



OAKLAND POLICE COMMISSION MEETING TRANSCRIPT

July 9, 2020

- Regina Jackson: Welcome everyone to the Oakland Police Commission meeting of July 9th. It is 6:31, and we are going to call the meeting to order. I know that we've had to ship some commissioners and get them inside to the meeting. So give us just one or two minutes to make that transition. (silence) Okay. Hopefully, one of our other commissioners will join later. We'll go ahead and call the roll. Commissioner Prather?
- Edwin Prather: I'm here, chair. Thank you.
- Regina Jackson: Great. Thank you. Oh, and Commissioner Harris?
- Ginale Harris: Here.
- Regina Jackson: Very good. Thank you. Mr. Gage?
- Henry Gage, III: Here.
- Regina Jackson: Thank you. Mr. Smith?
- Thomas Lloyd Smith: I'm here.
- Regina Jackson: Excellent. Thank you very much. Alternate Commissioner Jordan?
- David Jordan: Here.
- Regina Jackson: Very good. Thank you. And alternate Commissioner Brown?
- Chris Brown: Present. Excellent. We have two excused absences, commissioner Anderson and commissioner Dorado, and we do have a quorum. I am here as well. We do have a quorum. Thank you all. Mr. Rousse, if you could advance the slide for me, please. Thank you very much. So at this time, I'm going to turn over the call to you for the open forum public comment. Mr. Rousse.
- Juanito Rus: Very well. Thank you, chair. At this time, if you wish to speak in public comment, make... If you wish to make a public comment in open session, please raise your hand in the Zoom queue and you will be called on in the order in which your hands are raised. At this time, I am going to call the first speaker in the queue, it's listed as Megan Stefan. Hello, Megan, can you hear us?
- Megan Stefan: I can hear you. Can you hear me?
- Juanito Rus: We can hear you. You have two minutes.



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- Megan Stefan: Hi. I just wanted to say that as today is July 9th, I'm looking forward to hearing Interim Police Chief Manheimer to do list for the Oakland police department, what she thinks can be improved. I also wanted to thank Chief Manheimer for sending along the desegregated number of calls. I'm hoping that during the meeting, we can hear more about what on view means and I just officially on the record for the commission to recognize that at least 24% of all calls for service that OPD is receiving seem to be related to traffic and/or vehicle regulations.
- Megan Stefan: Finally, I wanted to say that when I began coming to these meetings, I wasn't that familiar with the work of the commission or what it does. I think that you all have done a fabulous job and that this new use of force policy amendment, that's within the agenda is really an improvement and I hope the city council passes it. I'll yield the rest of my time.
- Juanito Rus: Thank you. The next speaker in the queue is Lorelei Bosserman. Hello, Lorelei, can you hear us?
- Lorelei Bosserman: Sorry. Yes. I'm calling on my phone and had to figure out how to unmute. Can you hear me okay?
- Juanito Rus: We can hear you, whenever you're ready.
- Lorelei Bosserman: Thank you. I want to express my appreciation to the police commission. You've taken a lot of heat lately and I don't think people understand how much you've accomplished. You have actually fired officers. You have actually changed policies. There's a policy that is revolutionary, that is in place now, that officers have been trained on. And if they're not following it, someone can submit a complaint and face your discipline again, potentially if the police chief doesn't discipline them adequately.
- Lorelei Bosserman: And you've had to do this with constant obstacles set in your path. So most people have no idea how hard your job has been and how much you've done. So I just wanted to take a minute to say, I appreciate you. Thank you for your work. And I also want to say specifically that I appreciate Commissioner Edwin Prather, who has done phenomenal work. And most recently he's pulled together, in a very short time, improved language on asphyxiation and I really appreciate that. Thank you, Commissioner Prather. And that's all. Thanks.
- Juanito Rus: Thank you. The next speaker in the queue is listed as William Chorneau. Hello, William, can you hear us?
- William Chorneau: Hi. Yes. Thank you very much. I'm looking forward to hearing what Interim Police Chief, Manheimer, has to say. The recent report that came out in the



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Oakland side, where a team of investigative reporters spent a month going over every video and photograph that they could find failed to show any evidence of anything like Molotov cocktails present at the demonstration. And I think the chief owes us either some evidence or an apology.

William Chorneau: I'd also like to speak to the major AA language that's on your agenda. I want to speak in opposition to the paragraph that gives the police piece special powers under exigent circumstances. Exigent circumstances is a rather vague term, it could easily be used, could have been used during the demonstrations that took place over the past couple of months and it would have allowed the chief to throw out the rule book on use of force and it's just totally unacceptable.

William Chorneau: If there are a need for emergency powers and some kind of search situation, it really needs to be circumscribed. Perhaps we could look at it happening if the council cleared an official state of emergency. I'm not sure. But in the current language, it's just far too vague and just gives far too much leeway to the police chief. Thank you very much.

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

Kevin Cantu: Yep. Good evening everybody. I just wanted to say again that I think we should be careful not to let the police chief rope-a-dope us through this process. There's a lot of interesting stuff to discuss. Don't get sidetracked for two or three hours talking about crossing guards again, or armed responses to down the power lines or whatever comes up this week. We need to think about change, our response as a city to COVID-19, the impending financial crisis to climate change, needs to include structural, social justice reform. And I would urge everyone here today to focus on impact. I yield the rest of my time.

Juanito Rus: Thank you. The next speaker in the queue has Nicole Welch. Hello, Ms. Welch, can you hear us?

Nicole Welch: Yes, I can. Good evening? Good evening commission. My name is Nicole Welch. I am here as a union member and an officer of local 21. Speaking on behalf of the two members who will be impacted by your decision tonight. They are employees of the city who are afforded protections under the civil service in our MOU. The add/delete process under civil service is not used to eliminate fill positions of city staff. These employees are facing the threat of losing their jobs with no due process rights in a midst of a worldwide pandemic.

Nicole Welch: This is effectively a termination of two of our members under the guise of a reorganization. What the commission is proposing is illegal and a direct violation of our members' rights. Agency staff, including the members I am speaking of,



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have long complaint of harassment by certain commissioners. In fact, they have been called out in front of open forum and directly threatened. It is a gross case of irony that a commission that was formed to root out corruption and harassment chooses to engage in the same behavior. Employees should not have to endure harassment at the workplace or any form of retaliation, including the threat that results in elimination of their jobs.

Nicole Welch: We recognize the important work of the commission and what you are tasked to do. But local 21 does not agree that you have the authority to eliminate civil service positions. We ask that you could reconsider the action you are proposing to take tonight. Thank you. I yield my time.

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

Alyssa Victory: Yes. Can you hear me?

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

Alyssa Victory: Hi, my name is Elisa Victory. I am speaking to item number nine about the use of force, ad hoc committees, public engagement. I'm speaking as a staff attorney with the ACLU of Northern California. Our organization has agreed to join the ad hoc committee as use of force expert in the revision process. We also will be sitting as a community advisory member to [Raheem 00:14:38], which is going to be preparing the survey that will elicit specific information around use of force policy provisions. We will be giving an update later in the agenda, but I wanted to provide a brief one during the public comment space and to encourage people to comment on anything they would like to see in the public engagement space for the use of force drafting.

Alyssa Victory: Again, we'll be providing more detail in agenda number nine, but the engagement so far will be a survey that is created by Raheem and approved by this advisory council. Now we plan to finalize by next week and attachment number nine to the agenda, showed a bit more of the full timeline that we're hoping to stick with given all of the unexpected things, including COVID that have arisen in this process.

Alyssa Victory: So I want to thank the commission and the ad hoc committee for including ACLU and for undertaking such an important step to police accountability and to police reform. We'll look forward to working with you all and to hearing from you all as Oaklanders and community members. Thank you. And I'll yield the rest of my time.



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

Assata Olugbala: Yes, sir. Thank you.

Juanito Rus: Whenever you're ready.

Assata Olugbala: Thank you, sir. First, I want to uplift Jonathan [Bandabaila 00:16:08] and Maisha Singleton. Johnathan's missing and the debacle of the investigation. Melissa, Maisha, I'm sorry, Singleton, four months before anything was said about her investigation for the purposes of hiding an undocumented immigrant who was involved in her killing.

Assata Olugbala: Second, I want to talk about a black police officer. His name is Julius Green. He's a 30 year old Chicago police officer. And last week he wrote a letter of termination with the membership of the union, for which he was a part of. He wrote the termination based on a union, sending out a directive that said any police officer that would participate in protesting by kneeling or any other capacity, would be expelled. His letter SAID, "Before you will expel me, I will terminate my membership."

Assata Olugbala: He believes that protesters that stand for justice, peace and ideas that are healthy for the community, he wants to be a part of it. He said in his letter that it is a purpose of the policing is to ensure safe and just communities. And you must have a working relationship with police officers. He stands alone and doing this action, but he won't. And he says, "If I need a lawyer, I'll pay for it myself, but I will not eliminate standing with the people who are doing the right thing." Thank you, Julius Givens for standing up for the protesters and standing up for what you believe is right. Thank you.

Juanito Rus: Thank you. The next speaker I'm showing in the queue is Cathy Leonard. Hello, miss Leonard, can you hear us? Cathy Leonard, you may unmute yourself.

Cathy Leonard: Okay. Sorry about that.

Juanito Rus: We have you now. Two minutes, whenever you're ready.

Cathy Leonard: Good evening? I'm Cathy Leonard, Oakland, born and raised, and I'm a member of the steering committee of the coalition for police accountability. So on June 7th, the coalition for police accountability, put the city of Oakland administration and the city council on notice that it must stop closed or bargaining of the civilian oversight of the Oakland police department with the police union, the Oakland police officers association. Should the city refuse this



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request to follow the law, the coalition will go to court immediately to seek redress.

Cathy Leonard: On June 9th, the city council voted on a draft revision to measure LL intending to fix problems encountered by the police commission since it was enacted as section 604 of the city charter by 83% of the voters in 2016. Then following customary, but unlawful procedure, it sent the entire draft to a meeting confer process with the police union. This is a secret process that can give the police veto power over what goes on the ballot. This process violates the Brown Act and the sunshine of ordinance.

Cathy Leonard: The Brown act requires that all meetings of a legislative body be open to the public. This includes any meetings undertaken by the Oakland city administrator at the behest of the council with the OPOA concerning the proposed valid measure amending section 604. Well, there does exist the right of the city to meet and confer with OPOA privately, where such discussions relate to the scope of representation of Oakland police officers, nothing in the proposed ballot measure, amending measure LL, qualifies as a matter pertaining to the scope of representation, justifying secret discussions between the city administrator and the police union at the behest of council.

Cathy Leonard: Basically, the consent decree has been repeatedly ignored by the city of Oakland. If the city, again, chooses to ignore it, we will go to court and ask the judge to require the city of Oakland, the city council, and the union to abide by the terms of the consent decree-

Juanito Rus: Thank you, Miss Leonard.

Cathy Leonard: ... of California's open meeting laws.

Juanito Rus: Two minutes are up.

Cathy Leonard: Thank you. Thank you.

Juanito Rus: Thank you. The next speaker in the queue is Michael Tigges. Well, Mr. Tigges, can you hear us?

Michael Tigges: Thank you. Yes. I will be speaking later on some of the other items, but just at the beginning of the one, should I be called away or whatever. First of all, I want to compliment the commission on its arguous work over the last two and a half years in the face of complete intransigence and obstacles thrown out by the city administration. I read through parts of the auditor's report withdraw, it was more or less a campaign screed for the auditor. And I also enjoyed the rebuttal,



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which called the inaccuracies of that report to task. The commission has accomplished more in spite of incredible hurdles.

Michael Tigges: Finally, I'd like to speak about the reorganization of CPRA. Obviously, it was a body that was essentially transferred from an advisory body that existed before Measure LL was passed. They should be able to reorganize and to have a sort of civil service resistance to maybe changing job titles and alike, seems to me a specious way of just ensconcing or setting up sinecures. And I think everybody should resist that. Doesn't mean that the people will lose their jobs, it just may mean they have to apply for a different position.

Michael Tigges: So I'll be raising my hand later in the hour. And if I don't, I'm not able to stay long enough for the appreciation of Commissioner Prather. I certainly want to put my two cents and to say, thank you for all of your hard work over the years. My guess is the mayor really regrets your appointments. Thank you.

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

Ashley: Yeah, this is Ashley. Can hear you hear me?

Juanito Rus: We can hear you.

Ashley: Okay. Yeah. So my comments, I know it might be a little bit too early, but it's really about the audit report. I agree with the finding that there needs to be more delineation of the duties for the CPRA or the agency and the commission, because it's not quite clear to me about the responsibilities. And I was wondering if they can also address any particular financial interests that both groups might come across. I think it would be good to have that noted.

Ashley: And then further about the agency. Again, I'm not too familiar about the group and what the history was about the replacement, so I think it would be good to have that outlined and as well as understanding the activities that are being tracked with the cases that are being recorded about the OPD. I'm guessing from the website that they manage that and I know that there was an app created around 2018, and when I'm trying to look at the number of cases, I see that the tracking is outdated, because there's only cases listed from 2017 and 2018.

Ashley: So I'm wondering if there can be more of a real time access report, maybe a spreadsheet that can be updated so that people from the public can look easily their cases rather than having to enter manually and look up the report. I think it'd be good to have a transparent report listing out all the cases just like what is currently posted, because right now the published date is November, 2018, and



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I'm pretty sure there's a huge update. And yeah, if we could just get feedback on the tracking, has it improved? Do you know if the public thinks it's easy to use? Because I think the public needs a very easy way to report mishaps that OPD has done.

Juanito Rus: Thank you. Ashley, your two minutes up.

Ashley: Okay.

Juanito Rus: Thank you. With that Madam Chair, I think we've got all of the public comment. I will turn the meeting to you.

Regina Jackson: Terrific. Thank you very much, Mr. Rouse. If you can advance the screen, please. Thank you. So at this time I'd like to bring up Interim Police Chief, Susan Manheimer, for the every commission meeting update.

Chief Manheimer: Thank you, Madam Chair. Can you hear me all right?

Regina Jackson: Yes.

Chief Manheimer: Okay. Thank you. And I want to thank you again for allowing me to provide this... (silence)

Regina Jackson: Chief Manheimer? We can't hear you.

Chief Manheimer: It's better.

Regina Jackson: Yes, thank you.

Chief Manheimer: Okay. Thank you. I'm sorry. All right. Thank you so much as always for allowing me this moment to provide some brief updates from the department. It's greatly appreciated and I hope that it helps. And if there's ever any items you want me to cover in that update, I encourage you and any of your commissioners to please just drop me a line and I'll be happy to include that.

Chief Manheimer: I always start out with our crime stats, as I think, the business we're in is probably the most important piece of the work that we do. It's certainly the focus for most of our patrol force. And I just wanted to bring to your attention, you have the stuffs in your packet. I really won't go over them tonight, as I have four items I want to cover. But I did want to share with you that this has been a tremendously traumatic week for our community. We saw a spike in homicides between June 24th and July 2nd. We have lost seven lives to violence and an additional 21 shootings. The amount of gun crime is just overwhelming and we



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are not alone. There are many major cities across our country that are seeing these sustained levels of gun crimes and violence.

Chief Manheimer: And I'm not sure we've wrapped our hands around it yet. We know and are ascribing a lot of it to renewed group and renewed conflicts with gangs. What it could be, we're taking a deeper dive and looking at. Some of it may be early releases. Some of it may well be just the unrest and the upset that all of our community's going through and we'll be happy to do a deeper dive for you, commissioners, at some point, and bring back a couple of our max on where we're seeing the increased violence, but we are working together with our ceasefire team, our department of violence prevention and our community partners, of course, to try and interrupt this violence, to get on top of where we are seeing these issues and to work forward and are asking our community to partner with us. If you see something, say something. We have violence interrupters out there. We have community based organizations and we have a tip line as well. So please come forward and please know that this is first and foremost in our minds as we move forward in our community.

Chief Manheimer: Secondly, I'd like to bring your attention to the fact and maybe ask if you could, at a future date in September, schedule an agenda as a grand jury response that we are preparing, for a report that came out, I want to think last month, that talked about the 911 communication center. We really acknowledge the report. Previously, our communications division has been low in funding and low in resources and our communications equipment is woefully outdated.

Chief Manheimer: We have a response to this that we're working on. I would like to bring it to your attention and let you review it, prior to it going to city council, just suffice to know that there have been improvements since that review. We are working on our phone system. We are actually almost ready to implement our E to 911 text line to call in for those who cannot safely make that call and to dispatch. But there is kind of a lot of things that we are looking at there. It is one of my priorities to make sure that we, not only respond to the grand jury, but that we do prioritize some immediate fixes in there, as this is the critical system in which our community links to the resources of our department and other city departments. So if you would, perhaps we could bring that back to you in September for a deeper discussion on that if you'd like, thank you.

Regina Jackson: Okay, thank you.

Chief Manheimer: Thank you. My third item is around the crowd control process and timeline. There's been some discussion on it today. There certainly was an Oakland side, deep investigative report guide, some of which may in fact, turn out to be different when we look and review our 2000 hours of PDRD video and all of the video we have from our helicopters and other spotting. But truthfully, and



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honestly we want to take a deep dive and look, ensure that we are doing the right process to hold accountability and to make sure that we have done the right thing in terms of our policy, our training, our approach, our tactics, and also to look at whether or not there should be changes to all or any of those.

Chief Manheimer: So as you know, we don't have a process that we are going through and I wanted to just outline it for you just a little bit. We are doing both an independent assessment with an after action report, with a noted professional, with the police foundation. And we are looking into your Jackson night. I will probably speak with you about this and then bring back sort of the plan of how we're going to do this. But we are going to bring here Enrique Brazil, he is the inspector general of the Sheriff's department in Sacramento County, a former police chief of police foundation fellow.

Chief Manheimer: And our idea to your Jackson is to partner him and embed him with a couple of community members to do a thorough and extensive, independent overview. He was chosen to do the response, the police response after action report for the Ferguson crowd control issues. He reviewed the response and wrote the report for the terrorist attacks in San Bernardino. He actually has done several other really important after action reports and was a member of the St. Louis County police reform initiatives. So I think that he will do a great job. He calls a ball, a ball, a strike, a strike. And the one thing I can tell you about Oakland Police Department is, after these many years of oversight and reform, we welcome, absolutely welcome the feedback, an abridged feedback and look to always improve and make ourselves better. We will have full accountability of our actions and we will have both use of force investigations as well as complaint investigations, some of which are also going to be investigated by the CPRA agency. So, our use of force investigation timeline is generally around 90 days. If you can imagine over that four or five day period in which we saw different events every night, we deployed gas, I think three of those five nights. And we also had other crowd control tactics and we will be looking at and investigating the complaints, the use of forces that we received, and put together this independent after action investigation.

Chief Manheimer: As of our temporary restraining order that we currently have, we did attend a court appearance on Tuesday in front of Judge Spiro, Commissioner Spiro, and the judge asked both parties if we would be willing to go in front of Judge Bueller, the presiding judge has a lot of knowledge and experience of our current policy. She did preside over the original crowd management policy, and a lot of that policy was actually worked on with both the plaintiffs, the judge, and ourselves.

Chief Manheimer: And so, our TRO remains that we can use the gas and other force protection around the critical infrastructure, and that we will meet next Tuesday with



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Judge Bueller. And if we don't come to some agreements there, we will meet next Thursday with Judge Spiros. So, that is where we're going. It's very interesting.

Chief Manheimer: Our city attorney today, in briefing the counsel in closed session, said that there are probably seven or eight other major cities that now have temporary restraining orders as well, as it seems that all of us experienced big surges in violence, looting, et cetera, all use gas, and then that gas was challenged in court. And the temporary restraining orders that David Gareta had actually analyzed from those other departments as restraining orders are actually the ones that are our crowd control policy now.

Chief Manheimer: So, we have hopes that we will come back to you in two weeks with some updates on that. And I will say that we have heard the community complaints, we've heard the community issues. And if you'll notice, we've been lucky that over the last several weeks, we've really had wonderful, peaceful and expressive spirited, for sure, but not violent demonstrations. And we're so grateful that in Oakland, we can have safe spaces and safe places for these peaceful demonstrations.

Chief Manheimer: I've given direction for our officers to stand down as much as they can to let these peaceful demonstrations go on without the police being, in any way, the focus or the flashpoint. And we will continue to respect that and hope that that is what continues. So, I'll be back to you, Chair and Commissioners with an update on that.

Chief Manheimer: And I wanted to share with you, in your packet, excuse me, I included the requests that you, couple of community members, and I believe commissioners had for us last time. And that was a breakdown, a general breakdown of the calls for service, with the type and the number, and then the totals. It is the intent of the city, through the direction of the city council, and also through you, the police commission, and the community that we really truly re-imagine policing.

Chief Manheimer: I will tell you that this department in this chief embrace this, we look forward to it. We recognize the movement, and the moment. I think in my 35 years in policing, I have never seen such a watershed moment as this, and it's my hope and desire, and I think the hopes of many, that we can come out of this with the community policing that this community and this department together agree that should be the footprint of where we are in terms of response within our city with over 2000 calls per day, 500 or more 911 calls, and 50 associated, or so, with mental illness.



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Chief Manheimer: I think we can all agree that there are many of these calls that simply fell to us because we're the only ones that respond out there. And so for our end of this, I think the council is directing that the city administrator come back within about 30 days with a plan of how we will go about re-imagining and really figuring out as a community and as a city where it is we want our police to respond to, what it is we don't want to respond to, maybe at all, and what it is that someone else can respond to with a trauma informed or a community based approach, such as macro [inaudible 00:38:04] as they call it.

Chief Manheimer: So, we will be engaging a consultant, and we will be doing a deep dive on these calls for service to really look at, it's almost three buckets, which require a safety response still for public safety, a sworn armed police officer? Which ones could be done sort of in a middle way, which we embed police officers with service providers? And then which ones can we do as a community, or as some of you have mentioned, do we simply want to not be in the business of doing it all?

Chief Manheimer: So, we really look forward to that as commissioners. I think over time we become the default entity because no one else provides, as I like to call it, house calls. But really, the truth is a mobile field response going to where people are in pain and suffering, or in need. So, my only query and hope is that we don't end up not responding until we decide who will respond, because it would be very sad. Each of these calls represents an individual in need.

Chief Manheimer: And finally, I'll end up with the fact that I really want to recognize Commissioner Prather and his whole committee for spending an inordinate amount of time working with all of our staff over this past weekend, by the way, a holiday weekend, and there we were. And I know I, myself, spent a lot of my Saturday working with our subject matter experts in use of force. And I just want to thank the commissioners for recognizing the importance of this, trying to get to "yes" with us.

Chief Manheimer: We have just several pieces of this. And we tried to stay with the original intent of where, where the commissioners want to be, and the community wants to be on this. We to embrace the reform, we really do want to move forward, especially the ban on the carotid. As you remember, we did bring it to you about a month ago. We cannot remove it from our training policy and from our general order until you all come to agreement with us, or it moves forward to council within the 120 day period. So, I do so hope that we can meet on this policy, I know you have it agendized later.

Chief Manheimer: I think it would be really powerful to be able to come out with a strong statement on the carotid, on positional asphyxia, and really, really demonstrate to our community, the agenda for reform and the agenda for care and compassion. And that's it. That wraps up my comments. I did have a moment if



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you wanted me to respond now or later on the goals and priorities. I know someone asked that during public comment.

Chief Manheimer: But, Chair Jackson, I'd leave it to you as to whether you want me to respond to that. I know I've probably gone over my time tonight.

Regina Jackson: Why don't you go ahead and respond to that through the Chair, and then we'll ask commissioners if they have any follow up questions.

Chief Manheimer: Okay. Thank you. I'll be very quick. I just bullet pointed them if you don't mind. So, I came in with three charges from Armir, and from really from you. We never talked about goals specifically, but as I came in, it really was to provide stability and a seamless transition for the department, recognizing my interim status, to increase and enhance both the relationships and progress with you, our police commission, and our oversight on the NSA and move that compliance forward.

Chief Manheimer: I think the recognition of the top priorities, which I assessed very early on, even though I came in after COVID, it was certainly before the racial and social unrest, and justice movement. And I think since then the job that I had in terms of assessing the top priorities, managing our technology and communications issue, our increased crime and our COVID response have really been about embracing the movement, the moment, and this, as I said, watershed moment to reimagine, not just the response in policing, but also reform and rebuilding those relationships and trust as we recognize the historical context showing across the country in some of these horrific incidents that have happened.

Chief Manheimer: So, that has eclipsed, somewhat, some of my other goals. And they are big goals for right now, but I also have to speak for a moment as to the health and wellness of the members of our department who, like the rest of our community, struggle with COVID, the fear of the unknown, the angst of our families, the change in temper and temperament towards our police, which we fully embrace and understand. But the continued and erosive quality of the enmity towards the officers, I think has begun to really affect the department and their response.

Chief Manheimer: We have seen vandalism to our facilities, shooting at officers, 20 of our personal vehicles were vandalized, last week at Eastmont Mall with Chief Armstrong's people out there, there have been threats to the families and the welfare of officers, continued verbal abuse, baiting, we've actually had folks setting up with video cameras outside of our personal vehicles, and our station trying to bait us and putting the videos up. And the continued demonstrations working with 12 and 16 hour shifts. Again, commissioners, I shared this with you, it's a grave concern to me. That's not to say we don't again, own and understand and



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grieve with our community as we see some of these horrific issues of police brutality. So, that's it. And I welcome any questions.

Regina Jackson: Okay. Thank you very much, Chief Manheimer. And I will say that it is disappointing to hear about the vandalism, and the attacks of police vehicles, as well as the threats. Part of the social justice cause is not to be destructive in response to the destruction that's already happened. But, that is my personal view. I'm hoping that police can continue to do their job in safe ways and recognize that. I wanted to clarify one of your points. You mentioned that I never talked to you about goals. I did wait until you were in the building two months and then asked you what your goals were. So, I just wanted to clarify that you do remember that, correct?

