



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Meeting Transcript

Thursday, September 12, 2019

6:30 PM

City Hall, Council Chambers

1 Frank H. Ogawa Plaza, Oakland, California 94612

Regina Jackson: Good evening. It's September 12th, 6:30, and I'm calling the meeting to order. Roll call. Commissioner Dorado.

Jose Dorado: Here.

Regina Jackson: Commissioner Anderson.

Tara Anderson: Here.

Regina Jackson: Commissioner Harris.

Ginale Harris: Here.

Regina Jackson: I here for myself. Commissioner Smith.

Thomas Smith: Here.

Regina Jackson: Commissioner Prather.

Edwin Prather: Here.

Regina Jackson: And we have a quorum. I'm happy to take public comment on the closed session items.

Regina Jackson: Mr. Bay.

Saleem Bay: Good evening. Saleem Bay and I wanted to speak on the issue for the closed session regarding the chief. And this isn't anything new coming out of me and you know where I stand, and specifically the fact that we've been saying this for over a year, but the arc of catching up to a fact that was a fact last year and this whole year that we've wasted with a chief who shown that she has no leadership. She's lost the confidence of the black officers.

Saleem Bay: She came in and her very first mistake was promoting people who covered up the rape of underage girls, serial rape by OPD of an underage girl that went all the way up... the cover up went all the way up to the chief through the chief to

the city attorney's office through the city attorney's office, through the city administrator's office all the way to the mayor's. She covered that up.

Saleem Bay: What has she done? She's gone backwards in her NSA. We had to admonish her a few months ago because she came up with her priorities and none of it was NSA. She's never spoken about racial profiling. She was given a document that was clearly racial profiling. She was given the evidence. She has clear evidence that you don't even have access to of criminality within her department by current people in her department, and yet she still sits over there and I'll leave you with this.

Saleem Bay: When I asked her at the last meeting, and she came over to shake my hand. When I asked her at the last meeting what she was going to do about all these new revelation in new evidence that obviously everybody with eyes can see. She told me that happened before she got here.

Regina Jackson: Thank you. Rashida [Grenache 00:04:14]. Michelle [Lasognire 00:04:14]. Forgive me if I've misannounced.

Speaker 1: Good evening. I just wanted to update everyone on the timeline for the City Council's protection to place a measure on the March 3, 2020 ballot. There was a scheduling this morning at the rules committee and they are going to be, I think, scheduling a draft that Council President Kaplan is preparing for the public safety committee on October 7th. And then it will come back to rules on the 31st of October. And I know that the council is interested in hearing your ideas and receiving your input as well as that of other community members that they've been seeking and collecting. So I'm hopeful that you'll take advantage of this opportunity. That timeframe is quite tight, and just wanted you to be aware that that is the projected schedule. Thank you.

Regina Jackson: Thank you very much. Does anybody else have a comment on the closed session items? Okay. Thank you very much. Then we are going to excuse ourselves to the closed session and we will be back just as quickly as we can. Thank you.

Regina Jackson: (silence)

PART 1 OF 8 ENDS [00:31:04]

This segment could not be transcribed due to issues with the source file.

PART 2 OF 8 ENDS [01:02:00]

Regina Jackson: Hello everyone. The time is now 7:38 and we are back. In terms of the determination of closed session, the commission voted unanimously to administratively close case 18-1054 and for the second item, we have no reportable action. Since we took roll call, we have been joined by Alternate

Commissioner Chris Brown. So I'll take roll call one more time. Commissioner Dorado.

Jose Dorado: Present.

Regina Jackson: Commissioner Anderson.

Tara Anderson: Here.

Regina Jackson: Commissioner Harris.

Ginale Harris: Here.

Regina Jackson: Here for myself. Commissioner Smith.

Thomas Smith: Here.

Regina Jackson: Commissioner Prather.

Edwin Prather: Here.

Regina Jackson: Alternate Commissioner Brown.

Chris Brown: Present.

Regina Jackson: Excellent. Thank you very much. So now we'll move to the welcome, purpose, and open forum. I have the following speaker cards, and forgive me, Ms. Grinage. I think I called your name earlier out of order. Ms. Fallah Bandabaila. Bandabaila? Okay, thank you. Ms. Assata and Michele Lazaneo. Forgive me if I'm misenunciating.

Speaker 2: One more.

Regina Jackson: Oh, and Mrs. Stella [Ayala 01:10:06] and Jose Magellan and Cat Brooks and Maureen Benson.

Speaker 3: Good evening, commission. I'm here to speak for Jonathan Bandabaila. Quick comparison. Utah, Mackenzie Lueck, 23 years old. Per family and friends, cell phone turned off, not answering, no texting, inactive on social media, all out of character for her. Police shared her picture, information immediately on social media platforms. They hold a news conference. They create a tip line. They search her cell phone records. Her body is found 16 days later and a suspect is taken into custody. Oakland, Jonathan Bandabaila, 19 years old. Per family and friends, not answering cell phone. Didn't show up to a party Saturday or soccer tournament Sunday. Inactive on social media. CHP locates his vehicle, abandoned on the San Mateo bridge. Citizens report seeing a person standing outside the vehicle. All out of character per Jonathan's family and friends.

- Speaker 3: OPD thought that Jonathan jumped, that he committed suicide or willingly disappeared. OPD did not immediately ping his cell phone and consider his disappearance suspicious or exigent circumstances, and they could have requested a warrantless ping per US title code 18 2702, C-4. They didn't ping a cell phone until weeks later, for 132 days. OPD provided his family with no details about his cell phone or social media activity. OPD claimed that they invited the FBI to assist to interpret the cell phone data, but the FBI never provided any updates or information to his family.
- Speaker 3: But today, less than nine hours ago, Detective [Sy 01:11:55] and his sergeant showed up at the Bandabaila house. After 132 days, finally, an update. During a two-hour meeting of finally sharing some details of the investigation, they still have no leads. The detective said that they know Jonathan's cell phone was used in Hayward prior to his vehicle being abandoned on the bridge.
- Speaker 3: His father asked for a specific area or location. The detective said that they don't have one. His father asked if OPD searched open areas in Hayward. The detective said that if a body was dumped somewhere, someone would have noticed the smell and reported it to the police. The detective said that a body would be completely decomposed by now.
- Speaker 3: So that's it? After 132 days, we are no closer to knowing what happened to Jonathan or where he is. Why did they wait so long to ping his cell phone? The investigation would have been different if they didn't delay it. No leads, no last location, no search party.
- Speaker 3: Is there criteria for due diligence with OPD? Is due diligence provided to every Oakland resident or is it dependent on whether OPD believes a family where they report something as out of character? Is due diligence optional? Is it provided to every Oakland resident who calls OPD for help in a crisis?
- Speaker 3: If due diligence is a standard, who is supervising these detectives to ensure that it's being provided? If they're understaffed, add more investigators. If they're poorly trained, remediate them. If their standard operating procedures are substandard, make recommendations. Please use your power to investigate and assess OPD's special victims section. Please investigate this case. Evaluate whether they have sufficient staffing, whether they're adequately trained, if they're following the standard best practices to investigate missing persons cases, whether they are being supervised enough.
- Speaker 3: 132 days without Jonathan. Don't let this subpar investigation happened to any other family.
- Mr. Bandabaila: Kind of you to speak for me.
- Speaker 3: Thank you. You can speak... [inaudible 00:01:14:11].

Mr. Bandabaila: I can't. I can't. Speak for me.

Speaker 3: What do you want me to say?

Mr. Bandabaila: I don't know. God help me. Somebody had to speak for me. I can't speak. When I asked [inaudible 01:14:32] Where was the last place he spoke? To somebody on the phone. He said, "I can't tell that, because I don't know. If I knew, I would tell you." But I need to know so I can go there and look for him. [inaudible 01:14:49] I began to talk. He was beating around the water. Decompose. Then he said, "Somebody would have told us." I said, "You mean the body would have been discomposed by now and people would have called?" He said, "Yes."

Mr. Bandabaila: So I need to find my son. I can't go back home without him. Oh, it's been so long. So long, from May 3rd to now. They've concentrated the investigation on the water. They check the water. They found nothing. I told them, "No, he didn't jump into the water. Something must have happened."

Mr. Bandabaila: Please help me. That's why I'm coming here for the third time or for the fourth time now. I don't know. I need help. Wherever this boy is, I need help. [inaudible 01:15:48] so much. I'm tired. I'm tired. Thank you, everybody. Thank you.

Regina Jackson: Thank you, sir. Juanito, the clock, please.

Speaker 4: I'm here today because we want answers, honestly. Even if he was to be found dead, we at least want to put him to rest. He had a lot of life in front of them. That's why it's really hard to believe that he jumped off that night. I was on the phone with him the exact same time that they said he jumped. So that's how I know that Jonny didn't jump.

Speaker 4: And it's frustrating, because we live in a world where they put so much attention to other things, but not the things that really matter in the world, such as a parent that's crying for his son, and the whole city that has power on their back, like you guys all do. And you guys can't do nothing to find him? It's been five months. Five months and you guys are going to tell me that there's nothing... There's nothing?

Speaker 4: His phone, his car was found on the bridge, and that's it. And you guys expect the parents and us to be comfortable with that answer? We don't, because we know that he didn't jump. Because like the Detective Sy said, we would have found his body. It would have smelled already. His body's out there, but... You guys could have found it. His body is not out there. He's not dead. He's not dead. He's out there and he's still staying strong for all of us, because we knew how, how strong Jonathan was. We knew, no matter what obstacle was dropped on top of him.

Speaker 4: Jonathan's still strong, and I know you guys have power to do something about it. Please, please. If the parent can't speak for it, let us, the youth, speak for it. I'm not stopping. I'm not stopping until Jonathan's found. And that's everything.

Regina Jackson: Thank you. Juanito?

Stella Ayala: My name is Stella Ayala, and I wasn't expecting to speak today, but for my friend I will. I just want to let you know about a couple of things about him. He's a great person, always was tough even when he was going through stuff, and he always kept a smile for everyone else, because he knew we needed his strength too, and he was willing to give it to us. Without him, we don't feel whole. He was the light in everyone's group of friends. He kept all of us together. I remember we were in a group of friends, and we were together every day, and now he's not here, and we hardly speak to each other because he was our glue. We just want him to come home, and if you guys can help us with that, it would be really amazing, because his family, his sisters, and everyone misses him. So please take the time and just help us find our glue back so we can all be whole again.

Regina Jackson: Thank you.

Ms. Assata: Love life. We have to. We have to do something, and I don't know what your powers will allow something to be, but this police department, this is not sufficient. What has happened has to be more. This is pain. This is not the extreme. This is the ordinary for black families who lose their children in many different ways. And in this case, the correctness of how you respond to someone who is missing did not happen. It didn't happen. And because of that, there may be consequences that didn't have to happen. There has to be accountability for that. There is a high probability that we've lost Jonathan because we didn't go through a process immediately. There is a process that we go through that lessens the probability that the victimization, the loss will not happen, because we get in on it right away. It didn't happen.

Ms. Assata: Now you have tremendous pain and suffering. And what the department wants to do is to get this over with. That's what they attempted to do, to present enough evidence to say, "We can close the books now." No. We're not closing the books on Jonathan until this is done correctly. Any time you see a dog on the second day it's missing, the police department has put out notice to the public to be aware of a missing five-month-old French bulldog, and you couldn't do the same for Jonathan.

Ms. Assata: Something is wrong and so this is horrible. His wife cannot come out of her house. She's so demented with sickness and trauma. She was coming because she can't do it anymore. She is mentally and physically incapacitated because of this.

Ms. Assata: So police department, you can step up. This is not final, and there's nothing wrong with stepping up and saying we're going to try to do something more. Don't want to put no blame on anybody, but we got to do something and somebody can step up. I don't know if you can do this because you might need the police chief to do this. Somebody has got to come tell his family, "We're going to do more." I'm sorry for going over my time.

Regina Jackson: Thank you, Ms. Assata.

Regina Jackson: Before you start, Mr. Bey, can someone hit the back door and get security in here? You all are freezing. If you're not freezing, I'm freezing. We need to figure that out, okay? Because this is already such uncomfortable conversation to hear, and we got to figure out how to resolve and we can't be freezing in the midst of it. Thank you, Mr. Bey, for waiting.

Saleem Bay: You're welcome. Saleem Bey. So I would like to share that in February, 2004, somebody who's like a brother to me - his name was Waajid Bay - disappeared. And I called the police, and my brother called the police, and said that this 51-year-old man who had a 250-person payroll, black payroll, and nobody else private in Oakland has a black payroll of 250 jobs of people who couldn't be hired in any other place...

Saleem Bay: And this man didn't show up for work. After 15 years of not missing a day, he didn't show up for work. So we called, concerned, and the police told us that they couldn't do anything for 72 hours. So we called back on March 1st, 2004 and said that our brother is missing. The very next day, the FBI, police intelligence, and everybody showed up at his house, and we said, "We just called to say this brother was missing. Why is the FBI here? Why is homicide here? Why is police intelligence here to ask us questions about this man?"

Saleem Bay: The police didn't do anything, and they watched this man's business get stolen and all of his assets taken out of his business. They watched his business be destroyed and all the people leave the business. 250 people, some people who had worked there since the founding, for 36 years, all leave in three months after this man was murdered. I mean, after this man disappeared. And for six months my brother Waajid was missing.

Saleem Bay: And then somebody was walking a dog up in East Oakland Hills, and found a femur sticking out through the ground. And he was buried in, wrapped in plastic and duct tape in a shallow grave. And the police didn't do anything about that. And in fact, we found out the police began to help the people who were the lead suspects. And then in fact, then we found out after 10 years when we filed the complaint, and said, "You didn't do anything to investigate this man's murder, even after you found out that he was buried."

Saleem Bay: And the police told us that they lost all of his files, that he can't find any police files associated with my brother's murder to this day and have never come and

told us that they'd come in to find it or just... They said they went to Iron Mountain. They say they looked all over the place, and they can't find this man, who was over a multimillion dollar business, who had 250 jobs. You can't find no files for him to this day?

Saleem Bay: This is a man who was a brother to me, who mentored me, and I took him home and made sure he got through his door safe after meetings that ended at 11 and 12 o'clock, for three years. He lived in Vallejo and I lived in Richmond. I used to pass my exit, tired after working all day, talking to him to make sure he got in his house. And then you're going to tell me that this man who sacrificed, and who was murdered, you don't have no files for him? That's why I'm here today, right. Because if you got that shit, that stuff together, we wouldn't have this issue with this family in missing persons.

Regina Jackson: Thank you.

Regina Jackson: Mr. [Rousse 01:28:22], I just want to mention this is the third time that you've forgotten to set the clock. I really need you to handle that. I need you to handle that. Thank you.

