



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Special Meeting Transcript

Thursday, August 22, 2019

5:30 PM

City Hall, Council Chambers

1 Frank H. Ogawa Plaza, Oakland, California 94612

<Closed Session>

Regina Jackson: Okay. Commissioners, can we take our seats, please? [crosstalk]

Regina Jackson: Commissioner Prather, Mr. Alden. [crosstalk]

Regina Jackson: Hello, everyone. The time is 6:53. We'd like to call the meeting back to order. I want to report out from closed session that the commission took action in closed session to direct the CPRA on a pending disciplinary matter. On number two, the commission wants to acknowledge that the law offices of Jackson and Lewis are going to represent the city, and the commission, on the case of Negrete, et al. v. City of Oakland, et al. Alameda County Superior Court case number RG19030784. And on the third piece, no action was taken.

Regina Jackson: So, we established a quorum when we first began at 5:30, and I'd like to move to item four. Welcome, purpose, and open forum. We have ... well, actually, this is our-

Unidentified F4: Open Forum.

Regina Jackson: Oh. Roll call, again. Okay.

Regina Jackson: Commissioner Ahmad.

Mubarak Ahmad: Present.

Regina Jackson: Commissioner Dorado.

Jose Dorado: Presente.

Regina Jackson: Commissioner Anderson.

Tara Anderson: Present.

Regina Jackson: Commissioner Harris.

Ginale Harris: Here.

Regina Jackson: Here for myself.

Regina Jackson: Commissioner Smith.

Thomas Smith: Here.

Regina Jackson: Commissioner Prather.

Edwin Prather: Here.

Regina Jackson: And alternate Commissioner Brown.

Chris Brown: Present.

Regina Jackson: Okay, very good. I also like to say ... isn't this our first meeting with Mr. Alden? Okay. Our first ... is this is our first official meeting with you? I feel like-

John Alden: This is.

Regina Jackson: I feel like we've met so many times already. So for the benefit of the public, I know that you all saw us do our interviews with Mr. Alden. We are happy to bring him on board as the Executive Director for the Community Police Review Agency and welcome.

John Alden: Thank you.

John Alden: If I may, I'd like to thank the Commission for passing my name on, and of course thank the City Administrator for picking me from the short list that the commission came up with. It has been a real sprint here, right at the beginning. We have a lot going on. I'll be reporting on some of that, but I'm mindful, too, that we have a lot of work to do, so I'll try to treat it as a marathon and hang in for the long term. Pleasure to be here. Thank you.

Regina Jackson: Absolutely. Thank you. And so now we're going to go to the purpose and open forum. And I have-

Jose Dorado: Ma'am. Madam Chair.

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

Jose Dorado: Can I have the pleasure of speaking?

Regina Jackson: Yes. Yes.

Jose Dorado: On July 25th of last month, I spoke of the rise of the right and growing white nationalism. Within 10 days afterward, 34 people were killed in what can only

be called incidence of white domestic terrorism. I would like us to acknowledge these murders by calling out the names of each victim.

Jose Dorado: Gilroy, July 28th, 3 killed:

Jose Dorado: Stephen Romero, six years old.

Jose Dorado: Keyla Salazar.

Jose Dorado: Trevor Irby.

Jose Dorado: El Paso, August 3rd, 22 killed:

Jose Dorado: Jordan Anchondo.

Jose Dorado: Andre Anchondo.

Jose Dorado: Arturo Benavides.

Jose Dorado: Sara Esther Regalado Moriel.

Jose Dorado: Adolfo Cerros Hernández.

Jose Dorado: Gloria Irma Márquez.

Jose Dorado: Maria Eugenia Legarreta Rothe.

Jose Dorado: Ivan Manzano.

Jose Dorado: Juan de Dios Velázquez Chairez.

Jose Dorado: David Johnson.

Jose Dorado: Leonardo Campos, Jr.

Jose Dorado: Maribel Campos Loya.

Jose Dorado: Angelina Silva-Englisbee.

Jose Dorado: Maria Flores.

Jose Dorado: Jorge Calvillo García.

Jose Dorado: Alexander Gerhard Hoffman.

Jose Dorado: Luis Alonzo Juarez.

Jose Dorado: Elisa Mendoza de la Mora.

Jose Dorado: Margie Reckard.

Jose Dorado: Teresa Sanchez.

Jose Dorado: Dayton, August 4th, 9 killed:

Jose Dorado: Jennifer Brett.

Jose Dorado: Lois Oglesby.

Jose Dorado: Saeed Saleh.

Jose Dorado: Derrick Fudge.

Jose Dorado: Logan Turner.

Jose Dorado: Nicholas Cumer.

Jose Dorado: Thomas McNichols.

Jose Dorado: Beatrice Warren-Curtis.

Jose Dorado: And Monica Brickhouse.

Jose Dorado: I would like to ask for a moment of silence for these 34 lives taken so senselessly.

Jose Dorado: Thank you.

Regina Jackson: Thank you very much, Commissioner Dorado.

Regina Jackson: Now I'd like to call forward the following speakers: Rashidah Grinage, Anne Janks, Cathy Leonard, John Lindsay-Poland, [Misa] [Sara 00:21:41], Mary Vail, Bruce Schmiechen, [Risa] Jaffe, and Michele Yvonne Lazaneo.

RashidahGrinage: Thank you, commissioners. Welcome to Mr. Alden. Yesterday, some of us were in federal court. I know that a discussion is later on in the agenda, but we were dismayed, to say the least, and we have a lack of confidence in this Chief. And we hope that you do, as well. You have the authority, under Measure LL and the enabling legislation, as you well know, to evaluate the performance of the Chief. We are asking that you do so immediately. We understand that you have developed a protocol for this undertaking. The Monitor wrote in his most recent report, the last sentence is: "In the end, real change requires real change."

RashidahGrinage: If there is no change in leadership, there will be no real change. And we are asking you to schedule, for your next meeting in September, an item so that the public can weigh in, can give testimony. And that you move forward with an action, that you vote on, to undertake this performance evaluation immediately. Thank you.

Regina Jackson: Thank you.

Elise Bernstein: Good evening. I'm Elise Bernstein from the Coalition for Police Accountability. I agree with Rashidah. I hope that the commission will consider that the Coalition for Police Accountability really feel ... we have no confidence in the Chief's ability to pull OPD out of the fire. It keeps getting hotter and hotter. They're not moving forward. They're moving backwards, in terms of the NSA agreement.

Elise Bernstein: It might've been a year ago that the Coalition held a public rally on the steps of City Hall asking that the Monitor, Warshaw, fire the Chief then. And things have been worse since then. I think it does not work to correct officers, in terms of discipline, to have them sit around a table and think about it. We need to see some discipline to enforce the new policies that are being applied. So, thank you.

Regina Jackson: Thank you.

B. Schmiechen: Bruce Schmiechen, Coalition for Police Accountability Faith in Action East Bay. And following on that, I want to ... I've got some quotes, actually, I'm going to read. First, from KTVU's report on yesterday's NSA hearing in federal court.

B. Schmiechen: "'I want to see actual progress and achieve constitutional policing,' Federal Judge Orrick said. 'I've not seen significant progress in critical areas of the NSA.' Chief Kirkpatrick told the judge she disagrees with this view, in her opinion, her biggest challenge is not unconstitutional policing, but rather 'the narrative that we are not moving forward.' She then added: 'We have failed in explaining our progress.' Judge Orrick didn't appear satisfied with Kirkpatrick's answer. 'I'm not interested in PR releases or status reports,' he said. As of last month, Oakland police fell out of compliance with seven of the NSA tasks, slipping by four tasks in less than half a year. 'We're moving backwards at a pretty alarming speed,' NSA lawyer Jim Chanin said."

B. Schmiechen: End of KTVU.

B. Schmiechen: So further, regarding the Chief's assertion that progress is being made and current strategies are working, I quote from the Federal Monitors 63rd report that documents dramatic under-reporting of use of force among OPD. Quote, "The chief's written response to OIGs report should not be confused with the comprehensive plan for reform. An illustration of the limits to this approach can be seen in a significant, but largely address finding in the report. The analysis of force reporting and policy violations includes the highest number of officers in

monitoring and supervision under the risk management process. That means the ones with the most problems have been subjected to the most ... of this process. In the end, analysis is a necessary, but not sufficient tool for bringing about reform. Police revision and training have similar limitations. Changes in officer conduct must be brought about by robust supervision, intervention, and, if necessary, discipline. In the end, real change requires real change."

B. Schmiechen: Please initiate the performance review protocols to evaluate whether the Chief should be removed. Thank you.

Regina Jackson: Thank you.

M. Lazaneo: Good evening. My name is Michele Lazaneo. I'm here to support the family of Jonathan Bandabaila, a missing person. Uni, a five month old French bulldog ... puppy went missing July 24th. Two days later, OPD posted the picture and details on social media. Theola Polk, 78 year old community activists went missing July 6th. Nine days later, OPD posts the picture and details on social media. Jonathan Bandabaila, 19 years old student, went missing May 3rd. 49 days later, OPD posts the picture and details on social media.

M. Lazaneo: Why such a disparity between these three incidents? Why did a stolen dog get treated with a sense of urgency that was not provided for two Oakland residents? OPD has no social media policy. There are no specific standards, guidelines, or procedures mandating how they utilize social media as a resource. There is no policy about who manages the content, who can post, nothing. Social media played a significant role in the Celeste Guap sex scandal.

M. Lazaneo: Chief Kirkpatrick was appointed January 4th, 2017 by mayor Libby Schaaf with the promise to the citizens that she would be a reform-minded leader. OPDs settled the sex scandal lawsuit May 31st, 2017 and paid out almost 1 million dollars. Chief Kirkpatrick promised to adopt a social media policy, yet two and a half years later, they still don't have one. We are asking that OPD Institute a social media policy immediately.

M. Lazaneo: We are asking that every missing persons case include: A 'Be on the Lookout' broadcast department-wide and announced at every patrol briefing, a timely press release, and email to all NCPC members for dissemination to the neighborhood contacts. Social media postings on all of OPDs platforms: Facebook, Twitter, Nixle, Nextdoor, Patch, Claycord.

M. Lazaneo: OPDs core values are the commitment to reducing crime and serving the community through fair quality policing. Without policies, standards, and accountability. These are merely feel good words and aspirations. 111 days. It's been 111 days since Jonathan Bandabaila went missing. This family still has no answers and OPD must better. And the only person that's helped us is Regina Jackson, and we thank you for that.

Regina Jackson: Thank you.

Regina Jackson: I want to acknowledge that during the conversation Anne Janks waived her time. Thank you.

R. Jaffee: Risa Jaffe. I'm joining the Coalition in asking you to please, let's get a new police chief. Some of what I was going to say has already been said. I would add that, sometime ago, the Police Chief was here stating what her goals were. And I found it shocking, but not surprising that her number one goal was not to end racial profiling. So, it's time. Thanks.

Regina Jackson: Thank you.

Lindsay-Poland : John Lindsay-Poland, the American Friends Service Committee and Coalition for Police Accountability. We second the call for an evaluation of the Chief and a vote ... our own vote of no confidence in the Chief's behavior. One way in which this is manifested is the lack of policy, or even clarity about policy. So we heard that in the sister who just talked about social media that values pets over people. We submitted a Public Records Act request July 23rd, for copies of policies for the use of grenades, water cannons, assault weapons, battering rams, sonic weapons and grenade launchers.

Lindsay-Poland : You would think it would be a fairly simple matter. Either you have the policy, and you should know it, right away. Like, "We have a policy, here it is," or "We don't have a policy, and that's probably a problem, but we don't have it." But five weeks later, there's no response. I do want to thank Deputy Chief Armstrong for trying to facilitate a response to a Public Records Act request for uses of the BearCat that is now nearly four months old.

Lindsay-Poland : I'm told that there will be a response soon and we may soon have some information about how that's been deployed, but it does seem to be an institutional problem that comes from a lack of leadership. And there's lack of transparency and lack of clarity.

Regina Jackson: Thank you.

Cathy Leonard: Good evening, Cathy Leonard with the Coalition for Police Accountability. I concur whole-heartedly with the comments made by, and the request made by Rashidah Grinage. The special monitor, Robert Warshaw, found recently, in his 63rd report, that tasks 24 and 25 are in partial compliance. He said, "It's extremely concerning that none of the reported increases in the use of force appear to have anything to do with a change in the number of actual uses of force by the Oakland Police Department personnel. Instead, it appears that police officers had simply not been properly reporting use of force for a lengthy period of time, and this went unchecked by OPD supervisory and command personnel."

Cathy Leonard: He concluded that, "The City and the OPD leadership continue to struggle with using the specific stipulations of the NSA to increase the department's capacity to identify problems and, most importantly, to implement effective solutions." Judge Orrick yesterday, he said, "I want to see actual progress and achieve constitutional policing. I have not seen significant progress in critical areas of the NSA. I am not interested in PR releases or status reports." He ordered that in response to Chief Kirkpatrick's argument that she and OPD have failed in explaining their process. The Chief has a law degree. I'm sure that she's well-versed in the explaining process. At some point, Chief Kirkpatrick stated, "Not all accountability is punishment. Sometimes it's intervention, but has the chief's intervention move this department forward in any significant way? It has not.

PART 2 OF 9 ENDS [01:42:04]

Speaker 1: ... any significant way. It has not. The lawyer representing the Oakland Police Officers' Association have the gall to say that it's not fair to blame today's officers who were not around during the Riders' case. Maybe they weren't around, but they are continuing some of the same practices of the Riders Oakland Police Department. This department remains out of control, out of compliance. We have no confidence in the police chief. We have no confidence that she will move this department forward and comply with the negotiated settlement agreement and I hope that that evidence leads you to the same conclusion. Thank you.

Madame chair: Thank you.

Mary: Mary Vale. First, I filled out a card for the closed session item and what I want to say about that is, I hope I heard correctly that you actually have an independent counsel representing you, because your co-defendant, the city, is actually aligned with the plaintiff. Your attorneys could move to dismiss the case as premature because the subject officers still have their Skelly hearing and their grievance arbitration hearing, that would dispose of all their issues, or the case should be removed to federal court because it's also an indirect attack on the compliance director Warshaw and the oversight process, reform process of the court, is trying to do in the writer's case.

Mary: Relative to what others have spoken on open forum about. I think it's really important that you schedule... Not an evaluation of the chief, but basically a briefing for you and the public with public comment to talk about, in particular, the city's performance over the last [inaudible 00:01:54]over the last 12 months, which represents a transition of multiple years of being stalled and struggling to active movement backwards.

Mary: Just where, what the efforts have been, what the leadership has been from the department. Allow the public to comment on it, allow other interested people that are familiar with the NSA to comment on it and then maybe come up with... You ultimately did regarding CPR... CPRAs investi... investigation in the

Paula case of an assessment. Not of the chief personally, but basically... the department has performed in its NSA compliance efforts over the last 12 or 13 months. And, I'm hopeful though I was disappointed the way the hearing ended yesterday, that... the handwriting is on the wall and all the cheerleading by the mayor and all the cosmetology work by the police department, police chief. It's out there and he can take action and hopefully that's what will... and and you can take any followup in terms of bringing the rest of the department up to snuff in compliance. Thank you.

Madame chair: Thank you.

Lorelei: Hi, I'm Lorelei Bosserman, I'm a member of the Coalition for Police Accountability. I think I agree with everything every member of the public has said so far, including the person who was here talking about the missing persons procedures. I want to say that I think it's time to fire the chief, and I'm looking at this list of your rights under Measure LL and the city ordinance and the things that count as cause because you can fire her for cause. And to me the biggest problem is that she won't acknowledge there's a problem.

Lorelei: When she was asked what the biggest problem is or the biggest obstacle, I forget the phrasing, she said the narrative, which just blows my mind. The idea that everything is fine except perceptions. Sorry, I'll stop. You get my meaning, it's ridiculous. I'm looking at this list of things, causes, that you can fire her for and I'm trying to figure out where it fits, if that one fits in one of them. And the only one I can find is a material act of dishonesty. I don't know if that can be proven. I also want to point out that in the recently discovered underreported cases of use of force, I believe all of the people against whom use of force was used and then not reported, were either Black or Latino. And the overwhelming majority was Black. And for anyone to look at that and say there is no problem. Makes my blood boil. Thank you.

Madame chair: Thank you.

Speaker 3: And then for the record, [inaudible] first I want to deal with the process issue. You know when you have closed session, the public could come in and speak at closed sessions. During the first part of your closed session check, Ralph Brown Act and see if we cannot come in there and speak. City council does it. All local agencies that have a closed session, the public is entitled to speak. I think it's five, four, nine, six, three. So when you have it, remember when we come and want to speak at closed session, you can't kick us out. We are entitled to be there. That's number one.

Speaker 3: Number two, Miss [inaudible] had indicated that the police officers associated said that you can't blame the officers now who weren't been with the writers. You know what that tells me? Nothing's in place. You're dealing with the same carnage by officers. It doesn't make any difference. They weren't there. They're

there now and they're committing the same abuse on largely Black folks. And you're not doing anything about it.

Speaker 3: That's why the judge, I wasn't there, but I'm told, in [inaudible] department. They're not doing anything. How is it that it's just like... With what the council did with Oakland promise, on December 14th, that's fine. And... but the new council members weren't there when they did that. But the new council members have an obligation to correct the defect that existed prior to, and that's what we're talking about. Nothing's in place right now to deal with 17 years, 17 years. And we're still talking about the same thing. Black folks still getting shot Black folks are... So you have an obligation to call it in. Starting from the top, from the mayor to the police chief. Thank you.

Madame chair: Thank you.

Speaker 2: Love life. Love Black people. I sat in court yesterday, I'm just going to mention one thing because you going to have the NSA on the agenda. Yesterday, the judge asked about what is happening with Black recruitment in hiring. And the police department gave a report as if some new initiative had been created to spur a growth of Black officers with being interviewed, evaluated, and eventually going into the academy. Two years ago, 100 Black men came to the Public Safety Committee first the console, eventually the Public Safety Committee looking at the decrease in Black men being recruited, and women, being recruited in department. And the police department had supposedly worked through a process of increasing, two years ago, increasing Black participation in the hiring and recruitment on the police force. As well as the testing process was vetted through Desley Brooks. So yesterday I heard as if this was some new initiative. This was already supposedly done, two years ago. That's one thing.

Speaker 2: 1919, 100 years ago, was the Red Summer with celebrating the anniversary of it. Somebody just listed a whole lot of people that were killed by Black nationalists. If something would have been done in 1919, in 32 cities. White nationalists went throughout this country in Chicago, Washington DC, and the South, the East, the West, and they lynched Black people. They destroyed their homes, they beat them, they raped them, they ran them out of town, nothing happened. So what do you have today? The same thing. What do you have today? Black people being the victim and nothing is happening. And so eventually it's going to start happening to other people. So now you're talking about 19 people to Latinos. It's going to be more and more Latinos, because they are becoming a dominant population in this city. So 1919 very few people know about it. But nothing happened. Nothing's happening today with the NSA as well.

Madame chair: Thank you.

Speaker 4: [inaudible] Wow. That's a lot, that's been spoken about the chief. And I haven't heard anybody come up here and defend the chief. So the will of the people is pretty clear that the chief must go. I'm not speaking for myself, exclusively, but I have been up here speaking and we've been telling you that this chief is defective. That it was a defective hire in the beginning, that the person that hired her has no concept of hiring a police chief. This is the fourth police chief that this mayor is had, and if that's not white privilege, there's only three strikes in baseball. She's on her fourth strike, about to go to five and you going to let her pick another one? Don't do it.

