



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Meeting Transcript

Thursday, July 25, 2019

6:30 PM

City Hall, Council Chambers

1 Frank H. Ogawa Plaza, Oakland, California 94612

Regina Jackson: So are we ready to call this meeting to order? It is now 6:36 and I'm calling this meeting to order. We'd like to do a roll call. Commissioner Ahmad?

Ahmad Mubarak: Present.

Regina Jackson: Commissioner Dorado?

Jose Dorado: Here.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Here.

Regina Jackson: Commissioner Harris?

Ginale Harris: Here.

Regina Jackson: Here from myself. Commissioner Smith?

Thomas Smith: Here.

Regina Jackson: Commissioner Prather?

Edwin Prather: Here.

Regina Jackson: Alternate Commissioner Brown?

Chris Brown: Present.

Regina Jackson: Great. We have a quorum. So we know that this is sometimes inconvenient for the audience, but we did need to do a closed session and we could not do it earlier because we were in the midst of our personnel committee meeting. So we are going to adjourn to the other room and we'll be back just as quickly as we can.

Regina Jackson: (silence).

PART 1 OF 8 ENDS [00:35:04]

- Unidentified F1: I have to go to the restroom.
- Regina Jackson: Oh, okay. [crosstalk] No, I mean, that's okay. [crosstalk]
- Regina Jackson: So it is now 7:13.
- Regina Jackson: I wanted to report out that in closed session, the Commission took no formal action, and began a discussion regarding the assessment of employee performance. The commission did not engage in a review of administratively closed CPRA cases.
- Unidentified F2: Could you [crosstalk] back? Nobody can hear you. Could you repeat it?
- Regina Jackson: I'll say it again. I'm sorry. And ... I think it was Mr. Luna that's going to check on the sound, but I know that we won't have an answer today. So I'm going to restate my message.
- Regina Jackson: In closed session, the commission took no formal action, and began a discussion regarding the assessment of employee performance. The commission did not engage in a review of administratively closed CPRA cases.
- Regina Jackson: So now we're going to go to the welcome, purpose, and open ...
- Regina Jackson: Commissioner Anderson.
- Tara Anderson: Through the Chair, I'd like to ask Interim Executive Director Nisperos to provide a definition of an administratively closed case.
- M. Nisperos: Thank you, Chair. An administratively closed case is one that is closed up, basically, in the intake process. It is one that has not been assigned to an investigator for investigation. And it's when the intake technician typically looks at the PDRD and sees that there's no evidence to support the allegation. Or ... I had a case ... a couple of cases where people phoned in complaints about a video that they saw on Facebook that said a 106th Avenue, Oakland. And it turned out that it was in another state. So those are the cases that are administratively closed. Those are the cases that the Commission can order the Executive Director to reopen and send to investigation.
- Tara Anderson: Through the chair, during our last meeting when I put forward case number 18-0345, and indicated concern over passage of the 3304 deadline, it was my understanding that the response at that time, during the July 11th meeting, was that during the next meeting, which is today, that we would be able to find out in closed session more information about that case and why it had passed it's 3304 deadline. Was my interpretation of how I ... my question was responded to inaccurate?

M. Nisperos: I believe it was. I don't know why that would be in closed session if it was a case that wasn't administratively closed. And I only prepare according to what the agenda is and the agenda changes. And if it's not on the agenda, then I don't prepare for it.

Tara Anderson: Chair, how might we go about receiving an update about ... and, especially, given a transition will take place before the next time we're convened, finding out about this particular matter?

Regina Jackson: I can certainly send a an email to Mr. Nisperos and ask that he provide the information, and I guess I can report it out at the next meeting. Do you need more than that?

Tara Anderson: That's sufficient at this time.

Regina Jackson: Okay. Thank you.

M. Nisperos: Madame Chair, I'm going to be doing preparation for interviews for next Monday and Tuesday of all of the candidates for Complaint Investigator, too. So I would suggest that you send the email to the new Director who will come on board Monday.

Regina Jackson: I appreciate your suggestion, but I'll be sending you that email tonight.

M. Nisperos: Oh, you can send it, but I doubt I'll get to it.

Regina Jackson: I will ask you to prioritize it. That really is a directive. It's a directive. [crosstalk 00:12:17].

M. Nisperos: So what of the Complaint Investigators?

Regina Jackson: No, you have tomorrow. You can respond to it tomorrow.

Regina Jackson: I'm sorry?

Tara Anderson: [inaudible] comment on closed session?

Regina Jackson: I don't have any cards for comment on closed session, so it would be going straight to open forum. And there is a point of privilege for Commissioner Dorado.

Jose Dorado: Thank you, Madam Chair. I appreciate the privilege. Fellow Coasters and fellow Oaklanders, here and at home. I have seen much in my 70 years I've lived through wars, assassinations, and marches. And have been a small part of the people's struggle since my college days. During that time I have also been called a wetback, told to love it or leave it, and to go back to Mexico. Well I am in Mexico.

Jose Dorado: Mexico Ocupado. Occupied Mexico. And I am where I came from. Like many, I too have paid a price. Insults and confrontations on picket lines and marches. The broken end of a police Baton shoved up my chest protesting the invasion of Cambodia in 1970. And later that same year, getting a face full of mace from an LA cop at the Chicano Moratorium protesting the disproportionate numbers of Chicanos being killed in the Vietnam war. The lesson from those years, and since, has been borne out repeatedly.

Jose Dorado: Collective action, especially among people of color, is the key to moving forward toward a more just society. Mutual respect especially among people of color, is a key to attacking racism and white supremacy.

Jose Dorado: Despite many setbacks, I have been slow ... I have seen slow and steady progress toward justice in the U S. Until recently. So what does all this do with the Oakland Police Commission?

Jose Dorado: Everything.

Jose Dorado: Our work here is not done in isolation. I believe we are watched closely by folks across the country. And what is said and done here has impacts outside of Oakland. Holding Oakland Police accountable for their actions by this commission necessitates the building and strengthening of racial solidarity here and everywhere. Let me be perfectly clear, there is no place here for Afrocentric rhetoric. There is no place here for a strictly Latino agenda. There is no place here for minimizing the effects of racial oppression on anyone.

Jose Dorado: And racial oppression takes many forms. Case in point is the disproportionate numbers of black people stopped by OPD. Another is the trauma and fear in the Latino community of impending ICE raids here in Oakland. Anyone who thinks that the same OPD culture that racially ... racially profiles black people does not also cooperate with ICE to target the Latino community is living in a fantasy world. Yet I've heard it here ... Said here, "The Latinos have police problems elsewhere, but not here."

Jose Dorado: That despite the atrocities at the border, ICE is not an issue here in Oakland. Anyone who thinks that the inhumanity against brown people somewhere else does not affect us here in Oakland ... It's like saying that the killings of Michael Brown, Eric Garner, Walter Scott, and many more, do not affect the black community here because they happen somewhere else. We have seen the recent rise of the Right, growing white nationalism, and now naked racist aggression against four women of color in Congress: Alexandria Ocasio-Cortez, a Latina; Ayanna Pressley, an African-American; Rashida Tlaib, a Muslim; and Ilhan Omar, a refugee from Somalia.

Jose Dorado: Now is not the time for furthering division among people of color and anyone blind enough to promote that division should be called out in no uncertain terms. Divide and conquer has always been a strategy used against us. And

anyone advancing that is just doing the devil's work. Now's the time to wake up and stop playing the oppressor's game. And the recognize our common struggles as people of color, especially brown and black here in Oakland. This is not the Oppression Olympics where are here to compete to see who's the most oppressed. We are all under attack and we must organize to protect and defend each other now, not tomorrow. Now is the time for a multiracial, multiethnic, multicultural answer to police brutality and white supremacy.

Jose Dorado: Lastly, if there's anyone who wishes to discuss, debate, or argue anything I've said here today, please let me know if you would like to do it publicly or privately. I will be happy to make all the arrangements. Thank you all for your time listening to me.

Jose Dorado: Madam Chair.

Regina Jackson: Thank you very much. Commissioner Dorado.

Regina Jackson: Now we will go to the welcome and open forum.

Regina Jackson: Oh, I'm sorry! Commissioner Ahmad.

Ahmad Mubarak: It is Commissioner Ahmad. I just wanted to say to the brother Ermias Asghedom, Nipsey Hussle, may he rest in peace for the good work he's done. Every time I come here, I always forget to say that, for him to rest in peace. He was the young man who was slain in Los Angeles. And I must agree with everything Jose said. It's going to take all of us working together. Thank you.

Regina Jackson: Nicely said, Commissioner Ahmad.

Regina Jackson: We're much more powerful together.

Regina Jackson: And now we'll go to open forum. I have the following speaker cards. Jose [Pezuelo] ... may not ... I may have misenunciated that, and forgive me if I have. [Sudeep] Ray, Lorelei Bosserman, Elise Bernstein, Oscar Fuentes, [Saleem] Bay, Miss [Asata 00:20:12]. And those are all the cards that I have.

Elise Bernstein: Good evening. I am Elise Bernstein from the Coalition for Police Accountability. And I'm here just to commend the Police Commission for being so successful in these recent activities you've had. It's just so exciting to see the Commission just moving ahead and just being so productive in terms of blocking the second armored tank for the Police Commission. And really pulling together and to have the appointment of the Executive Director for CPRA. It's just very, very good to see. So thank you all.

Regina Jackson: Thank you.

L.Bosserman: Hi, I'm Lorelei Bosserman. I'm a member of the Coalition for Police Accountability and I came up to say sort of what Elise said, we didn't coordinate this. You have been getting so much done. You have been kicking ass and taking names. And I just want to thank you for that because I know it has not been easy. And I also want to say it's really nice to see so many new faces at the meeting. I think more people are getting interested in the commission, so hang in there. Thanks.

Regina Jackson: Thank you.

Miss Assata: Love life. Love black people. On July the 11th the Rules Committee met, and a part of the meeting was closed session. In closed session, one of the cases that was being considered was the Lukeshia Smith, an African-American, versus the City of Oakland. [Lukeshia] Smith's husband died under police ... they had arrested him. They tasered him four times and he died. There was no police video because none of the police involved, had their cameras on.

Miss Assata: So this is a case, I know y'all dealing with Pollock and ... But this is the case that came up in July 11th, I'd never heard of it. And I hope at some point somebody will deal with this brother whose life was taken under the police custody. I'm still waiting for something to happen related to the black police office grievance. Nothing has happened. Nobody's doing anything. You're not doing anything. The Public Safety Committee's not doing anything. The City of Oakland is not doing anything.

Miss Assata: Maybe because this is black police officers, I don't know. But something needs to happen, when you have black police officers filing a grievance, saying that they're being discriminated against in hiring, in discipline, in promotions, and nothing's being done since March of this year. Jonathan, a young black man, been missing for 20 days before they put out a public statement that he was missing. I hope you got a chance to see Nightline, a couple of nights ago, about how African Americans become missing and police departments are not doing thorough investigations of African Americans who are missing. Not just here in Oakland, but across this country. That was on Nightline.

Miss Assata: So y'all need to do something about what's going on in this community, as it relates to African Americans. It's not people of color. It's African Americans that have tremendous discrimination issues with this police department.

Regina Jackson: Before you go, Miss Assata. Excuse me. Mr. Nisperos, is this a case that is .. excuse me, on Lukeshia Smith, is this an open investigation for CPRA?

M. Nisperos: I don't know. Madam Chair.

Regina Jackson: Okay, can you look into that please?

M. Nisperos: Sure.

Regina Jackson: Thank you. And Miss Assata, just so you know, I will be sitting down with the President of OBO ... just kind of had hands really full, but next week is when I plan to do that. Thank you.

Saleem Bay: Saleem Bay.

Saleem Bay: I was just approached at the last meeting here, and I was told by an individual that ... I would catch more flies with honey than I would with vinegar. And first thing I told her, "I ain't trying to catch flies." It's the first thing, right? Kill flies. All right ... But I am asking for you to like me, right? I'm here for the people who can't speak on behalf of themselves. So if it's personal between you and me, then that's your problem. Because we're here for justice. Right?

Saleem Bay: That's why I'm here. That's why I sacrifice the time that I have. These people right here, all of them have family. I didn't forget all of the politics that you guys been playing, when these people right here, ain't none of them are alive. This man right here, he was my mentor. He had a payroll of 250 black jobs when the police department targeted him and he turned up dead.

Saleem Bay: This man right here was just walking through his community, and was shot by a gun that was used on my brother two years before, that the police knew about. This white man right here was the last person killed. And as soon as he was killed, the Police Department moved to get a warrant for 250 officers to shut down these little kids that are shooting and killing all of these black people who die. But one white person died and that was the end of it.

Saleem Bay: We haven't forgot that the fact of the matter is that 1310 62 is still incomplete. It's admitted as incomplete by the Oakland Police Department on camera. And yet the head of the Oakland Police Department is right here. As a CEO, if somebody came and told me there was issues inside my organization, I go find out about it. But this Commission called her to this roster right here, asked her about racial profiling. What she say? "I take the fifth."

Saleem Bay: That was in October. AB 1421 has passed. She can speak about it. Call her back up here and let's find out. Just like she didn't do anything about this racial profiling that we've been talking about, she didn't do anything about the police officers. So don't believe the black people on the street because obviously we've been saying it since the Black Panthers that the police been doing us wrong. Don't believe us.

Saleem Bay: Our ice ain't as cold as the white person's ice. But why hasn't she come up and answered for what you are seated here for? LL says you don't have to investigate everything, but you do have to investigate racial profiling. Call her back up here and be ... Or better yet, don't even call her, fire her.

Regina Jackson: Thank you.

- O. Fuentes: Hello. I don't talk about my ethnic background very often, but I'm Palestinian and I'm also Colombian. And I've lived in Palestine, I lived in the West Bank with my family. Earlier this week, for the second time in two months, OPD invaded my block. Came out with AR-15s, automatic weapons, holding them and strapped to their back, to do ... serve search warrants on a house. The first time it was on one house and the second time it was on the house next door. I think two completely unrelated circumstances and they didn't find anything.
- O. Fuentes: The house that they did this time, that's next door to the house they did the last time, has lots of kids hanging out there. The kids were put on the sidewalk, and one of them, who looked a lot older than he was, was arrested, detained and put in a squad car. And when his mom was trying to get him out of the car, the police gave her a really hard time.
- O. Fuentes: Whenever something like this happens in my community or my neighborhood, for the safety of everyone who I consider to be my neighbors and my community, I film. But as I was filming, an officer decided ... And I live just a few doors down on the opposite side of the street, that I had to be in front of my house to film. That I could only be in front of my house filming. If I was going to be on the street while they were doing this delicate operation that didn't turn up anything, and he shoved me back with his body. Probably hoping that I would shove him back, or resist, so he could arrest me because he obviously was flexing his power while I was trying to film.
- O. Fuentes: I'm disgusted by the idea that the way the police treat these people in my community and me, the way they treat us with no respect, no compassion, no sense of duty, that they are protecting us, actually like an occupation as if we are Palestinians and they're Israeli soldiers. That's what I felt. I felt like I was being invaded by a foreign occupation force and I'm confident everyone else who was at the end of this nightstick felt the same way.
- O. Fuentes: Those kids ... this is their first interaction with police, watching police with heavy duty weapons, that they've heard in the media, are used to murder lots of people at the same time. Invade their community and treat them like criminals from the get-go, without even bothering to ask them their name. And so I just want to ... I know there are police here ... I just want to say when you come into our neighborhoods, treat us as if we are your employers.
- O. Fuentes: We are. I pay taxes for your incredible salaries. Treat us like you work for us. I know that's actually impossible given what cops do, but that is the stated goal of police and yet we are treated as if anyone standing on the street, who looks at a cop twice, is a criminal. I just wanted to say that.
- Unidentified F3: Amen.
- Regina Jackson: Thank you.

Regina Jackson: Is that everyone? I seem to have a card from a Jose Pezuleo. Sudeep Ray. Maybe they left, too. Okay, thank you very much. So we are going to move on to item five which is the Police Commission and CPRA audits update.

Regina Jackson: Who's here from the City? There we go, city Auditor's Office.

Courtney Ruby: Good evening. Police Commission Chair Jackson. My name is Courtney Ruby, I'm the City Auditor of Oakland. And tonight I'm going to give you a brief status of the audit of the Police Commission and the Community Police Review Agency. Before I do so, I just want to remind you of the requirements specified for the audit, in Measure LL. And briefly describe the audit process.

Courtney Ruby: The measure requires a City Auditor to conduct a Performance Audit and a Financial Audit of the Commission and the Agency. The charter requires that the audit be conducted two years after the City Council has confirmed the first set of Commissioners. The Commissioners were first seated in December 2017. So we plan to complete the audit approximately in December 2019.

Courtney Ruby: We briefed the Police Commission at shore meeting on May 9th. During that briefing, we discussed the phases of the audit, which is we start off in planning and then we move to field work and report writing. I'll go into each of these in a little bit more detail. So in planning, this includes gaining an understanding of the areas that we're going to audit, assessing the areas of risk, establishing the objectives of the audit, establishing the scope of the audit, and ... Good evening ... Then also developing a plan to carry out the audit.

Courtney Ruby: It was not my intention to turn my back on you all.

Courtney Ruby: And determining the resources needed to complete the audit. Developing a schedule for completing the audit, as well.

Courtney Ruby: The field work phase, which we are now beginning, means that we carry out the audit plan to ensure that we obtain sufficient and appropriate audit evidence to support our conclusions in our audit. We analyze the evidence to determine that if we have audit findings. The report writing phase includes first preparing a draft audit report. We will then seek a response from you, the Commission, as well as the Agency.

Courtney Ruby: Then the final report will be issued out. That will be issued to the Police Commission, the Agency, the public, the Mayor, the Council, and the Administrator. So, for tonight's agenda we wanted to bring you up to date to where we are. We've completed the planning process and we're now working on the field work phase, as I previously stated. We expect to complete the fieldwork phase by the end of September, the beginning of October.

Courtney Ruby: When we discussed the audit in Nay, we provided you with our preliminary objectives. The preliminary objectives were to assess whether the Police

Commission and the Agency have adequately complied with Oakland Municipal Code Section 2.45 and 2.46, and whether the Agency has established adequate control.

