



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

September 23, 2021

Chair Jackson: And welcome to the Oakland Police Commission meeting, September 23rd. It is 6:31. I am going to call this meeting to order and do roll call. Commissioner Dorado?

Vice Chair Dorado: Present.

Chair Jackson: Thank you. Commissioner Gage?

Gage: Present.

Chair Jackson: Thank you. Excuse me. Commissioner Garcia's going to join us at 7:30. Commissioner Harbin-Forte?

Harbin-Forte: Present.

Chair Jackson: Thank you. Excuse me. Commissioner Jordan?

Jordan: Present.

Chair Jackson: Thank you. Commissioner Milele?

Milele: I'm here.

Chair Jackson: Thank you. Commissioner Hsieh?

Hsieh: Present.

Chair Jackson: Thank you. And commissioner Peterson?

Peterson: Present.

Chair Jackson: Excellent. And I am here as well. We have determined a quorum and we will move to the second item on our agenda which is open forum. You can take it away. Miss Rania.

Rania A (staff): Thank You. Good evening, members of the public. Anyone wishing to make a comment on this item, the open forum, please raise your hand and I'll call on you in the order that they appear. I see one hand. No, and a couple. Okay. Let's get started.

Caller ending, phone call ending in 5802. If you give me a minute. So the caller ending in 5802, please unmute yourself, and when you're ready.



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Mr. Bey: Good evening. Can you hear me?

Rania A (staff): Yes.

Salem Bey: Yes, good evening. Salem Bey, member of the 100 Black Men of the Bay Area, person who has filed upwards to five or six IED, CPRB, CPRA complaints all closed without being investigated. My last name is Bey. One of the issues that is currently before the Oakland Police Commission is the independent investigation of Bey cases, cases that were never investigated by the Oakland Police Department, cases that actually proved that the Oakland Police Department has corrupt cops that are directly connected to murders in the black community.

Just this week, the Bey independent investigation was on the City Council's agenda, and no one showed up from the Oakland Police Commission to say anything about it. It's been on there for a year. Nobody showed up, right? This is unacceptable. And we also have no racial profiling ad hoc.

All these things are missing. I say it every week. Oh, Judge Orrick just issued an order releasing [inaudible], which was this year yet the Oakland Police Commission is hiding 13 10 62 which is from 2014. Make it make sense without racism being at the root of it. Right?

The other thing that's going on is this independent investigation is not even been scheduled. The report has been in for months from what my understanding is, and the Oakland Police Commission hasn't even addressed this. There's five murders connected to this independent investigation that have never been investigated until the Oakland Police Commission is not run by the mayor.

Rania A (staff): Thank you, Mr. Bey. I'm so sorry. Your time is up. Caller ending in 9932. When you're ready. Caller ending in 9932, please unmute.

Nino Parker: Hello? Can you hear me?

Rania A (staff): Yes I can.

Nino Parker: My name is Nino Parker. I'm the black homeless advocate, Lake Merritt. Recently, we were having a closure at the Athol tennis courts where I witnessed a DPW worker zip open tent and go inside. My belief is in the past, you need a search warrant to open a tent. But the sad part about it, two Oakland police officers were standing there watching. And then when I confronted them on it, they said that they were at lunch at the time, the worker who opened the tent.



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And their boss is Harold Duffy. And he said he would take the blame. So let's give it to Harold Duffy, but no right worker has the right to illegally zip open a tent, especially when there's police officers there.

So I would like that question answered. Does a public worker have the right to zip open a tent when a police officer doesn't? There's something wrong with that. And I think we need to stop this. This new homeless policy is allowing police officers and DPW workers to do things that are illegal. I would like that question. Why does a police officer stand there and watch someone do it? Or if they're at lunch, as they claim, then the DPW worker shouldn't have been opening their tent because they're only supposed to work when the police are there. Something's wrong with that picture. We need some help on this. That's figure it out.

I'm a homeless advocate and we have the right to have the same rights as you do when it comes to opening someone's tent, right as a housed person, I should say. So I just really would like this looked into. Let's find out why Harold Duffy allowed his worker to zip open a tent while two homeless police officers that were standing there watching and let it happen. I had to repeat that one more time. So it's clear to everybody.

This homeless policy behavior is out of hand. They're not following their policy. They're just doing the policy, the part of that they want, but they're not providing housing and all the things that Daryel Dunston said when they offered us this...

Rania A (staff): Thank you, sir. I'm sorry. Your time is up. Chair Jackson, I see no hands raised, so the floor is yours.

Chair Jackson: Thank you very much. Next on the agenda is an update from the police chief. Chief Armstrong, are you with us?

Chief Armstrong: Yes. Good evening, Chair, and good afternoon commissioners. I'll quickly go through our report. Obviously we reported last week, so I won't spend a lot of time on crime related issues, but I will say that unfortunately on Monday morning in the Oakland Police Department experienced it's 100th homicide of the year. We have had a really difficult past couple of weeks managing our homicides. Monday, we made nine homicides in a seven day period. We had had three homicides over the weekend and the Monday morning homicide made our 100th homicide.

I must also say that yesterday morning, at 0629 hours, the Oakland Police Department received a call of a gentleman armed with the firearm. Officers



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responded to the scene to address the emergency call. And as they arrived on scene, they were met with gunfire. The individual fired multiple rounds at the officers, striking one of the officers in the knee. Officers did return fire, and we did open an investigation into an officer involved shooting.

The officer was subsequently transported to the hospital, along with the suspect, both of which were treated for non-life threatening injuries. We're happy to say that neither one of the officer or the suspect are currently still in the hospital. They've been released from the hospital and are recovering. The suspect is in custody, and the officer is at home recovering from his injuries.

Again, I really appreciate the work of all of the officers, as well as community members who were with witnesses to this event. Our officers and our tactical negotiators who went to the scene along with our mental health crisis team to establish communication with the suspect, which ultimately led to the suspect's peaceful surrender without any additional force needed to be used. So again, very encouraged by this sad situation, but the outcome was one in which we did not have the loss of life. So again, appreciate and glad to hear and so grateful that our officer did not sustain serious or life threatening injuries.

So with that chair, I also would submit that last week, the mayor and the city did release its statement regarding the conclusion of the social media account investigation. We have released the statement regarding the investigation. The investigation concluded with nine officers being sustained for misconduct. Seven of the officers are currently still with the department. Two of the officers are no longer with the department. So we are taking steps as a result of the investigation and the recommendations that came out of the investigation. This investigation was initiated prior to my appointment as chief of police. But as a result of the recommendations, there's a couple things specifically that we'll be doing in order to, to address some of the issues that were raised within the investigation.

In particular, we'll be working with the Police Commission. I think, Chair Jackson, you spoke to create the creation of the ad hoc for the social media policy. You named the members of the ad hoc. The Department and the Commission will begin to work with the Commission on the creation of a social media policy for the Oakland Police Department.

I will be revising our internal policy regarding the use of Department issued cell phone devices. That policy will include new mandates in the policy that no social media information will be posted on there and several other things. I'll bring that revision to the Commission for their review, so they can see the changes that have been made to the policy.



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Also, my training staff has been directed to identify a subject matter expert in sexual harassment and internal conduct within an organization. So we'll seek some training from a subject matter expert on not only sexual harassment but how to manage that type of behavior within an organization.

Also I'll be going into our academy tomorrow to talk to our new police officer trainees about inappropriate behavior, any racist, sexist, or homophobic behavior that will be not tolerated by the Department.

Also, I'll be making my rounds throughout the department and having that discussion as well with all of the members of the Oakland Police Department about conduct that is unacceptable within the department and the strict accountability measures that will be taken for those that engage in that type of behavior.

I also will say that we have successfully completed our meet and confer process with the Oakland Police Officers Association to begin issuing our requirement that officers sign off on a copy of our AI-71 policy, administrative instruction, regarding discrimination as well as our mandate of hiring. For anybody that is hired for the Oakland Police Department, they have to sign a waiver saying that they have no association with any racist, extremists, or sexist organizations. They have not posted or participated in any activity related to that type of behavior.

So this will be the first time that the Oakland Police Department has taken on a clear and affirmative waiver that you cannot have any association with any racist or extremist groups if you want to join the Oakland Police Department, and members of the police department will also sign a waiver saying that they have no affiliation or association with any groups. If so, you will be advised that the City of Oakland mandates that you cannot work for the city of Oakland if you have those relationships. So we'll be taking some affirmative action to ensure that our members are following our policies and protocols moving forward.

The last thing I'll go over is... I don't know if, Rania, if you can give us the ability for us to share a screen... One of the things that we were mandated to do was come back to the Police Commission to present on vehicles that could replace the BearCat, and tonight we do have our presentation which is included in the packet. The mandate was that we identify three vehicles that could be possible replacements for the vehicle that we can present the Police Commission for consideration.



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Lieutenant Beaver, one of our commanders, will present. He did the research on vehicles that met the Police Commission's specific requirements that it was non-militaristic vehicles that was still able to provide the same capability as the BearCat ballistic capability, as well as the ability to transport those that are injured and hurt by the use of a stretcher. So we had some very clear directions on how we were to select the vehicles, and we followed those.

Chair, I will say that the only issue that will be remaining despite whatever vehicle the Commission recommends for the Department to purchase is that the funding source was not included in the city's budget, but we can work through a process to go to council and ask for that funding to be identified. I think that council was supportive of us retiring the BearCat, and we knew that that would come with an expenditure, so we can talk about what process we go moving forward to present the proposal for purchase with the city administrator's office and budget office and work with council to identify funding source. So that is not an impediment to us moving forward in the process.

So, with that, Lieutenant Beaver, are you able to chair?

- Lt. Beaver: Yes.
- Chief Armstrong: Okay. All right. So I'm going to pass over to Lieutenant Mike Beaver who will be providing the Commission their presentation of our replacement vehicles.
- Rania A (staff): Lieutenant Beaver, you should have sharing capabilities, so just let me know if you're having trouble.
- Lt. Beaver: Thank you. Sorry for the delay. The chief tasked me with coming up with some options for replacement of the BearCat. I'll go through a short presentation to talk about the three options that we identified that met his criteria. Chief, can you see the screen?
- Chief Armstrong: Yeah.
- Lt. Beaver: Okay, very good. So just a little bit of background. The Department's had the BearCat. We took control of it in 2008. It was purchased on grant funds. And then on March 25th, the Commission approved to phase out and replace the BearCat and look for something that met the criteria, but was non-militarized.

So just for comparison, the BearCat is about eight feet tall, 20 feet wide, and about seven foot across. I've included a couple photos just for reference for the Commission. And to go over our criteria, we wanted to ensure that it had ballistic protection, the same as our current vehicle, that was level four NIJ, 50



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caliber rated, that it had, as the chief mentioned, the ability to transport a stretcher with an injured individual, and also storage capacity to transport eight team members. We wanted the vehicle to be durable, withstand minor collisions, have similar height and weight to the current BearCat. Also the ability to navigate different terrains, so, four wheel drive, but did not have an overtly militarized appearance.

We identified three options that we'd like to present tonight. One being a passenger bus, the other option, being a cash in transit vehicle. And then the third option would be an armored ambulance. We selected these vehicles because this is something that individuals may see on the streets every day. Did not feel that they were overtly militarized, did not have a overtly militarized appearance.

So going through them quickly, the first one is the armored ambulance and each of these-

Chief Armstrong: You've got them [inaudible 00:21:57].

Lt. Beaver: Oh, sorry about that. Armored ambulance. All three options are very similar in their characteristics. They're all built on a Ford F-550 frame, much like the BearCat. They're all 4x4. They all have the same level of ballistic protection. They all have a hatch in the top and they will all, this is something that the BearCat does not have, but all the vehicles will have integrated 360 degree camera system built into the vehicle.

This is a view of the interior. Talking with the manufacturers, we would be able to configure the interior of the vehicle to our needs, but these were the only stock photos available as no one has tried to manufacture something for the current configuration that we're looking for.

And this a quick schematic, as you can see. Dimensions are very similar to the BearCat, like I said, same ballistic protection and all. That is our first option that we'll present.

Our section option would be a cash in transit, just like a Loomis vehicle. Once again, height, weight and length are all very similar, all built on the same chassis with the same configuration. Interior, again, would be configured to whatever bench seating we would need to set up for. It would meet our criteria. And lastly, the schematic for the cash in transit vehicle.

Then the last option that we came up with would be a passenger bus and same F-550 frame, same 4x4, same level of ballistic protection, same integrated



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camera system. Another view of the passenger bus. Unfortunately, there was not a schematic available of the passenger bus.

To conclude a rough estimate for each of the vehicles is that the passenger bus would be about \$360,000. Cash in transit would be \$319,000. And the armored ambulance would be \$288,000. Commission that will conclude the presentation of slides for the armored vehicle replacement.

Chair Jackson: Thank you very much, Chief Armstrong, does that conclude your entire presentation?

Chief Armstrong: [inaudible 00:25:12]. He's on mute? Okay. [inaudible 00:25:19]

Lt. Beaver: Yes, sir.

Chief Armstrong: Okay. So I'm sorry. So, Chair, yes. So we obviously there were six months mandated for us to return with three specific vehicles that fit the Police Commission's criteria. I had staff continue to work with manufacturers across the country to try to figure out what vehicles that we could look to that fit the same abilities as the BearCat, but was not militaristic. Each one of those vehicles that we presented was presented on a Ford front that looks more like a regular vehicle. The Loomis vehicle is more like a money transport vehicle that you would see in the community and see much more frequently. We did look to try to make sure that we included the addition of 360 cameras for every vehicle that we looked at. Would it have the ability for us to had embedded in the vehicle?

So right now we are affixing a body-worn camera essentially to the vehicle we purchased specifically to have affixed to the current emergency rescue vehicle, but moving forward, it would be much more efficient for us to have that built-in 360 camera system that uploads directly into our body-worn camera system so that every time we deploy the vehicle, the cameras would capture all of our interactions and be able to be instantly uploaded without the need for us to separate the camera and then plug it into a system.

We also were approved last night as well, Tuesday at the City Council meeting, for an upgrade to our body-worn camera system, and so we look to integrate whatever new vehicle we do purchase into our new contract for our body-worn camera vehicle contract as well, so that it actually works seamlessly with that new technology.



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So just wanted to offer this, and we are here to take any questions that the Commission might have on any three of the vehicles that we have presented to you this evening.

Chair Jackson: Thank you very much, Chief Armstrong. I'd like to ask my fellow commissioners if you all have any questions. My question would be, of the three, which do you all prefer? I would go for the lowest budgeted one, but I'm not sure that that does exactly what you want it to do. Chief?

Lt. Beaver: Thank you, Commissioner. Yes, actually being fiscally responsible, that vehicle does meet the criteria. And we also agree that we think that the armored ambulance would meet our standards and probably be the best option.

Chair Jackson: Excellent. Appreciate that fiscal prudence. I see hands up from Commissioner Peterson and Jordan.

Peterson: Well, he somewhat answered my question, and I was wondering, just comparative to the cost of the BearCat, which of course we no longer want in the city of Oakland, how do these compare cost wise?

Lt. Beaver: Through the chair?

Chair Jackson: Yes.

Lt. Beaver: I did not get a quote for a BearCat, but I believe that they are very similar to the above \$250,000, but below \$300,000.

Peterson: Thank you.

Chair Jackson: And commissioner Jordan?

Jordan: Yeah, I think that the ambulance... I mean, they all sort of look like good options. I'm not in love with the idea of the cash in transit vehicle. We've seen a lot of those used in police forces other places. And I think all of these essentially are the BearCat in most respects other than the sort of overt external armor, that sort of flat gray, external armor. The armor plates are underneath the sort of standard body panels. And that's really sort of the primary difference.

I presume these are going to be painted in some way to maybe look something like the armored suburban, just to sort of gloss black standard or something along those lines. Are there going to be other additional external things added on that potentially are going to be problematic signifiers for the community



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such as like an extended grill on the front or any of those kind of things that you expect to add on?

Chief Armstrong: Well, I think some of the necessary tools require us to add on some of those additional things that make the vehicle efficient and able to meet the capabilities that the BearCat currently has. What we don't want to do is spend almost \$300,000 on a vehicle that could be easily damaged by what we typically use it for, which is to block in maybe a car that has an armed suspect in it or some to that nature, and we receive significant damage where it is not usable, but I do think a lot of the things that we added to the BearCat will be included in this vehicle, meaning we don't necessarily need to add external lights. The doors look much more like just the regular car door, as opposed to, as you look at the current BearCat, the doors that flip open that looks similar to a militarized vehicle, as opposed to just a regular truck. I think even the back end of the ambulance looks more like an ambulance than it looks like an armored vehicle. So it's very similar to what you would see or look at as an ambulance.

We will have to put the Oakland Police Department insignia on the side of the vehicle, simply by law. If we're going to use it in this way, with lights and sirens, it needs to be marked, and also to make sure that we noticed the public that it is a police vehicle. That we will have to do, but we haven't made any decision as to what the primary color will be. I think because we do use it for tactical situations, I think my team would probably say, for tactical reasons and safety reasons, we might want to have it a darker color, but that doesn't mean it needs to be black. Those are some of the things that we can definitely work with the commission to see what colors would be agreeable or what you think would be in the best interest of the city.

Jordan: Yeah. I don't necessarily have strong feelings about the color though. The sort of images that we're seeing here is [inaudible 00:33:08] white format is especially innocuous. I'm just trying to think... look forward in to what the community might perceive this as. Are there going to be external ports added to whatever vehicle ends up being purchased, like were on the BearCat?

Chief Armstrong: I'm sorry. They'll be included, and I think it'll look much more... I think it won't be so obvious, I would say, because it will be included in the design of the vehicle. It won't be a port that is added or be as visible to the public as the current one is.

Jordan: Did you explore the Sprinter van model or whatever the... I know there's a Ford version of that large transit van. Did you explore those? Were those rejected, what happened there?



