



**CITY OF OAKLAND  
OAKLAND POLICE COMMISSION**

**Meeting Transcript**

**Thursday, October 24, 2019**

6:00 PM

City Hall, Council Chambers

1 Frank H. Ogawa Plaza, Oakland, California 94612

Regina Jackson: So, welcome to the meeting of October 24th, Oakland police commission. It is now 6:04 and I'm calling the meeting to order. The first item is roll call, to establish a quorum. Commissioner Dorado.

Jose Dorado: Present.

Regina Jackson: Commissioner Anderson.

Tara Anderson: Here.

Regina Jackson: Commissioner Harris.

Ginale Harris: Here.

Regina Jackson: I, for myself. He's an alternate, right?

Speaker 1: Yes.

Regina Jackson: Okay, all right. Commissioner Gage.

Henry Gage III: Here.

Regina Jackson: Okay, for the purposes of establishing a quorum, we do have a quorum. I want to welcome our other alternate commissioner. We will spend time doing that in the official meeting, but if there are any remarks before we adjourn to closed session, we'd like to hear them and here comes the speaker cards. Thank you. Just one. Okay, Michelle Lazano.

M Lazano: It's more than two minutes, I can just tell you that.

Regina Jackson: Pardon me?

M Lazano: It's more than two minutes, I can just tell you that.

Regina Jackson: I want you to try and keep it as close to two minutes so that we can get to closed session.

M Lazano: Okay.

Regina Jackson: We can allow for that in the regular commission meeting, I could give you more time then.

M Lazano: Okay.

Regina Jackson: Is that okay?

M Lazano: Yes.

Regina Jackson: Okay, so we'll just delay it. Thank you very much, appreciate that. Okay, so it looks like we can go to closed session now. We will be back just as quickly as we can. Thank you. (silence)

Juanito Rus: To kays top, on item eight of this meeting, there will be a PowerPoint presentation that's loaded into the back of the computer. So when I get to agenda item eight, if you could please switch the feed over to the PowerPoint, thank you. (silence).

Regina Jackson: Excuse me, if I could have your attention for just a moment. The time is now 6:30, and we are not finished with closed session. It will probably be about another ten minutes, but I wanted to make sure to let you all know. I hope that is acceptable. Thank you.

PART 1 OF 9 ENDS [00:33:04]

Regina Jackson: (silence). If I can call the commissioners up so that we can reconvene the meeting? Thank you. I got this far. Okay. The time is now 7:00 p.m. so sorry we went over. Commissioner Prather joined us in the middle of the closed session.

Regina Jackson: He will be coming back from the restroom momentarily. TMI. I know. Shall we do another roll call or ... No, I don't think we have to. Okay, so we can report back on the closed session items.

Regina Jackson: I have no reportable items and we're going to go straight to the welcome purpose and open forum. I have quite a few speaker cards so I'd like to call you and you could come up in whatever order you prefer. Michele Yvonne Lazaneo, Bruce Schmiechen, Mariano Contreras or Contraras. Forgive me if I'm misenunciating, Lorelei Boserman, Ann Jenks, Rashida Grenage, [Aziza Ahmad 01:01:59], Jane Kramer, Cap. Brooks, Maureen Benson and then I'll go, and Celine Bay. Go ahead. Thank you.

Speaker 5: Good evening commissioners. This is about my fifth meeting I believe, this is ... I'm going to be part of a letter that I wrote yesterday to the Chief of Police and all of the city council members regarding the Jonathan Bandabaila case.