Speaker 5: I'm truly amazed by the organization that is ran here. I just want to just start by that. I'm truly... I've been sitting here in this room for an hour. An hour. I'm upset. I'm frustrated.

Speaker 5: Not only have we received zero information on a friend, a son, but you guys don't care. Nobody cares. Nobody cares enough to want to solve this. Nobody cares. You guys had the highest position in power, the highest position in power. You guys have position over Oakland. Oh, come on, Oakland! And we cannot even gain the power to find Jonathan.

Speaker 5: I'm truly sitting here. I don't even know how to explain it, but at this point I feel in my heart like I need to even change my major in college. Why? Because I'm sitting here, and I'm disgusted by the things that are going on. Truly, what an organization, what an organization in the community that I grew in, the community that I grew in, Oakland, the community that's raised me, the community that's brought me to be the person who I am. Come on, now.

Speaker 5: Because I bet you, I bet you, you guys don't know anything about living in Oakland. Not a single thing. Because you [inaudible 01:30:14] guys don't even live in Oakland, to see all this stuff that happens here.

Speaker 5: I know you all don't care and I'm just pouring out to a blank wall right now. I know that, but it's best for me to just take it out now and use my voice as a power to come and speak. Why? Because a year ago I wouldn't have been able to do this. I wouldn't have been able to talk and express how I'm feeling and express what I have in my heart. What I have on my mind.

Speaker 5: All we're doing is asking for help. Isn't that what everyone tells us? All of the institutions that we're in, that's what they tell us, right? "Use our resources. Get help." Resources aren't helping. They're not. They're not.

Speaker 5: When I was sitting here, I was asked a question. What do we want? I think it's pretty obvious what we want, right? We want to find Jonathan, and even if it's without your help or not your help, we're going to find him. Why? Because in our heart, we believe that he is not gone. Why? Because in your heart, you have a feeling when somebody that you love is gone. That person that we love is not gone. He's not gone.

Speaker 4: He's not gone. We have a lot of work to do.

Speaker 5: A lot of work to do, because sending your officers on vacation while somebody that you think is in the river... And you cannot look for him and look for his pieces, and then you send the only officer that's in there on vacation, and then come a hundred and something days later, and tell the family that his body is discomposed by this time. And that they need to provide some DNA so that they can detect them if somehow they find him.

Speaker 4: Somehow.

Speaker 5: In the ocean. Come on, now. We've got to do better. You're bringing all of these new people into our community and to Oakland to make it better. We're making it worse.

Regina Jackson: Thank you. Mr. Bandabaila, and all of the courageous voices that have come to us this evening, I'm going to reach back out to Deputy Police Chief Cunningham. I did this once before, and I will get an update, and we will figure out how else we can help.

Ginale Harris: I'm going to say something to the family.

PART 3 OF 8 ENDS [01:33:04]

Ginale Harris: I'm going to say something to the family and to the friends. Thank you for coming. I'm sorry. I'm going to follow up on the policy for missing persons, and if nothing else comes out of this, we will make sure that we get this straight. And I will make sure that I follow through and that you have a commitment from me.

Regina Jackson: Come forward. Sorry.

Speaker 6: Hi, I just wanted to shed some light because I was one of the other people that last talked to Jonathan. They want to say it's a suicide, but they never found a body, which is kind of funny to me. Because I had talked to him literally the day before he went missing and he was fine. He was supposed to go to formal with

me. I was the person he was supposed to go to formal with. Me. And I talked to him the day before and he was looking forward to it. He was happy.

Speaker 6: Jonathan is the strongest person I've ever met and it sucks to see nothing being done. What the heck. I feel like if a body was in the ocean, it would have come up already. It doesn't just sink. It comes up eventually. And it's been almost five months. It just sucks because I know that I had talked to him that night, the same night Rico talked to him, and he was fine. He was laughing, he was telling me he was looking forward to going to formal with me. It just sucks that nothing's being done. There's no new information. Nothing. Not where his phone was, nothing. It's just crazy to me that nothing's being done and his family's not getting answers. We're all just waiting here for something. Just a little bit of information, and nothing is getting done. It's sad. It's sad to see that five months have gone by and they're literally saying there's nothing. That's it.

Regina Jackson: Thank you.

Ms. Assata: Point of clarification. There is no rule in the policy manual of the police department that states that a police officer, when a community member is in distress, you cannot approach them to dialogue on what they're talking about. I can't understand why the officers that are sitting here right now can't make an attempt to come to this family. I don't understand that. Is there something in the manual that says you have to sit there, stone faced and not respond to the people you're supposed to serve? It's like a doctor looking at somebody having a heart attack and you don't move. I don't understand it. What's the problem with coming to say to people we are looking into this matter. We'll try to do, we'll do something. You have our assurances we'll look into this deeper.

Regina Jackson: Thank you Ms. Asada. I know that that Deputy Chief Armstrong is off tonight. Who's taking his place?

Darren Allison: Chair Commission Darren Allison.

Regina Jackson: Okay, thank you. Is there something that you can share? I realize that you are not the investigator on this case, but I think what we're hearing is very traumatized voices and concern. I've said that I'll follow up with Deputy Chief Cunningham, but I think it might be nice if you could share something. Anything about movement forward.

Darren Allison: I'll tell you, and thank you, chair, for the opportunity, I can't even express how much the pain that you feel and as a father, I know that it has got to be devastating for you. And I know sir, we've met, and for the family of Jonathan, friends, my heart breaks for you. I want to make sure that you understand that this is not a closed case. We will continue to do our efforts to try and find Jonathan as well as communicate with you and the family. I know that Deputy Chief Cunningham, as well as Captain Bass over at CID, they have not closed

this. And this is not by any stretch of the imagination a closed case or a done deal. So my heart does break for you. You have my biggest support and deepest sympathies. And we will continue to do what we need to do to try and find your son.

Regina Jackson: Thank you. Chief Allison, can you give a approximate date of followup?

Darren Allison: When I get back to work tomorrow I'll meet with Deputy Chief Cunningham and then I'll make sure he reaches out to the family.

Regina Jackson: Okay, so it'll be Deputy Chief Cunningham that reaches out directly. Okay, terrific. And then will you, I'll follow up with him as well, but if you could communicate to him that I'd like to get an update when he actually does speak with the family.

Darren Allison: Absolutely.

Regina Jackson: Okay. Thank you very much.

Ginale Harris: Chair, do you think we can appoint maybe a liaison to stay in that loop so it doesn't get dropped? I'd be willing to do that.

Regina Jackson: Certainly. I appreciate you willing to take that on. Thank you. Thank you.

Darren Allison: Real quick chair, if I may, [inaudible 01:39:15] would like to also say something as well if you-

Regina Jackson: Sure. Yeah.

Johnna Watson: Thank you very much. My name is officer Johnna Watson. I'm the one at the, excuse me, primary public information officers for the Oakland Police Department. Just want to convey our condolences and our sympathies to you. As a primary information officer along with my partners, excuse me, here tonight, we can help you and let us help you. Let us be a part of not only the healing process of us coming together, we heard you tonight, and we have the long reach to be able to message to our community. We never forget. May I just finish, please? We never forget and we are willing to help you and to continue to ask the public for any information regarding your son, Mr. Jonathan.

Johnna Watson: We have the attention and the ear of the media, not only through film and print but also through social media. I know that we did a press release, but just because we've taken certain steps doesn't mean we can't continue to help for the ask to find a resolution for all of us, whichever way that is determined. But we're sitting here tonight, we heard everything, and we're just stepping up here to say we're here to help and let us help. We would like to. And we're here to listen.

Johnna Watson: I will be available afterwards and my partner will be here. We also have the information that we can work with the investigators and come together so we can find what happened and find those answers for you. Okay? That's what I'd like to say.

Regina Jackson: Thank you very much.

Ginale Harris: Can I ask a question?

Regina Jackson: Excuse me, Commissioner Harris has a question.

Ginale Harris: Yes. Is chief Kirkpatrick aware of this situation?

Johnna Watson: Yes ma'am, she is.

Ginale Harris: Has she reached out to the family?

Johnna Watson: I would have to check with the chief regarding that. I don't have those details, but I certainly can follow up and we can get back to you.

Ginale Harris: Okay. Well, I'm going to be the liaison on this family's case, so anything or information that goes to them, I want to be in the loop. So I will ask that, I'm going to be in communication with the family, but I want to make sure that this just doesn't go lingering, so I want to make sure and know all the steps of the way on what happens, what we're doing. What social media, where are we putting it out, who we asking for help? Where is the outreach?

Johnna Watson: Understood. We'll follow up.

Ginale Harris: Thank you.

Johnna Watson: You're welcome.

Regina Jackson: Thank you. Yes?

Speaker 7: [inaudible 01:42:06].

Regina Jackson: Why don't you come to the podium so we can all hear you.

Speaker 7: Chief Kirkpatrick has met with the family twice. It didn't change the 132 days. Every single email that we sent, and a lot of them we forwarded to Ms. Jackson, we asked for social media assistance and we got none for 132 days. So I am appreciative of the offer, but we've been asking since the beginning.

Ginale Harris: Well, what we can do is we'll put together a timeline on information that has happened since the request for any kind of help has gone out and we'll just put

together documentation of all of the steps that have taken place so we can evaluate how this is being handled.

Speaker 7: Okay. And we can send you the documentation that's gone on between the loop of people too? Okay, thank you.

Ginale Harris: Okay. So I need to see you before you go.

Speaker 7: Okay. Okay.

Regina Jackson: And I'll forward what has been sent to me. Okay. Please come forward.

Speaker 8: Hello. I appreciate you, Ms. Commissioner Harris. A lot. Really. This is for you guys. You guys said you guys are going to help us, and I hope you guys keep your word, because police officers have actually told us they're going to help us, but they have not done anything. And you know this. We've said this a lot a lot of times already. Jonathan, I seen him more as my little brother. I seen him more as my little brother. He was everything to me. He was family. Every time my little brother asks for him, I don't know what to say to him. I know. It hurts me, and it hurts to see his dad and his friends. His friends. We're all family. We might not get along, but we're all going to be together for him.

Speaker 8: My point is, I just want you guys to really be there for him. Please help his dad, help us. I'm tired of nobody doing nothing. I'm tired of the police saying they're going to say something and they're not taking the word. I just wanted to really say that and just please help us find him. Please.

Regina Jackson: Thank you.

Speaker 9: Rashida Grenache cedes her time.

Speaker 10: I just want to say real quick that you I am grateful that they finally are going to help us and I really hope they keep their word, like Kenny said. But it took us this much, it took us to come here for them to notice that we need help, when we've been coming for them for help. So I guess you can say that this is their reassurance that they'll help us again, but how do we know for sure that they will? How do we know that they'll keep their word. If you're not going to keep your word, you shouldn't tell us. Because like Paulina said, we come from Oakland, and we will not give up, because we come from a place where you cannot give up or you will not survive.

Regina Jackson: Thank you. I have speaker cards from Henry Gage, Connie Aguilar, and I believe every... No? Okay. Okay. All right. Well thank you very much. As we've stated, Commissioner Harris is going to be the liaison for this and we're just going to try and keep pressure on it. Whatever the outcome, we need to have something that's confirmed. And again, so sorry for this distress.

Regina Jackson: At this point we're going to move forward in the agenda to item seven, which is contracting policies and procedure training. Deputy City Administrator Stephanie Hom is here. Thank you.

Stephanie Hom: Good evening, police commission. While I'm talking into the mic, what I'm going to ask is for [inaudible 00:13:41]. My intention is to have a PowerPoint. It looks like that's going to happen. I don't know if there's a clicker here, so I'm just going to say next slide when I need to.

Stephanie Hom: Thank you for that introduction. My name is Stephanie Hom, Deputy City Administrator. I've been asked to come and provide a contract training specific for the Oakland Police Commission. It's not long. We try to keep this as succinct as possible, so I'll be going through 14 slides and leave some time for questions and answers at the end. I'll start with a higher level overview and then drill down and just some specific steps for you.

Stephanie Hom: Next slide please. So my hope tonight, and I'm sorry, if you aren't able to see it, this PowerPoint is also included in the, your agenda packet tonight as item seven. If the slide deck is not working, I'll just slow down and be very clear. I'm on slide two now on learning objectives. It's my hope tonight that after going through this training that the Police Commission will understand the contracting authority granted to the Police Commission by the city council. I'm going to pause. Jason's going to give me a clicker. Where do I point it, Jason? Where's the-

Jason: Just this laser pointer here, but just next slide right here.

Stephanie Hom: Okay, thank you. Where am I? There we go. Thank you, Jason.

Stephanie Hom: Second objective is for the Police Commission to understand the roles and responsibilities associated with contracts and how to initiate, execute and implement a contract. And third, to understand the posting and reporting requirements that are associated with contracts.

Stephanie Hom: Slide three. So overall with respect to contract authority, what the city council did was it amended the purchasing system. The purchasing system is part of the Oakland municipal code that governs how the city government does contracting policies and procedures. The purpose of the purchasing system is to ensure that there's prudent use of taxpayer dollars and provides for checks and balances within the city government. So the city council amended the purchasing system to provide contracting authority to the Police Commission and they did this by ordinance that was approved on July 16th, 2019. The Police Commission's contracting authority covers the ability to contract for professional, technical and scientific services that support your role in fulfilling your functions as outlined in city charter section 604B, or otherwise known as measure LL.

Stephanie Hom: When you award a contract, the contract must be awarded... Oh, I'm sorry. Let me back up a second. All contracts that you do award should be for dollar amounts that do not exceed the budget that you have in the police commission budget. So, for example, for this current year, fiscal year 1920, the budget police, excuse me, the budget line item for contracts for the Police Commission is \$103,000, and the line item budget for the Community Police Review Agency is \$246,000.

Stephanie Hom: And lastly, just to note one of the reasons we're doing this contract training for you is to ensure that everybody understands the roles and responsibilities and the checks and balances. Failure to do so may be a gross misconduct in office for purposes of being removed from the commission.

Stephanie Hom: On the next slide, so you're aware, all services costing more than \$500 require a written signed contract. Typically for professional services, it's in the form of what we call a Professional Services Agreement. If they're for IT services there's a boilerplate agreement that's slightly different, but it's similar. They're very different from contracting for construction projects, and that's how they're distinguished. So these are Professional Services Contracts that we're referring to.

Stephanie Hom: All contracts that are awarded must result from a competitive solicitation process to again, ensure that the city is getting the best price for what the service we're asking for. There are two types of competitive solicitation processes. There's an informal process, and I'll cover that in more detail a little bit. These are for contracts that are estimated to be between \$500 and \$49,999. And then there's a formal process for those contracts or services that are over \$50,000 in any single transaction or term agreement.

Stephanie Hom: Unlike construction contracts, you don't have to award to the lowest price or the lowest bidder, as we say. For professional services, the award of the contract is based on demonstrated competence and qualifications for the types of services that you're looking for, and at fair and reasonable prices to the city.