Chief Manheimer: Yes. No, I know. I didn't mean that at all. What I meant is we haven't really had the time to circle back around with my goals. So, we worked on so much and you've given me, actually, a grace period to come back to you with those goals. So, yeah, I mean, we've been talking all along and I think doing a lot of work, but I've never formally yet been able to present to you my goals, which I've asked you to put off and you have so graciously done as things have been crazy.

Regina Jackson: Okay, great. And we will get to them. But as you understand, and for the benefit of their community, it's the same work with the commission, so much of the time we have to switch gears to react and respond to something that is of absolute importance. And so, as many plans as we might have, oftentimes they also get shelved because our attention, we have a limited amount of time. We have called many weekly meetings to respond to more things. And I thank the commission for being available whenever I have asked. Everybody says yes. I think it's rare, but it also is a indicator of just how serious everyone's commitment is to this work. And I appreciate that. So, commissioners, if there are any, there's one hand up Commissioner Harris, and then another hand up, Commissioner Prather.

Ginale Harris: Thank you, Chair. Good evening, Chief Manheimer.

Chief Manheimer: Good evening.

Ginale Harris: Hi. So, I was looking at the data report that you give, and you've only been here a short time, so this is not on you, or your task. But you know, in the past, the two and a half years that I've served as a commissioner, there are a lot of things which I now am understanding why we are under the NSA. And one of them is report writing and documentation.

Ginale Harris: We are not very good at collecting data and giving true data that reflects what we see in the community. And this is an example of the reports. So, my question



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is to you, and you don't have to answer right now, this is not an on the spot question, but I'd like to have a conversation with you about it. One is, how are you capturing this data? What is your method of collection? Who's collecting it, who's responsible for collecting it, and how do you come to these conclusions?

Ginale Harris: That's one. My second question is how are you choosing consultants that you work with? I want to remind you the relationship that the police department, and I'll only speak for Oakland because I live in Oakland, the relationship that OPD has with its community, and that means all of Oakland, the relationship we have now was caused by the department itself. It was not caused by the public. The mistrust that we have right now is because there is no relationship between OPD and public, and that is very evident, and that is very clear. We have been under the NSA for 17 years. That is another reason.

Ginale Harris: And folks keep saying, "Oh, we want a relationship. We want a relationship." But I don't see you making efforts to do relationships. And I know that we have COVID and we have a lot of stuff going on. You read off some statistics on gun violence. That's not new, that's not a spike. I can go back five or six or seven or eight or nine, ten years, and I can show you how much gun violence we have here in Oakland, East, particularly because that's where all the magic happens.

Ginale Harris: And we avoid saying that. And I think we have to come to ownership to something. I don't condone violence by any means. And I don't condone threats or what happens to our department, because under those uniforms, we have human beings. However, that's what we endure every day. Every day. Every day, since policing has been in existence, this is what we deal with. Violence. Torture.

Ginale Harris: I'm not saying we don't have good police officers. We have a lot of good police officers, but we have far more that are not good police officers. And this is why we are where we're at. So, my questions that I pose to you tonight, I would like to have answers to those. And again, not right now, because I don't want to just pop it on you because I would like a real answer.

Ginale Harris: How do you choose these consultants? You're choosing consultants that know nothing about culture, know nothing about our community, they are not from Oakland most of the times that I've been involved. And you know, it's disrespectful. It's like, why can't we be our own experts? And I will continue to use that phrase until somebody owns it.

Ginale Harris: You are policing a community, a diverse community. And in your cabinet you have mostly all white leadership. We've had 14 chiefs in 10 years. I think we had one black police chief who didn't do so well because he was under the NSA too, but nobody is willing to own any of this. And healing starts with admitting that



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there's a problem. And I have not, in the two and a half years I've been here, heard any of that.

Ginale Harris: It's all, "We want to do better. We want to do better." But every time I look in the newspaper, we have another police officer involved in something else, Oakland police officers. So, I'm just real curious on what is the plan to clean house? Because we keep waiting for us to do better. And it's like, when? 20 years, 30, how many? So, that's just food for thought. But the questions I had, I would really like answers to. So, thank you.

Chief Manheimer: Thank you, and Commissioner-

Regina Jackson: Why don't we wait and have you respond to that at our next commission meeting, so that you can take all the time to collect everything that she has requested because there's a lot there. And I'm hoping that we could all get an education from that.

Chief Manheimer: Thank you, so much.

Regina Jackson: Very good. And then, Commissioner Prather was also in the queue. You have been un-muted Commissioner Prather

Edwin Prather: Thank you. Chair. Chair, I just wanted to bring to the commission's attention, a request that I had made two meetings ago. I believe it was at, could have been at the town hall type meeting we had, or at a special meeting, but it was a meeting where Chief Manheimer mentioned that when she came into the department, right away she identified a number of things that she found were wrong, or that needed to be corrected, or that were basically problems.

Edwin Prather: And during that meeting, I asked that Chief Manheimer, through the Chair, come to a future meeting with that list so that we could see what the problems were. If there was a reason for it to be in closed session, obviously we could take it in closed session, but I just didn't want that to get lost in this time where we've got so many other things going on.

Edwin Prather: I think it's really important that if Chief Manheimer identified immediate issues upon her arrival, as a quote unquote outsider, that those would be very important for us to learn about. I just want to make sure that at a future meeting, that the Chief is coming forward with that list, Chair. So, just a reminder on that.

Regina Jackson: Well, I thank you very much for that reminder. Chief Manheimer, I hope that you will put that down on your list. I would imagine your observations have



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already been crystallized in your head. So, hopefully you can add that to your report for our meeting on the 23rd.

- Chief Manheimer: Yes ma'am, will do. And that does include part of my goals, obviously-
- Regina Jackson: You and I will talk about everything that you'll need to put in that meeting, but I think those things are very good, because it is hard to keep track of the placeholders for things. So, we definitely need you and your staff to do that for us. Thank you, Commissioner Prather. Are there any other questions from the Commissioners? Okay. Seeing none. We'll go to public comment, and Mr. Russo, I'll transfer that back to you.
- Juanito Rus: Thank you, Madame Chair. If you'd like to speak on this item at this time, please raise your hand in the Zoom queue, and you'll be called in the order in which your hands are raised. The first hand in the queue at this time is Ann Jenks. Hello? Ms. Jenks, can you hear us? Hello, Anne. Can you hear us?
- Juanito Rus: I see you've muted yourself, but I don't hear you.
- Regina Jackson: Mr. Russo. Why don't we go ahead, and we can come back.
- Juanito Rus: I will do that. Anne, if you queue this and you wish to reenter the queue, I will call on you when they come back around. The next speaker in the queue is William Chorneau. Hello, William, can you hear us?
- William Chorneau: Hi. Yes, I can. Thank you. To the Chair, if I may. On June 1st, we had a large March of Oakland Youth, about 15,000 people it's estimated, that ended at the police department with approximately a thousand people present. 20 minutes before the curfew, Oakland police used flash bangs and tear gas on this crowd. I want to say that the police had the chance to start developing a relationship with a whole new generation of Oakland residents that had not, for the most part, previously had a interaction with the police in a demonstration.
- William Chorneau: The following day, it was alleged that Molotov cocktails were being made in the crowd. What I wonder is, why, if the police observed a crime about to be committed, the police did not enter the crowd and extract those people? I've observed police do this very effectively, several times at different demonstrations, the tactics work really well, and place them under arrest. But instead chose to attack the entire crowd.
- William Chorneau: Now, a deputy chief Armstrong has said there's going to be an investigation of this incident. I want to say that this should not be drug out. If it is drug out, that itself is going to become an issue. If the police have evidence of Molotov cocktails or something else being done that warranted the use of tear gas and



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flash bangs, they need to bring it forward. If they don't have evidence, they need to come forward and say that. Thank you very much.

Juanito Rus: Thank you, Mr. Chorneau. The next speaker in the queue is Reisa J. Hello? Reisa, can you hear us?

Reisa Jaffe: Yes. Thank you. Did I really hear the Chief say she can't tell her officers to stop choking people without a policy from the commission? I hope I misinterpreted what I heard. We voted for the police commission to deal with bad acts by police officers. Crime stats have nothing to do with that. I hope the police commission will ask the Chief to not spend her time reporting to you on that.

Reisa Jaffe: I want to hear what actions she is taking to change police behavior. I ask her to please bring a sample of a bad act and what she has instructed her officers to do differently going forward. I want to know how much time is spent spot checking body cam video. That has nothing to do with reported incidents. I want to know what specific actions she is taking to put an end to the racist acts by her staff. Thank you.

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

Kevin Cantu: Hi. As the last comment are mentioned, I think it's kind of shocking that the Chief is concerned about enmity towards officers, but is still running a department that's actively teaching new trainee officers, positional asphyxiation, and carotid holds until the city finalizes the wording of a policy prohibiting these things. I'm a little bit confused. Can perhaps through the Chair, I actually don't know the right Robert's Rules of Order for this. Can the Chief comment on this? Are officers still being taught how to choke people and kill them? I yield my time.

Regina Jackson: Thank you.

Juanito Rus: Thank you. The next speaker in the queue is listed as Tasha Mente. Hello, Tasha. Can you hear us?

Joseph Mente: Yes. Can you hear me?

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

Joseph Mente: My name is Joseph Mente, District One. I wanted to add what Commissioner Harris and the other citizens have said. I started joining these police commission Oakland city council meetings after the death of George Floyd. I've heard nothing but excuses, and flawed data or outright manipulations, or wrong data



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from Chief Manheimer, every single meeting that I've joined, where she's been there. And I find that really upsetting, in a sense.

Joseph Mente: I'm a manager at my job. And if I were to have that kind of performance, I wouldn't last a week. So, get your shit together. I yield my time.

Juanito Rus: Thank you. The next speaker in the queue. I'm sorry. I lost Ms. Assata Olugbala, but I'm going to allow her to talk next. Hello, Ms. Olugbala. Can you hear us?

Assata Olugbala: Yes, sir. Thank you.

Juanito Rus: Whenever you're ready.

Assata Olugbala: Okay, thank you again. I want to respond to the attachment that reflects the calls that were made over a 12 month period. When you look at the volume of how the police respond to various categories, there are a number of categories that could be considered inappropriate for the police. We have a animal shelter, but we have seven items that are covered by the police, animals straying, dead animal pickups, and others.

Assata Olugbala: We have 11 items that, to me, look like items that would be responded by a social worker or a social welfare agency. And under that category, I'm talking about things like child abuse, child abandonment, elder abuse, and other adds. You have 16 items that are related to automobile issues. Issues like automobile improperly picked up ,automobiles parked in driveways, towing, and many other areas.

Assata Olugbala: You have areas in the categories for which it is very confusing that police officers would have to respond to this. Throwing substance out of vehicle, vehicle parked in a signal construction zone, loud music, annoying telephone calls, vehicle parked on a side wait, sidewalk, I'm sorry, auto blocking a driveway, found property. I mean this particular category of listing makes it very clear to me. There are a number of issues for which we can say, police need not be involved in these particular concerns, and they can be addressed by other entities. And I hope we delve into this a little bit more.

Juanito Rus: Thank you, miss. Excuse me. I was on mute. Thank you, Ms. Olugbala. The next speaker in the queue is listed as Megan Stefan.

Regina Jackson: Hi. Yes, I can hear you. I just wanted to respond to Manheimer's remarks, and also Commissioner Prather's remarks. Commissioner Prather, that you asked Chief Manheimer for her to do list, which I understood to be a nuts and bolts accounting of what she thought needed to be improved about the department, not a list of her goals on the July 18th meeting.



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Regina Jackson: That was the to do list that I had asked for at the beginning of this meeting, and I am still waiting. I also wanted to just say that it wasn't just five nights that tear gas was used during the protest, because tear gas was also according to people who have called in and spoken before Chief Manheimer, used during the car caravan, which happened during the day. I also just wanted to say that every time Chief Manheimer speculates about the reasons for say, a certain uptick in violence, which Commissioner Harris has pointed out really doesn't hold when you look at the trends over years. When she speculates about the reasons for these things, by saying things like, "Oh, it might be caused by releases." This is one of the things that really erodes the community's trust with her.

Regina Jackson: I encourage Chief Manheimer not to speculate, and instead to use data and to bring us more data. And as far as hearing the Chief's response to what happened at the June 1st protest, at the town hall meeting, Deputy Chief Armstrong set a July 15th deadline for himself. And I would really like to see the report then, seeing that the OPD can do its homework and meet its deadlines would be just one small step towards rebuilding trust. Thank you.

Juanito Rus: Thank you. The next speaker in the queue is Anne Jenks. Hello Anne, can you hear us this time?

Regina Jackson: I can. Can you hear me?

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

Regina Jackson: Okay. I'm sorry about before. I don't know why you couldn't hear me.

PART 2 OF 10 ENDS [01:06:04]

Regina Jackson: Sorry about before. I don't know why you couldn't hear me.

Regina Jackson: Chief Manheimer, thank you for being here this evening. Every politician and every chief across the country who has blamed early releases of incarcerated people for spikes in crime has had to retract their dog whistles. Please don't do that. We continue to hear across Oakland, that officers are not wearing masks. You've stated that they're instructed to wear masks. We hear about officers who are dismissive and rude when they're asked why they won't wear masks. If OPD does not enforce masks for officers, that's your managerial decision.

Regina Jackson: In terms of the stop and the arrest of East Oakland Collective's parking lot, I checked with the folks involved and they said they haven't gotten any updates from OPD. We had asked for a series of answers to questions. We're especially interested in the timeline, how you determine that a man riding in a car, fit a description, what the description was, what the timeline was. Now we feel like



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enough time has gone by that we'd very much appreciate hearing some answers at the next commission meeting, if that's possible. Thank you.

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

Terri McWilliams: Yes. Can you hear me?

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

Terri McWilliams: Hi. Yes. Thank you, Chief Manheimer for being here this evening. My name is Terra McWilliams. I'm a Faith In Action East Bay leader and I work on the Ceasefire program for the night walk. I just want to talk about a little bit for the crowd control review and lift up what commissioner Harris was mentioning. Yes, I'm curious to also understand how the consultants are chosen for the review and especially with something like crowd control, when we had the protests, which were very disconcerting on the use of tear gas and other things. I think it's very important that that consultant committee be extended to community leaders in order to also help bring some connectivity back to the community.

Terri McWilliams: If you just continue to use outside resources to look at what's happening in the community and in the culture of Oakland, it's just going to continue a divide because commissioner has to say there's no connection. I think it is vitally important that if you're going to continue to do any consulting [inaudible 00:02:43], especially around the crowd control because these protests will probably continue, it is important that you also have some community leaders and organizations at the table. Thank you. I yield my time.

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

Kenneth W.: Hello? Can you hear me?

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

Kenneth W.: Thank you. I find it very telling that a small team of independent journalists, say maybe five people, have been able to publish a report and under a month reviewing hundreds of photos, 50 videos, interviewing multiple residences of the local apartment buildings surrounding some of the events on June 1st. The Oakland Side article covering this information was incredibly well researched and is already released and finding information that a large publicly funded million multimillion dollar organization isn't apparently able to match. Isn't able to release more than a single video or various statements talking about having an investigation. Honestly, yesterday I saw five different officers arresting a



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woman, none of whom wore masks until I specifically asked for their badge numbers. Then even one of them removed their masks when he was not in my direct line of sight. It was a very disturbing incident because it was a peaceful routine, stop, an arrest, it seemed like. Yet the underlying pervasive negligence and lack of care for our community was obvious. It was easy to see, and it was incredibly disturbing. Thank you. I yield my time.

Juanito Rus: Thank you. The next speaker in the queue is Cathy Leonard. Hi, Kathy. Can you hear us?

Cathy Leonard: Hi. Cathy Leonard, Oakland, born and raised, a member of the steering committee of the coalition of police accountability. I'm looking at the incoming calls to the Oakland police department, and I'm alarmed at the number of calls that involve harm to children. I'm wondering what the police department is doing about that. I see crimes against children, about 300 calls, unlawful sex with a child. What are we doing? Everybody knows that on International, formally East 14th street, that a lot of rape of our minor children is going on. What is the police department doing about that?

Cathy Leonard: Also, I see a number of calls that could be referred to Macro, mentally ill calls or almost 8,500 calls, suicide threats and attempts. Just a number of calls that hopefully when Macro was put into place, those calls can be diverted out of the Oakland police department. Also, I don't know what this means. Sleeper calls, 661 calls, are people calling the police because somebody is sleeping in their vehicle. That just seems like a waste of resources. Anyway, thank you very much. Bye.

Juanito Rus: Thank you. With that, I believe those are all of the comments on this item, Madame Chair. I return the meeting to you.

Regina Jackson: Okay. I thank you very much. We are going to move on to the next item and while the city auditor is presenting, I will turn over the controls to my deputy chair, Henry Gage. I will be back as soon as I can. Can you return the screen to the city auditor, please? I mean, to the agenda?

Juanito Rus: My apologies, Madame Chair. I thought I had.

Regina Jackson: That's okay. Thank you. At this time, city auditor, Courtney Ruby, is going to present. I actually would like for you to present for 20 minutes and then allow for questions from the commission and then also potentially questions from the community as well. With that, Vice-chair Gauge, I turn over controls to you or Mr. Roose, if you can facilitate that, I have an emergency I have to see about right now.



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Juanito Rus: I will.

Regina Jackson: Thank you.

Juanito Rus: Vice Chair Gage, I'm promoting you to cohost.

Henry Gage, III: Thank you, Mr. Roose. Is someone from the city auditor's office prepared to present? I did not see them in [inaudible 01:14:32].

Juanito Rus: I know that they were invited to the panel. I do not see them on the panel either.

Regina Jackson: Well, isn't that interesting.

Juanito Rus: I am not entirely sure. I have a PowerPoint for them, but I do not have them.

Regina Jackson: Okay. I'm sorry. I just transferred over and I'm pulling back. I did text her and did not hear back from her, but that was only recently. Henry, I will let you move forward and whatever process you deem most appropriate.

Henry Gage, III: Thank you, Chair. Mr. Roose, do we have any public comment on this item?

Juanito Rus: I'm sorry. My mute was stuck. At this time, if you would like to make public comment on this item, please raise your hands in the queue and then you'll be called in the order in which your hands are raised.

Juanito Rus: The First speaker I'm seeing on this item is Assata Olugbala. Hello, Ms. Olugbala. Can you hear us?

Assata Olugbala: Yes, I can. I would like to address some of the hypocrisy of the city auditor's office. There was a statement made that in this so-called audit that two years, have you haven't been fully able to implement all the requirements of the measure LL mandate. Isn't this interesting that we have a police department after 17 years, hasn't been able to come in full compliance with the negotiated settlement agreement? This is a city auditor who is required by law to have annual audits related to several measures that have been approved by the voters. The order came auditor came before the council and said she would be unable to perform that requirement, that legal requirement, because of lack of staffing, but she had the capacity to do this audit that required, was related to the police commission.

Assata Olugbala: Also, she was required by the city to do an audit of open promise. She didn't do an audit because of staffing. She did an investigation. She did an audit, not this particular auditor, but another auditor before her did an audit of the Spanish



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Speaking Unity council. That audit was flawed, in many ways, in neglecting to hold people accountable for certain actions. It is really depressing to see that we have a city auditor who makes so many requirements of this police commission. It almost seems like it's targeting for the purpose of looking like you're failing. When will they come forward to face this commission as well as the public.

Juanito Rus: Thank you, Ms. Olugbala. Your time has expired. The next speaker in the queue is Rashida Grenache. It appears. Ms. Grenache is using an older version of Zoom so I'm going to have to briefly promote her to the panel. Ms. Grenache, You have been unmuted.

Rashidah Grinage: Thank you.

Juanito Rus: You have two minutes whenever you're ready.

Rashidah Grinage: Thank you very much. I am very disappointed in Courtney Ruby. I had thought a few years back that she was a good auditor. This audit is clearly infused with an attitude. It is not objective. It has an attitude that almost wills failure. It's very disappointing. More than that, she blasted the report. She did a call to action. I don't know whose mailing list she used. Maybe it was her previous campaign mailing list to the community to say that you were not responsive to her recommendations. In the meantime, she made recommendations to the police department for how they could trim their overtime, which I don't believe they have done, but she hasn't called them out. She hasn't alerted the community to take action because OPD has failed to implement her recommendations to trim over time.

Rashidah Grinage: I think that there's an agenda. I don't know whose it is. We can all guess, but it's not professional. This is the reason that we advocated in the measure LL cleanup, that there be an allowance for a third party to audit the commission, that it not be restricted to the city auditor. Thank you very much.

Juanito Rus: Thank you, Ms. Grenache. The next speaker in the queue is Cathy Leonard. Hello, Ms. Leonard. Can you hear us?

Cathy Leonard: Hi, Cathy Leonard. I concur with Ms. Assata and Ms. Rashada's comments. I read this report and Ms. Ruby indicated that her work would be done objectively and without bias, and I have to question that claim. None of her findings mentioned that city hall has been actively obstructing the work of the police commission, who are part time volunteers. She's laying everything at the foot of the commission and absolutely nothing at the foot of city hall. It is so clear. Anybody who can read knows what city hall has been doing. They've been actively, city attorney included, actively obstructing the work of the police commission. This report is trash.



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Cathy Leonard: It is complete trash, and she acknowledges that the commission has a heavy lift, much responsibility to shoulder and the challenges they face as a new commission. Then she goes on and on, but not once does she say anything about city hall. The reason there's no inspector general, city hall has been obstructing the hiring of an inspector general. The same thing with the executive director, that it took a long time to get that person hired. Why? Why? She fails to do any research. This report is so biased, it shouldn't be taken seriously. It's a complete joke and I'll never vote for Courtney Ruby again. Thank you.

Juanito Rus: Thank you, Ms. Leonard, the next speaker in the queue is listed as Ashley. Hello, Ashley. Can you hear us?

Ashley: Yeah. Can you hear me?

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

Ashley: Yeah. About the audit report, I admit I'm kind of just skimming through it, but it still looks like to me that there's a lot of responsibility placed on the agency to really be accountable for specific processes with the OPD. One of them that I'm very concerned about is how videotaping wasn't consistently taken every time there were officer interviews being done. I was wondering if maybe, I know that there's a list of actions for the chief, the acting chief right now for OPD. If they could probably comment to this, to see about the processes about how OPD is being interviewed, that'd be really great. Yeah. I know that today's report was more about the crime and the types of 911 calls, but yeah, if we could just get more information on metrics on the OPD and the oversight of the OPD from the chief, I think that would be really helpful for the next commission meeting. That's all. I yield my time.

Juanito Rus: Thank you, Ashley.

Ashley: Mm-hmm (affirmative).

Juanito Rus: With that, Vice Chair, I will return the meeting to you. I believe that's everyone in the queue on this item.

Henry Gage, III: Thank you, Mr. Roose. We have heard public comment and there was no apparent presentation coming from the auditors' office. Commissioner Prather, you're in the queue.

Edwin Prather: Oh, thank you, Vice Chair. Before you moved off of this agenda item, I just wanted to say a couple of things and I think most of the comments that I would make have been embodied by the comments from the public. I think the



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mistake that we make is that when we hear the word audit or we hear from an auditor, we think of fairness, impartiality, that there will be facts as opposed, and opinions related to those facts, as opposed to some kind of political agenda. In looking at this audit, I did a little bit of research into auditing standards and to what basis facts needed to be presented and how they're there, that they were presented in a unique and different way.

Edwin Prather: I'm giving the auditor's office a lot of credit when I say that, but I did find that there are such things as political audits and that there are audits that are accepted in the auditing industry, as what I think we would consider sort of hit pieces or politically motivated audits, which are accepted. I think to say that it's sort of, it's maybe our fault in a way for expecting that this would be a fair analysis of what the commission was. We had been doing what we were tasked with and what we will do in the future.

Edwin Prather: I say that in jest because I really believe that this audit was a... Look. At the end of the day, this has been used, whatever the audit was, it has now been turned into a political football by Ms. Ruby because she sent it out to her campaign list to try to gain some political favor with residents of Oakland in regards to the audit. Her action in criticizing any power or authority that the commission has is really a swipe at the drafters of the original measure LL and all of the voters, 83% of the voters who voted in favor of the creation of a police commission. If she wants to take on, in which she did take on 83% of the voting public, in criticizing them for the decision they made. That's what she's done in this. Frankly, I find her report to be fake news. I find the fact that she sent it out to, and characterized our reaction, as also fake news. The auditor's office is tone deaf with her current sensibilities, to current events and the environment which we live in.

Edwin Prather: She was scheduled to present and we had hundreds of people at our meeting. We had hundreds of public comments to not give her what she, I think, probably expected as a courtesy of skipping the line and presenting before hundreds of people, gave public comment in the wake of George Floyd and other atrocities across the United States is just a horrible position for the auditor's office to take. I just want to say that, I think we have to remember that look, the auditor's report does have some good information in it. There is a checklist of things that the commission should take a serious look at and say, "Hey, look. We haven't done everything correctly and we can improve ourselves and we can do better."

Edwin Prather: There are things in the report, in her audit report, which speak to that, but for the rest of it, for the political noise and nonsense, I think commissioners, as you know, this is my last meeting. I think my shackles are off a little bit here and I can speak in a way that maybe I normally wouldn't speak. I think you can go



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forward with this report, with the knowledge that look, Courtney Ruby's a politician. She ran for mayor and lost. Her attempt at sending it out to her mailing list was a brazen and very direct attempt at currying favor or an attempt to curry favor with the public. Take it for what it is. Take whatever benefits you can out of this report and let's move forward on this issue. Thanks, Vice Chair.

