



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

October 15, 2020

Regina Jackson: Great. Hello. Welcome to the Oakland Police Commission special meeting for October 15th. This is chair Regina Jackson, and I am calling the meeting to order. My first order of business is to identify the role. So, we will call for the role. Commissioner Harbin Forte?

Brenda Harbin Forte: Check.

Regina Jackson: Thank you. Commissioner Harris?

Ginale Harris: Present.

Regina Jackson: Thank you. Commissioner Gage?

Henry Gage, III: Present.

Regina Jackson: Thank you. Commissioner Anderson?

Tara Anderson: Present.

Regina Jackson: Thank you. Commissioner Smith?

Thomas Lloyd Smith: Present.

Regina Jackson: Thank you. Absent today is commissioner Dorado and I am here. We have a quorum. Commissioner Brown?

Chris Brown: Present.

Regina Jackson: Thank you. And I don't see our other alternate commissioner, Jordan, but that's okay. So, we do have a quorum and we will be able to move to business.

Regina Jackson: So, third on our list are public comments on closed session before we actually go to closed session. Mr. Rus?

Juanito Rus: Thank you, Madame Chair. At this time, if there's any member of the public who would like to make comment on the closed session portion of this meeting, you may raise your hand in the Zoom queue and you'll be called in the order in which your hands are raised. At this time, I see three hands in the queue. The first one is a telephone attendee with the last four digits 0501. Hello, 0501. Can you hear us?

Juanito Rus: 0501?

Gene Hazzard: Hello, can you hear me?

Juanito Rus: We can hear you now.



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- Gene Hazzard: Okay, this is Gene Hazzard. I'm appalled at the recklessness in which this body failed to comment on the selection process. De Cobb lied and all you knew she lied. The selection members were complicit in that lot to removed Ms. Harris From this body. And so, with the four new members coming on, and that rules committee where they made two mayor's appointment. One with Mr. Jackson, who's the chair of the Public Ethics Commission, with all the amount of work that's going to be done and where Ms. Harris has been a tireless worker and advocate. And you're going to have four new do-nothing members, none of which, to the best of my knowledge, have come before this body on any issues in the last three-
- Juanito Rus: Your time expired. The next speaker in the queue is Assata Olugbala. Good evening, Ms. Olugbala. Can you hear us?
- Assata Olugbala: Yes, but you are speaking very low. I don't know if there's something you can do to adjust your volume.
- Juanito Rus: My apologies. I will try.
- Assata Olugbala: Okay, that's much better. I can hear you clearly now. Thank you. On the agenda for closed session is the selection of the Police Chief. How do you expect members of the public like myself to have faith in your capacity to adequately go through that process in a meaningful and respectful way, when you ignore your own member being inappropriately removed from her position on the Police Commission? There is clear evidence that on August the 3rd, August the 10th and August the 12th, there is the ability to understand that De Cobb and other members of that selection committee unfairly represented Ms. Harris. You are aware of it because we've said it over and over again. At the same time, you expect us to believe, and it may be a few of us, that you're going to go through a legitimate process as it relates to the Police Chief, when you disown your own member and do nothing to help that person? Please.
- Juanito Rus: Thank you, Ms. Olugbala. Your time has expired. The final speaker in the queue on this item is another phone-in attendee with the last four digits 9997. Hello, 9997. Can you hear us?
- 9997: Hello? You can hear me now?
- Juanito Rus: I can hear you now. Whenever you're ready.
- 9997: Okay. Yeah, I'm calling... I want to express concern about the mayoral appointment to the auxiliary Police Commission position. I'm saying auxiliary because I can't remember the word, but alternate. One of the people is Brian Hawke. He worked for the Department of Justice. He defended the federal government against a lawsuit brought by the father of an American citizen who was murdered in a drone strike in Yemen, as was his son who was 16 years old at the time. Now, Mr. Hawke was the defense attorney and he vigorously defended the constitutional right to murder American citizens on foreign soil, apparently as long as they are Arab or Muslim. This is the wrong person to be on the Police Commission. If this happens, it will completely delegitimize



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Juanito Rus: Thank you, sir. Your time has expired.

9997: Can I finish-

Juanito Rus: All right. At this time, Madame Chair, I'm seeing no further hands raised in the queue. I return it to you.

Regina Jackson: Thank you very much. Excuse me. Can you bring us back to the agenda please?

Regina Jackson: Oh, yes. So, we have heard public comment on the closed session items. We will now adjourn to closed session and we'll report back on any final decisions during the commission's open session meeting agenda. Thank you very much, and we will see you by 6:30.

Regina Jackson: (silence)

Gene Hazard: [inaudible 01:30:00] members, none of whom have been involved with any activity that I'm aware of in the last three years of this body. And then the [inaudible 01:30:13] gall to nominate Mr. Jackson, who's the chair of the Public Ethics Committee. Is he going to step down from that? He's been a cover up on a lot of things on that body, and with the miles of [inaudible 01:30:29] that is being required. And Ms. Janelle Harris has been the only one who's been working tirelessly. And the way you have treated her is unconscionable. Yes, everyone one of you are like the Trumps or like the Republican Party, covering up the crap that's going on. Ask Mr. Jackson is he's stepping down as the chair of the Public Ethics Committee. How can he serve two bodies, and particularly with the amount of work that you claim is required in the action of this body? It doesn't make sense. And it's all gone to come and bite everybody at the rear. Thank you.

