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- Regina Jackson: ... but I'm just looking to see who else we're waiting for. So it looks like we still need Tara. I'm not sure if Edwin's going to make it tonight and then... Hey guys. Okay. So let me see. Tara's having some internet issues. Okay. Henry's here.
- Henry Gage, III: It looks like we're missing David Jordan as well.
- Regina Jackson: Yes, that was the next name I was going to call. Thank you very much. I appreciate it.
- Juanito Rus: Just as a notice to everyone, you should all have received two emails from me, one at four and one at five with written public comments that were submitted. We got 11 written public comments submitted prior to this meeting. So I'll announce those names when the public comment time starts, but it sounds like it might be a busy one.
- Ginale Harris: Are the public comments going to be read?
- Regina Jackson: No, they're not typically read.
- Ginale Harris: Well then, they're not public comments.
- Juanito Rus: They'll be included in the transcript, and the names of the commenters are also going to be in the minutes.
- Ginale Harris: I mean, I would ask that they be read because this is very restrictive in our meetings, and it just doesn't feel like the public is inclusive.
- Regina Jackson: I hear you, and I think that maybe we can have more of that conversation during a closed session so that Natasha can advise us on that.
- Ginale Harris: Okay. Sounds good.
- Regina Jackson: I thank you. Let's see here. Tara made it in. Great, Thomas. Okay, so great. We can go ahead and start our meeting then. So I'm going to unmute you guys so that we can have our call to order and roll call.
- Juanito Rus: Okay, are you going to start the broadcast?
- Regina Jackson: Yes, sir.
- Juanito Rus: In three, two, one.



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- Regina Jackson: Close your video. Hi. Welcome to the Oakland Police Commission special meeting agenda for May 28th, 2020. First I'd like the call to order. It is now 5:33. And next I'd like to take roll call in order to determine... Commissioner Harris?
- Ginale Harris: Here.
- Regina Jackson: Commissioner Dorado?
- Jose Dorado: Presente.
- Regina Jackson: Commissioner Anderson?
- Tara Anderson: Here.
- Regina Jackson: Thank you. Commissioner Smith?
- Thomas Lloyd Smith: Present. I'm here.
- Regina Jackson: Great, thank you. Let's see. Co-chair Henry Gage?
- Henry Gage, III: Here.
- Regina Jackson: Thank you. And let's see, alternate commissioner, Chris Brown?
- Chris Brown: Present.
- Regina Jackson: Thank you. So it looks like for the meeting, Edwin Prather is excused and David Jordan. Not actually heard from David Jordan. So we will figure out whether he'll be joining later, but we do have a quorum for the purpose of our meeting. So thank you very much. Now we will move on with the public comment on closed session items, and I will turn this over to you, Mr. Rus.
- Juanito Rus: Thank you, Chair. Prior to tonight's meeting, we received 11 comments from members of the public, written public comments. The names of those commenters were Alicia Rosetti, Bruce Schmiechen, George Lerma, Jim Channon, Myrna Schwartz, [Manuel Antonio Abarca 00:06:31], Reverend Brian K. Woodson Sr, Alanya Snider, Angela Noelle, Mary Vale, and Terry Williams. If any of the attendees would like to make a public comment at this time, please raise your hand, and I will call on you in the order in which your hands are raised. At this time I'm showing two hands raised. The first hand is for Ms. Assata Olugbala.



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- Regina Jackson: Excuse me. If I could interrupt for a moment. Commissioner Prather had his hand raised just as you started speaking. I think he needs to be moved to panelists.
- Juanito Rus: I see that. I will promote him.
- Regina Jackson: Thank you.
- Juanito Rus: Ms. Assata, are you there?
- Assata Olugbala: Yes, sir.
- Juanito Rus: You're free to start speaking whenever you're ready.
- Assata Olugbala: Thank you. Good evening, commissioners. I'd like to participate in what has been put on the agenda for discussion in closed session, but I'm not able to do that because when I read the agenda, I saw government code 54956-9D2. And I had to go look that up, and that's a California code. It speaks to there's a form of litigation you'll be addressing as a police commission, and it's relative to a possible lawsuit or a pending lawsuit. I have no idea. So I don't get the agenda item being scheduled with such a vague representation of what you're going to be addressing and if there is some with some legitimate reason for if there's a case you're discussing, is there something whether you're being sued? And it's almost impossible to weigh in on a government code.
- Assata Olugbala: So I'm sure the legal process is thoroughly being followed, but it doesn't allow for public comment when you don't know what is being discussed in closed session. And I would hope this would follow through to the meeting that you will consider the process for public engagement. As the city administration has put forth that you have public comment and public opinion at the same time, open forum at the same time, almost impossible, but it feeds to agenda exclusion of the public and true involvement of the public. So have a great evening, and I hope in the future when you do have these meetings of closed sessions and you're dealing with legal issues, it would be more clear about what you're dealing with. Thank you.
- Juanito Rus: Thank you, Ms. Olugbala. I will now lower your hand and put you on mute. At that time it looks like that's the only public comment I have. So I'll turn the meeting back to you, Chair.
- Regina Jackson: Okay, thank you very much. So at this time we are going to move to closed session, and we expect to report out just in front of 6:30 when we will start our regular meeting. Thank you very much for your patience, and we will see you



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shortly. Uh oh, I see a hand raised by a Jocelyn Ryder. I assume that's public comment.

Juanito Rus: I see that. If you'd like to me to reopen it, I am happy to do so.

Regina Jackson: Please do, yes. Thank you.

Juanito Rus: Hello, Ms. Ryder, can you hear us?

Jocelyn Ryder: Yes. Can you hear me all right?

Juanito Rus: We can hear you. Your time will start whenever you're ready.

Jocelyn Ryder: Thank you. I am just wanting to check in as a citizen of Oakland on the urgency that I feel even more as a result of the recent police killings of black people in this country, and although he was not working for the police at the time, Ahmaud Arbery's killer and colluder were part of the police collusion machine, which I find particularly disturbing. And I noticed that he, they were protected, and I want to say that that is not acceptable to me as a citizen of Oakland and as a white citizen of Oakland. That does not fall within my values, and I am adamant that this police commission should do everything in your power to make certain that such a thing does not happen here.

Jocelyn Ryder: And to that end, I know that one of your most publicly scorned and outspoken commissioners, Commissioner Harris, continues to receive really just dreadful treatment by city employees and by the press, which obviously you have no power over. And I know that the commission has expressed a full support of Ms. Harrison. I just want you to know that I and others in Oakland are going to be sending a letter of support to the selection commission so that you all know that there's a community behind her, her voice and her very important perspective.

Regina Jackson: Thank you very much. Mr. Rus?

Juanito Rus: I'm sorry. My mic was muted. Thank you, Ms. Ryder. I will lower your hand and remove you from the list and turn it back to you, Madame Chair.

Regina Jackson: Okay, thank you very much. So at this time we will adjourn to closed session, and we will be back at 6:30. Thank you very much. [Silence 00:13:11]

Regina Jackson: ...session. We are still live, correct?

Jose Dorado: We are.



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- Regina Jackson: Okay. What I'll do though is I will determine roll call once again. I will unmute all of the commissioners. [crosstalk 01:07:05] Welcome back to the Oakland Police Commission meeting on May 28th, 2020. I would like to take roll call once again, and I did want to make mention that Commissioner [Prethur 01:07:24] did join the meeting before we went into closed session, I'm not sure that that got recorded. So now I'd like to take the roll call before I go into reporting out of the closed session. Commissioner Dorado?
- Jose Dorado: Present.
- Regina Jackson: Thank you. Commissioner Anderson?
- Tara Anderson: Present.
- Regina Jackson: Thank you. Co-chair Commissioner Gage? Not co-chair, cohost, excuse me.
- Henry Gage, III: Present.
- Regina Jackson: Thank you. Commissioner Smith?
- Thomas Lloyd Smith: Present.
- Regina Jackson: Thank you. Commissioner Harris?
- Ginale Harris: Here.
- Regina Jackson: Thank you. And, alternate commissioners, Jordan?
- David Jordan: Present.
- Regina Jackson: Great. And Brown?
- Juanito Rus: Present.
- Regina Jackson: Perfect. Terrific. We do have a quorum and while Commissioner Prethur did join us in closed session, he asked to be excused for a family event. I'd like to move to agenda number five, and that's a report out of closed session and there is nothing to report. I want to move into item six, which is the welcome purpose, and open forum public comment, but I would like to take a point of privilege to read a brief statement. And that is that, as we join the nation with sorrow over the unacceptable and unnecessary killing of George Floyd, it affirms the essence of why Commissions like ours are necessary because these things happen all over the country. As we keep the family of George Floyd in our prayers, we



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stand steadfast in our commitment to provide the oversight necessary for transformational policing and dignity for all of our communities. While all officers are failing, enough demonstrate irresponsible actions, disproportionately killing African American citizens, such as support for police oversight is required. Here at home I hope that our serious debates over commission authority under the charter illuminates just how much opportunity there is in Oakland to be bold and progressive, not fearful and oppressive, if ever we will have a chance for transformational policing. We have a moral imperative to take steps necessary to root out racism and all forms of evil.

Regina Jackson: The disparity report that we will discuss tonight is critical. If we can not treat officers fairly, inequitably, how can we have confidence that officers can treat the public similarly? We are part of the prevention to ensure we don't have the next case. In a city that proclaims that equity is a core value, then we should expect there to be more outrage, more action, and immediate action in response to such a disparity report. Thank you. Now I'd like to turn over the meeting back to Mr. Juanito [Russ 01:11:18] in order to have public comment. Thank you.

Juanito Rus: Thank you, Chair. At this time, I'm going to repeat the names of those who have commented in advance of this meeting via written comment. For the record, we received written comments from Alicia [Rosedo 01:11:39], Bruce [Shameekan 01:11:41] George Lerma, Jim Channon, Myrna Schwartz, [Anofre 01:11:48] Antonio [Aguarca 01:11:48], Reverend Brian K. Woodson, Sr, Alanya Snyder, Angela Noelle, Mary Vale, and Terry McWilliams. I'm now showing 12 speakers with their hands raised in the Q, 13 now, 15, 16. I will call the speakers in the order they raised their hands. I'm at 18 speakers in the queue. You'll have two minutes to speak and I will start your time when you begin speaking. The first speaker is Mariano Contreras. Mr. Contreras, can you hear me? Mr. Contreras? You can unmute your microphone.

Mariano Contreras: Okay. Can you hear me?

Juanito Rus: I can hear you.

Mariano Contreras: My name is Mariano Contreras. I am Latino and I live in district four. I am a member of the Latino Task Force and the Coalition for Police Accountability. I'm speaking to Item 12 and also speaking for six others who can not be here, but some of them sent in e-comments. In 2016, I voted to have a strong and independent police commission because the Oakland Police Department needed true civilian oversight, and sadly it still does. I cannot describe the terror that I feel every time I see red lights in my rear view mirror, because a simple traffic stop can easily go bad. Without an independent and strong police



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commission in our city, I will not feel safe. My daughters, my wife, and all Oakland residents who look like us will not feel safe knowing that the check and balance we voted for is being challenged. Now the city auditor has joined in the attack by claiming that you Commissioners have too much responsibility and you know that's code for too much independence, and too much authority to make positive policy change. In an effort to improve the Commission with a rewrite of Measure LL, we are seeing the possibility of making it weaker. Given everything that is currently taking place with police misconduct conduct in this country, it is crucial that our police commission continue to exist and be independent from city administration.

Mariano Contreras: I urge each and every one of you Commissioners to stay strong and continue to stand up for me and my community. I urge you to one, maintain your ability to convene a discipline committee, do not give up the right to investigate police misconduct and recommend discipline. And two, remove the Exigent Circumstance, which essentially gives the Chief of Police the authority to declare martial law at his or her discretion. Thank you for everything you do.

Regina Jackson: Mr. Rus?

Juanito Rus: I apologize. My microphone got muted again somehow. The next speaker is Extension zero one eight five. Can you hear us?

Michele Lazaneo: Yes, I can. This is Michelle [crosstalk 01:15:41]

Juanito Rus: Oh, sorry. The timer will begin when you start speaking.

Michele Lazaneo: Okay. This is Michelle [Lazanelle 00:09:47], spokesperson for the Van Debella family, regarding Jonathan van Debella. During the course of this one year investigation, we became aware that 151 of the department general orders are severely outdated, 15 to 20 years old. How does no one in a department of 750 sworn employees notice that 151 department general orders need to be updated and revised? At least five of these department, general orders directly affected the investigation into Jonathan van Debella's disappearance. AGLO-6, missing persons dated 12/15/2009. AGLI-1, personal computers, electronic messaging devices, July 1st, 2009. I-19, duty use of cellular telephones, personal electronic devices, also July 1st, 2009. J-03, towing procedures 4/7/2000. Your Manual of Rules is also dated 9/30/2010. What is the Manual of Rules? Let me quote, "A manual rules provides specificity to the standards of conduct embodied in the law enforcement officer's code of ethics, and the department's statement of values. In that all personnel will better understand requirements and limitations pertaining to their conduct and activities while on and off duty."



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- Michele Lazaneo: It also includes your mission, vision, and values. Great, but the Celeste Guap rape scandal happened in 2015, and the City of Oakland paid out \$989,000 to Celeste Guap in 2017. So even after what was uncovered by the Celeste Guap rape scandal, five years later your Manual of Rules, and Department Journal Orders have never been updated. Wow. You have no social media policy, and as a result, there is no consistency on your usage of social media to inform, educate, or engage your community. Acting Chief Manheimer, we've made your predecessor and this Commission aware of these shortcomings for over a year now. Yet nothing, not even one of them, has been updated.
- Juanito Rus: Thank you, your time is up. I'm going to mute you and put on the next speaker. Thank you for your comments. The next speaker I show is Jim Channon. Mr. Channon, you will have to unmute yourself.
- Jim Chanin: Can you hear me now?
- Juanito Rus: I can hear you.
- Jim Chanin: Okay. Thank you. I was originally in favor of a measure that would give the Chief such temporary power on the condition that the Chief should notify the Chair of the Commission of said law enforcement emergency within 24 hours of its occurrence. And that upon agreement with the Chief, that the emergency was appropriate and warranted, the Chair of the Commission should call an emergency meeting of the police commission as soon as reasonably possible, to approve the Chair's action. The current proposal before you should, A, not be part of the Charter Amendment, you have to protect yourself against a Chief of Police who can declare section emergency and you'll be stuck under the charter with a procedure. You should keep that power to yourself as a commission, to be flexible about the situation at hand. The current proposal before you lacks any power for the Chair to disagree with the Chief's proposal, any power of the Police Commission to disagree with the Chief and the Chair of the Police Commission, and any appellate right to any elected or appointed public official on the City of Oakland to veto the change decision.
- Jim Chanin: Instead, the Chief would have an unlimited power to make any changes he or she wanted, and the Commission would have no power whatsoever to object to any changes for a minimum of 60 days. I can't finish everything I wanted to say, but this should not be on the charter, and I urge you to strike the language proposed by, I don't know who, but I'm against it. Thank you.
- Juanito Rus: Thank you, Mr. Channon. The next speaker I show in the queue has X extension zero five zero one. Hello, extension zero five zero one. Can you hear me?



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Gene Hazzard: Yes, can you me?

Juanito Rus: I can hear you. You are unmuted and ready to talk. I'll begin that timer when you begin speaking.

Gene Hazzard: Can you hear me?

Juanito Rus: Hello? We can hear you.

Gene Hazzard: Yes. This is a Gene [inaudible 00:01:21:12]. Go to cleanopen.com and you'll see other matters unrelated to this, but matters that are critical to Oakland. Thank you, Chair person, women, Ms. Jackson, and doing your reading that those comments at the beginning of this meeting, I concur with that, and I did send you an email urging that the Commission write to the Mayor in Minneapolis regarding the murder of Mr. Floyd. If you have to do an urgency matter, then so do it, and get that letter out immediately. I sent one to the Council as well. We need to have our voices heard back here as well. This day, I like to associate myself with those well-placed comments of the first speaker this evening, because this has to stop. Too many folks who are black, and others, but primarily black folks are murdered by those who are sworn to protect everyone. So here we go again. Remember with what happened in New York? I can't breathe, I can't breathe, and we got the same thing here. When are of those officers going to realize, until they're not just kicked off the force, but they are imprisoned and they lose all of their benefits.

Juanito Rus: Sir, your two minutes are up. I will call on the next speaker. The next speaker I have in the queue...

Pamela Price: Can you hear me?

Juanito Rus: We can hear you. Your time will begin when you're ready.

Pamela Price: Thank you. My name is Pamela Price, I'm a resident of District Six. I've lived in Oakland for than 40 years. I'm a civil rights attorney. I'm the secretary of the Oakland East Bay Democratic Club and an elected member of the Alameda County Democratic Club. I'm speaking tonight to support the proposed amendments submitted by the Coalition for Police Accountability. I want to commend you all, as always. Thank you so much for everything that you are doing. You are unpaid and and we know that, and we appreciate that. But please be clear that the point of amending Measure LL is to strengthen your hand, and give you the support and the authority that you need to get our police department on the right path to transformation on constitutional policing. The recent police discipline disparity report illustrates how much we



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need even more rigorous oversight in Oakland. The empirical evidence clearly establishes that the challenges that our city faces with oversight over a rogue police department have not been magically resolved.

Pamela Price: We see other cities struggling that have not advanced as far as we have come. Places like Minneapolis, Brunswick, Georgia, San Leandro, California. I urge you to hold the line and reject all efforts to reduce, dilute or reverse the power that we voted overwhelmingly to give you as an independent police commission. Please keep your power to make policy, remove the proposed, Exigent Circumstances authority for the Police Chief. Please keep and expand your power to convene a discipline committee under any circumstances that you deem appropriate. No one should have the right to take that power from you. Please reject the proposal to give the selection criteria for police commissioners to the City Council. We voted for an independent police commission and you are it. We expect you to use the mandate that we gave you to get this police department under control. Thank you.

Juanito Rus: The next speaker I have in the queue has a telephone line extension one nine six one. Hello? Can you hear us? Extension one nine six one, can you hear us?

Juanito Rus: One last call for telephone call-in, extension one nine six one. Very well. I'm going to move to the next speaker. The next speaker in the queue I show as Larry White. Mr. Larry White, can you hear us?

Larry White: Yes, I can. Can you hear me?

Juanito Rus: We can hear you. Your will begin when you're ready.

Larry White: Okay. My name is Larry White. I am an attorney and I work on a volunteer basis with the Coalition for Police Accountability. I am here to talk about your Item Number 12, the revisions of Measure LL. But before I get into any kind of details, I have to say, I've been thinking a lot over the last two days about what happened in Minneapolis. Your job, ultimately, is to make sure that doesn't happen in Oakland. That is the soul of your job, that is the essence of your job as police commissioners. And what we do in the future with supporting you has to be towards that. What needs to be done is to strengthen the commission by giving you the tools you need to do your job. You need your own attorneys, you need an Inspector General, you need the ability to have a discipline committee that is effective.

Larry White: We have given you a list of amendments to the proposed, to the draft that the City Council gave you. The City Council draft has several items that we consider poison pills. One is a straight out martial law provision that allows the Chief of



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Police to make the rules into which the Police Department operates for 60 days, without regard to the Police Commission or the Mayor, or the City Administrator. The Police Chief would be in charge, and in fact, the Police Chief could renew those rules after 60 days. That provision has nothing to do with what is needed to strengthen the police commission. That must be rejected. Also, the qualifications of Police Commissioners have to be in the Charter, because we don't want to have police officers on the police commission. My time is out, I hope I get to talk to you later and answer questions. Thank you.

Juanito Rus: Thank you, Mr. White. I will now lower your hand.

Juanito Rus: The next speaker I have in the queue is...

Regina Jackson: Mr. Rus, it seems like you went on mute again.

Juanito Rus: Hello. The next speaker I have in the queue is Iris Starr. Hello Ms. Starr, can you hear us?

Iris Starr: Me?

Juanito Rus: Ms. Starr? Yes, can you hear us?

Iris Starr: I can hear you.

Juanito Rus: You're on the line, your time begins when you're ready.

Iris Starr: Okay. I'm speaking to Item 12, the Ballot Initiative. I want to welcome the Commissioners to your second job working the swing shift. My name's Iris Starr, and I wanted to talk about LL because Oakland voters gave you the power to oversee policies, practices, customs, investigations, and disciplines, to reform an out of control department. Instead, we have had the Mayor, some City Council members, City Attorney, Auditor, and the City Administration consistently undermine your ability to perform by stalling, denying assistance and information, power grabbing, outright lies, and defamation of character, but you know, all this and I do too. And most of the people on the call tonight know this. These are just some of the reasons Measure LL loop holes need to be fixed.

Iris Starr: In my opinion, the two most important things you need to do have been mentioned, but in order to gain and maintain the independent authority the voters intended you to have, the first thing is to not give the Police Chief and the Administration unilateral decision-making power. That is what has prevented reform all of these years. The second thing is not to allow the PD to stall on investigations, data, case reporting, or implementation of your directed



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policy changes. We need to get out of federal oversight, we need to require timely reporting and discipline if your direction's not followed. I think in order for you to function success function successfully, we need to work together to change business as usual. Let's team up, let's agree on these points, we'll have your back. Let's unite to win the power you should have had all along. Thank you.

Juanito Rus: The next person in the queue is Rashida [Granage 01:32:02] . Hello, Ms. Granage, can you hear us?

Rashidah Grinage: Yes, can you hear me?

Juanito Rus: We can hear you. Your time will begin when you're ready.

Rashidah Grinage: Thank you. I want to salute all of the community members who've spoken so far, as well as the Chair for her comments. Certainly the Minneapolis tragedy is the backdrop to why we're all here, to the work that you are all doing and have done for the last two and a half years, for which we are grateful. Tonight, hopefully we can come together and address the shortcomings in the Ballot proposal that was sent by the City and make the amendments that are needed in order to make the Ballot Measure what it's meant to be, which is an effort to strengthen your ability to discharge the duties of the Commission.

Rashidah Grinage: Anything less than that is not acceptable, especially provisions that have been put into the City's version, that not only don't strengthen the Commission, but definitely hinder its ability to be independent and to do the job of reforming the Police Department, which has long overdue. 17 years at least long overdue. I'm hopeful that you will accept the amendments that we have offered and that we can work together, the community and the Commission in unison, and push back against these regressive proposals that are in the City's draft, and work together to unify our community and make sure that what's on the Ballot is what is needed and not what is ruinous. Thank you so much, and I hope that we will be allowed to speak again during the Item and to respond to questions. Thanks very much.

Juanito Rus: At this time I am showing the next speaker, listed as Anne. Hello Anne, can you hear us?

Anne Janks: Hello?

Juanito Rus: Hello. I can hear you. The time will begin when you start speaking.



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- Anne Janks: Hi, my name is Anne Jenks and I want to talk about a very small thing, which I think indicates the reason that it's so important for this Commission not to give up its power. And that is because this is the place where Oakland residents can now come when they need to have a voice in how policing affects them in their communities. That's a concern that unhoused residents have currently, and have been having for a long time, about the talent of vehicles that they live in. Currently, there is supposed to be a moratorium on towing unless it's an imminent hazard, et cetera. Yet we continue to hear from our neighbors that they are continuing to have vehicles towed. We were able to bring this to the Commission and we deeply thank the Commissioners and we appreciate the OPD folks that will come and hopefully give us some answers to this. But it also does emphasize why it is so important to have a strong and independent Commission. I'm hopefully going to hear more in the course of this about why the vehicles of unhoused people are continuing to be towed during the towing moratorium. Thank you.
- Juanito Rus: Thank you, Ms. Jenks. I will lower your hand. The next speaker I have in the queue is a telephone listener with Extension four, zero, zero eight.
- Laura Redmond: Yes, can you hear me?
- Juanito Rus: We can hear you [crosstalk 01:36:47]. I'm sorry, your time will begin when you speak. Sorry.
- Laura Redmond: That's okay. My name is Laura Redmond, I'm a resident of District Six in Oakland. I'm calling because I strongly oppose giving the Police Chief additional power, and the power to declare martial law. I'm calling because I don't think that Measure LL should be rewritten to give this power to the Police Chief. We already know that the police have way too much power in Oakland, they also receive way too much money and way too much resources in Oakland. As someone mentioned earlier, against the backdrop of what is currently happening in our country, both in Minnesota and in our backyard, with the two officer involved shootings in Hayward this week alone, this is just ridiculous that this is even being considered, the idea of giving the Police Chief this additional power. We already know that the police will abuse that power and that it won't be used to keep our communities safe. Again, I'm calling on you not to give any additional power to the Police Chief. Thank you.
- Juanito Rus: Thank you, Ms. Redmond. At this time, I will lower your hand. The next speaker I have in the queue is Lorelei Bosserman. Hello, Ms. Bosserman. Can you hear us?
- Lorelei Bosserman: Yes, I've just unmuted myself. Can you hear me?



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Juanito Rus: We can hear you. Your time will begin when you begin speaking.

Lorelei Bosserman: Thank you. This is Lorelei Bosserman, I'm a member of the Coalition for Police Accountability. I want to say two things tonight. The first is regarding the proposed changes to Measure LL. I just want to urge you all to be very careful, because you are under attack, they will try to slip stuff past you. You know what it's like to be under attack. You've been under attack since you started, with the City Administrator and the City Attorney trying to compromise your independence. Just be very careful and good luck. The second thing I want to talk about is a proposal that-

Lorelei Bosserman: Good luck. The second thing I want to talk about is a proposal that came up at your last meeting, about getting post training P-O-S-T. I want to urge you not to do that. That is a waste of your very valuable time. You have a lot of work to do. You already know this, I don't have to tell you. Post training is not anything that you need. You do not need to get more of that perspective. What you need is independent perspectives. And any idea that someone has, that getting police training is going to silence your critics is just ridiculous. Your critics will never stop criticizing you. It doesn't have to do with anything that your actually doing. It has to do with resistance to police reform. Police institutions are never going to accept reform gracefully. They are going to fight it. They're going to fight it in whatever dirty, sleazy manner they have to, including trying to tell you that you're not qualified. So please don't do that. Thanks.

Juanito Rus: Thank you, Miss Bosserman. I will lower your hand. The next speaker I have in the queue is listed as Reesa .J. Hello, Racer.

Reisa Jaffe: Hi. Can you hear me now?

Juanito Rus: We can hear you. Your time will begin when you begin speaking.

Reisa Jaffe: All right, thank you very much. I want to just second, third and fourth, all the comments that have been coming about supporting the coalition for police accountability amendments, I've been watching in horror, how the city administration has been impeding your ability to do your job. And we need fixes. I'm especially horrified about the police chief being granted the rights to determine martial law. I don't understand why we would ever want that power in the hands of any police chief, but certainly under a situation where we have a police department that's been under federal oversight for 17 years, that discriminates against its own black officers. There's been multiple different police chiefs that cannot resolve this problem. We can not give more power into that position. Please, please demand that you get a measure that gives you all the power you need, and does not give more power to the police chief. I'm truly



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frightened about this idea of the martial law. I would like to know whose idea that was. I would like to make a call to that person directly. That's just frightening to me. Thank you for your time.

Juanito Rus: Thank you, Racer. I will lower your hand at this time. The next hand I see in the queue belongs to Angie Noel. Hello, Angie Noel. Can you hear us?

Angie Noel: Yes, I can. Can you hear me?

Juanito Rus: We can hear you. Your time will begin when you begin speaking.

Angie Noel: Okay, great. My name is Angie Noel, and I'm a resident of District two, a member of the Imani Community Church, and a leader of Faith in Action, East Bay. Faith in Action is an active member of the Coalition for Police Accountability. Back in 2016, I supported Measure 11 LL, excuse me, with my heart and my feet as I enthusiastically canvassed and encouraged friends, neighbors, and fellow congregants to vote yes. I take great pride in knowing that voters across the city, had the vision and foresight to establish the commission. And now, commissioners, you and I, and the community must have the commitment and courage to ensure that the vision finally becomes a powerful, impactful reality, and not a weekend facsimile.

