



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING TRANSCRIPT

February 24, 2022

Commission staff: (silence). Hang on, Chair Milele. You are on now.

Chair Milele: Good evening, and welcome to the Oakland Police Commission meeting on February 24th at 5:30 PM. I would like to do a roll call. Vice Chair Peterson?

Commission staff: Chair Milele, she's having technical issues, but I am trying to get her in.

Chair Milele: Okay. Commissioner Gage?

Comm. Gage: Present

Chair Milele: Commissioner Brenda Harbin-Forte?

Comm. Harbin-Forte: Present.

Chair Milele: Commissioner Rudolph Howell?

Comm. Howell: Present.

Chair Milele: Commissioner Regina Jackson?

Comm. Jackson: Here.

Chair Milele: Commissioner David Jordan? We can come back to him. Alternate Commissioner Jesse Hsieh?

Comm. Hsieh: Present.

Commission staff: And Chair Milele, Vice Chair Peterson is online. I am trying to promote her to panelists, but she is in attendance.

Chair Milele: I also see Commissioner David Jordan may have joined us. Commissioner David Jordan, are you present?

Comm. Jordan: I am.

Chair Milele: Okay. It looks like we have a quorum. Our next agenda item is the adoption of renewal resolution electing to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(E), a provision of AB-361. So, we are going to readopt findings to continue meeting via teleconference. Would anyone like to make that motion?

Comm. Harbin-Forte: If you need a motion, I'll so make it, Madam Chair.



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Comm. Jackson: And I can second.

Chair Milele: Okay. We have a motion made, and a second. Can we go to public comment?

Commission staff: Yep. Just one moment, please. Thank you, Chair. Members of the public wishing to make public comment on this item ... And this item is about continuing to use Zoom, please raise your hand. And I'll call on you in the order that they've appeared. Chair Milele, no hands raised. It's back to you.

Chair Milele: Okay. So, there's no public comment. So, we are able to take a vote. I'm going to start with Commissioner Harbin-Forte.

Comm. Harbin-Forte: Yes.

Chair Milele: Commissioner Regina Jackson?

Comm. Jackson: Yes.

Chair Milele: Commissioner Henry Gage?

Comm. Gage: Yes.

Chair Milele: Commissioner Rudy Howell?

Comm. Howell: Yes.

Chair Milele: And Commissioner Marsha Peterson?

Vice Chair Peterson: Yes.

Chair Milele: And Commissioner David Jordan?

Comm. Jordan: Yes.

Chair Milele: And I am also a yes. The motion passes. So, our third item is the commission will go to a closed session item.

Commission staff: Can I take you to public comment first?

Chair Milele: Yes. If we could take public comment on the closed session item.

Commission staff: Thank you so much. Members of the public wishing to make public comment on this, the closed session item, please raise your hand and I'll call on you in order that they've appeared. No hands, Madam Chair. Back to you.



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Chair Milele: Okay. The commission will adjourn to closed session.

Connor Kennedy: Totally.

Chair Milele: Is that the right words?

Connor Kennedy: Yeah.

Chair Milele: And we will return approximately I believe 6:30?

Commission staff: Mm-hmm (affirmative). You got it.

Connor Kennedy: Absolutely.

Chair Milele: Okay. [crosstalk]. We'll see everyone then. Thank you. (silence).

Chair Milele: (silence) ... closed session. I will now redetermine quorum. Vice Chair Peterson.

Vice Chair Peterson: Present.

Chair Milele: Commissioner Gage. I will come back to you. Commissioner Harbin-Forte.

Comm. Harbin-Forte: Present.

Chair Milele: Commissioner Howell.

Comm. Howell: Present.

Chair Milele: Commissioner Jackson.

Comm. Jackson: Present.

Chair Milele: Commissioner Jordan. Commissioner Hsieh.

Comm. Hsieh: Present.

Commission staff: Madam Chair, I do see Commissioner Gage on.

Chair Milele: Commissioner Gage?

Comm. Gage: Present. Thank you.



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Chair Milele: Do we have a quorum?

Commission staff: We do. You also have a hand raised from Vice Chair Peterson.

Chair Milele: Vice Chair Peterson?

Vice Chair Peterson: I apologize, but I have this message, "Unable to start video. You can't start your video, because the host has stopped it."

Commission staff: Yep, sorry. Hang on just a second.

Vice Chair Peterson: Thank you.

Commission staff: You're welcome.

Chair Milele: We'll now move on to open forum.

Commission staff: Thank you, Madam Chair. Members of the public wishing to make comment on this item, open forum, ideally on matters not on the agenda, please raise your hand. I'll call on you in the order that they've appeared. I'll also get our stopwatch going. Okay. Okay. I'll give it a minute. Members of the public wishing to make public comment on this, the open forum, on matters not on the agenda, please raise your hand, and I'll call on you in the order that they've appeared. No hands raise, Madam Chair. Back to you.

Chair Milele: Okay. Our next item is an update from the chief.

Chief Armstrong: Good evening, chair and commissioners. Start off with giving my weekly report. Just want to start off with a couple things. I think the first thing I'll start off with is a compliance update. I just want to advise the commission of the federal monitors report that was just released yesterday, which placed the department into full compliance with task two, IAD timelines, as well as task five, IAD investigations. This, for the department, is monumental in some ways, because we've been out of compliance for the last nearly three years in these tasks.

The monitor did acknowledge that there's tremendous amount of work that's been put into placing us into compliance and meeting those timelines, as well as ensuring that we're doing quality internal affairs investigations, so I really want to credit to Captain Lau in our internal affairs division, as well as all of our supervisory staff and patrol, who have really been pushing to make sure that these cases are getting done on time, as well as they're complete, and thorough, and coming to proper findings. The monitor has done multiple assessments of those cases, and that's what subsequently led to the compliance that we just received.



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So, a credit to... Again, the department continues to move forward to seeking full compliance with all 51 tasks. We now have three tasks, none of which are out of compliance. All three are in partial compliance. We will be continuing to make progress on task 25, which is use of force investigations. We are addressing the concerns that the monitor raised around late activations of body-worn cameras. We have distributed our new cameras. We have over 150 cameras that have already went out into the field, with the new technology. We are now placing the automatic activation switches in the cars as we speak, so we are moving ahead with that. We believe that this will completely eliminate the late activations, because when officers exit their vehicles, the cameras will automatically activate.

The other thing that we did, to just make sure that we were measuring internally, how many late activations they were actually having, if this was a widespread problem. We had our office of inspector general conduct an inspection of our body-worn camera activations, and during that inspection, the department was found to be activating our cameras over 90% of the time, so it really represents for the hundreds of thousands of times that we activate our cameras in a year, nearly over 90% of the time, those cameras have been activated on time.

We recognize that there is some human error that comes into effect when you have people taking manual action with activating cameras, but to be over the 90 percentile really suggests that there's widespread compliance with department policy. So, we feel confident about that. We continue for task 34, our stop data task. The monitor mentioned in this current report, around the use of effectively the use of data in our risk management meetings. We continue to assess our stops on an ongoing basis, continue to examine our racial demographics of those that we're stopping, both at the officer level, at the area level, and then officer-to-officer comparison as well. Obviously, with the declines we've seen in stops over the last several years, we continue to feel confident that with the practice of intelligence-led policing, it is producing higher quality stops as opposed to high quantity of stops. It really is the quality of stops, and I think that's going to be indicated when I speak to the recoveries of firearms that we've had since the beginning of 2022, which is up dramatically.

Then the final task is task 45, which is consistency in discipline. The main issue we're addressing in consistency in discipline, task 45, which had been in compliance for several years prior to the release of the Hillard-Heintze study. We have now implemented all recommendations from the Hillard-Heintze study. The federal monitor has issued a directive to me and the department, to conduct an internal analysis of our data, to look at where we currently are and see what disparities exist in our current discipline data. That is currently being done by our office of inspector general. Our data manager, Dr. Grossman, is



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conducting that study. She's been walled off while she's conducting that study, as directed by the federal monitor. Also, the federal monitor has indicated if he is not satisfied with the analysis that we produce, we are subject to it being outsourced to an independent reviewer. I feel confident that we'll be able to get that done, and I feel like with our work with Stanford, who is helping us assess the data, we'll produce, I believe, a quality study, which will also be provided to the office of inspector general for the police commission's office of inspector general for review as well.

Transitioning to some of the other policy-related issues, we continue to focus on completion of the policies that are mandated by the federal court. Thank the police commission for all of the work that you all have been doing. I know as volunteers, we're asking a lot of you all, taking up several nights a week to participate in several different ad-hocs across multiple policies, so appreciate that we have started the ad-hoc with the police commission on the racial discrimination policy. We've also started the ad-hoc on the social media policy, as well as the risk management policy. We will be bringing forth the last mandated policy, which is the racial... the cell phone policy as well, and also, we have started on the racial discrimination policy. I'm sorry, I mentioned that first.

But all of those policies are now in the ad-hoc, and we believe that we're making progress on those policies, so I appreciate all of you, and I know it is an enormous ask of you all, but really do appreciate your help in helping us to actually move forward with progressive policies, which include community input as well.

There's one policy that we were asking if we could... The chair in this is [inaudible] chair. We can talk about this. It's just the racial profiling policy, seeing if we can get maybe a bit of an extension on that one, because I do think that with the five that we have in the queue, we are maxed right now. We are pushing multiple resources to all of these different policy ad-hocs, and as you know, as you asked, I have assigned staff to each ad hoc at the executive level so there's someone at the chief's level on every single ad hoc committee that is able to bring subject matter experts as well as report writers so we are a little tapped and so that just would be my only request when it comes to the policy updates.

In terms of staffing, where we are today, our current numbers sit at 676 officers, that is 61 vacancies currently that we have at the department with our staffing level being authorized at 737 with an additional 55 positions being frozen at this time. We do feel strongly that we are going to continue to make progress. Currently we have in our current 187th academy, 34 officer trainees in the academy today. There are in about week 13 of 14 and so they are nearly halfway done with their academy.



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And then we start another new academy, the 188th academy on March 7th and that currently will have the highest number of trainees that we've had in several years with 42 right now slated to be in that academy and so that's right now, hopefully that all 42 show up on day one, but we are confident because we've been bringing them under the pre-hire status, bringing them into the building as soon as we can, to ensure that academy is full and nobody sort of changes their mind at the last minute.

But that is I think a big deal for the City of Oakland and the Oakland Police Department, considering that a lot of police departments around the Bay Area are struggling to fill positions and fill academies and although we are seeing some attrition, we are happy to see that there are a lot of people still interested in coming to the Oakland Police Department and be a part of our organization so look forward to meeting that class on March 7th and hopefully moving as many of those candidates through the 188 academy, as we can.

Our transition over to crime in particular, we currently sit at 14 homicides to date. Last year at this time we had 18 homicides so it's a decrease of 22%. Our shootings are down over 24%, our overall crime is down 2%. Our carjacking crime still continues to be one of the particular crimes that continue to increase but we have seen a good decline as of recently. So we started the first month of the year up around 80%, we now have brought that down to about 50% and so we'll continue to try to work to bring that down, obviously to reduce the number of carjackings and the impact that has on the community.

And then lastly, we also have been dealing with tremendous increase in Sideshow activity for the last several weekends. Typically during the winter, we receive a lot of rain and as that helps as a deterrent to Sideshow, but unfortunately this year we haven't received rain at all much and so that has contributed to large weekend gatherings for Sideshow, which has made it very challenging for us to manage citywide. So we have redeployed our Sideshow detail, they will be coming out again, starting on next weekend. In the meantime, we have been working overtime and bringing out officers on overtime to address Sideshow, but it has been a problem citywide and I have received hundreds of complaints from community members so just so community knows we're doing everything we can to address Sideshow.

And then lastly, when we talk about our stops and what's leading, what's really driving violence in the city is the high proliferation of firearms that we see in our community. Again, this year we continue to see an excess of firearms in our community. Currently we have seen our recovery of firearms increase tremendously compared to where they were last year this time which was also an increase in our firearms recovery and so this year we have so far recovered over 200 firearms already, 212, that was as of a couple days ago.



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And as we've done a couple operations since then, so I'm sure it's a lot higher, but that is 212 this year compared to 119 at the same time, last year, that's an increase of 93 guns and that's a 78% increase in firearms recovery. And so it just really highlights the fact that we are seeing a huge proliferation of firearms, but we are making stops and recovering a large number of firearms as well in the city so we are focused on trying to reduce the number of guns in our community to address gun violence and so that continues to be our priority.

And then lastly, again, we provided a couple highlighted incidents that our media team has released, particularly around missing persons that we have safely located. We have assisted not only with the families of those who have missing loved ones in Oakland, but we also assisted other cities that have contacted us, particularly where a missing person had been in that was at risk for several days from I believe it was El Cerrito and we were contacted by that city and asked to see if we could put a lookout for that person and we did find that person in Oakland. So again, our media team has been doing a phenomenal job of pushing out that information, doing everything we can to help community members locate their loved ones and get them back to them safely.

So with that chair, I'll submit it back to you and take any questions that you might have related to this and then I think the only other thing chair as I transition from that part of it is that we did include the today's risk management policy within today's agenda. And then I see a lot of hands up, so I'll pass it back to you chair.

Chair Milele: Thank you, chief. First, let me note that commissioner Jordan did join us just at the beginning of the chief's report at approximately 7:35. I will take Regina, commissioner Jackson.

Comm. Jackson: Thank you, chair Milele. Chief, I first wanted to congratulate you on the two more tasks that are now in compliance. As you know, the commission thought they were in compliance, but I'm glad that the monitor has now seen fit to put them in compliance. And I am anxiously awaiting being in full compliance in the other three. I wonder what your thoughts are on the other three items. Is the monitor going to be looking at them in the next few months or what is the schedule or do you know?

Chief Armstrong: I don't know the exact schedule, but I will say that the monitor did speak to me about some of the things that he'd like to see relevant to Task 25, in particular use of force, and one of the things were us making sure that we comply with our [inaudible] investigations timelines and so we have very specific timelines of what the timelines that allow for you to complete that investigation. So our supervisors and commanders have to get those done within the specific timeline or request an extension.



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One of the things the monitor has been making sure that the department is adhering to those timelines and when they exceed those timelines, ensuring that there's an extension that has been requested prior to exceeding the timeline and so we have been given directives in leveraging some accountability for those that haven't gotten those investigations done in time and so I think that's an area that we have been strengthening. And then the other area was the body-worn cameras, like I mentioned and like I said, it was my hope that with the new cameras, that subsides when it comes to late activations. But then, like I said, we also did our own internal study to make sure that wasn't a widespread problem, we're confident that it doesn't appear to be.

Comm. Jackson: If I can follow up chair Milele?

Chair Milele: Yes.

Comm. Jackson: Okay, thank you, chief. Do you, in terms of the process for the investigations, are you running scenarios to ensure that you can bring those timelines down? Do you have a strategy in place that you think will have. Yeah, go ahead I'm sorry.

Chief Armstrong: Yeah, so what I did was essentially the city is divided into two BFOs, BFO One, and BFO Two. I've assigned administrative sergeant and both Bureau of Field Operations to actually track each use of force investigation that we take on and the timelines, and to give a notification to those supervisors that are conducting those investigations that are coming up on their due dates to ensure that they don't run late and then have made it clear to commanders that they are responsible for ensuring that those cases aren't late.

So we have a Friday report that comes to the assistant chief and I that gives us a clear spreadsheet on what cases are due and we can identify if any of those cases are about to be late and make sure we do the follow up. And so there is a trip wire process that we have that we feel confident that we're tracking them at a high level. And currently, as we sit today, we only have one case that is out and it actually has an extension so it's actually complying with policy. So right now we feel strongly that we're tracking those cases and none of them are beyond the due dates.

Comm. Jackson: Excellent, great to hear it, thank you.

Chair Milele: Commissioner Hsieh.

Comm. Hsieh: Thank you chair, good evening chief.

Chief Armstrong: Good evening sir.



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Comm. Hsieh: Don't need to call me, sir. I've got to couple of questions. I'll try to go through them one at a time, give you a chance to respond, if now is not the time, then would appreciate some follow up, just let me know. So at our last meeting you had discussed speaking or communicating or connecting with the California Highway Patrol specifically for additional support during your Super Bowl weekend. Wondering if you have any information about how that went, any problems would we have issues with mutual aid sometimes or other agencies coming to the jurisdiction? Anything that we should know, anything like that?

Chief Armstrong: No, our staff completed what we call an after-action report for Super Bowl weekend, there was no issues related to Super Bowl in the city, we did not have widespread issues, we did not, there was no need for additional calls to CHP for assistance. We had enough teams to manage the small Sideshow that we had, we was able to push that out of the city fairly quickly. So no serious issues, no serious issues, even related to violent crime that weekend as well. I mean, overall, it was a pretty good weekend in the City of Oakland.

Comm. Hsieh: Great to hear, thank you. Second question is, you mentioned we have two academies, one about halfway through and one about to start and we have the numbers of officers at where they are, do you think that those academies are we're on track to address the deficit that's going on right now think taking into consideration the attrition rate?

Chief Armstrong: Yeah, I mean that can, that's a great question, right? That's something that we talk about every day. I think that the bigger question is your second, the latter question, which is the attrition rate, right? I mean, doesn't matter how many you bring in if you have the same amount walk out, right?

And so how do we net more, how do we gain and grow the department? I think that has been something that we've been meeting with not only our city leaders, but also with the police officers association and to try to see what we could do collectively to try to reduce the attrition rate, try to address the concerns that some have who have decided to leave the department, it's just been a challenge because we have become a recruiting hot bed for every small agency in the surrounding county.

And so we are sort of really fighting off what some would say sweet deals to go to other places. And so I think that's why I've been really trying to focus on really showing our officers the appreciation that they deserve for what they do. We've also been working with council members around creating a retention program that includes incentives and so one of our council members has definitely been interested in meeting and discussing an incentive plan that includes, I mean a retention plan that includes financial incentive. We have to really realize that we are in a climate where there are competing departments



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who Oakland is one of the, so I mean, just to be clear, Oakland is the only one of the only cities in the east bay that actually has its own academy, it's just the Sheriff's Department's academy and Oakland's academy.

So essentially, every other department either goes to one of those academies or they take laterals from us to fill their departments. And so that has been challenging for us, but it's hopefully some of the internal strategies we've been using, our Oakland Police Foundation has given us some funding to be able to provide recognition awards for officers. And so that is something that we're kicking off where when they do something positive in the community, find a missing person or make a key arrest for violent crime, we're recognizing their heroic actions by not only awarding them, but then the foundation has given them a gift card to go to dinner in Oakland and Oakland related restaurants and really trying to get them to be engaged in our city. So we're trying some different strategies, but the attrition rate, 100% is the overwhelming problem right now.

Comm. Hsieh: What's your best guess, 26 weeks that second academy is done? Are we going to close the gap?

Chief Armstrong: My guess is that if we can slow this attrition rate down to what we typically seen for many years, was five a month that has jumped to 10 a month for the last several months, and actually in February, we're going to end this month with 13 that left. And so if we can get that back down to this five, six range, we will be at full staffing nearly we estimate around October. And so with this 42 class, that's really helpful and if we can get at 35 out of that class and 30 out of this class, that'll give us 65 new bodies and so I think that'll help us fill the gap, we just got to see if we can keep them here.

