in our community, they don't belong in our community. If any of these officers are still in this community, they need to go out of this community. That's human trafficking. Human trafficking has been identified where Oakland is on the top one or two in the world of a place where Human trafficking is worst.
- Salim Bay: Here, on Fruitvale, East 14th, International where everybody drives up to. We're all complicit if that is the status of it. If the Oakland Police Department can't do anything about that, then the Police Commission should make sure that the Oakland Police Department has the vision and leadership that it takes to address when underage girls in our community are serially raped by OPD officers.
- Salim Bay: She promoted the officers that covered this up, right after Chief [Whent] hurried up and retired. So, we haven't forgot that the police chief needs to go and we'll keep on saying this. We don't have to have a press conference to say it. But they never let it go because I haven't had to have a press conference. I keep coming up here and I say it every week. And until this chief goes from getting rid of these predator police officers in our community, we going to keep saying it.
- Regina Jackson: Thank you.
- Rashida G.: Good evening. I just wanted to congratulate you all on the fact that the city council unanimously passed your version of the stop and search of parolee and probationers policy. I'm sorry I wasn't present. I was out of town, but I understand Commissioner Anderson did an excellent job, no doubt. This is a major milestone for this commission. This is really the first clear convincing evidence of the reason for people to have voted for a police commission. To ensure that the policies that are followed by our police department are consistent and reflective of the values of the community.
- Rashida G.: This is a very important milestone and all of you should be proud. It's been difficult time, I know, from the time you were first seated. But, this is something that you can be proud of and use as a foundation to build on future successes as well, so thank you.
- Regina Jackson: Thank you very much. I do want to echo that. Thank you Commissioner Anderson. Thank you to all the Commissioners. You all played a role in getting us to where we got to. Thank you.

J.L. Poland: Good evening. John Lindsey Poland, American Friends Service Committee. Commissioners I wanted to let you know that the issue of the [BearCat] will be covered in a [KTVU] story that should be coming out tomorrow or Monday. So, watch for that. The OPD's attempt to acquire one. I wanted to just say a signal to you that I will be working with people in the community to try to develop a draft of an acquisition use and reporting policy, or set of policies. For equipment that, at least under the federal government, was controlled under the [1033 Program 00:11:58], but is also acquired by many other means by OPD and other police departments.

J.L. Poland: I know you have a lot on your plate, so I'm going to do everything I can to engage community folks, bring in all the best practices and best thinking on these. I also want to let you know that our Public Records Act request to OPD for reports of the BearCat's deployment over the last three years is now been reduced in scope, so that it is only from the beginning of 2018. It excludes the Josh [Pollack] case. It excludes a lot of other things that we asked for, in order for OPD to be able to complete response to this by the end of the summer.

J.L. Poland: Which is another indicator that there's no separate reporting on the deployment of the BearCat. I suspect that the same is true of other kinds of equipment, whether that is assault weapons, whether that is sonic weapons, or other kinds of equipment that really the community should have oversight for. I know that some members of the community, it's more important to them how these things are used, but we will be engaging the community and bring something to you, for you to be able to consider. And I invite you to engage with us as well, in whatever way you can.

Regina Jackson: Thank you.

Miss Asada: Love, life. Measure [AA] failed. I have three items. Number one. I picked up this card in the City Administrator's office and it is a card that people can carry around to know their rights as undocumented citizens. I have seen cards like this that, for citizens or non-citizens, to know your rights when you encounter the police. Things that you have a right to expect, what you can say, what not, I encourage you to consider, if you have the funds, to produce something like this. Second, the rules and legislative committee met today. The police commission was on the agenda. There was an item called the Police Commission Powers and Duties. Hold a discussion and identify potential recommendations to change the powers and duties of the police commission. To support the commission in performing its critical police accountability role, including an assessment of any benefits, risks, or trade-offs. On the September 10th, 2019 Public Safety Committee.

Miss Asada: I really encourage you guys to keep up with what's being put on the agenda as it relates to public safety, including rules, the public safety committee. So, things like this you can address. They didn't understand what they were trying to accomplish, but it did say representative from [Taylor's] office said that this

would look at a potential ballot measure being put in the March election.  
Related to your duties being increased.

Miss Asada: Lastly, I want to address the issue of the young brother [Jonathan 00:15:02], can't say his last name, who's been missing since March. Here's the issue about his being missing. The detective said that it was suicide, even though no body has been located. The police department waited 20 days before they posted a press release to the public about Jonathan being missing. There is nothing that was put on Facebook by the police department, nothing on Twitter, nothing on next door, as they usually do when other missing persons cases.

Miss Asada: Something needs to be done to find out why this particular missing person had such unusual circumstances, and the parents had been coming and asking for some help. At least look at the policy related to missing persons to see if there's some inconsistencies, or some issues that need to be addressed. But Jonathan is still missing and nothing is being done.

Regina Jackson: Miss Asada, I just wanted to provide a brief update. I know that the family met with the police on Tuesday. I met with the police on Monday to understand what had gone on, and so there are going to be some recommendations coming out of that. I just want to let you know I did what I could, but he also... Excuse me. Deputy Chief [Cunningham] also. He and the investigator sides, officer sides, met with the family on Tuesday to clarify some things. I think that in terms of consistency around social media and all, we will probably be asking to understand what their social media policy is, and who it is that's working on that so that we can get some standardization. Thank you.

Regina Jackson: [John Jones 00:17:00]. Third.

John James: Good evening. For the record, my name is John Jones III. I'm the chair of the selection panel and I want to speak from that perspective first. First of all, I want to thank each and every one of you for the work that you have done. I echo the comments of Rashida. Unfortunately I couldn't make it to the city council meeting, but we need some good news to come out. And we're making that happen. I'm also happy, as a chair, to announce that the selection panel, we have selected two people to join you up at the dais. They're both here, I'm grateful for [Henry Gage 00:17:36] as well as [David Jordan 00:17:38]. I want to congratulate them.

John James: I also want to speak as someone who is appointed as a delegate for the Democratic party in California. We know that we are up. We have a presidential election coming up, and as people are engaged in national politics, and a national landscape, I think it serves us more than a reminder for us here in the Bay Area to get out of our comfort zone. What I mean by that is we have relied upon our historical legacy as being so progressive, and so liberal. In reality, in a lot of areas, it's the opposite. So, we have an opportunity to stand up and

demonstrate our values not just for the people here, but also to provide political cover for other residents in other places of this country.

John James: And that leads me to my last point I want to make. The issues with police, and OPD specifically for me, is outside of, it's in addition to, brutality. What I mean by that is two things. First of all, it's about money and funding. This city's in dire need of services. We have a huge population of people who are unsheltered. We have a crumbling infrastructure. We have residents who are experiencing mental health issues. So, for me, part of keeping OPD accountable is also recognizing where money is going and how we can make sure that we are being more strategic in our engagement.

John James: That leads to the last point. In order for us to accomplish that, we have to work with each other. We need every stake holder involved. So far, it's just been you all and the public. We need the mayor, we need everybody else involved, to be present, to be vocal. To exemplify their leadership. To walk all their values and not Tweet about it. Thank you very much.

Regina Jackson: Thank you. Nino Parker is the last speaker on this item.

Nino Parker: Good evening. Nino Parker. I'm the Screen Team executive director. [Lake Merrit 00:19:37] Black advocate as well as the, hopefully, Beyond the Homeless commission one day. I'd like to start out by saying I'm not one to bash the police department. I've always kind of had this even-keel, "don't mess with me, I won't mess with you" type of thing. But we do need the police protection in a lot of areas. Basically where I'm at now we have a crime wave virtually going on the campsite right next to mine. Very, very tough situation over there. Very violent threats and people.

Nino Parker: One of the things I wanted to mention is, I heard last week when it comes to sex trafficking and young girls on, I guess the [inaudible] International, the block adjacent to that. They were talking about what can we do about getting some of these young girls off the street. One of the things I've seen that's been affective in the past. You have a lot of police cars at that time of night that are sitting down at 7th Street. If you park one every four blocks, or every so many blocks, that might be a deterrent. Because no one's going to be walking around those police cars with those cameras and stuff, and those kinds of things. If you don't have enforcement to have people out there at all times, then maybe some of your cars can do the job for you.

Nino Parker: One of the last things I'd like to talk about. About two years ago, I was attacked under the 12th Street bridge by a guy with a fence post. One of those triangular fence posts that would have split my head wide open. He had been up all night smoking that stuff. And the last words I said to him the night before, was telling him to get food at this certain... People who bring food to the campsite. The next day, I was sitting in my chair. Fortunately I was having a cup of coffee, I was awake. He took this metal pole and tried to break my head open with it.

- Nino Parker: Long story short, the police were called. I held the guy down for 20 minutes. I saved myself, thought he was playing. Get down, hold him down for 20 minutes. The police come. His dog is barking at the police. I tell the policeman, the officer, to come over. He does that. The police officer asked me to release his arm, because I had him down, he put the cuffs on. He said, "Don't get up yet. Release his other arm." Then he told me to stand up, and help him stand him up. I stood him up, and helped him stand the guy up. And I said, "Dude you're under arrest." I just threw my words in there too.
- Nino Parker: But the case went downtown. They told me what I needed to do was go get a restraining order. I followed all the procedures that they told me to do. I went down and got a restraining order, all the way to Hayward, come back. [Paul Tierney 00:21:55] and [Alisa Danson 00:21:58] said it was mutual combat. I was almost killed. And that's what I'm trying to say about homeless people out here. Our lives aren't worth a dang. And this gentleman Mr. [Lou 00:22:06], I seen, and because of immigration, he's got an apartment where his dog's at. I see him at the trust clinic. He's doing fine and well, but he almost killed me. If I had died under the bridge that day, you would've never met me. Thank you.
- Regina Jackson: Thank you Mr. Parker. [Kay Top 00:22:22], we are hearing that the volume is not loud enough. Folks can't hear in the audience. Can you please increase the volume for the speaker's podium? Thank you.
- Regina Jackson: Moving to the review of OPD racial impact report. Is there some... there we go.
- L. Armstrong: Good evening commissioners. [Leronne Armstrong 00:23:03], Deputy chief of Police, Oakland Police Department. What we have before you is the Oakland Police Department's 2016 through 2018 racial impact report. This report was a recommendation from the [Stanford] 50 recommendations around OPD being more transparent with its stop data. So, what we did for this report is the chief laid out her message that, clearly indicated on page two, regarding the OPD's mission. How we recognize, we truly do recognize the impact of the history of the department. The history in our community around stop data. Around police interactions and the harm that it can cause when people have interactions with police, and our efforts to reduce racial profiling or the perception of racial profiling.
- L. Armstrong: Really what we did in this report is provide you all of the data for those two years of discretionary stops. Those stops, this data, includes not only stop data. It also includes racial breakdowns, percentages of who's stopped, search percentages, reason for stops, intelligence-led stops, all of the areas of stops. It also, for us, highlights the significant decrease in stops that we had from 2017 to 2018. In particular highlighting the 10,874 less stops of African Americans that we had in the year 2018. The reduction in stops with Hispanics 4,483 which is 23%. The African American stops went down 55%.

L. Armstrong: The department, under the chief's leadership, we continue to utilize intelligence led policing. We continue to be focused around, during our risk management meetings of having deep discussion our discretionary stops, Who we're stopping, the racial makeup of who we stop, the reason for why we stop, and what is the outcome of those stops. Those meetings are at the executive level led by the chief, and the chief leads the Q&A with our command staff. So, the area captains come in monthly and we speak specifically not only from the city-wide level, but down to the squad level, and then down to the actual officer level. Looking at individual officers, the number of stops each individual officer is making, and identifying those that are outlying officers. And then breaking those stops down by race, and each commander doing the drill down.

L. Armstrong: By no means is the department, and you can see in the report. By no means is the department, the chief has been very clear in her statement that, by no means is the department saying we have accomplished what we seek out to accomplish. There's still more work to do. We continue to still drill down and really ask the difficult questions of officers, of why we make certain stops, and is there other things that we could be focused on. So, command staff have been required to provide officers with additional things that they can work on besides discretionary stops. Then the chief has made equipment stops a less priority for officers. Meaning that, we've asked that officers not focus in on low-level equipment violations like license plate lights out, things of that nature, that may not be a public safety risk.

L. Armstrong: So, we obviously want to make sure that we continue to make sure that the public is safe with stop sign violations, speeding violations, things of that nature. But the low-level equipment violations, the chief has deprioritized that. There's a lot of work that's continuing to go in. Our new prime system, which will be vision. Pretty soon we'll include dashboards where our supervisors and command staff can actually look at the data in real time, and be able to have more robust discussions with our command staff about their officers' activity.

L. Armstrong: I'll take any questions if you have them.

Regina Jackson: Commissioner Prather.

Edwin Prather: Good evening, Deputy Chief. Thanks. Appreciate your summary of-

Audience: Can't hear.

Edwin Prather: Does my mic not work?

Audience: [inaudible]

Regina Jackson: Okay, can you just get closer to it?

Edwin Prather: Good evening deputy chief. How are you doing?

- L. Armstrong: Good evening, sir.
- Edwin Prather: Thank you for your summary. Couple of questions. I know it appears that this report was completed this year. But can you tell me when? It seems like it covers statistical year ending December 19, 2018. But what year was it, or what date was this report authored and completed?
- L. Armstrong: The final date that we completed-
- Edwin Prather: So let me give more meat to that question. I'm just wondering when was this report finished?
- L. Armstrong: We uploaded the report to our website, I believe, probably around April or May. I can get the final, the actual date of when we uploaded it. But it was probably in the last quarter.
- Edwin Prather: So, one of the things. One of my pet peeves with data is that often we collect data and then we don't do a lot with it. And we've had it now since April or May of this year, and even in Chief [Kirkpatrick's] words here in her letter. It talks about that information collected will allow us to assess our policies, practices, strategies and enforcement related decisions. That's a very vague statement, in my mind. What are we doing to assess? How are we using the data to critically analyze what we're doing? How is it resulting in changes?
- Edwin Prather: Because it's great to put up, and this sort of goes to a comment I had a few meetings ago. It's great to put up data and pat ourselves on the back and say, "Hey, we're reducing racial profiling," when the community knows it doesn't feel like we're reducing racial profiling. So, what are we doing concretely to take the data, assess what we're doing, and make changes? And if the answer is, "We're working on it." That's okay, but this is where I'm at. What are we doing with the data? How are we going to use it to make changes.
- L. Armstrong: The data that I spoke of. The monthly risk management. So, we do two forms of risk management, where the data is given to us on a monthly basis. We look at that data during those risk managements and we look at each officer's stops. What discretionary stops have they made? The number of them? How many searches have they made? The number of recoveries that we made? So, when we identify those officers that we feel are outliers, or even below the norm. We'll have our command staff look at that individual officer, and drill down to every single stop that that officer's made, read every document associated with that, and provide us an updated report.
- L. Armstrong: Out of each meeting that we have, the chief gives out what we call deliverables. These are specific requests given to the command staff that need to be followed up on within a 30-day period. What the command staff has to then do is take that deliverable, meaning that identifying an officer that might have some at-

risk behavior. That officer is then assessed by the command staff, and the command staff provides that report back to the chief as to what they found.

L. Armstrong: In terms of policy updates, there have been opportunities. Like I just mentioned, the chief. We recognize through these meetings and the review of the data, that we needed to make less equipment stops. That's a policy directive that the chief gave out. "I want to deprioritize the equipment violations, and I want to more focus on traffic safety issues and then increase intelligence-led stops."

L. Armstrong: So, these are things that we're using the data to identify if intelligence-led stops are increasing or decreasing. How many of our stops are traffic related versus some other reason. Could be some reasonable suspicion or some other reason for the stop. We're using the data to critically understand what our officers are doing out there every single day, and that's done on a monthly basis. It's actually at the command level done on a more frequent basis because when they come to the meetings, they're prepared to already discuss their officer's activity.

Edwin Prather: Thank you deputy chief, that's a great answer. There's a lot of information, what you just gave, so let's unpack that a little bit. So, what you're saying is that, we don't have to wait until the end of the period. This report being a two year period. Because we get that information every month, and every month we can look critically at what individual officers are doing and we can help identify any shortcomings, changes. We can go straight to the root of the problem when we identify it monthly. Which is great. Thank you.