Stephanie Hom: So now I'm going to go back and talk a little bit more about the informal process. And again, informal process, the solicitation process is for services that are anticipated to costs between 500 and less than \$50,000, or \$49,999. In this case, advertising is not required. However, at least three responsible bids must be solicited. So that essentially means calling, looking for three contractors, consultants, et cetera, that may be able to do the work that you're looking for and asking them for a quote.

Stephanie Hom: On rare occasions we have the ability, or you have the ability, sorry, through your CPRA executive director to request a waiver that the city administrator can authorize for this informal. In other words, if you are unable for whatever reason to solicit three responsible bids, you can actually request a waiver. Again,

this is rare. These are rare occasions. The waiver is done in a written format with rationale providing why three bids couldn't be done, why a particular consultant is the only capable consultant able to do so, why another vendor can't do so.

Regina Jackson: Ms. Hom, we do have a couple of questions. Can we ask while you're going through the presentation?

Stephanie Hom: Sure.

Regina Jackson: Okay, great.

Stephanie Hom: And I'll just mention, if it's covered later, I'll just mention that.

Regina Jackson: Okay, terrific. Thank you. Commissioner Prather?

Edwin Prather: Good evening, Ms. Hom.

Stephanie Hom: Good evening.

Edwin Prather: Question is to this particular slide. So bullet 0.2 mentions three responsible bids. Is responsible or reference to responding, or is responsible some reference to the type of vendor? What does responsible mean in this context?

Stephanie Hom: That's a good question. My experience with this is that so long as you reach out to three vendors that are based on research, most likely to be able to fulfill the services that you're asking for, that those, and... Whether they respond or not, as long as it's documented that it was asked for counts as a responsible bid.

Regina Jackson: Up to this point, does anybody else have a question? Commissioner Anderson.

Tara Anderson: One of the descriptions you gave from informal was essentially a sole source bid and you would need documentation to demonstrate they're the sole entity qualified to perform those duties. Will you cover for... for formal, so anything over \$50,000 is there a sole source process for that as well?

Stephanie Hom: I'll cover that. We haven't... In the ordinance, the purchasing system, there is actually no reference to having sole source ability, but essentially when you're talking about a waiver and those rare circumstances, providing a rationale of why that one particular consultant or vendor or whatever you're trying to contract with, why we can only do it with that is essentially what you're referring to. But there are no specific sole source exceptions in our ordinance.

Regina Jackson: Does anyone else have questions? Okay, please go forward.

Stephanie Hom: So onto what a formal competitive solicitation process looks like, it is for services that are anticipated to cost \$50,000 or more. This is where advertising is required. It must be published at least once in the official newspaper of the city, not less than ten calendar days before the due date for receiving the proposals.

Stephanie Hom: Secondly, that advertisement is essentially advertising that you are asking for qualifications or proposals. This RFPRFQ process essentially very comprehensively and detailed lists the types of services that you're looking for. It has the desired qualifications of what type of experience, licenses, et cetera, that you want the consultant or contractor to have. It articulates what the scope of work is and or services that you're asking for the consultant to perform. To the extent possible, perhaps a timeline of how soon you want it to be performed, and as best, as explicitly as possible of what deliverables are expected. The more detailed information that's included in the RFPRFQ will get you a better and more comprehensive response with appropriate cost estimates.

Stephanie Hom: And then lastly, it typically includes how you're going to go about evaluating the proposals that you receive.

Regina Jackson: So two points. In terms of a regular RFP, could you send us a sample of one that you've found to be pretty effective so that we have a template that's a little stronger than just an outline?

Stephanie Hom: It depends on the service. They're all very different.

Regina Jackson: No, no, I understand. Just any one. Yeah.

Stephanie Hom: Sure. They're online.

Regina Jackson: Thank you. Was that your question? Okay. All right. All right. Thank you.

Stephanie Hom: Let me just take note of that.

Stephanie Hom: Would the entire commission like this? Yes.

Regina Jackson: Yes please.

Stephanie Hom: The next slide, continuing on the formal competitive solicitation process, this is to Commissioner Anderson's question. It's the city council that can waive the competitive solicitation process for those contracts over \$50,000. This is done through a report and resolution to the city council for them to take action. Essentially you're doing the rationale at that level, but in a council format. There is one qualification that the attorney's office asked me to make, and that should not apply to you because your funding for both the CPRA and the Police

Commission is the general fund. But to the extent you were to receive a federal or state grant, our contracting rules do not apply. That money is governed by the state and federal. And you must do a competitive process. There is no waiver for that money.

Regina Jackson: So as it relates to notification in the RFP to unions?

Stephanie Hom: Yeah. The next point?

Regina Jackson: Yes.

Stephanie Hom: Should I say it first or do you have a question already?

Regina Jackson: You can say it first. I just think that we ought to have the contacts for all the unions because I don't know that we have them.

Stephanie Hom: Okay. Yeah. Thanks. So on the next point, and we'll get to process in the next step. I'm still going over the overview and I'll get into more detail about actually how this happens. We have through our memorandum of understanding with our labor unions a requirement to provide to the unions notification of the RFP and we provide the scope of work we're going out for to the unions 30 days in advance of the solicitation of awards if the contract amount is expected to be over \$100,000.

Stephanie Hom: When the Police Commission approves a contract award, it must be done so by a resolution with affirmative vote of at least four members who are designated to vote at the time of action. So I believe this is a new format, if you will, that we would provide samples. We've already, through... Chrissy Love has been trained to create draft resolutions modeling some of the ones we use when we take it to council. So we'll do those and they'll be prepared for you. The CPR executive director would bring it forward for you to consider, but essentially it's a summary of what you're asking for and an affirmative authority to move forward with the actual contract.

Stephanie Hom: I'm going to get to it, but since it makes sense here, part of the reason for having those resolutions is to keep a clear record of them and then they will be posted on the website and we'll probably be creating a separate page so everything's in one place for contracts.

Regina Jackson: So for example, the contract that we recently let for the Police Commission retreat, would we now need to go back and have Chrissy design a resolution for that, or is that for any contracts moving forward?

Stephanie Hom: I can't speak to the details of when and how that happened, but it's my understanding that this is effective, it was effective July, but only after you do this training, so it's anything going forward.

Regina Jackson: Okay. That's helpful. Thank you.

Stephanie Hom: The other requirement that stated, I believe this is stated actually in the enabling legislation, that police commissioners, both current and former, have the responsibility and duty to cooperate and provide assistance to the city to address any contract disputes that may arise in connection with contracts the Police Commission awards during your tenure, if it's a former commissioner.

Stephanie Hom: Okay. Now I'm going to go back and kind of go step by step on how the process works, what the workflow is. Step one in the contracting process. I'm just going to wait until everybody hears. Step one in the contracting process, the Police Commission by majority vote, but not by resolution. You identify in your public forum the need for contract services and you articulate as best as possible the scope of work that you expect, including the deliverables and timelines, as I mentioned earlier. Some of this may not be possible, but again, the more clear that you are and what you're looking for and your expectation, the better that the executive director of the CPRA will be able to actually solicit the proposals and get a comprehensive response and quote. This would include desired qualifications, experience for contractor, and also not necessarily to be included in an RFP, but to also identify where the budget will come from for the work.

Stephanie Hom: Then once that is done, whether it's done in one setting or multiple settings, it is a direction just by vote to direct the executive director to actually-

PART 4 OF 8 ENDS [02:04:04]

Stephanie Hom: To direct the executive director to actually conduct the competitive process, assuming that's necessary, whether it be informal or formal. That triggers actually going out to identify the contractors. So the role of the CPRA executive director is to complete the formal or informal competitive process as appropriate. Again, the formal process may include the notice to the labor unions. It must include advertising and issuing the RFP, RFQ and the actual evaluation process itself.

Stephanie Hom: And then preparing a report and draft resolution for you to consider for the award.

Regina Jackson: Excuse me.

Stephanie Hom: Yes.

Regina Jackson: Okay. So the report is a narrative overview of, why? I mean it sounds like these are some extra steps.

Stephanie Hom: Excuse me. Are you finished?

Regina Jackson: Well, I just want to understand what is the report?

Stephanie Hom: Okay. I'm used to, just in terms of when we package a resolution, sometimes the resolution itself is a little cryptic. So the report simply supplements the resolution to provide the context and perhaps some history of when you actually made the initial direction, that kind of thing. It doesn't have to be an elaborate report, but it's a supplement to the resolution. It's one in the same.

Regina Jackson: Okay. Can you send us a sample of that as well?

Stephanie Hom: Yes. There are many samples on the city council agenda.

Regina Jackson: Just pick one. We just want to get a sense. Thank you.

Speaker 11: This is akin to just basically a staff report, correct?

Stephanie Hom: That is correct. Am I missing something? Okay.

Stephanie Hom: With that staff report and proposed resolution, the police commission can deliberate and if desired vote to approve the resolution, and if the resolution is approved by at least four members of the commission who are designated to vote at the time of the action is taken, then the contract award is authorized. Once it's authorized step three is to actually execute the contract and implement the services being asked for. The execution of the contract means that staff prepares a professional services agreement and works with the contractor. We have a contracts compliance office and the city attorney's office to obtain the required documents. There are things just I put as an example here, proof of insurance, we have a number of city policies such as the living wage ordinance that contractors have to comply with and those are all packaged and the actual contract itself is signed.

Stephanie Hom: Once that is executed, the CPR executive director serves as the contract administrator in accordance with the direction that you provided in that resolution. Lastly, I mentioned this earlier, but just wanted to be clear with respect to the posting requirements, the police commissions resolutions that approve contract awards shall be posted on the commissions website, and the police commission shall present to the city council on an annual basis, a report listing all professional, technical, and scientific services contracts authorized by the commission during the prior year, and an evaluation of the services performed. So for example, we typically as city administration also do this for contracts that are issued and we send them to the council. And so we usually do it by fiscal year. So we just use, you can pick any time period you want. We, just as an example, track it by fiscal year, July 1 to June 30th and we prepare the report over the summer and bring it in September.

Regina Jackson: Thank you. Commissioner Harris has a question.

Ginale Harris: So I know there was a lot of things going on with the IT department, but can you tell me who is responsible for the police commission's website?

Stephanie Hom: The commission's website, the way our website works, it's not the old way where you have a webmaster. It's content based, so each department has an administrator and for the most part, in your case, Chrissy Love is making the updates to your website.

Ginale Harris: But is she responsible for that, or is it going to be like that, or is she just filling in?

Stephanie Hom: Yeah, it's people who understand the content who are responsible for updating the website. IT is just the technical backbone, not the content, but I don't think-

Regina Jackson: But Chrissy doesn't have that expertise. She's told us that she's working with other people to get updates.

Stephanie Hom: So there are limitations in the structure of what one can do, and that's probably what she's referring to. So for instance, she's going to work on creating, she won't be creating the page, you're right. She has to ask our communications group that actually owns the website, not IT. She has to ask them, the technical people, for support in actually creating a whole new page. But when the page is created then she can control the content. What goes on it and what gets off of it.

Regina Jackson: So for now. Ms. Love is the person responsible for posting stuff on the website, any announcements we want on the website, is that correct?

Stephanie Hom: Yes she can do that.

Regina Jackson: But there is a new website coming, is that what you're saying?

Stephanie Hom: No.

Regina Jackson: No. So that is the one we'll have. So for future will it just be she's the Go-to or will we have someone assigned who knows how to do the website?

Stephanie Hom: She has been posting, and I would say she knows how to post.

Regina Jackson: Okay. Thank you. Wow.

Stephanie Hom: Are there any other questions?

Regina Jackson: Mr. Alden and then Commissioner Anderson.

John Alden: This isn't so much a question as an observation that I wanted to pass on to the commission about this material. I've only had opportunity to work on one contract so far here, but after seeing this presentation and considering the experiences we've had with that first contract, I would just say to the commission, it's my estimate that in the future if we're going to be contracting in the ways described here, we should probably expect between the time the commission directs me and [inaudible 02:11:14] to start working on the contract and the time it's actually executed, we're probably looking at two to five months depending on the complexity of the contract and the waivers needed.

Regina Jackson: Okay. So the first thing that I think is really important because we had some glitches around steps, is I'd like to see a visual, kind of linear, step-by-step so that we can be checking off to make sure that those things are happening. So if you can let me know when you can present that to us. That will be great. Is that the next meeting? The October meeting? Could we get that.

John Alden: I think we could do that and what I'd probably do, I want to make sure I'm meeting your expectations about that product, we could lay out in a little bit more detail what all the specific steps are that we'd go through. Some of the ones described here like say getting the city attorney's office to double check the contract, or working with the city's contracting requirements to make sure the contractor is eligible and the like, do take some time. And those tend to be the kinds of things that might not immediately be apparent from this presentation as to how long they take. And that was what I think was the biggest... Each of these steps is sequential, let me put it that way, and each one takes a few days and when you add them together two months is quick as these things go.

Regina Jackson: Okay.

John Alden: But I'll definitely get you the checklist of everything we've done on some of these more recent ones and what it would look like on a more complicated one.

Regina Jackson: And so as it relates to that, and I see you commissioner Anderson, just give me one sec, as it relates to that I think what might be best then is to identify a flow chart of steps based upon the \$10,000 contract. And then what I'm hearing from Ms. Hom is that there are additional steps when it's over 50,000. So I'd like to see one that way and the other, because while two months may sound quick, over here it doesn't. I want to make sure that we don't have any hiccups because everything has been fully delineated. Okay. Thank you.

Tara Anderson: Thank you chair. Everything that we've just received training on only applies when we are purchasing services, is that correct? I ask because I'm curious about rules that might apply to in kind services. As commissioner Harris often says, "We are on a broken wing in operating." And often times we receive services valued at a certain amount, oftentimes greater than \$500 and would

have some sort of disclosure requirement, I'm assuming, if those were quantified to us, and just wanting to verify how it works when we're not paying for it but we are receiving a benefit.

Stephanie Hom: And I will qualify my answer by saying that I will consult and ask and get back to you if there's anything different. But it's my understanding that the supplies when there's an exchange of funds... I guess I just want to leave it.

Tara Anderson: So as a follow up question, when there's a behest, say a foundation is interested in supporting the work of the commission, say a community engagement activity, something to that effect and they pay X community based organization at the behest of the police commission to do that. We would just complete the regular behest paperwork but not need any formal contracting responsibility.

Stephanie Hom: Well I don't know what behest contracting work is, to the extent that you are creating a connection and liability for the city that could come back to the city. I think that is worth another conversation. So-

Regina Jackson: So do you have an in kind policy or process for the city?