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

Ginale Harris: Thank you, Vice Chair. When I first read this audit, I was not surprised. I think no one knows better than me how wicked and vicious people who work for our city leadership can be. I have been the focal point of that throughout my whole time as a commissioner. I always say, all darkness comes to light and we did do a rebuttal. I encourage the public to please read the rebuttal. Please read it. We were thrown into a situation and I say thrown because we weren't introduced, we weren't given guidelines. We weren't given anything. We Were like, "Okay, you're a commissioner. Here you go. Do it." I thought that was kind of odd. As I started to do my time as a commissioner, I started to learn, "Oh, okay. I see what's happening here. This is political." I don't do politics. I've always said it on the dais.

Ginale Harris: I don't do politics. I'm not here for any kind of political gain I am here because I represent the people and I represent the public. That's why I'm here. When I saw this audit, I was like, "Wow." There are so many loose ends in this audit. Again, we were set up to fail and I will say that. And stand firm behind that statement, we were set up to fail. We are still set up to fail, which is why you see the poison pill in the measure. However, a lot of things in this audit are not accurate at all. We have documentation, I have documentation to prove it, which is in our rebuttal. I just want to be clear to the public is you can't believe everything you read or see. Like Commissioner Prather said, fake news. Fake news and this is definitely fake news. Thank you, Vice Chair.

Henry Gage, III: Thank you, Commissioner Harris. Before we move forward, let's take a moment of personal privilege and know that disappointed that we are not going to have an opportunity to ask questions of the auditor directly. I take particular exception to the email that was sent out a few weeks ago, alleging that numbers at are commission were, I believe this is a quote, actively resisting constructive feedback. I believe that nothing could be further from the truth. It's unfortunate that constructive feedback does not appear to have been the intent of this item. You heard public comment. Any commissioners wish to make further comment before I move forward? Seeing no hands, Mr. Roose, you please move forward to item six.

Henry Gage, III: Item six is a CPRA commission staff and inspector general reorganization item. I believe that director Alden, will you be presenting?



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John Alden: Yes, that's right. Can you hear me all right?

Henry Gage, III: We can hear you. Please [crosstalk 00:26:37].

John Alden: Fantastic. Thank you. I am presenting this evening on a reorganization plan [inaudible 01:32:45] to the commission's power to reorganize CPRA and the positions under the commission's authority. The proposal we're going to be talking about tonight is in the packet in some detail, including position descriptions, relating to the positions involved, both those removed and those added, and also in terms of the total cost. This proposal was already in front of the personnel committee last week. We'll be talking about the proposal the personnel committee came up with a and then the commission, we'd asked the commissioner to take some action on that this evening. Let me first start with a little bit of some background here. One of the powers that this commission has and [crosstalk 01:33:32].

Henry Gage, III: Director Alden?

John Alden: Yes?

Henry Gage, III: Two items. First, your microphone appears to be cutting in and out. I'm not sure if you can position that differently. Second, I must make a brief housekeeping announcements before we continue. As Chair Jackson is currently indisposed, we'll need to elevate one of the alternate commissioners to a voting member or to maintain quorum. Commissioner Jordan, pardon me, alternate Commissioner Jordan, please now notice that you may be called upon to act as a voting member on this item. Thank you, and director, please continue.

John Alden: Okay. Does this sound any better?

Henry Gage, III: Yes, that's fine. Thank you.

John Alden: Okay, great. Let me know if you have any more trouble with the sound. There are a couple other ways I can connect again too. We'll just try to do our best to make sure we have one that works. The proposal we're going to talk about tonight is one that the personnel committee had already passed last week and forwarded it on to the commission. Under the city charter, this commission has the ability to reorganize CPRA, and that is an unusual power amongst commissions. I don't know of any others right now in the city of Oakland that have that power. It's important to understand this is the first time this commissioned would have opportunity to exercise this power. It's one that is, to the best of my knowledge, unique in the city of Oakland.



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- John Alden: The twofold problem that this reorganization is designed to cure is a structural problem that we have underneath the commission. I should start by saying it's one around, which I think there's actually a lot of consensus. While, as we've heard in the previous presentations, there are some significant disagreements between the commission and the public and the auditor about the results of the audit, as Commissioner Paris noted and I think also as Commissioner Prather noted, there are some points of agreement. One of them is that, as the auditor pointed out-
- Henry Gage, III: Director?
- John Alden: -This commission... Yeah?
- Henry Gage, III: Your microphone is again cutting in and out.
- John Alden: All right, let me try third method of connection. That'll take a moment. I'll be right back.
- Henry Gage, III: Take your time.
- John Alden: I think you should be seeing me in a moment, Mr. Roose. I'm dialing in. If you could switch me over there.
- Juanito Rus: You're actually clear right now at the moment, John.
- John Alden: Well, it just keeps kicking in and out and I can't tell on this end, whether you're getting good signal or not.
- John Alden: Okay. Mr. Roose, you should see me as an attendee with a number that ends in 2485. If you could switch me over to that account, the sound will be better.
- Juanito Rus: I do see you, however, as I call in attendee, I cannot put you on the panel. I can't allow you to talk for that one as well.
- John Alden: If you [crosstalk 01:37:31].
- Juanito Rus: You're sharing your sound through your phone.
- John Alden: Great. Right.
- John Alden: Okay. Hopefully, things will be better now. The proposal we're talking about tonight is one, the personnel committee, and we'll be talking about that proposal under the commission's powers to reorganize. As I was mentioning earlier, the commission's power to reorganize is unusual. This is the only



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commission I know of in the city of Oakland that has that power. This will be the first time you'll have opportunity to exercise it. The problem that we're trying to resolve with this reorganization is one that's been pointed out by the auditor. Also, I think by the commission and in that regard, and while there are some concerns about that audit, it is one point in which I think there is concurrence between the commission and the auditor.

John Alden:

That's that we don't have quite the right staff at CPRA and under the commission in order to meet the commission's needs under measure LL. Then in fact, I think that's not surprising because we've never restructured that staff since the time that LL passed. Since LL passed, we've put the commission in place, we've gotten a new executive director for CPRA, but we haven't really restructured CPRA. I know that the commissioners have been talking about central restructuring there for some time. So here is the proposal that we're looking at. One would be to make sure that there is a staffer under the commission that is able to provide high-level leadership for the commission around the very complicated projects that this commission has required to take on under the charter. And those duties, as pointed out by the auditor and others, are really much more like what I would call an executive commission secretary. The commission really needs somebody to provide effective guidance and leadership to make sure that the commission is able to tackle these very tough goals that the commission's been given.

John Alden:

Like, doing performance reviews of the police chief and the CPRA executive director. Organizing a regular periodic revision schedule for the police department policies and getting advice about which ones might be the highest priority for the community, and what sorts of edits might be useful, making sure that this commission has an opportunity to review at an early stage, the police department budget, every year, as required by the charter, and compare that overall budget to the priorities of the community. Those are really significant tasks and in most agencies would be accomplished by someone with a very high level of executive function. We don't have someone like that in our current structure, no we don't... I shouldn't say we don't have a position like that in our current structure to serve this commission. And for that reason back in our original budget proposal for this year in February and March, we had suggested adding a position to just that.

John Alden:

But of course, because of COVID, we didn't get any new positions this year. We're going to have to make due with the resources, basically the same resources we had last year. Now that we know that the budget's approved by the city. And for that reason, we're recommending from CPRA to the commission that you add a Program Manager II position, which has that high level executive function skill we're talking about. It would be able to provide organization and guidance to the commission around these very complicated



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projects that the auditor called out as not being done as well as they could be. And I think a lot of the commissioners wish they have the support to do.

John Alden: And I think it's really important to understand that the commission has never been given a structure, has never been given a set of positions that would allow it to have the staff support it needs for those functions. It's just really a structural problem. And as with any reorganization, the issue is not the individuals involved, but the structure of the organization, whether it meets that the needs of the organization, the business needs the goals, the public policy goals of the organization. In that regard, clearly this commission's been understaffed and needs that new position. The second position that we're talking about here would be what we'd call a chief of staff at CPRA. CPRA has almost entirely a staff of investigators and support staff for investigators, and one mid-level manager.

John Alden: The caseload of CPRA has we estimate roughly quadrupled since the time of CPRB. There just is not enough mid-level management that has experience in investigations inside of CPRA. As the auditor pointed out, there are a variety of ways in which CPRA can be doing its job better. We've made a lot of progress on those issues, but moving forward, the structure and policy that we're going to need inside CPRA is only going to get more complicated. For example, we should be investigating every level one use of force, like an officer-involved shooting. In most jurisdictions the best practice there is to show up at the scene of the event and start the investigation there.

John Alden: We have no policy for that. We don't have training for that. We probably don't have quite enough staff for that. We would need to put together a call-out schedule, which requires meeting and conferring agreements, and we need to figure out what our strategies are in those very complicated cases. That really requires a mid-level manager to help put that together, given all the tasks that are also on the executive director's plate. So in order to create that kind of position, someone who could take on longterm projects, improve CPRA's function, but also have, again, that high level of executive function. We're also recommending a program manager to there. This is a position we had recommended again in the budget back in February or so that we're not able to accomplish because of COVID. So if we were to reorganize to create these two positions, how would we do that?

John Alden: The proposal that the Personnel Committee has passed on to you is to create those two positions and then create the funding for them within our current budget, by deleting some other positions. The Administrative Analyst II position, which a previous city administrator had set up for the commission. But I think there's an underpowered classification given the level of need. And the CPRB Policy Analyst position, which again, was a position that came in at CPRB back in



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2014 to meet the needs of that agency. There's no longer a fit for the current needs. The job that doesn't require investigator experience, or necessarily management skill, and mostly has to do with policy analysis, which we're generally not doing at CPRA, that's going to be an inspector general task.

John Alden:

So in order to create the funding for that, our original proposal was also to delete a position called the Police Program and Performance auditor in the inspector general's office. Now, the reason we suggested that is that the inspector general's office still hasn't been set up and probably won't for a while. So deleting that position, which has been vacant for the last year and a half and promises to remain vacant until well into 2021 would free up the money we need now for these other two positions. And then that way, whenever the inspector general's office finally gets set up, which I would anticipate the inspector general probably wouldn't get hired until well into 2021. We can have a conversation the next budget cycle about how best to staff that agency. So that's the proposal that we've put together. There is in exhibit A to attachment six, a brief description of the current positions and also what it would look like financially, if we switched out positions we just described, there's a net savings to the agency there, roughly \$26,000.

John Alden:

Now, since the time that the Personnel Committee made that motion last week, one other thing has come up. There are some people among city staff who have suggested that that inspector general position we have proposed to delete, and maybe the administrative analyst position may or may not be within the power of the commission to reorganize. Personally I think they are. Some don't think that they are. So one way we could approach this is to divide the reorganization in two steps. And this is what I would recommend at this point for the commission. First is reorganize out the policy analyst position in favor of the CPRA chief of staff position. There's a slight cost to that which could be covered by other deleting a vacant office assistant position we have, or using some of the discretionary funds we have at CPRA.

John Alden:

And it'd be nice to have the commission provided to the executive director, that discretion about which to use as we get that squared away with budget and finance. And then take the second half eliminating the administrative analyst position and the police auditing position in favor of the executive secretary to the commission position, and do that in a few months, probably in December after the ballot measure passes. And that way, any of these questions about the commission's authority over those positions will be resolved by the ballot measure and the commission could move forward with that reorganization.

John Alden:

Now I should point out too, that as we're looking at these processes, it is a feature of state law that we as a city will have to do some meeting and conferring with the affected unions. Right now, I see that as Local 21. We've



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already started that process and begun talking to them about it. And during that process, we'll have opportunities to talk about, ways to mitigate effects that there might be on Local 21 members. And I think it's important to remember again, that reorganizations like these are about structure, not individuals, but the meeting confer process does provide opportunities for Local 21 to find a commonality with us about how we can move forward on trying to minimize the effect on some of the individuals should be organized out.

John Alden: I think it's important to approach that issue with compassion and take a little time to have that conversation. So then we can have that conversation in two steps. One about the chief of staff reorganization and the other, in a few months, about the secretary to the commission reorganization. They have a lot of differences. And I think that would allow us to be able to have a really thoughtful conversation with the union about both of those and resolve any questions that staff in the city might have about the second half of reorganization.

John Alden: I do want to stress to the commissioners that because this will be going to Meet and Confer. I think it's really important that the commission tonight express your opinion about what your ideal reorganization plan would be, because then that sets the stage for the Meet and Confer conversation with Labor. And it is, I think, best if both sides in that process speak up very clearly about what it is that they want at the beginning of the process. And so now's the time to say what it is that the commission thinks is if they do a reorganization plan.

John Alden: And then we'll have opportunity to bring this back, should there be some compromises that we can work out with Labor around what that Meet and Confer might look like? So we may have another meeting in the future where we bring those conversations back to the commission and see if some ideas we've come up with in the Meet and Confer process meet with your approval. But that only works. If we start with a very clear and straightforward statement of this commission's ideal reorganization plan. And so I hope that's what the commission will do tonight when they act on this item. I imagine there are some questions, I'd be happy to hear them.

Henry Gage, III: Thank you, Director. Before we continue, I'll note for the record that Chair Jackson has returned to the meeting as a consequence, Alternate Commissioner Jordan, thank you for your service. We'll knock your card to vote on this item. I will turn the control of the screening over to the chair.

Regina Jackson: Oh, thank you very much, Commissioner Gage. I appreciate that. A quick fill in very, very much. So at this time we have Commissioner Harris with her hand raise, and if there are any other commissioners that have questions, please raise your hand. You have been unmuted Commissioner Harris.



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Ginale Harris: Thank you, Chair. So thank you, Executive Director Alden. I appreciate all of your hard work in regards to this reorg. I just want to give people a little background on this reorganization idea, and why it was brought to the Personnel Committee, for those of you who are recently tuning in. When we first started this commission, we were transferring the CPRB agency to the CPRA. Now the CPRB agency did not do the duties that the CPRA does.

Ginale Harris: And so right there, there was a need. Okay, how do we fit the square into the circle? When I was requesting reporting on cases and outcomes, I got a lot of pushback. And the reports that we were getting were not identifiable to anybody who doesn't have experience in investigations or reporting of anything that has to do with like law enforcement, probation, parole. If you're not familiar with case numbers or terms or anything, you're not going to know what you're looking at. And I wanted these reports to be something that the public could look at, identify, read, and understand so that it was digestible, so to speak. And we weren't getting that. We weren't getting that. And it was very frustrating. And I continued to ask for these things, and within our department, I found that our investigators did not really investigate. And that was an issue. The way that our job descriptions were written did not serve the public at all for what Measure LL intended it to be.

Ginale Harris: So this reorganization was in talks for some years. This is not something that has sporadically come up and we're like, "Oh, we need to reorg." I am a big supporter of a reorganization because I feel like accountability is a must. It is about people's lives that we're dealing with. And it's about being held accountable by the public, right? This is a public entity. And for years, no one even knew that it existed. No one knew it existed. So I'm from East Oakland, not many people from East Oakland walk into that office to file any kind of reports.

Ginale Harris: And like I said, the magic happens in East Oakland. We have a lot of different things going on in Oakland, but the magic happens in Oakland, in East Oakland. And so, I can walk up to my neighbor and say, "Do you know about the CPRA or the CPRB?" And they were not aware. And that is an issue, that is an issue. And so I wanted to make it to where it's accessible. You know, in Measure LL it states that we are supposed to have a storefront office. To date we do not. And that's a mandate.

Ginale Harris: I don't see the auditor saying nothing about that. Like, we are supposed to have a storefront office where people from the public can walk in and file their complaint and get some help. Our staff from the CPRB, you know, I was hoping that they were going into the community and they were attending community meetings, this was not the case. When you are doing investigations for community, you need to know the people you work for. You need to get out



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there and be seen and let people know that you're there to help them. And that is the intent of the reorganization. At least my intent I'll speak for myself.

Ginale Harris: So it's not about people... You know my intent was never to have someone lose a position, that's not the intent. I know that being under civil service, you don't lose your job. You just go to another position. So my first concern was about accountability to the people. We have IA investigations, and we have the CPRA. Are we doing the same thing here? Are we doing the same thing? I found it quite odd that all of these investigations that were done under the CPRB, we're saying similar, how is that? How is that? And so it gets deeper when you know more about investigations.

Ginale Harris: I did parole and probation advocacy work for many, many years. I worked in the community 21 years at the same nonprofit agency doing parole and probation work. I understand report writing. I understand what I'm looking at. So for me, it was troublesome. It was troublesome. Because they were doing what they call "Spinning". "Spinning" is a term that you talk around things, you don't specifically give the specifics. And our report writing at CPRA needs to be specific, factual, with documentation, but you got to get in the community to get it. You can't depend on someone else's report. Then what good is that? And so I just encourage this commission to really take a look at this proposal that was given before you today and to the public, because without the public, it's nothing. This doesn't mean anything without the public's support. This is a public agency, and it should be where public can walk in there and say, "I want to file a complaint." and be taken seriously.

Regina Jackson: Thank you, Commissioner Harris.

Ginale Harris: Thank you.

Regina Jackson: Thank you. We have Commissioner Gage, Commissioner Smith and Counsel Sawhney in the queue. You have been un-muted Commissioner Gage.

Henry Gage, III: Thank you, Chair. First, I'd like to thank the members of the Personnel Committee for their work on this item. This is the kind of work that, for one, demonstrates the need this commission has for staffing. It's the kind of administrative work, but it's easy to overlook and to dismiss. So it's absolutely crucial for this commission to become effective. I very much appreciate the members of the committee for putting this item forward. We've spent a lot of time in the past, talking about the transition for CPRA. Turning CPRA from a review agency into an investigative agency. And in my view, this sort of proposal does just that. I have a number of questions first for Director Alden. Some of the comments made by one of the earlier public speakers gave me some pause. And



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I'm curious as to, in your opinion, whether the Meet and Confer process will provide effective employees with an opportunity to advocate for themselves.

John Alden: Yes. That's a great question. I think it's important to understand- [crosstalk 00:19:40].

Regina Jackson: My apologies for interrupting our counsel needs to weigh in here. So forgive me, Commissioner Gage in putting you on hold and having you, Mr. Alden, hold on for a moment. I think that what Ms. Sawhney needs to say is pretty important. Go ahead, Sawhney.

Nitasha Sawhney: Oh thank you, Chair Jackson. I know Executive Director Alden invited the commission to comment on an ideal reorganization. And I just wanted to refocus the question a bit more, specifically to the item that is specifically agendized, which doesn't include the investigators, or any other members of the union. This reorganization proposal that's before the commission is rather specific. And the proposal, as I understood it from the executive director, actually has it kind of parsed into two phases, a phase one and then a later consideration of a phase two.

Nitasha Sawhney: So I just wanted to clarify for the commissioners as you are discussing and deliberating that scope for the reorganization proposal itself. On the question that Commissioner Gage just posed about employee's ability to advocate for themselves through the Meet and Confer process, I'm happy to defer back to executive director. And also from my experience in labor negotiations, yes, the Meet and Confer process is about the positions themselves. And then there are multiple avenues for individual employees to be able to engage with city processes to address any specific concerns, both through the union and otherwise. Thank you.

Regina Jackson: Thank you, Counsel. At this point, I'd like to return back to commissioner gage. I don't know if you have.. You said you had several questions. So as long as we can apply them in the more narrow focus as counsel has reminded us, I would appreciate your movement forward.

Henry Gage, III: Thank you, Chair. It appears that counsel is the opinion that the Meet and Confer process will provide employees with an advocacy group and Director Alden I believe you were about to say that you hope an opinion as well.

John Alden: I do. [crosstalk 02:01:27]

John Alden: Yes. I do agree that that is exactly the way to go about it. That's part of what that process is for, and it's there for good reason. And it does provide a lot of the opportunity you just described. And I think it's also, you know, important for



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me to dovetail on something that your counsel just said, which is that the only proposal that I'm bringing before you and that the Personnel Committee has brought before you, the commission is this one proposal you see here. And in part, at least from my perspective, that's because I think this is the only reorganization that we need for the foreseeable future. I think that over the last year, I've had a lot of opportunity to take a close look at the structure of the agency and the support to the commission and think about what the ideal structure would be.

John Alden: And to me, given current resources, this reorganization that's described here is the ideal structure. If in the future, we were able to obtain additional staff to support parts of these missions, that would be great, but they would be staff subordinate to these new two positions we're creating. And I really think that that's going to serve us extremely well in the long run. And as counsel pointed out there are other ways in which one could theoretically reorganize. I think the way that our investigative side of the house is organized is just fine with the exception of missing this chief of staff component that we really desperately need.

John Alden: And likewise, I think that on the commission side of the house, having this higher powered staffer as the city auditors suggested in the audit really is essential. And those are to me, the two key changes that need to be made. Everything else from there in future budget years will just be a question of getting additional staff of the sort that we already have. So I really do think that this is, from my perspective, the one and only time that the commission would need to exercise this reorganization power, anytime in the foreseeable future.

Henry Gage, III: Thank you, Director. For commissioners, who wonder what I'm referring to, I'm currently looking at attachment number six, page number six, it's the two-step reorganization proposed. Now the overall reorganization makes sense, specifically looking to the order in which this organization could take place. I am somewhat concerned at the idea that the commission may be moving to reorganize positions where our legal authority is questionable potentially. For that reason, the two steps proposed appear to make logical sense. I'm curious if counsel has provided you either our counsel or the city attorney, if counsel's provided you with an opinion regarding our legal authority to reorganize the admin analyst and the police program and performance of the positions.

John Alden: That's a great question. I certainly have talked to the commission's counsel and the city attorney's office about that. I don't know that it would be appropriate for me to share those opinions here. I haven't talked to either those counsels about the ability of doing that. But I would say that with respect to this first step of the reorganization, creating the CPRA chief of staff position by deleting the policy analyst position within CPRA, and then using either discretionary



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spending or elimination of a vacant critical position to make up the funding difference. I think there's really no controversy that the commission can do that. Both of those positions are clearly within CPRA. The policy analyst position is a hold over from the CPRB era. And I think it was inevitable that that position would have to be organized out at some point, because it was created for a completely different model to serve a different set of needs that we no longer have at CPRA.

John Alden: And I think too, that the elimination of the Office Assistant II position, which would be one of two ways to fund that is something that is a common practice in departments in the city of Oakland. When a position is vacant, sometimes it's deleted in order to create funding for some other new position. So I think that that move is one with regards to which, in my opinion, there really just is no controversy that that's something that we could do. And when you look to other cities, that's a very common process.

John Alden: I see some question about the second stage. And I think one reason that it's good to push that out a few months is to spend some time talking to people who have thoughtful perspectives about this issue, to see whether or not the second stage is something we can or can't do. And if we thought it couldn't, I think that that gets resolved by the charter amendment that's currently in process. And I think the issue is there, are one with that police program and performance auditor position just under the IG, be something that the commission could delete. Now, I think the commission can, it's a vacant position. And if you look at the budget titled police commission here in the City of Oakland, that position falls under the police commission's budget as does the rest of the inspector general.

John Alden: I know there are some who've suggested that the charter might create some ambiguity about whether the commission can appoint the inspector general, and therefore some ambiguity about maybe whether the commission could delete this police program and performance auditor position. And I think there are a couple of solutions to that. One is spend some more time talking to counsel about it. Another is if the charter amendment fixes it, another is ask the city counsel for assistance in that regard. I don't think there's any question that they could delete that position. So I think then that there are some slightly more challenging questions about that second part, and it makes sense to spend a little bit more time working on that one. Now the commission could decide tonight to do the entire reorganization and do it straight away, and then we'd enter into Meet and Confer and have further conversations. But I do think that there really is no controversy about this first half that I recommended.

Regina Jackson: Thank you, Mr. Alden. [crosstalk 02:07:59]



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- Henry Gage, III: Thank you, Director.
- Regina Jackson: Commissioner Smith has been waiting. I'm unmuting you Commissioner Smith.
- Thomas Lloyd Smith: Thank you, Chair Jackson. I just wanted to first say thank you very much to the Personnel Committee and to Director Alden for taking on the task of proposing systemic changes that are informed by the past, and that use our past challenges to help us as we work towards creating an environment for us to succeed and thrive as we move forward. Yes, I'm in favor of the two staff organization. I think it makes sense for us to position ourselves so that we can affect the first step of the organization as quickly as possible, and be able to benefit from those changes. And then also keep that second set in mind and tackle it, even though it may require additional time to complete, but knowing that we've already made effective changes that are going to help us function more successfully as an organization.
- Thomas Lloyd Smith: I really appreciate Commissioner Alden. The fact that you've been with us for a short period of time, you're looking back on your year with us and saying, "Okay, what is it that I need to be more effective in my role?", And to help the commission be more effective than as the Personnel Committee's taken those two steps. I really think that we'll benefit from the reorganization that you've proposed, that both the Personnel Committee and Director Alden proposed. And I'm excited to see who we find to take on these positions. So thank you very much for all your work, and I'll end my comments there.
- Regina Jackson: Thank you very much, Commissioner Smith. In so doing, as a member of the Personnel Committee, I am very pleased with the fact that although Commissioner Harris and I have been talking about reorganization for some time that Mr. Alden was able to, as you mentioned, look in the rearview mirror over the course of the last year to try and make recommendations that would be most effective and efficient for us. Many of us on this commission know that we have day jobs, and that the commission job is our second and sometimes third job. And I think that we will all be appreciative to have more support. And I certainly understand the two-step process. So I'm going to go to Commissioner Harris, and then I think we will go to a public comment before we take action on this. So you have been unmuted Commissioner Harris.
- Ginale Harris: Thank you, chair Jackson. I just want to say, I'm in support of the two-step process that we've put together today. I think Mr. Alden is correct. Step one, we move forward, and then step two, it will give people time to kind of marinate and think about how we move forward. Again, the position we're needing is like you said, we put in lots of hours and it's a volunteer position, but it certainly doesn't feel like it. And we do need strong support for this commission. So I support it.