- Speaker 5: I'm writing this letter on behalf of the Bandabaila family out of concern for possible change related to the supervision of their son, Jonathan Bandabaila's open missing person's case.
- Speaker 5: Commissioner Harris advised me that Deputy Chief Cunningham has announced his retirement and will no longer be supervising Jonathan's case. I was speechless when she told me that new chief decided to assign Captain Bassett.
- Speaker 5: Captain Bassett is currently under investigation for allegations of racism, unfair practices, and inequity against minorities during his previous assignment as the commander of your recruiting and backgrounds division.
- Speaker 5: The police commission is already looking into these serious allegations against him. October 2018, the Oakland Black Police Officers Association, the OBOA wrote an open letter to you, Mayor Schaaf and City Administrator Landreth that called out Captain Bassett's actions as unfair, racist and equitable during his assignment from May 2nd 2017 to October 15th, 2018.
- Speaker 5: You promoted Captain Bassett and then assigned him to the recruiting and backgrounds division, yet, you ignored the OBOA's concerns and request to immediately remove him and investigate. You assured the OBOA that you were to remove Captain Bassett, but you didn't remove him from the assignment for 90 days, not until after the mayor instructed you to do so.
- Speaker 5: The Bandabaila family does not want Captain Bassett involved at all with Jonathan's case. Based on the allegations against him, we have no reason to trust that he will look into the matter properly.
- Speaker 5: There have already been enough mistakes, failures in following department general orders, lack of due diligence, and best standard practices noted in this case. Captain Bassett attended one of the Bandabaila group meetings with myself, Deputy Chief Cunningham, Detective [Sides 01:04:05], Commissioner Harris and the Bandabaila parents.
- Speaker 5: During that meeting, Captain Bassett introduced himself, but then he just sat there and didn't participate or even say two words to the family. Until the independent investigation of Captain Bassett is complete and exonerates or clears him, we have no confidence or trust in him and demand that he is removed.
- Speaker 5: Captain Bassett is not only the commander of your recruiting and backgrounds division, but he is also the Vice President of the Oakland Police Officers Association.
- Speaker 5: If these allegations of racism against him are true, holding those two positions would have had a direct and significant impact on the culture within the Oakland Police Department. Just imagine the damage that has been done.

Speaker 5: You've had a year to investigate these allegations against Captain Bassett and that is sufficient time to make an assessment. Since at least April 2018, there have been many questions and concerns about the department's recruiting and diversity that were discussed by both the Oakland City council members and the police commission that were brought to light.

Speaker 5: You're the person responsible for promoting Captain Bassett as commander of the recruiting and backgrounds division. There's an appearance that there is or has been an existing cultural racism within the recruiting and backgrounds division since Captain Bassett began supervising the unit.

Speaker 5: The other supervisors and employees of the recruiting and background division also need to be interviewed and investigated. If any of these employees participated in the racist culture of the recruiting and background division during Captain Bassett's tenure as a commander or beforehand, they also need to be disciplined, removed or terminated.

Speaker 5: As the chief, you need to be cautious with whoever choose to replace Deputy Chief Cunningham. The supervisor is responsible for overseeing and managing your criminal investigations division and Special Victims Unit must be supervisors beyond reproach, whose reputation and work record exemplify the department's core values.

Speaker 5: The Special Victims Unit has been understaffed for three years now. Detective Sides has over 170 open cases to investigate, and most of those are missing persons cases-

PART 2 OF 9 ENDS [01:06:04]

Speaker 5: When you open cases to investigate and most of those are missing persons cases where time is of the essence. You need to evaluate the student immediately, add sufficient trained personnel who can properly and adequately investigate your current caseload. Failure to act upon these deficiencies will lead to another situation like Jonathan's. It is unconscionable that Chief Kirkpatrick has either neglected or failed to expeditiously address these serious issues. It shows a true lack of leadership or investment in reforming OPD. If she did investigate the allegations, we want proof.

Speaker 5: We're tired of repeating ourselves at these meetings, but we will continue to attend and speak out until OPD makes the necessary changes. By the way, one of the failures of this case was the lack of due diligence regarding Jonathan's vehicle. The car was either the last place Jonathan was alive, or a suspect was driving his car through the toll booth, yet there was no... Oakland never took custody of the vehicle. There is no paperwork in the file regarding Oakland handling the vehicle, and OPD authorized the vehicle being sold and didn't notify his family. That's just one mistake.

Speaker 5: To reiterate our request from four prior meetings, update OPD's department general orders, implement a social media policy, update their missing persons policy, evaluate and add sufficient staff to their special victims unit. 174 days. Jonathan has been gone for six months almost. Please help this family.

Regina Jackson: Thank you. Mr. Bay, before you start... Mr. Alden, when someone cedes their time, shouldn't Mr. Rouse restart the clock?

John Alden: If someone did, [crosstalk 01:07:47]

Regina Jackson: Bruce [inaudible 01:07:47] did. So that's okay. I just don't want to be doing this anymore so.

