



**CITY OF OAKLAND  
OAKLAND POLICE COMMISSION**

**Special Meeting Transcript**

**Thursday, January 9, 2020**

5:30 PM

City Hall, Council Chambers

1 Frank H. Ogawa Plaza, Oakland, California 94612

Ginale Harris: Okay, what time is it? Let me see. Okay, it is 5:37, and we're going to call to order. Let's do roll call. Commissioner Dorado?

Jose Dorado: [Presente 00:11:49].

Ginale Harris: Commissioner Gage?

Henry Gage III: Here.

Ginale Harris: Commissioner Anderson?

Tara Anderson: Here.

Ginale Harris: Commissioner Harris, here for myself. And Commissioner Prather?

Edwin Prather: Here.

Ginale Harris: So we have a quorum, so we are going to retire to closed session and ...

Edwin Prather: Is there public comment?

Ginale Harris: Do we have public comment before we go to closed session?

Female: [inaudible 00:12:19].

Edwin Prather: This would be the time for public comment about the closed session, and then there'll be another-

Tara Anderson: Right.

Edwin Prather: ... public comment, I think-

Tara Anderson: General.

Ginale Harris: General.

Edwin Prather: ... later in the evening. Right?

Tara Anderson: General [crosstalk 00:12:31].

Ginale Harris: Mm-hmm (affirmative). Okay. We're going to go to closed session right now. (Silence).

----- Closed Session -----

Ginale Harris: (Silence).

Ginale Harris: Okay. We're going to start the meeting. If I could call all of the commissioners to the diocese, please.

Ginale Harris: (Silence).

Ginale Harris: Okay. We're going to start our meeting right now. The time is 6:52. So we just had a closed session and there's nothing reportable on the closed session. So we're going to call it a order and I'm going to take roll call at this time. Commissioner Dorado?

Jose Dorado: Present.

Ginale Harris: Commissioner Jordan?

David Jordan: Present.

Ginale Harris: Commissioner Gage?

Henry Gage III: Here.

Ginale Harris: Commissioner Anderson?

Tara Anderson: Present.

Ginale Harris: Commissioner Harris, here for myself. Commissioner Prather?

Edwin Prather: Here.

Ginale Harris: Commissioner Brown?

Chris Brown: Present.

Ginale Harris: So we have a quorum. Okay. I'm going to go to open forum right now and I'm going to call your name. Please come up to the podium. Michelle, Kat, Paula, and Mr Bay, John Bay.

Michelle: Good evening, Commissioners. Michelle [Azanero 01:28:12], spokesperson for the Bandabaila family regarding missing persons case for Jonathan Bandabaila. I'm aware that this commission has limitations, I know that we need more community members to be involved, to bring issues to your attention and to give you our outspoken support. But for Jonathan Bandabaila, and other missing person cases, what more do we have to do to get results?

Michelle: It's been eight months now. We've outlined the policies that are outdated, the most important policy being department general order 0-6 Missing and Abducting Persons, dated December 15th, 2009, yet the current missing persons investigation guideline by the commission of Peace Officers Standards and Training in California is dated 2011.

Michelle: At the last public safety meeting, Assistant Chief Darren Alison responded to our allegations that their policy was outdated. He responded that they're working on it. What does that mean? I checked yesterday and it's still the old policy. Why is it taking them more than eight months to update a single policy? Why didn't Chief Kirkpatrick, a deputy chief, a captain, a Lieutenant, or any supervisor, notice that this policy was outdated before we brought it to their attention? Did absolutely no one notice? Or they just decided it wasn't a priority and did nothing about it?

Michelle: We told you that the missing persons unit has been understaffed for at least three years, per their own assessment in their annual report. Two detectives for approximately 1,500 cases annually. What has chief Kirkpatrick done to address the staffing issue? Where is the 2019 Oakland Police Department annual report? Detectives are allowed to change assignments without satisfying a minimum five year commitment. So the most trained and experienced people available to investigate missing persons cases are lost to other assignments.

Michelle: Other departments have a minimum five year commitment. So what's preventing OPD from doing the same? We told you that OPD needs a social media policy. According to the international association of Chiefs of Police, a center for social media, a law enforcement social media policy is crucial for several reasons. The development of sound policy is integral to efficient agency operations. As with many new technologies and issues, the use of social media requires a well articulated policy that addresses the unique concerns and functions of a law enforcement agency.

Michelle: Eight months later and they still have no social media policy. Can social media save lives? Yes. Last week, a 13 year old girl, Sienna Carter from Fort Bragg went

missing in San Francisco. January 3rd she was reported missing, her picture and details were immediately shared all over social media. As a result, she was located Sunday, January 5th after citizens recognized her and called local police. She was located in the company of a 22 year old man, so imagine what could have happened if citizens didn't recognize her.

Michelle: Is social media effective? Yes. Nia Wilson was killed at the MacArthur BART station in 2018, police held a press conference and a suspect's image was shared all over social media. As a result, 21 hours later, citizens spotted the suspect on a BART train, notified police, and the suspect was taken into custody.

Michelle: Social media works. It's an effective tool. OPD not having a social media policy is why they were able to post information on social media about a missing French bulldog puppy faster and with more urgency than for Jonathan, and that no one will be disciplined or written up for making that decision. Tell us what more we have to do to get this fixed for all of the other families of missing persons who will never attend to one of these meetings.

Michelle: Imagine Jonathan is your son, what would you expect from OPD? Most every task that's been completed for Jonathan's case came as a result of demands, repeated requests and pushback from his family and commissioner Harris. The police department should be a partner of the community and be our safety net. OPD can't be a responsive, effective partner or a strong safety net without updated policies and procedures, trained staff, sufficient staffing and a chief who is a leader and cares enough to prioritize it.

Michelle: Jonathan's family took out a loan for \$10,000 in order to offer a reward. They took this action due to lack of confidence that OPD will solve the case. Not every family has resources to get \$10,000 or even a loan. They shouldn't have to. Again, we ask you to evaluate the missing persons unit. Find out their current case load. How many open cases do they have? How many are suspicious or at risk? How many are solved? Why aren't they doing any public safety awareness around missing persons cases? Don't ever forget about Jonathan. Use your outrage about how this case was handled or mishandled to request discipline and demand immediate policy changes within OPD that will help the next families.

Ginale Harris: Thank you.

Paula Hawthorne: Paula Hawthorne with the coalition for police accountability. I'm speaking in open forum, rather than at the actual item itself because I'm not sure that you will get to that item before I need to get home and go to bed, and that item is item 11, and that is the youth diversion program. I really want to call your attention to what is in the agenda.

Paula Hawthorne: This is a great program, the youth diversion program. The agenda probably just says NIC JR, but nevertheless, the whole idea here is that you have a young

person who has been arrested, and rather than putting them through the whole process of having them be charged and so forth and then have them go to a restorative justice program, you do it beforehand. It keeps them from having this on their record, which is an amazing thing to do. It's a good program and I do hope that you will support it. Thank you.

Ginale Harris: Thank you.

Saleem Bay: Good evening. Saleem Bay, start of a new year, and we're basically at the same place with the same chief with the same issues that we've been speaking about for the last 17 years, and every month, every quarter, we keep getting the same information about the same chief that the department is going backwards. Every indicator says that it's going backwards under this chief. So it doesn't matter how slick she is when she stands up there and tells us that up is down and down is up.

Saleem Bay: Violence has increased in Oakland and the people who are most prone to the violence are the people in the communities that the police are occupying, as opposed to community policing. We need to fire this chief, but we're not talking about firing the chief and then promoting the same dirty people who are in the chain of command who are in the pipeline. The reason why they're in the pipeline is they covered up something at an earlier stage and so now they're palatable by their superiors to be promoted, what's called failed upwards.

Saleem Bay: This is what OPD does. So every time that you cut the head off of OPD and replace the chief, the same issues happen. The exact same issues happen as the oversight body. It's disrespectful for you to hear this every week, every month, every quarter that this chief is failing. As her oversight, it's up to you to make sure that you fire this chief so we can get on with that, and not just fire her, but dismantle this whole system. It's a corrupt system, it's based on a slave system in order to control black people inside the community. So how can you fix that system? You can't. You can't fix slavery. You have to abolish it. Abolition. If you don't abolish OPD in its current form, then we are spinning our wheels and more people will be disserved by this chief. Fire her. Fire her now.

Ginale Harris: Thank you Mr Bay. Kat?

Kat: I'm going to pass.

Ginale Harris: Okay. Any more speakers for open forum? Mr Bay.

John Bay: Good evening, John Bay. I also wanted to say that I'm a firm believer that the current chief of police does need to be fired. Just in the interactions between the commission and her, she's not presented a good example of what OPD is, or she hasn't presented an example of the leadership of the kind of department that we need in Oakland.

John Bay: We've done it the bad way, it don't work. I think we got what, how much does Warshaw get a year? So that's proof that OPD don't work. They got to have a doubly paid monitor compliance director and still not get it right. So regardless of the history that they still are under federal oversight since 2003 and every chief has failed, this particular chief has also failed. So she has to come to the same conclusion that they did, move on. So in order to redo the police department, how we need it to rebuild the community, and preserve what Oakland is, we can't have the current direction of the police department.

John Bay: So it stands to reason like the brother just said, like Saleem just said, the body is poisoned. You can replace the head, but the body's foul. You've got to redo the whole structure and rebuild it with community involvement, and community at the head, civilian leadership of the department where a chief reports to a community elected citizen, and that'll be over ... It's the same as when Landreth, the police department answers to her. But she's proof as to why you don't want an appointed official in that position because then they'll misuse that power for their gain. That's not just saying, that's the fact. So it needs to be ...

PART 3 OF 10 ENDS [01:39:04]

Mr. Bay: Just, saying that's the fact. So it needs to be someone from the community to be over this department and then we can go forward.

Speaker 6: Thank you Mr. Bay. Ms. Asada.

Ms. Asada: We can never ever forget Jonathan. I know I won't. I took some time to look into detail at proposition 209. Proposition 209 was passed by the voters in 1996. It is state statute constitutional law. It states that you cannot create any preferences as it relates to any actions that you take in public government, public contracts, public education related to race, gender... oh, I forget the other one. But for me that means the state of California says anything that happens to black people, you cannot give a preference to weighing-in on solving that issue. Okay. So right now at the Oakland School board meetings, they can't do anything to help black children who are failing. They have something called LCAP, which identifies groups that have problems and they need assistance. Foster children, limited English language-speaking children, special ed children, poor children.

Ms. Asada: But you can't help black children. You can't help black people in the state of California because proposition 209 says it is against the constitution. So in 2011, Senator Edward Hernandez tried to do something about it and it passed. It only related to public education and having the ability to have more underserved children get into the colleges. But Jerry Brown vetoed that. 2014, Senator Edward Hernandez tried it again, but certain special interest groups said, "No, we don't want it." Particularly the Asian American community fought against it.

Ms. Asada: So I'm telling you right now, if you ever decide, because I've been fighting for this, to look at the issues that impact African Americans or any group, sex,

gender, and I don't know how you're doing it with the LGBT community because the state constitution said you can't do it. You can't do anything to help any group of people. That's a preference. That's the ending of affirmative action. So I don't know how we're going to resolve this problem because you getting ready to talk about the black police officer's grievance. But according to the state constitution, you can't look at a group of people by race and resolve their issues.

Speaker 6: Thank you Ms. Asada. Are there any more people that want to speak in open forum?

Speaker 6: Okay. So this is our first meeting back from break and unfortunately one of our CPRA staff members, who was very, very vital in our operation here, has passed away. Ms. Verdine. And so I want to adjourn the meaning in her memory. So I want to have John, if you can just say a few things about her.

John: Sure. Thanks. Reading class, was with us for nine years and she was a really valuable employee of CPRA. She particularly helped with a lot of the stuff you see here at the meetings, so for those of you in the public that are getting agendas or having materials up there in, the front, Verdine was largely the person who did all of that work, as well as keeping us all on our toes inside the office. She was very strict, and I appreciated that about her. She also had a great sense of humor and was really sincerely a nice person. She passed away over the holidays, tragically. We all miss her a lot. She has family back in Minnesota. She'll be buried there, we're told. So to the best of my knowledge, there aren't going to be any further services here in Oakland, unfortunately. And so we're going to try very hard in 2020 to do our best without her. But that will be challenging. I'm sure a lot of you had opportunity to meet her. If you have anything you'd like to share about her after the meeting, I'd be happy to hear some more stories.

Ms. Asada: Thank you John. Okay, so before we start this meeting, I want to say, "Welcome back" and, "Happy New Year's," to everyone. 2020, so all ready to get started. I was not here at the last meeting, as all of you know. I was on vacation in Africa enjoying my roots. But I did go back and I watch the tape. I watched the tape and I saw some things that were of a little concern, and I just wanted to address them today. I wanted to take a moment before we began the meeting to address two concerns I've noticed from members from the community. I'm always being held accountable and I'm okay with that. But it runs two ways, right? Community is about love and respect, and I believe that I do my best to try to do both of those things when I'm up here on this dais. And I said try.

Ms. Asada: Particularly from the last two meetings, from several members of the Coalition of Police Accountability, at the last meeting I wasn't present two members from the CPA came to speak on emotion and the commission's voting to table an item. And I remember that very vividly. That was the last time I chaired this meeting. I was misrepresented. I'd like to take a moment to clarify what I said and disrupt the narrative that was spun about the actions and the words at the last meeting. Referring to them, item, reporting on policing of Oakland's

unhoused communities and speaking to the other item, draft ordinance on military police, which took about an hour and a half of the meeting. I said, and I quote, "These are two big things that we had on the agenda and it's going to take a lot of time for this meeting," meaning the discussion on unhoused communities.

Ms. Asada: This is an item that I particularly was interested in but a lot of people wanted to speak on this, and it's late, and nobody's here. I'm saying this because last meeting we stayed here until midnight, and this was not going to happen again. But these are two big items that needed lots of discussion. And so we don't have that time tonight. And that's a quote from the transcript and a quote from the tape. I made a motion. I made a motion because I know there's a lot of necessary community input and only five people were in the room, and because one of the other items took over 90 minutes. In addition, the speaker was allowed to speak as long as he needed to. He was not stopped, nor given a timer, despite what the two coalition members who spoke on this at the last meeting misrepresented.

Ms. Asada: All I was attempting to do was to make sure that the item had sufficient time to be discussed by commissioners to honor the complexity of the issue. The person invited to report on this was not turned away or disrespected. However, what was said about me was at best disrespectful, and at worst, dishonest. I'd like to remind the community that we are all volunteers. Overwhelmingly. All of us have full-time jobs. Many of us have children. When we make a motion to make sure that such a critical item gets our best thinking, and we want to be at home at a responsible hour, perhaps considering the intent of such hardworking volunteer commissioners would be a good look for attempting to admonish us.

Ms. Asada: Speaking on admonishment, here's the second concern. It was brought to my attention that another member was highly inappropriate to Former Commissioner Benson, who was filling out her speaker card. She came to me with two other commissioners immediately after it happened and was shaking profusely. I'm offering an admonishment to any member of the public that thinks yelling profanity or violating someone's personal space is acceptable. While we are welcome to have a disagreement, that was out of line, and I expect more from the community members here to support our work. So I just wanted to say that because we are all community, and community is about love and respect, so it runs both ways.

Ms. Asada: Any other commissioners would like to say something? Mr. Dorado?

Jose Dorado: Thank you, Madam Vice Chair. I want to correct a point of clarification that was made last, our last meeting in December. A speaker said that the Latino homeless was only 3%. Wrong. At least in 2017, it was 17%, and I would think it's safe to say... Will you...?

Speaker 6: Ms. Asada.



Jose Dorado: I think it would be safe to say that it was approximately the same now based on the conditions that we see now. So I think, I think that it's a completely inappropriate, if you can't come with facts then don't come at all. If you can't speak, you can't speak to the facts that don't please.

Speaker 6: I need order please.

Jose Dorado: So if you, if you-

Speaker 6: Hello?

Jose Dorado: -got facts, bring them. But worse yet, where's he at then coming in with misinformation? This speaker makes a particular point-

Speaker 6: Ms. Asada.

Jose Dorado: -minimizing-

Speaker 6: Let him speak please.

Jose Dorado: -the effect of racial oppression on Latinos. And this has been a line that we've had to hear for a long time. Will you allow me to speak? Will you allow me to speak? Will you-

Speaker 6: Excuse me.

Jose Dorado: -allow me to speak?

Speaker 6: Excuse me. If this is going to go on this way, we're going to have to adjourn meeting because we can't continue this way.

Ms. Asada: He's a white Latinos. They got brown Latinos. They got Asian-

Jose Dorado: Yep.

Speaker 6: Ms. Asada.

Jose Dorado: That's right. And that's our strength. That's our strength.

Speaker 6: Ms. Asada.

Jose Dorado: We can be any race. So everybody here, everybody in this room, is doing real important work. We put a lot of effort into everything that we do here because it's so critical. We can't waste our time listening to destructive and divisive nonsense. If you talking about divide and conquer, you're playing the oppressors' game and that's the fact. So if you're going to be coming with nonsense-

Speaker 6: Okay, okay. Enough, enough, enough.

Jose Dorado: Don't come. Come with truth. Come with fact-

Speaker 6: Commissioner Dorado?

Jose Dorado: -or don't come at all. Don't come it all. If you can't [crosstalk 01:52:01].

Speaker 6: Okay, we're going to adjourn this meeting.

Jose Dorado: -then, don't come at all.

Speaker 6: Take a break. We're going to take a break. We're going to take a break. Recess. We're going to take a recess. We'll take a recess.

Jose Dorado: Don't come it off [crosstalk 01:52:21].

Speaker 6: Back in five minutes. (silence)

Speaker 6: Okay. Should we re-adjourn? I mean re-come-back? Convene? (silence)

Speaker 6: Okay, we're going to reconvene this meeting with some love and respect. Okay, we're going to go to the next item, which, Oh... Please.

Connor Kennedy: I'm Connor Kennedy. I'm obviously general council up here for the commission. At the direction of the chair, it's my responsibility to flag what the bylaws say about disruptive folks. And it's my responsibility to let the chair know that she possesses the discretion and the power to remove folks from the meeting room or handle however the chair would like to. Anyone who engages in disorderly conduct that disrupts the orderly course of the meeting and that includes expressly making noise, speaking out of turn, or otherwise refusing to comply with the commission rules governing the meeting. I just wanted to make sure that I flag that as parliamentarian, and just to identify that these rules are put in place for the do and orderly course of the meeting. So with that, Madam Chair, whatever you want me to sort of inform the commission of, I'm right here.