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- Lt. Beaver: To the Chair? Yes, we did explore the Sprinter van. It's a much lighter vehicle, and taller and more narrow, and doesn't come standard in the four-wheel drive package. It didn't quite meet all of the criteria we were looking for.
- Jordan: Okay. All right. That's all I have for the time being. Thank you.
- Chair Jackson: Thank you. I thought I saw Commissioner Hsieh hand up. Did you change your mind?
- Hsieh: Changed my mind. Thank you.
- Chair Jackson: Okay. Thank you very much. Are there any other questions from the commissioners? Okay. I see hands from Commissioners Dorado and Gage. Commissioner Dorado?
- Vice Dorado: Okay. Thank you, Chair Jackson. I just wondered about the capacity of the one that you prefer, the ambulance, how many people you think you can safely carry in that? And I'm assuming that this wouldn't...you'd have to have less people if you're going to have somebody transported in the stretcher, but ignoring the stretcher for the moment. How many people, how many officers you think could get into the ambulance configuration?
- Lt. Beaver: To the Chair. Commissioner, I believe that it would have bench seating, four across on each side and then the two front seats, so it would be a total of 10.
- Hsieh: Okay. How does that stack up with the other two configurations?
- Lt. Beaver: I believe that the cash-in-transit would be similar. The bus option would be a longer option, which may be a little bit more difficult to navigate. The only option that would offer more bench seating would be the bus option, but the ambulance is similar in length to the BearCat and can currently fit eight individuals on the bench seating.
- Hsieh: Okay. Thank you,
- Chair Jackson: Commissioner Gage.
- Gage: Thank you, Chair. And good evening, Chief and Lieutenant. Thank you for being here. So first thank you for coming back to the commission with these options and doing so ahead of deadline. It's two days, but it's still ahead of deadline. So thank you. I am glad to see the options you've proposed are frankly much more in line with what I had in mind with respect to a replacement vehicle. I'm curious to hear what the public has to say. I am also very cognizant of some of



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the policy concerns behind how the vehicle is going to be used and not just what it looks like. I think regardless of which of the three vehicles are selected, you're likely to fall within the range of what we think a vehicle should look like and turning to the issue of how we use it, it's going to be important moving forward. I'm also making this comment in light of the council's recent passage of the Controlled Equipment Ordinance. First, a brief question, Chief, can you point me towards the general order that would govern deployment and use of the armored vehicle?

Chief Armstrong: Commissioner Gage? We lost you, we didn't hear the end of your question.

Gage: Oh, can you point me towards the general order? Okay. Can anyone else hear me?

Chief Armstrong: Yeah, we can hear you.

John Alden: I can hear you just fine.

Chair Jackson: I think he asked if you could point him to the general order.

Chief Armstrong: Yes. The general order that governs the emergency rescue vehicle that we created with the BearCat would still cover any new vehicle that we purchased. And when you, I think specifically Commissioner Gage, when you spoke to our new militarized equipment ordinance, it would mean that all of the areas of needing to make sure that we provide a yearly audit of the use of the vehicle, as well as continuing to document all of the deployments of the vehicle and audits of the use of the vehicle to ensure that it's actually being used within the use policy would remain, would be orders that we will continue to follow. It doesn't appear that there needs to be additional modifications to the emergency rescue vehicle policy that we worked on with the police commission. I think it will still govern this vehicle as well. And I think the militarized equipment policy, obviously, will be one that we follow as well, related to the purchasing of this vehicle and the requirements that come along with the purchasing of this vehicle and the use of this vehicle.

Gage: I'm looking through PowerDMS right now, and I'm struggling a bit to find the current rescue vehicle BearCat policy. We've worked on it previously, but I'm looking for OPDs copy as opposed to mine. Can you direct me to the appropriate DGL?

Chief Armstrong: Let me pull it up, I don't know it by heart, but I have it in my [inaudible 00:40:05]

Chair Jackson: You know, you're on mute, right, Chief? Okay.



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- Chief Armstrong: Yes. Chair, that is training bulletin on armored vehicles. It is effective March 15, 2021. It'll be III-P.04, and it should be under the TBs.
- Gage: There we go. I see it. Thank you for that. So as a gentle reminder, it is quite possible that that training bulletin as written is sufficient under the ordinance to serve as a use policy, but we do need to follow that process. And part of that's on us. Part of that's going to be on the commission to form an appropriate committee and to help engage in the work with the police department, but as written, that process is supposed to happen before a purchase is made. And as a result of that coming together, there was supposed to be a recommendation made to the council for purchase. So the gentle reminder, I definitely appreciate you coming to commission with these options, but we do have a process we need to follow. Some of that upon us to set up administratively, but we do need to be careful how we move forward. With that, thank you, Chair. I have nothing further at this time,
- Chair Jackson: Commissioner Gage, based upon that overview, can you specify what the next steps need to be? According to your understanding?
- Gage: My understanding is that the commission needs to get organized and the militarized equipment ad hoc committee as currently constituted will likely need to transition into a standing committee. And to begin the hearing process with this particular vehicle, given that it is currently on the schedule for purchase. We have a training bulletin that's already been drafted. Much of the language that's necessary is already there, so the workload is relatively light and we'll need to continue that process with other categories of controlled equipment. But for now, it needs to be started with this one, if the department's going to move forward with the purchase.
- Chair Jackson: Okay, thank you very much.
- Chief Armstrong: So to the Chair, I would say for Commissioner Gage, I think this process that we've taken on is consistent with the resolution that you guys created. We have met the timeline and essentially, we were required to bring back these three options and the commission is to select those options. Then I think all those other processes will begin for us to start. I think we are in line with the process, because I think once you guys select the vehicle, because we have not selected a vehicle, we essentially have just presented options. So there is no purchase yet until we have actually secured funding and made a purchase agreement for the vehicle. I think we are in line with policy and you guys can now move forward into an ad hoc. If you need our subject matter experts to be a part of that, we are definitely prepared to participate, so I think we are in line with protocol and policy.



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Gage: Thank you, Chief. I would agree that the department's compliant; you've complied with the resolution and as we currently stand, you are also in compliance with the ordinance. It's simply a reminder that we have much more work to do before it's time to sign a purchase order.

Chair Jackson: Okay. Thank you.

Gage: Thank you.

Chair Jackson: Are there any other questions on this line, of the BearCat?

Okay. My seeing none, I did want to go back to another point in your update, Chief, and thank you to Lieutenant Beaver for giving that presentation, that overview. That goes back to the social media investigation. I read in the media that the person that set up the Instagram Crime Reduction Team, was one of the people that the commission, or the discipline committee of the commission, voted to terminate. Is that accurate?

Chief Armstrong: Yes, ma'am. I can't speak to the specific name of the individual because there is an...

Chair Jackson: I'm not looking for that.

Chief Armstrong: Okay.

Chair Jackson: Just wanted clarification on that.

Chief Armstrong: Yes ma'am.

Chair Jackson: Thank you. I appreciate that. So if there are no other questions regarding any other part of Chief Armstrong's report, we can go to public comment. And seeing none, Rania.

Rania A (staff): Thank you, Chair Jackson.

Chair Jackson: Sorry. We had a last minute hand. Commissioner Jordan.

Jordan: Yeah. Sorry. Just a process question. It sounds like based on the conversation between the Chief and Commissioner Gage, the expectation is that we will determine the vehicle to move forward with. At what point are we going to vote on that? And do we expect the Special Equipment Committee to meet previous to that? I bring this back as an agenda item because it hasn't been noted as a voting item, or will it just be agendized for a later meeting?



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Chair Jackson: It will be agendized for a later meeting.

Jordan: Okay.

Chair Jackson: Thank you very much.

Jordan: Yep.

Chair Jackson: Okay. So now we'll go to...

Rania A (staff): Public comment?

Chair Jackson: Yes, please. Sorry about that.

Rania A (staff): No worries at all. The members of the Oakland public, if you would like to make a public comment on this item, please raise your hand and I'll call on you in the order that you appear. Please give me just a second. Production, I see five hands raised, starting with John Lindsay-Poland. Mr. Poland, give me just one second. Let's set your timer and when you're ready, please unmute yourself and I'll start your timer.

John Lindsay-Po...: Can you hear me okay?

Rania A (staff): Yep. Go ahead.

John Lindsay-Po...: Thank you so much. And I really appreciate the diligence of the department on the issue of the BearCat replacement, as well as Commissioner Jordan's questions. I wanted to raise a couple points and a couple of questions. First of all, I think a key in this is how this vehicle is going to be used, how often, and for what. The current BearCat or armored vehicle policy requires notification on the department's social media channels every time that one of the armored vehicles is deployed, either the Suburban or the BearCat. A search of the department's Facebook and Twitter pages indicates no reports since March, when this policy was adopted, of any notification of those. So the question is how often have the Suburban and BearCat been deployed during this period and whether those can be now notified to the public?

I want to build on Commissioner Gage's points about the control equipment ordinance, because in addition to a use policy, which is more than a training bulletin because it requires publication on the department site, which I don't believe that the training bulletin is necessarily published, is an impact report which has a number of other elements that are not in what is currently in the training bulletin for armored vehicles. And my reading of that ordinance is that



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the department does need to come back to the commission. In fact, the department should be telling the commission, "Here are our priorities for the types of equipment that we want to get approval for the use policies and acquisition and continued use". I do think that the commission has some work to do, but the department definitely has some next steps that are required before the commission can act. Thanks so much.

Rania A (staff): Next up, Mr. Omar Farmer. When you're ready, please take yourself off mute and I'll start your time.

Omar Farmer: Good evening. Thank you, Lieutenant Beaver and Chief Armstrong, for the presentation on the BearCat's replacement. I'm glad to see that it appears that you'll be purchasing a minimum of a one ton vehicle to support NIJ IV level armor so that the replacement is more durable and that's potentially less maintenance costs than the BearCat. However, to me, the idea of an ambulance appearing vehicle, while enticing can also potentially create problems such as friendly fire situations where civilian mistakes for an actual ambulance and OPD mistakes them as a threat if the OPD insignia is not seen in the heat of the moment, but that's your call. Just my two cents. The passenger van is the most innocuous one to me and could fit into almost any environment, but as the Chair pointed out, it's also the most expensive. And just FYI, that technically NIJ IV level of ballistic protection is of a 30 cal or 7.62 round, not 50 cal.

I know Lenco states that their BearCats were level IV and also the 50 cal, but the NIJ IV chart does not reflect that. Just thought you should know so you can make an informed decision on any potential equipment that you purchase. I also agree with Commissioner Gage that the militarized equipment committee should potentially be converted to a standing committee, given the ongoing nature of demilitarization items like this. The controlled equipment ordinance, and a future review of the tactical operations policy. My question is that, do you anticipate whether OFD and ambulance providers will be comfortable with an ambulance appearing vehicle? And do you plan on using it jointly with them in those situations? I know that you currently train on the BearCat with OFP, and I'm not sure what the substance of that training is. Lastly, will you be asking for an exception to the bidding process to use the International Armor Group, or will there be other bidders? That's who's listed in this presentation down in the fine print. Reason I asked, I'm just trying to figure out a timeframe. That's all. Thank you.

Rania A (staff): Thank you, Mr. Farmer. Next up, Rashida Grinage. When you're ready, please take yourself off mute and I'll start your timer.



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Rashida Grinage: Thank you. I'm not going to comment on the BearCat. I would like to comment on a couple of the other items that the chief covered. First of all, I want to be grateful that nobody was killed in the incident that happened yesterday. Although, obviously, both the suspect and the officer were injured, but luckily not fatally. And so that's good news that the outcome was not fatal to anyone. I want to commend the department for that.

On the issue of the Instagram scandal, I am really struggling to understand how it is that CIPRA agreed with the department and the result being that no one was fired. I have to assume that that's because of the discipline matrix and that the person who created the account was no longer with the department and everyone else was just following and contributing. Nonetheless, even with a new policy that may result from the ad hoc, it's pretty clear that the failure to terminate is probably the result of the discipline matrix that didn't allow it. But I would certainly think that Mr. Alden should be recommending, as a result of the investigation into that episode, that there should be termination for these individuals. I'm hoping that the commission will actually intervene in this respect. I was disappointed that none of the commissioners really seem to take much interest in it.

Rania A (staff): Thank you, Ms. Grinage. I'm sorry to cut you off. Your time is up. Oscar. I see you with a hand up. I'll ask you to unmute please. And when you're ready, I'll start your time.

Oscar: Thanks. Can you hear me?

Rania A (staff): Yes.

Oscar: I just wanted to ask the Chief on the number of homicides, if the killing of Oakland resident by the FBI last week and what OPD apparently told reporters at East Bay Times they would consider a homicide, which was a person who was killed by a vehicle, and what they think may have been adjacent to a shooting, if that's also included. In another article, local paper disputed the number that the Chief is using and said it may be 99 or 98. If that if, through the Chair, if we could get an answer for that, that would be great.

Chair Jackson: Chief, are you able to respond to that tonight or would you want to come back and include it in your update next time?

Chief Armstrong: No, Chair, simply both were considered homicides. I report and consider all deaths in the city that are ruled not to be justified or accidental, to be a homicide. And that was...both cases, we considered them to be homicides, whether justified or not.



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- Chair Jackson: Ms. Adwan, I guess you can go, if we have any more hands up.
- Rania A (staff): Sorry, I was on mute. Ms. Assata Olugbala, I have you up next, if I can find you, I will ask you to unmute when you're ready.
- Assata Olugbala: Thank you. I think it's important from my perspective to me...
- Rania A (staff): I'm so sorry, Ms. Olugbala, let me start that again.
- Assata Olugbala: That's fine.
- Rania A (staff): Okay.
- Assata Olugbala: Okay. I think it's important to say that the police department should have the opportunity to determine what is needed to protect its officers. Every officer should be able to have a 100 percent opportunity at the end of the day to go home to their families. So you can call this military equipment. I'm going to reference it as a protective tool and for it to be used appropriately in that manner. The situation I want to ask the Police Chief about that...I don't need a response. I'm concerned about female officers. Is it a practice that when a female officer encounters two black men that assistance has to be sent for her to deal with that situation. In other words, are there situations where female officers can not handle the situation on their own, that assistance has to be brought to their aid? And this happened over on Grand, a female officer encountered two homeless black men, and she was told to stand down until another officer could arrive. And then the captain came as well. So just need some clarity about if there are some differences that occur when female officers are performing their duties.
- Chair Jackson: Excuse me, Chief. I actually am quite interested in the answer to this question if you're able to provide it.
- Chief Armstrong: Yeah. It's a very simple answer. No, ma'am. All officers are trained the same. All officers have the expectation that they call for assistance when needed. And it does not have anything to do with race.
- Chair Jackson: Or gender?
- Chief Armstrong: Or gender.
- Chair Jackson: Okay.
- Chief Armstrong: Sorry.



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- Chair Jackson: That's okay. Thank you.
- Rania A (staff): Chair Jackson, you have one more speaker in the queue. Jennifer Finley, Findlay. Sorry. I hope I'm pronouncing that right. When you are ready, please unmute yourself and I will set your timer.
- Jennifer Findlay: Hi. Can you hear me?
- Rania A (staff): Yes.
- Jennifer Findlay: Great. Thank you. Three [inaudible 00:58:28] , Chair, to the Chief, I am just wondering if you could answer for me. I hear from a number of my neighbors that they have interactions with police, where they're told that council is tying their hands, that because of members of the council have issued rules around what laws can be enforced and who they are allowed to pursue or not pursue. My understanding is that they do not have that authority. And I'm just wondering if you could speak to...if you've heard about this or what's going on there. Thank you.
- Chair Jackson: Chief, are you able to respond to that question? Again, the curiosity makes sense.
- Chief Armstrong: Yeah, just quickly, Chair. There are specific crimes that have been deprioritized in the City of Oakland Park Council Resolution. Those include narcotics related crimes, offenses, or like marijuana or cannabis, if you would, are considered to be the lowest priority. So there are specific things that we cannot prioritize over violent crime or other crimes per Council resolution. We also do have department policy that indicates that we cannot engage in a vehicle pursuit of a vehicle that does not include a violent felon or someone that is armed with a firearm. So we have very strict requirements around who and which we can pursue, as well. So I do think that there is some validity to that when it comes to who we can pursue and then what crimes that we are mandated to prioritize. And last November belief council did also produce a resolution that said, OPD must prioritize violent crime.
- Chair Jackson: So chief with respect to your response, and I appreciate that, is there not a more maybe direct talking point that can be shared by police as opposed to "Council is tying our hands"?
- Chief Armstrong: Yeah, I don't think that that's, I didn't want to speak to exactly what was said by the officers, but wanted to just speak to exactly what the officers can and cannot do. We have not, that should not be a talking point at all, hat council has tied their hands. We have not communicated from the department anything



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that indicates that council has tied our hands when it comes to taking enforcement action. We have resolutions that have prioritized certain crimes, but nothing that indicates that our hands are tied.

Chair Jackson: Thank you. Very helpful, Ms. Adwan?

Rania A (staff): One more caller, please. Ms. Anne Janks, when you are ready, please unmute yourself and I will start your timer.

Anne Janks: I was sitting here peacefully observing when Jennifer Findlay asked her question, it's actually a question that I asked several meetings ago, and I've not heard a response to. I asked the chief what instructions officers do receive. I'm very amused that council is somehow being blamed for instructing officers to prioritize violent crime. And if the officers want to go out and tell everyone the council has ordered them to prioritize violent crime, I think that would be reasonable.

But I ask what rules officers are instructed about what they can say, because we've been hearing for a while that they're saying things that are pretty outrageous and Chief Armstrong saying, "Well, we didn't tell them that", isn't the same as saying, "We told them they're not allowed to denigrate their bosses to the community", which is essentially what they're doing. And they're not doing it solely to say, "I'm sure I couldn't respond to this marijuana complaint, I was pursuing violent crime as instructed by city council". That's not what they're saying. They're going out and saying, "Well, if it took six hours to get a response to your call, it's because city council won't let us do their job and they defunded us". You're giving very political versions of things.