Edwin Prather: Now we have this report that is the work of a two-year period, and it was done in April or May. Are there plans to take it as a whole, and make more policy changes? Have meetings? Is there a taskforce? What's the follow-up on the report? Because if the answer is just, "Well, you know, look. This is a PR piece because we already use the information every month." And that's fine, and that's our answer, because that's how you're using the information. I Just want to understand how we're going to take the data and go next level with it. It's great to have the data, and it's great to have the data not just as the individual officers, but collected like this. So, I'm just asking what's the next step? If the next step is, "I don't know." Then that's okay. Or if it's, "Hey, we're having a series of meetings." Then that's what I'm looking for.

L. Armstrong: I think what we're doing is that what the chief started probably in May. Was we started what we call area level risk management. So really, the effort was to not only review this data at an executive level, but ensure that command staff. The five area commanders that oversee the officers in the patrol division, that's making the stops every day, that they are meeting with their officers to have this discussion on a more frequent basis. That they're assessing their officers very critically.

L. Armstrong: We think that it's important that it's within the culture, right? That you don't wait until we produce a report. We're not waiting until we produce a report. The expectation is that supervisors and commanders are using the data to better understand what their officers are doing so that they can course correct. That when you see an officer that might be making stops that may not be inline with the chief's direction, or the guidance that we've asked. That you make the call as a supervisor or commander to give this officer some guidance. We know that's happening because we're requiring them to report back and tell us.

L. Armstrong: Then when we have an officer that we clearly know need new strategies, more direction, that officer is then referred for our supervisory monitoring program. That gives the officer and the command staff more supervision of that officer, more critical looking at the officer and strategies for improvement for that particular officer.

L. Armstrong: It is no delay in the time in which we look at the data, versus responding to what we see in the data.

Edwin Prather: It's not a criticism-

PART 1 OF 6 ENDS [00:35:04]

Edwin Prather: It's not a criticism, but I think I would have put that in the report. And here's why, because the report does read like we are advertising the pat on the back like, "Hey, we are reducing racial profiling of related stops." What I hear is there's this ongoing effort in to using the data on a monthly and more frequent basis to help root out problematic issues, right? And what I don't see is we're coming to this forum and I'm having to ask the question to get the information out, but it's just a level of transparency that I would like to see given to the public. Because otherwise this is the same.

Edwin Prather: These kinds of reports are the same. It's the same issue that we had before, which is these are opportunities for OPD to express to the public what you're doing. And this talks about, "Hey, here's the data." But it doesn't go next level, it doesn't explain any of that. And the public needs to know that and it needs to be in more than this forum because just the people here in the body of the audience are watching at home or watching it later on tape. That's just my suggestion. I'd like to see ... And don't get me wrong, deputy chief, I appreciate the level of knowledge and intelligence you are bringing to this discussion. I think it has been lacking in the past, so I'm in full appreciation of you right now. I'm just making a suggestion that in future documents that we start to look at the opportunities. OPD has to be more transparent. That's all. Thanks.

Speaker 2: No problem.

Speaker 3: Are there other questions from the commissioners? Okay, so commissioner Anderson and then Dorado.

Tara Anderson: I also want to appreciate the report being brought forward and your description of and especially response to commissioner Prather's questions. Some areas that I'm particularly interested in, especially if there's going to be some sort of ongoing reporting following a similar template, on page five there's a description of a number of different activities that are represented as building trust with our community. I'm curious if those are being tracked in any way and so you can account for where they're happening, what communities, what Living Rooms are being visited, et cetera. So that would be my first question. I have a couple of others.

L. Armstrong: Yes, so a couple of the areas. We track each one of our neighborhood service, coordinators track each of our Living Room meetings. They actually lead the scheduling and setting up of those meetings, so they track those. We also have a community policing form, a meeting form that's filled out when our officers attend a community police public meeting that they fill out the form so we can ensure that they intended. That's also an NSA task that officers attend a community meeting. And so, this is the way in which we track it. We actually a report out on that as part of our NSA task.

L. Armstrong: So we track the attendance at community meetings. The chief of staff, Lieutenant Hook Finn is one of the leaders of the Barbershop forum. So monthly, there are forums throughout the city and up throughout the Bay area that he participates in conversation where they engage with community, listen to community regarding their experiences, but also they have very robust conversations with returning citizens.

L. Armstrong: Those individuals that have returned back to our community and wants to talk about their experiences with law enforcement and then what role they can play and help improve in relationships. And so that has been featured on channel two and several other media stations. It's really been highlighted as a very positive program and then we obviously have to ... We attend our neighborhood, our NCPC meetings, our neighborhood crime prevention council meetings is mandated through measure Z. All of our measure Z funded officers, our CROs attend those meetings monthly, as well as the officers and command staff.

L. Armstrong: The youth outreach program. We have a youth outreach program that continuously supports. It does multiple events in the community, that's also tracked. And then our squad base projects are tracked. Every patrol squad in the city has a project that they're working on in partnership with community and we keep a list of that. So every district throughout the city for all our 35 beats, we have projects in those districts, where officers are working directly with community and we track those. They also fill out a report to talk about whatever project they're involved in, and then the outcome of that project

Tara Anderson: In the future I think it would be great to see those numbers in detail and what squads or whatever neighborhood level stratification of the data can be

provided, I think provides insights into which communities are receiving those types of outreach that you described.

L. Armstrong: No problem.

Tara Anderson: The other thing I'm curious about, because a static report that comes out once a year is of value to a certain extent. I'm curious if ... And there is great value to being able to have a closed meeting within the department where you're able to speak to the officer level of outcomes that you're seeing and set directives in motion on the ground level. I'm interested if there's an opportunity for something in between a regular public reporting of data, much in line with Comstat, where there's a public forum on a regular basis, where data is being discussed more broadly, not just the stop and search, but crime statistics overall and whether or not the current department has any vision to do any public interface beyond what's available on the website, where an individual can see some real time crime statistics.

Tara Anderson: But I think that also goes a long way in terms of providing insight and building trust into what's going on in the operations of a police department. When you can have a regular public review of this information and not just be reading a static report. You get the more the richness that you described in response to commissioner Prather's questions. And I'm curious too about other sources of data that provide additional insight like calls for service, in particular on the front end also impacts what communities officers are deployed to.

Tara Anderson: The only mention of that here in this report is about like a mention of footprints, and I actually had to look that up. I didn't know what it was referring to and found the kind of definition about footprint around for everyone else who may or not know what the footprint reference is other than walking in the sand. They send officers into high crime areas that often leads to looking for violation, so I appreciate the directive that saying, "Don't look at equipment because that can be a detrimental impact of policing particular communities." So I'm just curious how, do your graphic call for service data is also informing this type of analysis?

Tara Anderson: And then I'd also like to see a step further with the stop outcomes and I'm curious the next step after in particular seeing the stats on felony and misdemeanor, and knowing that the district attorney has a different burden of proof, but how many cases end up actually being charged and how many are actually ultimately discharged that are coming from OPD to the Alameda District Attorney's office? I can re-summarize a few things if you'd like.

L. Armstrong: Yeah, we would be more than happy to provide you the data that we have accessible to us. So no problem. I will say that for this report really this came out of a Stanford recommendation and it was really focused around transparency. What we learned from the original Stanford report was that there was a high number of stops of African Americans that ... And so the chiefs really focused in

on reducing that footprint. And so for the past year, almost two years, that's really been our main focus of trying to introduce intelligence led policing, trying to get our officers more focused, trying to use laser focus about who we stop, who we interact with.

L. Armstrong: And so I do think for us to highlight the fact that you can come in and make 10,000 less stops of a certain demographic who was driving your numbers for many years, says to us that we were, the chief's message went out, officers were paying attention, we were going out and doing what they were asked to do. And so I do think there's areas, like you said, that if there's a report that you'd like to see with more improvements, I think we can do that. But I think our overall intent is that we feel like it is a report that does highlight the fact that when you focus and when you follow direction like that, and follow the chief's guidance that we can change outcomes.

L. Armstrong: And I think when you reduce stops 43% you can ... I think that's a change in outcome. And so I think we can begin to focus on other areas, we can improve in other areas, but I do think our effort to reduce the number of African Americans that we were stopping and interacting with, particularly from minor violations, I think we have seen some success in our strategies in order to reduce those numbers.

Tara Anderson: Okay. So is there a plan at all to do a more regular public reporting of police data?

L. Armstrong: We can. We can definitely work with the commission to figure out what that looks like. Last year in 2018 we had a very public meeting at Laney College, where the chief and Dr Eberhardt and the mayor was there and we discussed our stock data at that meeting, the chief discussed the end the strategies that we would be using to help reduce those numbers. And so that was our effort last year and we could definitely work with the commission to do it maybe more frequently. We'll just have to work together and see what that looks like.

Tara Anderson: And what is the plan for ongoing compliance with AB 953?

L. Armstrong: We have complied with AB 953. So as of January 1st of 2019, the department created our new stop data form that is what we call AB 953 compliant. It is the probably the most robust stop data form in the state because we not only collected the mandated requirements of 953, but we still included our own stop data form that we've been using to collect this data. So the data that you see in front of you, if we were only to collect AB 953, you will not have this robust report with all of those different categories that we have. So the chief decided when we had to transition to AB 953 compliant, that we would still continue to collect data in all those different areas that we had been collecting already, which allows us to do a risk management and really look at our officer's activity more deeply than we would have.

- L. Armstrong: We just did the general form that everybody else is filling out.
- Tara Anderson: Thank you. My last question is about vision and when those dashboards will become available, what's the timeline for that and is there any capacity within vision to make some of those dashboards public?
- L. Armstrong: So we got our last week during the last IMT visit, we did get an ... We got a preview of all of the dashboards being completed, so they're actually completed now. The data is being transferred from one database into those dashboards and so now they're just doing the cleanup. They're doing a clean up to make sure that the data is correct. They said that takes about a month. We'll then do some Beta testing once that's completed. So expect by September that we are working with the new dashboards. These dashboards give us much more than we probably have ever had in terms of quickly being able to look at data, look at different comparisons and things like that that we need in order to see what our officers are engaged in.
- Tara Anderson: Thank you. Commissioner Dorado.
- L. Armstrong: You mean.
- Jose Dorado: Good evening. All right. A couple things before I get to our question. The Living Room meetings and the Barbershop forums and the Youth Outreach hopefully do have a Latino component, particularly in Spanish. And the squad based projects are really interesting in that I'd like to see a list of these projects, what they are, where they're located, et cetera. And then in terms of the at the NCPC meetings, I can assure you that not all of them are being attended by the CROs. And I could provide you some examples, but my questions are around the conclusion. There's a statement about practicing procedural justice in the community.
- Jose Dorado: I'd very much like to see examples of that. Also examples of the strategies being tailored to minimize the actions which may be harmful to the community. But going back to the NCPC and the CROs, the deployment strategy and expectations are something I'd be really interested in because there's a real conflict between the pressure to have the CROs go out of their beat to do other than CRO work, because have obviously the pressure of reducing shootings and homicides, et cetera versus what is in fact their primary duty. And that is to deal with problems in their respective beats. So that's a conflict that I'm very interested in.
- Jose Dorado: So I'd be interested in hearing more about the changes in the deployment strategies and expectations coming out of this.
- L. Armstrong: Alright. So each area commander, provides their direction and strategies to reduce filing crime in their particular areas or crime in general. And then they have different strategies around community policing. I think, for many years the

challenge has always ... And I don't think it will change, the challenge in Oakland will always be that even when we have CROs out there, if there's an emerging incident, an emergency that comes out, a shooting or something that obviously people's lives are at risk, we expect all of our officers to go in and support the officers as they go in and try to rectify that issue or deal with that or manage it.

L. Armstrong: And so I think that's a challenge that we face, is that throughout our city we tend to see these incidents occur pretty frequently and we need assistance. But their primary responsibility is to conduct community policing projects that they should be attending their community meetings. They've been directed to attend community meetings. We also know that there are times when other things happen like vacation training, other things that are pre-scheduled time off illnesses, injuries. There are multitude of different things that happen that can contribute to why they may be at a meeting or may not attend the meeting. But we are cognizant of that.

L. Armstrong: We've been very clear with assistant chief, we conducted a CRO school, where that was one of the primary things that we pushed forward was that you need to attend the meetings. CROs must attend meetings. And so the chief and assistant chief had been very clear that that's the expectation. The unforeseen things that we may or may not know about ... I mean, those things happen, but we expect that they be there or even when they're not there, they were instructed to come up with an alternate officer to attend.

Jose Dorado: Exactly. And that's where I would go with this conversation where you don't have to extend it, but if in fact they're not able to make it, then have somebody take their place and that the CRO stay for the entire meeting, if in fact it's possible.

L. Armstrong: Yeah.

Jose Dorado: Not just stay for 15 minutes and then leave. The other piece of that, is that certainly nobody's going to argue if there's a serious situation the CRO goes and nobody's going to argue with that. But in fact ... And I sound like a broken record, there's never been one time in 23 years where a NCPC priority has gone through the CERA process, and the CRO or the PSO formally has taken it through the CERA process and reported back to the sponsoring NCPC in real time at the completion of each step. Has never happened in 23 years, not one time. So this is why I put the pressure on OPD to enact or actually have the implementation of community policing needs to the point that that actually happens after all this time.

L. Armstrong: Yes sir.

Jose Dorado: Thank you

Regina Jackson: Commissioners, any other questions? Okay, I'm along the line of Commissioners Anderson and Dorado specifically. Really appreciate this information. The part about rebuilding trust with our community, I would like to see more data on that. I know that we hosted a Living Room meeting last year sometime, right?

L. Armstrong: Yes.

Regina Jackson: But this doesn't help me understand how many of you all have completed or where. And tracking that geography of the map, so that we can make sure that every section in Oakland has access to this kind of engagement is really important. So I would just like to see you put more data behind each of these components. And then commissioner Dorado, hopefully can provide you on the NCPC, some of the holes that are there. And that way you can be sure that the information that you're providing is 100% accurate, okay? Thank you so much. The speakers for item four are Maryvale, Celine Bay, Nino Parker, Ms Asada, Rashida Ganash, Henry Gage, John Jones, the third.

Rashida G.: Thank you. All right. I noticed that nobody really focused on the appendix, which has all of the statistics. And what you find is that, for example, on page 13 we still have ... No, let's look at page 14. You have a 66% of the stops in 2018. Wherefore African Americans compared to ... Well, for traffic violations, what my question is to DC Armstrong, is that, I wonder if they have any camera footage that records and documents the reason for the traffic violation. I brought this up in a meeting with him and Dr Eberhardt to see whether in fact the PDRDs or the Dash cam, could document the reason for the traffic stop or what they refer to as equipment, because as you can see, the disproportionate number of stops are for that reason. even though in their narrative they're focusing on intelligence led and yet that's not where the majority of the stops are.

Rashida G.: If you look at this search and recovery figures on page 15, if you look at the recovery, you'll see that it's a much greater percentage for whites than it is for African Americans. Even though the searches are twice as many for African Americans as for white. So they're searching African Americans at a higher rate, but the recovery is greater for white people. The same with the citations they offer. They give more citations to white people than to black people even though they're stopping twice as many black people as white people. These are the kinds of issues that I would have hoped you would have focused on in this appendix because this was where the story is. Not in the narrative, in the numbers.

Rashida G.: This is the reality and this is what needs to be explained by DC Armstrong. Thank you.

Regina Jackson: Thank you. I think we're all kind of interested in that point. I'm sorry we missed it. So in terms of pages 14 and 15, where the numbers clearly enumerate that the numbers of African American people are stopped and or searched twice as

much, but your recovery is really coming from Caucasians. Can you help us understand? And then also can you answer the query about whether or not the PDRD can document the reason for the stop?

L. Armstrong: So I'll start off with the reason for the stop. So one thing we have as a result of AB 953, is now the reason for the stop is actually documented. So now we do have that data source moving forward. So the officers now are mandated to document it. The form actually requires them to document that particular reason for the stop. So we are collecting that data. We also do, when they do drill downs, when the command staff looks at a stop, they are also able to look at the PDRD video and indicate per policy the officer is to is mandated to activate the PDRD camera prior to contact.

