



**CITY OF OAKLAND  
OAKLAND POLICE COMMISSION**

**Meeting Minutes**

**Thursday, September 27, 2018**

6:30 PM

City Hall, 1 Frank H. Ogawa Plaza, Council Chamber  
Oakland, CA 94612

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**I. Call to Order**

Thomas Lloyd Smith

The meeting started at 6:31 p.m.

**II. Roll Call and Determination of Quorum**

Thomas Lloyd Smith

Commissioners Present: Mubarak Ahmad, José Dorado, Ginale Harris, Regina Jackson, Mike Nisperos, Edwin Prather, and Thomas Smith. Quorum was met.

Alternate Commissioners Present: Maureen Benson, Andrea Dooley.

Counsel Meredith Brown.

**III. Welcome, Purpose and Open Forum (2 minutes per speaker)**

Thomas Lloyd Smith will welcome and call public speakers.

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's policies, practices and customs to meet or exceed national standards of constitutional policing and to oversee the Community Police Review Agency that investigates police misconduct and recommends discipline.

Rashidah Grinage mentioned that she had requested the last time to be provided with a copy of the employment contracts for both the CPRA attorney and the Commission attorney. She noticed that is not in the Agenda Packet and she is going to reiterate her request for that information. She could put a Records Act Request in and get it but it would take some time based on the history of delays in producing responses to requests in the City. She is hopeful that the Commission will be accommodating and provide a copy of those contracts in the next Agenda Packet. T. Smith asked Counsel Brown to assist with this request for the next Board meeting. M. Nisperos asked that if we are putting it in the packet, does that mean it will be put on the Agenda? Counsel Brown reported that it would be the Commissioners decision but what she understands what Ms. Grinage has asked for is to have those contracts. Those contracts could be provided to her or they could be included in the Packet. T. Smith said that we will include those items and not have those items as an Agenda item. Counsel Brown said that it can be called an information item.

John Jones, III, member of the Coalition for Police Accountability. First, wants to say hello to each one of you. Thanked each one of you for your service on behalf of the City of Oakland and on behalf of the people. You are tasked responsibility which is very much needed. Also, wants to switch gears and speak to something that is near and dear to his heart. As many of you know, and I am sure many of you echo this sentiment

– I love this City. I love the people in it. I love it when I am sitting here or standing here and I am looking at each one of you. You represent not only the culture and character of the city but you also represent the diversity of this City. We have many things going on now. We have elections that are happening but I think what is very important is we must be part of a process that will eliminate the apathy, the distrust, that exists between the people and the police department. I understand how people feel about OPD. For me, I want to be very clear on how I feel and think about the police department. I view the police department as a community resource. I believe that it is very important that every entity and institution in this City is working on behalf of the people. What are some of the solutions to achieve that? We must get to a place where trust is not only present but possible. It doesn't always have to be an adversarial relationship. I advocate from a place of love not hate. I advocate from a place of unity and not division. There is room for us in this City to come together in a way to where we can restore our rightful place – Oakland, California in the country, in the world, the universe – for justice, for liberation, for all. I want to give you my heartfelt prayers and blessings. Stay strong. Stay the course but above all, let's make sure all of us come together to make sure that future generations can enjoy all the privileges and pleasures that represent America.

I know we are not there yet, but it does not mean that we can't get there. I am standing here because I dare to dream, I dare to dream the impossible, that is the definition of faith. Let's make sure that as we get there, we only can get there through integrity, courage and conviction but above all we get there by truth. Let's all speak truth the power and above all, let us always stand in a position of trust. A position of love and a position of unity. Thank you each one of you for your service. T. Smith thanked Mr. Jones.

Genevieve Wilson, resident of West Oakland and is usually a housing advocate. She works with the HAWG, Homeless Advocacy Working Group, and ordinarily is speaking to those issues. She thanked the Commission for their service. She is unable to stay for the rest of the meeting. She is coming bearing a summary of a platform for change through a friend of hers named George Lipman for Berkeley Police Accountability. She only has one copy of the information. It has her card and has George Lipman's contact information. Rather than get into the details, she wants to let everyone know that he is lead organizer in this effort and is very interested in being in contact with anyone who is open and willing to talk with him about what is being set forth in Berkeley. If you have questions, her contact information is included and so is his. The information was given to Mr. Finnell. T. Smith thanked Ms. Wilson.

Brandon Anderson, a five-year Army veteran, and a new resident of Oakland, California. He reported that he is happy to be here in the City and happy to be here tonight. He mentioned that John Jones was talking about love and asked who has ever been in love before? Is anyone still in love? That happens. I fell in love for the very first time when I was 15-years old to a tall, skinny, big headed black boy I first met in third grade English class. I honestly felt that falling in love with him was kind of like falling asleep in class. Something I didn't mean to do; I just did. Six years later that same tall, skinny, big headed boy proposed to me. I will never forget the thing he told me – he looked at me, got down on one knee, and looked me straight in my eyes and he said I could live one thousand lives and in each of them find my way back to you. Yes, I said yea of course, who wouldn't say yea to that. One year later, I got a phone call from another friend of mine, and I will never forget that day, he said, Brandon I am sorry, your partner has been shot by police. In 2007, I lost my lifetime partner and my very best friend to police violence during a routine traffic stop. His love was radical, unapologetic, and it completely changed my life. I was in the Army at the time, and my job for the Army was basically to be T-Mobile for the military, help field soldiers collect critical intelligence and then translate that Intel through my satellite communications and communicate that intelligence to base commanders who would

measure impact and design strategies that would ultimately save American lives. I built a similar platform that currently helps regular, ordinary people in the City of Oakland give feedback about their experiences with police - positive, neutral or negative. It's ability to rate the experience that they have with an officer. It goes to both a public dashboard and a dashboard that can conveniently be monitored by the Police Commission. We use that data hopefully to measure impact and design strategies that ultimately save American lives. I am hoping to get some time, some face time, or another meeting for an opportunity to go deeper and show you the technology that we built. The loss of my partner catapulted me into this work but the love of my current partner is what sustains me in this work. The right though that each of us has to live and to love in a world that is free of police violence is what continues to inspire me in this work. T. Smith asked Mr. Anderson to give his contact information to Mr. Finnell and any of the Commissioners who are interested in this, you can reach out to Mr. Anderson personally you can do that or if you would like to propose that we follow up and address this matter in some way we can do that. I want to make sure that everybody has an opportunity to contact him. Mr. Anderson said that that is fine. M. Nisperos suggested that Mr. Finnell give Mr. Anderson direction in how to submit requests to agenda items as a member of the community (agenda items with written materials and/or formal presentation). T. Smith said that Mr. Finnell will handle this request. T. Smith thanked Mr. Anderson.

Assata Olugbala started off by wishing that Officer Jordan Wingate and his family are moving towards good health and recovery. To resolve any issue pertaining to the police or anything that you are dealing with, it is crucial that you have accurate data. The data will give you the vision of what is happening and what you need to do in terms of the resolve. What she is seeing in terms of police data, is a lack of accuracy. Let me start by talking about crime. In their reporting of crime, the police department operates with a hierarchical reporting of crime. That means that if you have an incident and three things take place - somebody steals a car, rob a bank, and rape a woman. That incident will only reflect the higher incident in the reporting so two incidents don't get reported. I saw that when she read the reports in public safety, in very small writing, hierarchical reporting. We need to see the whole picture of what is going on with criminal activity in the City of Oakland and this hierarchy issue needs to end. We need to see everything. In the Fifty-Third Report of the Independent Monitor, Page 18, it states that the meetings that look at the data related to probation and parole stops, there is absence of active data relating to parole and parole stops and searches and weapons searches. These omissions limit fact-based focused discussion of these issues which may prove to be detrimental. It is saying that in this document we are not getting data on parole and probation stops and weapon searches. In the newspaper, but it is also in the Fifty-Fourth Report, it is saying that the use of force data is not being reported correctly. Reportable force actions, in fact, are not reported. At some point, we have to get on board the police department, to give the data correctly. Why wouldn't you not do that? I am on the resolve of saying you got to work with the police department. To do that, we got to do things correctly. I am encouraging you to look at the Fifty-Third and Fifty-Fourth Reports of Warsaw related to parole and probation stops and use of force. All this glorified - the use of force is going down, what they are saying is that the supervisors are at fault because the reason why he knows that these uses of forces occur, they were on the recordings but they were not in the reports. Let's move forward and start doing it right. You are all over there. Okay? She got one head going up and down.

Etta Johnson, community organizer for Oakland. She is here to say how displeased she is with Mr. Finnell with his investigations. Every time I turn something in to Mr. Finnell, he denies my case. He justifies OPD. In 2016, by him doing that, I never gave up on my cases because I know law too. I won a federal case against Alameda County Sheriff's Department and an officer from the OPD for false arrest, etc. They

drug her to the hospital. He lied and said I was arrested. I have a new case – 2017. I wasn't driving a car; I was at an event. and a security guard tries to drag her. I immediately hollered for help. Somebody called the police. The police came. When they came, they immediately handcuffed her and put her in the car. Had her in the car for a long time. The security guard lied. He gave false information. It took a year for this case to be heard – it was in DMV because they charged her with a DUI. Never once - they drew blood, made her hands swell because hand cuffed, lady laid on the floor sticking her, she has congestive heart failure. You don't stick anybody and don't stick them like that. It is supposed to be in a hospital environment. It was at the door of Santa Rita. They told me they were going to destroy her life. The blood never made it to a lab. They indicated a level on the report. It automatically came up to a charge. It took a whole year. Within the report, they lied. It was a carbon copy – you write on one page and every other page is supposed to correspond with it in the report. They wrote on each individual page. Nothing didn't correspond; different lies from different officers. The blood work went down hand to hand to hand. You could not transfer blood work. It was not done properly. Needles, etc. were all over the floor. It is in the video. I got some camera video. On June 26, 2018, a case was heard in front of a hearing officer. The case was immediately set aside; the police were subpoenaed twice to come to court to testify on the arrest and they never showed up. The security officer gave false information. When a case is set aside, that means everything no longer exists. That can fall into a 1983 because it is a violation of your civil rights. Am I correct? Why did Mr. Finnell close this case without reviewing it? I have the audio part, etc. of the hearing and it states every wrong doing that they did. The blood had never gone to the lab – they were trying to send it to the lab nine days later. How can you do that? But they still put a charge. That is a civil rights law they violated (1983). If you can talk to Mr. Finnell and make him make these things happen the way it should go, and it says right in the police reports – incident reports - her car was hit – they wouldn't do a report for her. Even John Watson brought me an empty page with nothing but my information on it. I went to the Administration, they didn't understand. I told them – where is the rest of it. There was to be 1 of four pages. What else was on the four pages nothing, but her information. That is a disgrace to offer anybody something like this. If it wasn't for Mr. Holmgren, he finally took action last week. she couldn't get the other parties information – she finally got it. They destroyed my vehicle and now we have to go to action. How much it has cost her - for lying and then being rude – for them not to do the job they are supposed to do. When they are hired to work as a police officer, you can't have no attitude, you can't judge who you like or who you don't like; you are supposed to do the job and you are supposed to do it right. She thanked Mr. Holmgren for making that happen. T. Smith thanked Ms. Johnson.