Speaker 4: Here's the other thing about the NSA, right? You wrote a letter to the NSA talking about credible evidence of criminality with OPD, in the case that I've been speaking about. Have you heard from the NSA? Have you heard from judge Orrick? Have you heard from the monitor? Because if they really were serious about cleaning up OPD, they'd be listening to the police commission of Oakland, sending something credible to them. So that... don't count on the NSA whose been juggling this ball for 17 years at the... To the detriment of people of color inside Oakland and specifically Black people who keep on, specifically saying that there's Black people who are having an issue with the police. Right?

Speaker 4: So when we came up here, we... Oh, here's another thing, she said that these people haven't been here? Who's training them? Right? Who's in chain of command, I know there is nobody in chain of command who is under 15, 16, 17 years inside this department. Therefore, the poison who was here is training the new people who's coming up underneath them. Does that make sense? So how are you going to fix something if you keep on poisoning it as soon as it comes through the door with bad leadership. And I tell you the crisp example is, the very first act as chief did, was promote the people who covered up the rape scandal. And you know who backed her up, Orrick.

Speaker 4: When people say, wait a minute, no, judge Orrick, do some about this. What'd he say? Oh no, no, no, no. Go ahead, let it go down. So don't believe the feds. You take it in; you have the power. If the people have given you the power to do something, please remove her. Right. She hasn't done anything to date that, that she should be... Have any more chances.

Madame chair: Thank you.

Madame chair: Commissioner Ahmad. Sure.

Ahmad: So, I wanted to just say, back it up with [inaudible] said and a lot of people in the audience. I have the statistics here from the 2018 Inspector General's report, and it says, breakdown by race, that arrestees in 2018, the last quarter for that year, 609 African-Americans, that 60%. 242 Hispanics, 24% of arrestees. White, 100, 10% of Oakland population. Asian, 41, 4% and, other 31, 3%. The other statistic they had was racial breakdown, use of force, citywide. African American number of subjects where force was used was 61, 62%. White was, I mean

Hispanic was 20, 20%. White was 11, 11%. Asian was 6, 6%. And other was 1. So, I agree with what you people said is true and we do need to make changes. Thank you.

Madame chair: Thank you Commissioner Ahmad.

Madame chair: So we're going to move to the DGOM 03.2 policy.

Harris: Can I say something?

Madame chair: Except for, I did not see, vice chair Harris's hand. Sorry.

Harris: So I too. Can you hear me? Well. I too attended the NSA meeting and this was the first one and I was extremely disappointed and absolutely disgusted by what I was listening to in the court room. There was no mention of the police commission whatsoever. I know that we're not a party on this thing. However, we've been put in place since then to do some things to help with making change and we were not invited. We were not asked. We were not, nothing. And the way that people were speaking in the courtroom, it was very disappointing. It was abs... it was embarrassing actually. That to this day, we still have departments of people who are supposed to protect and serve us. Talk about Black people, like they are things, not people. And that was hurtful. It was very hurtful. It was real.

Harris: And to listen to our chief make excuse after excuse, she makes the same ones up here on the [inaudible] so I wasn't surprised. I was disappointed once again. So, I'm going to continue just to go and I think it's a good opportunity for us to continue to send letters or make it that where our voice needs to be heard in the NSA settlement. They need to hear us because we found things to. So those things, they don't want to work with us. It's really hard for us to come together and it's been two years now and I haven't seen anything move, not a needle move. Not any change, not anything. So it was very sad and very hurtful.

Madame chair: Thank you, vice chair Harris. So, if there are... aren't any more comments. We are going to take a look at the amendments that are being proposed for the DGO order. Is that you, John, that you're going to address us. Thank you.

John: Thank you, Madame chair, if I might for just a moment, mention something else off this last item. One of the concerns I believe I heard from the public and I think it was Mr. Hazard, I know we haven't met yet, but I believe I heard him expressing a concern about the specific officers who were mentioned in the Inspector General's report as having not reported their use of force correctly. And if it's alright with Mr. Hazard, I'd like to take that as a complaint, so we can look into that. Would that be alright with you, sir? If you'd rather it not be a complainant, that's fine too. All right, will do. I'll make sure staff is in touch with you so we have your contact information so you'll be kept in the loop about what happens with the investigation.

John: You're welcome.

Madame chair: Also, before you get started, I also wanted to address a point of accountability to Mr. Hazard. I actually was not aware that the public could come in to closed session. So that's my bad. We will make sure that that's corrected, but thank you [crosstalk] excuse me, I mean speak. But I'll make sure that I understand that now and I will look it up. Thank you very much for mentioning it. Still learning. Okay.

John: Thank you so much.

Mr. Hazard: If I may issue a point of clarification on that. The public is not invited into the actual physical closed session. It would just be appropriate to provide a period of time for the public to comment on the closed session item before we adjourn.

Madame chair: Yes. Thank you. I just was unaware of that, so thank you for the clarification, Mr. Hazard. Thank you for the confirmation, Sergio.

Madame chair: Who's on first?

John: If I might just speak briefly and then we'll hear from OPD as well. This is an item that both CPRA and the police department are presenting together. The first thing I wanted to say about this is for the public's benefit, this is an order that among other things enables CPRA to demand that an officer come to CPRA and answer questions in disciplinary cases. And it also provides mechanisms to implement some of the parts of LL that allow CPRA to have access to police department materials.

John: Now, this is my first meeting here and I've only been on board for a few weeks, but one of the things I immediately noticed, was that CPRAs authority in that regard appear to stem from a general order that's still mentioned CPRB and hadn't been changed to comply with LL in a variety of ways. I was pleased to see that staff had already been working on that and the department had been very cooperative in that regard before I came on board and because this is an issue that affects our cases every single day. I thought this was a real immediate, crucial item that we should take care of straightaway.

John: So I do want to say to the public, ordinarily if CPRA were working on a DGO like this, I would want to have more public process than we've had on this one so far. And I appreciate the public's patience with us on this one. Because really this is urgent. I really need this authority for CPRA, literally last week. Because it did come up last week. So I appreciate the public's bearing with us on moving this really quickly and it's a my pledge to you that in the future, as a general rule, we'll be much more transparent with the public in advance and having more conversation about changes like these as they're coming through the

system. But this one really we really need it right away. So thank you for understanding that we're moving this very quickly.

Madame chair: Thank you. Deputy Chief Armstrong.

Armstrong: Good evening chair. Just to piggyback, I think Mr. [inaudible] Covered everything. I think this policy is obviously crucial in nature to the CPRAs ability to continue to move forward in their, responsibilities and duties. And so we do encourage the commission to Mr. [inaudible] Point to move quickly. So that they can do their duty as investigators.

Madame chair: Thank you. Commissioner Harris.

Harris: Hello chief, how are you?

Armstrong: Good? How are you?

Harris: I just want to take notice that I find it very disappointing that something as little as a letter change will prohibit the department's staff into following through with what they know they need to do. That right there shows me that they don't want to work with us. And so, I thought we were at a place where we want to help each other out and this doesn't... this is a straight up disrespect. I don't have to come in because it doesn't say CPRA and it says CPRB. I mean does... That's a little odd. And I find it disrespectful from the department to even offer any kind of explanation like that.

Armstrong: So from the department I'll say that it is not our practice to refuse to come. We haven't... I haven't... we haven't been made aware that officers have been refusing to come. This is really about the authority to take action. And so I think Mr. [inaudible] can inform you probably in more detail, but this is about once you complete an investigation, making sure that your findings stand due process. And so the policy needs to be clear that it is no longer a CPRB policy, that it is a separate policy which will give you the authority to actually compel officers to actually attend. So that doesn't become an issue of contention further down the line. So I think to Mr. [inaudible] point is appropriate to move forward. This probably should have been done a long time ago and then we have been doing our due diligence. Captain Millington has been meeting with every ED that sat in this seat moving this forward. And so thanks to Mr. [inaudible] for taking time to work with captain Millington to get a finalized draft before you today.

Madame chair: Chief Armstrong. Are you aware of any other potential hangups down the road where we have that kind of issue that it's, the old agency and not the new agency and if so, who would be responsible for taking a look at that?

Armstrong: I don't believe so now, but Captain Millington would be the point of contact for that. Captain Millington and Mr. [inaudible] have a standing meeting to discuss

issues relevant to both OPD and CIPRA, making sure that if issues come to light that we... that we immediately address those things. And so the chief has also presented an open door policy to Mr. [inaudible] to contact her directly if there's any issues that need immediate response.

Madame chair: Thank you. So we'll expect that there won't be any more delays with minutia like this. I mean I realize it's important, but wow. So-

John: So I should say that since I've been on board, the experience I had moving this order through with the command staff was very positive. So I thought we got off to a good start. The first project we've worked on together and I was pleased with the level of cooperation that we saw. As a followup to your question, Madame Chair about other potential DGOs that might have a similar problem. I have asked our counsel to comb through DGOs to look for other possible examples, so we can catch those proactively instead of waiting for them to come up.

Madame chair: Excellent. Thank you. Commissioner Harris and then Anderson.

Harris: Mr Alden, I have a question. So, and this is in regards to your staff, so I'm going to direct it to you. So we do have a policy analyst. Is this the scope of work of the policy analysts to look for policies that need to be switched like CPRB or A?

John: Absolutely. That's one of many things that our policy analyst works on and we also have our attorney work on that to some extent. Depending on what the change is, if there's a legal issue involved in changing the order, then she'd be involved. Occasionally we have other staff who point out orders and then proactively say that they're interested in being involved in changing them. And if they express that kind of proactivity and interest, I want to take advantage of that. But it is certainly the one person who's lead responsibilities to take care of policy changes would be the policy analyst.

Madame chair: Thank you.

Madame chair: Okay, so the first point of contact is Mr. [inaudible] on something like that? Okay. And then the attorney if there's something else. Okay. Thank you for the clarification. Commissioner Anderson.

Anderson: I hate to delay, especially because the emphasis on the urgency of this, but I appreciated through our last special order revision process that we were able to explicitly call out the purpose of the general order. So, I don't know... unless there... I would be willing to accept some language on the record today. Clearly identifying the purpose of this. I think calling out that the very nature of it is to fall in line with measure LL and the enabling ordinance and clarifying the distinct responsibilities and authority of CPRA and the OPDs required response to comply. Something along those lines I think would be helpful. I also wanted to call out seeing, looking at the previous order that was relevant to CPRB that

under that order there was language around hearings and findings. I... understand that those weren't included in this revision because they are more expressly outlined in those other pieces of law.

John: That's right and in addition, because we were trying to move this piece quickly to get this essential authority nailed down. A Concern was that many of the findings that are made, now are usually done by the discipline committee. And I know that that is a procedure that the commission is currently working on and so I didn't want to get ahead of the commission in that regard. But I would say that I remain open to further changes to the DGO down the road and if the... it's the commissions will that some more language about those kinds of hearings appear in this DGO. I would certainly be happy to help with that and if the commissioner would rather have that somewhere else, I think that's fine too. I don't have a strong preference about that. I would really like to get this one through tonight if we can and then consider further changes relatively soon if that's needed.

Anderson: No, I think it was prudent to have it more narrow in scope as you have, especially because the more immediate needs. Other differences that I see between the two and I just want to have some help interpreting what it looks like now compared to the past is in the previous version under CPRB. Item, in our packet reference to page 305, under attachment 5. On the top of that page, item two, officers on leave of absence are not required to attend hearings. Item three, officers on light duty are required to return to attend hearings. I didn't see any language distinguishing leave types and needing to respond in this version that's before us today and just trying to understand how a situation described specifically in item two, of being on a leave of absence, how someone in that condition now under this new policy would have to or not have to respond.

John: Right. Because this DGO is somewhat more general, right. We would have to figure that out on a case by case basis. And in my opinion it might depend on what the reason for the leave of absence was. Much as there are many other kinds of leaves, like the light duty leave that you're describing here, or light duty assignment that might be an issue. To pick up... this can get really into the weeds, but to give a quick example, sometimes an officer might be on a light duty assignment or even on medical leave altogether because they have an injury that affects their memory. And we wouldn't want them to be trying to do the work of being a police officer when their memory is affected. Likewise, you wouldn't want to interview them in a CPRB case if they're in, sorry, a CPRA case if they're in that condition.

John: Other times officers might be on assignments like that because they have an injury to the hand that they usually use for their service weapon. And obviously they can't be on patrol if that's the case. But they can do many other things and they're perfectly fine to answer questions about any number of topics and we'd still want them to come in.

John: So, because that can get very detail specific, we didn't want to have a rule across the board here. We do as a regular practice have some conversation with an officer and the representative about scheduling, and we... there is a requirement under POBRA that we try to make sure that the time the officer comes in matches a time, it's similar to when they would normally be on duty. So for example, we can't have an officer come in at noon if they normally work night shift. That's kind of like calling them in at midnight, for you or me. So there are a lot of rules we have to follow in setting interviews, and so we try to discuss those and come up with a an agreed upon time, that's close in time within a week or two.

Madame chair: Thank you.

Harris: So if I'm hearing correctly, what you are proposing moving forward is that we establish a basic template that identifies the purpose of each general order so that everybody has context from the gate. Right. Okay. And so we can do that moving forward, but the exception is that you want to put this in place right now.

John: I would appreciate that and as I said, I'm open to any number of other changes that we might make in the fairly near future and give the public some more opportunity to have some input as well.

Madame chair: Okay. Are there other questions before we go to, oh, Commissioner Prather.

Prather: Thank you Madame chair. Thank you. Mr Alden and Deputy Chief Armstrong for your work on this new revised department general order. I do see from the document the sort of immediate need for putting this in place so that CIPRA has access to all the same OPD files and records as the internal affairs. that seems to me that that's sort of this blinking red light that I see in this document that we need to put in place almost immediately because to the extent that that ability doesn't exist, that ability needs to exist right now within CIPRA.

Prather: I understand from Deputy Chief Armstrong and I want to ask him through the chair that this new DGO wouldn't become operative until the chief signs it. So I'm wondering what the timing is of that. What logistically, if we were to approve this DGO this evening, from a timing perspective, what would happen on the department's end before this gets enacted? Madame chair.

Armstrong: [inaudible] we would, Mr. Ahmad would forward us the final copy of the document. The chief will then have a copy of that and review that final document and then we... she's already seen the draft and so we... the chief would then sign the document and it would become policy.

Prather: Thank. Would that take 24 hours, 48 hours? Would it take a month? Is there... and I'm not holding you to it, but just so that we can... there seems to be a great

need for this from CIPRAs point of view. And so I just want to make sure we're getting them the tools. Thank you. And I see the chief. Thanks chief.

Prather: Good evening, commissioners. Mr Alden and I actually, I want this as well. Very much so. And so as I shared with the chair that this is important to me. So you get me the copy. I'm as... this is something I want for our department, so we're very like-minded. You give me the copy. I will be signing it.

Madame chair: Great.

Prather: Once the signature occurs, it is policy.

Madame chair: Thank you. If there are no more questions, I have signature cards for Celine Bay, Miss. Asada, Mr. Hazard, Miss. Ganashe, Miss. Bosserman.

Speaker 3: For the record, [inaudible] a couple things. Would this have to go back to OPOA before the chief signs? That's number one, because I would think [inaudible 02:16:03]...

PART 3 OF 9 ENDS [02:16:04]

Mr. Hazard: That's number one because I would think they are going with want to look at it and have input. Is that part of the process?

John: There are people other than me that would be providing advice about whether or not any particular policy change triggers the meet and confer obligation, which I think is what you're talking about.

Mr. Hazard: That's what I'm going to. Yes sir.

John: Right. Now, while I have the background of an attorney, I'm not currently employed as an attorney for the city and if I did have an opinion about that, I probably should give it to the appropriate attorneys in the city in a confidential way so as not to waive confidentiality. But you're right to ask that question. That's a question we ask about every order. Sometimes employers and unions disagree about which things should and shouldn't go to meet and confer. So it's probably beyond my scope to answer your question.

Mr. Hazard: So that's going to have an impact on the speed in which the chief signs it because if they have to do a meet and confer OPA is going to chime in. So we got clarification on that...

Madame chair: It sounds like the chief is going to clarify.

Woman: I understand that they can always challenge it as being whether or not it is a meet and confer. It is right now the position of the city that is not a change of practice, but a change of language. However, they can always send immediately

a letter that would put it into a challenge of whether or not it even is a meet and confer. So that's where we're at on this.

Mr. Hazard: And I would submit respectfully that, trust me, OPA is going to send forth that letter. So I'm saying if you hold the chief to a timeline and it's still outstanding on the meet and confer from the department. So I-

Madame chair: Thank you.

Mr. Hazard: So, don't spend a lot of stock in the speed in which she ends up signing it. Also with respect to looking at these artists that we know in the past, in the last two years, there's been resistance from the chief to come before this body. So did you look at all the things that there's been a pushback...

Madame chair: Excuse me, Mr. Hazard. Mr. Rue, she forgot to start the clock. Thank you. Go ahead.

Mr. Hazard: Oh no, he didn't forget he wanted them to answer to that question. Thank you. Did you look at everything that the department has resisted or done a pushback on this commission and incorporated that into these general orders because I think that would be important as you're putting all this together because the commission is had a lot of pushback from the chief and the department. So that's the question I had to catch. You got the laundry list of the all that pushback.

Madame chair: We've missed you Mr. Hazard.

Mr. Hazard: Okay. All right.

Madame chair: Thank you. Appreciate that.

Lorelei B.: Oh, he's a lot taller than I am. Hi, this is Lorelei Bosserman. I'm a member of the coalition for police accountability. I just have a request for future agendas that if you're going to put down the policy number, please also put down the policy name so we know what it is. And I would also say if you're going to say something like DGO, I looked it up, that's departmental general order. But if you could put that on there, just so any member of the public can tell what we're talking about. Thank you.

Madame chair: Thank you. Good point.

Woman2: I know that you don't want any amendments at this point probably, but it seems to me given the delay that occurs often and when we get to the cases that are pending, I will mention this again, the delay and CPRA getting the complaints from IAD. I would have preferred that that requirement that CPRA be in receipt of those complaints within 24 hours of IAD receiving the complaint be included as, it seems to me, to follow the general thread of cooperation. I'm also curious

to know what a failure to adhere to any of these requirements would involve. I'm going to piggyback on what Commissioner Harris typically refers to as teeth, which is if we have violations of these policies, if officers don't show up when they're supposed to or don't inform you within a period of time that they're supposed to, is there a penalty? Is this part of the discipline matrix?

Woman2: What is the enforceability of this policy? Is my question.

Madame chair: Mr. Alden?

John: That's a great question. So I am working on memorizing our discipline matrix. I don't have it quite done yet. It's a complicated document, but I would say as a general rule in California, state law and the practice of many departments permits an officer to be disciplined certainly for a failure to show up at a noticed disciplinary interview and that could be as severe penalty as termination depending on the facts. Now if an officer, say, is unfortunate enough to be in a car accident on the way to the interview, they're not going to be disciplined. If we have an officer, say, who's done it a couple of times and it's clearly wanting and they've just said straight away to us, I will not come in for an interview. That person I would imagine is probably not going to be working here anymore. I think that's a pretty common result throughout California.

Woman2: Thank you.

John: Absolutely.

Woman2: If you want to.