PART 2 OF 8 ENDS [01:10:04]

Miss Ruby: And whether the agency has established adequate controls to manage investigations. We told you then we would come back and update you once we had finalized the audit objectives. The approach we have taken in determining the audit objectives was to develop several critical questions that the audit will address. Several, excuse me, central questions. These are the questions. One, is the Oakland Police Commission providing effective oversight of the Oakland Police Department? Two, is the Oakland Police Commission complying with the requirements of the charter municipal section 2.45 and 2.46 and the applicable laws and regulations? Three, is the agency complying with all requirements of the charter and municipal code section 2.46? Four, does the agency has sufficient controls to effectively manage its case load of complaints and investigations, and to ensure timely and comprehensive investigations? Five, does the city have sufficient controls in place to ensure that the police commission and agencies costs are appropriate?

Miss Ruby: I'm joined this evening with Mike Edmonds, the assistant city auditor, as well as Mark Carnes, the senior performance auditor, and we'd be happy to take any questions you have this evening. Thank you.

Regina Jackson: Thank you very much. Are there any questions commissioners? Commissioner Anderson?

Tara Anderson: Thank you, Chair. In this fieldwork phase, as you're collecting sufficient evidence, will you reach out to us, as commissioners, if you need followup, or how do we engage in the sufficient evidence phase of things?

Miss Ruby: I'm going to turn it over to Mike and have him walk you through the process of field work to answer your question.

Mike Edmonds : Commissioner Anderson, Mike Edmonds, Assistant City Auditor. Yes, I'm sure we will need to engage with the commissioners throughout the audit. I'm sure we'll have questions as we progress. In addition, we've had some discussions in regards to having some type of ad hoc committee where we can share our preliminary results with several members of the commission. We're anticipating being able to do that kind of in that late September timeframe, but we will have the need to have conversations with the commission probably throughout the fieldwork phase of our audit.

Regina Jackson: Are there other questions? Mr. Edmonds.

Mike Edmonds : Yes.

Regina Jackson: I believe it was your intention to talk with all the members of the commission. Is that accurate?

Mike Edmonds : Yes. Chair Jackson, I think we have met with all of the commissioners at this point.

Regina Jackson: Okay. I just wanted to make sure ...

Mike Edmonds : Yeah.

Regina Jackson: ... based upon Commissioner Anderson's question. Are there any other questions? Well, I am delighted to hear that you have adjusted the timeframe back to December. I remember there was a question as to whether or not you'd be finished in October, and I think that that really does make more sense to align with when we started, so thank you for that.

Mike Edmonds : Yes, that was, I think, brought up at the meeting on May 9th, and that the commissioners were not seated until December of '17, so that made sense to push that back to December of 2019 to issue the report.

Regina Jackson: Given your overview, do you think that you will meet your deadline of wanting to provide an overview or a draft late September, early October?

Mike Edmonds : I would say the meeting or the overview or update in September would be more of a verbal update. I don't think we would have a draft. Typically, what we do in our normal audit, and this is a little bit different, we would provide what we refer to as point sheets that kind of help to brief whoever we're auditing. And so, we'll have to decide if we want to do some type of thing like that with a point sheet where we can go over the issues or we will just brief that committee verbally.

Regina Jackson: And given that, as you know, we've had some turnover in the CPRA piece because, obviously, these are two separate audits, I presume that you will be setting up an interview with our new ED, perhaps, after about a month or so when he's got his feet wet. Is that accurate?

Mike Edmonds : Maybe even sooner than that.

Regina Jackson: Maybe even sooner?

Mike Edmonds : Yeah.

Regina Jackson: Okay. That's fine. That's probably-

Mike Edmonds : And we have briefed the interim director, as well as all of the investigators, so we've done a lot of work with the agency already.

Regina Jackson: Okay. Excellent.

Mike Edmonds : And we intend to have a meeting with the new director.

Regina Jackson: Okay, excellent. Commissioner Harris.

Ginale Harris: Good evening. Do you also speak with the Intake ...

Mike Edmonds : Yes.

Ginale Harris: ... people at the CPRA?

Mike Edmonds : Yes.

Ginale Harris: Okay. Thank you.

Mike Edmonds : Yeah. So, we'll be looking at all aspects of the investigative process. We'll be looking at the internal controls around their operations, policies, procedures, staff training, all of those things, we'll take it and we'll count, as well as, looking at like a sample of investigations to provide some information in terms of the timeliness, the completeness, the consistency of the investigations.

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

Mike Edmonds : Thank you.

Regina Jackson: The speaker cards I have on this subject are [Saleen] Bay, Rashida [Bernash 00:01:16:33], Miss [Asada 00:01:16:35]. And that's it.

Speaker 6 : Thank you. I was just wondering whether or not there's going to be any comparative data in terms of other similar agencies whether or not we are looking at whether the performance metrics are within the norms of other agencies, or whether they're outliers in terms, for example, of the percentage of allegations that are sustained, the percentages of allegations that are unfounded, in particular. How do those statistics match up with the statistics from other similar agencies? So, I'm just wondering the extent to which the audit will look, not only at the internal metrics based on measure LL about we'll do some comparative analysis. Thank you.

Regina Jackson: Thank you. Miss Ruby? I'm very interested in hearing this.

Miss Ruby: Yes.

Regina Jackson: Yeah.

Miss Ruby: We will be. We'll be doing benchmarking around operational issues more with other police commissions.

Regina Jackson: Terrific. Thank you.

Miss Ruby: Thank you.

Miss Asada: Love life. Love black people. I'm concerned about the auditors. I was concerned when they did a report to one of the committees when they were given an update on audits they were going to be doing around measures that had been approved by the voters. Most of these measures call for an annual audit. Measure Q, measure D, measure M, and some other ones. They're not doing an annual audit. And I kept asking why, they're doing it whenever they feel like doing it. And so, the question is why.

Miss Asada: I'm also concerned, because I was calling for an audit of the Spanish-speaking unity council. They didn't do an audit. They did a review in November of 2018. Spanish-speaking unity council in 2015 illegally took money, restricted funds from NeighborWorks America. And when they did the review, it was like it was a friendly mistake, and it was corrected by the city, giving them the money to pay it back from a fund, from the seniors center of the Fruitvale senior center.

Miss Asada: So, I'm not comfortable with the auditors. Why can't you, under the mandate of many measures that say in the measure you're supposed to be doing an annual audit, you're not doing it? We'll see what they're going to do with you, guys, though.

Regina Jackson: Excuse me. I'd like to hear from Miss Ruby just about the annual audits on those measures.

Miss Ruby: Absolutely.

Regina Jackson: Okay.

Miss Ruby: Thank you. And thank you, Asada, for the question. Just to clarify. So, we do have audits. So, we're required to do annual audits on, we assess the risk and we do them on a rotational basis from a resource standpoint. And I'm happy to sit down with you, Asada, and go through this in more detail.

Miss Asada: That's not necessary. Let me say this. I'm going to say one statement. Annual audits wasn't done on the library money. They had to go back and do another measure because they were \$5 million in debt. And the library commission say they never got ... They were supposed to be reviewing the audit annually, they never got it. So, the fact that they were \$5 million in debt was never caught because the annual audits weren't being done.

Miss Ruby: I hear your concern, and we would have to look at that particular issue. We did do the measure Q audits in relation to that. So, the issue that you've raised may not have been evaluated with what we're required to do. So, I just want to make sure because I don't ... I hear your concern. So, let us sit down with you to analyze how that 5 million came about because there are different audits that are now required. And with the measure Q, we have not found significant issues and we've been doing that audit for a long time now. And-

Miss Asada: [inaudible] do not have any issues answered. [inaudible] I think about [inaudible] issues on that one.

Miss Ruby: Absolutely.

Regina Jackson: So, Miss Asada, you aren't interested in sitting down, because I was going to say I'd be happy to join you.

Miss Asada: There's a lot of information from the [Inaudible 00:11:53].

Regina Jackson: Okay.

Miss Asada: Thank you.

Regina Jackson: Okay. Thank you.

Miss Ruby: All right. All right.

Regina Jackson: Thank you. Don't go anywhere. We have one more. Yes, Mr. Bay.

Saleen Bay : Saleen Bay. Just in terms of this audit, I don't put a whole lot into audits, especially when they come from bureaucrats that are professional bureaucrats who do audits professionally just to make sure that you're in compliance. Right? So, there's a difference between auditing to improve and auditing just to say I did an audit. And so far, in the city of Oakland, most of the audits I've seen go through just to comply with the thing for audit. And I'm not seeing the followup on what should be being audited. Right? Dysfunction. Right? Get to the dysfunction of it, and then, after you find the dysfunction, eradicate it.

Saleen Bay : But just auditing to do audits, and you know, that's busy time, and I don't see anything that really comes out of that, other than the fact that we're making work for people who should be doing other things with people's tax dollars, especially, there should be a very specific look at the police department, the functions of it. Nobody's looking at the promotion of these people. And I always speak about the promotion, because if you promote bad people and you put that in your chain, you can continue to take the head off. Right? Howard Jordan was a police chief. He was replaced by four or five other people. All of them crooked, all of them the same.

Saleen Bay : And then, when I talk about 13-10-62 being closed and complete, the fact that everything that I said, this commission has said, we need to move on it, it was closed by Oliver Cunningham who was promoted by this chief. There's a disconnect. You're working hard to do what I'm asking you to do, which is to address these failings in the police department, but you're ignoring that the major failing is that the head of the police department was brought in here just like [Vanille] from Chicago to cover up, first, the sex scandal, I mean the rape scandal of this young girl, because she promoted them too, right? But if you don't hold her accountable, and I'm speaking for myself because I was at a press conference a few months ago where they were calling for the head of the police chief based on the Pollack. That has only gotten worse.

Saleen Bay : But I don't hear people still calling for the chief head, and I will keep coming up here and saying she came to Oakland. We were already in Oakland. We already had racial problems and issues needed reform in Oakland when she chose the job as police chief. She came in here for 13 years of failed reform talking about how she's going to make a difference. All I heard about is that the black police officers are now even more dissatisfied with racism. Do your job. Fire the chief ...

Regina Jackson: So, Miss Ruby, Mr. Bay's point is actually making me a little curious. What are your audit schedules for the Oakland Police Department?

Miss Ruby: We just completed an overtime audit, which we issued in June. And then, as you know, we currently have the police commission audit. We go through a planning process annually where we identify risks in the city, and we prioritize. So, currently, the one that we just completed and the police commission is what is scheduled. We don't have an audit after this. However, what we consistently do is we are listening to the community as well to identify where are the areas that we need to go into. So, it doesn't mean that there isn't a police audit coming up, but in the near ... next year, there is not another one scheduled.

Regina Jackson: Okay. So, since your subject is very specific, overtime, I wonder when you talk about measuring risk, what does a rape scandal do for you? I mean ...

Miss Ruby: When you look at it from an audit perspective, we also analyze when an incident occurs, what parties are evaluating it and what information ... There was an investigation done at that time as well. It doesn't mean that the auditor's office can't come in and do it as well. We are consistently balancing, or at least under my administration, we are consistently balancing across the city to get coverage as well.

Miss Ruby: So, I'm evaluating what other reports are coming in. But as far as holding all our public servants accountable and ensuring that those don't occur in the future, is definitely something that we can evaluate.

Regina Jackson: And so, we can make recommendations to you on things that we would like to see audited inside OPD, is that correct?

Miss Ruby: Absolutely.

Regina Jackson: Okay. Excellent. Commissioner Harris.

Ginale Harris: Thank you for coming. I appreciate your office doing auditing. So, my statement is not personal. However, I have done some evaluation of my own in looking into different departments that the city runs and how they do their budgets, and how they spend their money. My expertise is in criminal justice. So, I reached out to the probation department, parole offices, even though they're a separate entity, but we do have probation, and we have no resources. And I just watched a meeting where \$3 million was given to violence prevention to people who know nothing about violence prevention.

Ginale Harris: So, I made several phone calls to that department. The website is terrible. So, there's nothing for our young people to come back to. Right? And so, I'm just like, hmm, where is all this money going? We have a history of mismanagement of spending this money, because it's not theirs. Me personally, I was served a notice of investigation by an outside entity that this city hired to investigate me, and I wasn't surprised. Tax dollar money, tax dollar money. So, I don't know who gave that okay. But okay. So, saying that, I'm very concerned having an audit entity within the city of Oakland audit their own departments because it's not enough to hold them accountable. You know, you have someone you answer to too. And it's just my interpretation, that if you try to hold someone accountable, it gets shoved in the closet. That is what I see.

Ginale Harris: So, I was excited when I knew that an audit was going to happen for us. But, I mean we are flying on a broken wing, so it's very evident on what's happening with this commission. We don't need no audit to figure that out. So, we know, right? It's the other things that come with it, like OPD, like we've known for years. How much overtime spending do we have? We know that we only have 700 officers on paper, 500 on the street. When are we going to fix it? What is the point of the audit if we don't fix, right? What is the point?

Miss Ruby: So, just to speak to that point. I am the elected city auditor, which means I am independent and I report to the citizens in which when you look at auditing organizations and professional standards, this is the greatest level of independence because I report directly to the citizenry. No one can tell me what to audit, what not to audit, what not to find. Under my previous administration, I have been known to hold the city accountable to the citizens. So, when you bring up your concerns, I take them very seriously. When you bring up scandals, I take them very seriously, because the audit function needs to be in there. We are your eyes and ears inside this city. Do we have the resources to be everywhere? No. So, that's where the risk assessment comes in, identifying, and I take public safety, loss of lives. We've just initiated a fire inspection audit.

Miss Ruby: We are grappling with how do we respond in the best way to make sure that we're holding people accountable, and then, getting the information out. My reports are issued to the citizens first because you all are my boss. And when we have hard-hitting audits and investigations and we issue those results, it also puts everyone on notice that you will be held accountable.

Ginale Harris: Thank you.

Miss Ruby: So ... Thank you.

Miss Asada: Can I say something?

Regina Jackson: Yes, go ahead.

Miss Asada: I have the overtime audit that they did on the police department, and it was good. It was a good audit. It was a follow up to a 2012 audit. It was very detailed, had good recommendations, wrote down everything in terms of what the overtime ... Exactly what it was. It was a very good audit. So, when I criticize, I'm not saying everything, but your overtime audit gave me very good insight into what's going on. Compared to the 2012 audit, this was much more detailed.

Miss Ruby: Thank you.

Miss Asada: Thank you.

Miss Ruby: Thank you.

Regina Jackson: Excellent. I have another question, and certainly, appreciate Vice Chair Harris sharing some very personal information that does cause me a bit of pause, but I'm back to glop. It would seem to me that you have the highest rate of risk when you find out that multiple dozens of officers are involved in a scandal like that. Did you all do an audit then?

Miss Ruby: I was not the city auditor at that time, and an audit was not initiated or conducted at that time.

Regina Jackson: And wouldn't you consider that if we had a risk of that large S just two years ago, that perhaps, the cancer, the missed ... the judgment still might exist?

Miss Ruby: That is certainly, as we assess risk, it is what we look at, culture, consistent behaviors, or patterns. That is something that we do consider.

Regina Jackson: Okay. I'm speaking for myself as chair, but I think there are going to be some recommendations coming your way because there is just an accountability and a responsibility. And when you don't get rid of all that is bad, you can call it cancer if you want to, but new people are coming in on the heels of something like that, it would seem to me that in order to manage risk, there is a significant

amount of discussion, training, psychiatry, counseling, therapy, trauma. Because if there are still people that are working inside OPD who are a part of that situation, the cover up, whatever it is, it just seems to me like that ... I don't know of a greater risk, because they are responsible for the citizens, just like you are responsible to the citizens.

Regina Jackson: So, I'll follow up. But yeah, I'm real concerned about that.

Miss Ruby: Absolutely. And I do. And this speaks to the overtime audit. And when I look at officer fatigue, I am gravely concerned. As you are speaking to the scandal, the other crisis in OPD, it's making sure that our officers are not going out there fatigued, so that we are not having incidents that you all have to then weigh in on. So, I just want to say that we have got to look at it from all angles. And we value your input, your concerns, and want to make sure that we stay connected so that we can continue to identify the most critical issues to go in and audit. Thank you.

Regina Jackson: With respect to overtime, that's either desirous work, maybe necessity work, but I look at a scandal involving a young lady under the age of 18 as a dereliction in judgment. I mean that's just ...

Miss Asada: Criminal.

Regina Jackson: It's criminal, thank you. And that, to me, is one of the greatest risks you have. All right. I'm off my soapbox now. Are there any other questions on the part of the commissioners? No? Okay. Well, thank you. Commissioner Harris. Sorry.

Ginale Harris: I just think that we should make it a point to contact you.

Miss Ruby: Yes.

Ginale Harris: And have a discussion about things that should be audited soon.

Miss Ruby: Absolutely. Thank you.

Regina Jackson: Appreciate your thoughtfulness, your insightfulness, and certainly, your transparency in discussing with all of us.

Miss Ruby: Thank you very much. Good evening.

Regina Jackson: Moving on to the OPD supervised release search policy. I had occasion to speak briefly with the police chief primarily to understand what the timeline would be given the recent unanimous endorsement of the policy so that we could understand how much time is it going to take to actually enforce, that what we put forth is actually happening. So, I'm very pleased to have the police chief identify what those stages are. Thank you.

Police Chief : Yes, Madam Chair, thank you, and commissioners. After I give you a brief overview of the timeline associated with this particular matter, I did want to take the opportunity to introduce you to our new police service manager who will be handling the oversight of policy. And I'll do that in a minute, but to answer specifically the request associated the timeline for implementation of the new R2 policy, which was the probation search and seizure, excuse me, search. So, at this stage, once it passed, which it did by the council, it now has moved to the meet and confer stage with the OPOA, that is scheduled for August 13th, 14th or 15th. We are waiting to hear back from the POA on what date they would choose for that meet and confer.

Police Chief : Once that process is over, we are immediately prepared, starting as early as August the 17th to begin the department-wide training. The form of that training would be that we have ... Our training unit has already identified the training team who will go in person to every single roll call, every single police division, and personally train on that policy. Once the training is in place, then, we consider it fully implemented and then, the officers will, of course, be held accountable to it, and accountability does include ... It becomes a policy. Therefore, it's subject to violation. And so, that is what is meant by accountability to the policy.