Speaker 6: Thank you. Okay, we're going to go to item seven. Vote to approve release of RFP for closed captioning services. This is a new item, and the commission will review a draft RFP for closed captioning services and vote to finalize the issue of the RFP.

Speaker 6: Any commissioners have any comments or?

Connor Kennedy: I could briefly mention why we have a site of mine if that's right with the chair.

Speaker 6: Okay. Thank you.

Connor Kennedy: At some of our previous meetings here of the police commission, some members of the public have asked whether we might be able to provide closed captioning and the same manner as done at city council meetings, and particularly in order to help folks who might have any kind of a hearing deficit better understand what's being said here at the meetings. To our understanding, there aren't any other Oakland commissions that are doing that, but obviously the city council does, and with the help of the folks at KTOP, the ADA Services Division, and also Contracts and Compliance. Big "thank you" to all three of them. We got some solid advice and direction about how we might do that here at the police commission, if that was the well of the commission.

Connor Kennedy: This request for proposals here has been put together with the help of those agencies, particularly Contracts and Compliance and Mr. Rouse, who'd be available to answer more detailed questions about this. Pursuant to the commission's contracting authority, we could issue the RFP described here in item seven in order to move forward on finding someone to do the closed captioning. If you take a close look at the agenda report on page two, there are five bullet-pointed items there that the commission is supposed to weigh in on. Anytime we put together an RFP, we'd suggest that the requests or proposals that's attached here, it's all five of those points, and is ready for the commission to instruct us at CPRA to move forward on. But of course if the commission has any other instruction or questions, we're happy to take those. And I think if there are detailed questions about the nature of this RFP or closed captioning services in general, Mr. Rouse would be best situated to answer them for you.

Speaker 7: I have a question. Oh, I'm sorry. No, go ahead. Commissioner Brown.

Chris Brown: Thank you. I'm just curious, what is the anticipated domain of applicants for this work?

Speaker 8: So currently the city has two different agencies. They have such contracts for realtime close captioning, KTOP and Equal Access. The RFP that's in your packet is actually just a modified version of the KTOP RFP that they used for council meetings, and my understanding was that there were a number of bidders. I am not sure what the exact number are, but once the RFP is issued then we'll see who shows up.

Chris Brown: But it's greater than two.

Speaker 8: It's greater than two. That's correct.

Speaker 6: Commissioner Gage.

Henry Gage III: Thank you, Vice Chair. First, thank you to both Mr. Bruce and Mr. Alden for your work on this RFP. A request. It appears from the agenda packet that the term for this contract is going to be multi-year, and I recognize that we could not receive the services requested under this contract under the citywide contract

for closed captioning. Since we can't do that now, I'd like to position ourselves to do that moving forward. So if we can time the renewal period of this contract to coincide with the renewal period or end of term for the citywide contract, it would then enabled us to essentially offset this expense from our budget onto the city's budget when that term comes back up. And it could be negotiated hopefully into the citywide contracts. We won't have to do this again in however many years.

Speaker 8: In answer to that, so there isn't a citywide contract. There are two specific contracts. Each one of them was done by a different department. There's one that was done by KTOP for the express purpose of council meetings, and there's the second one that was done by Equal Access for their purposes. Both of those actually have similar terms. The nature of this contact would be a \$50,000 cap over three years. So you can spend up to that much with the possibility of an extension, depending on whether there's money leftover in that \$50,000 cap. The actual services themselves would be billed at an hourly rate for commission meetings.

Speaker 8: The two contracts that currently exist within the city of Oakland have actually fairly wildly different hourly rates. The KTOP contract, I believe runs \$120 to \$150 an hour. Somewhere in that range. The Equal Access contract funds close to \$300 an hour. So we'll have to see what the bidders can come with on that front. My understanding is also that KTOP is currently seeking outside grant funding that could be applied across citywide, including to ours. That would take it out of the police commission budget, but that would require that to come through. So the way it's currently budgeted, it doesn't just come out of the city's budget, it comes out of the KTOP budget. So there's not just a city contract. Does that clarify?

Chris Brown: Thank you. It's my mistake. I should not have said citywide. It's right in the front page of the agenda packet, existing.

Speaker 8: Okay.

Chris Brown: I suppose the overall thrust of my point is to attempt to shift this particular line item off of the commission's budget. I think there's a reasonable argument for doing so under more general Equal Access provisions. How we do that is certainly up for some debate. So perhaps we have to go back to council and ask them to try and take that over but for now simply timing it could be good enough and we can revisit this at the appropriate time.

Speaker 8: And just quickly, like I said, my understanding is, in talking to KTOP, that they're currently seeking outside funding sources and that we would be included in those. It would be for citywide funding of those types of services. In terms of the individual budgets, almost everything related to police commission meetings come out of the police commission budget. So you know the parking, the every other detail comes out of the police commission. If this expense winds up being large enough and impactful enough, then clearly, as part of the budget requests

or the midyear budget request, I mean it's all coming out of the same pot of money regardless, right? It's all city money, whether it's in the commission budget or some other part of the city budget. If this is an impactful enough of a line item, then I'm sure that an argument could be made to council to increase the commissions budgets specific to this contract.

Speaker 6: Thank you. Commissioner Prather.

Edwin Prather: Yeah. Thank you, Madam Vice Chair. Mr. Rousse, Mr. Alden, echo Commissioner Gage's points. Thank you for your workup on this. To be honest, frankly, fellow commissioners, I just don't agree. I see that one individual had contacted us about close captioning services. We're spending a lot of time and money discussing this issue, and I just don't know that there's a need. Why aren't we translating the transcripts of meetings into Spanish? I don't see how this helps us combat racial profiling. I don't see how this helps us.

PART 4 OF 10 ENDS [02:12:04]

Edwin Prather: Combat racial profiling. I don't see how this helps us provide oversight over the police department. I get equal access. I get it. Trust me, more than anybody. I understand the issues that come along with that. But we're talking about spending up to \$50,000 for a perceived need that we don't know how great it is. And I'm hearing about the Bond Bella family borrowing 10 grand to put up a reward. How offensive is that? How offensive is us looking to spend five times that for close captioning when I don't... Is there a body of people watching us from home that needs that? I don't see evidence. I don't see proof of that.

Edwin Prather: If it's an access issue, right? If there are communities of people who don't have access to us, why are we not out there? Why are we falling down on our social media policy? Why are we not getting out there the things that we have done. This is low hanging fruit. We just want to do this because it's easy and because we have money, "Oh, let's spend it on this." But we haven't advertised our probation stop policy. We aren't following up with the app where there's so many other things that we could just do with effort and not money to get the word out to the public to effect people and we're not doing it.

Edwin Prather: And we just want to sit here and we want to review this close caption policy and we want to go ahead and spend money to do it. I feel like, this is 2020 and my new moniker for this year is if it doesn't help combat racial profiling and if it doesn't deal with direct oversight of the police department, why are we doing it? We need to focus on what we need to focus on. And this just takes us far field from where we need to be. This is a distraction to us and I don't want to be offensive to people who are hearing impaired or who have access issues, but there are a lot of people who don't have access to us besides the hearing impaired and we're not doing anything to address that. So, we either we're going to do it all or we need to figure out a plan.

Edwin Prather: But this to me feels very piece mail. I would suggest that we table this for another day and address the problem that we have in a different manner.

Vice Chair: Thank you commissioner. Any other commissioners before we take public comment?

Henry Gage III: Vice Chair.

Vice Chair: Yes. Commissioner Gage.

Henry Gage III: Two questions. First, the genesis of this RFP was an individual contacting the commission requesting closed captioning. Is that correct? Okay, thank you Mr Ruse. The second is, besides that individual contact, was there any other validation need? Is this an ADA necessity or is this a response to that particular concern? Curious on background.

Mr Alden: That's an interesting question. We've actually had two people approach us about this issue. Both of whom indicated they'd been to police commission meetings and found that it was difficult to follow what was going on without closed captioning because of their individual situations. I infer from the fact that to date, the City of Oakland has provided closed captioning for city council meetings, but not any other commission. That on some level, the City of Oakland must've concluded that that was sufficient access.

Mr Alden: I think some would probably disagree with that. I think in particular the two individuals who have contacted us feel that they really are deprived of the full ability to participate in this body without the closed captioning. Now, looking at that from a city perspective, one could also say, "Well, that would be true of any other commission and no other commission provides that level of service." I don't have a better answer to that question other than that's the situation we appear to be in. We communicated with the chair about whether there should be an agenda item and concluded it ought to be at least a conversation for the commission to have.

Henry Gage III: Thank you.

Speaker 9: Thank you very much Chair. I can appreciate Commissioner Breather's perspective. However, I would say that the ability, and I'm assuming that the closed captioning could be in Spanish as well. Is that correct? That's a question. Or other languages.

Henry Gage III: I honestly am not sure of that. I do know that some of you know my career in California, things started at the California association for bilingual education. I know that such services exist. Those definitely are not part of any of the other bodies that provide such real time captioning and I know from previous work experience that those are somewhat more expensive, but I honestly don't have a good read on what the actual cost would be or the availability.

Mr Alden: And then to follow up on that commissioner, this is one reason why RFPs under the current legislation here in the City of Oakland come back to the commission. If the commission would like the RFP to request contractors to give a bid for what it would cost to do both English and Spanish or any other combination of languages. That could be part of the language in the RFP. And then we could see what proposals we get back from people who are qualified to do that work and what the cost differentials might be.

Mr Alden: And then we could have a further conversation about which of those services to select once we get some bids back. So, that's certainly an option for the commission to ask CPRA to follow up on, which is, ask those who submit proposals under this RFP to address what languages they'd be able to provide, how much that would cost.

Speaker 9: That's certainly my suggestion. And we get back those prices with the differentials.

Vice Chair: Commissioner Anderson.

Tara Anderson: Thank you Chair. My understanding Mr Alden, when we were exploring based on significant public comment and response to Raheem and concerns about accessibility and language that you and Mr Ruse reviewed the local ordinances in regards to language access and all the forms of the top five languages that must be provided, print materials. I would expect that you have a summary briefing that could be provided to us as commissioners or to Chrissy directly.

Tara Anderson: I'm trying to think of, as a followup to this, how we ensure that we are fully aware and informed on what we are required through city ordinance to do and understanding that oftentimes is many things we'll discuss tonight is a floor not a ceiling, so that we can ensure that we're fully aware of cost of doing things like the to do list that Commissioner Prather identified.

Mr Alden: Certainly, we can make sure to share with the commissioners some of the City of Oakland's materials about the requirement to have certain printed materials in different languages. It's what those look like. We use those at CPRA when we put together our own written materials to be available to the public. I haven't seen anything in that material that speaks specifically to close captioning. But certainly one could infer from the spirit of it that considering providing closed captioning in multiple languages would be something to look very closely at.

Vice Chair: Thank you. Mr Alden. I think that more research, I think Commissioner Prather brought up a good point. It is a slap in the face when a family has to borrow \$10,000 for a reward for their son and we don't really have all the information or facts. What does this have to do with racial profiling? I personally use closed captioning at home. It just helps because I have a hearing issue, which is why I speak so loud, but I just don't think we have all of the information that's needed to ask for this yet.

Vice Chair: We haven't done any community outreach. We don't know who needs it. We don't know who don't. We don't really have that information. So, that's just my opinion. Any other commissioners before we go to public comment. Commissioner Brown? Nope. Okay, so we're going to go to public comment. We have Elise Bernstein and Miss Adda.

Elise Bernstein: Good evening Elise Bernstein. I'm the person who follows the commission who came to ask for close caption because I have really good hearing aids, and they don't work, hearing you and the audience. I certainly understand the hesitation to spend this much public money. But the fact of the matter is that ADA really carries a lot of weight and I was given the choice of going through this voluntarily or the ADA staff person suggested I could always make an official ADA complaint and I wanted to avoid that.

Elise Bernstein: So I accept I would be very unhappy if the vote tonight was to just say no to this. But if you think more research is needed, that certainly makes sense. And as long as you're going to do it, why not do it for all of the languages. For all of the people of Oakland. I would think the AGA office in City Hall might be helpful in giving you an idea about the number of hearing impaired people who would take advantage of this access.

Elise Bernstein: I really appreciate all of the work that Mr. Alden and Mr. Ruse have done on this and I hope that there will be a resolution finally to provide it. ADA could also require that you provide someone who does sign language. If someone requests that. There are rights of various people and we shouldn't dismiss that. Thank you.

Vice Chair: Thank you Ms. Bernstein. Miss Adda.

Miss Adda: I'm very familiar love life, with the equal access ordinance. The equal access ordinance, even though we have over 150 languages that are spoken in Oakland, the ordinance only mandates that accommodations for language happens when you have a population over 10,000 in a group. So, in the City of Oakland, the only languages currently that come under the qualifications are Spanish and Mandarin.

Miss Adda: The ordinance does include besides language translation, that documentation, and this is what I'm talking about, Prop 209. We're not following the ordinance. By right, every document that has been identified as crucial documents are supposed to be provided. So, on this table, you're supposed to have English, Mandarin and Spanish agendas and anything else in those languages. That's what that equal access ordinance says.

Miss Adda: There is some language in the ordinance about sign language, but I can't remember exactly what's being said in that. Because they just did a report to the City Council on the equal access ordinance. But you can't have any languages currently because Mandarin and Spanish come under the ordinance,



which means a population has to be over 10,000 and number two have the accommodations.

Vice Chair: Thank you. So does anybody want to... Henry Gage.

Henry Gage III: Thank you Vice Chair. It seems we have a potential issue with respect to equal access and it seems we have an insufficient understanding of what our obligations are to address this issue. The RFP we have before us isn't a binding contract to provide any funds to any responsive vendor to simply request for proposals. We can move forward on that while also researching. We can table that and research.

Henry Gage III: I don't know what our preference is at this point, but do you think we certainly need to reach out to the city's ADA accommodations officer. I can't remember the name of the department or individual and request some guidance as to what the floor actually is because I am quite sympathetic to Commissioner Prather's argument that we can very easily get off track here. So why don't we figure out what the floor is and go from there.

Vice Chair: Does anybody want to propose a motion?

Speaker 9: I move that we table this issue for now and do the research in all the points we just talked about. We've picked it up-

Vice Chair: So you second.

Tara Anderson: Second.

Vice Chair: Okay. So we have a motion on the floor. Commissioner Dorado? Yes sir.

Jose Dorado: I.

Vice Chair: Commissioner Gage?

Henry Gage III: I.

Vice Chair: Commissioner Anderson?

Mr Alden: I.

Vice Chair: Commissioner Harris.

Ginale Harris: I.

Vice Chair: Commissioner Prather.

Edwin Prather: Yes.

Vice Chair: So the vote passes unanimously. We will table this item until further research is done and John.

John: Yes. Through the Chair, if I may just confirm I've got the points of the commissioner would like us to look into.

Vice Chair: Yes.

John: We'll be looking into timing with respect to other contracts in the City of Oakland to see if there's some cost efficiency to timing the end of this contract to be in the same cycle of someone else's. We'll continue to follow up on the grant that Mr. Ruse mentioned in case there's additional funding there. That's a longer term issue. We will look into whether we might have ways to alter this RFP to also seek bids with respect to close captioning in languages other than English, particularly the target languages that City of Oakland translates written materials into. Such as Spanish and Chinese.

John: Look into whether there's someone in the city or through council that might provide some advice to the commission as to legal requirements for providing this level of access. And we'll be looking to other city agencies with respect to whether there is some information about number of hearing impaired, either participants or viewers that might be using the service. Have I missed anything?

Edwin Prather: No.

Vice Chair: No.

John: Great. Thank you.

Mr Alden: I think there was one additional point which is just reaching out to the city's ADA officer. Right? And we can work together to figure that out.

John: That'd be great. Thank you.

Vice Chair: Thank you John. Okay. We're going to move on to the next item, which is OPD update on Oakland Black Officers Association internal affairs investigation. Do we have anybody from OPD here?

Vice Chair: Hi.

Ron Armstrong: Good evening commissioners.

Vice Chair: Good evening.

Ron Armstrong: Ron Armstrong, Oakland Police Department, deputy chief of police. I can provide limited information on the investigation. I can say that the department has conducted its investigation, that investigation has concluded and the

findings have been rendered not able to speak to the findings or anything additional, it would violate POBR. Police Officer Bill of Rights.

Vice Chair: Okay. So, the findings are not public record?

Ron Armstrong: No ma'am.

Vice Chair: Okay, got it.

Speaker 10: [inaudible 02:29:27]

Vice Chair: Counsel. Is it possible we can find here the findings in close session?

Ron Armstrong: I can absolutely research that once you land on a scope of what you're specifically asking for, I'm probably not going to give you a direct answer depending upon what we're talking about here live on the desk. But I'm more than happy to research that and get an opinion to you on whenever you'd like me to research.

Vice Chair: Okay.

Henry Gage III: Question?

Vice Chair: Yes, Commissioner Gage.

Henry Gage III: Thank you Vice chair. I'd like to request a brief bit of research by council into whether or not summary information about the resolution here can be provided in closed session. And if that could be provided prior to the next meeting, that would be ideal. But something to that effect would be preferred.

Ron Armstrong: I'm happy to do that. I'm also happy to interface with you or if you want to discuss here in public what it is specifically would be shared and by whom in closed session and then I can get you whatever answer you want including by looking directly at the charter and any other sources of authority that interpret the charter on that point. And also of course, looking at how they intersects with POBR which was mentioned.

Vice Chair: Thank you counsel. Deputy chief, so there's nothing you can share? Anything? Nothing?

Speaker 11: No.

Vice Chair: Okay. Fair enough.

Speaker 11: I would just share that it has been investigated and the investigation has-

Vice Chair: And it has concluded.

Speaker 11: ... has concluded and has come to a finding. I hate to point it to director Alden, but he might be able to provide you some insight.

Vice Chair: Okay. Can you tell us when it concluding?

Speaker 11: It concluded last month. It was signed off by the team.

Vice Chair: December?

Speaker 11: Yes. In December.

Speaker 12: [inaudible 02:31:28]

Vice Chair: Any commissioners with questions.