And I asked several meetings ago what the instructions are that they receive about what they are and are not allowed to say, and if there were any instructions telling them that they will be disciplined for getting political in uniform and trying to blame council for things that may or may not be the council's fault. And I'm going to ask it again since Jennifer Findlay mentioned it again. Thank you.

Rania A (staff): Thank you, Ms. Janks, Chair Jackson, seeing no more hands up for public comment we return to you.

Chair Jackson: Thank you very much. So the next item up is an update from John Alden. [inaudible 01:03:38] Pardon me?

Gage: I have a final question for the chief before we move on.



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- Chair Jackson: Oh, certainly. Okay. Sorry. I didn't see that. Chief Armstrong, you still there.
- Chief Armstrong: Yes, ma'am.
- Chair Jackson: Thank you. Commissioner Gage, go ahead.
- Gage: Thank you. I wanted to follow up on a point made by one of our public speakers about notifications of armored vehicle deployments. While folks were speaking, I took a scroll through department social media and I haven't seen any indication of those sorts of publications being made at least through July, which is as far back as I've gotten. I would ask the department that if and when armored vehicles are deployed in the city, if they would provide some notice, timely, of that deployment, perhaps in a form similar to what's been done for other recurring issues via the department social media. That's all. Thank you.
- Chair Jackson: Thank you. Chief, can we respond?
- Chief Armstrong: Yes Chair. Yes. I am aware and I've also looked at it and I have just instructed my team that that shall be done. And we'll also, I've instructed them to now include a tab on our webpage that will include every deployment moving forward. So I apologize that those weren't coming out as frequently as they should, but it is being corrected as we speak.
- Chair Jackson: Appreciate your immediate response to correct it. Thank you. Now we'll move forward to item four, Mr. Alden.
- Dir. Alden: Good evening Commissioners and members of the public. I want to make sure you can hear me okay before I start my presentation.
- Regina Jackson: Yes, we can.
- Dir. Alden: Fantastic. Thank you. So tonight for our CPRA presentation, we have a statistical report which is attached to the agenda. I don't have any particular details to hit there, but I'd be happy to answer any questions about that. I do have a number of other items that I wanted to report about briefly and happy to take questions on all of these, of course. One has to do with how city offices, including the CPRA offices will be progressively reopening to the public in the future. Just this week, in fact, in part earlier today, I got some additional news from the city administrator's office and from HR setting some dates for us. The city of Oakland is currently requiring all of its employees to be fully vaccinated against COVID and to have completed the full course of vaccinations before November 29th of 2021.



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The city's employees who work in some of the office buildings that we have here in the city and have been working remotely because of COVID, will start returning to those offices on a part-time hybrid basis. Partly working from home on some days, partly in the office, on others, on December 6th of 2021. So that's about a week after the vaccination deadline has passed. And then the main office buildings for the city, such as 150 Franco Ogawa Plaza, 250 Frank Ogawa Plaza, where the CPRA offices are located and city hall are currently slated to reopen January 3rd.

It is my understanding from those dates that we should expect that we won't see public meetings of any boards or commissions until at least January 3rd. And in that regard, I think this commission can plan on January 3rd as a rough guide for when you might expect to be having in person meetings again. Certainly no sooner than that. And as we learn more from the city about how they're approaching this issue globally, we'll keep you up to date about it.

In that regard, I know that the city council has been thinking very carefully about how to structure meetings, once we do return to in-person meetings. There may be some opportunity there to include ways for the public to participate remotely. And as those become clarified, I think there will likely be a consistent practice across Oakland's many boards and commissions in the city council that will give us a lead about how we can structure these meetings. So I mentioned that to you so you have some idea of how to plan and prepare. If things change with respect to COVID, of course those dates could be moved back. They're certainly not going to be any earlier than the dates I just mentioned, but I think it's very likely at this point that you can be looking to returning to some in-person meeting in the new year.

Another issue I want to talk to you about briefly is the officer involved shooting yesterday because that's a pending investigation and because our work on that is subject to provisions in the penal code that don't allow us to say a lot about it. There's not a terrible amount of detail I can provide here other than what you've already heard from the chief of police. I would add that we were pleased with the cooperation we received from the police department. In this regard, we received a timely notification, had opportunity to walk through the scene and be listening in, on interviews in the same way that internal affairs does. And so I was pleased to see, we had exactly the access that we should under the charter. And I know PD works very hard to make sure they get us that access. And I wanted to say, I appreciate it, the robust response we got in that regard. It was extremely helpful in starting our investigation.

In addition to that, I want to flag for later in the meeting, as we talk about future agenda items. I'll be sharing with you some information about steps for



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you to take in the next few weeks to make sure we can keep doing virtual meetings between now and January. And then the last thing I wanted to mention in this report is the Instagram case that the chief reported about. You have no doubt already seen some of the public information that's already gone out since Friday and moving forward through the beginning of this week. Again, because of those same rules about how these cases are regrettably not on many cases made available to the public, there's not a lot more I can say about that. One unusual thing about this case that I actually think is somewhat helpful from a transparency perspective is that Judge Orrick who presides over the negotiated settlement agreement in this case did issue an order just a few days ago earlier this week, making public a short description of some of the overarching issues that the independent investigators that the monitor asked the police department to select had found.

I want to stress for people that this is not the full report, which is vastly longer. It's not CPRA's report, which is vastly longer. It is that said, the only publicly available document we have that we can legally really refer to about some of the details of the case. And I do hope that people who are interested in this case will take a look at that order from the 20th of September earlier this week. That report that's been made public there describes on page one, that the individual who created this Instagram account, again according to that report, was someone who had been a recently terminated OPD officer. And so I think that in part, answers the question that Ms. Grinage and others have raised, which is why wasn't there anyone fired in this case? And I think the chief and I would both agree and I'm sure the commissioner would too, that any current OPD officer who created a page like this and disseminated it would be someone that we would seek to terminate without question.

I also think that the question that Ms. Grinage raised and the point that the chief of police made about social media policy, is one that I wholeheartedly agree with. You'll also see that in the public facing document I just described, that Judge Orrick had released, that document calls for creation of a social media policy, a more robust social media policy at OPD. I entirely agree.

I do want to make clear to the commissioners as you think about how you might want to be involved in a social media policy like that, that current first amendment law in the U.S. and to some extent, some decisions here in California, do you make it clear that if police departments have expectations about what officers do and do not do on social media accounts, particularly ones that aren't ones that they're accessing because of or part of work. It is critically important that police departments set standards in advance about what is and what is not acceptable behavior in that regard. What would be behavior on those sites, that would be subject to discipline and giving those



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guidelines in advance is really an important part of being able to take disciplinary action when something inappropriate is posted.

And without question, I think it's time for us here in the city of Oakland to take a close look at what we think those expectations are and make sure that's clear in policy. It is moving forward much clearer that the city can discipline officers, if there is such a policy in place. It is much easier to complete investigations in that regard. It is much easier to set discipline and also to have that enforced at arbitration. So I really do think that everyone who has had opportunity to look at this case while they might not be able to talk about all the details does agree that a more robust social media policy is essential and that this particular investigation teaches us some lessons about that. And so I'm very glad to hear the chief speaking to that issue. I was very glad to see that the materials that Judge Orrick chose to release, spoke to that issue too. And I know that this commission has already spoken to that issue. And so I'm glad that here in the city of Oakland, we're of one mind about the fact that that's an important priority.

I know at a couple of our future meetings, our next meeting, and then perhaps the retreat that's discussed on an agenda item later on tonight, this commission's going to have an opportunity to talk about priorities, and I would certainly recommend that this be a fairly high one. I know this commission has many tasks on its plate, and it's hard to do all of them as quickly as we might like, but certainly I'd put this one on the upper part of the list. So I hope that is at least as responsive as we can be to some of the questions that were raised earlier tonight about the Instagram case, and I'd be happy to answer questions as best I can given some of the limitations of the law. Thank you.

- Chair Jackson: Mr. Alden, does that also address staffing and recent activities?
- Dir. Alden: Yes, those are all the staffing and recent activities, issues that I have.
- Chair Jackson: Okay. Very good. Thank you. Commissioners, are there any questions of Mr. Alden's report? Okay, my seeing none, we will go to public comment.
- Rania A (staff): Chair Jackson, commissioner gage has his hand up.
- Chair Jackson: Okay. Didn't see that. Thank you. Commissioner Gage.
- Gage: Thank you, chair. And good evening director. When you were speaking earlier, I noted your mention of CPRA staff being able to walk through the recent OAS scene. I'm curious about how that came about given one of CPRA's current challenges is the ability of CPRA staff to operate on a call-out basis. That



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operation of happenstance. Is that something we can expect moving forward? I'm curious about where that stands.

Dir. Alden: That's a great question. I would certainly like us to be able to respond to all such scenes. We don't have just as yet enough staff in that regard. We have a couple of vacancies we're filling and then we'd also have to create some operational details around how exactly the call-out process would work. In this particular case, the call-out happened yesterday morning at a time when we normally have staff on duty anyways. And so it was not difficult to have some staff there just because of the timing of the case. I am often not always available to show up at scenes and will sometimes go by myself if I need to. But it happened in this case that this shooting happened at a time and a place that we were able to get more staff there than we are in some other cases.

Gage: Thank you. I have no further questions at this time chair.

Chair Jackson: Okay. Thank you back to you, Ms. Adwan.

Rania A (staff): Thank you Chair Jackson. Members of the public wishing to make a public comment on this item, please raise your hand and I'll call on you in the order that I see them. I will start off with Rashidah Grinage. Give me just a moment, please Rashidah, I'll set your timer. Ms. Grinage, I'll ask you to unmute yourself and you're ready.

Rashida Grinage: Thank you very much. I had a question about the spreadsheet. Specifically the case numbered 1526. I think there was a typo because it indicated that a complaint was received on 1124, 2021, which I think must have been 2020. But I'd like Mr. Alden to verify that. But in any case, there was a seven month gap between CPRA getting it and IAD getting it, which I think needs an explanation in light of measure S1 that requires each agency to forward within one business day the complaint to the other agency. Seven months is hardly compliant. Also, I needed to ask about what SNF means in terms of a finding or a discipline. I couldn't see an explanation for that. Thank you.

Rania A (staff): Thank you, Ms. Grinage. I can move on to the next hand up Ms. Assata Olugbala. Please unmute yourself. And when you're ready, I will start the timer.

Assata Olugbala: Well, at some point it needs to be mandated that race data be collected around complaints. It is absolutely necessary to know who is racially discriminated against when we talk about excessive force and racial profiling. Of the pending cases, 25 are use of force complaints, 17 are racial discrimination or racial profiling and to not have a handle on by race, which is probably African Americans, who are being impacted?



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When you talk at the cases that are completed, sustained cases as it relates to use of force, 51 cases were finalized. Out of 53 cases, I'm sorry, 51 were filed unfounded or exonerated. Every report is same thing. Nobody's being held accountable for use of force or racial profile. What did you sustain? You sustained two cases of custody of prisoners.

One case supervision, use of force level for two cases, performance of duty one, refusing to provide name one, demeanor one. I don't know who recommended for the task force that we needed to move investigations from internal affairs to CPRA. Separate is accomplishing nothing as it relates to holding officers accountable for use of force, unless everybody that is applying or complaining is lying. And you finding that out. Then you have one case that was no jurisdiction, every now and then and it was a use of force case. That just goes back to the fact that we can't hold outside law enforcement to account.

Rania A (staff): Thank you, Ms. Olugbala. I'm sorry to have to cut you off. Your time is up. Oscar, I'm about to unmute you. When you're ready.

Oscar: Hi. Can you hear me?

Rania A (staff): Yes.

Oscar: So I had two comments. One, I think the first line in the report, the dates seem backwards or erroneous. You might want to check on that. And my second question is I have a complaint about something that happened to a neighbor of mine, and I have never heard from the CPRA. I did hear from the IAD about it, but no one... I've left email and phone number. I've tried to contact the office several times and never gotten a human being. I left a message and didn't receive any contact either. This is months later now. I mean, it may sound naive, it's the first time I've made a complaint to CPRA, but it's like you guys don't exist. I don't understand. Not even a thank you or we're getting on it or anything like that. So I would love to hear what the process should be. So I know whether or not that complaint is being looked at. I think I managed to decipher it in the data, which one it is because it's a bit unique, but yeah, I'd love to hear an answer on that just for general. Thank you.

Rania A (staff): Thank you Oscar. Next hand up phone number ending in 7-9-3-5. Please unmute yourself. And I will start in timer when you're ready.

John Bey: Good evening. And thank you. This is John Bey. I think the ongoing issue with CPRA that we brought forward prior to the arrival of Mr. Alden, who was a great spokesman, but we don't get action. The problem with CPRA is the investigators are unwilling and unable to investigate and come back with findings that clearly



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show OPD at fault. The low sustained rate that's the same problem we had before the community overwhelmingly voted to bring in a police commission. We were tired of what the CPRB at that time was doing in the past and prior to the police commission. So we voted for a stronger commission for oversight of the police department, and we've told, and Mr. Alden has seen, and this commission has seen the ineffectiveness of CPRA and some of their investigators who were former CPRB members, Tom, [inaudible 01:24:36].

They do nothing but agree with what the police findings are. They low sustained rates. Those are the same old problems we've had out of CPRA and its former configuration in CPRB. So when Mr. Alden gets up there and makes everything seem great, and it's great that the chief is looking into this or responding strongly to that social media instance, that's the same old PD internal dirt that they do. Whether it was that proud boys or whoever those dudes are with the shirts under their uniforms. Whether it's the writer's case, the same old OPD dirt. And then when it comes out, they say "It's oh, one or two." Somebody was fired, but it's a system-wide problem. There are tens of almost hundreds of-

Rania A (staff): Thank you, Mr. Bey. I'm sorry to cut you off, but your time is up. Phone number ending in 9-9-3-2. You're up next. If I can ask you to unmute yourself, I'll start your timer. 9-9-3-2.

Nino Parker: Hello. My name is Nino Parker. I am a Black Homeless advocate in Lake Merrit. I'd like to say hello to the commission. It's been a while since I have called in. Sorry, not to address you when I first called in, but I'm very upset about police officers... UPW workers being able to zip open [inaudible 01:26:09]. One of the other things. I had a complaint, way before COVID about a police officer cutting the locks off my bikes and removing them. And this was during a cold draft or a closure, two weeks after our closure. And a city worker actually explained to me that he saw the police cut the locks off the bike, which recently, at one of the closures at [inaudible 01:26:30] tennis court, I saw him officer with them cutters cutting locks on some bikes.

So I made a complaint to CPRA Mr. Alden before COVID and I never heard from him. I understand it's been awhile, but I still want to pull up that complaint that I filed before COVID and get back on it. I just happened to see the police... Got my witness at the [inaudible 01:26:58] tennis court. And he met with LeTanya Simmons from the city administration's office. So she knows the witness now. So I actually have introduced her to him. So I'd like to bring that case back up. Let's find out what officer cut the locks off my bike, the bikes. And let's see if I can get refunded the \$2,000 I was asking for it in the first place before we went into this COVID epidemic.



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Besides that let's check on the status of whether a DBW worker could open a tent or not. I believe it is something that you have to have a judge actually sign a search warrant to open the tent. So let's cut that out or someone please contact me. Many of you, Mr. Dorado, I see you on Facebook, can we talk about this and find out what is legal with the new homeless policy? Can they just arbitrarily-

Rania A (staff): Thank you, Mr. Parker. I'm sorry to cut you off, but your time is up. I have one more hand, Panda. I will unmute. I've asked you, oh, sorry. If you can unmute yourself, I will start your time. I'm so sorry, we seem to be having technical difficulties. I can't hear you. Panda? Can you hear us? Chair, I'm sorry, I can't seem to get your last speaker. Perhaps we can hold that speaker for the next open forums?

Chair Jackson: Yes.

Rania A (staff): Thank you.

Chair Jackson: Okay. Thank you. And Ms. Adwan, if you could forward that phone number from Mr. Parker to Mr. Alden, so that CPRA can follow up as requested.

Rania A (staff): Okay.

Chair Jackson: Thank you. So item five, I believe that commissioner, oh, excuse me. Before we go to item five, I just wanted to acknowledge that commissioner Garcia did join us at 7:30, as we initially mentioned. And so he is here and as we move forward to item five, I believe that commissioner Gage will be addressing this.

Gage: Yes. Thank you Chair. In the agenda packet for this evening is a proposal from the Rules Committee, as well as an explanatory memorandum outlining some of the thinking of Rules Committee and presenting this proposal. In short, the rules we're proposing are designed to provide guidance for the operation of ad hoc committees. Our ultimate goal is to move the commission towards a full complement of standing committees. That would mean as required by open meeting laws, publicly posted agendas, notice meetings, public comment before action is taken, public access to meetings, which is currently virtual due to the orders of the day. Unfortunately, there are also issues with standing committee. Most notably, there's a staffing and administrative issue. There's a commission of flexibility issue, and there are possibly other issues. We're currently awaiting guidance from director Alden and our chief of staff for looking into some of the administrative backbone that we need to put in place to support a wider compliment of standing committees.



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For that reason we've set an intermediate goal. And that intermediate goal is to determine committee chairs' ability to provide additional insight into committee activity without the use of staff support. Now, this intermediate goal presents something of a challenge. We would like to see additional reporting by ad hoc committees, so we understand that the administrative burden of some of these proposed rules would fall on commissioners. Now, as drafted, these rules are designed to require some additional reporting while still providing committee chairs with the degree of necessary discretion.

As indicated in the memorandum, the key changes are as follows. The task and purpose of ad hoc committees is to be clearly stated when formed. The authority of ad hoc committee members, of commissioners and community participants is clearly articulated. There is a minimum interval set between which ad hoc committees are to meet. And there's a requirement for written reporting from ad hoc committees at least once per month. That final change is particularly notable because the need for a persistent record is a key concern. Our commission has substantial litigation exposure and being able to provide a record of our activities is of the utmost important.