Angie Noel: Commissioners, we stand with you. Please resist any efforts to obstruct what's put before the voters in November, by adding constraints and subtracting protections. I urge you to support the draft measure proposed by the Coalition for Police Accountability. I appreciate the term, unity draft, because it describes exactly what's needed at this critical juncture from the community and the commission. Together let's make sure that fixes on the November ballot take brave and bold steps forward. Going backward isn't an option. Thank you.

Juanito Rus: Thank you, Miss Noel, I will lower your hand. The next name showing in the queue is Assata Olugbala. Hello, Miss Olugbala. Can you hear us?

Assata Olugbala: Yes, I can. Thank you, sir. As much as I support the condition, I'm very disappointed in the process for which you are running your meetings. It is not a fair or appropriate method to have public comment and open forum all at the same time. And to only allow participation of the public one time and to expect the public, to have comments on everything that's on the agenda without hearing the reports, without hearing what the commission's positions are on these items, and to have some kind of ability to speak adequately, appropriately and knowledgeably on what is going on this evening. I'm so disappointed because I have expectation that the city council wouldn't do something like this, but for the police commission to be involved in stifling the process of me



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choosing to speak when I want to speak, on any item that's on the agenda, and limiting me to one comment, an open forum at the same time, that's utterly ridiculous.

Assata Olugbala: Now let me get to Miesha Singleton. May 14th, a police report came out that they had the suspect. May 20th, they supposedly caught the suspect. The U.S. Sherriff's Department said they had been looking for this individual for weeks. There is something going on that is inappropriate, where it took four months to publicly announce who the suspect was. They knew on May 20th, who the suspect was, that killed Miesha Singleton. So if we want to just let this go, you can let it go. I'm going to keep bringing it up, bringing it up, until we get this story straight. What happened with Miesha Singleton?

Juanito Rus: Thank you, Miss Olugbala. Your two minutes are up. I will lower your hand. The next hand I see in the queue is for Terri McWilliams. Hello, Terri McWilliams. Can you hear us?

Terri McWilliams: Yes. Can you hear me?

Juanito Rus: I can hear you. Your time will begin when you start speaking.

Terri McWilliams: Okay. Thank you for remembering George Floyd, Commissioner Jackson, at the beginning of this meeting. I am Terry McWilliams. I am a District six resident of Oakland, born and raised, member of Imani Community Church, and a Faith in Action East Bay leader. And I represent Faith in Action at the Coalition for Police Accountability table, as a [inaudible 01:47:28] committee member. Ahead of me, several people have already identified the importance of why we believe you should accept and hope you will, The Coalition for Police Accountability members, who are urging you to keep your power, so that my voice can continue to be heard. Not only did I vote for the implementation of the police commission, I was one of the Coalition for Police Accountability members, who helped develop language within the original ordinance. As such, it's vitally important to me that you fully support the amended changes suggested by the Coalition for Police Accountability, so that the needed fixes continue to ensure that you have the powerful voice. And it also remains powerful for the voters of Oakland.

Terri McWilliams: To do otherwise, weakens the independent workings that you have been called forth to do, and it will further suppress my vote. My voice has a vote. I would like to use it. Stay strong, stand tall, and let the voices of the voters stay loud, through your work as an independent commission. Thank you. Bye-bye.



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Juanito Rus: Thank you, Miss McWilliams. I'll lower your hand. The next hand I see in the queue belongs to Jean Moses. Hello, Jean Moses. Can you hear us?

Jean Moses: Yes. Thank you.

Juanito Rus: Your time will begin as soon as you begin speaking.

Jean Moses: My name is Jean Moses. I live in District two. I am a member of Faith in Action East Bay, and I moved to Oakland, to Ninth Avenue four years ago. A month after I moved here, my husband was mugged in front of our house. I am therefore very aware of the importance of public safety and the dangers that occur in Oakland. I'm also convinced that a part of public safety is having a police force that is accountable and trustworthy. I am therefore asking for you to support the Coalition for Police Accountability's suggested changes and additions to the city council draft ballot measure. I believe that it's crucial that the commission has the independence, the authority, and the resources that are provided by these changes. So please support them and we will look forward to continuing to support you. Thank you so much for your hard work and everything that you are doing for Oakland. I'm done.

Juanito Rus: Thank you. Miss Moses. I'll lower your hand. The next speaker I show in the queue is a phone call in with extension one four five one. Hello? Can you hear us. Extension one four five one?

Karla Pena: Hi. Yes, I can. My name is Karla Pena-

Juanito Rus: Go ahead.

Karla Pena: Thank you. My name is Karla Pena. I'm an Oakland resident District four, and I am calling in to express my opposition to the rewriting of Measure LL, giving the police chief more power. We know that it would exacerbate current inequities, and open the door to further abuse of power that we already see by the police. And we have seen it across the State, we've seen it in Minneapolis and we have seen it across the nation. So again, I am calling to oppose the rewriting of Measure LL. Thank you.

Juanito Rus: Thank you, Miss Pena. I will lower your hand. The next speaker I show in the queue is John Lindsay-Poland. Hello, John Lindsay-Poland, can you hear us?

John Lindsay-Poland: Yes. Can you hear me?

Juanito Rus: We can hear you. Your time will begin when you start speaking.



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John Lindsay-Poland: Good evening. My name is John Lindsay-Poland. I work for the American Friends Service Committee, which is a national Quaker organization that has been working on police issues in California since the 1990s. We support the proposals of the Coalition for Police Accountability. And I wanted suggest two premises. One is that, getting an initiative that actually empowers you as the commission to do what most Oaklanders want you to do. And what motivated you, I believe, to join the commission and undertake this work, will require a version that both the commission's majority and community advocates support. So that's why it is so key to undertake a version of this rewrite, that is supported by the community as represented by this very thoughtful set of amendments from the coalition.

John Lindsay-Poland: The other thing I think is perhaps even more important, is that unless the commission exercises the disciplinary authority it has for serious abuses, where the chief and the CPRA don't discipline officers, then community trust in the commission will be gone, and therefore its ability to fulfill its mandate. And so, I believe you want to fulfill that mandate. I trust you do. And so I urge you to stay strong and incorporate these proposed revisions. Thank you.

Juanito Rus: Thank you, Mr. Lindsey-Poland. I will lower your hand at this time. And the next person in the queue is a phone call in with extension one nine six one. Hello, extension one nine six one.

Melody Davis: Hello. Can you hear me? This is Melody Davis.

Juanito Rus: We can hear you. You can begin speaking.

Melody Davis: Thank you. [inaudible 01:53:43] you couldn't hear me. Hi, my name is Melody Davis, and I'm a member of Oakland East Bay Democratic Club. I am a chair of the Political Action Committee. So, this has really taken me far, far because we know that this is something that the enemy has tried to take, and I oppose of the rewriting of what we voted for, for Measure LL. And this is what we call parlor tricks. I'm asking that you guys stay strong. I thank you, do not fall short for the city of Oakland. Thank you. I'm done.

Juanito Rus: Thank you, Miss Davis. I will lower your hand. And the next hand in the queue, this is the last hand in the queue, belongs to a call in listener with extension two two one three. Hello. Can you hear us?

Ayana Nakagawa: Hi. Yes. Can you hear me?

Juanito Rus: We can hear you.



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- Ayana Nakagawa: Hi, my name's Ayana Nakagawa and I'm a resident of Oakland. I wanted to call in and say that I oppose the rewriting of Measure LL. The police have never shown any reason for us to invest any more money, time, or energy into their so-called efforts towards safety. And for those people who think that passing this bill would allow any "safety" to happen, I really urge them to question safety for who. Our communities need housing, food, resources, and I strongly oppose the rewriting of Measure LL. Thank you.
- Juanito Rus: Thank you, Miss Nakagawa. I will lower your hand. And we have two new people who have joined the queue. The next one is a call in with extension two six nine seven. Hello, extension two six nine seven. Can you hear us?
- Neela Mary: Yes, can you hear me?
- Juanito Rus: We can hear you. Your time will begin when you're ready to start.
- Neela Mary: Thank you. My name is Neela Mary. I am a citizen of Oakland residing in Fruitvale, and I'm calling in regards to Measure LL. I want to echo Pamela Price's statements, as well as on my own thoughts as well. Being of Iranian background, I have grown up with first account stories of brutal actions of government and police against civilians. Even one step in that direction is a step in the wrong direction. With what has taken place this week, and as we mourn the losses of George Floyd of Minneapolis, as well as Eric Gato of Hayward, it is critical to address the role of police in society. And as a police commission, I urge you maintain as much power as possible, separate from the police chief. And I oppose any rewrite of Measure LL. Thank you.
- Juanito Rus: Thank you, Miss Mary, I will lower your hand. And the last name I am now showing in the queue is another call in listener with extension two four six six. Hello. Can you hear us?
- Lisandra Owens: I can hear you. Can you hear me?
- Juanito Rus: We can hear you. You can begin whenever you're ready.
- Lisandra Owens: Thank you so much. My name is Lisandra Owens. I am a lifelong resident of Oakland, California, and I currently reside in downtown Oakland. I am avidly opposed to the rewrite of Measure LL, because we have all seen incredible abuse of police power, and little to no accountability with the rules that are currently in place, so to remove any of those rules that are currently in place, that only get a monochrome of attention, when it's blatant. And it's absolutely ridiculous to remove those. To me, really cites the motivation and the undercurrent, the old PD really wants to stand for. And I find it incredibly



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interesting that on the day that I was actually calling to file a complaint against a police officer for my interaction with him last night, that this would be what I'd be calling into my city officials to discuss. I just think it's absolutely ridiculous that we wouldn't hold anyone accountable, who is responsible for a whole city of people.

Juanito Rus: Thank you, Miss Williams. I will lower your hand. At this time I'm not showing any other hands raised in the queue, Madam Speaker. I'll pass the meeting back to you.

Regina Jackson: Thank you very much. We certainly appreciate all the comments. We are going to move forward now to item seven, which is an update from interim Police Chief Manheimer.

Juanito Rus: Chair? Chair?

Regina Jackson: Oh, sorry.

Juanito Rus: I have my hand raised.

Regina Jackson: Apologies.

Juanito Rus: Mrs. Sada, I always mess up her last name. Mrs. Sada raised a point about public comment, and I took a look at the agenda and noticed that we don't have public comment following after. And that, to me, seems like it must be a type written mistake, because for the items that are on the agenda, there has to be a public comment period in response to those separate items. We don't have one collective item that the public is speaking on. So I don't know who advised on the agenda, but if somebody standing there, or if we have some legal advice that's telling us that we don't need public comment, I'd like to hear that now. Because my position is that we absolutely do need public comment on each of the agenda items. And that what we should do to remedy is, is make sure that there's an opportunity for the public to speak after we've discussed it.

Regina Jackson: Certainly. And I actually did ask about that, and we will go ahead and facilitate that. I think that in the interest of time, given the large number of people attending the meeting, that maybe we should reduce it to one minute, but I do understand your point. So, Mr. Rus, we will be having you make that addition, starting with item seven, which we are currently on. Thank you very much for pointing that out. I know it was pointed out by the community as well. And like I said, I didn't get a chance to make the update, but thank you for bringing it to everybody's attention.



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Juanito Rus: My pleasure.

Regina Jackson: Now, Mr. Russo saw your-

Juanito Rus: You would like to take public comment on this issue?

Regina Jackson: Oh no, no, no, no. I'm sorry. We're we're going to start with the update on the interim police chief, but I wanted you to know that after this, we will go ahead and put that in effect for one minute.

Juanito Rus: Very well.

Regina Jackson: Thank you. Interim Police Chief Manheimer are you with us?

Chief Manheimer: Yes, I am, Madam Chair. Can you hear me?

Regina Jackson: Yes. Yes. Thank you very much.

Chief Manheimer: Thank you. I'd like to start out with a brief statement, which the police department issued this evening and then go into some brief updates for you. This statement, which was a video statement from me this evening. The men and women of the Oakland Police Department are deeply disturbed at what we observed in the video, involving George Floyd and the Minneapolis Police Department. It is absolutely paramount for us to continue to build trust and relationships with our community members. And this reflects on all of us in our profession.

Chief Manheimer: We at the Oakland Police Department train and practice that all of our officers treat every individual with dignity and respect. And we stand with our community in denouncing this incident and all incidents of police brutality. We stand with all in our community who have been traditionally marginalized, oppressed, and experienced transgressions, particularly by our profession and who have been harmed by our systems and our institutions. We extend our deepest condolences to George Floyd's family, friends, and their entire community. Whenever one is harmed, all are harmed. I'd like to submit that to you and let you know that we are absolutely devastated by that video, that we have been watching over and over again. And now I'd like to share with you some quick updates. I did, Madam Chair and commissioners, share with you earlier in your packet, some of the crime statistics, which I think are of particular interest, that we have been keeping pre and post COVID-19 shelter in place orders.



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Chief Manheimer: And there's been some interesting trends, and I'd simply like to point out that we were doing fairly well, as I stated before, citywide year to date. As you know, we have had an uptick in property crimes. We had had an uptick in burglaries, and what we have seen citywide year to date, is that homicides are down and robberies have increased in areas one, four, and five, with an increase in areas two and three. Gunfire has increased in all categories over the city of Oakland, of particular concern to us and our shot spotter activations have increased as well. Our auto burglary statistics, which hit us all over the city, are a couple of weeks behind due to the delay in crime report processing. However, they are down about 50 to 55%. So in regards to the second packet that we sent to you, regarding pre during COVID-19 shelter in place, our robberies are down specifically.

Chief Manheimer: However, we are very concerned and have been working with the director of violence prevention and our ceasefire in different community groups, as we see that continued gunfire in our streets has continued to spike. We're glad to see that I reported to you the last week that it was up to 47%. It has gone down over the past two weeks. And in your statistics, which you have up through May 20th in your packet, our gunfire total for the nine weeks of the shelter in place is up about 33%, with assault with a firearm. And this is what's most concerning to us, because assault with a firearm is to a person. It's not someone going out and shooting random gunfire or activating a spot shotter, but it's actually shooting at a person, are up 42%. We recognize that there are a lot of different crime trends, gangs, groups, and others, and that there is general stress on the community.

Chief Manheimer: And that's why we are working with our director of violence prevention as well as San Francisco. Because a lot of this we're finding, particularly in the groups in gangs, has to do with intercity rivalries, to try and interrupt the violence out there. So I will move right ahead Madam Chairs, as I know you have a lot of items on your agenda tonight. Of particular interest for, I believe Commissioner Harris, who had asked for the information, I was able to share an email with you earlier tonight. And I am going to try and share my screen with you right now. And for you as commissioners, and for Mr. Rus, I had in fact, if you could enable screen sharing, sir, I will share my screen and share the specific positions which we have been asked to freeze. Would that be all right?

Juanito Rus: Let me see if I can pass you that authority.

Chief Manheimer: Okay. So for Commissioner Harris, particularly and commissioner Dorado, I understand you may be very interested in one of these items that is up now for a proposed cut. Maybe we can-



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- Regina Jackson: Excuse me, Interim Police Chief, I neglected to ask you, as you go through your presentation, how do you want questions to come? Do you want them to go as you are presenting or toward the end? What's the preference?
- Chief Manheimer: What would your preference be? I have really six items. So it might be good for me to just get through them quickly and then take all questions. Would that be okay?
- Regina Jackson: Yeah, that's fine. I know that we have hands raised, so I just wanted to be firm on that. Okay, thank you.
- Chief Manheimer: I think if I could, at least I won't be charged for all that time then. I'm trying to keep it down to 10 minutes here.
- Regina Jackson: Thank you.
- Chief Manheimer: Okay, thank you. And it looks like Mr. Russo, I'm unable to share the screen.
- Juanito Rus: I'm not sure that I can pass that in our current settings. I'm sorry.
- Chief Manheimer: Okay. I kind of called inaudible on that. It is in your emails, but it was late to get to you. So let me just summarize by saying what the city did for the police department budget, was recognizing that we could not cut any of our sworn police positions at this time because it's simply such a long lag time to fill them. They took, and they basically took all of our vacant positions and asked us to freeze them. For Mr. Dorado, there's one here that I wanted to highlight for you, sir. Because I know that your liaison, Deputy Chief Armstrong asked me to flag this for you. There is a frozen position in our neighborhood services section, that is a neighborhood services coordinator, also known as an NSC supervisor, that is vacant now.
- Chief Manheimer: However, we are going to be asking the city to unfreeze that position, because what that does, is it means that we really have to have an NSC supervisor doing double duty with the NSC core regular neighborhood area representative. And that would be out in that area that I think would be of concern to you. So, there is the community policing policy, the city council Resolution 79235 that really mandates we do have those positions filled. We are hoping Commissioner Dorado, that we do get that position activated back in the budget. But I did want to bring that to your attention. And it is in your packet. For Commissioner Harris, you will also find the information that you asked for about the vacant acting or interim managerial positions, and the authorized and actual and vacancy for those. So I'm sorry, I wasn't able to share my screen or get this to you earlier.



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Chief Manheimer: I had to make sure our city attorney was comfortable with my sending it to you all. So please take a look at that. I'm available to answer any further questions and certainly, there's several weeks before the city council will act on it. So, we are actually going to be able to, I've got it here, going to be able to respond to any further questions you have or comments. So if you want to agendize that and we'll agendize that for the next time. If you have further questions, we can get deeper into it. I think this will speak a little bit to the item Miss Olugbala had, about my the Miesha Singleton case. And I just wanted to share with you that this very unfortunate tragic incident, which occurred on January 17th, identified a suspect fairly early on, based on great community tips.

Chief Manheimer: And we had early information that the individuals suspected of this had fled, possibly even out of country. We notified the Marshall's office as soon as we had reason to believe in [inaudible 02:11:00] warrant developed for this individual, which we did. However, the Marshall's office, as soon as the COVID 19 pandemic hit, actually no longer were traveling for any fugitive recovery. It happened to be just when Miss Olugbala mentioned it at counsel, that I asked about it, they called the Marshall's office and the Marshall's office did activate a few days later. And we were able to give them back this warrant and they were able to pick this individual up. So I just wanted to share with you, I know sometimes you don't hear from us.

Chief Manheimer: The investigators were not wanting to put a lot of information out. Sometimes we want the element of surprise, so that we can get the goods we need, if you will, for the investigation. So I did want to assure you, we were not keeping anything and we were absolutely concerned and determined to bring this individual to justice. And it looks like that's what's happening now. Two other quick issues that I'll.

Regina Jackson: ... happening now.

Chief Manheimer: Two other quick issues that I'll share with you is that we did have an officer involved shooting in the City of Richmond. It was involving a vehicle that a suspect had kidnapped a female from Vallejo. They were both Vallejo residents, kidnapped and shot her in Vallejo. And it happened to be that he discarded the body, dumped her down a ravine, right on the outskirts of Oakland by Moraga up in the hills. And our officers and Richmond officers pursued and ultimately engage the individual in gunfire. And that investigation, since it happened in Contra Costa County in Richmond is being handled by the Contra Costa District Attorney's office. And of course there will be several independent investigations, but I just wanted to bring you up to speed. Number one, that we as well as the CPRA under Director Aldean, we'll have to wait.



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Chief Manheimer: We call it tolling our investigations of the administrative and criminal investigations until such time as the independent district attorney's investigation is completed with a coroner's inquest. That may take a little while. We thought it important that we get the information out to our community. So we are putting together and releasing all of the body worn camera video, all associated video and audio, and a context video, and expect to have that sometime around Monday to give to the public. So those next steps may be a little lengthy. It's not because we are not sharing the information, but we simply don't have it. That investigation is walled off from us and is with the Contra Costa District Attorney's office, as it should be an external investigation to ensure independence. So that's kind of the updates I can report to you all that the base subpoena's been honored and all of the information should be with the portal that we furnished from the city attorney and the Oakland Police Department.

Chief Manheimer: And that should be with you, we're confirming a last minute public records search to make sure there are no other documents or data available, but you should have everything that you've already asked for. I will report a little bit since I'm sensitive of time, next time on our CMC, Court Management Conference, that several of you attended with the federal monitor and the federal judge. But being out of town right now, I wanted to mention very briefly, because I believe you have an agenda item on the disparity study that we have a lengthy response to it, which I'm not going to read at all. But just to say to you that we do have steps we're taking that we embraced and became maybe the second department that I know of, to conduct this study and to uncover the disparities and racial inequities that we know are attendant in so many organizations, institutions, workplaces, and we are determined.

Chief Manheimer: And I can speak about it later when it is on your agenda item. But this average of 37% of investigated complaints of misconduct having racial disparities is something that is absolute anathema to this department. And we have a plan and a response. And I don't think that I'm going to get to that right now. I will wait respectfully until that item comes up and respond to it then, because we do have both a plan and committed to working towards equitable outcomes, policies, and practices to safeguard against bias and disparate treatment internally, and certainly within our community. And we affirmed these findings are unacceptable. So I will defer any further discussion on this at your pleasure, Madam Chair, until such time as that item comes up. And then I will end on this and turn it over to two questions to Deputy Chief Lauren Armstrong.

Chief Manheimer: And that is that they had a question of towing of unhoused vehicles. I think I'd like him to answer that. And Ms. Jenks had passed along to us a couple of attendant questions that had not been yet answered on East Oakland collective.



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And before we do that, I'd just like to recognize Deputy Chief Armstrong, your BFO to Euro commander, that he along with our engagement coordinator and community strategist, Paul Chambers were able to go out into Deep East Oakland and hand out over 5,000 masks over this last month. I want to thank him for that. There has been a lot of concern that we the OPD had been inhibiting the CBOs from that very important work out there. It's a huge priority for the city, huge priority for this department that we are in reinforcers, not enforcers of these health orders.

Chief Manheimer: So I'm going to turn it over, if you don't mind just to address those two issues and then we can take any and all questions. Is that all right Madam Chair?

Regina Jackson: Yes. That's fine. Thank you.

Chief Manheimer: Thank you.

Regina Jackson: Go ahead Leronne.

D.C. Armstrong: Good evening, Madam Chair?

Regina Jackson: Hi, there. Thank you.

D.C. Armstrong: So the two questions that were brought before us, first was related the towing of homeless individuals' vehicles. During the COVID-19 pandemic, the city actually has pushed out a city policy that we will not be towing vehicles unless those vehicles have some hazard or have some serious safety concern, or are an issue of public safety. So we have limited our tows to just those particular very important reasons for towing. There was an incident that was referenced that around a tow that was done by the Oakland Police Department. That tow in our research and looking at the reports was related to complaints, several community complaints that the community resource officers had received regarding activity that was occurring within that vehicle around narcotics use. Potentially prostitution and other things that the vehicle may have been used for. Officers went out and conducted an encounter with the vehicle.

D.C. Armstrong: The person who was using the vehicle was not with the vehicle. The vehicle was subsequently towed. The person who had belongings inside the vehicle reached out to a council member and asked for assistance with retrieving the belongings that were inside of the vehicle. The department made opportunities for the person to retrieve those belongings from the vehicle. So we worked with the council to get that conducted. Th other couple of questions that came up in advance was what instructions are officers given about wearing PPE, when



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interacting with residents? Officers have been given instructions that they must have a mask on, and we are following the county's requirements.

D.C. Armstrong: Officers are safe distancing from people when they can. Obviously policing is a dynamic situation where sometimes you're not able to maintain a six feet distance, but when officers can, they shall maintain their safe distance as well as wear their mask. There are also provided gloves as well as sanitizer and eye covers. So we've provided them all of the necessary PPE to go out and do their jobs every day and be safe while doing it. One of the other questions was what instructions are officers given about interacting with residents during COVID-19 to limit unnecessary exposure for? So the department has put in several different strategies in order to limit officer's exposure.

D.C. Armstrong: One of which is our dispatch. It starts with our dispatchers. Dispatchers are asking questions of our callers in advance, around the COVID-19, asking about the residents within the home and the individual and their exposure or potential exposure to any COVID-19 related illnesses. We ask those questions in advance before the officer gets there and then we ask the person calling, "Would they be willing if appropriate to step outside and meet with the officer?" So that the officer does not have to enter a residence and can maintain that safe distance that we talked about. Again, there are situations where officers may have to go in and have direct contact with someone and when they do, they are mandated to have on their protective gear.

D.C. Armstrong: What are officers told as consequences? What the consequences will be if they don't wear their protective gear? Well, within the department, we're very clear that directives have to be followed. If officers are seen to not be wearing that protective gear, Chief Manheimer has been very clear what our directive that commanders and supervisors are to immediately address that. If we see that it continues to be an ongoing issue, that officer is subject to discipline. Directives have to be followed and if the officer is intentionally not wearing protective gear, that is immediately addressed by supervisors. And even in some instances where we've heard information where somebody may not have been wearing the protective gear, we followed up to ensure that, that wasn't occurring.

D.C. Armstrong: Chief, I think that sums up some of the questions. I know there were... Yep.

Regina Jackson: I think that you did a great job, Deputy Chief, and I think that we will get back to there have been several hands kind of waiting to do some followup with Interim Chief Manheimer. So before we get to Commissioner Harris, and while hopefully Mr. Russo is able to pull up this attachment, I wanted to clarify internship Manheimer, that you made mention of the base subpoenas that we should have them now. And I just wanted to clarify that the information that was made



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available in the portal was made available to the investigators, the commission had no interest in trying to collect information. I just want to clarify that, that in fact is what you meant.

Chief Manheimer: Yeah. Thank you so much. And we really appreciate that Director Alder was able to set up a portal. So those documents could get directly into the portal to be accessed by whoever it was that had the subpoena to access them. So we greatly appreciate that as well. Yes. That's correct.

Regina Jackson: Okay, great. Okay, thank you very much. And Commissioner Harris has been waiting with bated breath to follow up on some questions. So we're going to let her start. Commissioner you've been unmuted. Commissioner Harris. I'm sorry. This thing keeps moving. Okay. Commissioner Harris.

Ginale Harris: Can you hear me?

Regina Jackson: Yes, madam. Sorry. That took me a minute.

Ginale Harris: Okay. Thank you. And hello, Interim Chief Manheimer. First, I just want to say thank you for your kind praise yesterday from you and the mayor at the Case Conference meeting. It was very pleasant to hear that you and the mayor are supportive of the police commission, first of all. And then second, I wanted to also highlight my question to you because I don't think you quite understood probably because it's an email. And my question was, can you provide a list of all of the non-budgeted high level positions that exist in the Oakland Police Department? And what I meant is before you came on, there were some positions that were... Well, they are sworn positions that were eliminated to put high level civilian staff like directors and strategic communications, persons, things of that nature.

Ginale Harris: So I do know that right now we have three communication strategists in the police department. I don't know how many are sworn. I know that we have one that was recently hired that took over a deputy chief position in our budget. So those are the kind of positions that I was speaking about. So those are like, I appreciate what you gave us in our agenda packet. However, it doesn't answer the question. So I hope that I've clarified myself a little bit. And the second question was as a result of the City of Oakland's financial situation, what was the Oakland Police Department asked to cut, if we were asked to cut any? Can you please provide a list of recommended cuts from the Oakland Police Department, which I believe you've provided, but it did not have any of those high level non-sworn positions in there, which was a concern to me.