L. Armstrong: So which would mean that if the officer went and approached the vehicle, that should be captured on video. If that's not captured, that is something that we will look at in terms of if it's MOR violation for what reason was the camera not activated. So those are things that during the drill down if they're stops that we're looking at, we also expect command staff. They've been directed that during the drill down, to not only to look at the written data, but also compare that data to the actual stop and look and see if that information is in that stop. So when we do the drill down, that's the sort of information we're looking at.

Regina Jackson: Okay. So since this document is updated on a monthly basis, I'm understanding that correctly?

L. Armstrong: We don't produce this document, this document was a report that we produce for a two year period. The documents that we produce monthly are distributed internally for internal risk management meetings that include for the executive team, as well as the commands down.

Regina Jackson: So when will we be able to see index that shows the reasons for the stops.

L. Armstrong: The reasons for the stops are ... We can-

Regina Jackson: Because you're now collecting the data. I'm just wondering in what kind of Matrix or index will you be able to produce those?

L. Armstrong: So all of that data, all the 953 data's uploaded and sent to the state of California, to the Department of Justice. So we'll be uploading our data to the state every six months. We will not be releasing. We don't have the capacity, the ability. That data goes directly to the state. We can produce our monthly reports that we look at and we can share them with with the commission if that ... We could probably sit down and talk about a way in which we can produce a report for the commission. But it's a different report. We don't produce the same report that the state will be producing.

Regina Jackson: Okay. Thank you. And that would be great. Commissioner Smith.

- Thomas Smith: Yeah, I just was going to say if you're producing these types of reports on a monthly basis, it would be great if we could get them. And I think it would be great if we could publicly show what's going on to disclose transparency and progress. I mean, this is a key core issue that we're dealing with and I think to the extent that we can shine a spotlight on it and give people monthly updates to let us know how it's going, so that we don't see one little report that shows progress and then we don't know what's happening after that. I'd like to see a monthly report. I think we should disclose it publicly.
- Regina Jackson: Can we work with you to figure out how to design that, so that it's-
- L. Armstrong: Yes.
- Regina Jackson: Yes? Okay, great.
- L. Armstrong: We can work to see how we can do that. But the other thing I'll say is that one of the things that we will be doing and with the commissioners, we've through our city attorney's office, Alison Dibley, who's setting up the actual trainings for the commissioners. During that training, we actually will be going through the risk management data, so that you can be made aware of what it looks like, get to familiarize yourself with the reports so you know what area. So I think that's appropriate too, to get that training so that we can provide you an understanding of how the data is presented and what categories. And then as we move forward with producing reports, you'll know what it is that we're sending forward to you. So that is something that we can-
- Thomas Smith: That sounds great. I think a key goal though should be that we can produce these reports on a monthly basis and that anybody in the public can understand what they mean and what kind of progress we're having, so that everybody can see how we're moving on this issue. And if we're really making great progress, I think everybody will applaud that and that will enhance the legitimacy of OPD.
- L. Armstrong: Right.
- Regina Jackson: Thank you. Chances are some of the questions that come up, I can redirect through the chair. So maybe if you could just stay there, that will be helpful.
- L. Armstrong: No problem.
- Regina Jackson: Okay. Thank you. Back to public comment. John James the third, or choose.
- John James: Okay. Thank you Madam Chair. But a record, John's owns a third and we have this sand, right? The saying is men lie, women lie, numbers don't. I'm going to say it again. Men Lie, women lie, numbers don't. And before I delve into the data that's encapsulated here, I just want to give us some framing real quick about Oakland. At one point, I'm born and raised in Oakland, 45 years old. So I've seen the changes in Oakland. I've seen lots of things in my short time here

on earth. And one of the things I think is key that connects is ... And I want to start there. At one point in time Oakland was 47% black. That was in 1980. So for me it would make sense if more black people are being pulled over, because that would be more or less more proportionate to the population.

John James: The reality is we have lost 30% of the black population in Oakland since the year 2000. That number continues to dwindle. So in terms of the disproportionate number of black residents being stopped by OPD, it doesn't line up with displacement. It doesn't line up with gentrification. Those numbers should come down and come down drastically. I want to start there. That's the first piece what this data shows. The second piece in terms of ... It's interesting because one of tables talk about suspicion, probable calls.

John James: In those categories black people are high, right? What is so suspicious about black residents, right? And how is that connected to actually what was actually been recovered? Because the receipt is pointing when you look at, first of all, two thirds of the stops are black people, but yet black people are the least likely to emerge from that stopped by OPD with a ticket, with drugs, with a weapon. It doesn't line up. In fact, the data shows that out of anything who should be targeted, should be white people in Oakland. Let's be real.

John James: If you're talking about policing and public safety, if more white people are walking away by percentage with drugs and weapons, et cetera, et cetera. I'd be talking about public safety. Why that's not being reflected in the number of stops. So I want to remind is that when we talk about accountability, we also got to be real with the data [inaudible 00:28:48]. It does not make sense. You cannot justify why two thirds of the stops are black people where we are now. The third largest demographic in Oakland.

Regina Jackson: Thank you. Maryvale.

Maryvale: Regina asked me to point out that the monitor comes out with, in the NSA case statistics quarterly just released a new report that's going to be more up to date than what you were given by the department. And following up on John's point, when I bought my house in Oakland in 1985, African Americans were 39% of Oakland's population. Now I think they're like a third of that. I want to focus on some of the community policing aspects in the report. I'll admit that I'm biased and skeptical about the current administration's effort to socialize away with the problems without fixing the cause of the community conflicts. So for me, when I read Barbershop forum and Living Room conversation, I'm upset or skeptical on a couple of grounds.

Maryvale: You can't socialize only a way problems. Second, the department that has an overtime problem and an overworked officer problem. I'm wondering how many of these light events, are overtime events, or stretching officer's hours, or taking them away from other important community policing work? This year, like department used to have really helpful by police area, quarterly meetings

with leaders from every NCPC in a police area. The leaders got to meet each other. We got to dialogue with the department, we got to go over line by line, the quarterly crime statistics, we got to talk about common problems or serious unique problems in different parts, different beats.

Maryvale: And there's definitely been a pulling away at that. And I'm wondering if all of the social events and the other things that the department is doing to try to meet and greet with the community are taking away. In my NCPC we'll be making to our area sergeant an inquiry about why there's been a decrease in area of meetings since last fall, and that is also happening in other areas. And that inquiry, I'll go out in the next week. The other thing is you can't ... I'm still very skeptical because about ... We know that there's probably more evidence that's being used about, questionable stops. We know that there's all this talk about we're training people, we're looking at the troubled squads, we're looking at the troubled officers, but you don't see widespread consequences.

Maryvale: And I worry with the new probation and parole search policy, that it's going to be more the same. The department's like, "Oh we got the new policy now from the city, and the council, and the commission, but nothing about when the policy isn't followed and unfortunately, as in any large organization, you have employees that are either outright resistance to change or they're just not getting with the program in terms of operating under the new policy. And ultimately you can't just slather on training and that's the end of the subject. They need to follow up with the problem employees and problems squads. Thank you.

Regina Jackson: Mr Pei.

Salim Bay: [inaudible] Pei. So since we're talking about racial impact, there's whole lot of categories that the police department didn't cover in terms of the impact of racial profiling on the community. There's a monetary impact, right? That goes with writing more tickets in a community that makes less money. But I want to talk about April 28th, 2015 and you should write down that date. Public Safety Meeting. It's online. The police department did this exact same presentation using system chief Figaroa to go through Professor Eberhart and talk about how it was and they talked about 59% stops and people got up and talked about how black people were less likely to be ... Just look at it. I mean it's like a snapshot. Everything that you just heard four years ago, right?

Salim Bay: So she's been here for two years. She being the chief. So you're telling me that four years later, after two years of her were at the exact same place we were? So obviously, she isn't doing what she says, which is hypocrisy. The other part of the hypocrisy is that the monitor told everybody, including this commission in September, 2018, that OPD was failing and racial profiling and failing. This was the report that came out. What did she do since then? Right? October 25th, 2018, the chief was called before this body to speak on racial profiling that was

found in my case. Have you heard anything from her since then? She got up here and took the fifth but hasn't come back.

Salim Bay:

So obviously racial profiling evidence is not that important. Right? Then we come up into this year, the black police officers association just wrote a letter and said that racism exists inside the department, but we're making progress in the community. That doesn't make any sense. And that's hypocrisy. And then all the way forward to this body voting to do an independent investigation of the evidence found of racial profiling in my case, which means that there is a there there enough that you would spend money to look for it and to expose it. But what has the chief done? The chief doesn't have to get up here and speak on anything that seal, but racial profiling exists and she hasn't said anything about that. Now, last thing, ID 131062, you've heard that ad nauseam from.

PART 2 OF 6 ENDS [01:10:04]

Salim Bay:

ID 131062 you've heard that ad nauseum from me, right? Was overseen and closed by the current deputy, Chief Cunningham as the IAD Commander, so everything that we're talking about everything that we're investigating, everything that we're trying to get to falls into the lap of a current chain of command.

Salim Bay:

So I keep coming up here and telling you how poisoned the promotion line is up inside OPD and I keep telling you names, Figaro, who made it up to A.C., Holmgren who's a deputy chief, Cunningham who's a deputy chief. All these people touched 131062 07-0538 and are still here and they're failing upward in their promotion to the detriment of the black community. And the last thing for sure, what I hear is the black community being used as a Petri dish. "Oh, we look at the data and we see if there's an officer that's abusing the black community and then we see if we can go talk to him." This is 2019. They've been under a consent decree since 2003. 2019 and we're still doing this song and dance with them. Hypocrisy.

Regina Jackson:

Thank you. Ms. Asada.

Ms. Asada:

Love life. Measure AA failed. I want to start with the impossibility of a police department where their black officers are saying that they are being discriminated against. That they are being unable to get jobs, promotions, discipline is unfair. How can a department within the department, you have racial issues, fix the community?

Speaker 4:

Right.

Ms. Asada:

And you haven't been fixed, that's just to start with. I was in the meeting of the bike plan and it produced data on police stops of people who are bicyclists. And 60% of those stopped of bicyclists by police are African Americans. Okay, I was also in a meeting of the cannabis group and the data reflects African Americans

historically have been arrested at extremely high rates and it's in this data as well.

Ms. Asada: I want to reflect on the police chief's letter or introduction, and I'm offended by the comment that the focus of what we're trying to do is promote community trust and respect. That's not what we're trying to do. We're trying to end racism in the department. It's not about trust and respect. It also goes on to say the issues around policing and race are difficult and awful painful to discuss. Not for me. Not for me. What's painful is that you can't bring it to an end.

Speaker 4: Yeah.

Ms. Asada: Talking about it is not painful. If it's painful for you, we got a problem, because you have to have discussion as a starting point and if it's a painful discussion that that problem that you have can't then bring about a good result. Okay? And so when you go to the data, the last thing I want to talk to is, the data reflects if you have a hundred, even if you get down to a hundred stops and 50% of the hundred is African Americans, you still have a problem.

Speaker 4: Right.

Ms. Asada: It's disproportionate. It's not about the business of a reduction of the total stops. It's the problem of the disparity of the disproportion of the numbers, okay? That's the problem that has never been fixed.

Speaker 4: Right. Amen.

Ms. Asada: Okay last, there's only one group of people who have disproportionately been stopped by the police, that's black people. So stop telling me about people of color. There's only one piece of data that shows an equal distribution of racial issues, it's not a racial issue because equal distribution, and that's the citations. That's where you see the citations. Other than that, don't come to me about black and brown people have an issue.

Ms. Asada: And they do throughout this country, brown people are disproportionately have problems with the police, but not here in Oakland. Not in Oakland. So please stop that, all you people that want to start talking about what's going on here in Oakland. It's black people who are having the problem of racial profiling in this city.

Regina Jackson: Thank you Mrs. Asada. Henry Gage?

Ms. Asada: Thank you chair. Henry Gage III, member of the Coalition for Police Accountability. Through the chair to the department, the use of risk management meetings at the area level is something I find commendable and I'm happy to see this initiative and support it.

Ms. Asada: I also agree with Commissioners Anderson and Smith, that I'd also like to see increased transparency and to have the ability to access some of that information in real time. It's difficult when I have to wait on this kind of annual reporting process. It's also easier to trust you when you say that outliers are being addressed if I can see that reporting in real time. I'd like to see that as well.

Ms. Asada: To the commission, to reflect on some of the comments that have been previously made. Now, according to the most recent census data I can find, African Americans comprise less than a quarter of the city's population. So we're talking less than a quarter of a population estimated at right around 430000 people.

Ms. Asada: So the issue here is a ratio one. Black people comprise less than quarter of the overall population and were subject to a little over half of the discretionary stops in every year of the studied period. Not just the one from 2014, every year of the studied period.

Ms. Asada: Also, note that the statistics on recoveries that have been mentioned previously don't support the inference that one might reach that African Americans are somehow more legitimate targets for this sort of policing. Something that hasn't been discussed as much that I am particularly concerned about.

Ms. Asada: I think it's important to be very suspicious of the argument that intelligence led policing is a race-neutral initiative. Thank you. Algorithms are subject to the biases of their creators and analytics are only as good as their underlying data. In the case of the criminal justice system, law enforcement has spent decades vacuuming up information from black communities, fingerprints, DNA, in some cases you get iris scans and all sorts of interesting info. And this information has been fed into all sorts of databases.

Ms. Asada: It's important to remember that intelligence led does not mean free from race-based bias. And my concern is that when words like intelligence-led are thrown out there, they come with the veneer of machines being able to make decisions free from the biases of the humans that operate them. And nothing could be further from the truth.

Regina Jackson: Thank you. Deputy Chief Armstrong. There were a couple of questions posed to you. Oh I'm sorry, we still have Nino Parker.

Nino Parker: Sorry. Nino Parker homeless green team, black advocate, homeless advocate Lake Merritt as far as helping a homeless commission one day. Quickly I'd like to say, when I was a youth in the neighborhood we had a couple police officers that lived in my neighborhood. And one of these ... My BB gun got confiscated by the police because they were kind of illegal. This was back in the '60s. And about a week later one of my neighborhood kid friends ended up with my BB gun because the cop confiscated it, took it and gave it to his son.

Nino Parker: I'm not saying that's happening here, but one of the things I'd like to say about Chief Armstrong, he is trying to do something restorative. I know he's talked with the Merritt's office about my bicycles and they are trying to fix that situation. That is an effort on his part, I'll give him that. And then one more thing quickly I left out earlier about that horrible situation with young women up on International. Girls that are underage. In the old days they had an 11:00 curfew for anyone that was under 18. I'm not suggesting curfews because I don't want you guys stopping our young people every time you see someone out underage. But if you stop someone on that strip up there at 10:30 and then you stop that young lady again at 11:30, she is probably in a violation of a curfew violation.

Nino Parker: And that's just stop that so our people aren't being used like that. We can do something. Park your cars over there, do everything you need to do to get those young ladies off the street that are being tricked out there. They're too young to know better. So let's try to really make a concerted effort. And the last thing I'd like to talk about is with something that's been going on in the police force for years. Collateral damage. You guys don't really care a lot of the times when it's the bloods and the crypts going at each other, when there's neighborhood issues, you have people fighting each other, you guys don't really care. Because that's what keeps you guys employed. Right now I have some collateral damage going on at my campsite.

Nino Parker: There's a huge crime wave right behind where I was. You guys need to handle that. When I asked you guys to handle it when there's only three people up there that were in the drug world, and now it's much room to about almost 30 people. If you hadn't came out when the kid was hit in the head from [inaudible] school, a kid was hit in the head by a homeless person and the [inaudible] security guard came out and arrested the guy and took him to jail. Every time I tell you guys that you've got a problem there, you say it's the school district's police problem. I'm 15 feet from the fence. Then they tell me that it's your problem. Meanwhile, you've got a crime wave going on around the lake of windows and glass being broke, all the car glass being broken.

Nino Parker: I had some stuff stolen from my son's mother's house and it ended up about 50 yards from me in a tent. My trailer and some other stuff that I had, they stole it. So you've got a crime wave that you're letting happen right now up there at the 12th street [inaudible 01:20:38]. I know they're going to do something about it, but you guys should've done something a long time ago. And that's once again when it comes to homeless I'm trying to tell you and give you an insight before things get bad, you guys could've done something a long time ago because you got a huge problem up there now.