Saleem Bey, concerned citizen, victim of police profiling, but he wants to echo with what the sister just said. Everybody was here last week or the week before can bear witness that I can say that Mr. Finnell in 2016 closed CPRB 16-0147, please write that down. So, you have two citizens saying the same thing about your investigative arm. The reason why you are here is because you have a super mandate by the public, the Oakland citizens, that put you in this place. Right? You wouldn't have a super mandate if the current administration or previous administrations were doing a good job with the police department. You wouldn't have a super mandate if the now current CPRA, which was the CPRB, was doing their job in the first place. Right? If they were holding people to justice, there would be no need for a super mandate to create you. But you were created and then you folded in the criminal part of the cover up which makes you a part of the cover up. I want to say also that the Mayor who is supposed to be here to talk about the police was in leadership when the people spoke very clearly that she is a failure with the police. The people wouldn't have taken the power from her and given it to you if she was doing a good job so whatever she says up here is BS. Right? I just want to say also that Swanson's Federal Report – Page 21 - It says the IAD Commander did notify Chief Whent when IAD learned that Office B???

sent Ms. Guadalupe a picture of his penis while Ms. Guadalupe was a minor. This is a Federal Report that says this in here. Right? The next thing it says is – down in the footnote – Chief Whent also notified the Monitor, Mayor, and City Administrator early in his investigation. Once you have that on your mind, also in this report, at the end it said that there was a complete failure that if the federal government didn't step in and force this investigation, the Administrator, Mayor, City Attorney, and Chief of Police would never have investigated this. How that ties into him is 13-1062 was a complaint against Sean Whent that Sean Whent and closed himself. If the Federal government comes in at the exact same time that he is covering up, sending dick pics to a minor, girl of color in our community, which we can't stand for, how do you stand for it – how these officers are still employed by OPD and that we give them a pass? Right? But the same person that retired when Libby Schaaf was in the news talking about – Oh, I support Sean Whent. Yes, he wants to go and spend time with his family. What? Two weeks later, Sean Whent is at the center of a cover up – covering up OPD pimping young girls in our community. Alright? Let's not forget that. Then we tell you that Sean Whent is also part of the cover up of racial profiling, of running illegal weapons. – so a person who was found guilty of covering up a chain rape of a young lady in our community, it gets the benefit of your doubt and then you find every way for the last four meetings going back to July of a reason why you can't investigate Sean Whent. Does that make any sense? I heard that if it hops like a kangaroo, if it has a pouch like a kangaroo, and it's got a long tail, that is what you guys are if you don't do anything about justice.

Oscar Fuentes said that he was here a couple of weeks ago and missed Open Forum and apologized in speaking in the middle of another item. He pointed out that one of the police commissioners, Jose Dorado, has started a Public Action Committee to raise unlimited political funds to unseat a City Councilmember. He has the documents here and has all the names and print outs of how much money has been given by whom. The Committee is called the Oaklanders for Responsible Leadership, Opposing Desley Brooks for Oakland City Council 2018. Now whether this is an ethics violation, I don't know. Right? Whether it means anything that it is an ethics violation in a City like this with this kind of government, I also don't know. I do think that as Mr. Bey was saying, you all received a super mandate. Two-thirds of the public voted for this because they wanted change in the police department. I don't know you Mr. Dorado and can't speak to your character. I do see that you do have entanglements with other people. There is a developer, McGraff Properties, \$2500; David Rhodes, political Operative, a long-time political operative in the bay area (\$4990); someone from Code for America (\$4000); an investor (\$4990); some Unions (\$7500); International Brotherhood of Electrical Workers (\$10,000) – to unseat a member of the City Council (Desley Brooks). She is the one of the most critical councilmembers of the police and someone who is on the Public Safety Committee as well. It seems to me and I am going to speak a little bit longer – it is great that you let speakers do that. It doesn't reflect well and the only reason that it is not getting blown up is that people are not paying attention to what is happening here. They should be because ostensibly this should be an important body - the work that you are doing. The second reason is that not much attention is not being paid here is because the friends of the people that Mr. Dorado wants to take money from and help are the people who are in the City Administration who you all have complained about and are stymieing your work and people who never wanted this Commission to have real power. I also want you to ask yourselves that if you would have known about this or if this had been going on before Mr. Dorado was appointed, would you have discussed it? Would it have been a reason not to vote for his appointment? I hope that it is not just me just saying this and everyone will forget about it again, I hope that you will take some time and figure out what your own rules are about somebody who has these kinds of political entanglements and obviously political ambitions and political rationales to be doing this. I am going to give this to you all and you can take a look.

I hope something comes of it and that you just don't nod at me and say thank you.  
T. Smith thanked Mr. Fuentes.

**IV. Approval of Draft Commission Meeting Minutes August 23, 2018**

Thomas Lloyd Smith will offer the draft minutes for approval by the Commission.

T. Smith saw Mayor Libby Schaaf in the audience and said the Commission will welcome her after the Minutes.

a. Discussion

E. Prather had a point of clarification. He said that Commissioner Benson was a voting member of the August 23 Commission meeting. Does she not have to vote up or down on the Minutes. T. Smith doesn't believe so. This session is the sitting Commissioners. E. Prather said fair enough.

b. Public Comment

Saleem Bey, concerned citizen, regarding the Minutes which should be reflected in the Agenda – this meeting is that there was a Motion that was passed by this body at the last meeting; Commissioner Benson's Motion and he doesn't see that on the Agenda. The reason why that Motion was made was to stop the delay tactics that have been happening where every week you ask one question and it takes you two weeks to come back with a negative answer and then he comes back and reads the law that counters what your answer is, and nobody is held accountable by the fact that the law says something exactly different than what you are saying. Specifically, that you have the power to investigate anything that is associated with profiling. In fact, do you have the power but it is a mandate according to the Charter. You don't have to investigate everything, but there are multiple things that you must investigate. One is use of force. Two is death in custody. Three is profiling that meets any definition of federal, state or local. That covers everything. I told you about profiling and said that in the very first meeting the Chair asked the Vice-Chair to go out and take his complaint. Ever since that point, his complaint has disappeared and in every week, you ask the Counsel who is most formally employed by the City who is covering up these murders and these crimes and all this misconduct that you are having so much of a problem trying to find a way to investigate. I have heard every excuse of why you can't investigate it. I have given you every possible legal reason why you can. Right? So, the last thing is that the Board has the discretion to investigate any police misconduct whether it was a public complaint or not. That is called discretion. You have the power. I told you that you were given the power by the people. T. Smith thanked Mr. Bey.

M. Benson – point of clarification. There were two Motions last week as we related to Mr. Bey. It wasn't about Mr. Bey but understanding our power. First was about whether we could reopen a CPRB or CPRA case that passed. Then she read the language from the City Attorney's website and asked for clarification about the second part – could we request a case which is separate? Those are two separate things. T. Smith said those are not related to these Minutes; we will discuss them in the September 13 Minutes.

c. Action

MOTION to approve the August 23, 2018 Minutes (M. Ahmad) and seconded (M. Nisperos). The vote was Aye: 6 (Ahmad, Dorado, Jackson, Nisperos, Prather,

and Smith; Opposed: 0; Abstained: 1 (Harris). The motion passed.

**Approval of Draft Commission Meeting Minutes for September 13, 2018**

Thomas Lloyd Smith will offer the draft minutes for approval by the Commission.

a. Discussion

T. Smith said that he wants to offer the floor first to Commissioner Benson since her prior comment was relevant to the September 13 minutes. Do you want to start us off with that?

M. Benson said that it's less about the Minutes and more about the Agenda. She wanted a point of clarification in that there were two Motions and one Motion is represented on this Agenda. She can hold that when it is more appropriate. This is about the Minutes and she is scanning those minutes to make sure both those Motions are represented. T. Smith said okay.

G. Harris referenced the following:

Page 7, last paragraph, Lines 1 and 17 – Correct E. Harris to G. Harris

Page 8, Paragraph 1, lines 1 and 19 – Correct E. Harris to G. Harris

Page 8, third paragraph from the bottom – Correct E. Harris to G. Harris

Page 13, last paragraph, Line 9 – Correct E. Harris to G. Harris

Page 22, Item X11 (a), Line 11 – Correct i9tems to items

Page 22, Item X11 (a), Paragraph 2 – Correct E. Harris to G. Harris

T. Smith said that is noted and asked Mr. Finnell to correct the issues with the Minutes.

M. Nisperos said he will abstain on the Motion because he was not physically present and did watch the video but because the meeting ran over, the video stopped taping. The video only goes to 11:00 p.m. He asked that this be addressed for the future?

b. Public Comment

No public comment.

c. Action

MOTION to approve the September 13, 2018 Minutes as corrected (G. Harris) and seconded (M. Ahmad). The vote was Aye: 5 (Ahmad, Dorado, Harris, Jackson, and Smith); Opposed 0; Abstained: 2 (Nisperos, Prather). The motion passed.