Mr Alden: Through the chair? A couple. If that's right.

Vice Chair: Yes sir.

Mr Alden: Chief, separately from any disciplinary case that the police [inaudible 02:31:43] might be looking at that will be covered by POBRA.

Speaker 11: Yep.

Mr Alden: Is there another study or inquiry that the police department is doing with respect to say the application of discipline in general, which is a more broad issue brought up by the original OPOA complaint?

Speaker 11: Yes. The department is currently, we have a contract with Hiller Heinz and Associates. They're studying the disproportionate discipline. They have a study that they're looking at all of our discipline over several years to make sure that discipline was issued fair and equitable according to policy. We expect that in sometime in 2020, we will get that report back. They have a working group now that is providing feedback to that to Hiller Heinz on their study and so the discipline study will be hopefully done by the end of the quarter, hopefully.

Mr Alden: In addition to that, I noticed that in the OBOA's letter they raised concerns about hiring and promotion within the department and whether there might be some at a minimum disparate impact going on if not discrimination going on in those regards according to their letter. Does the police department have a separate study about that issue going on in the way that is going on with a discipline issue?

Speaker 11: The discipline study will include that as well. It will look at some areas of that. Chief Kirkpatrick has partnered with the director of Race and Equity, to begin to provide race and equity training within the department. We've also moved forward with creating race and equity teams within the department as a result

of that. It's a four-part training that has already been started. Director Darlene Flynn is partner with Lieutenant Shavis from my training department. They're co-instructing that. So, that's been provided in the department as well as in the city in the equity teams or something that we're moving forward on right now.

Mr Alden: Okay.

Vice Chair: Commissioner Brown.

Chris Brown: Thank you vice chair. I'm curious if the result of the discipline study can be anonymized enough to be shared in public or they'll remain confidential as well.

Speaker 11: I can't be specific as to what the finished product of the discipline study might be. I think we will consult with the city attorney and see if it's appropriate to release publicly.

Speaker 10: [inaudible 02:34:24]

Vice Chair: I have another question. Can you provide us the name of the agency that did the investigation?

Speaker 11: I don't have that name off head, but we can provide that name to director Alden.

Vice Chair: Okay. One more question. Has the agency that conducted this investigation, have they ever been used by OPD prior before in any other investigation? That's one part of the question. And have they ever been used by the city before? City of Oakland.

Speaker 11: I don't have the answer to those questions at this point. I didn't come prepared specifically to speak to the history of the investigating agency. I will take those questions back and again, we will provide those answers to director Alden to provide to the Police Commission.

Vice Chair: Can you give me a timeline and when we will get those answers?

Speaker 11: Oh, we'll have those answers for you by tomorrow.

Vice Chair: Oh, thank you.

Speaker 11: Yeah.

Vice Chair: Tomorrow.

Speaker 11: Director Alden. Are you coming over tomorrow?

Mr Alden: I do know that I'm scheduled to be at the PAV tomorrow for a couple of meetings in the morning.

Speaker 11: Okay. We'll meet with director Alden before he leaves tomorrow and get him that information. We have the city attorney there [inaudible 02:35:42].

Mr Alden: Perfect. Thank you.

Vice Chair: Any other questions from commissioners? Okay, we're going to go to public comment. John Bay and Saline Bay.

Speaker 12: Do you have any more?

Speaker 13: Do you have any more?

Miss Adda: After [inaudible 02:35:53]

Vice Chair: Okay.

Miss Adda: [inaudible 02:36:24]

Vice Chair: Yeah you can... They were only two. My apologies Mr. Bay.

Saline Bay: Thank you very much. Saline Bay. What I would like to call attention to is the fact that the black police officers association put out a cry for help or acknowledgement that racism is inside the department. The community has been saying at nausea that racism is in the community. Every study, Stanford study, Professor Eberhart, The Monitors' Report all come back and say that this police department is failing with racial discrimination even specifically with the community.

Saline Bay: So, it's not out of the realm of belief that the black police officers would be having the exact same issue that's happening in the community that has been documented over and over and over again. That this police department has an issue with black people.

Vice Chair: Thank you.

Saline Bay: All right? So for the Police Department to get up here and say, "Oh wait, we didn't find anything." Shows that this Police Department does not have a commitment to getting rid of discrimination. Everybody say there's discrimination and when there's a complaint about discrimination, they come back and go, "Oh, there's nothing to see." Obviously there is something to see. Because everybody here is saying that the Police Department is a racist organization, specifically towards black people. With study after study saying that discretionary stops affect the black community more.

Saline Bay: But they don't say that the discretionary stop carries tickets, fines, loss of wages. The impact on a poor community from discretionary stops is not in just the number of discretionary stops, but the impact financially on their community that we're not dealing with. Right? So it's not just, "Oh, we're going to work on, we're going to work on." Every year somebody loses a job, loses a car, loses something, loses a house based on the fact that this department is not taking care of discrimination.

Saline Bay: That's why this police chief has to go. When somebody tells if this is discriminating and the police chief says, "Oh, I don't know anything about that." When you ask for a priority list of what this chief is supposed to act on, the NSA and discrimination is nowhere on that list.

Vice Chair: Thank you Mr. Bay.

John Bay: John Bay. So if you felt that chief was doing a good job as a leader, someone who manages people, manages their staff, understands expectations and understands that when you go before a body and the city, you should be at the very least prepared. If you are at the deputy chief level, that's like a shift supervisor report right there. What we got. You can get more than that like a three to 11, one guy supervising three yet this is at the deputy chief level within this department.

John Bay: Apparently, some of the contents could be disclosed to the public as once it was pulled out from him. Right? So why not prepare what you can give us rather than say, "I can't give you anything and I don't know anything about anything." Yet, I'm at the deputy chief level.

Speaker 9: Right.

John Bay: In this police department.

Speaker 9: [inaudible 02:40:05]

John Bay: Right? That's the co-sign. That's what the Monitors' Reports says. That's what the failure to get out of the NSA says. That's what the fact that Chief Kirkpatrick has not improved one bit of quality of life in this city for the citizens under her tenure as chief. She came in and promoted the wrong people in the police pippin issue. First move, people try to tell her about it, but she kept him. So again, it's ineptitude and purposeful failure and that's probably over time, our money after hours, to come and give a report or just say some excuses. "I have nothing for you."

Ginale Harris: Thank you. Mr Bay. Laura Ly Bosserman and Ms Asada.

Laura L.B: Thank you. Vice chair Harris. I just want to make sure that everybody here and everybody watching at home, knows that when we say POBR or POBRA, I'm

always like what is this insider talk? We're talking about the Police Officer's Bill of Rights P-O-B-R, which is a statewide, I believe I've got this right. It's a statewide set of laws that protects police officers in all kinds of ways that they are not protected in other States and severely limits our ability to oversee them as we should be able to oversee them. Thank you.

Vice Chair: Thank you.

Laura L.B: Did I get that right? Okay.

Ms Asada: Love life. I did some research on black police officers unions falling complaints about their police departments. In November of 2019, the black police officers union of Miami Florida took a vote of no confidence of racism related to the police chief of Miami claiming a hostile work environment, alleging instances of racial harassment and unfair discipline. In 2016, a black female police officer in the San Francisco Police Department, filed a complaint of systemic and institutional racism within the San Francisco Police Department.

Ms Asada: In 2019, that same police officer has sued the department, for two point \$2.5 million for harassment and discrimination. In 2017, the Cincinnati, Ohio black police officers association, had a no confidence vote on the police chief for unequal, I'm sorry, this was the police union for unequal representation of black police officers and St. Louis, Missouri in 2019, several black police officers revealed that there were problems of blacks being promoted. Incinerary remarks made by both white police officers against black police officers and harassment.

Ms Asada: And Columbus, Ohio. In August of 2018, black police officers association filed a complaint of discrimination, racial discrimination and mistreatment as it related to decisions made around discipline. And South Bend, Indiana in July of 2019, black officers had made several complaints about discrimination, racial discrimination. Austin, Texas, 2018, black officers association complained about racist language within the department and lack of career advancement.

Ms Asada: I stopped. So, what's happening here in Oakland with our black police officers is not isolated. It's all over the country. And I'm appalled that we cannot address it in any formal language because, I'm hearing that the Officer's Bill of Rights. You can't talk about it. But somebody needs to do something about it, because it's not isolated. It's happening. And cities all over this country that black offices are having this problem.

Vice Chair: Thank you, Ms Asada. Any more comments from the commissioners? So this item doesn't have any action on it other than information that will be given by Deputy Chief Armstrong to our Executive Director, John Alden. And report back. Okay. So we're going to move on...

PART 5 OF 10 ENDS [02:45:04]



Vice Chair: And report back. Okay. So we're going to move on to the next item, and that item is to vote to approve release of RFP foreign investigators for the OBOA. Mr. Alden.

Alden: So commissioners, this item is on because the commission had asked CPRA to follow up on the same item that we were talking about in the previous agenda item, the OBOA complaint. We have taken a look at the OBOA letter and as described in the staff report, one of the challenges we have here is that the OBOA letter makes some very serious but also very broad descriptions of the problems that OBOA members feel they're having inside the Oakland Police Department. And particularly, as we read it, it describes alleged discrimination in promotion, discipline, hiring and assignments, each of which could be a very substantial deep dive into the practices of the department. And so one of the things we've realized that at CPRA is it really our staffing and our expertise is designed to delve into specific actions by individual officers usually in the field.

Alden: And we're well-staffed and trained to do that now, I think. We continue to improve in that regard, but that's our main strength. We don't currently have folks inside of CPRA who are well situated to look at say broad practices and trends in these areas. We have some pretty good insight into discipline but not so much about the other issues like promotions. It's just not our strength. It's also the case that these inquiries would take a substantial amount of time and they're serious. They should take a really substantial amount of time so when we can look at them in depth, but we don't have enough people to do that. These would all be issues that would be ideal for an inspector general and as we've discussed in a couple of previous meetings, we have several issues that would be ideal for an inspector general, but we don't have one right now.

Alden: So since we don't have an inspector general and we think the kind of investigation that's really called for here is outside of our skill sets and staffing at CPRA, we're recommending that we put out an RFP for someone to take a look at those issues on our behalf. Another reason that we recommend that is that all of these categories of allegations are ones with regards to which there are known experts who do these kinds of investigations. There are certainly firms that employ workplace investigators that look at these issues. There are also firms that specialize in assessing broad patterns in promotion and in hiring to figure out whether or not there might be a disparate impact or some kind of discrimination going on in those systems. And since that expertise is well known and it's out there, it's available, we thought that was another reason this is particularly appropriate project for an RFP for an outside investigator.

Alden: With the help of the folks at contracts and compliance, we've come up with a draft RFP. We could at CPRA finish the rest of this RFP on our own, but as with the previous RFP we talked about, we thought it best to bring it to the commission and get some input from the commissioners about it. Overall, a concern we do have about that approach is that because the allegations here are very broad and cover at least four different areas of Oakland Police Department practice, the costs might be beyond our ability to fund. As we

discussed at a previous commission meeting, the total fund we have for contract contingencies at CPRA is about a quarter million dollars. There are a variety of things where we're using that for as we've discussed the previous meetings. The commission has made a request to the city council to free up some unspent salary funds set aside for the inspector general.

Alden: I know that the finance committee of the city council will be looking at that next week, and so that is moving forward, but it hasn't been approved yet. Even then, studies of the kind that we're talking about, investigations of the kind we're talking about are commonly six-figure products, so this is not inexpensive. That's not to say we shouldn't do it. It's obviously an important set of issues but it's not a small financial commitment either. And issuing the RFP doesn't commit us to spending any particular some, it'll probably educate us about the costs involved. It may be worth considering four issues tonight, one is the scope of the investigation. Do we want this RFP to cover all four of those topics or do we want to try to stagger them out in some way or prioritize some of them since we now understand from the Oakland Police Department that they have a study at least into the discipline part of this equation and probably some others.

Alden: One could make a decision about whether you want to wait to see that and more finely target the issues you want to go after or whether we should proceed with this now and just see if it comes to different opinion. I think that's a question for the commission to consider. I think also another option if one becomes concerned about costs or scope is to take certain parts, do some of them this fiscal year, and so the next fiscal year, because the next fiscal year we have a whole new batch of money. One could have a portion of this work done into commence now in fiscal year 2019-2020, and have another portion commence in 2020-2021.

Vice Chair: Excuse Mr. Alden.

Alden: Yes.

Vice Chair: I just want to interrupt you really quickly and respectfully. I want to make something very vividly clear. This commission was made up because of racial profiling towards black people. And use of force toward black people. This is going to be one of the most important investigations of our existence. So I know that it's going to cost more than \$50,000, and I do not want to delay time. This is just my opinion. I do not speak for the rest of the commission, but I speak for myself, but I believe my colleagues feel the same way. And so we can get into the issue of should we drag it out, what pieces should we... We want all of it done.

Vice Chair: And so I would say that you ask for a copy of the contract that OPD has a signed contract. We want to see it and what they investigated, not to mimic what they do, but just to see what they've done and how much money they spent on it. Because I think the commissioners would be very interested in just seeing that piece, but our piece, I think you are absolutely right. I think the scope of work

needs to come from this commission in itself because we have a different perspective. And so as Mrs. Asada pointed out, this is not isolated. So there's got to be something to something. So we just want to make sure that we cover our bases and not, this is not something to be frugal in regards to quality over quantity, right?

Vice Chair: So I just wanted to make that point before you went on with the should we 2021, I think we want to get these answers ASAP.

Alden: I appreciate that. That's exactly the kind of guidance we're hoping to get from the commission. Closely related issue too would be whether the commission has any guidance about the kind of contract or the qualifications of such a contractor. For example, the city has pointed out that just from the work that contracts and compliance has already done in helping us this far along, it's a long story but they did an initial survey and concluded there were so few firms in the city of Oakland that do this kind of work. That a typical requirement of giving extra points or extra consideration to local firms wouldn't be required under city rules. It is something nonetheless the commission could ask us to do if you want, as I understand it, and if that's important to the commission, then that's something I'd be happy to get some guidance about. I suspect with this kind of work, one could do a statewide or even national push for applicants and get back a really wide variety of-

Vice Chair: My concern is that I don't want to have anybody who's had any dealings with Oakland PD, or Oakland, the city of Oakland at all. We want strangers. We do not want people that had any kind of dealings because that's where it gets sticky, and we don't need that.

Alden: Okay.

Vice Chair: Deputy chief.

Speaker 14: Yes. I wanted to answer the questions that you opposed earlier. The firm that conducted the investigation was Burke Williams and Sorensen.

Vice Chair: Say that again? Burke?

Speaker 14: Burke Williams and Sorensen.

Vice Chair: Can you spell that?

Speaker 14: Yeah. Burke, B-U-R-K-E, Williams W-I-L-L-I-A-M-S, and Sorensen S-O-R-E-N-S-E-N out of Oakland.

Vice Chair: Sorensen, Sorensen.

Speaker 14: Yeah, Sorensen.

Vice Chair: Okay. Now is it possible deputy chief, you can get executive director Alden a copy of that signed contract?

Speaker 14: Yes, I will. We'll have the city attorney provide that to you director Alden. And the other question you had was, had they done previous cases for the city and the police department? And the answer is yes.

Vice Chair: Oh yes, they have had dealings with them.

Speaker 14: Yes.

Vice Chair: Oh, okay. Thank you. Deputy chief.

Speaker 14: Yes ma'am.

Vice Chair: Do you know in what capacity?

Speaker 14: They've done-

Vice Chair: What other studies can you share that information? What other studies they've done?

Speaker 14: No, this was the company that conducted the internal investigation, the internal affairs investigation.

Vice Chair: Okay. Have they done any others for OPD?

Speaker 14: Yes, they've done previous internal affairs investigations for the Oakland Police Department or the city of Oakland.

Vice Chair: Can you share those results with Mr. Alden as well?

Speaker 14: We will. We will consult with the city attorney and see whatever information we can share.

Vice Chair: Thank you sir, I appreciate it. Any other commissioners have any comments? Commissioner Jordan.

David Jordan: Thank you. I mean it seems to me that it would be hard to define scope, especially if we're talking about prioritizing different elements of this investigation until we actually hear back around what the summary or the outcome of their internal investigation was. So it seems like though maybe we might be interested in moving forward with this RFP. We don't necessarily the information we're going to need to finalize at least that piece of it until we've heard back. So potentially we table that until the next meeting at least for a vote on whether to approve the RFP.

Vice Chair: Commissioner Prather.

Edwin Prather: Yeah. Thank you vice chair. Colleagues, I think I just wanted to say that I really take to heart vice chair Harris's comments about this being an important investigation, one that's potentially costly, but it does really get to the root of why we're here, which is the addressing racial profiling and frankly the fact that the OBOA and when we've all gone on record as to say that the OBOA would issue a letter talking about racism within the department is one of the most heinous things I think I've ever heard in relation to OPD. And so I just don't want to wait. It would seem to me that we could put out a RFP that parties who respond to the RFP could help craft the scope.

Edwin Prather: I mean we have something on the agenda tonight where the party who's answered the RFP is coming back and asking him for a change in scope or a change to the language of the RFP, that can be done. But it really behooves us to kind of make a move on this quickly, frankly, especially since OPD is finished and it's the first time we've heard that. Every time previously they've come and said, "We're working on it. We'll get back to you," and now we hear, "Okay, we finished in December," and we'll have some level of discussion with Mr. Alden, which is great, but it would be my opinion that we move forward with whatever version of the RFP we can just because we know this RFP process takes months. And if we table it today, then it gets tabled again and again and suddenly we're kicking the can down the road and it's March. I just feel like we need to take action on this. It's too important not to take action.

Vice Chair: Thank you commissioner. Any other comments before we take public comment? Okay. We don't have any public comment. Don't have any public comment. Okay. So is there a motion? Is there anybody like to make a motion? Commissioner Prather.

Edwin Prather: Before that I want to ask Mr. Alden, to the chair is in light of sort of the stance, I mean you... I think I've made my position pretty clear. Is there any edit or is there anything you would recommend in order to carry that out that would be changed from the action that's currently being requested?

Alden: When you say the action being requested, you're referring to which document commissioner?

Edwin Prather: I am referring to attachment nine, the agenda report.