Regina Jackson: Thank you. I'm not sure if you were following a few of the questions that were put to you through me. If you can try to address a few that would be great. I'm surprised. And maybe I shouldn't be surprised that the numbers are telling us a story that we're not paying attention to.

L. Armstrong: Well I would say first, I will say that really our effort is to pay attention and to be more focused. I think our efforts are clear that this is not an easy thing to do. I think that the chief took on the challenge of saying that we want to see different outcomes, different numbers. And so when we make new policies and new directives to help reduce the impact that our enforcement actions are having on a community, I think we want to continue to change the culture that traditionally even when I came in a long time ago we would stop as many people as we could in order to hopefully net somebody who was in violation of the law.

L. Armstrong: Now as we begin to be more focused, we're removing that strategy away from the officers and making them be focused on individuals that we believe are involved in crime. As opposed to using a net and just stopping as many people as you can. And so I do think the numbers that you see that will continue to come down I believe is because we are more focused. Because we are really looking closely at the activity that they're involved in. Years ago we didn't even, when I was an officer nobody ever looked at who I stopped, what I stopped them for. Nobody had a discussion with me about why I stopped them.

L. Armstrong: And so I do think that there are some policies and practices that we're putting in place to change the culture of the department to make sure they're more accountable for their decisions so that we can use the data to support the fact that we don't like to see the disparity rate be so high for African Americans either. And so I think when we're having these discussions at risk management, our effort is really to better understand why officers are making the stops. And if there are strategies that we can put in place to reduce the number of stops that they're making. So I do think that we're trying.

Regina Jackson: So question that I'd like to put to you. In those risk management meetings are you able to focus on the number of officers who are doing the majority of stops that are not bringing about any results? And if so, how are you holding them accountable?

L. Armstrong: So that's one of the metrics that we use to determine what an outlier is. So we'll look at ... We do what we call the high fliers. And so we look at the list of officers that are making the most stops. We look at all of their different percentages. Of those stops, how many of those stops are leading to an arrest, to a citation, to a warning, to a search, to a recovery? And so as we look at all of those categories and we begin to see that the officer is making a number of stops. The stops are of one particular group, minority group like African Americans, and they have low recovery rates, high search rates. That will be an officer that we look at as an outlier. And then we'll send the commander and say, you need to now look at each one of those stops and see why that officer made that stop. The legality of the stop.

L. Armstrong: And if there's anything that the officer needs to be refocused on, or if there's [inaudible] violation, any violation of policy that's moved forward. But then if

there's a reason to put them on some type of supervisory monitoring program, we'll have that done as well. And so we are looking at the high flier officers all the time. Comparing them against their peer groups to see the comparison of stops and recoveries, things of that nature. Arrest rates, so we have all of those things in place during risk management.

Regina Jackson: Okay. Commissioner Smith, but I just want one follow up question. Is the most that you can do for a high flier outlier, whatever kind of person supervised? There really seems to be the need for some kind of discipline or accountability than we're just going to watch you continue to do what you're doing?

L. Armstrong: So if I could clarify, supervisory monitoring if within a department when we have our pass system, which identifies those that might be participating in some at risk behavior. Supervisory monitoring is a higher level of supervision that really focuses in on that individual officer. And there's individual strategies that the supervisor has to come up with that identifies what the problem is and then what strategies they're going to use to improve that problem. So if we have an officer that's making a lot of stops, a strategy that we might say is that for moving forward, we want you to focus on doing other things. More project-based things. We might want you to go to a specific location.

L. Armstrong: We might change what you've been doing in order to get involved in those stops. We also might want to look at ... We might say, hey sarge. The sarge is going to look at the PDRD video of each stop and see what the reason for the stops are. Why are they making those stops? Why are they not siting people? So there's strategies that are tailored to that particular officer's issue. Whatever that might be, the strategies are tailored. And then if that's not working, the next level would be intervention. Intervention is a higher level of supervision and focus on the officer. That could lead to sending the officer to additional trainings outside and in the training division.

L. Armstrong: Maybe some policies that he needs to be retrained on. But if we identify any MR per policy, if there's anything that we see that's a violation of policy, that's automatically an IED investigation that's open as a result of that.

Regina Jackson: Okay. I just think it seems to take an awfully long time before you can redirect how they show up. Distracting by project-based work doesn't mean that you change the way that they need to be thinking about the work. That's just my personal opinion, but thank you. Commissioner Smith.

Thomas Smith: So my question's a simple one. So now that we're focusing in more on this, are we also, is OPD also going backwards and figuring out okay, well we had all these stops. A lot of officers have been with the department for a long period of time. Is OPD going backwards to look at the history of individual officer's patterns when it comes to their stops so that you can actually ... Because we're at a point right now if an officer has been with OPD for several years, if you're

going backwards in the data, how far back can you track individual officer stops? And whether or not they were disproportionately stopping African Americans?

L. Armstrong: We can look back at stops for a significant period. Probably the cleanest data that we have with this current stop data form goes back to 2016. So we could go back and look at data as far back as 2016. But because we're looking at it at such a frequent rate, we can obviously see if an officer continues to make a high number of stops and then we can from a historical perspective, we actually bold and identify that officer and highlight that officer as an officer that we continue to see as high. And then the chief will ask, I've seen this officer before. That's obvious that he or she is not responding. What is your strategy to improve that?

L. Armstrong: There have been officers that we have provided additional training or put in other assignments, things like that.

Thomas Smith: So you do look backwards to their history.

L. Armstrong: Yes.

Thomas Smith: Figure out if this disproportional stops were going back years.

L. Armstrong: Not years and years. That depends on what the particular issue is in the drill down. It could lead to that. So if we're talking about complaints, if an officer is getting a series of complaints and we're looking at those complaints, we will go back from a historical perspective and look as far back as we need to look to see what the officer's history has been like. Has he or she been getting similar complaints for a long period of time? Is there some similarities in the complaints that they're receiving? So we do look at it from a historical perspective in that way.

Regina Jackson: Okay. Are we finished with the follow up questions on this item? So I'm sorry, Commissioner Dorado.

Jose Dorado: To follow up on Commissioner Smith's point, when you have a plane crash, the FAA comes in and they do a complete reconstruction of the plane. They figure out to the Nth degree what exactly happened so that it doesn't happen again. And so in that vein, do you take an officer that has had a number of complaints, has shown a pattern of stopping that's disproportionate, that has a record that stands out? Do you go back to the extent that you look at how he or she was recruited? How he or she was trained? Who was the field training officer? What was the psychological makeup? What was the actual source or potential source of this outlier behavior that can be possibly readily identified by going back to the actual recruitment and going from there? Is that done at all?

L. Armstrong: Yes. So our current new database that we have actually captures that. From the minute they enter the department, we can now track moving forward the issues that they had in the academy. We can look at how they performed in the FTO

program. We can see how they performed in other assignments. So from a historical perspective, we can now go back and do that. That was one of the things that Virginia Gleason worked with the IT to create this new database that allows us to do that. To track it from the minute. One of the things that the chief will highlight that if there's something that's an issue particularly for a young officer, the chief may direct us to go back and look at this officer's hiring packet to see if there was any issues that we missed in that process that might have provided some potential risk.

L. Armstrong: And so yeah we in some cases we may even go back to look at that as far back as the hiring process.

Jose Dorado: If I may because I would think that that would then readily inform and provide you with the adjustments that have to be made in the recruitment, in the training, in the academy, et cetera.

L. Armstrong: It could.

Jose Dorado: Based on what you discover in that kind of an analysis.

L. Armstrong: Yeah, it could.

Regina Jackson: Okay, if there are no more questions. Thank you very much. Moving on to OPD's special order 9196.

Daren Allison: Good evening members of the commission. I'm Daren Allison, the acting assistant chief for OPD. So what we have before you for consideration for approval is a special order 9196. Special order 9196 modifies our current department general order K3, which is our use of force. As well as our portions of our K4 reporting and investigating use of force. Now to give you a little bit of context and background, in 2018 the police department as well as the independent monitoring team noted a downward trend in uses of force particularly in the pointing of a firearm, which prompted additional review and led to an even greater audit by our office of the inspector general.

Daren Allison: At the end of the audit, which was what we called a type 22 pointing of a firearm audit, there were several recommendations. One of the chief recommendations was a policy modification. The policy that we have today has some subjectivity in it as well as some lack of clarity in it that prompts potential under reporting. As well as some inconsistencies as far as what is actually determined to be force and what is required to be reportable force.

Daren Allison: So as far as the new current special order, we set out an endeavor through a series of meetings to come up with a version that will broaden our capturing of force as well as increasing the robust nature that we review force. In our efforts as we went through the drafting of this policy, we sought feedback and input from the independent monitoring team members as well as police attorney Jim

[Channon 01:34:04]. We also requested input and feedback from the ad hoc police commission policy committee. And I actually want to do take this moment to thank Commissioners Harris, Commissioner Anderson and Commissioner Prather for their assistance, their collaboration and their feedback on this special order.

- Daren Allison: And what was born out of the meetings and the collaboration was a special order that was limited in scope again focusing on expanding the reportable conduct and methods for documenting reporting and investigating use of force. So we went from again that limited reporting requirement to more expansive capture of all force encounters and incidents. I do have with me Sergeant Turner who was a principal drafter of the special order. And I have him available to provide any details if you wish or answer any questions in the specificity of that special order.
- Regina Jackson: Okay, thank you. Do you have some questions or do we want to talk with Officer Turner? Do you have any comments? Commissioner Prather.
- Edwin Prather: Good evening deputy chief Allison. Good to see you.
- Daren Allison: Good to see you too.
- Edwin Prather: I think I'd just like to echo some of deputy chief Allison's words. We were brought in the ad hoc policy on this issue was brought in much earlier than the probation search policy. And so we were able to play an earlier role and have more collaborative discussion in this policy. Our understanding was that the independent monitoring team had already reviewed this policy and had approved it at the time that we took our first swipe, our first review of it. We did meet with the OPD policy team including deputy chief Allison and Sergeant Turner and others to discuss this. And I will say that I personally found the OPD team on this issue to be quite accepting of our ideas and kind of thoughts and changes.
- Edwin Prather: I know that Commissioner Anderson for example suggested a number of changes. And I want to say all of which were adopted. And then are reflected as adopted in this version. And so I think the thing I'd like to say about this is that, and this is not a question but more of a comment, is this is how the process is supposed to work on these policies. I think by bringing us in early and allowing us to have early comment, it allows all three of the parties both us, the IMT and OPD to have a product that we don't need to go to the city council over necessarily. And so there are a lot of things in there that are cleanups and that are a no brainer.
- Edwin Prather: And when we can sit down and really get to the meat of things, I think that that's what we were able to do. And so thank you for your involvement in the process and I'll leave it, I don't know if Commissioner Anderson has any comments to that. But thank you.

- Regina Jackson: Commissioner Anderson.
- Tara Anderson: No, I really appreciate you taking our feedback. And specifically, I thought it was especially important to outline the scope and purpose of the policy. And recognizing that we would want to ensure that the public was informed that this is a commitment to transparency and accountability on behalf of the department. And that there is still work that needs to be done on the very specific use of force policy. And I look forward to doing that work together. But thank you.
- Daren Allison: You're welcome.
- Regina Jackson: Are there any other questions? Okay when we'll go to public comment.
- Mike Nisperos: Madame chair?
- Regina Jackson: Oh yes?
- Mike Nisperos: If I may? I would just like to draw the commission's attention again to my report at your last meeting where I told you that this low ready position that the police department has which is considered not a use of force and does not require reporting, that we're seeing a large number, an increase in the CPRA complaints. I'll also note that CPRA who receives complaints of police misconduct was not consulted. You indicated at that time that you had an interest in the low ready pulling a gun out of a holster considering that a use of force and asking that those instances be documented.
- Mike Nisperos: We were told by chief Armstrong that it was going to be addressed in this report. It is addressed in this report. They eliminated it completely. They said, okay, it's just confusing the way it's written, and so we will no longer have low ready in the MOR. So I commend it to your attention on behalf, excuse me, of the agency for your consideration. It's something that the citizens consider a use of force.
- Regina Jackson: Thank you very much for reminding us. Was this perhaps just an oversight, or was there any discussion on this low ready position? Go ahead Commissioner Anderson.
- Tara Anderson: I think because the focus was to pivot efforts moving after this towards the actual use of force policy, whereby which we'd be able to further define actions like you indicated, our preference was to move forward with something that the independent monitor team had approved in scope. I don't think there was an intention to omit the low ready position from any sort of reporting requirement overall. And I don't know because I was brought in partway through the process if Commissioner Prather wants to comment on it any further. But absolutely what you're describing is something that I had in my mind as we move forward in modifying the actual use of force policy that that would be considered such

conduct. So I guess it's separating out what is the current use of force policy and what is the reporting that is required relative to the current use of force policy? Which we all agree needs to be reformed and will take many month process.

Tara Anderson: So that is where my thought process lied as I was brought into conversations on the policy.

Regina Jackson: Thank you Commissioner Anderson. Commissioner Prather.

Edwin Prather: Yeah, thank you Madame chair. So I guess rather than get caught up in ... This is sort of the first time hearing that CPRA had raised issues with the policy team on the OPD side. But I think I'd like to hear because I'm reading the statement here on the major change explanation saying that low ready was deemed too subjective and potentially confusing. Deputy chief is that something that you'd like to address? Or perhaps Sergeant Turner wants to address of what the thought process was behind it? The version that we reviewed is slightly different, but acceptable to both us and the independent monitoring team. So I'd just like to get in to how sausage was made on that a little bit, so ...

Daren Allison: Right. And you've got to forgive me, I'm not aware of the concerns that the CPRA made about the low ready. But what I can tell you is the low ready issue itself came up in the first OIG audit, not the global use of force that they are completing now, but the initial audit. And the issue was is the low ready, it came down to intentional pointing of a firearm and then language about low ready. And it could potentially be in conflict. So you're seeing situations where the low ready from a weapon retention situation could exist, but may not be a use of force. But the barrel of the gun may be pointed at the individual.

Daren Allison: And one of the explanations could be well I didn't intentionally point it at the individual. I had my firearm at low ready. And it became too convoluted. So we struck intentional. It's anytime the firearm is pointed at you, whether it's intentional, unintentional, whether it's at contact ready, low ready, it didn't matter. So we eliminated the language to get rid of the confusion and the ambiguity and overtly stated that if your barrel crosses the path of the individual at any moment in time, whatever retention you have it in, it would be deemed a reportable use of force.

Regina Jackson: So I guess I'm really concerned because anytime the gun is out of the holster, down, up, sideways, I'm nervous. So I think that although we were trying to get to something on the way to something bigger, that I would like to ask the ad hoc committee to consider whether you think you're really, really done or if the option is to immediately jump into the force policy, the bigger force policy, then what's our timeline to do that? Because we are hearing from community based upon the interim director's comments, we represent the community. I think we have a responsibility to make sure that that is addressed.

Regina Jackson: But I'm willing to hear comments from the commissioners around a strategy if this is not it. I'm sorry, Sergeant Turner, can you step forward please?

Sergeant Turner: Yes ma'am. Yes, so just a couple sort of discussion. The low ready, yeah that is part of the concern and the reason why it was eliminated was not to sort of carve something out and say okay, we just don't ... It's too confusing so we don't want to talk about that. Instead it was to add additional and ensure that everything every time that the weapon was pointed that it was properly reported. And so that was the issue with that. And so in terms of the low ready position sort of as a training point or something of that nature, that the reason that it has been eliminated it was because there was that difference between intention ...

PART 3 OF 6 ENDS [01:45:04]

Sergeant Turner: They did, it was because there was that difference between intentionality, right, where the officer would say, I'm not intentionally pointing it at that person, but where the community member would feel like that the officer was pointing it to that person. And so that was to eliminate that and instead this would expand and we have already seen that there has been an expansion of reportable force.

Regina Jackson: So I am not at all confused when somebody has a gun out of the holster?

Sergeant Turner: Mm-hmm (affirmative), yes.

Regina Jackson: At all.

Sergeant Turner: Mm-hmm (affirmative).

Regina Jackson: So Commissioner Smith and then Anderson.