Stephanie Hom: The purchasing system says that if we enter into a memorandum of understanding with or without exchange of funds with another governmental agency, it is explicit and says we do have to have a approval from the council. In other cases, this is just now experience, and again I will have to go back and check. I am not aware to the extent that there is no exchange of funds. So if you have a community group doing something on behalf of the police commission and then there's an ask for reimbursement of some kind that then becomes an exchange of funds.

Regina Jackson: What I think I heard from commissioner Anderson, though, is what if a foundation, a giving entity wants to invest support in the work of the commission by way of a third party. The work ultimately benefits us, which means it's in fact in kind, but because we might not be engaging directly, is there some form of accountability, whether it be disclosure, MOU, what have you. Even though we are not the active agent, but we are receiving the service

Stephanie Hom: And I think you said the key word there. I do not see in that scenario what the form of accountability is unless there's a contract and so I think on a case by case we'd have to actually look at what situation you're referring to.

Regina Jackson: Okay. Alternate Commissioner Brown.

Chris Brown: Thank you, Tara. Thinking that about the chair's comments asking for a flowchart. There are actually three paths. There's a path for under 50,000. there's a path for 50,000 to a hundred thousand. Then there's a path that is 100,000 or more based on the having to include the union in the notification.

I'm curious what other things could come from notifying the union that this contract is being put out for bid?

Stephanie Hom: Thank you. What can happen is basically when we're providing notifications to the union, it's my understanding that their concern is that we're not contracting out work that can be done by a city employee. And so some of the questions that may come back are, are there classifications, city of Oakland employee classifications, that could be doing this work? And if so, we have a meeting discussed to talk about how that may affect the employee unions. But it is just a notification. I understand that that in terms of what Mr. Alden had said, is most of these steps are sequential, that one should go in parallel.

Chris Brown: Thank you.

Regina Jackson: Okay, so Mr. Alden then it's three flowcharts.

John Alden: Absolutely.

Regina Jackson: Okay. Thank you. Commissioner Harris.

Ginale Harris: So we have an ongoing binder with all of the commission do's and don'ts in there. I would suggest that we put this contract training in that binder with all of the steps. Through the chair can we ask Ms. Hom to direct Chrissy Love to put this in there?

Regina Jackson: Absolutely. Are there any other questions regarding the training? Oh.

John Alden: One other comment. If I may.

Regina Jackson: Yes, Mr Alden.

John Alden: So I was noticing page four of the training talked about a budget of 103,000 for the police commission, 246,000 for CPRA. I'm sure Ms. Hom will tell me if I've got this wrong, but from what I've learned so far in my initial orientation to the budget, it appears to me that those are the two main line items around which the commission and CPRA have some discretion. Most of the rest of our budget is in say, salary, which we can't move around in the way we can these. It's also my understanding that the legal counsel that the commissioner has retained and the legal counsel we have at CPRA are being paid out of those same pots. So that reduces the amount of money that you see here.

John Alden: In other words, these sums are the total annual. It's not the amount that remains as of this date. So these sums are somewhat smaller today than you see here and I think it would be wise for us to at some point in the near future consider what we think our contracting priorities might be for the remainder of this fiscal year and allocate those relatively soon, say in the next couple of

months. I would hate to see us in a position which we may be allocated a substantial portion of it in the next month or two and then realize six months from now that we don't have the funds we need for some of the projects we want to do. It strikes me as tight enough that we should think about it and consider priorities.

Regina Jackson: I think that's a point that you can bring up at the retreat when we get into our working groups in our plan forward. The other thing is based upon the way finance does things, which is usually accrual at the end, it might make more sense, and I don't know how or if you can work this out, to get accountings on a quarterly basis or every six months so that we can be closely aligned to the budget. It can't get away from us just because their system doesn't facilitate a more often reporting.

John Alden: I agree. In fact, Mr. Russo and I have already started working on making sure I have access to systems that allow us to give us periodic updates. So in the future, as part of my report to you, I could give you say a quarterly report on where we are in spending. I don't have that yet, but we're working on it.

Regina Jackson: I love that. Thank you.

John Alden: Great.

Regina Jackson: Commissioner Brown. Okay,

Chris Brown: Thank you. I had one more question about cost over runs for things like buying software or something. You might find that your estimate was wrong and it's going to be more costly than it was in the original contract. How's that handled?

Stephanie Hom: So I would say be very cautious. That's why the contract administrator has to pay attention because the consultant or vendor will not get paid for anything above the signed agreement amount. However, what can happen is that an amendment to the contract can happen at the police commission level, again through resolution. It's an amendment or additional funding through a resolution is typically how it's handled and then you have to do the contract amendment. So all those steps kind of have to happen again. But I would say in a more abbreviated form, it's not a full blown contract at that time.

Chris Brown: Good. Thank you.

Stephanie Hom: Commissioner Harris.

Ginale Harris: So on page four as Mr. Alden directed us to, it says four year 2019-2020 is 103,000 in CPRA contracts, line item budget for 2019-20 is 246. Where is that one time money that was never spent? Is that included in this?

Stephanie Hom: I can't speak to that. I don't know. We went and looked at these particular line items.

Ginale Harris: Okay. Because there's, yeah. Okay. I'll check into it.

Regina Jackson: You should check in with the finance guy, yeah. Okay. Are those all the questions from the commissioners? Mr. Alden, do you have any additional comments or questions?

John Alden: No, but thank you.

Regina Jackson: Okay. Thank you very much. Ms. Hom. We're official now. We're certified. Okay, great. Is that on the record? You have a question alternate Commissioner Brown?

Chris Brown: May I be excused please?

Regina Jackson: Yes. Thank you. So that was item seven, public comment. Ms. Jane Kramer, Rashida Grenache, Mrs. Sada, Maureen Benson. Yeah, those are the four.

Ms. Grenache: I don't know if Ms. Hom is still available, but-

Regina Jackson: Ms. Hom are you still in the building? Okay. Can you hold on please? Go ahead.

Ms. Grenache: Thank you. What I haven't heard anything about in this discussion is the equity issues around contracting. I believe that we have some kind of policy from the department of race and equity that there should be some element of that in the contracting process, and the other policy in the city is local hire. So I'm not hearing any of those policies being introduced here and I'm wondering why? Thank you.

Regina Jackson: Ms Hom, can you couple us understand this?

Stephanie Hom: Sure. I think, Ms. Grenache, on the first point about the equity may be referring to a disparity study that we're in the middle of. I'm not sure. So there is a citywide disparity study that we in the process of and we hope to get results from that shortly. [inaudible 02:25:39]. Yeah, we're in the process of, it hasn't actually been completed yet. Second, on the local hire policies. So I just mentioned that there are number of number, quite a few policies that the council has, including local small business programs, living wage, nuclear free zone, border wall prohibitions. I mean there's a really long list. So all those are part of the process when the consultant engages in the contracting process of filling out schedules to determine if they are in compliance or not.

Regina Jackson: Okay. But what I think Ms. Grenache is-

Stephanie Hom: I should very importantly say those policies are also listed and included in the RFP itself, so that contractors are aware of what the city council's policies are.

John Alden: May I add just a touch to that if it's all right with the Madame chair?

Regina Jackson: Please.

John Alden: I think it's important especially if people in the public who maybe haven't seen this kind of contracting before, that these rules come from policies the city has reached collectively about what's important to us about who we hire. And so one of the things that the contracts and compliance office helps us with at CPRA are all the details of assessing these issues that Ms. Hom just mentioned, and that Ms. Grenache brought up. So you don't see it in great detail in this presentation. But at page 12 there's a reference to the contracts and compliance office. And one of the things that we have found that we end up helping contractors with is making sure they understand what all these requirements are, how to fill out some of the schedules around them, how to provide proof that they meet some of the requirements in those rules. And that does take some time.

John Alden: And in addition, it does mean that the contractors have to do some work to say, pull proof, that they're in compliance with some of the policies described. So it does take a fair bit of time. So it's more might be apparent here sometimes and my experience from other agencies. If we're dealing with a contractor who's already contracted with the city of Oakland before, they'll be familiar with these processes and it can often complete them much faster. And other contractors who might not have worked with us before can find it to be a fair bit of work and so it might take them longer. So that's a portion of the process that it's hard to predict how long that will take.

Regina Jackson: So is there a link or something to that longer list of information? Can you send that to us?

Stephanie Hom: Yes, the whole contracts and compliance has a whole webpage with links. We'll include that along with the examples that you asked for.

Regina Jackson: Okay. Thank you. Yeah, and we'll get that into the binder then. Okay.

Jane Kramer: Jane Kramer. I guess this comes from my professional experience as a social worker. In terms of accountability. Sometimes you have to read between the lines as to what are the credentials and what is the experience and which carries the most weight when you're looking at applications. My second thought is once you've hired whomever to do the training for whatever issue, that it not be done necessarily on a case by case basis, but that when you train on an issue that that training be absorbed personally, professionally by the police officers themselves so that they take professional responsibility for not only pursuing

and behaving according to that training from then on, but that they debrief for themselves when that same kind of situation comes up again because you don't want to keep retraining. Okay.

Regina Jackson: Thank you.

Mrs. Sada: Ms. Hom is correct. The disparity study is being worked on. The equity indicator report has been distributed from last year. I find it interesting because this past Tuesday at the finance committee meeting, the finance committee was presented a report of the city administrator's capacity to spend up to \$250,000 per item on purchases and contracts. And for the fiscal year 2018-2019 the city administrator spent \$15 million. And so the report reflects the item that it was spent on, the vendor, and what it was for. And there was no recognition of RFPs and so forth, and the union, and I didn't know that because the next time it comes up I'm going to ask all these questions, this is valuable, but it looks like a lot of money, \$15 million was spent, and it didn't seem like the city administrator went through all these steps that you guys are going to have to go through. So I just wanted to add that to the conversation. And what I'm saying is are we all doing the same thing, or is the police commission asked to do something a little bit more than what other people are doing along the same lines?

Regina Jackson: I see you.

Maureen Benson: Good evening everyone. Maureen Benson. First I wanted to say hello and welcome to Mr. Alden. I've really been appreciating your commentary in the last couple of meetings so appreciate that. To build off that, I appreciate your raising the budget piece. As a former commissioner who is working with Vice Chair Harris and Commissioner Durado on the previous budget, I wanted to remind you all of a few things from the presentation in May. You do only have 103,000 but that 103,000 was \$75,000 for training and development and \$28,000 for you to have offsite meetings. As well I want to remind you that our mayor gutted your entire budget, so the 103,000 as well as a line item of \$281,000 which actually is for legal fees for the commission, you have a separate \$246,000 line item that is for legal fees, so the 246,000 line item that Ms. Hom referred to is actually for legal fees.

Maureen Benson: So the other line items that were all gutted are stationary, minor computer hardware, books, bottled water, supplies, non-city vehicle rentals, commercial transportation, per diem and lodging, miscellaneous travel expenditures, which added up to about \$46,000 so you don't have that money accounted for out of your 75,000 that's already allocated. And I find myself curious, I don't remember what the contract was for the strategic planner. So it sounds great that you're going to talk about that in the strategic planning, but I would urge you to do that sooner rather than later because you have very limited funds now at this point. And as well I found it really curious and quite shocking that there's a

punitive piece in this training that talks about people being booted off the commission. So I'm actually really curious who's going to be booted off the commission because you have a contract in place for a strategic planner that's supposed to happen Saturday, or are they now going to say you can't have your strategic planning session on Saturday. But that was highly punitive and shocking actually. So anyway, good luck.

Regina Jackson: Your points are well-stated and thank you for the reminder on the budget. The next item is the OPD plan for working with the city social media policy.

Johnna Watson: Thank you. Again, my name is officer Johnna Watson. I'm one of the public information officers for the Oakland Police Department, and I just like to again say to-

Speaker 12: Please don't.

Johnna Watson: Again say to Chair Jackson and the commission, thank you for allowing me to connect with Mr. Bandaba and then family and friends. I just want to say thank you again. I have three areas regarding the Oakland Police Department social media policy. I'd like to cover those three areas with you if I may. Update, the city of Oakland is preparing a social media- yes, ma'am?

Regina Jackson: Excuse me. Do we have any of this in writing, what you're getting ready to review?

Johnna Watson: Writing as far as? These are just basically talking points for an update.

Regina Jackson: Okay. Normally Chief Kirkpatrick had said that anything that was reported out would actually be.

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Regina Jackson: Chief Kirkpatrick had said that anything that was reported out would actually be in writing so he could follow along with it. So that's what I'm asking. I don't see it here.

Officer Watson: Okay. No ma'am. These are just my talking points for an update on where we are with the social media policy.

Regina Jackson: Well, I'll follow up with you to make sure that we get all that in writing. Thank you.

Officer Watson: Exactly what I'm going to say. I can certainly forward.

Regina Jackson: Thank you.

Officer Watson: For the update, I'll start with the Oakland Police Department's social media policy where we are with the city. First comes the city policy, and currently the city of Oakland has a social media policy that's in a draft form that is in its final review process before it's going to be released. I'm told that it will be released in the near future. I don't have those timelines. That's through the city.

Officer Watson: Secondly, once we receive that policy, the Oakland police department, we will create an internal policy that will be specific to the Oakland Police Department. And the reason why I say that is because we have additional policies and regulations that we must follow, so we need to take a deeper dive into our social media policy.

Officer Watson: The third point I'd like to make is in that process, we would like to have the police commission participate, work together with that specific Oakland Police Department policy. With that Oakland Police Department policy and the police commission, we'd also like to form an ad hoc committee. We feel that that's very important to have the input. So with all three of those things working together, we believe that we can have a very robust social media policy internally for our department and that's what I wanted to share with the commission tonight.

Regina Jackson: Okay, thank you very much. I'll follow up with Chief Kirkpatrick around timelines and all, so thank you.

Officer Watson: You're welcome.

Regina Jackson: Commissioners, are there any questions about the draft, or the future plans, or the coordination? No? Okay.

Regina Jackson: Officer Watson, do you have a proposed timeline for this internal policy that you're working on?

Officer Watson: As soon as we receive the city's policy then we'll be able to start moving forward and again, we believe we're going to receive that policy in the near future from the city. Once we receive that, then we'll start to move forward for our internal policy. So I don't have an answer for an exact timeline right now.

Regina Jackson: Okay. So a different follow up: does the city currently have a social media policy?

Officer Watson: The city does a social media policy. It's in draft form. It has not officially been released yet.

Regina Jackson: Okay. And you don't have an anticipated date that they will release to you.

Officer Watson: I do not. The only information I have is it will be released in the near future.

Regina Jackson: Okay. And what does the near future mean?

Officer Watson: I wish I had that answer. I don't have that answer.

Regina Jackson: Okay. Because near future to me is like 30 days, but you know...police time could be three to six months. I just don't know.

Officer Watson: I'm confident we're not going to be looking at months, but I don't have an exact timeline. I'm not able to say within exact days. I would like to defer to the city to be able to give us a clear timeline.