John: Excuse me.

Madame chair: Mr. Alden.

John: A quick addendum to that answer. Part of the reason for having this enshrined in a DGO is that it makes a violation insubordination, which would be a separate allegation that could be investigated. So if they don't show up, then they get an extra allegation in their investigation and whatever that happens.

Madame chair: So Mr. Alden, I have a question as it relates to item E, it says that if they fail to comply, it shall be subject to the disciplinary process. Which one is that?

John: Well, our disciplinary process in the city of Oakland in general, and specifically if we had an officer who didn't appear because of a notice to interview under this DGO, my inclination would be to add an allegation of insubordination and that triggers a process where we then investigate why they didn't show up to figure out these issues. I was just mentioning to Ms. Grenache, was it willful, was it accidental, is it just simply a outright refusal to abide by their conditions of employment, et cetera. And then we would create a report about that or go

through the chief if there isn't a concurrence that might come to this commission and at a discipline committee.

Madame chair: Okay. Thank you very much.

Woman3: ...loved by people. I don't see anything within the documentation that alludes to the right of the officer to have representation whenever they appear for an interview through this process and is that necessary to have that within the documentation? That's the first concern. The other concern is within the equity of the whole process of the investigation. The people who are the complainants, who complain, they don't have the right to have someone who comes to advocate for them. They usually sit with little or no knowledge of what their expectation is, how to deal with the questions and a lot of times the process is not vetted as fully as it could be if someone was there to give them advocacy or representation and that hasn't been developed. It has been brought in the past to the previous citizens police review board. Nothing happened with it. It was my understanding that there was at some point advocates for people who complain. I don't know what happened to that, but it's not fair to have an officer to have representation if he needs it, but the complainant goes in blind with no prep, nothing to understand the process. At least I'm guessing this is the way it works. I don't know fully, but we need to create an equitable system across the board at every level.

Madame chair: Your comments are well taken. That can be a very intimidating scenario. Mr Alden, do you want to respond?

John: Sure. You know, one of the things that I often notice in California is that we have this really rich body of state law about all the rights that officers have in this process and that body of law is pretty scant when it talks about what rights victims have. That said, it also doesn't really place many limitations on us. There are a few but not many that are placed upon us here at the commission and CPRA about how we interact with victims. And I am aware that there are some systems in California that do provide a representative or an assistant to the person who is complaining. And I'd certainly be open to creating that here in Oakland. I think that will take some work. That won't be quick, but you certainly could count me as a supporter on the concept and it could work with the public over time to figure out how we would identify those people fund the program and how we might make them available to complainants.

Madame chair: Okay. And then also, oh I'm so sorry, let me make this one point. So Mrs.Sada identified that there was policy language from CPRB. Might we suggest that that be looked up so that we're not reinventing the wheel as it comes to that point? Go ahead, Commissioner Harris.

Ginale Harris: So I to believe in public advocacy. I did the work for a long long time and San Francisco has a really good model throughout their nonprofit agencies that have advocates that will go to any kind of an appointment with a complainant, a

parolee, a probationer, just to have another set of eyes and ears and knowledge so that they understand the processes, because you are absolutely correct. A lot of the times people don't understand the processes. And I think an advocate, if we can attach that to our CPRA department, that would be great.

Madame chair: Thank you, appreciate your patience Mr. Bay.

Mr. Bay: This policy is definitely needed. Anything that empowers the civilian's side to be able to oversee the Police Department is definitely good. But with that power also comes the responsibility of making sure that all of the things that need to be investigated are investigated equally and one of the policies that we really want to see that came out of the rape scandal is what is the policy on officers interacting with sex workers within the city that they work in. Right. Is there any policies come out of this other than a settlement? I haven't heard the chief and I'd also like to see the chief hop up is quickly about all these other things that we speak about as she did on this last one.

Mr. Bay: When she talk about how committed the department is. So we know that when she is committed she can move just not on our things. The other part of that is you know what percentage of the underage girls were black, Latino, Asian, or any person of color versus underage white children being trafficked. Because if it shows that the under age white girls being trafficked is so small, it also goes with how much attention is being placed on this very crucial thing that's happening inside of our community. Right? So if it's only black kids and Latino kids being trafficked and they're also being trafficked by OPD, we haven't seen the chief stand up and say anything about that.

Mr. Bay: We also want to know what is the policy on lost guns. We already said that for the last X amount of years, it's something like 300 and some guns. There's only 600 officers. So we're saying every other officer lost the gun or are we saying that every other officer lost three guns? Can we get some kind of understanding on why these things? And not only that, what happened to these guns? Where are these guns? Did they go into crimes? Were they associated with anything inside the community where they resold? Did people go to jail based on these? Because if people are going to jail based on people losing the guns, the people who lost the guns be at the root of the crime that it was caused. The other one thing that I wanted to say is that there is a epidemic of MOR reporting failures in OPD. All these officers are standing around watching these OPD officers break these MOR and DGOs and nobody is reporting until you start saying who was standing there when they did that? Oh, you, you, you and you. Okay, you're going to lose some money or you getting fired just like them, or you're going to do... They'll start reporting because I guarantee their wives won't want them to come home and say, well, what happened? Oh yeah, I was protecting my buddy and I got fired too.

Madame chair: Thank you very much, Mr. Bay. Folks are hot tonight. I think that's all for the public comment. Are there any other question? Are we ready to take a vote?

Ginale Harris: So I have one question.

Madame chair: Go ahead, vice chair.

Ginale Harris: So before we take a vote, there were some things that I heard that the public wanted to add to our policy. Is that doable?

Madame chair: I think it's our pleasure. I know that you want it to move faster. Now if we were to do it and it then had to do meet and confer as Mr.Hazard has pointed out the practical possibility that slows everything down. Would we like to identify the modifications that we would like to see and put them in place and give both versions or can we get the version done or approve it...

Ginale Harris: Did I hear this special... This is something that we need fairly quickly and then we can go back and revise it.

John: Yes, certainly I'm happy to do whatever is the pleasure of the commission. Right.

Madame chair: Are you comfortable with that?

Ginale Harris: Yes.

Madame chair: Okay. All right, so it sounds like we're ready to take a vote and we will, you'll bring it back to us so we can identify the changes that we've both heard as requests from the public as well as on the days.

John: Absolutely. And we can include in that process some public outreach about these issues to the individuals who spoke

Madame chair: Absolutely along with time to find the CPRB version.

John: As to the issue about the advocates?

Madame chair: Yes.

John: Absolutely.

Madame chair: Okay, excellent. And then it would seem to me like the recommendations from Mr.Bay probably need to go on our list of research around policy items because they're excellent suggestions. Okay. So if there are no more questions, we are going to take a vote. Excuse me. We'd like to take a motion that needs to be seconded and then take a vote. Who would like to make a motion? Mr. Dorado.

Jose Dorado: I move that we adopt the DGO MO3-2 policy as presented as attachment five in our packet.

Thomas Smith: Seconded.

Madame chair: Okay. It's been properly moved and seconded. We've heard public comment and we're ready to take a vote. Commissioner Ahmad.

Mubarak Ahmad: Aye.

Madame chair: Mr. Dorado.

Jose Dorado: Aye.

Madame chair: Commissioner Anderson.

Tara Anderson: Aye.

Madame chair: Commissioner Harris.

Ginale Harris: Aye.

Madame chair: Aye for myself. Commissioner Smith.

Thomas Smith: Aye.

Madame chair: Commissioner Prather?

Edwin Prather: Yes.

Madame chair: All right. And the ayes have it. This is unanimous. Thank you very much. Thank you very much Mr.Alden for bringing this to our attention.

John: Thank you and thank you for your assistance in moving this forward so quickly. I appreciate it.

Madame chair: Oh, the next item is review of CPR pending cases in completed investigations.

Madame chair: Mr Alden.

John: I'm sorry. I was giving Mr.Rue some instructions about following up on that we just talked about. So, as to the CPRA pending cases and completed investigations. If I may, I'd like to take a minute to provide to the public a few general observations I had about CPRA's is pending cases and completed investigations because I am new to this agency. There are a number of things that I can now see because I have access to personnel records and pending investigations in a way that I didn't when I was a member of the public. And one of the things that I have noticed as I've gone over these cases is that when I look at the way the cases had been on historically at CPRB and the way they're done

today and the way LL has changed the kinds of work that we do and when I also look at the public's demand for the quality of work that that we're doing.

John: It seems to me that CPRA, largely because of LL has changed substantially and I would see that as a change from being a review agency to an investigative agency. And what I mean by that is that within the oversight community, we often talk about the different models of oversight that can be used. Sometime ago one very popular model was the review model in which the civilian agency would largely read or look over review or audit work done by the police department in disciplinary cases and then offer an opinion about whether it was done well or it could be done better. And then might make some other more general observations.

John: On the other end of the spectrum, there are some agencies that are almost entirely investigative agencies, which we'll take a complaint, investigate it from beginning to end in lieu of having the police department do it at all. Few models are exactly one or the other. But from what I'm seeing within CPRA, I believe we're transitioning from having been close to a review model. So for example, back in the CPRB days, there were not a large number of interviews done directly by CPRB staff. We're now moving towards a model in which we're going to be much closer to the investigative style where we are going to be doing a lot more interviews. We're also now, because of LL looking at a different set of cases. We used to only see those cases as CPRB that were brought to us by the public. Now of course we're still seeing those cases, but we're also mandated to review all of the mandated categories described there and in implementing ordinance.

John: And as a result of that, our case load has changed. We have cases now, many cases say about excessive force allegations than we used to and those cases tend to be more complicated. They have larger numbers of officers to look at. They have more allegations against each officer to look at. So it is more complicated work than it used to be. And I think that is a good change. I think that's a healthy change for Oakland. It's one of the reasons I came on board. I'm excited to see that change, but it does mean that we're going to need to make some changes within CPRA to make sure we're doing that work the way it needs to be done because it's different than the way we used to do it. One of the things that I noticed about that is that the way that CPRA has been reporting pending cases to the public, as you'll see here in attachment six, in my opinion and I don't think says anyone's specific fault, but I think the way we've structured these reports inadvertently underrepresents the number of cases that we're working on at CPRA, and the reason I say that is that when you look at the portion of attachment six that describes pending cases, it shows on this report 37 cases.

John: Now, apparently from what I can understand, it was a tradition in CPRB to report out the cases currently assigned to investigators. This report is an accurate representation of the cases assigned to investigators but a few years

ago we also brought on a whole different classification of public employees, the intake technicians and much like a paralegal might help an attorney, they gather some of the materials in the case before it's then passed to an investigator.

John: This list does not reflect the cases that are currently assigned to our intake specialists. If you put those cases together with this list, we have over a hundred pending cases right now close to 110 and I think that is in the past been a failure on our part to adequately communicate to the commission, to the public the case load that we're working on at CPRA and one of the things I'll be working with with our attorneys and with the commission as a way to better report that information because I want to make sure the commission and the public have an accurate understanding of how many cases we have. I would like to see if I can, if the law permits me to, a more thorough listing that would show all those 110 cases. Now that also means we've gone from a model in which historically, as CPRB, we used to handle maybe in the range of 40 to 50 cases in a year.

John: From what we're seeing right now, just between the complaints that are coming in from the public and the mandated categories that we now address a CPRA, we're looking at, well over a hundred cases in a year that we're looking at and we're not even touching all the cases that come into the city of Oakland's police complaint system. If we had even more resources, we could look at even more, but just the mandated cases plus the public ones and a few where in the past, other directors prior to me have exercised some discretion to take on those cases. We're looking at maybe 120 to 150 in a year, so that's two or three times as many as CPRB used to handle just three years ago. So in many ways I think our staff is feeling challenged to adjust to that increased caseload. And that doesn't even account for the fact that many of those cases are more complicated.

John: So instead of having a case with an allegation of discourtesy against the one officer, we might have some cases, it's one case, but it alleges four officers allegedly applying excessive force. That's a much more complicated case and it's going to take a lot more time. In the first one I mentioned. So I have in attachment six here presented the same reports that the commission and the public I believe have been accustomed to seeing because I didn't want to change immediately. But I have to tell you that I'm not satisfied with the way we reported in the past and I am looking forward over the next few months working proactively with the commission and others who might be interested in the topic about how we could improve this reporting so that it more accurately reflects our total caseload, the complexity of the case load and how quickly those cases are moving forward. So those are my kind of general observations about this report. I imagine some of the commissioners may have questions.

Madame chair: So first off a statement. Delighted to hear that you're not happy with them either. Vice Chair Harris.

Ginale Harris: First I just want to say thank you and I appreciate your work and your effort into getting the questions answers that I have had for the last 18 months.

Ginale Harris: I agree with everything you said. I think you are on point and I appreciate your diligence in getting to the bottom of things. In looking at the pending cases, I mean now it's starting to make sense of what you're saying and what I knew that there was. I'm looking at the cases that you have provided for us and I'm seeing that there are approximately nine use of force cases, one profiling case that is almost up to the 3304 deadline and I know that we have had some staffing issues. We've been down some investigators, but I just want to be clear on something that you said earlier. Just so I am clear. So you said when we had CPRB a lot of the cases were not investigated by our investigators. They were investigated by IAD and just kind of transferred over or how did that work?

John: Well, granted I'm new here, so I wasn't here during the CPRB days, but from what I can gather from staff and documents from that period, it appears to me that CPRB was investigating, up until 2015, cases where the public had complained to CPRB. So if I remember the public came to CPRB called us, sent us in a letter or a complaint form, then we would have looked at it back then. In 2015, CPRB gained access to seeing the complete stream of complaints, whether they were filed at OPD or at CPRB. That's a much larger set. That's hundreds, you know, so it could be 500 700 in a year as opposed to the say 50 or 60 that were showing up at CPRB. Now, that said, I don't think CPRB had the resources at the time to look at all of those. Clearly they didn't. Today we still have that problem. We couldn't look at all 500 and it may be a different question as to whether or not you know the public and the city wants us to look at all 500, I haven't had that conversation with enough people yet, but certainly right now there are a large number of cases even today that CPRA is not investigating but have come in to the Oakland Police Department in that they're looking at.

Madame chair: Okay, makes sense. Thank you.

Madame chair: Are there any other questions?

Madame chair: Go ahead, commissioner Brown.

Chris Brown: I had a question about item number 18-0997 which I read as having a 3304 date. That's past, is that true?

John: 18-0997 yeah, I see the one that you're talking about. That case, if I recall correctly, I believe we actually did complete after this was completed and there was some question about what the 3304 might actually be. So again, if memory serves, I think we did end up completing that one in time, but after this report was generated. That does point out something though that I think you'll notice throughout this report, and one thing that I'm deeply concerned about. We have a lot of cases that are right up against the 3304 deadline, a really large

number. And as I've discussed with staff and yes, I think your math is right, and as I would mention to the commission now and to the public, it's essential that CPRA completes its investigation many months before the 3304 deadline.

John: I think most people here understand why, but for anyone who's watching this for the first time, we have to get our findings to the police department to see if they concur. The chief and I need to have a conversation about whether we agree about what should happen in that case. If we don't, we need to have time to bring that matter here to this commission. And so if CPRA is repeatedly completing its cases weeks before the 3304 I don't know how else to say this other than it effectively cuts the commission out of the loop and that's not acceptable to me. So we'll be changing that practice. But right now we also have only half as many complaint investigators as we should and we have a backlog from this increase in cases that I just mentioned. It is going to take us a little while to dig out and it's going to be pretty frenetic.

John: I'm not going to be entirely satisfied with how well each cases completed during that time period because that's just as what we have. I certainly would expect that once we get a new complaint investigators on, and by the way, we're in interviewing a whole series of them next week, so I'm hopeful that within a month we have some new ones on board that we'll be able to start getting these 3304 numbers way down. In the long run, if we got those new folks on board and six, nine months from now I didn't see some improvement in these numbers, then that might be some conversation you'd have with staff about why that's not happening and if I conclude that's because we still don't have enough resources, then I might be coming back here to talk about how we need to rearrange a staffing at CPRA to to meet that need. But right now I can tell we just don't have enough complaint investigators and so I'm laser focused on getting that fixed with the next couple of months.

Madame chair: Okay. Commissioner Harris.

Ginale Harris: Thank you. So I want to go back to, I had made a statement and I didn't follow up on it so I apologize, but there are eight use of force and one profiling case on here that are almost up to the 3304 date. I noticed that they are assigned to different investigators, but I'll give you an example. There are three use of force cases that are coming up to the deadline with the same investigator, right? That's a concern. Similar, there are two, one profiling one use of force same investigator. There are three with another investigator, use of force, use of force and the other. So that's a concern.

Ginale Harris: So my question I guess I need to ask is will you prioritize these cases with your staff so that we don't, I mean use of force cases are very serious and so I don't ever want these cases to just blow by. I mean I would even be so bold to say, you know, drop everything and tend to these ones as a suggestion. But do you have a plan that you can describe to us or something that you can let us know how these will be addressed?

John: Yeah, absolutely. In the very short term with these cases, I am actively working with the investigators on closing them out as quickly as possible. Regrettably with the amount of time left, that means there's not a lot more investigative work we can do, but I want to make the most of what we have and get those at least over to the department so we can start the process I was mentioning earlier as quickly as we can. In the medium term, I want to get these other positions filled as quickly as possible and then get those investigators signed up. We've already identified training for them. For example, we already have the computers on board and we're modifying our internal space so that we have places to seat them in the next couple of weeks. So we're moving very fast on getting those people in and make sure they're resourced appropriately.

John: And then the medium term, I think we need to make sure that our investigators are prioritizing the most serious cases first. Now every mandated case is a serious kind of allegation. That's why they're mandated, right? But sometimes we have an allegation of excessive force and there is absolutely no evidence of any kind of injury or anything to corroborate the excessive force right at the beginning. There are others where someone died, and so obviously we're going to be prioritizing according to factors like those. Officer involved shooting cases are going to be extremely important to us. I know we've had some communication about cases. It's probably best for close session about the importance of prioritizing cases where people are injured.

PART 4 OF 9 ENDS [02:50:04]

John: A session about the importance of prioritizing cases where people are injured. Those are rather high priorities for me and I'm going to make sure that that's true for the investigators as well. Right now we do not have any internal policies about prioritization. In fact, we don't have many internal policies about very many things at all, and that clearly needs to change.

John: So a medium term issue that we have, as in the next few months, is to start creating those internal policies and procedures. I think that's another important change to understand about CPRB. Ten years ago, it was a fairly small agency with, as I mentioned, a small number of cases. And I think, in that situation, it made sense that the Executive Director would be just working personally with each of, say, three complaint investigators about the five cases each one of them might have.

John: We're moving into a much larger model now and so we're going to have to be much more routinized. We're going to have to have policies and procedures and routine standards that everybody follows. Standardized forms, for example. We don't have that either. Those things are going to be really essential in creating efficiency. So, that's another one of my goals.

Ginale Harris: Thank you, Mr. Alden. I'm going to take a leap of stretch here, and ask if you have any statistical data on the race of the people that are complaining?

John: I don't right now. Another concern I have in the medium term is our database. And you and I haven't had a chance to talk about that a lot yet, but I know from watching some previous commission meetings, that's a concern, and it is a concern of mine so far too.

John: We don't have adequate reporting structures internally, so I couldn't go run a report on that question right this minute if I wanted to, and that really bothers me. There's some other people in our office that can figure it out eventually. But it takes a little bit of time, and that really should be something that's automatic and it could be generated immediately.