Additionally, the record created is of additional benefit to future members of the commission who can benefit from the lessons we've learned while undertaking commission business, without the need to engage directly with current and former commissioners. With that, I'd like to solicit additional comments from my fellow commissioners, Harbin-Forte and Garcia. Do you have anything you wish to add?

Harbin-Forte:

No. I would point out though that because we as ad hoc committees and I apologize to everyone I'm losing my voice and as ad hoc committees, we don't have the staff support to open up meetings to the general public, to manage those meetings, to post the agendas, to do them out of the things that we might be required and obligated to do if we were at a separate committee under the Brown Act, or if we were a really standing committee.

So in order to get as much public input as possible, what we have done is to require that before any proposal is submitted to the commission for consideration of approval, that it be first presented in a status report, a written status report. Much as we did with what the proposed chapter eight, it was on the last meeting agenda. The public had an opportunity to weigh in to discuss it, give public comment and it's on for a future meeting, this meeting for actual action.

So under the rule, there would always be a publication of the proposed change rule policy that would... While it's not perfect, it will give the general public an



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opportunity to weigh in on that. Because again, it's not always possible to have public meetings. I'll also point out one other thing with respect to the community policing ad hoc, which I'm a member. It would be impossible to run every ad hoc committee, the way the community policing ad hoc is run. It is staff intensive. It is meeting intensive. There is a ton of work. And right now all of that work is falling on the one staff member that we have. If we try to run every ad hoc the way the community policing ad hoc is run, we would need, I think probably at least five or six more staff members to be devoted solely to ad hoc committees. So I hope that the public understands that we are living with what we have, which is an inability to have the staffing that we would ideally like to have. If we're going to have as many public meetings as some people think we should have. With respect to inviting public meetings, the proposed rule does leave it up to the chair to determine the level of public input and participation that is needed. Some ad hocs are going to need to have a lot of time spent with the public as things are fashioned and amended. Some ad hocs may not need that much. All of them will have some level of public participation, even if it's nothing more than making sure that the public is well aware of any proposal from the ad hoc committee and given an opportunity to weigh in. In the interval between a proposal coming to the commission, when it comes first presented as a status report, there is generally a two week interval for the public to submit comments.

And those comments can be sent directly to the members of the commissioners on the ad hoc, if there are only commissioners on the ad hoc so that there's nothing that is being done to prohibit the public way and or to prohibit the public from participating. I think as well, and Commissioner Gage, you may want to talk about step two and step three, those steps for me involve, as we fashion phase two and phase three, will involve a lot more public comment than this chapter eight does. Chapter eight is basically a general sort of overview setting some minimum requirements, including the meetings and including other things. It does not in any way restrict or prohibit robust and vigorous public comment.

And as you see, some ad hocs more public participation, more meetings, than others do. So I think it needs to be clear, particularly as we get to phase two and to phase three. It may be that the rules committee will hold public meetings and get input on what should go in, or at least one public meeting, and get more input in terms of what should go in to phase two and phase three. And that's it, Commissioner Gage.

Gage:

Thank you, commissioner. Commissioner Garcia, do you have anything you'd like to add?



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Garcia: I think Brenda hit all the points that I wanted to add. So I think Brenda's suggestion that go back to you and talk about phase two and phase three, that would be helpful.

Chair Jackson: Thank you, Commissioner. Give me just a moment.

Garcia: I guess while you're preparing that, I think the only thing I would add is Commissioner Harbin-Forte raised the question that not all ad hocs are the same. And I think that it's to underscore that point, one need only look at every single ad hoc and this mission and its purpose. And by virtue of looking at the mission and purpose one can see where public comment would be coming in at a certain stage in development. Another ad hoc that I sit on for example is the police chief goals ad hoc. And for that one, there's been a lot of preparation, a lot of meetings with the police chief, and also we've had to seek counsel on what is and what is not available for the public. So these are very sensitive topics that we're covering with each ad hoc.

And we thought that the maximum flexibility we could provide for the chair to have discretion to determine at what point in time public comment would be solicited. I think the comment that commissioner Harbin-Forte made about the two-stage process, where the proposed change or the proposed policy would be coming in for public comment before anything is up for final vote is one of the mechanisms by which each ad hoc would have for certain public comment before anything is finalized. So with that, I'd send it back to Commissioner Gage.

Harbin-Forte: And Commissioner Gage, I would also suggest as well, we had recommended in our proposal that the chair consider the ad hoc committee assignments already existing in making new assignments. And I think it would be helpful if we can show the deployment, the current deployment, showing the distribution of commissioners on ad hocs. We see that as a way to make the ad hocs work more efficiently, and as well to spread out the work of the commission and the burden of commissioners on ad hoc committees, many commissioners have full time jobs. But if we can also show that, Commissioner Gage, that deployment, it might help.

Gage: Thank you, Commissioner. I believe that Ms. Adwan has a copy of that spreadsheet. And if you'd be kind enough to display that for reference. In closing, my fellow commissioners made reference to phases two and three of the review process that's currently underway. Phase two is not yet drafted and our intention is to provide a framework for policy review. Phase three is also not yet drafted and our intention is to provide a framework for public engagement. And as has been mentioned, those are the kind of rules that would certainly benefit from a more robust public engagement process. And we are awaiting



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guidance from staff as has been mentioned previously to determine how and whether rules committees should become a standing committee, or if public hearings would be the appropriate method of moving forward as we begin to consider those phases. With that, I'll turn the floor to you, Chair, for commissioner question.

Chair Jackson: Thank you. I see a hand up from Commissioner Jordan.

Jordan: Yes. Thank you, chair. Well, it certainly feels like the rules committee has a strong suspicion about what the criticisms of this document are going to be. And I will say that I think that from my perspective, it feels a little bit hierarchical, top-down. I'd prefer this process to be a little more middle out, a little more consensus based, and I don't think I'm alone there. I don't think everything about this is wrong, but I think that there are some distinct pieces I just do not agree with starting with the... I think the thing that was most noted in Commissioner Harbin-Forte's comments around, and just in general, giving the latitude to chair of each ad hoc to determine what their community engagement process looks like.

I think for a lot of reasons that's potentially problematic, not potentially it's problematic. I think that the first thing is that we need to have a codified process for community engagement. I think we should be engaged in community outside of policy, the policy process in community forums and public hearings and tabling, and a number of other email blasts, whatever, a number of different modes, but we should be looking to have a sort of unified methodology so that when we are tracking things as, as Commissioner Gage mentioned, having that sort of written record of what the committees are doing and what their timeline looks like and the details of the ad hocs that report back and why a sort of written record is important. I think that having a data set that we can use to track our progress, track trends, see where we've been, see where we're going or where we need to go be the information that is gathered through all different modes of communities, but including that.

And I think just sort of leaving it up to the chair of each individual ad hoc... I trust you guys, but I also feel like sometimes when you're in the moment in an ad hoc and decision making, there's people, emotions are high, people have needs, community people and people from the department, that decision sometimes can get muddled. I think if we have a structure in place, then we can potentially avoid shortchanging our efforts.

And one second. Can you turn that down, please? Sorry, my family is watching TV in the other room and there's yelling and stuff. I also think that the comments by Commissioner Harbin-Forte around the standard being set by the



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community policing ad hoc, not sustainable for all ad hocs. And as I understand it, that may be partially true. There are a number of... It's a very large ad hoc. There's a lot of community involvement. It seems like the facilitation of that might be challenging to manage across all ad hocs. But I do think that the process for real time feedback and observation to put in place by Ms. Adwan, and the members of the ad hoc, is something that we should be looking into formalizing for the process. I think that in every ad hoc I've been on, I think this is number five that I'm currently on right now, or even every sort of aspect of community engagement within those ad hocs, because I also facilitated a public forum for use of force back in January 2020.

It's been kind of piecemeal, but I think that there's been a trial and error process. I definitely have learned things about what works and what doesn't work. I think that we should build in a certain amount of flexibility and the process shouldn't be fully on rails, but at the same time there needs to be structure. And what we're seeing here is not on a structure I would like, and there needs to be an increased emphasis on transparency. I think it's time that we start making more of our work documents available to the public via ad hoc webpages. And I think that that if not sort of... Well, I think that there should be committee members on every ad hoc, rules committee included, and there also should be an opportunity for the community to do those real time and provide written feedback if nothing else.

Sorry. That was my main issue. I will say that I recently met with Ms. Adwan to discuss things adjacent to this, but we did discuss community engagement. I also met with Commissioner Shea yesterday to discuss the intentionality and scheduling around getting outreach committee, standing committee back up and actually moving in a forward direction. And I think that that is where these guidelines should be coming from, not necessarily rules committee. I think that no offense, but I'm not positive three lawyers have the expertise to determine what is the most effective version of community engagement. I appreciate the work that you have put into this, but I couldn't endorse all of the language that's here, specifically the stuff that I just mentioned. So for now, that is all I have. Thank you.

Chair Jackson: Thank you, Commissioner Jordan. I think that your point around a codified community engagement process is significantly important and I just can't help but feel like what's happening right now is an over policing of the police commission. So I'm not likely to support this. I see Commissioner Harbin-Forte's hand up.

Harbin-Forte Thank you, madam chair. I was going to ask if you would explain to the public and the other commissioners the limitations you have placed on us in terms of



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asking Rania Adwan to support meetings and other things, because right now she was going to work with the rules committee, but that was going to be too much work for her in terms of dealing with her other administrative duties, as well as other things that she may need to have her do. The community policing ad hoc meets every other Saturday. And it's on a Saturday afternoon, which means she is working those every other Saturdays and working all week. But she cannot now staff eight or nine, however many ad hocs we have. In fact, she can't staff any others if we ask her. You could give her permission to do it.

But if every ad hoc has public meetings, she would need to be the one to do that, to post things on the website, to set up Zoom calls, to monitor, perhaps, Zoom calls, make sure that members of the public who want to get into Zoom calls and make racist or sexist or mean comments, there have to be some kind of security for that. If there are going to be agendas posted, she would need to post agendas. She would need to do all of that or some staff person would need to do that. But right now you've told us not to call upon Rania to support our ad hocs without your permission first. And it's also been suggested that in terms of making groups standing committees, that we don't have the staff bandwidth for that, and that needs to be researched more. So I just think that we have to be sort of realistic about where we are now and what our limitations are.

And I am surprised that people see the proposal as some kind of limitation on public comment and public input, because that's not at all what it is. And I think that commissioners have acknowledged that some ad hoc need more input and more staff support than others and more public meetings. And that is all allowed. That is what this rule says. You're a chair. Commissioner Dorado is the chair of the community policing ad hoc. He wanted the every other week meetings. And so that's what we're doing. And the chair can determine what level of community engagement. We came together to pick all of the community advisors and stuff. We came together with that out of the three commissioners. We decided that. We also decided when meetings would be open to the public and how that would be done, but that was driven by the chair of the commission of the ad hoc committee. And at some point, yes, we'll have more from standards, but I just think we have to realize that we are facing some limitations that are not of our making and I'm done. Thank you.

Chair Jackson:

Certainly I'm happy to respond to your inference that I am putting limitations on you. When Ms. Adwan joined us as chief of staff, it was my primary responsibility to review with her the litany of assignments that we had. And I reported out to the commission just what I thought those were so that you would all recognize that her one body could not preside over all. Yes, the community policing entity got all of her time for that ad hoc. Now there are also quite a few other ad hoc going on. We have missing persons that is every other



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meeting, Tuesday evenings. We are currently in a search for an inspector general, which is also needing to be supported by her. I quite frankly, she's been with us for almost two months. Don't want her to quit because of overload. Now, I do believe that as a seasoned executive and manager of dozens of people, that I am able to assess her bandwidth.

And of course I check in with her as well. And I swap things in order to facilitate supporting her in other areas. She is one body, and I do not want to run her off or run her ragged or have her get sick. That is certainly my responsibility. And if you believe that it, in fact, limits you then so be it. I want to ensure that as our cheapest staff, that she is able to cover all of the many responsibilities that we as a police commission are handling. Now, if you would like to post agendas and manage Zoom calls and monitor and provide security, happy to have her train you to do so. In the meantime, I do want to ensure that she both has the bandwidth, the knowledge, the time and the energy to be as excellent as she has been for the community policing ad hoc as she is currently for the inspector general search process. We need more staff. There is no question about it. But running her ragged in order to prove that point is not something that I'm prepared to do. Commissioner Gage and then Commissioner Harbin-Forte.

Gage:

Thank you, chair. To commissioners Jackson and Jordan, you both raised issues with community engagement, specifically the lack of a codified process to engage in community engagement and the question of whether the three members of rules committee are the appropriate parties to engage in that colloquy. And I think that's a great question because we may not be, perhaps that outreach committee is better suited to hold that sort of hearing, but that's phase two. That's not the set of rules we're presenting tonight. There isn't a codified methodology for community engagement because this isn't a set of rules designed to provide a codified methodology for community engagement. What this is, is a very baseline framework designed to require additional reporting from ad hoc committees.

It codifies what we are currently doing with respect to how open meetings are and it provides discretion to committee chairs to determine how and when they hold public hearing. We need more structure and I've been in ad hoc committees that operated by consensus and it works quite well when everyone agrees, but as often happens in policy review work, we need to make sure a structure's in place for when people don't agree.

The phase of this project that we have before us is designed to provide written reporting, to outline that community participants are not voting members in keeping with our charter authority, and to ensure that the committee chair's authority and scope is clearly articulated. That's really about it. Future phases



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are likely to get into much more substantive discussions about minimum requirements for things like public engagement. We're going to get to the place where we have a much more robust system in place, but we're not there right now. And until we get there, discretion should be the order of the day. Our policy review process, it's messy. I believe Commissioner Jordan made mention of some best practices for the policy review practice and I think it's very persuasive, but I also think that's a phase three issue, not what we're talking about tonight. I simply ask my fellow commissioners to consider what's before you for what it is, a pouring of a foundation, nothing more, not putting any locks on the doors. We're not barring anyone from the site. Thank you, chair.

Chair Jackson: Thank you. Mr. Alden, then Harbin-Forte, then Garcia.

Dir. Alden: Thank you. Madam Chair. I just wanted to add for the commissioners in case I hadn't, or in case we hadn't communicated this more clearly already. We have been asked at the staff level, as some of the commissioners had mentioned, to come back to you with some more information at our next meeting about what a standing committee would look like and how much... What would the rules be like there, and then what time and effort would be involved. I think I'm hearing from some of the commissioners that have an understanding of how much staff resource and how much budget we have for both ad hocs and standing committees might be helpful. I don't want to necessarily take a position on the rules that you're debating tonight, because I really think that's up to you, not the staff, but I want to make sure that I'm hearing what information you need and providing it to you.

And so one of the things I could do for you your next meeting, if you find it helpful, as an addition to letting you know what standing committees look like and what the rules would be, give you a sense of what your staffing and budget resources are over the next year and then that might perhaps be a helpful thing to know as you're thinking about these issues. I think the one thing I can clearly say is as is the case with many agencies in the city of Oakland and elsewhere, we would love to have more staff to be able to do everything we wanted to do, but we do have limited resources. And I would certainly appreciate having an opportunity at a future meeting to give you a very thoughtful and detailed assessment of how budget and staffing would be effected by decisions about how many ad hocs you have and which ones are standing.

And I want to do that in a thoughtful way, such that I really have provided to you all the facts you might need. I don't think I have those today. I do think I'll have them in a couple of weeks. So I hope that's helpful. And I would be mindful that, as Ms. Jackson said, pardon me, as the chair said, Ms. Adwan is only one person. So there is certainly a limit there as much as we are very impressed by



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her work so far, she only has so many hours in the day. Thank you. Let me know if there's more direction you'd like to give me about what I can bring back to you next time.

Chair Jackson: Thank you, Mr. Alden. Commissioners Harbin-Forte, and then Garcia.

Harbin-Forte: Thank you chair. I must say that it's unfortunate that you seem to have taken my request about staffing limitations as somehow an attack on you or your authority. You actually made the point I was trying to make, which is that there seems to be an expectation that all of the ad hocs should have a level of community involvement and engagement that we have with the community policing ad hoc. We simply cannot do that. And if the public or the commission says that there has to be that level of communication and involvement, we will need staff support for that. We don't have it. And it's not an answer to say that you will teach each ad hoc how to post things and do things because if that's the case, then it seems to me then the chair of the community policing ad hoc should be doing his own posting and noticing, et cetera, et cetera. We just don't have it.

It would be ideal if we have the staff support to have a certain level of always having public meetings back to back to back and getting all of the input. What we prefer is a way to make sure that the work of the commission on the recommendations have a minimum amount of public input, but I have nothing to do with the decisions. Yes, you're the one who has to tell her what she can and cannot do. And you've asked us not to ask her to staff things and that's what you should have done, but that is the reality that we're living in. So it's unfortunate that you seem to take it, in my view, as some kind of personal attack on you. I'm done.

Chair Jackson: Not at all. You mentioned that I put limitations on you. So I wanted to address what that really was about. But thank you. Commissioner Garcia, then Jordan.

Garcia: I'll be brief. I think we've spent a lot of time on this, as one of the three commissioners that worked on the rules committee. I think what would have been super beneficial would have been what director Alden just referenced that is some kind of analysis of staffing and budget implications for any kind of proposal that we would be putting out there. I feel that without staffing and budget implications of what, for example, Commissioner Jordan is referencing, which is like, let's have the public attend every everything. Let's just do it for every single ad hoc. Let's have a rule that says that the public is going to be open to the public from the get-go. I'm in favor of that. That's an excellent idea, Commissioner Jordan. What are the staffing and budget implications of that? I have no idea. Director Alden just referenced them. I have not seen anything. So



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anything that we do on this commission has to take that into account and we see it so clearly now that Ms. Adwan is with us because we see a human being who's being asked to do so much with so little time... Best to do so much it's with so little time. And I don't know, I just feel like we need some analysis and put, put pen to paper and look at that staffing and budget implications. I really like what you just directed us toward Director Alden. And I'm hopeful that whatever comes out of this vote today, that we go back and really look at the staffing and budgeting applications of everything that we do, because it's nice to say that we're going to do it and it's nice to give the public, the expectation that we're going to do it, but guess what's going to happen when we fail to do it? What's going to happen when we simply cannot, because of resource constraints, cannot possibly do what is already codified in our rules that we should be doing, or that we ought to be doing, or that we must be doing? I feel I'm in the dark here. I, I'm still too new on this commission to really, truly understand what we're talking about without reference to budgeting and staffing implications. Thank you, Madam Chair.