John Alden: Absolutely.

Regina Jackson: Thank you.

John Alden: Sorry. Neither of us heard the cede of time from over here, but it might be because the gentleman who ceded time was opposite the speaker, so we couldn't see him from here.

Regina Jackson: Okay, then I will repeat it.

John Alden: Thank you.

Regina Jackson: Thank you. Mr. Bay, thank you.

Celine Bay: Police commission, members of the public, my name is Celine Bay. I'm actually on... Our cases are on the agenda for item 10, and those cases to be independently investigated are 07-0538 131062 and 160147. I filed 07-0538 on July 13th, 2007. It was closed right after that by the CPRB at the time. Four days later, I gave that story to Chauncey Bailey, and Chauncey Bailey was murdered for that. The subsequent failed investigation of Chauncey Bailey was conducted by IA who failed to connect 07-0538 with Bailey's investigation, which was 07-0553, and if you see 0538 and 0553 are not that far apart. So if you have a murder investigation connected to 0553, 0538 should be a part of that, especially if Chauncey Bailey was writing a story about all of the people that were complained about in 07-0538. The reason why I say that is because in 2007 the person that was over IA, or the person that was over the investigation or the failed coverup investigation of Chauncey Bailey was OPD IAD Captain Sean Whent, and this gets to right why the chief of police needs to be fired because the whole chain of command is corrupted.

Celine Bay: If Sean Whent could cover up Chauncey Bailey and murders inside the community and be promoted based on that cover up, the chain of command in Oakland fails upward based on their coverups 131062 was covered up by IA

Captain Cunningham, so anything that you thought you was getting from Captain Cunningham or promoted Cunningham will not go.

Celine Bay: I just have to say this right here. This is from page 21 of the NSA report by Swanson. And this is a federal report. And it says the IAD commander updated Chief Whent very little about the investigation, likely because the commander was not keeping close tabs on the investigation as it proceeded, the IAD commander did notify Chief Whent, when IAD learned that officer B sent Miss [inaudible 01:10:40] a picture of his penis while Miss [inaudible 01:10:43] was a minor. This is in the federal report. How is it that... Where is it that this is legal? Is this only legal and in Oakland? Because nobody went to jail for this. I didn't hear anybody get fired for this. In fact, people got promoted by this chief for this. That's why she's got to go, right? Same reason. And I'm going to keep repeating this because if you tired of hearing this, you're going to reopen this investigation. We going to get to the bottom of why it is that these people were promoted by this current chief and why she's got to go.

Regina Jackson: Thank you.

Mariano C.: Good evening, Mariano Contreras, Latino task force coalition for police accountability. There's one thing I do know about the police commission and my community, is that the majority of my community residents that reside in my community do not know of your existence. They don't know about these meetings. They don't know that you guys have certain authorities. And they even know no less about the complaint process that exists regarding police misconduct. So that is why I'm inviting you folks to November the second to attend... No more than to interview because you don't want to violate any Brown Act... To attend the the Dia de Los Muertos big celebration at the Fruitvale... it's the transit village. It's between Fulbright Avenue on International and 35th. The Latino task force along with the coalition for police accountability have... We got a booth and we're going to invite folks, participants of that event, to tell us their stories in regards to their experiences with Oakland police department, especially when it comes to use of force.

Mariano C.: We will collect this information, and I know that the police commission is working on making some recommendations to the police department on changing and updating their policies on use of force. So we will be collecting, doing some street level, talking to folks, to community, my community. We're going to be publicizing you folks, the commission. We're going to be publicizing that there is a complaint process. But more importantly, we're going to be getting their personal stories in regards to the use of force. So we would like to invite you folks to come out, and we will gather this information and present it to you folks when it's appropriate. Thank you.

Regina Jackson: Thank you very much.

Speaker 7: Good evening. So I know that there is going to be testimony about what happened to Wilson Wilds, Jr., and it's at times like this that the importance of having an independent ability to oversee and investigate this kind of incident really rings true. We know that these kinds of acts occur daily. We know that the vast majority of them, as Mariano said, never result in complaints being filed. We know that one out of 10, generally speaking, cases of abuse by the police are reported. One in 10.