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- Regina Jackson: Very good. Thank you very much. I think that we should go to public comment now and then move forward. Mr. Ruse.
- Juanito Rus: Thank you, Chair. The first hand in the queue on this item is actually my own, and I'd like to request the courtesy of a bit of additional time, if I might, Madame Chair to make a quick comment, I promise to keep it brief.
- Regina Jackson: Okay. You have the same two minutes.
- Juanito Rus: I will try to do it in two minutes then.
- Juanito Rus: Madame Chair, commissioners, members of the public. My name is Juanito Roose and I am the CPRA policy analyst. I rarely speak during these meetings and I only have made public comment, perhaps a couple of times. I'm going to try to move through this very quickly because I only have two minutes. The first time I heard about this proposal was last Wednesday evening when it was introduced to the personnel committee during a live streamed public meeting that I was hosting on zoom. I learned about of proposal to terminate my employment during the public meeting that I was hosting. Then I took public comments on that item without saying anything. I could put my analyst hat on and talk to you about other concerns I have with the proposal, but I'm clearly not here to talk about that.
- Juanito Rus: It wasn't until this week that I was asked by anyone within the organization, whether I wanted to talk about it at all. When I say it, it was it. It's not specified what it was. Nobody has said to me, nobody has given me the dignity of hearing directly or at all, what this vote is doing. It's being presented in euphemisms and consultant speak and reorganization and increased capacity, but to channel Commissioner Prather on his last night, let's talk about what the affiliates you're voting to use your reorganization authority to fire me without cause and with no due process in order to hire someone else to do the same work for more pay and a fancier title. I've been through the stages of grief over the past week, as the reality has kind of sunk in of what this is, but I keep coming back to the same thought in a fundamental way.
- Juanito Rus: Madame chair, if you don't mind, may I please have an additional two minutes? I promise that I will end after two more minutes.
- Regina Jackson: You may have one more minute, Mr. Roose.
- Juanito Rus: Thank you. Add a minute to the funk.
- Regina Jackson: Thank you.



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Juanito Rus: The primary goal of civilian oversight is to end the dehumanization of individuals by people and systems with control and to require the decisions that affect people's lives. Take into account the voice of the people whose lives are affected and to grant them that dignity. In this case, that individual is me. As many of the people on this call, both the audience and panel, know I took maternity leave last year. I have a one year old at home. I haven't slept very well in a year and I'm tired and it's a crazy time and I'm sheltering in place and I'm hosting these Zoom meetings. Now suddenly in the last week, I've had to have a conversation with my landlord.

Juanito Rus: I have to worry about my family's health care in the midst of a pandemic. What happens to my city pension, which only has a year til it vests. How do I find work into this situation? After hearing public comment and Mike, [inaudible 02:15:35] extra five seconds, but you're likely to vote to reorganize and move gravely into the future. The contrast between the organization has been presented publicly, but not even talked about with the people that affects personally are acknowledged for what it is, is a signal [crosstalk 02:15:55] to dehumanize your own staff.

Regina Jackson: Mr. Roose.

Juanito Rus: It is so cold.

Regina Jackson: I have already extended your time. Thank you very much. I think we got the idea.

Juanito Rus: I don't think you do. I am with [crosstalk 02:16:08].

Regina Jackson: I do and I am sorry, but we do have to continue to listen to others for public comment.

Juanito Rus: Very well. The next speaker in the queue-

Regina Jackson: Thank you very much.

Juanito Rus: -is Michael Tickis. Mr. Tickis, can you hear us?

Michael Tigges: I can. First of all, Juanito, we've sat next to each other many times in the civilian police Academy over the years, and I think you've done a fine job. I don't think your job, your job description may change, but your job, maybe not. I'll leave that for your union reps and the meet and confer to work out. As for the reorg, look, you were part of the CPRB. It was an organization that had an entirely different purpose that got put over into, after measure LL, into an entirely new situation. Obviously, the flaws in CPRB, in this new setting, have come to light



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both in the auditors report and in director Alden's analysis of where things are. While your position or your title may change, your job isn't necessarily in jeopardy.

Michael Tigges: I hope that Commissioner Alden will get together with you in the next day or so and at least assure you of that. You may have to apply for the new position, but my guess is that given your experience and you know more about this agency than he does in ways, I don't think your future is at risk. Finally, in my last 30 seconds, I really do think that the commission and various parts of city government should have, even if the legal parts of it are a little murky, the ability to adjust to a change in situation and believe me, the situation has changed all sorts of ways. Thank you.

Regina Jackson: Thank you very much. [crosstalk 00:06:31]. Before you move forward, I would just like to remind those that are speaking to address their comments to the commission, please. Thank you. Go ahead, Mr. Roose.

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

Anne Jenks: Yes. I just want to urge the commissioners to honor the union contract and honor the rights under the contract of all of the employees. One very important piece of your job is to be able to deal with the police officers while respecting their rights under their contract. I think it's vitally important that you demonstrate that you also can honor the labor rights under the local 21 contract. Thank you.

Regina Jackson: Thank you, Ms. Jenks. The next speaker I have in the queue is listed as Elise. Hello, Elise. Can you hear us? You can unmute yourself, Elise. Hello, Elise? At this time, I'm going to mute you again and lower your hand. If you wish to make comment, you can raise your hand again. The next speaker in the queue is Assata [Olugbala 00:08:22]. Hello, Ms. Olugbala. Can you hear us?

Assata Olugbala: Yes, sir. Thank you. I don't know if community and public have a thorough understanding of the extreme importance of the effectiveness and efficiency of the agency, how that has to work, because they are the individuals who are responsible for the determination of inappropriate behavior police officers. I have spent years even before the commission was put in place, trying to understand why the investigative process resulted in so many, not sustained, unfounded, exonerated findings in such an unbalanced way. Many officers were found not to be responsible for charges brought by the community and no explanation why that imbalance took place. I know you're talking about something that may not have specifically to do with this, but the bottom line with whatever you're doing related to restructuring has to, at some point, come



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to a conclusion of this investigative process to work better than it is presently working.

Assata Olugbala: I'm not in a position to thoroughly understand what you're about to do, but the end result has to be at some point the investigative process as to work better than it is currently working by these investigators. A move forward in any capacity you think you need to, but the bottom line is we need a better investigative process. Thank you.

Juanito Rus: The next speaker I show in the queue is Rashidah Grinage. Ms. Grinage is using an older version of Zoom so I'm going to quickly promote her to the panel.

Rashidah Grinage: Thank you. I just wanted to comment that this is obviously a difficult moment. I have the feeling that the process will be fair. It needs to be fair, and it needs to abide by the rules that govern made in confer and the union rights. The commission also has not only rights, but obligations to fulfill under the charter. One of those is the ability to reorganize [inaudible 02:23:27]. I do think that a two phase process is better, especially given the remarks of Mr. Alden about the charter amendment, which does talk about staffing and specifically the inspector general position. I think that whatever you do will need to be reconciled with that proposed language and find some accommodation between what your structure, what you will want your structure to look like and what the language of the charter amendment is. I know that that's another item coming up on the agenda, but I'm hoping that the process that unfolds will be one in which all of the parties can feel satisfied. Thank you.

Juanito Rus: Thank you, Ms. Grinage. I'm going to have to remove you from the panel so this is going to be a longer of a transition.

Regina Jackson: Okay. While you're doing that, and just before I call on Commissioner Gage, I would just like to say that the commission [inaudible 02:24:44] Mr. Alden is absolutely committed ethically and compassionately going through the meet and confer process and as well, compliant with any requirements of the collective bargaining agreement. I just want to make sure that that is stated for the record. That is our intention. While you're continuing to move through that process, Mr. Russo, I'm going to unmute Commissioner Gage so that you can raise your question or make your comment.

Henry Gage, III: Thank you, Chair. With permission, I'd like to wait until public comment comments concluded.

Regina Jackson: Oh, okay. All right. Very good. Thank you.

Henry Gage, III: Thank you.



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- Regina Jackson: Mr. Roose, are we...
- Juanito Rus: Yeah, we're back. The next speaker I have in the queue is William Churno. Hello, Mr. Churno. Can you hear us?
- William Chorneau: Yes. Thank you. I wanted to take a second at the beginning of my comments to really appreciate the members of the commission for the job that they've taken on and the hard work they're doing as volunteers and the manner in which they've [inaudible 02:25:58] under the... I would have to say unfair pressure and lack of cooperation from the city administrator's office and I believe also the mayor. I wanted to really urge you to move carefully and cautiously in this process. I'm kind of shocked to learn that one of the people whose positions is being eliminated, found out about it in a public meeting. I think that demonstrates a real lack of compassion on the part of someone.
- William Chorneau: I don't know who, but that should not happen to any of us. The other comment I wanted to make is some of the commissioners spoke before public comment and said, I believe said how they intended to vote, said what kind of a process they supported. It makes me wonder what is the purpose of public comment if commissioners are going to make up their mind and voice that before the public comment is taken. I'd really like to urge you to keep your comments during the discussion period, to questions and discussion and to save your opinions on how you're going to vote until after you've listened to the public. Thank you.
- Juanito Rus: Thank you, Mr. Churno. The next speaker that I have in the queue is Kevin Cantoo. Hello, Mr. Cantoo. Can you hear us?
- Kevin Cantoo: Yep. I'd like to say again that I think that we could, given eliminating the positions of a few murderous criminal sex crime committing open police officer's, pay for radically increasing the size of the CPRA. I'd like to yield my time either to Mr. Roose or to silence. If he can't talk, watch the ticker tick to zero.
- Juanito Rus: Thank you, Mr. Cantoo. Your time has expired. At this time, there are no more further speakers in the queue. We turn the meeting to you, Madame Chair.
- Regina Jackson: Thank you, Mr. Roose. Commissioner Gage, did you still have a comment? I can unmute you.
- Henry Gage, III: I do. Thank you, Jen. I'm struggling a bit to find words here. Here's what I want to say. Our responsibilities, as an oversight body, do not absolve us of our responsibility to act humanely. It is incredibly unkind for anyone to discover that their job is at risk during a public meeting, especially a meeting that they're hosting. There's a distinction, an important distinction between the fault and



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responsibility. I do not know who is at fault here, but the responsibility to act kindly in this difficult situation is ours and we failed. I'd like to express my apologies sincerely for our commission's failure to act kindly [inaudible 00:02:31:18]. Thank you, Chair.

Regina Jackson: Thank you very much. Are there any other... Commissioner Prather, you have been unmuted.

Edwin Prather: Thank you, Chair. I'd like to also, along with Commissioner Gage, express my apologies to Mr. Roose. I think that certainly while not apportioning blame here, I mean, and I personally often call out organizations, individuals for being tone deaf, and the buck stops with us as a commission. I think that we too have failed in our obligation stack humanely and Mr. Roose should have been apprised of the situation. He should have been given a choice of whether to continue to run meetings. How incredibly difficult this must be for him to, in a public setting, have having folks talk about his position and then have to moderate public comment on it. I mean, I just can't... Mr. Roose, I just, you have my respect, sir, for standing up and holding your head high and doing your job in the face of all of this.

Edwin Prather: That being said, I think the difficult position here is, is that the CPRB, we inherited it with some major difficulties and power and authority was centralized in one position. We fought for years to try to decentralize that, to make it a better organization, to try to implement change and to do things that we felt were in the best position for police oversight and for the residents of Oakland. I think we tried to do that in a really transparent way. I think sometimes we lose the forest for the trees because in our rush to be transparent about it, we're also, sometimes I think we can forget this does affect people and individuals. I just wanted to mention that and it doesn't necessarily affect how we should address or analyze how to move forward because it is under our, the charter does call for us to evaluate a reorganization and that's what we're doing, but we certainly could have done it a better way. I think we have to acknowledge that, and Mr. Roose, you have my apologies.

Regina Jackson: Thank you, Commissioner Prather. Are there any other questions of the commission or statements from the commissioners? Okay. I see none. [inaudible 02:34:26] that is on the table, the one that has been moved from the personnel committee for commission discussion and next steps. I'm sorry. Commissioner Harris, you have been unmuted.

Ginale Harris: Thank you, Chair. I'd like to make a motion. Is it appropriate to do that [crosstalk 02:34:55].

Regina Jackson: It is. Sorry.



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Ginale Harris: Yes?

Regina Jackson: Yes.

Ginale Harris: Okay. Thank you. I'd like to make a motion that we pass the reorganization proposal that was submitted by the personnel committee and executive director, John Alden.

Regina Jackson: Thank you very much for your motion. Is there a second?

Edwin Prather: [inaudible 02:35:29].

Regina Jackson: Commissioner Gage?

Henry Gage, III: Which version of the reorganization is being moved?

Ginale Harris: I'm sorry. I thought about that after I made it.

Regina Jackson: It should be a two step version, the two step version one. Can I get you to amend your motion, please?

Ginale Harris: Yes. Chair. I'd like to amend my first motion to, I'd like to amend it to that we passed the two step process that was put forward by Mr. John Alden and the personnel committee.

Regina Jackson: Thank you. It has been properly moved. Is there a second? Okay. I will move to second that motion. We have taken public comment. Are we ready to vote? Commissioner Harris?

Ginale Harris: I.

Regina Jackson: Thank you. Sorry. This stuff is moving around on me. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Thank you. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Thank you. Cool. Okay. Commissioner Prather?

Edwin Prather: Yes.



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- Regina Jackson: Thank you. I, for myself. There's a unanimous vote to support the two step version of the reorganization plan put forward by Mr. Alden, and referred to from the personnel committee.
- Regina Jackson: Thank you. We'll go to the next item on the agenda.
- Regina Jackson: Okay. Thank you very much. The measure LL ballot initiative was put on for the purpose of reviewing both what the commission in its five and a half hour meeting approved and sent to city hall, city hall to city council and the version that went to meet and confer, recognizing that they are currently in meet and confer. there maybe more changes. I just thought it important for us to read the discernments, the changes and see how we feel about the current measure in light of the fact that what comes out of meet and confer may change yet again. I know that we had a panelist from, excuse me, ACLU, excuse me. I think she had to drop off at 9:00, so she may have dropped off. Let's see here. Miss Victory, are you still with us? You've been unmuted. Mr. Roose, I am clicking unmute, but it doesn't seem like anything's happening and I'm not sure if that means that she's gone. It just says that she [crosstalk 00:27:16].
- Juanito Rus: There she is.
- Regina Jackson: Thank you, Mr. Roose. Hello, Miss Victory?
- Alyssa Victory: Yes.
- Regina Jackson: Yes. Did you want to address the ballot measure or were you addressing the special order?
- Alyssa Victory: The special order and the community engagement update for the ad hoc committee.
- Regina Jackson: Got it. I've called you too early. My apologies. We will try and move forward on this item and hopefully you can hang on for us. Okay. Are there any comments, thoughts, questions? Oh, I saw a hand and then it flew by. Just a moment. Commissioner Harris, you've been unmuted.
- Ginale Harris: Thank you, Chair. May I ask if we could take Miss Victory, take the item Miss Victory is going to speak on, it's in regards to the use of force and if she has to go, I would much rather the public hear what she has to say in regards to the use of force policy that's going to be presented to the public.
- Regina Jackson: Okay, [crosstalk 00:28:35]. We can certainly vote to do that, but we're going to have to take public comment on this item first.



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Ginale Harris: Very good.

Regina Jackson: Let's see. Are folks interested in tabling this item because I think I need to receive a motion and then go to public comment.

Edwin Prather: It would be a motion to suspend the rules and take the thing, take the items out of order. That would be the motion if someone wants to make it.

Regina Jackson: If someone wants to make it.

Ginale Harris: I'll make it.

Regina Jackson: Okay. Thank you very much, commissioner Harris.

Ginale Harris: Yes. I'd like to make a motion to suspend the rules of order to take this item out of order and take an item that is beneath it, above it.

Regina Jackson: Okay. I will second that motion.

Edwin Prather: Just name the specific item that we're taking in front of it, the agenda item.

Regina Jackson: Commissioner Harris, will you just be a little more specific?

Ginale Harris: [inaudible 02:41:43] items eight and nine.

Regina Jackson: Hold on one sec, Miss. Victory. We have to take public comment before we actually do that. My apologies. I unmuted you. I'm sorry, Commissioner Harris. You got muted back. Can you restate the motion so we can be very specific about what we're taking out of order?

Ginale Harris: Yes. Can you hear me?

Regina Jackson: Yes. Thank you.

Ginale Harris: Okay. I'd like to make a motion to suspend the rules of order so we can take items eight and nine before we take-

Regina Jackson: Seven.

Ginale Harris: Seven. I'm sorry.

Regina Jackson: That's okay. Thank you very much. It has been properly moved. Is there a second?



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- Edwin Prather: I'll second that.
- Regina Jackson: Okay. Thank you. It has been properly moved and seconded. Mr. Roose, we'd like to go to you for public comment, please.
- Juanito Rus: For the Chair, if you're going to return to this item, a question of the [crosstalk 00:30:57].
- Edwin Prather: Yeah. You don't have to take public comment. If the motion is successful to suspend the rules and take the items out of order. Then we just have to take the vote to see if the motion to suspend the rules actually passes.
- Regina Jackson: Thank you very much. I appreciate that, both Mr. [crosstalk 00:31:15]. Since it's been properly moved and seconded, let us vote now. Commissioner Harris, you're unmuted.
- Ginale Harris: I.
- Regina Jackson: Thank you. Commissioner Prather? You are unmuted.
- Edwin Prather: Yes.
- Regina Jackson: Thank you. Commissioner Gage. You are unmuted.
- Henry Gage, III: Yes.
- Regina Jackson: Thank you. Commissioner Smith, you are unmuted.
- Thomas Lloyd Smith: Yes.
- Regina Jackson: I, for myself. We unanimously is approved. We are going to suspend item seven and we will move forward to item eight where we will now hear from our panelists, Ms. Alyssa Victory. Mr. Roose, if you can advance the screen, please.
- Regina Jackson: I have unmuted you, Miss Victory, from the ACLU.
- Alyssa Victory: Good evening again. Thank you commissioners for having me. Thank you to the public for participating and bearing with us. I would like to speak to items eight and nine as a part of the use of force ad hoc committee, specifically weighing in on policy expertise to help in re visioning and also supporting the advisory council and working and conducting a community survey and public engagement around what the community would like to see included in this policy. Specifically to number eight, the suspension of carotid use of restraint, having a-



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Alyssa Victory: Aids the suspension of carotid use of restraints hugging or viewed the attachments to the agenda and the supplemental of attachment number eight, I believe have no opposition agree with the red lines that the chief has incorporated, except for at the second line underneath the policy heading, where it's including head and neck, but deleting things such as back and chest. I see there is a small comment and I don't know if anyone is on to explain that further, but otherwise agree with all of the proposed language of the order. And again, hope to revisit that and get more robust community feedback in the use of forced engagement process and redrafting the policy.

Alyssa Victory: More specifically, there have been several other directives by the city council, including things like tear gas that all should be more comprehensively incorporated from ACLU's perspective. And we are very excited to be joining this undergoing that is planned to conclude in September. I don't know if the person controlling the PowerPoint is able to show the part of attachment number nine, or if it's okay to jump between the two items.

Juanito Rus: One second, I can do that.

Regina Jackson: Okay, thank you very much, Mr. Ruse.

Alyssa Victory: I'm thinking specifically of the timeline proposed chart and attachment. Exactly. Thank you. So this is the timeline and framework that has been conducted so far by the ad hoc committee and been given to the community groups to plug into kind of the town hall and feedback pieces. And there are specific areas where ACLU will be doing review and review of the feedback that is garnered from the survey that Rahim is going to be administering as well as the different types of engagement. There's an anticipated minimum of four town halls that will have to be virtual due to COVID and safety concerns, but there are some nuances still being discussed in the community council space, given that they serve populations, including houseless folks, people who are differently abled that using virtual only formats may limit that participation. I again, am really appreciative that we're included in this process.

Alyssa Victory: Again, we had been a part of the drafting of AB 392 compliant, basic policy at the end of 2019. And I'm very happy that the commission and this ad hoc committee is committed to having more robust and real community engagement, especially as an Oakland resident myself. So I don't speak for all of the community org or the other commissioners that are part of this ad hoc space, but these are some of the updates and explanations of the documents that are in the agenda [crosstalk 02:48:42] to answer any questions or concerns at this time on behalf of ACU.

Regina Jackson: Thank you. Commissioner Harris. I'm unmuting you.



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Ginale Harris: Thank you.

Regina Jackson: Go ahead.

Ginale Harris: I wanted to bring something to everyone's attention. On one document, it says suspension. And on the other document, it says ban of carotid restraint. It says banning of the carotid restraint and all forms of Asphyxia. The one says suspension and one says banning. Well actually Special Order 9205 it says, Subject: Banning of the Carotid Restraint and All Forms of Asphyxia, but on the agenda.

Regina Jackson: So is that item eight that you're talking about?

Ginale Harris: Yes ma'am.

Regina Jackson: Okay thank you. Mr. Ruse, if you could put up item eights document. And Commissioner Prather has his hand up by presume to respond to your query. You've been unmuted Commissioner Prather.

Edwin Prather: Yeah. Thank you. Madam chair. I'm happy to go through the special order on behalf of the committee, the subcommittee, the ad hoc committee that did that. And just to answer Commissioner Harris's question, I think that the version that says draft that's watermarked with draft was included, well it doesn't matter who was by, don't look at that version of the document. We have a version of the document that says banning. It starts where attachment eight starts. I think there's an alternative version that the department is offering, which didn't make it into the packet that has red lines, which we can talk about when we start to talk about the document itself. But yeah, just to address that one.

Regina Jackson: Okay. Thank you Commissioner Prather. Since Commissioner Harris, [crosstalk 00:06:12].

Ginale Harris: Which is it? Is it banning, or is it suspending?

Regina Jackson: I think what we're going to do is we'll have Commissioner Prather go ahead and walk through it so he can clarify given the fact that we have two different versions there, [crosstalk 02:51:25].

Ginale Harris: But you know Chair, that's a simple question. Is it banning or suspending?

Edwin Prather: Its banning.

Ginale Harris: Okay. [crosstalk 02:51:31]



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Edwin Prather: Chair, shall I?

Regina Jackson: Yes, please.

Edwin Prather: Okay. So thank you everyone. So at the last meeting, we created an ad hoc committee to take on the drafting of a new and improved version of Special Order 9205, which was offered up by the OPD. The policy at that point was to suspend the use of the carotid hold. And that was the document that was proffered. We voted to write a new version to expand it, to include Asphyxiation and to deal with other issues. The committee set about putting that together to include a ban on all holds that block the flow of air and blood to a person's head. The committee reviewed the draft, researched the policies and other jurisdictions, San Francisco, Los Angeles, Chicago, New York, other large metropolitan cities to see what they do with those holds.

Edwin Prather: Also to comment on a draft from Berkeley's version of the police commission, San Francisco, as well as OPD. And in about four days, we had a draft of the policy you see in front of you, which is a markedly different from the original Special Order 9205. As Chief Manheimer mentioned in her early remarks, we did put a substantial amount of work into it. There are a lot of changes that were made at per OPDs request. And those changes are all for the most part embodied in the document at the time that the document was submitted on 7/5. Now after 7/5. So between the time we submitted this document for posting to the public and today, the police department, OPD, has submitted some changes.

Edwin Prather: And there are for the most part changes, which are stylistic or even wordsmithing in nature. But for our conversation tonight, one last debate for me here, is the fact that OPD wants to, and I really think it crystallizes if you look at the second page, item number two, it's under the heading of policy and it's item number two. And the second line, or the second sentence in item number two, OPD wants to change to say, unless transitory, officers shall not kneel sit on or stand on a person's chest, back, stomach, or shoulders, reducing a person's ability to breathe. And I think that for us does speak to the issue here. As a subcommittee, we would like OPD to say, definitively, that officers shall not sit kneel or stand on a person's chest, back, stomach, or shoulders.

Edwin Prather: We would like that statement made. We understand that there's body to body contact. That is a new change to the document. We understand that there is some transitory contact that happens in the restraining process, right? But OPD does not want to take the position and does not want to come out as strong as we would like them to. And so their statement where the two positions differ, is that they would like to say, unless transitory, officers shall not sit, kneel, or



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stand on a person's chest, back, stomach, or shoulders. And Commissioner, that's the main difference between the two drafts.

Edwin Prather: And so I think what we have in front of us is OPD has said, and I've talked to a number of folks over there in regards to this policy, the issue is this is the line in the sand for the department. And they feel that they can't train on this. They feel that's a statement that cannot make, and it's a statement that are willing to take to the city council on. And so the question for us becomes, do we want to stand on or insist that this special order say, officers shall not sit, kneel, or stand on a person's chest, back, stomach, or shoulders, or are we okay with accepting the proper language from the department that says officers shall not sit, kneel, or stand on a person's head, neck, and throat, omitting the words back, stomach, shoulders.

Edwin Prather: So that's one. The second question is, are we okay with the insertion of the words, unless transitory, officer shall not sit kneel, stand on, et cetera. And so that's the real question for us to take a look at this evening. Logistically, if we come to an agreement with the department on the language of the special order, this special order can be approved, it could then be implemented. And I would like to ask either Chief Manheimer or Deputy Chief Armstrong, how long it would take to start to put this into training.

Edwin Prather: But certainly this could go into training, hopefully quite immediately. If we were to disagree on the language of the special order, then this matter would go very similarly to our probation and parole search policy disagreement. This would go again to the city council and the city council would vote between the two versions and adopt one of the two versions. And this special order would not become final until one of the two versions was accepted by the city council. So, Commissioner Smith, I hope I've covered everything. I know Commissioner Henderson is not with us, but if I've missed anything, please fill in for me.