Regina Jackson: A couple of questions. What is it that causes meet and confer to be a part of a new policy recommendation?

Police Chief : I understand. It is under the arena of labor law which are considered mandatory subjects of bargaining. One of those mandatory subjects of bargaining has to do with officer discipline. In other words, a policy that can result in discipline, then, you negotiate, or you meet and confer. You don't negotiate, you meet and confer on the impacts of that. So, it is a functionality of law.

Police Chief : I didn't share an oversight of this. We anticipate six weeks to do the department-wide training. So, that's your timeline that we're looking at. And if you have other questions, I'm happy to take them. If not, I'd like to introduce you to your new police service manager.

Regina Jackson: One thing, and I just wanted to clarify it because I had asked the question myself. When I was reading the article that covered this, Sergeant Turner seemed to be under the impression that Mr. Warshaw had to approve the policy, and it was clarified to me that he did not have to do that. So, I'm pleased to hear that it's not being stated that way.

Police Chief : Yes. We're moving forward on this particular policy. There are other policies that we do share with the monitor, the monitoring team, and they do weigh in, this one is done?

Regina Jackson: Yes.

Police Chief : So, other than the meet and confer. Sergeant Turner, who you know already, if you have specific drilled down type of questions into it, Sergeant Turner is here at this time. Sergeant Turner is our main drafts person when it comes to rewriting the policies. However, we have a new person that replaced Tim Birch when Tim left as the manager, and that is Mr. Andy Best. So Andy, if you wouldn't mind, coming forward.

Regina Jackson: Welcome, sir.

Andy Best : Hello, Madam Chair and commissioners. My name is Andy Best. I am now the new planning and research manager of the police department. I am going on my sixth year working for the city. I transferred and accepted this position from the revenue management bureau where I was a principal revenue analyst, and I developed policies for the city's revenue. I'm a proud resident of Oakland and I love this city and I'll do anything and everything to work with you, guys, to accomplish the goals of the commission.

Regina Jackson: So Andy Bass, is that correct?

Andy Best : B-E-S-T.

Regina Jackson: Best?

Andy Best : As in Best Foods.

Regina Jackson: Oh, okay. Yeah, this microphone-

Andy Best : I wish I had stock in the [inaudible] but ...

Regina Jackson: Yeah. These microphones are doing us a bit of a disservice. One of the commissioners asked that I have you repeat your name and I thought, I ...

Andy Best : That's all right.

Regina Jackson: Okay. Well, thank you. I'm certainly glad to hear that you're going to do anything and everything to work with us.

Andy Best : Well, I'll try my best within my realm of authority.

Regina Jackson: Thank you. Commissioner Anderson?

Tara Anderson: I'm wondering if ... By the way, Chair, thank you ... the chief could speak to or elaborate a bit more on the impacts that could potentially come out of ... I know you can't quite anticipate full negotiation ahead of time, so maybe just provide an example of impacts relative to other-

Police Chief : The violation?

Tara Anderson: Yeah. That would come from like essentially, when you're out of meet and confer, what is the product that comes out of that?

Police Chief : Yes, ma'am. So, I'm going to give you a general principle and not say specifically to this policy. As you already know, our policies have ranges of discipline if there's a violation. That was already negotiated a long time ago. So you'll know that ... Let's say, an officer is in violation for, a PDRD violation. We have a matrix that is already established that gives a range of discipline, and the factors that are factored in are like first-time violations, second time violations. And so, that would be an impact. You're going to have a meet and confer, possibly, on a topic such as that. That's one example of what would be called an impact.

Regina Jackson: Okay. Okay. Commissioner Anderson.

Tara Anderson: I appreciate the timeline relative to the training. You didn't address any content that would be covered during those roll call trainings, if that could be spoken to ...

Police Chief : If I may, I'm going to turn it over then to Sergeant Turner. Okay? Sergeant.

Sergeant Turner: Yeah. Hi. Sergeant Joe Turner. In terms training for any policies that we do have ... But the main things that we do is, first, we'd go through the policy. And so, the content is directly from the policy. So, it's mainly making sure that any requirements of the policy are spelled out such that the officers understand everything that they're required to do from behavior in the field to report-

PART 3 OF 8 ENDS [01:45:04]

Sergeant Turner: They're required to do. From behavior in the field to reporting or anything like that. So basically all those places where it says "shall" or "must" or something to that effect, where there's a requirement that the police officer either do or do not do something, that's part of the training so that people will then know, and they're put on notice what it is that they shall or shall not do.

Tara Anderson: I have another follow up.

Madam Chair: Hold on.

Tara Anderson: It's just a followup directly, really [crosstalk 01:45:27].

Madam Chair: Not a problem. And then after that I have Commissioners Brown, Prather, Ahmad and Harris.

Tara Anderson: I'm wondering if there's space for, given the intent of the policy and directly calling out the lack of merit of asking someone that question outside of the scope of the policy and the value-add that we had of individuals with direct lived experience, those currently under some form of community supervision, I'm

curious if the department has considered and would consider having individuals with lived experience being able to speak at those roll call set training sessions.

Sergeant Turner: That is an interesting point. So there's the sort of give and take, right, of that is that they are roll call sessions at the beginning of the officer's shift. So most of the time, right, the, what we call dog watch, is the graveyard shift. They're coming off. They are hoping that the day watch people will kind of move themselves along to get out so that they can go home. So the longer we keep them in roll call and training, then the longer it goes.

Sergeant Turner: So the one thing, one of the reasons why when I created the new sort of template we have for the department general orders with the command intent was to try and convey some of those things. And I think that we did get some really valuable add-ins from everyone that was involved, in terms of that policy that were added into the command intent and then the other parts of the policy. And so the policy as a whole is discussed in those parts; like you said, in terms of the issues with asking that question, say first off, the first thing out of an officer's mouth, that's part of the policy and so that that will be taught.

Madam Chair: Alternate Commissioner Brown and then Prather.

Chris Brown: Thank you much to the Chair. Sergeant Turner, I'm curious. Your process seems to affect only the officers who are going out on patrol. What about sworn officers who have administrative duties? How would they be trained?

Sergeant Turner: Yeah, good question. So the chief did speak to roll call and also to the other divisions, but what we do is, when we schedule the trainings initially, we try to make sure that we schedule and prioritize those people who are going out in the field as their primary duties. And that's because obviously they have the highest chance of coming into contact with people interacting with them in a sort of uniformed officer to citizen approach. However, we do not, sort of, not train the other folks.

Sergeant Turner: We also have larger sometimes. It depends on how the training works. Sometimes for trainings, we want to make sure that we have smaller, more intimate groups to allow give and take, allow question and answer. Sometimes we have larger sessions that we'll have, say in the auditorium at the police administration building, where we'll gather in so the other sworn officers work, say in the criminal investigation division or in our youth family services division, something like that. But we do have lists of all the divisions, as the chief said, all the divisions of the police department and we make sure that every sworn officer is trained. And the way we audit that is we have rosters that are signed; the officers are required to sign the roster indicating that they have completed the training. The rosters are then entered into our training system so that we can look up, say me, and it would say that I attended training on this date.

Chief: And if I may, everyone including your chief, your entire executive staff, everyone is trained to the policy in order to hold us accountable to the policy. So we will sign off on the roster, they will come in, the trainers will give us the same training. We will be signing that roster; that roster indicates that we have been trained, so everyone who was sworn will be held accountable to it.

Madam Chair: Commissioner Prather.

Edwin Prather: Thank you, Madam Chairs. Sergeant Turner, thanks for being here this evening. Okay, so who actually does the training? Is there one person who is going to physically go out and do all the training of sworn and unsworn, or is it multiple people, or...? Can you edify me on that?

Sergeant Turner: Sure, so I'll give sort of a more macro answer. Depending on what kind of policy we have, we identify a training contract. So for instance, if it were a change in the way, say, that we wanted officers to move during some sort of defensive tactic, right? Well then, we have a cadre of officers who do defensive tactics trainings. In this case, we have a cadre of officers who they are certified. So we have post-certification. There is an Academy Instructor Certification Course that we have multiple officers that are certified in that, but not all of those, say, teach things like search and seizure or something like that.

Sergeant Turner: So we do have a cadre of officers, including myself, including Sergeant Bryan Hubbard, who I believe has come here before, and several other officers in various different ranks. That is one thing that we like to do, as well as we have a cadre across the ranks so that it doesn't feel as if either people are being talked down to or that they feel, "Why should I be taking training from a person who is several ranks below me?", for instance. So there are a variety of ranks across the cadre. In this case it depends, but like the chief said I think six weeks, to make that type of schedule, we'll identify a cadre and we'll block out a schedule and put down names of who is going to be the person or persons who are going to be doing the training for that day, for instance.

Edwin Prather: So to continue with my question, it's a continuing question... So I find that when you're teaching something, it really tends to be a sea change, and I take Commissioner Anderson's comments on this issue to heart, that we are talking about something that is transformative, right? It's the chief's word, right? We're talking about transforming the department. Sometimes it takes us to do something different and I don't necessarily know what that different is, but I find that really when you're learning something, who is delivering the message is of utmost importance, right? For example, my son... he learns chemistry, right? And maybe his teacher's great and maybe it's not; and maybe the other three periods of chemistry, those teachers are better and they get the message better than he gets it. I don't know, but it really does come down to who's delivering the message, who is the teacher.

Edwin Prather: I've been in at least one roll call meeting because I've... well, we've all been on a ride-along. We've been part of those meetings and we know how fast they are and what kind of information is to be covered. And my concern is that we're sending in there and unless that person who is teaching us is 100% completely bought in to the policy, to the messaging, to the transformative nature of what this department is trying to do, then this policy gets short shrift; and if that happens, then all of those officers, all those people on a beat, or whether their sergeants or lieutenants or officers, they're being cheated because they're not being, in my mind, properly taught what that policy is.

Edwin Prather: And so my big concern is it's great. Like, yes, you've had other policies and you've got people of different ranks, but it would make sense to me to have someone who is as committed to the policy as we are on this dais. And I know that when you come here, and I say you, Sergeant Turner, I don't mean you, but I mean the department; because I know you're committed to this policy and if you told me that you personally were going to go out and teach every officer this policy, I would be happy and I'd be very placated by that. But I worry that we're going to be sending out this army of people to teach it and it is going to fall to who's delivering the message. Thanks, Chief.

Chief: I've very much heard you. I am 100% in agreement. So when I select people who are trainers, they have to be all on board. In order to assure you, I will invite any one of you to come and teach with the instructor at the roll call. You choose one, because it's logistically... I need just one. So choose among yourselves and whoever you would like, you are welcome.

Chief: So you don't have to decide it tonight, because you know our timeline of where we're going. I have told you I am committed. I mean what I say. You are welcome, okay?

Madam Chair: I'll follow up with you next week, Chief. Commissioner Ahmad, and then Harris.

Ahmad Mubarak: Sergeant Turner.

Sergeant Turner: Sir.

Ahmad Mubarak: I don't even have a mic on. I'm yelling. I wanted to ask you, so why didn't the officers who shot Mr. Smith with the taser, why didn't four officers didn't have their cameras on? Because we've had officers come here in training and they've told us, before the ride-alongs, they check the cameras just like they check the weapons, hey check for gas in the vehicle. And out of four officers, none of them had their camera on.

Speaker 3: Through the Chair, with all due respect... Because that's not agendized and we aren't prepared to discuss that, we can't answer that question at this point; but if the Chair would like to agendize us to look into something, we can do that.

Chris Brown: We'll be sure to do that. Thank you. Commissioner-

Ahmad Mubarak: Okay well, if that one wasn't on there, well, can you tell me this? Because not that specific case. What happens when the officer doesn't have his camera on and someone is injured or hurt?

Speaker 3: If it's a use of force by an Oakland police officer, part of our investigative process is to examine whether the officer had the camera on or not. Policy mandates that the officers have their cameras on and when they don't, the chief has been very clear with given direction that discipline is appropriate, if we can find that the officer violated policy. But we evaluate it on a case-by-case basis depending on the circumstances. But if we believe that by not having on the camera, it violated policy, the officer is held accountable for that.

Madam Chair: Thank you. Commissioner Harris.

Ginale Harris: Thank you. Hello Sergeant Turner.

Sergeant Turner: Hello.

Ginale Harris: So I just want to say it was a pleasure working with you and your team. I was personally involved in that and it flowed. I felt heard and I believe we agreed to disagree on a lot of things. My questions were answered and I know my questions were hard, but they were very upfront, because that's how I felt. I think we all did a good job; however, I have made a request that... I'm always saying we have to be our own experts, right? And what I mean we, I mean this have to be our own experts, right? And we don't have that on this team. So I did ask for DC Armstrong to assist in this team with policies that affect us, because one, he was born and raised in Oakland; two, he lives in East Oakland, so he knows what's in East Oakland and he goes home to East Oakland every night. So that to me stood out and I have requested that; however, I haven't seen the inclusion and I would like to have the inclusion when we start meeting about excessive force, I would like to see that.

Ginale Harris: And I know it's not your choice, it's Chief's choice, but you're part of the collaborative team that works together, all of us. And so I just wanted to give an explanation; not because your expertise is not needed, because you have been extremely helpful on both sides of the fence. There are some things that you agreed with me on and so I respect you for that; however, we have to lead by example and I want to make sure that, we are represented as a whole. And it's not personal, but it's about living in Oakland, knowing what's in East Oakland. You work there, but you don't go home to it, right? And so, there's a difference. And I live in deep East and I went on a ride-along in my own neighborhood and was afraid, you know what I'm saying? I was afraid. So there's an issue. So that's why I did; I asked for DC Armstrong. I see him at the meetings, but I don't see him in the business and I would really like that to happen.

Sergeant Turner: Yeah, so he's my boss, so if it seems like I'm here in lieu of him, no, it's because he's directing me. So yeah, there's a very clear subordinate to superior relationship there. But yeah, I do live in East Oakland. I live in B-25, and yeah, I can only maybe about half of... I guess my father can tell you probably some experiences when he was a black man in Milwaukee, but that's a different story for a different time, so I understand where you're coming from.

Ginale Harris: I appreciate that. I think Chief, I think that was addressed to you a little bit too in regards to the expertise that is needed on this team. Is she there?

Chief: I can't hear. I didn't hear you. I apologize. Can you restate your comment or question?

Ginale Harris: So I was just talking about having a DC Armstrong apart of the working piece of the team that we've created. I mean, we worked on this policy really well, but we were missing something, and I believe that we were missing the expertise that he brings to the table and that's why I requested his presence to work on the policy. Not just be present for questions or have me request things from him; no, I want to work with him on the policy, because I want to see the perspective that he brings, because I believe it could be valuable to something that we're doing. Like, we're doing transformative work. That's your word, right?

Chief: That is correct. He is a part of his team. I gave him the directive, and at your request. He's aware of it. He knows he was specifically requested and that's why he is now your liaison. He is also going to be a part of the policy. Obviously Sergeant Turner is African-American and so we were glad to be able to have representation and understanding as you talked about this.

Ginale Harris: Right.

Chief: Okay, so I don't know if you were aware, but I understand the Oakland foundation, which you're looking for. Chief Armstrong is fully aware that he has been requested to be a part and he will be.

Ginale Harris: It's nothing personal, it's just, I want to have something that is historical. I want us to be the experts. And Sergeant Turner, like I said, kudos to you, because you have been exceptional in this process and I don't say that about a lot of people, but I worked with you personally and I know the work that you put in. So, I just want us to be our own experts for once.

Sergeant Turner: I hear you.

Ginale Harris: Thank you.

Madam Chair: Thank you very much. I just echo the comments of our commissioners. This is an opportunity to really signal a paradigm shift and begin to build trust in the most

authentic ways, which has to do with direct engagement. Like I said, I'll be following up with the chief, and hopefully Commissioner Vice Chair Harris, and myself, maybe can sit down in order to provide some insights to that training that we can uniquely provide.

Sergeant Turner: Yeah, I think that it is very helpful to have these meetings. For instance... so I am not the one who sets the end all be all of the training, but I think one thing that possibly I'd probably suggest that we may be consider is taking a clip of that gentleman who came in and spoke about his experience to kind of give... Because perspective is one of the things that really helps everyone when we're dealing with these types of things; is to understand that, even though you may look at another person and think that you understand their perspective, it's just really trying to actually hear where they're coming from. And it's not right or wrong, it's just that this is their story. So I thought that that gentleman story was very moving and I think that it's accessible on the Oakland City website, so we might as well take a little clip and maybe play it.

Madam Chair: Thank you. Oh, Commissioner Dorado.

Jose Dorado: Thank you, Madam Chair. Just a real quick one. I'm appreciative of the chief's offer and hearing Commissioner Harris ringing endorsement of your involvement in this missile issue. Let me just throw out there real quick that hopefully it's not just a question of the OPD doing the training from their perspective and whoever is selected from this day is giving a perspective from the commission's perspective, but ideally, and I would throw this out there, I think a more effective one would be a collaborative perspective; that there in fact the meeting of the minds, so to speak, that's done beforehand. So in fact, it's naturally, in some substantive way, an actual joint presentation. Obviously there's going to be some differences, but I would suggest that it would be most effective if in fact there was some real involvement ahead of time by the commission in the actual development of the training, such that it becomes a collaborative process and it comes across that way in the actual training. Thank you.

Chris Brown: Mr. Dorado, yes, we'll take your recommendation. I think one of the things we want to be clear is that this is a very transformational policy, one in which we have to be very, very clear with the officers about the difference in what they'll be doing today versus tomorrow. This is a nuance issue of when they stop people who are on probation, what they can and can't do. These are changing, really, police practices that people probably have been doing for a very long time. It's important that police officers train police officers on how search and seizure is one of the most critical things you have to deal with as a police officer. So when we started removing times where, in the past they could search people, and now we're saying, hey, the new policy that's transformation about winning the city of Oakland, you can search someone that's on probation, parole.

Chris Brown: I think these are things that we're going to have to really sit down and have really difficult discussions around making different decisions, and so this is one that is a really, really transformational policy and practice, right? So I think for our training staff, along with the commissioners, we will come up with a training plan, but I think we have to recognize that that this is an important policy to everybody. We don't want them to go out there and misunderstand anything or violate it or get in trouble because they don't understand. It's critical when they leave, they understand when they can exercise this search clause.