Alden: Got it. Well, I would say our suggestion at CPRA is what one sees in the RFP, and that would be to have the scope still include all four of the issues that the OBA identified, so that's a broad scope. We have in this draft flagged the scope as going back through the beginning of calendar year 2017, so it'd be roughly a two year study. We suggest that window of time because that's relatively close in time to the letter, but it's also a period of time that's a long enough that one might be able to see patterns without say doing a 10 year dive where it's a little

bit harder to know what was going on in which year and what the changes might be in from year to year. That is our best guess about what we think inappropriate scope would be.

Alden: Then I would suggest that we initially at least put this RFP out, assuming that we're going to do it all this fiscal year, see what bids we get back and if the bids are such that we think we don't have the budget for it only then think about dividing it into pieces. I also think that as some on the commissioner have suggested by the time we get to that process, which will take a little while, we might have more information back from the police department about the work they've done and if it happens that that changes the commission's mind about what the commissioner would like to do, we could always narrow the scope of the resulting contract.

Vice Chair: I want to make one comment before we put a motion on the floor. Just a couple of days ago, I received an anonymous text message with a video of a young man who was just put out of the police Academy. African American young man. I don't know how old he is. He looked about 24, young. He went through the whole police Academy and he made a statement and said he experienced the most racial discrimination in his whole life. He made it all the way through the Academy, and five weeks before he was to graduate he was put out of the Academy, kicked out of the Academy. I did not get into detail because I'm going to have a conversation with him and direct him to the CPRA office, but what I do know is that he was subject to being called boy, boy. He was subject to shaving his face that anybody who is African American knows you can't shave your face with the shaver because you get infection on your face. And he had a doctor's note that our chief signed off on and yet they did not follow the doctor's note and made him shave his face anyway where his face got infected.

Vice Chair: He did say that he wants nothing to do with law enforcement because of the way that he was treated. And I wasn't surprised, I wasn't surprised. But in the midst of all of these investigations that are happening, it disturbed me very much that this is the utmost recent, that we have this young man coming forward and saying that he was a victim of racial discrimination. So I just wanted to know if I could play it for this audience, I would, and I think we might try to, because I think it's important that we get the full myth of what is ha... What's happening. So this is why the investigation is important. So with that said, is there... Would someone like to put a motion on the floor? Commissioner Dorado.

Jose Dorado: I move that we approve the release of the RFP for an investigator for the OBOA case.

Vice Chair: Is there a second? Henry Gage second. Okay, so let's take a vote. Commissioner Dorado.

Jose Dorado: I.

Vice Chair: Commissioner Gage.

Henry Gage III: Yes.

Vice Chair: Commissioner Anderson.

Tara Anderson: I.

Vice Chair: Commissioner Harris, I for myself. Commissioner Prather.

Edwin Prather: Yes.

Vice Chair: And the vote passes unanimously. Okay, we're going to go to our next item, which is item 10, use of force working group. Yay. Okay, so I wasn't here at the last meeting, however, I reached out to the community on my behalf and asked them to submit some information from the ACLU that they had gathered and works hard on with the ACLU, and submit it to the police commission for approval. The ACLU and the anti police terror project worked diligently on this project together to make sure that the new law that was in effect January 1st, was interpreted correctly.

Vice Chair: So in your packets or on the agenda packet? We have it here AB392, and we worked with the police department. Deputy chief Armstrong is part of that ad hoc committee, myself, commissioner Anderson and commissioner Gage, and it's been a pleasure I must say. And we are working together on this project and so far so good. So today we will be voting it into existence. Any commissioners have any comments on that? Oh one more thing. So this is not the end of AB392, this is just to bring us up to legal status so that we are in compliance with the law. So we are going to be working with different groups of community to get their input. So I'll be asking some of you to please attend or do town hall meetings for this because it's super important that we can work with OPD on this. So this is something we can honestly say that we did collectively and together. We could agree to disagree.

Vice Chair: Any commissioners? Commissioner Gage, and then commissioner Dorado.

Henry Gage III: Thank you vice chair. The draft that's in tonight's agenda packet represents the combined efforts of a number of people, many of whom are sitting in this room tonight. I like to thank some of them that I see both as individuals and organizations simply because people have put a lot of work into this product and it's nowhere near finished. The department's committed to an ongoing ad hoc committee to continue to revise the use of force policy into the department's credit. Those meetings have been scheduled or meeting, I believe it is next week, is that right?

Vice Chair: Yes.

Henry Gage III: It's 16th. And I'm quite grateful to department has stuck to their word on this one, so thank you deputy chief. I'm particularly grateful to community partners who, especially in the last few weeks have provided some very useful edits to the draft we had before, it's particularly useful... Particularly interested in hearing any additional comment that we should consider before looking at tonight's draft and please keep in mind during comment that this is not the end, it's just temporary. With that I will stop talking. It's going to be a long night folks.

Vice Chair: Thank you, commissioner Gage. Commissioner Dorado and then commissioner Anderson.

Jose Dorado: Yeah. Just real quickly. I just wanted to say thank you to the commissioners that put so much work into this and also the community folks who also put a great deal of work into it. Thank you very much. Well done.

Tara Anderson: Thank you to my colleagues as well, and just want to point out that as a part of the ongoing outreach effort, that we're moving beyond to have what we will hope will be a national model of use of force policy that is comprehensive and corrects the layers of wrong that exists from training bulletins to the sub pieces of policy that are embedded within the Oakland Police Department. And undoing that, correcting it is going to be a collaborative process and a long hard process essentially every Thursday and we're not here, we're going to be meeting somewhere else about the use of force policy and making it what we expect. And I'm grateful for the opportunity to do that with my colleagues here, the community, and our folks within the Oakland Police Department.

Tara Anderson: I also want to emphasize as this part of the community engagement is that we are leveraging the Raheem tool so that individuals who don't feel comfortable to come into this space, that there is an opportunity to have your voices heard and speak directly to inform what aspects should be covered in the use of force policy and how we can correct that within the document, and its implementation.

Tara Anderson: It doesn't just stop with what we have created on paper, but all of the layers that go behind it. Something that we emphasized as a group with the police department was not just the policy itself and the line item corrections that'll take place, but what is the training plan and what can we expect throughout its implementation? So we will continue to do that and we'll do it with you and thank you.

Vice Chair: Thank you, commissioner Anderson. Are there any other comments from the commissioners? Deputy chief Armstrong, any comment?

Armstrong: No, I echo the same sentiments. I think from chief Kirkpatrick, I thank everybody for their participation in the ad hoc and for the creation of this policy. So we'll continue to move forward. I think we've already laid out the schedule, we've



scheduled meetings for the next two to three months already, and so we're committed to the process.

Vice Chair: Well, personally I'd like to thank you DC Armstrong for your commitment to this process, and just for the record, people don't know this is that you lead our ad hoc. Every time we meet you lead it and you are respectful and you are open to listen and community input is important and I respect that and I appreciate it. So thank you.

Armstrong: No problem. Thank you.

Vice Chair: Okay, so we're going to go to public comment. Pamela Y Price, Bruce Shmiken. Did I say that right? Ms. Asada, Paula, she left? Okay. Cat Brooks, Laurie Bosserman, Elise Bernstein, Celine Bay, John Bay and Rashida Grenash. Ms. Price or Ms. Grenash, how are you?

Grenash: Happy new year.

Vice Chair: Happy new year.

Grenash: I had a quick question. It seems as though there is a difference in the draft from diversion that was presented in December to the one that appears tonight. Specifically this passage, and it's, "Members of OPD shall attempt to control an incident through sound tactics, including the use of time, distance communications, tactical repositioning, and available resources in an effort to reduce or avoid the need to use force whenever it is safe, feasible, and reasonable to do so." That was omitted in the current version, but it was present in the December 12th version. And I would like to know why that particular passage was removed. Particularly because we've been informed by one of the leading people who worked with assembly member Webber on 392, that that is a particularly important concept.

Grenash: The issue of what happens prior to what are the efforts made to deescalate prior to becomes extremely important in terms of tactical strategic planning to avoid the use of force to avoid the necessity, right? So to omit this particular passage is problematic. And so I'm interested in knowing from the ad hoc force who removed it and why? And then I would like to see the rest of my time to Pamela.

Vice Chair: Yes ma'am. So can we get a response to that?

Joe Turner: Sure. So Joe Turner with the policy publication unit. So the first thing, sorry, I just missed the-

Vice Chair: Can you push the mic? Sergeant Turner. Thank you.

Joe Turner: Yeah. So in terms of the difference between the version that was in the December agenda packet, thank you, whoever did that and turn on the microphone. And this one, there has been no change made by the police department. We did not make any changes to the document. The last submission we made was prior to the December meeting and then any further changes have been made through CPR or I'm not sure who.

Vice Chair: So I have commissioner Gage, he's looking right now for it. I was not present at the 12th meeting, so we're going to figure that out miss Grenash and we'll get back to you okay?

Joe Turner: I remember that being right sort of in the beginning part, but I'm not sure-

Vice Chair: We'll figure it out Ms. Price.

Henry Gage III: Vice chair I can answer that question now if you're ready.

Vice Chair: I apologize. Go ahead, commissioner Gage.

Henry Gage III: It's unclear why that, what it looks like two maybe three sentences was removed. It was in the policy statement section subsection A of the December draft and it is not present in the policy statement, sub section A of the present draft. I believe it was removed in the draft that we received back from ACLU. However, it's unclear as to why. Given that I was going to make the recommendation later that we simply take the highlighted section from the December 12th agenda and insert that back into subsection A.

Vice Chair: Now question to the community and to the Dyes was on the 12th was that language in the agenda on the 12th? Can anybody speak to that?

Grenash: Yes. It was and there was no suggestion. I'm sorry.

Vice Chair: Okay. Can you come?

Grenash: Yes, I can. You all know I am speaking the truth. And I understand from former police commissioner Benson-

Vice Chair: To the mic, please.

Grenash: I understand from former police commissioner Benson that officer Turner has been working on this for some time. Officer Turner was part of the group that murdered Richard Perkins in November of 2015. Officer Turner was one of the police officers when we had our protests and we were trying to go into Jack London Square, and the line was being pushed thought the appropriate way to stop the line was to put his forearm in my throat though I repeatedly said I cannot breathe. So I need to tell you as someone who's been assaulted by OPD to be sitting here talking about the use of force policy, and officer Turner is in

this room, is incredibly problematic, to the point where I want to leave, but I won't because I've dedicated my entire life to this work. But that is a problem.

Grenash: Richard Perkins was unarmed. His mother, Edah Perkins came home and prayed for the mother of the child that was laying across the street, not even realize that she was praying for her own son. 2015, the Oakland police department murdered seven black men and there was no accountability, which is part of why this policy is so important. But this is a problem, and I'll have a problem working with OPD. I've been doing it. We've been doing better about working in partnership, but as someone who works with these families who still works with his mother weekly-

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Kat Brooks: ... these families who still works with his mother weekly. Who works with families from across the state, but in particular across the city of Oakland daily. This is a problem.

Vice Chair: Thank you. Okay, so again, I wasn't there on the 12th, so can you please repeat your suggestion Commissioner Gage?

Henry Gage III: Vice Chair, I'm going to suggest that we take a highlighted paragraph from the December 12th agenda packet and insert that back into the current agenda packet draft of this new general order there. Thank you. I'd like to reserve any further amendments until after we hear additional comment because there may be other things we'd like to amend as well.

Vice Chair: Deputy Chief, can we have that inserted?

Edwin Prather: The policy now is in the hands of the Police Commission. We submitted our version that came from the ad hoc. The police Commission solicited feedback from the ACLU and other groups. That change in language came as a result of the feedback and the new policy changes that came out of that outreach. The department is more than willing to add additional-

Vice Chair: No, I don't think it's your fault. What I'm saying is I think there was a typo when this agenda got printed because on the 12th it was there.

Edwin Prather: No, but I think that ACLU [crosstalk 03:19:37] did a presentation where they specifically took out certain language that was in the policy.

Henry Gage III: I can speak to that Deputy Chief. The draft of the agenda that was in the December 12th agenda packet was a different version of this general order. And the reason why it was continued to this meeting was because after the agenda had been posted, you received additional feedback from ACLU and other community groups. We wanted to incorporate that feedback into the draft.

Henry Gage III: However, doing that on the dais was not a good idea. It was much too substantive and it was difficult for people to follow along with what we were saying. Because it arrived too late to change the agenda packet, we opted instead to continue to this meeting where we could incorporate those edits into a new draft.

Henry Gage III: However, it appears that somewhere in the mix, the subsection, a language reference previously, did not make it into this version, which I'll refer to as the ACLU version, for lack of a better term, and we can fix that here on the dais tonight. That's very straightforward.

Vice Chair: So I would suggest that we do an amendment. I would say adopt it, so we can be adopted with the amendment.

Jose Dorado: [crosstalk 00:02:58]. Responding to Commissioner Dorado's question. You can absolutely move for an amendment and you can describe it specifically according to what the member of the public has flagged. [crosstalk 00:03:11].

Jose Dorado: I do also want to remind everyone about Commissioner Gage's point though, which is you may want to hold off on a motion to amend until you've heard from everyone in the public, so you can have a nice little itemized list and they can all go into one single motion to amend and that'll be cleaner. And then you vote on the underlying adopt amended policy. Am I correct that you're still just asking [crosstalk 00:03:21:41]?

Vice Chair: Yeah, we're taking public comment at this time.

Jose Dorado: Okay great. Fantastic.

Vice Chair: Thank you. [crosstalk 03:21:45]. Ms. Price. Thank you for your patience.

Pamela Price: No problem. My name is Pamela Price. I'm a civil rights lawyer. Full disclosure, I represent the Coalition for Police Accountability in litigation against the city of Oakland, among other things. But that's our history unfortunately and I appreciate the conversation because hopefully what you just did will resolve and speaks to the main point why I am here, which is the language that apparently was inadvertently omitted.

Pamela Price: So I'd love to step away and go home now. My job is done here. You all have resolved it. But I won't, I will take a moment to say thank you. I recognize and I appreciate that all of you are volunteers and I hope you know that the community is deeply appreciative of the time and the effort that you all have made.

Pamela Price: Oakland is a beloved city. It is a wonderful place. We have had a long, long history of police misconduct. Our problems are so infested. You know the point that Kat just made that we would have a use of force policy being advocated by

an officer who is engaged in inappropriate use of force. That's where we are. This is where we are now. But we're moving forward and you all are at the tip of that. And so I want it to say three things about that.

Pamela Price: One to move forward, you got to look backward. And when you're talking about a use of force policy, this is a huge step forward. Huge step forward. And for Oakland it has been the absence of it and the absence of a commitment to how we regulate and use force in this community has had deadly consequences on your watch.

Pamela Price: In March of 2018, we saw the murder of Joshua Pollack. We saw that happen before us and you all were in fact already installed. But one of the things that we know, the lessons from Joshua Pollock's murder, is that there was a failure to act tactically correct. And that's what the sentence is that we've been talking about. It's about using sound as a tactic, as a way of deescalating and of giving officers, and the community, time to address a situation. For the police in particular to figure out what is really going on before. We kill somebody, let's figure out what's happening. [inaudible 03:24:33]. Thank you.

Pamela Price: I want to take you even further back because that was March of 2018. For those of us who have been here this long, I want to take you back to March of 2009. One of the deadliest occurrences in the city of Oakland involving our police department. And one of the lessons that came out of a board of inquiry that looked at that situation was that people died because nobody stopped long enough to think about what the proper tactics were.

Pamela Price: This is a day four police officers were killed in one day in a very short period of time in East Oakland. And it traumatized the entire community, whether you were police or non-police. I live in East Oakland. So I understood what was happening then for those of us who watched our Mayor, Ron Dellums, be disrespected by this police department. That was traumatic.

Pamela Price: And one of the lessons that we understood from the board of inquiry was that police need to take time. They need to use proper tactics to deescalate situations, that there should be no rush to use force. And that's why we need a use of force policy. We've needed it for a long time. And so we're here now.

Pamela Price: And you all, the second point I want to talk about, is the culture. Which I don't really need to talk about because we just had a demonstration of it. You all have the ability to change the culture of OPD and that is what is absolutely critical.

Pamela Price: These are not just words on a piece of paper. This is about changing how people think about their interaction with the community. Well, how officers think about is it necessary to use force or is there a different way that I can respond to this situation? This is the beginning of that and as some of you have said, your setting [crosstalk 00:08:35]. Thank you. You are setting the floor.

Pamela Price: And again, thank you for the committee for taking the time to do this. It's one of the few times that I've heard that OPD is actually cooperating with you and so you've done a miracle work right there.

Pamela Price: That's the last point I want to leave you all. You all are in a position that this community has invested you with the leadership to move us forward. Measure LL passed by 83%, you all went through an exhaustive vetting process. Trust me, we were watching. Really, all the hours and the time that went into creating this commission to giving you the powers that you have.

Pamela Price: My call to action to you is use those powers. Don't step lightly. Don't step softly. Don't step hesitantly. You need to be bold right here right now, because as you see in the issue that we were dealing with before, you can't even respond to a cry from help from the black police officers. You can't respond because you have a bureaucratic system. Because you have financial constraints. Because by the time you do your RFP and get around to finding somebody, how many black police officers will have experienced what this young man has experienced? How many black police officers will have left this city?

Pamela Price: Understand that. That there's only certain moments that you have the power and the ability to move us forward. This is one of those moments. So everything you do in formulating this policy, don't let it be the floor. Reach for the ceiling. That's our expectation. That is our right. That's the thing that you have to do in this season. In this moment. Don't waste it. Don't fritter it away. Don't get intimidated. Don't let nobody hold you back. Thank you.

Vice Chair: Thank you Ms. Price.

Kat Brooks: For the record, my name is Kat Brooks. I'm Executive Director of the Justice Teams Network and the co-founder of the Anti Police Terror Project. I apologize for getting so emotional earlier.

Vice Chair: Don't apologize.

Kat Brooks: It was a shock to my system to see that. I guess I haven't been paying attention. I don't have a big soliloquy that I want to give except for to say appreciations for the thanks that we've gotten for the work.

Kat Brooks: For context, we've been working on this APTP and JT and as cosponsors of this legislation for close to three years. More importantly, this legislation was crafted and led by people impacted by state violence. People either whose family members or loved ones were murdered by the police, or people like me, and that's not the only time who have suffered assault by the police, or people who have lost their loved ones to the penitentiary. That's who led this bill. That's who were on language teams and committee teams and we're lobbying our legislators and doing all of the work.