Comm. Hsieh: That's great. One last thing if I can chair. So I think it's great that we're starting to see reductions, I'm knocking on wood, I didn't want to jinx it, but you may mentioned it first. What's your best sense of, or what's your plan in terms of, is there a certain threshold where if we get to a point, certain homicides, homicide rate reduction, we might start to shift resources back to where they were because I know a lot of resources got shifted away from other things into violent crime and violent operations.

Chief Armstrong: Yeah, so we sort of have actually evened out, I mean, we have about a 20% deficit in every bureau in the department now. We try to sort of make everybody feel the pain, if you would, because when you reach a number around 600 and you get under 680, there's just no way around it. I mean, we try to make sure that patrol has the smallest level of vacancy rates. And so that's I think because that's what our 911 response teams and so we try to keep them fully staffed as best we can.



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And then secondly is investigations so some of our specialized units has suffered. In particular our community resource officers, which are really well liked throughout the city because they actually really, are the tip of the spear when it comes to community policing, that program has suffered as a result of the significant number of vacancies.

And so I think that's the unit that needs the most help because community is demanding it. I mean, they flood my email with, "Where's my CRO?" And your former commissioner, Jose Dorado beat me up yesterday about it at a meeting and so I think we are that's my goal to get that program back started to field our ceasefire program all the way up, it's still short one squad. We are fully implementing our ceasefire strategy and I believe that's beginning to have an impact on violent crime. And so my hope is that we continue to see crime trending down. We are back to working with the department of violence prevention, doing call-ins, calling individuals in, I think that is the most important part is the direct communication so that's working. So our crime strategies are now being effective. The question is now, again, staffing, and once we build up staffing, then we can start to fill the vacancies in all of these units that are running with deficits right now.

Comm. Hsieh: Sounds like you're getting it done, I'll cross my fingers for you.

Chief Armstrong: Me too.

Comm. Hsieh: Thank you.

Chair Milele: Commissioner Gage.

Comm. Gage: Thank you chair and good evening chief, nice see you.

Chief Armstrong: Good evening, sir.

Comm. Gage: I would like to learn a bit in two areas. One is Sideshows, as you've previously mentioned, the other is with respect to ghost guns. I'd like to start with Sideshows. Can you expand a bit as to how your department is responding to this issue? Both proactively, extension staffing a bit as well as when Sideshows are actually occurring. What is the department doing?

Chief Armstrong: Yeah, so about a year ago I created a Sideshow detail which essentially puts a team of about 40 officers, all of the officers, so we have about six teams and they rotate each weekend, 40 officers per team, specifically assigned to the Sideshow detail. What we have is through a lot of intelligence and historic information, we know several of the locations where Sideshow historically has taken place. These are intersections that have in some historic context, so



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whether we're talking about 105th and MacArthur, or we're talking about high in Foothill, or we're talking about 90 at the Bancroft, we're talking about high in International, these particular locations are places where Sideshow often takes place so we are pre deploying officers in those locations. One of the things we have to manage is the fact that some of these, even with 40 officers, sometime we are encountering over 200 cars and then an additional 200 spectators.

And that tends to be a huge challenge for us, right? Because we just don't have the staffing to actually manage that. So what we've done is that we deploy in a way that allows us to bring all 40 officers to a particular location, when we have large groups of sideshow, do everything we can to push that group out of the city and try to disperse them in different pockets, in different ways so that they don't gather again, that is challenging. So it is really like cat and mouse trying not to let them concentrate in any one area.

The larger problem, more than the cars right now is actually the spectators. And so the spectators make it even more difficult for us to get in and be able to manage that. So one of the things I will say is that we're having the challenge of not being able to actually cite or actually tow as many vehicles as we would like, but we are doing our best to displace people out of the city and tow as many cars as we can.

I think the other effective tool that we've had to deal with Sideshow is our follow up investigations. So we are recording using cameras, recording vehicles involved in Sideshow, capturing license plate and identification of those driving those cars and then we're going back and towing those cars at a later date, writing search warrants signed by a judge to go retrieve that car as evidence in a crime. And so I think that's also effective, but it really comes down to staffing and having intelligence early, so we're circulating social media all the time, trying to see when it's coming, where it's coming to try to get there before they arrive, but that is the strategy. It really is a cat and mouse game. It's very hard to track them because they use a network that we don't have access to and so it really is trying to work social media and see if we can find them.

Comm. Gage: So, when you mentioned they use a network you don't have access to, what are you referring?

Chief Armstrong: My computer thing. When I say network, I mean they have a group that they, have on what you call like a text group or whatever, or a chat group or a group that has like some I don't know what you, what you guys might call it, I'm not a social media guy, but just a specific group of maybe Sideshow participants that they communicate with that we don't have access to.



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So essentially, they might text a group of 30 people and say, hey, we're going to Oakland tonight. And then what happens is that group then shows up to Oakland and law enforcement is playing catch up if you would. We are always trying to see if we can infiltrate, if you would that group to see if we can figure out what's going on but it's very challenging. Sometime we have success. Other times we don't,

Comm. Gage:

I've seen a lot of the cat and mouse game that you've described around, at least around my neighborhood. Always nice to see officers coming in and breaking up a Sideshow. I am somewhat concerned that breaking up and pushing shows out of the city appears to be, seems to be a somewhat flawed tool if you're getting what I'm saying. What else is the department doing? Do you have other enforcement levers that you can pull? Can you elaborate on what else you're doing?

Chief Armstrong:

Yeah, I mean, one of the things that we're, this is something that I think has been a challenge for all of the cities across the Bay Area, right? I mean, like we all are sort of trying to figure out how we can better manage this issue with Sideshow. It's been tough for us to be quite honest. I'll say that the issue that I think is the most effective is having strong legislation, right?

I mean, and that's one of the things we've been meeting with council members and talking to them about is trying to figure out if we can get more legislative support in terms of stronger penalties for those that we do catch involved in Sideshow, because right now we have, when we catch a vehicle, we can tow it for 30 days and go to a tow hearing and sometimes those vehicles are held, but other times they're not, I just think it's a resource issue really, to be honest. 200, 300 cars versus 40 some odd officers and that's all we have to deploy. I really don't have more resources than that to deploy to address it while not sort of impacting our ability to responding to 911 calls, I think that's the question.

I don't want to take away from this regular community member's ability to call 911 and get a decent response to manage Sideshow, so really it is, we've been reduced to sort of pushing them out of the city and trying to catch as many as we can and then cite them and tow vehicles as a deterrent. But I think it really is been a challenge. We reached out from a regional approach, but unfortunately we have not had any success with getting other cities to come because initially Sideshow was a Oakland thing, but now it's a Bay Area thing. Some weeks it's in Oakland primarily and in other weeks, it's in Vallejo, it's in San Francisco, it's been in San Jose a lot more than we've seen, so it is, and then they have a couple of events called LA To The Bay where there're even people coming down from LA to come and participate in Sideshow so it's just a really large event that is very challenging.



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- Comm. Gage: One of the, excuse me. I've noticed that OakDOT has been installing some interesting infrastructure changes in a couple of intersections. I'm thinking of 35th and Mac, for example, they put some Bott's Dots down on the intersection designed to help break traction I believe? Are you seeing any effectiveness from those kinds of installations? Because I imagine that kind of infrastructure change might be slightly more effective than chasing around cat and mouse style.
- Chief Armstrong: Yeah, we have been working with Department of Transportation. One of the things that Director Ryan Russo has said is that he's been doing research across the country and he hasn't seen anything specifically that could stop Sideshow, right? He has tried, he's trying innovative things, putting different things in certain intersections so they are trying to make some environmental changes at certain intersections, but we haven't actually identified anything that we see has been a long term help or deterrent to Sideshow but it's something that we have been working on.
- We just, were presented well, I was just presented with a new tool that was created by a gentleman that essentially can be affixed to locations where Sideshow activity actually happens and these things puncture tires that do donuts. They don't puncture tires that actually ride straight over them, but they actually puncture tires that do, that spin donuts and it's a certain way in which cars turn, radius set of turns and these things will puncture the tires when it does that. So we are looking for new ways to try to make it difficult as, as we can for people to participate in this activity but there just really hasn't been anything that we've seen out there that Ryan has seen out there that is a for sure ender to Sideshow, but he has tried some things.
- Comm. Gage: Thank you. Chair, like to ask some additional questions with respect to ghost guns. However, I've been holding the floor for some time. Would you like me to yield?
- Chair Milele: Why don't we go to commissioner Peterson and then we can, you can raise your hand again. Vice Chair Peterson.
- Vice Chair Peterson: Okay, good evening and thank you chair and good evening to the chief.
- Chief Armstrong: Good evening.
- Vice Chair Peterson: With respect to the academies, I believe you said we Oakland and the Sheriff's department are the only two academies that are running in the Bay Area?
- Chief Armstrong: In the east bay.



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Vice Chair Peterson: In the east bay. So with respect to your attrition, I know you said in earlier meetings that you do have an exit interview with your officers that leave that aren't retiring, is that correct?

Chief Armstrong: Yes, ma'am.

Vice Chair Peterson: And so is it possible that officers or recruits go through our academy with every intention of maybe just not staying with Oakland and going to a jurisdiction that pays them more money? Because is more money a reason why they leave Oakland?

Chief Armstrong: Yeah, we haven't seen money as not the issue, we still remain one of the highest compensated departments, not the highest, but we are amongst the highest. So it really, I don't think it's a financial issue, I do believe to your point that there are some people that do come to OPD with the intention of maybe trying to go to another department, we do make them sign contracts where they agree to pay back money to the city if they choose to do that and we do seek to retrieve that money.

But if, if you were a city that typically would pay nearly \$50,000 to send someone through the academy for what we, the expense that, I mean, the repayment that we ask for which is around \$12,000 is not a big deal when it typically costs about 50,000 to actually put a full time police officer through an academy when you think about the salary as well as paying for the academy, I mean, it's probably about a \$50,000 investment that you can actually get for repaying \$12,000 to the city of Oakland.

So I do think that, it's one of those things that, but we try to weed people out though during the actual hiring process, we specifically in the chief's interview ask people, why did you choose Oakland? And we try to see what responses they have and try to better understand who we're hiring and if that person is committed to the city, but they say the right things during those interviews sometimes and then unfortunately may leave shortly after completing the process.

Vice Chair Peterson: Well, I applaud your efforts of positive reinforcement that you do to encourage and applaud good work and good behavior from the officers so that's great. So at the end of the day, when you do the exit interview, what do you find as the top reasoning that they leave if it's not for more money?

Chief Armstrong: Yeah, we've seen a couple things and we could definitely, we'll be going to council I believe it is next week for another staffing report to council and we can also bring that back to the commission. That includes the top reasons why people leave the department. Some of the things we've seen is that the



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workload is unbearable in some ways in Oakland, it is a different workload than in other cities.

It is the high level of accountability that Oakland has, it is some the discipline sometime people have even referenced the leadership and so, I think these are all the concerns that people have. It is not easy trying to change the culture of the department and sometimes, people don't feel like they fit into that environment and I think when we have the exit interviews and we're at able to hear from them directly about why they leave, I mean, obviously we do what we can to see if there's anything that we could do to change their minds, but also we understand that we feel like we're moving the department in the right direction and maybe some people may feel like they don't agree with that direction and that's okay.

Vice Chair Peterson: Okay, thank you, I look forward to hearing that report though.

Chief Armstrong: Yes ma'am

Chair Milele: Commissioner Hsieh.

Comm. Hsieh: Sorry, I'm back. I just stepped in this, I just needed to say that, I heard you working on legislative fixes for increase of punishments, I'm strongly against that. I know you and I likely will disagree on that point. I'm glad to hear that you're exploring other methods other than increased penalties. I tend to think that, if it's a financial thing, sure, one thing, but if we're starting to talk about jail, we're starting to talk about misdemeanors, felonies, I have some good concerns. Certainly want to prevent it to deter it. But, there are ways when it causes this damage, when it causes destruction, when it causes injury, other crimes, felony crimes certainly, that people can be arrested for, or have search warrants for. I strongly discourage, or would not support, those efforts to try to increase punishments, especially if they include any sort of incarcerations, but I'm sure you and I disagree on it.

Chief Armstrong: No, we don't necessarily disagree. I don't think our it's our effort to increase incarceration. I do believe that we would like to increase fines. That's because, this I activity cause significant damage to city streets and it requires the city to invest hundreds of thousands of dollars to repair the damage that comes as a result of these side shows. And I think it's only fair to taxpayers that we don't allow ... the vast majority of the people are not actually even Oaklanders. We know that people are coming from other cities to engage in this activity. And they are, in some cases, leaving burnt rubber all over the intersections. They are knocking down street lights. In some cases they are running into residences, homes, and businesses.



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I think it's having a huge impact on the people of Oakland. I think from that standpoint, if we can recover some of the funding, and we are deploying these officers on overtime on the weekend. So that is a huge expense to the city. The council had to dedicate nearly \$4 million for us to actually have a weekend deployment to address this issue. So I think it's a huge expense to the city that we take on by this activity. From that standpoint, I just think it's fair to think that maybe an increased fine is appropriate, but not including jail time.

Comm. Hsieh: I think we agree there. Much appreciate it. Thank you.

Chair Milele: I'll take Commissioner [Howell], and then Commissioner Gage.

Comm. Howell: Hello chief. Once a vehicle is towed, is it forfeited, or the owner gets it back?

Chief Armstrong: No, the owner has a right to a tow hearing.

Comm. Howell: Okay.

Chief Armstrong: That hearing is conducted under the Department of Transportation. Those tow hearing officers do not work for the Oakland Police Department. The owner of the vehicle is allowed to come in and participate in that hearing. They look at the police report and the underlying circumstances that led to the tow. And then they make a determination as to, do they keep the vehicle and place a 30 day hold on it? Or do they release the vehicle to the owner? That's a decision made solely by the tow hearing officers. That's how our process works in Oakland. You still have a right to a hearing, and then the hearing decision, it can actually be appealed to a county judge. So if the tow hearing officers find you guilty of the activity and want to keep the vehicle and place a hold on it, you can appeal it to a county judge.

Comm. Howell: Okay. Thank you,

Chair Milele: Commissioner Gage.

Comm. Gage: Thank you, chair. Chief, your comments about the tow hearing, piqued my interest. Do you have any information on how often the department prevails, so to speak, at those kinds of hearings? How often do you tow a vehicle from a side show and that vehicle is subject to a hold?

Chief Armstrong: I don't have that data with me. That data is held by the Department of Transportation. But I'm sure I can have our traffic operations staff get that data for us.



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Comm. Gage: I would certainly appreciate seeing that kind of information, if for no other reason, ensuring that for the vehicles the department is able to cite and/or tow, that there's some sort of consequence that makes sense. I share some of Commissioner Hsieh's concerns about over criminalizing certain types of behaviors, but I also understand and share some of your concerns about the real costs that are involved in some of this activity. And if we're going tow vehicles, I'd like to make sure that the department's actions are backed up by the actions of the administrative hearing officers.

Chief Armstrong: Yeah, I agree. Yeah. We have it down. We'll follow-up and get you that information. I think one of the things we learned through the hearings, which is often very difficult with these hearings, is that these vehicles sometime are owned by parents. So that has just been the challenge for us is that, when the hearing happens, a parent comes in and says, "That's my car." and we're like, "No, you're not the person who was driving it when it was involved in this activity." But then the parent is like, "Well, but if you take the car, it's going to have adverse impact on me and my family." So it really is a challenge for the hearing officers to determine if it's appropriate to keep the car or not. And so, I do think that's oftentimes the challenges that we run into is that these guys know that if they have the car in their names, that they put themselves at risk. But if they put in a parent or somebody else's name, it makes it more likely that they might get a reprieve on us keeping it.

Comm. Gage: Thank you for that. I do appreciate the nuance involved in that sort of decision. I'd also like to point out that what we're talking about right now are the consequences side of the equation and what happens after the action's already been taken. I really encourage, and I'm glad to hear you discuss, some of the technology you've discovered, but could be brought to bear. I do believe that to the extent we can try to prevent some of these activities from happening by changing how our intersections are laid out, for example, or adding the kind of tire puncturing technology you've described, that seems to be a much more preferable situation, because you don't end up with the side show to begin with.

Switching text somewhat. I've seen a lot of interesting news reports lately about ghost guns. I'm not really sure what to do about it though. As the chief, I'm curious, how do you intend or plan to stop people from 3D printing guns at home, and then going out and using them, or selling them, or otherwise contributing to their use on the street?

Chief Armstrong: Yeah. Really one of the biggest challenges that we face right now in trying to address gun violence really is the ghost gun, which is really titled. Privately manufactured guns is what the technical term is for it. We have been meeting with the ATF about this. We've actually really asked them for ... and not only



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Oakland, but other cities across the country, law enforcement has been asking across the country for a stronger legislation around these guns. We are talking about unserialized guns that nobody can control who's receiving them. If the person who is a recipient of a ghost gun package, do they even have a right to have a firearm? Do they have restrictions, like have criminal that doesn't allow them to carry a gun? Or, they have some mental health issue where they're not allowed to have a firearm. Those are the things that we can't track, who has these firearms in their possession.

But also I think for us, the difficulty is that is that we've seen an increase in 2020. We've seen a 20% increase in those guns. And then in 2021, a 35% increase. So, in two years we have a 55% increase in these firearms in our community. They are typically in every recovery that we have, even the one we had today, where we recovered over five firearms and rifles this morning, several of those weapons were actually ghost guns this morning. And that was a bust related to our ceasefire team, focused on group and gang violence. So we know that our groups and gangs are actually securing these weapons pretty frequently.

The city of Oakland last month, well, a couple weeks ago, actually the city council authorized a resolution legislation around ghost guns in the city of Oakland. They've also been lobbying in Sacramento, along with other cities, for statewide legislation. So we know that there is conversations in Sacramento about trying to create legislation to put some controls over ghost guns. We are hopeful that happens soon. But we are lobbying along with the Cal Chiefs Association, as well as even our city council members. That's what we are really looking for is some type of legislation that helps us make sure it that those guns are serialized and that the people purchasing those guns have a right to have firearms.

Comm. Gage:

I have not reviewed any pending state legislation, so I'll defer on that for now. But, I'm more curious about what we can do here at the local level. For example, are there components you can track? Are there materials that go into manufacture that the department can keep an eye on? Are there things you can do to slow down the manufacturing process or the sales process? What can you do with the tools you have now to either attack the completed product, the product components, the market for sales, the individuals who are selling? Central buyers? There has to be something we can do here in Oakland.

Chief Armstrong:

Yeah. In Oakland, I think we have largely relied on the ATF, who is the ones that are tracking the individuals that are receiving these ghost gun packages and putting them together. I don't believe that everybody's completely capable of putting these guns, although you can go to YouTube and get a tutorial on how to do it. It's not that difficult. But what we see is that there are dealers locally



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that are selling these weapons. We have been working with the ATF. We have actually made some arrests of some gun dealers, but it has not stopped the influx. I will say that the Oakland Police Department alone does not have the resources or level of expertise to actually track these weapons to that degree.