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- Ginale Harris: My concern is that I want to make sure that all resources are not being cut from East Oakland, especially East Oakland because we have the least amount of resources here already. So I wanted to make sure that in the past, like I've explained, we've cut from the bottom. And that's what it looks like that you appear to do in your report that you've submitted to cut from the bottom. When we actually have high level positions that can save us a bit of money, if we eliminated those or put them back in their proper place. Like we had our deputy chief position that was eliminated and things of that nature. Those are sworn positions that we are budgeted for. And I believe sworn people should be in those positions. So that's just my thought.
- Chief Manheimer: Thank you. I'm sitting here conferring with the Chief Armstrong. Some of that was before I got here, Commissioner Harris-
- Ginale Harris: Yes, madam.
- Chief Manheimer: ... and I'm looking at this right now and I do see the two positions that are in the... As you call the lower ranks, that would be the professional non-sworn staff positions. One of those was the one I highlighted already to Commissioner Geraldo, that really is mandated by the community policing policy, that city council resolution. And we're going to be asking for that position back. I think, the city's position is they're going to take the frozen position. So there are no layoffs or furloughs. So of the only two that would impact your area, or as you say, East Oakland, one of those would be police services technician, three of which have been vacant. And we have not been able to fill for over a year now at any rate and the other one we are going to be advocating to have back.
- Chief Manheimer: In terms of the higher level budgeted positions, I will get back to you on that because my understanding is we have always had the four deputy chief positions of which one is vacant right now. And in fact, we were looking at filling because one of the things I really am committed to do is getting us into strict compliance with our NSA. And I think the times we've been most out of compliance are when we haven't had a high ranking individual sort of writing that compliance metric forward. So that is the only non-budgeted position. All of the rests are permitted budgeted positions and none are being under filled with other civilians. They are actually all approved and in the budget.
- Chief Manheimer: But I will look at this further. I'll get back to you. I welcome any emails or conversation offline, and I will continue to do the history on that one. Thank you.
- Ginale Harris: Thank you, Chief.



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- Regina Jackson: Thank you, Chief. Thank you, Commissioner Harris. I have two more hands up. Commissioner Jordan, and then commissioner Brown. Commissioner Jordan, you've been unmuted or at least I'm trying to make you unmuted. Can you hear me now?
- David Jordan: I'm here. I got it.
- Regina Jackson: Great. Thank you.
- David Jordan: Thank you too. Hello, Chief and Deputy Chief Armstrong. Actually, I have a question about the telling portion of all of that. Something that sort of stuck out to me while Deputy Chief Armstrong was talking about the circumstances under which some vehicles, specifically vehicles that people were living in were towed. And those were sort of qualified as vehicles that presented some sort of public safety challenge. But then immediately the sort of justification or justification is too harsh, a word, but the reasoning around it, seemed to be that there was substance use and sex work taking place in and near, or in some ways connected to this vehicle. I guess, I just sort of question what... And also noting that, that was related to public requests, complaints that it'd be addressed.
- David Jordan: And I think that in my mind, homelessness is not just about public safety. It is about public health and also behavioral health primarily, and also housing in a sort of overarching way. But I do sort of take a little bit of umbrage to suggest that substance use and sex work are public safety issues. I guess that can be construed as such, but given the sort of sharp increase in gun violence and property crime, I don't know if I necessarily agree that categorization of a public safety issue. I might be alone in that, but I do question it. I guess, that's the end of what I have to say. I mean, that's not really a question, more of a statement. Thank you, chair.
- Regina Jackson: Thank you very much, Commissioner Jordan.
- Chief Manheimer: Would you like us to answer that Chair Jackson.
- Regina Jackson: Yes, if you can.
- Chief Manheimer: Yes.
- D.C. Armstrong: So yeah, through the chair, I think what our officers are directed to do, we've given out a clear directive that we are not towing vehicles of our homeless community. That if people are unfortunately living out of their vehicles, we respect that and we don't want to take away their home and create an additional problem. And we have seen our officers step away from making tows,



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even when it would have been a lawful tow. But in certain circumstances, particularly when we're talking about human trafficking, that is a huge issue for the City of Oakland and the Oakland Police Department. And when community members call us and say that a vehicle is engaged in that type of activity or using narcotics in a vehicle next to a school, we believe that, that is a public safety issue. And then the vehicle had an expired registration over four years.

D.C. Armstrong: So we were responding to the community's complaints about the activity in the vehicle, and we consider those two things to be public safety issues. So that's true chair, that's just our response to why we would have towed that vehicle.

Regina Jackson: Okay. Thank you very much. I see Commissioner Brown was next in the queue followed by Commissioner Smith.

Chris Brown: Thank you, chair. Good evening Interim Chief Manheimer. I was hoping for some clarification about something that I thought I heard you say. Did you say that you had to check with the city attorney before you could share information about budget changes with us?

Chief Manheimer: No, I think it was with the timings Commissioner Brown, on the timing of providing information outside of the packet deadline, which is the week before. So for the Brown Act, which has a lot of intricacies, but also a lot of things that have been waived because of the COVID pandemic, I just wanted to make sure that I could... Because generally you can send it to several commissioners or you have to post it to the record at time for the packet to go out publicly. But the city attorney had said "No, as long as you don't reply to me. So there's no ex parte communication outside of the record, it is fine for me to send you an email." And in the email I wrote, "Please do not reply," so that we didn't collide with the Brown Act.

Chris Brown: Thank you, Interim Chief.

Chief Manheimer: Thank you.

Regina Jackson: Okay. Thank you very much and now we will go to Commissioner Smith.

Thomas Lloyd Smith: Thank you, chair. And my comment was a quick one. I just wanted to address the towing and human trafficking concern. I just wanted to say, I completely agree with the towing of a vehicle that would deal with human trafficking. And if that is happening in our city we have to take every measure possible to eliminate it. Most of what we frequently see with human trafficking, when we look at it is that the women who are being trafficked are being abused, controlled. All types of bad things are happening to them and anything that



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reduces that in our city should be proactively taken care of. So I feel the need to say it because I want to make sure that what one commissioner says, doesn't stand for the entire commission.

Thomas Lloyd Smith: And I applaud your move to remove those cars that are dealing with that, that are engaged in human trafficking. We need to eliminate it from our city and I would support any action that moves towards that measure as long as it's lawful in its effect. So thank you very much for doing that.

Chief Manheimer: Thank you. Chair Jackson, I'd just like to say that when we heard that comment, I had mentioned to Deputy Chief Armstrong that we would like to bring back at some point in an update, some of the work we've been doing with rescuing of sex traffic victims. Many of whom in this last several months have been under the age of 18 and it is something I feel like it's our responsibility to share with you. And that's why I'm so grateful that we have this little bit of time at the beginning of your meeting so that each of you commissioners will be aware of what it is that is going on out in our City of Oakland and sort of what we're charged with doing.

Chief Manheimer: So thank you for that comment and that it was something that reminded me that I'd like to share some of that with you at a future update.

Regina Jackson: Certainly, and I'm hoping that you will also be able to add to that update, the sex registry issue that has come up.

Chief Manheimer: Absolutely.

Regina Jackson: So we'll put that over to the next meeting.

Chief Manheimer: Yes, thank you for reminding me.

Regina Jackson: Absolutely. Several hands, Commissioner Dorado is next in the queue, followed by Commissioner Harris and then Jordan.

Jose Dorado: Good evening, Interim Chief Manheimer. I just wanted to mention the fact that I wear a couple of hats. One of them is that as the chair of the Maxwell Park Neighborhood Council here, where I live since 1998. So I'm very familiar with the community policing policy in Oakland. So I really appreciate you highlighting the effort to fill that NSC position, the supervisor position. But it's not so much a question of filling the position as much as it is to have those that fill those positions, do their job. And I have to say that I have not over the last 20 years or so, seeing the NSCs really fulfill a fraction of not just their job responsibilities, but their potential.



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- Jose Dorado: So it's not so much having another supervisor. It's having the supervision over the NSC supervisors and the NSCs themselves to see to it that they do the jobs. And one of the structural problems with that is that the supervisors of the NSC supervisors and the NSCs, go all the way up to DC Armstrong and DC [inaudible 00:02:39:00]. There is no middle managers that are doing the supervision of these NSCs that should be done. So it's a particular concern to me because I see them as pivotal to the implementation of community policing, which is so important, I think, in the city. So again, thank you for highlighting that, but I just wanted to make that strong emphasis that these NSCs have to do their jobs and if they can't or won't, they need to go. Thank you very much.
- Chief Manheimer: Thank you. I agreed. And we can bring that back at some point, because I've just been talking with Chief Armstrong that we were attempting to get 40 hours of training for all of them, right before the pandemic hit. I think there's some look at reorganization around perhaps their reporting directly to area captains. And I know you serve, particularly if I had an interest in really furthering that community policing policy. I think that is sitting with you all, but there's a lot to do yet. I'd love to see some activation closer with next door neighborhoods. So I think we have some good work to do. Some of it we'll have to wait until the pandemic is over.
- Regina Jackson: Thank you very much. We have Commissioner Harris followed by Commissioner Jordan. Go ahead, Commissioner Harris.
- Ginale Harris: Thank you, chair. I just wanted to mention a few things to you, just to put it on your radar. One, I wanted to ask if OPD has anyone attend the Human Trafficking Committee, the Alameda Human Trafficking Committee. That's one and then two, during January, during the human trafficking month, I was monitoring things that were put out by OPD and I did not see any mention of human trafficking. I seen Valentine's Day. I seen sideshows. I seen stolen French dogs, pooch dogs, but I did not see anything in regards to human trafficking. And it was odd to me because we have three media people. So I just was taken back a little bit.
- Ginale Harris: So I'm in hopes that now that we've identified some gaps that are missing, including missing persons as well. After the Jonathan Bandabaila case, there is no what to do, if someone comes missing. Things like that, that can get put out by our police department. Our towing policy, it still has not been updated. Things like that. Are we going to be looking at things that have come up prior to be fixed or to be looked at in regards to things that we've already dealt with?
- Chief Manheimer: Thank you. Could I respond briefly chair to that?



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Regina Jackson: Please.

Chief Manheimer: Okay. Thank you. Oh, my gosh. So human trafficking, I think they came to the police commission. We have a special victims unit that's absolutely amazing under Lieutenant Behr. They work very closely with Keith, and I know of them from the other side of the Bay, because they are so proactive and do so much. Since I've been here, Commissioner Harris, I have read of eight or 10 heartbreaking cases where they have rescued young children who were sexually trafficked or in a house where others were sexually trafficked. And these have been all cases that I know that our media team has put out, because these are the things we really need to get out to the community. So in terms of social media, I asked where that policy was. I feel a compelling need to get that policy out.

Chief Manheimer: And I agree with you that we could do more in terms of standardizing how we use both next door and the social media policy for missing persons, etc. There are so many that come up that we have to set a threshold and some criteria, but I believe they were telling me that policy actually is sitting with you all. And it's been at the police commission. I'm sorry, waiting for an ad hoc committee to actually develop the draft we sent to you. So I think that's one that I'm feeling a real need that we need to move through. And I think if we could sit down together and prioritize some of what those are, then maybe we can get some more of them through. We have a real interest in that as well. Thank you.

Regina Jackson: Yes, go ahead Commissioner Harris.

Ginale Harris: Sure. I think there was a misunderstanding. I do know that OPD does not have a social media policy. They were waiting for the city administrator actually to finish up their social media policy because they fall under the City of Oakland social media policy. But OPD itself does not have a social media policy. And I think that's what we asked for. It was recommended or mentioned that we should get an ad hoc together, but there was no commitment made, because we shouldn't be writing the policy, OPD should.

Chief Manheimer: Okay, they're trying to signal to me. I'm going to let Deputy Chief Armstrong handle where it is right now where we have a draft policy.

D.C. Armstrong: So commissioner, we do have a draft policy and we were prepared to move forward with an ad hoc. We had agreed at a police commission meeting, I believe back in either January or February, that we would work with the police commission on the development of both the social media policy and the missing person policy. So we just haven't been able to move forward because obviously we've been on other ad hoc committees and hasn't gotten to a Deputy Chief



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Lindsey is the department's lead on it. And she is prepared to move forward whenever [inaudible 02:45:04] is prepared to move.

Regina Jackson: Yes, and you're correct. And we had to put her off. I know that I saw countless emails, just because we were overwhelmed with all the work we were doing. So, now I'm remembering too, because there's just been so much. So, thank you for that update. The next hand I have is Commissioner Jordan, followed by Commissioner Smith.

David Jordan: Yeah.

Regina Jackson: Unmuted.

David Jordan: Hi. Thanks Chair. So, I feel like I need to follow up on my previous statement. When Deputy Chief Armstrong first was describing that example of telling it was substance use and prostitution, when I suggest that maybe substance use and prostitution are not public safety issues, especially ones that need to be addressed given the environment right now, it all of a sudden changed to substance use near a school and human trafficking. And also, in addressing Commissioner Smith not wanting to be painted by my paintbrush, I'd never stated that I was in any way pro-human trafficking, but I also want to make sure that people understand that all sex work is not human trafficking. Especially among the homeless population, unfortunately that's currency sometimes, maybe the only currency you have. I presume that you have some experience working with the homeless. I unfortunately have had a lot of... Well, fortunately and unfortunately, unfortunately there's a lot of homeless people. I have a lot of experience working with homeless people and they make choices out of necessity that are not necessarily choices that you or I would make, but are still valid choices for their circumstance.

David Jordan: So I just want to make sure that, it feels like we are addressing a population by a standard that is your standard. And I got to say, as a cop and a city attorney, the old adage that, for a hammer, everything looks like a nail. Unfortunately, I think there's a gray area there and if there was truly human trafficking, yes, that is a thing you need to act upon. That is a vile act, one of the worst that exists. But that was not part of the initial sort of rundown of what was being described to us. And I want to make sure that if there are those kinds of specifics, those need to be explained to us because that definitely changes how, at least I perceive them, if not everyone else. That's all I have to say.

Thomas Lloyd Smith: Yeah. So I wasn't raising my hand in response to David, our alternate commissioner, but since he mentioned my name, I will only say that... No, let me move on. I think I made clear what my position is on human trafficking. I



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think to try to be able to paint a fine line between that and prostitution and to be able to know the difference under circumstances, yes. Obviously I have extensive experience with that as well as homelessness. I'm not here to push my record, I'm here to say that anything that we do, which is exactly as I said before, to eliminate human trafficking, it is to the benefit of the city, as long as we're doing it legally. And it is something that will make our city a better place. But that wasn't the reason I initially raised my hand. I raised my hand because I wanted to volunteer. If you need someone for the ad hoc, for social media, I wanted to volunteer my services on that. I still remain troubled by our alternate commissioner's explanation, but his philosophy is his own and so I'll comment no further.

Regina Jackson: Okay. And I will encourage you all to talk offline, okay? Thank you very much Interim Police Chief Manheimer, Deputy Chief Armstrong. We do have an extraordinary agenda, but are very appreciative that you took so much time with us. I did want to also say that Deputy Chief Armstrong's leadership of the... Did you say it was 5,000 masks distribution?

Chief Manheimer: Yes ma'am.

Regina Jackson: Okay.

Chief Manheimer: Yes.

Regina Jackson: Focused in East Oakland, was absolutely critical. I know that my own youth center received, I think, 200 masks and it was incredible for our families to receive them. So glad to hear that you all are going out into the community and providing important equipment where it's most needed. Thank you very much.

Chief Manheimer: Thank you. I also wanted to just report that I've asked Chief Armstrong, and not because of our efforts, but he's reported to me that we're seeing a lot more use of masks and PPE on the streets in East Oakland. And we're just very grateful for that as well.

Regina Jackson: Very important. Thank you very, very much. Mr. Rus?

Juanito Rus: Yes, Madam Chair.

Regina Jackson: Yes, so go ahead and please ask for public comment on this item and then we will move forward.

Juanito Rus: I'm seeing Commissioner Dorado's hand raised in the queue, should I move on first?



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- Regina Jackson: Wait a minute. Okay. I hadn't seen it. My apologies. Commissioner Dorado?
- Jose Dorado: Yes. Thank you Madam Chair. I'll just make this really brief. For those who don't know, beyond the horrific murder of George Floyd in Minneapolis, there was another disturbing incident. Obviously not to that level, but the Beat 30X Zoom meeting was Zoombombed by neo-Nazis that came into the meeting and threatened the 30 or so mostly African American participants in the meeting. It's an incident that I've communicated to the Chief and we're going to follow up on it. It's been reported to the FBI and the department of Homeland security. It's an incident that is serious enough that it should be followed up on aggressively, to the point that these people are identified and tracked down and arrested and prosecuted. So I'll leave it at that, but it certainly, for me, will be a measure of your seriousness in your job, Chief. So I'm looking forward to that sort of aggression from you in this direction. Thank you.
- Chief Manheimer: Yes. And I'd like to just say that we are all over that, what happened was horrific and that we are going to be working with the FBI. Unfortunately, so many of these come from all the dark corners of the web, but to the extent that we can, we know it's been reported by the community. We have retrained our NSC's and we are putting some social media, speaking of which, out to the communities and others as to how to take precautions when using these open chat rooms. So thank you so much. I will personally make sure that we are all over that.
- Regina Jackson: Thank you very much. Appreciate that. Thank you very much Commissioner Dorado. Now we'll go back to you, Mr. Rus, for public comment.
- Juanito Rus: Thank you Chair. If any member of-
- Regina Jackson: Just one reminder, one minute per person.
- Juanito Rus: Yep. If any member of the public would like to speak on this item, please raise your hand in the queue. You'll have one minute from the time you began speaking. At this time, I am unmuting Anne in the queue. Hello Anne, can you hear us?
- Anne Janks: Yes. Thank you. And thank you to the Chair for making it so that the public can comment on agenda items rather than at the beginning of the meeting. I just wanted to support Commissioner Jordan's recognition of the distinction between human trafficking and sex work. Unfortunately it can make life even more difficult for a group of people who already face substantial challenges, which explains why they are engaged in sex work often. And we, I believe, in the Oakland community have a special obligation to be very considerate, be considerate in how we engage with the sex work community, given that there



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was a massive rape scandal under the color of law, not that long ago. So we really do need to support the sex workers that are members of our community. Thank you.

Juanito Rus: Thank you Miss [inaudible 02:54:52], I will lower your hand now. The next speaker I have in the queue is Laura Redmond. Hello, Ms. Redmond?

Laura Redmond: Can you hear me? I'm sorry. I don't know what happened there. Hello? Can you hear me?

Regina Jackson: Yes.

Juanito Rus: We can hear you, sorry. One minute, whenever you're ready.

Laura Redmond: First. I just want to say thank you to Commissioner Jordan for making the distinction between sex work and human trafficking. I didn't catch who was the other person speaking, but they clearly need to learn about survival sex work and about sex workers' rights. And then to the Police Chief, I just want to say, fuck the disrespect that you showed to George Floyd's life, and the memory, with your empty statement. You are police brutality. Just yesterday, OPD arrested multiple people on so-called crimes against property and drunk in publicness. This is putting property above people, which is exactly what led to George Floyd's murder. Arresting people, especially in a pandemic, is police brutality. Putting them in jail or to Santa Rita is putting their lives at risk with COVID-19. And if you want to make a genuine show of support and mean what you said, then you need to ask your officers to stay home and stop criminalizing our black and brown communities. You act like this is a problem just in Minnesota, but we know that last year, a report came out showing that OPD systemically under reports use of force. So you need to start with yourself.

Regina Jackson: Thank you.

Juanito Rus: Thank you, Ms. Redmond. I will now lower your hand. And the next person in the queue is a phone call commenter with the extension 0185. Hello. Can you hear us?

Michele Lazaneo: Yes, it's Michelle [inaudible 02:56:45] again, I just wanted to ask Acting Chief Manheimer two questions. Number one is, how is she preparing her officers to use additional, extra sensitivity and training in the aftermath of the George Floyd murder? And then number two, how is she preparing her officers to deal with the expected protest tomorrow evening, that's titled, F the police.

Chief Manheimer: Chair, shall I respond?



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Regina Jackson: Please do. Thank you.

Chief Manheimer: Okay. Yeah. So we did have actually a small protest tonight, and I had the commander of that incident up here because it happened to be at the police administration building. And I was very pleased because this will be the first time that I have been here as Chief, since we've had civil disobedience or potential for civil disobedience, that they had instructed not only to make sure we had the PPEs, but to not force any confrontations. That we recognize that we are the target of the frustration, that we are as the symbol, as we are, the badge and the blue going to have frustrated individuals, because we are that iconic symbol. And so we are very pleased to say that we recognize that, we recognize the frustration. We are trying not to put ourselves in a position where we will be on a skirmish line or in any confrontation and allow the peaceful and civil disobedience to be voiced.

Chief Manheimer: We know that people are very frustrated. So we will put ourselves in a position where we don't want to take any action. There were no arrests tonight, and we're hoping for none all weekend. Clearly our position, our role, is to facilitate the civil rights of all individuals, those who want to express their first, fourth and fifth amendment rights, as well as those who are coming to and from work, who need to get on the freeways. So while we have that role of ensuring all civil rights, we need to make sure that we provide the safe environment for folks who are going to have to feel that they need to come out into the streets and express their frustrations. There is a long history of transgression with the police in communities of color. We understand that, this city more than any I've ever been in espouses and embraces that. I was very proud that our police officers association was pushing today for a statement disavowing that on a statewide level. And we actually are embracing that message. And that's why I put out the video earlier. Not only wasn't it an empty statement, but I have black and brown officers here on our force who were so disgusted and disheartened by the actual, and you know what? It does transcend that each and officer in blue today was offended and affronted and wanted to ensure that it doesn't tarnish our badge.

Regina Jackson: Thanks. Thank you.

Juanito Rus: Thank you. The next speaker that I have in the queue is Ms Assata Olugbala. Hello, Ms. Assata. Can you hear us?

Assata Olugbala: Yes, sir. Thank you. And thank you, Commissioner Smith, speaking to the necessity to have inclusion. I have been concerned for a long time about the lack of adequacy, as it relate to intervention, services and resources for anyone who is a victim of sex trafficking, or who needs help related to domestic



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violence, whatever. Very limited services. But I was very disappointed with the program called Claire House, which is a residential facility for girls 12 and older, who have been victimized with sex trafficking. And if you could, at some point, get a report from Catholic charities and the Alameda County district attorney's office on what's happening to give services to these girls, I think you would have an opportunity to see what's going on there, but I'm not at all pleased at what I've seen so far. Thank you.

Juanito Rus: Thank you, Ms. Olugbala. I will lower your hand. And the final speaker I have on this item is Raisa J. Hello Raisa, can you hear us?

Reisa Jaffe: Hi. Yes. Can you hear me? Yes.

Juanito Rus: We can hear you. You have one minute.

Reisa Jaffe: Hi. To the Chief, I don't have an exact quote on what you said, but part of what you said here at the end, the essence I heard you say, sounded like you were giving yourself an out when you talked about people's rights to get on the freeway or go to work. I want to remind police officers and white people that it's okay for us to be inconvenienced a little bit. We have a serious systemic problem, and the only way it's going to get fixed are when white people are inconvenienced and uncomfortable. Thanks.

Juanito Rus: Thank you. I will lower your hand. And we have one more commenter, a phone in commenter with the extension 0501. Hello?

Gene Hazard: Thank you, can you hear me?

Juanito Rus: I can hear you.

Gene Hazard: Okay. This is Gene Hazard. I appreciate your earlier comments, Chief, about the Minneapolis situation, but would you have gone in that direction had there not been that video? And my question to you then Chief, if a situation occurred here in the city of Oakland, would you call for immediate release of the camera videos of officers who were engaged at that type of egregious abuse? Also, I'm concerned about when you said that 37% and the disparity was in a [inaudible 03:03:28] and the commission has been asking for the reports all along and your predecessor refused to give the report, even with the concerns that were expressed by the black police officers. So I would hope that you walk your talk in terms of bringing forward any situation occur, like in abuse-

Juanito Rus: Thank you Mr. [inaudible 03:03:56], your minute is up.



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- Regina Jackson: Interim Chief Manheimer, if you could respond to those two questions that were put to you.
- Chief Manheimer: Yes ma'am, thank you. Yeah. Mr. Hazard. Thank you, sir. I think what we saw from the Chief in Minneapolis was likely how any chief might handle that. When you have that level of concern, when you have that level of misconduct, when you have that level of community outrage and unrest, yes, I think that I likely would have handled it exactly like that. That is a right to work state, so they were able to fire those officers immediately. We likely could not do that. We would have to put them off duty and conduct that immediate investigation. But other than that, I think that, and I have done, and I would do a release as soon as possible for total transparency. Look, I mean, in this age, we have to release the good, the bad and the ugly so that we retain the trust and credibility of those we are charged with protecting.
- Chief Manheimer: And I think that Chiefs throughout the country were appreciative of the way that Chief handled that. Police unions, police agencies, police chiefs are united in the way we need to handle situations nowadays. And the law is that you would put that video out within 45 days. I could see putting it out immediately as well.
- Chief Manheimer: Your second question about the disparity study, I have some more remarks I'd like to make, but in deference to the Chair who I'm hoping will continue to let me have a few minutes, which now ends up being a lot more time than a few minutes, I'm going to defer until that item comes up. I will say that I am delighted to be able to have this dialogue with our community and with our commission and to share and hear from you all. In this era of COVID pandemic, it's been hard for me to get out and conduct those listening sessions. So I'm grateful and appreciative to hear from the community. So thank you.
- Regina Jackson: Thank you very much. So we're going to move on to item eight on the agenda, which is an update on the city auditors and the-
- Juanito Rus: Excuse me, Madam Chair. We did receive one additional commenter. I don't know if you would like to allow them to speak.
- Regina Jackson: Okay. So we will, but what I'd like for you to do at the beginning, Mr. Rus, is identify the number of speakers, and then we will keep to that. Because we'll be all night.
- Juanito Rus: We can do that. This person added on after the last person. So the last person I have in the queue is John Lindsay-Polland.



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John Lindsay-Poland: [crosstalk 03:06:44] Can you hear me?

Juanito Rus: We can hear you.

John Lindsay-Poland: I'll be brief. Interim Chief Manheimer, I worked for the American Friends Service Committee. And in response to your comments about transparency and your commitment to it, we submitted a public records act request eight and a half months ago, for records of when the OPD has brought out assault weapons into the community. These records exist. They've been delivered to the records reviewers, they are under review. They've been under review for the last six weeks. And in your commitment to transparency, I hope you will take a look at that public records request, which is number 19-4558, and make sure that it's acted upon. We've waited a long time for these records to know when these weapons are being deployed. Thanks.

Chief Manheimer: Thank you. We'll look into that. Thank you.

Regina Jackson: Thank you.

Juanito Rus: Thank you, Mr. Lindsey-Polland. I will lower your hand. And now we have no more speakers on this item. I turn back to the chair.

Regina Jackson: Thank you. So item eight is an update on the city auditor's commission and CPRA audits. I don't have a lot to say, I was going to report that the audit was supposed to be released at the end of the week, per Courtney Ruby. She also said that she would give me a heads up the day before. I have not received an email heads up from her. So I don't know if it'll be released tomorrow or next week. However, there is an article that I've only read a portion of, from the San Francisco Chronicle. And I did do an interview with them. So I don't know exactly how that came to be, but the information is pretty much out. I don't know if the final will change, or if that's what they're responding to, is the final. I'm not exactly sure.

Regina Jackson: I don't know if there are any comments from fellow Commissioners or thoughts. This was an arduous process. Almost all of us sat down with the auditor and their staff. We went through two or three different conversations to provide information toward the fact checking that we didn't quite see happen. Sometimes it was accepted, sometimes it wasn't. And I feared that it was going to be very negative. And based upon the article, that's what we're facing. But this has not been, I think it's been kind of rigged from the beginning. So I'm not sure that I expected any different. Any other Commissioners have any questions or comments?