Speaker 7: It is important to establish that there is a viable opportunity for people who have been abused to seek justice. It's rare in this country that it happens, but the community needs to have faith that in Oakland, it's possible. We're happy that we have a separate director that we have confidence in, that we have commissioners that we have confidence in, and we are committed to making sure that as many folks in Oakland know about this process as possible, so that they can take advantage of the opportunity to seek justice. Thank you.

Regina Jackson: Thank you.

Jane Kramer: Jane Kramer. I think I missed a date two weeks ago. It was, excuse me, decided that the draft ordinance that had militarized police equipment would be rescheduled for this meeting, and I don't see it on the agenda. I read that draft, and it sent chills up my back, seeing as at the same time, you're putting together and scheduling a training session for the police force on the use of force. And the problem is, you've got people in control of very harmful equipment, and if they use it inappropriately, the damage is already done. I mean, you can't take it back. So I'm just wondering, the inquiry is, where is that discussion?

Regina Jackson: [inaudible 01:16:51] Excuse me, Henry, did you want to address that?

Henry Gage III: Good evening. My understanding is that the Oakland police department requested additional time to conduct an inventory of the equipment that might be subject. Over here, Miss Kramer... that might be subject to the proposed ordinance. It also seems that the commission has decided to give that additional time and this matter. Should come back at some point in the future to be discussed later in the agenda at the scheduling item.

Regina Jackson: Thank you. Specifically, November 14th. Thank you for your patience.

Aziz Ahmad: Thank you. Greetings. I'm just really grateful just to be here. I speak on behalf of myself and also domestic violence survivors. October's domestic violence awareness month and on behalf of those that cannot speak anymore, I stand here before you. I'm 40-year-old Oakland resident. I'm the daughter of [inaudible 01:17:52] Ahmad, a former OUSD principle [inaudible 01:17:54] a cable car [inaudible 01:17:56] We are longterm residents of Maxwell Park. It's the only home I've ever known. I came home from Kaiser Oakland to Maxwell Park.

Aziz Ahmad: Unfortunately, even though I'm a survivor of both domestic violence and sexual assault, I've never been bruised or hurt on the outside until I called the police on June 12th to report my children missing. I am in a contiguous legal battle with my ex-husband and he took a friend and he took my children to ice cream. He never brought them back. At the time he had full custody, full custody of my children. I called the police. I called 911. I waited from 10:00 p.m. until 6:00 a.m. for officers to come to my home. My children at the time were six, nine and 11. I have not seen them since. I have not seen my children since June 12th. The police did not believe me. I was having a situation with my brother. My family has some issues. My brother relapsed and he pointed down and told the police that I was making it up, that I was lying. I was assaulted by an officer. I was grabbed. I was gripped so hard that he left his whole arm on me... He left his whole hand print.

Aziz Ahmad: I was put in handcuffs. I was parading in front of my neighbors at 6:00 a.m. in my home. I was sat in front of a police car, and then an ambulance came. I was speaking to the police camera. My name is Aziz Ahmad. I'm a resident. I'm 40 years old. I'm a barred attorney. I'm a Howard law grad. I'm a founding member of Urban Montessori. There's nothing wrong with me. My children were missing. They wouldn't listen to me. I was strapped to a gurney and I was taken to John George like an animal, where I begged and pleaded to be listened to, and I was sedated against my will. I was taken there for three days. I was so afraid when I got out, I didn't even know what day it was. I didn't know where it was. I didn't know what time it was. I-

Regina Jackson: [inaudible 01:19:51].

Aziz Ahmad: I called the police on the police. They came and they took pictures of my injury. Sergeant B. Matthews. These are names I can't forget. I don't need papers. I said, "where are my children?" They said, "they're with the baby daddy. They're with your baby daddy." You know, I was married for 10 years. My husband's an engineer. I'm a lawyer. I know I can't breed myself or educate myself out of racism, but "they're with your baby daddy."

Aziz Ahmad: I survived. I survived. I can't drive. I took my savings. I moved to Emeryville. I don't really step into Oakland. Even today, I chanted for two hours at SGI center, the Buddhist center, just to come here because I'm so afraid, and I'm so disturbed about what's going on in our community. I am a mother, a barred attorney, a founding member of a school in Oakland for our children, and I was treated like an animal. I wish I can say it stopped there, but it didn't. My grandfather passed, so when my children are gone, while I'm looking for them, while I'm calling CPS, Oakland police, the FBI, CPS in Texas. They're in Texas. I go, I check into the Aedes Hotel. I check into the Radisson. My grandfather passed. I don't even want to be in the home. My children are gone. My grandfather's gone. My mother passed.