But I will say that the Justice Department has actually made Oakland and San Francisco one of the primary cities that they were going to focus additional resources in. So we have had ongoing meetings with the ATF about a stronger presence here and a stronger tracking of ghost guns. We actually supported them in a bust where these guns was being actually manufactured in Arizona and being brought to Oakland. We were able to intercede in that and arrest the individual responsible. But that has not slowed down these weapons entering into our city. And so it's just been very challenging for us, to be quite honest.

Comm. Gage: Thank you, Chief. Chair, I have no further questions at this time. Thank you for the time.

Chair Milele: Commissioner Howell.

Comm. Howell: Okay. Chief, how many operations do you know of that ATF has carried out in Oakland?

Chief Armstrong: Well, I couldn't give you the hard number because they do a number of operations and they don't report every operation to the Oakland Police Department. We do have a member of that. What they have is an ATF task force, which includes members of that task force from other departments as well. That's data that we probably could get you, but they don't readily provide it to us in that way.

Comm. Howell: Okay. Thank you.

Chair Milele: My question is going back to the attrition issue. You cited leadership as one of the reasons for exits. I was wondering if you could elaborate on that, and what have you identified as, particularly OPD's role in the attrition rate?

Chief Armstrong: Yeah, I think everything's starts with me at the top. I think I have to make sure that the message of really wanting officers to feel good about being a member of the Oakland Police Department. Making sure that they understand that the vast majority of the community appreciate what they do. That message needs to come out more and be pushed down at every level in the department. That's something that I've been working on and do think, sometime when you can find yourself drinking from a water hose, you sometimes can lose sight of certain things. Obviously as a police chief, you don't ever want to lose sight of making sure that your people are getting what they need. And I do think that there



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needs to be a greater investment, starting with me and my executive team, with making sure that we are getting down to our lineups, meeting with our officers more. Listening to their concerns and trying to solve problems and come up with solutions before people decide that they feel like they've had enough and they want to leave.

Really what I've been doing is pushing all of my command staff to have a greater presence, and myself. I'll even be going out on patrol to actually go out and take some calls to get out in the field once a week. Me and my team will go out and get out there and see what it's like so they can see me out in the field. There's some things that I needed to do. Obviously, I have a lot on my plate and I'm being pulled in multiple directions, but that's something that I do have to prioritize, is making sure that they see me out in the field, that they know that I care. That they know that I'm trying to make it better for all of us. That's something that I think is valuable and starts with me. So I take full responsibility for that.

Chair Milele: Excellent. I don't see any other questions. I believe we can go to public comment.

Commission staff: Sorry. I was looking for my unmute. Thank you, chair. Members of the public wishing to make public comment about this item, the chief's report, please raise your hand. I'll call on you in the order that they've appeared. I will also start our stop clock. Sorry, give me a sec. All right. Commission supporter, I see your hand raised. When you are ready, I am unmuting you on my end.

Commission Supporter: Hi. Thank you. I would like to remind the police commissioners what your job is. Your job is not to fight crime. That's OPD's job. Your job is not to figure out strategies and tactics for fighting crime. That's OPD's job. Your job is to make sure that OPD isn't violating anyone's rights while they do their job. It is my personal opinion, everything I've said just now was fact. My personal opinion is that the reason we're seeing attrition is because OPD is making positive changes. The police commission is helping Chief Armstrong to change OPD, and the people who don't like that are leaving and good riddance. That's just my opinion. Going back to fact, it is not your job to fight crime. It is not your job to figure out the right strategies and tactics for fighting crime. Your job is to make sure that while OPD is doing its job of fighting crime, they are not violating anyone's rights. Thank you.

Commission staff: Thank you so much for your comment. Next up, Moto G Stylis. When you are ready, I've unmuted you on my end.

Moto G Stylis: [crosstalk]. Can you hear me?



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Commission staff: I can. Go ahead.

Moto G Stylist: Yeah. Along the same lines of what the last speaker said, and the issue of discriminatory stops came up, race-based stops, I just really wish the commission would start using this time to really drill down on reports that are publicly available, like OPD stop data. When you look at the most recent quarterly report on stop data, and you look at the [inaudible] not present, the majority of the stops are [inaudible] not present. That's the first issue.

771 out of 934 of those stops are traffic stops. And the majority of the people being stopped are black and Latino. Think about that. That means they are looking with pretext to stop black and Latino people based on a moving violation that they can argue happened. Getting a ticket out of that is the most likely outcome. Either that, a warning, or no action. 800 out of those 930-some odd stops result in no criminal activity found. No further action. This is racist policing. It is the platonic ideal of racist policing. And to have OPD bragging about how great they're getting at this, because they've managed to reduce the entire number of stops, it's still racist policing. They're just doing less of it. That's still alarming. That's a lot of stops. You need to do your job and start looking at these reports. I feel like you just show up and have a conversation with the police chief.

Commission staff: Thank you for your comment. [inaudible], when you're ready. Oh, hang on. Go ahead, Ms. Janks.

Anne Janks: Good evening commissioners and the chief. I was interested in hearing the police say that two of the things that they hear around attrition are the high level of accountability and leadership. There have been a lot of conversations about officers who have concerns about Chief Armstrong's leadership, and largely it appears that those are officers who would like less accountability and the old culture of OPD. I've really been quite saddened that there hasn't been more nuance in the discussion around attrition. All of the conversation tends to be what can we do to stop attrition. To quote Judge Harbin-Forte, "If we end up with three officers, because that's all that's left when you get rid of the bad officers, we'll start rebuilding a police department with three officers."

I appreciate the chief's reflecting that. I have raised a couple of times the issue of, it would be very interesting to see the data of officers who have left and what their records were cumulatively in terms of complaints or discipline. I really do think that there's some validity to saying, "Let's see if this attrition is a good thing or a bad thing," rather than just assuming that it's a bad thing and something that has to be stopped. I certainly support what the other two speakers have talked about in terms of what the focus of the commission would be more helpful with. Thank you very much.



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Commission staff: Thank you, Ms. Janks. Next up, phone number ending in 1-7-7-9. I've unmuted you, when you are ready.

Mary Vail: Can you hear me?

Commission staff: Yes.

Mary Vail: Oh, good. This is Mary Vail. I'd like to start out on, it seems whenever we have a discussion about OPD, it's about money. I've followed over the last, probably, three or four months, the chief's incremental steps to stop having officers doing desk jobs. We can't afford it, and it needs to end. I hope that the changes that the chief has made on that will be permanent.

On the issue of community policing and the CROs. It seems, and I can say, as an Oakland taxpayer, we pay nice fat sum for the Measure Z that's on my home, and my experience as an NCPC member, talking to the likes of Jose Dorado, is the department has for many years used the CRO workforce as a lending library, where you're constantly deploying them other places. If there's a special crime operation related to a problem on the beat, I understand that. If there's an emergency, I understand that. But, you need to have, first, making a job attractive and seen as a gateway to promotions, which the department seems to have done more recently. But also, stop using the CRO workforce as a lending library. Because otherwise, you only have community policing in word.

Lastly, on the morale issue, I think we have to look hard at support what the other speakers have said in Instagram. If officers are feeling that OPD is not a happy place for white supremacists and reform resisters, those people, we need them to leave. We need those officers to leave. Thank you. Bye-bye.

Commission staff: Thank you, Ms. Vale. Next up. Phone number ending in 9-9-3-2. I have unmuted you on my end. Go ahead, 9-9-3-2.

Nino Parker: Can you hear me?

Commission staff: I can now.

Nino Parker: Hello [crosstalk]?

Commission staff: Yes, go ahead.

Nino Parker: Hello?

Commission staff: Yes? Hello?



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Nino Parker:

Okay. My name is Nino Parker, homeless advocate, black homeless advocate, Bay Area. I'd like to start off by saying, when it come comes to traffic stops, one of the things in one of my first police commission meetings was, not only was the issue of bringing up the policy that hadn't been changed in a lot of years, but one of the things I mentioned that evening was something that would happen in Bellaire, Texas. Bellaire, Texas was a town of 100% white folks, but yet they had traffic stops, 90% black people. So it was basically known, if you drove to the town of Bellaire, Texas, you were going to get pulled over and get a ticket. How that relates here, that relates to traffic stops in Oakland.

I'll have to agree with the lady that first talked, was speaking. What's going on with that is, it is the mentality. When those kind of officers that are used to being able to get away with that kind of thing come to Oakland, and then they find out that they're being told that you can't repeatedly give tickets to just black people in one day, and they get a little bit frustrated and they leave. So there are a lot of officers leaving because Chief Armstrong's doing good job with the reform. That's just how that's going to be and that will clean itself up after a while. Because, bad policing is a mentality, and a mentality is very to change. That's what's going on in every city and state in the nation. It's police mentality that has to be changed. With that said, I would like to hopefully find out a way I could get a copy of that first agenda about Bellaire, Texas. Thomas Smith had give me a copy of that one at one point, maybe I can find out how to get a get ahold of that. Because I think that's an interesting analogy of-

Commission staff:

Thank you, Mr. Parker. I am sorry to have to cut you off. Unfortunately, your two minutes are up. Ms. Assata Olugbala. I've unmuted you when you're ready.

Assata Olugbala:

Yes. Number one, I am very glad that the police administration building is being eliminated as a site for the police department. They been saying for years that toxic, seismically unfit building should not be occupied. Concern about the side shows from the perspective of the growing violence that has been a part of side show. Shooting of guns. Destruction of property. Graffiti. Remember the overturning of a bus. Fires. Just the violence that's going on and the level of increased violence. Still waiting for a report of hate crimes. It's being presented that there's a large number of Asian hate crimes that's going on. I want to see that evidence. No one's willing to present the actual data. I have been protesting at Lake Merit for three months, and police officers have been involved with our homeless community.

Very concerned. About two weeks ago, a mental health crisis of a individual in the street, a homeless individual, resulted in the police coming. When the police officer arrived, he shouted, "I saw him hit someone." This person did not hit anyone, but it gave him the authority to put handcuffs on him rather than respond to him as a mental health person. Eventually they took the cuffs off of



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him, called for an ambulance, and I think he was taken with a 5150. But I hope that doesn't become a practice to try to handcuff our homeless community having mental health crisis, saying that they committed a violent act when they didn't.

Lastly, I still don't understand the large volume of police cars in Chinatown. It's just a unfair that-

Commission staff: Thank you, Ms. Olugbala. I am sorry to have to cut you off. Unfortunately, your two minutes are up. Chairman [inaudible], back to you.

Chair Milele: Thank you. Our next item is report and review of CPRA pending cases.

Dir. John Alden: That's right. Pardon me. Good evening Madam Chair and members of the commission. It's pleasure to be here to give you this report. I've made this report a little bit more detailed than some others to try to be responsive to some questions we've heard in the past. Thank you, Ms. Adwan for giving me hosting privileges so I could share a couple screens with you.

I wanted to start by talking about, generally speaking, use of force. In that regard, I think I should start first by saying, the last time we had this issue on, I think the way that I was communicating with the commissioners, and particular Commissioner Harbin-Forte, I was having a lot of frustration, and I think defensiveness for my staff. Because, they work very hard on use of force cases and really put a lot of effort into them. I think that caused me to be short, snippy, and I felt that was impolite on my part. I've called Harbin-Forte and told her I was sorry about that. She was very gracious about it and I appreciated that very much.

But I also want to tell the rest of you commissioners, that wasn't my best presentation and I'm going to work on [inaudible]. ... understanding that sometimes I do feel that my staff's working really hard and I want to convey that. But I need to find a better way to convey that to you. One of the things that I wanted to start with is sharing a concern I have about our past conversations is that, I am not persuaded that I've necessarily conveyed back to the public that I share the concern that use of force is experienced in a racially disproportionate way in Oakland. I absolutely share that concern and so does everybody at CPRA. I want to make that even clearer by saying, not only do I share that concern, but I think people are right to bring it up because it is well documented that is exactly what's happening here. And to help explain a little bit why I think that, I wanted to share with you just a couple of statistics.

One of them is that, here in Oakland, I'll show you [inaudible] a screen about that. Here in Oakland, we already know from material that we get from the



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police department that, at least in 2020, and I think this is consistent across several years recently, we know that people upon whom OPD uses force are vastly disproportionately black members of our community. In 2020, the police department's own statistics showed that of the people upon whom force was used, and this is just the individuals and not necessarily each time force was used, 65% of those individuals were black. But we also know that during that time period here in Oakland, the population was 23 to 24% black. So that's vastly disproportionate to population. And that's clearly a concern. That's one that everyone at CPRA is thinking about on a regular basis. And frankly, it's one that people throughout the oversight community have been thinking about a lot.

One of the things that's been really challenging for us in oversight is that, this is a problem we see in a lot of cities. In fact, it's probably in every American city. I'm going to show you one other screen that helps, I think, explain this a little bit. This is a set of statistics that the city of Los Angeles has put together. This circle you see here with the various shades of green is in 2020, the racial breakdown of people upon whom very high levels of force were used by the Los Angeles Police Department. They use a term [inaudible] there called a categorical use of force that's similar to our level one use of force. Meaning, very high levels of force like shooting or strikes in one way or another to a sensitive body part like the head. What we see here is, 39% of the uses of force there, of that category, that very high category, were against people who were black. Which is really disproportionate to the roughly 8% of the city of Los Angeles residents that are black at the time. We see the same thing in New York. This is a statistic-

Chair Milele: Excuse me, John. I see Commissioner Hsieh's hand up and it may be because the slide didn't advance, if you [crosstalk] the slide, it hasn't advanced. Was there another question Hsieh [crosstalk]? Okay.

Dir. John Alden: ... Thank you for telling me. I really appreciate you letting me know that. Let me switch over here. Okay. Can all of you see the green circle from LAPD?

Okay. So this at, Chair, are you able to see this one? Did I do that better this time?

Chair Milele: Yes.

Dir. John Alden: Okay. Very good. So this shows what's going on in Los Angeles, very similar to what we see here in Oakland, and that in Los Angeles, roughly 8% of the population is black, but 39% of the time, this light green ring on the upper right. Very high levels of force are used against black people in Los Angeles.



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I'm going to show you a similar statistic from New York. Same problem there in these particular charts, these golden colored pies are the percentage of people upon whom force was used during an arrest by the New York Police Department in 2020. 59% of them were black.

Now during this timeframe, roughly 23 to 24% of the New York population was black. So this is vastly disproportionate to the population. And this is of concern to us at CPRA for a variety of reasons. But one of them is honestly, we see a very small share of the overall use of force.

Our total complaints that we get from the public about use of force show us roughly only a window into about 4% of all of the use of force that happens in OPD annually. So this number of 2,400 OPD use as a force comes from the police department statistics. Of those, we got complaints about 4% of them.

I'll be talking a little later in this presentation about how we're real struggling to keep up with making sure just those cases are processed properly, but we know we're seeing a tiny little window here into it.

And in that regard, I think it would be fair to say our staff feels like there's a COVID analogy we could make here. We're sort of like the emergency room that's seeing the small number of cases that are actually making it to the emergency room. We know that there's a much broader problem throughout the community, but our task is to work on the folks that are here in front of us at the emergency room.

We have specific tools for working on those, and it's frankly an overwhelming caseload as it is. And we're trying to do the best that we can, but we know there's a much bigger problem out there in the community that we can't get to.

We have to rely, at least to some extent, on other people who have tools to get to the larger problem throughout the community. And in this particular case, there are some tools we're starting to build here in Oakland. There's a use of force review process that OPD has that gets to a much larger number of use of force cases than we do at CPRA.

And then there's also increasingly ways that we can look at the statistics around use of force through say the police department's inspector general and in the future, our own inspector general, once that office has enough staff to start doing that. That's kind of like having someone back in a research lab, trying to figure out an antidote for COVID, as opposed to the people who are in the emergency room treating the cases that are coming to them, right?



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And so in this regard, we've really got two approaches to the problem. I think it's really important that I'm conveying to you, that we never want our statistics at CPRA to make people think that the rest of this 96% of the pie isn't a problem. It absolutely is. And we agree with that.

It's just that our task, the one's been given under the charter, is to work on this 4% pie wedge of people that are coming to us and making complaints. And that has its advantages and disadvantages. Now, one of the things, I've already been talking to the chair about is that, she's really graciously offered to help us try to figure out how we can better communicate to you and to the public about what we are seeing in this 4% pie wedge. And that might not be representative of what's going on in the community in general.

But on the other hand, I think everyone would want to know their emergency room is functioning well and doing the best it can with the patients that are coming through. And I'm sure you would like to know that CPRA is doing the best it can. And focusing on the pie wedge it's been assigned by the charter.

And so we're going to try over the next few meetings, I think this will take a while, to start giving you the commissioners, a better sense of what's going on at CPRA, what's going on in the emergency room. And it maybe that we also want to have a conversation of what's going on with these other 96% of cases. Because we know there's a problem there too.

Let me say a couple things about what we are doing right now. I would do want to remind you, the commissioners, that we have made some really significant progress over the last year to make sure that we have a quality assurance program for the work done at CPRA.

One of the things we started doing last year, about this time actually, around February of last year, was copying closed those reports to the chair. So that the chair could see the work that was done by CPRA every time that we finished up one of these cases and gave it to the chief.

Now I do want to stress that any chair of this commission has an awful lot of work to do. And so I don't think it's realistic to expect that any chair will be able to read every single one of those reports.

But on the other hand, it's at least one window, right? We were successful in changing S1 also, and working with council such that, now the charter allows all of you to be able to see at least some of those cases too. And as we've discussed before, we're going to start bringing to commissioners, at least some of the cases that are closed. So you can do a deeper dive with our staff and to have it



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worked on and why. And which ones are our priorities to use, I think something commission could give us guidance about over time.

Based on some of the questions that we've been asked about use of force and why some are sustained and why some aren't, I think we have a sense of which cases we might start with, but we're really eager at CPRA to get more feedback from you about that.

Another thing that we worked on last year was of course, bringing the inspector general on board. And now we have the inspector general. She has the opportunity to see all of the closed cases. And she also has an opportunity to see the adjudication process where CPRA and the chief talk to each other about those closed cases.

We've mentioned before in previous presentations, there's a meeting between CPRA and the chief of police, it's usually on Fridays. Where we talk about those cases, and the inspector general now is able to go to those and watch that process us and understand why it is that CPRA and the chief either do or do not agree about the outcome in a case. And I think that is helpful.

And that gives you an opportunity to ask the IG, how are these other two folks doing? How's the chief of police doing? How's the CPRA executive director doing? And is there feedback that maybe you might want to get from the inspector general about how either the chief or I are performing in that regard, or our agency CPRA or IED.

In addition to that, we did have a suggestion already from the inspector general. And I think it's important to share this with the public, because I hope it helps at least a little bit, with creating some public confidence around our system. And that's that, we stopped having internal affairs send to CPRA they're completed report if they finish their investigation before we do. So they'll tell us what their findings are, so that we can figure out if we agree or disagree, but they won't show us the report that walks us through some of the findings in great details so that we don't necessarily know their thought process.

And as I understood the inspector general's thought process here, she thought that might push both IED and CPRA to come to a more independent set of conclusions. So we wouldn't be seeing the other person's conclusion, maybe being biased by them. And I'm hopeful that that does make the public more comfortable about the fact that we're reaching truly independent decisions at both agencies and we have greater confidence in that system.