Regina Jackson: So Commissioner Smith, [inaudible 02:58:22] you have been unmuted.

Thomas Lloyd Smith: Thank you very much, Commissioner Prather. And thank you for your leadership in this. It was really an honor to serve with you on it. And I will say, on both sides of this, a lot of effort was put forward. There were emails flying back and forth all over the 4th of July weekend, including the 4th of July. And our Interim Chief, she was participating in the emails as well. So I really will say on both sides, there was a lot of effort put forward as well as the coalition. And so I really think that we're all vested in this. Now here's the issue. I think that there may be a place, if we're trying to come out with a unified agreement, I think there may be a place where there's an ambiguity here in the work of transitory. Okay. So, what does transitory mean? If you look it up on dictionary.com,



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there's two definitions of transitory. One is not lasting, enduring, permanent, or eternal.

Thomas Lloyd Smith: Okay. That's only a short period, a short lived temp. The problem with the word transitory and less transitory is, it's not specific enough. And so, if we were going to make, and that isn't enough because, if we were going to make some sort of, meet in the middle type of agreement around that kind of language, it would call for at the minimum a better definition of what transitory means. And I hate to say it, but I'm going to say it if we were going to agree to anything, I want to know how long that is exactly. Because, I've watched the film over several times. And when I think about what happened to George Floyd and the clock just ticking while the officer was kneeling on him, I think to myself, every second matters in terms of a human life.

Thomas Lloyd Smith: And so, I'm not comfortable with the breadth of a word transitory, when there's two conditions that you can look in, one is not lasting enduring or permanent or eternal. The scope of the exception there is just so broad that it could just kill the rule. And so I think there's a conversation to be had here if we're seeking to get towards some sort of agreement, but literally if we were to do something like that, I'd want to know exactly how long we're talking about, because there's a whole big difference between some bodily contact that lasts for a few seconds, single digits, three seconds, four seconds, five seconds. And between something that lasts minutes.

Thomas Lloyd Smith: And I think that the word transitory standing alone without some specific definition, threatens that entire Asphyxia portion of the policy. So I leave it open for debate, but I have to sort of speak on that. And then once again, I want to commend all the effort. I really think there was serious, serious effort all the way around to try to get to something. And I think this is a market improvement over where we were just a couple of weeks ago. There may be some more work here to be done, or we could stand on what's already been produced. I look forward to hearing the conversation.

Regina Jackson: Thank you, Commissioner Smith. Before I call on Commissioners Prather and Brown, I'd like to weigh in. First outstanding work, particularly over a holiday weekend, but excellent work from Commissioners Prather, Smith and Anderson. Very much appreciate this because this use of force piece that the ad hoc that Janell is leading, it's a bear. There's a lot to it. So thank you for focusing in on a piece that is absolutely critical. Now, to my point, I too agree with the word transitory. I don't like it at all. I'm not sure that we actually have to be in alignment. I would like it to be that way, but I believe that if we really want to have transformational change, then we've got to change some things and we need to start with not allowing Asphyxia in any way, shape, or form to be imposed upon citizens. That is my personal feeling.



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- Regina Jackson: I will call on Commissioner Prather and Brown, and would definitely like to hear Chief Manheimer weigh in as to why it's such a line in the sand for them. But those are my thoughts. Commissioner Prather I have unmuted you. And then there will be hands from Alternate Commissioner Brown and Ms. Victory in the queue. Thank you
- Edwin Prather: Really quickly, Chair. Thank you. I just wanted to point out two things. One is that this special order is meant to be a bridge between when it can be adopted and the drafting of this section in the DGO K-03 use of force document, which that ad hoc committee will undertake. I think our ad hoc committee on this special order, anticipated that these issues around body to body contact and Asphyxiation would take pages upon pages on pages of clarity. And this is a special order made to get us to that point. So that's the first point I want to make.
- Edwin Prather: The second point I wanted to make is that the way the change is made in section two of the policy section, when it says any body to body contact between officers and a person or officers placement of weight on a person, must be transitory until safely restrained. When that edit is placed in there by OPD, what that says is that it makes it subjective. It makes it relative. And I have to go to the language of it because in the George Floyd situation, Officer Chauvin, who had his knee in Mr. Floyd could have said to himself, well, this is still transitory. He's not safely restrained yet. I'm still putting him under control. And to Commissioner Smith's point, that is just too relative toO subjective. There's no specific criteria to it. And what it does is this isn't much of anything. When you put all of these other words in here and there to change the meaningful effect of this policy. We need OPD to say, as a department, we will not sit on, kneel on, or stand on people, and they need to say that, and this is what our version of the policy says.
- Thomas Lloyd Smith: And I think it needs to be clear. It needs to be clear that it can be trained on. And that's the difference too. Every officer has to be able to understand what's being said. And if they think that this is a subjective thing where I can determine what's transitory and what's not, then we've got different interpretations going around the department and we're not yielding the protection that we want to provide to the members of the community.
- Regina Jackson: Thank you. Commissioner Smith, Alternate Commissioner Brown followed by Ms. Victory. You've been unmuted.
- Regina Jackson: Okay. Commissioner Brown. Can you hear me?
- Chris Brown: Here we go. We're set. Okay. I don't. Did you hear any of that?



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- Regina Jackson: No. Please start over.
- Chris Brown: Okay. While we're focusing on transitory, it sounds like we're debating about a duration, a time duration when I think we should instead be looking at intent. And so I would suggest we might consider something like incidental that says that we don't tolerate any intent to use cardio restraint. And instead, if it happens incidentally, then it has to end immediately.
- Chris Brown: That's it, thank you.
- Regina Jackson: Thank you very much. Ms. Victory, you have been unmuted.
- Alyssa Victory: I would agree with the previous comments about removing the transitory qualification in the language and do not agree with adding any language about intent of an officer in the moment. And I do want to share that there's been state legislation since 2019, that was introduced to ban all forms of physical Asphyxia, including carotid restraints. And it's very simple and straightforward and has been proposed as an urgency measure that would take effect immediately. And this moment with all the momentum that has been building, it has been revised as recent as I believe this week. So there is a possibility that this could become a lot clearer at the state level. So I do agree with the energy that commissioner Jackson provided that this is the opportunity to make some real change, but also it may be coming from the state in Oakland has an opportunity to be ahead of that.
- Regina Jackson: Thank you very much Ms. Victory.
- Regina Jackson: Since those are all the questions as far, I would like to pivot to Interim Chief Manheimer to hear her justification for why they have to have that opening, that gap. Alternate Chief you've been unmuted. [crosstalk 03:09:06] Excuse me, Interim Chief, you've been unmuted.
- Chief Manheimer: I'll take alternate right now. Thank you, Madam Chair. So first, we are so close and what I really want everyone to understand is that in the heat of the moment, when an officer is struggling with an armed combative resistive individual, we cannot contain or specify or choreograph the ways in which they will restrain them safely for the individual, for the community, and for the officer. So we would not expect that any officer would end up sitting, kneeling, or standing on, but we certainly cannot ensure that the stomach, the trunk, the back, the shoulders are absolutely the areas around which we would try and restrain an individual in body to body contact.
- Chief Manheimer: So I think where we're going is there would never, we would never countenance or allow pressure on the head, neck, or throat. And as soon as we are able to



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safely restrain an individual, and I would argue, I think with whatever commissioner said that Derek Chauvin had not yet restrained. I think that's the whole issue. He stood there with his hands in his pockets. He wasn't struggling with that individual, George Floyd. And that's why we're also horrified. We watched him kill him. That is not what we are looking to do, but we cannot restrain an officer from the lowest form of physical intervention, which is pinning an individual so that they can restrain them. And the moment, the very moment upon which they have safely restrained and control that individual to recover them to a position. We've trained in positional asphyxia since the '90's, since Excited delirium and Positional Asphyxia still came about.

Chief Manheimer: So we embrace every part of this, but there is no way in which we can tell an officer to take the two lowest levels of intervention, the prone position, and the ability to pin down the trunk of an individual so that they can control them to safely restrain them. And in any way, assume that we could choreograph that. So in the heat of that moment, they wouldn't put pressure on the trunk of the individual. So that's our only problem. And I don't think that any of you would want us to escalate to a higher level of force, because think about it, if we can not have an officer restrain the trunk and the hands and the legs of an individual what's left. Using a baton, punching an individual, using a taser, a firearm, there is no lower level of force.

Chief Manheimer: So what we're doing unintentionally, I understand where we're trying to get to, but it will both escalate force and an officer will not be able to play sands on an individual because worried about that in any way, he would be touching these areas. So that's why we tried to change it. I think it's one of three things. That either we recognize and agree and embrace and want to direct our people. But remember, we cannot enact this policy. We brought it about a month ago without some of these good pieces. I'm glad they're in there.

Chief Manheimer: But what we want to see is the ability to ensure that we do not touch the head, neck, or throat, as soon as we've safely restrained an individual, we return them to a position that is with dignity, with care, and with health in mind. And that we do that in such a way that doesn't escalate the force. So it's not as if it's just a line in the sand. It's simply that an officer will not be able to go hands on and that lowest level.

Regina Jackson: Okay. Thank you. Chief Manheimer. Commissioner Prathers hand is up. You are unmuted.

Edwin Prather: Thank you. Madam chair. Look Commissioners, let's not gaslight the situation, okay. We're not talking about we're not going to be able to restrain individuals. So suddenly we're going to start shooting people in Oakland. Suddenly we're going to start tasing them, or we're going to hit them with our batons. We



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need a policy from OPD. They don't train that reflects how we need them to act in this situation. They don't train people to sit on other people. They don't train their officers to stand on other people. What they do train is they train certain types of holds. They train side control holds. They train straddle holds. These are holds, which they train on, which under the language that we presented would be allowed.

Edwin Prather: If we gut our policy to make all of these exceptions, it's almost as if, why are we having a policy at all? Why are we not communicating from the very top up to all officers to the rank and file like, look, it's not okay to sit on people. It's not okay to kneel on people. It's not okay to stand on people. And that's not the changes that would be put forward by the department at this time, gut our policy. And I think I speak for Commissioner Smith and Commissioner Anderson when the art committee recommends our version of this policy.

Regina Jackson: Okay. Thank you very much. Commissioners Prather and Smith. We have heard from the Interim Chief. I know that we have some public comment. Does somebody want to make a motion before the public comment or shall we go to public comment first?

Edwin Prather: I actually, Chair, I'd like to hear public comment before making a motion.

Regina Jackson: Okay. Very good. Mr. Rus, can we pivot to you please?

Juanito Rus: Thank you, Madam Chair. At this time, if you would like to speak on this item, please raise your hand and you'll be called in the order in which your hands are raised. The firsthand that I'm showing in the queue at this time is Larry White. Hello? Mr. White, can you hear us?

Larry White: Yes, I can actually, I raised my hand for the measure LL discussion, and that's what I want to talk about, but I just wanted to comment since you've got me now on what I just heard and what I heard something so different from Chief Manheimer than what I heard the previous discussion. She says they don't want it. They want to be able to deal with the trunk of a individual. Well, that isn't what's being talked about. This is about Asphyxiation. So there's something about the way she presented this. That was somewhat deceptive, but otherwise I don't really have any more comments and I will seed my time to whoever else wants to.

Juanito Rus: Thank you, Mr. White. The next speaker, I appear to be getting an echo. I'm not sure where that's coming from. Can you hear me? The next speaker in the queue is listed as Brit R. Hello, Brit. Can you hear us?



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- Brit R.: Yes, thank you. I just want to bring up the fact that Eric Garner died from an illegal and banned choke hold in New York. So let's not fool ourselves, that these types of performative reforms are going to change white supremacist police culture. Please don't care what the rules are. They do not care what the laws are. Police can't even follow the simplest human tasks like wearing a mask or stopping at stop signs. We all sit here and listen to Chief. Manheimer lie through her teeth every meeting. And we just accept this as normal behavior from a Chief of Police. Honesty and integrity are not character traits of the Oakland Police Department. Do you expect anyone's belief that the same police force that rapes minor children will care about a banded restraint? Band the restraint. Sure, why not? But let's not lose sight of what needs to be done here. Abolish the police de-fund the police, get these violent and reckless pigs off our streets and out of our community. There is no reforming an institution that is working exactly as it was designed to. Thank you. That's all.
- Juanito Rus: Thank you.
- Juanito Rus: The next speaker in the queue is Anne Janks. Hello Miss Janks, can you hear us?
- Anne Janks: Yes.
- Juanito Rus: Whenever you're ready.
- Anne Janks: First of all, I wanted to especially thank Commissioner Prather for his work on this draft. And please don't wait for state laws that are proposed. My understanding is that they're going to do a good job in terms of banning choke holds and carotid holds, but they're not going to do as good a job in terms of addressing asphyxiation. We haven't found, and maybe Commissioner Prather has, any language in the US, although we did use some of the language from European countries in terms of how they look at asphyxiation.
- Anne Janks: George Floyd's initial coroner's report mentioned excited delirium and his underlying medical conditions. It said that he didn't die of asphyxiation. So we know that a lot of people do die of asphyxiation and the coroner uses these pseudo-medical terms or these medical terms that somehow only black men suffer from.
- Anne Janks: We know it's happening. We'd like to create language that's as strong as possible. The speaker immediately before me said that without enforcement, it won't be meaningful. But I know that the first step is to create the language and then work to enforce off of it.
- Anne Janks: I know as well that the public defenders were suggesting language that did address intent earlier. So I don't know, maybe that's the way to go. But get



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something in there and we'll work to perfect it when we do use of force as a general policy, I guess. Thanks very much for doing this.

Juanito Rus: Thank you, Miss Janks.

Juanito Rus: The next speaker in the queue is Michael Tigges. Hello, Mr. Tigges, can you hear us?

Michael Tigges: Yes, I can. Yes I can.

Juanito Rus: Whenever you're ready, sorry.

Michael Tigges: Great, thank you. I believe we're speaking both to items eight and nine. First of all, item eight, in terms of the policy, for the most part, the chiefs changes in language, I can live with except for the term, "unless transitory." Eight minutes and 49 seconds is transitory. At the end of that, George Floyd was dead. Never should any attempt to subdue a subject require more than maybe a second or two inadvertently. Okay, that I can live with. But to attempt to constrict a blood flow to the brain, never.

Michael Tigges: Second of all item nine, which I believe is also being considered at this point in terms of outreach on the use of force. So far, and I've looked at this timeline, it'd be nice to see if it actually happens, but until... For the last, what? Six months or longer, the police commissions speaking with OPD has been completely behind closed doors. Sort of like meet and confer, don't you think? We know how that happens and I'll speak to that when we come back to item seven. The use of force policy has to be guided by the public. Thank you.

Juanito Rus: Thank you, Mr. Tigges.

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

Jennifer Tu: Thank you, [Mr. Rousse 03:22:41].

Juanito Rus: When ever you're ready.

Jennifer Tu: Thank you. My name is Jennifer Tu, I'm a resident of district three. I just wanted to say that there is no reason for a police officer to ever be sitting on my stomach, on your stomach, on anyone else's stomach for any length of time. Chief Manheimer earlier said that not being allowed to sit on someone's back when they choose to means that that forces them to use clubs or guns on that person. And that's just like a schoolyard bully saying that they don't really want to give you a swirly, but you're forcing them to by not giving them your lunch money.



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- Jennifer Tu: The terminology that OPD needs to learn is deescalation. It's a way to care for those around you in distress and it's a way to show your support to your community. Unlike learning about asphyxiation, this actually would lead to having the circumstances change where people don't have to be harmed by the police.
- Jennifer Tu: I sincerely hope the commission will take the right stance here and move on to setting the expectations that we need in our city for how police are to behave, and that means not having adults sitting on other people for any length of time ever. Thank you.
- Juanito Rus: Thank you, Miss Tu.
- Juanito Rus: Next speaker in the queue is Kevin Cantu. Hello, Mr. Cantu. Can you hear us?
- Kevin Cantu: Hello again. I would just like to say that in sports I've observed that there's often no exception for transitory face masking at a football game, for example. If this stuff can be permanently injurious or fatal, you don't do it. I think it's inappropriate for the chief to threaten more baton use and shooting people more often in response to attempted policy reform. I think we should be working on deescalation. I yield my time.
- Juanito Rus: Thank you, Mr. Cantu.
- Juanito Rus: The next speaker in the queue is Lorelei Bosserman. Hello, Miss Bosserman. Can you hear us?
- Lorelei Bosserman: Yes, I can. Can you hear me?
- Juanito Rus: We can hear you. Whenever you're ready.
- Lorelei Bosserman: Thank you. I believe I just heard the interim chief speak about what we're speaking about as if we were speaking about contact. She's like, "Hey, if we can't make contact with those parts of the body," that's not what we're talking about. The fact that she decided to shift that over tells me that she doesn't have a valid argument. We're not saying you can't touch the stomach, we're saying you can't stand on it or sit on it or kneel on it. That's all. She's pulling a switch on us, it's ridiculous. I'm done.
- Juanito Rus: Thank you, Miss Bosserman.
- Juanito Rus: The next speaker in the queue is Ashley Abraham. Hello, Miss Abraham. Can you hear us?



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Ashley Abraham: Yeah. Can you hear me?

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

Ashley Abraham: Yeah. So I also do not agree with the insertion of that in transitory term. I believe that this does give subjectiveness to whoever the officer and those involved to use this method. It does give that little leeway of using this method. But if in fact this is going to be used, I feel like there needs to be strict guidance on how this is being used.

Ashley Abraham: For instance, there should probably be a monitor that is strictly reviewing the scenario, making sure that everything is properly recorded. Maybe camera footage be submitted. There just needs to be a lot more stringent language regarding the use of this method because, as you all know, we unfortunately have only seen repercussions of death from this method, obviously. But if indeed this is going to be used, please please add more strict guidance, especially on the timing and the use of this because it's true with what one of the other commissioners had said. Timing is everything for this method. And if you look at boxing matches, they have strictly a referee monitoring this type of method. So please be considerate of that. Thank you.

Juanito Rus: Thank you, Miss Abraham.

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

Kyle Mitchell: Yes. Can you hear me?

Juanito Rus: We can hear you. You have two minutes, whenever you're ready.

Kyle Mitchell: So I'm calling in to encourage the commission to be bold and also to realize that the stronger of the proposals is just not that bold. I think it's important, and I was glad to hear the emphasis on the message that we want to send and that we need to send. And I would add to that just further emphasis on the reason for that message.

Kyle Mitchell: The message is, don't do this. These techniques, call them what you want, are error and abuse prone, and those errors and abuses kill people. The message is stop doing those error and abuse prone maneuvers. Don't do them. And if there's a training issue, which should be to find alternatives that don't pose those same risks either for misuse or for the unintended consequences.

Kyle Mitchell: I would also say that when we look at alternatives, we can vote down as well as up. If OPD can bring in someone safely, they should consider not bringing them in or not bringing them in at that time. That's all I have to say. Thank you.



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- Juanito Rus: Thank you, Mr. Mitchell.
- Juanito Rus: The next speaker in the queue is Assata Olubala. Hello, Miss Olubata. Can you hear us?
- Assata Olugbala: Yes, sir. I can. Thank you.
- Assata Olugbala: I am a black mother. I have two sons and two grandsons. And through this whole process all I can hear is George Floyd saying, "Mama." And for two minutes and 46 seconds, imagining that could be my child, that could be my grandsons. And all of this conversation about how people think what should be, all I want is to eliminate the possibility that my two black sons, my two black grandsons, will not become the victims like George Floyd and the all the other black men who unfortunately have lost their lives because of police.
- Assata Olugbala: Okay. I'm going to leave that alone. Appreciate all the people calling in, but you don't know what it's like to be a mother looking at that and having to embrace the fact it could be your child. When you have a police department for 17 years that has been under the mandate to end excessive force, that's what you're talking about. Excessive force, a form of it, and coming to an end. And this police department has, for 17 years, been incapable of coming out of the mandate to end excessive force and racial profiling. So you come up with a form of ending excessive force and they haven't been able to do it for 17 years. What's going to be the difference maker to date or tonight? But I want black boys and men to stop being killed by the police.
- Juanito Rus: Thank you, Miss Olubala. Your time has expired.
- Juanito Rus: The next speaker in the queue is Tasha [Mente 00:03:35:00]. Hello, Tasha. Can you hear us?
- Tasha Mente: Yes, hi. Can you hear me?
- Juanito Rus: We can hear you. Whenever you're ready.
- Tasha Mente: Great. First I wanted to say thank you to Mr. Rousse. You're just a bright patch in the madness of all of these meetings and I really appreciate the way that you've been able to moderate all the public comments throughout the meetings that I've been able to attend.
- Tasha Mente: I also wanted to say that I agree with what I've heard from the commissioner so far and the speakers before me. The language use, "unless transitory," is far too vague and this just needs to be removed. If an awful compromise must be made, then we have to discuss parameters, timing, and definitions that need to



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be set accordingly. But my wish, and that of the public as already heard so far, is that we won't need to come to that and that the commission will take a bold stand and reject the changes that Manheimer wants to make.

Tasha Mente: I can't imagine why an officer would need to stand on someone's back to restrain them or why, if they aren't given permission to do so, that they would resort to things like batons and tasers. There's got to be a different way for police to deal with their aggression if this is the way that they resort, that's their default setting is to perform these aggressive and violent tactics. Maybe we should send our new mental health forces to work with them. So that's all I've got. I yield my time. Thank you.

Juanito Rus: Thank you, Miss Mente.

Juanito Rus: Next speaker in the queue is Rachel Beck. Hello, Miss Beck. Can you hear us?

Rachel Beck: Yes, hi. Can you hear me all right?

Juanito Rus: Sorry, we can hear you. You have two minutes, whenever you're ready.

Rachel Beck: Great. Thank you, Mr. Rousse. I am calling from district one. I would like to observe that OPD, in adding language into this carotid policy specifying that transitory holds would be allowed, is giving ultimate discretion to officers. That's not acceptable and it's also not something that can be trained on. Derek Chauvin has made it clear that officers cannot be trusted with ultimate discretion or with other people's lives.

Rachel Beck: Chief Manheimer suggests that if officers can't choke an arrestee, they will instead escalate conflicts because they won't have recourse to anything other than batons, tasers or firearms. I would like to observe that this is a threat, this is blackmail, this is not an argument to use if you want people to perceive you as speaking and acting in good faith. I yield my time.

Juanito Rus: Thank you, Miss Beck.

Juanito Rus: The next speaker in the queue is Megan [Stephan 00:03:35:00]. Hello, Miss Stephan. Can you hear us?

Megan Stephan: Hi, yes. Thanks Mr. Rousse. Yeah, I just wanted to echo what everyone had said before me and just say that when I hear that if this policy goes into place, the alternative is escalation to guns and batons, this is a threat. And I wanted to thank the commission for laying out this policy. As we all know, the policy won't have an effect unless it's enforced and I really hope that you all find a way to



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enforce it. Thanks, Commissioner Prather, for your hard work on this and thanks to everyone else as well. I yield my time.

Juanito Rus: Thank you, Miss Stephan.

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

How many examples have we seen where white detainees are given water or taken to a burger joint even after committing more serious crimes than writing a bad check? I do believe that police are not trained to put knees on heads or necks. With popular belief, the non-white detainees are either thugs or criminals leads to excessive force because of a perceived threat.

Mariano Contreras: Can someone tonight please address the real issue? The question of race and skin color. That is key for me and that is key for half of Oakland, for over half of Oakland residents. The only time I want to be white is when I am stopped by police. Thank you.

Juanito Rus: Thank you, Mr. Contreras.

Juanito Rus: The next speaker in the queue is listed as The House. Hello, Mr. And Mrs. House. Can you hear us?

Duane Jenkins: Yeah, can you hear me?

Juanito Rus: We can hear you. You have two minutes, whenever you're ready.

Duane Jenkins: My name is [Duane Jenkins 00:03:36:25], and listening and seeing the events that happened with George Floyd and the police reminds me of watching the video tape of Rodney King, where the police were standing around beating this man. And they had enough police officers around him to subdue him without using their batons. Then if the officer's crowd around him and subdue him, there'll be a complaint of the officers using too much force because they're all sitting on him trying to handcuff him.

Duane Jenkins: I have a little experience with some of the training of the police officers, but I can say this. Watching the George Floyd murder, because that's what it was, I've never seen any training where a man will put a knee on a person's neck. However, the weight of all the officers that were on him was quite a bit much. So when we come to understanding or becoming to an agreement on what language to use when it comes to this type of tactic, I believe that the commission needs to go to the police academy and see how they train and make suggestions from there. They need a big picture instead of the police or



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the chief or deputy chief saying one comment and people who don't really see into the situation make another. We need to have a middle ground. And now that we see how the bad part of it, we need to see how the police officers are trained to handle the type of situation to make a proper assessment on what language to use. That's all. Thank you.

Juanito Rus: Thank you, Mr. Jenkins.

Juanito Rus: The next speaker in the queue is [Cathy Leonard 00:03:38:24]. Hello, Miss Leonard. Can you hear us?

Cathy Leonard: Yes, Cathy Leonard. I just have to echo what everyone said and thank you, Mariano Contrarez, for explaining what is really going on here. Plain and simple, it's racism. I don't remember an instance of any cops in the United States strangling white men. Let's call it out. I don't remember any choke holes. I don't remember any carotid holds. This technique is reserved for black and brown people, and particularly black people. And I'm sick and tired of it as a black woman. I have brothers, my father, my grandfather, nephews who are minors. I worry about them every day when they step out of the house.

Cathy Leonard: Batons. Chief Manheimer, you want to use batons. I'm reminded of all of the batons that were used on Rodney King, who's lucky to survive that incident with the police.