John: Likewise, you know, if one of our intake technicians wanted to run a list off a database of what all their current assignments are, they can't. We do not have that ability yet. So clearly, the database improvement is going to be huge. I am prioritizing getting the new complaint investigators on first and getting them trained up, but that's clearly going to be something in the first year that we're going to have to improve upon.

Ginale Harris: Thank you, Mr. Alden.

Madame chair: Thank you. Alternate Commissioner Brown.

Chris Brown: Thank you, Chair. I did have one last question about the TVDs for assigned individual, on page three of three.

John: That's a good question. So one reason we're short is that one of our complaint investigators recently left. She and her family moved out of state, and so we have a few files that are going to need to be reassigned. Just so you're understanding my management strategy here, we've been taking a look at which ones our complaint investigator three and I might be able to resolve expeditiously ourselves.

John: I'm reluctant to reassign cases we currently have in the process from one investigator who might've gotten halfway down to someone else. I think that's inefficient and honestly I think the set of candidates we have coming in are so far looking really good and so at this moment, cautiously optimistic, that we might have a couple people in there that could start very soon and could really hit the ground running and we could give them some of these cases.

Chris Brown: Thank you very much.

Madame chair: Okay, great. Are there any other questions? All right, let's go to Miss Asada, Miss Grenache, Miss Boserman, Mr. Hazard.

Miss Asada: Love life, love black people. I think it's absolutely absurd that the city of Oakland facing the issue of the NSA mandating that data be collected on racial profiling, where you identify the race of the stops, but in this venue we don't identify the

race of people who are saying they are being racially profiled or exposed to excessive force. That's absurd. Yesterday, I learned something sitting in that courtroom. Yes, ma'am?

Madame chair: Miss Asada, just a moment. Mr. Ruse, the timer please.

Miss Asada: Yes, thank you. When the officer got up to explain how he is working on the investigation that he's in charge of, he identified that when he stepped into his role that the investigators said themselves that they weren't well trained, that they had to retrain them and the new [inaudible] investigators coming in would get three months of training.

Miss Asada: They have a process of the 180 days. One month before that, they go in to check what is... Where they are in the process because they had a 100 cases backlogged. Okay? So, I learned that we have got to make sure, and the judge asked three questions about the new investigators, was the selection proficient and were they qualified to do the work? That was one question. Were they well vetted to take the positions and had they been able to discern that officers had been involved in actions for which they needed to be corrected? So, I'm taking that from the courtroom and bringing it into this room. Same thing.

Miss Asada: Are these persons who are investigators qualified? Do they need to be trained? Are we looking at processes to catch issues before the 180 days comes up, like the so-called police department is doing; and are these people well vetted? Are they qualified, and are they quantitatively capable of doing the work they need to do?

Miss Asada: The other thing is, I see within the scope of identifying the class on the Measure LL we only supposed to be dealing with class one. We have class two identification of cases that we're dealing with, and the question is why? I don't mind if you can get away with it. I would appreciate that those class two actions can be dealt with. So if we have the capacity to do it, I say do it. But Measure LL says only class one cases.

Madame chair: Miss Asada, don't move. Mr. Alden, I know you've been on the gig for five minutes, but if you do have a response that you can share, that will be great.

John: Well I think Miss Asada makes a really good, I'll start from the end and go forward, makes a really good point about the class one and class two cases. I would like to be reporting to the commission all of our pending cases, regardless of which kind. And I think that's one inadequacy in our current reporting system to the commission.

John: Now we have many cases like that and we're just not conveying that to the public and the commission. So, I'd like that to change. And then Miss Asada, I also heard you asking about qualifications of the people that we have working for us.

John: I'm feeling very good about the new set of people we have potentially coming on board. We have some really strong candidates we'll be interviewing next week and we definitely want to see people who have experience with investigations, with interviewing, critical thinking skills, preferably ones who have experience in police oversight.

Miss Asada: Culture competency.

John: Yes, yes, absolutely. And I want that to be a really diverse set of people who can reach out and speak to the community in many ways, including language and their own personal background. So, we'll have to see how that process goes next week, but I'm crossing my fingers and cautiously optimistic that I think I can bring you some really good people by next month.

Madame chair: And to your point a [crosstalk 00:08:29].

Miss Asada: Follow up, please? Would you consider it appropriate to go back to, you're going back to look at Measure LL and redoing the ordinance. If class two could be added, would that be considered too much? If you would have to involve investigation of class one and class two, because right now you're only obligated to do class one. Would you think it would be a little bit too much?

John: Well, I'd say two things. If the question is just what are we reporting onto the public and the commission? No, that's not a problem at all. If the question is what kinds of cases do we investigate? I suspect from what I'm seeing right now, if we were going to move beyond the mandated cases that are currently in the ordinance and charter and a few others that come up that are clearly of public interest, we probably would need more staff. It's a little early for me to say that for sure but that's my strong first impression.

Madame chair: So to your point, Miss Asada, I would say that Mr. Alden, as you move forward, you can figure out which class twos your report on but maybe we shouldn't add it from a mandated perspective unless, of course, we're going to make sure that there's all whole shovel load of more money to hire more staff.

Miss Asada: Thank you.

John: Thank you.

Madame chair: Miss Boserman.

Lorelei Boserma: Hi. I always say my name again. I don't know if I need to do that. I'm Lorelei Boserman. I'm just requesting that you define 33-04? I finally figured out what it meant, but I'm always trying to get more people to watch this at home. So if you could define it for everybody else. Thanks.

John: Sure, may I?

Madame chair: Please. Mr. Alden.

John: So 33-04 is a reference to a portion of the state of California's government code and it provides a deadline for all employers of police officers like the City of Oakland to complete any given potential disciplinary case. Generally it's a year. There are a whole series of exceptions to that rule. It could make it longer but not shorter and one of the things that does make our work complicated is that sometimes we want to take advantage of those longer provisions, which we call tolling provisions or extenders, but if we do that, then we have to prove that the conditions that allowed for that extra year really were present. So then that's one more thing we have to prove when we go to arbitration. So it increases our standard of proof, makes it a little bit more work to investigate the case.

John: My personal feeling is that ideally if we have a system that's well managed and is adequately staffed, all cases would be done within six months of the event. So you would never have to worry about the 33-04 date, but obviously right now here in Oakland, it's not where we are. That's a great goal, I want to get there. It's going to be a little while. Thank you for asking that question though. It's a good question.

Lorelei Boserma: Thank you.

Madame chair: Miss Grenache.

Miss Grenache: Yeah. I have two points. First of all, I want to know whether or not before a case is closed, the complainant is notified about your intent to close it so that they have the opportunity to protest if they feel that it shouldn't be closed at that point or they're not satisfied with the process or whatever. Are they notified before you close it or is it a done deal by the time they find out?

John: Well, let me say a couple of things about that. There's current practice and there's what I would like practice to be as we develop our procedures. Right? So the procedure that appears to have been in place since before I came aboard was that a notice would go to the complainant only after the closure, as far as I can tell. Now, personally, I would rather that we notify before the closure, which is another reason we have to get the cases done well before the 33-04 deadline. Cause that would then involve another step that we might add. And there are systems that do that. That's absolutely a permissible thing to do.

Miss Grenache: So my recollection and Commissioner Brown, Commissioner Dorado, you were on the CPRB. My recollection is that the cases that were proposed for closure were in the agenda packet so that the complainant had the opportunity to come to that meeting and register and Mr Ruse, you would... so yes, that's been verified. So the notice was on the agenda so that the complainant was aware that the case was scheduled to be closed or was going to be proposed for closure and had the opportunity to come before you and say why it shouldn't be. I would just offer that as something to consider.

Miss Grenache: I want to reiterate my complaint. Looking at the pending cases and looking at the length of time between IAD receiving a complaint and it being forwarded to CPRA remains extremely problematic, which is why I recommended that it be part of that DGO that you just looked at.

Miss Grenache: We have a number, I didn't total them all up but I circled them, and there are a number of these cases that it took not just three days but a week, two weeks, three weeks before CPRA received notice of the complaint. That is just unacceptable.

Miss Grenache: And you say that you've had cooperation thus far with the department. Let's see if that cooperation means that the next time you publish a pending list that you actually are receiving the complaint the same day or a day after IAD received it. If not, I would say cooperation is not fully realized. Thank you.

Chris Brown: Ma'am [crosstalk]

Chris Brown: So Mr. Alden...hold on, Mr. Alden that should be number one on your next agenda meeting, right?

John: Absolutely. I have not had a chance to talk to the police department about that yet. I can say for those who are concerned about it that I've noticed that same pattern. Of course, the cases that came in, say, last year or earlier this year, they're going to continue to show up on this list with that same mismatch and dates cause that's just what happened.

John: I have been getting notices from the police department about new cases coming in, but sometimes they're same day and sometimes they're within a day or two. And I've been getting a lot of those just lately. So at least the experience I've had the last couple of weeks has been an improvement over the material you see here historically. But I agree it should be within 24 hours as Miss Grenache describes and we're going to work to make sure that happens.

Madame chair: Commissioner Brown had a question then Mr. Ruse, you can make a comment.

Chris Brown: Actually I had a comment. Speaking to Miss Grenache's point. Typically, even though these cases were proposed for closure, there was not a great mechanism for expanding investigation at that point. So it was more of a notice of closure than it was an opportunity to expand the investigation. So as we look at that going forward, the more time we have between the time that someone is notified that their case is probably going to be closed and the time it's actually closed, we'll give them an opportunity possibly to produce more information that can be used in the investigation.

Madame chair: Great. Thank you. Mr. Ruse.

Mr Ruse: Yeah, I just wanted to make a brief comment about the differences in the dates between what is listed here as IAD and CPRA and that is not all of those differences are a result of there being a delay in us receiving the case from them.

Mr Ruse: In many cases we will get a complaint and they will get a complaint separately. Maybe on different days we will start an investigation on our complaint when we get it and it won't be until we've started... the investigator intake has started to work at it and we've talked to IAD that we realize, Oh this is the same case and so they get consolidated into a case number, but we might have our date reflecting when we started working on it when it came to us, which might be different than the date that they, that doesn't mean that they didn't notify us right away.

Mr Ruse: It's just that we didn't identify them as the same and when you have that volume of complaints, those kinds of things, there are kind of more frequent than you might think. And so there, there are a number of reasons like that that are not actually a failure of notice. They're just a fact of the volume of complaints. There's sometimes overlaps that it takes a while to work out which, which is which. Or you know, complaints; you might have several complainants making complaints about the same incident and it takes a while to figure out that that's what's going on. And so, so that kind of justification might not be reflected in the dates. It might not appear that way, but that's not necessarily a notice issue.

Madame chair: Thank you. Mr. Alden, I'm thinking as you begin to identify your templates and your processes around that, then maybe there'll be a way to identify a duplicate or what have you. And we did get a previous representation to us for Miss Grenache about other potential systems that will allow you dual access. There's an example and I'll share the contact person at Bart because that really should be the way of the land that we're not waiting for anything. Everybody's accessing at the same time. Okay.

John: Yeah, I agree. I think that's really essential and I hadn't agendaize that for tonight, but I do want to be communicating with the commission in the near future about what we're seeing in that regard.

Madame chair: Great.

John: Cause I have been studying that over the last few weeks and I think that will be a near term priority for us as well.

Madame chair: Thank you very much. Appreciate your patience, Mr. Hazard.

Mr. Hazard: Yes. With respect to the process and identifying by ethnic background those folks who have been subject to the department's, say, use of force, doesn't that

go straight to the Attorney General's office when they go from here and then that's reported at the Attorney General's office?

Chris Brown: Hmm.

Madame chair: You're correct. There is a state law that requires every local police department to record and identify their use of force in the race of the individuals and it's report. Yes, that's correct.

Mr. Hazard: That's what I thought. So investigators, if the department is slow and giving that information, you can go straight to the Attorney General's office in each instance, so there shouldn't be any problem with identifying the ethnic background of those individuals and that.

Madame chair: Question as it relates to that; isn't the area that we have been where they have been subjected to under-reporting? Yeah, so maybe they don't get reported to the Attorney General's office, so we still have to have other ways to capture that.

Mr. Hazard: That's why I'm raising the concern.

Madame chair: We're right here. Okay, thank you.

Mr. Hazard: All right. That's one issue. The other concern I had in terms of yesterday, the investigation and going back to the leave of absence, what that hold up a investigation process? If a individual who was part of the subject matter and they're on leave of absence, shouldn't that time be extended because of leave of absence for the investigation? Otherwise you're going to come up against the brick wall in terms of time.

John: Yep. That's a great question. State law does provide a tolling provision, one of those extenders that we were talking about earlier and we talked about that, three or four. There is one for that purpose. If an officer is medically unavailable out on disability... [crosstalk]

Mr. Hazard: Or for whatever reason, whatever reason in terms of leave of absence. Right.

John: Then that's an extender...

Mr. Hazard: that's a tolling thing that should come into...

John: Exactly.

Mr. Hazard: ...invoke. So we better, we have to be mindful of that and so you got the timeline, whatever that timeline is and this is the case then that time should be credited in terms of extending that investigation and so long are there. Okay.

John: Absolutely.

Madame chair: Thank you. Thank you, Mr. Hazard. Mr. Alden, at this point you want us to move to accept your report. Is there anything else?

John: I don't have anything else to add this time. There should be a lot more to talk about next few months, but for tonight I think that's enough for me.

Madame chair: Oh, appreciate. Oh Mr. Hazard.

Mr. Hazard: You know, in reference keeping and we all know he's new here. Can he take three to five minutes and tell us his background?

John: Oh sure.

Madame chair: I think that would be just fine. I'm sorry. Yep, we have missed Mr. Hazard, so he kind of missed that whole section, but maybe somebody else missed it as well.

John: Sure. So again, my name's John Alden and I'm an attorney. I have, well I guess I'm not technically serving as your attorney right now, so maybe I'm not an attorney right this minute, but I've been an attorney for a long time, so it's hard to think of myself any other way. For the last 10 years I've been working in police oversight, primarily in San Francisco. I have worked on a variety of both criminal and administrative investigations into police officers and I've been involved in both the prosecution of police officers and in administrative cases against police officers, much more of the administrative cases. And prior to that I did a couple other roles in the law. I worked in private practice for a while, where I was doing a variety of things but a lot of it was employment law, which is closely related to what I'm doing now here.

John: And for a while I was a prosecutor and I particularly specialized in environmental crimes, domestic violence cases. And this was in the late nineties so at the time I felt those were really under prosecuted and I also had some opportunity to do consumer protection work as a DA. And really enjoyed being able to move the criminal justice system, to put resources into things that I thought made the criminal justice system more fair, more just. And particularly working in police oversight, I like that because I really do admire and respect a good cop, but there's nothing more that bothers me than a bad cop and being able to be in a job where I can help sort those out is really tremendously satisfying to me.

John: And I'm really excited to be here in Oakland in particular because I think Oakland is really on the cutting edge of a lot of these issues. I realize there's a long way to go. I'm not saying everything's perfect, but I particularly like the commission model, the commission that Oakland is moved to. I like some of the new policies that are coming out here, like the new one about searches on probation and parole and I think that's really groundbreaking and I'm really excited to be part of a team that's working on projects like that.

John: It's making hopefully you know this system a more progressive one. So thanks for having me here in the city of Oakland. I really appreciate it.

Chris Brown: Sure.

Madame chair: Thank you very much. Mr. Alden. Commissioner Ahmad?

Mubarak Ahmad: Yes. Hi Mr. Alden. I had a question for you. I just want to know, were you working on the Mario Woods case, Mario Woods?

John: I did a, I did some work on that case when I was at the San Francisco District Attorney's office with respect to whether or not there'd be a prosecution in that case. I did not do work on the administrative side of that case as to whether any of the officers would be disciplined.

John: I would say, you know, that case among many others left me with a strong feeling that state law about when officers use force should be changed and I'm really excited to see that that's changed just a few weeks ago. I think that's a tremendous advancement. And I also, it also made me think that how we train officers is so important into the outcomes we get and a lot of the trainings based on local policy. So the more that we at the local level, like in San Francisco where the use of force policy recently changed, and here in Oakland where I know we're looking at the use of force policy, that's so much more important I think.

John: But it is so much more likely to have an effect on outcome than what I'm seeing happening at the state and federal level. That, you know, I'm really excited we have opportunities here to try to improve the way officers use force.

Madame chair: Thank you very much.

Mubarak Ahmad: Because, it's true none of those officers were charged, right?

John: That's true. That's true. And you know, I have to, I mean from my perspective, the fact that California at that time had a law that dated from the 1860s about how officers used force was a big part of the problem there. And so I'm really grateful that's changed.

Madame chair: Thank you Mr. Alden, Commissioner Ahmad. So at this point I'd like to take a motion to receive or to approve the completed investigations report that Mr. Alden just provided. Commissioner Dorado, do I see you moving? No.

Chris Brown: So, I'll just make it short and sweet. I move that we accept the report by our Executive Director regarding pending and completed investigations.

Madame chair: Thank you.

Mubarak Ahmad: Seconded.

Madame chair: Second by Commissioner Ahmad. We have taken public comment. Are we ready for a vote? Commissioner Ahmad?

Mubarak Ahmad: Aye.

Madame chair: Commissioner Dorado?

Jose Dorado: Aye.

Madame chair: Commissioner Anderson?

Tara Anderson: Aye.

Madame chair: Commissioner Harris.

Ginale Harris: Aye.

Madame chair: Aye for myself. Commissioner Smith?

Thomas Smith: Aye.

Madame chair: Commissioner Prather?

Edwin Prather: Yes.

Madame chair: Great. Motion passes unanimously. And now we're going to move on to item seven, OPOA complaint.

Ginale Harris: I can go, I can.

Madame chair: Commissioner Harris.

Ginale Harris: So this is on the agenda tonight because we haven't heard much talk about this complaint and this complaint is very serious. I was very disappointed yesterday to not hear it in the NSA conference that we attended. It was not even identified as an issue and it's within the department.

Ginale Harris: So again, I was disappointed but we have brought it here today because it is important that we address this issue head on. This matter was sent to us some months ago.

Ginale Harris: Thank you, Miss Asada, it was sent to us in March and it is now August and it is on our agenda now. So the first time we had it on the agenda, we did not have anyone that was able to come forth because, as we were told, it was being investigated. So there was really not much that could be said in public, correct?

Madame chair: Yes.

Ginale Harris: But I have a lot of questions in regards to this complaint. I would like to know one, if we are, if we have a complaint open with our agency in regards to this, that's one. And how do we move forward with doing something about this complaint?

Madame chair: So to your question, I know that we directed Interim Director Mike Misberos to open a complaint. When I followed up, I found out that the complaint had not been opened and so I spoke to Mr Alden and he said that he would make sure that it was opened. That is correct. Correct?

John: Right. And if I may follow up on that.

Madame chair: Sure.

John: This is the kind of allegation... this allegation's already public, right? A lot of people know what the allegation is. Now, normally with complaints like these, there's not I can say because they're personnel matters not to be in closed session. So I still have to be careful about what I can say here for that reason. But I do think as a general rule, this kind of complaint about promotional and disciplinary practices and whether they have, they either are evidence of racial discrimination or had a racially discriminatory effect as applied, is a very specialized area of inquiry. And I don't know that we have anyone at CPRA that has that skill. I know enough about it to know that it requires some expertise that I don't have. And if I were, say, an attorney working on a case like this, I'd find an expert to help me with that.