Chair Jackson: Thank you. Commissioner Jordan.

Jordan: Thank you. I apologize if my comments were taken as an attack, because it definitely feels like that's how they've been accepted. My concern is that we are starting from a space of, "We don't have the resources, we can't do this." There's a presumption that that is the case. And a lot of things have been done from the beginning in this commission that have been scatter shot. They've been trite, the building the plane while flying it type of thing. There's been a lot of trial and error. In the time that I've been on, we've learned a lot and those of you who have been on the beginning to learned even more than that. I guess my concern is that yet you're saying this is... It's not shackling us to an idea, but it is rules and there's no statement of "These rules are fungible." These are the rules. The language in this is the very directive, very hierarchical, as I said before.

To the extent that in the section, I don't have it up in front of me, where there's the covering decision making and who is allowed, who is a voting member of the ad hoc. I feel like there, for instance, there needs to be greater emphasis put on the idea that there's going to be every effort made to develop consensus and commissioners who are ad hoc members will do everything they can, the conversation in a way that that allows for consensus, but if consensus cannot be had, and sometimes it can't, I've definitely seen that. The commissioners will be the arbiter of what that final document looks like and make those final decisions. That just happened in the ad hoc that I'm working on now. We made a decision that I don't think it was all together popular with the rest of the



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community members and the people in the department, but we felt like it was the best decision moving forward.

And so I feel like that might be a big part of my conflict with this document as written. And it just feels, it feels like it is lacking an acknowledgement of that process and the intentionality. It feels rigid, is my concern. And yeah, I'm not sure trying to lock us into a codified community engagement policy at the moment. As I said, we are in a trial and error process. Every single one of these I've been in has been different with different results, different personnel, and each different policy is going to have an emotional response different from the community and the department, and is going to bear a different type of scrutiny. Some things that are very dry are likely to not see much community engagement at all.

And some things that are hot button issues are going to have an overwhelming response. And yes, that there has to be some sort of process for understanding how that works and modifying our approach to of meet that. But I and maybe it is just a misinterpretation of your intent on my part, but that also speaks to the language of it is, I think it's maybe too easy to misinterpret because, because of the rigidity of the language, and also before we even started having conversation about it, the two members of the committee both began from a very defensive standpoint. I know there is already a letter that we received from the community members who are members of ad hocs pushing back against this document.

I presume that's where the defensiveness came from. And I understand that because I've experienced that as well as an ad hoc member. It's not pleasant to be prejudged before you even had a chance to roll your document out. But I think that what I would recommend is that we go back to the, at least on parts of this specifically, the part around community engagement is that we go back to the drawing board around that piece and maybe I would suggest that outreach and rules committee working in conjunction to develop something that has a little more intentionality about it that we can move forward. Even if that intentionality is we are working through a process.

And I agree with Mr. Garcia that we don't want to put forward something that is that we can't consistently uphold, that don't want to give the community a thing and then have to retract because it's not sustainable, but let's figure out what we can do as opposed to assuming what we cannot do and I get this whole process is often a balance between efficiency and transparency and sometimes those things are inverse, but I would just like to explore the issue further before we sort of formalize it. Even if you feel like this is or even a statement that these are sort of fungible replaceable with the intention of revisiting, as we develop



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better policies and have additional resources, something, but this just doesn't, I can't quite sit with this as it is.

Chair Jackson: So commissioner Jordan appreciate your offer of having outreach perhaps make a counter proposal to codify into the rules. I just want to leave that there, because there's a bunch of commissioners that haven't spoken that I'd like to give air time to. Commissioner Milele and then Hsieh.

Milele: Thank you chair. Sorry, I don't have good lighting. I really appreciate the work that has gone into this. And I don't want to disparage that whatsoever as a fellow commissioner, as a mother of three with a full-time job, when you take the time to put these things together, it's a lot. And so I completely respect that. I do have to say that the nature of this is difficult for me as a fairly new commissioner what I was looking for for ad hoc was more... Sorry it's saying my connection is unstable. Can you still hear me? Are y'all still...?

Chair Jackson: Yes.

Milele: Okay. Yes. I was looking for something more like a manual, how to, templates, instructions. I wasn't really looking for, "You must do this in this was at all times." It was more like, "When we get started, we need a mission statement.

We need a chair of the committee we need..." These are the kinds of things to help you move forward. And so far Ms. Adwan has given us project planning, templates, things like that, which is super helpful to be able to hit the ground running rather than a set of rules where it's like, "Okay, how do I do this right? And if I get to a certain section, do I have discretion? Do I have any discretion ever?" It starts to get a little bit confusing. So for me, I was looking more like a manual that explains how to, some resources or planning and managing the ad hoc, all of that rather than, "You shall do this or that." Not that that language is exactly in there. I'm using hyperbole. But I definitely what wasn't too interested in the codification of what must be done in the ad hoc, but more how to do the ad hoc.

Chair Jackson: Thank you. Commissioner Hsieh.

Hsieh: I'm going to ask the question. Do we need to do this tonight? In a lot of ways members of the rules committee, you've told us that this is a three phase project. You have told us that this is the beginning. This is the framework. This is the foundation. And we are going to have phase two and phase three, which dive much deeper into, and then we have the conversations about outreach engagement, et cetera. And I think part of what you're seeing here right now may very well be that you don't know what those things are going to look like.



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I think that when we are looking at policy, legislation, whatever it might be, we want to do it. We don't want to do it piecemeal if we don't have to because the overall whole and all the different pieces work together to this grander idea that will get us to where we want to be. And I think what many people hear on this commission and in the public are saying is they want to see what phase two and phase three looks like, because what you're telling us is we're going to get to those parts. So I asked the question, as a non-voting member right now, do we have to do this right now? Can we see phase two phase three? Does it need to happen? Otherwise if we don't have this, we're at status quo. So I ask the question.

Chair Jackson: Thank you, commissioner Gage and then Harbin Forte and it would be really nice if we could go to public comment to get feedback from the community as well.

Gage: Thank you, Chair. I have to say, I do appreciate the willingness of commissioners to engage with this document. So thank you all for that. It is truly appreciated. A number of things have popped up as I've been listening to commissioners comment with respect to the question of why this isn't a manual or whether a manual should be created. I do think a manual should be created. And that's something we've actually discussed in some details, the creation of an operations manual for commissioners, because the way we do things now is very much a function of custom, as opposed to best practice. And it would behoove us to leave future commissioners with essentially a practice guide for how to be a good commissioner. We want people to have templates. We want folks to have flow charts and clear understandings of how to do anything from requesting a report from the police department to preparing to form an ad hoc committee.

The issue of course is that practice guide require a statutory framework to underlie them. And they're very different documents right now. We have charter authority and we have custom, but we don't really have statutes to rely on. And that's what these rules are designed to provide. They're going to sound rigid. They're going to sound directory. Unfortunately, that's the nature of rules. The sort of language that I think commissioner Jordan was referring to is the kind of thing that would be perfect for a manual, because that's where you can truly outline why a mission statement is important and what a template could look like for a document request. They're just very different kinds of documents. And we can do both, but we do need to do one before the other. With respect to the timeliness of this particular proposal. It is an interesting point raised as of whether we need to do this tonight.



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I think in an ideal world, we would have a full set of rules and a manual to vote on and we could tackle the whole thing simultaneously. We're just not there, unfortunately. One of my immediate concerns, and one of the reasons why I think it's important to take action on this phase more immediately is the need to create you to record. I don't know, how many of you are engaged in any of our current litigation activities, but I'll say this for myself, it would be really useful to have a more complete record of all the things our ad hocs have done over the last few years right now and we just don't have that. You have to go through agenda postings and long PDF to get a better understanding of what we're doing. And even then you have to review old audio tapes and video to really see the debate and that's just not sustainable, especially for a commission that is currently being sued and we're currently being asked to sit for deposition and remember things we did years ago.

The need to be created is in my opinion, quite immediate and does justify more immediate action. The line in rule 8.5 about public participation has prompted a lot of debate. I can't say it's not foreseeable because public engagement has been a persistent issue for our commission. I'm not sure how to get around that quite frankly, because we don't have phase two and phase three ready, and we're not likely to have it ready for some time. And I don't think we can afford to wait to begin creating our record to have a future more comp that that may just be my opinion. Thank you, Chair.

Chair Jackson: Thank you. So I have hands up from Harbin Forte and Garcia. I would like to respectfully request that those two be the last two comments before we go to public comment. Harbin Forte.

Harbin-Forte: Thank you chair. I want to clarify a couple of things and explain, we did have advice of counsel on some of the phrasing and some of the requirements. So this was not just the three lawyers as someone said on the ad hoc committee. The other thing that I would like to say is that it may be that as someone suggested earlier, that all of this go to the public outreach committee, developing an ad hoc protocol was assigned to the a rules committee and so we have it. But it may be that this really should be under the auspices of the community outreach committee to let them develop every phase of this process. I do agree though, with commissioner Gage, and maybe it is because we are lawyers on the committee and I am a retired judge that your record is very important.

And if you have a sloppy record, you don't have documentation. All you have are words and faded memories and everything. You are likely not to get a very good outcome in any litigation that is begun and where there is any kind of dispute over anything. So yes, we need to move on trying to make sure we have



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some kind of record and very often what you see in court and litigation that people haven't even thought about it, what was going on. And we are simply urging you to think about where you need to be and what you need to do in order to meet the challenges. This is a very litigious society. The commission has been sued already by a number of people over the years, and it would behoove us to try to have some procedures in place that would help us to meet those challenges and with that, I'm done. Thank you.

Chair Jackson: Thank you. Commissioner Garcia.

Garcia: [inaudible 02:27:29]. Thank you. I'll try to be brief two points. One is I think it's great that we, as commissioners are engaged in debate. I joined this commission with the willingness to engage and debate and a willingness to disagree. And if I sound a little defensive, perhaps I did, but that was not my intent. My intent really was to try to contextualize as my fellow commissioners have done contextualized the work of the rules committee in this draft that was proposed for a vote tonight. I also wanted to say quickly that this is no longer a, let's call it a startup commission, a startup organization. They're likely preceding my involvement with this commission. I'm sure there was a lot of trial and error. I'm sure there was a lot of, "Okay we've never handled that before. Let's see how this works. Let's see how that works."

And that's fine. We could continue to proceed on that basis, but I think the public, in addition to seeking more transparency and I agree with more transparency, by the way, I think we need more transparency and I think if the rules appear to cut against that, that was certainly not the intent of any one of us in drafting these rules, not at all and perhaps we were charged with too much on the rules committee, perhaps the rules for the govern ad hoc committees.

Maybe that was just too much of a bite that we just couldn't quite get there. And I'm willing to as one commissioner stated, go back to the drawing board and or perhaps get public engagement involved and to do this again. So I want to make sure that it's clear. There's no defensiveness here. We're engaged in debate. We are willing to enter in disagreements and say, I disagree with that, whatever this is, but I do want to emphasize that this is no longer a startup entity. I think the public, in addition to wanting more transparency, they want more accountability. And how can you have more accountability when you don't have rules? And how can you have more accountability when you're still trying to figure things out as they come along? And so that's my point. Thank you very much Madam Chair. Would want to hear further comment now. Thank you.



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Chair Jackson: Thank you. Vice Chair Dorado snuck in there. So we're going to have him be the last commission comment before we go to public comment.

Vice Chair Dorado: Thank you, Madam chair. I'll be brief. And I wanted, first of all, thank the three ad hoc members for their work, as I'm sure it was considerable. But the bottom line for me is that the public has to know that we're making every effort to be transparent and that to me means that there's no restrictions on as it is in 8.5 having the committee chair determine whether or not it'll be open to the public. I think there should not be any restriction whatsoever on that.

So that to me is the bottom line. If in fact we're building a foundation, which is exactly, I think, what we're doing. I think that foundation should be based on making every effort to, to be transparent. And that means if we have to take on some tasks, we being, ad hoc members in order that things get done, then that's what we have to do. Whatever it takes. And I'm not saying it's going to be easy and the last thing I want to see is Rania run into the ground, because she's doing wonderful work. But we have to make sure that the intention is clear that we're going to be from day one in accountable and transparent. And I think that we have a template that in the community policing ad hoc that's working. I think that can be duplicated. Not going to be easy. Again, I'm not minimizing the limitations that we have staffing, but I think we can work through it. I think we have to work through it with the bottom line being transparency. So I'll leave it at that. Thank you.

Chair Jackson: Thank you. Ms. Adwan. Can we go to public comment, please?

Rania A (staff): Absolutely Chair Jackson. Thank you so much. Members of the public if you are interested or wishing to comment on this item, please raise your hand and I'll call you in the order that you appeared. Give me just a second. And I also share the time. Okay, Mr. Lindsay Poland I see you first. I'm going to ask you to unmute, please. And I will start you off.

John Lindsay-Poland: Thank you so much. I want to draw the commission's attention to the whole of the letter signed by nine ad hoc committee members, because that letter the most of the discussion here has focused on whether ad hoc meetings are open to the public, and that letter addressed a number of other issues in this proposal. And I think one of the main things here is that ad hocs, they develop policy for the act for the actions of the police department in this city. And the issues here are about an imbalance between community participation and department participation. So it's not just whether there's community engagement, it's the way it positions the department in the development of policy and in the outreach around the development of policy and then hamstrings community participation. And not only in 8.5, but in 8.4 around the



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community participants in the ad hoc committees, where there are significant rules. It's important for ad hoc committee members to be able to put forward proposals whether or not they can vote.

If you want to get the benefit of community participation, then being able to put forward a motion. Even if that person can't vote on the motion is significant in the developed of policy, because the ad hoc committee members who are in the commission, aren't going to have all the best ideas necessarily. So we want to avoid a situation that happened in use of force ad hoc, where you have what are essentially secret meetings between commissioners and police department members that are developing policy and gets momentum before it comes to the full commission without community member input. So, yes, this is a foundation, but this foundation prioritizes the OPD and policy and outreach and binds the community in the dark. So I urge you to table it. Thank you

Rania A (staff): Thank you, Mr. Lindsay Poland. Next up Oscar, please unmute yourself. And when you're ready.

Oscar: Can you hear me?

Rania A (staff): Yes.

Oscar: Thank you. I just think people need to take a step back and understand what transparency means. It doesn't mean you don't have any rules and you tell everybody, "Anyone can come." When you know you can't accommodate everyone. And when you know the same people keep coming to represent the public, but there's no actual possibility for other members of the public to fill those rules without conflict. At the moment of trying to come to a public meeting and four people are putting forward motions and some members consider themselves the justified representative of the public and the others do too and you have no process and that's what's really annoying. I've watched these ad hocs and the people that are involved in them and prioritized and given, and given the impression that they are affecting things feel heard, but then they also end up feeling that they didn't have any impact on the process.

And they're angry afterwards because they were given the impression that they were just be honest with yourselves. No one is like the ad hocs. They haven't worked. All of them have been really problematic. They're not open to the public in any real way that you can justify. You need rules. These may not be the rules that you need. They sound fine to be honest, the public needs to know that they not going to actually influence the outcome at the end. It's going to be the commissioners who make the final decision. That's what I've seen in every single ad hoc and every single person who probably signed onto that letter



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knows it. I don't understand this. And you need to get to the S one item. That's the more important issue. So I hope you just table this and move on to the important stuff.

Rania A (staff): Thank you, Oscar. Rashida Grinage, if I can ask you to unmute and I'm ready when you are.

Rashida Grinage: Thank you. I won't take long because John Lindsey Poland said it better than I could have, but I just want to agree with what he said. And I do hope that you will not take action this evening. I think it's very difficult to take action on one segment of what will be a three segment document without having the benefit of knowing what the other two documents or the other two segments are going to be saying. So I just think it's premature. And I also think the issue of resources is important that there needs to be some sort of analysis that guides your decision making. Thank you.

Rania A (staff): Thank you, Ms. Grinage. Ms. Assata Olugbala, I'm unmuting you. If you can unmute yourself and start when you're ready.

Assata Olugbala: Yes. This is a lot of time spent on what you have decided and is important. And so if that's your decision that this is important, that's the way it's going to be. What's important for me. And why I attend the meeting is to see the end of police misconduct. And if the ending of police conduct means ad hoc committees, then pursue it. I want more community involvement. You're talking about community engagement and we don't have community participation of any significance at police commission meetings. We have the same people, myself included, who come to the meeting, a handful of people, most of them white and don't have an impact of police misconduct. And that's not to say they shouldn't be involved. Everybody should be involved, but who really needs to be involved are the impacted communities and it's not happening. So community and engagement without a community to be engaged, has to be pursued. And I said this at the last meeting, how do we get more of the community?

We got a hundred murders going on in this community as of today, maybe over that, and we got a handful of people who come to the meetings and we acting like this is something significant. We are participating in. We acting like we are accomplishing something. Nothing can be accomplished until we get better participation. And I want to see even I'm not satisfied with me being at the meeting. My ego is big, but I want more engagement of the community and more significance in the conversation that goes on at these meetings.

Rania A (staff): Thank you, Ms. Olugbala, that's your time. Next up, I have Mr. Bruce Schmiechen, when you are ready, please unmute yourself.



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Bruce Schmiechen: Thank you. So Bruce Schmiechen, Faith in Action Coalition for Police Accountability. I'm very adamant that the default for every meeting, working groups, et cetera, should be transparency, every meeting. And that's even if those meetings don't include public comment on the agenda, I can see that some working group don't devote time to public comment, as long as there are other community engagement passcodes, but transparency is absolutely essential. There should be nothing behind closed doors, except in exceptional circumstances that have to be explained and rationalized. And I've been long been an advocate for more staffing. You need policy staff, you need more administrative staff. You need an actual community engagement staff to focus on that.