Regina Jackson: Okay. Commissioner Harris.

Ginale Harris: I actually inquired about the policy today, and I was not told that we had a draft form. I was told that we did not have the policy, and I thought about it because I think OPD needs its own policy. I don't think it should be following the city's policy just because they're the city. So I don't think we should wait. I don't think we need to wait for the city. I think we should start on this policy now.

Regina Jackson: I actually don't disagree. I mean the kind of urgency the police department needs to move within, particularly as it related to the [inaudible 02:39:24] family, speaks to a different kind of aggressive nature than just a general city social media scenario. So I would like to have you potentially refer that to your policy guy. His last name escapes me right now.

Officer Watson: Mr. Best.

Regina Jackson: Thank you. So that we can actually figure out how this can move along because it's almost like apples and oranges in terms of the ways in which you would use social media. You're talking about using social media to save lives to get information whereas typically, the city's use of social media might be to promote something or to share information. So there are very different paths and uses.

Officer Watson: I certainly hear what you're saying and I do want to clarify a few things. The city does have a media policy. That media policy was released on May 17th of 2018. It's an overall arching media policy. That policy's number 351. The policy that is in draft form and waiting to be approved for final approval is this city administrator's instruction and that number is 559. That's the draft form. And that's the social media policy. And one of the things that I think is really critical that we make clear is that regardless of the social media policy, we still are able to do our job. And I'm going to clarify that in two different forms.

Officer Watson: For the [inaudible 02:41:04] family, the policy that we're talking about, it does not weigh on how we would do our job. We still can go forward with doing all

the avenues of what we would do for anyone who's lost a loved one to a homicide or to another tragedy.

Officer Watson: So that would not preclude us from doing what we need to do with that particular family. The Oakland Police Department's social media policy is really going to focus on when officers or professional staff are on duty in the course of their job or when they're off duty. And it's really going to be very specific to on duty and off duty.

Regina Jackson: So Officer Watson, I think that there is some confusion because what is being challenged tonight by the family is the fact that your not having something in place has potentially harmed the family. That they haven't felt the comfort of having their loved one purported missing in order to get other leads. And that has nothing to do with off duty and on duty. So I think that that is something... Obviously I'll follow up with Chief Kirkpatrick on this, but Vice Chair Harris's point is actually quite just. So I think that what you're talking about coming down the pike may not even answer the issues that are before us right now.

Officer Watson: I agree with you. We are having two very different conversations and I do think it's important, not only for the commission, but also for those here tonight that are in this room and also watching through KTOP television that we did meet with the family just outside the chambers and we did have more clarifying discussions on what we can do, what we have done, and how we are going to assist the family from our role and our capacity in the Oakland Police Department media office. So I do agree with you. We're talking about two very different conversations.

Regina Jackson: Okay, great. So I will follow up with the police chief on that then. Do you have a question, Commissioner Dorado?

Jose Dorado: Officer Watson, in terms of a social media policy, I certainly agree with the Chair and the Vice Chair in terms of there's no need to wait for the city. And I say that specific to OPD in terms of community policing. There's a huge gap there, in my opinion, that could be filled by a robust social media policy coming from OPD so that we finally begin to approach the potential that community policing has in terms of the quality of life in Oakland. And it's something that I certainly would urge the police department to take a good, hard look at in terms of the final implementation of community policing in Oakland.

Officer Watson: I hear you. Yes sir.

Regina Jackson: Commissioner Harris.

Ginale Harris: So I just wanted to clarify, too. When we're talking about our social media policy, it's completely different from media, right? So they're preparing something that has to do with media. I think the point that we're trying to make

here is that I find it a little disturbing that we put dogs before human beings, you know? And so that has happened within this situation. And so I think the policy is not to... I mean the policy can't make you do your job. You are absolutely correct. It doesn't determine whether you do it or not, but it certainly helps in putting a guideline down that says if you don't do it this way, there will be repercussions, so to speak. Right?

Officer Watson: That's correct.

Ginale Harris: So I think it's just important that we come up with a guideline. It's time to change things in Oakland. I think we have been dormant for way too long, and it's something new and fresh that we can come together with the community and do together.

Officer Watson: And we agree with you. I've been in my role for eight years, which is probably 500 dog years in any other time. And it has been a tremendous learning experience. But out of that learning experience, we absolutely understand. And speaking with Karen Boyd, who's the city's communications director. I met with her today and we spoke, and we understand how critical the need is. We do know the city has been working very diligently and confident. And of course I will have additional followup conversations with Ms. Boyd, but she assured me, and we are very confident that that policy is ready to go. It's already been reviewed by the city attorney and it's just a matter of time. And unfortunately I don't have that time answer for you, but I am confident it's coming very soon.

Officer Watson: I do believe by the Oakland Police Department working with the commission and creating a committee, that collectively together we are going to reach a point where we have a very robust, not only overall-arching city policy that we do have right now, but a deeper dive into what exactly is needed with outlined policy that includes our other policies that we already have, such as our very large MOU, which brings in a lot of different structures and policies for all of us to follow. So we agree with you and we support it.

Regina Jackson: Okay, thank you very much. If you could just hold tight, we have public comment from Ms. Assata on this item.

Ms. Assata: Because y'all are talking about love life, social media, and I'm so old school, it's ridiculous. And I really am appreciative of the technology that we now have to do outreach, but it doesn't negate the fact that the human capacity to relate to each other should continue to be a mainstay in how we bring people on board. And so I don't have a computer, I don't tweet, I don't have Facebook. But I love to interact with human beings and have a chance to hear from other people. So I don't know what the policy says about social media, but I think the intent is, we're trying to do outreach and communicate with the community. And true community policing means we get out there and do that. Get out there and walk and have contact.

Ms. Assata: So I don't know if the policy can put that in there, but I'm going to keep my flip phone, and so you're not going to be able to reach me. But if you want to talk to me, I'd love to talk to you anytime. Oh, and I really appreciate you. Anytime the news comes on, you do such a wonderful job of explaining the situation and what the police are doing. So you are very good at representing the voice for the police department.

Officer Watson: I thank you very much. And I'd just like to say I'm pretty old. I'm not going to say how old, but it's been very tough to get into the social media. I resisted it many years ago when Twitter first came around. I'm like, I'm never going to tweet. You can get somebody younger. But one thing I have learned is the power of social media. And when you have a family that is grieving, that is in pain, is in hurt, it is amazing how powerful social media can be. So that's why the city, the Oakland Police Department is in agreement on how critical this policy is. We embrace it and we welcome it, and we'll look forward to future conversations and working together to make everything better.

Regina Jackson: Thank you very much.

Officer Watson: Thank you.

Regina Jackson: So we're going to move to the OPD towing policy regarding victims of crime. I'm not sure if that's in your bailiwick or someone else is presenting on that.

Kiana Suttle: Good evening Chairperson Jackson and members of the commission. I am Kiana Suttle, personnel manager for the Oakland Police Department, and I'm going to provide you with a brief overview of the contract.

Kiana Suttle: The city of Oakland entered into the towing services contract with Autoplus and Towing July 1st, 2017. The length of the contract is five years with one option to renew for an additional five years. The contract currently allows for the waiver of tow and storage fees for up to 40 vehicles annually, and those waivers are most often used to assist victims of violent crimes. In addition to the 40 fee waivers, the contract also allows for the first 48 hours of storage to be waived for victims whose vehicles have been stolen and then recovered in the city of Oakland for Oakland residents only.

Regina Jackson: Before you move forward, since this has been in place for two years, how many cars were towed in 2017, 2018?

Kiana Suttle: That's an operational question and I don't have the exact number of vehicles that have been towed, but I can get that information and provide it to you at a later time.

Regina Jackson: Okay. Just helps to understand the context of what this contract allows.

Kiana Suttle: Those are the two provisions in the contract that currently allow the police department to assist victims of crimes, so if you have any specific questions related to the contract, I can answer those at this time.

Ginale Harris: I have a question.

Regina Jackson: Commissioner Harris.

Ginale Harris: Thank you for coming. So I'm just curious, where did you get the number 40? Why do we only have 40 waivers and why is that in the contract?

Kiana Suttle: It's in the contract so that we can assist victims of violent crimes to minimize the amount of money that they have to pay when the contract is towed. We negotiated the number 40 with the current contractor based on the number of vehicles that were being towed that were involved with victims of violent crimes.

Regina Jackson: Okay. So I see in the contract that you have a line that says "an error tow is a vehicle towed by the OPD when law or policy is not followed by departmental personnel".

Kiana Suttle: Correct.

Regina Jackson: So that means you mistakenly tow, is that what I'm understanding?

Kiana Suttle: That's correct.

Regina Jackson: Okay. So what you have is 40 opportunities to mistakenly tow? Is that I'm reading?

Kiana Suttle: The 40 fee waivers can be used for anything, but they are most often used to assist victims of violent crimes. Within those forties, we do sometimes use those for vehicles that have been towed in error.

Regina Jackson: That's kind of frustrating. So you have a focus on supporting victims of violent crimes who have had their cars towed for whatever reason.

Kiana Suttle: Correct.

Regina Jackson: So what are the circumstances under which you have your error tows if you're focused on victims of violent crimes?

Kiana Suttle: So an error tow can be... You can tow a vehicle that has six or more unpaid parking tickets. Say the systems show that the vehicle had six parking tickets when in actuality, it was three. So that would be considered an error tow. So then the city of Oakland would go ahead and either pay for the tow and storage

fees associated with that error tow, or we would use one of the 40 fee waivers. But again, the majority of the fee waivers are used to assist victims of violent crimes.

Ginale Harris: Included.

Regina Jackson: Right. Yes, it's all included.

Kiana Suttle: It's included, yes ma'am.

Regina Jackson: Okay, so I'll have some followup questions separately since there's still some other information we need to get.

Regina Jackson: Are there any other questions? Yes, Commissioner Dorado. We're going to try and move on as soon as your question.

Jose Dorado: I had a couple. Since it's a 48 hour window, what's the method by which the victims of violent crime are notified so that they stay within that window?

Kiana Suttle: So let me clarify. The 48 hours of storage fees that are waived, that is for victims whose vehicles have been stolen and then recovered in the city of Oakland. That's separate from the 40 fee waivers.

Jose Dorado: Okay, great. Then how are those people who that had their car stolen-

Kiana Suttle: For the fee waivers? I can provide you some brief information, but for specific details, I'll bring up one of the commanders from the criminal investigations division. But in order to use one of the 40 fee waivers for the victim of a violent crime, when the vehicle is towed, it's normally placed on a 72 hour hold. That hold can then be extended, and then once the vehicle has been processed or everything has been done associated with that vehicle, our criminal investigations division will work with an agency to contact the registered owner or the victim of the car to notify them when the vehicle is going to be released, and then the victim or the registered owner can come down to the Oakland Police Department to pick up a vehicle release which they would then take to the tow company to pick up the vehicle.

Kiana Suttle: But we do try to work with the victim or the registered owner to notify them in advance when the vehicle is going to be released, so that way it minimizes anything that they have to pay out of pocket.

Jose Dorado: Well that's my question then, I guess. What provisions are put in place so that somebody who's a victim of a violent crime pays nothing?

Kiana Suttle: So when the vehicle is towed, the victim or the registered owner will have to pay the tow fee plus a minimum of one day of storage. That's for any vehicle

that's towed in the city of Oakland. However, those 40 fee waivers will cover that. Anything in excess of the 40 fee waivers, we work with the victim or the registered owner to notify them in advance when the vehicle is going to be released. So the only out-of-pocket expense would be the tow fee plus the one day of storage. And again, that cost is associated with any vehicle that's towed.

Jose Dorado: So once the 40 fee waivers are gone-

Kiana Suttle: Correct.

Jose Dorado: You're basically on your own.

Kiana Suttle: You're not on your own. We do work with them to minimize the amount of out-of-pocket expenses that they have to pay related to the towed vehicle. But again, they will be responsible for the tow plus one day of storage after the 40 fee waivers have been exhausted.

Ginale Harris: That's not good.

Regina Jackson: This policy was created in 2000. It clearly needs some updating. So I'll be following up with some comments and questions, but thank you very much for your presentation.

Regina Jackson: Oh, someone here? Go ahead, Commissioner Anderson.

Tara Anderson: Thank you, Chair. So to Chair Jackson's point, that it hasn't been updated in a long time, but is there any conversation about updating? SFMTA has a policy in place for low income waiver process. Is there anything in development in that area? When the 40 are passed, how are individuals educated about their ability to access Cal VCP to cover and reimburse them for the costs that they're now incurring?

Kiana Suttle: So I can speak to the actual contract. The contract is for five years with one option to extend for an additional five years. So there's no way for us to change that provision in the current contract. That's something that we can do in the next contract doing contract negotiations. Okay.

Regina Jackson: And Officer, did you want to add something to this conversation? I see you kind of trying to figure out how to jump into the double dutch.

Eric Lewis: Good evening, Chair Jackson and Commission. I'm Eric Lewis. I'm acting captain currently overseeing... He's shorter than me. Currently overseeing Area Five, but previously assigned to criminal investigations. And I wanted us to talk a little bit about some of the processes that we put into place and are still in place to this day that kind of speak to the questions that you have.

Eric Lewis: So in the instance of a violent crime, and I'll speak specifically unfortunately to homicide. Every homicide, Youth Alive is notified. They can in turn call the investigator directly and ask whether there has been a vehicle that's been towed. This is something that we implemented several months back. If that is in fact the case, the investigator will communicate to Youth Alive or to the victim or victim's family and indicate, "Hey, your car is probably going to be ready here in the next week or so. Will you be available to pick the car up on Friday".

Eric Lewis: Right. And generally they'll say yes and they'll be able to get the car out with only the minimal fees of the tow fee plus one day of storage. With that, Youth Alive has some funding that they can actually take care of those costs. And of course, victims of violent crime can take care of some of those costs as well. So really our focus has been on mitigating fees after the vehicle has been released. And what we found is that in some instances families are in disagreement over who owns the vehicle, who should the vehicle be released to. So if a release has been provided, and then fees continue to accrue. Right. Pretty exorbitant fees.

Eric Lewis: So recently again, we've been working with victims to make sure they have all their paperwork and affairs in order so they can receive that release and promptly get the car without accruing any additional fees. But I agree with you. There should be something within that contract for victims of a violent crime. It's the right thing to do.

Regina Jackson: Commissioner Prather.

Edwin Prather: Thank you. Thank you, Officer. I'm sorry, I didn't catch your name.

Eric Lewis: Eric Lewis.

Edwin Prather: Officer Lewis. Thank you for that. I'm going to speak to you because you're here and I'm sorry because you're the messenger. But we're having a bit of a disconnect because the whole purpose for reviewing or getting a presentation on OPD's tow policy was not as it related to victims of crime. What we wanted to hear about and what the constituency or the citizenry of Oakland has complained about is the tow policy disproportionately affects low income residents of Oakland, not victims of crime, but low-income citizens. And so what we're hearing is we got a copy of the tow contract, which is great. I heard about 40 exceptions, but what we're not hearing is what is OPD's position on how the policy disproportionately affects low income residents.