Thomas Smith: So am I correct, what you're saying, is if the gun's pointed at the person and it's captured here and it doesn't matter whether or not it's low ready or not, if the gun is pointed at the person, it's captured in the scope here.

Sergeant Turner: That's right.

Thomas Smith: I get that. Okay.

Sergeant Turner: Yes.

Thomas Smith: Thanks.

Sergeant Turner: Yes. So, yeah, there are some other things in terms of firearms out that I could speak to in terms of like, for instance, instances where say your home gets burglarized. The officers get a call from your neighbor that they just saw a person breaking into your home. The officers surround your home, they have

their firearms out because we don't know if you have a firearm in your home, if that person has broken in and they have a firearm. So we want to try and apprehend that person safely with no use of force but we do need to anticipate that there's the possibility that that could happen.

Sargeant Turner: The officers could have their firearms out, but for instance, the perpetrator has already run out unbeknownst to us. And so no one is there. We don't end up pointing our guns at anyone. So they would have their firearms out. That is a difficult thing, is to try and balance where are we in terms of operationally, where the officers are engaging in dangerous situations and we need to prepare them and have them use the tools appropriately, but then also we want to make sure that every time the officers are pointing their firearms at someone, it is captured. So yeah, absolutely. To your point.

Tara Anderson: Just wanted to, the chair, respond to your questions about timeline and making sure that we're moving forward on the actual use of force policy changes that would provide more definitional support to lead to less ambiguous interpretation of things like with having a fire arm out and ready. I've put a proposal internally amongst commissioners around a timeline that would include public hearings, hearing from national and local experts around use of force policy, and I've also submitted that to leadership within the police department and the vision is to also share it with community at large so that we have a ... It took over 12 months to come to a policy that was approved by city council on Tuesday around probation, parole, any form of community supervision related searches. My goal is with thoughtful for planning that we could have a shorter timeline than that. I'm also thinking about how we include things such as meet and confer and other elements. So making sure that we fast track this so that we have our community engagement very early in the process and we'll all be better for it.

Regina Jackson: Okay, thank you for that, but in light of the fact that a policy might not be promoted or approved for, even if it's just six months, how many people have to be afraid for their lives because they see a low ready position?

Tara Anderson: With the permission of the chair, this policy, this special order here, won't change anything. Will not change conduct. I think we need to all understand that. All it does is change what conduct is reported and considered in things like the executive management review. So we have to separate out and understand this is the reporting element to the existing policy that we agree is flawed.

Regina Jackson: That is very helpful. Commissioner Prather.

Chief K.: Yeah, but we'll have to get right on that.

Edwin Prather: Yeah. Sergeant Turner saw, I'm going to read on page three in the middle of the page where we're talking about DJOK-03. It says in the second bullet point, section four, A2 will now read the drawing, exhibiting and pointing of a firearm

at another person is threatening and intimidating and when unwarranted may cast a negative impression on members. Is that language meant to encompass low ready?

Sargeant Turner: So that that is meant to encompass anytime that the officer is pointing their gun at the person.

Edwin Prather: Because I think there's a fix here and here's my issue, is that I'd like to implement these changes. I don't want to lose momentum on this. I obviously I think Mr. and Mrs. [Sparrows] for raising the CPRA's concern, but this is something that needs to move forward because otherwise we don't have positive change and we need to have some positive change and we need to address the bigger issue of the use of force policy in the short-term.

Edwin Prather: But I do have concerns and I think you would probably have concerns hearing that Cipro is getting more complaints based on the either a misunderstanding or the OPD's use of low ready. But what I see here in the section that I just read off, is there is an opportunity there to address low ready at least in the drawing or unholstering of the weapon. Because what it says is, there's a little disconnect between the two sentences. The first sentence talks about the drawing, exhibiting or pointing of a firearm. Could we turn that and into an or? The drawing, exhibiting or pointing of a firearm is threatening and intimidating because I think as we've heard, just the mere unholstering of a firearm can be threatening. And so I don't think that there's any dramatic change there.

Edwin Prather: And then to say a member may only point or unholster their firearm when the member has a reasonable cause. At least the language is an attempt to address this low ready issue. I think it's a fix. It's probably a little bit more of a bandaid than it will be when, I think this committee has an opportunity to really look at this language, but I think as a commission we're concerned, obviously. I know you personally, Sergeant Turner, I know you're concerned about potential complaints that come out of this and we want to get this right, but we also don't want to stop the train from coming into the station on this. So what do you think about that change? Do you have further thoughts on how we can fix this issue?

Sargeant Turner: So yeah. Here are my thoughts and I think to echo both of the comments from Commissioner Anderson and Commissioner Prather, this entirety is a bandaid. A special order pretty much by definition are band aids. There are fixes, tweaks to a policy that is in place. Like commissioner Anderson says, there is very clearly momentum and desire to change the entire policy, but that does take longer and this will allow us to capture much more data, not only about the pointing of firearms but also other instances where officers are engaging in physical confrontation with people that are not now reported in the manner in which we would like, that would allow us to capture a lot more of that risk management data for instance.

Edwin Prather: And just to add a fine point on that, it's my understanding, and please correct me if I'm wrong, that because we would agree, the independent monitoring team would agree and OPD would agree, that these changes would be implemented almost immediately. This doesn't need to go to city council. This would just happen as a matter of course. Is that right?

Sargeant Turner: That's correct. There would be, so there are so of course something like meet and confer, and then a short time for training evolution, but then, yeah. You're absolutely correct. And then just to your second point, as the person who drafts it and not speaking in terms of saying what the department is going to do, but saying the drawing, exhibiting or pointing of a firearm, I think, encompasses the spirit of what that sentence says as opposed to and. Then saying a member may draw, exhibit or point a firearm only when the member has reasonable cause to believe, I, in my opinion, that would be something that I would write which would be reasonable. Of course I don't have the final say but that sounds reasonable to me.

Edwin Prather: I just want to add that in our meeting, in our ad hoc committee meeting with Sergeant Turner and other members of OPD, Commissioner Anderson did get OPD's commitment to participate in a bigger process on the use of force policy to where we contemplated bringing in either special experts or professionals in the field to help us revamp and revise the policy. We had their commitment that we could potentially do that within six months. But certainly having that commitment, having your commitment here in this public forum to move forward with positive changes now with an eye towards six months down the line, within six months where we're having a big forum, a big symposium, where we're bringing in the resources we need to completely revamp the policy is still where we are at jointly. Is that right Sergeant Turner?

Sargeant Turner: Yes. So in my opinion something like this where you have to do, what is this? Five, seven page special order to a policy, right, that that means that the policy needs to be rewritten. And then in terms of our commitment, I can speak as the supervisor of the policy and publication unit that I've already had conversations with commissioner Anderson about how much I'm looking forward to having those larger symposium that include community input, input from people with lived experience and also experts. Looking at some outside policies, I know San Francisco and Seattle had been mentioned by some of the community members, and I think that would be really enlightening.

Regina Jackson: So Sergeant Turner, since you are not the final say, I'd like to ask Chief Kirkpatrick, do you support that change of the word or?

Chief K.: Absolutely. This change is moving more toward where you and our citizens want and what we want. This is going to capture and mandate more reporting than what you have with the policy. And my commitment to you as the chief, is that we will work collaboratively with you on the rewrite and the redraft of the bigger policy, but this would go into effect as soon as you give us the approval.

Regina Jackson: Okay. Thank you very much. That's clear. Okay, so why don't we go to public comment if there's no more discussion. Okay, thank you. The speaker cards I have for public comment are Salim Bay, Henry Gage III, [Miss Asada 00:01:56:38], Anne [Jenks 00:01:56:40], Laurel Lai Bosserman, in whatever order you like, and [Nino] you're waving at me. Okay.

Miss Asada: Love Life, measure AA failed. I remember last year there was a newspaper article that said the information that was being reported by the police department is related to a reduction in the use of force was flawed because the data was not being reported accurately by the police department. So is this an initiative that's going to correct that finding? Because right now, it's been discovered by Wausau that their reporting of use of force has not been done correctly.

Miss Asada: Secondly, it doesn't mean anything, and I say this at council, if you have a policy, a practice or procedure, if you don't have enforcement. Enforcement is never, it's in here, but the language I like to see is something, and I'm not good at writing anything, once this special order has been required of all officers and once a retraining has occurred, all officers will be mandated to enforce this practice. Failure to do so will result in necessary disciplinary procedures.

Miss Asada: Lastly, use of force in layman's terms takes a different definition when it's a child. When you have a weapon pointed at a child that's called child endangerment. It could be called child abuse. So I'd like to see something where in the incident of a weapon being ... We had this happen where a officer pointed a gun at a fireman's two children, and because it was children, nothing was considered as of any difference. But there is a difference under the law when certain things happen and it's a child involved. So I'd like to see policy developed under the circumstances when it is a child and the officer has a weapon pointed at a child, that there's a higher reflection on the need to correct because it is a child.

Regina Jackson: Thank you.

Laura Lai B.: Hi. I'm Laura Lai Bosserman. I have three comments. The first is that I'm surprised to hear that an ad hoc committee has been meeting with OPD on this and the public is only now finding out about it. That's not transparency. Did I miss something? Have we known about this and I just missed it?

Regina Jackson: Yeah, I think that we-

Laura Lai B.: Okay, my bad.

Regina Jackson: It's okay. I think it's been a few meetings back though.

Laura Lai B.: Okay.

- Regina Jackson: Yeah.
- Laura Lai B.: I apologize. My second comment has to do with a possible distinction between aiming the gun and holding it in the low ready state, because I thought I heard someone say, "Oh, if it's aimed that covers the low ready state because it's whether it's aimed deliberately or not," and I'm like, "No." Sometimes you're going to have it in a low ready state, not aimed at anyone, and that's still an issue for me anyway. I think it should be reported anytime a gun is unholstered anyway. Thank you.
- Regina Jackson: Though adding the or is supposed to address that. Okay. Thank you.
- Salim Bay: Salim Bay. So she did say exactly what I was going to say, is anytime a police officer unholsters a gun, that's a use of force because it has the potential to kill somebody in a split second. We also know that police officers do a lot of overtime and a lot of extra work, which means that you need a lot of Red Bulls and you need other things that you have that accelerate you to be able to get through all of those 12 hours, 16 hours shifts, and then go and do moonlighting okay? So anytime that an officer pulls his weapon and if he's on any type of stimulant, it means that his heart is beating at an accelerated rate where he may be calm if he wasn't high, but in fact if he has an accelerant of any type, cocaine, speed, all kinds of different things that we don't ... Steroids.
- Salim Bay: So anytime an officer has a use of force reporting, they should be tested at the site okay? If we have cameras on, then we should know what happened when he did the use of force, and at that point right there between the time that that use of force went off and the time that that medic shows up to put that on, that should be camera rolling or somebody should have a time timestamp on him, but just as a friend.
- Salim Bay: The reason why I bring this up is that a very good friend of mine who's been a fire fighter for over 25 years, he drives a truck. He says if he's in an accident, they show up at the scene, they being the fire department, and take his blood right there or do a test right there to make sure that whatever it is, is not involved in what the actual incident is. So if you're killing somebody or threatening him with death, then you should then be ... We should know what is your state of mind. Just as it's no longer in the state of California won't be acceptable just to say I feared. But fear is something that can be artificially increased and so if we don't account for that fear, then a lot of the officers that are being exonerated are getting off and they need help and we need help from them too.
- Regina Jackson: Thank you.
- Henry Gage III: Good evening. Henry Gage III with the Coalition for Police Accountability. First a few administrative issues. I spent some time looking at the OPD website in preparation for tonight's meeting and the website contains links under a topic

titled use of force and policing. The splash page for that area of the website references information on use of force levels and how OPD defines those levels. Unfortunately, both of those links are broken, which is really ironic given tonight's conversation. Another level, it seems imprudent to update reporting requirements without also updating the underlying use of force policy. Why not do both? If you're going to train on one, you need to train on the other and doing that within six months of each other seems strange.

- Henry Gage III: I do understand the pressing concern, however, of the issues raised by the monitor in terms of what uses of force should be reportable. Now on that issue, an officer with their hand on a firearm is threatening. Drawing a firearm is more threatening. Pointing a firearm is extremely threatening and I agree with interim director and Miss Sparrows, that there needs to be a distinction between drawing a firearm and pointing a firearm and both should be considered reportable uses of force and both should be considered reportable uses of different degrees because they are. Current policy as I read it places the pointing of a firearm as reportable level four use of force, which is interesting because that falls below things like attempted impact weapons strikes and the use of chemical agents, which seems especially strange given that the pointing of a firearm is the use of force that creates, and this is using OPD's definition, a substantial risk of death. Therefore this action warrants categorization as a level one use of force if you're going to point a firearm at someone.
- Henry Gage III: I'd like to hear some more conversation about why this special order should be passed and trained on in the absence of a more closer vision of the underlying use of force policy because there's plenty here to discuss and it's difficult to separate out the difference between reportable use of force as then changes to policies that make use of force reportable and the underlying use of force policy itself. I'm hearing all this conversation. Those are two very different things, but they're inextricably intertwined and there's already references to the underlying policy in this change to their reporting requirements, which makes things more confusing. So that's what I have to say.
- Regina Jackson: Thank you.
- Anne Jenks: Anne Jenks. So somebody said that this was a great process-
- Female: [inaudible 02:05:54].
- Anne Jenks: Somebody said that this was a great process and I'm sorry I didn't think it was a great process. There wasn't any real engagement of the public in terms of discussing the reporting and then the investigation and some of the changes that need to take place. I think that that is or ought to be an integral part. So I'm not signing off on it. It was great because OPD and the Monitor and the commission all spoke. Granted, I do recognize that the commission has members that represent the community, but there is a broader community and

we've actually been asking to meet with members of the use of force subcommittee and haven't met.

Anne Jenks:

We're very interested in this. I understand the concern of dealing with some of the things in the short-term, but reporting and investigation are areas that have been substantially problematic. We're very interested in them. The fact is that the reason there was a reduction in use of force, it wasn't just that people were confused about what to report because they were reporting more things before and then they stopped. That was an intentional decision to stop reporting. So fixing what they're reporting on isn't the entire problem. I really think that we had some members of the public that had things to contribute in terms of discussing reporting and investigation. Two very, very problematic areas. The Monitor has recognized that they're very problematic areas. Thank you.

Regina Jackson:

Thank you.

Nino Parker:

Nino Parker, Homeless Green Team Executive Director, Make America Black advocate as well as hopefully be on the homeless commission one day. One of the things in my life that I've had happen to me, remember I'm the guy that came from that generation of all kinds of traffics. If I can tell you the times I've been stopped just for living in my district as a young man, it's ridiculous. It got to the point to when I am being followed by a police officer, I just turn off because I knew if they follow me for a period of time, then they're pulling me over.

Nino Parker:

Once again I'm not here to bash the police department but one of my questions is when I used to be on my motorcycle, I bought a brand new GSR750. Of course it's a brand new motorcycle in 1992. I do know where the 155's like, but nevertheless whenever I got stopped they always asked me the question first. Question was, who's motorcycle is this? Not for drivers license or registration because it was a brand new motorcycle. One of the things that would happen quite frequently is when I got stopped, I would see the officer behind me in his car and as he walked up to me, he would walk with his hand on his gun. I'm on the motorcycle visible so you can see my hands and what I'm doing. But you guys got to remember there is a mental duress that goes along with that. Do you think I'm not nervous? You're walking with your hand on your gun.

Nino Parker:

Let me talk about the incident that happened to me in 1976 Russian River. We were up there for the fireworks celebration. It was a sheriff department guy. They came to our camp site. Yes I did take off running, I did hide in the bushes. They had a German shepherd with them that smelled my potato salad and located me. But the officer had his gun out and his hand was shaking ridiculously freaky like he was out of control. I want to know if you guys have a policy when you're with another officer that's a rookie or new guy and he's like doing that. Do you guys check him out and make sure that he's ready for this job? Because I would not want to see him getting so nervous that his gun goes off. I just think it's one of those things we should really look into.

Nino Parker: One last thing that I left out before, is in traffic stops, it causes a lot of money to leave for one community and go to another community. In San Francisco, once again, they'd get 30 tow trucks, go out to the Bayview or the Fillmore and relinquish a lot of cars which took a lot of income out of the neighborhoods and those same cars would be bought by little rich kids when they came to the police auction to buy the cars. So grandpa's Mustang would end up there's some little rich kids car and their grandpa's Mustang was how the daddy got to work to feed the kids. So, you know, what can I say? Thank you.