But I do have some good news, in the age of Zoom, the only staffing assistance you really need to record a meeting and make it publicly transparent is make sure somebody pushes the red record button, and that the link is then sent to whoever's doing the webmaster stuff. That's pretty simple. I do it all the time for meetings. So I don't think staffing on that basic level of public transparency, I think that's gaslighting to even mention that. I do agree that staffing in terms of broad community engagement, policy assistance, et cetera, is a terrible problem for the commission, I support you 100%, I'll do anything I can to help you get that staffing. But I have to stand. But in terms of putting things on the record, creating the record the judge was talking about, it's simple, press red record, send the link to the web master. So I stand with the letter to the police commission from the ad hoc participants, reject this ad hoc committee's proposal. Thank you.

Rania A (staff): Thank you, Mr. Schmiechen. Mariano Contreras, I see you next, please unmute. And I'll get you started.

Mariano Contreras: Thank you, and good evening. I have a little bit of trouble when this commission pretends to invite the public to participate and then tells them "Well, but here are set of rules." Let's change that wording and say, "Come to participate and let me show you what the guidelines you need to follow." That's a little friendlier, words do matter. I think that this is much more than just public comment, it's about participation, like Assata Olugbala mentioned, it's about public participation. I have always felt that this commission belonged to me, my neighbor, señora Sanchez, Mr. Johnson, and by extension all these ad hocs and working groups also belonged to us. This seems to be much more than just a concern over overburdening the staff. If public engagement and participation in ad hocs is determined by having commissioners select certain people, then that's already exclusionary.



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When was the last time this commission posted something on their website requesting all residents in Oakland to participate in an ad hoc, instead of going out and selecting those of us who are known in the community. I was selected to an ad hoc, but not because I saw a post, because someone reached out to me because I'm active, that's exclusionary. I want to have as much and as broad participation in this. I would ask that this body tonight not accept this recommendation, at least not till all three phases are publicly reviewed. Thank you so much.

Rania A (staff): Thank you, Mariano. I had Omar Farmer up next, but I don't see your hand up anymore. Anne Janks, if you are ready? Can you hear us?

Anne Janks: Good evening. I can. Commissioner Garcia referenced the ad hoc about the chief's goals, and commissioner you weren't around, I'm supposed to do that through the Chair. Chair to Mr. Commissioner Garcia, you weren't around when the first set of chief's goals were being developed, but because they were being discussed publicly, they were considerably strengthened with contributions from a management consultant, and it's because it was a transparent discussion. So, I continue to think that there are benefits to that transparency. I hope the chief's not on the call anymore. The fact is OPD representatives lie, and I want them to have to lie in public. And if they're going to take a position about why a policy has to have something written in it, I want them to have to say that publicly. I've actually had people say to me, "Oh, but they won't feel free to talk about whatever they want to say."

Good. If they're not willing to say it public, then it shouldn't get consideration. I want to very quickly address I think there's a conflation about people participating in the ad hocs, who are selected by the commission, versus at least being able to watch what's going on in the ad hoc, which is the issue of transparency. The ad hoc participants from the community that signed that letter, asking you not to act on this recommendation, made the point in the letter, that the people that are selected by a group are definitionally not all of the voices that need to be heard, and that's why that second piece, the transparency of all meetings, but especially any meetings that OPD is in, is so important. Thank you.

Rania A (staff): Thank you, Ms. Janks. Omar Farmer, I see you up next. If you can please unmute yourself. I'm ready when you are.

Omar Farmer: Thank you. Sorry about that before. But no, I totally agree with what everyone has said. John Lindsay-Poland and Anne Janks just said. I don't understand why the issue with transparency is so prevailing regarding ad hocs. There's not even meeting minutes, or an agenda, or tape recordings in the meetings, I just don't



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see the difficulty in being able to produce that, especially if even members of the ad hocs might be willing to help out with that. So I agree with Commissioner Hseih and the others that said that you should just table this and just hold off on this for now, because there needs to be a better solution for community involvement. And if OPD is being asked to conduct community outreach on behalf of the Commissioner, as their oversight body, I think that's a huge conflict of interest as well. Thank you.

Rania A (staff): Thank you, Mr. Farmer. Chair Jackson. I see no more hands raised for public comment.

Regina Jackson: Okay. Thank you. Well, commissioners, what say you? Do you want a table? Do you want to take a motion and see what happens? I see a hand from Commissioner Gage.

Gage: Thank you Chair. So we've heard a lot of feedback on the language of rule 8.5. And as I'm looking at this rule, I'm wishing that it could instead read that "The Committee Chair shall set the schedule and frequency of committee meetings and shall engage in public engagement pursuant to these rules of order." I think that would be an ideal statement to make in that rule. But since we don't have that phase before us for decision tonight, I'm kind of wishing that it was simply silent, because you've been engaged in a very long debate over an item that we just don't have a proposal to discuss.

I haven't heard members of the commission make specific points about the balance of the rules and the propriety of the balance. If I'm mistaken then I'd appreciate some specific direction from my fellow commissioners. But if indeed that's the case I'd like to propose amending rule 8.5 to instead read that "Commission..." Excuse me, that "Committees shall meet at least once per month, unless the committee votes that a particular monthly meeting is unnecessary. The Committee Chair shall set the schedule and frequency of committee meetings." And strike the remainder of that rule. And with that amendment, I'd move adoption.

Regina Jackson: Commissioner Garcia.

Garcai: Thank you, Madam Chair. I wasn't ready to entertain the motion, so sorry Commissioner Gage. Madam Chair, you asked a question prior to Commissioner Gage setting forth that motion. And, after hearing the public comment, your question was, "Should we table?" I feel very strongly that we should table, and not move on this. I know I'm a member of the Rules Committee, but I just feel like I was taking notes here, and I was reading the commentaries that we've received, I think Ms. Olugbala held it well and said it well, I mean, we've got a lot



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of work to do on community engagement. This is independent of any document that we're presenting tonight. The fact that the same people show up at these meetings over and over again is really striking. I've not been on this commission that long, but it is striking to me that perhaps we are not seizing the moment here, somehow, some way to deepen our engagement with the community, so that when we have either rules of engagement or anything to bring to the public or to ourselves to vote on, that we better understand what community engagement we're talking.

What do we talking about when we say community engagement? I don't know. I mean, is it engaging the same people? Mr. Contreras mentioned the way he got on an ad hoc is somebody asked him. I don't know, maybe that's something I wasn't thinking about when we were drafting these rules is, how will we invite community participants? There's no rules around that. There's no guidance. So I say, Table, I have so many questions in my brain right now, based on the public comment. I want to thank the public for forcing us to be rigorous, forcing us to understand the language. And as Mr. Contreras mentioned, language does matter. And if we select the language that sounds off-putting, or sounds like it's not seeking the kind of community engagement that we should be seeking, that's our bad.

That was not our intent. Our intent was not to go against transparency, was not to go against community participation, community engagement, to the contrary. So I'd like to table it. I don't know, I'm out of order, I'm sure. Man, I'm sure because there's a motion pending here, but I just wanted to an answer your question, when we came back from public comment.

Chair Jackson: Thank you very much Commissioner.

Vice Chair Dorado: Chair Jackson. If the motion has died for lack of a second...

Chair Jackson: Well, I'm getting ready to identify another Commissioner.

Vice Chair Dorado: Okay.

Chair Jackson: Commissioner Jordan.

Jordan: Yeah. As Commissioner Dorado was saying, or Vice Chair Dorado was saying, there has been no second, then we're still in discussion phase here.

Harbin-Forte: We Haven't. Nobody was given an opportunity to second-

Chair Jackson: Hold on. Excuse me. You're out of order Commissioner Habin-Forte.



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Harbin-Forte: I had my hand up before.

Chair Jackson: I'm sorry. I have identified another commissioner whose hand's up.

Harbin-Forte: I really wish you would... I really wish you would be fair.

Chair Jackson: [crosstalk 02:53:49] someone else.

Harbin-Forte: Excuse, excuse me. Don't talk to me about respect-

Chair Jackson: Commission Harbin-Forte you are out of order.

Harbin-Forte: I'm not out of order, I'm raising a point of order [crosstalk 02:54:02].

Chair Jackson: Someone else is speaking. Commissioner Jordan is speaking.

Harbin-Forte: I'm not out of order, I'm raising a point of order. And I can [crosstalk 02:54:08].

Chair Jackson: Commissioner Forte you misuse point of order all the time.

Harbin-Forte: Point of order. I do not. I use [crosstalk 02:54:16].

Chair Jackson: Commissioner Jordan is speaking. Don't speak over him. Commissioner Jordan-

Harbin-Forte: [crosstalk 02:54:22] interrupted him. Out of time.

Jordan: Commissioner Harbin-Forte, please. One moment. What I was going.. Please, one moment. What I was going to say is, yeah, maybe there wasn't ample time or directive for that second. I'm inviting you to second it now. And then we can move on to discussion of the motion.

Chair Jackson: Okay.

Jordan: And that's fine, and I will take my turn then.

Chair Jackson: Commissioner, Jordan. I will acknowledge Commissioner Harbin-Forte for whatever it is that she intends to do, but I will do it as I see it. And your hand was up first. Have you finished with your comment?

Jordan: I haven't, but I-

Chair Jackson: Please finish with your comment.



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Jordan: Okay. My comment was going to be that I also support tabling this beyond just the edits that the commissioner Gage has outlined.

Chair Jackson: Are you making a motion, Commissioner Jordan?

Jordan: I'm not going to make a motion because there's already a motion on the floor.

Chair Jackson: Okay.

Jordan: And, Commissioner Garcia will say that, both the Coalition for Police Accountability and myself put forward recommendations around community engagement and what that looks like, both of those were timed specifically to inform your process. So that was our intent. That was my intent. I'm sure that was their intent as well. I think this needs to go back to the drawing board.

Chair Jackson: Okay.

Jordan: That's it.

Chair Jackson: Thank you very much. Commissioner Harbin-Forte.

Harbin-Forte: Point of order, and I've asked for a ruling from the parliamentarian, the motion to table was inappropriate when made. I had my hand up to address the motion that Commissioner Gage made.

Chair Jackson: Go ahead.

Harbin-Forte: And so you cannot do a superseding motion. That motion, that request, and again, I will request that Chair a ruling from the parliamentarian if need be. But again, the point of order, we get into this all the time, because you don't seem to understand what a point order is in a meeting. And now we have people talking about tabling, My request as a member of the, please don't interrupt, my request as a member of the Rules Committee is to ask Commissioner Gage, I'm prepared to second the motion, unless he wants wishes to withdraw the motion.

Chair Jackson: Commissioner Gage. Commissioner Gage?

Gage: Thank you, chair. I will say this has been a very interesting meeting, and it is clear that there is insufficient support among this commission to move forward on any version of these rules at this time. I'd agree that we have other business to attend to, and I will withdraw my motion.



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- Chair Jackson: Okay. Thank you very much. So Commissioner Harbin-Forte.
- Harbin-Forte: Yes. I have another motion, which is to refer the whole idea over to the Community Engagement Committee, the Community Outreach committee and not to the Rules Committee, just so that Community Engagement, do whatever three phases and address all of the issues. I think that would be more efficient because the Rules Committee is to come up with rules. And I think that the Community Engagement Committee is supposed to be more concerned with community engagement and ensuring of that, so that was a motion.
- Chair Jackson: Okay. Can you restate the motion before commission, before I call on commissioner Garcia? Because it was kind of long-winded.
- Harbin-Forte: The motion is to refer ad hoc protocol rules to the Community Outreach Committee for them to propose procedures and rules for the operation of ad hocs.
- Chair Jackson: Thank you. Commissioner Garcia. Commissioner Garcia.
- Garcia: I second that motion. And I want to apologize to commissioner Gage for being out of order for raising the tabling before I second it. Thank you.
- Chair Jackson: Okay. Thank you. It is been properly moved and seconded. I see another hand, Commissioner Gage.
- Gage: Thank you Chair. I'd like to inquire as to whether the commissioners would be willing to make an amendment to their motion. It appears that the Outreach Committee would be an appropriate committee to propose rules for public engagement. However, the policy review and public engagement processes are both contemplated. I would ask that this matter be referred to the Outreach Committee for rules regarding the public engagement process and return to Rules Committee to further discuss the policy review process.
- Harbin-Forte: I'm sorry. I'm sorry Madam Chair.
- Chair Jackson: That's okay. Commissioner Harbin-Forte, did you want to modify your motion?
- Harbin-Forte: Yes, I will accept that amendment.
- Chair Jackson: That friendly amendment. Okay. And now I've lost track of who was the initial second. Was that Commissioner Garcia?
- Garcia: Yes, it was.



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Chair Jackson: Okay. Well you accept that friendly amendment as well.

Garcia: Yes I would.

Chair Jackson: Okay. Thank you. It has been properly moved and seconded. We have taken public comment. Are we ready to vote on the motion that has had a friendly amendment to it now? Commissioner Dorado.

Vice Chair Dorado: Aye.

Regina Jackson: Thank you. Commissioner Gage.

Gage: Yes.

Chair Jackson: Thank you. Commissioner Harbin-Forte.

Harbin-Forte: Yes.

Chair Jackson: Commissioner Jordan.

Jordan: Yes.

Chair Jackson: Commissioner Milele.

Milele: Yes.

Chair Jackson: Okay. And yes, for myself. It has unanimously moved that this item will go to the community engagement ad hoc. And we can take a look at the specific wording for the direction. Now, to item six. Mr. Alden, I believe this is you.

Dir. Alden: That's right. Thank you. Madam Chair. I had asked to put this item on so we could collectively talk about the progress that we've made so far with respect to implementing Measure S1 and what still remains to be done. I think the couple of tasks that remain for us to work on, are ones that would benefit from some commission input and direction, which doesn't necessarily have to be tonight, but I wanted to at least bring it to your attention, and make sure you're thinking about these issues over the next couple months. Particularly as you think about resourcing. There were a variety of changes to the Charter that were made by Measure S1 when it passed last year in November, those changes became effective in January of this year. And so at CPRA we started work on the ones that we were able to directly affect ourselves without need of coming to the commission for either assistance or direction.



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We have completed a process mandated by Charter to get us at CPRA access to discipline records for police officers at OPD. This has been a tremendous improvement in our process internally. It gives us a lot more information about the cases we're working on, makes it easier for us to make sure we have a complete set of the information we need in each case. And also really helps us improve our discipline recommendations on the cases that we do sustain. We've gone through a pretty robust training process with our staff and we had excellent cooperation from OPD and this regard. So now we have direct access to the materials we need for police officer discipline. This is when type of access that not all oversight agencies have. I think that's unfortunate, I think all oversight agencies should. And I want to express my gratitude to City Council for putting a measure on this language in it and also to the voters for approving it, because I think it's a really a central part of our system here. That task we think is completed.

There is also a new deadline in the Charter that the CPRA either complete their cases within 250 days after the receipt, or document why there are extraordinary circumstances that would cause us to not complete that case. We have a process for assessing what those circumstances are, identifying what are not extraordinary circumstances that would qualify for extension of the 250 days. And we memorialize those in the files. So that task is also complete. And commissioners, as you know, another task that's complete is that the Charter was changed such that the commission could require the chief of police to attend commission meetings, which you do, as we saw earlier tonight. So those are three very important tasks that are now done, and I'm glad those are finished.

We have some others that are coming along very well. I think that are near completion, but not quite there. One is of course, hiring the Inspector General. And as commissioners know, you have an ad hoc that's been working really hard on this issue. If I understand correctly, we have a report later tonight, so I'll let them make that, but we're getting pretty close to having the Inspector General hired. And I should say, this task is one that this commission's been working on long before us one, I know there was a lot of work on the Inspector General's position description, civil service classification, on working with the city council and others in the city of Oakland to establish consensus that are about to be this commission that hires the Inspector General, and then getting it changed in the Charter. So this is a project that's really been going on for years, really since the beginning of the commission and we're almost at the finish line.

So I commend the commission on moving that really quickly, and overcoming some substantial hurdles there. As you know, the Measure S1 also allows this commission to hire its own council, and you have already put out an RFQ for it



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and we've secured funding for same in this year's budget from the City Council. And I'm grateful to the City Council for having given us that funding. And as you know, that RFQ is moving forward, that has moved really fast as RFQs go in the city. So I know later this year, we'll probably have some material back to you on the proposals, so you can make a permanent selection. With respect to commission staff. There is a staff position described in Measure S1 that didn't quite exist previously. Measure S1 made it clear that you need at least one staffer for the commission and that that person needs to be able to attend commission meetings.

Now, you and I have been working on that issue for gosh, a year and four months now, and we now have Ms. Adwan on board, and I know we're all very excited to have her here, as that's filling that staff position. The only reason I have flagged this as in progress instead of complete, is that we do still have to finish a permanent recruitment for Ms. Adwan's position, she is here on a temporary basis, and I will keep you posted as we get the recruitment going for our permanent civil service selection for that position. We do have two tasks that I would really appreciate some direction about over time. The first is that S1 provides to this commission the power to examine certain pending cases at CPRA. One is we haven't finished the investigation, and we have not yet triggered the Discipline Committee process that I know you're already familiar with by having CPRA and chief of police disagree.

So the idea here, as I understood it from the text to Measure S1 and from some of the advocacy that that was behind creation of this clause, was the idea that this commission ought to be able to take a look at certain high priority cases while they're still being investigated, before we know whether or not CPRA and the chief agree about them, and provide some direction about what should be done with this cases.

And there are three categories spelled out in the Measure: allegations of level one use of force, this means as a general rule officer involved shootings or other uses of force that were, or could be fatal based on the kind, shootings, baton strikes to the head, these are the kinds of uses of force that are the most likely to trigger the level one analysis. There are not many of these. They're very rare, but obviously they're extremely high priority. Sexual misconduct is another, also at least during the time that I have been here, rare, but a significant issue.