Edwin Prather: That's one. Two, there's another issue with the tow policy because there's a tension between homeless living in cars and neighborhoods wanting abandoned cars towed from their neighborhoods. And that's an absolute problem here in the city. We don't know OPD's policy on it because frankly, I can tell you that I think that it's being applied in an ad hoc fashion by individual officers based on the complaints they're getting from the citizens in their beats. Because if the

squeaky wheel says, "Hey, tow these abandoned cars from the street", then they're going out and they're running records checks, and they're checking and seeing if they can tow those cars when maybe we don't want them to tow those cars because homeless are living in those cars. Homeless individuals who are living in those cars.

Edwin Prather: Please understand that this is hard for OPD to do. I get it. But there are, there are two very important issues which you could be here addressing, and we're talking about victims of crime. I don't think anyone up here saying that there's been an issue with victims of crime being charged two days of tow fees or storage instead of one day. That's not the issue. The issue here is low income residents of Oakland and how this is affecting them. And so what I'm going to ask through the Chair is that we set this back and at our next meeting, the OPD is prepared to make such a report because this has been raised at the Public Safety Committee meeting. I know Deputy Chief Alison was aware of that.

Edwin Prather: Look, he's here today and he's kind of getting up to speed on some of these issues, but this isn't a new issue. And so you can understand our frustration. We'll engage you on these contracts because the contracts are old and signed by then Chief Went. We need to delve into that stuff too. But the bigger issue is how it disproportionately affects low income residents. So we need to address that. It's an important issue. It's one that city council wants us to look into and wants us to report back to them. So I apologize to you for kind of taking it out on you, but this is the information we need.

Eric Lewis: Absolutely. No worries. I'd be happy to come back and speak to whatever issues you may have.

Regina Jackson: Thank you very much. And thank you, Commissioner Prather. So the next item is Item 10, review of CPRA pending cases and completed investigations. I don't have anything for nine. We had already passed eight when this was turned in. Yeah, this is nine. Did you write the wrong number? Then please come forward. I'm sorry.

Ms. Grenache: Sorry about that.

Regina Jackson: No problem.

Ms. Grenache: I was going to mention what Commissioner Prather mentioned about the homeless people living in their vehicles. It's a definite issue. I also wanted to raise the issue about other circumstances in which cars are towed, like DUI. If there is a passenger in the car who's not intoxicated, why is it not appropriate for the passenger to drive the vehicle rather than have it towed? There are all kinds of scenarios that happened. It almost seems like any excuse will do to tow a car. It's business, we understand. And there's also some speculation about what kind of business it is with respect to the city and the contracts that have

been the same company for a gazillion years. There are a whole lot of things that have to be looked into and when you get your Inspector General, that would be fertile field for him or her to look into. But I think there needs to be a really broad discussion about all sorts of-

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- Ginale Harris: A really broad discussion about all sorts of scenarios in which people find their cars are being towed and there's a way around it. There's an alternative that could be found but no one's interested in looking at it. I think this is an area that the commission can really provide a lot of reform and necessary reform because it's abusive and in many cases unnecessary. And there's a real hardship when someone loses their access to a vehicle. It happened to my son for no reason except it's an arbitrary decision that an officer makes. It's not okay. Thank you.
- Regina Jackson: Thank you. The next item is item 10, review of CPRA pending cases and completed investigations. Mr Alden.
- John Alden: Thank you Madam chair, members of the commission. As is the usual pattern, we have a set of reports here under item 10 and that facilitates a couple of comments I want to make to you about the progress we're making at CPRA. You'll notice that in attachment 10 we have for the first two pages, a report about recently completed investigations, which is in the same format that we've used in the past.
- John Alden: As I mentioned to you at our last meeting, we've been working on ways to improve these reports based on comments we've gotten from the commission and from the public. In our next iteration and next time we're meeting, we intend to fold this recently completed investigations report into the reports you see in the rest of the document. So all three of the reports you have here are in the same format and flow together with three parts.
- John Alden: We think that'll be easier for you to read and if the commissioner of the public has some feedback about that tonight, I'd love to hear it because we anticipate this is an iterative process and we'll be improving this report each time we come by and comments folks have are certainly welcome. You'll notice then the next three pages are pending cases and investigations. We've organized this particular set by 3304 deadline.
- John Alden: I know there were some commissioners who had also in the past asked that these be organized by assigned staff, name of the investigators. So we have another version of the same report with the assigned staff mentioned. And then lastly we have a five page report detailing all the cases that are currently assigned to intake technicians. Now last we talked, I had mentioned that we have quite a few in intake. So if you take a look at the report of the ones that are in intake, that's 76 cases.

John Alden: The investigations assigned to investigators are 29. So altogether there we have 105 cases pending in CPRA. And this report was generated last week, so it'd be posted in time for the commission. So naturally these numbers change a little bit from day to day, but I think that's a pretty accurate assessment of the number of cases we typically have at any one time at CPRA now under Measure LL.

John Alden: So moving forward I'm anticipating that you'll be seeing reports that have about 100 to 115 pending cases and then perhaps 10 or so closed cases on each report. Another thing that we've done on the report showing pending cases and investigations is added columns describing the number of officers involved and the number of allegations involved. So we wanted to start giving the commission and the public a better sense of case complexity. And in this regard I think these cases are fair, but more complicated in terms of number of officers and number of allegations than the cases we used to get in CPRB.

John Alden: So hopefully that gives you a better sense of how much material we have moving forward. As I've mentioned before, that's a really substantial caseload. We also have a lot of cases that have been coming up on the 3304 deadline. I can tell you that since this report was generated, all of those cases that have 3304 deadline that falls before October 2nd, are all either closed or they're getting close tomorrow. So we're slowly improving in that regard. So all the September and earlier cases are done.

John Alden: It is my goal to be closing cases six months before the 3304 deadline instead of say six days or two weeks. In that regard I have some good news for you. We extended conditional offers to three different complaint investigators this week. They all accepted. I was very excited about that. I would give you their names, but they haven't all told their current employers yet, so I don't want to get out ahead of them. You know who you are. So I hope that in October I'm able to bring them here and introduce them to you so you can meet them. I'm excited about all of them. They all have a wide variety of experience, lots of different perspectives on the issues involved, but all really, really thoughtful, interesting backgrounds. They all have investigative experience. They all have law degrees. They've all been working in this field for quite a while, so I think you're going to like them.

John Alden: We also completed since I saw you last, an office renovation. Ripping out all of our old cubicles, replacing them with new ones, also some new computers. So we now have more space for the incoming investigators. On a closely related note, we're going to be going to, some of us, will be going to [Naicol? 03:11:47] with some of the commissioners in a couple of weeks to do some more training.

John Alden: And we've started some conversations internally about how we can be conscious of and help to better achieve racial equity in the work that we're doing. Many of us are going to be going to a lunch tomorrow that the city has

put together with an expert named Joy Degree. I hope I'm pronouncing that right. Who's giving a talk about some of these issues and I'm looking forward to having more of that conversation with the commission at our retreat and moving forward over the next couple of months. We have a lot of other things going on, but I think those are the highlights cause I'm particularly focused right now on increasing our capacity to move investigations through in a thorough way and to make sure we're getting them done in a much more timely fashion than we have in the past. And that'll be my main focus over the next couple of months.

Regina Jackson: Once again, on behalf of the entire commission, I just want to congratulate you. You have hit the ground running in 17 different ways, so very exciting news. Thank you.

John Alden: Thank you.

Regina Jackson: Are there any questions about the report? Oh, Commissioner Harris?

Ginale Harris: Mr Alden, thank you for this report. They're very detailed and very honest. I did notice that there are two cases on attachment 10 that have passed the deadline already. Can you explain to the public what happens to those cases?

John Alden: Sure. If you look at the list that's for the public's benefit. If you look at the pending cases and investigations by 3304 deadline, which is the third page of attachment 10. There are two cases that sit there at the top. And I'm glad you asked that because I do want to flag for people this report by 3304 day, because it does show you how up against the wall we are and making sure these cases are done in a timely way.

John Alden: The first case, 18-0345 is one that failed to meet the 3304 deadline way back in the spring. For some reason this one hadn't been reflected as closed in our materials. I've since been directed that one be closed because obviously we didn't get it done in time back in the spring.

John Alden: There is also then the case 18-0991, which we finished and completed later the same day that this report was originally generated. So that one we completed before the 3304 deadline. So we made it but by a day. One thing I should mention too is that, we keep these cases on this list even if our report is done. If we're still talking to the police department about what should be done with the case, including what should be sustained and what shouldn't and what discipline should be imposed, if any. So sometimes some of these matters remain on the list and they're coming up close to 3304 date.

John Alden: But because we haven't finished the work with the department collaboratively of making sure that discipline is imposed or at least noticed to the officer before

the 3304 date, we keep it on there. And that's a help to us to remember that we need to make sure that that notice gets to the officer.

John Alden: So some of these do come up right against the 3304 date not because we haven't finished the investigation, but because we're still in that process, which is a critical part of the process. Very important. So fortunately on here there's only one case that didn't make the 3304 deadline. And as I mentioned, that was back in the spring. I have taken a look at why we had cases earlier in the year that didn't make the 3304 deadline. I think there are a variety of causes. Certainly chief among them is fairly low staffing compared to the number of mandated cases we get under LL. And that's one reason I'm working really hard on fixing that problem.

Ginale Harris: Thank you. One more question. So I just want to take notice and for the record on all of the cases that we have pending cases and investigation, if you go to the allegations, you will notice that they are all similar. And what I mean by that is either excessive force, racial profiling, demeanor, demeanor, demeanor, demeanor, and... I'm not the investigator, but there are 50 different people saying the same thing. So there's got to be some truth to it.

Ginale Harris: So I would like the police department to please take note of this. That whether you're under investigation or not, you have an ethical duty to protect and serve. And it is not okay to think that you can behave in a way that is not acceptable. If these are people's daughters, sons, grandsons, aunts, uncles, grandparents. Would you want someone to treat you that way? And it's important. We can minimize these complaints if you just get your attitude right. And so that's what we're looking to do is change culture. And again, I will say, you cut the head of the snake and the body will fall.

Regina Jackson: Commissioner Henderson.

T. Anderson: I just wanted to comment on your use of we. And I really appreciate you taking accountability for action under your department prior to your leadership there. It shows a strong leader who's ready to engage in change. And I really look forward to hearing how you learn from those to create the change that we need moving forward. So thank you for that.

John Alden: Thank you.

Regina Jackson: Yes, that's absolutely, that's what leaders do. Yep. Thank you.

John Alden: Welcome.

Regina Jackson: The only speaker card I have for public comment is Ms.Granach.

Ms. Grenache: Thank you. I think I'm just a bit confused when I look at this page, that shows the completion dates that have already passed. So I'm looking at page one of three, and the title is pending cases. Well, they're not pending if they're already past. So in other words, I'm just curious about the terminology that we're using. It's very confusing to me to say a case is pending when it's already been closed two or three months before. So I'm not sure about the way it's organized. So maybe I'm not understanding what you mean by pending as opposed to something that's been closed because the 3304 date is long passed.

John Alden: I can under...Through the Chair if I may?

Regina Jackson: Yes, please.

John Alden: I can understand that confusion. I have to say when I first looked at how we've been doing these reports over the last couple of months, I was concerned about that too. It was a little difficult for me to follow initially. And I'm still not happy with these first two pages that you're referring to. In print, that I now think should be bigger.

John Alden: At the top of the page, there's a, in italics, the phrase recently completed investigations on page one and two. And so those two are supposed to be describing cases that are done and so those two pages have completion dates because those are cases that have been finished. The pending cases and investigations which starts on the third page, doesn't have a completion date for each case because those are still obviously being worked on. At least on the copy I have in front of me.

John Alden: And if you're seeing something different Ms. Granache, then maybe you and I should compare our copies and make sure we're working with the same material.

Ms. Grenache: It's hard because there are different sections and there's no page numbers so.

John Alden: Yes, I agree. I think what I, one of the things I'd like to see is an improvement next time we come to you is to make sure that both the pending and the completed cases are just in one report, that's sequentially page numbered. Maybe with nice bold headers in each section saying assigned to intake, assigned to investigators, completed. And then I think that'd be easier to read.

Ms. Grenache: Thank you.

John Alden: That sound good?

Ms. Grenache: Yep.

John Alden: Will do.

Regina Jackson: Thank you. Moving on. Item 11, scheduling a public hearing on use of force. Mr. Anderson, did you want to lead discussion?

T. Anderson: I know we have a vision to have at least one public hearing on use of force. And I would propose that we try and do this as soon as possible, and look for a date in November to do so. The Saturdays that I...I Was thinking of Saturday, that I was looking at were November the second November the ninth or November the 16th. For everyone's consideration.

Regina Jackson: Okay, thank you. And we also were talking about hosting a community meeting. A commission/community meeting. Not to confuse that but we want to make sure to do that as well. So I think it makes sense to look at, geographically, something between West and East Oakland, since we've targeted both of those areas in the past.

Regina Jackson: Is there other conversation? I know that we're beginning to work on the policy, but in terms of framework, I know that the previous hearing that was done on the homeless, that the coalition really worked hard to execute. Had a nice template. They provided us a template around their plan so I can share that with you. Commissioner Harris.

Ginale Harris: So, I'm excited to have some dates to do this, but my concern is that we reach the voices that never get heard, especially in regards to this policy. I would like to know a plan on how we plan on outreaching to those marginalized communities. West, East Oakland, deep East Oakland. I want to know how we're going to get people engaged.

Regina Jackson: So I know that we have been building an email list for organizations, particularly as it's related to our parole and probation policy. In terms of providing information around what to expect differently from the police once they have been trained, which should be coming up in October. I certainly could share that, but I think that we also need to potentially look at some leafleting, like having young people pass out flyers and the... I'm sorry. Having young people pass out flyers in some of the neighborhoods. Obviously going to the churches and all, but we need to put together a plan.

Regina Jackson: Can you still hear me? Okay? And so Commissioner Harris, I think that in discussing with Commissioner Dorado around outreach, we can begin to formulate that. So perhaps Commissioner Dorado, when we get to our work plan portion of the retreat, maybe you can bring the list that you have thus far. And we can begin to massage it and make sure that sharing amongst the commission, sharing amongst folks that are following the commission's work. And whether that's through social media or email or what have you, inviting people to share with us folks that they think would be important to engage.

Ginale Harris: So I just want to give you my thoughts on what that looks like. Because we keep saying agencies, organizations. I don't care about any of that. What I have started doing in my outreach efforts is like I reached out to people like the East Bay dragons. So that's who I would like to...I've invited them cause they've been in Oakland since Oakland existed.