John: So I do anticipate that that's probably the direction we're going to need to go in. And we've started that process. I mentioned that now because the hiring of such an expert, I suspect, probably would require coming back to the commission and we'd have to figure out what our budget might be for that. And of course there's a procedure the city has us go through and selecting contractors. So that part of the process might require some action by the commission. And so I want to preview that to you now and I'm still considering how exactly we might move through that process.

Madame chair: Thank you very much. I know that the OPD opened the case, I want to say in January. I'm not sure if anyone can clarify the timeline or how close you are to closing the case or...

Chief: [inaudible].

Madame chair: Yeah, I just wanted to be clear about when the case was opened by OPD and I don't know if you know how close you are to closing it?

Chief: I don't, that would be, I don't know the timeline on that.

Madame chair: Oh, I'm sorry.

Chief: But I do know how that a case was opened, right, I think, within 24-48 hours of the receipt of it.

Madame chair: Okay. So is that the October meeting or December?

Chief: No ma'am. It would have been when the, when the letter was received which was like the top of January is my memory.

Madame chair: Okay.

Chief: But I don't, I, that's what my memory is. But I can tell you that I know a case was hoping.

Madame chair: Okay. I appreciate that. And if you could stay there for a moment, Vice Chair has a question.

Ginale Harris: Chief, I know this was brought in January when the letter first came out, but, and this is just, you don't have to answer this if you don't want to, but I'm just curious to know, how do you feel about having this sort of complaint within your own department, like right under your nose.

Chief: You know, I think that because it's under investigation, I know I'll probably will be at, you know, a witness to it or subject even. So I don't know yet the, and it's probably best that I not... it's always a disappointment and I think you would, so I can speak in that way. And I think you heard possibly, and I appreciated y'all were in court yesterday, so you heard me reference that directly spoke about the opioid letter and that it did point us to start looking and raising that consciousness that diversity is not enough, that you must have equity.

Chief: And that's why we brought in Darlene Flynn to help us start remedying these problems. So anytime there is anything associated with race inequities within our department, that too is troubling to me personally. Although I do know that this was apparently a longstanding concern.

Chief: But the good thing is, is we're very serious about remedying it, regardless of what the outcome of the investigation would be.

Madame chair: Chief, for the audience, can you just paraphrase a little bit around the engagement of Darlene Flynn and what is happening or what her recommendations are in general to you all?

Chief: Well, if you may recall, I also brought Darlene Flynn to introduce you to her. So the city, Darlene, Director Flynn, is the division, had a city department. And so...

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Anne K.: The division had a city department. And so the city is obviously very committed to equity principles, as well as just improving diversity. So when this matter came up, then I thought, we need to learn how to think differently, understand, raise our sensitivities, like I said. That it's not enough just to have the diversity, but that if people in hiring... We started to look at this from a hiring perspective, who's selected and who's not based on equity issues. But the OBOA letter pointed to more than that. It was like, it's not enough just about the hiring, but that's how we kind of began it.

Anne K.: And what Darlene Flynn is helping us do, and what I've asked her to do, is to help us look at equity from promotions, from training. How do you get to go to training, but you don't get to go to training. And even assignment opportunities. You know, in a police department, your assignments can be like, "Well, how did you get that choice thing?"

Anne K.: So that's what I brought her in to do. And she has done all four of her academies just for our executive command, and now we're planning to bring that down into the lower ranks throughout the entire department. And we're even building now some equity teams, so that we can start building these competencies.

Anne K.: So that's what's going on. Tried to give it to you a little bit of a Reader's Digest version, but it has been very well received. I have been very impressed with Miss Flynn and Lieutenant Shavies, who y'all have met. They're kind of partnering that.

Madame chair: Thank you, I appreciate that. And the last question is, is Miss Flynn's work dovetailing all the way down to Academy recruitment?

Anne K.: Yes, ma'am. We're taking it all the way through. I know that words always seem cheap when I talk about culture change, but we are trying to drive it all the way down into Academy, into everything we do.

Madame chair: And much like, when you... Like with our probation and parole policy, we talked about training, making sure all the officers are well-trained before we can enforce holding them accountable for the different ways in which they engage.

Madame chair: What do you think the timeline is for making sure that it's not just pushed down, but it's actually executed and modeled?

Anne K.: And embraced.

Madame chair: Embraced.

Anne K.: So, if I may, because I did mention this at the NSA... I mean, at the conference yesterday, and the Mayor also kind of affirmed it as well. But for instance, we know from our statistics that we've dropped our searches of those on probation and parole already by 50%, and that's before the policy is even in play.

Anne K.: So that's an example, in my opinion, of people embracing even whether you have a policy or not. So that's a really good example. And if I may, because I know we spoke about it the last time I was here, last week I had an opportunity to speak to over 275 top executive leaders around the world at the FBI Academy. And I brought up and shared for the first time our new policy about probation and parole. So to speak to the breaking of institutional racism.

Anne K.: And so I thought that might please you that I'm already beginning to be given those opportunities to speak nationwide about it.

Madame chair: Absolutely, yes. We definitely laud that, and are looking forward to its actual execution all the way through the department.

Madame chair: The reason I ask the question about flowing all the way down was because I was surprised that we didn't have in the upcoming class one black female, and it means that clearly there's more work to be done. But that's why I wanted to understand what was being done, timelines, embrace, and all of that.

Anne K.: Right. I actually did a video, and along with Council President Kaplan, where... You do have a woman chief for the time being, and so, too, I did a video, a recruiting video to encourage women, African Americans, and LGBTQ, and particularly transgender people.

Anne K.: So we cut a couple of different, so we are actively trying to recruit women. I will say, under my leadership right now, you have three women captains, which was the first, I think, at any one time in the history. So right now we have three women captains.

Madame chair: Black women, or just women?

Anne K.: Yes, we have... Deputy Chief Armstrong's spouse is Captain Drennon Lindsey, and then one Latino woman, who is Captain Angelica Mendoza, who has been your OIG in the [crosstalk 03:29:38].

Madame chair: Yes, yes.

Anne K.: And she did the audit.

Madame chair: Yeah, we didn't see her yesterday.

Anne K.: Yeah. Yes, I don't... She may have been working street-

Madame chair: I just noticed that she wasn't there.

Anne K.: ... I'm not sure.

Madame chair: Okay.

Anne K.: Typically the captains don't go. And then the last person is Captain Jill Encinias. Now, these are acting captains other than Captain Lindsey, Drennon Lindsey. She's a full-blown captain, but the others are acting captains, and Jill Encinias is a Caucasian woman.

Madame chair: Thank you. Can you send us that video?

Anne K.: Sure.

Madame chair: I'd be very interested to look at it. And then Vice Chair Harris has a question.

Ginale Harris: So I'm just interested to know, Chief, how much direction or input do you take from your black leadership in OPD when dealing with racial profiling? Do you go to your leadership and ask them, "What's the best way to handle this, or what do you think?" Or, "Do you-

Anne K.: I would say... Chief, you want to come up and speak? So, as you know, my executive team is primarily African American. So, I think that he could be-

Ginale Harris: I know your executive team is, but I'm curious to know if you go to them for like...

Anne K.: What would you say? I think I do. And actually, I consider them my top counselors to me. And so, I have benefited very much from the fact that we do have diversity at the top. And again, equity and diversity are two different things, but having different eyes and experiences is very informing. I would say that I listen very much to my top leaders, as well as people who are not necessarily at the top. I am a person who shares your values, but I do listen to what they say and their counsel to me.

Ginale Harris: I just think it's important, and I tell you this as a suggestion, you can take it or leave it, but living in East Oakland is really hard. And I have to teach my sons how to behave when they're stopped by the police, whether they're black or white, all they see is blue, right? And I have to teach them not to make sudden moves, or don't put your hands in your pocket. That dehumanizes people when you have to do that. And this is generational trauma.

Ginale Harris: And yesterday when I was listening to OPD speak on how things are getting better, I'm just like, "For who?" Where are they going getting their statistics telling us that 50% of the stops have gone down, because half of them weren't reported, right? We say we have a lot of unreported cases. And just, on experience.

Ginale Harris: And I'm not saying we don't have some good officers. We have some really good ones who get thrown by the wayside because of all of the stuff that is happening. But in East Oakland and West Oakland, that's where all your murders and your killings are happening. There were three in one day. There

was an incident where I was grocery shopping and they had guns out in the air, like, guns. Real guns in the air, and didn't care.

Ginale Harris: And so I'm just like, "Why do we got to live like this? Why is it this way where we are not looked at as people?" I get up and go to work every day, but I have to teach my children to behave in a different kind of way. This is five generations that I was taught. I was told by somebody that cares and loves me that I'm different. I'm different. And I didn't understand that. I don't get it. I don't respect is, and I think policing comes from racism, right? Policing came out of slave catching.

Ginale Harris: And so we've turned it into something completely different, and we're trying to humanize it now. But we're 500 years in and we still... Just 1949, black police officers were not even able to carry guns or go into the police station. I found that like, "What?"

Anne K.: I know.

Ginale Harris: So it's like, how much change... My thing is is that we keep saying we're doing better, but we really have to do something about it. And that means get rid of the ones that don't want to change. They are not for this department. They can't protect and serve people they don't look at as human beings. You can't teach that.

Anne K.: Right. I agree with you fully and 100%. Y'all know I'm not from Oakland, I understand that. But I am trying to encircle the leaders who are decision makers of this department who have the Oakland experience. That's what I'm trying to do, so that there is an appreciation.

Anne K.: I grew up in Memphis, Tennessee, a pretty difficult city with a very long history of civil rights. I grew up there. I began policing there, so I have some foundation of understanding. We are making efforts. We're not there. We are making efforts, and are more progressive than we've ever been in terms of addressing historical racial injustices. We are making those changes. And then with respect to those who are not here, you heard me state yesterday, I've only been here for two years, for 24 months. I have terminated 14 full-time officers. I have administered 9,367 hours of suspensions.

Anne K.: That does not include the counseling and trainings and the letters of reprimand. Those are your most severe things. We are being very serious about who can wear the Oakland patch and badge, which is what you want. We have also been eliminating people very early on in the Academy, or in FTO. If we see these behaviors or attitudes, you're being removed.

Anne K.: And so, we are very serious about it and very intentional. I know that change is slow, but we are doing the work, and the fruit... The analogy is we're doing our best to clear the field of the stumps, seed the field properly, then there will be

harvest. We are in the stage right now of the work of seeding, tilling, pulling the weeds, getting the stumps out. There is going to be a harvest. And I am speaking, and have been speaking about the efforts we are doing right now to bring you this harvest. It will not be today. We are getting there.

Ginale Harris: I understand that and I respect it totally, but in the meantime while you're harvesting, we're dying, and we're hurting, and we're being put in jail, and we're being thrown on the floor and choked to death, and we're dying. We are not being looked at as people. And it's like, enough is enough. It's like, "Okay, 9,000 hours of suspension. That should be an indicator that there's a problem."

Anne K.: Commissioner, I'm with you. I'm the one doing that, and so I'm with you and I agree. You shouldn't... It is enough is enough. Violence in this city, crime in this city. That is also what I have been brought here to do is not just the NSA, but to deal with reducing our crime. You shouldn't have to live the way that you are. And I am also doing, in my directives and my directions, and as a team with people like Chief Armstrong, I have a whole team of people. We're trying very much so to bring you a safe environment.

Anne K.: I personally purposely chose to live in Oakland. I live downtown. I've made no secret about it. I, too, don't like waking up to gunshots, but I do. But I didn't grow up in it. I'm doing what I can, and will continue to as long as I'm the Chief here. I told you I am not going to wither. I am not walking away. I am committed. I'm going to keep coming back.

Madame chair: Thank you.

Madame chair: So as it relates to the OBOA complaint, I don't think we have action tonight, but Mr. Alden will let us know how things are progressing. I am still very interested in speaking to the members inside policing members of the OBOA, and I will do what I can to at least get some general overviews, because we don't want to get involved in the exact investigation. But if we could identify themes, then maybe you and I can sit down with the police chief, and try to help with a roadmap.

Madame chair: Okay. So moving to the inspector general position update. [inaudible] Oh, I'm sorry. Wait a minute. [inaudible] Okay, my apologies. Sorry about that. Okay. Yes, so, we have... I don't know how I missed that. Okay, public comment. And Mr. Hazard is first up, but we also have Mr. Bey, Miss Asada, Mr. Fuentes, and that's it.

Mr. Hazard: The occupier in 1600 Pennsylvania has a executive team. Does he listen to them? And it's hard for me to fathom with the complaint that was filed by the Oakland police officers, that the Chief referred to her executive team. I can't believe they haven't chimed in on this, in which I guess a lot of them look like the folks who filed the complaint. And if they're not stepping up, then they don't need to be part of the executive team.

Mr. Hazard: Because they are as much impacted by the lawsuit, or the complaint, as anyone. So it's hard for me to believe that they haven't made some type of comments in terms of how to deal with this issue.

Mr. Hazard: With regards to when the investigation was open, did you... I wasn't quite sure when that was, because there's a difference between the investigation and having the equity, Darlene, to be doing what she's doing with trying to correct something. So the lines are being crossed here. There's mixed messages, or at least interpretation on, as I could see it.

Mr. Hazard: And the Chief came from an area that didn't have the same demographics that we have here in Oakland. Matter of fact, it's probably more Caucasian then there are folks who look like me in there. So they come with a different mindset, not the experience. And so, I take issue with the fact of how the Chief would like to infer she's sensitive and understand. If she did, then these issues could have been long mitigated.

Mr. Hazard: She says she's been here since two and a half years, and we're still dealing with some of them same use of force, the same escalating numbers of that force being used on individuals like me. So I'm not feeling what the Chief has said, and certainly as it relates to the OBOA, and certainly as it relates to executive team, I just can't believe they haven't said, "You need to handle this right now. We got to deal with this right now."

Madame chair: Thank you, Mr. Hazard.

Miss Asada: Love life. Love black people. I'm going to go back to the courtroom yesterday. The judge did ask the question about the hiring, the recruiting of African-American officers. And the response was that they had done some new inventive recruiting methods, including going to the BART station. I almost fell off my seat when they say that one, going to the BART station to recruit black men.

Miss Asada: But then they alluded to the 44th Academy that's starting... I'm sorry, I don't know what the number is, but the Academy that starts on Monday-

Madame chair: Monday, right.

Miss Asada: ... with 44 recruits. And out of that 44, 10 Latinos, eight Asian, and six blacks.

Madame chair: Mr. [Rus 00:03:45:00].

Miss Asada: I don't see nothing... You got to start the time, baby. I don't see nothing different with this Academy with previous academies. Previous academies, Latinos, higher numbers, Asians next, blacks last. What's the difference? And as I told you, two years ago, Desley Brooks worked very hard to get a commitment

from this police department to stop the efforts to not include blacks in hiring and recruiting. It's supposed to be over with.

Miss Asada: So we get a letter, a grievance letter, not a complaint, a grievance. And in that grievance, they're talking about hiring, they're talking about recruiting, they're talking about discipline, they're talking about promotion, and they're talking about a culture of racial discrimination, racism within the department. A culture of racism within the department. And the police chief is talking about this lady who comes from Race and Equity, she has nothing to do with any department in the City of Oakland, rectifying its problems.

Miss Asada: She is there to develop procedures, processes of identifying race and equity issues. So to use her for that purpose, that's your problem, Chief. Don't try to put it on somebody else to fix it. It should've been fixed by you. And like that judge says, the buck stops here? The mayor, the city council, the city administration, the city attorney, nobody has done anything in this city related to any issue around black people. Housing, education, jobs, and I'm going to put this on these black police officers. You got to step up and finish this. You brought it up, you finish it.

Miss Asada: They got to come up, and come up with some more evidence in support. Nothing is happening. Absolutely nothing is happening. And you see when this comes up, they don't say nothing. It's the same two black women talk about it every time. Nobody on this commission, when this issue's come up over and over again. None of you say nothing about it, except them two sisters right there.

Madame chair: Thank you. Mr. Bey?

Saleem Bey: Saleem Bey. So, I don't know, every single external independent metric has come up and said that racial profiling is an issue, and continues to be an issue. Not only does it continue to be an issue, but it's going backwards.

Saleem Bey: So if every independent person or organization, including a Stanford study, Miss Eberhardt, the compliance director, all these different people keep coming up time and time again, all during the time this chief has been here. So whatever she's saying, it doesn't mean anything. It's just like you ask President Trump, is he a racist? He going to tell you no, look you right in your eye and tell you no.

Saleem Bey: But actions speak louder than words. And I was always brought up on deeds, not words. Because you start talking and somebody will say, "Well, what have you done?" So I heard a lot of talk, but I ain't seen anything. And just to prove what we're saying is, every time she has an opportunity to deal with racism, she fails.

Saleem Bey: What is your priorities, Chief? Oh yeah, everything but racial profiling. Or what are you doing? Yeah, we want to get all these national certifications, but you

ain't dealing with no profiling. And then what Miss Asada said about all you handkerchief head, Uncle Tom, boot licking black police officers standing around watching black people be abused. You are part of the problem. Just as much as the racists are part of the problem, you are part of the problem if you go home and don't tell that these other cops are doing these things to the people.

Saleem Bey: It's happening. We know it's happening because independent people are saying it's happening. But we're not hearing anything from inside. And just like the Oakland police officers got the gumption to write that letter, where are they? Why aren't they following up on it? Why aren't they keep having meetings, keep having public announcements until it gets done.

Saleem Bey: And when a white person comes up and says, "I got all these black people around me," look twice. Because the other part of it is, I don't care what color your face is, or what color your skin is, if your department is going backwards in racial profile and everything, you are part of the problem. Her executive team is just as guilty for them backsliding as she is.

Saleem Bey: So if you got black faces and you backsliding, it's on you, and you are more a part of the problem because you are a sell-out.

Madame chair: Thank you. I also have cards from Lorelei Bosserman and Bru [Shmeekin 03:50:14]. And I already called you, Jose, so come on up.

Bru S.: I'm Bru Shmeekin, Coalition of Faith in Action. And I'm not 100% sure on... I hate to say I'm not 100% sure on what's going on, but I'll say that because my understanding is that no one from the OBOA came to the commission. That you guys did have copies of the letter, but that a complaint is being filed with CPRA, is that correct?

Bru S.: And I don't know how much anonymity there is in that process or whatever, but just off the top of my head, my reaction is, I heard this incredible presentation about how much development and conversation and openness there is over this issue within the department, led by, I guess, the equity person from the city and stuff.

Bru S.: I would think that if the channels were open, that if the feelings were good, that if things were really moving in a positive direction, there would be people who are part of this complaint who would be willing to come forward publicly, and begin this conversation in a broader community framework. And that there would be no, no question in their mind about, "Gee, if I come forward, is something going to happen to me? Is it going to impact my career?"

Bru S.: And I totally respect those concerns, because I know you got to put bread on the table and all that. But the fact that nobody is willing to do that, it just kind of raises a question in my mind about how real some of the words I've heard have been.

Madame chair: So, I want to say to you that threat of retribution is a real thing.

Ginale Harris: Very much.

Bru S.: That's my assumption.

Madame chair: Right.

Bru S.: I didn't want to go there, but-

Madame chair: And there is also, while there's an investigation in place, unless they have permission to talk to it from the Chief, they can't.

Ginale Harris: No.

Bru S.: Oh, okay.