Regina Jackson: Thank you.

Thomas Smith: Make a motion. You're going to make a motion?

Regina Jackson: Yeah. You all got to offer to ... Oh, Edwin does. Okay. Commissioner Prather.

Edwin Prather: Yeah. Thank you. So look, I appreciate my colleagues comments and public's comments on this document, on the policy. What I'll say is that there are so many positives that come from these tweaks that we need, that are in interim bandaid before the bigger policy reconsideration happens. For example, I was just talking to Sergeant Turner. The grabbing of an arm isn't currently defined as the use of force. It will be after these tweaks are implemented and that needs to happen. And so I think with edits to DJOKO3, I'd like to make a motion that we approve this policy, subject to changing in DJOKO3 section four, subsection A2 that language should read the drawing, exhibiting, unholstering and or pointing of a firearm at another person is a use of force and is threatening and intimidating and when warranted, may cast a negative impression on members. A member may draw, exhibit, unholster or point a firearm only when the member has reasonable cause to believe it may be reasonable for his or her safety or for the safety of others. Subject to that edit, I'd move that we approve this special order in 9196.

Thomas Smith: Second the motion.

Female: And we'll control through [inaudible 02:12:39].

Regina Jackson: So it has been properly moved and seconded. Are there comments or questions on the motion? You Dorado?

Jose Dorado: Yes, and Commissioner Prather, could you say that motion again?

Miss Asada: And include children.

Thomas Smith: This becomes draw, exhibit and or point-

Jose Dorado: Is a, say, use of force.

Thomas Smith: Yeah. So all these words they're saying but this becomes or.

- Jose Dorado: Okay.
- Thomas Smith: It's draw, exhibit or point. So [inaudible 02:13:21]-
- Jose Dorado: It becomes the use of force.
- Thomas Smith: Yeah.
- Jose Dorado: Okay.
- Edwin Prather: Commissioner Dorado, do you need me to repeat it or are you okay?
- Jose Dorado: I got it.
- Edwin Prather: Okay, thanks. Chief, would it be easier if I just gave it to you in writing? I'll do that.
- Chief K.: Yes please.
- Regina Jackson: So I heard a question from the community, particularly around the delineation of children. Now this document may not be the one that it goes in, but we have to make sure that there's a proviso. I'm sorry. I'm in youth development. Kids is what I do.
- Miss Asada: Kids is what I do too.
- Anne Jenks: Kids aren't getting the guns drawn or [inaudible 02:14:24].
- Edwin Prather: So Madam chair, I don't think any of us are in the position, and I certainly didn't hear Sergeant Turner even, defending the current use of force policy. In fact what I heard Sergeant Turner say is that anytime you're going to have multiple pages of tweaks that are just going in to try to affect some modicum of change in the interim, means that that policy is flawed and that policy needs to be rewritten. We have the commitment from OPD and the momentum I think, which is the important thing to rewrite the entire policy. So the question for us today is do we reject these tweaks and just move forward in six to eight months on a bigger policy revamp or do we adopt the tweaks and also revamp in six to eight months? That's the question we have before us.
- Edwin Prather: Look, is this a fully encompassing fix? Of course it isn't. Have we engaged the community? Have we brought in the subject matter experts that we need to? Have we done all the things we need to do to have a revamped policy? What I heard from the community at previous meetings was, whether it was [Brush Meakin 02:15:47] bringing us Seattle's use of force policy or San Francisco's or other places and other members of the community saying, we need a more robust policy. We do. We absolutely do. It's not going to happen tonight. It's not going to happen in the next couple of weeks or even a couple of meetings.

That's what's going to take six to eight months. And I hear you. Having something that address just children. There are so many issues that are going to have to go into that policy that all need to be considered.

Regina Jackson: So this is a both and is what you're saying? We need to move that forward because of all the things that it tightens up, but also recognize Commissioner Anderson's timeline to put as a priority the revamping of the entire force policy.

Edwin Prather: Madam Chair, right now, if an officer grabbed a citizen by the arm, that is not considered a reportable use of force. That's a problem, and this fixes that. That's why at least the ad hoc committee is pushing that we adopt these tweaks so that we can get that fixed, the independent monitors for these tweaks and there are other issues that we need to address. We're completely aware of that.

Regina Jackson: Okay. I am more clear that the overall issues with the force policy cannot be addressed in that, but we have got to move forward on that bigger policy like yesterday. Okay.

Thomas Smith: Motion's [inaudible 02:17:16].

Regina Jackson: So the motion has been properly made and seconded. We have heard public comment. Are we ready to vote? Commissioner Dorado.

Jose Dorado: Aye.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Smith: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Motion passes.

Mike Nisperos: Madam Chair-

Female: [inaudible 02:17:46]-

Mike Nisperos: If I may, Internal Affairs and Cipro are the two agencies who have the most contact with the people who complain about use of force. I would strongly encourage you to invite your new Cipro director to participate in that discussion of changes to the use of force manual.

Regina Jackson: We will do that, but we will also have the hearings that we're committing to tonight, especially for community to speak at and the subject matter experts. I want a policy that's going to be better than Seattle and San Francisco, but at least looking at what they have, which is substantially better than what we've got should help us craft that. Thank you. Okay, so Commissioner Prather has to leave, so at this point we will make alternate Commissioner Brown a voting member for the purpose of maintaining a quorum. Thank you very much Commissioner Prather.

Regina Jackson: Next is the [inaudible] city charters revisions and the time is 8:48. Thank you. At the last meeting we had some discussions as it related to the items in the charter that commissioners would be interested in making sure get addressed. I have sent my comments to Rashida [Grenache] directly. I know that Vice Chair Harris is also working to forward comments. Are there any other comments that you all have that may or may not have been communicated to Vice Chair Harris on behalf of our entire group or any questions? Commissioner Anderson? No?

Tara Anderson: [inaudible] manuscripts.

Regina Jackson: Go ahead.

Tara Anderson: I just wanted to follow up on some commentary I made during our last meeting about timelines and really wanting to expedite this forward as soon as possible and really-

PART 4 OF 6 ENDS [02:20:04]

Tara Anderson: And really wanting to expedite this forward as soon as possible and really in full support of that and just wanted to be on the record indicating a March 2020 deadline. If that's what's most appropriate, that's what we move towards. But again, I'm wanting to be sure that that is going to lead to the most optimal outcome of having an educated voter response.

Tara Anderson: The other thing I would be... is can we get confirmation from Roshida that she has received communication from... through the vice chairs? I can't really speak to whether or not she's received comments if she hasn't received any, okay?

Regina Jackson: Okay. We're getting a no, not yet.

Tara Anderson: Okay.

Regina Jackson: I know that she'll be back soon. So I'll just follow up with her, but I'm certain that she's keeping notes. Any other comments on this? Okay. So why don't we go to public comment then. Thank you.

Regina Jackson: So I have Lorelei Bosserman, Nino Parker, Mary Vale, Rashida Grenache, Ms. Asada, and Henry Gates III. Oh and Celine Bay. Sorry.

Laura Lai B.: Hi, it's Lorelei Bosserman again. I was watching the video of the last meeting, which I missed, and noticed that a lot of people were saying, "No, no. Slow down. We want to make sure we get it right. It doesn't matter if we put it on a ballot several months later." And it is always tricky to figure out how much should we rush and how much should we make sure it's right? But I want to throw out into the mix that until this passes, we are going to still hear from the city attorney and the city administrator that you can't get independent legal counsel and you can't hire your own staff. And it's been making me crazy for months that we have to wait so long to fix that.

Regina Jackson: Mm-hmm (affirmative).

Laura Lai B.: So I'm not saying necessarily... I'm not voting one way or the other. Just please let's keep in mind how important it is to get it as soon as possible. Thanks.

Regina Jackson: Thank you.

Rashida G.: Thank you. I would just like to suggest that I know that you all have very busy lives and you already have a lot of work to do for the commission. We're not asking you to go through Measure LL provision by provision, but I would just ask you, based on the experience that you've had, to think about what would have made the experience more productive? What might have helped if it were in Measure LL? What would have helped you to better utilize the opportunities that you had. That's the kind of thing that we're looking at to overcome the limitations that you faced and to see what we could do to remedy those limitations. So we're not asking you to go through it page by page or section by section. You're welcome to if you have the time, obviously. But just based on your experience, you must have some idea of what would help going forward. What would make it easier for you to optimize the time that you do spend and get optimal results? So we would look forward to any suggestion that you have. Thank you.

Regina Jackson: Thank you.

Henry Gage III: Henry Gates III with the coalition. Rashida stole my thunder, so I won't repeat what she said. If you can have some of that conversation tonight, that would be much appreciated because time is of the essence with respect to this sort of work. And if you can share as much as possible the challenges you're facing tonight, that would be quite useful because this work is ongoing and it needs to happen as quickly as possible. Thank you.

Regina Jackson: Thank you.

Speaker 5: [inaudible]

Regina Jackson: Yes you do.

Miss Asada: Love life. I never voted for this in the beginning because I didn't see the empowerment of the commission being sufficient to make a difference. It is not an empowerment body when all you can do as a primary thing is to recommend policy and procedures to the council. It is not sufficient when the agency has the authority to determine guilt or innocent of misconduct and you don't. So any provisions that are being made, I hope it would be considered that you have some type of power to look at the behaviors of police officers and have the capacity to make a determination of whether those behaviors were appropriate or not using the term sustained, exonerated, whatever. But this... The way we have it now with the agency the way it's working, it's not working.

Miss Asada: Policy and procedures, recommendation to council is not an empowerment force. And the bottom line again is officers want to be held accountable when it's necessary for inappropriate behaviors. I thought that was the bottom line. But if you want to go about it in a different way, you're not going to get my support. This is what needs to happen. This is what needs to change, and I'll see what you do.

Regina Jackson: Thank you.

Salim Bay: Celine Bay. What I'd like to add to all that would just be that the commission listened to the public, that a lot of the things people have come up here and had suggestions about making this commission better. I know it gets lost over a year because every week we have another fire on this commission that we're trying to put out, which then takes all of our attention to that particular fire. But then there's a lot of nuts and bolts that really need to be brought together to make this commission a functioning body that represents the people. And that is what this commission was created. It was created by a super majority of the voting public that said that the police department needed a civilian oversight board because after X amount of years of failed reforms, obviously the police cannot police themselves, okay?

Salim Bay: So what this commission has to do is actually exercise the powers that it has. One of the things that we kept coming up here and saying is that we still haven't fixed the legal quandary that we have. So what we're... Again, we have to go back and do that, but we're not talking about it tonight. But it's still something that needs to be done, and that's a very important thing.

Salim Bay: The other thing that needs to be taken care of is that this commission needs to put its foot down when it comes to bad behavior by police officers, okay? There's systemic problems in this department. The issue of being unable to come out of reforms for between 2003 and 2019 is the fact that it's willful scofflaw. I mean, because you have these things outlined, all you have to do with execute them.

Salim Bay: But you keep coming... They keep coming back with excuses about, "Oh, the Stanford study says that if we look at this officer's thing over a projected period

of three months... " But within three months in are inside our community, how many mothers lost their cars? How many families lost their transportation to work? How many people ended up missing a court date? Now they got a warrant for them. These are the collateral damages that racial profiling has on a community that is not economically stable. So you can never get stable economically if you're making it paycheck to paycheck, and then all of a sudden have to get your car out of the impound yard. Those are devastating type of things when every penny counts. So even though the police department, again, they're all getting paid. And all the city people haven't missed not one paycheck since I've been associated with looking at the city, and yet nobody has the actual oomph to make this change.

Salim Bay: Last thing. The commission should make it so that the mayor's picks have to be vetted by the community. That's what should happen. So if the mayor puts up picks, the community should have the last say of vetting these picks. And at that point, if they wanted... if the mayor doesn't come up with a suitable pick, then after that vetting the community should be able to put the person that they want in there. Case and point, Mr. Thomas Smith who blocked all of our independent investigations all the time that he was the head of this commission also represents police officers in the city of... I believe in Antioch. So how can you protect officers in the daytime, but then have our best interests with our officers in Oakland in the evening? It can't be done.

Regina Jackson: Thank you. Nino Parker.

Nino Parker: Nino Parker, homeless [inaudible] executive director as well as homeless advocate [crosstalk 00:10:26].

Regina Jackson: I'm sorry, can you speak more into the-

Nino Parker: Nino Parker, homeless advocate at Lake Merritt, black advocate at Lake Merritt, as well as executive director of a homeless green team, and hopefully be on the homeless commission at some point.

Nino Parker: Ms. Anderson, I love the fact that you were there at the city council meeting and we got things done. That was really good. And by a unanimous vote it's really good that you did that. But the thing I like to see is, I think this commission has a lot more power than it realizes. And I don't know... I've heard about you guys having subpoena power, which is very important. And I don't know if you utilize that tool yet, but I think that kind of tool sends a message.

Nino Parker: But overall I think your idea of the police commissions that was accepted on Tuesday night was a joint effort of the great work that you guys do. You are a very important commission. You just have to realize your importance here. Because when we talk about major shifts in economy through policing and equity issues through policing, it's very important that you... that we have some kind of checks and balances on that.

- Nino Parker: The other thing is, once again, one of the questions that was asked today by I think [inaudible] was the revenue from things that are seized. How do we find out where that goes? We know that some of the cars and drug money's taken to do buys and things like that, but what about when you confiscated someone's motorcycle or you confiscated someone's bicycles? Where's that stuff going? Where's the revenue going and who's getting that revenue? I'd like to know.
- Regina Jackson: Thank you, Nino. Is anyone here from the police? Can you all answer that question?
- Chief K.: [inaudible]
- Regina Jackson: I can't see anybody.
- Chief K.: [inaudible]
- Regina Jackson: Okay.
- Chief K.: I apologize. I didn't quite hear the question.
- Regina Jackson: Okay. So I'm going to paraphrase, but please jump in, Nino. So when equipment or personal possessions are taken, bikes, motorcycles, what have you, where do they go? And if there is money collected from that, where does it go? Is that fair, Nino?
- Nino Parker: Yeah. Sometimes I know cars or sometimes just things that are confiscated in some kind of burglary or something, they don't know where... So they take those items, and I believe you guys auction them off. I just wonder about that process. Where's that money?
- Chief K.: Right. I will get you more full answers for the next time that we're here because you actually had a question about money's, like the revenues, and that I can't tell you because I don't know. But I will take that question. I will come back with an answer for you and present it at the next commission meeting if that's okay.
- Regina Jackson: Okay. Thank you.
- Speaker 6: Excuse me. [crosstalk]
- Regina Jackson: I believe... Henry, did you speak on this?
- Henry Gage III: Yeah.
- Regina Jackson: Okay. Thank you very much. So we will now move forward to an update on the Pawlik investigation. At our last meeting you all heard me state that we were going to invoke a discipline committee. That committee consisted of commissioners Dorado, Prather, and myself. We met I think it's a total of six

times, and we have submitted our recommendations to the police chief as of yesterday. At this time I'm unable to share any more information. When I'm told that I can share more than I will, but recognize that the discipline committee has done its due diligence. We spent a lot of time looking at the evidence, and we were able to come to some recommendations. I'm hoping at the next meeting we'll be able to provide more information. Is there anybody else... some that wants to add to that? No? Okay. Thank you.

Regina Jackson: Questions of the commissioners? Okay. So for public comment we have Rashida Granache.

Rashida G.: I want to be sure I understood what you said. I understood you to say that you submitted your recommendations.

Regina Jackson: [inaudible] Excuse me. Let me restate that [crosstalk] because you're correct. I misspoke. We submitted our disciplinary findings and our directive of action.

Rashida G.: To whom?

Regina Jackson: The first to lieutenant... excuse me... acting Captain Mendoza. Okay. Yes. And then I followed that up with a direct email to the police chief with a directive.

Rashida G.: Okay. And so you believe that you will be able to say more about that at your next meeting?

Regina Jackson: I do. We have been directed by the city attorney's office to be very careful about sharing because this is an ongoing investigation situation or... Excuse me. That within the discipline committee that we have some responsibilities. And because the process has not completed that part, I at least have received confirmation that the police chief did receive my email and was acting accordingly.