Madam Chair: Commissioner Prather.

Edwin Prather: Thank you, Deputy Chief Armstrong. Before you leave the podium, I wanted to raise a question with you. So one of the things I've been thinking about is sort of this... monitoring of this policy, right? And a lot of has been made of this policy and I think your words about this policy ring true with me. And I'd like to think about, I'd like the department to think about, and as your liaison, I'm directing this to you is... One of the ways that I've thought of that we can help monitor that this policy is being implemented by OPD is to educate those in the community about their rights on vis-a-vis this policy. Whether it's a pamphlet, whether we do public outreach, we need to tell people what their rights are under this policy, because it is a sea change and it's a sea change for those on probation and parole, and it's a sea change for the department.

Edwin Prather: How can we work together so that the line officers, the folks in the field, don't feel like when the commission goes out and it's educating those about their rights, that they take that to be a front on the officers doing their job? And I think that there's a tension there that we need to identify and figure out. How can we work together on making sure that the policy is implemented, right? And I think that's done through through education, but I think education also could be construed in different ways by the rank and file.

Edwin Prather: I'm not asking you to answer that tonight, but at some point, I'd like us to have a dialogue about how we do that, because I think that's important kind of going forward.

Chief: As a guiding principle as you think about it, what will help is that the officers know that you know that their safety is very important and that safety of the person they're dealing with is also very important, because you're dealing with search issues. And so with that as an understanding, I think the sea change occurs with more of an embracing for. So keep that in mind and we can talk about specifics about how to deliver messages, but I think you'd be surprised how many officers even internally understand why we need this type of sea change. We need to break the history of policies and laws that had oppressive impacts, so I think you'd be surprised how many do actually embrace it.

Madam Chair: Okay. Commissioner Harris.

Ginale Harris: Commissioner Prather. We actually have a lot. I provided some of propaganda to Commissioner Durado about knowing your rights. For the nonprofit agency I used to work for, I worked there 22 years of my life and that's what we taught in the community, is knowing your rights. And we did it in collaboration with... it was Chief Sir at the time, and he promoted it. He promoted it. He was the one that was like, "Yeah," because the search policy for juveniles and the search policy for adults are different; and so people need to know what they are and the officers need to know what they are. And a lot of the times they didn't, but he promoted it.

Edwin Prather: Madam Chair. Yeah, and thank you Vice Chairs. I totally 100% agree with that. I think my concern is that if we start to put out messaging that is, "Hey look, OPD can't do this and they can't do that, they can't do that." It seems to be combative and I would rather that effort be sort of jointly done. And if we can have OPD buy in, like you mentioned, San Francisco Chief Sir at the time bought into it and also promoted it. If we could do something like that, I'm concerned about it and I think this is one of Commissioner Anderson's concerns from way back when, so I'm sort of stealing her thunder on this a little bit. But his policy is only as important as its implementation and then monitoring after the fact. I think we would be derelict in our duties if we enact this great policy and we get all this press and we put out a press release and then we just don't do anything about it for six months.

Edwin Prather: And we need to make sure that the training is properly done. We need to make sure that it's implemented. We need to make sure there are metrics, so we can monitor that they're actually doing what they're saying they're doing. And to me, that starts with probably educating a whole community of people, of citizenry. [inaudible] totally stole my word when she said that. Educating the citizenry on what their rights are and to say something, because we're only going to know when it's not being followed if we get a CPRA complaint. But they won't get the complaint if people don't know about the policy and what the policy says.

Madam Chair: Commissioner Anderson.

Tara Anderson: Thank you, Chair. And this following the points of Vice Chair Harris and Commissioner Prather... Wanting to be sure that we're clear about which law enforcement agency this applies to as well, this brings to mind a plummet comment during the city council on this matter and when they decided unanimously to support our version of the policy, someone gave very personal testimony about an experience that they had being pulled over while on the highway. And I would infer that it was highly likely that that agency was the CHP, California Highway Patrol.

Tara Anderson: So while we today have no jurisdiction over them, I think that obviously advocacy community and everyone at large really looking at how we can ensure replication of this, so that regardless of the law enforcement entity that is

within the bounds of the city of Oakland, that the same policies would apply... Which actually leads me to a question that hopefully can be responded to about mutual aid and when there are agreements between law enforcement entities and expanded resources are needed. And so the Sheriff's department may come in and provide assistance; I've seen it happen during protest, but there's many different circumstances where that might be true. If in mutual aid, how does the jurisdiction where the other entity is coming to, what policy prevails?

Sergeant Turner: Good question. The chief is going to come up and speak to that.

Chief: Mutual aid is an emergent situation, and so you call for the mutual aid and the agency retains being under the authority of their home agency. Okay, so I hear where you're going with it, but a mutual aid pact is, "We've got an event and we need aid to come in," so that's different than task forces, let's say.

Madam Chair: As a follow up to that though, there are opportunities where you meet with multiple, different policing entities, whether it's sheriffs, housing authority, Bart, what have you. I'm interested to know what you might share about the enthusiasm of implementing this new policy and what opportunities that you think that it may provide as we move into a more transformative process.

Chief: It will definitely receive national attention and we are invested in understanding the reasons behind this type of policy. So we support the basis under the policy.

Chief: Again, parole searches sometimes are associated with violent offenders and we will not jeopardize our officers or the other person or this community. So I will go all the way as far as I can to support the underlined principles of breaking historical oppressive policies and laws. I will not jeopardize the safety of these officers in any capacity. And we believe we can work with this policy and keep that principle for forefront as well as the safety of others. So there are going to be conditions, but you will receive national news on this, and it will be speaking to why. And then the way it just works, other police departments around this country will be calling Chief Kirkpatrick to talk with me about it, and it just becomes thin topics of conferences and that's how. You know that from your own professional backgrounds; you go to conferences and people want you to come and talk on this new policy. So it will have huge impact.

Madam Chair: Certainly that's what we were hoping in designing and defining it. And let me be clear that it is not any of our intentions to put any police officers in harm's way, but we do also recognize that there are many policies that kind of need to come forth to the 21st century.

Chief: And we agreed.

Madam Chair: Yeah. And so that's one of the exciting opportunities about it. So we'll be following up with you.

Chief: Yes. And I am in and I will be the one who's contacted. I am in and I know the reasons why, and I have said this and I want to underscore it again; what happens in Oakland, we'll have the way we police and our transformational goals and our end game of being a transformed police department will have implications on American policing.

Madam Chair: Commissioner Harris.

Ginale Harris: Thank you. Chief, with this policy, I'm hoping to bring realization to the paper. I understand you completely when you say, you will not jeopardize. We will not jeopardize either. [crosstalk] Police officers are human beings, right? And they're here to protect and serve the community. We understand that. There's a lot of good police officers, but there's a lot of bad ones too that don't want to follow, and that's for you to deal with, right? But I want to make it clear, especially with the policy that these are real life people, human beings. People getting their doors kicked in, their houses destroyed, their children terrorized. And it's not saying the police are doing this intentional, but this is the outcome. All of the policies before us came from slave catchers.

Chief: We understand.

Ginale Harris: So the intent was not good, ever, right? So we've come 500 years and we still ain't there. We still ain't there. So that's what I'm saying, is that this is a big, big deal for all of us as a whole. But we are one community; police officers and us are one community. We are not us and them.

Chief: I would agree. We are not us and them.

Ginale Harris: When you or any of your team gets hurt, it affects us. It affects me. You hear about young men getting in a car by themselves and being hurt; that affected me because now he's hurt. So it's like, I want to make sure that this policy becomes real, and that's why I think what Sergeant Turner said is such a good idea. When we listened to the gentleman that I invited to come, that was real. That was real. There was a gentleman-

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Ginale Harris: [Come] that was real; you know that was real. There was a gentleman that we listened to, me and chair Jackson, he did 47 years in prison. They took all his life, 17 till he was 60. And he's told us, "If the police stopped me today and told me to stand on one foot and jump up and down, that's what I'm going to do. Because I'm not going back to prison". And that hurt my heart because he didn't feel, and a lot of them didn't show up because they were scared of what the parole officers were going to do. Right? So it's like, that's why when we were doing the policy, it was the language. "We are the arm extension of the police". No you're not. "Of the parole office". No you're not. You are here to protect and serve the community and that's it. That's why they got their own officers to do

whatever it is they're supposed to be doing. Right? And I really want this to be taken seriously, like we will take it seriously. I take it seriously.

Regina Jackson: So, chief says she's in. We're going to help her and support her on being in on this transformational opportunity. We have had a wonderful informative discussion on this and we still have a pretty heavy agenda, so I'd like to move forward. Okay.

Tara Anderson: Public comment?

Regina Jackson: Thank you so much. So we need to have public comment. I have Rashidah Grinage, Salim Bay, Miss Asada, Lorelei Bosserman, Mary Vale.

Rashida Grinage: So I wanted to follow up on Commissioner Prather's comment. We need to do a massive outreach to the community and particularly the community that is likely to be most impacted and affected by this change. So that's the people on parole and probation. So we need to figure out, when I say we, I mean you, [inaudible] but we'll help, but we'll help. But that's the work ahead, because if folks don't know that they have a right to expect a certain behavior, they're going to expect the one they've always had and they won't know that they shouldn't have expected that, they should have expected something different.

Rashida Grinage: So this is going to be critically important, as well as providing information about how to report when the policy is not being implemented correctly. Because again, if we don't know that, then we can't hold anyone accountable. Right. So while they're off meeting and conferring about what the appropriate discipline should be when they violate, which they certainly will, because their presumption will be that no one will file a complaint, because that's the history. The history in Oakland, and we know this from a survey that we did in 2005, is that, of the folks who had negative interactions with police, one in 10 filed a complaint.

Rashida Grinage: So, I would think if the margin is even less than that for certain impacted communities. So we have a lot of work to do to educate and to empower, and without doing that work, you may have a tremendous success on paper that is virtually meaningless in reality. Thank you.

Regina Jackson: A topic awareness campaign is definitely in order.

Ginale Harris: However, it's the responsibility of all of us, not just this commission, all of us.

Mary Vale: Mary Vale. First about meet and confer, and I speak from experience; NLRB enforcer, a member of two public sector unions. If the union's led to believe they can go into this meet and confer, that they can get the policy changed, there will be hell to pay, including from the monitor and the City Council, now that both have approved the new policy. Now there's something called implementation and effects bargaining, which we've covered the training or

conversation with the union about, where violations of this new policy would fit within the existing disciplinary matrix. But that's it. And I think you should demand more as long as the city attorney, city administration are advising you, more transparency about what, quote, "meet and confer", means in this type of context where you've already adopted a policy.

Mary Vale: Following up on Commissioner Ahmad's comments about the camera policy. Three or four years ago, after Oakland's bragging about, "Oh, we're ahead of all the other jurisdictions and using body cameras". Well, their officers didn't want to use their cameras. There were officers that used the excuse, "Wow, it's broken. You know, I'll just leave it that way". So, after a lot of effort from police management, the monitor's office, or whatever, they agreed on a walkthrough, which basically included representative of the union, police management, the monitoring team, and they basically went to every shift and said, "We have a camera policy. You have it on when you're supposed to have it on. If it breaks, you'll be disciplined if you don't come to us timely and notify that your camera is inoperative, and there will be discipline if you're not using, major discipline, if you're not using your camera when it's required".

Mary Vale: Now that was three or four years ago. So, and it required federal court staff involvement. I think it's probably maybe time for you guys to look at the level of adherence to the camera policy, the quality of the training, and maybe we need to revisit, do need to revisit, because the officer culture is, this is more bullshit that we have to do at work and they're not exactly embracing it and it's important that they embrace the policy for the good of the community in the department, and also that there are consequences for those that don't. Thank you.

Regina Jackson: Thank you.

L. Bosserman: Hi, Lorelei Bosserman, member of the Coalition for Police Accountability. I want to say two things. The first is that I appreciate what the chief is saying about wanting to keep her officers safe. Whenever I hear that though, I want to point out that an even higher priority, as high a priority as that is, an even higher priority is keeping civilians safe, because that's your job. Now, hopefully you don't have to choose between keeping yourself safe and keeping other people safe, but if you do, you'd better be keeping other people safe. That's my own little soapbox.

L. Bosserman: I also wanted to say beware of meet and confer, because that is where things go to die. Oakland has a long history of letting, I think it's OPOA and not OPD that does the meet and confer, I'm unclear, but Oakland has a long history of letting them drag things to meet and confer that we're not obligated to let them drag to meet and confer. There are very specific rules about what falls under that and what union rights are and labor rights, [Anjenx] actually knows a lot about that if you want to know what specific rights are, Anjenx can probably help you.

L. Bosserman: Let's see. Oakland also has a history of letting meet and confer drag on forever, and of course the goal is to meet and confer and come to an agreement that everyone can live with. When that proves impossible, you don't have to just keep meeting and conferring and meeting and conferring, for years and years and years. You can say, "Okay, we are at an impasse. We can't agree, we are done with this". What you do at that point you'll have to ask Rashidah because I forget. Thank you.

Regina Jackson: Thank you.

Salim Bay: Keep filling. Go on.

Miss Asada: Love life. Love black people. You never have to make the statement, "certain impacted communities", when you have stopped data. So who are the impacted communities? Black people, black people. You guys don't want to deal with the fact that black people are the reason why we have to come here all the time and keep saying it, because you don't want to deal with it. It's black people. If you don't have the capacity to come out of a court mandate after 16 years, with a policy that's in your rules of manual, rules, rules or I don't know what they call them, you can't come out of it. So policy, no excessive force, no racial profiling. 16 years, you can't do it.

Miss Asada: What's going to be different about this policy that is going to be enforced. If you can't enforce excessive force and you can't enforce racial profiling and not having it in your department, and you all can talk all you want about creating a policy. But if you don't have enforcement, I keep telling you that, enforcement has been the issue why this police department hasn't had the capacity to stop discrimination, to stop racial profiling, excessive force on African American people.

Miss Asada: Now if there's some other people involved, let them speak up. I'm speaking up for black people, and if you all got a problem with that, that's your problem. I'm going to continue to do it. And if you want to know why I'm going to do it? This summer, 1919, the Red Summer, go study it. What happened during the Red Summer, 1919, to black people?

Miss Asada: And I'm coming back here, every time I come here, I come here for one reason. Every committee I come to, every council meeting that I come to, is to look out for the interests of my people. My sons, my grandsons. Anybody got a problem with that? That's your problem.

Regina Jackson: Thank you.

Salim Bay: Salim Bay. I'm reminded of my grandfather, somebody, you know, that I studied at his feet and learned a lot. He was a black cowboy, and he was a big fan of watching rodeos and definitely one of his biggest, favorite things to do was watch PBR, which is professional bull riding. But he had a saying, he would say,

you know, "you expect to smell bull crap at the PBR, but you don't expect to smell bull crap in meetings, in professional settings". That's bull crap. And I did change that to crap. I printed this out, and this is a printout from October actually, just as is, and I'm just going to go through it right quick and it says that the chief, and I wrote this, the chief's, "I'm committed to reform", rings hollow. This is October, 2018, right? She's up here July, almost August, 2019, talking about committed to reform.

Salim Bay: It said, and this is what she was replying to, the 56th report of the independent monitor on the Oakland Police Department, September 13th, 2018. On page 13 it says, relevant policy; department policies relevant to task 34 include general order M19 prohibitions regarding racial profiling and other bias based policing. Conclusion, this is from the federal court, conclusion, OPD does not fulfill the objective of identifying disparate treatment and or initiating corrective measures when deemed necessary. Who's OPD? That lady just came up here and spoke, is OPD. So when they say OPD is not doing it, the buck stops there. Right?

Salim Bay: So this is from September, 2018, says she's not doing it. Now she come up here again with that same professional bull riding aroma and tell us that no, she's committed to reform. Oh, we're going to do this policy training. And anybody who's been in training in corporate or business, know when somebody comes through in the morning and tells you this is the new policy, here's how it, I'll make sure you guys do it. That's it. In and out. But that's the people who are there out there profiling. The people who are there out there, discriminating against are me, myself, my family, my community. So I'm the person, and my family is the person, who are being oppressed. That's why we're up here. And I will continue to say the same thing about her and unapologetically.

Salim Bay: So, when we speak about black people, and I'm just going to say this specifically, nobody goes out there and stops people from advocating for the seals, or the baby sea lions. Nobody goes out there and stops people from advocating for dolphins caught in tuna nets. But when black people come in advocate for black people, we are told that we can't do that.

Salim Bay: Just one quick thing. Page 14, current data raises issues about bias based policing. Again, 2018; page 15, this will require the implementation of a consistent intervention strategy to address identified data disparities, abnormalities, and or possible bias at the area, squad, and individual officer levels. Has she gotten back to you on any of this? Anybody up there? Racial profiling, follow up, anything about this policy that was identified as something, but she's committed to reform. The reform that we're talking about today forgets about all the reforms of why we 16 years in anti-failure of reform and you've been here for two years. So if four officers are turning off their things, all of those people need to be fired, because in 2013, Alan Blueford, a young Skyline high school athlete who was about to graduate, was run down by

Oakland police officer who turned off his camera right before he murdered this man.

Salim Bay: And then they said, "Oh, that's justified". So that was 2013, that's three years before she got here. And we still talking about people turning off cameras, or four people forgetting to be accountable. That's transformational. One thing, the star badge. Now we talking about history, the star badge, what I saw, says slave patrol on it. So if you looking at the same star badges that that the police officers are riding through our community with, it used to say slave patrol. So you want to get a new policy? Oakland, remove the slavery roots, at least off the chest of them. Give them 12 stars, four stars, two stars, but don't give them the same amount of stars that slave catchers were coming in and putting black people back into slavery. Last thing.

Salim Bay: This commission's job, according to LL, says: proposed changes, including modifications to the departments proposed changes to any policy, procedure, custom, which is an unwritten policy, where she's saying, "Oh yeah, you know what? We're thinking about this differently. We've been kicking black people in the head and abusing them and discriminating against them and doing all this. But you know what? We really should start looking at this differently in 2019". That's not leadership. That's some dumb stuff is what that is. But it says here, "Which governs: the use of force, use of force review boards, which she exonerated the officers that assassinated Mr Pawlik, profiles based on any protected characteristic or identified by federal, state or law, class. So last thing, she's known about racial profiling. When she was hired, Oakland was 12 or 13 years out of loop. So she came here with the promise to Oakland, I'm going to be transformative. Two and a half years later, she's still talking about implementing a policy that maybe, if it don't overstep on the police, will do it.