Regina Jackson: But that's an organization.

Ginale Harris: I mean, I understand that but it's not the kind of organization you're talking about.

Regina Jackson: You're making an assumption about what I'm talking about.

Ginale Harris: No, but you're making the assumption what I'm talking about. So I'm just making it clear that no one as of yet has reached out to them. So that's why I'm saying that.

Regina Jackson: Well, and that's with good reason.

Ginale Harris: Excuse me? So the East Bay dragons is a motorcycle club. Right. That have... I haven't. So when I reached out, I haven't heard anyone reach out to them. They're in East Oakland.

Regina Jackson: But, so [inaudible 03:25:06] hold on. No, no, no. We haven't had a date to reach out about. So, that's all.

Ginale Harris: Let me finish.

Regina Jackson: Okay.

Ginale Harris: So, I want to reach out, so those were my intentions. I reached out to local neighborhood kids and I don't know you, youth, they don't go to youth centers, but they hang out on the block. Down on 86th, 81st, 96th, 104th. And I, I went to the continuation high schools where nobody wants to deal with those kids. And it's like those are the people I want to hear from because those are the people that are affected. So I would hope that we all take that into consideration and help and assist and just take dooring an doing things. The flyer thing, whatever it is, social media, all of that to those people.

Regina Jackson: So those are great suggestions. Schools like Dewey and Redesdale are absolutely in that space. And so it really has more to do with the fact of, reaching out for a reason. So, when we get the date together and we will hopefully isolate that, then making sure that the leafleting happens because to your point, you're right.

Regina Jackson: Not all the kids are going to use centers, which is why I was saying maybe we could have some of our young people leaflet and... I tend to pay out of pocket just to give incentives, but canvassing is something that I know we work on training our young people to do and there's a lot of youth organizations that do that kind of work too. And they look forward to it because it makes them feel a part of the work. Commissioner Anderson?

T. Anderson: I just want to also emphasize that regardless of how much outreach is done or accommodations are made in terms of providing childcare and food or other elements. There will be individuals that will never feel safe coming to any room to talk about this issue. And so doing our best to leverage technology to allow a space for every voice to be heard. And so I can commit to finding alternatives that help make this as accessible and as inclusive as possible.

Regina Jackson: Excellent. So, I don't know, maybe you all could take a look at your calendars and come back to the retreat and we could try and focus on the date? And then pull together the flyer and begin to promote. And I know that many of the members in the community will also support that effort and we certainly appreciate it in advance. Are there other questions? Go ahead.

Ginale Harris: Do you think it's a good idea that we bring this stuff to the retreat though?

Regina Jackson: I'm just talking about a date.

Ginale Harris: I know, but that's difficult. We should be able to do it right here.

Regina Jackson: Okay. Me too. Do you all have a preference based upon those three Saturdays that were identified? The second, the ninth or the 16th? Chair?

John Alden: Veteran's day?

Regina Jackson: Veteran's day. No, I mean they're Saturdays. So any of them-

Ginale Harris: We have a commission meeting on the 14th, and then that 16th is open. But there's a commission meeting that Thursday so keep that in mind.

Regina Jackson: Right. So that's why I would probably push for the ninth but... Do you all have a preference?

T. Anderson: Recognizing that we aren't the commission as a whole as it will be in November. So I was looking to our future commissioner and the audience and seeing what his availability might-

Regina Jackson: Again, I think that we can identify preferences and then we could confirm them Saturday at the retreat. Because not everybody is here. We have...Yeah. Public comments will be coming. We're having our conversation right now.

John Alden: The second and the 16th. Either the second or the 16th would work best for me.

Ginale Harris: Okay.

Regina Jackson: Okay. So, Commissioner Dorado? Two, November 2nd. Commissioner Anderson?

T. Anderson: Any of those three dates work for me.

Regina Jackson: Okay.

T. Anderson: And no preference.

Regina Jackson: Commissioner Harris?

Ginale Harris: November 2nd I would prefer but I'm open for either or.

Regina Jackson: Okay. And Commissioner Prather?

E. Prather: [inaudible 03:29:50] my fear is that [inaudible 03:30:04]

Regina Jackson: It sounds like the majority of people are leaning toward the second, is that correct?

Ginale Harris: Correct.

Regina Jackson: Okay. All right. So I think that we can share that date with the other commissioners and figure out what would be the best thing and we can hopefully confirm that on Saturday, but it looks like November 2nd is the preference. If there aren't any other questions, we've got a stack of speaker cards. Okay, so we will hear from Henry Gage, Lorelei Bosserman and Janks. Miss Asada, Mir Schmeeken, John Lindsey Poland, Rashida Grenache, Kat Brooks and Maureen Benson.

Bruce: I really appreciate this being on the podium. I really appreciate Janelle's comments about outreach because some of the coalition have been giving this a lot of thought and we were asked actually to present our information and maybe jumping the gun just a bit. If you were interested in having these on October 19th and 26th, I can actually give you venues. Taylor Memorial in West Oakland and either Saint Elizabeth or St. Louis Bertrand in East Oakland.

Bruce: If you think that the 26th is too early. I think November, I mean, in thinking about this, I actually made calls to the pastor at Taylor would welcome having us come back there, but I really think we should have one in East and one in West. I think we should have two hearings. And I think they should precede anything else. Any other work we do. I'm going to give you guys this. This is just our work

product. And it's not written like a great report, but it's got three pages of lists of organizations that range from service organizations that are not as grassroots to other persons we've talked to. We probably talked with [inaudible 03:32:34] .

Bruce: I don't know that you have power to change, your support [inaudible 00:26:43]. They are folks like... Similar groups that we've talked to. All of Us or None, Urban Peace movement. Folks like that who can do this kind of leafleting, who have folks come to their places and they reach out and do the serious outreach with impacted folks. So you've got... You can look through through all this stuff and use it however you want. I think these venues might be good ones to consider.

Bruce: Taylor worked really well for the unhoused conference. I think Henry's given me a couple, a little extra time. Saint Elizabeth's was good for that meet and greet and it's a central location. St. Louis Bertrand also great place on a 100 and International. Accessible, great parking, et cetera, et cetera. So this is...We just started, this is our brainstorming, thinking. I know all hands are going to be on deck in this.

Bruce: All the different organizations that are interested are going to want to participate. But I can guarantee you that this is going to be something that folks are going to be excited about. I really feel like we should do an ASAP. If you think the first weekend in November. We could...It's soon enough. That's cool.

Bruce: So anyway, we're here to help. We pulled off, I think we did a hell of a good job. Not to toot the horn but I will. On the, unhoused hearing, the place was full. A lot the folks who really needed to be there came. And another thing we need to consider is I would say, having people taking...Like we did at the unhoused. Going to a side room, having people who have some training and experience taking anonymous or extended documentation. And then it also needs to be, the data needs to be wrapped up and put together and packaged in a way so that it really is kind of research on community outreach. So anyway.

Regina Jackson: Thank you very much Bruce. I really appreciate the outreach plan. I read off a list of names. Who wants to get up?

T. Anderson: Good evening. For the record, my name is Kat Brooks. I am the co-founder, of the Anti Police-Terror Project, and the executive director of the Justice Teams network. For the last two years, the Anti Police-Terror Project has been a co-sponsor on the statewide legislation that would change the Use of Force policy. We were victorious. This legislative session, which we are very excited about, AB 392 or the California act to Save Lives, changes the standard from reasonable to necessary, with which law enforcement officers can justify using lethal force.

T. Anderson: The first time the standard has been changed in the state of California in over a hundred years. It was a long process. We did it mostly in partnership and with

the support of and humbly standing next to families that have lost their loved ones to state violence and including many families from Oakland that we mobilized to Sacramento to testify, to lobby, to do all sorts of things.

T. Anderson: Today, another bill SB 230, went before Governor Newsome, and he signed it and it mandates that all policies on use of force be standardized across the state. Meaning Oakland's Use of Force policy has to look like L.A.'s Use of Force policy, looks like Sacramento's Use of Force policy. That is now law.

T. Anderson: And it also mandates every single officer in California to undergo standardized training on ways to avoid using lethal force. And the good thing about SB 230, as frustrated as we were, that it was tied to AB 392. It actually includes some things that got knocked out of AB 392. So it mandates de-escalation in a more particular way. It mandates alternative to shooting people. It mandates how to interact with those with mental illness or addiction. And it requires medical aid, which is something that the police unions fought us on big time, believe it or not, they've fought us on being mandated to render medical aid.

T. Anderson: The next focus of our work is about implementation. Of course, here in Oakland, this is our home base. Justice Teams Network is a statewide organization. So, we'd be partnering with-

PART 7 OF 8 ENDS [03:37:04]

Speaker 13: Home base Justice Teams Network as a statewide organization, so we'd be partnering with ACLU in both northern and southern California about implementation. Spoke to our partners at the ACLU. They are more than happy to, as part of the upcoming hearing or community meeting, come and talk about what it means for us to come into compliance, so that the commission better understands what you need to hold OPD accountable to. I imagine, as it was with SB 1421, they're going to go kicking and screaming with AB 392, and so we're trying to get ahead of it. We were knocked off guard with 1421. We're trying to get ahead of it and make sure that the entities of accountability have the tools that they need.

Speaker 13: The SB 230 analysis isn't completely out yet. This is, however, what specifically OPD would need to do in order to come into compliance with AB 392. This is mandated, it's not optional. As we're talking about rewriting use of force policy, it might make sense to wait to see what absolutely has to be standardized, since there's now this new state law. I want to hand you this, want to offer up APTP as well as the ACLU as a resource.

Regina Jackson: Wonderful. Can you go ahead and give it to ... It's one copyright, or is it?

Speaker 13: No, no, no. [inaudible 03:38:06].

Regina Jackson: Okay. Would you give it to Mr. Alden, then he can spread it around. Thank you.

Regina Jackson: Thank you. Great to hear from you. Miss [Asada 00:01:17]?

Miss Asada: Love life. I like to say something but I'm not understanding fully the objective goals of what this purposefulness of what this will result in. The end result is that you will hear from people to create a policy to further advance the possibility of investigations being more productive as it relates to findings on use of force. Could you clarify briefly what the objective of doing this is please, and then I can comment.

Regina Jackson: Sure. I'll take a stab at it and certainly anyone else can jump in and help. The concept of having public hearings really is to hear directly from voices who have been adversely impacted by excessive force. Within those experiences, it should help us to identify language to specifically speak to what policy perspectives or changes we want to see, which hopefully should reduce excessive force and hold any officer accountable when they use it inappropriately. I think that with some of the policies in Seattle and San Francisco and LA that have come up more recently, there are much more confinements around the use, but the real value in the public hearings is allowing people to share their stories and their concerns to help us amplify that message inside the policy.

Miss Asada: Got it. Okay. Here's what I say. 17 years of no action on use of force and racial profiling by the Oakland Police Department. I went to the courts and I know it's not going to change with the judge, it's not going to change with [Warsaw 03:40:17], it's not going to change until they get a leader in the police department that mandates the change of culture, not just around use of force, around anything that needs to be done effectively with the Oakland Police Department.

Miss Asada: I applaud you for doing this. I think it will give people a voice that they need to have. It will console, it will heal for some, so it needs to be done, but the actuality of creating the culture of change in the police department, I don't think it's going to happen here. It has to happen with that leader, and we don't have that leader. Thank you for doing it, and if the public can be there, I want to be there, because I want to hear those stories because I think it's so important, but we need a leader to-

Regina Jackson: Yes, ma'am.

Miss Asada: Thank you.

Regina Jackson: Thank you.

Regina Jackson: Nope.

Tara Anderson: Chair.

Regina Jackson: Commissioner Anderson? [Crosstalk 03:41:26]

Tara Anderson: Chair, part of the recent commentary we've heard from the public reminded me that Oakland Police Department received a grant from the state around training around use of force, so if we can incorporate maybe into our ... whatever agenda item we'll have for our next meeting any update on that, given all the changes that we're embarking on, both directed by this date and self-initiated here locally.

Regina Jackson: Thank you for that reminder. Thank you.

John Poland: Good evening. [John Lindsey Poland 00:03:42:05], American Friends Service Committee. This morning I went to San Francisco Federal Court where the County of Alameda is defending itself in a lawsuit by women who have been imprisoned at Santa Rita who have been suffering sleep deprivation. They're woken every half an hour during security checks. Previously they were woken up three, four in the morning in order to go to breakfast or for medication, or janitors were doing their rounds between 11:00 PM and 6:00 AM in the morning, and the sheriff's attorney maintained that the mental harm that is suffered as a result of sleep deprivation is not covered under federal law as a harm, only physical harm according to what they maintain.

John Poland: I interviewed Sheriff Ahern a couple years ago where we started talking about SWAT raids. I said, "Well, so when a child is traumatized by a SWAT raid, do you consider that harm?" Because he said no one had ever been harmed by any of his SWAT raids. We went round and round and round. He basically was saying, "No, I don't consider trauma to be harm."

John Poland: I bring this up because of the question of, what is the scope of use of force? Are we only talking about when a physical weapon has been deployed, or are we also talking about when a battering ram is used to break down a door? Are we also talking about when men in black come into people's homes and people don't know whether they're law enforcement or not, and people are traumatized.

John Poland: As you know, I am also working with a number of groups, and I've spoken with some of you about an ordinance, not a policy, an ordinance on militarized equipment. We are organizing a ... and that's not a public hearing, but it is a public event in which we want to do exactly the same thing that you're talking about on issues of equipment, but I think there's a lot of overlap. I invite you to this event on October 3rd at First Congregational Church. It's not in West Oakland, it's not East Oakland, but I do invite you to that, and we are working with community organizations, as well as people who are not in organizations, in order to really bring out the voices of those who are impacted by police

equipment, who are generally the same people who were impacted by use of force in the city. I invite you to that, and also invite you to consider how the scope of use of force is going to be defined in a way that also includes people who are traumatized or otherwise emotionally and mentally impacted by police behavior.

Regina Jackson: Thank you very much. Are there any other speakers on this item? Nope? [inaudible 00:08:20]? No? Okay. All right. We're going to hopefully finalize November 2nd as a public hearing date for our anticipated commissioners. Would you signify if that'll work for you? John and Henry? Yes? Okay, excellent. I think we're probably home, it's just a matter of a location. All right, thank you.

Regina Jackson: The next item. Okay. I know it's freezing. Apparently we can't do anything at this point, but we will be calling tomorrow.

Regina Jackson: Bey case review. Vice-Chair Harris?