Juanito Rus: Thank you, Mr. Hazard. Your time is expired. Thank you. The next speaker in the queue is Ms. Assata Olugbala. Good evening, Ms. Olugbala, can you hear us?

Assata Olugbala: Yes. Your volume still is very low. I don't know what's happening.

Juanito Rus: My apologies. Can you hear me better now?

Assata Olugbala: Yes, sir. Thank you again. I'll try to do this in one minute because-

Juanito Rus: You have two.

Assata Olugbala: I know, I know I have two. The issue of Janell Harris. My clock's not moving. There it go. Ms. Harris is going to be an ongoing discussion until we rectify this issue. A Black woman who has done the work she has done does not deserve what's happening to her. The selection panel on August the third had [inaudible 01:32:16] report out that Mr. Dorado accused her of being abrasive. After being challenged by three community members, then it became that it never happened, and they stuck to it, every one of them, on the panel. But it did happen. And now, we got someone who came in closed session, they're accusing you of having Mr. Hawk coming on there who's done



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work related to the Muslim communities that they dissatisfied and will not accept them. Please, y'all got to get your act together. Thank you.

Juanito Rus: Thank you, Ms. Olugbala. At this time, seeing no other hands raised in the queue, Madam Chair, I return the meeting to you.

Regina Jackson: Thank you. So, Mr. Rus, only because folks have asked a couple of times, I'm not sure if you need to speak up on the mic, but it sounds like it is a little frustrating to both some commissioners as well as the public. So, if you can speak up, that would be really great.

Juanito Rus: I'm working on my microphone while you're talking, Madam Chair.

Regina Jackson: Okay. Thank you very much. Okay. The next item is a police chief search update. So, the police chief search ad hoc committee, which consists of Commissioner Harbin-Forte, Commissioner Dorado, and Commissioner Prather, have been working very diligently on identifying prospective finalists to move into our last process. We are now in the process of continuing to do our due diligence in order to be able to write up a critical analysis as it relates to who we think would be best based upon our interviews, based upon background, based upon police reform information. So, as it stands, the commission will not take action until we provide a candidate's forum. We intend to present that November 5th at 6:30. We invite the community to submit questions that we can perspective provide. And you can send those directly to my email or to Chrissie's email or Mr. Alden, however it is... Most of you don't have a problem getting to me.

Regina Jackson: As it relates to that, after the candidate forum, we will be prepared to nominate and provide the critical analysis to the mayor for her selection. Commissioner Harbin-Forte, I think that was all the detail. Oh, I know. The platform for the actual candidate forum is still being drafted, so we're working on that. But as you can well imagine, the four of us have our hands full, yeah, thus far.

Brenda Harbin-Forte: I agree, Madam Chair. There's nothing additional that I can had.

Regina Jackson: Okay. Thank you very much. Are there any questions from the Commission? Okay. Seeing none, we can go to a public comment, Mr. Rus.

Juanito Rus: Thank you, Madam Chair. Am I louder now ?I adjusted my volume settings.

Regina Jackson: Yes, it sounds much better. Thank you.

Juanito Rus: Excellent. Thank you.

Regina Jackson: And since we have such short number of commenters from the public, we can go ahead and do the two minutes.

Juanito Rus: Very well. At this time, if any member of the public wishes to comment on item seven, police chief search update, please raise your hand in the Zoom queue, and I will call you in the order in



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which your hands are raised. This time, I see three hands raised. The first speaker is Ms. Rashidah Grinage. Good evening. Ms. Grinage, can you hear us okay?

Rashidah Grinage: Yes. Thank you. Good evening. I want to [inaudible 01:37:15] the ad hoc for scheduling a candidate forum for the public. I think it's extremely important. I have only one question, and that is, how many candidates will you be presenting in this forum? Will there be more than the four that you present to the mayor for her consideration or just the four? So, I would appreciate an answer to that question. Thank you.

Regina Jackson: Before we go to the next person, Mr. Rus, I can go ahead and answer that question. As part of our due diligence, we got down to the number four, so it's our intention to present all four at the candidate forum.

Juanito Rus: Thank you, Madam Chair. The next speaker in the queue is Ms. Assata Olugbala. Good evening, Ms. Olugbala. Can you hear us?

Assata Olugbala: Yes. You sound much better. Thank you for fixing that.

Juanito Rus: Excellent. Whenever you're ready.

Assata Olugbala: My hearing's gone pretty bad, so thank you. I would appreciate it, from this point on, if it seems like I'm asking a question, don't answer it because I don't have any respect for the Police Commission, and I can find the answers I need on my own. But the question I'm asking to myself is this, how can a group of people who are supposed to represent an independent body and serving the best interests of the community and the public, and they don't respect the request of the public, they do not respond to serious concerns of the public, they don't look at an issue that involves their own, someone who is a woman of integrity and decency who has served you very hard in terms of the work load she's taken? I'm talking about Janell Harris. How would you believe that anyone... Not anyone. I'll just say for myself. Has any belief that you're going to go about the business of anything and do it in an honorable, respectable way with a degree of integrity.