Regina Jackson: Thank you.

Salim Bay: Fire her.

Regina Jackson: Item seven SB 1421 compliance update. I'm not sure who's from the police department is here to speak on that.

Edwin Prather: I'm here. Good evening chair. Regarding SB 1421 compliance. So, I spoke with the City Attorney's office, and the City of Oakland City Attorney office handles all distribution of 1421 documents. So, the City Attorney office has a process that rests within the City Attorney's office. It's our understanding that commissioners were provided some training regarding SB 1421 document release process from the City Attorney's office. But the department does not actually... We're not a part of that process.

Regina Jackson: And nobody is from the City Attorney's office is here to address it, correct? Surprise, surprise. Thank you very much. Any questions, Mr. Smith?

Thomas Smith: Did we ask someone, or did you ask someone from the City Attorney's office to come speak to us about that? I mean SB 1421 is all about public disclosure and I think given that we are the police commission, we should really know where we stand in terms of disclosing those records for Oakland. It's an incredibly important law that was passed. We really need to understand where we stand in terms of compliance, and someone should be here to give us a report. If it's not OPD, then it should be, if the City Attorney's office is owning it, then someone should come from the City Attorney's office.

Regina Jackson: That is correct. And they actually had discouraged me from keeping this on the agenda. So, I think that their not being here speaks loudly, and I will send an email to the City Attorney tomorrow and say that we expect, at our next meeting, that there is somebody from their office here to address it, and address several other subjects that we have been asking for. So, for public comment, we have Salim Bay, Mary Vale, Miss Asada.

Miss Asada: Love life. Love black people. At the time, this AB 1421 was passed, AB 734 was also passed and it came into full implementation July 1st of this year. It deals with the cameras, I'm not going to go into detail, but it has something to do with the ability to look at the cameras and so forth. So, as you're going through trying to get that policy of 1421, I would recommend that you also look at AB 734.

Regina Jackson: Okay. Thank you.

Mary Vale: And looking at the agenda materials, I was kind of struck by the fact that we seem not to... I mean this is releasable stuff, so I think there should be status overview of what's been released so far. And frankly a lot of us, the reason we know about anything being released, is that the journalists, the newspapers association folks that supported the bill, they've formed a consortium, they make public records requests, and they go dive deep into stories based on the records that have been released. But we can do better in Oakland in terms of complying. And there has been some talk about, I mean even dribs and drabs releases at Oakland, it's not like Oakland's at the head of the line in terms of complying with this legislation. And so, I think the first step for you guys is to have a dialogue with the City Attorney and find out just exactly what's going on. Thank you.

Regina Jackson: Thank you.

Salim Bay: Salim Bay. I can speak directly to 1421, because we were caught up in it for the last few years in our civil case. All of our discovery that would normally be released after 1421, was marked as under federal seal by the City Attorney's office. Right. So we've been looking at all this evidence, they've been looking at all this evidence, we've been seeing what they see. Right. We took what we saw and came to you and said, "There is enough there, there", but the issue being, is the same City Attorney's office that you asking to come up here and speak, has been sitting on all these things.

Salim Bay: Not only that, but in 2016, the federal monitor assigned Swanson to investigate arbitration by the City Attorney's office and found that they were throwing arbitration cases, that when officers were being complained about and they were even being sustained, when it got to the point to where the City Attorney's office was supposed to, you know, fight to keep that, they weren't, they weren't putting up any fight. So really what was happening is there's this whole process of holding officers accountable, but then when it gets inside the city at that level, they were letting people off the hook.

Salim Bay: Also, 1421; March 18th, 2014, we got one letter from the police department for IAD 131062, and it said performance of duty; the complainants alleged that there was a systemic failure on the part of Oakland Police Department during the investigation of the murder of [Wajj] Bay and the attempted murder of John Bay, as it relates to the followup criminal investigation. The investigation disclosed sufficient evidence to determine that the alleged conduct did occur. A finding was sustained, has been determined. This finding is applied to the Oakland Police Department as the individual subject officers and their immediate supervisor are no longer employed by OPD. So that's a lie.

Salim Bay: What we did find out is after going through discovery and it took us three years or four years, we got it in 2018, we found out that when they were investigating or so called investigating IAD 131062, they never found any files. How can you investigate these two cases if you never found any files? But then you found that you didn't find any files, which means that that's a violation. But in reality, if you close my brother's case in 63 days, you actually obstructed justice. So it's not simply, I didn't follow up on something. I closed this specifically and I aided and abetted criminals who tried to murder my family member. So that's why, when the police go, "Oh no, we admitted that we did". No, you didn't. No you didn't. We're talking criminal. This is a class two violation, the least amount of everything that can be put on, that's what IAD does, right? If they do have to find something, it's the minimum amount.

Salim Bay: But these are criminal. This is a criminal investigation. People need to be investigated to go to jail. I'm not asking for somebody to get a slap on the wrist. I'm not asking for you to demote anybody. I want somebody to spend some jail time for trying to murder my brother. That's why I'm still up here. It's personal to me. So I'll keep coming up here and as long as she keeps coming up here talking that bull crap and talking all that stuff about, "Oh, I'm reformed". No, you not reformed because we show it. Actions speak louder than words. Deeds, not words. Words don't mean anything. That's just, a politician is good at words. Action. Black people suffering out here. We being stopped. My step son was just stopped. Humbug, when he told me a story, humbug. So it's still happening and we're not going to stop talking about it until it gets fixed.

Regina Jackson: Thank you.

Regina Jackson: So moving on. Item eight, OPD Chief's annual report. I would like to offer some points that you on this piece you want to see inside the annual report. Commissioner Dorado?

Jose Dorado: Yes. Thank you. I think this is appropriate, an appropriate time to talk about community policing and to talk about the failure of community policing across the board. And again, as I said many times it was passed in June of 1996, 23 years ago, and as yet to even come close to its promise. So I think part of the, I would suggest to the commission that part of the annual report include the performance of OPD, specific to resolution 79235, and that it include the performance of the community resource officers and the neighborhood services coordinators, as to whether or not they've been doing their job and to what extent. And I would add to that, what would be a criteria by which the CRO's are being pulled off their beats and not doing CRO work, being pulled off to do any number of other things, under what criteria is that happening, and who is making that decision and to what extent. How many hours are they actually working in their beats? So just drilling down to the detail, it was whether or not, and to what extent community policing is actually being implemented by OPD.

Regina Jackson: Thank you very much. Commissioner Harris.

Ginale Harris: I would agree with that, Commissioner Dorado. I am a big fan of community policing and I think it has a lot, it has a lot to do with the evaluation of our leader, if you are assigning people in communities to help communities and bring messages back to how police officers can help communities. Again, I still haven't seen a resource officer in my community, my neighborhood, I don't know who she is. I've requested many times to visit with her, to speak with her. Yes, I'm a police commissioner. However, I am a community person that lives in East Oakland, so I have a right to meet with her, or him, and I don't see the... I looked up the job description and I looked up the pay and I feel like it's wasted money. It's wasted, wasted, at least in my community, because I don't see any good outcomes because we don't have one. So I don't know what they do. And I've been asking since I got on this dais.

Regina Jackson: Certainly, I think that the stop data that was shared just a week or two ago, that will be a very important thing for us to have her track, particularly as it relates to, you know, whatever time we start, what shift has there been, because as John Jones the Third stood up here, the last commission meeting, he said, "Numbers don't lie." And the numbers are staggering, and they have got to change. Commissioner Harris.

Ginale Harris: I believe this was a topic that Commissioner Dorado, myself, and Commissioner Benson, we were working on in the middle of when she departed. And so I think it kind of stopped there, but I believe that she should also be evaluated on how closely she works with us. I think it's really important, you know, that's like the left hand and the right hand, the police commission and the police chief, not the police chief and the mayor. Right. So it should be the police chief and the police

commission, because we do, we have to work together. It's a partnership and we have to know what's happening at all times because it affects all of us.

Regina Jackson: And to your point, when we talked earlier about the processes that can be put forth to help the efficiency and the collaborative work of a CPRA, that is something that lies squarely in the police chief's hands. So when we talk about the the password or the whatever kind of system that will allow CPRA and IAD to get the same information at the same time, I think that those kinds of processes that will make everything work more efficiently would also be true testament to leadership, qualitative leadership. Commissioner Ahmad.

Ahmad Mubarak: No, it's okay.

Regina Jackson: Okay. You just looked like you wanted to say something. Okay. Commissioner Anderson.

Tara Anderson: I'm pretty sure that was from Brown.

Regina Jackson: Oh I'm sorry, Commissioner Brown.

Chris Brown: Is it appropriate to speak to this document?

Regina Jackson: Please do.

Chris Brown: Thank you. I wanted to point out that there's some problems with the way this was written. I know, I understand it was written in the LL and we can't change it much, but there are weaknesses in items one, two, and three, because they attempt to portray progress through a pipeline, but with an annual glimpse of it. So, some things existed before then, some things had only been in it briefly. And so, this will benefit by some kind of elucidation in the report about how things, when things entered the pipeline, how long they'd been in the pipeline. When we're talking about discipline, our investigations, investigations can take up to a year. And so, they can span a year and they can span two reports. And so when you look at what's closed when and what's opened when, you have to take into account which year it was when it occurred.

Regina Jackson: Yeah.

Chris Brown: And so, I'd be interested to know how they're going to do that in their report.

Regina Jackson: That's a good point, and from the language that you are mentioning, that is actually something that should be shared with Commissioner Harris if it's something that we want to fix to Measure LL.

Chris Brown: Great. Thank you.

Regina Jackson: Thank you. Commissioner Anderson.

Tara Anderson: Thank you chair. I'd like to point out that within the language itself, it's at a minimum the following. So, the very suggestion that you made, is something that can be requested and voted on by all of us today and would include new, pending, closed; that we want a nuance that captures the timeline that you're discussing, that there's carry over from year to year, and that there's interest in understanding the length, the average length, the median length of time that an investigation can take. So I think that is, I don't know that we need to vote on those specific breakdowns of the metrics, but just I would be comfortable with us indicating we want that level of specificity and would entrust, through the chair, that that could be communicated.

PART 5 OF 8 ENDS [02:55:04]

Speaker 4: Just through the chair that that could be communicated after the fact with the chief and her new research team and staff. I also want to emphasize that although it was described to us that the primary responsibility associated with responding to SB 1421 sits within the city attorney's office. I think that reporting on that information should sit within the chiefs and our annual report and also to points that were made, the AB3 or sorry, 734 ... The camera access and data.

Speaker 4: I'd also like to see a summary of reforms, policy reforms in the administrative level that don't kind of lift to the level of becoming a department general order, but things that are happening in these management meetings that we heard a lot about during our last meeting that we were told result in real changes on the kind of beat level is having that information summarized and included in the annual report. In addition to having a nice place that you can look to right away and see all the actual policy revisions that have taken place in a single year and then also looking forward, forecasting what is that transformative vision for the coming year. So those would be the other additions that I would recommend.

Speaker 5: I didn't catch all of those things. Okay. Thank you. Are there any other comments? Commissioner Ahmad? Nope. Anyone else? Okay, we will go to a public comment then. [Rashida Granash 02:56:56], [Celine Bay 00:02:56:58], [Mary Vale 00:02:56:59], [Miss Assauda 00:02:01].

Speaker 6: I think that the commitment that the chief made when she was hired was that she was going to get out of the NSA. That didn't happen and Miss Assauda has been very clear about one of the principle reasons, which is that the department has failed to address the issue of racial profiling, which was the central reason for the class action lawsuit called the Riders that generated the NSA. I think the chief needs to spell out in concrete terms what ... Not the patient, what is the plan, what is the plan for getting compliance with the NSA? What is the plan, what is the timetable, what are the measureables? And that's what we need to hold her accountable for because that is the commitment that she made when she took the job. Thank you.

Speaker 8: Love life. Love Black people. I was going to start off with, that's the number one thing she has to demonstrate during the course, if this is an annual report of the year, what procedures, policies, whatever was done to bring them out of the negotiated settlement agreement and the the judges already said that the city is not working with a solution, so that's number one for me. The other thing is the hiring or anything that reflects discipline, anything that reflects promotions because that was a part of the grievance of the Black police officers. Promotions, I say that. Overtime has got to be dealt with mostly because overtime it's such an impactful fiscal issue for the city and what's been done to reduce over time.

Speaker 8: As it relates to community policing? One of the biggest things that impacted me when I looked at a report from the RNA on community policing is the five areas that we have in policing, a report was done on what the officers have as their projects and the projects ... The top three projects for the community resource officers was blight, illegal dumping and nuisance and that's supposed to be community police resource officers to deal with violence prevention. That's where that measure Z money comes from. Okay. It had been a long time discussion of the fact that 90% of the police officers of Oakland don't live in Oakland and for a scope of time the police department was working on getting more police officers who live in Oakland on the police force.

Speaker 8: So to have her report to us how that initiative is being developed. Okay. I don't want to go over my time 'cause it's going to be a lot. But I have some other things but those are some of the important ones.

Speaker 5: Can you email those to my attention please?

Speaker 7: Yes, ma'am.

Speaker 5: Thank you.

Celine Bay: Celine Bay. So as I was sitting out there thinking about what the chief could do to make it better, right? I couldn't get past quitting, resigning, being fired, something like that. But from our side of it is there is an outstanding issue that's really, really troubling me and people that I've spoken to, is the stolen weapons and guns from OPD officers over the course of the last few years. And it's in the hundreds and no one knows where these weapons are. And it seemed like it was almost a ratio of two to one where like half of the officers were actually ... I.

Celine Bay: t was like 300 weapons were lost over a course, but we only got 600 officers. So you either every other officer is losing a weapon or somebody is losing four, five weapons at a time into the street. So one of the two, we need to find out where these weapons are. Why nobody's tracking these weapons. Who's responsible for losing these weapons? We want to see a list of the officers that can't keep up with their weapons. Right? Cause that means that you're not responsible enough to be walking through our community with a loaded gun and a license

to kill. If you can't keep a hold of that gun and be responsible for your issued sidearm, which is part of your uniform, which means that you're out of uniform when you lose it. Right?

Celine Bay: So we haven't seen her deal with any of this type of stuff, right? I've heard the whole yuck and yuck game about, "Yeah, no I'm here to do this." You ain't done nothing. Why are we up here complaining about racial profiling still in 2019 as she'd been here since 2016? Why does the monitor say she's going backwards in the NSA, but she's committed to reform? You're not implementing the policies that were here when you got here, let alone the new policies that this commission is putting forth. So how is it that we should take her word for anything other than hot air coming out of there when her actions don't do anything for the community that is most impacted, the people who are being profiled. That's why the NSA, when she was hired, she was hired to get us out of the NSA, not to be three years going backwards in it, which means you're actually failing your job, which means you're failing your job to the community.

Speaker 5: Thank you.

Speaker 9: I've got to say this. They just announced this week that the homeless community in Oakland has gone up 47%, so the relationship with the police and the homeless community and what we're doing to make that work. And lastly, police retention has been an ongoing issue in public safety and how she is working to increase police retention.

Speaker 5: Okay, excellent. Thank you.

Mary Vale: As prior speakers have noted out, this list is silent on the whole issue of the NSA compliance. You've got to have and probably multiple criteria. And then number one for example, everything is about numbers and of course it's easier for management and the city to make things look better if they just refer to total numbers. Number one should include basically patterns and how the nature of the complaint and the number of the complaint goes up and down or differs from previous years.

Mary Vale: That way you can measure the chief, whoever it is, from year to year. IAD is mentioned in number three. Other than the racial profiling issue, IAD, which is still functioning like an officer justification unit, IAD who has been criticized repeatedly by the monitor for doing surface, unprofessional, incomplete investigations, questioning patterns that look like the investigator is looking for a way to justify the officer's conduct. It's an irritant for the community. It's an irritant for the court and I think there should be made for changes in the composition of that office. But in the meantime I think you need to dig deep and push hard to get the way IAD operates to improve in the meantime.

Mary Vale: And I also think overall the chief should be responsible for accounting, for really the substantive, not again, how many boxes have we checked off, but

substantively, how has the department progress on the major remaining tasks? Because what we've had since the summer/fall of '18 is three or four areas where the department is going backwards and if you just look at numbers, the chief is allowed to spin like everything's getting better. In fact, it isn't. Thank you.

Speaker 5: Thank you. So I have a list probably twice as long as the information that was provided in the report. I welcome having those of you who still need to think on it to send it to me. I will provide ... I'll put it together in a draft that we can review at our next meeting and hopefully approve. The sooner we approve it, then the clock starts ticking in terms of being able to provide that information and I really like one of our community members suggestions that some information be provided retrospectively in comparison to perhaps year one or year two. So can we move on?

Speaker 5: Okay. Onto item nine, Pollock investigation update. We provided the report that was submitted by the discipline committee. The discipline committee chose not to entertain any media interviews. We felt like the work that we did stood on its own. If there are any questions, hopefully we can answer, but this is a process that continues in that there is a Skelly get yes-

Speaker 10: Let you know there's an error in the document on page ... You have two page numbers, four and 10, so it's either four or 10. I don't know which one. It jumps from director Magnus Barrows and then the next ... The first line of the next page is obviously a sentence break. It says, "His hand."

Speaker 5: My apologies. [crosstalk] We've already amended that and it sounds like the old report is the one that got included in this. What we can do is put the amended one in the next agendas just so that you have the full item, but we have uploaded to the website the correct one.

Speaker 10: [inaudible] one second.

Speaker 5: Pardon me?

Speaker 10: You uploaded it to the police commission website-

Speaker 5: So I sent it to the city attorney's office, specifically Ryan Richardson, because the error was pointed out and they were to upload it. This was probably a week ago. Commissioner Prather, when we talked? Was that a week ago or just a couple of days ago?

Edwin Prather: Probably a week ago.

Speaker 5: Okay. Probably a week ago. It should be accurate. I can double check tomorrow. Oh, or you can check right now. Okay. Commissioner Anderson's going to check right now.