**V. Libby Schaaf, Mayor, City of Oakland**

The Mayor will communicate her understanding of the Oakland Police Commission's role in oversight of the Oakland Police Department. The working relationship she envisions between the City Administration and the Commission including the Office of the City Administrator. The Mayor will also speak to her definition of transformation for the Oakland Police Department and what she has done to support satisfaction of the Negotiated Settlement Agreement. The Mayor will also report on leadership as it pertains to policing, where OPD has made progress in its policing, and priority policing initiatives.

a. Discussion

T. Smith said we very much want to welcome our Mayor of Oakland, Libby Schaaf. She is with us tonight. We want to welcome her to speak. Thank you for coming Mayor Schaaf and we are very pleased to have you. She thanked everyone and Chair Smith for coming tonight. She is here to express her deep gratitude for the incredible service that you are providing for your City. Thank you for all the time and effort and care that you are putting in to this. She would call it a sacred duty. She can think of no other issue that is more polarizing in America today than policing. Your Commission is here to help heal our community and provide credibility and legitimacy to this thing that we all need which is safety. Civilian oversight is important in any community that has policing. It is particularly critical in the City like Oakland that has actual proven harms done by our police department to this community and specifically to the African American and Latino communities in this City. She thanked everyone for being part of the hard work of moving our community forward. Honestly I am here to just engage in a dialogue with you. Ask you how she as the Mayor can support your work. I know that this is a new Commission with an amazing charge and so she appreciates that as you have gotten up and running this is never going to be smooth or easy. This work is not smooth or easy even with a seasoned Commission. Since you are the first, you are the inaugural citizen commission for the City of Oakland. She particularly thanked everyone and appreciates the work and care that you bring. I want to have a dialogue and offer you an open door to her office should you need to meet or express any concerns and just hear from you how you think our office can better support your work and any questions that you might have for her as the Mayor.

T. Smith said that we will open this up. We must operate within the confines of the questions that we identified earlier on but offers anyone who wants to have a dialogue with the Mayor to ask first.

R. Jackson thanked Mayor Schaaf for attending. One of the things that we might need some support or assistance on is moving the Agenda around trying to get some of our vacancies filled. I know that there has been a bit of work back and forth but close off so we can fill some of these spots and start getting some traction. A lot of work is backing up and of course, we are creating more work as well. Any assistance that you can give us with the City Administrator and staff will be helpful. Mayor Schaaf said noted. I can assure you that every single department in the City of Oakland is complaining about their unfilled vacancies so I apologize to all departments. She did have the opportunity to connect with Mr. Luna today, who I know is now also providing you some support and happy about that assignment. I will check in with our HR Director.

A. Dooley thanked Mayor Schaaf for coming tonight. One question that the Commission had discussed in an area of interest and interested in hearing from you on is our Police Chief talks about transformation of policing in the police department and I know that after long and rocky road you are very happy to have a Chief that has strong leadership skills and goals like transformation. We are wondering how do you define transformation for the police department and how have you communicated and squared that with the Chief? We certainly believe that she is sincere in her hopes for transformation and I think we are trying to understand what we jointly mean by it. We are interested in your views. Mayor Schaaf said that she also wants to appreciate Chief Kirkpatrick. We felt so clear that she was the right choice for Oakland. In reviewing her credentials and her history, she has been unafraid to hold the officers accountable who needed to be held accountable. She established stability in oversight in Spokane years ago, long before Oakland. She is someone who wants to nurture leadership. I think transformational change is



two-fold. One, having accountability systems that this community feels confidence in is catching at the earliest stage and, in fact preventing from ever happening, officers who do not hold the right beliefs, do not have the right mindset, the right demeanor to be in this profession of peace keeping. We are not there yet. I know Commissioner Nisperos has been overseeing the implementation of PRIME, which is part of our earlier warning system. We have work to do. That confidence in the accountability systems is critical and we are not there yet. The second thing that I get the most excited about is recognizing institutionalized racism within government. Our opportunity to reverse/engineer the policies and practices that we have for so long taken for granted, that while they may not on their face look like they are racially biased in intention but when you look at the results and the outcome, they clearly are racially biased in outcomes. For example, our changes in our Chase Policies take into account the psychology and impact of implicit bias in decision making, in how it plays a more dramatic role when an officer is under stress and has to make a snap decision. If we can remove that stress and remove snap decisions from an officer's work, we can potentially avoid decision making that is impacted by implicit bias. I think a lot of the issues that you are discussing when you are looking at this issue around parole searches has to do with how we speak to people, our assumptions, the language we use. I am sure you are all aware of the analysis that we did of how officers speak to different people and use different language and different presumptions in their questions and how we must stop that. These changes in policies and practices that are continuing to keep in place systems of oppression, systems that show racial disparity in their outcomes, I think that is the most transformational opportunity of all. The last thing that I will say that is transformational in my mind is integrating law enforcement and police into non-law enforcement activities. I have long been a fan of our partnership with Alameda County Behavioral Health and how if someone calls with a mental health crisis, we have the ability to not just send a police officer but to send a mental health clinician. The officer is there as back up but they are not the first responder to that mental health crisis. I think more types of expansive and partnership opportunities like that is something else that she would like to see.

G. Harris thanked Mayor Schaaf for coming. She would like to speak candidly but professionally. I joined this Police Commission with an intention because I am a community member of Oakland. The words institutional racism stuck out to her because she has been a victim and family members for generations so change is important to her. When we first came on months ago, she was excited and she is shocked that today is the first day we are meeting you. This is so important and the push back that we have received from this City is terrible. There is nothing that has been set in place for this Commission and we are all community people. We are not politicians, we don't have any political interests in the political seats, but we want what is best for Oakland. Right? Like you do. I need you to understand that being a person of color, a black woman specifically, I have five sons that she raised and she has to teach her sons how to speak to a police officer or open his mouth if he is stopped or pulled over. I don't know if you have any children but you will never have to teach your son to be quiet with the police. I ask you today for your commitment because you said you had an open-door policy and I am going to take you up on that because this Commission has not been able to get anything that we need, including assistance from Mr. Luna or any other person from the City Administrator's office. They give us the bare minimum because they know because they know we are going to come to you. I am glad in welcoming you today because I am going to tell everything, all of it because nothing has been put in place. We still don't have a staff, we barely got Counsel – the Counsel we had before was but she was a nice lady and was not helpful. It is hurtful because people use implicit bias but it is racism, is what is what it is. It is hurtful. We have been dealing with this with people of color for 400 years and we are natural Americans. We are th4e

first people who was on this land. We still get dehumanized. It is not right. Not at all. I live in East Oakland. The homicide rate there (Area Report) is terrible. The filth, garbage – my sons walk through that every day. I am tired of it. I want to do well. I will not quit. I left my job because they wanted me to resign from this position that I do for free. I work diligently every night asking help from the community help her because she can't get the City Administrator's office to help us. What else to do but to come to you; your door is open, right? I am truly going to come and ask for help because we can't do this – this is taking way too long. No processes are in place, we need people writing processes, helping us write these processes so we can get to the work instead of setting up something that should have already been set up for us. I ask you that respectfully. Thank you.

Mayor Schaaf thanked Vice-Chair Harris. I am truly sorry that you have had such a frustrating experience. I am happy to meet with you. I find myself, even though next year will be my twentieth year working for the City of Oakland, still frustrated at the speed of government. I apologize for that and I thank you for being the first; you all are having the hardest time because you are building something brand new. I thank you for doing that, for your clear commitment, and recognize her privilege that I do not have to worry about that when my son goes out the door. I certainly know a lot of mothers who do but your passion will find its purpose in the work that you are doing. I look forward to helping you make sure that it happens more quickly and with less frustration.

M. Ahmad said good evening and glad that you are here. He asked what is your office doing about the racial disparity in hiring because when they had the last Cadet Program we attended a conference and they showed the breakdown - 7 African Americans, 9 women, etc. It was a diverse field. When the Cadets graduated, they had no women and it had no African Americans again. He pointed out that his son was a Cadet with Oakland Police in 2009, went to San Jose State three years, had dread locks, never had a haircut, 22 years old. His son cut his hair off to be an Oakland policeman and he said the racism was so bad he quit. He was a Cadet. He was angry at him. He was going through the same thing that we are going through now – the hiring practices, systemic racism, etc. Just last week I am trying to get in contact with the Traffic Officer – his son was pulled over on his motorcycle – racial profiling. His son gave the officer his license, registration, etc. and then he asked the officer, why did you pull me over? The officer says “Oh, well your pipe was too loud”. After he saw my son had a license, insurance, registration, he just let him go. The racial profiling and hiring is about the same in Oakland. What is your office doing to help that? Mayor Schaaf responded and said that when she first became the Mayor she went out and got an anonymous donation of a quarter million dollars to specifically support Cadets that are graduates of Oakland Public Schools. By law we cannot do race based hiring under California Law. We cannot require residency of police officers – Oakland tried that a long time ago and got sued and lost. Because this was private funding, we could restrict it to only Oakland Public School graduates. That was when she became the Mayor. You may remember what her second year as Mayor was like with the Police Department – it was not very smooth. That type of work is the work you asked what she personally has done, that is something she did within her first few months of becoming the Mayor because she is a proud Oakland native, graduate of Skyline High School, and while we can't, we are restricted in hiring and residents, I believe that when we work with young people that have come up in this City, we are likely to get a more diverse pool of officers and officers that have a love for this community. That is the place where their motivation for the work comes from. We will continue supporting Merritt College and then specific to women, which are probably the most under represented demographic of all in the police department, I hired Oakland Police Department's first woman Police Chief. I think she is a great Chief for all races and all genders,

having a woman in charge does start to shift culture. I particularly appreciate that the Chief recognizes that culture change cannot just be imposed from above but has to be owned by the members of that culture themselves. Her creation of a culture change group within the department with people from all different ranks and parts of the department so that they can begin to take ownership of this work themselves, was a very wise move. We have a lot of work to do certainly; I had an often-quoted statement on TV that I came here to run a police department and not a frat house. Today in particular, I think women across the world are reliving a lot of trauma that all of us have gone through. Our world has a lot of work to do. Some of these malignancies are not unique to police departments but they are probably most pronounced in these quasi militaristic organizations. I am hopeful that we move forward and heal but I am also open to other suggestions about how we can do better. We also had an experience with just how careful we must be about who we do hire. The amount of investment and training we put into these new recruits. They have to be the right people, the right fit, have the right values. One of the things that she knows that you as a Commission are going to continue to help us with is inform how we are doing our recruiting, the kind of training we are giving our officers – not just when they are cadets but throughout their experience. We all need refreshers, evolve our thinking and understanding in our professions. She welcomes a partnership in that.

J. Dorado said good evening to Mayor Schaaf. We have latched onto this word transformation that the Chief has put forth. He recounted a quick story – where the Chief was nice to come to his office – The Latino Task Force and in the process, she said she was known as a change agent, etc. He told her that the culture of OPD needs to be reformed, destroyed, and that it must happen. One of the things that you can do to destroy the malignant culture that is embodied in OPD, is to provide safe spaces for real/true Oakland cops that will report misconduct and integrate that with a track relating to their careers, recognizing that is real culture change from within because the culture must be built from the bottom up as I mentioned to the Chief. That is one thing. There are several things that you can do to make sure that it happens so that our police officers are here with a guardian mindset not a warrior mindset and are servants of the people, guarding our safety, trusted by our community. That is a big step that needs to be taken and you can take a big role in seeing that it happens.