Assata Olugbala: So, you can play this game like we just going [inaudible 01:39:39] Assata and Mr. Hazard, and all these other people. That's what the city council does. That's what the school board does. That's what Alameda County Board of Supervisors does. You're just like the rest of these politicians. You avoid serious issues, and you don't pay attention to the needs of the public. So, go ahead on and do what you do, but you're going to continue to be challenged. And you're going to be continued to say whatever you're going to say. It's going to be scrutinized to the highest level. This police chief doesn't have a chance of having any substance because you don't have the substance to do the work of protecting your own, Janell Harris, and there are consequences for it. And like I said, that Muslim community, they're coming at you for this guy [inaudible 01:40:26] being put on their commission.

Juanito Rus: Thank you, Ms. Olugbala. The next speaker in the queue is a telephone attendee with the last four digits, 0501. I believe that belongs to Gene Hazard. Good evening, Mr. Hazard, can you hear us?



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- Gene Hazzard: Thank you, sir. I get tired of having to bring up the number of comments that come from the community, and when there're less than six, your pattern is to give us all one minute. I shouldn't have to say that. You should be aware that it's not a long line of folks, so why don't you make a standard practice or policy of two minutes? That's real simple. But the integrity of this body, the selection committee and the council, the way you have treated, Ms. Harris is unconscionable.
- Gene Hazzard: And Mr. Jackson is going to be a lap dog, and I hope their member from the public who raised the concern about Mr. Hall, that's unconscionable, unconscionable. How dare you. It's very insulting. What if the mayor rejects all four of your recommendations? Does it then come back to the Commission should she reject those four? Then what do you do? If I can get an answer, have you considered that should that occur? I don't know who the candidates are, but the way this mayor operates, she lies. Look at Oakland Promise, and nobody wants to touch that. Neither did Mr. Jackson, nobody wants to go to the verification of Oakland Promise having a 501(c)(3) nonprofit taxes [inaudible 01:42:52] corporation. And yet, the council voted [crosstalk 01:42:56].
- Juanito Rus: Thank you, Mr. Hazard, your time is expired. The next speaker in the queue is Reisa J. Good evening, Reisa, can you hear us?
- Reisa Jaffe: I thank you. Yes. I'm a little bit confused about the process on the chief. I have forgotten what the options are. Are you required to present four? The public hasn't had a chance to look at anything beforehand. So, if four is what you're required to present, and at the candidate forum, we're only getting to see the four candidates, how is that really an opportunity for community have any input? I think I've spoken before. I'm disappointed that the evaluations and the process for looking at the chief has not been more open. I haven't heard anything that tells me that there's a law that says that this whole process couldn't have been totally open to the public, and we needed it to be. So, I'm disappointed in the process so far. Thank you.
- Juanito Rus: Thank you Reisa. At this time, seeing no further hands in the queue, Madam Chair, I will return the meeting to you.
- Regina Jackson: Thank you very much. So, moving on to item eight on the agenda, on the revised special order banning carotid restraint and all forms of asphyxia. I'd like to give the floor to Commissioner Anderson, as she led this ad hoc to provide updates and anything else you want to share.
- Tara Anderson: Thank you, Chair Jackson. And I want to identify the other members of the ad hoc, Commissioner Prather and Commissioner Smith. Commissioner Prather was certainly leading things prior to his status of becoming an alum of the commission, so really want to appreciate the group and you, Chair Jackson, for your support in particular before council last week and as we've moved forward to today.
- Tara Anderson: Speaking of that, I thought it would be helpful for me to orient everyone to the life of the process of the special order 9205 and what brought us to today's special meeting, orient due to the agenda packet and the materials that you have there, and then review those materials and support, responding to questions. Both myself and Commissioner Smith can do so. I also want to



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appreciate director Alden who provided additional incredible support as we navigated this process.

Tara Anderson: So, again, on July the ninth is when the Oakland Police Commission voted as a whole to support special order 9205. That special order language was not... the Oakland Police Department was not in agreement with, and as a result, we went before Oakland City Council on October the sixth, where the version that was voted on by the Oakland Police Commission was presented alongside some recommendations made by the Oakland Police Department. Those who tuned in, heard me representing the Commission and the Commission's version of that policy, and Interim Chief Manheimer speak to the recommendations from the department and a video that was provided. Ultimately, Council President Kaplan, Council Member Bass, and Council Member Cobb were in support of the Police Commission version. There was not a larger consensus beyond that, and as a result, the Oakland City Council continued the item until what would be next Tuesday, October the 20th.

Tara Anderson: At our October 8th meeting of the Police Commission, we gave an update on this process and what transpired during the October 6th meeting. At that point, we determined with clearer heads we would revisit what the next appropriate steps were, and that led to agendizing this item as a part of today's special meeting. In the packet before you, you have what was the July 9th version. It is the July 9th version that was unanimously voted on by members of the Oakland Police Commission and put forward to city council last week. That takes you through to page seven of your meeting materials. And then, next under attachment eight, you see a strike-through version where that base policy is one voted on by the commission as a whole and some recommended edits that were talked through with the ad hoc and the department. And that takes you through to page 11 of your meeting materials.