Speaker 11: I'm still scrolling, but this is a real time evidence of how challenging it is to navigate the portal by which reporting out in response to SB. Oh my word. I'm sorry, I'm exhausted. 1421 thank you. Is taking place. It'll take me another moment.

Speaker 5: Okay. Commissioner Prather?

Edwin Prather: Thank you Madam Chair. So yeah, I also did a real time check of our website. It's not posted just for the public's edification. The formatting error was pointed out basically immediately after this report was handed over, it was subsequently amended. There's a version that's going to, in the date line on the first page going to say, I believe, July 16th.

Speaker 11: 15th.

Edwin Prather: 15th amended. It is now up. So if you're looking at a report that is dated July 9th that is the incorrectly formatted report. The correct report will say amended July 15th. It'll reference the July nine date, but it'll also speak to the 15th date. There you go.

Speaker 5: Thank you. If there are no other comments by the commissioners, I'll take those speaker cards. Okay, Celine Bay. That's the only speaker card.

Celine Bay: Celine Bay. Again, the Pollock investigation or the Pollock incident really wouldn't have happened if the police department had taken care of it when they did it to [Demario Hog 00:03:11:35]. This man was sleeping in his car and the officers that actually shot him and murdered him were put back on the street by this chief in to do crowd control. Right? So these people who are so afraid of a sleeping man, definitely afraid of a bunch of people walking around talking loud and everything like that. So that's community safety issues with these officers and her judgment. So when we talk about, that's just the Pollock part of that.

Celine Bay: But then she also went ahead and exonerated the officers after everybody and their mamma looked at the video and saw this man did not pose any threat to these police officers. Right? So do a little bit of history, you'll see that she has a history of exonerating officers. In her previous employment in Washington, I believe it was in Washington state, she exonerated officers up there. Shaky. She was brought in to Chicago to exonerate the officers that murdered Laquan McDonald. She was brought in to Oakland to promote and exonerate the officers that serially gang raped the underaged sister of color. This is her track record. If I'm wrong ... I'm not, but I just deal in facts. So this is who you're dealing with, this is the person, nobody would hire this person in private, corporations or anything like that.

Celine Bay: If this was your corporation and she had a track record like that and came to you, and if it was your corporation and you made a mistake and hired her after

two and a half years of this track record that goes backwards, who's responsible? Her for failing? But she's not failing ... She's failing the community. She's not failing the thin blue line of the blue gang. She makes sure that the blue gang is taken care of, but out in the community, she ain't got no time for racial profile, this or that and it's obvious that that's not her priority because if it was, well it doesn't even have to be her priority. You're the boss.

Celine Bay: Make her come up here and do a racial profiling report every week. What are you doing? What have you done between the last meeting and this meeting? What progress have you made? What have you identified? If you don't do that, here we are August, tomorrow I guess and 2019, yet she hasn't done anything since the compliance director told her there was a failure in racial profiling and going backwards, so don't believe us. Even though I said it six months before the compliance director said it, which goes back to Black people's ice is not as cold as White people's ice.

Speaker 5: Thank you. Are there any other questions on this item? Okay. We will move forward to commission subpoenas related to CPRA. So once again, several months ago we asked the city attorney's office to report to us on the subject. They said they had to get some external attorney to provide a report. It was going to take a couple months. That would have been end of may, maybe early June. Here we are on August's door and we have no one here to speak on the subject. We do have a ... Mr. [Disparos 03:15:20], did you ever send me a list of all the people who did turn in the subpoenas to you?

Speaker 12: No, I did not.

Speaker 5: Okay. I would like to have that please. I think we discussed it last time.

Speaker 12: No. Everyone that you subpoenaed has turned the stuff into me.

Speaker 5: Okay. Will you send me a list of everyone that you have?

Speaker 12: The list of the people you subpoenaed?

Speaker 5: Correct.

Speaker 12: Sure, I'd be glad to.

Speaker 5: Thank you. In the meantime, this was an idea that I had was that, and I don't know what your favor is, commission, to have our new executive director actually do the investigation, review the subpoenas and then report back to us what his findings are. I don't know if you all have any questions on that or some other ideas. I thought it was kind of a good idea. Commissioner Prather?

Edwin Prather: Thank you Madam Chair. Okay, so commission, I know we've been going for a while and ... But I think that this is a slightly different issue than presented and

I'd like you to consider it in this way. So we have been given subpoena power by measure LL and our enabling ordinance. We moved to utilize that subpoena power and instead of being able to utilize that subpoena power, the city attorney's office directed those subpoenaed parties to respond to the subpoena in a different way as then what we put into our subpoena.

Edwin Prather: We're supposed to get some kind of advice or analysis on the subpoena and the power itself. And that has been for many months as our chair has mentioned, not forthcoming. And so what it really is, is a, again, I use this term a lot these days, it's obstructionist behavior because it is now thwarted our ability to serve subpoenas. And so the issue to me on this issue is this, is are we going to allow a third party to block our ability to issue subpoenas when it feels right or are we going to take some proactive step to protect our subpoena power because power checked is not a power? And so, I think if we talk to the public and in the public would reference the fact that the ... It was very clear that the drafters of the enabling [inaudible] wrote in our ability to issue subpoenas and thought that that was very important.

Edwin Prather: But now we're in a place where our council, who is supposed to be our council is working against us to not allow us to have this power. And so we received legal counsel on this issue, at least to the form and nature of the subpoena and have been advised that it's okay. But now we have an entity that's blocking our ability to utilize that subpoena. And just to remind everybody, the city, it's the city attorney's office who directed the subpoena parties to provide those documents, not to the commission, but to interim director, Miss Sparrows, to hold while the issue was being figured out. So are we going to let the city attorney's office figure it out for us? Or are we going to take a proactive step to do something about it? And that's really the fork in the road on this issue is that we have a power that's being checked at the moment. And so what are we going to do about it?

Speaker 5: Well, that's why I made the suggestion and I did speak with Mr. Alden about it and he said he could do it. I'm not looking for permission from the city attorney's office to use the power that we were given in measure LL. I'm also not interested in having the subpoenas just collect dust. But I also don't think that the ... That we as the commission ought to be going through these emails. Commissioner Harris?

Ginale Harris: Just because, and this is just coming from me. I understand we've hired a new executive director but I just ... He's too new. He's too new and he's late in the game. And so, yes he can assist us because he has some legal background, but I think this needs to be dealt with hands on. I don't think we should leave it up to him to review the information.

Speaker 5: Do you have another suggestion? I mean, I've spoken with the public ethics commission that their conversation with me basically is that they have attorneys

on their staffing who can go through those things. We're not set up the same way. So I'm interested in-

Ginale Harris: I mean, did they ever address the fact that the city attorney's offices' doing what they're doing to us.

Speaker 5: Nope.

Ginale Harris: Cause that's an issue.

Speaker 5: Nope.

Ginale Harris: That's an issue. That's a public ethics issue.

Speaker 5: How about that?

Speaker 13: [inaudible 03:21:27].

Speaker 5: Can you speak into the mic please? [crosstalk] Yeah, don't turn sideways. They've already pointed it out at the ... Your voice trails off when that happens.

Speaker 13: [inaudible 00:03:21:39]. Oh, okay. I'm sorry. Thank you. I'll just out that item 10, the agenda item says the commissioner will receive responses to subpoenas previously issued.

Speaker 5: [crosstalk] Yes.

Speaker 13: So that looks to be a relatively limited scope. It's a rather vague statement as to what it's about. So I just would caution you to be sure that you're in compliance with the sunshine ordinance and the Brown act with respect to that provision.

Speaker 5: We were looking to get responses. I'm sharing the fact that we have none.

Speaker 13: I understand that. What I'm saying is that there's ... To go much beyond in that discussion-

Speaker 5: Thank you.

Speaker 13: I think you risk violating the Brown Act and the ascension ordinance.

Speaker 5: Okay.

Speaker 13: That's just my caution to you.

Speaker 5: Okay, thank you. Appreciate it. Commissioner Harris? You know what? Wait, we can discuss this later.

Ginale Harris: I just want to know where it comes that the city attorney's office is violating stuff. Like when? You want to call us out on violating stuff, when? You're here as a representative. So when? Because somebody from your office should be here addressing these issues and it's not negotiable.

Speaker 13: No, I'm not from the city attorney's office. What I'm doing is-

Ginale Harris: Well, they sent you.

Speaker 13: I'm advising the commission that if you wanted to have-

Ginale Harris: They sent you.

Speaker 13: This kind of discussion-

Speaker 5: Okay.

Speaker 13: That goes beyond the limits of what the Brown Act says, you need to agendize that properly-

Speaker 5: Thank you very much.

Speaker 13: And so I'm watching out for your own protection that you don't create a-

Speaker 5: Thank you.

Speaker 13: Situation where you could be liable-

Speaker 5: Thank you.

Speaker 13: For violating open meeting laws.

Speaker 5: Sir, stop talking. Thank you.

Speaker 13: No, I'm actually speaking-

Speaker 5: Commissioner Prather-

Speaker 13: To protect your own interests-

Speaker 5: We've already heard you. [crosstalk] We heard you twice. Thank you. Commissioner Prather?

Edwin Prather: I have a motion.

Speaker 13: A motion that can be made that's on this agenda that would be allowed. So I'd caution you against making a motion.

Speaker 14: She told you to stop talking.

Edwin Prather: I have a motion.

Speaker 5: Okay.

Edwin Prather: I move that we continue to pursue subpoenas against the subpoenaed parties to receive responses to subpoenas previously issued and that we formally ask the city attorney's office to engage conflict counsel to advise the commission regarding the subpoena.

Speaker 6: Second.

Speaker 5: Okay. We are properly first and seconded. I'll hear public comment and then we will take a vote.

Speaker 13: And I'll repeat my admonition for the record.

Speaker 5: We heard you, thank you very much. Okay. Rashida Granash?

Rashida Granash: Am I [inaudible 03:24:23]. Am I correct that the responses to the subpoenas are in the possession of interim director Miss Sparrows?

Speaker 5: Yes ma'am.

Rashida Granash: If that's the case, the commission has the authority to order interim director Miss Sparrows to provide these responses to those subpoenas to the commission and if it has to be done in closed session, let it be done in closed session. You have the authority to direct your Cipro director to act. He's interim anyway and about to leave. So there's really no downside to him accepting or not accepting one way or the other. The point is you have the authority to direct him to hand over the responses period.

Speaker 5: Thank you.

Rashida Granash: Use it.

Speaker 5: Mary Vale?

Mary Vale: Well first of all, I think that Commissioner Prather has gotten to the crux of the matter in terms of engaging conflict console because the city attorney's footprints are all over this and like the massive internal effort to cover up the rape scandal in the police department and to lash out at any ... There were two plaintiffs, both African American, one of the reasons they had to sue was their careers were a mess after they had tried to follow the evidence in cases related to the sex scandal, which are cases where officers are a suspect, which OPDs

culture says you investigate them in an entirely different way when a brother officer is a suspect.

Mary Vale: And I think, as Miss Granash pointed out in the short-term, you can order the information, the sealed envelopes to be handed over to you and you can review them in closed session. You may need to issue additional or supplemental subpoenas. You don't even know how extensive the replies were. It may prove that you're in a situation where the subpoenas were effectively not responded to and with the assistance of conflict counsel, you can sue the persons who are custodians to provide the ... For subpoena enforcement, but you don't know that until you've seen the contents. What we have so far, I think getting conflict counsel's an excellent way to do that. Thank you.

Speaker 5: Thank you. Celine Bay.

Celine Bay: Celine Bay. LL says that you have the authority to organize and reorganize the CPRA, which is also including the director, so you actually have the authority to remove him, demote him, do whatever you're going to do with him. You don't have to sit there and argue with him about anything. You're the boss. That's what LL says, now. Not wait til it gets ... You have the authority to, if he does not do what you asked him to do, terminate him. Put another person in there, give us the subpoena. Well, you terminate it and keep going through and I guarantee at that salary somebody is going to come up with those subpoenas because that is a good job. True or not, that's what LL says. That's the law. Don't believe me. Read it right now. Let's ask the pseudo attorney half city representation if that's true. Can you or can you not through the chair to your representation, do you have the authority to remove this person?

Speaker 5: Yes.

Celine Bay: You do? Well, let's do it. Agendize it. Two weeks from now, have that on the agenda, have the chief show up and make a report about racial ... I want to know where all those 300 some guns are. All those things are pressing things that one of those 300 guns could cause something in our community tonight if we don't get on them immediately and find out what's the issue with people losing guns. Another issue, in our case, the city attorney's office along with obstructing justice, seeing evidence that the police department was involved in community murders and everything like that, which is enough to get them debarred and charged. This is the city attorney's office looking at all this criminality for OPD and not doing anything.

Celine Bay: Whatever it is, please, please, please make sure that the city attorney is called out every single ... Barbara Parker, let's call her out. She's an elected official. If she's not serving the people like you're serving the people call her out by name, not the city attorney's office. Buck stops where? At the top. So Barbara Parker is responsible. Barbara Parker meets with the mayor on a regular basis, means the mayor has say in this also. So if you don't ever take the time to stop complaining

in general about the city attorney's office and start going directly after the people who are actually tripping you up for the last year-

PART 6 OF 8 ENDS [03:30:04]

- Speaker 15: ... directly after the people who were actually tripping you up for the last year, and not just wasting your time but the public's time because all the time that I've been coming here, the first three months was telling you to get rid of the attorney that was provided by the City Attorney's Office. So, please.
- Regina Jackson: Thank you. We have a motion that's been properly moved and seconded. We've taken public comment, and-
- Speaker 16: Can you just repeat the motion, please?
- Regina Jackson: Oh God. That's painful. Okay. Can you repeat it, Commissioner Prather?
- Edwin Prather: The motion is: I move that the Commission pursue... continue to pursue the subpoenas previously issued so that it may receive responses to those subpoenas previously issued. Then in order to do so that we are asking the City Attorney's Office to engage conflict counsel to advise the Commission on the propriety of those subpoenas.
- Regina Jackson: Commissioner Dorado, you seconded it, correct?
- Jose Dorado: Absolutely.
- Regina Jackson: Okay. So it has been properly moved and seconded. We've taken public comment, and I think we're ready to vote. So may I have, Commissioner Ahmad?
- Speaker 17: [crosstalk]
- Ahmad Mubarak: Abstain.
- Regina Jackson: Commissioner Dorado?
- Jose Dorado: Aye.
- Regina Jackson: Commissioner Anderson?
- Tara Anderson: Aye.
- Regina Jackson: Commissioner Harris?
- Ginale Harris: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Smith: Aye.

Regina Jackson: Commissioner Prather.

Edwin Prather: Yes.

Regina Jackson: The motion passes. Item 11, Bey Case Review: So since our last meeting when the bid, or the proposal from Amy Oppenheimer's law firm, she rescinded. We have not had a meeting since that time, and so the second proposal that had been provided by Mr. Gage is now being considered. Commissioner Smith?

Thomas Smith: Also, since that time I think we found out that Mr. Gage will be... he has been selected, I believe, by the community to be a Commissioner, and so I'm not sure that one, that he's going to want to do that, and I don't know if he's checked out the conflict of interest concerns around it. Obviously there are some logistical concerns depending on how long the investigator is necessary to serve. I don't know any of that. I don't know if he's still in the same position that he was before, and now that he'll be joining us as a Member of the Commission.

Regina Jackson: Those are good questions. Commissioner Harris?

Ginale Harris: I am very much aware of that. However, he is not a Commissioner. He won't be a Commissioner until he's sworn in, until October, so there's plenty of time to do an investigation by then. A good investigator would know how to do the investigation, so I don't believe we have a conflict of interest. There's plenty more conflict of interests that's sitting up here on this dais, then there is this, Mr. Bey's case.

Regina Jackson: Thank you very much. I think I'd like to hear from Mr. Gage if he is prepared and ready to move forward so that we can take his word before we vote.

Mr. Gage: Thank you, Chair. There've been a number of items on this agenda that, in my opinion, all have the same root problem. Ensuring timely and accurate reporting on the search policy, securing an update on SB 1421, enforcing action on Commission's subpoenas and the current issue is a review of the complaints and allegations made by the Beys.

Mr. Gage: These all stem from a lack of adequate staffing, just they all do, and it's frustrating to watch. Members of this Commission run into so many obstacles that all go back to the same root, and it's a root that cannot be sufficiently addressed at this time because there are some real questions about the legal foundation that's required to create the staffing, to hire the people you need to make all of these things happen.

Mr. Gage: I also had my own questions about conflicts. I have to recognize that it would potentially be unwise to allow a pre-appointment investigation to bleed into time serving on a body such as this, that would be inappropriate, which would mean there would be very limited time within which such an investigation could take place.

Mr. Gage: I have some serious concerns about the scope of work, and I believe in the original bid I included an amendment to the scope of work to an attempt to narrow what information should be considered and the potential reporting that would come out.

Mr. Gage: But practically speaking, it's July 25th, this Commission is talking about going on recess for the entire month of August, which means that we're looking at what, eight weeks, six weeks?

Mr. Gage: City Council just passed a purchasing ordinance, which is great, but I know that the ordinance does require training. If you're able to train yourselves timely while you're on recess, perhaps... I'm happy to do this work, I'd like to do this work, but this is starting to look like it's an administrative impossibility, and I'm like to leave myself open to being available to do this work. Because you're right, Commissioner Harris, I am not a member of this body and as I've said many times before, I am more than willing to serve this body in whatever capacity I can.

Mr. Gage: My concern right now is that I may not be able to serve in this capacity given the time constraints at issue, and while I may be wrong, I have to recognize that that is an issue and that issue needs to be addressed timely.

Mr. Gage: The conversation earlier with respect to the capacity of the City Auditor's Office was of interest to me because this is the exact sort of complaint that an Inspector General should look into.

Mr. Gage: Again, going back to staffing, but as you do not have an Inspector General at this time, I think that perhaps the City Auditor's Office might be a reasonable facsimile of the kind of investigating act you might need at this time. If you can't hire a staffer of your contract right now, because frankly you can't, you have to play with the tools you have, and if the only tool you have right now is to ask the City Auditor to step in, then that's the tool you should use.