Cathy Leonard: Deescalation. Why is that always used with people other than black people? Use of force is consistently used against black people. Why not try deescalation? We can't depend on the Oakland Police Department to write any policy whatsoever because all of their policy is concerned with is force, force, deadly force. It's time to stop it. Thank you.

Juanito Rus: Thank you, Miss Leonard.

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

Reisa Jaffe: Hi, yes. I want to lift up the comment of the person who said, "If a person can't be restrained safely, let them go." This is something that I've been asking about. If a car, for example, has been stolen and police officers are chasing the car, why? If they can't get the car back safely, let the car go. We have to respect people's lives are important. And our options are not a baton or the other things that the chief claimed were the options. The option really is let the person go. Thank you.

Juanito Rus: Thank you, Riza.



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- Juanito Rus: The next speaker in the queue is Terri McWilliams. Hello, Miss McWilliams. Can you hear us?
- Terri McWilliams: Yes. Can you hear me okay?
- Juanito Rus: We can hear you. You have two minutes, whenever you're ready.
- Terri McWilliams: Thank you. I'm Terri McWilliams, Faith In Action East Bay leader. And I want to echo with some of the other mothers have spoken about, especially when at 36 years old, I'm still asking my son to be safe every time he leaves his house. It is unreasonable to think that I have even have that conversation with him.
- Terri McWilliams: As this has already been said, the use of force and the type of use of force that we're talking about has always been to have been reserved for black people, particularly black men. There were a time where if I got pulled over by a police officer, I was okay with it because I figured as a woman I would be pretty safe. But now I don't even do that. I can't think that way.
- Terri McWilliams: I want to be able to leave home, do what I need to do and come home. I want my son, my nephews, my brothers, my uncles, my friends. I don't want to get a phone call that my son has been killed by the police for something that was very stupid. Stupid on the part of the police department.
- Terri McWilliams: I urge the police commission, stick to your guns, be strong. Pass legislation that's going to meet what our needs are within the community, not what's going to help the police department continue to keep their knees on the necks of black men and women in the city of Oakland. Thank you.
- Juanito Rus: Thank you, Miss McWilliams.
- Juanito Rus: The next speaker in the queue is Bruce Schmeichen. Hello Mr. Schmeichen. Can you hear us?
- Bruce Schmeichen: Can you hear me?
- Juanito Rus: We can hear you. You have two minutes, whenever you're ready.
- Bruce Schmeichen: Yeah, I just want to note in the aspect about whether or not this takes into account the experience of police officers. I just want to note that when coalition members came up with this asphyxia language, we did it in conjunction with recommendations from a former police officer, African American officer with very high level officer in a number of departments. And he's quite critical, obviously, policing practices.



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Bruce Schmeichen: And so that does specify that the officers can hold limbs, but that they shouldn't dog pile, Those were his words. Dog pile on people in terms of anything that restricts their breathing, which is quite different. So this does take into account the experience of police officers we've consulted. And I just want to make that point. This a police officer who is actually an active member of our coalition for police accountability. Thank you.

Juanito Rus: Thank you, Mr. Schmeichen.

Juanito Rus: At this time, there are no additional hands raised in the queue. Madame Chair, I'll return the meeting to you.

Regina Jackson: Thank you very much. I have commissioners Smith and Jordan in the queue. I'm un-muting you, Commissioner Smith, followed by commissioner Jordan.

Thomas Lloyd Smith: Thank you, [Gerr 03:44:31]. Can you hear me?

Regina Jackson: Yes, I can. I'm sorry.

Thomas Lloyd Smith: Great. The first thing I wanted to say is, yeah, I heard the chief say that she believed that this was a watershed moment. And the truth is I believe that it is too, but if this is truly a watershed moment, then what we have to understand is that change is going to come and it's going to be a degree of change that we haven't seen before. Things can't stay as they've been. And what that means is that means we've got to be willing to take steps we haven't taken before and actually do it fearlessly. And I think that the commission's version of this policy is a step toward that end.

Thomas Lloyd Smith: I can't stop thinking about George Floyd and what I saw when I watched the tape of his murder. I don't think, I know, that I could not take the version of this policy that Chief Manheimer has put forward. If I had to look in George flood's eyes and tell him that I was doing something that would prevent the same from happening to someone else, I wouldn't believe that. I couldn't feel good about that. And so I'm going to make a motion that we pass the version, the police commission version, of the policy.

Thomas Lloyd Smith: As I read the language, I think to myself, I don't believe that this is so impossible to do and Chief Manheimer, what we need in Oakland is a level of leadership from OPD that we haven't seen before. I understand that you've got multiple constituents to deal with, but what we need at this point in time, is not someone who stands up and tells us what we cannot do. What we need is what I said to you when you first came to the first meeting. We need someone who's going to listen and then after listening, who's going to be able to do what's never been done before here and provide a level of leadership that'll make our



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police department an example of constitutional policing that everybody can have confidence in.

Thomas Lloyd Smith: So that's my motion. I want to make a motion that we pass the police commission version of special order 9205, banning of the carotid restraint and all forms of asphyxia upon revision of DGOK-03, use of force

Edwin Prather: Friendly amendment?

Regina Jackson: [inaudible 00:29:25].

Thomas Lloyd Smith: Edwin, yes.

Edwin Prather: Thank you.

Regina Jackson: [crosstalk 03:47:28] and let Commissioner Prather do a friendly amendment.

Edwin Prather: Yeah, thank you. I do think there are three small edits, which are suggested by OPD, which I think make our policy better. And so I would like to add, provide these to Commissioner Smith for his motion. The first would be in footnote one, there's a reference to *ibid.* that would be changed to the word, to the phrase, DGOK-3, use of force.

Edwin Prather: On page two, at the end of the first paragraph, the word practicable should be changed to the word practical. And then on the third paragraph with the number one, in the second line... Or sorry, second sentence, it says, "Officers should avoid forcing." That should actually read, "Officers should avoid physically forcing." I think that those make the motion stronger, Commissioner Smith. And with that, I would second the motion.

Thomas Lloyd Smith: I will incorporate Commissioner Prather's edits into the motion and stand on that motion.

Regina Jackson: Okay. And then I've heard that Commissioner Prather wanted to beat me to second and so it has been properly moved and seconded.

Regina Jackson: We do have another alternate, Commissioner Jordan, who has his hand up. You have been un-muted.

David Jordan: Hi, yeah. I'm happy to also just speak to the motion, transition straight into that. I do support this motion for a number of reasons. I support what Commissioner Smith just said. I think that if we were to make that edit that the department has suggested, we do open ourselves up to a situation in which it's so vague that what we need to prevent is issues of qualified immunity in which officers maybe



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point to a thing not being specific enough in their training or policy that allow them wiggle room to have questions of intent.

David Jordan:

Unfortunately, intent is as a subjective measure, it's unfortunately not functional because as we know, as members of the public said, that different members of the community, different members, different people who engage with the police are perceived differently in how dangerous they may be, or at what point are they under control. Talking about George Floyd, did that officer feel that he had him under control? I mean, I would argue that it was clear that he had him under control, but if we leave a situation open for officers to... Even if they're expressing an unconscious bias to believe that this person is more dangerous than this other person and therefore treated more harshly, we just can't leave ourselves open to that sort of transitory... Even if we were to change the language to extremely brief and incidental. I think it still opens it up to interpretation. And unfortunately, the police have not proven that their interpretation of the circumstances is always reasonable. And I hate that, that's the world we live in, but unfortunately it is. And though the department may feel like pushing this forward... Which, also this is a thing that was discussed, and talked about, and agreed upon. And then at the last minute there's a change. We're being asked to make a change which feels, I don't know. It does not feel like it was made in good faith. And I'm sorry if that feels like an accusation, but you have to understand how your actions are going to be perceived sometimes. And so, given all of that, I think that you may not feel it's reasonable, but at a time like this, where we do need to make significant changes, sometimes we have to ask for things that feel unreasonable. Because, large scale change often does feel extremely unreasonable to people who are only comfortable with the status quo. So, I support this motion. Thank you.

Regina Jackson:

Thank you very much. Commissioner Jordan, Deputy Chief Armstrong wanted to make a comment. So, I am un-muting him before we take our vote.

D.C. Armstrong:

So, to the chair, I just wanted to make sure that everybody understands that the OPD came to this process in a collaborative fashion. We worked really hard over the weekend, and the fact that we haven't come to an agreement doesn't indicate that we are resistant, and that we want to have a policy that will cause harm to our community. Our intent when we drafted this policy and worked hard with Commissioner Prather and others, was to develop a policy that was centered around deescalation and not escalating these use of force encounters. And so, I just want to make it clear. I know there was some... A lot of statements that were made that this wasn't done in good faith, but I will say we worked with Commissioner Prather on the holiday as well as Sunday. And we were still working even when the weekend was over to come up with a version of the policy.



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D.C. Armstrong: So, the department was never disingenuous in the way in which we worked with Commissioner Prather. It has been an ongoing, very collaborative process. I don't want the public to think that simply because the department asked for different language that we don't understand the importance of this moment. And that we don't understand the horrific incident that we all saw. And so, that's really what we wanted to convey is that we wanted to make sure that it was just understood that in the practical world of policing, sometimes things are not as prescriptive as they may seem in a black and white policy. But, that's also why there's a system of accountability. That use of force is reviewed to make sure that it's reasonable and within the law. And so I think beyond policy, I think is the reasonableness of the force.

D.C. Armstrong: And I think even in the situation of Mr. George Floyd. What happened there was completely unreasonable, and unacceptable, and unlawful. And, no matter what a policy says, if people take action beyond what's even reasonable, then they should be held accountable. And, this policy, both versions would not allow that. So, I just wanted to be clear so that we make sure that we understand this is not about escalation. This is about deescalation for the department. And so, I appreciate Commissioner Prather and others, and all the hard work that went into putting both versions forward. And I thank you for the collaboration that we had over the weekend.

Regina Jackson: Thank you very much. Deputy chief. I see hands from Commissioner Prather, and Commissioner Smith. Commissioner Prather, you've been unmuted.

Edwin Prather: Thank you, chairman. I'll be very quick here. I just wanted to say for the record that I did find, the committee did find OPD to be very collaborative and to have a willingness to try to work with us in a very short time frame that we needed to put this policy together. I do want to give one example of a language change. Because, one of the original versions of this document referenced the putting a pressure on the stomach. The putting of pressure on shoulders, or on a chest. And so after discussion with the captain in charge of training, or a Deputy Chief Armstrong, we were edified that pressure wasn't in a proper term, and that pressure was used in a transitory fashion sometimes, and I think we learn more about how arrests and custodial contacts are done more than we would have liked to.

Edwin Prather: And so, I think that there are several versions... To be honest, there were probably upwards of eight or nine versions of this document. So, we did work together to get to this point. I think where our sticking point is, is I feel the department made real strides to getting to the version that was included in the packets. The version that was our commission final version. I think we were very surprised to get last minute edits from the chief. I think we are very surprised to get the chief's argument here saying that, "Look, if we're not going to get our



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way, then we're going to start escalating force on individuals. And you don't want that." And, and that to me is not the way a collaborative process works. So, I do want to give credit to those in the department that worked with us hand-in-hand on moving this forward. I think we were just very surprised by the actions of the department in the last 24 hours, and these last minute comments, and then in the introductory comments by the chief on this topic tonight.

Regina Jackson: Thank you very much commissioner Prather. Commissioner Smith. You have been unmuted.

Thomas Lloyd Smith: Yes. And so my comments I'll keep brief too. I agree with everything that Commissioner Prather said. I started my comments by saying how impressed I was with the level of effort that all parties put in, including OPD, including the interim Deputy Chief Armstrong. I mean, everyone was working on this over the weekend. There was emails going back and forth. But, I completely agree with Commissioner Prather. The sort of recent change, that troubled me. The insertion of the word transitory in there in multiple places where I could see that, that type... I mean, look. We're both lawyers, right? We can see what that could do to something which has a lot of potential to force cultural change. You slip some words in there which create loopholes. And now all of a sudden what you have may appear to some, to be real change, but it's not.

Thomas Lloyd Smith: And what George Floyd's death calls for is real change. And that's, I just think that's the bottom line. And the second point, and I'll say it again. What we need in Oakland from our police chief is someone who's going to inspire our department to reach levels of performance that they've never before reached. And to make sure that every citizen is protected by constitutional policing. And so I was... I understand there's multiple constituencies that our interim chief is trying to talk to at the same time. And that's a hard thing to do, but at the end of the day to say what you can't do, instead of what you can do is never going to be inspiring. And what we need in this department is an inspirational leader who's going to lift our entire department to levels they've not seen before.

Regina Jackson: Thank you, Commissioner Smith. It has been properly moved and seconded. We've taken public comment on this item. I think we are ready to vote. So, I would like to take that vote. First up, Commissioner Prather.

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Harris? Commissioner gauge.

Ginale Harris: Yes.

Regina Jackson: Commissioner Gauge.



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- Henry Gage, III: Yes.
- Regina Jackson: Commissioner Smith.
- Thomas Lloyd Smith: Yes.
- Regina Jackson: And a yes for myself. So, we have a unanimous passage of this motion, and I thank you very much commissioners, as well as the community, and the police department for weighing in. We will move this forward I believe separately to the city council since we do not yet have agreement. Is that correct, Commissioner Prather? Sorry, I hadn't unmuted you yet.
- Edwin Prather: That's okay, Jerry. Yes. We'll need to make the edits to the final version and prep this up for submission to city council. And, we'll, we'll work with the department because I imagine they'll submit an alternate version. And we have experience in this process before, so we'll be able to get this right.
- Regina Jackson: Yes. So, I just want to get an idea of when you feel it may be ready to forward to the council. Will Monday... Will we be ready by Monday? Or will we need to pass their next council meeting?
- Edwin Prather: Per your request, it can be ready when you'd like it to be ready Madame Chair.
- Regina Jackson: All right. Thank you very much, Commissioner Prather. Let's say Monday then. Thank you very much. I know we've taken some comment on item nine. Can you, Mr. Ruse, can you take us to that screen please? And I know that we've had Miss Victory speak on this item. Commissioner Harris, you know what? I'm looking at the fact that it's 10:30. We need to extend our meeting, and then I think it would be appropriate for you to go ahead and give us your narrative description of what you've come up with. This is an incredible document and would like to have you walk us through it. But first, may I please get a motion to extend the meeting?
- Henry Gage, III: I move to extend the meeting to 11:30?
- Regina Jackson: Okay. Thank you. Commissioner Prather. I have a hand from a Commission Gage.
- Henry Gage, III: Second.
- Regina Jackson: Okay, thank you. It's been properly moved and seconded. Let's take our vote to extend the meeting to 11:30. Hopefully, we won't need that much time, but that's what it will be moved to. So, Commissioner Prather?



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- Edwin Prather: Yes.
- Regina Jackson: Thank you. Commissioner Gage.
- Henry Gage, III: Yes.
- Regina Jackson: Thank you. Commissioner Smith.
- Thomas Lloyd Smith: Yes.
- Regina Jackson: Thank you. Yes. For myself. Commissioner Harris?
- Ginale Harris: Yes.
- Regina Jackson: [inaudible 04:02:44]. But thank you very much. We have unanimous passage that we will extend the meeting up to 11:30. Now, I'd like go back to you Commissioner Harris to guide us, or walk us through this document around public engagement for use of force policy.
- Ginale Harris: Thank you. So, first I want to say thank you to Commissioner Anderson. She actually was the person who collated this document for us. For Commissioner Gage and myself. And she worked with several members of the ad-hoc to get all of the information, she reached out to RAHEEM. I was really hoping he would be on tonight to kind of be able to give us some information on the next steps for RAHEEM, but that can be for another meeting. But anyway, the supporting documentation for this agenda item was developed collaboratively. Planning discussion occurred amongst use of force ad-hoc commissioners, community partners and the CPRA staff. This is a working draft that attempts to balance the need for urgency while also respecting the competing needs to hear community voices on many reform efforts. This timeline, if followed has a public engagement activities concluding to support a late September special commission meeting on use of force followed by an agendized final version of the use of force policy to come before the commission in October. We heard from Alyssa Victory at the ACLU, you about the commitment to the process during open forum. In addition, we have... We were supposed to have Brandon Anderson from RAHEEM here tonight. I'm sorry he couldn't be here. But, to provide an update on the scope of work for the contract and how that work fits into the proposed timeline. So, I'd like to turn it over to Commissioner Gage to see if he has any comments before we get public comment, or commissioner comment.
- Regina Jackson: Mr. Gage? Commissioner Gage? [crosstalk 04:05:27] here we go.



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- Henry Gage, III: Thank you. Commissioner Harris. I'd like to echo our ad-hoc committee's, thanks to Commissioner Anderson, who, it's unfortunate she could not be here tonight, because she did a great service to all of us in putting together this document. With that, this document's being presented for feedback, and I'd like to hear it. So, thank you. I'll leave it there.
- Regina Jackson: Thank you very much. Commissioner Jordan has her hand up. You are unmuted.
- David Jordan: Thank you chair. So, one of the things... I mean, I think this document is great as sort of a roadmap towards completion of the goal. One of the things that I don't... This is the first time I've really had a chance to digest it. A thing that I know is of great concern to at least a segment of the public, is having sort of closed door meetings with the department around getting their feedback, and having them weigh in. And, I understand the need to have those meetings to get a certain amount of buy in from the department is very helpful around getting this policy complete, and up and running. But, I did not see anything here about what that means for... How you feel about having those closed door meetings, whether those will continue, how you will get... If they don't continue, how you intend to get feedback from the department, feedback and buy in potentially from the department around this policy without having private meetings with them. That's all.
- Regina Jackson: Thank you. Commissioner Harris has her hand up. You are unmuted thanks.
- Ginale Harris: Thank you, Chair. First I want to address what the commissioner just spoke on. First, I want to say these are not closed door meetings. This ad-hoc was put together so we can work on the policy that we wanted to present to the public to get input on. It's not about having the police buy in, because that's not the way it went.
- Ginale Harris: People were not allowed in the process, because we had it open in the beginning and it was very disruptive to the process. We couldn't get any work done. Everybody came in with their opinions, everybody came in sidetracking, and it was very disruptive to the process. So, it wasn't about having closed door meetings, because we have several ad hocs that I don't see anybody breaking the door down to be a part of. So, these are not closed door. And I want to be clear as well. The community led this process. I was the lead, I am the lead of this process. It is not led by OPD at all. And I don't know for those of you who have been tuning in to our police commission, this ad-hoc was not going to agree with things that we knew we didn't agree with, nor did the public agree with.
- Ginale Harris: So, that's not the way it went. It only went this way so we can get the work done. We couldn't get the work done if we had 15 chefs in the kitchen. So, this



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policy that we're presenting to the public, and this timeline? This is a way to get public input from everyone. The most impacted. The people who fought for measure LL. This is your time. This is your time. Everything we've done on this ad-hoc is not set in stone. There is nothing that is set in stone. Which is why I wanted to get expertise brought into this process, which we have Miss Victory with us. We have different community organizations, we have the Police Coalition on Police Accountability, we have ATTP, we have the people's people. We have several different agencies that now have the floor. This is all of our policies.

Ginale Harris: And so, people keep referring to backdoor and that bothers me. It bothers me, because I'm the most transparent person... This is my opinion. I'm the most transparent person in the committee. So, I say what's on my mind anyway. It doesn't matter. So, I would really like the public to know that these are not intended, or ever were they intended to be closed door session. But we couldn't get the work done. We couldn't get the work done. But, we did go through a collaborative process. And I will say that it was a process that I've never experienced. But by no means, did this department OPD lead this. This commission led this. So, I just wanted to... Thank you, Commissioner.

Assata Olugbala: Yes. Commissioner Jordan, your hand is up. I've unmuted you.

David Jordan: Yeah, I'll be brief. I don't want to give the impression that I'm accusing you of having... Not being straightforward or transparent. As we know, how things appear is sometimes just how they end up being, unfortunately. And I think we have to be very careful about how the work we do appears to people. And, it's a frustrating part of public policymaking. And working on the militarized, formerly militarized equipment policy we had ad-hoc meetings where we met with the departments, and then we met with community, and then we met with department, and then met with community and had them separate for the exact same reason. Because, we felt efficiency was the priority. And we really did... In meeting with the departments, and I assume this was the same for you, is what we needed from them was information so that we could make an effective policy.

David Jordan: And there was no intent to hide anything from anyone. But that said, I think that moving forward, we need to figure out a way to be mindful and have more forethought. I'm not criticizing you for anything you did in the past. What I'm saying is, we on the commission need to be thinking about how we can head off these types of criticisms, because... And unfortunately, it undermines the work a little bit. But don't for a second, think that I'm trying to be critical of all of the work that you on ad-hoc have done. It's vitally important. And I really do appreciate it. Thank you.



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- Ginale Harris: Thank you, commissioner Jordan.
- Regina Jackson: I think it's probably time to go to public forum please. Mr. Ruse. So we can get other comments. I think that the document is great, and certainly moving forward, hopefully there'll be opportunities for future policies, for community to weigh in before we even get started so that we can work with their insights at the very beginning. And then continuously. Mr. Ruse?
- Juanito Rus: Thank you, Madame Chair. At this time, we will take public comment on this item. If you would like to speak on item nine, please raise your hand in the queue and you'll be called in the order in which your hands are raised. The first speaker on this item is Bruce Shmeekan. Mr. Shmeeken, Can you hear us? Okay.
- Bruce Schmeichen: I'm unmuted. Can you hear me?
- Juanito Rus: Yeah, we can hear you. You have two minutes whenever you're ready.
- Bruce Schmeichen: Faith in action, East Bay and Coalition for Police Accountability. And before I say anything else, I really just want to express my appreciation for the commission, and the commissioners, and your hard work. And do not take criticisms personally. But I do have to say this and make some observations. Community outreach should have framed this effort and not followed it. Regarding outreach on use of force, the commission identifying certain groups, that they bring into the conversation some limited ways not community input and is not transparency. As noted at the last commission meeting, Coalition for Police Accountability was asked for and provided specific input during these policy development meetings where the police were engaged as active partners. And we appreciate that opportunity. And we'll have additional suggestions based on our research, our own community outreach, which we've been doing, and advice from subject matter experts as we have in presenting the asphyxia language you are adopting.
- Bruce Schmeichen: Those was the result of our own consultation with several community partners. But we have consistently objected to the process and centrality of the OPD in this process throughout the use of force drafting, we've been making outreach suggestions, and initiating community outreach events as far back as last September. And even if we are invited to be involved, we cannot support any process that is not fully transparent and offers everyone in the community opportunities for input from the start. And we hope you will support our forthcoming coalition proposal for an improved process. Again, not trying to look backward, but looking forward a proposal for an improved process to use for future policy development. And thank you. And I really do appreciate all of you guys. This is... Listening to you tonight. It makes me feel real good about this commission and in so many ways. Thank you.



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- Juanito Rus: Thank you, Mr. Shmeeken. The next speaker in the queue, is Ann Jenks. Hello Miss Jenks. Can you hear us?
- Ann Jenks: Hi, CPA is going to be asking the commission to place on the July, 2030 agenda, the creation of a process to ensure that moving forward, the drafting of policy behind closed doors with OPD never happens again. The ad-hoc committee drafted this policy with OPD. Tonight's outreach plan says the goal is to foster renewed trust between the community and the police department that serves them. It does not even foster trust between the community and the police commission. Our trust in the OPD will not be built in meetings to which the community is not invited. The outreach plan implies that meetings with OPD began after January 1st, 2020. It started around September, 2019. You admit that you have a problem if you need to obscure it. Only now that the draft has been completed is the community offered limited input.
- Ann Jenks: The plan does not give the community any opportunity to discuss the language in more detail. Oakland residents are reduced to writing comment, and general discussion at town halls, both of which have a place, and we will do everything we can to encourage broad participation. The commission obviously recognizes the value in discussing specific language and working out changes in the drafting process. They sat down with OPD so often that they will not state the actual number of meetings. The public will not receive a single meeting to discuss language. The plan does not even make public, the written comments they received so everyone can read them and see whether they were incorporated. The public has one month starting July 6th to comment on the policy draft.
- Ann Jenks: There's no email to the commission's public email list, no social media posts, no notice on the commission website, nor any communication with the list of community groups that commissioners refer to as their outreach list. The draft says it represents the very best in current thinking around law enforcement, and puts Oakland front and center and the best in class nationally. No. Although it's certainly better than current policy, it's disappointing. It's not surprising when developed without community input in a room with OPD. I hope you'll support a transparent process moving forward that involves the residents robustly, and honestly from the beginning. Thank you.
- Juanito Rus: [inaudible 04:18:23] Miss Jenks. The next speaker in the queue is Terry McWilliams. Hello, Miss. McWilliams. Can you hear us?
- Terri McWilliams: Yes, but... I didn't have my hand up, but for a quick second. I would just want to appreciate all that the commission has been doing this evening, and I look forward to hearing all of the followup. Thank you very much.