Tara Anderson: The next document is that very same document but without the track changes, so without the strike-through and additional language, so for a clearer read of that document. But we thought it was important to also, as has been requested in the past and has been our practice since the probation and parole policy, to start doing so, is so that individuals could easily track any recommended changes to the language. So, that's the process of where we are today, what's in your packet, and I will remind my fellow commissioners and the public at large, any time we reached consensus with the department, we do not need to go to council for further deliberation or discussion of any kind in regards to a policy.

Tara Anderson: I stand by the July 9th version of the policy and the talking points that I had and delivered on October the sixth. It is [trainable 01:50:03] and it is absolutely the spirit of intent of the various conversations and meetings that we had through the month of June. And I heard the need from the department for some clarity and clear misrepresentation of the intent that we as a commission had in regards to this policy, as was communicated during the city council meeting by Interim Chief Manheimer on October the sixth.

Tara Anderson: What you see in the strike-through version with edits are some reconciliation between the newly passed K03, so last Thursday's meeting of the Oakland Police Commission, we voted unanimously



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to put forward a landmark use of force policy, and that ad hoc led by Commissioner Harris. So, there were some portions of this policy that referred to the old version of K03, and so pausing in this moment allowed us to reconcile some of that language. We also were able to take the opportunity because of recent law signed... chaptered into law signed by the governor, around the carotid hold and the choke hold, which were already within our policy banned practices, but now we have also the additional support of the changes in the government code that prohibit any police department for allowing those types of force in their use of force policy. So, this presented the opportunity to reinforce that and identify the specific government code and the legislation that led to the change in that government code.

Tara Anderson: In terms of the clarifying language that you're seeing in this version before you today, we added language to transitory. Transitory as a term existed in the July 9th document, but we took the opportunity to expand on this indicating while transitory contact defined as purposeful body movement from one point to another. We also added language to emphasize the importance of stopping... relative to descriptions by officers around stopping resistance and instructing an individual to stop resisting. We also enhanced the language around immediate medical response with more emphasis on who is required to make sure that immediate medical response is provided. We also had some language move relative to that point from item six to item four, so the strikeout that you see under item six, relative to that medical response, does not mean it was removed from the document, just that it was moved to item four. Lastly, an additional piece of language that you'll note is the inclusion of additional handcuffs relative to person. Sorry. I was tracking which item this is under, under item six. To extend the length for larger or overweight persons.

Tara Anderson: So, those are the changes in the version before you, these were sought with the intent of clarity. They do not change the substance of what the Commission as a whole voted on during the July 9th meeting, and I'm happy, along with Commissioner Smith and Chair Jackson and members of the department, to respond to any questions commissioners may have.

Regina Jackson: Excellent. Thank you very much for walking us through that. Are there any questions from the commissioners? Commissioner Brown, followed by Gage?

Chris Brown: Thank you, Chair. Commissioner Anderson, I'm curious if there is ever a time when there might be more than two sets of handcuffs required for some very large people. Do we want to limit ourselves to two, or do we want to say two or more?

Tara Anderson: Thank you, Chair, for the mute support. Alternate Commissioner Brown, I think you raised an excellent point, and I'd be curious about the department's response to that just in terms of access to multiple handcuffs and the question posed by Alternate Commissioner Brown. Excellent question.

Regina Jackson: Should not be dealt with by Sergeant Turner or someone else?

Chief Manheimer: I'm here, Chair Jackson.



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- Regina Jackson: Oh, okay. Thank you.
- Chief Manheimer: [crosstalk 01:56:01] Sergeant Turner and Deputy Chief Armstrong, all socially distanced here, of course, and yeah, we were all nodding at that. Absolutely. I mean, it goes without saying that we would, but of course, two or more would work just fine. Yes.
- Regina Jackson: Okay. Thank you very much. Commissioner Brown, does that answer your question?
- Chris Brown: Yes, it does. Thank you very much.
- Regina Jackson: Okay. Thank you. Commissioner Gage. You've been unmuted.
- Henry Gage, III: Commissioner Anderson, through the Chair, does this draft represents consensus or agreement with the OPD, or does this draft represent a conflict draft?
- Tara Anderson: Thank you. Through the Chair, I would say this represents a consensus document, not a conflict document. Again, with the spirit of clarity.
- Thomas Lloyd Smith: Yeah. I was going to say, as well, I think we made some real progress in terms of advancing the goals that we had, but doing, frankly, what turned out to be in some cases wordsmithing to make sure that the words that are articulated matched with the way that the action actually occurs when officers take part in their work. And so, I don't think we would have agreed or brought it in front of the Commission if we felt that we still had a substantial conflict. We were pressing forward until we reached an agreement. ... I'm done with my comments.
- Regina Jackson: Thank you very much. Next up, Alternate Commissioner Jordan. You've been unmuted.
- David Jordan: Thank you. Thank you, Chair. And thank you to the ad hoc. This is much improved. It feels like a more nuanced and more functional policy in some ways, and I'm glad to hear that there's certain amount of consensus around it. And I do hope that for the department's part that they feel like this is something they are confident that they can train the officers to and feel like it's effective. One, and this is a really small critique or suggestion is, and this is a thing that occurred to me previously when we first looked at that policy, included the language around transitory contact. If we could further emphasize that as brief transitory contact, because transitory is, as discussed the first time we went through this, is subjective and it means temporary, but how temporary does that mean? You only sit on them for eight minutes? Ideally, no. And even if it's only on the lower back or legs, I think we'd all like to see the suggestion that that transition be made as quickly as possible. Thank you.
- Regina Jackson: Thank you very much. Commissioner Anderson. Do you have any thoughts or response?
- Tara Anderson: I appreciate that so much because it's something that we probably deliberated on the most kind of brief versus momentary. I think it's probably best for the department to respond to that question as opposed by her ultimate commissioner.