Mr. Gage: In the meantime, you've got to get this Commission the staffing it needs. This is more than just me asking for a contract. It's more than just investigating this case. It's more than just ensuring that SB 1421 issues are timely reported. It's more than just ensuring that you can enforce action on subpoenas. This is foundational. You've got to get staffed up. Thank you. Are there any questions I can answer before I sit down?

Regina Jackson: So I guess the question that I have, because I don't think that the City Auditor's Office is the appropriate office to do this kind of work, is whether or not... and later we'll talk, but we do need to have a meeting in August, so that's one issue; whether or not you have enough time to do the scope of work that you proposed prior to being coming on the Commission, prior to being sworn in.

Regina Jackson: Now, typically the way the timing goes is that they do at a couple of weeks before your term is to start. So let's say it happens September 15th, you're talking, like you said, about six weeks. I wouldn't want you to do anything that could potentially pose a conflict of interest. But at the end of the day mostly want to know if in directing the CPRA to hire you as an Investigator to serve this component, if you feel like you could do that within the timeframe that you've got?

Mr. Gage: I believe I can complete the scope of work outlined in the bid within the four to six weeks, provided there are timely responses to any requests for information I might need to make.

Regina Jackson: Okay. Thank you. Commissioner Harris, did you have another question?

Ginale Harris: Yes. Yes.

Regina Jackson: Commissioner Harris. Okay.

Ginale Harris: I've heard you but I want to hear a yes or a no. You know, before you make the answer, and this is not on you. Mr. Gage, because you did step up to the plate when this was first presented.

Ginale Harris: However, I just want to say to the whole audience that this is shameful, and shame, shame, shame on every single person that took part in blocking this very thing that is going on right now. Okay. I will continue to put this thing on the agenda until somebody looks at it until, someone gives two hoots to look at all of the evidence that has been brought before us in the two years he's been coming here.

Ginale Harris: When [Mr. Pawlik 03:41:10] came up, everybody was quick, quick, quick, quick, quick, quick. We want to hurry up and get an answer. We want to go to the news. We want to do this. We want to do that. Shame on all of you; that's all I got to say.

Ginale Harris: It's fine. I hear you. You're going to be on the Commission and you will be sitting in the same seat that I am, so you'll understand when you get up here that this is bigger than us. Right? This is bigger than us, but you will see it through my lens.

Ginale Harris: Again, it's not on you, and I appreciate you stepping up to the plate. But again, I'm going to put this on here every single time until somebody takes ownership

of this. I'm the only one that is on this Committee, the only one, and I'm going to do it every single time. I don't care who don't like it. I don't care who mumbles under their breath like every other meeting. I don't care, because it's wrong, it's wrong, it's wrong. If he was the other color, would it have mattered? It's starting to make me wonder.

Ginale Harris: So, okay, I'm just like, you know we're in July. We ain't in October. You ain't there yet. Anything can happen, so I'm just saying. That's all. Thank you.

Regina Jackson: Commissioner Prather?

Edwin Prather: Thank you, Madam Chair. I think two things come to mind for me on this, is (1) for Mr. Gage. I don't think the conflict of interest issue ends for him if he can do it while not a member of this Commission. If we are asked to take a vote or consider any work product from him once he's a Member of this Commission, like I feel like I would have to recuse myself if I was analyzing work product by a fellow Commissioner in that context, like six months from now or a year from now, and so I think that that raises issues.

Edwin Prather: But (2) I know from having to go out and look for investigators how difficult it is to find investigators who are willing to do this work, and so I thank Mr. Gage for being willing to step forward, and others, and one group withdrew their proposal. But maybe someone can answer for me why we're not considering using the Mason Investigative Group for this.

Edwin Prather: They are doing other work for us. They are an approved vendor. They're doing an audit and investigation. We've not asked them, no one asked them, but they're qualified and I just... I think there's an answer there that it just seems like we are missing on this, that they would seem to be available to do this work, and I'm just offering that. I'm not, like you said, Commissioner Harris, I'm not on this Committee, frankly, a lot of this happened when I was out. But in terms of if the will of this Board is to do this, then to me the solution is to use the investigator we've already got hired, and not try to reinvent the wheel, and that's just...

Regina Jackson: As I understand it...

Ginale Harris: But can I answer because I'm on the Committee, please?

Regina Jackson: Go ahead.

Ginale Harris: I was told that Mr. Mason could not investigate the Bey case because he was already contracted for something else for us. I was told that, and I didn't believe that, but I was told that. But you see this is the kindness shenanigans I'm sick of, and it's going to make me lose it, because I'm tired of it. It's like we don't have legal counsel, and then what we got up here is not helpful, so why even bother.

Ginale Harris: It's like we need help. So now I'm going to call on the community. Everybody on TV, on [PayTop 03:45:10], whoever can see me, I need legal counsel. Somebody step up please. I need legal advice on the way that we're moving with this. I agree. I felt like we should've used the same investigator. That was my thought, exactly.

Regina Jackson: So to your point... Well, to Mr. Prather's... Hold on, just a sec. To Commissioner Prather's point, what I understood was that the people that stepped forward and those that were approved, received by the base because they wanted to have some input, those two... there might've been three names at one point, but it was Oppenheimer and it was Gage, and so that's why at least then we did not consider Mason because that name wasn't put forward. Okay? No. That's not true. That's not true.

Speaker 18: Chair, Jackson?

Regina Jackson: I do not believe that Mason was put forward to cover Bey.

Speaker 18: Mason was put forward...

Mr. Bey: Can I say something on the Bey case, please?

Regina Jackson: Okay. Go ahead.

Mr. Bey: Just let me put that in there. First of all, and we categorically are against Mr. Mason touching our case. So let's table all of that, right? I'll find somebody else if that's what the case is. The second thing I wanted to talk about and to point out about shenanigans. Now we haven't heard from Thomas Smith. He'd been sitting up here for the last three, four meetings or whatever it is. Not a peep. But this, he has to say something.

Speaker 19: SB 1421.

Mr. Bey: He has to say something, right? He has to have input on this. Oh no, this is terrible. It could be a conflict. I want to look out for you, Mr. Bey, or whoever it is, but you really are shill, and you are shilling for the City Attorney's Office in Antioch, which you are, and you defend police officers. So how can you be defending police officers during the day in another city, and over here you're defending the community. You can't do it, and so that's why you popped up, and now you're saying something. That's for you.

Mr. Bey: Then Mr. Prather, we already asked you, Mr. Prather, you have a history, and we can look at all of the shenanigans that you've been through, kicking the can down the road, always have something to say, always something that you know: well, there's this, this, we just can't move forward because there's these little... everything about our case: Mayor's appointment, Mayor's appointment. All right, so I would just ask that number one, Tom Smith who blocked it, and it's

been proven that you blocked it, that you've blocking community justice all the time that you was the Chairman, stay out of this, because you blocked the investigation all last year when you were the Chairman. So you really should recuse yourself.

Mr. Bey: Mr. Prather, you admitted that you were wrong all last year about us, and then you found this epiphany and now you are, you know that our justice needs justice. That disqualifies you because you wasted all of our time, and now that a White person has caught up with the truth, we should now take your word as an authority, ain't going to happen.

Mr. Bey: The issue being we would rather have a thorough investigation, if we need to find somebody who's not going to be conflicted, who's going to get in their wholeheartedly. We ain't asking for... we don't want anybody who is not going in there to investigate this to find what we know is there.

Regina Jackson: Mr. Bey, I thank you for that commentary, because I think that is the precise issue. If Mr. Gage thought he had the time to do a thorough investigation, which at this point we are not sure. I mean I'd be... I'd be voting for it if he says he feels comfortable, but it sounds like he doesn't. If you can come with some more options then we'd be happy to consider them.

Mr. Bey: Yeah, we would be happy with Mr. Gage even starting this to get... to find that there's a there, there. He doesn't have to do it, but just because these other Commissioners are now talking about he should recuse himself and that they're going to cause something. We're going to step inside of that and then just ask Mr. Gage to step aside, because obviously he's conflicted inside his own self.

Mr. Bey: Not just what we're saying here, but just listening to it in his own voice, and we definitely want somebody who's going to go in there like a pit bull. We need a pit bull on this who's going to do a racial and religious enema on OPD.

Regina Jackson: Mr. Bey, we will put this on the next agenda in hopes that you'll be able to provide us at least another investigator to consider.

Mr. Bey: Very well.

Regina Jackson: Because we do want to move this forward.

Mr. Bey: No, very well.

Regina Jackson: Okay. Thank you. [crosstalk 03:49:54]-

Oscar: If I can just produce some insight about-

Regina Jackson: Hold for one second. Commissioner Anderson?

Tara Anderson: Just, I believe this falls within the scope, given the ordinance that changes our ability to vote on any sort of contracting that we need to expedite the provision of that training so that by the next time this matter comes before us, we are able to take a vote.

Regina Jackson: Okay. That's a good reminder. I will follow up with the City Administrator's Office. I had inquired before we actually had the last meeting in anticipation of the Probation and Parole Policy as to how soon we will be able to receive training. Because one of the things that the City Attorney's Office had been real clear about is that there is potential termination of your Commission position if somehow you do something wrong with this vendor responsibility and role. Of course without training we may not know what might be wrong.

Regina Jackson: Now to you, Oscar, thank you for waiting.

Oscar: Sure. No problem. I didn't sign up to speak actually. So you're being quite generous. I just wanted to give a brief insight of what conflict of interest is on a Commission. Now, the Planning Commission, which is an appointed commission, one of the people on the Commission is the architect for the Kaiser Civic Auditorium, which has been voted on numerous times for the past two years, and he just recuses himself and steps out of the room. It's not like you can't... it's a very easy thing and it's not a big deal.

Regina Jackson: Okay. Well, thank you very much... Would you please fill out a speaker card though on the back end? Okay, thank you.

Regina Jackson: Mr. Gage, I think we all heard, I think Mr. Bey heard that they'll need to move forward in that way, you're taking out of what could be an uncomfortable and a sticky situation. Again just like Vice Chair Harris suggested; we appreciate it that you were offering your services, and I'm sure that you would have done an outstanding job. Okay, so thank you for that.

Regina Jackson: It sounds like there are two follow ups. One on my part, and I will send off one way email once I get an update from the City Administrator's Office as to how quickly we can all sign up for the vendor training, and that gives Mr. Bey enough time whether we meet on the 8th or the 22nd, my likelihood would be the 22nd, it just gives that much more time because I do not know how quickly they can get their act together. So I'm going to move that we table the Bey Case Review to our next meeting, whichever date it is.

Regina Jackson: May I have a second?

Female: Second.

Regina Jackson: Okay.

Female: [crosstalk 03:53:00].

Regina Jackson: I'm sorry?

Female: [crosstalk 03:53:04].

Regina Jackson: Oh, I'm so sorry. Yes. [Ms. Asada 03:53:07]? I'll hold my motion. Please, step forward.

Ms. Asada: Okay. Love life, love Black people. Even Ray Charles can see what's going on. I sit here and I've sat at the Citizens Police Review Commission when Mr. Bey tried to get justice and nothing happened. I'm not worried about it because Mr. Bey not going nowhere. He's going to be back here. He's going to deal with this. He's going to deal with this. He's going to deal with this, and doesn't matter who sits up here and try to divert, tries to stop it.

Ms. Asada: I'm sitting here, I can see that y'all trying to stop it. Not just this time. Every time he comes up here, you always got something to say that: we think you're dumb and you don't know what you're doing. I know exactly what you're doing. Both of you, we should name Prather and Smith, you're trying to stop this Black man from getting justice for his family, and I'm going to say it, and all that... all that speech and about: we've got to all work together, it's all of us together no matter who we are, no matter what color it is. Please.

Ms. Asada: Most of the time and every time, I don't see nobody but Black people coming up here talking about I need Black justice, so I'm going to come back here with Mr. Bey, I'll be back here every meeting with you, brother, from now on. I don't usually come to every meeting, but I'm coming to every meeting, and when this issue comes up I'm going to speak up, and I'm going to call out anybody who tries to stop it. I just called out your name, Prather, and I called out your named Smith. You're trying to stop Mr. Bey from getting justice.

Regina Jackson: This will be on the next agenda and my follow up to the Commissioners will be when we can expect to receive training and how you all can sign up to do it. Okay?

Regina Jackson: We're going to move forward to OPD's Use of Force Policy. Commissioner Anderson I know that you have kind of been out on front on this, did you want to... Oh, I guess we've got Deputy Chief Armstrong who is going to talk to us.

Dpy. Chief Armstrong: No. I think this was put on for a clarification regarding a Special Order 9196. I think Commissioner Anderson, I think this was... Is this in response to request for us to continue to further work on the Use of Force Policy? In the future, she asked that when we approved 9196 to move forward that we would then come back and talk about a timeline for moving forward on the conversation about the overhaul of the actual Use of Force Policy; making sure that there wasn't a delay because 9196 was approved, that we would not delay the Ad Hoc Committee to move forward with discussing further about the Use of Force Policy.

Regina Jackson: Okay, so I am clear that those that had requested or made interest in the Excessive Force Policy are: Commissioner Harris and Commissioner Anderson. I offered to be a third and we have not yet moved forward on this outside of the special order, which was a different group of people. So that's how we'll move forward.

Regina Jackson: Commissioner Anderson... Huh?

Ginale Harris: Can I say something, please?

Regina Jackson: Commissioner Harris.

Ginale Harris: I need people to start looking at these tapes because I'm... it's on now, because everybody forgets up here, and it's like we already voted on a Ad Hoc Committee for this policy. Now, I don't think you were here. I don't know. I don't remember. But I am going to go back and look at the tape.

Ginale Harris: Yeah, she was, this was recently, we just did this right before I left to Thailand. We just did this, so I'm going to go back and look at the tape, but everybody needs to start looking at these tapes, if you don't remember, because it's starting to become troublesome. People want to sit up here but they don't want to do the work, and I'm it over it, over it. So, I, too, I'm going to start calling out.

Regina Jackson: Commissioner Anderson?

Tara Anderson: I don't recall the formal assignment by the Chair to the Ad Hoc Committee specific to a Use of Force Policy. I do recall being assigned by the Chair for the Special Order that we approved previously, and if there was an assignment made, I still was doing work behind the scenes. One of the key reasons that I wanted, and put my name before the select committee, selection committee, was to be able to work on something just like this.

Tara Anderson: I did share with the Commission as a whole a draft overview of a proposal for activities and timeline through which we would be able to successfully revise the Use of Force Policy. That wasn't made available for the public today. It does give an opportunity for me to refine it further and have it available for everyone, including the public, at our next meeting in August.

Tara Anderson: There, I'm proposing a timeline where we would engage researchers throughout the month of August, that we would initiate community outreach for two community forums that would take place throughout the fall.

Tara Anderson: Also engaging alternatives so just in-person meetings, kind of cultivating what technology solutions might be out there, recognizing that individuals aren't necessarily going to show up for a formal meeting setting for various reasons. Looking at first draft round edits being published and made available in December meeting of this Police Commission, and then continuing through the

draft revisions in January. Part of what learning I was doing behind the scenes is really understanding more about meet and confer and how it can be initiated, and trying to factor that into any timeline.

Tara Anderson: In my preparation for today and knowing that this was on the agenda, I really wanted to emphasize three different areas that I think are important. To me they fall under: principles, process and just very specific policy reform. I think with principles, it's very clear and has been reiterated over and over again.

Tara Anderson: We need to lead this conversation with race; and why lead with race, what do I mean by that? With the recognition that the creation and perpetuation of racial inequity has been baked into government and that racial inequities across all indicators for success are deep and pervasive, especially for the African American community; we know that other groups of people are still marginalized, including based on gender, sexual orientation, ability to... and age, but focusing on racial equity provides the opportunity to introduce a framework and tools and resources that can be applied to other areas of marginalization.

Tara Anderson: I think those of us, me, who isn't Black, I have privilege, literally and figuratively. I can walk away from this room and into my home and I can leave certain things behind. That is not true, and it is very much exemplified in the perils experienced by Black people in America. To be in greater solidarity with one another, we must engage in personal and political development, particularly those of us who benefit from race, class, heteronormativity, and all other forms of structural power.

Tara Anderson: This is why I suggest, in terms of principles, we lead with race. I think that we need to assess any change to any policy, but especially use of force must be assessed through a racial equity lens. We must amplify the voices with lived experience. We must take a humanizing approach that also acknowledges that our law enforcement are human beings, we must acknowledge the past harms and government responsibility to repair that harm and reform our systems.

Tara Anderson: In terms of process, I want to make sure that we're community informed and community driven, that we're data driven and evidence-based in our recommendations. In terms of specific elements of reform, I'd like to see revisions to the bending, choke holds and stranglehold, all of the different languages they have around the holds, requiring warning before shooting a person, restricting, shooting and moving towards moving vehicles, and deploying police dogs, and the kind of classification that allows that use currently.

Tara Anderson: The other piece that I think is important, and I just came to know it because of representing the search policy before City Council. On that same agenda as a consent item was a grant received by Oakland Police Department for post-training, for use of force curriculum development. This is a three-year grant period that already has started, and so any work around that should be stalled,

clearly, until a new Use of Force Policy is developed and an appropriate curriculum funded through this grant would happen.

Tara Anderson: It's my understanding this grant is funded at \$200,000 and with some set asides associated with administrative costs. I appreciate that this was on the agenda for us to talk about, again just more broadly, I look forward to working as a part of Ad Hoc, and I know other members have been doing their own work in this area and are equally, are more passionate about being involved in these revisions.

Regina Jackson: Thank you, Commissioner Anderson. So to DC Armstrong's point, I do not remember creating an Ad Hoc specifically for the Excessive Force Policy, but more so for the Special Order. So right here and now I will create that Ad Hoc. It will consist of Vice Chair Harris, Commissioner Anderson and myself.

Edwin Prather: All right. I will speak again. I don't see this as an agendized item for creating an Ad Hoc Policy... or Committee I should say. I'll just warn you that you could be in consequence for violating the Open Meeting Laws if you were to do that tonight.

Regina Jackson: Thank you. As the Chair, I'm going to take that point of privilege. Thank you.

Regina Jackson: Are there any other conversations around the Excessive Force Policy? Otherwise the three of us will get together and start shaping the move forward. Okay.

Regina Jackson: The next item is meeting... Oops.