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- Henry Gage, III: Chair Jackson?
- Regina Jackson: Yes. Mr. Gage.
- Henry Gage, III: Thank you Chair. I'd like to second your comments and state that I'm disappointed that whoever has placed this audit in the public record before the auditor actually released it, has really done all of us a great disservice. These sorts of audits are a great opportunity for organizations like ours to take a critical look at what's happened and to improve. This could have been a great opportunity for us to work with the city, to figure out how to improve as a commission. And instead it's resulted in unnecessary slander, and that's incredibly disappointing.
- Regina Jackson: Thank you. Any other comments from commissioners? Commissioner Harris? You're unmuted.
- Ginale Harris: Thank you. Well, what I will say, I will echo Vice Chair Gauge's comments. Extremely disappointed, but not surprised. The Chronicle has a tendency to put these kind of stories out. So there is one in SF Chronicle, and it is in regards to the audit that has not been released. So, very disappointed. I mean, just very disappointed. Saddened and disappointed. It only proves what we are fighting against and what we are up against. So again, saddened and disappointed.
- Regina Jackson: Absolutely. I guess at this point, we should go to public comment.
- Juanito Rus: Very well, Madam Chair. At this time if you would like to speak on this item, please raise your hand. I am showing four hands in the queue. The last speaker will be Rashidah Grinage. The first speaker who I'm showing is Raisa J. Hello Raisa, can you hear us?
- Reisa Jaffe: Yes, I can hear you. Thank you. I am just appalled by this report and I'll just call out the thing that, to me, was so glaring when I saw it, that this was not going to be fair and unbiased. The commission's authority to evaluate and remove the Chief of Police is rare amongst other police oversight bodies. That's totally irrelevant. If you were the first and only police commission, that is not relevant to the audit. There's a reason why we have a police commission, it's to take of the police department. The rarity of your power is not relevant. And the fact that the audit felt like that needed to be called out to me was so glaringly obvious that this was a biased report. I'm sorry. We have your backs.
- Juanito Rus: Thank you Raisa. I will lower your hand. The next speaker I have in the queue is a phone participant with extension 0501.



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Gene Hazard: Yes. Can you hear me?

Juanito Rus: I can hear you, Mr. Hazard. You have one minute.

Gene Hazard: Thank you. Look at the timing of this audit report. This is an attempt to weaken this ballot measure for the commission. Don't go for the head fake on this. This report by the city auditor is manufactured to show how bad the commission is in doing their job. It's just the opposite of what you're doing. And they attempt to effect the November ballot measure. Don't weaken yourself, fight back. That's what this is all about. It's all a bunch of BS. Thank you. Stay strong.

Juanito Rus: Thank you, Mr. Hazard. I will lower your hand. The next speaker I have on this issue is Ms. Assata Olugbala. Hello, Ms. Olugbala, can you hear us?

Assata Olugbala: Yes, sir. Commissioners, I find it very interesting that a few months ago, the auditor was called into the finance committee meeting because she stated she was unable to do the required audits for certain measures, M, N, Q and others. Measures that were approved by the voters, that required by law that an annual audit had to take place. And she was saying she couldn't do the audit because she didn't have the staff, but she was able to do this audit and prior audits that the public requested related to Oakland promise. She didn't do an audit, she did an investigation. And when there were findings, she made excuses [inaudible 00:03:15:37], these were unintentional actions related to funds and to unauthorized services by the Oakland promise program. So stay strong, the community supports you. And I haven't seen the audit, but when it comes out, we'll take care of supporting you in the public venue as well.

Juanito Rus: Thank you, Ms. Olugbala. I'm going to lower your hand now. I think the last, I have one additional person in the queue after this next speaker. This initially was my last speaker, Ms. Rashidah Grinage. After this, the Chair can indicate whether you'd like to take additional speakers. Ms. Grinage, can you hear us?

Juanito Rus: [crosstalk 03:16:21] Ms. Grinage, can you hear us?

Rashidah Grinage: Can you hear me?

Juanito Rus: We can hear you.

Rashidah Grinage: Good. I wanted to follow up on Gene Hazards comment, which is what I was going to say in the first place. The question should be asked, who leaked this? This has not been a public document yet. It hasn't been posted anywhere. So obviously someone in the city government decided to leak it before anyone could see it or read it. This is really unethical. And somebody needs to do an



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investigation on that point, who was it that leaked this to the press? And there is no question that it's been leaked to at least some city council members, which is why they wanted to wait to see it before they reconsidered the ballot measure. So there's a lot of very, very unethical behavior going on and it needs to be called out. And we will get to the bottom of how this information got to the press. Thank you.

Juanito Rus: Thank you, Ms. Grinage. I will lower your hand. At this time, Madame Chair, I now have two additional individuals who wish to speak on this item. Would you like to take their comments or move on?

Regina Jackson: Okay, yes. We'll take those two, but there won't be any more after that. Thank you.

Juanito Rus: Very well. Last two speakers I have. The next speaker is Mr. Larry White. Hello, Mr. White, can you hear us?

Juanito Rus: Mr. Larry White. Hello, Mr. White. Can you hear us?

Larry White: Yes, I can. Can you hear me?

Juanito Rus: Yeah. We can hear you. That's a one minute whenever you're ready.

Larry White: Okay. Thank you. Yeah, I think other people have said this, I just want to reiterate this. This is part of a campaign by certain people in the city administration to weaken the police commission. That campaign started when the police commission was formed. Those of you who were on it at the beginning know how hard you had to fight just for basic support for your work.

Larry White: Now, we are trying to strengthen the commission with our amendments Measure LL and the people who don't want that who don't want civilian oversight of the Oakland Police Department and who want to use this for political gain of their own are behind this audit and especially the release of the audit right before the commission meeting. Stay strong. We're behind you.

Juanito Rus: Thank you Mr. White. I will lower your hand. The last person in the queue at this time is a phone in with extension 6179. Hello, can you hear us? Extension 6179? Hello, is the person calling in on a phone with the last four digits 6179, can you hear us?

Regina Jackson: Okay. I think maybe we should go ahead and move ahead.

Juanito Rus: Yeah. Very well. Turning meeting back to you, Madam Chair.



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Regina Jackson: Thank you very much. We're prepared to move to item nine, which is the Report on and Review of CPRA Pending Cases, Completed Investigation, Staffing, and Recent Activities. Mr. Alden?

John Alden: Thank you, Madam Chair. We have a lot of material we could talk about tonight, but I know the commission's time is tight so I'll flag a few items that we could talk about in more detail if commissioners have questions then I'd like to talk a little bit about our statistical report. Over this last period since we talked last about the CPRA status report, we've been doing a lot of work on the budget, with audit response, which you mentioned earlier, changes internally in the office and response to the COVID health in place.

John Alden: I had a little bit of involvement with the NSA court appearance filler this week, the use of ad hoc is still going on of course. Some work on the charter amendments that we've talked about previous evening and we'll be talking about more later this evening so I'll save my thoughts about that until that agenda item. Then this is also personnel evaluation season in the City of Oakland, and that keeps us pretty busy, me particularly.

John Alden: Process level, one of the things that we've been doing internally at CPRA recently is trying to think more carefully about how we prioritize and assign resources to cases. One thing that has become really clear because of our budget situation in the city is that we're probably not looking at any new resources at CPRA over the next year or not any significant new resources. That is going to really push us to be very careful about how we isolate our time.

John Alden: One pattern we've had over the last year that I think is important to convey to the commission and others is that while the charter does provide separate with fairly broad authority to take on a variety of different kinds of complaints, it also requires us to take on a certain set of complaints, which I think is most people on this call will know are often called mandated cases.

John Alden: It has been our experience since I've come on board that just keeping up with the mandated cases by themselves takes up all of the resources we have for investigations. That continues to be the case. Again, given the city's current budget situation, I expect will continue to be the case for probably the next 12 months or so. That's still a substantial number of cases in a wide variety of cases and a very robust look at the most serious cases. I think that is still a really significant achievement under Measure LL.

John Alden: But in the very long run, I am concerned that we will be in a place where taking on other cases will continue to be challenged. We're trying to be very thoughtful about prioritizing anything other than mandated cases. Over the last month or



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so, since we talked last, we've also become a little bit short of staffed. These are temporary issues, but it has caused a little bit of a slow down for us.

John Alden: We do have one staffer who's had a child last little bit and we're very excited for her, but of course she's not in the office for a while. We also had a complaint investigator leave us and we'll be hiring a new one in Fort Lee I expect. That's also a short term transition, but it does mean that we have a couple of positions that we're short on for a few months. In addition to that, the number of complaints that we have gotten recently increased. I can't point to any particular reason why or any pattern among them, but we happen to have a lot more just recently.

John Alden: Of course, with some of the changes we've had to make with COVID, I think our productivity is just a little bit down. Unfortunately that means that our caseload in terms of number of pending cases actually went up since the last time I reported to you. That's the first time that's happened since I came on last summer. I think those reasons I just detailed are the reasons why that's happened. As you'll see in this report, we're up to 102 cases open now.

John Alden: There are some, I think really interesting things of note in this most recent report. I know it's hard to look at some of these reports while we're also all online on this call, but for those who might have time later, I would suggest that if you look through the reports as to pending cases, you'll notice that a lot of our cases have very high numbers of allegations. Some have 21 and 27 allegations in a single case, that's makes those cases much harder to complete than would otherwise be the case.

John Alden: I think that's a real change from CPRB days when, at least from the records I've been able to find, it looks like cases with that number of allegations are relatively rare. In addition to our number of cases really increasing, the complexity of the cases is also substantially increased. That continues to be a trend we've seen throughout this last year. You'll notice also in the sustained cases, sorry, the completed cases that we have, there are a number of sustained cases.

John Alden: One of them is a sustained case for truthfulness. We concluded that an officer lied. It is rare that those cases are sustained in our field. They're difficult to prove. I appreciated the cooperation of the police department in investigating that case and reaching concurrence that that should be sustained. That is a big deal in our field. Again, I was pleased that we got the cooperation we needed from the police department to successfully move that case forward and approve it.



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- John Alden: In addition to that, you'll notice that there are a number of use of force chases that we sustained. They're flagged as level three cases. Now level three cases involve a variety of different kinds of uses of force, but one of them is the taser. I think that both we and the department are at least anecdotally from what you see in this report, noting that we've had a number of sustained taser cases recently. It's not a very large number compared to the total number of taser deployments in the City of Oakland, but it was enough that we're going to be watching that issue closely.
- John Alden: I think as the use of force ad hoc proceedings, we may be having some further conversation about how the taser policy is working out. I think our taser policy is excellent. I think we may want to do some digging to see if there's some other things we need to do in addition to the policy to make sure we see strong compliance with that existing policy. I should say about the support that there is an improvement where considering making to our future reports.
- John Alden: That's one suggested by Rasheda Grenada at our last meeting. If I followed her comments correctly, she had suggested that we expand the reports that you see here by flagging in some way, those cases in which CPRA and the police department at least initially did not agree about the outcome of the case before concurrence was reached. We're talking to council about whether that's something we can report in this way. It's a novel issue so we'll have to take a look at whether existing California law allows us to do that. I'm hopeful that it is, but I don't know that anyone has analyzed that previously.
- John Alden: They'll be looking at that issue closely and there are a variety of ways in which those disagreements can occur as you've seen in all these cases. Eventually the chief of police and I have reached concurrence about these outcomes, but sometimes there's disagreement at a lower level. We'll have to think about whether or how we can apply that in these reports. I'm not sure the answer to that question yet.
- John Alden: They did want to pass on its something we're actively considering, and if we're able to, and if we can come up with a software for doing that, I think that would be useful information to pass on if possible. Those are the high level issues that I wanted to flag at CPRA from this last period. If there are questions about any of those issues, even some of the ones I flagged only briefly, I'd be happy to talk about those further.
- Regina Jackson: Thank you, Mr. Alden. Commissioners are there any questions? Okay. Seeing none. Thank you very much. Mr. Rouse, will you please go to public comment?



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- Juanito Rus: Yeah, very well. If any member of the public would like to speak on this item, please raise your hand in the queue and you will be called in the order in which your hands are raised. I see no hands raised at this time Madam Chair, [crosstalk 03:29:18]the meeting back to you.
- Regina Jackson: Thank you very much, we will move ahead. We are now on item 10, which is Commission's Discussion of and Possible Action On, City Administration's Proposed Budget of May 26, 2020. I am not sure who would like to take the lead on discussing this, or if there are any particular questions, Mr. Alden.
- John Alden: Thank you, Madam Chair. I did want to pass on a couple observations I had about the budget presentation that City administration made to the city council on Tuesday of this week. The end results from that presentation and some of the materials that we got late the week prior, that are too late to include in the agenda here. But nonetheless publicly available is that our budget collectively amongst CPRA and the commission and the Inspector General's office talk by comparison to other agencies and to the city as a whole.
- John Alden: Apparently the modest cut, our only cut was the freezing of the administrative assistant position at CPRA that we talked about last time I was here. That is altogether, roughly a 2% cut for us over the next year. The city is obviously looking at a much larger cut overall, and many agencies have much larger cuts, both as a percentage of number of positions is frozen and also a percentage of budget.
- John Alden: I was grateful that the city administration's budget was one that left us in fairly good shape, considering the state of the city overall. That's a real positive for us in the short to medium term. I do want to flag for the commissioners so no one's surprised at a later date that there are at least two possible events that we know of right now that could change that picture for us.
- John Alden: One is that the city is still having conversations with our labor partners about whether folks in labor would be willing to make some concessions around compensation that would help the city save another 10 to \$15 million. The current budget has reached in that regard. If that doesn't happen, then there would have to be further reductions in expenditures somewhere in the city budget. That could result in the city coming back to us and asking if we couldn't bring the way to sacrifice more.
- John Alden: It's too early for us to tell how that will resolve. I would anticipate that will resolve over the next few weeks because it will have to resolve incandescent council item budget easily. The second thing that I want to make sure that the commissioners are prepared for in the future is that if the hit that the city's



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budget takes over the next year is worse than currently anticipated because the economy doesn't recover as quickly as anticipated or other revenues faltering in ways that are worse than we currently anticipate.

John Alden: That could also result in some further cuts at some point during the mid year. Unlike most years when we know that once the budget is finished in late June, that it's a stable, reliable budget that we can depend on the whole year. This is a rare year in which there could be some need for us to make further cuts at some point during the fiscal year. We just don't know what that's going to happen or not so I think the bottom line here is that we are in good shape. We're very fortunate in this round. It doesn't mean we're necessarily all the way out of the woods, but I'm really pleased that we're in the green spot here.

Regina Jackson: Thank you very much. Are there any questions from the commissioners? I don't see any hands raised. Oh, there's one. Oh, Mr. Alden.

John Alden: Well, if there weren't any questions from the commissioners about that material, I did want to pass on question for the commissioners. I did understand if I follow correctly from Chief Manheimer's presentation that the police department might be making a little further presentation about budget at the commission's next meeting. I should tell you that the folks that budget and finance understand that one of the commission's powers is to review the police department's budget.

John Alden: If the commission wanted to use that power to look a little bit more closely at that budget, I think we probably could arrange some presentation from folks at budget and finance to help in that regard. But if we were to do that, I think that's something we would need to do at the next commission meeting in order for that input or observations to be timely for the city council to consider. I throw that out there for the commission's consideration as at the end of this meeting, we talk about what agenda items we should have at which future meetings.

Regina Jackson: Thank you very much, Mr. Alden. Given commissioner Harris's inquiries about the budget and I share some of the concerns trying to figure out where the cuts are anticipated and what the priorities are. I would think that it might be good for us to go ahead and try and coordinate with finance to get a calendar for the next commission meeting. If there are no more questions and I see no hands, I'm going to turn it over to ... Oh, Ms. Commissioner Anderson. Sorry.

Tara Anderson: No, thank you. I would just add to that, making sure that we have included in that presentation on our condition specific budget and where we are at with moving forward in response to any potential cuts. We had a lot of dialogue the



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last time we met about positions relative to CPRA and Director Alden has returned again with great updates about those matters. But I don't feel as though we've sufficiently covered items that they relate to the commission and just wanting to ... It may be simple enough because it's such a small proportion of the budget overall, but just being sure that a part of our dialogue at the next meeting also includes discussion of a commission specific line item. But for example, our analyst position.

Regina Jackson: Okay. Mr. Alden, are you clear about the request? Go ahead.

John Alden: I honestly don't think I am, but I'd be happy to follow up with [inaudible 03:36:31] offline and make sure I have the material she needs at the next meeting.

Regina Jackson: Okay. That sounds great. I think she's looking for some year to date information to see exactly where we are at this five minutes and moving forward, but I would totally recommend that you talk with her offline and ensure that we get what she's talking about. I'm sure that we'll all benefit from it.

John Alden: Will do.

Regina Jackson: Thank you. If, there are no other ... I see no other hands, then we can go to public comment, Mr. Rousse.

Juanito Rus: Thank you chair. At this time, I'm seeing three hands raised amongst members of the public. If you would like to speak on this item, please raise your hand in the queue. You'll be called in the order that your hands is raised. The first speaker I have is Raissa J. Hello Raissa, can you hear us?

Reisa Jaffe: Hi. Yes. Thank you. I understand that by percentage wise, it looks like you all didn't take a big cut, but when you look at the impact, I'm really concerned you all have a mission. You're a volunteer group and you need all your resources, ultimately it will save us money. We're 17 years under federal oversight, that costs us money. Losses settlements, that costs us money. The percentages doesn't tell the whole story.

Reisa Jaffe: The other thing is I would ask you to please remind people in the city administration that when they're going to labor and asking for cuts there, I think they need to go to anybody earning over \$150,000 and ask them if they're willing to take their pay down to that until everybody in labor's already been made whole from previous cuts that have been made. Thanks.



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Juanito Rus: Thank you, Raissa. I will lower your hand at this time. The next speaker I have on this item is Ms. Assata Olugbala. Hello, Ms. Olugbala, can you hear us?

Assata Olugbala: Yes, sir.

Juanito Rus: You have one minute.

Assata Olugbala: Thank you, sir. Something happened a few months ago, even before the pandemic issue of the challenges we are facing financially. In any financing committee meeting, it was stated that the lawsuit that is with the Ghost Ship fire, the 36 individuals that lost their lives, that lawsuit can bankrupt the City of Oakland. There's not been a whole lot of discussion about it. The lawsuit I've seen it in a closed session it's being discussed, but it has besides the pandemic, this lawsuit can bankrupt the City of Oakland. I don't know where we're going, but that sounds very serious. Thank you.

Juanito Rus: Thank you, Ms. Olugbala. I will lower your hand at this time. The last speaker I have on this item is a phone in commenter with the last four digits, 7289. Hello, can you hear us?

Manuel: Yeah. Hey, how are you doing?

Juanito Rus: All right. You have one minute to speak if you are ready.

Manuel: Okay. Yeah. My name is Manuel. I had a question with regards to the budget and in light of, let's just say, COVID and new requirements for the way people gather. I was wondering if any part of this budget that will be committed to creating new access for people to one, be able to see what officers are being investigated.

Manuel: For example, pictures associated with these reports that you have that are now accessible, but it can be more visually accessible as well as ways for people to pay their tickets and fines, et cetera, so that these requirements of showing up on time, which may not be as appropriate these days. Wondering if there's some budget that's going to be associated to impact that part of this policing in a more positive way.

Juanito Rus: Thank you, sir. Your minute is up. I will lower your hand at this time. At this time, Madam Chair, I'm sure no other speakers in the queue so I return the meeting to you.

Regina Jackson: Okay. Thank you very much. At this time we're moving to item 11, which is the Oakland Police Department, Discipline Disparity Report. I believe that we could



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have, unless there are questions to start with, we could go ahead and have interim police chief Manheimer give us overview of their plan to address the issues that have been raised. But I would suggest that it'd be very efficiently spoken so that there can be follow up questions if there are any, which I imagine there will be.

Chief Manheimer: Thank you, Madam Chair. Did you want me to do any background on the study itself, some of the findings, or just go right to our response to it? Have you had presentations on [crosstalk 03:42:16]?

Regina Jackson: I think everybody has read it, but certainly like I said in my own statement, I think that we all knew that there were challenges inside the department. All the report does is confirm what we already knew, but the real issue is what are we going to do about it? I think if you go into what you expect the action plan to be and timelines to address that. As questions come up, then we'll have you address those as well.

Chief Manheimer: Thank you. Going to next steps first and I do want to just mention to folks that there are over the last year or so, the report did come out. There were a lot of questions and the stakeholder committee asked tiller times to look into other issues. They refined that, worked on that for a while. When I got here, it was sitting in my inbox and I felt it was important to really pivot on this, to aggressively own it and put together what we would do in terms of documenting the things that we felt were the first immediate steps.

Chief Manheimer: I was very pleased that I spoke with Darlene Flynn, who's the Director of Race and Equity for the City of Oakland. She and I came up with a plan that will basically over this next month, engage our internal Race and Equity Team led by a Captain Joshi and Lieutenant Fringe Shavings of our training and Academy division and working under Deputy Chief Drennon Lindsey.

Chief Manheimer: They will work together and put the charter of exactly how they're going to do a Race and Equity impact analysis and come up with the mitigation steps. What we know right now is that we do have a disparity that was confirmed that over 37% on the findings, not the discipline enacted, but the findings on lower level investigations at the division level one. That is exactly the first test that they're going to look to re-engineer and do the equity impact analysis on.

Chief Manheimer: I wish I could give you a timeline right now. My belief is that I need to have Director Flynn come in with Deputy Chief Lindsey and Dr. Eberhardt convene this internal group and determine where they are going to look first. Besides discipline at level one, would it be the Academy? Would it be training? I



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suggested that they may want to look at promotions and selection because that's coming up now.

Chief Manheimer: I've charged them and I'm going to be a very active member of helping to drive this forward because the judge has made sure that when we come back in September 22nd to the federal court, we will have not only the plan, but implementation steps and some initial results. We are going to within this next week, meet with the key leaders, both within the department and within the project. We are going to examine the current OPD discipline process, emotional process, recruitment and training. Establish the charter and work to make sure that we put policies, procedures, and strategies in place.

Chief Manheimer: I want to reassure folks that when this document came into this department, we didn't sit here for a year and not do anything about it. There are significant steps that were taken, including a complete leadership change and some really quite visionary leaders in our Academy training. The aggressive actions we took in training in this last nine months under the leadership of Captain Joshi and Lieutenant Shavings made significant changes to the mentoring program, eliminated or reduced physical training that was not essential to a job functions shifted towards a training program, more compatible with wide a range of learning styles.

Chief Manheimer: We made sure that we did not select out those who we felt could be mentored and nurtured who were from Oakland, particularly from areas of Oakland reflective of our community. In the discipline action we've done several things as well. I know you asked me to be efficient and the time is late so I'm not going to get into a lot of the action steps. But number one, this Race and Equity Team will be led by Darlene Flynn and Deputy Chief Lindsey.

Chief Manheimer: We'll come back with us and I hope to come back to you as they put that charter together. I will vow to you that we will report out and I've already talked to Deputy Chief Lindsey about this, that we will report back to you on the timelines, the steps, the goals. We will be embracing procedural justice internally because clearly there can be no tolerance for not practicing these tenants. When as someone said earlier, this is what we expect for our officers to model out on the streets.

Chief Manheimer: What we expect of others we have to begin at home. That is the charter, the Race and Equity Team will address not only the items that were identified as clear disparities in the study, but those that through the OBOA letter, I believe you had ferreted out earlier that were additional areas that the study looked at, but was inconclusive in. It doesn't matter we're going to attack those as well.



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- Chief Manheimer: Then really after we put those policies in place, we're going to look at what other areas and keep this as a standing and evolving part of our department going forward. It is very, very distressing that there are this level of disparities and inequities in our department. I want to tell you that not only do we own it and embrace it and find it absolutely unacceptable, but that I believe that some of these are in other agencies.
- Chief Manheimer: I just want to leave you all with this and this is not a defense of this department. In fact, I wasn't here when they did this, but I can tell you that I've only found one department ever that agreed to take on something like this. Look internally unflinchingly accept the results and move forward. Because that means we're going to be one of the few that's actually going to take it head on and actually implement some changes and not be afraid to talk about race and not be afraid to talk about inequities in our own house. I think ...
- Regina Jackson: I'm sorry, your voice went out. Did you accidentally mute yourself?
- Chief Manheimer: No, I think maybe Mr. Rouse did because I was going on too long, but that was ...
- Juanito Rus: It wasn't me.
- Chief Manheimer: But in any way, I'm here to let you know that we're tackling this head on. Unacceptable, we're going to move forward, but I don't want to take a Director Flynn and Deputy Chief Lindsey and Dr. Eberhardt and dictate to them what they're going to do. I want them to do it meaningfully and I want them to come up with that timeline and goals and I'm going to write it for ward but I'll have to get them to charter that out and give me the specifics.
- Regina Jackson: Okay. What I would like to ask or request is that when you're speaking with Ms. Flynn, that you let her know, I think that we would like monthly updates on where we are. Because we're all deeply disturbed and if the plan of action is going to be successful, you have to ... There are things that you already know that you could be doing and should be doing. Hopefully it will be impactful out of the gate.
- Chief Manheimer: I'd like to bring it back every two weeks. I'd like to bring it back when we do our updates to you. I'd like to try and have some timelines, at least as well as some metrics and I think we have some good baseline metrics from the study itself. I'd like to know where we expect those results to be. I'm happy to do that. I'm even happy, I think Director Flynn would not mind at some point coming back and presenting to you as well.



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- Regina Jackson: Okay. That sounds great. What I would hope to do is that you need a little bit of time, so maybe we can sit. Our first updated last meeting in June, so that at least gives you four weeks from now.
- Chief Manheimer: Great. Thank you.
- Regina Jackson: Okay. Thank you very much.
- Chief Manheimer: Great. Thank you.
- Regina Jackson: Okay. Thank you very much. We don't see any more questions from commissioners or any hands raised. I think probably the thing that's most important is that you acknowledge the atrociousness of this and that you have made a commitment to try and address it and we support that wholeheartedly and anything we can do to further support that, I think we're prepared to do.
- Chief Manheimer: Thank you. We may take you up on this because we want to do a targeted recruitment that really gets to the heart of our community and gets, really, the minority representation up in our community, to be reflective of it.
- Regina Jackson: Well, as you know, my deep disdain for not having included any black females for the last six Academy is an Achilles heel. But that's a whole other situation. I hope that we will get all of these things addressed. I see a hand from Mr. Alden. Mr. Alden?
- John Alden: It was a little hard to unmute for some reason. I'm having the same problem, Mr Rus had. I was just queuing myself up to talk about the RFP when you're ready.
- Regina Jackson: Go ahead.
- Ginale Harris: Excuse me.
- Regina Jackson: Wait a minute.
- Ginale Harris: There's some hands raised in the queue. Mr. Chanin has his hand raised.
- Regina Jackson: Okay. Not quite sure. Okay. I'm sorry, Mr. Chanin?
- Regina Jackson: Okay. I'm trying to unmute you. There you go.
- Jim Chanin: Okay. I just want to say I'm very grateful to Chief Manheimer for moving on this at this point, but the original report contained the same information and the



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police department forced them to redo the whole thing and it changed by one percentage point, I think one percentage point, up.

Jim Chanin: And I was so frustrated that when I appeared before the public safety committee of the city council, I did something I've never done, which is I divulged this report to them because not a single member of the city council was aware of this report some six to eight months after it was published. And I remember a council member, Kaplan, asked me to spell the names of Hillard Heintze. And I'm very distressed about the Academy too. I brought up the lack of African American women in the Academy since I address it on a regular basis.

Jim Chanin: I've addressed every Cad Academy for about two years now. You'd look out in the audience and I'd never see any African American females there. So nothing was done about the disparity report, of any measure, by the Oakland Police Department prior to Chief Manheimer arriving. It got so bad. I went to the city council myself and I raised the issue of African Americans in the Academy at nearly every all-parties meeting and nothing was done. So I hope this is a turning point. I'm willing to give Chief Manheimer a clean slate and the benefit of the doubt, but we have to have timelines. We have to have another study, not necessarily by Hillard Heintze, but by someone to see if these percentages have changed after they do whatever it is they're going to do. Thank you.

Regina Jackson: Okay. Thank you very much. Commissioner Harris?

Ginale Harris: Thank you, Chair.

Regina Jackson: You're welcome.

Ginale Harris: I want to piggyback on what Mr. Chanin said. I had a concern from the beginning before this report was put out. My concern is, or was, still is actually, some of the relationships that the city departments have with these agencies that do these reports. That is a very eyebrow raising concern. I suggested in a few of our meetings, that we have an outside party do the investigation itself, because I believe that there is way more biases going on than what is reported.

Ginale Harris: To me, the report sounded like, "Oh, okay. We identified a problem," when this problem has been going on for decades. And that is the concern to me. It has been going on for so long internally, that all of a sudden we have this report and it says, yes, 40%. I just don't believe that. And then all of a sudden we refer it to our Race and Equity Department where there's only two employees for the whole city.