R. Jackson said as a 51-year citizen of the City of Oakland, I remember a time when the officers did go to the Oakland Public Schools where they were our neighbors, grew up with us. I know that many them in the last 10-15 years have retired. I understand through my own work in youth development, how important mentoring is. I understand that the OPD doesn't have a formal mentoring program even though I think they are beginning to work on one. I would like to understand what you think about building healthy cultures based upon one's knowledge of the City, knowledge of the safe spaces, certainly pride in the City when so many of them due to the economy can't afford to live in the City. It is the mentoring quotient and people who are policing the City who often don't know the City, what can you offer or what are your thoughts around that? Mayor Schaaf said that one of the things that impressed us about this Chief was her belief in mentoring up. This issue of mentoring within the police department is something that we are seeing and will continue to see more of. I know that recently we instituted a public service requirement for each Cadet class where the class chooses community service to do and a lot more interaction – we were one of the first departments to have a resident, civilian come to train officers and talk specifically about the race/history in Oakland between Oakland Police and particularly the African American community. We need to do more of that. I will say, and not always popular, that one challenge or conflict we have is around police staffing. The more that our officers are having to

go from a 911 call to a 911 call, etc., the less time they have to get out of their cars to relax and have positive interactions that are not in a moment of crisis. That's one of the things she hopes we all have a healthy discussion about because I am constantly hearing calls to cut the police department in half, to defund the police department and yet if you want quality policing, exhausted officers are much more likely to make racially biased decisions, to make mistakes that can be deadly, and to certainly not create those bonds of community that I think you are speaking of. I think that we are going to continue to also recognize and reward officers that connect with the community. She has been at some recent award ceremonies (she spoke about the story of Clay Birch, etc.); officers are rewarded for a certain type of behavior. She welcomes your ideas

T. Smith reported that Bobby Hookfin came to the Commission; he is a big part of the Barbershop Forum. Have you been to a Barbershop Forum? if not, you should attend one. A lot of us have attended. Mayor Schaaf said that she was invited to one in Antioch; she is looking forward to attending one in Oakland.

M. Benson has three questions. First – Grateful that you are picking up on the conversation of transformation. She is concerned because a significant number of cases that we are looking at are police officers having DUI's and I hear your commitment to not running a frat house and to me sounds very much like a frat house. I would like to hear more about what you are doing about the significant increase of DUI's of police officers? Second – I am in support of the NSA. What is being reported and data that is being sourced is that we see a big drop in crime and we are seeing a big drop in reported use of force - for example between 2012 and 2017, use of force by police dropped by 75%. In the new cycle, however Warsaw – the Compliance Monitor, reviewed 29 cases in associated police body cam footage for a three-month period this year – footage showed three cases in which officers pointed their guns directly at a subject and in four instances where officers used physical force to take someone into custody according to his Report. In the two body camera videos reviewed, six of those cases showed 7 incidents which “raised possible concerns”. Will you commit to stop citing flawed data until this is cleared up by Warsaw? Mayor Schaaf said that she has not cited use of force data since that came out; since that time. M. Benson said that sounds reasonable and she appreciates that. Third - as it relates to the power of this Commission, something that has come up recently in our Discipline Committee is that as we are training – learning a lot about the Officers' Bill of Rights, and one area in which she is clear is that our hands are tied – one big area that is being touted that we have a lot of power is overseeing discipline of police officers but CPRA and Chief of Police disagree. Her concern is that recently we were told for example the Josh Pawlik case will take over nine months to investigate. If there is a disagreement in the discipline for those police officers, that will come to our Discipline Committee. That will give us literally three months, probably more like 2-1/2 months by the time things come our way, to fully review nine months of investigation from several places which we all work, most of us work – it hinders our ability to be effective. What I am curious about, will you support this Commission by potentially challenging the Officers Bill of Rights so that the Statute of Limitations, criminally, mirrors what the Statute of Limitations is within the police department discipline? Mayor Schaaf said that she is open to that and will research the matter more. She has taken a position around modifying the police officers Bill of Rights around secrecy on previous discipline. She cannot tell you how frustrating it was for her as the Mayor of Oakland to spend a huge amount of time, particularly nine very painful days saying over and over again, State Law prohibits her from sharing any further information with you, the public about why we have just gone through just three police chiefs in nine days. I have a very personal passion for changing the Law that prohibits us from sharing what the public has an absolute right to know which is disciplinary actions against

police officers. That is the first time that she has heard about that law change so she would be happy to look into it. In the meantime, maybe we can look at some way that there might be some ad hoc groups or working groups that help people start getting up to speed before the whole case gets turned over to you so that you don't feel in as much of a rush. For example, the privacy commission makes a lot of use of ad hoc working groups that allows them to get work done more quickly – between meetings. That is something that we can also explore.

Mayor Schaaf stated that she has not quoted use of force data since that Report came out. She was relieved to hear that prior to Warsaw making that finding in his Report, that there was an internal, an OPD initiated audit of that same thing. I want to recognize that we are building our own sustainability system but for the public to have any question about our use of force data, is completely unacceptable. It must be beyond reproach.

That is why it is so important that this gets fixed.

Regarding DUI's – absolutely, it is something that has been of huge concern. In her second most recent meeting with the Chief, we did go over, since she became the Chief, how many officers has she terminated for misconduct. I believe the answer was fourteen sworn officers for misconduct and thirty something out of either the Academy or FTO – so more than fifty officers during training. She saw a film that the Chief put together for the officers – saying enough is enough, you are being stupid. That is part of why it is so important that we screen people and chose people that are the right people for this very difficult profession.

T. Smith thanked Mayor Schaaf. She said that you know that I must leave at 7:45 p.m.

b. Public Comment

John Jones, III said that he appreciates the Mayor being here and sharing the words she shared. As she was speaking, he was thinking about some of his personal experiences. He has three sons. What moves him is he does not want his youngest son experience what he has experienced growing up in East Oakland from OPD. He gave some of his experiences with the OPD and said that two friends were murdered by the OPD in his childhood. His son was 12 years old and asked why Mike Brown was killed. That is the age where parents dread even having a sex talk. We have spent years/decades talking about the problem. I want to offer some practical, tangible solutions. He is looking at the Mayor and the OPD Chief.

(1) We need a moratorium on OPD officers moonlighting outside of their jobs. (2) Let's stop AC Transit using OPD officers to "guard" the construction equipment of companies out on International when we have plenty of folks on both sides of the street unemployed. (3) Let's create policy that would ensure that police officers are not being called and let's be real clear and careful. Our police dispatchers are over worked because they are taking phone calls from people like Barbecue Becky; let's stop that nonsense. (4) Let us be very clear when we talk about policing, of course we are talking about white supremacy and racism but we are also talking about powers that are outside of that. This country was founded on racism. If we are going to end it, we got to tackle it in every arena, every avenue, and above all we must always speak the truth, the power when we do so.

T. Smith said that the Mayor is signaling that she is on her way out. He thanked her very much for coming. We appreciate you being here.

Henry Gage asked the Mayor if she could come to the podium; he would like to address her directly and not turn around and speak with her – it would be for three

minutes. He would like to be clear about a few things. First, this Commission has faced what he would refer to as an institutional blizzard of opposition. This is not unfilled positions for City Departments; it is active opposition. You can go back and look at City Council meeting where the Enabling Ordinance was passed and listen to the speech given by your City Administrator, an active opposition to the creation to this Council's Enabling Ordinance. That is not some unfilled position; that is an active problem. Those attitudes don't just go away. I am glad you are here. I am upset that it has taken you so long to get here. T. Smith said that he did not offer an invitation, until this point. H. Gage said you should not have to offer, for someone in 2016 who claimed to want to rout out a corrupt department – that is on you; that is not on you Chair Smith. I spoke about an institutional blizzard – when the blizzard comes into town, the leadership of a City needs to do more than just salt the roads. You can't just walk around and sprinkle your public safety stumps, etc., that is not enough. I want you to call up the ploughs, put the fear of god in your City Administrator – to get the appointments this Commission needs to make, up and running and faster, if you want to rout out this departmental culture. We need you to put the fear of god in research and planning. They came here the last meeting and said they had the authority and not the Commission to change OPD policy. That is completely unacceptable. I need you to stop acting like putting a female body at the head of a department is a transformational change. It is perhaps necessary but it is not sufficient. You must do more. I think you can but I need you to stop just talking and do more. Please. Thank you for listening to me speak. T. Smith said thank you again Mayor Schaaf.

Assata Olugbala said that one thing that is outstanding in her memory bank related to the Mayor is the first Swanson Report related to the Negotiated Settlement Agreement and what wasn't happening. There was a paragraph that said the Mayor, City Administrator, City Council, and staff had failed to implement any strategies that would help in the settlement of the Negotiated Settlement Agreement. Nothing was going on. It was totally dependent on what Warsaw was doing, etc. The other thing she remembers about the Mayor is when we had this incident of the sexual mishap with the young lady, the Mayor got on TV and said that we have racists texts going on in the police department. Exact words were "I think it is important to identify that these were black police officers". Racist texts by black police officers. I understand that was a diversionary tactic to get away from the fact that White and Hispanic officers were the perpetrators of the rape of this young girl. Now let's concentrate on these black officers who are being racists. We never used the term racist. They always use implicit bias. If anybody has any sense about what is going on, implicit bias on the other side is explicit bias. Implicit means you don't know what you are doing consciously; explicit means you do know what you are doing consciously but the result is racism. No matter what you call it. I am still waiting for the report on these racist texts by these black police officers. She got up on her podium and defended racism by ICE. They were racially profiling undocumented immigrants but she has never spoken to the Negotiated Settlement Agreement and the stop data that reflects 62% of African Americans and don't come in here and talk about Hispanics being victimized by the police. Let me tell you this, East Oakland is 53% Hispanic and they are stopping 62% African Americans, only 20% Hispanics. I am not going to let nobody try to bring other folks in on our cross that we are carrying. We are carrying that cross in this City. This Mayor has no position on racism as it reflects African Americans but she will talk about ICE's racism in this police department. She doesn't want to deal with anything around displacement of black people. She doesn't deal with anything related to black people but she will take care of the others. I don't need her in the room. You think that will make a difference that she will stay here. I want change in this department, in can happen, you don't need a Negotiated Settlement Agreement. It is leadership. The Mayor, Chief (the Chief hasn't done nothing to change the culture since she has

been here). You name one thing that is changed – nothing. All you people begging for her to stay here and listen to you. I don't need her to stay here – I know the facts – zero.