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- Juanito Rus: Thank you, Miss McWilliams. The next speaker in the queue is [inaudible 00:28:02]. Hello, Miss [inaudible 04:19:03]. Can you hear us?
- Assata Olugbala: Yes, sir. Thank you. I'm concerned. I'm concerned, because recently there has been a lot of involvement that's good, but I don't hear a lot of black people talking. I don't hear a lot of black people who are impacted disproportionately, not only in this city, but across the nation as it relates to the subject matter of policing. And because I don't hear those voices, I'm not comfortable with a bunch of white folks addressing issues that disproportionately impact black people. I'm not saying that voice is not important, but the most important voices that have to be heard, are the black voices. And this has been a historical piece since I've been in Oakland. I haven't heard a lot of black people. I want to hear from them. It's essential you hear from them. It's not enough to just hear other folks talking about what's happening to us. And you know how we talk? How they talk? Like this is a general issue.
- Assata Olugbala: I've never heard any of them say, maybe some as this is something impacting black people. And we have to listen to what they say is important. What they going through, what they need. We have to listen, and follow that lead. Don't you believe white folks that is your job to step up. And solve the problems of what's going on with black folks. Unacceptable. So, if other want to say it's acceptable, I say, it's not. I say we've got to find a way to hear the voices of the greatest impact in this city and across this nation. And that's the black individuals who are victimized over and over again. So, I'm not comfortable with this right now. I'm not comfortable at all. Thank you.
- Juanito Rus: Thank you Miss [inaudible 00:30:10]. At this time, there are no further hands in the queue. [inaudible 04:21:17] trying to turn the meeting to you.
- Assata Olugbala: thank you very much at this point. Oh, I have a hand from Miss Victory. I have unmuted you.
- Assata Olugbala: Thank you, Madam chair. I just want to thank the commentators who spoke on this item and to let you know, the, I heard your concerns and several Gras gave very clear input on the way you would like to see the processes improved or this community engagement rollout. I'll again, reiterate that. ACU is one of the members on this advisory council working with, which is an independent service creating a use of force specific survey that we hope you all partner in helping to share whether it's on social media, through your own networks and that we don't envision it being solely on digital engagements. I again mentioned that there's organizations that serve houseless residents, including the East Oakland collective that are a part of this, and they will determine how they need to engage with the survey, but also getting feedback. I understand that in the council space, we are prioritizing those who are most vulnerable.



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Assata Olugbala: And that includes folks who are disabled folks who are sex workers, folks who have been directly impacted and who are formerly incarcerated as well. I'll do it. They will speak more and be more visible. As you see in the timeline we're in July and just starting to roll out the survey itself and then actual more forums and space for people to provide input. And I hope to coalition for police accountability is point to have really direct input on the policy language and drafting. And that is one of the main roles that ACU is hoping to play, to translate people's concerns and the language of folks on the ground into policy directives that we can place into the documents that you're seeing, being discussed and put forth to this commission. Thank you again.

Henry Gage, III: Sure.

Regina Jackson: Thank you very much. At this point, oh. I have a hand from Miss Victory. I have unmuted you.

Alyssa Victory: Thank you Madame Chair. I just wanted to thank the commenters who spoke on this. I am [inaudible 04:21:38] to let you know that I heard your concerns, and several of you all gave very clear input on the way you would like to see the processes improved, or this community engagement roll out. Again, reiterate the ACLU is one of the members on this advisory council working with RAHEEM, which is an independent service, creating the use of force specific survey, and we hope you all partner in helping to share whether it's on social media or through your own networks, and that we don't envision it being solely on [inaudible 04:22:45] and in digital engagements. I've mentioned that there's organizations that serve [inaudible 04:22:45] residents. Including the [inaudible 04:22:45] a better part of this. And they will determine how they need to engage with the survey, but also getting feedback.

Alyssa Victory: I understand that in the council's space we are prioritizing those who are most vulnerable, and it includes folks who are disabled, folks who are sex workers, folks who have been directly impacted and who are from the incarcerated as well. I hope that they will speak more, be more visible as you see in the timeline we're in July, and just starting to roll out the survey itself. And then actual more forums and space for people to provide input. And I hope to Coalition for Police Accountability's point to have direct input on the policy language and drafting. And that is one of the main roles the ACLU is hoping to play to translate people's concerns and the language of folks on the ground into policy directives that we can place into the documents that you're seeing being discussed, and put forth to this commission. Thank you again.

Regina Jackson: That you very much. As I mentioned, I think that this document has tremendous detail, and... Oh, I see another hand up. Commissioner Gage. You have been unmuted.



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- Henry Gage, III: Thank you, Chair, but I'm happy to wait until you've concluded your comment.
- Regina Jackson: Mr. Gage, I can't hear you, but I'm not sure if others can.
- Henry Gage, III: Thank you, Chair. I was going to say that I'm happy to wait until you've concluded your comment. Chair Jackson, can you hear me?
- Regina Jackson: I can now. Yes.
- Henry Gage, III: Okay. I wanted to note that for members of the public who are interested in the documents we've been reviewing as part of this use of force [crosstalk 00:04:25:01].
- Regina Jackson: I can hear you now. You've been going in and out.
- Thomas Lloyd Smith: I can hear you, Commissioner.
- Juanito Rus: Madame Chair, it sounds like that's your connection. We hear him, but you're fading in and out.
- Regina Jackson: It's my issue. Okay, no problem. I won't add to it. Go ahead.
- Henry Gage, III: Thank you, Chair. For members of the public who'd like an insight into the documents that we reviewed as part of this ad hoc process, page two of attachment nine has a link to the Police Commission website, and that link, if you click on it, will take you to a page that has both the updated draft policy, a project update section that discusses some of the interim updates that are provided via agenda committee reports, as well as a number of model policies that have been compiled as reference material. It is very difficult, we discovered, to change materials that are available on our commission website. At present, we're still working on a feedback submission process. We'll note that our occurred ability to obtain written comments has to either go to our individual commissioner email accounts, but we'd kindly request that you send suggestions to the listed Gmail account that's currently on the website to avoid losing everything on the shuffle.
- Henry Gage, III: With that, and as has been mentioned by Commissioner Harris, nothing is set in stone. The draft policy that's posted is our best effort at what we think a good policy could look like. We're very much looking forward to hearing both general public feedback at town halls and specific feedback on the proposed language. I don't think any of us are saying that we are not open to better language, to better suggestions, to new experts and new voices. We just need people to participate. Thank you to folks for showing their passion and interest in this area.



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- Regina Jackson: Thank you, Commissioner Gage. I know that we've raised questions, made comments, and heard public comment. What I'd like to find out, Commissioner Harris, is did you intend to have this come for a vote for adoption? Was it purely for discussion? Just guide me, please.
- Ginale Harris: Can you hear me, Chair?
- Regina Jackson: Yes, ma'am.
- Ginale Harris: It was actually to present it to the public and get public comment on the document itself and to show you that we had a plan mapped out with the timeline. And how do people feel about that timeline? Does it feel okay? We wanted to show them our partners and our people that we reached out to, like the ACLU. This is a [inaudible 04:28:07] so we just wanted the public to know all of the work that was behind the scenes in networking.
- Ginale Harris: While we were unable to meet in person, we had to do this via whatever, Zoom, telephone and all that. But it all came together. That was the real purpose of us bringing it here today, to show people this is what we've done. Commissioner Anderson put together all of the processes and put it on paper as a visual. We don't have any staff, so I understand people want it posted and they want it. We don't have tech savvy people to do those things for us. Again, we're volunteers and we work during the day, so we don't have that. I wish we did. We're trying to get it. But right now we just don't. This was our best effort.
- Regina Jackson: Yes, and I appreciate that very much. One of the things that we'll make sure that happens tomorrow is that this draft goes out to our whole extensive community outreach spreadsheet, and we'll also work with the Public Information Office for OPD to also get it up on their website in addition to ours.
- Ginale Harris: We were actually looking to get this timeline voted on..
- Regina Jackson: We were? Okay, great.
- Ginale Harris: Yes. The timeline. We wanted the public to talk about the timeline. What do you think? Is it doable? Is it? Not because we're going to reach out. We need the public's help too. I've already reached out.
- Regina Jackson: Right. We got two hands raised. I think we can certainly vote on the timeline and then do our best to just keep it and support you in that. Ms. Victory, I have unmuted you and then I will... I think Mr. [inaudible 04:30:15] may have [inaudible 04:30:18] his hand. Go ahead, Ms. Victory.



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- Alyssa Victory: I just want to provide a little bit of clarity that the document as attachment nine was submitted, I believe, by Commissioner Anderson before the most recent meeting of the community advisory council for [inaudible 04:30:34], which is why I was asked to participate to provide any further detailed and update [inaudible 04:30:41] that we are committed to beyond just Zoom town halls then have to work out more specific nuances to make sure that we're engaging the communities that we say we want to prioritize and to engage.
- Alyssa Victory: In that, again, we're trying to work within the timeframe and are currently on schedule to release the survey portion by the 15th, is our specific goal for the council. We have spent some time reviewing the specific provisions within the survey at a more detailed level so that we can have a more finalized product that will help lead some of the community engagement piece.
- Alyssa Victory: I just wanted to add that clarity that the document, again, was submitted by Commissioner Anderson before a few more of the details and discussions occurred by the advisory council.
- Regina Jackson: Thank you very much. We certainly appreciate the diligence of the ad hoc committee. You all have been going at it for a long time. Given that feedback on wanting to approve the timeline, I'd like to accept a motion on the timeline. Commissioner Harris, did you want to put forward that motion?
- Ginale Harris: Yes. I have a comment in regards to what Ms. Victory said. This document was submitted, so I just need to ask her a question, Chair [crosstalk 00:08:23]. Are you suggesting we wait on the timeline in regards to the information that needs to be added to this document? Is that what I heard, Ms. Victory?
- Alyssa Victory: I'm not completely sure. Again, the commission, sorry, the advisory council itself has agreed on a July 15th date to finalize and release the survey, but not on specific dates that would occur within the following month as outlined, and wants to discuss again, what even formats and types of community engagement and public participation are available that they have capacity to push through.
- Ginale Harris: I understand. Thank you. With that said [crosstalk 00:09:16], Chair, I'm going to retract my request to vote on the timeline.
- Regina Jackson: So, you would prefer to update the document and then we review it and [inaudible 04:33:34] support the timeline at the next meeting, is that what I'm understanding?
- Ginale Harris: Yes. I would appreciate that. I think that Commissioner Anderson would like to have some input as well.



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- Regina Jackson: Okay. Excellent. All right. Well, I will leave it to your ad hoc to make the updates and then send them back to us. I did hear from Brandon Anderson with Raheem and [inaudible 04:34:06] will be prepared to speak to [inaudible 00:10:09]. So maybe then [inaudible 04:34:11] some other people who can speak to it and certainly the public, who may have not spoken to the timeline with specificity may also have another opportunity to make some suggestions. Thank you very much. We will move ahead to item 10.
- Juanito Rus: Madame Chair. You took those two items out of order by a motion earlier. I think I believe you have to return to item seven.
- Regina Jackson: Yes, we do. Okay. We can go back to item seven, the ballot measure me. Excuse me, I'm not sure who isn't muted. I just wanted to know if commissioners want to have conversations around [inaudible 00:11:10]. Like I said, what has been presented to City Council and what actually got forwarded to meet and confer. If you all don't have questions, then what we can do is go to public comment. But I do see a hand up from Commissioner Gage. I've unmuted you.
- Henry Gage, III: Thank you, Chair. I suggest that we don't spend much time on this item because given that we do not know what will come out and meet and confer, I don't think it would be a productive use of our time to discuss a document that will likely change.
- Regina Jackson: Thank you for that suggestion. Why don't we go ahead on and hear public comment, and then we can decide how to move forward. Mr. Ruse.
- Juanito Rus: Thank you, Madame Chair. At this time, if you'd like to make comment on item seven on tonight's agenda, please raise your hand in the Zoom queue and you will be called in the order in which your hands are raised.
- Juanito Rus: The first person in the queue is Larry White. Hello, Mr. White, can you hear us?
- Larry White: Yes, I can. Can you hear me?
- Juanito Rus: We can hear you. Whenever you're ready.
- Larry White: Okay. Thank you. Actually, what goes into meet and confer will probably come out almost exactly the same and the City Council will not want to change any element of that. There is one poison pill in it that really needs to come to your attention, and I think it's the only thing you need to think about at this time, because it's really the only thing that is conceivable that could be changed. And that has to do with the exigent circumstances exception to policy making that's in section B5.



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- Larry White: After hearing all of your wonderful discussion about the use of force policy, and you're going to prohibit asphyxiation, which I think is great, well, if this provision is passed, it would give the council the power, in the city charter, to tell the Chief of Police that during exigent circumstances for a temporary period, she could ignore that policy and any other policy that you've passed.
- Larry White: This is really astonishing that anybody would attempt to put this in the city charter at this moment in history, but this is what's going on. We really need the Police Commission to stand up on this issue and tell the City Council that this is not acceptable. You need to weigh in on that.
- Larry White: The other matters are not going to change. Everything has been negotiated. For the most part, the draft has what you want and what the Coalition for Police Accountability has been advocating for for years. It has a lot of good things in it, and a lot of good improvements to the commission and the whole operation, but it has this one poison pill and you really need to weigh in on that and tell the City Council it's not acceptable. Thank you very much.
- Juanito Rus: Thank you, Mr. White. The next speaker in the queue is Michael Tigges. Hello, Mr. Tigges, can you hear us?
- Regina Jackson: Excuse me. Before Mr. Tigges speaks. My apologies, at this late hour I'm going to reduce the time allotment from two minutes to one minute, please.
- Juanito Rus: Very well, Madam Chair, I've changed the time.
- Regina Jackson: Thank you.
- Juanito Rus: Mr. Tigges. One minute, whenever you're ready.
- Michael Tigges: Great. Thank you. I agree with what Larry White just said, but I want to address section G5. I've read both the commission's language and the dissent from Commissioners Gage and Prather, and I've got to say I was somewhat persuaded by their arguments. I guess I'm a lawyer at heart. What I would ask is if we can find some compromise so that the quasi judicial language remains intact and in the dissent, but also that the commission still have the ability to prod investigative arms when deadlines appear to be slipping. I think that may be where we can bring this into an area of agreement. Thank you.
- Juanito Rus: Thank you, Mr. Tigges. The next speaker in the queue is Cathy Leonard. Hello, Ms. Leonard. Can you hear us?
- Cathy Leonard: Yes, I can.



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- Juanito Rus: One minute.
- Regina Jackson: Cathy Leonard on the steering committee of the Coalition for Police Accountability. We oppose the language as set forth in section B5. Measure LL was passed by 83% of the voters because the public did not trust OPD setting their own policy. The proposed language allows the police to make its own rules in certain circumstances.
- Regina Jackson: There is a reason the public entrusted the Police Commission to draft OPD's policies, procedures, customs, and general orders. The proposed language allows the police to make its own rules during times of large protest. We believe that OPD will abuse these powers. 17 years under a federal monitor confirms our belief.
- Regina Jackson: The provision allows the City Council to take power from the Police Commission and transfer it to the Police Chief. In other words, the Police Chief can overrule the authority of the Police Commission. We cannot do that. The Police Chief would be able to define exigent circumstances, which could mean almost anything. We could find ourselves in an occupy Oakland [crosstalk 00:04:41:10].
- Juanito Rus: Thank you. Your time is up. The next speaker in the queue is Rashidah Grinage. I'm going to have to promote Miss Grinage to the panel briefly.
- Rashidah Grinage: Thank you. I wanted to follow up on Larry's remarks and Kathy's remarks. Is this really important? Who knows who decided to put this in? It was never in any of the previous drafts. It's really a poison pill, and given all of the discussion we've had earlier in the evening, this is a really regressive section that would really rob the commission of all of the power it has when someone decides, and we don't...
- Juanito Rus: Ms. Grinage, it appears that your sound is cutting out. Can you hear us? I'm seeing no movement on the input volume from Ms. Grinage, so I'll move her back into the queue at this time.
- Regina Jackson: Okay, thank you.
- Juanito Rus: The last speaker in the queue is a Assata Olugbala. Hello, Ms. Olugbala. Can you hear us?
- Assata Olugbala: Yes. I'm sorry. Ms. Grinage didn't get a chance to finish. Is there any way she can come back in? I can give her my time. Can she come-
- Regina Jackson: We'll give her time if he calls back in.



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- Henry Gage, III: It wasn't time. It was her technical difficulties.
- Assata Olugbala: Okay. I just wanted to say it became quite clear to me when a council meeting Larry Reed says, "I don't want a commission that interferes with the daily operations of the police department." A blatant lie. When Gallo met with the former Police Chief and attacked the Police Commission, it is obvious that within the council, and Cobb, the way he has written up various aspects of this, the council is set out to diminish you. The council said they wouldn't do anything until they looked at the audit report, and you know the audit report was designed to undermine you. I don't see where compromise can come into play when you're being targeted for failure.
- Juanito Rus: Thank you, Ms. Olugbala. Ms. Grinage, if you can hear us and raise your hand, I will again give you time. Very well, she has raised her hand. I'm going to move her back onto the panel.
- Regina Jackson: Thank you.
- Juanito Rus: Ms. Grinage, can you hear us?
- Rashidah Grinage: Yes. Thank you. Thank you very much, I appreciate the consideration. I just wanted to follow up in saying that this provision was introduced very late in the game. It was in any of the previous drafts that had been circulated for months. We don't know whose idea this was, but it undermines the authority of the commission. It says that whatever policies the commission, like the one you passed tonight, whatever policies are in place can be ignored entirely when the Chief of Police or the City Administrator, neither of whom is elected, declares an exigent circumstance. And that is never defined. It's outrageous. We hope the commission stands with us in opposing it strongly. Thank you very much.
- Juanito Rus: Thank you, Ms. Grinage. At this point, I'm seeing no further hands raised in the queue. Madame Chair, I return the meeting to you.
- Regina Jackson: Thank you very much. I think at this point that what is before us is not necessarily what's going to come out of meet and confer, but we do need to discuss as a commission, recognizing that we did have two dissenters, and the fact that we, as a commission, struck the exigent language out of our version and whether or not you want to have discussion around that tonight, or if we should come back at the next commission meeting and have discussion about that, is your pleasure.
- Regina Jackson: I am also recognizing that it is now 11:14, and we have at least one other critical item to hear, if we're not going to be able to finish the entire agenda. What is your pleasure commissioners?



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- Regina Jackson: I am hearing nothing right now, so we will move forward and bring this back on the next commission meeting. We are now advancing to the recognition of Edwin Prather, I'd actually like to go first in acknowledging that Edwin is part of our original Magnificent Seven commissioners. I've never referred to it that way, but that's the way I feel. He is only the second person to actually complete a term. The others resigned.
- Regina Jackson: When we needed someone to continue working until replaced, which happened last week, Commissioner Prather stepped up. He has served us with distinction. He has offered to serve as the public safety liaison. He has continually done heavy lifting with the design of annual reports and policy work, including the general order, or excuse me, the special order that we discussed tonight.
- Regina Jackson: I can't stress the power of your voice, the strategy of your mind, and the work ethic that you possess. I am forever grateful. For your endless resource to the commission, I salute you. And as we've discussed, I will be bringing you back to support continued work on behalf of the commission as a citizen. And of course, we will bring you back to present your well earned resolution.
- Regina Jackson: I thank you so much, Commissioner Prather. If there are any other commissioners that would like to give comments, please raise your hand. Commissioner Smith. You have been unmuted
- Thomas Lloyd Smith: Commissioner Prather, how did we get here? Man, I can't believe it. I still remember the first day, our first meeting. Wow. I can't believe how time has flown. You have been a pleasure to work with and one of the people that makes me most excited about coming to each Police Commission meeting. You are an extraordinary person.
- Thomas Lloyd Smith: One of the things that I appreciate so much about you is that you have the head, the hands, and the heart of a leader in all ways. When I think about it, the head. You're a great lawyer. You see all sides of the issue. You'll stand on a principle. And the thing that I love about you is you're somebody who will stand alone on the principal without any qualms. You know what you believe and you stand on it, and it's something that's beautiful to see because so often in life, people are swayed different ways, but you actually take the time to listen to what's in your heart.
- Thomas Lloyd Smith: And when it comes to your heart, my man, you have all the passion of a leader. You'll fight the fight for people's rights. I think you feel what we feel. You feel what the people feel. And you use the skills and knowledge you have as an attorney to help to create change.



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- Thomas Lloyd Smith: And the hands of a leader, oh boy. I was thinking about this weekend when you were emailing back and forth with OPD and going through different drafts of this policy that we were working on against the carotid restraint and asphyxia, and, wow, when you get fired up, boy, whoa. So productive. So prolific, Ed.
- Thomas Lloyd Smith: I'm smiling just thinking what a pleasure it has been to work with you. We will forever be friends. We will stay in touch. I've really enjoyed it. We're some of the originals. We're still here. We're still standing. I'm sad to see you go, but you know what, I've made a lifetime friend in you and I'm here for you if you ever need me. And I know the same is true of you.
- Regina Jackson: Thank you. Commissioner Smith. Commissioner Gage, you've been on muted.
- Henry Gage, III: Thank you, Chair. Commissioner Prather, you know, you can be a real pain sometimes because just when I think I have a great idea or an awesome policy, something I'm really proud of, I can always count on you to blow all sorts of holes in my great argument, in my great idea. But I appreciate that pain because it's always made everything you've touched better.
- Henry Gage, III: When [inaudible 04:51:47] was drafted, there was emphasis put on bringing on board commissioners with specific expertise and this commission has benefited from your expertise in particular. If I was arrested today, I would call you at a heartbeat. As a federal attorney, I believe that's the highest compliment that I can pay. Thank you.
- Regina Jackson: Thank you, Commissioner Gage. I don't see any more hands, so maybe we should go to public comment. Excuse me. I see John Alden. You have been unmuted Mr. Alden.
- John Alden: Thank you, Madam Chair. I'll be real brief, but every day I have had this job over the past year I've been tremendously thankful for it. There are a lot of reasons that I have thankful for it. One of them is working with Edwin Prather.
- John Alden: I agree with everything I've heard from everybody else, but in addition to that, I just want to point out that Commissioner Prather, there are a lot of things you could be doing with your time. You have a lot of skills, a lot of opportunities. You have a very busy practice. I am continuously impressed at how much time you make for this project on the commission, and I am really thankful for the time that you have spent here. That's just tremendously giving on a lot of levels. I admire that deeply. Thank you for your service.
- Regina Jackson: Thank you, Mr. Alden. Commissioner Harris, you have been unmuted.



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- Ginale Harris: Thank you, Chair. I apologize. I couldn't get my hand up. I was fighting with the machine, but Commissioner Prather, I just want to say thank you for your service. I'm going to keep it funky. It was a bumpy ride. But I'm glad to know you and thank you for, like Commissioner Smith said, being willing to stand alone when you had your own opinion, which is just fine with me. Agree to disagree. But I appreciate you. I appreciate what you brought and what you bring. Good luck in your whatever you decide to do, but don't forget us here in Oakland. [crosstalk 00:30:19].
- Regina Jackson: Thank you, Commissioner Harris. I think we should go to public comment. Mr. Ruse.
- Juanito Rus: Thank you, Madame Chair. At this point in time, we'll take public comment on item 10. If you would like to speak on this item please raise your hand in the queue. The first speaker is Ann Jenks. Hello, Ms. Jenks, can you hear us?
- Anne Janks: Yes. Commissioner Prather, I'm not sure how many folks from CPA are still on, so I just wanted to make sure that you knew how much we appreciated your work. You were instrumental in two of the really significant policies that have happened thus far, the stops for people on probation and parole and the one that happened tonight.
- Anne Janks: As near as I can tell they're unique in the United States. I haven't found policies like them anywhere else. They're a testament to the work that you did. We really appreciate it and we really appreciate you. I'm sorry for all those times that everything you did wasn't quite good enough, and I wanted just one more thing. But thanks again.
- Juanito Rus: Thank you, Ms. Jenks. The next speaker in the queue is Lorelei Bosserman. Hello, Ms. Bosserman. Can you hear us?
- Lorelei Bosserman: Yes, I can. Thank you. Commissioner Prather, I don't have the words to thank you for everything. You have worked so hard and you have shown such good judgment. As commissioner Smith said, you are willing to stand up for what you believe in without... You don't even look nervous about it. You're like, Nope, I know what's right. And you've been really receptive to the community. Even when I thought you were wrong when you thought you were right, you never cut me off even when I was saying no, you're wrong. So thank you for that and more. I wish I could be more eloquent about it, but it's late at night and I guess I'm getting sleepy. Thank you very much. That's all Mr. Ruse.
- Juanito Rus: Thank you, Ms. Bosserman. The next speaker in the queue is Bruce Schmiechen. Hello, Mr. Schmiechen. Can you hear us?



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Bruce Schmieche...: Can you hear me?

Juanito Rus: We can hear you.

Bruce Schmieche...: Thank you. I want to just build on something Henry said, what a pain Edwin Prather is. No, I'm just kidding.

PART 9 OF 10 ENDS [04:57:04]

Bruce Schmeichen: ... on a pain, Edwin Prather is... No, I'm just kidding. I actually was going to leave the meeting after the LL thing, because I was getting really tired. And then, I saw recognition of Edwin Prather and I thought, "No, got to stick around and tell that guy..." You have been key in two, as Anne was saying, two really path-breaking policies and you really... That's a real achievement.

Bruce Schmeichen: And I appreciate the work you did with Brendon Woods, the collaboration on the stop and search, collaboration with us on the asphyxia. And you have been a real independent voice in a way that I really, really respect. And I also want to say that I hope you continue as a citizen because the Commission, and even us in the Coalition, can use your skills and your engagement and your advice. So, thank you so much, man.

Juanito Rus: Thank you, Mr. Schmiechen. The next speaker in the queue is Michael Tigges. Hello Mr. Tigges, can you hear us?

Michael Tigges: I can. I'm one of the usual suspects from the CPA here to continue the laurels for Edwin Prather. I was in the room when the first commission meeting happened and all of you, the originals, were looking around and saying, "What do we do now?" And Commissioner Prather was the strong leg that stood this commission up, to become the power that it is despite the unremitting opposition from the administration.

Michael Tigges: What I find so amusing in the end is that you were a mayoral pick, which of course, some people thought was complete... you would have got to be a political toady. I suspect the mayor has regretted appointing you from almost day two. Thank you for your service. I hope you'll be able to come back and do some more as time goes on. Thank you again.

Juanito Rus: Thank you, Mr. Tigges. And the last speaker in the queue on this item is Rashidah Grinage. I will promote her to the panel. Ms. Grinage, can you hear us?