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- Ginale Harris: And I've been sitting on this police commission almost three years, and there have been more than one account of racism going on in city departments that we are aware of, not just the police department. And so with that said, how are two employees from the Race and Equity Department supposed to put together a plan to end decades of racism? I am just very curious to know.
- Ginale Harris: And so I keep hearing people say, "Oh, we're putting together a plan." I've yet to hear one. "Oh, we have a plan." I've yet to hear one. And that is a concern to me because it seems people have good intentions and I understand that, but the thing I want to make most clear is that these are people's lives. These are people who wear uniforms, who are here to protect and serve us, and they are being mistreated. So only imagine what goes on with the public.
- Ginale Harris: So with that said, I'd ask that we have an outside party do an outside investigation to look into the disparities. I mean, the disparities report we got, it's sufficient, I guess, but based on all of our experiences in dealing with the pushback that we have gotten from this commission, I believe there's more. And so I'd like to have an outside person that does not have a relationship with anyone in the city of Oakland to do this study. And that's just my take on it. Thank you.
- Regina Jackson: Appreciate your comments, Commissioner Harris. And I absolutely understand and support what you're saying and that's part of why the RFP is happening for an outside investigator to look at this because we don't seem to have, internally, anybody that can or has that capacity. And your point about a two person department is real.
- Regina Jackson: I actually thought that they would be consulting on it and not actually drafting the plan. And as it stands, the first draft of the report came out last August, even though most of us didn't see it until the end of the year. And so there are folks that I believe have been working on this, but we will see at the end of June, because there should definitely be a plan in place, but I would not expect it to be all on Miss Flynn's hands to handle.
- Regina Jackson: And to your point about citywide bias or lack of equity, we've seen it over and over in leadership, but at this five minutes I understand our point is to look at it from a police lens, and hopefully the lessons that are learned there will also move throughout the department. Excuse me, move throughout the city. If in fact they really want to resolve this issue.
- Ginale Harris: Right. Well, my, my fear is that this issue cannot be resolved in my lifetime. That is my fear. That is my fear. I mean, being realistic, I don't want to say this is



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going to be resolved. Just as long as it took this department to become this way, it will take just as long for it to stop unless people are held accountable.

Regina Jackson: Oh yeah. No, that's absolutely correct. And that's our job. So it will continue to have a place on our agenda and we will expect to ride it and if we don't find that the plan is credible, or if we have additions, I mean, I think that there are some of us who could probably provide some insight but there are city entities who are handling it right now. Obviously, we'll see it.

Ginale Harris: Yes. Thank you.

Regina Jackson: So, let's see, Mr. Alden?

John Alden: Thank you, Madam Chair. So the other half or so of this agenda item is follow-up on the request for proposals that the commission had directed CPRA to start on. So as a reminder, and as a little background to those who might be new, out of this conversation, in addition to this question of whether there's a disparity in OPD's disciplinary system, the Oakland Black Officers Association also raised a concern, as I understand it, about whether there might also be disparities in a separate set of systems of the police department for promotion and hiring.

John Alden: And so this commission, has previously directed CPRA to put together a process to select a vendor to study those specific issues, promotions and hiring, since this study we just talked about today only covered discipline. So, we've been moving forward on that process per your direction. We now have a request for proposals that's ready to issue. These documents and the processes described in them are pretty laborious.

John Alden: On the other hand, an upside is that once a vendor has selected to do the contract, we'll know that they've already jumped through all of the city's necessary hoops to become a vendor. So, I wanted to make sure that I reported back to the commission, that that request for proposals is ready to go out. There was one provision in there that took a little bit of drafting and it was one that this commission was very specific about. It was, I think, Commissioner Harris's idea that there'd be some provision in the RFP that prioritized, or gave a preference towards, vendors who had not previously worked for the city of Oakland. We did spend a little time working on that with council and concluded that was something we could do. To the best of our knowledge, this has not been done in the city of Oakland before. So I think we are pioneering here in a very positive way.

John Alden: So the RFP will give extra points, extra consideration, to vendors that do not have a pre-existing relationship with the city of Oakland. So hopefully, they will



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have a fresher perspective than maybe some that do. That said, I did have one item in that RFP that I could use some direction on from the full commission. And that's the question of who makes the final decision about the top scoring vendors and which one gets the contract?

John Alden: There are two ways that we could select among the final contestants, if you will, for this contract. One would be to have them do interviews with staff at CPRA. That could be me. Or alternatively, they could do an interview with a panel of commissioners from this commission, say, perhaps three commissioners. We don't have to pick individuals or a number now, but we do need to decide whether that final decision is going to be made by the commission to select the final vendor, or whether you want to delegate that to staff.

John Alden: I thought that in this particular case, that was a decision that might be appropriate for an ad hoc of the commission and I wanted to be sure to get the commission's direction on that before we issued this RFP. So the question I'm presenting is simply, should it be the commission, in a way we can determine later, that selects that final vendor? Or, would you like to delegate that to staff?

Regina Jackson: There is a question from Commissioner Anderson.

Tara Anderson: Thank you, Chair. And through the Chair, Director Alden, can you clarify for me the step that would precede the ultimate decision of awarding, so that you're leveraging some other process for review of the pool of applications that comes in, and having kind of third party experts review and score the applications? If you could just go over that a little bit more for me that would be extremely helpful.

John Alden: Certainly. It is a little bit laborious. I think a fair, but also short summary, is that those who want to apply, the vendors that are interested in applying, will be told in advance what their application should look like, basically, talking about their experience and why they'd be highly qualified to do this kind of work and pitching how they would cost it out.

John Alden: And then we would be telling them in advance, and this would be publicly available, how those different proposals would be scored. So, we have a scoring system that includes additional points for those that don't count for prior experience with the city of Oakland, but as points for other things like experience in the field, knowing how to do these kinds of places. And the city of Oakland has a fairly complicated system for setting up those points scoring systems and our preferences, for example, for minority-owned businesses.

John Alden: And there are also a very complicated, in my opinion, series of qualifications that vendors have to meet to show, for example, that they're not working on



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the federal government's border wall. And I'm waiting for requirements specific to the city of Oakland. So-

Ginale Harris: We didn't hear any of that, Mr. Alden.

Regina Jackson: Your voice got muffled, Mr. Alden.

John Alden: I'm sorry about that. It's a very complicated process. So it involves each vendor proving that they meet the city of Oakland's mandatory minimum requirements to do business with the city. And then, they have to explain how they would do the job and what their qualifications are, that's the must [04:07:39] score, which is done in part by Contracts and Compliance and apart by staff at CPRA.

John Alden: And then, the final three vendors with the highest scores would go to the final selection process. And that final selection process could be done either by a set of commissioners or by staff at CPRA, which would probably, honestly, be me given the way we're currently staffed, at interview the final three and see if there were any other factors that led me to be impressed or not impressed with one of them. But given this, this, the importance of this particular contract, I thought the commission might want to do that part themselves. And if you do, then we need to specifically state that in the request.

Regina Jackson: Thank you very much, Mr. Alden. Were there any other follow-up questions? Commissioner Anderson, you've got your clarity?

Tara Anderson: Yes. Thank you.

Regina Jackson: Okay, terrific. In terms of an answer, I obviously don't want to speak on behalf of the commission, but it probably makes sense for you to interview and then present the people that you think are most competitive. And then we could certainly discuss it and perhaps authorize that. Are there any other questions on the subject?

Regina Jackson: And Mr. Alden, when was the RFP released?

John Alden: Well, my next step will be to make sure that it reflects what I think I'm hearing from the commission, which that should have the executive director of CPRA interview the final three finalists and pick one, and then I'll give it to Contracts and Compliance and they have a process for making it public and disseminating it to a variety of vendors that might be well-suited. As soon as Contracts and Compliance makes it public and opens the window for that process, I can let the commission know again. I would imagine that'd be fairly soon.



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- Regina Jackson: Excellent. Thank you very much. Okay. If there are no other questions by the commissioners, we can go to public comment. Mr. Rus?
- Juanito Rus: Thank you, Chair Jackson. If any member of the public would like to speak on this issue, please raise your hand in the queue and you will be called in the order in which your hands are raised.
- Juanito Rus: At this time. I see three hands raised. The first speaker is Jocelyn Ryder. Hello, Miss Ryder. Can you hear us?
- Jocelyn Ryder: Yes, I certainly can.
- Juanito Rus: You can begin speaking whenever you're ready.
- Jocelyn Ryder: Thank you very much. I'd like to read you something from my website about accountability, which is a vital part of any discussion in so-called diversity, because without the accountability of the people who are doing the harm, there can be no diversity. So, being accountable means taking responsibility for your actions and learning to take opposite action.
- Jocelyn Ryder: Many companies say that they are dedicated to diversity. Yet, they seem more interested in changing demographics than letting go of the institutional status quo that supports racism and sexism. Addressing these issues directly means becoming aware of the culturally ingrained inequities.
- Jocelyn Ryder: But limited team members process. The key to shifting toward an equitable paradigm is the recognizing and using tools we naturally possess. But the main issue here is accountability. If we are not actively holding people accountable, we absolutely will have no change. Thank you.
- Juanito Rus: Thank you, Ms. Ryder. I will lower your hand now. The next hand in the queue belongs to Raisa Jai [04:12:04] Hello? Raisa, can you hear us?
- Reisa Jaffe: Yes. I can hear you. Thank you, sir. Well, I want to echo what the previous speaker said, and I would just add I'm a little bit mystified by why we need more studies. We know racism exists. It exists, it exists, it exists. We need solutions. We don't need more studies. Let's go out and find the people who have been creative. They don't need to be part of police departments. Racism exists in every industry and every walk of life, everywhere. Somebody somewhere must have some ideas of how to implement change. Let's stop studying things and find those solutions. Thank you.



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- Juanito Rus: Thank you. I will now lower your hand. The next speaker I have in the queue on this item is Ms. Assata Olugbala and Ms. Olugbala, can you hear us?
- Assata Olugbala: Yes, sir.
- Juanito Rus: You have one minute whenever you're ready.
- Assata Olugbala: Thank you, sir. I just want to bring to your attention, years ago when Dr. Eberhardt was brought in to deal with issues in the police department and the concept of implicit bias was uplifted as a way to deal with the racial profiling and they failed to deal with explicit bias. And I heard a conversation for Dr. Eberhardt that they didn't want to make it explicit because explicit means you know what you're doing, implicit means you don't, because it would be hard for the officers to buy-in to what they were trying to do. And so I'm just saying all of this to say, halfway doing things or not doing. Lastly, I have brought this issue about the grievance letter to the public safety committee. Every meeting, every meeting since it first happened, and they've done absolutely nothing. It's because of you, something is going to happen. Thank you.
- Juanito Rus: Thank you, Miss Olugbala. I will now lower your hand. At this time, I'm showing no additional speakers in the queue. Madame Chair, I'll turn the meeting back to you.
- Regina Jackson: Hey, thank you very much. So, our next item is item number 12, Measure LL Ballot Measure Initiative. As you all know, we recently had some updates. I want to first off thank the Coalition for Police Accountability for doing a critical update. And, so that's one of the processes that we have to review.
- Regina Jackson: Now, there's also another updated document from the city council and city administration, based upon the May 12th document that they were looking at. And then there is a third version of a more simplified process, which really just speaks to the OIG and council, basically things that are not at odds.
- Regina Jackson: So I have asked Vice Chair Gage to lead this conversation since he and Commissioner Prather did the first work at trying to help us get to a more efficient voice on behalf of the commission. As I understand it, June 9th is when the council will weigh in on the ballot measure. So, hopefully the conversation that we have tonight will allow us to update our perspective and get it to them with enough time for any additional conversation that needs to be had. So at this point, I'm going to turn it over to Commissioner Gage.
- Henry Gage III: Thank you, Chair. Can everyone hear me? Can you hear me?



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- Regina Jackson: Yes.
- Henry Gage III: Okay. Before we get started, I want to do a little bit of stage setting. There's a supplemental attachment to our agenda titled Police Commission: May 28, 2020 Item 12 Supplemental Attachment Updated, the PDF. That supplemental agenda item has three items enclosed. One is the reference document from CPA with CPA suggested edits that are based on a prior counsel draft. The second is what I'll call Council View One. It's a version of the revised Measure LL that contains, well-considered to be, the most substantive changes. The third document, this I'll call Council View Two, in it contains more minimal changes.
- Henry Gage III: There was a discussion earlier in our meeting about V1 being the more fulsome, pardon me, the more comprehensive document and V2 being the streamlined version. The purpose of this discussion, I'm going to be using Counsel Version One, the more substantive version as a base, because that version is closest in substance to the prior position letter issued by this commission.
- Henry Gage III: And we'll be referencing the other documents, especially that document provided by CPA as necessary to help discussion. With respect to work flow, plan for the evening is to review this draft to discuss changes and to vote on commission positions, then I'd like to open it for public comment and then return to commission debate to vote to reconsider commission positions, if necessary.
- Henry Gage III: As mentioned by the Chair, the ultimate work product will be to forward a position letter to counsel outlining the commission's position on this revised ballot measure. Before I began, and I'll stop and pause for questions, some general considerations, I believe I mentioned this during the prior discussion, but it bears repeating when we're talking about revising a charter, it's important to remember that charter language should provide grants with authority and the ordinances should be used to specify how that authority is used.
- Henry Gage III: That balance of ordinance versus charter is important, because charters, they're difficult to change. It'd be important for the grant to authority we're talking about to be sufficiently broad, and for any prohibitions in the charter to be sufficiently specific. If we notice items that are likely to need revision, we should flag them, to make sure they're placed in an ordinance, to allow counsel some necessary flexibility to make changes. With that, I'd like to pause for a moment. If any commissioners would like to make statements or have questions before we begin a more substantive review?
- Henry Gage III: I'm seeing no hand. And again, I'm looking at Police Commission May 28, 2020 Item 12 Supplemental Attachment Updated. The one that I'm referring to begins



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on page five, excuse me, page six of that attachment moving past the Where As's down to page eight, beginning with Subsection A: Creation and Roll.

Henry Gage III: I flagged two items for this subsection. The first is a question for the commission. I know it's interesting that there's audit language included in the charter, given that the order already has the power to conduct audits at-will. And I'm curious if an ordinance would be a better location for some of these specifics. The second is an observation that the language about law and collective bargaining agreements, that's cited by CPA, appears to be useful. Commissioner Harris, you're in the queue.

Ginale Harris: Thank you, Vice Chair. So, I feel like we have gone back and forth and we have reached out to different stakeholders in the community, and we have partnered with some of them and gone back and forth over the language. We've also consulted some outside attorneys, as well, too, for language sake. And so I think the Coalition on Police Accountability best summed it up in the revision that, I'm sorry, I can not see the docket that you're looking at. So, but the one that is in the agenda packet is the one that was presented. And I think that the language is appropriate.

Henry Gage III: Thank you. Mr. Rus, do you have a copy of the attachment I'm referring to? A supplemental you can put on the screen?

Juanito Rus: Let me see if I can get that up for you.

Henry Gage III: Thank you. While, Mr. Rus is working, do any commissioners have questions or comments you'd like to make about Subsection A?

Regina Jackson: Commissioner Anderson?

Tara Anderson: Thank you, Chair. This isn't particular to Subsection A, but I think your general commentary about our journey to this point, and given that we have a bit of time, I thought it was important to make. I just wanted to call out the over 200 years of combined experience in the areas of law, mental health, public health, positive youth development, policy development, public service, direct service, law enforcement and criminal justice reform that is represented on the dais amongst the Oakland Police Commission.

Tara Anderson: I find it incredibly challenging when I hear dialogue questioning the credentials of myself and my colleagues. And so I just wanted to take the opportunity as we're addressing this agenda item to thank you for your hours of service and acknowledge the bargain that the city of Oakland is getting given the years of



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experience and hourly wage that could be tied to our devotion and passion to this issue.

Tara Anderson: I also want to call out, and thank you, to the many speakers during open forum, and that I know we'll hear associated with this agenda item tonight, for expressing their concerns and identifying the areas that add constraints and decrease the grants of authority and capacity of the commission to carry out the will of the voters. I also want to call out what I think is a mischaracterization of what the pathway to revising LL aims to do. It's bridging a gap between the intentions of the voters and-

Tara Anderson: The gap between the intentions of the voters, which is a creation of an independent police commission, and in practice, are true limitations that we have seen. Over and over again, the barrier that has been brought up to us is the city charter. Oh, the charter, you can't do it because of the charter. And so I just wanted to just make a couple statements framing up what I know we have spent quite a bit of time engaging on already, and I appreciate us having the opportunity to respond once again. And again, just appreciating all of the speakers tonight, calling to action some of the items that are critical for us to weigh in on.

Henry Gage, III: Thank you, Commissioner Anderson.

Regina Jackson: That's a really profound statement. Thank you very much.

Henry Gage, III: Mr. Rouse, it looks like you have the supplemental on the screen. Could you scroll down to page eight, I believe? That's it. I believe it's titled page three on the numerals for the document itself, but it's page eight of the PDF.

Ginale Harris: Can you make it bigger, Mr. Rouse? Thank you.

Henry Gage, III: Thank you. I haven't seen any further hands with respect to subsection A. We're moving down to subsection B, powers and duties. While reviewing this, I noted a few changes. One of the key changes was removing the timer of the NSA expiration. The prior language notes that the commission's jurisdiction to review certain items that are part of the negotiated settlement agreement will expire when that agreement is no longer in effect. You'll note that that line is lined out in the middle of paragraph four and in the middle of paragraph five. That line out serves to ensure the commission's jurisdiction is not limited once the NSA ends, and that's a good change.

Ginale Harris: Mr. Rouse, can we see line five, please?



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- Juanito Rus: Section five, is that what you're talking about?
- Henry Gage, III: If you look at paragraph four, in the middle of paragraph four, you'll see a line out that says, so long as such federal court orders and settlements remain in effect. Deleting that section is set to ensure that when the NSA is no longer in effect, the commission still has subject matter jurisdiction over the item as previously mentioned. Additional changes in this section operate to allow commission policy decisions to stand, unless they're overruled by council. That's an important thing to note because council needs only to act if they want to overrule the commission. Under this draft, council silence will result in the implementation of commission policy decisions. That will happen under both four and five after 120 days.
- Regina Jackson: Well, this is ...
- Henry Gage, III: Now, there is ... if you'll scroll to the end of paragraph five, please, Mr. Rouse? Oh, pardon me. Commissioner Harris, you're in the queue.
- Ginale Harris: No, thank you. I'm sorry. I did it on accident.
- Henry Gage, III: Pardon me, I'll try to do a better job of keeping an eye on the queue. I have not been doing that.
- Regina Jackson: How about I'll try to manage the queue because you're handling a far more deep and rich conversation? So I'll try to handle that for you.
- Henry Gage, III: Thank you.
- Regina Jackson: Mm-hmm (affirmative).
- Henry Gage, III: The end of paragraph five is a paragraph of provisioning that's caused a lot of interesting conversation. This is a paragraph that notes that the chief of police, it's essentially an exigency carve out that allows the chief of police to make changes in policy due to emergencies.
- Henry Gage, III: I flagged this because it raises the question of, what policy changes are necessary due to exigencies, as opposed to other actions? And as mentioned by Mr. Chanin earlier, there was some concern about how this would operate in effect, and how it could potentially be abused. I have to pause there as those are the most substantive items I've noted, and I'll see if any commissioners wish to make comment or propose added to this time.



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- Regina Jackson: I see no hands. But your comment on four, about just deleting that section after the NSA, that's your recommendation, correct?
- Henry Gage, III: Yes. Deleting this sentence, for so long as such federal court orders and settlements remain in effect.
- Regina Jackson: Right. Commissioner Anderson has raised her hand.
- Tara Anderson: Thank you, chair. My comments are in response to the section that's currently highlighted in view, and the proposed underlying statements relative to authority of the chief and temporary authority that commonly through dialogue has been referred to as martial law element or clause of this proposed change.
- Tara Anderson: I am of the opinion that we either strike this section entirely as recommended by the CPR, coalition rather, and/or Jim Chanin's commentary about if such a provision were to be included, having an additional clause that would further limit and control the exercise of this authority.
- Tara Anderson: My first option or position would be to eliminate it entirely, but I'm open to dialogue that would bring us toward the secondary option. However, based on statements made by Vice Chair Gage, I'm of the belief that is more adequately addressed in an ordinance, rather than contained in the host, if you will, of a city charter that really pertains to our authority as a body.
- Regina Jackson: Thank you, Commissioner Anderson. I have two hands, Commissioner Dorado and then followed by Mr. Chanin. Commissioner Dorado?
- Henry Gage, III: Commissioner Dorado, you're in the queue.
- Jose Dorado: You can hear me now, right?
- Regina Jackson: Yes, sir.
- Jose Dorado: There's no way we should even consider having this provision in here about exigent circumstances. It's just beyond the realm of possibility that we should even consider this, in my opinion. It should just be struck entirely, and as Vice Chair Gage said, and Commissioner Anderson, if there's any other specifics that should be written into this consideration, it should be done as an ordinance. But there's no way we should even consider anything even close to these provisions here. As one of the previous speakers says, I'd like to speak to whoever came up with this concept. Thank you.



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- Regina Jackson: Thank you very much, Commissioner Dorado. Next up, Mr. Chanin, and then followed by Commissioner Harris. Mr. Chanin, you are unmuted.
- Jim Chanin: Thank you. I felt like I was playing beat the clock and I'm sorry if my comments were misconstrued. I bear full responsibility for that, but I do not want this in the charter at all. I think it should be struck as Commissioner Anderson and Commissioner Dorado has said. What I tried to say, however badly, was that the commission should think about on its own, on a case by case basis, what to do if an emergency comes up and they're not in session. But to lock it into the charter, I'm completely opposed to like they are, and I think it should be regulated by the commission on an as is basis, and never be in the charter. Thank you.
- Regina Jackson: Thank you very much. Commissioner Harris.
- Ginale Harris: Thank you chair. I would like to piggyback on what Commissioner Anderson said, but I'd also like to make a motion that we strike that piece from this rewrite altogether.
- Regina Jackson: Thank you very much, Commissioner Harris. We have two more hands, Commissioner Anderson followed by Commissioner Dorado.
- Tara Anderson: I wanted to second Commissioner Harris' motion.
- Regina Jackson: Oh, it has been properly moved and seconded. Excellent. Thank you very much. After we take public comment, we'll come back to that, but thank you. Commissioner Dorado, did you drop your hand?
- Jose Dorado: Yes, I was just going to second. Let me lower it.
- Regina Jackson: Thank you. I don't know if you guys know, but this board, it moves. And so, trying to find the hand, where did it go? Did it recalibrate? Whatever. So my apologies. So it's been properly moved and seconded, but I think we will ... well, you tell me. Should we go ahead to public comments?
- Henry Gage, III: We should [crosstalk 04:35:18] public comment.
- Regina Jackson: All right. Very good. Mr. Rouse, on this particular item, let's go ahead and get public comment. [crosstalk 04:35:33].
- Juanito Rus: [inaudible 04:35:37].
- Regina Jackson: Mr. Rouse?



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- Juanito Rus: Commissioner Gage, did you want to say anything else?
- Henry Gage, III: Chair Jackson, I suggest that we go through, identify items that we'd want to vote on first before turning it to public comment.
- Regina Jackson: Oh okay. I'm sorry. I thought you were saying go to public comment. All right.
- Ginale Harris: May I say something about that suggestion though, chair?
- Regina Jackson: Sure. Go ahead.
- Ginale Harris: I feel like if we don't vote on the things that we're going through, this is a very long measure, and people are going to forget everything is electronic and everybody doesn't think the same. So I would prefer that we vote on it since we have it already up, and then keep moving forward. So we know one thing is taken care of at a time. It's very confusing the way we're doing this.
- Henry Gage, III: Chair Jackson, if I may?
- Regina Jackson: Sure.
- Henry Gage, III: Rather than vote on things one at a time, which we shouldn't do before taking public comment, I'm instead proposing that we go through the entire measure, identify any items that are controversial. And if we have to have individual items to vote on, we take public comment and then do so. I'm anticipating based on some prior discussions, we're not going to have that many items that are controversial amongst our commission, and that we could instead after taking public comment and making revisions if necessary, vote to accept suggestions and for the whole of the council, instead of doing it [inaudible 04:37:00].
- Regina Jackson: So Mr. Gage, you are the one keeping track of what it is that we're suggesting was stricken or what have you, correct?
- Henry Gage, III: That is correct. I have no changes listed under A, and I have the removal of the exigency provision listed under B.
- Regina Jackson: Very good. I'm going to go to Commissioner Harris one more time. I think that probably is more efficient, so long as we do have a complete list of the things that we have suggested. Commissioner Harris, you are unmuted now.
- Ginale Harris: Thank you, chair. With all due respect, vice chair, I believe that all suggestions made that we put forward in the measure are on here and people can't follow because it feels like we're doing this whole thing all over again. And I have spent



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an extensive amount of hours talking to stakeholders in the community and getting their feedback and entering it into a document that was submitted for this very reason. I feel like that's being excluded, and now we're doing it all over again. That is not what we are supposed to be doing here. Am I correct, chair?

Regina Jackson: We're not doing it all over again. We went through quite a few things when we first went through the review. These are the things that were either left out or were added in later, and now probably, don't feel too good. So what I would suggest, Mr. Gage, is, why don't we go ahead and take public comment, vote on this particular thing and then see if we can't couple rest of our recommendations together? Because that one piece is a really, really important piece, clearly not only just to the commission, but as well to the public.

Henry Gage, III: I [inaudible 04:39:03], chair.

Regina Jackson: I appreciate that. Thank you very much. So at this point, we have a motion on the table. We're going to direct Mr. Rouse to go to public comment, and then we will come back and vote on that particular motion. And then hopefully, we can couple any of the future recommendations together so we're not voting after each and every one. Mr. Rouse?

Juanito Rus: Very well. If any member of the public would like to comment on this particular aspect of the item, please raise your hand in the queue and you will be called as your hands are raised. At this time, I'm showing three hands, wait, four hands raised. The first speaker on this item, I'm showing to be Miss Rashidah Grinage. Hello, Miss Grinage. Can you hear us?

Rashidah Grinage: Yes. Can you hear me?

Juanito Rus: We can hear you.

Rashidah Grinage: Thank you. With all due respect, I really think that this process is not going to be a very easy one as you are proceeding. My suggestion, with all due respect, is to go down the four page document that is the supplemental that the coalition gave you, and vote on each one of those items, because those are the essential points of difference between what's already in the city's draft and what we believe are the issues that need to be addressed, and that should be considered. If there are any other additional items beyond those that we have flagged, then you can go back to those. But I think it would be a much simpler process to go down. For example, we had some recommendations on A four and five that seemed to be ignored. So if you could do that, I think it would be a much simpler process. Thank you.



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- Juanito Rus: Thank you, Miss Grinage. I will lower your hand. The next speaker I'm showing in the queue is Larry White. Hello, Mr. White. Can you hear us?
- Larry White: Yes, I can. Can you hear me?
- Juanito Rus: We can hear you. You have a minute.
- Larry White: Well, first of all, I think it's a shame that I have a minute because I drafted this suggested clean up. And as Miss Grinage said, we have already digested all the points and we've made a process for the commission to go through what is the remaining items that need to be decided by the commission. I think you are starting on a very confusing road when we have provided a roadmap for you. So I strongly suggest that you stop that process and start looking instead at the document that says Measure LL Clean up: CPAC Suggested Changes and Additions. I think you will find the process much better and much more coherent. Thank you very much.
- Regina Jackson: Thank you.
- Juanito Rus: Thank you, Mr. White. We will lower your hand. The last person I have in the queue is Miss Assata Olugbala. Hello, Miss Olugbala. Can you hear it?
- Assata Olugbala: Yes, I can.
- Juanito Rus: You have a minute.
- Assata Olugbala: Mr. White indicated he wasn't given enough time. Can I give him my time? Because I know the coalition has been working so hard on this.
- Regina Jackson: Mr. White, do you still have commentary to add? Mr. Rouse can restart the clock.
- Juanito Rus: Let me say I'm going to have to find him and put him back into the queue.
- Regina Jackson: Oh, sorry about that.
- Juanito Rus: Mr. White.
- Larry White: Do I have a minute? I only show 41 seconds.
- Juanito Rus: I will restart it.