This probably will slow down the adjudication process at least a little bit, because we'll only be exchanging those completed reports at the very end of



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the process. It'll take a little bit more time for the chief and I to have a conversation and compare our positions and see if we agree or disagree with each of our two subordinate agencies.

It could be that makes us a little bit less likely to prevail at arbitration. Arbitrators don't like seeing disagreement between people within an employer, like the city of Oakland about individual discipline cases.

But as I understand it, we think that's worth it. That if that is in fact the case, maybe that's a sign that arbitration is in the fit for the City of Oakland.

So we're going to keep working over the next few meetings, with trying to improve the way in which we can provide some transparency into what's going on at CPRA and IED about the use of force investigations we do, about that 4% pie wedge.

And in that regard, I also want to flag for you that I think it's clear to us at CPRA, that the existing report structure we have, when we come to you on a monthly basis, with our closed case reports and also our reports about the pending cases doesn't provide as much transparency as we would like about what we're doing on these cases. And it's hard for us to change those reports because they're set by ordinance.

So here in Oakland, we have an ordinance that require certain information be reported to you, the commission, in our pending case report, I've described that a little bit in the written report that I attached to today's meeting. But we also have an ordinance that prevents us from disclosing anything other than that. And we also have some state law that puts really tight limits on what we can disclose as well.

So I think over time, it would be useful for us to collectively think about how we might ask the city council to change those ordinances, to allow us to report more to you and to the public. And make it clear that we're not violating any of the city of Oakland's ordinances about reporting. But instead of providing to the public more of the information that they want to see.

And since our current ordinances really don't let us do that, we're going to have to get some kind of relief from city council. And I'm really interested in hearing back from the commission from council, sorry, our legal council, also from any members of the public, about what sort of recommendations we might want to make to the city council over the next year or so. About how these reporting rules could change so that we can provide more transparency into what's going on at CPRA.



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I will say that, of the reports that we have now, there are a couple things that those reports do allow you, the commission, to see. And I think some of the reporting structure, at least, while it might not let you have a lot of transparency around the quality of the cases, which is I think the most important measure. It does allow you to see some information about timeliness.

So about a year ago, when S1 went into effect, it imposed a new time deadline, which was that we have cases done within 250 days of having received the complaint unless their exceptional circumstances. So that term wasn't otherwise defined in the charter. It hasn't been further defined by an enabling ordinance. And I don't think here at the commission we've had further conversation about what that really means.

But based on the hearings that the city council had about this topic, when they were writing measure S1 and having public hearings about it, we took some directions there that are probably, was designed to make sure that this commission had a few months between the time of the completion of CPRA's case and the expiration of the one year statute of limitations in any given case that's set by state law, for you to take action if you wanted to.

And in that regard, if cases had tolling such that they could go for more than a year under state law, which sometimes happens, that does probably, would not be subject to that 250 day limit.

So of course, once measure S1 passed last year, sorry, a little over a year ago, but became effective about one year ago. We took a look at our caseload, and we already had cases that were past 250 days, because this was a new rule. We had been, frankly, the first year I got here, struggling to get cases done by the one year deadline set by state law.

We've been gradually working that down. And you can see from the reports that we've provided every month over the last year that we have significantly reduced the number of cases that are passed 250 days, but we still have a few right now.

And I think one conclusion that we have drawn over this last year, is that hitting that 250 day goal is something we just can't do with current staff. That was a concern when we put measure S1 on the ballot. I remember some of the commissioners asked me about that. I Remember Commissioner Gage in particular, asked me about that at the time. My response then was, "Let's see what we can do with current resources." And while I have seen significant improvement, I don't think we're going to consistently be able to make the 250 day deadline without at least one more investigator.



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That's particularly important because we find that of the cases that are past 250 days, almost always, there are cases where we are sustaining allegations. And we want to make sure those cases stick. The burden is on us to prove those cases. If we don't put together an adequate report, those cases won't be sustained in arbitration. And so we're taking extra time on those because we really want those sustained allegations to stick. I would hate to stop work on those to make the 250 day deadline and have an inadequate investigation that didn't allow that misconduct, to result in some accountability. And so I think it's really more important for us to have more investigators on board, so that we can make that deadline. I think we can do that with one more. We'll have to, I think, get another one and see what transpires over the course of about a year.

Ms, I want to point out too, that in the written public comment we got, in advance of this meeting, Ms. Grange made a really good point too, which is that these reports also allow you to see which CPRA cases are already past 250 days. That's again, a small number, but it allows you to take a look at whether or not you, as the commission, want to exercise your power to then take a close look at any one of those cases that's passed 250 days. And perhaps take action on it yourself, even though CPRA isn't finished with the investigation.

Now, I would say as a general rule most of the time, what we would be able to tell you in those cases is here's what we've finished. Here's why we're not done. Here's the thing we think would add to this to help us better sustain the case. But if you find that's something you'd like to see, you absolutely have the power to get under the charter. And that's one thing the existing reporting structure allows you to do, allows you to check on cases that are up at that 250 day deadline to see what you think about how they're doing.

Likewise, these reports allow you to see how we're doing and meeting the 180 day goal. That's a goal, not a deadline. But as you know, we've discussed at some previous meetings, we're trying to get to a place where CPRA is making sure that we're getting 85% of cases done by the 180 day goal too, just like IED does.

Here too, we think we need at least one more investigator to make that happen for the same reasons that I mentioned earlier with the 250 days.

One of the things too, that I think we're really concerned about is as we've been talking to commissioners, especially the chair about how we could give you more data and more insight into what's going on at CPRA. A real challenge we have, is that 85% of people who make complaints in Oakland make their complaint to OPD. And when they do OPD, will often take down their contact information, but not their race. And so we don't have racial demographics for



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that 85% of complaints. In fact, the OPD form that we get that describes who made the complaint, doesn't even have a place to keep race.

Now we've raised this with the city administrator, we've mentioned this to the police department, we're of the understanding that's something OPDs looking at, but so far, we're still not getting that data, it's in fact, not being collected at the time that the complaint is made to OPD.

This puts us in a bit of a bind at CPRA. We have considered, should we go back to those complainants and ask them for this data? And our concern is that might have a chilling effect on some complainants. I think it is not consistent with people's expectations that they're going to get put in a complaint one day, and get a call back a few days later saying, can you share with us your racial and gender demographic information? I think that's off putting, frankly, it makes people not feel comfortable with the complaint process. We could do that. We don't think that's the ideal solution.

We could also use other information in one of these cases to try to deduce what we think the person's racial identification would be, but I don't feel comfortable about making assumptions about how other people would choose to identify themselves just because we have a driver's license or some other information about that person in the course of all the other materials that the police department gathered. That doesn't mean that we're accurately identifying people and didn't seem quite right either.

When people come to CPRA, we do have a process where we have a gentle conversation with them about whether they want to provide that information. Well a fair number of people decline too, and that's okay. But we find that if we approach the conversation the right way, usually at the end of the complaint process, and give people the option to either provide that information or not provide that information, explain why it's useful to us, a lot of people do want to provide it and the ones who don't, I think, feel comfortable with that.

So it would be helpful to us if we had a conversation with you and OPD about in the future, collecting that data from people who are making complaints in the field to OPD or at IED because I think that's really the best place to collect it. And I think that would really help us get some more transparency too, about what's going on across the cases that we have here.

So those are the things I wanted to report to you about tonight. I know that's a lot of material, I'm sure you have questions and I appreciate your patience. What might you want to ask me about?

Chair Milele:

Thank you. Commissioner Jackson?



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Comm. Jackson: Yes. So thank you for the report. I appreciate the long dialogue, particularly for the newer commissioners. But I think in the future, it would be really helpful, is to give us a list of recommendations, especially for evenings like tonight, that's going to be particularly meaty agenda.

So that way we can discuss them with you, reading down a list, it's just a little difficult to follow all the narrative. So is that something you could possibly do?

Dir. John Alden: Sure. The only recommendation I have for you tonight is, please ask OPD to collect racial and other demographic data at the time the complaints are made to IED, or to supervisors in the field.

Moving forward, I'll work with the chair on other recommendations we might make. And likewise, if there are commissioners who have questions about these topics that would rather address them offline, so we're not taking as much time in a meeting I'm always available.

Comm. Jackson: Okay. Thank you very much,

Chair Milele: John. My question and, oh actually, I'll let Commissioner Harbin-Forte go first.

Comm. Harbin-Forte: No, ma'am, chair. I'll defer to you. I can wait. My hand went up after you started talking. So I'll defer to you.

Chair Milele: My question is, I saw that you included information about the disparities across the nation, including Los Angeles and New York. I was wondering why you included that. And then if you had any musings about why you think that is, and how it's relevant to our situation here?

Dir. John Alden: Yeah. Well, one reason I wanted to include that is to say, it reinforces that it's a legitimate concern, that force is disproportionately applied by race.

And that it's not a problem that we're having just here. It is absolutely legitimate concern. I think it is, I hope, it comes across as validating to those who come to the commission and say, "Hey, I'm worried about how force is used, because I think it's disproportionately used against people who are African American." And I think there is abundant reason to say that is absolutely right. That it's true, it's valid. And I want to emphasize with people that I hear that. And I believe it, and we can see it, and we can even prove it. But the other reason I mention it is to say it's also a widespread problem, right?

And it is a problem around which I think a lot of communities have really struggled. I don't think that any one community has come up with a solution to that yet, across the board. And I think, we here in Oakland, have opportunity to



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be on the forefront of that conversation. But it's one where it's going to take some work and some time and some patience for all of us to keep delving into why exactly that is, because I don't think anybody nationally has figured out how to effectively change that trend.

Some communities have seen some modest changes, but I haven't seen anyone that's come up with one effective solution to bring those disparities down. We've talked in previous meetings about why we have been able to, or how we've been able to bring some of those disparities down in traffic stops. But at least as far, while I've been here in Oakland, we have not yet had that, I've heard, a conversation about how we can change use of force in that regard. And that's one thing I'm really deeply concerned about.

I think that's a conversation that would be useful to have. And I think I hear people in the community sometimes at our meetings calling for us to have that conversation.

So I'm trying to flag that it's an important conversation. It's a challenging conversation. And if we were to work on that here in Oakland, I think we'd be a national leader. I hope that's helpful, but perhaps [crosstalk]

Chair Milele: I guess I'm asking, are you able to speak to why those disparities exist?

Dir. John Alden: I don't think I know for sure why those disparities exist. One, I think there are several narratives that you hear. And I'm not necessarily espousing any one of them.

If you take a look at, both the New York and the Los Angeles police department's narrative about it, they fairly simplistically say, "Well, we're using force more often on people who are black because we're arresting people more often who are black." And I think the natural question to that is, "Well, why?" Why is the arrest rate also disproportionately affecting people who are black?

And that's a question about which I have, I'm not hearing satisfactory answers anywhere in law enforcement. And I think that's probably the next frontier for oversight, is to get into that number and figure out why that's the case. And I think that there are people who have the ability to analyze data and trends. That's a skillset I don't have, and that's a skillset we don't have at CPRA because we're not designed to do that. We're designed to investigate individual cases. But as we build out the ability to look at that data more thoughtfully, there may be some answers there.

And hopefully that's something that we can do, here in Oakland. A bunch, of the way we have actually, dug into that to some extent, with respect to traffic stops



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and searches of people. And made some effective changes there that I think are going to show a reduction in those disparities over time.

Chair Milele: Are you familiar with the term systemic racism?

Dir. John Alden: Absolutely. And I think here in this situation, something I talked about in my original interview with the police commission several years ago. I think there's no question that there's some systemic racism going on here. And I mentioned that in the report.

And so, should I think be asking you, why is it that arrest rates are disproportionately of people who are black? Why is it that poverty here in Oakland and other places disproportionately experienced by people who are black?

And I think a lot of that has to do with systemic racism here in Oakland. And I again, talked about that in some of my application materials, but I can't imagine that that's not at least part of the problem here. But I also think we need to look at bias in the way that we apply enforcement. Again I also think we need to take a look at bias in individual officers. And I think that's important to look at as well. And I think, which of the, we probably need to be approaching all of those at the same time.

Chair Milele: Thank you. Commissioner Harbin-Forte?

Comm. Harbin-Forte: Thank you very much. Good evening, Mr. Alden, I want to go to the question to your report, the report that's in the agenda. I also reviewed your supplement and the data that you provided there. I have a question and I'm going to go back to concerns I've raised before about the lack of sustained findings, particularly on use of force and the exonerated findings.

And I know that there are limitations of what you can tell us in terms of detail. But I wonder if you can give us some generalities. Unfounded, according to your legend, means that the acts alleged by the complainant did not occur. Which suggests that you have a lot of complainants going around who are, for lack of a better word, making up stuff, and wrongfully accusing the officers of having engaged in inappropriate conduct. Either of use of force or other violations. Can you tell us or share with us, what kinds of evidence you rely upon, in drawing the conclusion that the acts or complaint of, simply did not happen? What do you look at in general? And if you can give me some examples, that would be great. Again, nothing specific about a specific case, but some generalities. How do you draw that conclusion?



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Dir. John Alden:

Sure, let me start by saying, I don't mean any of this to suggest that we don't get complaints that are absolutely articulating violations of policy. Because we have sustained officers on use of force violations. And we have had officers that we've separated from OPD over that. So we do do that. But as for exonerated findings, pardon me, as for the findings that the use of force didn't happen. There are a couple things we look to.

These days, we can look to body-worn camera, which really helps tremendously. And we can see exactly, nearly exactly, what force the officer did and didn't use. Body-worn camera angles aren't perfect, but it gives us a pretty good idea of what's going on. Particularly if we have multiple officers from different angles in a situation. So we'll always look through the body-worn camera footage to see what we can see there.

We also look to any material the complainant might provide. So sometimes complainants might provide medical record of injuries that they received. Or they might have photos or video that they took. And it might be say, videoing the officers using their own phone during the incident. It could be that someone else, a bystander took pictures or video during the incident. They could be pictures of injuries taken after the incident occurred to show what the nature of the injury was that the person sustained, if they claim they sustained some injury. So when we find that cases didn't happen, or there wasn't actually excessive force used, sometimes it's because we look at that kind of objective evidence and see that it didn't happen.

In other cases, we also see that the allegation we got is from someone who wasn't present at the scene. So they heard about the incident later, but they complained to us about it, even though they weren't there. And we still take those complaints. But when we take those complaints, sometimes we find the facts are actually quite different from what this person had heard from someone else about it. So these third hand kinds of complaints are very important to examine. They sometimes do lead to sustained findings, but frequently they don't. And so we still look at those.

Sometimes we get allegations from people who were under the influence of drugs or alcohol, or maybe under the influence of some mental illness. And we find out that what they're describing now just didn't happen because they misperceived it at the time. We have a small number of complainants who meet those two categories, who file a really large number of complaints.

And so I think it might be useful for us to try to figure out a way without identifying anyone by name, how we could share you some statistics around that. And we continue to work with our staff to figure out if there's a way to do



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that, that would be both lawful. But also available given the material that we have.

So I think it might be interesting to compare how many allegations we found are unfounded versus how many people we have that are giving to us allegations that turn out to be unfounded.

But another category that's also really important to understand is, we sometimes have people come to us and provide really broad, vague allegations. We still investigate those because we think that's important. But sometimes people will come to us and say, "I think the officer used excessive force." And we might ask, "Well, can you tell us more about that? Was there a particular way that you were touched or someone else was touched by an officer that you felt was excessive force?" And it's not uncommon that people say, "No, I just felt the whole situation just didn't feel right to me. And I couldn't pinpoint exactly what it was, but to my eye, it seemed like there was some excessive force. I just didn't like the way it happened."

And that's a valid concern to bring to us. But then when we look into the case, we can't find anything that would be defined as excessive force in OPD policy. And so we classify those as unfounded too only because they're so vague that we can't really identify a specific act of force that's not true.

And a final one is that sometimes people's complaints are described with adjectives that makes them a little subjective. So for example, people will sometimes say the handcuffs were too tight. Well, what does too tight mean, right? I have to say, handcuffs are designed in such a way, they're never comfortable. They are naturally unpleasant to have on a person's body. But officers are trained to tighten them to a very specific point and they use their finger between the handcuff and the person's wrist to measure how tight the handcuff is. And if they've done that they've met police department policy.

And so when people tell us, "Hey, I think the handcuffs were too tight." We'll look to see how the officer checked the handcuffs for tightness. And if we can see body-worn camera footage of the person, of the officer using that technique, I just described, of using their finger between the handcuff and the wrist to check for just the right amount of space, not too tight and not too loose. Then we have to find the officer complied with policy.

But on the other hand, this person that complained to us is right, it's very uncomfortable. And for them it felt too tight. And so that allegation we'd also conclude is unfounded because the way it's phrased too tight. Well, it might have been something that felt too tight to that individual and understandably so. But is still within policy, and therefore they weren't too tight. They were the



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tightness described by policy, even though that's a very unpopular tightness. So, I hope that's helpful. Those are very broad generalizations and we're working with our staff and IT and with the chair to figure out ways we might be able to put some more numbers behind those to make those come to life a little bit more. We're also planning on bringing to you, since commissioners now you have an opportunity to see some of these cases, some example of some of these cases so you have a sense of what they look like when they come through. I know that's a lot of material, but I want to be really thorough in answering your question. I hope that was helpful.

Comm. Harbin-Forte: Let me follow up on... Some of the examples you gave, I can see you saying maybe that they were not sustained or they were exonerated, but I'm... the unfounded. If the allegation is that the handcuff was too tight, you can see from the body-worn camera that the officer tested the handcuff, put the finger through and so that was within policy. That gets an unfounded rather than an exonerated.

Dir. John Alden: It depends on how the complainant phrased the allegation. If they said, "I thought that that was too tight," then we would say unfounded.

Comm. Harbin-Forte: Okay. As opposed to exonerated?

Dir. John Alden: Right.

Comm. Harbin-Forte: Oh, because exonerated means the acts alleged by the complainant occurred, but they were justified lawful. The not sustained says the available evidence can neither prove nor disprove the act.

Dir. John Alden: That's right.

Comm. Harbin-Forte: Your unfounded basically is saying that the evidence you have actually disproves the act.

Dir. John Alden: That's right.

Comm. Harbin-Forte: Again, you would look at body-worn camera footage.

Dir. John Alden: Mm-hmm (affirmative).

Comm. Harbin-Forte: You would talk to the complaining witness.

Dir. John Alden: Mm-hmm (affirmative).



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Comm. Harbin-Forte: Let's say in that incident where the police are alleged to have put the handcuffs on too tight, the officer did not activate the body-worn camera, how would you reach a conclusion in those kinds of circumstances as to whether you should sustain or exonerate or find unfounded or whatever? Would you then have to just talk to the officers? Do you make a credibility determination in terms of whether you believe the complainant or the officers? Tell me what the process is in terms of drawing your conclusions in those circumstance?

Dir. John Alden: Sure. That's a great question. Well, first I'd say that if that officer didn't have their body-worn camera on, I would sustain them for not having the body-worn camera on. They'd be in trouble for that. Now, in addition though we'd go another few steps. We'd interview the other people who were witnesses to the scene. That might include other people who are not police officers. Maybe there's someone with a complainant or there's someone else who is arrested at the same time we might try to interview. In addition to that, we'd take a look at the body-worn camera footage of other officers, if any of them are present. We would talk to other people at the scene who are police officers.