Gene Hazzard gave some facts. Fact 1 – Do you know what the racial number is in Spokane, Washington? Demographics there? 87% White, 2% Black, 1% Asian, 5% Hispanic. The Mayor wants to hold this Chief up as a beacon for transforming. 87% - that don't come nowhere near here – 2% Black. You need to look at those facts. Those are real. I have been an opponent from day one and I told each of you but you refused to look at it. Look at Measure LL, it is in direct conflict with 305 of the Charter. 305 of the Charter only gives the Mayor jurisdiction with appointing the Administrator. Look at it if you have it. That's all. Has no jurisdiction over the hire, fire of any personnel including the Police Chief but you go along and think everything is okay. It is in direct conflict. Even when the City Attorney had an outside attorney come here in this Chamber and said what I said. There is no section, no Charter provision that is harmonized with any other provision. In the Charter, what is it that people can't understand and you don't even ask for an opinion. They won't say it is the opinion of the City Attorney - said that the most frequently asked question is can the Mayor hire the Police Chief. It is in conflict. This is important. You sit around here and you think you got power, and you are powerless. You don't want to look at the facts and you listen to the Mayor. I am glad she is not here. I didn't need her to be here for me to give you the facts so you understand the facts. She knows exactly what she is doing. She knew and has known what has gone down before she became the Mayor. She is only executing what she already knew. T. Smith thanked Mr. Hazzard.

Rashidah Grinage said that since the Mayor is not here, there is not much point in saying the things she was going to say to her. She will say them to her when She meets with her. Nonetheless, she came here tonight in a Lyft and the driver lives near Mills; he asked if she was coming to the City Council and she said no, to the Police Commission meeting. He said – Police Commission, oh. I didn't know we had a Police Commission. Which brings me to the overall thing that I would have said to Mayor Schaaf that the City has done absolutely nothing to let folks in this community know that there is a Police Commission let alone when it meets, let alone the fact that it is on television or anything else. The global issue aside from all the things that everyone has already said, is that the City has done nothing to advance the knowledge that this Commission exists, what its purpose is, or let folks know how they can engage. They certainly have done nothing to publicize the fact that we have an APP that folks can use to file complaints. They are willing to spend almost \$500,000 to create it but they don't want anyone to know that it is there. This is counter intuitive and clearly not productive. It is easy to talk about support when you don't offer anything substantial. These are the things that we will be bringing to the Mayor's attention when we meet with her. T. Smith thanked Ms. Grinage.

Mary Vail said that it is a shame that the Mayor had to leave. She talked about the Skinner Bill, public reform. She urged the Commission and if she were here and urge her to get on the phone and talk to the Governor. It is a compromised Bill and is essential. You can't ring your hands during the police sexual assault scandal and complain about the law, get a legislator to put Oakland friendly provisions in it relative to officer sexual misconduct and do nothing to impress upon the Governor how important it is that he sign the bill rather than yet again, appeasing the police and prison guard union lobby. As Mr. Gage pointed out, in terms of controlling your own top staff, having the resources – whether it is the discipline, policy development – the Mayor and the administration try to weaken your powers under the Ordinance, hopefully at some point shall stop and start to work with you and

support you. You certainly don't want a staffing crisis like the animal shelter, an institution that she supposedly supports where Oakland wasn't carrying its weight and filling its own authorized positions. The other important thing is that the Mayor's office be supportive rather than resistance in terms of your discussion at the most recent meeting exerting your policy – you make the policy decisions and not carrying weight for the anti-change agents in the police department who want to keep things the same. Last, on the whole issue of policy making, the CPAB in terms of community policing is the City's primary oversight commission and policy maker. It is critical for the change that the Mayor says she wants in the police department. When all we read in the papers is the Mayor has the horse patrol, we have coffee with a cop, we are getting private money or using City money for community engagement events – working on the relationship and the PR appearance doesn't solve the problems, doesn't build the trust, doesn't end the bad police practices. Hopefully, both you and the CPAB will be allowed to make the hard decisions, leave the changes rather than having resistance from the City Administrator's Office or Mayor's Office. T. Smith thanked Ms. Vail.

Saleem Bey said that we haven't forgot that Libby Schaaf was using the OPD dog whistle to get elected. She was bragging about bringing a thousand police officers to make sure that she can check the rampant crime but who is that she is talking about, where is the rampant crime? It is in the flatlands. She is telling the people in the hills that I am going to get you a thousand officers; you can't manage the officers that you have so why would you want one thousand officers to be mismanaged by the mismanagement that you have right now. Right? Secondly, Mr. Finnell was hired by Libby Schaaf. Right? Mr. Finnell has been accused of closing cases. Mr. Finnell in his background came from Chicago. Mr. Finnell was instrumental in covering up for Laquan McDonald all the time he was there before he left. Laquan McDonald's family had to sue in court to get the video released. Mr. Finnell saw that video and was part of that cover up, that should say something about the people that you trust. The other thing is how can you have transformation and keep saying transformation by this Police Chief when the very first thing that she did was promote all the people who raped that young girl. Right? Then stood up against the court and say, I am going to back these people up. This is your first day in town and you are going to get the worst people and put them. How can you transform anything if you stay the same? That is physically impossible. The other thing is Libby Schaaf is responsible for how man Chiefs? This is her fourth Chief. You talk about privilege. In the game of baseball, you only get three strikes. In the corporate world, most of the time you only get one strike. She is on her fourth strike and one would find out that this Chief is covering up implicit bias, explicit racism, and profiling. I am going to tell you what the document is and if the Chief was concerned about this, she can go look this document up. I sent it to the Chair who was supposed to send it to her. But it is Bey 005778. If she goes out and looks at that document, she needs to come before the Commission and answer very simply, yes or no, is there racial profiling associated with this case? That doesn't compromise a case, doesn't do anything, but what it does is if the answer is yes, then you the Commission are bound by the Charter to investigate racial profiling. If the answer is no, then you say – Mr. Bey, you are full of crap, you have been up here talking all this stuff, but it is not going to happen like that. If she is concerned, she would as the CEO of the police department if you were given this evidence, she would write that down and go do it. since that is on the public record. The other thing is that Mr. Pawlik and I believe Mr. Hoague were shot, possibly under her watch. Right? These two people were sleeping in their car and the Mayor and gets up here and brags about mental health and how we have a partnership but you have a bunch of police officers who run up on sleeping people and then do like that and a man wakes up you dump on him. That doesn't sound like a reform, like you are changing anything. I will leave you as was said at the UN, it stinks like sulfur up



here.

**VI. Oakland Police Department Report (20 minutes)**

The Commission shall maintain the confidentiality of ongoing investigations.

Chief Anne Kirkpatrick will report on the following:

- (1) The publicly disclosable information about the in-custody death of Marcellous Toney on September 28, 2017
- (2) Report on OPD's Police Academy graduation rate for Police Officer Trainees by gender, race and ethnicity for previous OPD Police Academies including what plans, if any, OPD has for supporting Police Officer trainees from underrepresented backgrounds in meeting the graduation standards.
- (3) OPD will report on the number of OPD public records requests that have not yet been completed categorized by year of submission to the City
- (4) OPD report on the progress of their update of policies and procedures concerning their interactions with homeless residents of Oakland.

a. Discussion

T. Smith welcomed Chief Kirkpatrick. She reported that there will be four reports. For those reporting, she asked that they be quick with pertinent information.

**(1) The publicly disclosable information about the in-custody death of Marcellous Toney on September 28, 2017**

T. Smith welcomed Chief Kirkpatrick. Chief Kirkpatrick said there will be four reports. Deputy Chief Oliver Cunningham will give the first report.

T. Smith welcomed DC Cunningham.

Oliver Cunningham said he is a Deputy Chief with the Bureau of Investigations, that includes the Criminal Investigation Division. He gave public disclosable facts about the Marcellous Toney investigation. To preface, that this is the facts based on the criminal investigation that is what is disclosable at this time. He is legally precluded from including the administrative investigation which includes the allegations and any findings that resulted in that. He started with the incident. This is a Level 1 call out. We are Internal Affairs Investigations teams, Criminal Investigation Divisions teams, and the District Attorney's Office will respond to the scene of an incident. In this case, it is in an in-custody death. It began with a vehicle collision involving multiple vehicles on September 28 at approximately 2:21 p.m. In addition, multiple witnesses were calling in at that time. There was an overturned vehicle. We had officer respond and entered the call for service as they were close by. Upon arrival, it was obvious multiple vehicles were involved in the collision. There was a vehicle overturned. There were injuries. The intersection was quite active and crowded with a lot of passersby. There was an AC transit bus with passengers at the intersection. It occurred at Foothill and Courtland. Upon the officer's arrival, they get out of the car and they recognize that there is a lot going on. The officer is there by herself at that time. She is approached by Mr. Marcellous Toney. Mr. Toney appears to be in a somewhat of a frantic state, a panic state – he is talking to her, making random comments like I did it, I did it, I am sorry, I am sorry and she goes to look around and scans and sees that I need to make sure that these people have enough medical attention. She goes to the vehicles, particularly the one that was overturned and contacts that person and realizes that there are citizens around helping that injured party. There are approximately four vehicles that are involved. She goes to another party and sees that they are also injured but they are being helped, medical is on the way. Meanwhile, people are telling her, hey he is trying to get away. They are point to Mr. Toney who is trying to get on an AC Transit bus that was parked at the