And then the third would be untruthfulness. So with those three kinds of cases S1 allows the commission to take a close look at that case. If we haven't finished the investigation within 250 days over at CPRA, when the evidence upon which the department or CPRA bases its findings does not include some available body-worn camera footage, or when body-worn camera footage was required



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in the department policy, but was not recorded or was otherwise unavailable. That makes this category of cases even rarer. I mean, this would be at best a handful of cases, certainly less than five in any given year as I read these requirements. So very uncommon. But one thing I think we don't yet now is, when would the commission choose to exercise this power?

Is it the commission's current will, that the commission would like to look at every such case that qualifies under this rule? Or only those that have been of some public interest? Or only those in which someone involved the case has asked the commission to be involved? I think we just haven't considered yet whether or not the commission wants some kind of a special report or some way to be informed about these cases, such that the commission knows that they're pending, and may want to exercise this power. And I think it would be useful for us as group, CPRA and the commission together, and of course the public as well, to have some conversation about how the commission would like to handle this power, so that we at CPRA have some idea of how we should be communicating with you about these cases.

I don't have any specific recommendation in that regard. I don't think we'd necessarily resolve that tonight, but I flag this issue as one that I think it would be important for the commission to develop a rule or a standard, or at least some guidelines around. So that if we're asked in the future, how do we use this rule? We can at least give some explanation of how the commission chooses to exercise that power. On a similar, but I think slightly less complicated note Measure S1 also allows CPRA or the new Inspector General that you're about to hire, or the chairperson of the commission, or maybe a combination of them to serve as non-voting members of the Police Department's Use of Force Boards.

To date, we have done that on occasion on an ad hoc basis. I know on occasion, the commission chairs attended some, on occasion CPRA staff have attended some, particularly when they're closely related to a CPRA case that we're investigating, which happens from time to time, but is not true of all these Force Boards. In that regard, OPD has a use of Force Board Policy, a DGO about the use of Force Board, but that hasn't been amended to reflect this change in S1.

So it's not clear from that order, how exactly the composition of the use of Force Board might change. Now, this is an issue that I think we have a little bit of time to think about, and that I do think there are strong reasons to believe the Inspector General is best suited to create a system for attending these Force Boards. One is that we'd inspect the Inspector General's office to periodically do audit to this process, to make sure the Force Boards are operating well. It's also the case that we're finding at CPRA that we have enough staff to attend some of the use of force boards that relate to specific investigations they're working on,



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but there are so many use of force boards that we simply don't have the staff to go to all of them. And having an inspector general think about best practices, as to how to figure out which use of force boards to attend, I think would be useful, because even with the inspector general, we probably still won't have staff to attend all of them. We'd be in some way, figuring out a set of criteria to pick certain boards to attend and certain ones not to, and so I think in this case, this might be a task to be best suited to the new inspector general once you hire them.

But of course, commissioners, you could do that a number of other ways. You could ask CPRA to go, or have the chair of the commission go, in which case, then, we should probably talk about how we think about which ones to attend and what the staffing would look like. In both of these issues, when does the commission get involved in a certain very narrow set of cases where it can provide direction before the investigation's done, and the use of force boards? I think it'd behoove us sometime in the relative near future, perhaps by the end of the calendar year, to at a minimum, designate a plan for when we're going to work on this and to whom we might pass those issues, so that if someone were to come back and look at our work in 2021, we could say, "We at least started on these two projects."

In that regard, I would really appreciate whatever direction the commission might have about those two tasks, because I don't think that we can accomplish them at CPRA without working closely with the commission and getting some direction from you. I know that the commission is the next agenda item, thinking about a planning retreat in the near future. These two issues may be a good topic there. In addition to that, I know that based on the conversation we had earlier tonight, it appears that there's some interest in getting more information about staffing for ad hocs and the like. And since an ad hoc could be one way, either of these two issues could be worked out. I imagine you might want some of that information next week to figure out just how many ad hocs you think you can support at any one time and on which topics.

With that being said, my one recommendation tonight would be that as we're working through those discussions about ad hocs and the commission having a planning retreat in the near future, I would recommend these two topics be part of both of those conversations, along with the many other priorities I know that you're working on. I secondarily would really appreciate whatever guidance that commissioners have. And I'm open to questions. Thank you.

Chair Jackson: Thank you very much, Mr. Alden, I actually really liked the recommendation around a special report, because as we have had ad nauseam discussion about our own staffing challenges and our own inability to be everywhere, I don't



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think that we would want to hear from all of the cases. I appreciate that as a recommendation, and certainly the discussion around the planning retreat was not necessarily designed for those other two recommendations that you just proposed, but we certainly need opportunity to do some planning, and so that would be good to envelope those as well. Are there other comments or questions of Mr. Alden from the commissioners? Okay, I'm seeing none, we will go to public comment, Ms. Adwan?

Rania A (staff): Thank you, Chair Jackson. Members of the public, if you are interested in making a public comment on this item, please raise your hand and I'll call on you in the... Sorry, the position that they appear. God, I lost my words. Right now, I see two, Rashida Grinage, give me just a second, I will start your timer. Ms. Grinage, please unmute yourself when you are ready.

Rashida Grinage: Thank you. I just wanted to point out that the federal monitor's report indicated that there were several instances where the body-worn cameras were not turned on when they should have been, and that's an example of an instance under measure S1 that Mr. Alden just talked about, where the commission could employ their option to oversee and deal with those instances. They don't necessarily have to be related to public complaints. That's something I just wanted to call to the commission's attention. Thank you.

Rania A (staff): Thank you, Ms. Grinage. Ms. Assata Olugbala I have you up next. If you can unmute yourself, please.

Assata Olugbala: Yeah, so I'm concerned about what ASCA said earlier about not understanding where his complaint was. I'm sure this exists and I just haven't seen it. Once a complaint is filed, there's a letter sent out that sounds something like this: "Your case is now being investigated with a maximum number of days, being a number that, I'm not sure, to complete. You'll be contacted by investigator name, to obtain information and evidence to support your case. If you have additional information not shared during the intake process, please contact the office, email, phone number. Once the case is completed, you will receive a letter with details related to the findings." Do we have something like this? And once... And if we don't, I suggest, because this is not the first time I've heard that people who file complaints are just lost about what's happening with their complaint.

I hope at some point, this becomes an initiative. I know the former director had had a letter that he had developed that would be a letter of conclusion about the case that went nowhere. But that conclusion should be your case involved, review of camera work, interview of officer, interview of witnesses. You could



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be very general. You don't have to go into specifics. Something that gives people a sense of the work was done.

Rania A (staff): Thank you, Ms. Olugbala. Omar Farmer, please, unmute when you are ready.

Omar Farmer: Yeah, I just wanted piggy on something Ms. Grinage just said about... She made a very good point about the body-worn cameras should be investigated. And to be specific, in that monitor's report, I think it's 72 or 73, it shows that body-worn cameras that were audited weren't activated 21% of the time. That's a pretty big deal to me, that's something that can be investigated and that's seriously affected task 24 and 25. I think 25 is still just in partial compliance, which means that it's out of compliance. I think that's definitely something that can be looked at, I'm glad that was brought up. Thank you.

Rania Adwan: Thank you, Mr. Farmer. Chair Jackson, you have no more hands raised for public comment, and the floor is back to you.

Chair Jackson: Okay, thank you very much. Item seven is about the planning retreat. For the last two years, we have used pretty much a full day to have a retreat facilitated by a consultant to discuss whatever it was that we decided was important. Usually that was developed by individual interviews, as well as the work that was ahead of us that was primarily based upon the audit that the city auditor was to do.

I think that it's time for us to consider a new date and go after bids for another facilitator, especially on the sunset of our fourth year, which has... In October, which would start the next four years, if you will. I am interested in suggestions for when you all think we should do this, and I presume, because the last two have been very helpful in terms of our focus on work, and we have had several recommendations even around the best practice guides and resources for management, in addition to Mr. Alden's recommendations. I would like to hear some discussion around timing last year, we had it in February, the year before that we had it in June, and with the new commissioner joining us at the end of October, I think that something in early 2022 would be absolutely appropriate and a great opportunity for Mr. Howell to kind of get to know all of us, whether we are in person at that point, or if we are still going to be in Zoom land. So with that, any comments or suggestions are welcome.

So no comments or suggestions, okay. Commissioner Hsieh.

Hsieh: Early 2022. Makes sense. I'll say that.



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- Chair Jackson: Okay. Thank you very much. Any more comments? Okay, Commissioner Milele, and then Commissioner Gage.
- Milele: If we do it in 2022, it would be nice to do it in person, if possible.
- Chair Jackson: I agree with you. Thank you for that suggestion. Commissioner Gage, and then Garcia.
- Gage: Thank you chair. I have a second commission-related statement regarding an in-person meeting, if possible, and early 2022 would seem to be appropriate, given that changeover in October. I am, for some reason, in the back of my mind, there's something else happening in late 2021 and early '22. I can't think of what that might be administratively, but if maybe you can, something to consider with respect to the dates. I'll look through my notes more carefully to see what triggered that date concern.
- Chair Jackson: Sure, and with respect to timing, and we'll go into it a little bit later, we should have an IG on board as well. That may or may not be something within your consideration, but thank you. Commissioner Garcia then Jordan.
- Garcia: Thank you, Madam Chair. I was just about to bring up the IG and whether it makes sense to make sure that we have an IG on board, to have that IG participate in the retreat. I also wanted to ask a question of whether you see this as another facilitated retreat with an outside facilitator coming into guide us.
- Chair Jackson: I absolutely do. One of the best things about facilitators is that they have a plan of action for execution, and then they help to guide us, as you just said, and I think we do need guidance. We're coming from lots of different perspectives, we're going to be identifying what we, as individuals and a collective, think are most important, and I think that having an expert to get us to the trajectory that we want to get to would be really, really helpful. Historically, I believe that budget increased this last year to \$14,000. It's a lot of work, the prep, the actual execution and the write-up and recommendations, but at least it gives us, not just a plan, but a timeline and some deadlines that we can shoot for. And now that we have a chief of staff on board, and she can also will support us getting to those deadlines as well. Do you have any other questions, Commissioner Garcia?
- Garcia: No, I agree 100% with what you stated about the facilitator. Thank you.
- Chair Jackson: Thank you, Commissioner Jordan.



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Jordan: Yeah, I just wanted to endorse the idea of early 2022. I'd so love to see... I mean, I think that setting a work plan and some of the other things that we've done in the past are necessary. I'd love to see some very intentional culture building within the commission, because I feel like, especially with Zoom and everything that's happened in last year, this has been a super alienating experience, and I'm sure it's even more so for the newer members of the commission and... In person, if possible, but yes, that would be my preference. That's all.

Chair Jackson: Excellent. I appreciate that very much. If there are no other hands we can go to, excuse me, I see Commissioner Peterson

Peterson: With respect to... And I think it's a great idea, and I do agree that this has been a very weird experience joining on Zoom and continuing in this format, but of course understand why. When we, and if we can meet in person, this would have to be a space that includes the public, or is our retreat just for the commission?

Chair Jackson: No, I'm glad you asked that question. Before the pandemic hit, our first retreat was attended by members of the community. And so, it was wide open for their observation. We had breaks where they engaged with us, but it's kind of, they're watching the planning and the process. We had a guest speaker that year, Lateefah Simon, we had food, and we were at the Waterfront Hotel. I believe that what we could do is ask members of the community to give us some indication of whether or not they planned to attend. I think that we only had about five or six members of the community at the time, but it was very well received. It was a great experience, I think, for us all, and as community mentions#, It was very transparent. We also had a recording so that people could... Well, I think the actual recorder broke, but that we, like [inaudible, 03:28:50] had suggested, have a recording that could actually be uploaded so if people wanted to listen to the conversations and the work as it happened, so that they can just follow along.

We can certainly take into account a bigger space as we get closer, and like I said, confirm people's interest to participate. Given the fact, I don't think that City Hall is necessarily the best space because of how separated we are as opposed to a big table to get around, but we can work out places as we move forward. Did you have any other questions as it related to that, Commissioner Peterson?

Peterson: No, thank You. You addressed my concerns.

Chair Jackson: Okay, terrific. Yeah, there is absolutely everything to be gained from having a retreat. It gives us focused opportunity to work on whatever it is that we have



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collectively agreed we want to work on. Like I said, that is developed in an initial informational survey where everybody can speak about what it is they'd like to see, and certainly the community can contribute ideas as well. If there are no more hands, we can go to public comment. And Ms. Adwan?

Rania A (staff): Thank you, Chair Jackson. Members of the public wishing to make a comment on this item, please raise your hand and I'll call on you in the order that they've appeared. First up, Ms. Assata Olugbala, one moment please.

Ms. Olugbala, I've unmuted you, if you can unmute yourself.

Assata Olugbala: I think your document that's called "Rules of Order" needs to be discussed at your retreat. It's very important that you have meetings where you have correct protocol and respect for each other. I hope you will take the time at your retreat to build a relationship with each other, that doesn't come to the public meetings in future in a negative way. Thank you.

Rania A (staff): Thank you, Ms. Olugbala. Chair Jackson, no more hands raised on this item. Back to you.

Chair Jackson: Okay, terrific. If you all are comfortable, oh, I'm sorry, don't go forward just yet. I have one [inaudible 03:31:57]... If you all are comfortable with me going after bids for facilitators, recommendations for spaces, and some dates to bring back to the commission, then I am happy to do that. Does anyone have a problem or concern with that? Great, then I will report back, probably in November, if we can get the bids facilitators to present so that we can decide who and where and when, then that will be very helpful. So with that, we can... There's no action on this item, I'm just promising to go out and do that work. We can go forward to item eight, please. Thank you. Committee reports on the inspector general search ad hoc. Commissioner Milele, if you could take the lead and Peterson, if you want to add, in feel free.

Milele: Yes, thank you, Chair. The ad hoc committee to hire the inspector general consists of myself, Tyfahra Milele, Chair Jackson and Commissioner Marsha Peterson. We're also grateful for the support of Chief of Staff Rania Adwan. We initially had at around 20 to 25 applicants, that pool was narrowed to a reasonably diverse pool of 10 applicants for our first round of interviews. Tomorrow, we complete the process of interviewing the six candidates we asked back for our second round. We anticipate narrowing the pool again, down to three candidates for our third of interviews, which will likely begin in early October. We will have a community forum, with the date to be announced. Marsha or Chair Jackson, do you have anything to add?



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Chair Jackson: Commissioner Peterson?

Peterson: No, not really, except that it has been an enlightening experience and an opportunity, at least for me, to get to know the other [inaudible 03:34:16] better, and such a small group, we were even able to socially distance, meet in person. So, good stuff. Good work. And we're wrapping it up.

Chair Jackson: Yes, as an HR process, it has been one of the more enjoyable ones, and the candidates have been really impressive, I'm happy to say. Thank you very much, commissioner Milele.

Milele: Thank you.

Chair Jackson: If there are no questions, we can move forward to the next committee report. Commissioner Peterson, would you like to take the lead on this? And then Garcia and Milele can jump in wherever they see fit.

Peterson: Yes, thank you chair Jackson and members of the commission and the public. Actually, good morning. On behalf of the members of the ad hoc committee, which again, consists of Commissioner Milele and Commissioner Sergio Garcia, made this report. This is very much a work in progress, a case of first impression, precedent-setting task, because this is kind of the first time the police commissioner set performance goals for a police chief. But what is in the forefront for us, as a committee, is to ensure that chief's performance goals reflect our responsibility for oversight and reflect the need to meet or exceed national standards of constitutional policing.

We've met several times together as a committee and with the chief to discuss potential performance goals, and we've reported about that earlier. We're trying to establish a collaborative engagement process in order to set the performance goals. In our initial discussions with the chief, we sought to use some of his materials as a foundation, especially the Oakland Police Department's three year strategic plan, which was also... It's also been made public. We've sought legal counsel and advice to understand the parameters we're working within, especially in relation to labor laws and other personnel restrictions.

We're working towards a three month project plan that will outline our work activities and milestones, and I do have to thank our, our chief of staff for helping us to actually develop those plans and milestones. We're also determining who else will need to meet with, if anyone, and how we'll work with the Oakland communities and how we'll present to the full commission, because again, this is a first time task and we really are working hard to get it



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right. We will be looking for public input and we'll be announcing ways that Oakland citizens can weigh in and take part when the time comes. We'll also be checking in with others in the city when it comes time to review the chief's output and the essential performance outcomes. So stay tuned, we are diligently be working on this. Thank you for [inaudible 03:37:51] the report. Thank you.

Chair Jackson: I'm sorry. Thank you. Commissioners Garcia or Milele, did you want to add anything?

Garcia Not for me.

Milele No, nothing to add.

Chair Jackson: Okay, terrific. Thank you very much. White supremacists and other extremist groups ad hoc, Commissioner Dorado, I think you're taking the lead.

Vice Chair Dorado: Yes. Thank you, Chair Jackson. We've had some good conversations about white supremacy with the chief, his executive team, and the ethnic police officer associations, but it has become clear that specific means will have to be found to advance this effort. An example is the recent Instagram investigation. So, given that we now have a social media ad hoc that's been formed to consider policy, we at the white supremacy ad hoc are of the mind to pass the baton to this ad hoc, to develop the methodology, to smoke out these white supremacists that we feel are hiding in plain sight in OPD. We respectfully request that for now, the white supremacy ad hoc be dissolved once we've passed this baton on to the social media ad hoc. And I would ask the other member, other two members of the ad hoc, yourself, Chair Jackson, and Commissioner Harbin-Forte, to add anything to this statement.

Chair Jackson: Thank you. Commissioner Harbin-Forte?

Harbin-Forte: Thank you. Nothing from me, thank you.

Chair Jackson: Okay, and nothing for myself either. I actually think it makes really good sense to transition it to the social media. What I would like to do, I know that I've missed at least one meeting, is if there could be a narrative of highlights or talking points that we can benefit from, and I don't think I can do that. So, vice chair, would you be able to provide some of those highlights for us?