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- Larry White: All right, thank you very much. And thank you, Miss Assata. Well, when we started this process, we had asked to be allowed to answer questions on our draft. We have put in hundreds and hundreds of hours, thousands of hours if we count from 2015 and 2016, on Measure LL. And with all due respect and modesty, we are the experts on the draft language, and we would love to engage the commission on our edits and explain our reasoning behind them.
- Larry White: We believe that what we have here is an improvement over the, not just getting rid of some of the egregious things in the current draft from the city council, but an actual improvement in the language of some of these measures that is not in your current draft.
- Regina Jackson: Thank you very much. So at this point, Commissioner Gage, it almost sounds like the CPA wants to be a presenter in going through this document. We've heard public comment. Obviously, we need to come back and vote on that particular segment. What is your pleasure?
- Henry Gage, III: My first impression for the commission, our commission is able to review more than one document at once. It appears that Mr. Rouse is able to pull up the council's version, and the commission is able to reference the CPA version and other council versions while we're discussing.
- Regina Jackson: Mr. Rouse, are you able to do that?
- Juanito Rus: I can pull up one item at a time, but not multiple. Commissioner Anderson, you're unmuted.
- Ginale Harris: I have the capacity through the chair to the vice chair, to access both the visuals that would be prompted by Juanito [crosstalk 04:45:47] and myself, the other materials.
- Henry Gage, III: Commissioner Harris, I believe you've mentioned that you are able to look at one document at a time. Are there any other commissioners who are unable to look at reference documents while also looking at the draft that Mr. Rouse has on the screen?
- Regina Jackson: I think we're still trying to get Commissioner Anderson unmuted. I don't know what's going on here. Commissioner Anderson?
- Tara Anderson: I'm sorry. I thought my statement was heard. I have the capacity to do both.
- Regina Jackson: Thank you. Commissioner Harris, did you have another comment or was that [crosstalk 04:46:35]?



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- Ginale Harris: Yes, I would strongly urge again, it still feels like we're doing this whole process over. And I agree with Mr. White's statements is that there were suggestions that were in the measure, and I think it's important to understand that if the public is speaking to us, we need to listen. We have worked alongside with the public and the stakeholders, and I just feel like it's 10:30 at night, and we are redoing this all over again.
- Ginale Harris: And with all due respect, vice chair, I know that this is your arena. This is your thing, but we have been working on this thing for a long time and I have not heard from you at all. And then today we come to the meeting and we're doing this thing all over again. There are already suggestions there for us and I think we need to just comment. We were okay with the writing when we left our meeting, and now, we have some suggestions that have been brought to us by councils. Not our counsel, but lawyers who know this, who wrote this. And so I think those are the things we need to be focusing on. Not this whole document. It's just very confusing. I don't want to do the whole document all over.
- Regina Jackson: Thank you, Commissioner Harris. So how about, vice chair, why don't we take a look at the four pages since four pages is much more efficient, and then see if Mr. White can walk us through them fairly efficiently so that we can recognize? Because I do know when I was on the phone with him, they had made recommendations that were not in our previous document that tied up some things. Not that our document wasn't good, but they addressed some things that we didn't think to. Would you consider that, vice chair?
- Henry Gage, III: I propose instead that as we move through a document, we reference back to the CPA prepared document. For example, the CPA prepared document under A four talks about performance audits. Under A five, it talks about adding some language. When I stopped earlier, I was curious if members of the commission wanted to propose supporting that language, and perhaps I should be more explicit than that stop.
- Henry Gage, III: But part of the struggle is that the CPA suggestions good as many of them are, are just that. It's the CPA's suggestions. And there are other suggestions that are not made by CPA, but by council members that are in this document, that we should take a position on. I don't think it behooves us to simply use this four page document. We should certainly reference it as we move through, but we shouldn't just start [crosstalk 04:49:39].
- Regina Jackson: No, no, no. No, no, no. I'm not suggesting that we only look at that. I'm saying, let's look at it first, one, because it takes us on the road that we were first on, it is shorter, and then we can move to how does it interweave into the other document. But at this five seconds, because when we had a motion on the table



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and we took public comment, we need to go ahead and vote on striking the language that was in, I believe, it was section four.

Henry Gage, III: Yes.

Regina Jackson: So let's go ahead and do that, and then let's go ahead and shift-

Henry Gage, III: Pardon me, it's B five. It's B five.

Regina Jackson: Sorry. And then we can shift. And Mr. Rouse, if you would, I think you still have Mr. White. Maybe he can walk us through the four page document in terms of the recommendations. And hopefully, we can move a little bit more quickly because we are at 10:20, and in a minute, we're going to have to extend the meeting. So, I'd like to take a vote on the motion that was before us to strike after to the council four review. Is that correct? The paragraph after that? Can you just restate that [inaudible 04:51:22] everybody?

Henry Gage, III: The motion was to strike the exigence of provision beginning with, "The two foot police may," and then the end, "The commission or the city council," that appears to the end of B five.

Regina Jackson: Very good. So, we will take a vote on that. Mr. Gage, what say you?

Henry Gage, III: Yes.

Regina Jackson: Mr. Dorado?

Jose Dorado: Yes.

Regina Jackson: Commissioner Harris?

Ginale Harris: Yes.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Smith?

Thomas Lloyd Sm...: Yes.

Regina Jackson: Yes for myself. Did I get Mr. Dorado?



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- Jose Dorado: Yes. You had me.
- Regina Jackson: Excellent. Thank you. That unanimously passes that we strike that. So, if we can, swap to the four page document that was submitted by the Coalition for Police Accountability, and then allow Mr. White to walk us through it with questions, then we can move forward.
- Juanito Rus: Very well. Mr. White, I will open your mic. Can you hear us?
- Larry White: I can hear you. Can you hear me?
- Juanito Rus: We can hear you.
- Regina Jackson: Yeah.
- Larry White: Great. Okay. May I proceed, madam chair?
- Regina Jackson: Yes, sir. Please do.
- Larry White: I hope everybody has our document in front of them, Measure LL Clean up: CPAC Suggested Changes and Addition. Let's start with [crosstalk 04:53:09].
- Regina Jackson: ... can roll back to that document. It would have been the first one, I think.
- Larry White: There it is.
- Regina Jackson: There it is. Thank you.
- Larry White: Let me draw your attention. As a preface, let me say that what this document is, is the edits that the CPA considers necessary in order to back the draft that was presented by the city council. What is not in these four pages, all the other items that are not in these four pages are not objectionable for us, and we would accept those other changes. Many of them are changes that we already suggested. But here, we have additions and deletions that we think are really important. I do want to say thank you very much.
- Regina Jackson: Mr. Smith? Excuse me, Mr. White? Did you mute yourself accidentally?
- Juanito Rus: We appear to have lost Mr. White.
- Regina Jackson: Oh, boy.



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- Juanito Rus: I do not see him on the call anymore. I see Miss Rashidah Grinage in the queue. Would you like me to ...
- Regina Jackson: Yes, please.
- Juanito Rus: Miss Grinage, I've unmuted you.
- Rashidah Grinage: I can fill in.
- Regina Jackson: Thank you.
- Juanito Rus: I'm now seeing Mr. White back in the queue if you would like me to ...
- Regina Jackson: Go ahead. Mr. White, are you there?
- Larry White: All right. Can you hear me now?
- Regina Jackson: Yes.
- Juanito Rus: We can hear you.
- Larry White: My computer knocked me off the Zoom. I'm sorry. Are there any questions about my first statement just to the background for what we're [crosstalk 04:55:45]?
- Regina Jackson: No.
- Larry White: Let me go on then. What we've done here, by the way, is we have provided not just suggestions, but actual draft language that could be incorporated in a draft of the Measure LL Cleanup. Starting with A four, which has to do with audits of the commission, we think the audit should be every two years, not every three years, which is in the current draft. The current draft, when I refer to the current draft, that's your version one you have there, that was given by certain council members to Chair Jackson on the 22nd or 23rd.
- Regina Jackson: Mr. White, let's go ahead and move through it though.
- Larry White: All right. The audits could be conducted by an independent contractor selected by the inspector general in consultation with the commission. The current draft says in ... I don't have it right in front of me, but it's not the commission. So we think that the auditors should be-



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- Larry White: We think that the auditor should be chosen in consultation with the commission. The second item has to do with A5.
- Regina Jackson: Can you move up the document please? Advance it. Thank you.
- Larry White: Here the issue was that an investigation of a commissioner in the previous draft, it said the investigation of the commissioner could not be done for the purpose of removing the commissioner. Well, determining the purpose of an investigation is virtually impossible, and there are many ways to cover that up. So we cleaned this up by saying that a commissioner could only be investigated if it was required by law or a collective bargaining agreement. That's our language there. Any questions on that?
- Regina Jackson: No.
- Larry White: Okay. Next, B4 and B5 have to do with proposing policy changes and this blew up in the last couple of weeks into some kind of really false narrative that the commission was on a big power grab and wanted to make a policy about everything. That never was anybody's intention, that was false, but that was the perception. We came up with an idea that the issue here is making sure that the commission had the ability to make policy in the areas that are covered by the negotiated settlement agreement. So what we devised, and it is partially in the draft that you have, but more clearly in our language here, is that the way it's set up is that the Inspector General will if his odds of the department show in necessity for a policy change within the tasks and subtasks of the NSA, the Inspector General will recommend to the commission that they make such policy changes. That gives the commission the power to propose those changes to the city council. That is the essence of what we've done in B4 and B5.
- Regina Jackson: Okay.
- Larry White: Any questions on that so far?
- Regina Jackson: I see no hands up. Keep going, please.
- Larry White: So since you eliminated the martial law provision, I don't have to talk about that, and that's very nice. So, that takes care of the bulk. That is really the guts of this. However, there are a couple of other very important items and actually this is one of them. Everything here is the important things, but you can skip to page three. At the bottom of page three, we have the qualifications of the commissioners. In the city council's draft, they struck off these qualifications and said that the city council by ordinance would determine the qualifications of the commissioners. Just to give you a little background, when we first



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developed what became Measure LL, one of our guiding principles was that there should not be a police officer on the police commission. That is enshrined in the city charter right now, and somebody in the city council has decided that they should get rid of that disqualification and allow the council to determine. That of course allows for political considerations to be brought into bear about who is qualified to be on the commission and can a police officer beyond the commission? That I think would be a serious, serious... To us, this is a poison pill.

Regina Jackson: Okay Mr. White, I'm going to have you hold right there. I need a motion to extend the meeting. It's now 10:30. I think we can finish by 11:00. Can I get a motion to extend the meeting to 11 o'clock please?

Henry Gage, III: Chair Jackson, I move to extend to a level.

Regina Jackson: Thank you. I will second. Can we get a vote? Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Thank you. Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: Thank you. Commissioner Smith?

Thomas Lloyd Smith: No.

Regina Jackson: What did you say?

Thomas Lloyd Smith: No.

Regina Jackson: Yeah, okay. So it is not unanimous, but the motion passes. We will extend the meeting to 11 o'clock. Thank you very much. Mr. White, you're back on.



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Larry White: Okay. So I just explained why we want to keep the language of the current charter about qualifications of commissioners. Are there any questions on that one?

Regina Jackson: No.

Larry White: Okay. All right, we're moving right along. We want to restore, and this is a rather minor one, but we can't quite understand why it was deleted. There's a phrase in C2 requiring the mayor to appoint as one of her appointees at least one commissioner who shall be a retired judge or lawyer with trial experience in criminal law or police misconduct. We think that should be continued. We don't understand why that somebody was trying to delete that from a requirement for the commissioners.

Regina Jackson: Very good. Thank you.

Larry White: Any questions? We want to amend E4. Right now, CIPRA has allowed one investigator per 100 sworn officers. We'd like to change that to one investigator for every 70 sworn officers.

Regina Jackson: Yes.

Larry White: Okay. E6 having to do with the inspector general, there is in the current draft, the inspector general is a department head, but can only be fired for cause. We think that as a department head, the inspector general should be able to be fired, be an at-will employee of the commission.

Regina Jackson: Okay.

Larry White: Anything on that?

Regina Jackson: I don't see any questions there.

Larry White: Okay. Now G5, this is really important. This has to do with the discipline committees. Right now, as you know, you can only have a discipline committee if there's a disagreement between the department and CIPRA and the agency head about discipline. We believe that there are instances where the commission should be able to have a discipline committee, even if there is an agreement, and this is part of keeping everybody honest.

Larry White: So what we're doing here is in our suggested amendment of G5, which please take a look at it carefully, it allows the commission to convene a discipline committee if an investigation has not been completed either by the agency



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director or the department or both if an investigation has not been completed within 250 days. Because as you know, the CIPRA restriction on discipline is a year, so if one or both of those agencies has not completed an investigation, then therefore no disagreement between the agency head and the department, then the commission is not allowed to have a discipline committee under current law. So we think the commission needs to have that. We also added a provision that I think is really important is that if the findings of either the department or CIPRA don't include required body-worn camera footage, then the discipline committee can also be formed even if there's agreement between the around the department. That I think will have a huge effect in making sure that body-worn cameras are kept on and not turned off.

Regina Jackson: Mr. White, hold on for a moment. Commissioner Anderson has a question.

Larry White: Sure.

Tara Anderson: Thank you chair, and thank you Mr. White, I really appreciate you walking us through these positions. I'm curious with the element that includes the triggering event of an investigation not completed within 250 days of the filing, how tolling is considered relative to this, and if you have an estimate of how many times over the last several years this kind of triggering event happened? I'm trying to get a sense of frequency. If the commission were to exercise its authority in these circumstances, how often such a thing would have happened? I just want to be mindful in creating an expectation that is actually achievable.

Larry White: Right. First of all, I don't have the answer to how often this has happened. I don't know. I can tell you that our language makes this discretionary on the part of the commission. You don't have a discipline committee, it just allows you to have a discipline committee.

Regina Jackson: So Mr. White, John Alden has his hand up. [crosstalk 05:08:20] So go ahead, Mr. Alden.

John Alden: Thank you. Since Commissioner Anderson was asking the question about the number of basis, I haven't had enough time with the proposal to do a solid count, but I would say that if you look at say our pending case lists and our completed case lists recently, one will notice that at least in recent history most of our cases have been getting completed. Most of the cases that go to an investigator and our workshop to the point that there might be something that's sustained, and that being completed after the 250-day timeline, so that would be in the dozens of cases a year, probably something on the order of 10 a month. If we assumed that the agency were staffed and working adequately to get to the point where we're routinely finishing cases in 180 days, I imagine that



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number would go down. It'd be hard to say how many, but it would be a very substantial number and cases that go past 250 days tend to be the most complicated cases. So they're usually not simple ones. They tend to be cases where there's already some other tolling because maybe there's a criminal investigation, a parallel civil suit, or the like. So it is difficult to come up with a number, but I'd say of the cases that you see going to investigators and getting completed would be the majority of them. So dozens in a year.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Thank you, that's helpful. I guess I'm also trying to understand if an investigation is not completed, how the discipline committee goes about securing the information that it would need in order to come to its own finding, given how current process relies heavily on the materials that are already a part of all of the investigations as completed.

Larry White: Well... Can you hear me now? Hello?

Regina Jackson: Yes, but I think Mr. Alden was trying to answer that question. Am I wrong Mr. Alden?

Larry White: Sorry, go ahead.

Regina Jackson: That's okay.

John Alden: Yeah, I could give something of an answer to that. Again, this is a new proposal to me, so I need a little more time to think through it, but for cases of that sort, I would think that those would mostly be cases in which an investigation was pending, but not yet finished. So I think what CPRA would have to do is provide to the commission the materials gathered to date at that point, which might be incomplete, say a [inaudible 05:11:18] interview where an officer is not available and therefore the case is tolled, or where we're in the final stages and the last interview is coming up short or something along those lines. Again, hard to say, because this is a new proposal. I haven't had a lot of time with it, but I think we'd be getting you a file that we'd regard as partial because that's all that would be available at that point.

Tara Anderson: Sure. Thank you. Thank you both for answering all my questions.

Regina Jackson: Okay. So Mr. White, please continue.

Larry White: Okay. I want to point out just that again, this is not mandatory. The having a discipline committee and also to answer Commissioner Anderson's other



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question in terms of the language here, the discipline committee will be able to ask the agency for further information on the case if they take it. Okay, moving on to, and this is the end of our proposals, in the current draft there is I, C, D and E. I1 and I2 and I3 have to do with the attorneys who will work for the commission. I3 says that the commission attorneys shall not disclose the confidences of the commission on any legal matter to any other officer of the city unless. Then there are the exceptions to that confidentiality requirement, and we're proposing that three of those be deleted. Those three are 3C, which says if the commission attorney determines in his or her professional discretion, it's in the best interest of the commission to consult with the city attorney. So that leaves it completely up to the commission attorney, and D, if the commission attorney determines that the rules of professional conduct require referral of the matter to some other part of the city, and E, if the legal matter becomes a matter if in whole or part the subject of litigation involving the city or any city officer board commission.

Larry White: So in any case where there's any litigation, there's no confidentiality between the commission attorney and the commission. So-

Regina Jackson: We'll hold for just one moment. Commissioner Dorado has a question.

Jose Dorado: Thank you Commissioner. Mr. White, can we go back to G5 and can you comment on the last half of that section? The commission may adopt...

Larry White: Sure, okay. So what we've said is that the commission can form a discipline committee if the investigation is more than 250 days, or if no body-worn camera, but also we're granting in this provision, granting the commission the power to develop other criteria that could be used to justify a discipline committee in its bylaws. Does that answer your question?

Regina Jackson: Commissioner Dorado, go ahead.

Jose Dorado: Yes, it does partially, but I'm more interested in your comment on the further investigation.

Larry White: Oh, I see. Okay. Well then we say the discipline committee may require the agency to further investigate the complaint by notifying the agency director of specific issues that need further investigation. So this answers the question of if the investigation is incomplete, how can the discipline committee come to a reasonable determination. Well the discipline committee will then make sure that it gets the evidence. The point of this is to make sure that the commission can act before the [inaudible 05:16:08] time restrictions run out. What happened in the Pollock case, it was just pure luck that a civil lawsuit was filed



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that told the time limit. Otherwise the commission would not have been able to apply discipline. So the point of this is for the commission to have control over the time for discipline to be imposed. So to make sure that it doesn't blow that the [inaudible 05:16:43] statute.

Regina Jackson: I got you. Commissioner Dorado, does that answer your question?

Jose Dorado: Yes. I just wanted to comment further that it's not completely just the timing, it's the power to actually direct further investigation when warranted, and it was not only luck in terms of the suit that extended the time, but also luck that in the public case, we had a video of exactly what happened. I would ask the commissioners to just imagine having to make a decision in the Pollock case without having that video and without having the power to do further investigation so we could have come to a just decision.

Regina Jackson: Thank you. Okay, now we have come to the end of that document. I appreciate your walking us through that Mr. White and all the hours that you put into getting us here. I'm going to turn back over to Mr. Gage now so that we can determine where we go from here.

Henry Gage, III: Thank you Chair. Commissioners, this is a long document with a number of changes, many of which are good, some of which bear commenting, and much of the comments have already been made. I'm going to move through this as quickly as I can, and I ask that you please keep in mind the references made by Mr. White while moving through this document because the work product I'm trying to produce here is a document representing the commission's opinion on the changes made by the council. With that said, Subsection A largely deals with performance audits with respect to substantive changes, and the language of prospective collective bargaining agreements, as previously mentioned, seems fine to me. I'm curious if any commissioners have strong opinions on whether they would like to adopt these suggestions or they would like to adopt different suggestions, and Commissioner Brown, you're in the queue.

Chris Brown: Yes, thank you very much Commissioner. I'm concerned that moving to a two-year audit cycle is going to leave us perpetually catching up with requirements from previous audits. I'm not sure that we gain a lot from it making it from going from three years to two years.

Regina Jackson: I actually have to agree, and it's obviously a bit more costly.

Henry Gage, III: I'm generally of the opinion that audits should be conducted regularly, but putting in a specific term of years may not be ideal. With that said I'd certainly prefer a three-year term over a two-year term, bearing in mind how long it's



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taken to complete the current audit. Do commissioners have opinions?
Commissioner Harris, you are in the queue.

- Ginale Harris: Thank you, Vice Chair. I am in agreeance with you. I think that just based on the experience that we've had, we've almost been here for three years, and so I believe if we would've had a little more time... I mean, woulda, coulda, shoulda I guess. I think that if we are going to have a time constraint, I would agree with the three years, not the two years. It's not that important to me whether it's two years or three years, I mean an audit is an audit, and it doesn't matter whether it is what it is. I think I would prefer the three year term rather than the two. That would just give you more time to do stuff.
- Regina Jackson: Commissioner Smith and then Anderson.
- Thomas Lloyd Smith: Yes, I also agree with the three-year term.
- Regina Jackson: Thank you. Commissioner Anderson?
- Tara Anderson: I also agree with the three-year term for the points that have been made, but especially to Commissioner Harris's last point about it gives you more time to do the work and alternate Commissioner Brown said that in his comment as well, but really the amount of time it takes to engage in the audit, the amount of hours we've put in responding to the audit, ideally alternative entity would be engaged in the future, but a three-year timeline is preferable.
- Regina Jackson: Okay. Thank you very much.
- Henry Gage, III: Thank you commissioners. I'm moving for our records that we're going to suggest a three-year audit term based on comments made.
- Regina Jackson: I'm going to ask Mr. Rus to put the document back up as we're going through it.
- Henry Gage, III: Thank you Chair.
- Regina Jackson: Mm-hmm (affirmative)
- Henry Gage, III: The suggestion to add unless required by law or collective bargaining agreement at the end of A5 is, in my opinion, a good one. I would suggest the commission also endorse that's suggestion. Do the commissioners have feedback on that suggestion?
- Regina Jackson: I think it's a good one.



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- Ginale Harris: I think it's a good one too.
- Regina Jackson: Mr. Rus, can you roll it back up to the beginning of the doc? There we go. Thank you.
- Thomas Lloyd Smith: Yes, I agree with that as well, unless required by law or collective bargaining.
- Regina Jackson: Thank you Commissioner.
- Henry Gage, III: Thank you commissioners. I will add that to our suggestion, and it's that section. Do commissioners have additional edits you'd like to suggest be made to Subsection A before moving on?
- Regina Jackson: No.
- Henry Gage, III: Seeing no hands, moving to B. We previously voted to strike the exigency provision and that's been noted. I know that... Commissioner Harris, you're in the queue.
- Ginale Harris: I just wanted to make a comment on what we all agreed on right, doing the three years, which is okay. However, I want to bring something to your attention with this audit that we just went through. I would suggest that we have a third party option to the city auditor to do the audit.
- Regina Jackson: Yes. I think that was in their counsel's language if I'm not correct, because they have a tendency to farm out work.
- Ginale Harris: Right.
- Henry Gage, III: Council's draft does include the ability for a non-city auditor contractor.
- Regina Jackson: Okay, good.
- Henry Gage, III: I will note that A4 on the council's version on notes of the contractor shall be selected by the inspector general and consultation with the city auditor. In my opinion, that appears to be a proper city officer to consult with for selecting the auditor, and I don't believe the commission should be consulted for selecting auditor to audit the commission.
- Regina Jackson: No. That's correct.
- Henry Gage, III: Did any commissioners have further comments they wish to make on any before we moved back to B?



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- Regina Jackson: Let's go.
- Henry Gage, III: Moving back to B. As stated previously, we've voted to strike the exigency provision. There's also a previous discussion about before and the CPA proposal.
- Ginale Harris: That was before 5, Vice Chair, together.
- Henry Gage, III: [crosstalk 05:25:34] calls out B4 and replaces the commission's ability to go to council, to propose policy with the inspector in general recommending policy changes. I don't suggest we endorse that recommendation. I don't believe we should rely on the Inspector General before going to counsel with proposed policy changes.
- Regina Jackson: Because?
- Henry Gage, III: Because if the commission wishes to ask the Inspector General for an expert opinion, that's still within the commission's discretion, but this change would mandate that only the Inspector General could make recommendations for other subject matter areas. The commission already has jurisdiction to suggest modifications under another subparagraph of B, if you don't fall within the court jurisdiction, and as this is written, if the commission wants to propose changes to this court jurisdiction, it can do so without the IG coming into play at all. I would just stay that way. Commissioner Harris, you're in the queue.
- Ginale Harris: Thank you. I think in our last meeting, we kind of went back and forth with this, and I think I am in agreeance with the suggestion that was made by Mr. White on this. So I'm going to disagree with the Vice Chair, and I would suggest that we adopt that language that was proposed to us by Mr. White. That's just my opinion.
- Regina Jackson: Thank you Commissioner Harris. Commissioner Anderson?
- Tara Anderson: I'm more inclined to favor the suggestion made by Vice Chair Gage. I don't know that we want language embedded in the charter that constrains our ability and has what is kind of within our discretion now set with a third party. I questioned the purpose of this specific line in this way.
- Regina Jackson: Commissioner Harris?
- Ginale Harris: In my head, the reasoning for that is it takes the responsibility of looking at policy away from us. It gives the IG the position of looking to see if anything needs to be updated, and I think that's almost like a chain of command thing. It takes off our plate and gives to the IG. We don't have the IG right now, so we



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don't have anybody to look at these things for us, to suggest to us. I think that is the purpose of the language itself that Larry proposed. I'm not for sure, but in my mind, that's how I'm thinking about it.

Regina Jackson: Okay. Thank you. Commissioner Anderson and then followed by Commissioner Dorado.

Tara Anderson: I guess I'm of the belief that nothing prohibits us from doing that now, to assigning the Inspector General that task relative to the commission, having the authority set in reverse and that we can't propose changes in any areas but those upon the recommendation of the Inspector General puts us in a unique relationship with our employee.

Regina Jackson: That's a good point. Commissioner Dorado?

Jose Dorado: Thank you Madam Chair. I have to agree with Commissioner Anderson. I don't see the trade off. I don't see the advantage on balance. What do we get for giving up that power? As she said, we can-

Jose Dorado: And as she said, we can assign an examination on analysis of a particular subject anytime anyhow. If we give that up, what do we get in return? And I don't see that we get anything in return. And so on balance, I don't see that it's really hard advantage to put that restriction on ourselves.

Regina Jackson: Yes, I understand. Thank you. Commissioner Harris? And then we are going to have to vote to extend the meeting. It's almost 11:00.

Ginale Harris: I just want to remind this commission that the word power is being thrown around, and thrown, and used against us. and it's not power we're seeking. It's accountability. So I feel like this is a good trade off. This isn't much to let go in order to get the authorities that we were placed here to do. What difference does it make if we have the power to look at a policy? That's the IG's job in the first place. So I just want you guys to be mindful is that we are not seeking power, because we are being accused of seeking power. It's not power we're after. It's about holding people accountable. So does it matter that we have the authority to look at a policy? We have to ask ourselves that. We want something that's realistic and that will be able to pass, something realistic and that we'll be able to pass. So I'm just asking people to be mindful.

Regina Jackson: Thank you commissioner Harris. Commissioner Anderson?

Tara Anderson: I appreciate those comments, and I think they reflect something I stated at the beginning of mischaracterization around efforts towards revising LL. So I really



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appreciate you emphasizing those points, Commissioner Harris. And I would say that all of my comments don't come from a place of a question of power. They come from a question of, "Why the change? How does this fill the gap between what the voters intended and the issues that have come to play over the course of the existence of the Oakland Police Commission?" And I questioned whether or not it puts the commission relative to the role of the office of an inspector general in an inappropriate relationship with its employee.

Regina Jackson: Correct. Commissioner Smith, could you weigh in please? Because it's 11:00. We're going to have to extend the meeting, and we're going to have to keep moving through to finish this up.