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- Regina Jackson: Thank you very much. Interim Chief Manheimer?
- Sergeant Turner: Yes, this is a Sergeant Joe Turner. So when we decided to, look at this and we really got into the discussions with commissioner Anderson and with Mr. Alden, the question was, how is it and how are we going to train a transitory? And it was understood and implied that transitory in and of itself is about briefness. And especially with the definition, excuse me, as added here, the purposeful body con body movement from one point to another. And so that's emphasizing the transition of movement, the briefness and sort of purpose of the movement that is moving from the contact to the, getting away from the body of the person, to the recovery position. And ultimately to a point where if there has, is any sort of medical and breathing distress that that can immediately be assessed and then have medical attention brought in. So it is in line transitory with our training and with that purposeful body movement from one point to another, which by and of itself is brief.
- Regina Jackson: Thank you. Are there any other questions from the Commissioners? And just so I'm clear commissioner Anderson, is your intention to have us consider this more recent consensus built a version in order to approve as policy? Just clarify for me what exactly it's your intention.
- Tara Anderson: I think it's the will of the commission, what ultimately happens today, of course. And so the opportunity before us is for someone to make a motion to support this clarifying draft that we see before us, or take no action whatsoever, which would result in the version voted on, on July the 9th to kind of continue to prevail in terms of the Commission's position on the Special Order. In which case, myself or a fellow member of the ad hoc would present the Commission version at next week's Council meeting. I do think much to Commissioner Smith's and Commissioner- I'm kind of struggling over the alternate commissioner language David's comments that, it is better. And I would support a "Yes" vote for this Special Order as amended with the clarifying language. But I also recognize it's the will of the Commission as a whole. And so really bringing it back here, really presents the opportunity to honor that and have any further discussion that commissioners feel is necessary as we compare these two versions that are before us this evening. So hopefully that answers maybe with too much information, what you were looking to hear.
- Regina Jackson: No, that was excellent. I appreciate it. Within all of the information that we have got both in navigating the outstanding use of force policy that we just went through, I wanted to clarify that, that was your intention. So I think that perhaps we should go to Public Forum right now, if there are no more questions from the Commission and hear from the community and then make our decisions after that. Mr. Ruse?
- Juanito Rus: Thank you, Madam Chair, if any member of the public would like to make comment on item eight, provide Special Order 9205 Banning Carotid Restraint and All Forms of Asphyxia, please raise your hand in the zoom queue and you will be called in the order in which your hands are raised. This time I see two hands in the queue. The first speaker is Rashidah Grinage. Good evening Miss Grinage, can you hear us?



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- Rashidah Grinage: Yes, thank you. I have to say I'm a little bit confused about what I just heard. What I want to make sure of, is that the clarifying language is not in any way, shape or form weakened language over what was in the July 9th version. I do believe conversations that we've been having with council members, I believe that there would be the votes to uphold the July 9th version presented by the Commission. So if this version is not in any way weakened, in order to have achieved consensus, that would be fine. But I wanted to make sure that by clarifying, you did not in any way, mean weaken or make less enforceable. Because at the end of the day, the policy is only as good as it can be enforced. And so that is my concern. Thank you.
- Juanito Rus: Thank you Miss Ganache. The next speaker in the queue is Assata Olugbala. Good evening, Miss Olugbala can you hear us?
- Assata Olugbala: Yes, sir. Thank you. When I saw last week, the demonstration by the Police Department, what they thought was necessary in terms of technique, it made me think about the fact that the policy has to have a Best Practice Expert that knows the techniques of what is considered acceptable or not. This body doesn't have that level of knowledge to speak to the level of what is considered Best Practice related to choke holds or whatever. And so I said they can't counter that because the members of the Commission don't know anything about what is considered a Best Practice. You can put words on a piece of paper, but you're no experts on the best way to handle apprehending someone. I know for a fact, being a former teacher, I had to break up fights and I dealt with kids who were emotionally involved as I work with Special Ed kids who would go off and have seizures and I had to, I had to restrain them. And it is extremely difficult, to use the correct techniques to do that. The other thing is, it would have been appropriate to say, at some point a policy is being written for the best interest of the police officer for his protection to be secured or her protection to be secured as well as the so-called individual who was being restrained and working in that manner because there are two people involved here and we interested in protecting our officers as well as our residents and community members. So I don't see how you can write a policy, when you don't have the expertise to know what it needs to be done.
- Juanito Rus: Thank you, Miss Olugbala. The next speaker in the queue, is Megan Steffen. Good evening Miss Steffen, can you hear us?
- Megan Steffen: Yes. Can you hear me?
- Juanito Rus: We can hear you. Two minutes whenever you're ready.
- Megan Steffen: Thank you so much. I also just wanted to say that I'm a little bit concerned, but I guess ready to be reassured. I really hate to see you all rewarding OPD for the theatrics and tactics and drama that they pulled out at the city council meeting and also for the sort of last minute stall that they pulled originally on July 9th, when suddenly the policy that everyone had been working on so hard, putting in the overtime and emailing on the weekends, wasn't good enough. So I hate to see that rewarded, but if this is genuinely a better policy that will protect Oaklanders, I guess I trust you. I'm still a little bit confused about how the transitory language is in there and all these



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changes that have happened, I guess, within the last week. And you know, I really hope that the commission is making a decision that's good, not just for the policy, but that also sets a precedent for how the department and the commission will continue to collaborate on policy things. Thank you so much.