intersection. There is plenty of surveillance, evidence in this incident in that video it shows prior to the officer arriving and the officers' details that Mr. Toney had tried to get on the AC Transit bus immediately following the collision. Mr. Toney was identified as the driver of that vehicle collision – one of three drivers. As the officer pointing to Mr. Toney said he is trying to leave, she recognizes that he is trying to get on the bus, she goes to contact him again, again he is in a frantic state of mind and saying I did it, I am sorry. She goes to detain him believing that he is involved in this vehicle collision and possibly hit and run. There is somewhat of a struggle. She is trying to handcuff him. It is obvious by multiple people (4 civilian witnesses were interviewed). A good Samaritan came by to help her. Cover officers were yet to arrive. They end up detaining, helping the officer. The lone officer handcuffed Mr. Toney. As he is handcuffed, a second officer arrives. They immediately believe they want to put him in the patrol car just because the situation was rather chaotic. They are struggling him to get in the patrol car for a couple of minutes. He is refusing and the officers are still struggling with him with various manners of grabbing, pushing, bumping bodies up against each other – they are unable to control him. The subject of the use of force investigation says I am going to tase you at which time he continues to resist, they can't get him inside the vehicle. She deploys her taser striking Mr. Toney in the front upper torso – right chest area. She is believing that would allow him to be in a position where they could put him in the vehicle but instead he fell to the ground. We had a third and fourth officer respond. There were four officers with Mr. Toney on the ground, trying to hold him down. He's yelling, screaming, apologizing at which time a fifth officer arrives and recognizes everything that is going on and he says this might be excited delirium – let's not try to force him into the vehicle – let's keep him outside of the vehicle until medical responds. Medical comes – they eventually put Mr. Toney on a gurney. They remove the handcuffs and strap him down to the gurney. The transport begins to the hospital. During that transport, the Commander on the scene advised one of the officers, common practice, to follow up the ambulance to the hospital. Enroute to the hospital, the ambulance pulls over and the officer pulls over with the ambulance to the side of the road, the paramedics say that Mr. Toney had stopped breathing and he had slow pulse. They were going to begin CPR and asked the officer for assistance. A second officer arrived to assist with the CPR. When they asked for the officer to help with the CPR, they also asked for him to call the fire department as well. After a couple of minutes of CPR and the non-arrival of the fire department at that time they elected to continue the transport to the hospital. One thing he failed to mention is that at the beginning of the transport the paramedics had issued medication to Mr. Toney, given his state, an important point to the investigation. They end up getting to the hospital, meanwhile we did a call out for all those respected teams that previously mentioned to respond. At that time, Mr. Toney was still alive but we were concerned about his critical condition. Approximately three hours later, the investigation was ongoing. Interviews had commenced. That evening of all the involved personnel, we were advised that Mr. Toney had succumbed to his injuries at the hospital. The criminal investigation, the autopsy revealed not only was he tased they reviewed the toxicology results of any substances that may be in his system – they did have substances in his system, narcotics. They ended up finding that he died of excited delirium. I do want to define that – It is a state of extreme mental and physiological excitement, characterized by extreme agitation, hypothermia, hostility, exceptional strength and endurance without fatigue. As a result of the delirium, sudden and unexpected death can occur without police intervention and/or a physical struggle or physical exertion. At this time, it is closed and forwarded to the DA's office for review, etc. We have yet to hear back from them.

R. Jackson said she trying to understand the situation. You have a handcuffed man, with four officers, none of whom recognized the delirium – it was the fifth officer

who recognized this. What is your process/approach for tasing – where it is best to do it? DC Cunningham responded with general information relating to tasers. The primary target area for deploying the Taser is the rear and not the front of the body. It is not prohibited, etc. R. Jackson asked how often do you see excited delirium? Officers not being able to recognize it. DC Cunningham said that it would be anecdotal for him to give a number of how frequently they do see calls for service. He would have to do research on the calls for service. R. Jackson said that she is shocked.

M. Benson said shocked is a bit of an understatement. She is clear that you are the messenger and not the person on the scene but I am livid that we are hearing this. One year after it has taken place. I want to know why these things take so long to investigate? There is nothing we can do at this point if it turns out that we are identifying disciplinary processes as a result of a police officer with a handcuffed man deploying a Taser to his chest. I want us to sit down and review how this is being reported. Toxicology reports and succumbing to injuries. We need to look at language at how this is being described. A panicked person after a car accident is appropriate. A person terrified to get into a police car after an accident is appropriate. If these officers are not trained to deescalate and support panic after a car accident, into a safe place, then we are failing the citizens of the City. A handcuffed man is tased to be put into a police car? That is unacceptable and I want to know what policies are written that we can look at because I can assure you that if I had had an accident and was panicked and freaking out as a white woman in East Oakland, no cop would have put handcuffs on me and put me in the back of a police car and they would have assured me and calmed me down and not tased me in the chest. I am angry, I am livid that this is the report. Livid that literally we cannot do anything of this right now because there is a Statute of Limitations on our ability to discipline police officers or investigate this. Why is it taking twelve months? I am talking about IA – criminal investigation. DC Cunningham responded. M. Benson asked if he would be able to support the Commission in identifying the policy that leaves so much discretion to officers as to when they use their Tasers. I would like to explore that with you. DC Cunningham said he can provide that to Chair Smith. T. Smith said that you can copy Mr. Finnell on the email as well.

M. Ahmad asked that through all of this happening with Mr. Toney, was there officer video cam? Has that been released to the public? DC Cunningham said yes and not released to the public because we are working with providing it to attorneys representing Mr. Toney's family. M. Ahmad - We won't be able to see that? DC Cunningham said that he will discuss that with their legal team.

G. Harris read thoughts that she wrote down as DC Cunningham gave his report. Did she call for backup and when did she call for backup? When he approached her, what did she do? What happened to the other three drivers of the vehicles? Was the bus told to stop? How long until backup showed up? How many people showed up? Where was the supervisor? Do we have camera footage? Was there an autopsy done? What were his injuries? When you are telling the public a specific story, these are important. We can't take one year to get investigations done. There is camera footage, useful tools available to you now, etc. – it shouldn't take one year to do an investigation. Why? This is food for thought. This is the first report that the Commission has received in nine months since its start. We would like to have a full report. DC Cunningham responded and said that he was under the impression that we were to speed things up. He apologized for the brevity. They will take that into consideration in the future. The information is accessible and publicly disclosable and is included in the investigation.

M. Nisperos asked if the CPRA has opened an investigation on this level 1 offense and what stage is the investigation in. Mr. Finnell stated yes and this was part of the closure report last week. It was opened, investigated and closed with a sustained finding. DC Cunningham stated the Executive Force Review Board that occurred as a result of this incident has occurred and the report has been prepared. The Chief has reviewed it and approved it. Again, that involves a lot of personnel issues and to the point of the 3304, one-year deadline, we are under that. Any discipline that may result under that is allowable under the Statute.

**(2) Report on OPD's Police Academy graduation and failure rate for Police Officer Trainees by gender, race and ethnicity for the last eight OPD Police Academies including what plans, if any, OPD has for supporting Police Officer trainees from underrepresented backgrounds in meeting the graduation standards.**

Chief Kirkpatrick said Captain Bassett (Commander over the Police Academies) will give a brief report (follow up to an earlier report).

T. Smith welcomed Captain Bassett.

Captain Jake Bassett, Training Division, said he is here to discuss graduation and attrition rates from OPD's basic Recruit Academy. Training produced a report (included as Item 6 in the Agenda Packet). T. Smith said that what we were looking for was that we were focused on the equity elements. We heard that there were 0 graduates who were women and 0 graduates who were African American. We were focused on that angle. We got a broader report and this is also giving us historical data which we requested earlier.

Captain Bassett said he will give his conclusions at the beginning. You can tell me to stop at any time. First, we carefully track reasons for attrition and we use them to improve both in instruction and the hiring process. Second, the last eight academies have increased the diversity of OPD's sworn personnel overall. Third, we have successfully reduced attrition due to academic and practical skills tasks as shown in this report.

Captain Bassett started by discussing what appears to be a potential confusion between the 180th academy and the 179<sup>th</sup> academy. A couple of presentations mentioned one and a couple mentioned the other and they got inflated. He started here. The 180th Academy which I presented on before, began with 34 police officer trainees and they are currently ongoing. They will graduate on December 14. Eight of the 34 that started were women, 13 were Hispanic, 9 were White, 7 were African American, 5 were Asian – those percentages were 38% for Hispanic, 26% for White, 21% for African American, 15% for Asian, 50% were bi-lingual.

G. Harris asked if he could give exact numbers instead of percentages?

Captain Bassett reviewed the numbers again as he mentioned above.

R. Jackson mentioned resignation removal. Can you provide more specifics around the reasons that people decide to resign? What are some of the reasonings that are stated for resignation? We do exit interviews no matter the cause of removal or resignation. The resignations are each unique. The Lieutenant in charge of the training section conducts an exit interview upon the removal or resignation of a trainee. They produce a report that goes to personnel and is capped. We do periodic audits and reviews of those exit interviews to see if there are patterns or trends that warrant concern. The resignation reasons vary. Sgt. Hubbard talked about that in a previous meeting. Some are personal reasons, some resign in lieu of what they anticipate to be termination or removal from the academy, etc.

R. Jackson asked if he could be more specific. Capt. Bassett said an example is

some will have an illness in the family and as a caretaker they feel they have to be there. G. Harris asked if they could look at the exit reviews to see specifically why they are leaving? Capt. Bassett said he will look into that matter.

M. Nisperos asked that in the future you could separate the categories of resigned and removed. I would assume that resigned means that it was of their choice except for the resignation in lieu of pending discipline or removal and that the removal was an indication that they had not been able to measure up to the standards required in the academy and that would reflect on the initial choice of these applicants to enter the academy. I think it would be easier to do policy review and policy analysis if those two categories were segregated. Capt. Bassett said that he understood.

J. Dorado asked if there is a breakdown by origin of the applicants? Capt Bassett said not in this report but in numerous staffing reports that were produced to the Public Safety Committee – that information is broken down. It is on the City website.

G. Harris asked if there are plans to incorporate community training by the community in regards to your academies for the future? Capt. Bassett said yes and he has an update from his Sgt. who has been arranging it. We invite community groups into the academy and I think I mentioned this last time, but we have 42 courses of which are titled cultural diversity – they cover Hispanic, African American, LGBTQ. Each instructor invites community groups in, etc.

J. Dorado asked what possibility is there that the community may be directly involved in the actual writing of curriculum courses for the academy? Capt. Bassett said that we have a lot of flexibility to add additional OPD specific curricular items. If there were recommendations from the Commission on additional topics or curricular items, we would be open to that.

G. Harris asked if he could proceed with the remainder of the report: Plans, if any, OPD has for supporting Police Officer trainees from underrepresented backgrounds in meeting the graduation standards. Capt. Bassett referenced Item 6 in the Agenda Packet (Page 3) which he reviewed.

R. Jackson regarding resignation removal and it is important if we are trying to address transparency to not go for catchalls. In addition, you have seen the reason in resignations, then go through the process, what information do you get from that? Capt. Bassett responded.