Usually when we see, not always, but most of the time that we see a complaint that cuffs are too tight, we'll also see that a Sergeant at the scene will then receive that complaint. The officer will pass it to a Sergeant, who will then come and double check the cuffs. We'll have the sergeant's testimony about checking the cuffs also, so then we have two people who've checked the handcuffs at that point. We would check that Sergeant's, both body-worn camera footage but also what they had to say about it. We would take a look at any reports they wrote at the time to see if that matches. If they put in their reports that they checked the cuffs and that they were the correct tightness that would corroborate that they were probably right about it. We also look for injuries that the person who was cuffed might have. Certain kinds of injuries to the wrists would corroborate using the cuffs too tight. Any kind of numbness or tingling to the hands shows that the cuffs are too tight according to department policy.

Sometimes we can get information about that from say, paramedics that might provide medical treatment to this person if they have injuries, or to the medical team that would check the person to the jail. If they're handcuffed, not always, but often they're booked into the jail. At that point, there's staff there that look at the person, double check them and if those folks noted that the person's wrists were okay, that would corroborate that the handcuffs were not applied too tight.

Now, sometimes when we have sustained officers for using cuffs too tight it's because one of these other sources, a Sergeant, a medical professional at the scene like a paramedic, or the folks who checked the person at the jail noticed actually that there was some injury to the wrists and documented that. We



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were able to use that to show the officers claim that they put the cuffs on correctly is actually not true and then we could sustain the officer.

Comm. Harbin-Forte: Okay. Madam Chair, one final question and a harder example. The officer takes the complainant off in the car to a dark alley someplace, roughs him or her up or does something else, doesn't activate the body camera and a complaint is made and you have just the officer's word and the complainant's word as to what happened. What do you do in those kinds of circumstances? We've lived in the hood in the community. We've all seen-

Dir. John Alden: Sure.

Comm. Harbin-Forte: ... people get driven off in a police car. You know that something bad is going to happen to them when the officer pulls away and you also know that there may not be any witnesses whatsoever to what happened. What do you do?

Dir. John Alden: Those are harder. There are a number of things that we still check. For example, officers have to call into dispatch about how they're spending their time, where are they and why are they driving from one place to another. If we see holes in someone's dispatch records about where they were supposed to be, that can corroborate that they did something like what you just described. If the person who's making the complaint has injuries, then we take a look at what those are and if those are consistent with the way they said that they were abused, that's highly corroborative and that makes us inclined to believe them and probably sustain in those cases. Particularly if the material that we can get that's corroborated by other people shows there is no reason for those injuries to have happened.

If there's someone else who saw the person driven off, if there's a police support about what happened that shows no reason to have touched the person, those all tend to corroborate the complainant. These days officers movements are so intensely tracked that the scenario that you've described is today rare, but was quite common when I first started doing this work a decade ago. It's a lot harder for officers to get away with that now than used to be the case. That's not to say it doesn't happen, but we now have many more ways to track officers that it's easier to catch them if they were going do that. That would be a termination level offense, for sure.

Comm. Harbin-Forte: Right. Thank you Madam Chair. Thank you, Mr. Alden. No other-

Dir. John Alden: Of course.

Comm. Harbin-Forte: ... questions. Thank you.



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Dir. John Alden: Sure.

Chair Milele: Vice chair Peterson.

Vice Chair Peterson: Hi. Thank you very much chair and good evening. Mr. Alden, I heard you ask the police commission to ask OPD to start collecting race data. Is this the first time that... I mean, I believe this race data is really important. Why are we just getting this notice that it's not being collected by OPD and you're asking us for the first time to ask OPD to collect it? Why hasn't it been-

Dir. John Alden: Well-

Vice Chair Peterson: ... done by your office before?

Dir. John Alden: Oh, we have actually been asking for this for some time. This is mentioned in our 2019 annual report and also our 2020 annual report. We mentioned this to the city administrator during our budget presentation last year, but still hasn't been fixed. This has actually been a topic at these meetings several times and we've been asked why don't we have this data and this fact that I've been describing here that 85% of complaints are made to OPD and they don't collect racial data is one that we've talked about many times. I think it's high time that the police department collect that information. I'm being very explicit and direct about it tonight in a way that maybe I was a little too gentle before. But we really need this data and it needs to come, I think, from OPD at the time they take the complaints. From my perspective, I've been mentioning this for the two and a half years.

Vice Chair Peterson: Well, this is something that's, I think, very critical and we will figure out how to follow up.

Dir. John Alden: Thank you. I really appreciate that.

Chair Milele: Commissioner Hsieh.

Comm. Hsieh: Thank you. Good evening Mr. Alden. Thank you for your report. You were describing all of those investigative steps. I thought about every time I had to look into whether or not police basically brutalized or hurt one of my clients and figure out how we would go do it with that, whether it's walking into a camera and trying to document it right there on the spot, pulling medical records. If you saw me in nodding the entire way through, I was with you most of the way. I think what I want to talk about is sort of... this is a problem and we got to get at it, right? I'm not interested in just collecting the data. I'm interested in trying to figure out what we're doing to fix this problem, because it is absolutely a



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problem and it needs to stop. That usually means more work for everybody. I'm sorry in advance.

First, I'd like to figure out how we can get into CPRA. I know that means more work for you and your investigators, but if you're asking for more staff, I think that's got to happen. I think that we not only want to get those reports, not just through the portal that we have, through walk-ins, through the form, through online, through referrals, through the police department, we need to start figuring out the other sources where that information can come from. I'm going to make a couple of suggestions, right? I will tell you right now that any public defender who sees a client who has a black eye when they shouldn't [inaudible] to make that complaint. That could be district attorney's offices, which are figuring out whether or not to file that complaint or those charges.

I would also start going to the county hospital, [Highland] medical staff at the jail and having pamphlets, having information and making sure that information is there so that they know because they want to know. Sometimes the people that they talk to, they don't want to make it harder on them by reporting to IAD. But if there's a civilian oversight, that's the way to do it. I'm happy to start making those introductions. I know I've sent an email about it before and can start making that happen.

I also hope that this is a directive to start identifying two things. This may or may not be you. This may be something that we refer to our inspector general, but we need to start identifying officers who are more likely to use force and more likely to use force against black and brown people, right? You don't have all the data. You might have some small subset, but that's something that I would ask commissioners to start thinking about. I also hope that we can start identify situations where use of force more likely is trending and what we might want to do in those situations.

I think outside of that, we might start thinking about policies about investigating within CPRA about investigating use of force and racial profiling. These all go hand in hand. Those are my thoughts. I'm happy to get started working on it, whatever it takes. Thank you.

Dir. John Alden:

I think those are just fantastic thoughts. I do want to add to that. Yes to all of that and I should note that within the police department I know they've been trying to create a process in collaboration with a monitor, because it's part of the NSA, that would help identify which officers are the most likely to use force or perhaps might be using force too much. I think that that should include upon whom the force is used so we can figure out are there particular officers or even particular units within the police department where force is being used



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disproportionately on black Oaklanders or other BIPOC communities that we can trace so that we can drill down into those units and see why that is, right?

In some other agencies they then take further corrective action. I think OPD has started doing this from what I've been told. I see the chief has his hand up so maybe he can tell us more about this, but sometimes then they'll even go into units like that and perhaps try reassigning some people to different beats or with different supervisors and see if they get different results. I think that's commendable and should be done. I would particularly, Commissioner Hsieh be eager to get some advice and direction from you on how we could better persuade public defenders and other criminal defense attorneys to get their clients to talk to us. I would really like to have a stronger relationship with that community because as I think about outreach, boy, that's really on the top of my list. But an experience we often have is that someone will make a complaint in the field, but then as we catch up with them later they'll tell us, "Hey, look, my attorneys told me not to talk to you or anybody else about what happened because I've got a criminal case pending. I might have a civil due pending and so I'm not supposed to talk to anyone about what happened." Then we lose that information.

I have to confess, having done both of those kinds of law myself, I can see why attorneys give that advice. I'm not critical of them at all in that regard. But it puts us in a bind where it's harder then for us to work on those cases and perhaps some stronger relationship between our office and some of those attorneys and those communities might help us understand better how we could find a place where we can meet both objectives. I'd really love your advice about that.

Comm. Hsieh: Absolutely. We have an internal system at Francisco public defender's office and it all comes down to the relationship. If they know that resource is out there, that's something that we can build on absolutely.

Dir. John Alden: Okay.

Chair Milele: Chief Armstrong, you have a question?

Chief Armstrong: Che, I just want to correct some information that's been shared tonight. I just have to be clear. The first thing I'll say is that the department has been placed into compliance with our risk management task. We are considered to have the most robust risk management system to in America. We are the only department that actually has dashboards that actually provide real time data on use of force by race, by individual officer, by squad. We have a monthly risk management meeting that we just conducted with the IMT yesterday and we do it on a monthly basis, where we talk about all of outlying officers who actually



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have the highest number of uses of force across the department, look at their force by race. We also talk about all of the officers that have met a threshold that we have around use of force, which is peer to peer comparison, and who have been referred to supervisory monitoring or the highest level of monitoring, which is supervisory intervention. These are officers that have a history of complaints or uses of the force.

We've also moved officers out of particular positions or assignments based on this monthly analysis and risk management meeting that we do. I really would like for the IG, if you would, to come in and do a more thorough analysis, because I think when we throw around numbers and we try to put meaning to numbers without analysis, it's not a fair way of doing things, right? The assumption that the mere fact that force numbers look the way they look means that you need to look further into what is the underlying reason for the force, when is the force being used and by whom. To take a number in and of its self and try to place meaning to say that means it's excessive is just not fair.

I'll say that if you want to have a conversation about force, the IG, she sits in the meetings since she's been here, she can tell you the thorough analysis that we do regarding force. Also it has to be clear that the vast majority of the force used by the Oakland Police Department is level four use of force, which is the lowest level of force that we use. It doesn't represent the excessive hands on, whether using batons or using what we call physical [inaudible], which is physical force. It represents the pointing of a firearm. These are significant uses of force, but that represents the vast majority of it. I just ask that if the... The department can come back and provide you a full presentation on use of force. We can also demonstrate to you that our force overall has actually declined nearly 40% over the last two to three years.

I think it's just important that we have a thorough, more robust conversation about the data, because we have some of the most robust data collection systems that we've invested a lot... The city has invested millions of dollars into our current systems to actually track this particular force and we can provide that presentation. I think Chair Jackson had Pete Peterson, the former director of DIT come and do a presentation about a year ago about our system and he was recognized for creating a system that is now a national model adopted by the Department of Justice. I just want to be clear when we talk about how the department is tracking force, how we're doing force analysis, we have a system that we believe that the federal monitor who looks at this force every single month. We have a meeting with the IMT to discuss actual force cases that they read each investigation every month. I just want to be clear when we have these discussions, it is a much more nuanced discussion. I just want to offer that.

Chair Milele:

Thank you chief. Vice Chair Peterson.



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- Vice Chair Peterson: In terms of what the chief just said, I wanted to know whether his reports also include the racial data that Mr. Alden was saying was not collected. I'm confused now.
- Chief Armstrong: We collect all race data related to use of force. I think I must say Chair Milele and I, during our Friday meetings with her and Chair Jackson, actually just requested that the department start collecting race in Internal Affairs. This was the first time that I've been asked to actually make that change and she asked me that during our meeting, brought it to my attention and now we are trying to create that process in our forms to actually collect race at IAD. Chair Milele did bring that to my attention. That's something that we are moving forward on.
- Vice Chair Peterson: Thank you.
- Chair Milele: Commissioner Hsieh.
- Comm. Hsieh: I sense a lot of frustration and I get it, right? This is something that the department's been working on for a long time. But at the same time, we're at these police commission meetings and all we get is crime data, right? I would love to see the data. I would love to see it. I would love to see it on a regular basis to the extent that's possible so that the community and we have an idea about it and about what's going on. Because we want to know about what those efforts are. We want to know that interventions are being made because what we have is data from a very small portion of the CPRA to the extent that we can. I mean, I get it, right? I think there's a way to address it. I think there's a way to have a discussion about it and it would be extremely helpful if there was reporting on it to the extent we can.
- Chief Armstrong: To the Chair I say, commissioner, we actually produce a monthly, actually a biweekly OIG report that includes our use of force on a biweekly basis that's uploaded to our website for the community to look at. We just pushed out one today. Every two weeks we push out a biweekly report to the IMT mandated by the court. It is an update on our past use of force so we are constantly reporting out on use of force. In your packets today you have our risk management policy that covers the analysis that we go into when it comes to our risk management system.
- I think if there's something that you guys want to request from us to provide, we can definitely provide it. But I just have concerns when we have these type of conference conversations without the department having an opportunity to really represent what is truly happening around the data analysis that we are doing. That's all. We can schedule an item and have a real substantive discussion about this, but to sort of ad hoc and things be said that is actually not consistent with what we're doing I think is just not a fair representation of what



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the department is actually doing. We have the federal oversight that's requiring us to do it so I want to make sure that we don't compromise that because this is something that we work on every day.

Chair Milele: Thank you. I think we're at Commissioner Jackson.

Comm. Jackson: Thank you. Just a couple of things. It sounds like to me that it would be appropriate for folks to kind of stay in their lanes, so OPD gets to report out about OPD and CPRA reports out about CPRA and we don't have OPD reporting out about CPRA and vice versa so that things get confused. I do appreciate Chair that you did get some movement on the race collection as it relates to IAD. I do think that for the future it might also make sense to have another presentation on vision so that more of the newer commissioners can understand the breadth and depth of the dashboard of information that can be collected by an officer. We may not be able to look into the weeds in that way, but we can get some percentages to understand exactly what is collected and where we can find it.

Thirdly, I think that Chief, if those reports are being pushed out every other week rather than just have them updated to the website, is there a way that the commission can receive them automatically like if we were on a newsletter kind of list? It may be more information than we even have the time to delve through, but there are some people like Commissioner Hsieh who I know is going to prioritize it. It might be good for us to just have it as a part of a regular information share rather than wanting to go and find one here and there. I'm not sure if that's possible. I'm requesting through the chair that the chief respond to that request for information.

Chief Armstrong: Yes. To the chair, yes, we can do that. We can forward a copy of that to Rania and Deputy Chief Mendoza is following as well. That report not only includes use of force, but it also includes discipline, sustained cases, IAD cases. It includes a lot of data that we produce to the IMT on a biweekly basis and so Chief Mendoza is copying that. She'll get that over. Then Chair, we also do... Mendoza advised that we do have a scheduled OPD training on risk management, our system with the commissioners coming up soon. Some of the newer commissioners will get a chance to be exposed to our system during that training as well.

Comm. Jackson: Excellent. Thank you very much.

Chair Milele: Thank you chief and-

Comm. Harbin-Forte: One final thing.

Chair Milele: ... Commissioner Harbin-Forte.



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Comm. Harbin-Forte: Thank you so very much Madam Chair. Now I'm confused. The information on race is out there? It's been available all along?

Dir. John Alden: No. Sorry. I didn't mean to interrupt. I apologize.

Comm. Harbin-Forte: Okay. I'm confused. The chief says we're pushing this stuff out. It's there, it's available, it's accessible, but CPRA isn't accessing it or it doesn't exist or tell me what's... I'm confused. I'm sorry.

Dir. John Alden: That is an understandable question commissioner. There are two different data sets that we're talking about here. OPD tracks upon whom they use force, which is how I got some of the statistics I provided to you earlier. Then they have a system for reviewing use of force and they keep race data in that system. That said, the set of people who complain are a different set of people, right? That set of people who complain, the complainants, don't always complain about force. They complain about lots of different things, sometimes force, sometimes other things, but when they make the complaint, their demographic data is not captured. Sometimes they're just bystanders, right? There might be a person upon whom force is being used, who doesn't make a complaint, but there's someone else walking by or driving by who sees it and they make a complaint and that person who made the complaint, we don't have information on who they were all the time.

To some extent, we can figure out from OPD's data about use of force upon whom force was used and we can kind of extract from that some data. That doesn't get us very far because the set of complainants we have doesn't match up. It's not the same set of people. I'm not sure if I explained that well. I know it's getting kind of late and so my ability to explain is probably not as good as it was earlier in the evening, but I hope that makes sense.

Comm. Harbin-Forte: Thank you. I think we're taking it as far as we should take it at this meeting.

Dir. John Alden: Yes, ma'am.

Comm. Harbin-Forte: I'll just continue scratching my head all night. All right. Thank you all.

Chair Milele: Thank you Commissioner. I wanted to ask the commission about possibly bumping a couple of agenda items as the time is running on, specifically the presentation from the chief of staff and the annual report, so that we could still end around on time. I don't know if this is out of order. I apologize if it is, if I needed to take any comment before, so maybe council can let me know if I'm-

Conor Kennedy: I would love-



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- Chair Milele: ... [crosstalk] order that.
- Conor Kennedy: I would recommend that exactly as you said it, you go ahead and you take public comment from the two items. But also what I would recommend based on my understanding of [inaudible] rules, rather than a motion of table, you'd call it a motion of postpone indefinitely and that's just how it sprays. We all know it would be agenda at the next meeting. You just take a motion to postpone indefinitely, then take a second. You would then vote on it and then you go to public comment on the items that you are taking off of today's agenda. Thank you.
- Chair Milele: Okay. It looks like I still have a few questions on the agenda item that we're still on, the CPRA review. Commissioner Jackson.
- Comm. Jackson: Actually, I was prepared to make the motion to table indefinitely, but I do realize that you need to take public comment on this item before we can do that. I was a little anxious there. Thank you.
- Chair Milele: Okay. We can move to public comment unless Commissioner Hsieh is your... Okay. Let's move to public comment on the item.
- Commission staff: You got it Chair. Give me just one second. I'm going to set up. I keep losing our little clock. Members of the public wishing to make public comment on this item, the CPRA report, please raise your hand. I'll call on you in the order that they've appeared. I see first up [Moto G Styliis]. I've unmuted you on my end.
- Moto G Styliis: Hi, can you hear me?
- Commission staff: I can, yes. Go ahead.
- Moto G Styliis: I'm really embarrassed for everyone from what I just saw. Mr. Alden was kind enough to present some data about really important issues and you allowed the person you have oversight over to bust in and take as long as they can to just literally poke holes without providing data, without actually providing any evidence that what he was saying had any validity or basis so that as Commissioner Harbin-Forte just said, they're now confused. I think any person in the public would've been confused as well. What a failure of the commission not to ask Mr. Armstrong to stop and to make sure that when he makes his comments, he actually provides the evidence he's talking about, he provides the system he's talking about, all the reports he say come out regularly and what they mean and what they're called and how that relates to what Mr. Alden was saying.



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What an immense amount of disrespect to Mr. Alden. He works with a flawed system. That's for sure. It's a flawed system, but it's not Mr. Alden's fault that the system is flawed and he is not the person. The person you have oversight over, the organization you have oversight over is the police and watching these meetings, it does not look that way to the public. You need to start talking to the people in the city of Oakland who watch these meetings because you do not look good. You do not look like fair people. You look like you are captured by the police and not doing your job. I am just saying it frankly. What an embarrassing... and it's on video. I highly recommend everyone watch it just to see what the problem is here.