Ginale Harris: Thank you, Chair. As you all know, we have reviewed ... we were seeking an investigator for the Bey case, and today I am happy to announce we have found one. We have found one. On the Bey case we found an investigator, so you will not see any documentation in today's agenda, because he is going to be submitting his documentation to me for the next meeting so it will all be prepared, because I wanted to do this training first so we can not put the cart before the horse and go through the drama. Now that we have the training complete, I do have the name. I don't know, should I announce the name?

Regina Jackson: I think you should probably just [inaudible 00:10:05].

Ginale Harris: Okay, but we do have an investigator, so I just wanted to just give that update and let you know that it will be coming soon on the next agenda.

Regina Jackson: Excellent. Thank you very much, Commissioner Harris. Are there questions?

Tara Anderson: Yeah.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Thank you, Chair. Given that we've learned today that we have a many step process, even after we've demonstrated that there are three bids. Is there any other actions that we can prep so that the resolution happens at the next meeting? I just want to make sure we can do as much as we can today, even with the limited information that we do have a third bid that appears to be from a qualified entity. I want us to show up ready to go. This has taken long enough, so anything that we can have in play for the October meeting.

Regina Jackson: To your question, I'm expecting Miss [inaudible 03:48:03] to send me samples so we can try and anticipate resolution as it relates to the contract. I would imagine up to 50,000 would be that one, just like it had been with Mason. I think that we move with that agenda in place. I think those pieces will be good, and so long as we get that information then things should be able to [crosstalk 03:48:32] move.

Ginale Harris: What I can do is I can notify Miss ... I need the paper first in my hand. I'm pulling the cart because I'm so anxious to have it, but as soon as I receive the document I will forward it to Miss Love and, through the Chair, ask her to prepare the resolution.

Regina Jackson: Yes.

Tara Anderson: Yes.

Regina Jackson: I think that's fine.

John Alden: May I add a suggestion?

Regina Jackson: Yes.

John Alden: Since the contracts and compliance process is pretty lengthy, generally with anyone we might be thinking about contracting with, I think it can't hurt to refer them to that office and the publicly available information there about the schedules to fill out, because there's no reason such a person couldn't do it in advance. Now, I'm sure contracts and compliance wouldn't consider the material until the resolution had been completed and a contract prepared, but a contractor could at least start gathering their own documents and that would speed things up. That's one of the few things that we might be able to do on parallel tracks to make things move faster.

Regina Jackson: So-

Ginale Harris: So ... I'm sorry, Chair.

Regina Jackson: No, I was going to say, so could we have them talk to you and then you do a warm handoff to whomever, based upon the experience of the CPRA office and contracting?

John Alden: Sure, and just to be clear so no one thinks we're jumping the gun, that's something I'd be happy to do with anyone who's a prospective contractor with us who's interested in learning more about the process, including people who might say, "Bid on future contracts if we had three bidders." I'd be happy to explain to them who to contact to learn more about that process. They could figure out how that might affect they're thinking about the process.

Regina Jackson: Thank you. Anything that will make things easier for people to actually do their job.

John Alden: Again, it's publicly available information, but I'm happy to facilitate getting it to anyone who's interested.

Regina Jackson: Thank you. Commissioner Anderson?

Tara Anderson: I also want to be sure that we're fiscally mindful as we're doing this, and that we make the commitment to understand what money we may need to move across light items to be able to adequately ... I know the contract would just be set as an up to amount, but I want to make sure that we have the right up to there, and that we're not shortchanging the provision of this resource for this purpose.

Regina Jackson: I also think since we have done this with another investigator, it probably makes sense to start off in that same amount area, and then if there needs to be a change, then we do that. Then also we will ... I guess Vice Chair, you're going to check in with finance to figure out where the money is so that we are not trying to co-mingle the money that's likely to be for independent counsel with investigations, or what have you.

Ginale Harris: No, I know where the money's at.

Regina Jackson: I know you know. I want to make sure that they know.

Ginale Harris: Okay.

Regina Jackson: Okay, If there aren't any other questions on this item, I have a few speaker cards. Okay, great. We have Henry Gage, well nope, that was, sorry. Oscar Fuentes, [Saline Bey 00:03:51:43], Miss Asada. and Maureen Benson.

Oscar Fuentes: Hi there. I just want to say this. It's great that there's going to be an investigation. I've had the opportunity to look at some original documents lately, and I have to be honest, Mr. Bey comes up and patiently tries to explain the situation. It's quite complicated, but once you dig into this, it's shocking. It's shocking. Four people were murdered while the FBI and the police and other agencies watched and scrutinized and were surveilling in a series of investigations that began in a joint terrorism task force investigation that's completely inappropriate. That alone needs to come out that OPD and the FBI were doing that to an organization in Oakland using racist ideas as an excuse to look into them. I'm happy that you're doing this and thank you.

Regina Jackson: Thank you.

Miss Asada: Love life. We have to be honest about the fact that the stalling and the delaying that has gone on for years, that some of you have participated in this, and it's

very unfortunate that you get here and you have to go through all of this to get something done. I've never weighed in on Mr. Bey's stuff because he was handling it so well until I saw people trying to undermine what he was doing, and so I promised him I would be here. I don't come here except for one reason every meeting to make sure Mr. Bey gets the justice that he deserves, his family deserves, his efforts and consistence and steadfastness is rewarded. I've never seen this kind of compassion around an issue.

Miss Asada: Miss Harris, thank you for the same reasons. I'll be back anytime Mr. Bey is on the agenda, just in case somebody want to try to put their foot in it. I'll put my fist in it. Okay.

Regina Jackson: Thank you.

Saleem Bay: Saline Bey. I just want to say that within this case, there's everything that you speak about on this agenda just pretty much. When you're talking about social media, the police was talking to the media and exacerbating black on black violence, to then find out that the police were behind it in the first place. In terms of towing, I've shown how my brother's car was shot up. The police towed that car. My brother still owes for that tow. right now, he just escaped with his life. They towed it, they said they processed it. We found out months later that they never even processed the car for evidence. They just towed it.

Saleem Bay: Then when we came back and said, "Well, what about all the stuff once you processed it, you found these different things?" They say, "Oh yeah, yeah, we did." He said, "Well, give it to us." They couldn't do it. When my brother did finally find his car at the tow shop, he found all of his personal items inside the car, so it means OPD didn't even process it. Then 63 days later they closed it in secrecy, and five years later we found out that they closed it in secrecy.

Saleem Bay: Terms of the CPRB. We still have investigators that closed our case in 2007, 2011, and 2014 are still getting paid by the city and still working for the CPRA. Just because you changed the last letter doesn't change the crookedness of the people who was working there before. I think that they have to go and they have to go immediately. In any other organization, private organization, they would have been fired, marched out and everything, but they're still here.

Saleem Bay: In term of use of force, if the police can run undercover operations in which they use illegal weapons as a tactic, that's a use of force, not just against the people who are being shot up, but against the communities that is happening in, because there's all kind of different people being shot in the community as collateral. Just as I say it's very important and I thank the people who say my consistency and my persistence had brought me here, but I would say that anybody whose family this was done too, that close to them would never give that up I would think. If they was a type of person who I am. Thank you.

Regina Jackson: Thank you. Okay, so ...

Maureen Benson: I just wanted to suggest ... I appreciated Commissioner Anderson's suggestion around preemptively looking at things you need to do to expedite this process. I know Commissioner Harris knows where the money is, but I want to offer a suggestion which is, since the city administrator is blocking you from being able to hire an inspector general, I'd be moving the salary you're not spending on that inspector general into the right categories, and I'd be doing that today.

Regina Jackson: Okay.

Maureen Benson: So, [inaudible 03:57:19].

Regina Jackson: Very good. Thank you.

Regina Jackson: Okay, so we can move on to item 13, which is the committee liaison, other commission reports. I know you have to leave in two minutes. Did you have anything to report? Nope? Okay. See you. Thank you.

Speaker 14: Chair, we are approaching 10:30.

Regina Jackson: 10:30, okay.

Ginale Harris: We got four minutes.

Regina Jackson: 15 minutes guys? In 15 minutes, I think we can get it done.

Ginale Harris: We only have two items left. 10 minutes.

Regina Jackson: Well, I just say ... Okay. Let's say 10 minutes. Okay, can I get a motion to extend the meeting from 10:30 to 10:40?

Jose Dorado: Move to extend the meeting from 10:30 to 10:40.

Ginale Harris: Second.

Regina Jackson: Okay. It's been properly moved and seconded. Can we get a vote?

Regina Jackson: Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: Aye for myself.

Regina Jackson: Commissioner Smith?

Thomas Smith: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: No.

Regina Jackson: Okay, and the vote passes. Are there any items on the commission reports? I think we can ...

Jose Dorado: I'm just going to be real quick.

Regina Jackson: Okay. Quick.

Jose Dorado: I'm playing phone tag with David Harris from urban strategies regarding his presentation on the Oakland Safety Summit. I heard an excellent suggestion from our Chair today to have him do that presentation at our community meeting, and do all the outreach through the fellows and the community folks that participated in the Oakland Safety Summit, and I'm going to skip the [inaudible 03:59:07] report on the summit and on the task force.

Regina Jackson: Terrific. Are there any other commission reports?

Regina Jackson: Okay. There being none, let's move onto the commission retreat. Delighted to announce that this Saturday we will have a long awaited retreat. We will be at the waterfront Hotel. We will start promptly at 10 and end at three. I'm excited to announce that during our working lunch, we will hear from Lateefa Simon, who is both a BART board director, president for the Akonadi foundation, and all around amazing social justice advocate. We have a lot of work that we want to get done and I know that it will be covered by audio, so tune in.

Regina Jackson: Does anybody else have anything on the commission report on the retreat? No? Okay, so then moving forward to item 15, agenda setting and prioritization of the upcoming agenda items. I know you've been keeping a running list, Vice Chair. Go ahead. Would you please announce?

Ginale Harris: What I have is we have OPD grant for training for use of force. They got a grant, so we want to know about that. Draft ordinance on militarized equipment, Mr. Bey's case, report back from retreat. That's what we have so far.

Regina Jackson: We wanted to put on the resolution.

Ginale Harris: Okay.

Regina Jackson: I guess maybe that's a secondary part to the Bey.

Ginale Harris: Yeah.

Regina Jackson: Okay, no problem.

Ginale Harris: That's the Bey case.

Regina Jackson: Okay, no problem. I think ... Commissioner Prather?

Edwin Prather: [inaudible 04:01:02]

Regina Jackson: Yes. Will it be the first meeting in October that the two new commissioners join us?

Ginale Harris: No, it's the-

Regina Jackson: The 23rd, so it's the second meeting. Okay, no problem. Are there any other items? Yes?

John Alden: Forgive me if we already captured this, but I wanted to make sure the issue about the contractor for the Bey case is on for the next meeting, and that'd probably be a good time for us to finish any conversation about budgeting we haven't finished at the retreat.

Regina Jackson: Okay, great.

Ginale Harris: Should that be a separate item, budgeting, for the retreat? No, budgeting for ...

John Alden: I think it would be good to have it as a separate item. Yeah, because then we could talk about all of our expenses.

Regina Jackson: Yes.

Speaker 14: I'll agree that that should be a separate item just because that's a pretty broad topic of discussion. The public should be aware that that's going to be discussed.

Regina Jackson: Basically, it would probably be a budget up to date. [crosstalk 00:25:03].

Ginale Harris: Budgeting for contracting.

Regina Jackson: Or a review of where we are in our budget right now, and that would allow us to identify how much we have for contracting, and/or move money.

Ginale Harris: I'm going [crosstalk 00:25:17].

John Alden: Yeah, or I might even make it a broad topic of discretionary expenses, pursuant to existing budget, something like that. I imagine we might get some suggestions from council about better ways to phrase it, but I agree with Mr. [Ruden's 04:02:29] comment that it's a pretty broad topic, so the broader the notice, probably the better for the public.

Regina Jackson: Yeah. We'll say budget to date and then we can identify a couple of other things on there.

John Alden: Mm-hmm (affirmative).

Regina Jackson: Any other points?

Ginale Harris: We do have a pending list. We should have it in each agenda packet just for our reference, and I will ask [Chrissy 04:02:54] to do that next time just so people can know, but people have been following our process and submitting their agenda items, and I've been placing them on the list.

Regina Jackson: Great, thank you. Okay. Let's see. I actually would like for us to figure out how to have shorter meetings so that we're not so spent, because we have so much followup after each. Is there something on the pending list that you think is absolutely dire that needs to be on this agenda?

Ginale Harris: I don't have it in front of me, but I can-

Regina Jackson: Okay.

Ginale Harris: Yeah, I don't have [crosstalk 00:26:32].

Regina Jackson: Maybe we can finalize that, maybe on Saturday. I know that we have two folks that want to speak so they may be suggesting adding to the agenda. If that's all here, then I have two speaker cards from a Henry Gage and Maureen Benson.

Maureen Benson: All right. Good evening. I'll submit this properly as an agenda item, but I just wanted to share ... Cat had to go, because she has, of course, a 6:00 AM radio show, but Anti-Police Terror Project has put out a paper on proposal for effective police oversight, and there is a list of suggestions for modifying the legislation for what an independent commission would look like. We'd love to be able to engage. There's over a dozen organizations signed on already to these requests, so when you're engaged in the community process of reviewing the rewrite for the police commission that's going to go on the March ballot is the plan, we want to make sure that you're in the know of the work we've done over the last three years. Legal teams, impacted families, community members have created a really beautiful comprehensive list of what best practices would be for true independent police oversight.

Maureen Benson: I just want to submit that to you all and I'll put it through on the agenda process. Thanks for following the agenda process.

Regina Jackson: Thank you.

Speaker 14: Also, I just want to thank you for putting the agenda out in advance. I know that's been a sore point for me for a couple of years, and so getting it out on Friday, even though I would love it a little bit earlier, but honestly thank you for getting it out on Friday. The weekend made a really big difference, so I just want to appreciate you for doing that and hopefully we can continue advance agendas.

Regina Jackson: Thank you.

Speaker 14: That is all ...

Regina Jackson: Thank you very much.

Regina Jackson: Henry?

Henry Gage III: Good evening. Henry Gage with the Coalition for Police Accountability. Thank you for placing the draft equipment ordinance on your next agenda. Both John and myself have been working very hard to put that language together, and we're looking forward to the opportunity to discuss it further. Thank you.

Regina Jackson: Thank you very much. It is now 10:35. I think we're going to end early. I would love to accept a motion to adjourn. Excuse me, Edwin, can you just handle some last bit of work?

Edwin Prather: [inaudible 04:05:51] adjourn.

Regina Jackson: Okay, I second. Properly moved and seconded, can we take a vote? All in favor say aye.

All: Aye.

Regina Jackson: Aye. Okay, and it's unanimous. We're done. Thank you.

Ginale Harris: Holy smoke. Don't forget your parking thingy. Yeah. Don't forget your parking thingy. Jose, I got my little car.

PART 8 OF 8 ENDS [04:06:22]