T. Smith said that we are going to wrap up this portion of the report. We have another important issue.

**(3) OPD will report on the number of OPD public records requests that have not yet been completed categorized by year of submission to the City**  
Chief Kirkpatrick said Director V. Gleason and the Manager over the Records Unit, V. Norfleet, will speak on the topic. T. Smith welcomed them.

Director Gleason introduced V. Norfleet and stated that V. Norfleet will give a report referencing open record requests. V. Norfleet said currently the Records Division has 3354 overdue public records requests. They should have been processed and closed by now. These requests go from 2018 back into 2014. Over the period of 2014 to 2018, the Records Division and the Police Department has processed a total of 14,348 requests that have been processed and closed out (This does not include the walk-up requests which are about 12,000 more). The back log in requests are due to our critical staffing level. We currently authorize 26

employees: 21 filled; 5 vacancies. But to handle the volume of public records requests that our department gets, we need a staffing of 33 people. The lack of staffing hinders us in processing the requests in a timely manner.

A. Dooley thanked her for the report. I went back in and looked at some of the requests, and some of them appear to be rolling requests and I can understand why those would stay open. I didn't appreciate the full scope of the issue. Have you been invited to report this to the City Council? V. Norfleet said no. Is the City Attorney aware of the volume of overdue requests? Have you reported this to the City Attorney? V. Norfleet said that the City Attorney's Office is aware that we are back logged and if they have the exact figures.

M. Ahmad asked about the understaffing – is there money in the budget? Is there any work towards hiring 33 staff? V. Norfleet said the recruiting process has been started, etc. but it is time consuming. She has advocated 33 and all she can do is ask.

M. Nisperos asked if the requests are for hard documents? Are you able to comply with the requests electronically without sending a hard copy? What percentage of the requests are digital? V. Norfleet said some are hard documents, some statistical, email requests. We can do it electronically if the individual wants it in that form. The percentage - That is something she didn't research because she didn't know that information was needed tonight. The digital process would be much faster than the hard copy process. The work still needs to be done to locate the information and what the request entails.

A. Dooley asked Ms. Gleason – Has the police department made a budget request for the additional seven staffers that would be needed to do this work? Ms. Gleason said that we will be asking for additional resources in the records section next year. These records requests are a small part of their overall duties. A. Dooley asked are you getting an economy of skill through the new record request system? You have these documents uploaded – you don't need to do it again. I think if we had better trust and transparency from the police department, maybe we would have fewer record requests. How can we be proactively sharing information with the community?

G. Harris mentioned that San Francisco has three times the resources. Oakland is failing in every City department. The reason is that we are not hiring people fast enough. What is it going to take for us to get the fire lit? How long has it been understaffed? V. Norfleet explained the issues and processes and the processes can't be rushed because they must be done accurately. We have been understaffed for the last four years.

**(4) OPD report on the progress of their update of policies and procedures concerning their interactions with homeless residents of Oakland.**

Chief Kirkpatrick said Assistant Chief Armstrong will again address the topic. T. Smith welcomed DC Armstrong.

DC Armstrong provided an update. He reported that Sgt. Perrodin continues to work on our homeless policy. He has finished/completed his first draft that he has submitted for review. He is working with the City Attorney's Office as well as your Commission has provided some community-based organizations that they suggested that he meet with. He has met with those community-based organizations as well. I have asked him this week to form a small working group to see if some of the relationships that he has with some of our homeless population. He has some positive relationships with a couple of people that he feels confident that he could probably put a group along with the community-based organizations as well as some

of our homeless population and can put together a small working group as he has now completed the initial draft and get their feedback on additional information that he can put inside of the next draft of the policy. T. Smith asked when do you anticipate there will be a draft that the Commission will be able to see. DC Armstrong said that we gave him an expectation date of January 2019 – we should have a final completed draft for the Commission. T. Smith said January? DC Armstrong said that in the months of November and December there is a lot of vacations taken. T. Smith asked for an earlier date - the Commission receive the policy the first meeting in December, can you commit to that? DC Armstrong said they will do their best.

M. Benson added to the urgency because the population we are talking about is living outdoors (rain season is ready to kick in) so we need to be expeditious and move that up. DC Armstrong said point taken. We must remember that this is OPD's policy (how OPD will engage with the homeless population) and not necessarily the City's overall strategy in how they will address homeless.

G. Harris reminded DC Armstrong that any OPD policy the Commission wants to oversee because it is in our jurisdiction

b. Public Comment

T. Smith asked that everyone come back for comments. This is important.

Nino Parker is happy to see that the policy is being looked at – it's important because I am a homeless person and subject to camp closures, etc. A lot of officers come in on overtime does not make good medicine – agitation. The job that Sgt. Perrodin, etc. have been doing – police relationships with the public is good (homeless and being pushed around and having to move, etc.). He appreciates the Commission for making changes. T. Smith thanked Mr. Parker.

Etta Johnson, community organizer of Oakland. She deals a lot with the homeless. All these different organizations that the City and police department are creating is a waste. They are not treating the people fairly. They have not spent a lot of money on the homeless. Kaiser Hospital donated two sheds and Cal Trans donated the land. I am trying to get information on the budget. Money being used on the people. If they don't have a better place, you can't move them. People are coming from other cities and telling the homeless what to do. Reno does not have homeless; they are getting money. We are going to get this together – Health Department, Alameda County Supervisors (Nate Miley, etc.). They are mentally distressed – don't have a place to go and out here in filth, no running water, gas or electricity; no porta potties or showers. All of you are driving past this every day and we can't come together. You have to come up with a plan soon and do the most that you can. T. Smith thanked Ms. Johnson.

Assata Olugbala said when you want to see the whole picture of how people are coming in to eventually finishing the policing, training process, the academy is half of the process. The other half is field training. Doing the course of field training, officers resign and officers leave because they don't qualify. What you got tonight was half of the story because when she goes to the Public Safety Committee meetings that whole picture is being presented. You see the academy, who starts, who leaves, but you also see the field training – who starts, who leaves on their own, and who is asked to leave. I hope at some point we will get that whole picture of attrition as it relates to people who go into the process of wanting to be officers. The last thing is with the homeless – Life Enrichment Committee meeting there was approval of a nonprofit to work with homeless around Lake Merritt and within the

documentation of what is going to be happening, they identified that they would have officers who work with the homeless. They want to build relationships with the homeless but also the capacity with the homeless is to remove them from encampments. The document spoke to that part of their work. It is not just working with the homeless to help them but to also push them out. I hope the clarity on how that works, under what circumstances does it work, and do they get pushed out to another capacity to live and function or are they just on their own. Please look at field training, it is important. You are not a police officer until you finish that field training.

Elise Bernstein, Coalition for Police Accountability, said that she sees a common theme in today's OPD reports. It is basically that they have a lack of respect in caring for the residents. They are just trying to do enough to get by. I think they still don't get it that the department is in serious trouble and they are in serious trouble and they are just not getting it. I have a specific issue that has come up recently and don't know if it is a routine way for the department to operate. Two anecdotes – one a neighbor who told her that she happened to be upset that day because she had been called to the door, knocking at the door at midnight. Police were there to investigate. An issue that came up by a neighbor down the street several days ago during the daytime. She was not involved. It was a day time thing and happened a few days before and she was to answer questions by the police officer and was annoyed. I happened to mention this to her neighborhood services officer and she said the same thing happened to me. I also live in Oakland and they came to my door at 3:00 a.m., knocked on the door, as part of the investigation. I guess the way it is set up, graveyard shift, is when the officers have time to do these kinds of questions. If we are trying to lessen the footprint, annoying community members, these are people who never would have had a problem with the department except for this – very strange behavior.

Saleem Bey, concerned citizen and a present citizen of Oakland. I have been telling you everything we have been going through. I see people not paying attention. First, that 13-1062 was just one letter was given to us on March 18, 2014, for four years all we had was one letter and this is the letter. This letter was given to us by Officer Cunningham in a meeting. myself and my brother. It says here – performance of duty. The Complainants allege that there was a systemic failure on the part of the OPD during the investigation of the murder of my brother (I will not stop coming up here until you take this seriously). The police were connected to this murder. It was based on racial profiling in the first place but that is why I won't quit for the murder of my brother and my brother John Bey who was CEO, an employer, ambushed and turned out that the police closed is case in 63 days. Shot by a shotgun and a Tech 9. By closing that case you leave all those weapons on the street. If those weapons turn out and murder five other people which is why we are here these cases are under 13-1062. The investigation disclosed sufficient to determine that the alleged conduct did occur. The police is admitting that there is a systemic failure. But a finding of a sustained has been determined. This finding is applied to the OPD as the individual subject officers and their immediate supervisor are no longer employed by OPD. The fact that it was applied to the OPD that the 3304 date does not apply anymore because that is not an individual officer. You have purview over the OPD. If you have prevue over the OPD, and it is a systemic problem, that means that under the Charter, No. 4, proposed changes including modifications to the Department's proposed changes or any policy, procedure, or custom general order – that means that you have the power to ask about this systemic problem. T. Smith stopped him several times; your time is up; this is not the agenda item to discuss this matter; we have to move on. Everything is on video.



## VII. OPD General Order C-1

The Coalition for Police Accountability will present memorandum regarding Oakland Police Department General Order C-1, which is a department policy that outlines uniform and equipment standards for both members and employees. The presentation includes, but is not limited to, Part 1 (General Regulations Regarding Uniforms and Appearance), Part 11 (Member Appearance), and Part VIII(A) (Employee Appearance).

### a. Discussion

T. Smith said that this is a policy that was submitted to us by Henry Gage of the Coalition for Police Accountability. He invited Mr. Gage to give us a narrative. What we are doing now is listening to this policy and then will lean on some help from M. Benson. We can't take action at this meeting. We have a number of steps that are involved – community input, etc.

T. Smith asked Henry Gage to introduce the policy so everyone knows what will be under consideration. He reviewed Item 7 in the Agenda Packet.

Henry Gage said why should we care about a grooming and appearance policy. The question of what a police officer should look like is one that is foundational both to the department's recruiting requirements and to the department's culture. If we can answer that question in an inclusive way, we can start to build a foundation that can help the work this Commission is trying to do to alleviate some of the racial profiling and civil rights issues that have currently permeating the department for decades, etc.