Rashida G.: Okay. Thank you very much.

Regina Jackson: Certainly. Thank you. The next item is commissioned subpoenas related to CPRA. Is there anyone here from the city attorney's office to provide any update?

Speaker 5: Sergio.

Regina Jackson: Sergio. Hello?

Speaker 7: I see nobody president from the city attorney's office.

Regina Jackson: Okay. So did they talk to you?

Speaker 7: I have no update from the city attorney's office regarding this.

- Regina Jackson: Alrighty. The one item that I was to check into was to reach out to the public ethics commission to find out what their process for subpoenas was. Disappointedly I sent two emails that weren't responded to, but I will admit that my time has been taken up primarily by the discipline committee. So I will be reaching out to some other public ethics commissioners to see if I can get to the bottom of their process so that we can in fact create a process and move forward on that. And I will also... I don't know if I can direct, but I will request strongly that the city attorney's office provide somebody that can talk to us because this is ridiculous.
- Regina Jackson: On this item I have three speakers: Michael Tegas, Mary Vale, and Rashida Grenache.
- Rashida G.: Is this Oakland, California or Washington D.C.?
- Regina Jackson: I'm confused.
- Rashida G.: Because in Washington D.C. you go to court to enforce compliance with the subpoena because there are penalties for failing to respond to a subpoena. If you have issued the subpoenas and they have not been complied with, then you need to go to court because there are penalties associated with the failure to respond.
- Regina Jackson: Thank you for your point. Actually what we understand is that people have responded. We just didn't have a process in place to review the subpoenas in order to determine what information may or may not have been appropriate. So it is in a holding tank... not tank, but spot with Interim Director Nisperos. None of the commissioners obviously want to... have a process to engage the subpoenas in order to determine what the next steps are.
- Rashida G.: So it seems to me that you could hold a closed session and receive the information from Director Nisperos in closed session. I don't understand why that would be problematic.
- Regina Jackson: Great suggestion. Thank you very much. And if we had an attorney then we'd have more guidance. Thank you. Mary Vale.
- Maryvale: That brings up the question of the status of you using purchasing power to hire a contract issue specific attorney. I mean, obviously the resistance by the administration, which does remind me of some of the things that are going on in Washington, is to stymie you and to keep you from... Probably someone in the city attorney's office decided... or the city administrator... that it would be too out there or outrageous not to fulfill the subpoenas. But now you still don't have the information, nor... without seeing what came back do you have the capacity to determine whether the subpoenas were fully complied with or not. Because there's a possibility that some of the responses are incomplete.

- Maryvale: So this... One way or the other, utilizing closed session, getting a contract counsel involved, this has to be... or even a pro bono counsel... this has to be done. It's really, really important. And it goes back to the underlying problem with this whole Pawlik investigation which is there wasn't a real orderly professional standards investigation done at CPRA. And that's why we're in this weird place. Plus, we have the outside factor of the court monitors still being in place. Thank you.
- Regina Jackson: Thank you. Yes. I just wanted to make sure that Ms. Grenache was clear that we knew that subpoenas had been responded to. We just don't know what the actual content is. Thank you. Mr. Tegas.
- Michael Tegas: Thank you. Michael Tegas, Coalition for Police Accountability Block by Block Organizing Network. I'm probably just going to be saying the same thing. Your job, especially with respect to the CPRA, you are their overseers. If they fail to comply for your request for legitimate information, well, that's why you got rid of the previous one because they didn't comply with your request. No offense to Mr. Nisperos, but until this... unless there's an articulable reason why those responses can't be made public, I'd like to hear it. Thank you.
- Regina Jackson: Thank you. Mr. Nisperos, what I would like to ask is that you send me an email letting me know at least who has turned in the packages so that we know... we can check off the box for what the subpoena order was.
- Mike Nisperos: I can tell you right now, Madam Chair. Everyone that you subpoenaed has turned something in. I have opened nothing. I've just put them all in a box.
- Regina Jackson: Yes.
- Mike Nisperos: In addition to that, Chief Kirkpatrick, who was not specifically subpoenaed, tendered a package which is unopened. I received one from you that she tendered to you as well. It's still sealed when you gave it to me.
- Regina Jackson: Yes.
- Mike Nisperos: I have signed it as such.
- Regina Jackson: Thank you.
- Mike Nisperos: So everybody's complied, and they're all a box.
- Regina Jackson: Okay, very good. Thank you. Well that... That's helpful. I'm hoping that by next time I will have been able to contact, like I said, the Public Ethics Commission. I was trying to go through the chair who I don't know, but I do know of some other commissioners. So we'll be able to get a recommendation for a process. It does give me comfort that everyone that was subpoena had responded, and I do want to clarify that we did not subpoena the chief of police. However,

because of the way the subpoena was written, she did comply. And I was delivered a package which I have turned into you unopened. Thank you.

Regina Jackson: So moving on to review of the CPRA pending cases and completed investigations. Thank you.

Regina Jackson: Mr. Nisperos, did you want to provide an overview or any directional commentary?

Mike Nisperos: Thank you, Madam Chair. There's nothing in particular. This is a regular report that we submit to you that lists our pending cases, the completed investigations, and those cases which have been administratively closed. I'd be glad to answer any questions that the commissioners have, but not about particular cases outside of closed session.

Regina Jackson: Is there any way we can increase the font on these reports?

Mike Nisperos: I'm sorry, Madam Chair. Yes absolutely there is. I only did attachment C which is marked attachment nine for some reason, and it has a larger font. But I'll make sure that next time that the font is increased so that I could read it. If I could read it, then the rest of you should have no problem.

Regina Jackson: Thank you very much. I just don't want to have to remember a magnifying glass.

Mike Nisperos: Yes ma'am.

Regina Jackson: Are there any questions on the content of the report?

Regina Jackson: Commissioner Anderson?

Tara Anderson: Thank you. And this may be something that would require closed session, but we had an outstanding question about an item that had missed its 3304 deadline that we hadn't heard about. And I believe followup was going to happen on case number 18-0345.

Mike Nisperos: Yes ma'am. We'll be glad to discuss that with you in closed session when you schedule a closed session for it.

Regina Jackson: Go ahead.

Tara Anderson: Another a request that was made, I believe back in April... I don't know the exact date. Actually it may have been late March, the last meeting in March, around formatting the document in a way that you could see. Because the format changes significantly between the different areas of pending and completed investigations. My understanding is because these come from two different databases. That's why the view that we're looking at is very different.

- Tara Anderson: But there were several different pieces of information that commission members were looking to have for both pending and completed. And now... And with your consistent leadership, seeing whether or not now may be an opportunity to help with a formatting project like that or if we can maybe revisit the very specific requests that were made by the commission as a whole. I would not want to try and represent all of them here in this moment, but just want to flag that there were other formatting requests that had been made in the past beyond font size.
- Regina Jackson: Yeah. So it would be helpful if you or someone on your staff can go back to those requests and that way we can just kind of go down the list and check them off.
- Mike Nisperos: Were they all done in April? And they would be available on the...
- Regina Jackson: I believe so.
- Mike Nisperos: The tape of those hearings?
- Regina Jackson: Mm-hmm (affirmative)- Go ahead, commissioner Anderson.
- Tara Anderson: Thank you, Chair. Yeah, it was a single meeting where all the recommendations were made. And I think we can work with Chrissy to identify the specific meeting and have that directed to your attention so that you're not having to go through.
- Mike Nisperos: Great.
- Tara Anderson: I wouldn't put that on anyone.
- Mike Nisperos: Thank you. Thank you. We'll be glad to.
- Regina Jackson: Terrific. And that would also... That would be the same meeting that we asked for some research from Mr. Ruess as well.
- Mike Nisperos: Along the same lines, I wasn't there. I don't know what you're talking about, the research.
- Regina Jackson: Okay. Mr. Ruess? Did you hear my question or my comment?
- Mr. Ruess: Yes.
- Regina Jackson: Do you know what I'm talking about?
- Mr. Ruess: The ad hoc had requested some policy analysis.

- Regina Jackson: Mm-hmm (affirmative)- And I followed up [crosstalk] with Ms. Tom, and you were behind because you had been out of the office. We haven't heard from you on that yet, so I really would like to get an update about that as well.
- Regina Jackson: Any other questions about the report?
- Regina Jackson: Okay. Well, we can go to public comment then.
- Regina Jackson: Michael Tegas, Ms. Asada, Rashida Grenache.
- Miss Asada: Love life. I want to go back to consideration of the revisions of Measure LL as it relates to this. You currently under Measure LL are only required to deal with cases under class one. Previously when we had the Citizens' Police Review Board, they dealt with class one and class two. I'm going to recommend that this body review class two violations. Because what we have going on now are some of the complaints or concerns of citizens and residents of Oakland are being dealt with, but some are not. So is it appropriate to have some dealt with and some not?
- Miss Asada: So please, at your retreat or at some point, weigh in on class two. Because I don't know if demeanor is a class one violation. I don't know if rudeness is a class one violation. Disrespectful conduct, I don't think that's class one, but we are dealing with it. And I think we should deal with it. It's appropriate.
- Miss Asada: The other thing is in this document, if you look at page 33, every use of force that investigation that has been completed has been determined to be unfounded. And the only thing that was sustained in the report was care of property, and I don't think that's a class one violation. So to look at some detail, we got to get to the bottom why we cannot find the ability to sustain any use of force violations. And something's got to be answered in terms of how every complaint is either unfounded or not sustained. So something's wrong.
- Regina Jackson: Thank you.
- Rashida G.: Thank you. I also wanted to point out there is one case, which is on the first page. It's the third case, and this is so called pending list. But that same case is described in attachment nine on page 37... Not 37. It's the previous... Sorry. It's on page 34. It's the same complaint. And here it's obviously been closed, and yet it was on the pending list. So that's quite confusing. It can't be both pending and closed.
- Regina Jackson: Mr. Nisperos-
- Rashida G.: Beyond that...
- Regina Jackson: Oh, I'm sorry.

- Rashida G.: I'd like to point out I'm sure that Director Nisperos knows that complaints that are received by internal affairs are supposed to be send to CPRA within 24 hours. There are several, several of these cases where there is either a several day or several week gap between the time that the complaint was received by IAD and was forwarded, and that is a violation. And I want to know what's been done about it and why it's being tolerated.
- Regina Jackson: So Interim Director Nisperos, I know that there was a question before that. Can you go ahead and address that? And then I'll follow up.
- Mike Nisperos: It was the advice of a CPRA's legal adviser. There was some technicality that it remained on the pending list, but the case is closed. I closed the case.
- Rashida G.: That it what?
- Regina Jackson: Okay.
- Mike Nisperos: It should not have been on the pending list. There shouldn't have been a conflict, but it was left on the pending list.
- Regina Jackson: So is that just an error?
- Mike Nisperos: Yes ma'am.
- Regina Jackson: Okay. All right.
- Rashida G.: What was the explanation?
- Mike Nisperos: It's an error.
- Rashida G.: What was an error?
- Mike Nisperos: To leave it on the pending list. I closed it. It should have been closed.
- Rashida G.: No, I'm talking about the gap from the time-
- Regina Jackson: Oh no, no, no.
- Mike Nisperos: That's not what I'm talking about.
- Regina Jackson: We haven't gotten there yet.
- Rashida G.: Oh, okay.
- Regina Jackson: You had two questions. I was trying to get him to answer that one. Then...

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- Speaker 8: Okay.
- Regina Jackson: You had two questions, I was trying to get him to answer that one.
- Speaker 8: Got it.
- Regina Jackson: Then the second point around the 24 hour, are you aware of that? And if so, if you need my support to redirect that issue to the police chief to respond to and get in accordance with, you know, let me know-
- Mike Nisperos: Yes ma'am, I will.
- Regina Jackson: But I think there should be a statement shared that we need to get into order.
- Mike Nisperos: You're absolutely right, and you'll notice these are '18 cases, 2018. Since I've been on board, and it was taking place before I came on board, there are bi-weekly meetings with Internal Affairs. Every Friday now, we exchange pending lists, so that we find out if they have something that we don't have. Then that means light a fire, make sure that we get a copy of what you got that we don't have. It's not overnight, it's not within 24 hours.
- Speaker 8: But it's a violation.
- Mike Nisperos: It may be, but it's not within 24 hours.
- Speaker 8: Not may be, it is. And it's there for a reason, the rule is there for a reason.
- Regina Jackson: Yeah, okay-
- Mike Nisperos: There's nothing that we can do to enforce the rule-
- Speaker 8: Pardon!
- Regina Jackson: Okay, so-
- Mike Nisperos: We don't have the enforcement authority.
- Regina Jackson: Okay, so I actually think that there's some conversation that we can have around that. But to the point of 2018, you're right, we can't go back and figure out why it wasn't given. If you're saying as of the time that you've been on board, it has been within 24 hours-
- Mike Nisperos: No ma'am, not every time. I'm saying that I think it was getting much better before I came on board, where they were getting to meet and match up lists of what complaints do you have, what complaints do we have. And now, I think it's getting even better, based on our last meeting. Now we're exchanging pending

lists every Friday to guarantee, and we're bringing it down, the gaps. But it's not yet 24 hours, it isn't 24 hours.

Regina Jackson: Okay, so-

Mike Nisperos: Some are, but not all of them.

Regina Jackson: Okay, so then that sounds like the complaint can be made and perhaps the enforcement needs to be handled by the independent monitor. But I mean-

Mike Nisperos: Yes ma'am.

Regina Jackson: We need to not hit and miss-

Mike Nisperos: No, I agree.

Regina Jackson: There needs to be a continuum established. I know that you're not disagreeing with me, I'm just saying that's what we need to move forward on because that should not happen. We're continuing to try and build a process that is reliable, and either it's reliable or it's not. So reliability has to do with consistency.

Mike Nisperos: And we're building something new, based on LL and the enabling ordinance-

Regina Jackson: Okay, so-

Mike Nisperos: The thing is that there is better communication, there is better exchange of information between Internal Affairs and CPRA-

Michael Tegas: [inaudible]

Regina Jackson: Okay, so what we want to do is get to best, as opposed to better-

Mike Nisperos: Yes ma'am, I understand.

Regina Jackson: So why don't you and I talk about how we can try to get there.

Mike Nisperos: You know, given the fact that I may not be here at your next meeting-

Regina Jackson: That's okay, I want to have us converse about this process that has been developed, because-

Mike Nisperos: Absolutely.

Regina Jackson: I'm not necessarily aware of it, so there's a benefit to the knowledge. Okay?

Mike Nisperos: At your convenience.

- Regina Jackson: Okay, thank you. Thank you very much.
- Speaker 8: This is not new.
- Mike Nisperos: Same old rudeness.
- Speaker 8: [inaudible 02:58:34].
- Regina Jackson: Mr. Tiegs.
- Michael Tegas: Yes, Michael [inaudible 02:58:41]. This may be a nitpick, but I'm looking at case number six, the case number is 190070. The 180 day deadline was 7/22/2019, but it says here, the day it was filled CPRA, 1/23/2010. So that's considerably more than 180 day gap, I presume that's typo. And I hope it doesn't reflect the fact that your database doesn't have field validation, as you enter the various fields into the database. Because if you don't, you've got a problem because the errors are going to multiply if those typos end up ... It's easy enough, it's one line of code. Thank you.
- Regina Jackson: Thank you. Mr. Nisperos, were you able to follow what item he was pointing out?
- Mike Nisperos: Item six, 18-0977.
- Michael Tegas: Seven zero.
- Mike Nisperos: Oh, Item four?
- Michael Tegas: Item six. The highlighted right here [inaudible 02:59:56]. You'll notice the submission date is 2010, whereas the 180 day is 2019. [crosstalk 03:00:00]. The date is wrong, I presume [crosstalk 03:00:08].
- Regina Jackson: Do we have the capacity to fix that?
- Mike Nisperos: Yeah, I don't know. It's obviously some kind of typographical error to say that it was filed at CPRA in 2010, I'll check into it.
- Regina Jackson: Okay, thank you very much.
- Michael Tegas: That number would say it was 2019.
- Mike Nisperos: Is that the administrative clause?
- Regina Jackson: Okay, moving on to meeting minutes approval. We have meeting minutes from April 11th and the 25th that we still have not approved. If there are any questions about the minutes, any edits that need to be made?