Thomas Lloyd Smith: Yeah. So on this issue, I'm in the camp of Commissioner Dorado, and I tend to agree. I don't want to remove what we already have. We don't even have a inspector general in place, but to create a situation where we have to go through the inspector general in order to look at something. We don't really know what future commissions will see. And so I guess that would put me in the same place as Commissioner Dorado and Commissioner Anderson.

Regina Jackson: Great. Thank you. So it sounds like the majority of commissioners would prefer to go ahead and strike that. Now we need to extend the meeting again and then move through the rest of the document. Can I get a motion to extend the meeting? And if we're realistic, I would say we need 30 more minutes. Commissioner Dorado?

Jose Dorado: I move we extend the meeting for 30 minutes.

Regina Jackson: Thank you. I will second. Can we take a vote please? Commissioner Gage?

Henry Gage, III: Yeah.

Regina Jackson: Commissioner Harris?

Ginale Harris: Yes.

Regina Jackson: Commissioner Smith? Come on.

Thomas Lloyd Smith: Yes.

Regina Jackson: Thank you. Commissioner Dorado?

Jose Dorado: Aye.



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Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Okay. And the motion passes. Thank you very much. Back to you, Mr. Gage.

Henry Gage, III: Thank you chair. Referring back to the [inaudible 05:34:45] sheet provided by the coalition, that was the last thing in section B that was flagged. And that is also the last thing I feel like in my notes for section B. Do any commissioners have further items they wish to pull out or take a position on for section B? Seeing no hands at this time.

Ginale Harris: Wait, wait.

Henry Gage, III: Commissioner Harris, yes.

Regina Jackson: Vice chair Gage, those are all of the suggestions. Did we go through them all. I'm sorry. I-

Henry Gage, III: There are two suggestions made by the coalition for B. One is B4, which is the inspector general item we were just discussing. The other is B6, which is an item that's already been struck from the council version.

Ginale Harris: Okay. Got it.

Regina Jackson: Mr. Rus, could you advance the document please?

Henry Gage, III: Okay. Moving to the C sections.

Regina Jackson: Keep going. And I think stop.

Henry Gage, III: Okay. So this was the item the coalition had flagged, the eligibility requirements under C1, and ... The eligibility requirements for selection panel. I believe it is under C2, as well as an item on, is it C10? Pardon.

Regina Jackson: [crosstalk 00:06:39]-

Henry Gage, III: The item on C10, apparently has a number of votes that may have been a typo by a council. So for now I'm going to focus on C1 and C2. So ... These two items at first glance seem very straightforward. So it's for eligibility requirements to be a commissioner as well as eligibility requirements for mayoral appointments. Offhand I've heard some interesting discussions about the difficulty of potentially finding people. You can set that aside or not, but it is an interesting



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question as to whether or not any of these items should be enshrined in a charter or left to the discretion of council. There's a great argument that commissioner eligibility should not be left to the discretion of council. There's Also a good argument that it should be. Do commissioners wish to state opinions on this matter?

Regina Jackson: I actually would like to suggest that we keep it in. When Commissioner [Praythor 05:37:39] came before the city council, he made an excellent argument. And I know that his presence on this commission has guided us through a lot of difficulty. And so whether it's retired judge or lawyer with trial experience, I think that's a unique set of experiences that we will rely on. So I'd like to see it in.

Henry Gage, III: Thank you, chair.

Thomas Lloyd Smith: Yeah. I agree with that as well.

Henry Gage, III: Thank you Commissioner Smith. Commissioner Anderson, you're in the queue.

Tara Anderson: I agree as well.

Henry Gage, III: Thank you. Commissioner Dorado and Harris, do you wish to state an opinion?

Jose Dorado: I agree.

Henry Gage, III: Thank you. Commissioner Harris?

Ginale Harris: Hello? Can you hear me?

Regina Jackson: You're on.

Ginale Harris: Yeah. I don't really have an opinion on this.

Regina Jackson: Okay.

Ginale Harris: Thank you.

Regina Jackson: Thank you.

Henry Gage, III: [inaudible 05:38:54] it appears to be the commission's will that you recommend that C1 and C2 in this document. Thank you. And turning ... Let's see.

Ginale Harris: Are we looking at C1 and C2 on our screen?



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- Regina Jackson: We were, and then we just kind of moved real quick. I liked the language that was next, but now it's moved. Mr. Rus, can you go back please, to C2?
- Juanito Rus: Excuse me. Through the chair. We were previously looking at the coalition submission. This is the actual document. Would you like to look at the coalition submission or the document itself?
- Regina Jackson: The four page submission, because we were almost complete there. And I believe where we were was on E4, the investigator for every 70 sworn officers, which I believe was initial language that Mr. Alden put forth as a calculation around what would allow them to be able to make a 250 day complete investigations.
- Henry Gage, III: [crosstalk 00:05:40:27].
- Regina Jackson: And I do not remember if that's in the city council version or not.
- Ginale Harris: What about C1?
- Henry Gage, III: Yeah.
- Regina Jackson: Can you scroll back up?
- Henry Gage, III: C1 is the commissioner eligibility requirements we were discussing.
- Ginale Harris: Okay. We're-
- Henry Gage, III: The council draft removes a number of those.
- Ginale Harris: Yeah. That's what you just asked about, whether we had an opinion about the mayoral pick, right?
- Henry Gage, III: No.
- Regina Jackson: It wasn't so much mayoral that it was-
- Henry Gage, III: It wasn't about mayoral as much as it was about qualifications for both commissioners selected by the council as well as commissioners selected by the mayor.
- Ginale Harris: Okay.



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Henry Gage, III: And it appears the commissions will that we leave language stating commissioner eligibility as reflected in the CPA draft that's currently on the screen for C1 and leaving in the line about ...

Ginale Harris: And-

Henry Gage, III: [crosstalk 05:41:34] lawyer with trial experience under C2.

Ginale Harris: And excluding police officers, correct?

Regina Jackson: Yeah, all the-

Henry Gage, III: They would not be eligible to serve as a commissioner under C1 as it's currently drafted.

Regina Jackson: Correct.

Ginale Harris: Okay.

Henry Gage, III: Coalition [inaudible 05:41:55] notes also referenced C10.

Ginale Harris: Mr. Rus, if you can-

Henry Gage, III: Do commissioners have an opinion about the vote threshold for suspension of the commissioner? Commissioner Dorado, you're in the queue.

Jose Dorado: Yeah. I hate to go back, but maybe I missed it. But under C1, did we deal with the last part just before A where it talks about commissioner, "Shall be issued identification card, but shall not be issued, et cetera?" Did we deal with that? Is that going to be eliminated? Has it been discussed?

Ginale Harris: No.

Henry Gage, III: It was discussed, that.

Jose Dorado: [crosstalk 00:05:42:33].

Henry Gage, III: I would argue that that should be struck as well. It's unnecessary. It should be deleted. It's a reaction to a problem that doesn't exist.

Jose Dorado: Okay. So we're already in agreement about tossing that?

Regina Jackson: I am.



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Ginale Harris: I am too.

Jose Dorado: Okay, great.

Regina Jackson: Commissioner [crosstalk 00:12:50]?

Jose Dorado: I just want to make sure.

Henry Gage, III: I agree.

Jose Dorado: Okay. Thank you.

Regina Jackson: Okay. We got the majority. Very good. Thank you.

Henry Gage, III: We're going to request that the badge item be removed under C1.

Regina Jackson: Okay. You're good.

Henry Gage, III: And thank you for catching that. It's in my notes, but I moved past it too quickly.

Regina Jackson: Coalition did a really good job on this.

Henry Gage, III: Indeed. Moving back to C10, that section talks about suspension of commissioners by city council, and-

Ginale Harris: I don't see it on our screen.

Henry Gage, III: ... the coalition [inaudible 05:43:25] notes make a note saying that. Mr. Rus, can you scroll down? Well actually, pardon me.

Regina Jackson: Stop.

Henry Gage, III: You may need to scroll up. It's item C10 on that [inaudible 05:43:40] sheet.

Juanito Rus: Do you know what page it's on? I'm sorry. Trying to find it here.

Henry Gage, III: Your sheet looks slightly different than mine.

Juanito Rus: This is the four page supplemental?

Regina Jackson: Yeah.



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- Henry Gage, III: Interesting. There is no C10 on that version.
- Juanito Rus: I cannot find it.
- Henry Gage, III: Okay. In that sense, we can move past that then. If you look at the council draft, commissioners, under item C10, there's a line that talks about city council removing commissioners and the vote threshold that should be required for removal. It's my opinion at this point that we may not want to take a position on the vote threshold, but I will defer to Commissioner [Fogas 05:44:25] . Do you wish to take a position?
- Regina Jackson: Wasn't that six votes? Wasn't it a super?
- Henry Gage, III: At present the council requires five votes to suspend or rescind after a hearing. Commissioner Harris?
- Regina Jackson: Okay.
- Ginale Harris: I think that we addressed this already in our last meeting, and we all came to an agreeance on whatever was written there. I would caution us to start picking apart things we've already looked at and voted on. You know what I mean? This wasn't one of them.
- Regina Jackson: Yeah. I agree. I think we should leave it alone.
- Ginale Harris: Leave it alone.
- Regina Jackson: Okay.
- Henry Gage, III: Sounds fine to me. I believe that is the end of substance of edits to the C section, and the D section does not have recommendations for substantive edits. So we can move to the E section. The agency attorney language is good. I don't see anything objectionable. Does any commissioner wish to state in opinion on anything under subsection E?
- Ginale Harris: Is there a recommendation?
- Regina Jackson: For?
- Ginale Harris: For this section right here. I can't see.
- Henry Gage, III: There are two recommendations under E. One is changing the ratio for line investigators to 70. I believe that's E4.



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- Regina Jackson: Yes.
- Ginale Harris: Yes. I agree. 70.
- Henry Gage, III: Any commissioners object to that recommendation?
- Regina Jackson: Nope. I thought we had already ...
- Ginale Harris: Yeah.
- Henry Gage, III: Okay. And under E6, removal of the inspector General, there's recommendation that that be an at-will removal as opposed to only four cops.
- Ginale Harris: I don't think this is a recommendation either. I think this should be left as is. We voted on this already.
- Regina Jackson: Okay.
- Henry Gage, III: When did that happen? Did I miss something at the last meeting? I didn't see that in my notes.
- Regina Jackson: No, I think she's referring to when you guys did the review, Commissioner Praythor and yourself, and walked us through everything.
- Henry Gage, III: Oh, I see. So what I'm doing right now is very quickly going through these sections and noting where there are commendations being made as to the current council draft and requesting feedback. We didn't specifically address how the inspector general should be removed if memory serves. So the recommendation by the coalition is that the inspector general should be an at-will employee. And the current draft from council designates the inspector general as only able to be removed by the conviction for cause.
- Regina Jackson: Yeah. I have a tendency to believe that the OIG ought to be at-will. There's a certain level of, not just power, but expertise when you have at-will positions, as opposed to having to go through the whole labor relations process.
- Henry Gage, III: And the other thing is just from a standpoint of litigation that followed, an at-will removal places the commission in a much better position in terms of if we do actually have to remove the person, than trying to prove cause, which even if the person should be removed, it's a much, much higher bar, and subjects us to more likelihood of litigation.
- Regina Jackson: Yes. Commissioner Harris?



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- Ginale Harris: I agree. And I just think our executive director position is almost on the same level as the IG position.
- Regina Jackson: Yes.
- Ginale Harris: And so that position is at-will. So it wouldn't make sense for us to have it any other way.
- Regina Jackson: Good point.
- Henry Gage, III: Commissioner Dorado, do you wish to state an opinion?
- Jose Dorado: Yeah. At-will, without a doubt.
- Henry Gage, III: Okay. Note for our records for recommending the OIG be an at-will position. Do any commissioners wish to you make recommendations about other items under subsection E?
- Ginale Harris: Vice-chair Gage, I would request that if there are any recommendations by the council or the coalition, if you can just let us know, because I only can see this one document, and I'm tired. So if they've made recommendations, I'd like to discuss those.
- Henry Gage, III: I'll very quickly go through the [inaudible 05:50:03] council. They've added-
- Ginale Harris: And can you go through coalition's too?
- Henry Gage, III: We've gone through both of the coalition's recommendations.
- Ginale Harris: Okay. So they're done?
- Henry Gage, III: Yes.
- Ginale Harris: Okay. Great.
- Henry Gage, III: Council is recommending, I believe this was in a previous version, budgeting for agency attorneys to be hired by the agency director. That's in E1. E5 has language about the city allocating a sufficient budget for administrative support via the city administrator's office and a requirement that the liaison attend commission meetings. E6 adds language discussing the inspector general and removal, which we just addressed. And E7 has been amended to add the IG to B section, defining both the staff and the agency heads respectively as either civil service employees-



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Regina Jackson: Very good.

Henry Gage, III: ... or not. That's it. That's E. Commissioner?

Regina Jackson: Commissioner Harris?

Ginale Harris: I believe he skipped one, vice chair. G5.

Henry Gage, III: G5 is the city administrator's assignment of administrative staff and the requirement that that staff attend a commission meeting.

Ginale Harris: Oh, okay. Then what am I reading?

Regina Jackson: Oh, you know what?

Ginale Harris: Oh, we didn't know-

Regina Jackson: She was looking at the [crosstalk 05:51:46] coalition's people-

Ginale Harris: I don't think we voted on it or agreed on it.

Regina Jackson: ... on convening discipline committee.

Henry Gage, III: That would be ...

Ginale Harris: G5. G5 as follows, "Commission on some motion may convene-"

Henry Gage, III: That would be G5. We're still under E.

Ginale Harris: Okay. Well, I asked you if there were any more recommendations. You said no.

Regina Jackson: Okay.

Henry Gage, III: No recommendations under E. We still have to get through F first before we get to G. Any commissioners wish to make further comments about subsection E? Okay. I'm seeing no hands. There's a recommendation from the coalition on F5. Before we get to that, F1 adds language in the council draft talking about the turnaround time from the department receiving a complaint to the agency receiving a copy of such a complaint. F2 talks about access to records by the commission, OIG, and agency. We need to-

Ginale Harris: Can somebody scroll down to F, please?



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- Regina Jackson: Mr. Rus?
- Henry Gage, III: The-
- Juanito Rus: I'm happy to, but it's not in this document.
- Henry Gage, III: Probably shouldn't move that document yet because we're about to get to G5, which is ...
- Regina Jackson: Oh, I see. Which is the last part.
- Henry Gage, III: Okay. So looking at F5 is a section that talks about the duties of the OIG, and this is in the council drat. It's a new language that gives the OIG power to review, investigate, and access records. I don't believe there's a recommendation. Strike that. There is a recommendation on that, but they seem remarkably similar to the council's recommendation.
- Regina Jackson: So there's no distinction?
- Henry Gage, III: It's not that there's no distinction. They're very similar language between the council's language and the coalition's language. I'm not seeing the substantive difference
- Regina Jackson: Okay. I can't see them side by side, so ...
- Ginale Harris: Right. But can you read them to us so we can ... If they're both in agreeance, what is it? Can we hear it?
- Henry Gage, III: Yes, I can read them. So the CPA suggested version for F5 ... Mr. Rus, is there an F5 on the document you're looking at right now?
- Juanito Rus: No, I do not show it in this supplemental.
- Regina Jackson: Yeah. [crosstalk 05:54:56]-
- Henry Gage, III: Okay. I think what's happening is that I'm looking at an older version of this matrix, because I have them both side by side. It appears that F5 is substantively identical. So I think we can move past that.
- Regina Jackson: Okay. So ...
- Henry Gage, III: And then it looks like the next one would be G5. That's the same recommendation on your document Mr. Rus, is that correct?



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- Regina Jackson: [crosstalk 00:25:18].
- Juanito Rus: Yes. That's the one that's on the screener right now.
- Henry Gage, III: Okay. Did you set it-
- Regina Jackson: I'm sorry.
- Henry Gage, III: So here's some of the meat. This is a question of whether or not the commission on its own motion should have the power to convene a disciplinary committee. The coalition's recommendations of the commission should have the power to convene a disciplinary committee as stated with a 250 day timer after a complaint's been filed with the ability to augment the record. The council's language states that the commission can review findings and discipline at any level one use of force matter for oversight purposes to formulate policy and to make policy recommendations, but not to form or modify findings or discipline. The council's version notes that the commission can delegate this authority to conduct this review to the IG. Mr. Alden, you're in queue.
- Regina Jackson: Go ahead, Mr. Alden.
- John Alden: Sorry. I've had my hand up for awhile. I was trying to go back to another section, which was back [inaudible 05:56:37]. Maybe you want to resolve this section first, and then if we come back-
- Regina Jackson: Sorry about that.
- John Alden: ... [inaudible 00:05:56:41]. That's okay. There's a lot going on. So I'm happy to be patient.
- Regina Jackson: Okay. So Commissioner Harris?
- Ginale Harris: So, because language matters, I would ask that you please read the language as it is written. I appreciate you knowing what this means, but I want to know what's going to be written in its form. And so I would just ask-
- Regina Jackson: I'm sorry, go ahead. Commissioner Harris.
- Ginale Harris: No. Go ahead, chair.
- Regina Jackson: I was going to say that based upon your reading of the city council version, it sounds like it's rather restrictive. And while the power that is delineated in the coalition's frame allows us the opportunity or the option to in fact convene a



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discipline committee, doesn't mean that we have to. And I like the flexibility of if we think we need to based upon the 250 days. But where the city council is saying, and what did he say? Level one and under these specific-

Henry Gage, III: I can read the council's version. So the CP recommendation's on the screen. The council version reads as follows. "The commission may review the findings and discipline in the investigation of level one use of force, sexual misconduct, and untruthfulness. Even if the chief and the agency agree on the finding and discipline, the commission shall conduct such review solely for the purposes of facilitating the commission's oversight of the agency for forming leading agency policy and for making policy recommendations to the department. The commission you may conduct such review only after the findings are no longer subject to review or modification by discipline committee.

Henry Gage, III: The commission shall not have the authority to reject or modify any findings or discipline. The commission may delegate its authority to conduct the review described in the section 645 to the inspector general. Nothing in this section, 604G5, shall limit or modify the authority of a convened discipline committee as described in section 604G2."

Henry Gage, III: So the city council version is enabling the commission to call the discipline committee when it's outside the ordinary scope, but then it modifies the power of the discipline committee.

Regina Jackson: So-

Henry Gage, III: Under that version, it essentially says, what happens is you can call the discipline committee, but you're really just using it to learn about what happened. You can't actually change the discipline that's being rendered when both the chief and the agency agree. Then when you look at the coalition's model, what they do is they give you the ability to call it after 250 days. And then also toward the bottom, they're saying this commission can convene a discipline committee by a vote of no fewer than five affirmative votes. I like what they've proposed here, and I think they hold that five vote threshold, which is really important for us across a number of different matters, as the threshold that we need to pass to say, "Okay, a discipline committee needs to happen here." But it doesn't contain the limitations on what that discipline committee can do that are contained in the city council version.

Regina Jackson: That's correct. So given the adjustments that the coalition has made in their language, I'm more likely to support from the coalition. I don't think that we should have all the restrictions. And again, it doesn't have to be ours to do, but



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if we should decide that we need to, then we have the flexibility to do that. Because [Pollock 06:00:43] could not happen in the city council's version.

Ginale Harris: Agreed.

Henry Gage, III: Hold on.

Henry Gage, III: I agree with-

Henry Gage, III: This section is designed to talk about what happens if there's an agreement between the agency and the Oakland police department.

Regina Jackson: Correct, and that's why [crosstalk 06:01:05].

Henry Gage, III: If there's a disagreement, the discipline committee still comes into effect as previously mentioned. But if there isn't a disagreement-

Regina Jackson: No, no, no. But that's what happened. There was no disagreement. It was Warsaw that came in and created the disagreement.

Henry Gage, III: Well, yeah. But legal argument-

Regina Jackson: So in that case, what we have is-

Henry Gage, III: The legal arguments that [inaudible 06:01:23] standing in the shoes of the chief. So this isn't exactly that. But what it is is, it's actually an expansion of our ability to call the discipline committee and have meaningful discipline attached to it. So even if the chief and the head of the agency agree, we could still, using this five member majority, call a discipline committee, and then go ahead and do the investigation and figure out whether or not we think both of them got it right. And I think it's meaningful. I think it adds a lot. I don't know if city council will approve it, but I would support it.

Regina Jackson: Excellent. So commissioner-

Henry Gage, III: Commissioners-

Regina Jackson: ... Anderson and then Dorado. I'm sorry, I'm trying to help here.

Henry Gage, III: Commissioner Anderson.

Tara Anderson: Thank you, chair and vice chair. So I am curious if others are of the belief that the commission may adopt additional qualifying criteria for convening a



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discipline committee within its own bylaws protects against any potential arguments about potential bias discretion on behalf of the commission around why they would select one matter versus another matter for convening the discipline committee, and or if there is other language we can suggest that would help protect such an action were it taken.

Henry Gage, III: Commissioner Anderson, you've identified my biggest issue with this language. And that is that if the commission is not careful, we are going to throw ourselves into a huge.

Henry Gage, III: Commission is not careful, we are going to throw ourselves into a huge, huge knot. Because, by opening up disciplinary committee matters where the agency and IAD agree, we open ourselves up to a huge amount of potential litigation, and I don't see a way that we can do that with our current level of staffing and our current competency. This seems extraordinarily dangerous. If we have issues with CPRA's investigation, our remedy, which is what we did, is to replace the CPRA's director. If we're not happy with IAD's investigation, our remedy is to encourage council to lean on the city administrator to replace the chief of police or do it ourselves, which we also did. We investigating ourselves and calling this committee, it seems extraordinarily dangerous, given that we would have to come up with criteria and then follow that criteria in a very strict compliance fashion. Otherwise, they're going to get blown up in litigation.

Regina Jackson: So, Mr. Gage, I know that Commissioners Dorado and Harris want to chime in, but it is 11:32. We need to extend for 15 more minutes before we pull each other's hair out.

Henry Gage, III: Move to extend for 15.

Regina Jackson: Okay, and I second, so can we take a vote? Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Anderson?



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- Tara Anderson: Aye.
- Regina Jackson: Excellent. Okay, so the motion passes. Okay.
- Henry Gage, III: I'll vote yes, too.
- Regina Jackson: Oh, Oh, I'm sorry. When you moved, I figured. Okay, thank you. So we have Commissioner Harris, and then I thought I saw John Alden's hand. Did that move? Oh, and then commissioner Dorado, sorry. And, if I'm being honest, I think Dorado was first.
- Jose Dorado: Yeah, I'll be brief. I appreciate the lawyer's perspective because Commissioner Prather came from another angle, another legal angle, as is Commissioner Gage, but I'll make the same argument I made when Commissioner Prather made his legal argument, and that is that, on balance, I believe that the risk is worth it. And I would have hate to have been in the position of going back to council and trying to, after the fact, trying to convince them to write a wrong after, in fact, we were prevented from making the right decision by being prevented from investigating a serious matter, such as a shooting, because of the language. So I would strongly urge that we approve this as is. The part that I agree that I like the best out of the language is that the discipline committee may require the agency to further investigate the complaint by notifying the agency director in writing of the specific issues that need further investigation. That, to me, is really the heart and soul of why I strongly support this language as it's written.
- Regina Jackson: Thank you. Commissioner Harris and Commissioner Smith.
- Ginale Harris: Yes, I am in agreeance with Commissioner Dorado. Because we have seen so many things unfold with the CPRA, which is our own agency, and its investigation discrepancies and styles that have been done under the leadership previous to Mr. Alden, I am in agreeance with Commissioner Dorado. If we had consistent dependability in our investigations, then I could move in a different direction and agree with Commissioner Gage, but, at this time, I do not. And I believe that if it was written any other way, Mr. [Pollock 06:07:21] would not have had any justice.
- Regina Jackson: Thank you.
- Ginale Harris: So I'm in agreeance with Commissioner Dorado.
- Regina Jackson: Commissioner Smith?



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- Thomas Lloyd Smith: Yeah, so my comment's brief. Like I said, I supported it as it is. However, to respond to Commissioner Anderson and Commissioner Gage's concern about whether or not we could do anything to make sure we think through how we're going to use this, we could simply just change the line where it says, "The commission may adopt additional qualifying criteria," to, "The commission shall adopt additional qualifying criteria to convening a discipline committee within its own bylaws." Then we would require ourselves to think, "Okay, well, what are the extra criteria?" And we could do that with the help of our council. But, like I said, I would accept this either way, but if we want to make sure that we're thinking about all the circumstances and being more careful before we go into it, just converting that word "may adopt a additional qualifying criteria," just converting "may" to "shall" forces us to actually do it. And then we would have our council, I suppose, help us think about it.
- Regina Jackson: I think that's a substantial compliment, Commissioner Smith, and I would agree with that. And hopefully that addresses your concern, Henry.
- Henry Gage, III: Chair, unfortunately, it does not.
- Regina Jackson: Okay.
- Henry Gage, III: This a huge problem, Commissioners. And if you read the report from the [inaudible 06:09:02] officer in the Pollock matter, you'll note that one of the reasons why the discipline committee decision in the Pollock understood was because the commission did not have the ability to expand the record. The decision was made on the record presented to the commission, and then had the commission had that ability, the Pollock matter would not have resolved in a way that it has. That came under direct attack, and it's going to come under direct attack.
- Regina Jackson: Well, and, to your point, if it's going to come under direct attack, I'm with Commissioner Dorado, we might as well do it and see because we're not saying that we're going to call them all the time.
- Thomas Lloyd Smith: That's right.
- Regina Jackson: And with Commissioner Smith's recommendation, it will be on us to develop the criteria with advice from our attorney in order to substantiate a structure, a platform, a blueprint that we ourselves have to follow. And, at this point, what I'm looking at is four votes. I'm not exactly sure if Commissioner Anderson feels more comfortable with that or not, but Commissioner Anderson?



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- Tara Anderson: Thank you, Chair. That's why I called out that line in particular, because I thought an amendment there might bolster and protect when this authority was exercised. And I do think I'm in agreeance with the intent but wanted to make sure it was further protected. And I like the suggestion from Commissioner Smith to change "may" to "shall" and recognizing, then, that puts the burden on the commission to come up with that criteria.
- Regina Jackson: Okay, excellent. So it sounds like five of us really want that in, and we will change the word to "shall" around the qualifying criteria.
- Henry Gage, III: For the notes, I'm noting that G5, the commission is endorsing the request or the power to create a discipline committee.
- Regina Jackson: Thank you.
- Regina Jackson: (silence)
- Henry Gage, III: Moving forward. Pardon me. Do commissioners wish to make further comments about anything in subsection G before moving on?
- Regina Jackson: Wasn't that it? Let's see.
- Henry Gage, III: Let's see, now. Mr. Alden, you're in the queue.
- John Alden: Wondering if this is a good ... I've got muted by the host. Now I'm unmuted again. Okay. Can you hear me now?
- Henry Gage, III: Yes.
- John Alden: Okay, thanks. I'm wondering, if we're done with G, can we go back to F2?
- Henry Gage, III: F2, investigations.
- John Alden: Right. I mention this section because, in some earlier drafts, prior ...
- Ginale Harris: We can't see it.
- Henry Gage, III: it's not on that document. That's on the council's version.
- Ginale Harris: Okay. Well, can someone read it out loud, then?
- John Alden: Well, a part of my [crosstalk 06:12:40].