Madame chair: So, yeah, so there's-

Bru S.: But even before, I think, the complaint was filed, I don't think anybody came forward here. That was my sense. I don't know, maybe I'm-

Madame chair: No, I mean-

Bru S.: I don't know, I'm sorry.

Ginale Harris: [crosstalk 00:28:29].

Madame chair: Vice Chair wants to say something, too, but I just wanted to make sure that I address that.

Ginale Harris: That's not the case, Mr. Shmeekin. You have to understand that for black people to come out publicly and shame white people who are in leadership is a no-go. They will be demonized, punished, talked about, ridiculed, and then they'll turn it around on them. And that's the case what's happening here.

Bru S.: I understand. All I'm saying is that I kind of heard another world being described than the world that you're [crosstalk 03:53:02].

Madame chair: They don't quite match up, do they?

Bru S.: Than the reality check.

Madame chair: Yeah.

Mr. Fuentes: Hello. Something occurred to me as I was listening to the Police Chief speak, and she said that there had been a 50% decrease in probation parole stops. And I

thought, "Wow, this Chief has come up to this dais and said so many things that aren't true." And then there's been so much evidence that the way that they are tracking and monitoring and reporting on their own activity isn't good.

Mr. Fuentes: And so, for the Chief to come up here and say that, and not even know where it came from, when she was asked where that data came from, it just hit home to me that you have a real good predicate to fire the police chief, if only for one reason is that you cannot keep on talking to somebody at that dais who has no interest in the truth and is rather focused only on the narrative, as she said earlier today.

Mr. Fuentes: Someone focused on the narrative will lie every time, because that's her goal. She's not telling the truth up here. She's wasting our time. She's wasting your time, and actually slowing things down. I think what would be a remarkable thing to do would be to use this unprecedented power to fire the police chief, and rehire a police chief who knows that you can fire them. That may change how things move forward. That's all I want to say.

Madame chair: Thank you, Mr. Fuentes.

Lorelei B.: Lorelei Bosserman, Coalition for Police Accountability. I want to mention two things that are separate, but both have to do with the Academy. One is, I believe that the numbers that the Chief just quoted about how many people she had terminated include people who were kicked out of the Academy. I'm not sure about that, but that is my belief.

Lorelei B.: [inaudible] Also, in the... Sorry. Yes, we are talking about black police officers, but I'm just countering something that she just said. And I... Sorry, I'm responding to someone in the audience right now.

Lorelei B.: And I also wonder, someone mentioned this a while back, if people who leave the Academy of their own volition are ever interviewed to say, "Why are you leaving?" Because my belief is that there is an inhospitable atmosphere at OPD for people of color, and it would be nice to get to the bottom of that. Thanks.

Madame chair: Thank you, Miss Bosserman. I do have a question, Police Chief, and I don't know if you've already shared it, but of the 14 terminated officers, do we have a breakdown of race?

Anne K.: No, ma'am, I don't. I don't have that right now.

Madame chair: Can you provide it to us?

Anne K.: Sure.

Madame chair: Okay.

Anne K.: We can do that.

Madame chair: Thank you. And do you do exit interviews, as well, when people just leave of their own volition as Miss Bosserman just suggested?

Anne K.: They do have an opportunity for that. It's not mandated, as you can imagine. But they do have the opportunity. And our training cadre of instructors, our Captain is Indian, Eastern Indian by background. Our Lieutenant is African American, so we do try to make sure that we have diversity of those who are training our officers.

Madame chair: Good. Thank you.

Ginale Harris: May I ask a question?

Madame chair: Yes, Vice Chair.

Ginale Harris: Can we know what happened to the training officer that was removed for the allegations of racial profiling? I don't want to know what discipline he got. I just want to know, is he still working?

Madame chair: [inaudible] Yes. Deputy Chief, did you hear the question?

Leronne A.: Yes. This is a personnel matter, so we can't speak to it.

Madame chair: Okay. But they are still employed, right? You can't speak to that either? Okay, no problem. Thank you.

Ginale Harris: [inaudible] Right.

Ginale Harris: So there's a second part to that question. Some meetings ago I had asked Miss Gleason to provide me with information on those, I believe it was 400 people that were turned away from the hiring practice. And DC Armstrong, are you there? Can you hear me?

Leronne A.: [inaudible 03:57:42].

Ginale Harris: And I had never gotten that information on the people that she called back, supposedly, she allegedly called back for hiring. There were 400 people turned away. Can we get the information on what happened with those 400 people? How many were called back, and what race...

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Harris: What happened with those 400 people? How many were called back and what race were they?

Cheif Armstrong: Yes.

Harris: Thank you, sir.

Cheif Armstrong: I will follow up with director Gleason. I believe what was represented was individuals that had been basically put into what we would call a non select category. Were 400 cases that she reopened and re-reviewed. So she reviewed all 400 and then she ended up offering 40 of those 400 employment opportunities.

Regina Jackson: Thank you. I really would like to hear from Ms. Gleason how 360 still got exited.

Speaker 5: Yeah. I don't know. It was something that we inherited, so we're the ones who went back to open it up to some extent. I don't know how far back she went, as far as what does she go back to open.

Speaker 5: One good thing that might make you feel better... Her Sergeant over the recruiting section is the president of the OBOA so that... Is a very good thing to have his presence being a part of those decisions.

Harris: Sergeant Smith.

Regina Jackson: Yeah.

Regina Jackson: Thank you. So we should make sure that we put that on the agenda for next meeting to get the detail.

Regina Jackson: Now we'll move on to the inspector general position update.

Regina Jackson: Vice chair, did you want to address that?

Harris: So we had asked, requested, demanded, that the city administrator come and give us a report back on this. What had happened, so just to refresh people's memory, is that we all voted up here on a job description for the inspector general that we passed and it was supposed to go to civil service. However, the city administrator did not like it. So she fought against it. She told city council no, after they told her again to submit it to civil service, our version. She did not, and she submitted her version and civil service passed it, and we rejected it.

Harris: So I asked for a report back. I asked them to come today to give us a report back. There is no one. So we will document that and we will continue to ask where we are at with that. I did take it to city council. So city council is aware of the insubordination, I call it. So that's where we're at. They are on break. So when they returned from break, I plan on getting something, answer, something, but we did not embrace that job description and we will not. We rejected it.

Regina Jackson: Thank you. Are there any questions?

Regina Jackson: Okay. Then we'll go to public comment.

Regina Jackson: Mary Vale.

Regina Jackson: I only have Mary Vale for eight.

Celine Bay: I'm not signed up but I just wanted a clarifying question if you'll allow me.

Regina Jackson: I'm sorry I didn't hear you...

Celine Bay: I didn't sign up but I wanted to ask a clarifying question about the inspector general job description.

Regina Jackson: Sure.

Celine Bay: Am I mistaken? But I thought I saw it in the meeting where you all read back the job description that was being posted and it looked like your job description.

Harris: So after we read it.... So the one we read was our job description. The one they sent to the civil service, she did. They didn't present it to us. They just sent it on through. But I asked before they sent it to the civil service.

Chief Armstrong: City administrator.

Harris: City Administrator. Sorry, I asked before the city administrator's office sent it to civil service. I said, "Do not send it to civil service until we read it first." And they didn't do it.

Regina Jackson: By phone, via email every kind of way. And Oscar would you do us a favor and fill out a card just so we have it. Thank you. Same with you Ms. Jenks?

Ms. Jenks: Yes ma'am. I didn't know clarifying questions were a thing. So backing up just a moment are... Is it really that asking where a police officer is currently assigned, falls under if he was ever possibly going to be disciplined? That means you can't answer a simple question about where a specific officer is currently assigned? Because it seems like a pretty broad definition. And why can't we just ask where that one officer who was having problems with a racial profiling, why can't we just ask what his current assignment is? That has nothing to do with whether he was disciplined or not.

Ms. Jenks: I like this clarifying.

Harris: So Chief Armstrong, can you answer that question for us please?

Regina Jackson: We'll give you the chair for that.

Cheif Armstrong: Chair, that item was not agendized, so we can't answer that question.

Regina Jackson: No problem. Thank you for that reminder. Appreciate it.

Regina Jackson: Yes, we are actually really supposed keep to an agenda but we can make sure that we put it on the next one.

Celine Bay: Yeah, make sure that you put it on there so you get that answer.

Regina Jackson: Yes sir.

Celine Bay: Okay, so Celine Bay and I just want to just double down on the fact that you guys are taking the right track by making sure that what you set, because you answer to the people. The administration, I don't know who they answer to, because they definitely don't answer to the people, right. None of their actions have been for the benefit of cleaning up this failed OPD. Up to this point everything has been where the administration... And when I say administration, I'm talking about the mayor. I'm talking about the city attorney's office. I'm talking about the city administrator's office and I'm talking about multiple city council people. All are obstructionists to this body, right?

Celine Bay: So make sure you get an IG that answers to you and has the description that you have. No compromise. Because city administrator's office, really and truly, they all criminals. They are criminals. They've broken the law. We've seen them break the law, they've obstructed justice, they're blocking criminal investigations for OPD and when you get down to the bottom of it, I hope all of them get fired.

Regina Jackson: Thank you Mr Bay.

Regina Jackson: So next item on our agenda is a CPRA investigators staffing

Regina Jackson: Mr Alden.

Mr. Alden: Well good news there. Before I came on, some of the other folks at CPRA and city of Oakland's HR department and the city administrator's office had moved quickly to create a list of complaint investigator twos. So as I mentioned earlier, we'll be interviewing them next week and if things go as quickly as I hope have them on board in September, and we already have a office space, computers, and the like ready to go for them.

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

Mr. Alden: If I could add one other thing.

Regina Jackson: Yes.

Mr. Alden: Earlier I was talking about how we have roughly 110 cases pending. If you divide that by the three investigators we currently have, that's obviously more than 30 cases per investigator, which was way beyond the sort of rule of thumb. Most people in this field use 15. So if we had the other three on board, we'd be much closer to that number.

Harris: Okay, one question. Vice Chair Harris.

Harris: Mr Alden. So my understanding is that the CPRA investigator three, they don't carry a caseload. And in this situation, don't you feel it's... I'm not going to ask you that, but I feel that it's appropriate that they do so.

Mr. Alden: Right now the position I'm hiring is... That I'm able to hire for is the better way to put it. Is the complaint investigator two. So that would be the journey investigator, or the person who's carrying a pretty substantial case load. And the complaint investigator three position you're talking about has some supervision duties as well. But your point is well taken. That if they're the most experienced investigators, we should probably be considering having them working on some cases.

Mr. Alden: Yep.

Regina Jackson: Thank you. So now we're going to move forward to...

Regina Jackson: Oh, excuse me, Ms. Assata had a public comment on this item.

Woman3: Love life, love black people.

Woman3: I just wanted to remind this body and any one listening that measure LL States that the investigative agency is the determining body that reflects guilt or innocence related to potential officer misconduct. The investigative agency is the outside force that looks at where the officers have been engaging in misconduct. The police commission comes in when the agency and the chief have a difference of conclusion.

Woman3: People think that you are the body, so what you getting ready to do in terms of hiring people. These are the people who are going to be determining whether officers have been engaging in misconduct.

Woman3: Tonight we had a number of cases. Every case was excessive force and every case concluded unfounded, and that's been the history of the CPRA and the citizens police review board. Very rarely has the officer been found to be guilty of excessive force.

Woman3: Now I'm going to be looking. Is there going to be any change related to this valuable piece because they hold the power? Not necessarily because they have to get the chief to weigh onboard and all this craziness that we... Instead of

saying, "You got the power." That's how I want that ordinance to change. Measure LL. You look at the cases, the investigators give it to you, and you make the conclusion with the evidence that they give to you.

Regina Jackson: Celine Bay and Bruce Meakins.

Celine Bay: Celine Bay, since I've been attending this meeting, I've always spoke about the need that the credibility of this body is based on this investigative arm, right? And I've said that plenty of times. We've found that over the course, the investigative arm that was given to this body was faulty, right? That's why we're making these moves to make sure that we get people who are qualified in, but that also means retroactively that there is a lot of cases. The whole reason why we're replacing these people is because they were throwing cases, right? The whole reason why I'm standing here is because they were throwing cases all of this time.

Celine Bay: So the point is that when you do bring new people in, they should be vetted to the point of... this is not a political place that you can then leapfrog up and become. Because they are only as good as the leadership. And I'm going to take, you know that this new person...

Regina Jackson: Mr. Alden.

Celine Bay: Mr. Alden

Celine Bay: Yes, I don't want to disrespect you but I'm going to take it that Mr Alden is the person that's overseeing. I see a night and day difference between him and the previous one, but we're also, we'll be keeping an eye out because this is the very... This is the key and just as she said, there's a history of closing these cases. So if we don't see a change that these cases are being unfounded unsustained then we have the same problem and we will continue to... then we'll then be looking at you, Mr. Alden.

Regina Jackson: Thank you.

Bruce Meakins: Bruce Meakins, coalition and faith in action East Bay. And I have a question about this staffing issue. Are any of the investigators who were involved in the Pollock case still on staff?

Regina Jackson: The answer is yes.

Mr. Alden: Yes. The one investigator that's that's coming to mind is well known Jean [inaudible] and she is still on staff.

Bruce Meakins: Okay. So... well I don't think I have to say more. I think it's obvious that's a concern and something that needs to be addressed and I'll leave it to people smarter than me to figure that out. What the process is going to be.

Bruce Meakins: Then the other thing is I wanted this one as the, I really like everything I've heard from Mr. Alden tonight. I like his style, I like his, the way he thinks, and presents himself, and even his background is really interesting and varied. And I think he's really... Sounds like a suitable leader. It's just that it seems like there's kind of a staffing crisis, and all this is coming to a moment, and I think hiring three staff people is much more difficult than just adding one. And also the whole process tilts things in a bigger way.

Bruce Meakins: So I know, you know this. You probably think about it late at night and lose sleep when I'm sleeping or watching a late movie or something. But it's big and I'm hoping maybe the commissioners have some part in this process or somehow vetting.

Bruce Meakins: Okay, I see...

Regina Jackson: Yes, Sir.

Bruce Meakins: That's good. Okay. Regina, I'm with you. You're on it.

Harris: Thank you. the last speaker card I have for this item is Jane Kramer.

Jane Kramer: It seems to me that throughout the last several items on the agenda, what we're talking about is the quality of the police force. And to me it's not a case of pointing a finger at a specific officer. So much as it is finding a regularized way, that is ongoing to encourage, and establish, and maintain community interest in the quality of their police force.

Jane Kramer: Otherwise, you're going to have this back and forth council commission, city administrator nonsense, and you're going to be strung up on getting your business done because you don't have the right mechanisms and the right community support for what you really need to be doing.

Jane Kramer: Thank you.

Regina Jackson: Thank you.

Regina Jackson: Next item is it in.... Oh, sorry Commissioner Prather.

Edwin Prather: Thank you Madam chair.

Edwin Prather: You know, it just occurred to me, and I don't want to get too far a field from our agenda item.

Edwin Prather: But I was listening to miss Assata's comments about... Kind of the same old investigation, the same old result. And I just realized that, it's sort of a new day with assembly bill 392 and I really haven't heard... And if we can couch it in this

agenda item, which is the filling of a vacant investigator position. But I mean this really is a sea change for investigators.

Edwin Prather: And I'm wondering to Mr. Alden through the chair, is it like teaching an old dog new tricks? Can old investigators really apply a brand new standard of review to new cases? Is it better to bring in new people who are fresh and don't have that, you know, old view? because I just think it's very difficult if you've been looking at a use of force policy in application, and a policy for decades, and then all of a sudden you'd have to look at it in a very different way... In the context of hiring, it could be very difficult... And maybe this is a longer conversation for a longer time, but I'd really be interested to hear for Mr. Alden.

Edwin Prather: Maybe I'll just leave that as a comment and maybe we'll come put it on a future agenda if the chair will allow, but just what are we doing about training? Like how are we training old investigators on the application of new rules? Because that to me seems very prechant and very, in terms of where this goes, and just very important from here on out. So I wanted to mention that before I forgot.

Regina Jackson: So Mr. Alden, do you want to answer? And then we can talk about agendizing it...

Mr. Alden: I liked the idea of agendizing that at another time to make sure that we're compliant with the Brown Act.

Regina Jackson: Absolutely.

Mr. Alden: I might suggest a portion be an open session and a portion being closed.

Regina Jackson: Sounds good.

Mr. Alden: Okay.

Regina Jackson: Thank you.

Mr. Alden: And if I may ask, could we have a short break before the next item?

Regina Jackson: Yes, because we need a bathroom break.

Mr. Alden: That'd be lovely. Thank you so much.

Regina Jackson: It's 9:46, we will be back at 9:51. Five whole minutes.

Regina Jackson: Can we do that?

Regina Jackson: Okay. Thank you.

Regina Jackson: So I'd like to request the commissioner's return please so that we can finish up this agenda.

Regina Jackson: Where is the vice chair? Vice chair Harris?

Regina Jackson: Okay, I'm going to go find her. I'll be right back. Oh there she is. Okay.

Regina Jackson: Okay.

Regina Jackson: Alright. Did Sergio leave?

Harris: He's coming.

Regina Jackson: Oh, okay. All right. Everybody's trying to get their munch on. I understand.

Regina Jackson: All right, so now we are going to the NSA case conference update. We did actually have some conversation about this. May I have everybody's attention please. Okay, thank you. So we are on the NSA case conference update and we did have a little bit of conversation about this when we first began. I will say that vice chair, Harrison, I attended along with several members of the coalition and the community.

Regina Jackson: One of the things that struck me and that I was really disappointed to witness, was that a lot of the presenters were not ready for prime time. I mean, one would think that if they know they have to be of a presentation, particularly to the federal court, that they might run through it with someone else, anticipate some questions. It was really obvious that several were not prepared. I was also disappointed to hear many excuses rather than accountability.

Regina Jackson: Now for the record, I actually thought that Deputy Chief Armstrong had the most cohesive presentation.

Regina Jackson: I was also surprised after the litany of presenters, that the commission was mentioned by the mayor only. Now she applauded us, said that we were progressive, and that she was quite pleased. But I submit that we as a commission are one of the support systems to the police. And what I mean by support, is that when you're a good manager, you actually identify the flaws and the vulnerability so that you can help make people stronger.

Regina Jackson: So those were the two big things for me. Now as it relates to racial profiling, I want to say that I've been around a long time. I couldn't remember a time where the police, Chief Joe Samuels to be in particular, was on the board of the East [inaudible] Youth Development center. Yes. Community organizations. I don't see that anymore. Matter of fact, just before I came into this meeting, I text the heads of three major churches, Allen Temple, Axe Full, and Bebe Memorial and said, "Has the police chief been to your church?" And I got a

range of responses. But mostly they ended with, no. Some of them started with another word, but anyway.

Regina Jackson: I wanted to also point out, and I know that Vice Chair wants to say something. That when we talk about shifting culture, we have to model what we want to see. And if we are not in the community, if we are not visiting the places where the community are, it is... Visiting the places where the community is, then we are not making our most valiant efforts to change culture; which is to open conversation and shift thought processes. So those were my key takeaways. You have heard some others. I've tried to throw some nuggets in between presentations.

Regina Jackson: And then I will hand off to Vice Chair Harris.

Harris: Thank you.