T. Smith asked M. Benson if she wants to talk about our process. M. Benson said that she is happy to and is also moved to engage in some content as well. She appreciates the way in which you are looking at this policy; the level of depth at which you are thinking. A perfect example of institutionalized racism. She applauds your efforts and appreciates them very much. As it relates to our policy process – our efforts are to engage in two things (1) to ensure that virgent???? learners have an opportunity to read, review, discuss, look at visual – so we have extended the process to review those things over time. (2) to better engage community that is impacted. Our first step is that if we are going to review a process and make a suggestion around a process that we go through a few steps. That we present in a method, that generates lots of ideas, including key points, we direct if applicable the CPRA to review the policy and provide an analysis, and then as well we make sure that impacted parties are well notified and informed. The question – who would you say are the impacted parties are that should have input, etc.? Henry Gage said he would place the impacted parties into two classes (1) being the current employees, is the most obvious (2) the second class is more difficult to define - would be perspective members of the department, members of the community who might think about applying but may or may not because they look at policies like that and believe there is on no place for them on the table.

M. Nisperos said for the perspective applicants, there is Margaret Dixon's class at Merritt College (have expressed an interest in applying with OPD).

G. Harris said that R. Jackson works for a youth center and the youth is our future and who better to ask than the experts. They interact with police every day. To get their perspective in what would it look like if this policy were to be. Would you apply?

R. Jackson said that G. Harris is correct. Our young people are subject matter experts of their own experience. They can talk to you about what is welcoming and

what is detrimental. They run toward the police in New York in glee because they are having communication. It doesn't matter to them what uniform they are in, what they are responding to is the attitude that emanates from them. It is encouraging, jovial, communicating, welcoming. We can talk about how the uniform limits but it is the aura of the officer that matters. I am happy to host; however, we do that. The last person she had join the police department is now 34 years old now. It is a fact that we have an image problem and nothing to do with the uniform.

Henry Gage said that when you talk about how people react to police officers, that sense of the other and how people feel they are viewed by police is somewhat different. They are not part of the blue line so they are different and treated differently. That is exactly I would like to see this kind of policy change addressed. If you are looking at a person who literally looks like they came from this community, it is going to be a lot harder for that person to go to a community who look like them and look at that officer and identify with them visually. It doesn't mean the change in the color alone is enough but it is a key step to show that the police are not just an oversight authority that comes when they are called. They are from a part of the community. We are the police; we police by consent.

A. Dooley said she read through your policy justification and she thinks it is excellent how comprehensive it is in terms of thinking about every component of this order that impacts how people are getting to make their own choices and present themselves as who they are and how the current regulations are made completely unnecessary for the purpose of policing and restrictive and racist. She would put on it is from her background doing employee workplace safety is that you call out a number of areas that it doesn't appear that a justification has been provided, I agree with you that justifications need to be provided. In some cases, they exist from a worker's safety perspective or an officer's safety perspective in terms of what may limit their ability to keep themselves safe. Hoop earrings getting yanked (you identify this). In every instance, you identified, it is totally reasonable to ask for that explanation. She appreciates that you did to call those out so that we can ask for those explanations. Have you received any feedback or sought any feedback from the police department or OPOA about this? Henry Gage said he has not reached out to them. He wanted to come to the Commission first.

R. Jackson said that most of what we know is because of the Coalition. She picks them as a partner in this matter.

M. Benson offered several thoughts. Give a visual presentation - Thinking about this Commission as multiple wheels are turning so there is an element about an outreach committee, an element of vetting policy and going through multiple variations of policy and element of setting agendas. All three of those things are kind of working together and if we are not mindful how those work together, then we are just hanging out every meeting with long lists. Given there is a timeline attached to how we would review policy, I guess it is not on the agenda so I would not suggest a motion around it. I would suggest that we begin the conversation quickly about formalizing these committees so that they can work concurrently and would suggest one committee, not necessarily the voting process, hold all the information and timeline for multiple agenda items so that it doesn't fall on you to be managing that. There is a lot of pieces. If we say we are going to move forward with this, then we have to give notice to the public and we have an outreach committee that is engaging in outreach. We can make a motion that this is an agenda item. I just want to preemptively name and concerned that we will hit some road blocks. T. Smith said that we will wait until we get to agenda setting to see how we handle this policy. M. Benson said yes and there is community outreach, etc. Are we going to put it on this agenda? We are about to go through a lot of

policy work. I would throw it to this Commission to think about a way to engage the public regularly, etc.

b. Public Comment

Rashidah Grinage thanked Henry Gage and his Policy Subcommittee for this work on behalf of the Coalition. We believe in looking for solutions. We are not about continuing to diagnose the problem. We all know what the problems are. The hallmark of the work the Coalition does is to strategize on where we can make a difference. I think that is what this policy seeks to do. The subcommittee looked at a concrete discreet step. She thanked the Commission for being receptive and putting this item on the Agenda and giving it your consideration and signal appreciation to our subcommittee and to Henry Gage.

Gene Hazzard said that Commissioner Jackson hit on the head – it is not about the uniform. An undercover agent is dressed just like me and he has all those traits, pleasant attitude, etc. You change the culture at the top; it will trickle down to the bottom. This police chief came from a different culture than consists in this City. The policies that were done in Spokane do not work here in Oakland. It is not about the uniform; it is about the attitude. Change the attitude.

Assata Olugbala said that she was not able to fully embrace the full content because she wasn't able to read about what was being asked. I do know this – I decided to wear dreadlocks and as a school teacher, I counted some push back on that. This was in the 80's. I made that personal choice. I was constantly fighting for freedom. It had to do with what I was striving for in my life. I wore them for seven years and got so long and heavy, I started having neck problems. I always wear some dramatic hair style. I don't want to be an imitator; I want to be different. The substance of who I am and what I am trying to do regardless of how I look, is what should be the content of your character is what counts. I fight that all the time – what is to be the right way to look. I am not fully embracing what this is about but I support it from the stand point – every individual to have a right to decide personally what is right for them as far as their appearance.

T. Smith said that if there is an outcome that we move forward with this policy in some way. T. Smith asked Counsel Brown for her recommendation. She stated that there no impediment to the Commission engaging in a review, development, outreach regarding this policy, if that is the question. If the question is process – a process that permits public input and transparency in accordance with the Brown Act would be her recommendation.

M. Nisperos recommends that we refer the matter to the Policy Analyst and the Policy Analyst review the policy recommendations and come back with a written report that details things that Commissioner Benson was talking about but verbally it is hard to see the wheels that she is talking about and I would much rather have an alternative if the Policy Analyst thinks there needs to be alternatives, and if not, then clearly a written pathway for us to follow in order to implement this – what our options are. I had heard from Mr. Gage that he thought it would be good if the Chief adopted this on her own. Could we look at and say okay we would like to forward this to the Chief for her consideration. Do we do that now or do that later? I would like for the Policy Analyst to review those options and give us the options and the recommendations.

A. Dooley agrees that we should be engaging the Policy Analyst in the first step in the process. Another additional research would be for one Commissioner to become its sponsor, to make sure that they are tracking where it is, where it is going, etc.

We could set up a policy committee that has hearings limited to one or two policies at a time; notice those and let the interested parties know and wouldn't have to worry about sitting until 11:00 p.m. to give feedback; an hour to a policy, etc. with recommendations to be brought back to the full Commission for adoption— public hearing (a subcommittee of the whole or whoever is available but would meet the Brown Act requirements).

G. Harris likes what M. Nisperos and A. Dooley recommend and she wants timelines on this. I am tired of not doing the work. I appreciate engaging the public but would like to put timelines on things. A. Dooley agrees. That is one of the values of having a sponsor. T. Smith asked who would like to be a sponsor for this policy now? R. Jackson volunteered. T. Smith said that we will forward the policy to Mr. Finnell to have the Policy Analyst proceed.

Counsel Brown said before you finalize this discussion that there is a section in Measure LL, Section B (2) that mentions conducting public hearings at least once a year on policies, etc. I don't know if that has been done already but if it hasn't been done, you might think about it in the context of this matter that is before you now.

Further discussion took place with Commissioners.

c. Action, if any

None.

### **VIII. Community Police Review Agency**

Government Code section 3304 (g) determines when an investigation can be reopened. The Commission can request that the CPRA make a determination on whether the criteria for reopening an investigation has been met.

a. Discussion

b. Public Comment

c. Action, if any

**IX. Recess (6 minutes)**

**X. Inspector General Recruiting Process**

The Personnel Ad Hoc Commission will provide an update on the Inspector General recruiting process and review a first draft of the Inspector General position description.

- a. Discussion
- b. Public Comment
- c. Action, if any

**XI. Administrative Analyst Selection and Placement**

The Commission will report on the placement of the Administrative Analyst for the Oakland Police Commission.

- a. Discussion
- b. Public Comment
- c. Action, if any

**XII. Proposed Plan for Completing All Measure LL Required Trainings and Enabling Ordinance Requirements, and Civil Service Training**

The Commission will discuss scheduling of the discipline committee trainings because the times offered for training conflicted with many Commissioners' work schedules. The Commission will also engage in planning for its second retreat including prioritization of items for a proposed agenda, scheduling, training sessions, facilitators, and location.

- a. Discussion
- b. Public Comment
- c. Action, if any

**XIII. Review of Agency's Administrative Closures or Dismissals**

Mr. Finnell will report on the CPRA's proposed dismissal or closure of complaints of misconduct involving Class 1 offenses. The Commission will consider whether to close the case(s) or direct CPRA to continue or reopen the case(s) and investigate the complaint in accordance with Oakland Police Commission Enabling Ordinance § 2.45.070(M).

- a. Discussion
- b. Public Comment
- c. Action to approve CPRA recommendation for dismissal or closure of cases or reopen the investigation, if any

**XIV. CPRA Interim Director Request for Approval of Conference Attendance and Associated Expenses for the 13th Annual Institute for the Prevention of In-Custody Deaths**

Interim Director Finnell requests authorization to attend and to be reimbursed for conference expenses, travel, lodging, and meals for the 13th Annual Institute for the Prevention of In-Custody Deaths, which is an educational and training conference in Las Vegas, NV from October 21 – 25, 2018.

- a. Discussion
- b. Public Comment
- c. Action, if any

**XV. Agenda Setting and Prioritization of Upcoming Agenda Items**

Thomas Lloyd Smith will engage the Commission in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas.

- a. Discussion
- b. Public Comment
- c. Action, if any

**XVI. Closed Session**

- a. CPRA Reporting Format
- b. Executive Director Evaluation and Pay Raise

**XVII. Adjournment**

MOTION to adjourn (???) and seconded (??). The vote was Aye: ???5 (????Dorado, Jackson, Prather, Smith, and Benson). The motion passed.

The meeting was adjourned at \_\_\_\_\_ p.m.