Commission staff: Thank you so much for your comment. No, stop. Mrs. [inaudible] allow me please to... Oh, sorry. Hang on. Unmute you. Ms. Olugbala when you're ready.

Assata Olugbala: Yes. Let me tell Mr. Alden, it's not about transparency as far as CPRA. It's not about better communications. It's not about that you and your staff are working hard. It's about results and we're not getting results as it relates to use of force reporting out. That's been going on for years. So tonight you have 46 cases involving excessive force, 29 unfounded, 12 exonerated, 4 not sustained, 1 no jurisdiction, and 0 sustained. Zero sustained is a common finding of CIPRA. I am sick and tired of hearing all of these presentations that don't explain why we don't get results related to excessive force. We've been having the excessive force in the NSA mandate for 19 years as a issue. So I'm listening to this bull from Mr. Alden, especially when I know how the Bey case was handled by CIPRA in the past. And that's why Mr. Bey and his brother don't want you guys to have anything with the further investigation that could happen related to the Bey case. So going forward, the police chief is not the issue when it comes to the reporting out of what CIPRA does that doesn't have any black invest... You don't need more staff until you get staff being productive.

You are a non-productive issue as it relates to excessive force and holding police officers accountable. And that is your job as a commission to hold CIPRA accountable. Not just the police department.

Commission staff: Thank you, Ms. Olugbala. Phone number ending in 9932. I've unmuted you.

Nino Parker: Hello, Nino Parker Holmes, black advocate, Bay Area. I take offense at the comment that was made by Mr. Alden when it was mentioned to him about systemic racism. I was born in 1953, Mr. Alden, and for you to say it was partly systemic racism. You got it backwards, my friend. Systemic racism is the whole problem in Oakland. This is just a little part of systemic racism. I'll give you example of systemic racism. [inaudible] and myself were protesting at the Tiny Homes Village. Lauren Tanenbaum had the police called on us, a 76 year old woman and a 67 year old black man. And of course the police showed up and



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they were told that we broke into the Tiny Homes Village, but when I was assaulted a few weeks later on the same property that Lauren Tanenbaum ran, that is in charge of, I was assaulted by Adam Garrett Smith.

And no police were called. Nothing. There was no... Because it was part of the system. And a part of systemic racism is a part of why we have high rent. Systemic racism is why I'm homeless and in a cold van talking to you right now. Systemic racism is why they want to close the schools. Systemic racism is why that ballpark's going to come in and gentrify west Oakland and then turn it into a basic police state because all those white people are going to have to be protected when they're coming to the ballpark that we can't afford a damn hotdog at for \$5 a hotdog, \$5 a drink. You bring a family of four, you can't even get in there. That's a stadium that's going to be for white people. Don't ever say systemic racism is partly. It's in part. System racism is the problem.

Commission staff: Thank you, Mr. Parker for your comment. Phone number ending in 5802, I've unmuted you my end.

Saleem Bey: Good evening, Saleem Bey. Risk management is OPD double speak. Bottom line OPD is still failing systemic racist, profiling against black and Muslim citizens. Mr. Alden is blowing a lot of foul smokes, so clench up. I'm still speaking after decades because the IAD CPRA is still failing black people complaining about OPD racial discrimination. 19 years OPD failed NSA on racial profiling and still talking about finding out racial makeup of complaints in 2022. Keep just finding out track and race is an issue and corrupt IAD in 2022, that's disrespectful and pitiful. Factually Mr. Alden closed our 2020 systemic racism and coverup complaint against Keith Kirkpatrick and OPD as a department without an investigation. So he's lying to your face. That was part of this OPCs Ross independent investigation being covered up in violation of SD16 and SB 1421.

Mr. Alden is lying to the OPC and as part of the city of Oakland enabled systemic racist problem, he's crocodile tearing the public with. Once this is revealed to the public, the OPC will be held accountable and smeared with the CPRA corruption and discredibility of Mr. Alden and his investigators. The CPRA is part of and enables the OPD and city systemic racist system. Why are there no black CPRA investigators when 60% of complaints are black? The CPRA is biased. Mr. Alden admits CPRA closes 100% of black racial discrimination complaints against repeat racist offender OPD with non-black investigators, non-black supervisors, a non-black director using white privileged views in line with racist white officers. Any wonder the OPC had to pay Ross to investigate the CPRA? Credibility with the community is everything. If the OPC doesn't care who represents them, they need to resign. Why did the CPRA supervisor [inaudible] find CPR B131062, unsustainable-



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Commission staff: I'm so sorry to stop you, Mr. Bey. I'm afraid your two minutes are up. Phone number ending in 1779.

Mary Vail: Yes. This is Mary Vail. And I had a couple of specific questions about Mr. Alden's report. It includes this new category of not mandated as a finding, and that's applied in relation to some, but not all, of the complaints about performance of duty and conducting improper searches. I can't imagine why conducting an improper search, unless it wasn't an OPD officer, would fall outside your jurisdiction or be a non-mandated case. In terms of the timelines and intake, the commission really needs to keep their eye on the ball. The reinventing, reimagining public safety task force has recommended transferring of resources from IAD to CPRA. And years ago, seven, eight years ago, it was recommended and it was never implemented because of obstruction by the former city administration, that intake be consolidated with the CPRA rather than internal affairs. And around that same time, when I had to make a call to the police department, I heard a phone tree recording from the department saying that if you had a complaint about department personnel, you should contact internal affairs.

In other words, they've been steering complaints, and I think they're still steering complaints to IAD and away from CRPA. And I'm also a little concerned too, with the focus on giving the CPRA more time to investigate cases. And also the discuss-

Commission staff: Thank you for your comment, Ms. Vail. I'm so sorry I had to cut you off. Unfortunately, your two minutes are up. Chair Milele, I see no more comments. We are back to you.

Chair Milele: Okay, thank you. At this point, can I entertain a motion to table some items?

Commission staff: Excuse me, Chair. I'm so sorry to interrupt you. There was one more hand that came up. Would you mind if we go back?

Chair Milele: Oh, not at all.

Commission staff: Thank you. Hang on. Millie Cleveland. I see your hand. Give me just one second. I am getting my clock back. Millie Cleveland. I've unmuted you when you are ready.

Millie Cleveland: Thank you. I just wanted to say that, from a member of the public and looking at the track record of the findings from the CPRA in the IAD, if I had a problem with the police, I don't think I would contact either one of those bodies. For what, 80, 90% of the complaints are identified as something maybe people just made up. It doesn't seem that the public [inaudible]. The other thing I wanted to say that



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if there is a report, a biweekly use of force report that does track race, I would suggest to Mr. Alden, that although the complainants may not be the same people, the officers might be the same officers that are in fact using excessive force. So if you see the name of an officer that comes up over and over again in your CPRA review, it seems to me, that would influence your decision about the credibility of the community member's complaint. And the last thing I just want to say is, I agree with Commissioner Harbin-Forte, if this information is available on race, why hasn't it been presented to the CPRA?

Because Mr. Alden stated that they had asked repeatedly to OPD for this information. So I'm asking the chair to put this issue on the agenda for the next meeting and have the chief speak to why this information is not being provided to the CPRA.

Commission staff: Thank you, Ms. Cleveland. Anne Janks, just one moment. Go ahead, Ms. Janks.

Anne Janks: I just wanted to thank the chief for highlighting the data that's available on officers, both in terms of their uses of force and in terms of stop data by race. Which would make it very, very easy to provide data in terms of attrition and what types of officers are in fact leaving the department and what the significance of that is. And whether in fact, these are officers that we want OPD bending over backwards to try to retain. Thank you.

Commission staff: Thank you, Ms. Janks. Thank you. Thank you for that, Chair. We are back to you for proper, proper this time.

Chair Milele: Thank you. At this time, I'll take Commissioner Jackson.

Comm. Jackson: Yes. I'd like to make a motion that we suspend indefinitely the subject items of the annual report and the chief of staff report.

Comm. Harbin-Forte: I will second, Madam Chair.

Chair Milele: Okay. We have a motion. And a second. Do we take public comment on this?

Commission staff: Okay. Let's go back to public comment. Public comment on this motion.

Comm. Jackson: The public comment-

Conor Kennedy: Can I just clarify I would recommend that you take a roll call vote on the seconded motion, and then if you have enough votes to postpone indefinitely those two items, then you go to your chief of staff, take public comment on the two items after you have taken the [inaudible].



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- Commission staff: I'm so sorry, [inaudible]. The sound cut out.
- Conor Kennedy: Oh, can you hear me right now?
- Chair Milele: Yes.
- Conor Kennedy: I would say take a vote right now, then go to public comment for the two items that you're postponing. Thank you.
- Chair Milele: Okay. Thank you. We'll take that vote. Vice Chair Peterson.
- Vice Chair Peterson: Yes.
- Chair Milele: Commissioner Gage?
- Comm. Gage: Yes.
- Chair Milele: Commissioner Harbin-Forte?
- Comm. Harbin-Forte: Yes.
- Chair Milele: Commissioner Howell?
- Comm. Howell: Yes.
- Chair Milele: Commissioner Jackson?
- Comm. Jackson: Yes.
- Chair Milele: Commissioner Jordan?
- Comm. Jordan: Yes.
- Chair Milele: And I'm also a yes. Let's pass this on.
- Commission staff: Public comment on it. You got it. I'm so sorry. All right. Sorry. Late, late, late. Let me set clocks up. Members of the public wishing to make public comment on this motion please raise your hand. I'll call on you in the order I see you. Ms. Olugbala. Give me just a second Ms Olugbala. Go ahead. Oh, no. I'm so sorry. I think I've got Nino Parker first. 9932. Mr. Parker. Okay.
- Nino Parker: Hello?



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- Commission staff: Yes. Go ahead, sir.
- Nino Parker: Nino Parker Homeless Black advocate, Bay Area. My voter registration address is Athol tennis court. I'd like to go back really quickly here to something Ms. Olugbala was talking about earlier about a young man. I know him. His name is Remy. He's a person that I've known around the lake for a long time. He had a bad night, like to say he got a little bit out there. The next morning he was acting like he had smoked too much, whatever it might have been. And there he was just on all nighter and yet he was taken and sent to John-
- Commission staff: Mr. Parker, I'm going to pause your time. This is just comment on this item on the motion. We do have open forum coming up. So I'm going to come back to you, sir, and check. Is this public comment on this item? I'm unmuting you.
- Nino Parker: The item. Is the item is, what?
- Commission staff: The motion. No, no. That's okay, sir.
- Nino Parker: The motion is?
- Commission staff: The motion to hold on two items on the agenda for the next meeting.
- Nino Parker: And in public comment, what is it you want me to say? I mean, I don't get it. I mean, doesn't the freedom of speech allow you to say and talk about anything you want each time you have two minutes?
- Commission staff: That it's for open forum. Public comment is on a particular item. If this is-
- Nino Parker: I beg to differ. I think that's something we need to look at in the future. I get the feeling when you have two minutes in any public venue, you have the right to talk about what you want to. So we need to look into that, but I'll wait for open forum in this case, but we need to look into that.
- Commission staff: Thank you very much, sir. Okay. Ms. Olugbala, when you're ready.
- Assata Olugbala: Oh yeah. I'm confused. You're holding on, what is... What are you holding on? I didn't get clarity on that. I would like to comment, or maybe I don't need to comment, but I don't have any clarity on what you are doing right now, as far as holding on two items.
- Commission staff: Ms. Olugbala, we're holding on the next agenda item regarding the chief of staff report on the proposed agenda. And we're holding on the agenda item for the annual report. So we're just going to push those two items off to the next meeting, hopefully. And so this comment is about that vote.



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- Comm. Gage: Point of order, Madam Chair
- Assata Olugbala: Point of order. Okay. Somebody's saying something.
- Comm. Gage: Madam Chair, I'm sorry, Ms. Olugbala, point of order. My understanding is that pursuant to the Brown Act, if a commission votes to table items, we are required to take public comment on the tabled item. Therefore, the public comment period before us immediately should properly be for the two items the commission has voted to table. Or I should say postpone indefinitely. Specifically, we are talking about item 11, the police commission's annual report and item eight, the update from our chief of staff. We should be receiving public comment on those topics.
- Chair Milele: I was under the understanding that we needed all three for the vote itself, as well as the two items.
- Comm. Jackson: No.
- Chair Milele: No?
- Comm. Jackson: No. Just the two items.
- Chair Milele: Okay.
- Commission staff: Okay. So I'm sorry. I'm confused as well. So that public comment, so it's a public comment for the first item and then a public comment for the second item that we're pushing off?
- Comm. Gage: That's correct. We're required to receive public comment on items that we have on our agenda even if we are tabling them into a future agenda. The issue is that in the past, some boards have agendaized items, noticed that public comment is voluminous, and decided to table them in an apparent effort to avoid public comment. This rule requires us to take comment if you put it on our agenda.
- Chair Milele: And I just want to clarify from counsel that we don't have to take public comment on the vote to table. I thought we had to take public comment on all votes.
- Conor Kennedy: And that's right. To confirm, the public comment that we need to take, we need to take public comment before or during any agenda item that's in the subject matter jurisdiction public commission, rather than having to take public comments on parliamentary votes, like the motion to indefinitely postpone. So to confirm, the public comment that the chief of staff is currently asking for are



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for the two items on the agenda that were from the chief of staff report and it was the annual report.

Chair Milele: So I'm sorry, you broke up a little bit. So if you could just-

Conor Kennedy: I'm sorry, then. I apologize. Hopefully this is a little bit better. You take public comment on the agenda items that you postponed only, and the reason that you're not taking in public comment on the parliamentary motion, just because you're not required under the Brown Act to take public comment on parliamentary motions. I'll pause there. Hopefully that's useful.

Chair Milele: That is. So we only need... Is it two separate public comments for each item or one for the two?

Conor Kennedy: I would advise that you first take public comment about the first item, then you take public comment about the second item, just to keep it organized and make sure because we're in teleconference, everyone has the established time period to do the public comment for each of the items. So two. Thank you.

Chair Milele: Okay. My apologies. So it looks like the public comment we need to take is around the agenda item of the chief of staff agenda setting and prioritization.

Commission staff: Got it. Thank you. And thank you for clarifying. My sincere apologies. It's public comment on the agenda item that the Chair just called out. Okay. Ms. Olugbala, hopefully that's clearer. I will start your clock again. Go ahead, Ms. Olugbala.

Assata Olugbala: I have clarity now and I don't need to comment. It was just, I was confused about exactly what was going on, but thank you for the opportunity.

Commission staff: Thank you. Mr. Parker, 9931. Go ahead sir.

Nino Parker: Yeah, also I have clarity. I was confused. I can see everybody was confused. Fine. I'll go ahead and wait for open forum

Commission staff: Many thanks. Thank you for understanding. 5802, I believe that might be Mr Bey. Go ahead, sir.

Saleem Bey: Good evening. Saleem Bey speaking on the chief of staff and agenda setting, I did notice that the Bey cases, as well as the Ross investigation were removed from the priority list for this commission, it was done over a year ago. As a matter of fact, as soon as the last chair got on there, all of a sudden it disappeared and it hasn't come back yet. Just as there are standing committees for an investigation of, I believe, the complaints by the black officers. Why isn't there a standing committee to follow up and make sure that the Bey



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investigation follows all the way through. We don't want this thing to fall right into the cracks and be like, "Oh, it disappeared. We can't tell anything about it. Hush, hush." SD 16 does apply and SB 1421 does apply.

With that though, I also want to pivot and put my two cents in that it is a first amendment right that this board and this body and the city government does not have the right, privilege, or power to tell a person from the public how their public comment fits or does not fit according to your opinion with the agenda item. That right there is a violation of the first amendment right. I don't hold the moderator responsible. I hold the people who gave those instructions to the moderator and those instructions are constitutionally in violation of people's rights. So if somebody calls up and takes the time to call into this commission, they have the ability to say anything they want for the two minutes that they have. It's not for you to interpret whether or not it aligns with what your interpretation of the agenda is. Thank you.

- Commission staff: Thank you for your comment, Mr. Bey. Okay. So let me just check. Now public comment on agenda item nine, review and approval of Oakland's police commission annual report withholding that indefinitely. So if I could see... Welcoming public comment on withholding the annual report indefinitely, please raise your hand. I'll call on you in the order that they appear. Ms. Olugbala. I see you up first. Sorry. Sorry. Let's get your clock going.
- Comm. Harbin-Forte: Excuse me. Madam Chair point of order. Just that that agenda item is not nine, it's item 11.
- Commission staff: Sorry about that.
- Comm. Harbin-Forte: The annual report.
- Commission staff: Yeah.
- Comm. Harbin-Forte: That's agenda item number 11. Just for the record. I believe you mentioned nine.
- Commission staff: Okay. Sorry. It's very loud. Ms. Olugbala.
- Assata Olugbala: Thank you. Is there any explanation for the annual report being withheld? And does it fall within the purview of the measure LL mandate that you provide an annual report? Do you have the capacity not to provide it under measure LL? Thank you.
- Commission staff: Thank you, Ms. Olugbala. Mr. Bey, I believe you are 5802.



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Saleem Bey:

Yes. Good evening. It's Saleem Bey speaking on item 11 and looking at the attachment. I was looking where it says that the ad hoc committees and I'm looking at where it says that the OBOA racial investigation against the police department, as being the commissioners that are on there, Jackson and Harbin-Forte. Those are both mayor appointees. Chair, I would like you to appoint or join that ad hoc so that the mayor is not the only one on something as important as racial issues since the systemic racism happens to be the issue with OPD.

Pivoting right off of that. There was also... Where was that too? Where's the racial... Here we go. White supremacist and other extremist group, again, Jackson and Forte, racism being handled by the mayor's appointees and no other community people on there. I need one of the community, one or more of the community commissioners who are listening to this to join those two ad hocs and provide oversight of the mayor. Especially something as important as white supremacist, which is a health and safety risk for the black community, as well as the issue that there's black officers complaining about racism in OPD as you keep saying, "Why should we be tracking racism and the complaints against OPD?" Inside OPD, officers are complaining about racism. So how do you think that they're treating the black community of black officers, so called brethren in blue, the gang, and the blue wall, and all this type of stuff, but that's the black officers taking that. I have no compassion whatsoever, because-

Commission staff:

Thank you for your comment, Mr. Bey. I'm sorry to have to cut you off Mr. Parker, 9932.

Nino Parker:

Hello, Nino Parker, homeless black advocate, Bay Area. Thank you, Mr. Bey for the backup. I also have gone to the law library and studied this particular freedom of speech law. One of the other things I might want to let this commission know, I have been on a protest of civil disobedience because of this systemic racism against the homeless. So as an act of civil disobedience, I have a tendency to call in and talk about what I want to talk about and not whatever commission or committee I'm calling in wants me to talk about. So I'd also like to say when I was assaulted there and the police were not called at the Lakeview Tiny Homes, one of the city administrators was there. His name is Amari. So let's keep that in mind with the police not being called by Lauren Tanenbaum when it comes to a black man being assaulted.