Kat Brooks: It was a perfect example of the way this work is supposed to move with those that are most impacted in leadership and those of us with the privilege of the things that allow us to get to whatever status in life we get, acting as support. And it was about collaboration and that's what feels so good about this process with the Police Commission is that it was collaboration between grassroots community groups, impacted community members, advocates, legal experts, you all, and the Oakland Police Department, and that should be the model for how every single policy this commission takes on gets passed. Every single one.

Kat Brooks: It works and it feels good. And thank you all. And you should know that we are using this process, the statewide coalition [inaudible 03:30:38] coalition as an example and a teaching moment as we get this implemented in municipalities in other places across the state. But trust and believe the process is not going so well. So I look forward to continuing to becoming what we need this to become and I see this as a very exciting first step. I am with that note, going to exit now and go take some breaths. Thank you.

Vice Chair: Thank you. Mr. Bay.

Saline Bay: Selene Bay, concerned citizen. One of the issues that we have here is that the policy is only as good as the enforcement of the policy, as well as the reporting of the violations. One of the things that we found out from OPD is that OPD has an issue with reporting correctly use of force. So if you're not reporting use of force correctly, then the best laid policy is moot and ineffective, because the police department is willfully not accepting this policy and going against it.

Saline Bay: The last monitor's report said that use of force was under-reported, misreported, and not reported. Where's the teeth in this? Where's the enforcement in this that says that if an officer obstructs justice, that if an officer doesn't follow this policy, that if a supervisor, or anybody who sees a violation of this policy, doesn't report it, should be immediately terminated?

Saline Bay: Because use of force goes directly to what impacts black people's lives in the community and anybody who's in the black community, whatever color you are, you subject to it. A stray bullet. When they're firing at you, if you're standing behind them, you can get it. And then for this officer up here, he's also one of the officers that was involved in covering up for the officers that got drunk and went up there and kicked the doors in in Montclair. It's my understanding he was involved in that.

Saline Bay: We need to look at the people they put up here because the bottom line is, is that OPD puts people up here in order to clean up their image, when they're the most egregious violators of the MOR and failure to report.

Saline Bay: So finally, use of force also is at its most root level based on fear of officers who have no connection to the community that they're supposed to police. Since

you don't have a connection to it, you drive into a community and they have this fear and they use a weapon as self-defense instead of deescalation.

Saline Bay: So it gets directly to community policing and why it's important for the people who are in there to know that you don't have to shoot a sleeping man. That's common sense in our community and if the police department needs two bear cats, a bunch of SWAT people and everything, to shoot a sleeping man, then use of force is a priority here.

Vice Chair: Thank you Mr. Bay.

John Bay: John Bay. In this instance so far, I would like to thank OPD for submitting. It's not over, as you said, but this is part of the process, as Kat mentioned. This is what brought 83% support, the commission representing the community have an input directly in making change in the department because they've proven they can't do it themselves.

John Bay: There's 17 years of federal oversight, says OPD cannot fix OPD, so the best they could do was to be at the table. But that was a big step. And in the one year existence of the commission, that is progress that you can at least look at. But don't let go of that ankle because they may run out the door. So hold on tight, get it completed, and let this be the model for how we go through and rechange this policy and the people. So it ain't that hard.

Vice Chair: Thank you Mr. Bay. Ms. Asada and Ms. Garnoche.

Ms. Asada: Love life. I will never, ever apologize for this pain that has brought out this anger. Because I have never been a victim, but I am a part of the black experience. I live a good life, financially and otherwise. I have no pain and suffering. I'm healthy. 74 years old.

Ms. Asada: But any black person is victimized in any capacity, I feel it. I will never apologize for this anger and emotion because I can't apologize for feeling like I feel. Appreciate you coming down there to try to calm me down. But you're going to see it some more. If you want to put me out of here, like he suggested, go right ahead. I don't care.

Ms. Asada: Okay. Moving on. I am so uplifted by the fact that this experience of how we are dealing with the police is allowing people like yourself to give us the information, and like the sister just did, Kat, about things that are happening, so we get fully informed. And as much as they want to keep it a secret, one of the things that we're doing is what you're doing in that police department will be publicly exposed and we keep that agenda going, that's going to bring something out that's going to work in this capacity. So that's the positive I see.

Ms. Asada: And then I'm going to say this police department, you got to sit back. You cannot bring police officers in here who have violated the community and you



know about that. That's unacceptable. I did not know about this situation, but from now on that officer can not approach me. And if this is true, I'm going to investigate it to have anything to say.

Ms. Asada: Okay. So on the good side. Thank you public members who are going to make it. I'm going to tell everything I know about what's going on. We want this police department to work. That's the bottom line. It's not about just attacking and bringing out all the problems. It's about coming to a resolve of making this department work the way it's supposed to.

Ms. Asada: So thank you Ms. Harris for that information. I'm a use it in a public safety committee meeting this Tuesday. I'm going to tell all of that from memory. [crosstalk 00:03:38:24]. I'm going to go back and look at the tapes. I can tell all of it.

Vice Chair: Yes, ma'am.

Ms. Asada: If there's any offices that y'all know that have done anything, let us know. Lastly, I read the negotiated settlement agreement. Within that agreement, there was a task force for, Use of Force Committee, I think it was called. All cases that involve use of force that came to a conclusion was supposed to go to this independent committee. It was Pueblo, the ACLU, the NACP, and I can't remember who else was... I don't know what happened to that task force. But that's in somewhere embedded in the negotiated settlement agreement. So I hope somebody goes back and look at that and see if we can use that to get something done.

Vice Chair: Thank you, Ms. Masada. Ms. Ganoche. Now I have a question. So I know that you were had a lot of involvement with Pueblo, do you think you would be able to share some information with this commission in regards to that task force?

Ms. Ganoche: Thank you. I was just about to say to Ms. Asada, the group that she referenced met once. Once. It was obviously cosmetic. It was never meant to do anything, clearly. It was a way to suggest that the police department was working with community. It was symbolic and there was never any follow up.

Ms. Ganoche: And it was not about the use of force. It was supposed to be about racial profiling, because they had commissioned, I'm trying to remember the name of the foundation, but someone funded a study about racial profiling and the meeting that we had was to discuss the results of that study. And we did. And that was the end of it. So it was meaningless.

Vice Chair: Thank you.

Ms. Ganoche: It was intended to demonstrate something because one of the tasks was to engage with the community, and Pueblo and the ACLU were named as examples of community organizations. So they did and that was the end of it.

Vice Chair: You think I can talk to you some more in depth about it and that way we can come back to the commission with some solutions about looking at that settlement agreement?

Ms. Ganoche: Definitely. Happy to do.

Vice Chair: Okay. Thank you.

Ms. Ganoche: Thank you.

Vice Chair: Are there any other... Commissioner Gage.

Henry Gage III: If there are no other Commissioners with proposed amendments, I have a pair of motions I'd like to propose.

Vice Chair: Do they have to do with amendments?

Henry Gage III: Yes ma'am.

Vice Chair: Can you tell us the amendments first before you put in a motion there? This kind of thing is very tricky because this is what that meeting was for, our last meeting, to make sure we had it all tight and knit. I don't want to open it up to have people adding and adding and adding. That's not going to work. So I would like to know what those amendments are, and if they're easy-peasy, then okay, but if they're argued where people are going to come back and be like, well... Then that's something we need to think about.

Henry Gage III: Vice Chair, I've heard one request for amendment that I agree with, frankly, and I believe we all agree with, that request is to amend section one subsection A to reflect the time distance communications, tactical repositioning, et cetera, language that was originally present in the December 12th, 2019 agenda packet. To that end, and seeing no Commissioners apparently desiring to make additional edits.

Vice Chair: Commissioner Anderson?

Tara Anderson: Thank you, Vice Chair. I think the request is to read out the content that was omitted. To reading that out as a part of the amendment to ease the understanding of what we're specifically adding.

Vice Chair: Is that correct?

Henry Gage III: Yes, that is accurate. [crosstalk 03:43:22]. I'd like to direct the audience, as well as the commission's, attention to subsection one, pardon me, section one subsection A, the policy statement section of the use of force. TGO. The current policy statement has three sentences. The amendment I will be proposing is to insert the following language between the sentence ending in the words

physical force, and the one beginning with, it is the intent. That was sentences two and three.

Henry Gage III: Proposed language to be inserted is the following. Member shall attempt to control an incident through sound tactics, including the use of time, distance, communications, tactical repositioning, and available resources, in an effort to reduce or avoid the need to use force whenever it is safe, feasible, and reasonable to do so. It is the intent of the department that members use deadly force only when necessary in defense of human life.

Henry Gage III: I propose the insertion of the previously stated language between sentences two and three of subsection A of section one, which would then require striking of the current third section to incorporate the full paragraph as a copy paste. And I move we adopt that amendment.

Jose Dorado: Second.

Vice Chair: Very good. Go Commissioner Gage. Okay. We're going to vote on this. So we have a second. Commissioner Dorado.

Jose Dorado: Aye.

Vice Chair: Commissioner Gage.

Henry Gage III: Yes.

Vice Chair: Commissioner Anderson.

Tara Anderson: Aye.

Vice Chair: Aye for myself, that's Commissioner Harris. And Commissioner Prather.

Edwin Prather: Yes.

Vice Chair: So it passes unanimously and we are in compliance.

Henry Gage III: Vice chair, we have voted on the amendment. However, we do need to vote on the policy.

Vice Chair: You're right. I'm sorry.

Henry Gage III: To that end, I move approval of the policy with as amended.

Vice Chair: Which policy?

Henry Gage III: I move approval of the amended DGLK3, as amended tonight at the dais.

Vice Chair: Is there a second?

Jose Dorado: Second.

Vice Chair: Okay. Let's vote on the matter. Commissioner Dorado.

Jose Dorado: Aye.

Vice Chair: Commissioner Gage?

Henry Gage III: Yes.

Vice Chair: Commissioner Anderson.

Tara Anderson: Aye.

Vice Chair: Aye for myself. Commissioner Harris. Commissioner Prather.

Edwin Prather: Yes.

Vice Chair: The motion passes unanimously.

Edwin Prather: Through the Chair.

Vice Chair: Yes?

Edwin Prather: I was observing during the course of this conversation that there's a lot of appreciation for the work that the ACLU did around this particular TGO. I share that sentiment. I'm wondering if it might be beneficial to have them participating more directly in the Use Of Force Working Group meetings moving forward.

Vice Chair: Absolutely. Okay. We're going to go to the next item, which is presentation by the National Institute for Criminal Justice Reform of Proposed Pilot Juvenile Diversion Program. David Mohammed.

David Mohammed: Thank you. Good evening, commissioners. First, I want to thank you all for the opportunity to make this presentation this evening and thank you all for your stamina this evening and every meeting.

David Mohammed: My name is David Muhammad. I'm the Executive Director of the National Institute for Criminal Justice Reform and I want to talk about a youth diversion program. It's called the NOAB, the Neighborhood Opportunity and Accountability Board. The idea is to help young people who have had initial brushes with delinquency and engagement with police to help divert them out of a system and to provide them supports.

David Mohammed: The idea of the strategy is to have youth development approaches, restorative justice approaches, while maintaining public safety and accountability. And so the idea really is to take the administration of justice back to how it was in traditional times, if you will, or in to town councils and village elders, and village councils where the community determined and engaged to what would happen to somebody who broke the norms of that community.

David Mohammed: We have come far, far, far from that in the administration of justice in this country, to very sterile courtrooms where people involved aren't understanding the process. And more importantly it's about creating restoration to victims. Restoration to people who have engaged in behavior that is outside the norms of the community and to provide them real healing and rehabilitation and opportunity.

David Mohammed: So the program design would take community leaders, pastors, business owners, victims of crime, formerly incarcerated youth, to form a council, or a board, and to have young people who have been accused of certain offenses to come before that board, to have gone through a process that helps everyone understand, to be not an adversary, a traditionally adversarial process, but to be one where we get at the root challenges of behavior and provide services, supports, and opportunities to young people.

David Mohammed: That being said for many years, we've worked on this and it actually is an extension of a attempt at many years prior. So I think it was 12 years ago in a building adjacent to here that I participated in a training of officers where we were going to implement a similar program. That effort was joined with this current effort maybe two years ago and we developed a very detailed program, I think the commissioners have that in their packet, where we worked with the police department, we worked with community service providers, and we developed a very detailed program that would have young people be diverted, especially lower level offenses and young people engaged the first time, but all the way up to lower level felonies where a young person has not injured anyone, has not used a gun in the offense, and we can divert that young person from further penetration into the juvenile justice system.

David Mohammed: There's numerous reports, numerous studies, around the country that have proven that involvement in the juvenile justice system in and of itself has harmful effects. And there has been frustration, quite honestly, even by law enforcement, about the varying outcomes of young people in the system.

PART 7 OF 10 ENDS [03:51:04]

David Mohammed: Out the varying outcomes of young people in the system. And so to have more immediate and more effective intervention with young people, their families, and the community, we designed this program together with community and with law enforcement. You have in the packet a letter of support from the police chief, and you also have parts of a more detailed robust protocol, and we had developed this process over time, and we're very near implementation

when there was a stall. To be quite honest, it's a little unclear what produced the stall. No one I talked to exactly knew quite clearly. And so, one of the efforts is to make the police commission aware of this program, and to hopefully encourage the full implementation of it. I say full implementation, just one, we are funded as a collaborative for a pilot. The idea is to have a certain catchment area. The original idea was 73rd Avenue to the San Leandro border. The good problem of the reduction in juvenile arrests over the last several years would make that be a very small number of young people.

David Mohammed: And so we extended our catchment area from the Fruitvale district to the San Leandro border, and we want to initially start the pilot of working with young people who've been arrested, so a police diversion program. And lastly I'll just say deliberately a police diversion program, so that there is not deeper penetration into the system. So it's a true diversion that young people don't have records, and so lastly I'll say there has been a number of, I come up here really representing a coalition, and so there's been a number of organizations, and the service organizations involved, who would provide service to these young people, include Restorative Justice for Oakland Youth, the Center for Family Counseling, Community and Youth Outreach, Communities United for Restorative Justice, who am I forgetting? And a number of organizations who have pledged to provide services to young people in the program. And so we are at risk of losing some of the initial pilot funding. And so we are urging this body to help us get the ball over the goalpost so that we can get launched the program soon. Thank you.

Tara Anderson: Thank you Mr Mohammad. I am excited about this program. I worked in youth services for a very long time, and you are absolutely right. Everything you said was right on the money. If we have a way to interrupt the school-to-prison pipeline, why not, right? This is where it begins. My question to you, is how can we support you?

David Mohammed: Yeah, great question. And so, a part of the coalition who are working, who've been working diligently on this project for several years, suggested that we make the commission aware. I think that there was some information saying the commissioners were completely unaware, and there was a attempt to work quietly and effectively, and get a pilot launched, and then present the results of that to a broader community. And so what we're just asking is for just support of the program, and encouragement for its at least pilot implementation.

Tara Anderson: Do any of the commissioners have anything? Commissioner Prather?

Edwin Prather: Thank you, vice-chair. Thank you Mr. Mohammad for your presentation. I appreciate it. I share a lot of the sentiments that our vice-chair did. I've been working with my defense attorney, but I've been working with diversion projects over in San Francisco, on the federal side, they have the Convictions Alternative program. They have a young adult court, which I think is an amazing program in San Francisco right now. There are just so many restorative youth programs that are out there. And I'm glad to see us sort of bring this to Oakland,

when Alameda County sort of lacks that kind of diversion project. So I think we probably need to do a little bit more for you tonight than just give you our stamp of approval, and we'll address that in a moment. But I had a couple of questions sort of generally for you. And I've noticed when I read through the mission statement and the protocols, it's very much a pre, you're trying to avoid the court process.

David Mohammed: Correct.

Edwin Prather: And I heard you mention that, and I heard you mention words like deeper penetration. Can you talk to me a little bit about that? Because the one problem I have, and I'm just one person, it's just sort of my read on this, is that we're looking at putting the discretionary power for this in the hands of officers. And that troubles me a little bit. In the other programs that I've been involved with, the officers, they make their arrests, and those cases get pushed to like some kind of community justice, like collaborative court that's outside of the criminal justice system. Or they'll do a neighborhood court that really isn't a court, or young adult court for example, is a great example of the probation office and other resources kind of coming together and they can help kids get tutoring, and jobs, and whatever support they need. But in that context. And so the court doesn't have to necessarily be sterile, so I'm just wondering, when you talk about deeper penetration, what is it you're talking about, and try and avoid court, and help me understand that part of it.

David Mohammed: Thank you. So the normal course of the process is arrest by a law enforcement agency, police department, and turning over to the probation department, from the probation department to the district attorney's office to court. Every one of those steps has a record, even if there is a later diversion, every one of those steps has a record. And so we are trying to avoid the record portion of it, as much as possible, to be a real true diversion.

Edwin Prather: If I could stop you there for a second. So what I like about diversion, is there's a diversion statute. Penal code section 1203.4 says that if you complete diversion, you are actually allowed to deny that even the arrest ever happened. And it is so, it goes so much further than regular expungement. And that's the beauty of diversion, as it goes through the court system is that you can deny the contact.

David Mohammed: Correct.

Edwin Prather: And in here, if you're asked about it later like on a job application or something, you're actually probably required to reveal some of these things. So I wanted to throw that out there.

David Mohammed: Yeah, so I see what you're saying. No, we're talking exact opposite.

Edwin Prather: Okay, good, good.

David Mohammed: We're talking about way early on.

Edwin Prather: Help me understand it.

David Mohammed: Okay, I got it. That was helpful. So we're talking about the opposite. We're saying this would be an earlier on diversion than anything that you described.

Tara Anderson: Right.

David Mohammed: Right. So it would be, that's one of the reasons. So it would be an earlier on, so that there's only touch by the police department to diversion. There's not further engagement with the system. Again, all of which includes some form of documentation. Now that being said, all of those diversions also result in you being able to say no arrest. Although, really all juvenile allows you to say that, even with an adjudication, but-

Edwin Prather: It's supposed to.

David Mohammed: It's supposed to. Correct. Exactly right. One of the specific reasons to be at this level is to achieve the goal that you mentioned.