Juanito Rus: Thank you, Miss Steffen. The next speaker in the queue is a telephone attendee with the last four digits 9997? Good evening 9997, can you hear us?

9997: Hi. Can you hear me?

Juanito Rus: We can hear you. You have two minutes whenever you're ready.

9997: Thank you. So I'm confused. I think a few other people have mentioned some confusion. I was under the impression that the Commissioners who developed this language in the ad hoc committee, were concerned about the use of the word transitory as being so vague that it could mean anything? any amount of time. That's my first bit of confusion. Also, I think maybe everyone would benefit from some kind of explanation as to why a sheen differs from a knee and I don't, maybe that's been done in the past, but I think it would reassure people because I know Commissioner Anderson also made this argument that the trainer in the video was also using the sheen, not their knee as Chief Manheimer described it. And that there was some qualitative difference in that. And I think, most people really wouldn't understand, I don't understand, what the qualitative difference is, and so there could be some explanation about that. Thank you.

Juanito Rus: Thank you. The next speaker in the queue is Mr. Jim Chanin. Good evening, Mr. Chanin, can you hear us?

Jim Chanin: Yes. Can you hear me?

Juanito Rus: We can hear you whenever you're ready. You have two minutes.

Jim Chanin: Yes, I'd like to speak in favor of the motion worked out between the Oakland Police Department and the Police Commission. I think, let me go through the good parts that aren't in the old motion by either the Police Department or the Police Commission. First of all, it clarifies when someone says, "I can't breathe", that, that doesn't mean because they're talking, they can breathe. In fact, biologically, if they say "I can't breathe", the fact that they're talking does not mean that they can breathe and this clarifies that. It also makes it clear that officers should not tell people to stop resisting, when they say "I can't breathe", that's exactly what happened in Alameda, where they did kill someone by positional asphyxiation. And we did that Mr. Burrus and I, that case settled earlier this year. So I've had clients who've died because of positional asphyxiation and I don't take this matter lightly. I think that it allows the Oakland Police to tackle someone and if they inadvertently land on their back, then they'll get off because it transitory means what it says. So I think the policy is a real policy that will save people. And I do want to point out that, although I've seen the Oakland police do many unfortunate things in the 43 years, I've been suing them. I've never seen them positionally asphyxiate somebody like we saw an Alameda. Thank you.



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- Juanito Rus: Thank you, Mr. Chanin. As the Chair granted you more time, if you had more to say on this item, I'm prepared to give you two additional minutes.
- Jim Chanin: You mean me?
- Juanito Rus: You, yes. Mr. Chanin.
- Regina Jackson: It's my understanding that you advise the ad hoc. and so your perspective may be critical just to making sure that community people have some confidence or clarity.
- Jim Chanin: Okay. So I'll say my role, if that's helpful. And if it isn't, you can stop me because I already know what it is. But what happened was, as I said before, we settled that case against the Alameda Police Department and a condition of the settlement was that every single police officer in Alameda would be completely and totally retrained as to how to take someone down and how to get off of a person when they took them down. The Alameda Police didn't even know that the person was dead. They had a bystander tell them that's how, how bad that was. So I called the Defense Attorney, who did a lot of the training to the Alameda police, because he had spent a lot of time training them. And I asked him for his suggestions and he came up with things like when someone says that they can't breathe, that doesn't mean that they can breathe. And that, that people should, their officers should not say stop resisting when someone is fighting for their life, that they should consider the call for medical assistance as to what is most of the time that the person is in distress and needs medical assistance and not when it's too late. So those were a couple of things that I suggested, and I'm very glad the police department adopted everything that I recommended. So I stand behind this and I really hope that I'm not wrong. And, but I think I'm, I think I'm right.
- Juanito Rus: Thank you, Mr. Chanin. At this time, seeing no further hands in the queue, Madam Chair I'll return the meeting to you.
- Regina Jackson: Okay. Thank you very much. And I really appreciate Mr. Channon weighing in, to highlight some of the clarifications. There were a couple of questions posed by the public that I'd like to make sure get answered. And one was around the sheen versus the knee and the clarification of that process. I'm not sure who wants to address that Chief Manheimer, D.C. Armstrong or Sergeant Turner?
- Sergeant Turner: Yeah. Thank you. This is Sergeant Joe Turner. So in terms of the sheen around the lower back and belt-line area, as Commissioner Anderson said, there is a specific training that we receive from our Defensive Tactics staff. And that includes officer Gilbert, who you saw in the video, who, has been doing Martial Arts training and teaching for most of his, his life, both as an adult and as a youth. And so he teaches these techniques that are mainly about, defending the officer and getting to a point where the officer can either disengage off the person or safely transition to taking control if that's possible safely restraining the person and getting them quickly into the recovery position. And that's the main thing that the officers are concerned with, is turning that encounter into one where everyone is safe. And I know I heard some other speakers talk about



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that the idea is that we are making, transitioning into a fully where everyone is safe. So one of those techniques does involve using that full sheen to control the movement of the person's hips, that sort of lower sort of hip area where the majority of someone's power is generated if they were to get up or try and flip over so that the officers can get ahold of the arms, handcuff the arms. And then again, transition into the recovery position where full breathing is as possible, where the person is not as the policy mentioned very clearly not in the prone position where their chest is not being held down where their ability to breathe is not being reduced.