Also, I'd like to get back to the mentality issues when it comes to the police department. I spoke to a Sergeant [inaudible] when I was being removed from the tennis court. And I mentioned to him, it was nice to have some leadership... Speaking of Chief Armstrong, black leadership. And he immediately started talking about Kilpatrick. And he went on about Kilpatrick for about three minutes. Later on that day, he came to try to make me move and I refused to



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move. And I asked him, I said to the officer, I said, "So what about racism and the fact that there's 75% black homelessness?" And know what he said to me? He says, "Why are you asking me?" He's ready to move me and do all kinds of things. And I guess arrest or whatever it might have been to the end game. But, yet he doesn't even know why he's there in a sense. And doesn't even care. And here's a guy part of that mentality that's-

Commission staff: Thank you, Mr. Parker. Chair, back to you.

Chair Milele: Thank you. Do you have the-

Commission staff: Yes, ma'am. Give me just one second. I was reading that out. Commissioner Jackson has her hand raised.

Chair Milele: Commissioner Jackson.

Comm. Jackson: Thank you, Chair. At this point. It's 10:23. I wondered if you would like to entertain a motion to extend the meeting perhaps 30 minutes?

Chair Milele: Yes, I would.

Comm. Jackson: I so move

Vice Chair Peterson: I second. This is Commissioner Peterson.

Chair Milele: Okay. I'd take the vote at this point. All right. Vice Chair Peterson.

Vice Chair Peterson: Yes.

Chair Milele: Commissioner Gage.

Comm. Gage: Yeah.

Chair Milele: Commissioner Harbin-Forte.

Comm. Harbin-Forte: Yes.

Chair Milele: Commissioner Howell.

Comm. Howell: Yes.

Chair Milele: Commissioner Jackson.

Comm. Jackson: Yes.



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Chair Milele: And Commissioner Jordan.

Comm. Jordan: Yes.

Chair Milele: I'm also a yes. The motion passes. So we're going to move on to the next agenda item. Proposed letters to the San Francisco police commission. I believe Commissioner Gage is leading this item.

Comm. Gage: Thank you, Chair. Commissioners, this letter was drafted following a discussion we had at a prior meeting about some issues that are happening in the city and county of San Francisco. I've been tracking a criminal case against a police officer in San Francisco that appears to have also resulted in the termination of an MOU between the San Francisco District Attorney's office and the SFPD wherein the DA's office is determined to be the lead agency involved in investigations of unlawful use of force and other such actions by SFPD officers. There's a lot of moving pieces here, but in short, there is a very real and present concern that actions taken by the SF Police Department may be calculated to substantially change police oversight in the city and county of San Francisco. Now, I should note that the city and county administrative structure is somewhat different than ours here in Oakland, but as a fellow oversight body, I think it's important for us to state our agreement with the principles of non-police oversight of these sorts of investigations that police departments should not be permitted to investigate themselves, and at the timing of the police department's efforts to terminate this MOU in this particular instance is, in my view, suspicious.

I would ask that this commission vote to approve sending the attached draft letter to the San Francisco Police. Pardon me, Police Commission, as an expression of our support for continued oversight. This is an evolving issue discussed as recently as last week and I believe again this week at the SF Police Commission, and it appears that the MOU that has been the subject of this issue may be in the process of being renegotiated. There something of a timeliness concern at play as well. Thank you, Joe.

Chair Milele: Thank you. Do commissioners have any questions? Commissioners Hsieh.

Comm. Hsieh: Thank you for this letter. I appreciate the work that you've done on it. I wonder if what we're trying to convey is our concern or our outrage. Wonder how you feel about that word because I ain't happy about it. It's not just concern, but again, thank you for your work.

Comm. Gage: If I may respond, chair.

Chair Milele: Yes.



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- Comm. Gage: Speaking as an individual, I certainly feel some alarm when issues like this begin making the local paper. I would say that I feel outrage is somewhat overstating at this point. The department has made some moves that are calculated and political, but the police commission in San Francisco has sufficient authority to mandate the department to continue the MOU if they so decide. There appears to be sufficient public support for continued oversight by a non-police entity that I'm not sure that expressions of outrage would be appropriate given this particular instance. That said, it's something to monitor closely.
- Chair Milele: Any other questions from commissioners? I would like to take a motion to adopt this letter.
- Comm. Jackson: So moved. I'm sorry. It's Commissioner Jackson.
- Chair Milele: Do we have a second?
- Comm. Harbin-Forte: Second. Commissioner Harbin-Forte.
- Chair Milele: Okay. Moved by Commissioner Jackson, seconded by Commissioner Harbin-Forte. Let's take a vote.
- Comm. Gage: Point of order, Madam Chair. I believe you need to take public comment.
- Chair Milele: Oh, we do need to take public. Okay. Yeah. I apologize.
- Commission staff: No worries.
- Chair Milele: Let's take public comment on this item, please.
- Commission staff: You got it. Member of the public wishing to make public comment on this item, please raise your hand and I'll call on you in the order that they've appeared. Mr. Bey, give me just a second. Go ahead, Mr. Bey.
- Saleem Bey: Yes. Good evening. Commenting on the letter to the San Francisco Police Commission. I would say that if you have the will to vote on a letter to the San Francisco Police Commission, you should also have the will to vote on a letter to the NSA court regarding the Ross investigation and noticing and forwarding that investigation to the NSA court. There is no issue about the NSA court seeing the Ross investigation, especially if there's misconduct that was revealed in the systemic of misconduct. Why is it that we are worried about San Francisco and we have all of this passion about making sure San Francisco is uplifted, and yet I don't see that same passion about making sure that systemic racism is revealed and forced upon the NSA that has been failing the Oakland taxpayer for the last 19 years.



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The fact that for 19 years, the Oakland taxpayers have been paying a million dollars a year to a person to write for report is ridiculous. The fact that there's no will upon this OPC to make sure that the Ross report is forwarded to the NSA court, as required by federal consent decree, which you are out of order with. Right? I ain't begging you to do anything, I'm just asking you to follow the law. Anybody in your silence is an indictment. The fact that you're not acting on this is an indictment on this OPC. There's a lot of these commissioners I haven't heard anything from while I've been calling in, and I'm calling. If I take the time to call in and I'm not a commissioner, then some of you commissioners better start asking questions and probing the police and making sure that you hold them accountable, just as Janelle Harris did.

I haven't heard any of that. I hear a lot of people and a lot of silence. I hear a lot of people patting OPD on the back. I hear a lot of passes being given, but I don't hear people holding them accountable. Before you write a letter to the San Francisco Police Commission, make sure you write a letter to the negot-

Commission staff: Thank you Mr. Bey. Mr. Parker.

Nino Parker: Hello. Nino Parker, homeless black advocate, bay area.

One of the things I think that's very important, and I like to be a little bit of a futurist. When this ballpark comes in, because it seemed to be etched in stone, there's going to be a high police presence in West Oakland. People don't realize. I saw this happen in San Francisco. Once they put that ballpark, the first thing that came in was this high rise building so people could have these apartments overlooking the ballpark. Then after that, they put in a restaurant like Mo-Mo's where we couldn't even afford a glass of water, and that's what's going to happen to West Oakland. Unfortunately, whenever you have the police department, which originally was based on runaway slaves, which is downtown streets where they pay people in gift cards to clean the streets, but also to protect the industrialists, that stadium's going to have to have a lot of protection.

The first time someone's car gets broken into, the first time someone gets a carjack, that neighborhood is going to be saturated with police. No fault of Mr. Armstrong's, it's just what's going to have to happen. With this ballpark coming in, West Oakland about to be under a police siege in the future. I would say within a week after opening day, that area's going to change. You think Chinatown's being watched by police cars, police cars are going to be all over West Oakland, and people are going to traffic stops like crazy. It's going to change West Oakland. West Oakland's going to only be in East Oakland by the time they get through. I just have to bring that to what's coming to the future. Police come with any type of facilities for the rich. That's who protects them,



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and like I said, it's no fault of Chief Armstrong's. It's just, what's going to happen. Folks, better look-

Commission staff: Thank you, Mr. Parker. Chair Milele it's back to you and your vote. I do believe you have Commissioner Harbin-Forte's hand is raised.

Chair Milele: Commissioner Harbin-Forte.

Comm. Harbin-Forte: Yes. Thank you, Madam Chair. There seems to me to be a fundamental misunderstanding among the public about what our obligations and responsibilities are at this police commission hearing. There seems to be a misunderstanding of our requirements and obligations under the Brown Act and under the City Charter and under other rules and laws that govern our meeting. It seems that people want us to ignore those binding laws that have already been vetted and found to be constitutional and simply ignore the law. We are an oversight commission. We expect the police to follow the law, but we seem to be urged to ignore the law by people, and particularly by people who think they have a right to talk about any topic, irrespective of what our agenda is. I just think that, I know that we've had, I just, it just, we'll be here all night if everybody, and not so much be here all night, but if nobody wants to follow the law, then we will have anarchy and we will have chaos and nothing will get done. I just, I don't know what we can do about it, but I think that we need to not be bullied into ignoring the law and our responsibilities just because people don't like the law. Thank you. Thank you. I'm done.

Chair Milele: Okay. I believe we're able to take a vote at this time. Okay. Vice Chair Peterson.

Vice Chair Peterson: Yes.

Chair Milele: Commissioner Gage.

Comm. Gage: Yes.

Chair Milele: Commissioner Harbin-Forte.

Comm. Harbin-Forte: Yes.

Chair Milele: Commissioner Howell.

Comm. Howell: Yes.

Chair Milele: Commissioner Jackson.

Comm. Jackson: Yes.



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Chair Milele: Commissioner Jordan.

Comm. Jordan: Yes.

Chair Milele: I am also a yes. The motion passes. Okay. Try to wake myself up a little bit, get some energy for this next agenda item. Let me see. All right.

I know we started this at our last meeting. We had the most heartfelt and meaningful accommodations to all those who helped stand up this commission; however, the leadership of Regina Jackson needed its very own moment. Your dedication to this work, not only as one of the original cohort of commissioners, but also your leadership as chair of this oversight body for most of its existence is literally unparalleled, and it's likely to stay that way. During your time leading as commission, you moved as the epitome of public service and the most fierce proponent for the City of Oakland and all who call this place home. To that, I, we are indebted. It was your grit and fortitude that ensured this commission grew into its potential and its service to police oversight and public safety. I thank you, Commissioner Jackson, for your guidance, your bold and collaborative approach, your faith and support in me and us, and your commitment to equity and justice. I would like to honor you in the way you honored the magnificent seven. I'm going to... Give me just a second. I have a accommodation for you here, and I'm going to go ahead and read it.

Whereas, in November 2016, the voters of the City of Oakland passed Measure LL, the charter amendment creating a seven member, civilian police commission to oversee the Oakland Police Department in order to ensure that its policies, practices, and customs conform to national standards of constitutional policing. Whereas in October 2017, the Oakland City Council confirmed the initial seven commissioners to serve on the Oakland Police Commission, and Regina Jackson was one of the seven original commissioners. Whereas, during her tenure on the commission, Ms. Jackson was instrumental in working with her fellow commissioners to establish policies, procedures, and practices that have formed the foundation upon which the commission's future work will be built. Whereas Ms. Jackson was the first commissioner to be unanimously that to serve three consecutive terms as chair of the commission from 2019 to 2022, notably leading the commission's selection efforts of the executive director of SIPA, the police chief and the inspector general.

Whereas Ms. Jackson represented the commission's positions on discipline, designed commission leadership retreats, oversaw annual reports, policies on armed and unresponsive persons, missing persons and militarized equipment. Whereas Ms. Jackson worked with city council to finalize Ballot Measure S1, which was overwhelmingly passed by 73% of Oakland residents and clarified the commission's authority to hire both independent council and inspector general.



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Whereas Ms. Jackson served the commission and the residents of the City of Oakland with honor and distinction, and was a fierce advocate on behalf of the community. Now, therefore be it resolved, we, the Oakland Police Commission in recognition of your significant contributions to our city, express our sincere gratitude to Ms. Jackson for her leadership, integrity, commitment, and dedication to the people of the City of Oakland. As Ms. Jackson was one of the seven original commissioners of the commission, the commission confers upon Ms. Jackson the title of Chair Emeritus. Thank you, Chair Emeritus Jackson. Would anyone like to comment? Of the commissioners? Ah, I see. Vice Chair Peterson.

Vice Chair Peterson: Thank you, Chair. I just want to say I don't think there's any wall space left on the walls of former chair Jackson's home to put another accolade, but I will say this is so deserving. I have known Regina for at least 25-30 years, and all that time she has been a pistol, and maybe that's the wrong word, but certainly an activist in the Bay Area community. Your foundational work, your transformational work of a new thing in Oakland, and that's the police commission, deserves every recognition and accolade. I'm really proud to have come onto this commission at a time when you were still serving as chair. It was very helpful to me, and I just thank you for your service.

Chair Milele: Thank you, Vice Chair. Commissioner Hsieh.

Comm. Hsieh: Thank you so much. I started off just watching commission meetings, never even thought I would ever make it on, but you were encouraging even at the times that I wasn't. A great leader, a great model. I've learned so much from you. You've stayed on even when there was absolutely no reason for you to stay on and to continue the work of the commission. You have been just such a great role model and leader. Thank you so much.

Chair Milele: Commissioner Gage.

Comm. Gage: Thank you, Chair, and thank you, Commissioner Jackson. This job, as I said before, can really be thankless. You've spent a lot of very long hours sitting on the [inaudible] both real and virtual. You've spent long hours in ad hoc meetings, in one-on-ones. I have no idea how you found so much time for face-to-face one-on-ones with officials and electeds and executives throughout the city. You've been selfless with your time. You've been responsive. You've been the leader this commission needed at a time when we needed the leadership, and I'm very grateful for service. You've put us on an excellent path forward, and we are all the beneficiaries of your selflessness. Thank you for your service.

Chair Milele: Shall we take public comment on this item?



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Commission staff: Absolutely. Members of the public wishing to make public comment on this item, accommodation for Chair Emeritus Regina Jackson, please raise your hand. I'll call on you in the order they've appeared, soon as I get our little stop clock going. Okay. Ms Rashidah Grinage.

Rashidah Grinage: Good evening. It's hard for me to know where to begin, but I know I'm speaking on behalf of the Coalition for Police Accountability when I say that we are extremely grateful for the devotion and commitment that Regina Jackson has displayed throughout her tenure. She was, of course, one of the originals, and her leadership as chair has been exemplary. We are very grateful for her responsiveness to the concerns that we've had over the years on different topics, her willingness to engage, her willingness to listen, and her devotion to the cause and to the commission, to the work of police oversight in the community. I'm sure that my words are not nearly enough to express how much we are grateful for her service and how much we appreciate everything that she's given. Thank you.

Commission staff: Thank you, Ms Grinage. Mr Saleem Bey.

Saleem Bey: Good evening, Saleem Bey. The fact that the CPA, [inaudible] mayors picked for chair over the community, the community hasn't forgotten the fact that Regina's very first chair was orchestrated by the CPA, and that if anybody wants to go back and look at that meeting and see how Janelle Harris was disrespected, belittled, and everything in that, and ultimately sold out by the community to put the mayor's pick on the chair position. The fact that the mayor has three picks on the OPC, poisons the OPC. The fact that people allow the mayor to have been leading this OPC for all these years stifles community justice.

One other fact is that in October, your term has been up since October. The mayor shouldn't have people stay on there six, seven months after their terms are up. The mayor really shouldn't even have choices on the OPC because there's political ramifications of the mayor and them dumbing down OPD racism and systemic problems that people keep coming up with every week. The other issue is that again, why hasn't the NSA been noticed? This is something that, again, why don't you just ask your legal advisor, why as an NSA been noticed during your OPC chair position, since you've known that the Ross report came up with systemic racism, which is something that the NSA wants and needs and demands to be reported. Until this happens, the OPC is tainted by the mayor appointing people on here. Until the community actually leads police oversight, this is a tainted commission. Thank you.

Commission staff: Thank you for your comment. Excuse me, I'm just trying to see. Miss Anne Janks.



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- Anne Janks: I suspect that the best way that I could honor Former Chair Jackson is not to comment and get this meeting over with as rapidly as possible, but there were some very rough shoals that Regina navigated the commission over, and I was always amazed that she already had more than a full-time job. She took on the commission at the same time, and I really cannot begin to thank her enough for doing that and bring the commission to its adolescence where it is now. I especially want to thank her for the focus and the attention on being responsive to concerns that were brought forth by community members, both people who come and comment a little bit too often to the commission, and to residents who came one time with one issue, and the commitment to trying to figure out mechanisms to ensure transparency and community engagement during the commission's processes. Thank you very, very much.
- Commission staff: Thank you, Miss Janks. Mr. Parker.
- Nino Parker: Hello. Nino Parker. Homeless Advocate Bay Area. I'd like to just say thanks to Regina Jackson for all the work she's done. It was so nice to come into that commission meetings in those first days as a homeless person and be listened to. I was shocked. I mean, Regina and Thomas and Janelle Harris and Maureen Benson and Dillard Dooley. And everybody was so receptive. Regina, whenever there was the meeting was over, she would invite me in the back and there was a lot of food and she'd come on back and just treated me like I was just part of the commission, just hanging out having some after snacks with them. I do appreciate when someone that is in a, let's just say a higher position, takes the care to deal with someone that society doesn't look upon as well, I'll put it like that. As to the woman that was speaking about us just being lawless, I'll have a comment for you a little bit later in the meeting. Maybe I can help you understand the plight of the black man here in Oakland, especially the black homeless man. Regina, thank you for your service. This is about you, and you've done a wonderful job. I know there's been a lot of back and forth, but all I can talk about is what people do directly for me, and you treated me fair. Thank you.
- Commission staff: Thank you, Mr. Parker, Phone number ending 1779.
- Mary Vail: Yes. This is Mary Vail, and I just want to say, thank you, Regina, for your leadership, your collaboration skills, your work with both interested community members and your colleagues, your attitude of welcomeness, and you really steered the commission through. Seems every year is more momentous and has more challenges, and you've risen to the occasion and given so much. Thank you.
- Commission staff: Thank you for your comment. [crosstalk]



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Chair Milele: Looks like we have a comment from...

Conor Kennedy: Can folks hear me?

Chair Milele: Yes.

Conor Kennedy: Excellent. I wanted to add my two cents. Commissioner Jackson, thank you so much for your leadership, your wisdom, your talent, your intellect, and most importantly for teaching me so much. If our country was a better place, you would go immediately from former commissioner to maybe a long vacation to president of this country, and I really just think you are the most inspiring leader that I've ever worked. Thank you.

Chair Milele: Director Alden.

Dir. John Alden: Commissioner Jackson, I just wanted to say I agree with everything everybody else has said, but in addition to that, I really appreciated your help and support. It was challenging to come into this job and try to build CPRA into what the community envisioned. I know we still have a lot of work to do. We're not there yet, but I really appreciated how supportive you were about helping me get the things that we needed for SIPRA, the staff, the funding, the structure, the charter changes. I just really valued that you were a visionary and that you're willing to put in the time and the effort to make really durable change happen. That was inspirational. Thank you so much.

Chair Milele: Chair Emeritus Jackson, would you like to speak?