Tara Anderson: Right. And they have a similar program that was many, many years ago in San Francisco, when restorative justice was just coming about. And the arresting officers, because the laws are different for juveniles, they would pick the young people up, and take them to a designated space, where there was grassroot agency people there to receive them. And that's where their restorative justice process started. Correct?

David Mohammed: Yeah, yeah. So let me say one thing on that, because we want to replicate parts of that. So, at the request of the police department, who said, "Well, is there a way we can drop some young people off, like we would for instance at the detention center, rather at some sort of community." And we had the initial agreement by Youth Uprising to be a location that can be used for that. And so the idea there was similar to what you have with the Huckleberry Center in San Francisco, with the Community Assessment and Referral Center, the CARC.

Tara Anderson: CARC.

David Mohammed: CARC. It was similar to what we want to set up here. CARC I think is still great, and still wonderful, I know the incredible woman who runs it, but it has become so systematized, there is like probation, others sitting in the, and so we again want to have that a little earlier on diversion process.

Edwin Prather: Oh sorry. Can I just follow up? Thank you commissioner Anderson. Does it concern you, like is it, look back in the day, sometimes when officer would come across a youth committee a crime or something, there was no report, there was no write up. There was a, I'm going to take you home and drop off and tell your



parents. And does this program then mandate, or take that option away? Maybe that never happens anymore. I don't know.

David Mohammed: I think it does. So the counsel and release is an option that law enforcement has. My understanding is that still happens. We specifically say in those protocols, we do not want to touch that. If you're counseling and releasing, and having no involvement in the system at all, meaning even no arrest on record, you should continue to do that. For those young people who would have something, that next something is several of the options, then we would rather they be diverted to this program.

Edwin Prather: So I think Mr. Mohammad, I think you get where I'm going at is I don't want to create a situation, I'm not creating anything. I'm worried about a situation that actually can work against a kid-

David Mohammed: We completely agree.

Edwin Prather: As opposed to for him, 100%.

David Mohammed: So the term is net widening. We do not want any net widening. We don't want more youth in the system through this who otherwise would not.

Edwin Prather: And you are comfortable with the protocols as designed, and look, you are more of an expert than I am probably, this commission on it. You are comfortable with the way they designed, that they are as foolproof as possible on this issue.

David Mohammed: As possible. And that's something we would specifically be looking at is not net widening.

Edwin Prather: Excellent. Thank you.

Ginale Harris: Commissioner Anderson.

Tara Anderson: Thank you. vice-chair Harris. And unfortunately some of my questions I've been taken by the previous questioner. Like others on the dais, I have direct experience developing and implementing restorative justice alternatives to the traditional criminal justice system. Make It Right, thanks in large part to Sujatha and Katie Miller who is now the incoming chief of juvenile probation in San Francisco. So very exciting. And exciting to see this kind of what I see blended model of what neighborhood courts is in San Francisco, and Make It Right is in San Francisco, and applying it here, and what CARC is, and applying this in the juvenile setting. And when we were developing, in particular, I think about Make It Right, and so Make It Right, for those who aren't familiar is a true restorative justice community conferencing program, where at the point of referral, after those two steps, so arrest happens, then probation does their review of the case.

Tara Anderson: It gets before a district attorney for a charging decision, they would charge the case, but this is eligible for Make It Right. Instead, they're not proceeding with that filing. They're actually diverting it to this community conferencing process, where the young person goes through facilitated dialogue to identify the harm. So it's not a trier of fact environment. You're really acknowledging, being accountable, and then going through the process of healing for self, community, family, and the individual that was harmed in the incident. And one key thing that was so important through that process, was affirming the confidentiality of what happens in that space. So I'm interested in hearing about the dialogue that's happened, especially in terms of these hearings, and what confidentiality there is. If someone is being accountable and identifying they've engaged in some unlawful conduct, how they're going to be protected in not being subsequently arrested for that disclosure, or prosecuted as a result of being genuine and engaging with the experience.

David Mohammed: Well, first of all, wonderful question and great description. Almost exact description. We've took kind of the great parts of all of these different programs, and tried to put them in this. So one is, you're right, there's not like a fact finder in this. This is a community council that would try to hear what the challenges are, and steer the young person and their family towards supports and services that are available through the program. But when there is a victim who wants to participate in restorative justice, then there would also be a restorative justice process as well. There are some times like a department store often doesn't want to be in a restorative justice process, but it might be fine with a diversion program, and so that example may not have a restorative justice component.

David Mohammed: Or, there might be a victim that's totally fine with a diversion, because they understand the person's going to get some support, some services, some opportunities, but doesn't want to participate, and in that instance there would not necessarily be a restorative, there would be an accountability and a development process, but not necessarily a restorative justice process in that case, when victims may not want to participate. But, all of it A, would be confidential. The process of the NOAB, we've identified some initial members and there's going to be training. Again, we were right at the launch point and then had a pause, and the other commitment and like any well-run diversion program is, as long as the young person participates, then everything is destroyed. There is no record of incident arrest, any of that. There is no processing further into the system.

David Mohammed: To that point, there would be, and we already have this drafted MOU with the police department to that instance, and I think you're a little bit more kind of about the both and, and so we're talking police level diversion, but we are also talking some cases that might get to probation, and or DA, that'll get kicked back to this. Again, to the degree possible, we want the in more immediate diversion, but we also want to make sure we're opening it up, so that the ultimate thing we're trying to stop is charging and being in the juvenile justice system. And so we think that this process would help young, provide them with

support, with accountability, with services, with opportunities, so that there is never another issue around a delinquent behavior.

David Mohammed: To that end, I want to say that, so this group of community members have been meeting, at one point once a month for a long time developing this, and then also at the table for a long time has been Captain Figaroa from the police department, the head juvenile DA, and juvenile probation, all initially working on this. Again, since the pause, we have not had the set of consistent meetings, but I do want to say that Captain Figaroa and Deputy Chief Armstrong have been really helping with this process.

Ginale Harris: One other, just want to again appreciate that you've created this here for Oakland, and I don't want to buy in to the San Francisco exceptionalism, and being a shadow over our great city. I appreciate those models were taken from, but I really also appreciate you emphasizing the hard work and experience that was leaned on to create this for this city as well.

David Mohammed: Absolutely. Thank you.

Tara Anderson: Deputy Chief Armstrong, can you give us your input on this program? Do you know? Are you familiar with it?

DC Armstrong: Yes.

Tara Anderson: And can you give us your input on your involvement a little bit?

DC Armstrong: Yeah. So Mr. Mohammad and I have been having conversations about this, and I've been a part of these discussions since the outset, since we initially have been doing restorative justice for many years with Our Joy, so I'm very familiar with that entire process. I think for us, I think Mr. Muhammad would say is that our attempt in this effort was to really go beyond the typical restorative justice sort of practice that we'd used in the past, because we've seen what the sophistication of the crimes that are being committed by juveniles that we needed to push a little bit further than we had previously. Because the Oakland Police Department doesn't actually make a lot of arrests for low-level misdemeanor crimes. In most cases I think to his point, it's a contact and release kind of thing. When we have those sort of low-level interactions, at most, it might be a notice to appear, which would go to the probation department.

DC Armstrong: I think for us, now, the next step, the chief has already agreed be a part of the program and be a partner. She has issued a letter of support to the program. We have initiated even the openness to begin the process. What we need to do moving forward now is bring the other stakeholders to the table so that we can sign an MOU that include Mr. Mohammad and his group. That would include the police department, the Alameda County Probation Department, and the Alameda County District Attorney's office. And so there's some legal mandates around certain cases that we have to move forward to the probation

department, and so we'll have to have that agreement just to what cases are we talking about specifically that OPD has the latitude to divert those cases. And so the chief has a huge proponent of diversion.

DC Armstrong: I think we have some specific cases that Mr. Mohammad wants to touch on. The low level things, we can begin to do those diversion efforts already. I don't think it'll take much for us to begin that process. I think the cases that will be more meaningful for the city of Oakland, and the Oakland Police Department is those that hover around the low-level felony cases. When we talking about some grant theft kind of cases, we're talking about some even potentially strong arm robbery cases, without any injury, or without any force use. So those are the cases that will take more discussion, and have more partnership with those other stakeholders because those do fall under their jurisdiction.

Tara Anderson: So would it be helpful if the police commission was a stakeholder?

David Mohammed: Yeah, I think two things, yes. And then I think that there is, so there is a need to distinguish policy and law, and so there is what the police department and or city's policy is in terms of cases. And then there's a law, and I think there needs to be clarity around the difference. And so the current law as we understand it, is that nonviolent felonies can be diverted on the police by themselves. But anything that's called a 707(b) offense, which is serious offense, can't, and needs to be, the DA has to give that approval. In fact, we have the head juvenile public defender here, who can speak. I act like an attorney on television... and I think we're very close around those issues. We just need to make sure we're all on the same page around those issues, and say, "Okay, can we start with where we know we have agreement on, and then bring all the stakeholders to the table to figure out the process for the other."

Tara Anderson: So are those talks right now, are they ongoing? Or are they stalled?

David Mohammed: So they had been ongoing. They're somewhat stalled again, I think nobody, none of the stakeholders totally understood the stall, but I think we've got agreement that we will get those going.

Tara Anderson: Okay. So do any commissioners have any questions? Commissioner Dorado?

Jose Dorado: Yeah. This is an example of I think having the community, really, on a substantive level, being involved in what I would call using the use of their moral authority to go back to the, if you can call it the traditional model of having the people, the elders, the folks on the street actually playing a role in dealing with these kinds of issues. So I'm glad to see we're slowly but surely going back in that direction in some real areas. So I'm glad to see this orientation of this program. The one comment I wanted to make was that, even though these are young youth, that is 12 to 17 correct?

David Mohammed: Correct.

Jose Dorado: 16, 17 they may well be interested in, as opposed to maybe going to college. Hopefully they would be, but maybe a job. We see all the cranes down here, and these folks at an apprenticeship level make 15 to 20 just beginning. I'm talking about good union jobs with a real career path. So there may well be, I would think a role for the Mandela on 16 West Oakland, the unions in general, having some input, and not just words, money, and really providing a pathway for some of these young people to really move forward, and seeing that there really is something at the end of that rainbow. So that's my comment, is that there may well be a real role for unions, and construction jobs to be put in this program.

David Mohammed: Thank you Commissioner Dorado. I think that's a good point. One thing I've mentioned quickly, but failed to go into the details is a part of the kind of case management life coaching mentoring component would be a four case managers from a few other organizations I mentioned to connect into the Oakland Unite community of services. And Oakland Unite specifically has employment services for young people, who are at risk ,or who are actually on probation. And that includes, you can put in a partnership and Cypress Mandela and build an opportunity to self sufficiency and others. So we would absolutely be tapping into those networks.

Tara Anderson: I think is a good start. This is another step in the right direction from the police department in showing interest in engaging with community, especially at-risk, the most marginalized in regards to building trust. Again, I've had two experiences that were very good, and so I can see this partnership flourishing, and moving forward with other things. Opening doors for way more things. This is just the beginning. And you deserve it, you deserve it. Any other questions? Yes sir.

John Bay: And if I could just put on the record that deputy chief Cunningham obviously retired, it falls under the criminal investigations division. So moving forward, the manager for this particular project will be acting deputy chief Lindsey. Her shop will be the manager for this project, and so she'll be the point of contact moving forward for this particular project.

David Mohammed: So I was not trying to put deputy chief, throw him under the, but his retirement was a part of the challenges. So I would, I guess request, I'm trying to think what the best thing is. So support from the commission, and maybe a date to come back to report on to make sure progress is being made.

Tara Anderson: I would love to involve myself in this project, because this is my life's work.

David Mohammed: Oh. Say no more.

Tara Anderson: So you can call on me, if you want me to attend a meeting. If you need me to be there, please feel free.

David Mohammed: I just have the awesome responsibility of speaking about Amman, who's hiding behind a pillar, does all the work. So I think you've, you've talked to Amman so he will definitely be, make sure you're there. And I see there's a bunch of folks in the audience who are, who are working on this, but he is the engine and then he just tells me what to say.

Tara Anderson: Currently I work closely with Deputy Chief Lindsey. So I'll let her know, hey, I want to be a part of this, so that'd be great.

David Mohammed: Great.

John Bay: She's here.

David Mohammed: Oh is she? Hey. All right. Yeah. So this is great. Yes, yes.

Edwin Prather: Thank you vice-chair. I don't know if... I want to give you more help. And I appreciate the optimism. You were stalled for a while, and I just don't want two months to go by and you are stalled still. Parliamentarian, I don't know if we need a motion. My suggestion would be that we put this on every agenda, we ask for deputy chief Lindsay to please appear, and tell us what progress has been made in the intervening period. We would like this to go forward. I'm glad that vice-chair Harris is... but we need to continue to stay on top of it. And I just feel like if it doesn't get on a agenda, it's just it can fall through the cracks and we don't want that to happen. It's too important. Do I need a motion for that? I don't, right? That's just a suggestion. So I'm happy-

Tara Anderson: That's a good suggestion. Is there a motion for that, Aaron Lee? I don't need one. Oh, right. Okay. We'll take care of any other comments? So we're going to go to public comment now. Thank you Mr. Mohammad. We're going to go to public comment, and we have quite a few cards. Oscar, Mr. John Bay, Mr. Seline Bay, Miss Asada, Paula Ilise Bernstein, and Lorelei.

John Bay: Hi there. They just were a little hard to follow exactly. So when you at the point of arrest, is that recorded as an arrest? No, it's not recorded as an arrest at all. No. So what they do in San Francisco at Clark is like if they get picked up or arrested, so to speak, they don't book them. They take them to the center without record at all. There's no record of that being detained. Oh, I don't know. Let's ask Mr. Mohammad. Mr. Mohammed. So the question was, are the juvenile, when the police officer, let's say the child is doing something, and the police officer arrests him, is there a record of his arrest?

David Mohammed: That's a great question. So, obviously, it's a question of the police department, but we receive data from the police department while back and working on this and our, we were shocked at what it appeared was there were many lower level arrests and what did it turn out to be was those were stops that did not result in further like some of those stop and releases. So there was clearly some form of documentation of that in that it showed up on a data report. But I have no idea

if there is like name and information behind that. And so there is certainly some documentation of when and obviously when an arrest is made, even if it's a, if it's later a counseling release. But I don't know is, is the name of that young person kept?

Tara Anderson: Deputy chief Armstrong, can you answer that? So the question is when a juvenile is arrested, and this is a low-level crime where we take them to Mr. Mohammed's center, is it record or recorded that he is arrested?

David Mohammed: No. And when we say arrested, we're talking about the booking process. And really for the department. It's just a, I mean the NSA mandates that we collect certain data. Anytime we make contact with anybody, we transport anybody. We have to document that, contact that interaction. The question is, do we book them into the system? Do we enter them into the Judas system? Do we fingerprint them? No, they wouldn't go through that process. I think the next step for us is is you know we need to sign a contract with the parent. I mean those documents and things like that need to be a need to be produced so that our youth services division would have that documentation available so when an officer does make the arrest in the field, there's the internal documentation that we're mandated to collect what be filled out. They would then contact our juvenile, our juvenile intake desk. That juvenile intake desk officer would simply get the information needed to contact the parent and begin the contracting process so that they can now be diverted to the program. The issue for us is just that that is a policy related issue about how we have made an arrest and how we have by law relinquished that that juvenile.

Tara Anderson: So is the record recognized by the department of justice if the child ever, I don't know, you know kids don't close their regulars. Will it come up?

David Mohammed: No, it will not be entered into the system as an arrest.

Tara Anderson: Okay. Very good. Thank you. Mr. Bay.

John Bay: Good evening John Bay. I would encourage you to support the program how Mr. Mohammad says he needs reporting. There seemed like there was a little bit of waffling in the different languages, and I would make sure we come down as close to what he's asking for as legally possible. And as a someone who knows business owners and who hires people. I currently, I think I sent an email to his assistant towards the close of business last year before the holiday looking for people specifically out of his program to put to work. So between the community, we already know how to connect it up. You get them in, we'll get them to work and then we'll keep them busy. So, but just want to say that clearly. I'm a highly supportive of his efforts and we're already working in conjunction with him to make this a success. Thank you.

Tara Anderson: Thanks you.

Seline Bay: Seline Bay. I'd like to echo what my brother, John just said, but I'd also like to quadruple down on that, and read the 13th amendment, that says neither slavery, nor involuntary servitude, except as punishment for crime we're in the party has been convicted. And what that's done traditionally to our community is that there's been interventions at this level for our children, and then that becomes cumulative.

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Speaker 15: And, then that becomes cumulative. So, bottom line is, we support this program. This is something that's been in place in our community for a long time. It's the police's intervention in between us doing our own restorative justice that's always gotten in the way. So, if we can make sure that we keep a spotlight on this, because there's a reason why this was delayed, and there's also a reason why the police always say something in public, but then do something in a different way. So, please make sure that you follow up with this and get this done.

Lorelei B.: Hi, I'm Lorelei Bosserman. What I hear is that this has been sitting on police Chief Kirkpatrick's desk going nowhere. And I might suggest that you direct her to act on this, because I believe that you can direct her. Thanks.

Love: Love life. I can't speak to details because I haven't been able to read the documentation, but I'm almost sure this is something that's going to be very good. I just want to address some challenges that are currently in place with our young people. Related to African American youth, one of the challenges we have is because of the out-migration push out of African Americans in the city of Oakland. We've gone from 28 in 2010 to 23%.

Love: A lot of our young people now live in Tracy, Stockton, and other cities. But they come into Oakland frequently. And they're engaging in things. But they don't live here anymore. So, the challenge is, how do you work with kids who are here in Oakland but they don't live in Oakland? That's one challenge. The other challenge I became aware of last night at the school board meeting, there was an initiative around a group of young people that we call "The Newcomers." And on the agenda was an item to support them with their needs, and one of the needs that they're being challenged around is gang involvement, and gang recruitment.

Love: So, the demographics of the city of Oakland is changing, and at some point we're going to have a high number of increasing newcomers that are immigrant. And how to engage with that youth component of that variation of newcomers, because most of the unaccompanied minors are teens, and they're constantly being challenged. The last thing is whatever you're doing to build something, don't forget the young people. Before this meeting, I went to the Youth Advisory Commission. It's about 20 young people, and they were deciding where they want to concentrate their efforts.