Harris: I think I've already said what I needed to say about the NSA. It was very disappointing. It was hurtful. There was a range of emotions for me because it was a horse and pony show, if you ask me. Everybody was trying to look good. They weren't telling the truth, they weren't speaking on racial profiling the way it needed to be. And all I think the public is looking for is, own it, and learn from it, and move past it; and we ain't even there yet. So if we can't even own the things that is happening within our department, I don't see us fixing it.

Regina Jackson: Thank you Vice Chair Harris.

Regina Jackson: So the last thing is that the next update is December 18th. Between now and then I will be drafting a letter to the judge expressing our deep concern, and obviously I will share with the commission a draft to make sure that you all are in alignment, or point out any edits that I need to make.

Regina Jackson: Yes, commissioner Prater.

Edwin Prather: Thank you, Madam chair.

Edwin Prather: First, I'd just like to thank...

PART 7 OF 9 ENDS [04:32:04]

Edwin Prather: Thank you, Madam Chair. First, I'd just like to thank you and Vice Chair Harris for taking the time to trek over to San Francisco to attend the meeting. Thank you. Thank you for that time commitment.

Edwin Prather: A couple of questions come to mind. Not that I think that we necessarily need the pat on the back or the advertising or anything else, but to the extent that you feel like, having now been through that process, do you think the judge, Judge [Orrick 00:04:32:36], would want to hear from the police commission,

either in a document or in person? Do you think we would be value added to such a process? Do you think that there's a role for a voice there? I'm not necessarily thinking as ... I know there was the Coalition For Police Accountability filed the intervenor motion to have a seat at the table. I'm not really talking about a seat at the table for the police commission, but in terms of providing some context, is that something that we should talk about in future meetings? You mentioned the next report being due in December. I don't know. I've not been, and maybe I should go, but maybe this is just a long-winded way of me saying, "Hey, do you want to do something about this?" I'll just leave it at that.

Madame chair: Yes, I do, and I thank you for asking the question. My initial thought, and I believe that I speak for the vice chair as well. Whoa, is everything okay over there? Okay. Is that there was something missing. I've not gone to a show like that, and there was a lot of context missing, and so I think the first effort would be to write a letter to clarify some things that we heard, and more so the things we didn't hear in order to either ask to be invited or ... I don't know what the judge is thinking about what role we might play. But when these meetings started, the commission didn't exist, and the commission represents community in a way that some of our community members that took the time to be there don't, because they don't always see everything. Yes.

Edwin Prather: So I think having some knowledge of federal civil procedure, we could file a letter without any role, and just file it on the docket, and have the judge just decide what to do with it. He could discount it, or toss it out, or accept it. I think part of the logistical problem is that the independent monitors report really does come right before the meeting, and so it would be hard for us to respond to such a lengthy document in a letter in a meaningful way, and with a quick turnaround time and have it approved by this body. I think that would be difficult. Anything we would submit in writing would have to be on our own with our own information, and just something that we want the court to know going into a meeting. I think it would be pretty hard to get a speaking role at such a meeting unless we were invited to by the court and the parties, unless we were providing evidence of something. You okay?

Edwin Prather: I just put that out there for future consumption. I don't think we have to decide. That's not even on the agenda tonight, but if we were to do something, we could, it's probably in a letter format, and it's probably very early in the run up to the next meeting.

Madame chair: Vice Chair Harris.

Ginale Harris: I think us having a role there, I think is a very good idea. Being there in person, again, it felt like we weren't discussing people and the way that people are being harmed, because of the noncompliance issues that we're having under the NSA for 16 years. I keep saying, when is enough? When are sanctions going to come down? When is that hammer going to come down? I feel that we

represent the community, so he needs to hear from the community. This is how we have been impacted by this 16 year cash cow. We have been impacted, and our children continue to be impacted, and we are tired of it. We want something to happen.

Madame chair: My suggestion is that our first letter ... dial back to the beginning of the commission, so that he can have full context of what support we had and didn't have, and how this impacted our ability to move forward, and that kind of stuff. We can ... Pardon me?

Ginale Harris: I don't think he would like it.

Madame chair: I'm sure he won't like it, but he needs to know it, because there was a very small paragraph that I believe [Channing Embers 00:05:29] put in that said that the police department would be that much more effective if they had a good relationship with the commission.

Madame chair: Commissioner Prather.

Edwin Prather: I just wanted to add, for everyone's information. I did go to Judge Orrick's court and watched the intervener motion brought by the Coalition For Police Accountability, and I watched [Pamela Price 00:04:37:53] argue that motion, and I don't want to over summarize or oversimplify that motion, but it was really about having a community voice in the room, and the coalition would serve as that community voice, and the judge rejected it. I think to say that we would be that community voice, I don't think would resonate with the court. I think if we wanted to provide some evidence, something on a topic, I think that we could submit a letter. I didn't want us to get too far afield on being the community voice, because I think that that's been tried and has not been successful, and so we just need to be clear on what we're trying to do.

Madame chair: I think I understand your point a little bit better. I'm just looking at the fact that none of us are part of the policing entity, but there is a very specific and unique role that we play. We happen to be members of the community, but as it relates to policy perspectives and being able to move the police ahead in terms of accountability, I think there is a strong narrative, but it's also real work behind it in terms of our efforts to really begin to shift culture, because it cannot stand the way it is and the way it's been. As we've had black officers retire, there has been no knowledge transfer. I got that confirmed. Ridiculous.

Madame chair: So anyway, matter of fact, I will work with the vice chair and commissioner Prather, and maybe we can craft something together. I will start the first cobble and you all can add to it, and then we will circulate and see where we get to. We will do it either ... We only have one meeting in September, so latest October, but we probably need to get it in the air.

Ginale Harris: I think the letter is a good start, but I don't think it's enough. My thing is, again, this was personal for me. I don't know about everybody else, but for me it was. It was very personal, and I did not feel like I was being looked at as a human being. I'm not a piece of property, and my sons are not either. That's what I felt like in the room, and people are being allowed to give their perspective, and this commission was voted on by the community that the police department serves, so how is it that we don't have a voice? We don't have no say in there.

Ginale Harris: What I did notice is that he gave the plaintiff five minutes to speak, and he gave the police department one hour. I noticed that, and right there that showed me. That showed me now, and I just believe that we are at least entitled to be heard. He can take it with a grain of salt if he wants to, but we need to be heard, because this impacts my family. Not his, not anybody sitting there. It impacts our family, the community, our children, and so he needs to hear from us, and I don't think, "Okay, a letter. Great." I would request that we be given five minutes, 10 minutes, whatever he could spare for us. Something. I'm sure we can put together something in five minutes.

Madame chair: Well, the letter's a start, and that's what I'm hoping, that he's going to recognize it's an important role.

Madame chair: Okay, well if there are no comments or questions, we'll go to public speaking. I have cards from [Mary Vale 00:09:52], [Miss Essada 04:41:53], [Miss Granache 00:09:54], [Mr. Bay 00:09:55], [Mr. Hazard 00:09:56].

Miss Grenache: I want to agree with the comments of the chair and the vice chair. I want to acknowledge Commissioner Prather's comments, but at the end of the day, you have the authority. One would assume the federal judge, after 16 years would utilize the authority of the federal court, but they have not. Judge Henderson allowed this process to drag on. His bark was much louder than his bite, which he admonished the department several times, warned them several times, expressed impatience several times, but in the end it just went on and on, and we're getting more of the same with Judge Orrick. That is why we are asking you to use your authority, which we gave you. We gave you that authority, because of our frustration with the federal courts lack of action, and the fact that we could see no end to this, and even when we could see an end, we couldn't see the sustainability of the reforms after the court withdrew.

Miss Grenache: Now that we have seen and you have seen that this judge is not going to apply sanctions, is not going to take decisive action, is not allowing community voice to be part of the process. That is why we're asking you to use the authority you have to do what is needed to bring about these reforms sooner than another 17 years. We do hope that you will agendaize a discussion of this at your next meeting, and bring it to the highest priority on your pending list of items. We are looking to you, not to Judge Orrick, to fix this. Thank you.

Madame chair: Thank you.

Woman3: Love life. Love thy people. My observation yesterday, and the most discouraging thing, was the judge was too frequently accepting information that was given to him, and there was nothing to validate what officers were saying or with anybody that spoke. He took it in and accepted it. Now here's some comments that were made by individuals in the court that stood out to me. I've already mentioned some of them. The judge says that we need leadership in this initiative, with high standards. The judge says that risk management is not working. He also said that we need to monitor the supervisors, and he recommended using taping of the supervisors meeting. That was talked down.

Woman3: The officers who spoke made these kind of comments. "We need more buy in from supervisors." I want to know what that means. Disparity is too high. Officers making stops outside of their areas that they're not assigned to. Officers need to walk more and engage more in the community. The lawyers for Allen said this, "We need a study on the use of force based on race." Some offices are violating over and over again, and this is a small group of officers who continue to violate. Offices with the highest rate of problems within the department tend to be the ones who are using use of force. That there's a need to change the culture, and it's not happening within the police department. Officers on the scene do not report what's happening when it involves other offices. The code of silence needs to be broken.

Woman3: Okay. Can I finish this please? Constitutional policing is not happening. Okay. Culture change is not happening. The chief said these things. This is what the chief says. We are driving down the disparity on African Americans. The chief says we are building assistant of equity. We have contract issues with [Everhart 00:04:47:09]. Something is not going on with that. They are presently working with Everhart, based on her contract. They're looking at a program in New Orleans to implement it. I don't know what it is, but we need to find out what that is. The mayor got out the box. The man said that the chief ... she's worked with six different chiefs before, and she's never worked with a chief like this chief, based on her passion and desire to get things done. The mayor also say that the chief and the city attorney are focused on the NSA. That's a lie.

Woman3: Okay. That they are proud of the work of Everhart on explicit and implicit bias. I have never heard an official use 'explicit bias'. They always talk about 'implicit bias'. The mayor mentioned that we have to deal with explicit bias, and boy, I'm a hold a tour. She wanted to thank the police commission. I almost fell out my seat with that one. Oakland is unafraid to have the difficult conversation about race. You're unafraid when it's going to start. That's what I want to know. And lastly, lastly, the judge told the mayor that the buck stops with you. The mayor's got to do something to bring this whole thing to a conclusion as it relates to the NSA, and I will be there on December 18, and I encourage more people to go to this, to embrace it and see for yourself.

Madame chair: Thank you.

Mr. Bay: Saline Bay. I think in 2014 we wrote an amicus to the NSA court, and noticed them about everything that this body saw, and ended up investigating. For five years, the compliance director has known about these cases and the anomalies in these cases. Just as the chief was just leaving, she wanted to come try and shake my hand, but then when I tried to say something, all of a sudden she didn't have no time. When I asked her, "Well chief, since you're standing here and she's talking about wanting to do something," I said, "Well what about all the illegal weapon murders that I've been talking about?" Do you know what she said? She said, "Oh, that happened before I got here and scurried on out." Okay. You heard it, right?

Mr. Bay: Now, first of all, 187, California penal code does not have a statute of limitations, so if these cases are not investigated and are not complete, how is it that the chief of police would even make a statement like that? Please write that down, so that when you're building your list to go ahead and get rid of her, that she would say something like that, and that she would sit here and listen to all of the crimes, and listen to you take action. This commission is spending money and time to investigate these cases, which says at least to the public, that they're there at least to investigate, but as the chief sits here for the whole year that I've been sitting here and talking about murders, and talking about uninvestigated cases, and incomplete ID cases, and everything like that, nary a peep, but let somebody get their bicycle stolen.

Mr. Bay: She'd be breaking her neck to jump over that thing right there. "Oh yeah, yeah, no, no. Here, let me put you in charge." "But what about murders?" "Blah, blah. But that happened before I got here." But see, here's the deal. The taxpayer in Oakland has been paying almost a million dollars a year to the compliance director to write four reports a year, and tell us what we already know, that OPD is failing. All right. Then on top of that, when you send a letter to the NSA to notice them about these anomalies in these cases, have you heard back from the NSA? Has anyone? I mean anybody? We did send one and bought the Bay case, and asked them specifically to look into these allegations in this new evidence. Has the court got back with you?

Edwin Prather: Okay.

Madame chair: If those are all the items, we'll move forward to item number 11. Commissioned subpoenas related to CPRA.

Speaker 6: Would you like me to begin, Madam- ?

Madame chair: Please.

Speaker 6: Sure. I should start by saying the obvious. I'm a little cautious about saying this, given the remarks we just heard, but this did happen before I got here. That said, I'm going to try to figure out what happened. I am aware that there were subpoenas issued by the commission. I know that those responses have come

back to CPRA. I have gotten some information that there are at least some attorneys who have some concerns about some of them, so I haven't opened them yet, but what I would like to do is two-fold. One is bring to this commission a report about information that I can find, just from talking to staff and looking at records at CPRA about how that case progressed. Now a portion of that might have to be in closed session depending.

Speaker 6: We can have a conversation about how to appropriately agendaize that once I know what information I have, but one thing I would like to do is start off on the right foot with the commission by making sure, I individually at least, am demonstrating maximum transparency with the commission. I think that is an important part also of setting the right tone for the agency as a whole, and my staff. I'm not exactly sure how long that would take. I wouldn't think very long, but within the next few meetings, I'd like to come back with a report about what I can figure out about that. Second part would be then to try to get the issue of whether there's any legal reason I can't bring some of the subpoena material back to you. I don't know that I see anyone yet, but I also think there's some people that want to talk to me about that, so I want to give them a chance to vent whatever their legal concern is before I bring those materials here. If the commission has other direction, I'd be happy to take it.

Madame chair: Thank you. Mr Alden. Commissioner Prather?

Edwin Prather: Thank you Madam Chair. Just as a reminder, on May 9th of this year, we issued subpoenas in relation to some of the activity on the [Pollock] investigation. It was a second motion after we had voted to reject the sipper report. At that time we, we later had another motion on another date accepting that report, but as of May 9th, we had rejected that report.

Edwin Prather: Part of what we had done at that meeting was to subpoena documents from investigators at CPRA, Emily Prescott, Veronica Harris, and the Oakland Police Department, including the chief. Those documents were returned, and have been in the possession of the interim head of the CPRA since that time. We have not touched or open those items, and so now it comes back that we've not yet dealt with those items. What we had intended was for the CPRA to clean its own house, and so we've been waiting for there to be a formal, a new head of CPRA, which we have in Mr. Alden. The thought would be, and the motion I'll be making is that, we turn those subpoenaed materials over to Mr. Alden, and that he then review those items, and determine whether there needs to be further investigation into the issues that we were concerned about, which is improper coordination between IAD and Cipra in the Pollock case. Frankly, it may be too late, and it probably is too late as it relates to the Pollock manner, but if there was, or is, this arrangement between IAD and the CPRA investigators, I think Mr. Alden needs to know. This is for him to figure out, and for him to institute transformative change within his organization. Sorry, I didn't mean to apply the chief's words to you.

Edwin Prather: I don't think that this is our cross to bear at this point, and I would like to, subject to further discussion of course, I will be making a motion that we give these materials to Mr. Alden, and then we ask him to report back on the issue. I don't know that we necessarily needed an investigation. I don't know that we necessarily need a report, but I would like him to at least come back. We'll add it to the agenda when he's ready to report on what he's determined, in terms of this issue, and if it's not an issue, then that's fantastic and then we can move forward. If it is an issue, then he'll know about it, and he can deal with it appropriately, because it's his house now.

Madame chair: I think to add to that point, thank you very much Commissioner Prather, that we or me, assumed that there was a process in place once you actually issue subpoenas. There wasn't, and so interim executive director [Nesparos] just vaulted them in his office, or what have you. I think we as a group really felt like we would trust the job of going through them and identifying what's in them to the new guy, meaning you Mr. Alden. There were a lot of stories swirling about potential impropriety, and that concerned us quite a bit. Now is always the right time to identify impropriety, because if it happened back then, it will be happening now, and it'll be happening in the future. Your presence as the new guy on the block is to clean house wherever you find it cancerous. Unless there are other questions, you can go ahead and make that motion.

Edwin Prather: Thank you. I would move that we provide the subpoenaed materials to Mr. Alden for his, and his review only, and that Mr. Alden determine whether there need be any follow up or an investigation into the manner, and that he report back to this body on an agenda item within ... 90 days? Within 90 days.

Speaker 8: Second.

Edwin Prather: Too long?

Madame chair: That's a long time, Edwin.

Edwin Prather: 60 days? Sorry, I meant 60 days.

Speaker 8: Second.

Madame chair: Okay. It has been properly moved and seconded. We want to hear some public comment. I have speaker cards from Mary Vale and [Rashida Grenache 00:27:00].

Madame chair: Everybody's passing?

Speaker 7: Yeah.

Madame chair: Okay. Sounds good to me. All right, so we'd like to vote on that motion. It's been properly moved and seconded. Commissioner Dorado?

Jose Dorado: Aye.

Madame chair: Commissioner Anderson.

Tara Anderson: Aye.

Madame chair: Commissioner Harris.

Ginale Harris: Aye.

Madame chair: Aye for myself. Commissioner Smith.

Thomas Smith: Aye.

Madame chair: Commissioner Prather.

Edwin Prather: Yes.

Madame chair: Unanimously passes. Thank you very much.

Edwin Prather: Excuse me for the chair. I didn't hear who moved and seconded that motion.

Madame chair: Prather and Smith. Okay, moving on. Bay Case review. Vice Chair Harris.

Ginale Harris: Yes, ma'am. Thank you.

Ginale Harris: Since our last meeting ...

Madame chair: Can I stop you?

Ginale Harris: Yes.

Madame chair: Sorry. I just realized it's 10:29. Don't we need to take action before 10:30 if we're going to extend our meeting? Okay. I would like to move that we approve extending our meeting to 11:15. I know it's painful. We've been here, some of us, since four o'clock.

Ginale Harris: I have to go to a training.

Madame chair: Okay. Well you know what, let's try it. I can make the motion that we stay until 11, and just really try to move through. Is there a second?

Edwin Prather: Second.

Madame chair: Oh, second. Okay. Moved and seconded. Go ahead.

Ginale Harris: Thank you. Since our last meeting, there were some stipulations put on the commission for being vendors in order to hire ...

Madame chair: I'm sorry.

Edwin Prather: Was there a vote? Yeah.

Ginale Harris: Oh, damn.

Madame chair: I'm so sorry. Okay. We're going to vote. Yeah, we moved and seconded. We didn't vote. My apologies. Commissioner Dorado.

Jose Dorado: Aye.

Madame chair: Commissioner Anderson.

Tara Anderson: Aye.

Madame chair: Michelle Harris.

Ginale Harris: Aye.

Madame chair: Aye for myself. Commissioner Smith.

Thomas Smith: Aye.

Madame chair: Prather.

Edwin Prather: Yes.

Madame chair: Okay. Motion passes. We'll extend the meeting until 11 o'clock. Now for real. Go ahead.

Ginale Harris: Okay, for real. Okay, so since our last meeting there were some stipulations that were put on the police commission in order for us to be vendors, in order to hire outside investigators for whatever we needed them for, and since then we had a couple of run-ins with ... not run-ins, but we had a couple of people pull out of the pool of investigators from Mr. Bay's case. However, I have made contact with an investigator that is interested in taking on this case, and I have asked him to forward us a letter of interest. I don't want to mention names right now, because I don't have the letter of interest. I just wanted to update you all on where we are at, and by the next meeting we're going to have the training I believe, so everything should be in order by then.

Madame chair: Yes, the training will be September 12th. Are there any questions? Okay, well then we'll go to public comment, and I have Miss Essada, Mr. Bay, and Mr. Hazard, who I think is not here.