Comm. Jackson: Ever so briefly. To you, Chair, I want to thank you for an extraordinarily thoughtful and graceful presentation. To the rest of my fellow commissioners, yes. It's been some really, really hard work, and we've seen the best of each other and sometimes the worst of each other, but all in an effort to make the commission more powerful, more impactful, and more updated in its policies and hopefully to navigate via or by way of oversight to help the police department get out of the NSA and to make the CPRA and the inspector general's offices just as outstanding as any office could be across the country. I want to say that I am a community leader, I've always been a community leader, and the fact that I was appointed by the mayor doesn't impact how I moved. As a matter of fact, I am quite proud of the work that the commission has done over the last three years, because in most of our votes, you couldn't tell who was a mayoral appointee or who was a selection committee person. That is the true test of quality impact on behalf of police oversight nationwide.

I will continue to be on to support the transition because I know how important it is and because the institutional memory is incredible. I will do my best to



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continue to share, not because I don't have a lot of things pulling at me because I do, but because it's the right thing to do, and because this commission is one of the best things to come out of the City of Oakland. Oaklanders just deserve to have a police force, a community police review agency, and an IG that can do work, that will make us all feel equal and protected and safe. For that, again I want to thank you, Chair. I certainly did not expect to be appreciated in such a thoughtful way. It's a nice surprise, and I'll just continue to get back to the work. Thank you very much.

Chair Milele: You're very welcome. We might need to entertain another vote to extend the meeting.

Comm. Jackson: So moved to extend the meeting to 11:30.

Chair Milele: Hopefully, we can end sooner.

Comm. Jackson: How about that?

Peterson: I second. Commissioner Peterson. I second.

Chair Milele: Oh, okay. Comment, and then vote?

Comm. Jackson: Yes. Oh, no. I think we actually should take the vote first.

Commission staff: Yeah. I don't know that you need to comment on this one.

Comm. Jackson: The vote first.

Commission staff: Yeah. I don't know that you need to comment on this one.

Comm. Jackson: I agree. Okay, good.

Chair Milele: Okay. Let's go ahead and take a vote. Vice chair Peterson.

Vice Chair Peterson: Yes, absolutely.

Chair Milele: Commissioner Gage?

Comm. Gage: Yes.

Chair Milele: Commissioner Harbin-Forte?

Comm. Harbin-Forte: Yes.



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Chair Milele: Commissioner Howell?

Comm. Howell: Yes.

Chair Milele: Commissioner Jackson?

Comm. Jackson: Yes.

Chair Milele: Commissioner Jordan?

Comm. Jordan: Yes.

Chair Milele: I am also a yes. The motion passes. We're extending the meeting to 11:30. So our next item is committee reports. Before we do this, if I'm allowed to, I'd like to announce that we will be moving the racial profiling first ad hoc meeting to March 31st from... It was originally stated to be, I believe March 8th. And we're pushing that to March 31st. So for the anti-discrimination ad hoc, Vice Chair Peterson, or is it Commissioner Harbin-Forte who's reporting out?

Comm. Harbin-Forte: Yes. Yes. Thank you. You thank you madam chair. The anti-discrimination policy ad hoc committee was established to bring to the commission for adoption, a revised and enhanced internal open police department anti-discrimination and harassment policy that will contain guidelines and expectations related to department members. The policy is not meant to guide and direct OPD members regarding expected anti-biased behavior toward members of the public. Those proposed expectations and guidelines will be included in policies generated by other ad hoc committees. Current members of the ad hoc are Commissioners Hsieh and Jackson, and myself, and I serve as chair of the ad hoc. We held our first meeting last week and another one this week with members of the department and other key city stakeholders.

Another meeting is scheduled for next week. These meetings have not been open to the public because we're working on an internal and employee policy that involves discussion of sensitive personnel matters. We have another meeting of stakeholders scheduled for next week, and then on Wednesday, March 9th, from 6:30 to 8:00 PM, we plan to hold a public forum to educate the public on the proposed policy and to gather a public input before a final policy is agreed upon. Notice of that public forum will be given and provided on the commission's web page. We expect to have the policy completed and brought to the commission for approval in April ahead of the deadline for reporting to the federal monitor on the status of this policy and that is my report. Commissioner Jackson, or Hsieh. Do you have anything to add?

Comm. Hsieh: No thank you. Thank you.



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- Comm. Jackson: Very well done. Thank you.
- Chair Milele: For the risk management policy, who is reporting on this one?
- Vice Chair Peterson: Commissioner Peterson, I'll be reporting. Shall I go ahead?
- Chair Milele: Yes.
- Vice Chair Peterson: Okay. The risk management policy and the ad hoc committee was established to bring to the commission for adoption, a risk management policy that will contain guidance and guidelines regarding risk behavior to help the Oakland police mitigate and reduce risk to individual officers and the city of Oakland. The ad hoc committee consists of Commissioner Howell, Commissioner Harbin-Forte and myself as the chair. We met this week and we have another scheduled meeting next week and we intend to be on schedule to have this policy adopted by the April deadline. And do commissioner Harbin-Forte or Howell have any additional comments?
- Comm. Harbin-Forte: No, thank you very much. Great job.
- Vice Chair Peterson: Commissioner Howell?
- Comm. Howell: No comment.
- Vice Chair Peterson: Okay. Thank you very much.
- Chair Milele: Can we take public comment on this item?
- Commission staff: Yeah. Social media.
- Chair Milele: Oh, sorry. Social media. Who's presenting on this one?
- Comm. Jackson: Commissioner Hsieh, did you want to, or...
- Comm. Hsieh: Sure. We are... We met, I think it was last week. We are having public meetings about the social media policy with community members and representatives of OPD. We've been working our way through the document section by section. This is one of the policies as with the other two from... That are reported out today that was expected to be the on by the April 15th deadline. And we'll get it done as we're working our way through.
- Comm. Jackson: I don't have anything to add. Thank you.
- Chair Milele: Okay. Are we able to take public comment on this item?



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Commission staff: You certainly can. Members of the public wishing to make public comment on this item, the committee reports, please raise your hand. I'll call on you in the order. They've prepared. I see a few hands starting off with Mr. Bey when you're ready. Mr. Bey.

Saleem Bey: Good evening, Saleem Bey. Community looks forward to working on the racial profiling the committee, and to develop some sort of policy that ends up with community safety. Community safety is the bottom line. The black community is the most unsafe community in Oakland and that means that OPD, who is supposed to protect and serve, protects first, right? So, you're failing massively when it comes to the black community and safety. So community safety is something that I don't hear a lot of attention being put to, but as it applies to racial profiling, that's something where it has to begin because as long as the police come in and then choose any black person for any reason to stop and harass, our community is unsafe. Thank you.

Commission staff: Thank you, Mr. Bey. Rashidah Grinage.

Rashidah Grinage: Sorry. I didn't mean to raise my hand for this.

Commission staff: Oh, okay. Thank you.

Rashidah Grinage: I apologize.

Commission staff: No worries. Thank you Ms. Grinage. Ms Assata Olugbala?

Assata Olugbala: The work that's being done on the discrimination policy, it doesn't specify that the issue of the black police officers grievance was a specific group of officers who complain about harassment, unfair discipline practices, and discrimination in hiring and promotions. So this policy is a general policy that will reflect everybody being in the same boat per se. And that's not the case. It's just like when they use that term people of color as if everybody's having the same experience or BIPOC, black indigenous people of color.

Within this city, there's always an effort to undermine the issue and the disproportionality of unfairness that goes on with African Americans in this city. So I can see a discrimination policy, but how do we target the incidents of black officers with the black police officers grievance, that's impacting them? There's no other officers of race or ethnicity, or they're complaining that they're being harassed or discriminated against. So the generality of a policy and not specifics of black officers, are we getting what we really need for those black officers in terms of a solution to the discrimination, the harassment, the prejudice, and the racism that's going on in the department.



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Commission staff: Thank you Ms. Olugbala. Mr. Parker.

Nino Parker: Nino Parker, black homeless advocate, bay area. I like to say to the woman, I can't see you, I'm on the phone, but the woman... I'd like to say, first of all, racism never sleeps. I'm not accusing you of being a racist, but I'm just saying racism never sleeps. And you're saying, we're ignoring the law. I think what's happening is the laws are being ignored systemically, and that's our complaint, but I have to say this to you. You don't know of me, but I've been suffering racism for over 60 years since I was about eight years old. And in this town, I get of two minutes at a time to talk about issues dealing with the homeless. Two minutes at rules committee, sometimes four minutes, sometimes... So I have to use every little minute I got to try to protect and help the homeless here and the systemic racism that happens to black people in Oakland.

So I'm sorry. If it bothers you that I use after all these years of racism, I use two minutes here, or maybe six minutes here, or the minutes I'm getting now to discuss a different agenda item than what you want me to talk about. I'm sorry, but I don't have much time left in life in general, and I'm going to use it to try to protect my people and I'm sorry if that bothers you and it's not about being unlawful. It's about getting the word out that other people don't talk about. There's no other black homeless advocates here are in Oakland, but me and the other people, that claim they are, are for white people. So please don't try to dishonor me by saying that I'm being lawless. I don't... Matter fact, I don't do anything against the law except civil disobedience and even that is not going to hurt anybody. It's what we need to do sometimes take direct action.

Commission staff: Thank you Mr. Parker. Ms. Janks. When you're ready. Ms. Janks.

Anne Janks: I do try to be predictable. So the risk management ad hoc is not listed on the website at all, nor any of the documents associated with it. The anti-discrimination ad hoc, I appreciate the explanation about why none of the meetings can be public, but I do think that it's still possible in the interest of transparency to list when meetings occur, to list the participants of those meetings, and I would argue that making all of the meetings non-public is probably, I would guess a little bit of overreach, in terms of handling sensitive information.

I think that you are going to lose some of the potential inputs on the issue. This is an issue that people have been following for quite a while. We understand that this is an internal to OPD issue. One of the things, for example, that you lose, is that by relying on OPD to produce the policies from other jurisdictions that you look at, they often in my experience, don't necessarily produce the best or the most interesting policies for comparison, or to take ideas from. And I don't understand why the risk management meetings can't be public, unless



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there's something more secretive or more third rail about them than I understand them to be. I really would argue that the commission needs to make default transparency and then have a closed meeting if indeed that's necessary. And I think that that approach would be much more beneficial and would result in better policies. Thank you.

Commission staff: Thank you, Ms. Janks. It's back to you chair. Actually, it's back to public open forum. Can I just keep going?

Chair Milele: Yes, please.

Commission staff: Okay, thanks. Members of the public wishing to make public comment on this open forum, ideally on items not on the agenda, please raise your hand. I'll call on you in the order they've appeared. Mr. Bey, when you're ready, sir.

Saleem Bey: Saleem Bey, let me be clear. When I complain about out the mayor's pick, this is not personal. In most cases, I don't know the person that's sitting on the desk that was picked by the mayor, representing mayor Libby Schaaf, but the black flatland community, including schools being closed while covering the cost of billionaires to develop more black people into homelessness and use the OPD as the blunt force of gentrification that has affected Oakland's black community into the greatest numbers of homeless in Oakland, the most displaced, the most affected by OPD over policing. While the mayor cuts headstart, closes schools in the black community, people are looking at the Ukraine. What about the ethnic cleansing that's happening to black families in Oakland who had roots that go all the way back to the thirties and the forties of Oakland, right?

Now, I'm talking about first generation gentrification of people who just got here. I'm talking about people who've been here for almost a hundred years, and then are being pushed out by exorbitant rates. Why you're cutting resources to the community. Why are you giving more money to OPD when the community is being starved? Redirect the money to the community, start thinking in terms of that, start thinking in terms of civilian oversight of OPD. Use the IG as the next chief, get rid of this poisoned OPD command who keeps coming up with excuses, why for 19 years, they can't supposedly force themselves to stop racially profiling and harassing the black community into constant poverty, right? They can't solve any of the violence programs, why is that? You can't solve anything in the black community unless you invest in a community, right? So the same amount of money that you're putting into OPD, you need to invest into poverty issues that are the reason why you need more police officers.

Commission staff: Thank you, Mr. Bey, Ms. Olugbala.



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Assata Olugbala:

Thank you. I just want to bring some clarity to why it might be difficult to get people to stay on what you want to talk about. One of the reasons that people tend to focus on things that are important to them, and they allow to do it. They allow to do it at the city council meeting. They're allowed to do it at the committee meetings, other commissions that have meetings. When people speak on anything, they don't stop them. At the school board meetings and the school board committee meetings, they encourage people to stay on the agenda. We had 900 people at the school board meeting yesterday, and they insisted no matter what the subject was to speak on the closing of schools, it went on to 1:30 in the morning, and I think you have a community of people who participate in other meetings where they don't get the same enforcement that you are trying to give that you have to stay on the agenda item.

So that's why you're getting so much pushback. People tend to speak on the passionate things that are important to them, and people have a very limited opportunity to participate and so they take advantage of every minute or two minutes that they're given. Secondly, being out at lake merit, protesting upcoming contact with police officers and I want to suggest that police officers do need some more people skills, not all of them, but when you're getting ready to tell an officer about a shooting over there at the tiny homes into the hills, and he's telling you, "I've got to be someplace else." Or when you are trying to tell an officer about a problem going on and they are saying they can't do anything. That's the problematic.

Commission staff:

Thank you, Ms. Olugbala. I am so sorry to have to cut you off. Unfortunately, the two minutes are up. Mr. Parker?

Nino Parker:

Hello, Nino Parker, black homeless advocate, bay area. In the word of Bishop Desmond Tutu, the faith of justice is not neutral. And that's like someone that says you're... That's like being a little bit racist. And as to a former topic, talking about the police and how promotions weren't granted, I watched for years as chief Armstrong waited when we were hiring people from all over the United States, everywhere but the guy that was here already. There's a good example of systemic racism right there but... And let me tell you, I'm not brown nosing. I don't do any brown nosing.

But I must say I've been doing a lot of protesting lately at Parker elementary, and I'm going to be doing probably a little bit more of that type of protesting. One of my ideas is to take my protest, to some of the schools up in the Montclair district and up in the diamond district in Rockridge. Go up there and protest and tell those people that we're going to be coming to their schools if you close our schools. And I get the feeling there's going to be some police presence after a very short period of time, but I want to say once again, it's a little bit of civil disobedience. The white folks might not like us up there



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protesting, but that's what I plan to do. So, police officers, I'm there peacefully protesting, please turn on your camera when you're approaching. Thank you.

Commission staff: Thank you, Mr. Parker. Chairman [inaudible], back to you.

Chair Milele: All right. So, our next item is upcoming and future agenda items. Commissioner, do you have any agenda items you'd like to bring up? Commissioner Jackson?

Comm. Jackson: Thank you. So I think it's probably time for us to hear from the department of violence prevention again. Especially given the money that they were directed. I know their RFP process of has already been let, that might be helpful. And before I transitioned, I was working with the public safety youth leadership council on trying to put together a presentation. They said that they would be ready for our March meeting. So, if you will consider that I can help to coordinate that. We have not heard from the public safety youth leadership council since the commission began and then it may be helpful to have an updated presentation on vision, which we mentioned a little earlier.

Chair Milele: Thank you. Any other commissioners? Okay. Seeing none. I believe we can take public comments.

Commission staff: Yes, please. Thank you. Members of the public wishing to make public comment on this item, please raise your hand. I'll call on you in the order that they've appeared. Miss. Olugbala?

Assata Olugbala: Yes. I've heard a report from this officer Bolton on the stops of the stop data, and that stops are now evidence based and I'm trying to understand what evidence is making the decision by officers to make these stops. So if we could get a presentation on what is the police officer's evidence based system, how does that work and a breakdown on how it has been working by race. I think it's a bunch of malarkey, evidence based.

The Bey case. The Bey case never comes up unless we bring it up as something that needs to be done. You should have it every meeting, any updates, if possible, on what's going on with the Bey case and the CRO's involved in the scandal, sexist and racist scandal, that needs to be pursued in more depthness. Ceasefire needs to be pursued. There's a lot of things about ceasefire that needs to be publicly understood. There are two parts to ceasefire. One is bringing them in to try to give them some encouragement and some services and resources. Never hear what those services and resources are broken down, but the other part is to target them to actually get them off the streets. And so the two parts of ceasefire need to be presented and who are the ceasefire officers? We got some officers that are called the ceasefire officers. Who are they? What



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do they do? Are they perusing in a constitutional way, whatever they're doing? Bey case more than anything.

Commission staff: Thank you. Ms. Olugbala, Mr. Bey, when you're ready.

Saleem Bey: Yes. Saleem Bey. I'm asking you to please agendize noticing the NSA court, that there is evidence that the Oakland police department facilitated murders in the black community. There's a reason why I continue to stay here. I'm not asking you about misconduct. I'm not talking about somebody got their arm twisted and there was a use of force. I'm talking about people setting up murders in the black community, and that there's more than enough evidence that this should be investigated by a federal court and not OPD, right?

And so every time that I say this... There's also a precedent that this OPC has contacted the NSA regarding this case and hasn't contacted them since this investigation with no follow up, with no agendas, so our whole point is it smacks of a cover up if you notified the NSA supposedly by letter three years ago, that the Bey case needs investigating, but then since then the investigation has come and you haven't forwarded that investigation to the NSA. That is a coverup until you address that publicly, we'll keep on harping on this and asking why you haven't agendized the legal counsel to give you a reason why you can, or you cannot contact the NSA court. Thank you.

Commission staff: Thank you, Mr. Bey, Mr. Parker.

Nino Parker: Wow. Amazing I found the minutes tonight, I'm just elated. Mr. Alden, I gave a claims report to you years ago about my bicycles that were taken. You're going to give me a phone call. I never got that phone call back and then we went into COVID. I still am going to follow up on that claim. You can bet on it.

The other thing is I want to talk a little bit about something that happened with the department of public works department over here at [inaudible]. Anyway, where a person zipped open a tent and went inside. As we know you need a search warrant to do that. You just can't zip open a tent of a homeless person and go inside. I think that's one of the things that need to be addressed. The other thing that I have a huge issue with, and one day, I'd still like to try to get some help on this and why people just so accepting of it, I don't understand, is how a city can make a law criminalizing homeless people that are already in the parks.

For instance, if you're in a park, within in a hundred feet of any park, you are now a criminal. I just have a problem with that being voted in. I know it was voted in by the city council and Daryel Dunston and somebody that got some money and ran and whatever it might be, but that's a horrible law to criminalize



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the homeless. One day, I don't know how, what mayor is going to come in, maybe if some Mayor can like put that law on hold. They don't even have places anymore for the homeless to go. They've run out of places, but yet there's a law against black men. If it was white homelessness, I bet it wouldn't be a law. If it... 75%, 80% black homelessness and that's why it's so easy for a systemic racist system to put laws against black people and now you now they've got-

Commission staff: Thank you, Mr. Parker, Rachel Beck. I have unmuted you, when you are ready.

Rachel Beck: Can you hear me?

Commission staff: Yes.

Rachel Beck: Great. I would just like to third the request to hear what of the Bey case is hearable, please. That's all.

Commission staff: Thank you, Ms. Beck.

Chair Milele: I believe the next item is adjournment.

Commission staff: I believe you're right.

Chair Milele: And we do not need to vote on this.

Commission staff: Correct.

Chair Milele: Okay. We made it. Thank you everyone.

Commission staff: Congratulations on your first meeting and congratulations to [inaudible].

Comm. Jackson: Thank you. Thanks chair, Milele. This was a good long one. Baptism.

Chair Milele: Have a wonderful evening.

Commission staff: Good night.

Chair Milele: Good night.