Love: And so to go to the young people wherever they exist, because they are involved, to see what they can make as a contribution for this to be successful. Because the adults, we can do some things. But our young people are very engaged and intelligent, and they know what's going on because it involves them.

Vice Chair: Thank you.

Love: Could I say one more thing? I'm getting ready to go. And I was going to say this at the... I'm sorry. I won't be but a minute. Your prioritization on the agenda. I just found out that the police department is engaging in the training of emotional intelligence, and any training that's going on in the police department that's commissioned, should be kept abreast of it. And what is the purpose for training under the banner of emotional intelligence and what's supposed to be accomplished by that?

Love: So, we can keep up with what's going on. Not to create any disturbance, just want to know why and for what reason.

Vice Chair: I will look into it.

Love: Thank you.

Vice Chair: Yes, madam.

Elise B.: Hello, Elise Bernstein. This sounds like a wonderful program. We spend not a lot of money on kids like this, who are just beginning to get into trouble, and we spend thousands of dollars once they get in trouble and get involved in the system. A little money, wonderful support from the community. Yeah, absolutely a good thing. Thank you.

Vice Chair: Thank you. Paula?

Vice Chair: No, she's gone? Okay.

Vice Chair: Okay, so that's all the public comment we have for this item. This is not an action item, so... Oh, I'm sorry. Commissioner Prather?

Edwin Prather: Thank you, Vice Chair. Mr Mohammad, do you want a letter from us? I know you have one from Chief Kirkpatrick, but is that something that will help you as you go?

Mr. Mohammad: Absolutely.

Edwin Prather: Okay. So, thank you for that. So, I'd like to move that we write a letter of support of the Neighborhood Opportunity Accountability Board, and the National Institute for Criminal Justice Program that it's been presented to us

tonight. I'd move that we go ahead, and I will write the letter. I just move that we go and write a letter in support very similar to the chief's letter. Very similar to what we did for Cahoots where we wrote a letter and we'll let Mr. Mohammad take a look at it before our Chair signs it, but that'd be the motion.

Henry Gage III: Second.

Vice Chair: Okay. So, we have a motion on the floor. So, let's vote. Commissioner Dorado.

Jose Dorado: I.

Vice Chair: Commissioner Gage.

Henry Gage III: Yes.

Vice Chair: Commissioner Anderson.

Tara Anderson: I.

Vice Chair: I, for myself. That's commissioner Harris and Commissioner Prather.

Edwin Prather: Yes.

Vice Chair: So, it passes unanimously. And again I want to extend my help. My hand. Whatever you need, just call, okay? Okay, very good. So, let's move on to the next item, which is "Edits To The Resolution 1901." And it is on October 24th, 2019 the commission approved resolution 1901 to engage the services of Knox and Ross law group to investigate if there is enough evidence to report to reopen the CPRA cases 070538, 131062 and 160147 for the amount not to exceed \$49,999. With all work to be conducted by licensed investigators. Mr. Knox?

Speaker 16: Can you guys?

Vice Chair: Okay, so Mr. Alden?

Alden: Well, either one of us could go first as the Chair prefers.

Vice Chair: What was that?

Alden: I thought I heard you asking if I had comment.

Vice Chair: Yes.

Alden: Either one of us can go first in any way you prefer.

Vice Chair: Okay.

Jason Ross: I'll let you go first. Jason Ross.

Alden: Through the Chair, briefly, we had already at previous meetings discussed at some length the Knox and Ross Law Group moving forward with this contract. For us, Commissioners may recall that at our most recent meeting about this topic, we had some conversation about whether the Commissioner prefer the contract be structured so that only licensed investigators perform the work. Or whether the contract be structured such that the Knox and Ross Law Group could have some flexibility about whether there were attorneys or investigators or other kinds of employees involved.

Alden: And there were some concern about whether having them use attorneys might trigger the need for the City Attorney's Office to approve that contract.

Alden: So as I unders... I hope that [crosstalk 04:32:30]

Edwin Prather: If I could.

Vice Chair: Yes sir.

Edwin Prather: It's very close Mr. Alden, thank you. What I recall is that we were specifically told by the City Attorney's Office that hiring the Knox and Ross Law Group was not our purview. That it was the purview of the City Attorney's Office. We made edits on the Dyes to limited licensed investigators so that we could get the contract through. I don't view it as we had a choice. I see a lot of nodding heads from my colleagues. We were presented with a dilemma of either giving it to the City Attorney's Office, or limiting it to licensed investigators, so that we could get the resolution done. And I think that if I'm incorrect then I'd love to be corrected. I think that that's right. Yes.

Edwin Prather: Am sorry to interrupt you.

Alden: Not a problem. The Knox and Ross Law Group has gotten back to us saying that they would rather be able to proceed in such a way that they were able to use their attorneys. And so this is on tonight to see if the Commission is willing to do that. And they are here tonight to tell you a little bit more about their thought process there and how they might move forward. I could perhaps add a little bit more after, but...

Vice Chair: So it's re-written in the resolution. Right? It's in here? The edits?

Alden: Yes. There is a draft revised resolution as an exhibit at item 12. And you'll notice on the final page of that resolution there is a clause that is struck through, and that's the proposed edit. It's to take out the phrase "With all work to be conducted by licensed investigators." That's the proposed change. That is the one and only proposed change.

Vice Chair: Okay.

Alden: Page 207 [inaudible 00:10:23].

Jason Ross: And I think we agree with that.

Vice Chair: Okay.

Jason Ross: And the issue has been explained. Unless there is questions for me specifically, I think the issue has been fully articulated.

Vice Chair: Commissioner Prather.

Edwin Prather: Thank you. You heard what I said. That this is going to go to the City Attorney's Office at this point if you are okay with that.

Jason Ross: I've had some initial discussion.

Edwin Prather: Great.

Jason Ross: With the City Attorney's Office and we're comfortable moving forward with their process. We've had some other contracts with the city, so our firm is familiar with the process. And if that's what it takes to move this forward then we are willing to go through that to expedite the process as quickly as we can.

Edwin Prather: Just so that I think, and I don't want to speak for everyone up here, but I think I do speak for everyone up here when I say we don't want there to be undue delay. We want you to have your contract. The whole purpose of what we did last time, was to get the contract through. I think your need for the edit is self explanatory. You don't need to go into justifying why you need the editor or anything else. At this point, it sort of becomes out of our hands. We can issue the resolution, and the City Attorney takes the resolution and it has our direction but, as you've probably witnessed, no one controls the City Attorney's Office in this town, so if you're okay with that then, this to me at least it's probably easy thing to do.

Jason Ross: I think we're agreeable, and if we do run into some unanticipated challenges that we haven't dealt with before, we will definitely bring it back. But the communication has been very clear, that they are not opposed per se. They just want us to go through the process, but we didn't want to push efforts and energy if we didn't have these resolutions. So we wanted to make sure we did it, dot our I's and cross our T's. To make sure that this is as smooth as it can be.

Vice Chair: I will say that this change is so minor that it is disgraceful. That we had to do all this. And I will say, for the record, that I am going to document this process. I have been, but this is one more thing in the bucket, on why we are being delayed and denied by this office to get what we need done. So I just wanted to

say that, because these are six words. Six words. And it's just terrible that we have to do this.

Vice Chair: Commissioner Prather.

Edwin Prather: I have an idea, and it's sort of, a light bulb hit me. What if we broke it into parts. Could we have a contract with your firm and your investigators? So that... We can approve that and that could move forward. And then could we send to the City Attorney's a second contract to engage lawyers? Because then the work can start immediately. Because we can approve. We have the authority to approve.

Jason Ross: I thought about that. That's a great idea. The challenge is, we're not trying to be a third party per se. We need to figure out the work and figure out how are we going to have our investigative plan and so to have it separate is going to make it more challenging for us, as opposed to just have the one contract and then we'll move expeditiously through that contract.

Edwin Prather: It doesn't start without legal services, is what you are saying.

Jason Ross: Yes.

Edwin Prather: So it's worth the delay to do it right.

Jason Ross: We'd rather do it right.

Edwin Prather: Correct. I get it.

Vice Chair: Commissioner Anderson.

Tara Anderson: I'm sorry Mr. Bay. This process has failed you. And we'll document the wrongs. But we have got to figure out with an understanding on the limitations that will be played on us, or placed on us. How we can work around them [inaudible 04:38:32] creative and do this work faster and better. And I think we're doing that. But I just wanted to say that to you. We'll do better.

Vice Chair: Okay. So, I guess I'll make the motion since... Oh, I'm sorry. Is there a public comment? Yes there is. Mr. Bay.

John Bay: John Bay. Been a long night. But whatever way that the commission sees fit to move this, so that there is as little chance for a monkey wrench from the City Attorney, that's the way I'm comfortable going. So, as long as we are a part of the process that we brought forward, that needs to be done, that you see rests in every other gripe that someone has against the police department, and how they handle things, and how they conduct investigations, and if you recall, the whole reason we're up here was because of a missing person. [inaudible 04:40:01] in 2004 and they didn't investigate it, and well we can't find anything, so we can't call it foul play until now a decomposed body shows up in

Oakland Hills and then they get nothing to say. No records. So, we know the drill. And this just needs to be okey doke proof and we're working together. So as long as you all are still on the same page as I expect, then you won't have no problem here. But we're definitely part of this process. Thank you.

Saline Bay: Saline Bay. First I would like to thank the commission, because I haven't been a part of this process for over a decade, and I know the difference between people who are trying to get something done genuinely, and people who are blowing smoke or people who are diffusing. And this commission has... I have seen it with my own eyes. And I was asked to buy into this process by the vice chair, like a year ago when I had no confidence in this body or anything. And she assured me that she would get this through and she's been a lady of her word. As well as the other commissioners that we've worked with, who come and support us.

Saline Bay: So we understand that this body here is behind us and we have all full confidence that it's going to happen. That it's not going to fall into a hole. It's not so, we've been waiting all this time and they want to put a couple extra hurdles, it takes a couple extra weeks, that doesn't mean anything because there was five people who were murdered, associated with 131062. And their lives and their justice don't go away just because the can gets kicked down the road. And I want to thank Mr. Prather for that one as well as his new version of not kicking the can down the road.

Saline Bay: So let 131062 show, my brother Wajid... They'd said that none of his case files have been found or are available to this day, 2020. So when we had it supposedly re-investigate it, the report came back and said, we can't find any of his case files. How can you investigate cases if you don't have a case file? Right? But you closed it and said, no, we didn't investigate it. So go ahead and take that. But there's still no investigation and we won't stop until this thing is investigated. And the people who are responsible, who are also the same people who were associated with the rape scandal and the Chauncey Bailey murder. These are all the same people. These are all the poisons of people.

Saline Bay: And I'll leave you with this. Captain Figaroa, who used to be Assistant Chief Figaroa, was the one who was assigned to complete 131062. He's the one who never followed up. The 160147 is against Captain Figaroa for not completing this investigation and covering it up. So captain Figaroa should not be a part of this diversion program. He shouldn't be a part of anything. Just like that person shouldn't be a part of the use of force. Because you're a criminal. So captain Figaroa, he should be fired when it comes out and finds out that he didn't investigate 131062 and I'll thank the commission for everything today. Thank you.

Vice Chair: Thank you, Mr Bay. Okay. Now that public comment is done, I guess I should make the motion that we adopt.

Mr. Rousse: Resolution 1901.

Vice Chair: Yeah.

Mr. Rousse: Do you want me to do it?

Vice Chair: Yeah.

Mr. Rousse: I'll make the motion that we adopt resolution 1901 as drafted by Mr. Alden in total.

Vice Chair: Is there a second?

Jose Dorado: Second.

Vice Chair: Okay, let's vote on the matter. Commissioner Dorado.

Jose Dorado: I.

Vice Chair: Commissioner Gage.

Henry Gage III: Yes.

Vice Chair: Commissioner Anderson?

Tara Anderson: I.

Vice Chair: Yes for myself. That's commissioner Harris and commissioner Prather.

Edwin Prather: Yes.

Vice Chair: The motion passes unanimously. Okay. We're going to move on to the next item, which is "Meeting Minutes Approval." The commission will vote to approve minutes from July 25th August 22nd and September 12th, 2019.

Vice Chair: The first set of minutes we're going to July 25th, 2019. If you want to take it second or you have any comments? Wosharp right there.

Wosharp: Yeah. Through the vice chair, Can we approve minutes with only four? Because we were missing two commissioners. I knew that came up last time.

Mr. Rousse: It did come up last time. I've seen no rule that says that a commissioner who wasn't present cannot vote to approve the minutes. Including because in this case everything is recorded. So if anyone has any issues because they haven't checked out the recording, that's obviously something to consider. But there's no need to abstain if you weren't present at that meeting based upon everything that I've looked at. So you can go ahead and vote and we would encourage that to get past the quorum issue please.

Wosharp: Yeah, I guess I would feel comfortable encouraging my colleagues if they had just watched the video with a copy of the minutes in front of them and felt comfortable voting on that. But I would actually move to then table the August 22nd minutes because we only have three individuals present from that set.

Vice Chair: Don't we have alternate commissioners that could take the place of the commissioners to vote? Because they were there.

Wosharp: No, not on August 22nd we don't. We would have to have... Yeah because Commissioner Brown was absent. I think, vice chair, that we can vote to approve and I would move that we approve the July 25th, 2019 minutes. I think we can do that.

Vice Chair: Okay.

Jason Ross: Second.

Vice Chair: Okay, so there's a motion on the floor. Let's vote. Commissioner Dorado?

Jose Dorado: I.

Vice Chair: Commissioner Gage?

Henry Gage III: Yes.

Vice Chair: Commissioner Anderson?

Tara Anderson: I.

Vice Chair: Commissioner Harris, I from myself, Commissioner Prather.

Edwin Prather: Yes.

Vice Chair: Okay. And it passes unanimously.

Edwin Prather: I would move to table August 22nd minutes to the next meeting.

Vice Chair: Is there a second to table August 22nd? One more time. Is there, is there a second to table August 22nd?

Tara Anderson: no.

Vice Chair: Okay, so let's take a vote. Oh, somebody has got to move to approve the minutes. August 22nd.

Jose Dorado: I move that we approve August 22nd.



Vice Chair: Is there a second?

Henry Gage III: Second.

Vice Chair: Oh, okay. It's been seconded. Let's take a vote. Commissioner Dorado.

Jose Dorado: I.

Vice Chair: Commissioner Gage?

Henry Gage III: Yes.

Vice Chair: Commissioner Anderson?

Tara Anderson: I.

Vice Chair: I from myself, commissioner Harris, commissioner Prather?

Edwin Prather: Yes.

Vice Chair: Okay. And it passes unanimously.

Edwin Prather: I move that we approve the September 12th, 2019 minutes.

Vice Chair: Is there a second?

Henry Gage III: Second.

Vice Chair: It's been seconded. Let's take a vote. Commissioner Dorado.

Jose Dorado: I.

Vice Chair: Commissioner Gage?

Henry Gage III: Yes.

Vice Chair: Commissioner Anderson.

Tara Anderson: I.

Vice Chair: Commissioner Harris will abstain because I was not here. Commissioner Prather?

Edwin Prather: Yes.

Vice Chair: Okay. And the motion passes.

Tara Anderson: Okay. Yay.

Vice Chair: Okay. So our next item is "Committee Liaison and Other Commissioner Reports." Does anybody have anything to report back? Commissioner Dorado?

Jose Dorado: Yeah, I'm continuing to work on the use of United for success on 35th Avenue for our possible community meeting in the spring. I've gotten in touch with... Evidently there's the whole process of doing that as is independent from the actual principal, although he's open to it. So I've contacted the people that they've directed me to at OUSD. So that they can guide me through the process of the application, so that I can bring that back. And I'm really hoping that in fact, that will follow through and we'll be able to have our community meeting there.

Vice Chair: Oh, nice.

Jose Dorado: The other report I have is that [inaudible 04:50:20] advisory board is in the process of putting together what they termed the NCPC (Neighborhood Crime Prevention Council) Leadership Summit. It'll be chairs and co-chairs of the councils. Citywide. Something that's never happened before. So I'm very glad to see that. And may well provide the template for a public safety summit that was done in the style of a 10 to 15 years ago where there was two to 300 people coming in on a Saturday, spending the entire day in workshops and listening to presentations. So that's the longterm plan that may well come out of this leadership summit.

Vice Chair: Very good. Thank you. Are there any other commissioners that would like to report anything on activities they've been working on?

Vice Chair: So I'm going to report back on a few things. One is the Jonathan Banda Villa case. I am the liaison to the Vanderbilt family. And last weekend we did outreach efforts to a shopping mall in San Leandro where his phone was last pinged to the cell tower there. And I thought that was odd because he's been gone for eight months and we're just finding out that that's the last place he was talking on his phone. But we put up flyers and we talked to business owners and they did a press conference, which was very brief, but I appreciated it. To my knowledge, to my surprise who was out there with us was the Special Victims Unit. And again, we had been working with the team of Missing Persons Unit. And to my surprise, they switched out the two investigators.

Vice Chair: Crazy. Didn't tell me, didn't tell the family. So now we have two new detectives who know nothing about investigations in the Missing Persons Unit. That don't know nothing about nothing. So there's supposed to be a five year commitment that each detective has to the unit, and that has not happened. This is another thing on the list of what they're doing wrong. Like they are not following protocols, they are not following policies and they are not respecting the fact that this commission is part of what's happening. And so I was out there and the

family is very appreciative as Michelle, the liaison for the family explained to us, they took out a \$10,000 loan to up the reward, which is terrible. But they're very hopeful. And we were out there Saturday canvassing in a few different places. But all I can say is that this will continue until we find him.

Vice Chair: So we are trying to do and make efforts. The intent was to have deputy chief Lindsey give a report back on this item, and she left. And she knew she was supposed to do a report back because I got an email saying, "Hey, we're not going to report on this because it's not on the agenda." And I was like, "No, it's on the agenda. It's item 14." And they sent an "I apologize. I apologize. We'll be there." And they left. I thought deputy chief Armstrong was leaving. I didn't think she was leaving but she left. So this is the concern that I have and I just wanted to share that with the commission because it's everyday working process.

Vice Chair: The other is, I think I already said a little bit about the use of force. It is working well. It is working well. I find that it's working well. I would like more of our community members to come to the table and just give thoughts on what you think about this or what you think about that. I would like to see more community people come to the table because I think the more the merrier. Right? And that's how it's been working. And these are just regular people, right? Giving their input on what they believe should be in there and it's working. So I'm happy with that.