Aziz Ahmad: I go down to the lobby of the Radisson Hotel on on August 12th, and I asked for a towel after asking for two hours. I said, my my grandfather, the funeral was yesterday. I don't [inaudible 01:21:28] I called for two hours for a room service. They called the police on me again. They called the police on me again, and an Asian man said I was waving a knife. I stand before you again as as a mother, first and foremost. As a believer, first and foremost. I had no weapon. I sat in the lobby of the Radisson Hotel and I sang freedom songs like I learned at Howard law and I prayed for my life as two white officers with their tasers out ran towards me, slammed me to the ground so hard that my body bounced, my body bounced, arresting me.

Aziz Ahmad: Sorry. They don't arrest you. They detain you. I've never been arrested. Sorry. Detained me again. Paraded me out in front of the hotel. Sat me in a cop car for over an hour before transporting me again to John George. What do you say when there's nothing wrong with you, but someone falsely accuses you? Sir, can you run the evidence? Can you run the tape? I paid here. I'm a resident. This is my hotel key. What do you say? There's nothing you can say. There's no writ of habeas corpus anymore.

Regina Jackson: I'm so sorry.

Aziz Ahmad: You all lost four black residents of two hardworking and honorable community members. Okay. Their lives to Oakland. I'm afraid to step foot in my home. I sleep with locks on my door. I'm under doctor's supervision. I hear my babies cry for me every day. Why? What did I do? Can you please... I have filed complaints. I have called every board. I'm taking my 82-year-old father with tears in his eyes to the police station, say, "Hey, can you hear us? We exist."

Regina Jackson: Miss Ahmad. I'm going to ask Mr. Alden to take a look at the dates that you've shared so that we can see if it's been investigated.

John Alden: Absolutely, and-

Aziz Ahmad: Please just just look at the body cameras because I asked every time, are your body cameras on, are your body cameras on? The police came back to my house about 10 to 12 times. We had a full standoff this summer. We had a pool standoff, I will say.

Regina Jackson: Okay.

Aziz Ahmad: And I'm not living like this anymore. And I appreciate your time, but we have a problem and I can't live like this, and I can't raise my children like this, and they're in Texas now and I'm just as scared because you see what's going on there. What do I do? How many more schools do I found? How many more of my family members have to die of cancer, and he's 67. Young. We die young. They're killing us. They're killing us.

Regina Jackson: I'm so sorry, Miss Ahmad.

Aziz Ahmad: Thank you for your time.

Regina Jackson: We're going to have Mr. Alden look into your complaint.

Aziz Ahmad: I appreciate it. Again, I fought everything with internal affairs. It was Sergeant Matthews Officer White. Officer [inaudible 01:25:04]. I can give you names. I can give you reports. Thank you for your time. I appreciate you.

Regina Jackson: Thank you, ma'am. Thank you. And Miss Brookson, Benson, thank you for your support. I know we have a list of other speakers.

Speaker 8: If I may, Mr. Jackson, you called me, but I would actually like for Robert Wilson and Mama Pat to go before me. I don't want to speak on their issues. Is that okay?

Regina Jackson: No, no, no, that's fine. That's fine. I called you because I was actually appreciating both you and Ms. Benson for coming to Miss Ahmad's aid. Yes, thank you.

Wilson Riles: Commissioners. My name is Wilson Riles. I'm a former member of the Oakland city council.

Regina Jackson: Thank you for your service, sir.

Wilson Riles: Thank you. Last Thursday I went to the zoning department to deal with an issue and ended up being tripped and thrown on the floor by a number of police officers and put into a cruiser and eventually taken out to Santa Rita. Racism, classism and injustice is true in Oakland as it is anywhere else. The problem continues to go on. I don't have to tell you that. You know that very well.

Wilson Riles: When I was on the council, I was very passionate about the injustice in Oakland, and injury and injustice to one as an injustice to all of us, and I was passionate about that. You can look at the tapes from the council meetings where I spoke vigorously about that.