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- Henry Gage, III: F2 provides the commission, the [OIG 06:12:42] and the agency with access to records.
- John Alden: Right, and one of the things I was hoping you could confirm for us, Commissioner Gage, is how that section compares across these versions. I found it a little bit difficult to track. I think, if I follow correctly, that the longer, you might call it the omnibus, version that the council seems to be moving forward still includes in F2 a change to this problematic language we've discussed in the past about access to personnel records. And it looks to me like the, what some are calling the [inaudible 06:13:20] down version or the narrower version that just addresses IAD and council, does not have that fixed to the personnel-record language that's been so problematic for CPRA and our access to records. Am I following that correctly? Is that what you are also seeing?
- Henry Gage, III: I'm sorry, director. Your mic was quite muffled while you were speaking, you were mentioning an issue with personnel records being present in prior versions but that being deleted from this one with respect to access provision.
- John Alden: Right. Let me, sorry. I'm sorry you guys are having trouble hearing me. Let me try different microphone solution and see if that helps better.
- John Alden: Okay. Is that any clearer than the microphone I was using before?
- Regina Jackson: Yes.
- John Alden: Great. So, in F2, one of the things that the council I think had reached consensus about until the last week or two was that the reference to personnel records in that section should be deleted. And we have been asking for that at CPRA because that particular section happens to interface with state law in a way that made it very difficult for our investigators to see all the records that they needed to do complete investigations. It looks to me like the version that council is still moving forward, which, for lack of a better word, I'd call the complete version, still includes edits to that personnel language so that we have very broad access. But it looked to me like the so-called stripped down version that only addresses the inspector general and council to the commission did not include that edit and remains with the original problematic personnel file language. Does that sound right to you, Commissioner Gage?
- Henry Gage, III: Let's see. Yes. F2, the streamlined version, does not have the same broad language as ... And the secondary does not have the same broad language as F2 in V1 from the council.
- John Alden: Okay. I do ...



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- Henry Gage, III: It can.
- John Alden: Go ahead.
- Regina Jackson: It sounds like we want to put that in there.
- Henry Gage, III: I do believe it would behoove us to support the version of F2 that's in the more substantive version from council.
- Regina Jackson: Yes.
- John Alden: Right, so as long as the the commission is still urging the city council to move forward with the more comprehensive version, then I think the issue we have in CPRA and the personnel record language in F2 is resolved. My only concern would be that, if the commission ... Sorry, if the city council were to go forward with the stripped-down version, then this very significant problem would remain, and that would be unfortunate for CPRA because it would continue to really impair the quality and speed of our investigations and our ability to be helpful in the [inaudible 06:16:39] and arbitration processes that come afterwards. So I'm hopeful that, one way or the other, city council still moves forward when we fix that personnel record language in F2, as they continue to do in the more complete version.
- Regina Jackson: Makes sense. Thank you, Mr. Alden.
- John Alden: Thank you. And, thank you, Commissioner Gage, for confirming how to understand those documents. I appreciate that.
- Henry Gage, III: [inaudible 06:17:08] a note under subsection F that we should support F2 as drafted in version one because it does provide that more broad access to records that we're all wanting.
- John Alden: Thank you.
- Henry Gage, III: Okay. Moving back to ... See, there is nothing under subsection H that had been flagged, and, under subsection I ... So subsection I, in the council version is language that talks about legal counsel to the commission. The coalition recommendations are that I3 C, D, and E be deleted.
- Henry Gage, III: These sections deal with the commission attorney's interaction with city officers and the city attorney's office when dealing with litigation. In my opinion, the commission attorney will need some flexibility and trying to say that they can never consult the city attorney is a bad idea given the hurdles of professional



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ethics. And, just as a practical matter, the reporting structure within a city like Oakland would require reporting out to city officers on a number of matters. But I'd recommend that we leave that section intact. Do other commissioners have opinions they I wish to state?

- Regina Jackson: Nope, but we are at 11:46.
- Ginale Harris: And I would say, before you change it, that we vote on it.
- Henry Gage, III: Before we change what?
- Ginale Harris: If we change anything that we ... I can't see it, so I don't know what you're talking about. I'm tired and [crosstalk 06:19:01].
- Henry Gage, III: Mr. Bruce, can you put it on the screen? Pardon me. Mr. Bruce, can you put the council document on the screen and scroll down to subsection I? It's near the bottom of the page.
- Regina Jackson: Guys, we got to update. I don't know. Can we get this done in 10, 15 minutes, Henry? Do you think we can go longer?
- Ginale Harris: How many more do we have?
- Henry Gage, III: Yes, we can get this done in 10, 15 minutes.
- Regina Jackson: Okay, vote.
- Ginale Harris: Chair, how many more do we have?
- Regina Jackson: I'd say, what? Five, maybe.
- Henry Gage, III: This is the final section.
- Regina Jackson: Okay, [crosstalk 00:16:45].
- Henry Gage, III: The [crosstalk 06:19:45] recommendation.
- Thomas Lloyd Smith: Henry, I think you need to direct exactly the section we're looking for under I.
- Henry Gage, III: Mr. Bruce, it's I3.
- Regina Jackson: Can I get a motion to extend the meeting 15 more minutes, and we will table the other part of the agenda.



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- Thomas Lloyd Smith: So moved.
- Henry Gage, III: Second.
- Regina Jackson: Thank you. Okay, it's been moved and seconded. Can we get a vote? Commissioner Harris? Come on. Commissioner Smith?
- Thomas Lloyd Smith: Yes.
- Regina Jackson: Thank you. Commissioner Dorado?
- Jose Dorado: Aye.
- Regina Jackson: Commissioner Anderson?
- Tara Anderson: Aye.
- Regina Jackson: Aye for myself. Commissioner Harris?
- Ginale Harris: Aye.
- Regina Jackson: Thank you. Motion passes. We're going to be done, I promise. And I just really, really appreciate you guys. You are such champions.
- Thomas Lloyd Smith: Go ahead, Commissioner Gage.
- Henry Gage, III: Thank you. Okay. This section of the subsection I have talks about the circumstances under which a commission attorney should interact with the city officers and also specifically the city attorney's office, as well as other city officers in D. I'll give you a second to look through it.
- Henry Gage, III: Essentially this gives the commission attorney some discretion to make disclosures to city officers. Now, while this discretion does fall to the commission attorney, the commission attorney is still subject to rules of professional responsibility, meaning that if they use that discretion in a capricious fashion, [inaudible 06:21:37] some independent liability. So it's not as if the commission attorney is likely to just go start telling on us, so to speak, but it's possible.
- Thomas Lloyd Smith: Yeah, I think those things should be left in there. There's certain things that you're ... An attorney ... We were choosing our attorney, and there's certain ethical obligations our attorney has, and if he thinks this is what an attorney



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would want to be, to be able to know that they're going to be able to stay within those.

Henry Gage, III: Do other commissioners wish to state opinions on this matter?

Regina Jackson: We're fading fast. I'm with Thomas.

Henry Gage, III: Okay, that is the end of the document. I'd like to very quickly go through and read out the opinions that we've ... The positions we've taken as a commission. And I'll go back through later and draft this into a position letter. Under A, we're suggesting a three-year audit term and adding "unless required by law" to the item about investigation of commissioners. Under subsection B, we want the exigency provision to be removed. Under subsection C, we want to keep C1 and C2, the qualifications provisions, and to remove the item about badges. Under subsection E, we want the investigator ratio at 70 to one and OIG to be an at-will employee. Under F, we're supporting F2 as drafted in version one of the council that provides a broad access to records to IG, agency, and commission. Under G, we're endorsing the power to form a discipline committee, even when the chief and the agency agree.

Thomas Lloyd Smith: Transforming "may" to "shall." Don't forget about that part.

Regina Jackson: Good catch.

Henry Gage, III: Thank you.

Thomas Lloyd Smith: Got that, Henry?

Henry Gage, III: Yes. And, under I, recommend language be ... No recommendations, language to stay as is in council version. Chair, that completes review of this document. The commissioners [crosstalk 06:24:01] statements.

Regina Jackson: Whoo!

Thomas Lloyd Smith: We could just confirm that we all agree with that. Maybe just one final vote that all those things we agree with.

Regina Jackson: Okay. Would you make that motion, please, Commissioner Smith?

Thomas Lloyd Smith: Yeah. Motion to affirm the changes that Commissioner, Vice Chair Gage mentioned to the document, agreement with all those changes.

Regina Jackson: Commissioner Dorado?



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Jose Dorado: Second.

Regina Jackson: Excellent, it's been properly moved and seconded. Let's take a vote. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Harris?

Ginale Harris: Yes.

Regina Jackson: Commissioner Dorado.

Jose Dorado: Aye.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Aye for myself. We are unanimous. So I need one more motion to [crosstalk 00:21:50].

Juanito Rus: Excuse me to the Chair.

Regina Jackson: Yes.

Juanito Rus: You had previously called for public comment on each of these items. There was no call for public comment on this one. I didn't know if that was something that you wanted to do or not.

Regina Jackson: We actually had done public comment right in the beginning, and we had four or five people commenting before we decided to promote Mr. White to a presenter role. So I think that what we should do is we're probably going to have to take public comment on committee reports and meeting minutes approval even if we decide to table them. And we can see if there's anybody else that wants to make a comment to those sections.

Ginale Harris: There's one person in the queue, Chair.



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Regina Jackson: Sure. Thank you. Mr. [Bruce 06:25:40]?

Thomas Lloyd Smith: Should we motion to table those items first?

Regina Jackson: Please. Commissioner Anderson, were you going to recommend that?

Tara Anderson: I make a motion to table those, the remaining agenda items.

Regina Jackson: Thank you.

Thomas Lloyd Smith: Second.

Regina Jackson: Okay, it's been properly moved and seconded. Let's take public comment.

Thomas Lloyd Smith: Vote [no 06:25:59]. We've got to vote.

Juanito Rus: I'm showing one speaker in the queue, Ms. Rashidah Grinage.

Regina Jackson: Thank you.

Juanito Rus: Ms. Rashidah Grinage, you have the mic. Ms. Grinage, can you hear us?

Rashidah Grinage: Okay. I just wanted to thank everybody for your outstanding work. I know this has been an arduous process, but I want to thank everyone for the amazing respect that you've shown the community, and we respect you back. We love you, and we are very grateful for all of the diligence that you've applied to this process, and good night.

Regina Jackson: Good night. Thank you. Okay, so we've heard public comment. Let's take our vote. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Harris?



OAKLAND POLICE COMMISSION MEETING TRANSCRIPT

May 28, 2020
5:30 PM

Ginale Harris: Yes.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Great. Aye for myself. We are unanimous. And one last motion to adjourn the meeting.

Thomas Lloyd Smith: So moved.

Henry Gage, III: Second.

Ginale Harris: Aye.

Regina Jackson: Can we all just say, "Aye"?

Tara Anderson: Aye.

Jose Dorado: Aye.

Henry Gage, III: Aye.

Thomas Lloyd Smith: You actually have to do the roll call. You're required by the Brown Act to do a roll call.

Regina Jackson: Oh, my goodness. Okay, Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: Aye.



OAKLAND POLICE COMMISSION MEETING TRANSCRIPT

May 28, 2020
5:30 PM

Regina Jackson: Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Aye for myself. We are unanimous, and thank you for Commissioners Brown and [inaudible 00:25:01] Jordan for staying on. This was really, really long, so thank you all.

John Alden: Good, good job, [editing 00:06:28:07]. Good job.

Regina Jackson: Thank you, Henry.

Thomas Lloyd Smith: It's not even midnight. We made it.

Regina Jackson: Oh, my goodness.

Ginale Harris: Night.

Thomas Lloyd Smith: Night, everybody.

Jose Dorado: Good night, Commissioners.

Regina Jackson: Good night. Thank you so much.

Jose Dorado: Sure.

Regina Jackson: Yes.

Henry Gage, III: I'm going to draft up the recommendations and forward those to you.

Regina Jackson: Thank you very much.

Henry Gage, III: Okay, have a good night.

Regina Jackson: [crosstalk 06:28:30] that. Thank you.

From: Alicia Rossetti
Sent: Thursday, May 28, 2020 11:53 AM
To: Rus, Juanito
Subject: Public Comment for May 28th Police Commission Meeting

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi Juanito,

I would like to submit the following for the public comment portion of today's Police Commission Meeting:

My name is Alicia Rossetti. I am Latina from District 4 and a member of the Latino Task Force. I am speaking to item 12 on the agenda.

In 2016 Oakland voters overwhelmingly voted to have a strong and independent Police Commission because the Oakland Police department needed true civilian oversight. However, now, in an effort to strengthen the Commission we are seeing the possibility of making it weaker. I urge you to include the following in your Measure LL re-write:

1. Your ability to convene a discipline committee
2. Remove the "exigent circumstance" clause which essentially gives the Chief the authority to declare martial law at her/his discretion .

Thank you,
Alicia Rossetti

From: Bruce Schmiechen
Sent: Thursday, May 28, 2020 11:59 AM
To: Rus, Juanito
Subject: Police Commission - Agenda Item #12

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

The broad Oakland community, which voted for Measure LL at over 83%, supports a powerful, representative oversight Commission for OPD. The fixes to LL proposed for the ~~November~~ ballot should bolster the Commission's independence from city politics. Any attempts to poison the ballot measure with additional constraints or dilution from the original measure should be rejected

In addition to supervising their own staff and getting sufficient resources to function effectively, the Pawlik investigations made clear that the Commission also needs to retain means to make sure disciplinary measures are fair and effective. It also needs to retain current power to revise OPD policies.

Nor should eligibility requirements be changed, opening the door to weakening the independence of the Commission from OPD and city government. And the chief should not be given unilateral power to suspend Department policies that have been enacted with the Commission

Regarding politically-motivated narratives claiming the Commission has been acting hastily or irresponsibly, there is currently sufficient counterbalance of Commission powers with the City Council. Those checks and balances do not need to be changed.

Only a strong, independent and community-based Police Commission can bring OPD out of the 17 years of federal oversight of abuse, dysfunction and the recent backsliding on federal directives under OPD's previous chief.

Please support the Draft Measure proposed by the Coalition for Police Accountability, Agenda Item #12. My organization, Faith In Action East Bay, is an active member of the Coalition and we support their diligent and informed efforts to improve Measure LL and the Police Commission moving forward rather than dilute them.

The Commission and the community need to stand together in this critical moment of opportunity to effectively strengthen Measure LL.

Thank you for your dedication and hard work.

Bruce Schmiechen
Faith In Action East Bay, Coalition for Police Accountability,
Plymouth United Church of Christ Justice & Witness Ministry co-chair.

From: George Lerma
Sent: Wednesday, May 27, 2020 10:57 AM
To: Rus, Juanito
Cc: Mariano Contreras; George Lerma
Subject: A strong commission makes for safe city

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I support the recommended improvements to the LL rewrite to make the commission stronger. After the recent events in Minneapolis. We don't want apologies and statements of regret. We want police murder and misbehavior to stop. Today it was Minneapolis tomorrow it maybe Oakland.

I want a strong and confident police force, but one that is dedicated to the protection and safety, not brutality, or a reign of terror by hooligan cops.

Jorge Lerma life long resident and citizen of Oakland.

From: [REDACTED]
Sent: Thursday, May 28, 2020 3:44 PM
To: Rus, Juanito
Subject: FW: tonight's Police Commission agenda

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

From Jim Chanin (his effort bounced)

Dear members of the Police Commission,

I am writing this e-mail to record my opposition to the following change in Measure LL:

The Chief of Police may, on a temporary basis and without Commission approval, make changes to policies, procedures, customs, or General Orders of the Department that are necessary to respond to exigent circumstances related to public safety. If such unilateral changes otherwise require Commission approval under this section 604(b)(5), the Department shall provide notice to the Chair of the Commission within forty-eight (48) hours of making such changes and such changes shall expire sixty (60) days from when they take effect unless approved by the Commission or the City Council.

I was originally in favor of a measure that would give the Chief such temporary power on condition that 1. The Chief should notify the Chair of the Police Commission of said law enforcement emergency within 24 hours of its occurrence and 2. UPON AGREEMENT WITH THE CHIEF THAT THE EMERGENCY WAS APPROPRIATE AND WARRANTED (my emphasis), the Chair should call an emergency meeting of the Police Commission as soon as reasonably possible to approve the Chair's action.

The current proposal lacks (1) any power of the Chair to disagree with the Chief's proposal ; (2) any power of the Police Commission to disagree with the Chief and the Chair of the Police Commission and (3) any appellate right to any elected or appointed public official of the City of Oakland to veto the Chief's decision. Instead, the Chief would have unlimited power to make any changes he or she wants and the Commission would have no power whatsoever to object to said changes for a minimum of 60 days.

In fact, there is also nothing to prevent the Chief from making some new emergency "temporary proclamation" after 60 days and to in effect indefinitely suspend the Commission's power.

There is also no limit on such exigent circumstances which could conceivably allow the Chief to make personnel changes or impose discipline that the Police Commission would have absolutely no power to change for at least 60 days, and perhaps longer.

As worded, this provision could give the (not elected) Chief virtual martial law authority for a minimum of 60 days. That may not be what was intended by whoever wrote this proposal but that is the effect of it, no matter what the intent.

Jim Chanin

-----Original Message-----

To: [REDACTED]

Sent: Thu, May 28, 2020 10:48 am

Subject: FW: tonight's Police Commission agenda

To access the meeting:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/87212045112> at the noticed meeting time. Instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage entitled “Joining a Meeting”
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location): +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656
For each number, please be patient and when requested, dial the following Webinar ID: 872 1204 5112
After calling any of these phone numbers, if you are asked for a participant ID or code, press #.

From: Myrna Schwartz
Sent: Thursday, May 28, 2020 3:06 PM
To: Rus, Juanito
Subject: OPC SPECIAL MEETING May 28, 2020, agenda item XII

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Commissioners,

With its enthusiastic passage of Measure LL, our community voiced its collective support for a powerful, representative oversight Commission for OPD. I write as a member of Faith in Action East Bay (formerly Oakland Community Organizations) which forcefully backed Measure LL and now participates actively in the Coalition for Police Accountability. The CPA has put forth informed and thoughtful fixes to LL for the November ballot that will guarantee the Commissions continued independence from OPD and city politics. **As a member of FIAEB and as a resident of Oakland, I urge you to support the CPA's draft and resist all efforts to dilute its impact.**

Only a strong, independent and community-based Police Commission can bring OPD out of the 17 years of federal oversight of abuse, dysfunction and the recent backsliding on federal directives under OPD's previous chief.

The Commission must retain the ability to supervise their own staff and control sufficient resources to function effectively.

The Commission must retain means to make sure disciplinary measures are fair and effective. It also needs to retain current power to revise OPD policies.

Nor should eligibility requirements be tampered with, opening the door to weakening the independence of the Commission from OPD and city government.

Please support the CPA's Draft Measure. The Commission and the community need to stand together in this critical moment of opportunity to effectively strengthen Measure LL.

Thank you for your attention and your service on the Commission,

Myrna Schwartz
[REDACTED]
[REDACTED]

From: Onofre Antonio Abarca
Sent: Thursday, May 28, 2020 7:27 AM
To: Rus, Juanito
Subject: Item 12 on agenda

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

My name is Onofre Antonio Abarca, I am Chicano and live in District 4. (member of the Latino Task Force,) I am speaking to item 12 on the agenda.

In 2016 I voted to have a strong and independent Police Commission because the Oakland Police department needed true civilian oversight.

But now in an effort to strengthen the Commission we are seeing the possibility of making it weaker.

I urge you to include in your Measure LL re-write:

- 1) Your ability to convene a discipline committee*
- 2) Remove the "exigent circumstance" clause which essentially gives the Chief the authority to declare martial law at her/his discretion .*

Police have to be held accountable for their actions!

Thank you

Sent from my iPhone

From: Rev. Brian K. Woodson Sr.
Sent: Thursday, May 28, 2020 3:36 PM
To: Rus, Juanito
Subject: PROTECT THE POWERS OF OAKLAND POLICE COMMISSION

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Re Agenda Item #6

I am Reverend Brian K. Woodson, Sr. pastor of Bay Area Christian Connection and Director of Clergy Development and a community organizer at Faith in Action East Bay. Faith in Action is an active member of the Coalition for Police Accountability.

I strongly urge the Commission to take every necessary step to honor the vote of the Oakland community, which in passing Measure LL, sought to establish a powerful oversight Commission for the Oakland Police Department. Any fixes to LL on the November ballot must deliver on voters' original vision and must guarantee the Commission's independence from city politics. Also essential are the Commission's powers to ensure that police disciplinary measures are effective and fair and that the Commission can revise OPD policies.

We—the community and the Commission—must join forces now to effectively strengthen Measure LL. This is a moment of great opportunity that must be maximized for all of us, for all the citizens of Oakland. I urge you to stand with us and support the Draft Measure proposed by the Coalition for Police Accountability. Together, let's move forward to improve and further empower the Police Commission rather than to weaken it.

--

Servant BK Woodson, Sr.
Director of Clergy Development
Organizer
Faith in Action East Bay

oaklandcommunity.org

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Servant BK Woodson, Sr.
Director of Clergy Development
Organizer



oaklandcommunity.org

From: Alanya Snyder
Sent: Thursday, May 28, 2020 4:53 PM
To: Rus, Juanito
Subject: Agenda Item 12 -Strengthen Police Commission

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

To: Juanito Rus
From: Alanya Snyder
Agenda Item #12 for tonight's meeting

Dear Council,

I am writing as a concerned citizen and member of Oakland's Neighbors for Racial Justice. I stand with the majority of our city when I say that our Police Commission needs to be strengthened. Oaklanders badly want this! I am strongly in favor of the proposal designed by the Police Commission.

A UNITY draft is essential for partnering with the community.

Other key changes necessary for our commission to serve our city:

- Eliminate from (b) 5 the ability of the Chief to be granted martial law authority.
 - Doesn't belong in a charter chapter establishing the commission
 - Gives unlimited power to un-elected department head
 - Legitimizes actions that may be contrary to law allowing a 'lawful' option for extreme misconduct that will be protected from discipline ("just following orders")
- (g) 5 Don't bind hands of the Commission with respect to discipline. Currently, OPD can stall investigations until it's too late for the Commission to have a discipline committee (1 year State deadline). We need to close this loophole and allow for reasonable options. If the Commission cannot weigh in on egregious police misconduct, it will not serve the people and no longer has the power to be useful in the ways that our community needs and desires! This is what we were voting for with the original high voter approval!!

Thank you so much for this important work.

Sincerely,
Alanya Snyder

From: Angela Noel
Sent: Thursday, May 28, 2020 4:03 PM
To: Rus, Juanito
Subject: STRENGTHEN THE POLICE COMMISSION

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

For e-Comment
Re Agenda Item #6

I am Angela Noel, a member of Imani Community Church and a leader in Faith in Action East Bay. Faith in Action is an active member of the Coalition for Police Accountability.

Back in 2016, I supported Measure LL, with my heart and my feet, and enthusiastically canvassed and encouraged friends, neighbors and fellow congregants to vote yes. I take great pride in knowing that voters across the City of Oakland had the vision and foresight to establish the Commission. Now, Commissioners, you and I and the City must have the commitment and courage to ensure that the vision finally becomes a powerful, impactful reality and not a weakened facsimile.

I urge you to support the Draft Measure proposed by the Coalition for Police Accountability. Let's make sure any fixes on the November ballot are needed, brave and bold steps forward. Oakland voters, our community, deserve nothing less.

From: Mary Vail

Sent: Thursday, May 28, 2020 5:01 PM

To: Rus, Juanito; Regina Jackson; Henry Gage, III; Ginale Harris; Tara Anderson; Edwin Prather; Jose Dorado

Cc: grinage, rashidah; Israel, Debra; Mariano Contreras; Paula Hawthorn; Gallo, Noel; Kaplan, Rebecca

Subject: My e-mail public comment, items on Police Commission Agenda of 5/28/2020

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I. # VI. GENERAL PUBLIC COMMENT:

As the events in Minneapolis unfold, we are shown again that numerous systems and conditions, including structural racism and oversight structures hot-wired against holding officers accountable for misconduct and/or violations of the law. In some cases, officers employing agencies are held to account financially. But it is rare that individual officers are held to account, even rarer that supervisory officers are held accountable. As happened in Oakland in 2015-2017, officers and/or police managers covering up fellow officers misconduct occurs without consequence. Police Department internal affairs units have an important role, including investigating use of force cases and overall, enforcing rules, policies and professional standards. Unfortunately and as we saw most recently with OPD's Internal Affairs Investigation of the Pawlik fatal shooting, OPD's IA's performance is far closer to serving as an "Officer Justification Unit".

Please keep these realities in mind as you review the proposed revisions to Measure LL.

II. # VII Update from the Interim Police Chief:

Here's a question that I hope that Commissioners will ask of the Police Chief: What are you doing to address OPD's (pre-Pandemic) problem with police overtime and OPD's history, every year, of far exceeding its overtime budget. It is long time past for OPD to change its ways and unconscionable for OPD to continue to pretend this is not a problem, given the pre-Pandemic and current fiscal challenges facing the City and all the sacrifices that other City services/Departments and employees are being asked to defer, sacrifice.

OPD and the OPOA like to sell the sorry that the only effective solution is to hire more officers. Yes, there is a connection between overtime and low or under-staffing, but OPD has had both a large overtime budget and a record of exceeding that budget that has persisted for decades. Fortunately, having worked in and/or led both a suburban (San Mateo) and big city (San Francisco) police department, Interim Chief Manheimer has the (non-OPD) expertise and experience to inform the Police Commission and the Council Public Safety. So she can share her experience----how large were those other departments overtime budget? Were there year to year fluctuations in overtime in

SF and SM? A regular record of staying in budget or exceeding ? What tools did the other departments use to reduce or more effectively regulate overtime?

III. #X Budget Issues:

My thanks to the Commission and the CPRA Director for your work to date regarding the Commission and CPRA budgets.

Having reviewed the City Administrator's budget memo to the City Council, I have some concerns relating to the OPD budget.

One reason that the OPD-community relationship has not progressed as far as it could or should have is that the parcel tax funded Measures Y/Z community policing initiatives have not been fully implemented. As a community member and a property tax payer, I am troubled to see that nearly 2 million in community policing officer (CRO's) funds will be redirected to non-CRO work. I therefore urge you to ask OPD some hard questions about the impact on the community policing program of this diversion of funds and whether there are other alternatives exist to raise an equivalent amount of budget savings?

IV. #XII. Measure LL Charter Amendment:

As a general matter, the current narrative, highly charged, often misleading, partially untrue and OPOA driven is a perilous one. It was not politically viable, back in 2016 (post OPD rape scandal), either for the Mayor to support micro oversight reforms as an alternative or for the OPOA to credibly argue that the status quo form of oversight was sufficient. If you have any doubts about the police union lobby's record of frustrating police oversight/accountability, I commend to you MSNBC's interview of Congresswoman and former Assembly Speaker Karen Bass on that subject. Ultimately, at this point the best outcome for fixing Measure LL may be nothing on the ballot this year.

The current Council amendment language is already being ably addressed by the CPA and other community voices. So I will address only one topic.

Unacceptable and profoundly undermining to OPD oversight are the proposals to take out disqualifications/qualifications from current Charter. This issue should not be taken from the 2016 voters and puned to the City Council. It politicizes the issue of who serves on the Commission. It is based on the assumption that only those who have walked in the shoes of police officers are competent to serve on the Commission or that the Commission and Selection Panel need to be regulated/controlled by having those bodies include OPD members or OPOA staff. The SFPOA has a long history of lobbying on SF Police Commission appointments and appearing before the SF Commission. They should do that in Oakland, rather than trying to pack the Commission with OPOA-friendly voices by Ordinance.

Mary Vail

From: Terri McWilliams
Sent: Thursday, May 28, 2020 4:59 PM
To: Rus, Juanito
Subject: Measure LL Amendments - E-Comment Re Agenda Item #6

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I am Terri McWilliams, a resident of Oakland (born and raised), a member of Imani Community Church, and a Faith in Action East Bay leader representing Faith in Action at the Coalition for Police Accountability table as a steering committee member.

Not only did I vote for the implementation of the Police Commission, I was one of the Coalition for Police Accountability members who help develop language within the original ordinance. As such, it's vitally important to me that you to fully support the amended changes suggested by the Coalition for Police Accountability so that needed fixes continue to ensure that the Commission remains a powerful voice of voters, like me. To do otherwise, weakens the independent workings of the Commission and is for me a suppression of my voter voice.

Thank you,

Terri

Be sure to complete the 2020 Census and confirm that you are registered to vote in November

Keeping the Faith and Moving Onward
Stay Woke - VOTE!!!!!!!!!!