Woman3: Love life, love thy people. Every time I've come here, and I don't come here regularly, but I am now based on Mr. Bay's case. I'll be at every meeting. In the last meeting I was quite taken back by what appears to be unfair practice of handling Mr. Bay's case. For that reason I'm going to recommend that whenever a citizen comes before this body and you put on the agenda, the citizens' concern for consideration, after the action has been dealt with, somebody's got to send a letter to the citizen saying, "This is the action the police commission took on your issue that was dealt with." I'm saying this for this reason. If what happened at the last meeting is going to continue to be a problem, people who come before you need documentation on what you're doing. I'm saying there appears to be, and I hope I'm incorrect, that some people, Mr. Bay's case, I don't know, I've never seen anybody else witness the Bay's case, handled inappropriately.

Woman3: It seems like some members are targeting to stop him from getting the actions he's need ... So again, I'm saying any citizen who comes before this body, and you take and put their consideration on the agenda, at the end of whatever you've done, a letter is sent to them saying, "Based on what you sent us, this is what the conclusions were by this commission." Mr. Bay can keep his paperwork to do whatever he wants with it, including litigation if necessary.

Madame chair: Miss Essada, just so you know, we did vote for the investigator that he wanted, that he suggested, and through no parts of anybody up here, I think that investigator got talked out of representing. We know that our interim person knew that person well. We knew that she knew the city attorney's office, and then after awhile I think her statement was she didn't feel like she would be best to represent. Wasn't that close to it?

Woman3: Yeah.

Madame chair: I just want to say that as long as it took us to finally get things moving, that part was outside of our control. We are trying to move this forward, but what we have been told, as it relates to being a new vendor, is that if we don't follow all the policies and procedures, we could actually be removed from our commission positions, so we want to make sure that we do it absolutely correct. Mr. Bay.

Mr. Bay: Saline Bay. First I'd like to thank the commission and all the commissioners that voted for this, and that I do truly appreciate-

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Mr. Bay: Senators that voted for this that I do truly appreciate it. But also want to say that a lot of times we hear the Bay case, the Bay case, but when I'm talking about five murders, three of those murderers are not Bay people, right? They're not related to me in any way, shape or form, but I'm still up here and I still never let them be forgotten that this is bigger than just the Bay case. We are the ones

that stuck with it and brought it, but there is a lot of murders in our community that are attached to this, right? There's a lot of shootings attached to this. And just as I said about the illegal weapons and these unsolved murders to the police chief, and she walked out and said it was before this, is why we'll never quit.

Mr. Bay: But the bottom line is this is the community members. These people and their families aren't here every day or every week. They need somebody to represent them. And a lot of people I talk about, they are thankful that I come, but they said I've got to pay PGNE, I've got to pay all these things. They can't come here and change this oil tanker of a commission and turn it towards justice. Because I know it took... you guys went all the way around. I know South America it took you to get back to where we are right now.

Mr. Bay: But I'm just appreciative that it is going, that we're getting more investigators, we have a new person here in the position of this. We're looking for either a new IG, so please continue to do this. We have the community is here, is watching because we meet in the community all the time. It's just that these type of meetings, most community members have been to these meetings for years and years and nothing has come out of it. I'm just personally invested and so I'll be here until it's completed. And I thank you and I thank all the commission members who voted for this and have pushed this forward. Thank you.

Madame chair: Thank you, we are committed.

Jose Dorado: Madam Chair?

Madame chair: Oh, yes. Commissioner Dorado. Sorry.

Jose Dorado: I just want to say that I appreciate despite your personal investment. I appreciate the fact that you're here every meeting. I appreciate your remarks and I appreciate the fact that you're here recognizing the impact of the resolution of your case. Thank you.

Madame chair: Thank you. So we're moving on to item 13 meeting minutes approval. If you all have had an opportunity to take a look, if there are any edits, please share them. Otherwise. Okay, go ahead.

Speaker 9: Thank you Madam Chair. A few edits. These minutes sort of went back to the sort of the old style I noticed. I don't know if that's the author or if that's the adopted style, but I think the, some of these edits are consistent with the way we used to do this. But in the middle of page two, the last sentence of Chair Jackson's speech, it says she would ask all commissioners that should be, I would ask all commissioners on page three the first line should read the amended motion, not the first motion. That first full paragraph should read a second motion was made by Commissioner Prather that we issue a subpoena for all documents including communications two lines down and we should cut

out the phrase, "Let's make those" and that period immediately preceding that phrase should be stricken and turned in to a comma. I think I had one other... I guess that's all the edits I have.

Madame chair: Thank you. Are there any other comments? Edits?

Speaker 9: Thank you Madam Chair. Subject to the edits that I just mentioned, I moved to approve the May 9th 2019 minutes.

Madame chair: Commissioner Dorado.

Jose Dorado: Second.

Madame chair: Okay. It's been properly moved and seconded. We have only Miss [Granage] on speaker for a speaker card.

Ms. Granage: Nope.

Madame chair: Nope. Okay. No problem. So let's take a vote to approve the meeting minutes. Commissioner Dorado?

Jose Dorado: I.

Madame chair: Commissioner Anderson?

Tara Anderson: I.

Madame chair: Commissioner Harris?

Ginale Harris: I.

Madame chair: I for myself. Commissioner Smith?

Thomas Smith: Abstain.

Madame chair: Commissioner Prather?

Edwin Prather: Yes.

Madame chair: And we have five affirmations on what abstention? Motion passes. Okay. So Mr. Alden, I guess we'll be sending you the edits to make sure that... Or was it Chrissy or.. For doing...

Edwin Prather: I already collected them.

Madame chair: Okay. So I think it went back to Ms. Verdine. Okay. All right. Thank you. So we are now on the commission liaison and other commission reports. Commissioner Anderson?

Tara Anderson: I wanted to provide an update on something that's been spoken to already today that our governor signed AB 392 into law on Monday. This was championed by Dr. Wember of the assembly. Changes the use of force and justifiable language around that within our law. I do want to appreciate what a significant milestone this is, but also call out that one of the key concessions that was made is that it does not change criminal liability and that there also is a companion bill SB 230 that would emphasize specific training requirements.

Tara Anderson: As of right now there's strike out from language that is indicative of of encouraging and it's stronger and that it's saying require key elements of that training. But this will next be heard actually next week in Sacramento. So something else we want to continue to track, especially as we're developing our changes in the use of force policy for Oakland and I just want to appreciate the commissioners for voting in favor of our letter to the legislature, specifically supporting AB 392. It is a significant achievement, but I don't want it to get lost the concessions that were made in the process.

Madame chair: Thank you very much, Commissioner Anderson. Are there any other updates? Commission reports? Commissioner Dorado.

Jose Dorado: Yeah. Real quickly, I wanted to go back to the urban strategies save Oakland summit of June 5th and I had a... When I went... One of the things in the material from the summit that jumped out at me was one of the things under what do you think the city of Oakland can do to reduce or prevent violence? And I talked about re-envisioning the police department. So I went back to urban strategies and asked them if I could meet with the fellows that they had hired to go out to the community to speak to the folks that are most impacted by violence in Oakland.

Jose Dorado: And so we had a meeting at my office. David Harris, the director was there, several of the fellows and a couple of people that were from the community that are most impacted that the fellows spoke to. So we had a quite interesting conversation and they had some very, very stark things to say about their experiences with OPD. One of the things that David Harris asked was that if it would be possible to come and make a presentation about this summit, particularly because it was providing the foundation, the basis for the department of violence prevention. And so it was going to inform the direction of that department. So I told them I'd be more than happy to bring that back to the commission and asked that it be agendized so that he can make a report along those lines.

Madame chair: Excellent. Thank you very much. [inaudible] Urban strategy summit. I think that's what you called it. Was there another name for it?

Jose Dorado: The safe Oakland summit?

Madame chair: Excuse me. The safe Oakland summit.

Jose Dorado: Yeah. On June 5th there at the Marriott.

Madame chair: Are there are any other updates? I know that we had to cancel the personnel committee meeting in favor of doing a closed session, so we'll be getting that back on the agenda as soon as we possibly can and I know that given our excessive force policy there may be some shifts with the committee. Any other comments? Questions? Okay, so public comment [Ann Janks 00:05:15:51] I actually have a no name for 16. Rashida Granage and [Mrs. Sada 00:09:59]. The no name says CPA. Is that you? Okay. I'll write it in.

Miss Grenache: So I just wanted to point out briefly that yes, it's a great thing that AB 392 passed. However, it was significantly weakened in order to remove the opposition from the police lobby. And one of the ways it was weakened was that it they deleted... Or Dr. Weber had to delete the definition of "necessary". In terms of the qualifying for use of force. The definition of "necessary" was removed. So I would suggest that as we start looking at Oakland's use of force that we re-insert it and whatever other modifications were made that we look to re-inserting those as well because they were made in order to get the bill to pass, which I think of course, we always have to make accommodations, but in the case of the police commission, I don't think you really do. Nope, you really don't. And so this is a different playing field. You're not legislating and it's only the city council that can stand in the way. So I say go for it.

Madame chair: Thank you very much. Mrs. Sada, did you want to comment? [inaudible] Yes ma'am. Okay, so thank you very much for the commission reports. We're going to move on to the commission retreat. It's going to be fast. So wanted to share that in your emails, you should have gotten an agenda by today. We are really delighted. September 14th I'm actually asking them to extend to three o'clock right now. Walker and Associates has identified a time of 10 to 2.

Madame chair: I was trying to pull up the agenda and we're going to be at the Waterfront Hotel because it was one of the easier entities to work with and keep it... Yeah, keep it Oakland. We're going to be working through norms and communication strategies. We're going to be reminded of the history, and then we'll have a working lunch featuring Latifa Simon who will provide us an extraordinary overview of her experience fighting racial injustice inside Oakland. And then we'll be working together on developing master plans our way forward so that we can actually focus on identifying our community engagement strategy and all the other things that go into us moving policy forward and moving our ad hocs forward, things like that. Are there any questions? Yes. Mr Alden.

Mr. Alden: I recently received a briefing about the budget for the commission and also for CPRA, and I might suggest that either at the retreat or some other time in the

relative near future, perhaps we could have a conversation about planning the discretionary portions of those budgets. Not that very much of it is discretionary, but there's enough that I think that'd be a good conversation to have this fall.

Madame chair: Why don't you go ahead and send that to Ms. Walker and maybe they can figure out how to at least begin to have us lead that conversation because we definitely... We heard the cries from a Vice Chair Harris, we want to be uber prepared for the next budget cycle.

Mr. Alden: Okay.

Madame chair: Any other comments? Okay. Agenda setting. I know you've been writing dutifully down. What do you have, Vice Chair? [inaudible 05:20:26].

Ginale Harris: Notice in your packet there is a commission... Police commission pending agenda matters lists. I was looking at this list and this is not current.

Madame chair: Okay.

Ginale Harris: Yeah, there's... This is not current, but what I've taken from the agenda that we have today is we have the NSA input case conference. The RFQ for hiring independent counsel. Commissioned subpoenas related to CPRA within 60 days from today, right. So that won't be on the next agenda, but that will go on the pending list. Bay case review. By the 14th we should all be vendors. [inaudible] Right. Okay. Excessive force policy?

Tara Anderson: We will have gotten it together before then. [inaudible 05:21:31].

Ginale Harris: Okay, right. But... So Commissioner Anderson was saying that she agrees that we should put it on there because we have to start working on it. [inaudible] So it's the use of force policy.

Madame chair: Mm-hmm (affirmative).

Ginale Harris: Urban strategies, safe Oakland summit. I put it on the list. And for the use of force policy, I put insert the definition of "necessary", which we already had thought about too is the necessary part is defining what is necessary.

Tara Anderson: Within the excessive for defining what is necessary. Can we also put on there the hearing that needs to go with the excessive force. So we at least talk about when we want to schedule it and what it's going to look like.

Ginale Harris: The hearing or the meeting?

Tara Anderson: Well I think we've talked about scheduling a hearing.

Speaker 10: I think we can agendize it in a way that we're providing a specific update on the use of force policy including outreach and research.

Tara Anderson: Sounds good.

Speaker 10: Related to the revision.

Tara Anderson: Okay.

Madame chair: Mr. Prather?

Edwin Prather: Thank you Madam Chair. So I have two matters that are already before this body. So the first was that we were asked by the city council to address two issues at the same time and one was the bear cat issue, which did kind of come and go. But the other issue that we have not had a presentation from OPD on is the towing policy, which disproportionately affects low income people because their cars are being towed and they can't get them out of tow. And that's a huge problem from the constituency. And I know that we had asked someone to prepare materials or presentation for us and I don't think we just ever agendized it back because we got caught up in the bear cat and it didn't come back.

Madame chair: Okay.

Edwin Prather: So that's one. So if we either need to put that on the next or the next, well that's listed as a high priority on our sheet. And then the other issue that had come up is during our last meeting we had talked about the probation and parole search policy and I know we had asked Chrissy love to do the first draft of a "know your rights" pamphlet. And while that's maybe not listed as high priority, we need to... It sounds like we need to agendize that to at least get that going because by that time hopefully that policy will be in full effect and we can then start to edit the content in that pamphlet and start to work on messaging and other things. And I don't know how we're going to do that, but we need to agendize that to have that discussion so we can follow through on that issue.

Madame chair: Okay. Thank you. Vice Chair Harris?

Ginale Harris: So I think in regards to the propaganda, the "knowing your rights" pamphlet, all those pamphlets, I remember having a conversation with the CPRA staff and that is a task that they were supposedly involved in doing. And so I'd like to know if that's possible, if you can assign one of your staff members, Mr. Alden, to pick that up where it got left off in changing the CPRA CPRB informational sheets to CPRA as well as adding the, "knowing your rights" pamphlet that we had requested when we first came into session as Oakland police commission. I think that was one of the first things we requested is the informational pamphlets and the sheets and handouts about our agency, that kind of thing because we don't have anything.

Tara Anderson: To add to that given the parole probation policy is a new thing, what we were hoping to do was have a flyer specific to that and what people could count on. Especially as we started doing the communications sharing. There's too much writing on that. But anyway, I had mentioned to Ms. Love because she said that flyers were not her thing. That I would try and have... That I would have one of our young people from my tech center try their hand at doing something. Cause I find that it's interesting that the... A lot of the stuff that comes out of police is not kid-friendly. It's not culturally competent, it's just not. So I will promise to get a version and then forward to you Chrissy's version and then we'll take a look and try and make it engaging and informative without words all over the place. [inaudible]

Madame chair: Commissioner Brown.

Chris Brown: Yes, I'll be submitting paperwork to move forward with the requirements into social media policy and then the missing persons policy.

Madame chair: Yes. Excuse me. Vice Chair Harris, we're going to put the OPD social media policy. One of the members of the community had raised some questions in open forum. We needed to make sure that we get answers for that.

Ginale Harris: So I just want to quickly remind the commission itself that I know all of these policies are really important, but we were not tasked of doing that when we were appointed on this commission, and I'm going to always bring you back because we have so much more work to do with use of force. We haven't even touched nothing on that. So to take on other policies that have nothing to do with use of force or racial profiling, I would want to ask that you just...

Madame chair: So I misrepresented that. It's asking the Oakland police department. They don't have a social media policy. I'm trying to understand and get them aligned with how community is supportive particularly in missing people's situations. So it's not necessarily work for us. We want to hear what they have.

Ginale Harris: Well we know that they don't have anything.

Madame chair: That's my point so that they will have to get something together, yes.

Ginale Harris: Right. So let's just say ask them to write a policy for social media.

Madame chair: Exactly, exactly. And report who's in charge of it and what's... What the criteria is for doing what they do. Okay. Yes. Commissioner Prather.

Edwin Prather: Maybe I'm stating the obvious and maybe we've all... It's been a long meeting, so maybe we've forgotten, but there is also a call for us to institute what is Rule 2.19 the chief of police for cause assessment. If that is going to happen, that would need to be agendized, that we need to have four. I'm just reading off of the rule cause I pulled it up because I'm sure we all forgot it. That would need

four commissioners to vote in the affirmative to move it to closed session, to have a review of that closed meeting assessment of the chief, so. [crosstalk 00:23:25].

Madame chair: Commissioner Harris?

Ginale Harris: So if we agendaize... When we agendaize that, do we put them 2.9 cause assessment or no confidence vote?

Madame chair: I think it's a cause assessment.

Edwin Prather: I... The rule is 2.19 chief of police for cause assessment. I'll defer to legal counsel, whether it be counsel the diocese, the city attorney's office, how that's listed. I can provide actually, if anybody needs a copy of that rule, please let me know and I'll forward it.

Madame chair: Go ahead and send it to us all, please. Okay. If there is no other action, I would... Oh, did I? Yeah, we heard from everybody.

Speaker 11: What comment?

Madame chair: I don't have any more speaker cards. Okay.

Speaker 11: [inaudible] 14, but I was on 16.

Madame chair: Oh, okay. We'll take 14, go ahead. We kind of passed that, but okay.

Speaker 11: Just a couple of things real quick in terms of use of force, however it's agendaized, it's CPA's position that we're urging getting on the calendar as quickly as possible, both hearings on use of force so that the impacted community's concerns and their voice is being heard as early in the process as possible. So however it's framed, give you a heads up that we're looking for dates, we're looking for dates as soon as possible.

Speaker 11: Something that was at some point mentioned but... And I'm not saying for the next meeting, but there is a report from the Goldman school on the public hearing that was held on policing in the homeless community and actually what Commissioner Dorado was talking about, a lot of that was reflected as well on the report about our unhoused neighbors saying that they do have policing needs and they need to be able to call somebody but maybe not the police.

Madame chair: Can you send that-

Speaker 11: And so if you could just add that to the agenda. If not for next time, just on the list somewhere? There's somebody who will come and give you the report officially and make a little report on it.

Madame chair: Okay, sounds good. I'll follow up with you. We'll get it on the list. Thank you.

Speaker 11: That's it. Thanks.

Madame chair: Terrific. I am going by... Sure.

Ginale Harris: Yes. Thank you. So I just want to make a comment for those of you who have items that want to be agendized, please submit the form that is on the website and it will get on the pending items list. And then for another thing, the use of force policy. I'm very interested to know the outreach efforts that any of the community has made and to whom they made it with. Because marginalized people from communities that come from marginalized... They ain't coming in here, they're not. And I'm not going to expect them to, and I'm not going to stand alone and listen to people that this policy doesn't affect all day long while the people that this does affect doesn't get heard.

Ginale Harris: So if they don't come in here, the expectation on working together with others is that you go out to the community and find the people that this affects and speak with them. That is an expectation from me.

Madame chair: It will be... We've talked about making sure that it's also in the community. I mean, if you [EOIC] needs to host it, we can, but we will find places to be able to do that. Now-

Ginale Harris: I haven't seen that as of yet and that's the concern.

Madame chair: No, no, no, I know, but that's the plan moving forward. At this point, I'd like to accept a motion to adjourn the meeting.

Ginale Harris: Motion to adjourn.

Madame chair: Seconded by?

Jose Dorado: Second.

Madame chair: Thank you. Oh, we don't need public comment on this item. All in favor? I, I, I. Good night everyone. Thank you.

Speaker 10: I'd like to comment on that. Can I ask a clarifying question? [Inaudible] I'm going to type this [inaudible]

PART 9 OF 9 ENDS [05:34:04]