Speaker 20: [crosstalk]

Regina Jackson: I'm sorry. I have speaker cards from Selene Bey, and Ms. Asada.

PART 7 OF 8 ENDS [04:05:04]

Speaker 21: [Saline Bay 04:05:04]. I would encourage the commission when looking at a use of force policy to be open to the community, helping you with definitions just as Commissioner Anderson was talking about is very important because from our perspective what you say is a use of force, just like a person who prior to down in ready is not use of force, but you've got your hand on a gun and it's out of your holster. That's a use of force in our community. Another use of force is when undercover operations use illegal weapons as a tactic. As you track illegal weapons and they are hurting our community, if you know there's an illegal weapon, know where to find it and don't interdict it, anything that happens after that is a use of force on our community. Every time that gun is used inside our community is a use of force.

Speaker 21: There's no accountability for that. And I speak to that from a very specific personal point of view because in discovery we found out that the police

department knew shooters in our community had access to illegal weapons and did nothing about it. Not only did they do nothing about it, but they also helped arrange for multiple concurrent bails. They closed cases for these people to keep them on the street like the 63 days. This ain't the first time I said 63 days, right? And I showed you the picture of my brother's car all shot up. I also told you that those same weapons came back and killed civilians, Michael Wills and Odell Roberson and Chauncey Bailey, who was writing a story exposing the police department for helping the shooters, which was all covered up, right? This is why I'm still standing here, but the use of force, there is no tracking a use of force when the police use illegal weapons as a tactic inside our community.

Speaker 21: And you'll find in our case that is a use of force that resulted in multiple collateral murders, violence in our communities, people shot up, family members. [inaudible] person, my brother who was up here speaking, was shot up by guns that OPD knew these people had and we're helping them. That's a use of force against my brother and my family and the community so let's make sure that becomes a part of it as well as other people's perspective because I'm missing something. I'm just telling you what my personal experience is. But there are many, many more personal experiences about use of force that goes beyond just the ready position, pulling a gun and pointing at it or anything like that. Thank you.

Miss Assad: Thank you. Love life. Love black people. Racial profiling. Let me start off by giving you the latest demographics of the city of Oakland just a few weeks ago that came out. Race makeup. Oakland is currently 37% white, 24% black, 17% Asian, 15% other race, 7% mixed race, less than 1% native American, less than 1% Alaskan native. Now when you say especially African Americans, what other race group I just ... is involved in use of force in this city? what other group, a racial group, has an issue with use of force besides black people? You said especially African Americans, so I'm asking your question through the chair. Ms. Anderson, you made the statement. What other group? What other racial group has been identified with having use of force issues with the police department?

Tara Anderson: Well, we've seen in the data before us is that Latin X communities are also more highly targeted-

Miss Assad: Excuse me. I didn't hear you. Who'd you said?

Tara Anderson: Latin X communities.

Miss Assad: That is not a race group. Any one of these groups could be Latin X. That's an ethnic group. We are talking about racial profiling. Going back to use of force, and I'm going to keep coming up with this issue because you try to underestimate what's going on with black people in this city by saying things like, "Especially African Americans." There's no other race group. Latin X can be any race group. They got black Latin X, they got Asian Latin X, they got white Latin X. Anytime you have a police department, who reported last year, that use

of force is going down. It's going down. Then you have a report by Warsaw that says they've been misrepresenting the reporting of the data. Anytime you have a deceptive reporting system, you have a policy and you have a deceptive group of people reporting use of force. The policy is not the issue. It's the implementation of the work that needs to be done. And right now we have a police department who tried to use deceptive methods of reporting use of force. No matter what policy you have that hasn't been corrected.

Regina Jackson: Thank you. We'll move forward to Item 13: Meeting minutes approval. We have meeting minutes from closed sessions on February 4th and April 25th. Commissioner Anderson?

Tara Anderson: I will abstain from this item as I was not present for either of these.

Regina Jackson: Okay. These drafts are very brief. If we can go ahead and take a look so that we can vote. Here. You were a chair once and then I was.

Regina Jackson: Oh, my goodness. My phone died so I didn't realize that we were at 10:44. I'd like to accept a motion to continue to 11:00 and see if we can't get this agenda finished.

Speaker 22: I make a motion that we go to 11:00.

Regina Jackson: Is there a second? There is a motion on the floor to continue the meeting until 11:00.

Thomas Smith: Second.

Regina Jackson: It has been seconded by Commissioner Smith. Has everybody had a chance to look at the drafts? Okay, I'd like to accept a motion ... Oh, hold on.

Speaker 23: [crosstalk] comment on the motion to continue the meeting and then we vote on them.

Regina Jackson: I have no public comment for Item 13 so may I can accept a motion to approve the minutes of February 4th?

Thomas Smith: We made a motion to continue the meeting. Just all in favor.

Regina Jackson: Oh, I'm sorry. Let's do a roll call to affirm the motion that has also been seconded to continue the meeting. Commissioner Ahmad?

Ahmad Mubarak: Aye.

Regina Jackson: Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: No.

Regina Jackson: Myself? Yes. Commissioner Smith?

Thomas Smith: Yes.

Regina Jackson: Commissioner Prather?

Edwin Prather: No.

Regina Jackson: Okay. And the motion passes. Now we'll go to Item 13. Meeting minutes approval. We have to brief ... uh oh, Commissioner Dorado looks like he's ready.

Jose Dorado: I'm ready. I move that we approve both Item 13 A and B.

Regina Jackson: We need to them separately.

Jose Dorado: Okay. The special meeting of February 4th, 2019, I move that we approve that.

Thomas Smith: Second.

Regina Jackson: Okay. It's properly moved and seconded. We have no public comment on this item. Can we vote to approve? Commissioner Ahmad?

Ahmad Mubarak: Aye.

Regina Jackson: Commissioner Dorado?

Ahmad Mubarak: Aye.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Abstain.

Regina Jackson: Commissioner Harris?

Ginale Harris: Abstain.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Smith: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: Abstain.

Regina Jackson: And motion is approved. Can I accept the motion for the minutes of April 25th?

Edwin Prather: You can. I move that we approve the special meeting of April 25th, 2019.

Regina Jackson: Thank you. Is there a second?

Ahmad Mubarak: Second.

Regina Jackson: Thank you, Commissioner Ahmad. There is no public comment on this item, so we will move to vote. Commissioner Ahmad?

Ahmad Mubarak: Aye.

Regina Jackson: Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Abstain.

Regina Jackson: Commissioner Harris?

Ginale Harris: Abstain.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Smith: Abstain.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: And motion passes. We will move to Item 14: Police commission retreat. We have determined that the retreat will be held September 14th. I have been looking into places for the retreat to be held. I can share them separately. We don't have to identify it today. Did you ... Okay, so the ones that I looked at were Emeryville and Berkeley, so they're not too far away and I wrote them down and I'm trying to find my notes. Emeryville, Hilton Gardens, DoubleTree Berkeley Marina, Shattuck Hotel Berkeley. If you all have any thoughts one way or the other, would you just email me? Okay. Say again. Commissioner Prather?

Edwin Prather: Thank you, Madam chair. I mean if we're going to spend money on a hotel space, it would seem to mean that we could rent rooms or space from like a nonprofit like in East Oakland that deals with youth or some other ... that's probably a conflict, but at least some other type of community organization that's in town as opposed to going to a hotel in Emeryville and Berkeley.

Thomas Smith: I like that idea as well. I mean the idea that we could, ... especially sort of reinvest the money back in that community by renting a space that is community service type space, that would be awesome.

Regina Jackson: Commissioner Ahmad?

Ahmad Mubarak: I would like to know why do we always keep having a meeting to have a meeting? And I'd also like to know what is the retreat for?

Regina Jackson: The retreat was actually initially put forth by myself in order to help us identify norms for the commission, kind of getting to know each other, but more so to identify a plan moving forward. It's an opportunity for us to work on identifying the items that we really want to prioritize, how we want to approach them so that we can use some focus time and get some things done. The master plan, which hopefully will come out of that, will be a way forward, a path, so that we're not just looking at each commission meeting, but really looking at it in a spectrum of a larger overview.

Ahmad Mubarak: Yes, I understand what you're saying but you know we, like a lot of people say, I've been here since October. My term is up in October. Two years and we still don't have an attorney. I'm one of the first ones that said that this whole commission was a kangaroo commission and so far it's proven correct. And we just wasting time and money and it's like I'm not for a retreat or anything that's going to take up any more of my time other than the time that I already have to come here.

Regina Jackson: Okay, Commissioner Ahmad. I can certainly respect that. But one of the reasons that I reached out to you about the retreat was because you have a singularly unique perspective. I think that your perspective has been on point when we did the homeless hearing. It's been on point in so many areas and because we haven't yet gotten to a racial profiling hearing, what I really was hoping for was that your voice will be amplified in the space of that retreat. Now, I am happy to sit with you separately if you don't have the time to come to the retreat, but I do counter or challenge the fact that we've gotten nothing done. I'm here to say that this probation and parole policy, which is a first of its kind in California, that's what you all did, okay? The bear cat, that's what you all did. What's coming down with excessive force, that's what we going to do too. And we just hired an executive director who I have confidence in that can help us shape a different kind of relationship with the police whether they like it or not. That's what we've done together.

Ahmad Mubarak: And I understand that. I don't want to be shortsighted and just say we haven't done anything but have a meeting to have a meeting. But basically we have. And now what I'm saying is my tour's up in October. I've already been replaced, obviously, and that's fine. But I wanted to just say this while I'm on the mic too what Miss Assad said and earlier. Living here and it's 2019 and we still talking about police brutality and hoping we don't get shot or beat up and all like that. But even worse than that, I agree with what she said and I know I'll get a lot of haters, but I also agree with Mr. Dorado, what he said earlier, we all do have to work together, but I refuse to be made a fourth class citizen like they do blacks in Brazil, in Cuba and in all these other countries around the world.

Ahmad Mubarak: You can look at the young brother A\$AP Rocky right now. He had a fight. He's still in jail and a dude that was white last year had a fight in the club and had cocaine and he got released. It's a big disparate treatment to black people. I hate to say it because I could go even further than she's going about it because like I say, I feel it every day.

Regina Jackson: Mr. Ahmad-

Miss Assad: Point of clarification.

Regina Jackson: Yes, Miss Assad.

Miss Assad: Speaking about the issues around black people in this city has nothing to do with working together. There's nothing to do. You're saying when you talk up and talk about what's going on with black people in the city, it has something to do with working together.

Regina Jackson: Those were not my words.

Miss Assad: What kind of stuff is this? I don't want to have an answer. I'm talking to myself. I don't need an answer. That's trickology. That's trying to diminish the effort to speak up for black people. When you say there are problems going on in this community related to black people and then you come up with some stupid stuff about, "Oh, we got to all work together." Believe me, I've been around too long. I know trickology when I see it. I'm not getting off of that podium. I'm going to talk about the needs of black people.

Regina Jackson: Thank you. Commissioner Ahmad, I can respect that you feel like things are moving too slow. I can respect it all. And let me say to you, as having been here as long as I have, 50 years in Oakland, and working in deep East Oakland for 25 years, every time I get a notification from Chief Kirkpatrick that somebody's dead, usually it touches one of my families, okay? But the reason I joined this police commission is to try to keep my family safe, is to change policy, is to speak up for those who can't speak for themselves.

Regina Jackson: And so if I think that a retreat is going to help us move faster together, I mean it's been an uphill climb for the last two years. But I do think that we have something to show for it. Not going to try and push that down your throat. If you don't want to come it's okay. But I think your voice is important. I think everybody's voice is important. But you have a different experience from Mr. Smith. You all are both black men, but you have a set of different experiences and we need to hear your voice. Now, we need all of that. We need all of that. But I think that if it's okay with the rest of the commission so that we can try and move through the agenda, I am going to send you screenshots or links to the three places and I will also send the West Oakland Youth Development Center, I'll send East Oakland Youth Development Center, but you can't pay us to come. I mean you can't pay to come to us, but we will host you if that's what you want.

Ginale Harris: Can I say something?

Regina Jackson: Yes, Commissioner Harris.

Ginale Harris: I live in East Oakland and I don't want to have a retreat in East Oakland. I want to get out of East Oakland. That's what I would like to do. Everybody is speaking on my behalf and I'm sick of it. I don't want to hear it anymore. Everybody knows what's best for me and my sons. I have five sons that I ... and you know, Commissioner Ahmad, I totally respect you but it hurt me when you said we ain't doing nothing. Okay, well you ain't doing nothing because I sit at home-

Ahmad Mubarak: [crosstalk] I have five sons also.

Ginale Harris: But I'm doing the work. I'm doing the work. I need to clarify that I stay at home every night and I write and I write and I write. I don't know what you do but I do. This work is important to-

Ahmad Mubarak: I'm not going to waste no more of my time.

Ginale Harris: You don't have to waste none. Well, quit.

Ahmad Mubarak: I'm not going to quit.

Ginale Harris: Of course you ain't. You're going to sit up here and do nothing like you always do.

Ahmad Mubarak: Like you always do. I'm the one that [crosstalk 00:21:10].

Speaker 22: Excuse me. I would like to ask the Commissioners-

Ginale Harris: Well, you don't do nothing.

Regina Jackson: Commissioner Harris, come on. Okay, so we are now going to bring it back, okay? You're going to let me know if you can make time for the retreat later. We will decide on where we want to be and then we will report out at the next meeting, okay? We are going to move forward to our August and September meetings. Commissioner Harris has reminded me that according to measure [LL] we do need to meet at least once a month. We had talked initially about having an August recess because there were several people that weren't going to be here for the August 8th meeting.

Regina Jackson: What I'd like to do right now is take a poll of who can be here for the August 8 meeting so we know whether or not we have a quorum and if we prefer to have the meeting August 8th or if we prefer to have the meeting August 22nd. I would like to get an indication right now because-

Thomas Smith: Just one question how do we know which one we have more people for?

Regina Jackson: I'm getting ready to ask. Okay, so I am clear that for August 8th Commissioner Anderson, myself, and Prather cannot be here so what I want to understand is whether or not we might have a quorum without the three of us. Commissioner Ahmad, will you be able to be here for August 8th?

Ahmad Mubarak: No.

Regina Jackson: Okay, so Commissioner Dorado?

Jose Dorado: Yes.

Regina Jackson: Commissioner Harris.

Ginale Harris: Yes.

Regina Jackson: Commissioner Smith?

Thomas Smith: Yes.

Regina Jackson: And then alternate Commissioner Brown?

Chris Brown: Yes.

Regina Jackson: Okay. We need five and that's four so August 8th- Pardon me?

Tara Anderson: We only need four.

Thomas Smith: No, five. It's five.

Regina Jackson: We need to have five, yeah. It sounds like August 22nd is going to be the meeting.

Ginale Harris: Can I?

Regina Jackson: Commissioner Harris.

Ginale Harris: I remember when we first did Robert's rules of order and we came up with rules in regards to attendance for this commission and we have not enforced any of those rules. And so today I'd like the rules to be enforced.

Regina Jackson: Okay.

Ginale Harris: You can say no. You can say no, but say it in public. Say no.

Regina Jackson: Okay, I'm not sure what you're talking about rules enforced. Several people have vacations planned.

Ginale Harris: Vacation is fine. Vacation is fine. But again, we have ... it says that you can only miss a certain amount of meetings, right? And nobody's following that. You and I have had that conversation.

Regina Jackson: Yes.

Ginale Harris: Nobody's following it. And it's like if we don't have a quorum when we got business to do, it's like ... and then you want to complain how we aint doing nothing. It's like-

Regina Jackson: Okay, thank you, Commissioner Harris. Commissioner Ahmad?

Ahmad Mubarak: Commissioner Benson missed the first 10 or 12 meetings because she was teaching a class. Now you want to enforce rules. I don't care. I'll come when I come.

Regina Jackson: Okay, so here's the point. I'd like to keep us all on track. We will have a quorum for the August 22nd meeting. Therefore we're going to talk about that and then secondly, because most of us are going to be at [NAYCOL] in September, we need to cancel that September 26th meeting.

Ginale Harris: Can you announce who's going?

Regina Jackson: Oh, certainly. Myself, Vice Chair Harris, Commissioner Dorado? Yes? No? Maybe?

Jose Dorado: It's a maybe.

Regina Jackson: Commissioner Prather is going so I think it's the ... potentially the four of us or three and a half. Commissioner Ahmad?

Ahmad Mubarak: Hey, you know what? I don't want to go sit in a room with a whole bunch of police chiefs that's letting people get away with murdering our people, shooting them in the back-

Ginale Harris: Quit.

Ahmad Mubarak: Getting away with not charging people-

Ginale Harris: Quit.

Ahmad Mubarak: For a simple murder. I don't want to go sit in a room with a bunch of police chiefs.

Regina Jackson: Commissioner Ahmad, okay, thank you. What I'd like to accept is a motion to cancel the September 26th meeting and the August 8th meeting.

Jose Dorado: Second.

Regina Jackson: Okay, so it has been moved and seconded and we have Mary Vale who is not here. That's the only public comment for that item. Can I take a vote?

Ahmad Mubarak: Aye.

Regina Jackson: Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: No.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Smith: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Motion passes. Our meeting in August will be August 22nd. September 26 we will not have a meeting due to our attendance at the NAYCOL meeting. I think that since it's 11 o'clock can we table the liaison commission reports and agenda setting please? Okay. Can I accept the motion?

Ahmad Mubarak: Second.

Regina Jackson: Okay, I'm moving and it's been seconded by Commissioner Ahmad. We had public comment from Mary Vale who is gone. Miss Assada, did you want to make a ... And Miss Assada is waving me off so now we will vote. Commissioner Ahmad?

Ahmad Mubarak: Aye.

Regina Jackson: Commissioner Dorado.

Jose Dorado: Aye.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: No.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Smith: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Motion passes. I will accept a motion to adjourn please. No we're tabling both of those.

Edwin Prather: Move to adjourn.

Thomas Smith: Second.

Regina Jackson: Okay. We have no public comment. That has been properly moved and seconded. We will vote. Commissioner Ahmad?

Ahmad Mubarak: Aye.

Regina Jackson: Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Smith: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: And we're going home. Motion passes. Good night everyone. Thank you.

PART 8 OF 8 ENDS [04:32:56]