Deputy Chief Armstrong: And then if I, if I can just add-

Regina Jackson: I'm sorry, somebody was adding?

Deputy Chief Armstrong: Yeah, this is Deputy Chief Armstrong. I just wanted to add, and it also allows us to maintain consistency with Best Practices. So we know our subject matter experts go through training throughout the state and multiple different training environments. And to make sure that the training that we're providing to our officers is consistent with what we're seeing, not only in California, but across the country. And so just want to make sure we were clear that this policy still allows us to remain within Best Practices as well.

Regina Jackson: Thank you very much. I believe those were the questions asked.

Thomas Lloyd Smith: I'd like to make a motion.

Regina Jackson: Okay. And all of a sudden three hands popped up. So Commissioner Smith followed by Gage, followed by Anderson. Go ahead Commissioner Smith.

Thomas Lloyd Smith: I'd like to make a motion to approve revised version Of the Special Order 9205 and that was developed by the members of the ad hoc committee.

Regina Jackson: Thank you very much. Is there a second Commissioner Gage?

Henry Gage, III: Thank you, Chair. I'll second the motion and propose a friendly amendment, there was a discussion of mending paragraph six to reference two or more handcuffs.

Regina Jackson: Commissioner Smith will you accept the friendly amendment?

Thomas Lloyd Smith: I will accept the friendly amendment. Thank you very much. Commissioner Vice-Chair Gage.

Regina Jackson: Excellent. Thank you. So it's been properly moved and seconded. And I see a hand from Commissioner Anderson, you've been un-muted.

Tara Anderson: Just one open question that I thought potentially Director Alden could respond to. There was concern about accountability? We wanted to, to take care of that before calling roll for the vote.



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- Regina Jackson: Absolutely. Thank you very much, Mr. Alden, you've been un-muted. Or at least I thought you were un-muted.
- John Alden: Can you hear me better now?
- Regina Jackson: Yes. Yes. Thank you.
- John Alden: Wonderful. Sorry about that. Seems that I got double muted. Tim really did not want me to answer this question. Thank you, commissioner Anderson to the chair. I would say one of the topics that was discussed a great deal in the ad hoc was enforceability and accountability. One of the things we worked on, and as I say, we only because I was there when other people thought of it and I appreciated it was that we have language in here, that's very specific about the parts of the body that officers need to make sure not to place pressure upon and other parts of the body that are okay to place pressure on and how, and when officers would do that. And I think that guidance, because it's quite specific here really helps us make this policy enforceable. If we saw specific cases come through CPRA, I think we can pretty readily figure out whether the officer complied or did not comply with this policy. And I do think that's a real strength of the language you have in front of us tonight. If there are other questions in that regard, I'd be happy to answer them.
- Regina Jackson: Thank you, Mr. Alden. So it has been moved and properly seconded and the friendly amendment has been accepted. I'm ready to call for the role unless there are other questions? Okay. I see no additional hands. So Commissioner Harbin Forte?
- Brenda Harbin Forte: Aye.
- Regina Jackson: Thank you. Commissioner Harris?
- Ginale Harris: Nay.
- Regina Jackson: Thank you, Commissioner Gage?
- Henry Gage, III: Yes.
- Regina Jackson: Thank you. Commissioner Anderson?
- Tara Anderson: Aye.
- Regina Jackson: Thank you. Commissioner Smith?
- Thomas Lloyd Smith: Yes.
- Regina Jackson: Thank you. And I, for myself, that is six in the affirmative, motion passes. I want to, again, thank Commissioner Anderson, Smith, Prather and all of the OPD officers who toil through this last week



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to try and get us to a more clear and distinctive version that was just clarified and not substantially changed or weakened. Thank you very much. Can you take us to the next item, Mr. Ruse? Oh my okay. I would love to accept a motion to adjourn.

Thomas Lloyd Smith: So moved.

Regina Jackson: Thank you. And Commissioner Gage?

Henry Gage, III: Second.

Regina Jackson: Thank you. It's been moved and seconded. Let us vote. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Harbin forte.

Brenda Harbin Forte: Aye.

Regina Jackson: Thank you. Commissioner Harris? Sorry. It's just not un-muting here. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Okay. I'll go back to Commissioner Harris. Commissioner Harris, I've un-muted you. I'm not sure what's going on.

Juanito Rus: It appears that's on her end Chair.

Regina Jackson: Okay, so I'll keep-

Ginale Harris: I'm here.

Regina Jackson: Oh, okay. Great.

Ginale Harris: Sorry, I am having technical difficulty.

Regina Jackson: That's okay. How do you vote? Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: Thank you very much. Commissioner Anderson?