Vice Chair: Commissioner Anderson, you want to share a little bit of anything? No? Commissioner Gage? No? Okay. All right. Public comment? No public comment. Okay. So we're going to move on with that. This is not an action item so we don't have to vote on anything. All right. So we are onto the "Agenda Setting and Prioritization of Upcoming Agendas." So I have spoken to the chair and what I did some weeks ago before the break is Chrissy, Love and myself, were working on "agendaising" things way ahead of time. So we kind of did the agendas ahead of time based off the agenda list, item lists, rolling list that we have. So I can tell you what was taken off of the list. It's not in any kind of particular order, but for January 23rd this is what the thought is, reorganization of the CPRA, budget mod, job descriptions. Commission called it out in September of 2019. So we will be discussing the reorganization of the CPRA update on audit by the city on the commission. A report from the retreat. Our strategic plan.

Vice Chair: I'm sorry. Am I going to fast? I'm tired. I'm sorry. Strategic plan from our retreat. So we will have a report in writing from our retreat. We have a closed session. I can't tell you what it is, but it'll be on the agenda. We...

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Vice Chair: Beyond the agenda. Another thing is we never received the amended contract from the city attorney's office for the chief's renewal of her contract. We have been asking for this for since she got it and we have not received it. So that's an

agenda item. There was a hiring of a new strategic communications manager. His name is Paul Chambers that we were not aware of. The commissioners received an email from him with that title. So we're curious to know what the hiring policies are for civilian positions. We want to know what the hiring policy, I mean hiring process was for that position. It is my understanding that two civilian positions in OPD were eliminated to give him that job. So that will be on the agenda. The FRB, we want to have a discussion on the 65th report from the federal monitor in regards to the FRB.

Vice Chair: And the presentation by the national Institute for criminal justice reform. Just an update and with the letter from commissioner Prather. Is there anything else? Did I say it too fast? Commissioner Gage.

Henry Gage III: Thank you. Vice chair.

Vice Chair: Yes.

Henry Gage III: The Ad Hoc committee for equivalent policy has been meeting and we've recently finished a meeting amongst the Ad Hoc itself to put together a list of questions for the department as well as a revised draft. That draft should be completed in time for the January 23rd meeting. It'd be nice to have some additional feedback from members of the commission as well as members of the public who have not had a chance to check in today.

Vice Chair: Okay. Can you say that? Give me that title again.

Henry Gage III: Sure. It's a presentation of discussion of a revised draft of the military equipment policy that was previously before the commission in I believe December, maybe November. I can't quite remember.

Vice Chair: Okay, so it was my understanding it won't. It's ready before February?

Henry Gage III: Yes. I'm working on a revision now and that'll be ready for publication in the January 23rd agenda.

Vice Chair: Okay. Anyone else? Commissioner Anderson.

Tara Anderson: I just want to caution us from adding much more and potentially considering removing one of the items. I'm just counting everything that's been identified with our standing agenda items, including the fact that we're having a closed session. That brings us to 17 items.

Vice Chair: It's 10.

Tara Anderson: So we have,

Vice Chair: 10 items.

Tara Anderson: And then you count our standing called, or like all the other items. That brings us to a total of 17 which compared to this agenda, it seems similar, but several of our items went rather quickly and I don't expect much of the like beyond the standard items to go and just in the spirit of what I think has been a successful time for today and us having had other discussions about. I just want to caution us from, and I know this happens behind the scenes as well, like you as vice chair and chair, we'll work towards that, but just want to signal that this is a significant amount of content to cover in a single meeting. And if you as vice chair and chair determined that's appropriate just that we're in for a long night.

Vice Chair: Okay. Well the anticipation was that the militarized draft would be in February. Would that be okay, Henry?

Henry Gage III: Don't see why not, certainly.

Vice Chair: I mean I already have it on the agenda just based on the feedback that I got from commissioner Gage, you and John

Vice Chair: Because remember when I announced, when I said I did the agenda thing, I did it off of that rolling list and I did it with Chrissy. We took a whole day, we did everything.

Henry Gage III: Happy to kick it to February. I will say I'm a little bit concerned there wasn't a training item on this next agenda and there seem to be a number of items that are brand new when we have other things we haven't followed up on yet.

Vice Chair: Okay. Like?

Henry Gage III: Can I have a partial list? Unfortunately it's hard to keep up with the entire list but if we have, I believe it was either seven or 10 items. If I heard correctly, I think something like four of those items were things we had not previously had come before us, so things like hiring civilian employees, I would move to remove that from the agenda, as an example I'm looking at,

Vice Chair: Well I think that came up because new information came up and I think it's important that we discuss it because we don't have a strategic plan from OPD and they are hiring people through the back door. They are not following the hiring process and they have eliminated two civilian positions so that they can hire this person and they already have two PIOs and now they need another one and there's information, I don't know if you received the email from him but it shows you what he does.

Henry Gage III: I don't say this to say that if it's not an issue we should discuss but it's not an issue you've discussed previously is what I'm saying. Right. I also, I received the same email and I thought it was interesting to hear that kind of communication from that kind of employee at this stage in OPDs history with respect to ongoing federal oversight. However, I don't think that's something that's a pressing need

for this cushion. Discuss now in comparison to, for example, ongoing training or mandatory training or you've pulled out the need to follow up on the NOAB requests from Mr. Mohammad. Items like that, I would prefer to prioritize over something new like that.

Vice Chair: Okay, well just if you can just identified some things for me that you feel should be on the agenda, I will write them down and then I'll pass them to the chair and then we can figure it out. Yes, commissioner Prather?

Edwin Prather: Thank you vice chair. So I don't want to take credit for flagging this issue because this is something that Ms. Granada had brought to my attention, but my understanding, there's a lot of, and I don't know how many of you are a city council followers of their proceedings, but there's a real issue going on with OPDs over spending on overtime. And for those of you, I apologize for those of you that are aware, but my understanding of that issue is they're just blowing through whatever overtime budget they have and they're just spending whatever they want. And it's literally like sucking the money out of other city coffers to pay for OPDs overtime. And they are right now an entity in the city almost without a budget because they present a budget and then they just do whatever they want and overtime and while the city council is looking, kicking the tires on that issue and maybe delving deeper that that is actually our purview.

Edwin Prather: I mean we provide oversight to OPD and we have not touched the overtime issue. It's not been brought to us, but it's definitely something that is a concern. And I'm not necessarily saying it needs to go on the next agenda, but we need to start to dig into the overtime issue because by not doing so I think it really takes away and Ms. Granada's clapping because it was really her idea. But, but it is something that I think we do need to chase the ground at some point because this, it can't happen.

Vice Chair: So in preparation for that, can I ask that you gather all the documentation or request it from like Mr. Alden I think can direct you on how we're supposed to get it. I'm not sure. Like, so we can see how they're spending like the public can see like how they're spending. You know how we put to put the agenda packet together? Yes Ms. Granada?

Ms. Granada: I recall that you,

Vice Chair: Your microphone. No. K top microphone. There you go.

Ms. Granada: Thank you. I believe you had a report on this presented to you so it should be in your files as part of your agenda for that meeting. Do you recall?

Speaker 17: I don't happen to recall right now, but if do the chair, I might suggest that if OPD is spending that money and they're accountable to the commission, maybe they should be presenting that to the commission.

Ms. Granada: Also the, they did present the report. The city auditor did a report on this and it was presented to the public safety committee and then to the full council where they had an extensive discussion about it. That report should be available to you certainly and then you might want to ask the city auditor to come and answer any questions that you might have because in that report she gave several recommendations so you might want to follow up with OPD to find out how many of those recommendations have been implemented. So I would say that would be a good baseline for you to use and then you can work off of that. Thank you.

Vice Chair: Thank you.

Henry Gage III: Vice Chair?

Vice Chair: Commissioner Gage. T.

Henry Gage III: Thank you Vice Chair. Circling back to this list of agenda items, we're trying to find a way to cut this down a bit. I've got to read the list, I've got to make sure I've covered everything and then go through proposals for removals. I've got the NICJR the NOAA proposal, essentially

Vice Chair: The NICJR, the one we just heard?

Henry Gage III: Mr Mohammad, the NYP proposal, so one sipper reorg to commission audit. Sipper reorg. I'm just listing off all of them. The commission audit, strategic plan, the chief contract, hiring for civilian employees, and the in state report. Now I think we should move the equipment policy to February and that will take one thing off the line off of the list. I think we should cut the discussion item for hiring civilian investigators is somewhat outside the scope of what we're talking about in recent meetings. I think the Sipper Reorganization item and the chief contract item should be deferred to the personnel committee before coming to full commission as those two are pretty straight forward personnel matters, which would leave the NICJR item, the commission audit, the strategic plan, and I think those two should stay together, and the NSA report as one, two, three that's four right there. Fairly substantive items for discussion at the,

Vice Chair: The NSA report is new, so it was reorg, CPRA update on audit by the city, so we had an ADI and so we need to, that has to be on the agenda because we'll hear back, right? That is one of the items included report from the strategic retreat. The strategic plan.

Henry Gage III: I think that should be paired with the commission audit. Those two should be on the same agenda because they're about similar subject matter.

Vice Chair: Got it, got it, got it. We never received the amended contract from the city attorney's office for the chiefs rehire.

Henry Gage III: I suggest that item go to personnel committee before it comes to full commission as a way of cutting down the workflow for full commission. Similarly, the sipper reorganization items should likely go to the personnel committee first.

Vice Chair: Okay, gotcha. Hiring, so it's not civil service. It's hiring of a new strategic communications manager

Henry Gage III: Hiring for a civilian employee, I suggest striking that item and replacing that with the one of the training items we haven't completed yet.

Vice Chair: Well, it's not civil service. It's one position that they hired this person illegally is by concern.

Henry Gage III: I'm not talking about civil service at all. I was thinking civilian, not civil service, so the hiring of that civilian employee is an item I suggest we strike from the agenda and replaced with a training item. I think it's more important to knock out more of the training items quicker than it is to take on a discussion of this hiring. Especially given we don't have a lot of direct control over the ultimate outcome here.

Vice Chair: Well I think we do. I think they never posted this position and they were supposed to come to us for that but I don't, what do you mean by training item? What training item are you speaking on?

Henry Gage III: The mandatory training items. There's a number that are scheduled for March I believe. I'm suggesting that we pick one and move it up.

Vice Chair: Well Chrissy Love has scheduled everybody for training. So training goes through her. There's no more reason why we should even have it on the agenda like it's already been. She sends out emails when they are scheduled because those are out of our control.

Henry Gage III: I was under the impression there was at least one open session training item that we haven't completed yet. Am I mistaken?

Vice Chair: It's a new year. We completed both of them. The strategic plan was one and then they finished the one at the youth center. That was the last one. We had to do two by December

Henry Gage III: I am mistaken.

Vice Chair: And if anybody would like to know their status on their trainings. Chrissy Love has copies of everyone's trainings. So if you haven't reported to her that you've done a training, please do so. Because she schedules.



Henry Gage III: What's the list you have right now for the second January meeting after this discussion? What's the current list you have right now for that next January meeting?

Vice Chair: January 23rd.

Jose Dorado: I'm sorry to interject.

Vice Chair: Yes?

Jose Dorado: I sort of wanted to make sure that the ongoing conversation could go, but where I did, there is a need at some point to vote to extend beyond the natural ending. So I just wanted to flag that if that's something that you want to do despite my advice.

Vice Chair: Can we do five more minutes? Okay. Five more minutes. I don't think the training thing needs to be on here. I think that's an offline thing. You can call Chrissy and see where the training,

Henry Gage III: I might be mistaken here. I was under the impression there was still an open session training that was pending. It looks like I'm wrong. So I retract that.

Vice Chair: No worries, no worries. But I have condensed the update of the audit and the report from the strategic plan together, but they're two different entities.

Henry Gage III: I'm not saying combine the items, I am saying,

Vice Chair: Under the one subject matter.

Henry Gage III: I am saying both of those items should be on the same agenda and not that they should be the same item.

Vice Chair: Okay. They were on the 23rd.

Henry Gage III: Since the 23rd we're looking at the NICJR, the condition audit, strategic plan, the NSA report and.

Vice Chair: closed session,

Henry Gage III: closed session,

Vice Chair: Can't tell you what is in there publicly.

Henry Gage III: Can't talk. Any other items?

Vice Chair: The contract from the chief of police.

Henry Gage III: I am posing that go to personnel committee.

Vice Chair: You did. Apologies. So there's two things. Yep.

Speaker 17: Through the chair on the CPRA reorganization. I'd be happy to present that to the personnel committee instead. There is one portion of it that we had originally put on for tonight.

Vice Chair: Yeah.

Speaker 17: They were going to move to the 23rd I'd like to still keep on and that has to do with the fact that there is another oversight professional from Denver originally from Oakland named Giar Alondo who is in conversation with Bart's oversight system right now about doing some oversight, sorry, some outreach work for them. Particularly some one time tasks like improving website, improving market material, that kind of thing.

Speaker 17: It's been suggested both by her and the folks at Bart that there's a lot of overlap in the work that they're doing there and they're out right in the kind of work we're doing with our outreach. And it triggered then a conversation with the chair about whether we might want to have the commission either at the commission's discretion open an RFP for those kinds of services so we could at least get some outreach done this year on some of these one time or.

Vice Chair: I don't think we are ready for that though.

Speaker 17: Or alternative. Well, I'd like to have a conversation with the commission because it's a one time opportunity or alternatively we hire her directly using the under \$50,000 exception and I don't know which the commission would prefer. And either way we need commission approval, but since she's going to be likely starting that work soon and our fiscal year has another five months left, I prefer to get that, at least have a conversation about it. If the commission decides the commissioner rather not do that this fiscal year, then we can skip it. But I think if we're going to do it at all, we should do it sooner.

Vice Chair: I mean any feedback for that?

Henry Gage III: It seems like a proven suggestion to split the items between personal and full commission. I am in favor.

Vice Chair: Yeah, I think so, but I mean I think we needed, first we got to talk. I don't know. I think it's a longer conversation because if we're talking about a reorg, why are we spending money on outreach?

Speaker 17: We won't be able to hire any outreach people this fiscal year without a contract. So if you want to have any outreach done between now and the end of the fiscal year, then we would need to take advantage of some kind of contract

opportunity. And the one that she is doing for Bart gave me some clarity that there are some outreach tasks that really are one-time tasks that we could do in the short term. Even if we don't have a longterm outreach individual assigned.

Vice Chair: So would that item be under outreach? Just put CPRA outreach, right?

Speaker 17: Sure. And I could construct the exhibits such that the commission would be able to either move forward in assuring an RFP or authorization to use the under \$50,000 exception to move forward in that direction. The commission could go either way that it might prefer after that conversation.

Vice Chair: Okay. So I think that's it.

Henry Gage III: Vice Chair, can you run back the list of things we agreed on for January?

Vice Chair: I will do that. Okay. So we have reorganization of the CPRA is going to be moved to the personnel committee before it comes to full commission. So that's one item off the list. Right. Then we are going to have, so the first item on the agenda for a full commission is going to be, not first. It's not in a particular order. So update on the audit by the city, report from the retreat, strategic plan, CPRA outreach. We're going to have a closed session.

Vice Chair: Another one that's been redirected to personnel committee was we never received the contract from the city attorney's office for the chief of police. That's going to be redirected to the personnel committee before it comes to full committee. The hiring of the new strategic communications manager. Where should that go? Personnel?

Henry Gage III: I think personnel would be an appropriate place.

Vice Chair: Got it. Okay. The discussion on the FRB from the 65th report from the monitor's report, I feel that that needs to be on the agenda. The 65th report already came out and the federal monitor found some really troubling information in regards to the FRB.

Henry Gage III: Off the top of your head, did you have anything in particular about that report that you wanted to discuss? It might help frame the discussion.

Vice Chair: I believe that there needs to be a voting member from the commission on the FRB due to the police can't police the police. Makes sense? That's what the monitor said. In so many words. I don't have his exact wording, but he found that there were discrepancies in their judgment calls on some of the cases and when we looked into his report, I asked Mr Alden if we had any cases similar that looked a little funny.

Henry Gage III: We're running low on time. I think it's important to note that because we have a federal monitor, we essentially have an inspector general. It doesn't report to us

in the IMT and it would behoove us to be monitoring what the IMT is doing on a somewhat regular basis. We have not been doing that and for that reason I think it's a good idea to have that on the agenda. So I'm in favor including,

Vice Chair: Oh yeah, I'm in favor. Yeah. Okay, great. That's it. Oh, the report back from the national Institute for criminal justice.

Henry Gage III: Status update. Correct.

Vice Chair: And overtime spending from OPD.

Edwin Prather: That would be long.

Vice Chair: Over time spending?

Edwin Prather: Well because think about it, I'll come in and they'll make a 10 or 15 minute presentation and the public is going to be up in arms about it. So that's an hour long block.

Vice Chair: Okay, well oh one hour.

Edwin Prather: We can do it next time. We can do it in February, but we just need to do it at some point.

Vice Chair: I'll make sure. I'll make sure. So that's it then.

Henry Gage III: Overtime might be a good thing to send the personnel immediately as well before it comes to full commission.

Vice Chair: No, we're not doing that.

Henry Gage III: Not the next one.

Vice Chair: You have two people, three people that I think we need to switch out some of the commissioners to replace us in personnel. That's what I think. That's another conversation.

Edwin Prather: I would second Mr. Gage's emphatic suggestion that that go to personnel committee first. I think that's very wise.

Vice Chair: Negative. Okay. Okay, so.

Jose Dorado: I move, we adjourn.

Vice Chair: Thank you.

Tara Anderson: And the memory of her Verdine class.

Vice Chair: Oh my Verdine.

Henry Gage III: Second. Second

Vice Chair: And wait. Commissioner Dorado.

Jose Dorado: Aye.

Vice Chair: Commissioner Gage.

Henry Gage III: Yes.

Vice Chair: Commissioner Anderson.

Tara Anderson: Aye.

Vice Chair: Aye from myself. Commissioner Prather. Yay. And we are adjourned.

Vice Chair: Look. Like my gavel? I'm so tired.

Edwin Prather: The emotional intelligence [inaudible 05:22:20] I've been trying to talk to them. I mean, part of the foundation.

PART 10 OF 10 ENDS [05:22:35]