Vice Chair Dorado: I'd be more than happy to.



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Chair Jackson: Okay, excellent. Thank you very much. And then finally, the OBOA allegations investigation ad hoc. I'm not going to speak for Commissioner Harbin-Forte, but what I would like Mr. Alden to weigh in, because we were kind of stuck after we approved the contract, then there were some issues, and I think that Mr. Alden may have an update for us.

Dir. Alden: Sure. Thank you, Madam Chair. I can tell you is that I think right now is a good time for this ad hoc to start, have a meeting, to think about next steps. The contractors we selected for this work, as we've discussed previously, needed to get a certain license renewed with the state. They've done all the work they need to do that, they're just waiting for it to be issued, which should be any day now. I'm sure that some of the things they'll want to start with will be a conversation with you about some of your thoughts about what they might focus upon as they're working on this complicated project.

I think orientation to what you see as the history, the main interest groups, the main themes behind the OBOA allegations and how we can make sure they're effectively oriented to Oakland and the Oakland Police Department would be helpful. They will certainly want to interview other people, too, many other people, but I know that the members of this ad hoc will be right at the beginning of that list. So, thinking about what you'd like to present to them, I think, would be a useful way to spend your time. I also would suggest that as this ad hoc's thinking about that, we should be mindful about scoping.

When this allegation first came up several years ago, there were some very broad allegations, broad, but concerning allegations the OBOA shared publicly. And those very broad themes about promotion and hiring, in particular, are ones that these contractors are going to be studying. That said, to the extent that at that time there were any allegations about specific individuals who might have, say, done something very specific in the hiring or promotion process that might be cause for discipline. The extent those concerns were raised, the 3304 one year limit on those particular individuals has long passed, so the scoping here is not going to be so much about individuals. It's going to be about patterns and history, and that's where I think an ad hoc can really help orient the contractors they're working with to some of the key issues. So, those are the things I would suggest that you do to prepare, and then I would anticipate that you'd be having a meeting with them soon, and I'll keep you in touch with them, because meeting with you will be one of the first things they'll do.

Chair Jackson: Thank you very much, Mr. Alden. Commissioner Harbin-Forte, you have anything to add?



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- Harbin-Forte: No, I don't. Thank you.
- Chair Jackson: Thank you, and neither do I. Let's go to public comment, please, Ms. Adwan.
- Rania A (staff): Thank you, Chair Jackson. Members of the public, if you wish to make a public comment on this item, please raise your hand and I'll call on you in the order that you have appeared. Give me just one second. One hand so far, Ms. Jennifer Findlay. I can ask you to unmute yourself. I will get us going.
- Jennifer Findlay: I'm not sure if I heard you, right, but it sounded like that was a plan to dissolve the ad hoc for white supremacists and so on. I'm glad that you're going to be looking into a social media ad hoc to look at the Instagram situation, figure out what's going on, but I am really not sure what is going on that you'd be dissolving the entire group specifically, focusing on white supremacy as opposed to just social media. Maybe I missed something. If you could help me out. That'd be great. Thanks.
- Rania A (staff): Thank you, Ms. Findlay. Omar Farmer, I have you up next. Mr. Farmer, if you are ready.
- Omar Farmer: Hello, can you hear me?
- Rania A (staff): Yes.
- Omar Farmer: Yeah. I just wanted to quickly say that the OBOA allegations ad hoc, it would be really helpful if they looked into the police chief's update to the City Council Public Safety Committee last Tuesday and their agenda saying that the results from the Hillard Heintze report that Mr. Alden was alluding to where it was alleged that black officers are disciplined at a 37% higher rate. That those results are actually incorrect. And it looked like they were using the spark team to kind of spin those results to get into accordance with Task 45. So I think it really helpful for that ad hoc committee to look into that. And if you review that report, it'll give you all the information. Thanks.
- Rania A (staff): Thank you, Mr. Farmer. Anne Janks, when you're ready please unmute yourself.
- Anne Janks: Good evening. I hope that you all will consider perhaps reconstituting the White Supremacy Task Force with ad hoc, which clearly has a broader scope beyond social media. And I also hope that when you reconstitute it, you'll consider broadening it to other hate groups. Although I do recognize that in that stew, it's a little hard perhaps to distinguish, but one thing that came up, I think, during the white supremacy ad hoc is my understanding is that the OPD told the



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ad hoc that not being part of the federal terrorism task force made it more difficult for them to track white supremacists in Oakland and in OPD.

This is the kind of statement that makes me want all ad hocs to be transparent because they fought hard not to lose their relationship with the Joint Terrorism Task Force, which was deeply, deeply problematic and there was a lot of activism around decoupling from it. And I do believe that it's possible to track white supremacists without being part of the Joint Terrorism Task Force. I think we were still in the Joint Terrorism Task Force when somebody was murdered by, I don't know, the Hawaiian Shirt Boys. So anyway, I just want to keep it kind of on the radar that when OPD starts talking to you before you make all of the ad hoc transparent about the Joint Terrorism Task Force, please bring that up so that people can engage with that discussion. It's pretty disingenuous. Thank you.

Rania A (staff): And Ms. Janks. Resa, when you're ready.

Resa Jaffe: Hi. Yes. This is Resa Jaffe. I've been absent with other priorities for a bunch of weeks and I am now on East Coast. So it's after one o'clock my time, but I just got word that you're dissolving the White Supremacy Task Force and I am horrified by that idea. There's so much white supremacy happening. It's in the air we breathe. I don't know if the problem is it didn't have an appropriate mission and goal, but I'm horrified to hear that. I hope that we'll be reconsidered and a really clear goal towards ending white supremacy will be a focus because it's happening everywhere, including in the Oakland Police Department and there's got to be an end. Thank you.

Rania A (staff): Thank you. Chair Jackson, that was the last of your public comment.

Chair Jackson: Thank you very much. I believe that we now are in part two of open forum. So you can open up for anybody that didn't speak in the first part.

Rania A (staff): Thank you, Chair Jackson. Members or the public if you wish to speak in open forum, please raise your hand and I will call on you in the order that you appeared. Just for a moment, I will get a time with [inaudible] again, Ms. Janks, I see on first. If you'd like to unmute.

Anne Janks: I don't know if this follows the rules of engagement. I wasn't in the first public forum, but what I really want to ask is I wanted to ask the chief a question about what rules and what instructions and what training officers get about what they're allowed to say in public, about the reasons that they are not responding to a call or whatever else. I want to understand when they're allowed to blame it on the City Council very specifically. And if they believe that there are



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consequences to these things. I asked several meetings ago, and I thought that the chief was asked to bring back some answers at the next meeting. He did not.

I ask again tonight and the question was not forwarded to the chief. But it's a real question as far as I'm concerned. We hear a lot about what officers are saying to residents. It's pretty clear they feel that they're free to say whatever they want, and I'm not always a fan of the City Council, but I also am concerned with officers believing that they can characterize things any way they want. And I really like to get the chief to give some kind of an answer to this. It's not solely me that's asked this question. It gets raised a lot. I hear it on Twitter. I hear it on Nextdoor. Thanks a lot.

Rania A (staff): Thank you, Ms. Janks. Ms. Olugbala, please unmute yourself when you're ready

Assata Olugbala: Today, the City Council had rules and on the agenda for rules was the Bey case. Apart of the agenda Bey case item, was a legislative history of how many times the Bey case has come before City Council. The Bey case came before the City Council in October 2020 and it has been the floor council in some form just about every month, January, February, March. It was at council meeting this week. It was mass confusion about who was going to report out on the Bey case.

So it went back to rules. It's my understanding in rules that someone from the Police Commission will be available to report out on the Bey case. The Bey case has been neglected since Ginelle Harris has stepped down from the commission. The Bey case involves an exposure of police, corruption, murder, and things that have to be held accountable in this city involving public officials as well. And so if you don't have the ability to deal with the Bey case, if you don't have the capacity or the will to deal with it, let the council know. It's only because of Rebecca Kaplan that the Bey case is staying open. It has not been on the agenda at this Police Commission and the Beys have had the fight with certain commissioners in the past to make this case relevant.

Rania A (staff): Thank you, Ms. Olugbala. Ms. Resa, when you're ready please unmute yourself.

Resa Jaffe: This is Resa Jaffe. Anne Janks spoke about the issue that I wanted to speak about. I'm really concerned. Every time I'm on a public meeting and the police are there, they do not miss an opportunity to talk about how they don't have enough resources to get their job done and I'm tired of it. I don't think it's appropriate for them to be speaking the way they have been speaking there. Ditto on Anne Janks. So thanks Anne. Appreciate you making that comment.

Rania A (staff): Thank you, Resa. Jennifer Findlay, when you're ready please unmute yourself.



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Jennifer Findlay: I just figured I would echo Resa and Anne and say that yeah, the language has really been a problem. I'm hearing that people are letting off fireworks and somebody sees a cop go by on the street and just refusing to respond and telling, we're not allowed to respond to that stuff. Literally like passing by something that's happening. And at the same time people are getting harassed at the park. I think it just really feels like there's got to be some kind of control on what's being said and what information and again just getting out there. There's been a lot of political speech and there's a lot that was just been inappropriate and frustrating. And I really feel like there needs to be some clarity put out there for the public on what exactly they are and aren't supposed to be doing. Have a good night.

Rania A (staff): Thank you, Ms. Findlay. Chair Jackson. That was the last of your public comment and for open forum.

Chair Jackson: Okay. Thank you very much. So we are at item 10 agenda setting and prioritization. I've taken quite a few notes. Mr. Alden, you wanted to add something.

Dir. Alden: Thank you, Madam Chair. Yeah. I just got word today, shortly before this meeting, of an item that's going to require this commission's attention very soon. So specifically the state has been trying to figure out how to modify the State of California's Brown Act requirements, so that commissions like this one and our own City Council can continue to meet virtually. The state did pass a bill. That's just been signed into law that allows for us to continue to have virtual meetings like this one instead of in-person meetings. However, the approach throughout the City of Oakland in that regard is going to be that we're all going to need... When I say all, I mean every board and commission, even the City Council, we need to have at least one special meeting before our first meeting in October to adopt a resolution under this new state law, stating that we intend to continue to move forward with virtual meetings. Unless we tell it we have that special meeting, we can't do another virtual meeting.

So there are two ways this commission could accomplish that goal. One would be to have a special meeting at any time between now and our next regularly scheduled commission meeting where the one and only agenda item would be the adoption of this resolution, or alternatively have a special meeting very, very shortly before our next regularly scheduled meeting. So for example, we could have a special meeting at 5:00 PM on the evening of our next Commission Meeting and then our regular meeting would commence at 6:30 after we had the special meeting, just for this purpose of confirming that we're going to continue to move forward with virtual meetings. So I want to make sure that you have opportunity to consider how you would like to schedule that special



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meeting. We don't necessarily have to pick a date tonight, but I think Mr. Kennedy, Conor Kennedy might have more information for us about this, but my understanding is would have to be at some point before our next meeting in October. And I think it would be a very short special meeting.

Chair Jackson: Okay.

Dir. Alden: You're welcome.

Chair Jackson: Thank you very much. Are there any other suggestions from commissioners that are different from suggestions that have already been made this evening? Commissioner Harbin-Forte.

Harbin-Forte: Yes. I would ask if we can agendize so training on Robert's Rules of Orders, because I think that there is a lot of confusion about what can and can be done under Robert's Rules of Order, and that confusion leads to unnecessary tension among the commissioners. So I would specifically ask that we received training and that the public understand as well, so that the public doesn't misunderstand what's going on, but specifically what the responsibility of the chair is to ensure that no motions are made when there is already a pending motion. A second thing to be taught on as how a member may raise a point of order. A third training subject would be what is the responsibility of the chair when a member raises a point of order and what the procedure is for handling that point of order.

And another area is what the responsibility of the chair is when a member request a ruling from the parliamentarian. And I think that kind of training, it will be a refresher course. At least we can all be on the same page. Some of us have different views about what should or should not occur. And I would like to be educated on it because I think that it would help us all and help the public to understand what is going on. So I ask that'd be agendized for the next meeting.

Chair Jackson: Okay. Thank you. Commissioner Gage.

Gage: Thank you, Chair. As we discussed earlier, I appreciate having a report from Director Alden agendized to discuss some of the staffing and standing versus ad hoc committee issues that were raised, given that we're going to be going into both the planning process, as well as for future consideration of standing committees. It'd be nice to have some actual numbers to talk about when we engage in a discussion of how to conduct commission business moving forward.

Chair Jackson: Okay. Thank you. We are at 10:30 and while we probably only need five more minutes, I do need a motion to extend the meeting.



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Milele: So moved.

Chair Jackson: Thank you from Milele.

Gage: Second.

Chair Jackson: Seconded by Commissioner Gage, and for how long?

Milele: 10 minutes.

Chair Jackson: Okay. Very good. Let's quickly vote on that extension please. Commissioner Dorado.

Vice Chair Dorado: Aye.

Chair Jackson: Commissioner Gage.

Gage: Yes.

Chair Jackson: Commissioner Harbin-Forte.

Harbin-Forte: Yes.

Chair Jackson: Commissioner Jordan.

Jordan: Yes.

Chair Jackson: Commissioner Milele.

Milele: Yes.

Chair Jackson: And yes for myself. We are-

Garcia: And yes for me, Madam Chair.

Chair Jackson: Oh, I'm sorry. I'm sorry, Commissioner Garcia.

Garcia: No problem.

Chair Jackson: We are extended up until 10:40. Are there any other suggestions for agendized items? I see a hand from Commissioner Gage.



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- Gage: Thank you, Chair. The item raised by Director Alden with respect to some of our new charter authority is something we should probably take more immediate action on. After that item more specifically, the Commission's ability to initiate it's own [inaudible 04:03:05], that'd be agendaized for further discussion, and then we determined how to take action moving forward.
- Chair Jackson: Okay. Thank you. Are there any other suggestions? Okay. Hearing none, why don't we go to public comment for this item?
- Rania A (staff): Thank you, Chair Jackson members of the public, wishing to make a comment on this item, please raise your hand and I'll call on you in the order that you've appeared. Allow me just a moment to get the timer going, Ms. Assata Olugbala, please unmute yourself when you get a chance. Thank you.
- Assata Olugbala: Yeah. So these are the things that are important to me. And I know there's no consensus about what's important because I see listening to the community we have a divide on what's important for this commission, but the Bey case investigation has been completed and has been shared. Let's get a report on it. Let's get a report from the Jonathan [inaudible 04:04:16] family represented by Ms. Michelle on what has been happening from their perspective as a result of the development of the missing person policy. Update on the NSA. The police office grievance investigation update, where it is. Race and equity report of the staffing for CPRA is important because we have no black investigators and where they are, and even if they have one they need more than that. A report from the crime reduction team on how they move forward after their officers being involved and the tapes of the sexist and racist text messages, because they going to have to do a recovery. All of the officers involved were part of the crime reduction team. And that's it for right now? Oh, stop data, maybe if it's possible.
- Rania A (staff): Thank you. Ms. Olugbala. Anne Janks, please unmute yourself when you're ready.
- Anne Janks: I'm really sorry, I just wanted to piggyback off of Ms. Assata's excellent point. And that is to say that I really urge you to make sure that the investigation of the social media isn't just around who engaged with the social media, but also why it was undetected. The reports seem to indicate that it was viewed as nothing more than officers blowing off steam. And I think that tells us more than we'd like to know about the culture and that I'm hoping that you'll really dig into as well. Thanks, bye.
- Rania A (staff): Thank you, Ms. Janks. Chair Jackson, that is the last of your open forum public comment.



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Chair Jackson: Thank you very much. I want to appreciate the community for all the outstanding suggestions. While we won't be able to put them all on the next agenda, you've given us certain a lot of context for the next several agendas. So thank you very much. We are now at adjournment. Commissioner Dorado.

Vice Chair Dorado: Thank you, Chair Jackson. I just had a couple of comments very quickly. One was that the Bey case has not been neglected, never had been. I was the one that was responsible for reporting out on the Bey case at last Tuesday's meeting of the council and I was monitoring the council meeting for four and a half hours while I was working. And when my time came up to speak and I still haven't got an answer, I'm going to find out, they were not able to bring me on. Extremely frustrating after that kind of investment in time, my time, to speak. And I'm not sure what happened, but they did not. And as you all know, I've spoken a number of times on the Bey case before the council. There had never been a problem. It was a problem on Tuesday and I don't know why but I'm going to find out, because this item will definitely come up again.

And I want to apologize to the Bey brothers and anybody else that is interested in this important case. That, that happened, I will find out what was the problem and make sure that it's corrected before it comes up again before the council again, and very quickly, I want to reassure that, and speaking for the white supremacy ad hoc, we recognize that this is a growing threat. This is not something that in any way, shape, or form is going away, where our thinking is that it's a deep dive into the methodology of social media that will smoke out the white supremacist.

It's not continuing to meet with OPD at this point in time, it's really doing some research around think tanks and the kind of methodologies, but we're sure it's been developed somewhere in the country for finding out who are the extremists within our police department. It's certainly not something I'm familiar with, but we are going to see if we can't find out. And certainly the social media ad hoc will devote some time to this important subject, but in no way, shape, or form, is this something that we're abandoning in any way. So I just wanted to reassure that.

Chair Jackson: Vice Chair, I've called on you with your point of privilege. Can you make a motion please to adjourn the meeting?

Vice Chair Dorado: Yes. Ma'am. I make that motion that we adjourn.

Chair Jackson: Okay. And it's seconded. Are we unified in aye?

Milele: Aye.



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Gage: Aye.

Chair Jackson: Can I hear [inaudible 04:10:00], please?

Jordan: Yep.

Chair Jackson: Okay. Thank you very much. It is 10:38. Everyone be safe. They found my car. Yay. Have a good evening.

Vice Chair Dorado: [foreign language 04:10:12].

Chair Jackson: Okay. Thank you. Bye-bye.