Tara Anderson: Aye, and goodbye from the dais, but not from the work.



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Regina Jackson: Absolutely.

Thomas Lloyd Smith: Good-bye Commissioner Harris, Anderson and Brown. We've got to stay in touch.

Regina Jackson: And from myself, we are adjourned. It is 7:55 PM. Thank you to everyone. Good night.

From: [Mariano Contreras](#)
To: [Love, Christine \(Chrissie\)](#)
Cc: [Mariano Contreras](#)
Subject: Item 8: Banning Carotid Restraint and All Forms of Asphyxia
Date: Wednesday, October 14, 2020 11:11:07 PM

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

Honorable Commissioners,

Many public speakers expressed support of your language banning the Carotid Restraint and All Forms of Asphyxia at last week's meeting. We also urged you to maintain your position and not give in to OPD's flip flopping. I would like to report to you that after meeting with Councilmember Noel Gallo, he is also in support of your language regarding SO 9205. It is especially important now for you to stay strong as perhaps more council members may demonstrate support for your language.

Thank you for your dedication,

Mariano Contreras
Latino Task Force
Coalition For Police Accountability

Sent from my iPhone

From: [Alden, John](#)
To: [Rus, Juanito](#); [Love, Christine \(Chrissie\)](#)
Subject: FW: My public comment for all Police Commissioners regarding the Asphyxiation issue in Use of Force
Date: Thursday, October 15, 2020 12:45:35 PM

Juanito & Chrissie:

I believe the person below wished for her email to be included amongst the public comments for tonight's meeting.

Could you please make sure her comments are added to that set?

Thanks,

John Alden
Executive Director
Community Police Review Agency
250 Frank Ogawa Plaza, Suite 6302
Oakland, CA 94612
510-238-7401

From: Elise Bernstein [REDACTED]
Sent: Thursday, October 15, 2020 11:15 AM
To: Alden, John <JAlden@oaklandca.gov>
Subject: My public comment for all Police Commissioners regarding the Asphyxiation issue in Use of Force

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

Greetings Police Commissioners,

In anticipation of your meeting today, I want to present my public comment in writing.

I have followed your actions in upholding the need to prohibit Oakland police officers from employing any use of force techniques which would lead to asphyxiation of a suspect. Although many argue that the outlawing of neck holds and choke holds and various other such techniques would be sufficient, that is a false belief.

The Oakland Police Commission has rightfully disagreed with the OPD. The Police Commission has definitively upheld the community's strong insistence on outlawing any technique that causes Asphyxiation. Asphyxiation and death results when the flow of blood from the suspect's body to their brain is impeded. The flow of blood from lower limbs or back or shoulders or neck is impeded when an arresting officer places weight on a prone suspect's body or legs. Additionally, weight placed on the back or shoulders or neck prevents the

suspect from inhaling to fill their lungs--ie breathing. Absence of air to the lungs or blood to the brain causes Asphyxiation and death.

I commend the Commission to resist strong efforts by OPD and other pressures to change their decision.

Your strong and foresighted decision to vote for life and the safety of residents is paramount. OPD must develop better safer measures to effect control over suspects that do not threaten lives.

Thank you.

Elise

[REDACTED]

Oakland D6

[REDACTED]

From: [Mary Vail](#)
To: [Love, Christine \(Chrissie\)](#)
Cc: [Regina Jackson](#); [grinage, rashidah](#); [Mariano Contreras](#); [REDACTED]; [Israel, Debra](#); [Gallo, Noel](#); [Kaplan, Rebecca](#)
Subject: My public comment for tonight's Police Commission meeting
Date: Thursday, October 15, 2020 12:55:19 PM

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

These are my comments on two of the matters before you this evening:

1) Choke-hold and like restraints:

I urge you to not make any changes to the Commission's draft policy previously forwarded to the City Council, for two reasons.

First, as to substance, OPD's 11th hour amendment is arguably inconsistent with the rest of the proposed policy. It puts lives at risk, as any pressure/impairment on the upper back can constrain breathing. This language creates too much discretion; "transitory" use (of leg/knee pressure) can mean different things to different officers, particularly under high stress conditions.

Second, when this matter first went before City Council, several members, including Councilman Gallo, Chair of the Council's Public Safety Committee, expressed an inclination for more time for the Council and the Police Commission to consider OPD's amendment. Since the previous Council meeting I and other constituents of Councilman Gallo have communicated our support of the Commission's policy language. Yesterday, we were advised that Councilman Gallo will stand with/vote for the Commission's policy draft. So tonight's meeting is a time for the Commission to stand with/for, not back from, its work/recommendation.

2) Police Chief search:

This is a momentous choice. The internal versus external applicant is not a helpful criteria/choice line. The Mayor's most recent choice of an external applicant proved to be disastrous. You need to test all applicants' ability to implement reform in the face of cultural resistance to change within police department workforces and by their Unions. Internal applicants should be asked probing questions about OPD's record in NSA compliance, 2017-2019, OPD's handling of the 2015-16 rape scandal, the Pawlik fatal shooting investigation, and OPD's "record" of hiring women, particularly African American women. The external applicants should be queried closely on their own record of executing policing reforms, leading a department while under Court supervision, his/her record of holding officers accountable and making changes that are opposed by officers and their union representatives.

Mary Vail

District 5 resident