Rashidah Grinag...: Yes. Well, I think everyone has said it, but I just want to say it for the record. You may be done with the Commission, but you're not done with the Coalition. And you can count on us to reach out to you and continue to make use of your



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amazing skills and your compassion, your dedication to this work. We are very thankful for the work that you've done on the Commission, but we don't intend to let you go, just so that you know. Thank you so much. Good day.

- Juanito Rus: Thank you, Ms. Grinage. At this time, seeing no further hands raised in the queue, I return the meeting to you, Madam-
- Regina Jackson: Thank you. I tell you, I lamented this.
- Juanito Rus: It's 11:30. The meeting could end now.
- Regina Jackson: Commissioner Prather, I wondered if you might have something to say. You have been unmuted.
- Edwin Prather: I get a re-battle? My goodness! I mean, I think everybody knows how much I love debate, a good debate, a well thought-out debate on both sides. So, I'm glad I got to be involved in a debate in my last meeting. I'll miss you all. I'm not going far. Thank you...
- Edwin Prather: I have to thank the mayor for appointing me. Thank you to the city. Thanks for the people of Oakland for allowing me to serve and represent you. I'm going to be able to keep my word short. I already reached out to my fellow commissioners and thanked them for allowing me to serve alongside them.
- Edwin Prather: I learned a lesson... A long time ago, I was a staff attorney at the Asian Law Caucus, which is a nonprofit in San Francisco, serving Asian-American community. And you meet the most passionate people in work like this, in community work. And I have been just so rewarded in being able to meet and work with and alongside with the most passionate of people, with a hugely difference of opinion on how to solve problems. And it's been wonderful.
- Edwin Prather: Like I've got to work with Ms. Grinage and Larry White, and to listen and to talk with Mr. Hazzard or Ms. Olugbala. And even Mr. Bay, whom I appreciate so supremely. His stands and opinion... And to me, he's the epitome of passion and interest. And Mariano Contreras and Ms. Bosserman, and John Jones and Anne Janks. I remember when Cathy Leonard brought me cookies in a meeting. I could go on and on about the great people that we've come across and we've been able to work with.
- Edwin Prather: And I got to be... Look, there are folks... I've spent a good amount of time over in the department, over at OPD at headquarters. And there are some really good people over there who embrace change and who want change, and who aren't afraid of the Commission and who are very encouraged for fair oversight



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and need leadership and need us. And so, I'm very buoyed by that. And I know that this group can deliver on that.

Edwin Prather: And so, I just want to leave the Commission with one thought as I go, before I vote on the minutes, because I think you need me to vote on the minutes since I was there. But we've been far from perfect as a commission over these last three years. And Lord knows, we can get distracted from time to time and lose sight of our goals.

Edwin Prather: And we've been able to do some great things in our time. The probation/parole search policy. I'm immensely proud of the use of force work that Ms. Harris and Vice-chair Gage and Commissioner Anderson are working on now. It's going to be just so vitally important for this community for such a long time. The work we did around the Pollack matter was so vital and came at the right time and really set the foundation for the kinds of talks to have about the actions of OPD now. I think the Pollack matter was really important.

Edwin Prather: But I do want to single out, because no one really talks about this, the greatest thing that I think that I'm proud to be a part of and I think that this commission has done is to hire John Alden as the executive director of CPRA, and is to hire Natasha [Swanee 05:04:23] as our council. These two people have really ushered in just a level of credibility and fairness, professionalism, reliability and dedication that have really taken the Commission to the next level.

Edwin Prather: And these two people, these two individuals, I'm so proud of. I'm so proud that they accepted our offers to come and work with and for us. And they're going to be here for years after each of us finish our terms and we're long gone. And they are as much of the hearts and minds of the Commission as anybody. I'm so proud that we were able to bring the two of them in. And I hope they'll stay for a really long time. So, I look forward to what the chair has in store for me next. And I always get accused of being long-winded, so I'm going to cut it off. And thank you, everyone. I hope to see you soon.

Regina Jackson: Thank you, Commissioner Prather.

Thomas Lloyd Smith: You're awesome, Commissioner Prather.

Regina Jackson: Thank you. Mr. [Russe 00:08:27], can we advance the slide? I'm sorry. Commissioner Gage, followed by Ms. Swanee. You've been unmuted.

Henry Gage, III: Thank you, Chair. I believe we need to extend the meeting.

Regina Jackson: You are correct. Would you like to make that motion?



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- Henry Gage, III: Thank you. I move we extend the meeting by 20 minutes.
- Regina Jackson: Okay. I will second. Can we take a vote please? Commissioner Gage?
- Henry Gage, III: Yes.
- Regina Jackson: Commissioner Prather?
- Edwin Prather: Yes.
- Regina Jackson: Commissioner Harris? Commissioner Harris? Okay, I'll come back.
- Ginale Harris: Yes.
- Regina Jackson: Okay, thank you. Commissioner Smith?
- Thomas Lloyd Smith: Yes.
- Regina Jackson: Okay. And yes for myself. So, we are extending the meeting to 11:55. So, now I'll go back to Ms. Sawhney You have been unmuted.
- Nitasha Sawhney: Thank you to you, Jackson. I wasn't planning to speak because in preparing for the meeting with the chair, we decided that I wouldn't be gushing on this meeting, but having been referenced, I felt I needed to just briefly say and express my deep and sincere thanks of Commissioner Prather.
- Nitasha Sawhney: When he asked us to throw our names in the hat to work for the Commission, we knew we were going to be getting to do some extraordinarily exciting work, and we were drawn to the mission and vision of this commission. And so, we threw our names in the hat to be allowed this opportunity to serve with his encouragement.
- Nitasha Sawhney: But I had no idea then, what the impact of getting to serve this commission would be in my life and in the work that I do, because each of you as commissioners set such an extraordinary example of true service. In the Sikh community we call it sewa, selfless service. And I see each of you exercise that night after night, hour after hour, email after email.
- Nitasha Sawhney: And to get to see Commissioner Prather do it the way he has done it, do this service to community, to stand and forward the ideals and the principles of community in the way that he has with the brilliance that he has, has been a real honor, a real great honor to just be able to be witness to it and to see it, and to just see this level of dedication that he and that this commission has.



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- Nitasha Sawhney: And so, I just want to thank him for encouraging us to apply and for this opportunity, and thank him for all of his service and his brilliance in how he has performed this work. And I know the chair is not going to let you go far, and I'm right behind her. So, we'll be seeing you lots. Thank you.
- Regina Jackson: Thank you very much, Ms. Sawhney. So, we are going to move ahead with Commissioner Prather to the next slide, Mr. Russe, the Path to Justice Pledge. This is an extraordinarily important item, and it's also a quick item. If you all have any questions or comments, please speak up. Otherwise, if there are no questions, I will be moving that we adopt this pledge. Commissioner Harris, I've unmuted you.
- Ginale Harris: Thank you.
- Regina Jackson: Certainly.
- Ginale Harris: Can you repeat that, Chair?
- Regina Jackson: I said I've I unmuted you, but what I was saying is that if people didn't have questions about this pledge, I was going to move that we adopt adding our own signature to support this pledge.
- Ginale Harris: Okay, I understand.
- Regina Jackson: And then, we'll vote. Did you have a question?
- Ginale Harris: No, I don't.
- Regina Jackson: Okay, terrific. I think I saw one other hand. Commissioner Gage, did you drop it or was I too slow?
- Henry Gage, III: Thank you, Chair. I move that we approve this item, and ask you to write a letter of support.
- Regina Jackson: Excellent. It has been properly moved. I will second. It has been moved and seconded. We haven't taken a public comment yet, so we'll come back for a vote. Mr. Russe?
- Juanito Rus: Thank you, Madam Chair. If you'd like to speak on this item, please raise your hand in the queue. At this time, the first speaker in the queue is Assata Olugbala. Hello, Ms. Olugbala, can you hear us?
- Assata Olugbala: Yes, I can hear you. And I don't know what the Pledge to Justice Pledge is, so I can't support it. And I'm not going to ask you to... Because it's late. It's very late,



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but I'm going to just assume that we're doing something that's beneficial in terms of moving justice forward, supporting fairness and equity, all those good things. But it's pretty late to ask you to do any more than what you've already done. So, thank you very much.

Regina Jackson: Thank you.

Juanito Rus: Thank you, Ms. Olugbala. Seeing no further hands raised in the queue, Madam Chair, I return the meeting to you.

Regina Jackson: Thank you very much. So, it has been properly moved and seconded. We've taken public comment. Can we take a vote to support a letter to the Path for Justice Pledge? Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Thank you. Commissioner Harris? I can hear you.

Ginale Harris: I'm sorry. I'm reluctant to vote on this because these are just words. And I live in black skin and I'm tired of hearing these words and no action is taken about them. So, I'm going to pass on the vote, abstain.

Regina Jackson: Okay. Thank you. Commissioner Prather, you've been unmuted.

Edwin Prather: Yes.

Regina Jackson: Thank you. Commissioner Smith?

Thomas Lloyd Smith: Abstain.

Regina Jackson: Okay. Well, yes, for me. That's three affirmative, two abstentions. So, it doesn't pass, right?

Thomas Lloyd Smith: I believe it does pass. We can check with the Council, but I believe it's the majority.

Juanito Rus: The majority of the quorum passes.

Regina Jackson: Terrific. Thank you. I'm so un-used to having two abstentions. It just messed up my whole process. Okay. So, the motion passes and I will get a letter out on Monday. And just for those that don't know, I think I've probably received about 50 emails just on this subject alone.



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- Regina Jackson: So, I do feel like we're doing the right thing, but to Commissioner Harris's point, I think our actions, they definitely speak louder than the words, but sometimes it also makes sense to affix your name and your intention to something that's already a moving vehicle that is on the path toward justice. So, thank you very much.
- Regina Jackson: The next item is the meeting minutes approval from September 13, 2018. We've had this on the agenda a couple of times, and there was a clarification that needed to be made by our council to make sure that this was in the proper format with the proper language. Let me know if there are any questions or if anybody wants to speak on this item.
- Regina Jackson: Okay. Hearing none, can I get a motion to approve the meeting minutes? Is everybody awake there?
- Juanito Rus: [inaudible 05:15:27] Chair, I believe there're several minutes included on this item. Is that correct?
- Regina Jackson: You know what? Yes. So, there are several, but the title was a little misleading. So, my apologies. I will call on Commissioner Prather, but we have five different sets of minutes to approve. Commissioner Prather, you have been unmuted.
- Edwin Prather: Chair, did I... I didn't see the 2018 minutes in the packet. So, without the minutes... All the other minutes are there, the two May meetings and the three June meetings, but I don't see the September 13, 2018 minutes.
- Regina Jackson: Okay.
- Edwin Prather: So, I think we'll have to table that again.
- Regina Jackson: Absolutely. So, that's an oversight. Thank you very much. We will go ahead and vote on May 14th and 28th, as well as June 8th, 11th and 18th, if it is your pleasure.
- Edwin Prather: I'll assist here. So, I would move to approve the May 14th, 2020 minutes.
- Regina Jackson: Okay. I will second. Can we take a vote? Commissioner Prather?
- Edwin Prather: Yes.
- Regina Jackson: Commissioner Harris?
- Ginale Harris: Yes.



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Regina Jackson: Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Yes, for myself. March 20... Excuse me, May 14th minutes are approved. May I accept the motion to approve the May 28th minutes?

Edwin Prather: So moved.

Regina Jackson: Okay. I'll second again. We'll take a vote. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Thank you. Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Thank you. Commissioner Harris?

Ginale Harris: Yes.

Regina Jackson: Thank you. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Thank you. And yes for myself. The motion passes unanimously. Is there a motion for approval of the June 8th minutes?

Edwin Prather: Chair Jackson, the June 8th minutes in item number two, you do not reflect that I was present. It does reflect elsewhere in the document that I was present, but with that edit, I'd like to be added to the list of commissioners present. And with that, I would move to approve the June 8th minutes.

Regina Jackson: Okay, great. With that amendment, I will second. The amendment is to add Commissioner Prather as present for the June 8th meeting. Let's take a vote. Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Commissioner Harris?



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Ginale Harris: Yes.

Regina Jackson: Thank you. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Thank you. And Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Thank you. Yes for myself. Unanimous approval of June 8th minutes with that amendment. June 11th.

Edwin Prather: I move to approve the June 11th, 2020 minutes.

Regina Jackson: Okay. Very good. And it's been properly moved and I will second. Can we take a vote? Commissioner Harris?

Ginale Harris: Yes.

Regina Jackson: Thank you. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Thank you. Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Thank you. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Excellent. And yes for myself. Motion passes unanimously. The June... I'd like to take a motion for acceptance of the June 18th minutes.

Edwin Prather: So moved.

Regina Jackson: Okay. So, moved by Commissioner Prather. I will second. Commissioner Gage, can we vote?

Henry Gage, III: Yes.

Regina Jackson: Thank you. Commissioner Prather?



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- Edwin Prather: Yes.
- Regina Jackson: Thank you.
- Ginale Harris: It makes a bubble.
- Regina Jackson: Commissioner Harris?
- Ginale Harris: Yes.
- Regina Jackson: Thank you. Commissioner Smith?
- Thomas Lloyd Smith: Abstain.
- Regina Jackson: Okay. And I will vote yes. So, the ayes have it, four ayes and one abstention. At this point, we're going to have to re-submit September 13 minutes from 2018 for consideration in the next meeting. Let's see. Do we need to take public comment, Mr. Russe?
- Juanito Rus: If any member of the public would like to comment on this item, please raise your hand in the queue. Seeing none, I return the meeting to you, Madam Chair.
- Regina Jackson: Okay. Thank you. Can you move us forward to the... I believe it's the next slide, agenda setting and prioritization. We've got a whole bunch that's coming back next meeting. Are there any other specific things that folks want to weigh in on? I know that we've got the public engagement on the use of force policy. I know that we're going to have presentations from Raheem and David Muhammad, perhaps other ad hoc reports.
- Regina Jackson: Are there any other subject-specific item that we need to... I mean, you all could email me if you'd like. Since there are no suggestions, can we go to public comment and see if there's anybody that wants to make a suggestion there?
- Juanito Rus: If any member of the public would like to make comment on item 13 on tonight's agenda, please raise your hand in the queue.
- Regina Jackson: Okay. There being none, we will move forward to item 14, which I think is adjournment, if memory serves. There we go. So, again, having this be Commissioner Prather's last meeting hurts me, but he knows he's got a lot more work in his future at the Police Commission. I thank you all for staying on so long, for the incredible conversation, for the progressive and courageous movements. So, I would like to move that we adjourn this meeting. Who's got me as a second?



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Ginale Harris: I second.

Regina Jackson: Thank you, Commissioner Harris. It has been moved and seconded. Let's take a vote. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Thank you.

Thomas Lloyd Smith: Goodbye, Commissioner Prather. This meeting was in your honor.

Regina Jackson: Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Thank you. Well, let's see. Commissioner Prather?

Henry Gage, III: Yes. For the last time, yes. Thank you all.

Regina Jackson: And I will... Let's see, I moved. So yes, and I've got a vote too. So, we are unanimous in our adjournment.

Ginale Harris: Chair, you didn't call me.

Regina Jackson: I thought I called you first. I'm sorry. Commissioner Harris?

Ginale Harris: Yes.

Regina Jackson: Thank you. We're all going home. Goodnight. It's been wonderful. See you next time, July 23rd, 7:30 sharp.

Thomas Lloyd Smith: Goodnight everybody.

Regina Jackson: Thank you very much.

From: [Elise Bernstein](#)

Sent: Thursday, July 9, 2020 3:35 PM

To: [Rus, Juanito](#)

Subject: Public comments on Items 7 and 8 for July 9, 2020

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

Greetings police commissioners,

Item 7

I fully support the police commission's stance against giving the OPD chief the power to
*"make changes to policies, procedures, customs, or
General Orders of the Department that are necessary
to respond to exigent circumstances related to public safety."*

It seems absurd to me that in a crisis, when it is absolutely vital that police officers act strictly according to established procedures and practices, when it is known that strong emotions arising in a crisis might threaten discipline, at that most crucial time, the Chief would be authorized to order whatever they feel is necessary---barring any limitations.

This resolution is a "poison pill" supported by the OPOA as another vehicle to destroy trust in the police commission, and sets the stage for OPD to be given permission to bring chaos and mayhem on Oakland residents.

Item 8

Interim Chief Manheimer's update in the Use of Force Draft and specifically, on the prevention of Asphyxia is an improvement over prior drafts.

But throughout PD's proposal I note that there is no mention of the need to continue to employ de-escalation techniques while attempting to restrain a person. Officers should converse, talk with and talk down, talk calmly and clearly, explain what and why they want the person to do, recognize the person's fear and strong emotions and try to reassure them.

Use of Force policy should be based on de-escalation.

Thank you,

Elise R Bernstein



From: [N.E. Faby](#)
To: [Love, Christine \(Chrissie\)](#)
Subject: Agenda item 9 comment
Date: Thursday, July 9, 2020 3:51:44 PM

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

Erik Salgado died because CHP was not required to follow Oakland Police policies on use of force. Oakland PD must require that all outside agencies responding to calls for mutual aid agree to follow Oakland PD use of force standards to protect the lives of Oakland residents.

Sincerely,

Nicholas Elizabeth Faby

From: [Mary Vail](#)
To: [Love, Christine \(Chrissie\)](#)
Cc: [grinage_rashidah](#); [Regina Jackson](#); [White, Larry](#); [Kaplan, Rebecca](#); [Israel, Debra](#); [Gallo, Noel](#)
Subject: My public comments, tonight's Police Commission meeting
Date: Thursday, July 9, 2020 4:32:32 PM

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

I. The Auditors report:

Overall, and I could be wrong, I see some unfortunate and unbecoming politicqa footprints in the audit. I suspect that such are a product of the Auditor stepping out of her important professional role to carry the former police chief's grievances against, Measure LL, the Commission, individual Commissioners and to lend credibility to the former Chief's legal claims against the City. It also appears that an earlier draft of her report was leaked to members of the City Council, by persons unknown, to influence the Council's ongoing deliberations regarding potential 2020 Charter amendments.

My specific concerns with the Auditor's conclusions:

A. Commission's policy work:

In each policy project started, he former Police Chief took a strong anti-change/status quo is great position. The Commission and the community stood for further review and certain changes. Ultimately, to everyone's credit, (e.g., on the probationer and parolee stoop policy) the chief's own leadership team and policy staff was willing to engage and collaborate and the Commission was willing to listen to OPD's counter-proposals. The same attitude and collaboration unfolded as policy changes wen to he Council Public Safety Committee and full Council. The Auditor does not credit this. I can only conclude that she is seconding the views of the former Chief and the "no change" adherents in OPD. Seems like clear anti-Commission, anti-LL bias on the Auditor's part.

B. Recommendation to reduce Commission's oversight authority because of the workload it creates:

This recommendation is partisan (anti-oversight) and if adopted would undermine oversight of OPD. Up to now, community members and the City Council have looked at potential constructive solutions, such as increasing the size of the Commission (needs more study) or offering modest compensation (not fiscally viable right now). Part of the job of the Mayor and the Selection Panel (which I serve on) is to assess and nominate community members who have workload capacity and best efforts are being made to upgrade and work diligently to do that. The Auditor is conveniently silent on the Commission being starved of staff. The Auditor pretends the Commissioner workload issue is unique to Oakland; i's not. Commission's with significant oversight authority struggle with work load and caseload issues. I know that the San Francisco Commission has, because I was active in SFPD oversight

work from 1975 to about 2002.

C. CPRA staffing issues:

The decision of the Council and community drafters was that the Commission could not take office with no staff and the solution was to have the existing CPRB staff move over to the CPRA. It took time for the Commission to become fully knowledgeable about the then CPRA Director's profound shortcomings. But the Auditor criticizes the time it took for the Commission to make personnel changes. I suspect the Commission would have been criticized if it had acted more quickly.

I do agree that the CPRA needs to develop uniform case intake and investigative processes and anticipate that the current CPRA Director and the Commission have the capacity and will to do that.

D. Composition and "conflicts of interest" on the Selection Panel:

Bias and historical unawareness permeates the Auditor's "findings" on this subject. As a member of the SP or otherwise, I have seen no sign that the Auditor reached out to the Panel or the principal City Council authors of Measure LL and the subsequent implementing Ordinance. The Auditor's narrative and findings are not informed and border on a hatchet job in several ways.

When the initial SP was seated, it was clear that one Councilmember had appointed as her representative a person who was not a resident of Oakland. The LL drafters realized that the Charter language allowed the Councilwoman to do that. The enabling Ordinance now includes a residency requirement. Because the non-resident SP member was also the spouse of a retired OPD officer, a political, tit-for-tat process ensued, to the end of trying to forbid lawyers who had sued OPD from serving on the SP. These efforts were aimed at SP member Jim Chanin. The Council ultimately adopted language to grandfather in both SP members and to limit the OPD-suing attorney ban to those lawyers who had pending lawsuits or recently settled lawsuits against the Department.

The Auditor's allegations that Mr. Chanin has a legal (he doesn't) or associational conflict of interest is at the least counter-factual. The OPOA may think Mr. Chanin has an anti-police bias, but that's not a conflict of interest. As a Riders case co-counsel, that case was settled in 2003 and his clients compensated financially. What Mr. Chanin does bring to the SP's work is a deep, practical knowledge of police oversight systems and practicalities, both regional and OPD-related. Our deliberations are much better informed having Mr. Chanin's input.

Having worked with both Mr. Chanin and Ms. Chavez Noel, both have been given leadership positions and have fulfilled their responsibilities well. I had concerns about the latter's partiality as a member of an OPD family, but those concerns did not materialize.

Mary Vail

From: [Mary Vail](#)
To: [Love, Christine \(Chrissie\)](#)
Cc: [grinage, rashidah](#); [Regina Jackson](#); [White, Larry](#); [Kaplan, Rebecca](#); [Israel, Debra](#); [Gallo, Noel](#); jbcofc@aol.com
Subject: Re: My public comments, tonight's Police Commission meeting
Date: Thursday, July 9, 2020 4:53:44 PM

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

Here's more, post the 4:30 PM deadline:

II. **2020 Measure LL language:**

Only one concern...the language giving the police chief emergency powers in an ensuing Ordinance:

This needs to go. It's dangerous given OPD's long and repeated history of unconstitutional, lawsuit-generating crowd control policing. In each instance, OPD officers on the scene also violated/materially deviated from existing crowd control policies/general orders. Sadly, some but not all current and past OPD leaders want to throw out the rules in emergencies---or use an emergency as a platform to ignore or violate existing rules and policies that they disagree with. That's what happened some weeks ago when OPD tear-gassed peaceful protestors, including OUSD students, because there had been looting and a fatal shooting on other nights at other locations. Including this Ordinance option in the Charter gives OPD the option to throw out the rules (and bring the City more lawsuits). It's a gateway for past bad history to occur again. What OPD did a few weeks ago looks to me to be violent, political policing, physically punishing political demonstrators for their beliefs (vs. their conduct). Urge the Council to take this provision out of the final Charter draft.

III. **Former Commissioner Prather:**

When the Mayor nominated him, I thought why him! (other than his being a criminal defense trial attorney). I was proven wrong....A true community servant. A thoughtful collaborator with his colleagues, OPD, the community and City Council-members. Willing to listen and modify his views. A leader in the Commission's work on policy revisions, the Measure LL Ordinance and the proposed Charter amendment. Worked hard after the expiration of his term, then willing to move on so another community member could serve on the Commission.

Thank you Commissioner Prather

Mary Vail

On 07/09/2020 4:32 PM Mary Vail <4406vailcat@comcast.net> wrote:

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C. CPRA staffing issues:

The decision of the Council and community drafters was that the

Commission could not take office with no staff and the solution was to have the existing CPRB staff move over to the CPRA. It took time for the Commission to become fully knowledgeable about the then CPRA Director's profound shortcomings. But the Auditor criticizes the time it took for the Commission to make personnel changes. I suspect the Commission would have been criticized if it had acted more quickly.

I do agree that the CPRA needs to develop uniform case intake and investigative processes and anticipate that the current CPRA Director and the Commission have the capacity and will to do that.

D. Composition and "conflicts of interest" on the Selection Panel:

Bias and historical unawareness permeates the Auditor's "findings" on this subject. As a member of the SP or otherwise, I have seen no sign that the Auditor reached out to the Panel or the principal City Council authors of Measure LL and the subsequent implementing Ordinance. The Auditor's narrative and findings are not informed and border on a hatchet job in several ways.

When the initial SP was seated, it was clear that one Councilmember had appointed as her representative a person who was not a resident of Oakland. The LL drafters realized that the Charter language allowed the Councilwoman to do that. The enabling Ordinance now includes a residency requirement. Because the non-resident SP member was also the spouse of a retired OPD officer, a political, tit-for-tat process ensued, to the end of trying to forbid lawyers who had sued OPD from serving on the SP. These efforts were aimed at SP member Jim Chanin. The Council ultimately adopted language to grandfather in both SP members and to limit the OPD-suing attorney ban to those lawyers who had pending lawsuits or recently settled lawsuits against the Department.

The Auditor's allegations that Mr. Chanin has a legal (he doesn't) or associational conflict of interest is at the least counter-factual. The OPOA may think Mr. Chanin has an anti-police bias, but that's not a conflict of interest. As a Riders case co-counsel, that case was settled in 2003 and his clients compensated financially. What Mr. Chanin does bring to the SP's work is a deep, practical knowledge of police oversight systems and practicalities, both regional and OPD-related. Our deliberations are much better informed having Mr. Chanin's input.

Having worked with both Mr. Chanin and Ms. Chavez Noel, both have been given leadership positions and have fulfilled their responsibilities well. I had concerns about the latter's partiality as a member of an OPD family, but those concerns did not materialize.

Mary Vail