Regina Jackson: (silence)

Regina Jackson: If there are no more questions, I move that we accept the minutes of April 11th.

Tara Anderson: Second.

Regina Jackson: It has been properly moved and seconded.

Regina Jackson: Are we ready to vote?

Sergio Rudin: Public comment, if any?

Regina Jackson: Oh, actually I don't have any public comment for this item. Thank you.

Regina Jackson: Commissioner Dorado.

Jose Dorado: Abstain.

Regina Jackson: Commissioner Anderson.

Tara Anderson: Aye.

Regina Jackson: Aye for myself.

Regina Jackson: Commissioner Smith.

Thomas Smith: Abstain, because I wasn't there.

Regina Jackson: Commissioner Brown.

Chris Brown: Aye.

Regina Jackson: Okay, so we still ... Is that approved? Let's see, three two, no-

Sergio Rudin: That is approved-

Regina Jackson: Oh it is, okay.

Sergio Rudin: You only need a majority of members present to approve.

Regina Jackson: Thank you very much. Okay, and if we can take a look at the minutes of April 25th. I believe that we've looked at these before, they just didn't get approved.

Regina Jackson: Commissioner Dorado.

Jose Dorado: I move that we approve the minutes of April 25th 2019.

- Regina Jackson: Thank you.
- Chris Brown: Second.
- Regina Jackson: Okay, it has been properly moved and seconded. There is no public comment, let's take a vote. Commissioner Dorado.
- Jose Dorado: Aye.
- Regina Jackson: Commissioner Anderson.
- Tara Anderson: Abstain.
- Regina Jackson: Aye for myself.
- Regina Jackson: Commissioner Smith.
- Thomas Smith: Aye.
- Regina Jackson: Commissioner Brown.
- Chris Brown: Aye.
- Regina Jackson: Okay and the motion passes. We have finally approved the minutes of April.
- Regina Jackson: Okay, so now we are on to the police commission retreat. For those of you ... Sorry! For those of you who weren't here, we did approve the consultants of Walker and Associates with a proposal that was going to take place in August or September. Our administrative assistant, Chrissy Love, has shared with me that the majority of commissioners are available for September 14th. That's Commissioner Anderson, Dorado, myself, Prather, Smith, we have still not heard from everyone else. I actually would also like to invite, specifically, Henry Gage and David Jordan. So that they can participate in the planning process, since shortly thereafter they will join us.
- Regina Jackson: We don't have a site yet, but I did want to share that it looks like September 14th is probably the best day for everyone. And if you all have some recommendations of sites, you can let us know. We didn't nail down a budget for that, for food or locale. And I'm very excited about our finally getting to this, because then we will have an opportunity to at least design in theory, a master plan going forward. Are there any questions, any discussion?
- Regina Jackson: Commissioner Brown, will you be able to join us on that day?
- Chris Brown: [inaudible] because I responded to the other dates. And so, I wanted to look at my outgoing email and see if I'd addressed that date.

- Regina Jackson: Appreciate if you can take a look. I know that these kinds of things cannot be repeated, you know, even if they're taped. The experience on the ground is very important to be shared, so if there's any way possible that you could make an adjustment, we would be most appreciative.
- Chris Brown: Looking at the email, I did not mark those dates as available. So I have to go home now and find out why I did that.
- Regina Jackson: I understand, we had a lot of options.
- Chris Brown: Okay, I will follow up with you.
- Regina Jackson: Okay, terrific. Thank you very much.
- Regina Jackson: And so, for Item 11, which is the police commission retreat, we do have a speaker card from a Jane Kramer.
- Regina Jackson: No, and he didn't even communicate to me that he wasn't going to be here, so ...
- Jane Kramer: Jane Kramer. This is just a general outlook on my part, and if it were to ever even begin to come to fruition, it would take a long time for it to mature. However, I think it's a reality. Communities, they are able to accumulate the resources, the economic, the educational, the health resources. To pursue their own definition, their own identity, create their own vitality. Will affect the way the police force interacts with them and the community will begin to say, in part, what they need and want from the police force. So that overlap begins, very definitely, to influence the internal dynamics of the police force. So I guess what I'm really asking is if that is an idea that is appealing to you, that where you can insert it in the ideas and the items that you consider your retreat, now and in the future, you do so. Thank you.
- Regina Jackson: Thank you very much. Are there any questions?
- Regina Jackson: So since we've heard public comment, we'll move on to Item number 12, which is an update on filling the vacant investigator two possessions CPRA. Mr. Nisperos, do you have an update at all?
- Mike Nisperos: Mr. Rus has been working with HR, so I'll let him report to you.
- Regina Jackson: Okay, thank you. Mr. Rus.
- Jan Rus: So you received a report from Richard Luna that's enclosed in this packet, that's correct. The first set of panels of screening outside evaluators has already taken place. My understanding is that we put the cut point such that 37 individuals are moving on to the in person interviews. And those are supposed to take place at the end of this month, but we're still waiting to hear back from some of the

outside evaluators as to availability. July is hard for municipal employees because everyone goes on their summer recesses. But the plan at this point is to do interviews at the end of this month, so there will be a full eligibility list starting in August.

Regina Jackson: Okay, and that timing works well with the sign-on of the new executive director. We wanted to make sure that that person could select the investigators that they thought would be appropriate to add to the CPRA office.

Mike Nisperos: And Madam Chair-

Regina Jackson: Yes.

Mike Nisperos: I volunteered to sit on those panels for those two days, and that will be my last voluntary act.

Regina Jackson: Well, we think that you've put in quite a bit of time. So we really appreciate that, that will be helpful.

Regina Jackson: Are there any questions from the commissioners? Okay, hearing none, thank you very much.

Regina Jackson: We have a speaker card from Michael Tiegs.

Michael Tegas: Mostly it's just a question, in terms of the process. Is the CPRA director the sole person who makes the final decision on the employees, or does the committee itself have some input into that process?

Regina Jackson: I think that it's been determined, at least historically, that the director of the agency would be the one selecting the complaint investigators. I think there's some caution that we should exercise, in terms of getting into the weeds on staffing. What we did recognize, however, was that because they were under sourced we unfroze the two positions, they did not have a list to choose from. And so, within this new list that person will have the opportunity to identify who they think would be the best fit for the staff that is currently in place, the best compliment.

Michael Tegas: Thank you.

Regina Jackson: Okay, thank you.

Regina Jackson: Okay, so now we are at Item 13, committee liaison other commissioner reports, and Commissioner Dorado.

Jose Dorado: I had a short conversation with the Chair of the Safety and Services Oversight Committee Measure Z. So we'll, we being the designated members of the CPAB, for the taskforce is what I'm talking about. So a taskforce would be

representatives of the Community Policing Advisory Board, the Safety and Services Oversight Committee, and our commission and ourselves. To come together to see how we can work together, given that in many ways our responsibilities overlap. So it's question now of scheduling, they've already had a conversation around the concept of a taskforce, they being the SSOC. So it's now a question of us scheduling our time to come together, and start talking the details of how we might collaborate, so that's moving along. I've had a conversation around the summit, again with the CPAB taking the lead, that I'll report on more. Because I think that's definitely a step in the right direction, in terms of the implementation of community policing.

Jose Dorado: I'm following up with David Harris and the Urban Strategies, in terms of this making contact with the youth, mostly, I think were contacted by the fellows. And the contract the USC did around the Department of Violence Prevention, and the summit that they had here at the Marriott about month ago. And the concept that these youth came up with, and I mentioned it was included in the material that came out of the summit, was re envisioning the police department. So we want to make some contact with those youth through Urban Strategies, and plumb those depths of where that concept came from and what it consists of. And that will be an ongoing effort that I'll come back with.

Regina Jackson: Excellent, thank you. Are there any other updates?

Regina Jackson: Well I'd like to go ahead and thank Commissioner Anderson for stepping in on the public safety, which is what allowed us to get to that tremendous vote. So thank you, it's really nice when one person can't attend, another can just slide right in, so that's important. Do you have an update?

Tara Anderson: No, I wanted to speak to, it's hard to say thanks when it's not clear what you're thanking for, to the public at large. But I want to thank the effort and the time that was devoted by the Discipline Committee. The amount of hours that it took to do the thoughtful process that I know was engaged in, and so, just thank you very much for that. And even knowing before that, all of the hours of training that's required to even qualify to be a participant on the Discipline Committee, so just thank you very much for that.

Regina Jackson: Thank you very much. And although Commissioner Prather is not here, I will certainly extend your appreciations. It was an arduous process, but I was just really proud of everybody because they all pointed out different things that were good to point out. Can't do that kind of thing by yourself.

Regina Jackson: So we have no public comment on Item 13, so we'll move forward to agenda setting and prioritization of upcoming agenda items. Yes, Commissioner Smith.

Thomas Smith: So one of the things I'd like to get a report on ... We haven't gotten a report, I don't think we have, on the SB 1421 records disclosures from the City of Oakland. So I'd really like to get a report on what's happening with that. SB 1421

has increased the disclosure for police officer records, and in particular it deals with incidents that involve a discharge of a firearm at a person by a police officer. Or where use of force by a police officer against a person resulted in death or great bodily injury. It also deals with sustained findings that are made by a law enforcement agency, that deal with a peace officer or a custodial officer engaged in sexual assault of a member of the public. And so, what SB 1421 has done is made a lot of these records public that were not previously public.

- Thomas Smith: The SB 1421 mandate is actually retroactive as well, so it goes back in time, and it requires the release of records over time. So there are a number of media outlets, the California News Coalition among them, who've been pushing in different cities, the police departments to make sure that they actually disclose these records. I don't know what Oakland Police Department's status is, but I think we should get a report from the Chief of Police, in terms of what they've disclosed and what the plan for disclosure is. And also I'd volunteer to help them catalyze, speed up disclosure, help them make sure that they get records out so that we know we're in compliance.
- Regina Jackson: Thank you very much. Another comment about the pending matters list. I'll just say that, to Chrissy, I do need magnifying glass for this one. But I-
- Mike Nisperos: Madam Chair, if I may, on the 1421-
- Regina Jackson: Yes, I'm sorry.
- Mike Nisperos: I would also ask that you invite the City Attorney to tell you the legal impact, and it's having a potential substantial impact on CPRA investigations-
- Thomas Smith: Yes, I definitely think we should invite the City Attorney to give us an update as well, in addition to the police department. Because, I mean, the City Attorney's integrally involved in making sure that these records do get disclosed, and we're in compliance. So I think we should do that, and I would expect that they would do that.
- Regina Jackson: I would like for them to be here at every meeting.
- Tara Anderson: May I?
- Regina Jackson: So yeah, we can invite them.
- Tara Anderson: Just to further expand on this SB 1421, I think we're not just interested in compliance timelines. But making sure that there's regular reporting to the commission and finding the right balance for that. Is that, every time a disclosure is released we're informed? Because I certainly didn't appreciate finding out about the last 1421 release as it related to the very case that many individuals bring up as the reason we exist. I feel it was completely

inappropriate to find that out as I was driving listening to KPFA. I should have found out through some appropriate channel.

Tara Anderson: I also recognize we didn't establish a process, so we both need to make sure that compliance is happening and that there is a reporting mechanism to us as a body. And some of that may be closed, private aspect of things and then also ultimately all of this should be made public. Just because the right person is asking the question and gets the answer, they shouldn't have to wait for a news story for that. So just thinking that through, and also knowing that having the City Attorney as a part of the conversation, but also looking at other jurisdictions and how they're meeting this requirement. Because I know there's some variation, I've seen this play out within San Francisco, so those two points-

Thomas Smith: I know that in the City of Antioch the SB 1421 records are published online, so people can just go to the actual website and access them. Any person can do it, so they don't even need to file a public records request to get what's coming out. So I'm very interested in seeing what Oakland's doing, and I think it should accessible and transparent.

Regina Jackson: Oh, no that makes really good sense. And to your point, Commissioner Anderson, I found out on Twitter. I would really like to make sure that our staff is keeping us apprised in advance. So, identifying a process will be very important, and sharing the information that you have for your city would be important.

Regina Jackson: I would like for us to go ahead and put the Chief's reporting requirements of the annual report back on track. I don't think that we are quite ready for the performance review delineation, well we need to get on that, that needs to be a priority. So I'm not confusing the scenarios, I would say that the notification of the OPD Chief reporting requirements of the annual report, we should put on the agenda. Excuse me. And there's no question that there will be a closed session at the next meeting, so we'll likely handle the subpoena process as well as some of the closing reports that have been raised tonight. And we can identify more specific ... Yes?

Mike Nisperos: You'll identify them specifically to me so that I'm prepared to give you the report?

Regina Jackson: Yes.

Mike Nisperos: I'm familiar with the one where a case number was given, but I'll rely on you.

Regina Jackson: Sure. And I recognize the capacity to do a lot, so we will try to keep it to about four or so. But we need to get in the habit of, again, understanding what's behind some of these. And then it would be good, probably, to give us an update on where they are with the audit of CPRA and the commission. Because

they're supposed to be finalizing, I want to say in October, and here we are on August's door.

Tara Anderson: I do agree that needs to happen soon, I'm not sure if the next meeting. Partially because I want to suggest another agenda item, and I'm seeing us get a lot for the next meeting. Is around use of force, being able to come to the next meeting with a very clear timeline about what we're going to do. And have community input on that plan beforehand and at the next meeting, but I feel like it definitely needs its own agenda item. And following what I've understood to be the way we get things on the agenda, other than by way of the Chair's discretion, this falls in line with two priority areas. One listed as medium the public hearing on use of excessive force, and then the deescalation policy, which are both on our pending agenda item lists. So I feel like given that it covers two and the public comment that was made today, that to me it would get a higher priority than an update on the audit.

Regina Jackson: That sounds fine by me. I just know that there was also a recommendation that we take recess in August. I'm pooped, and quite a few people are, so I was kind of wanting to front load and get as much done as we could in that last meeting. Because by the time we come back it will be September, and then really the audit will be five minutes away from being finalized. And I'd rather know earlier than later if there are items they can't find or more information they need to receive, so that we can make ourselves available to facilitate that, or to support Mr. Nisperos in identifying. I don't think it should take a long time, and if they can provide just a memo, then they wouldn't have to come at all, okay? But I think that we probably have a pretty full list right there. Is everybody good with that?

Regina Jackson: Okay, so then the piece that I wanted to put forward when I heard from folks that there are vacations, there is exhaustion, and so rather than just have one meeting in August, have no meetings in August. So I'm going to go ahead and make the motion, and see how you all feel now that it's 9:55, which is actually early for us. I'd like to move that we take an August recess and reconvene in September. That's my motion.

Mike Nisperos: Second.

Regina Jackson: Okay, so it's been moved and seconded. We have no public comment on this item, are we ready to take a vote? [inaudible]

Tara Anderson: Nope.

Regina Jackson: It's agenda setting so ...

Tara Anderson: I guess the motion could be not to have agendas [crosstalk 03:26:20]-

- Regina Jackson: Okay, so with agenda setting, we could put on the agenda that there will be an August recess and then we can move on that at the next meeting. Is that correct?
- Sergio Rudin: That is probably the best thing you could do.
- Regina Jackson: Okay, glad when I hit it out of the park. So that's how we will respond to that, thank you very much, Sergio. So with that, is anybody [inaudible] move to adjourn?
- Speaker 9: You got a motion, you didn't have a vote.
- Regina Jackson: Oh, I'm sorry.[crosstalk 03:26:56] Okay, I guess I need to rescind my motion then, right? Yeah, okay I withdraw my motion. Do you withdraw your second?
- Mike Nisperos: Withdraw my second.
- Regina Jackson: Terrific, thank you! Now could I get a motion to adjourn?
- Tara Anderson: I'd like to make a motion to adjourn.
- Thomas Smith: Second.
- Jose Dorado: Second.
- Regina Jackson: Okay, everybody's jumping. So I heard Commissioner Dorado's second, first. Can we, all in favor say aye.
- Jose Dorado: Aye.
- Thomas Smith: Aye.
- Tara Anderson: Aye.
- Regina Jackson: Thank you! Thank you everyone, appreciate it.

PART 6 OF 6 ENDS [03:27:44]