Wilson Riles: I've come to the city council, and you can see tapes of me before this microphone, speaking to the council in a very vigorous way. And that was what I was doing at the zoning department, dealing with an issue that was an injustice and doing it passionately. Officers were called, 911, and I was still dealing with the issue, and as I was leaving, as I was leaving, is when I ended up being thrown on the floor.

Wilson Riles: Now, I understand that the chief has asked the CPRA to do a report on this. I intended to submit a report to the CPRA, and I will be as cooperative as I can

because I know that you all care about these issues and are working as hard as you can under the restrictions that you have, in order to deal with this. And I want to join you in that effort because this is not just about me and what happened to me, but as already been heard tonight, and I'm sure you hear at every one of your meetings, this is an issue that is beyond the pale and needs to be stopped and every energy and effort that we can make to save our city from the kind of treatment that our residents received has to be done. And we're going to do that. We're not going to stop until it's done.

Regina Jackson: Thank you, sir.

Patricia St. O.: [foreign language 00:23:27] My name's Patricia St. Onge. I live in Oakland. Wilson is my partner, and we've been married for 25 years. I don't know how much you know about the background of this situation, but we have been, for the last four and a half years, in a struggle with planning over our capacity to have sacred ceremony. And what we have here, in my opinion, is a collision between the OPD longstanding practice of abuse, particularly related to black men and people of color. We have a city staff culture that promotes unexamined, complaint-driven responses to community issues and fosters a lack of cooperation between departments. So someone complained, we just went through four and a half years, had a unanimous planning commission decision giving us conditional use permit to do the sweats. One neighbor appealed, took another year, and in August, six approve, one abstention, one out of his seat, city council response.

Patricia St. O.: So that was August 1st. Here we are, October. Someone from the zoning department, which is right next door, comes to our house, says, "I received a complaint from a neighbor, you're not allowed to have ceremony here." So Wilson referred him to the planning department guy who's been working with us for four and a half years. The guy called back, said, "okay, you can have the ceremony, but now you need all your temporary structures permitted." Which also is covered in all the work that we did with planning. So it's pretty understandable to me why Wilson would be frustrated in that situation. But it's unimaginable... Not unimaginable. It's totally imaginable. It's unacceptable in the deepest way that anybody, not just Wilson, but anybody under these circumstances would have this happen to him.

Patricia St. O.: But the third piece of this collision is ignorance about the American Indian religious freedom legislation. So others will address more the parts about the city and all that. But I want to talk for a minute about the American Religious Freedom Act. So in the Constitution, we all have freedom of religion, right? Except Native Americans. All of our ceremonies were illegal until 1978 when Congress passed, and Jimmy Carter signed, the American Indian Religious Freedom Act. But it was only a general policy. It had no enforcement mechanisms. So if a neighbor or a police officer or a city manager or anybody

said, "we don't like this ceremony," they could shut it down. There was no enforcement mechanism.

Patricia St. O.: Sorry, I'm taking so long. But it also didn't protect sacred sites from abuse, like logging and damming and all of that was not in the 1978 law. It also didn't exempt peyote from state drug laws. So they had to go back in 1993, so you can see the gap between '78 and '93 who was in office, and Congress was able to pass the Religious Freedom Restoration Act of 1993. And one of the primary reasons was that jurisdictions were using land issues to stop ceremony.

Patricia St. O.: So again, very much like what's happening here. It's a planning issue. It's a zoning issue. No, it's a bigotry issue. It's a Religious Freedom Act violation. So what's happening here isn't new. Not our long process, not what happened to Wilson, none of that is new. It's old. It's very old, from the roots of the founding of this country. And it's tired. And so are we.

Patricia St. O.: Our objective here is healing and justice, but you can't have healing if there isn't justice. And so we're inviting you to really look into this, not just for Wilson, but for the culture that is here that is supporting this whole process that was inexcusable in every way. Thank you for listening.

Regina Jackson: Thank you.

Walter Riley: I'm Walter Riley, Wilson Riles' attorney. I know some of you. I have a card in, even though you didn't call my name yet. I have a couple of points to make here, as the attorney. I got a call from Patricia St. Onge last Thursday about midday. I was in North Carolina. At the very moment when she called me, I was in a panel discussion at the National Lawyers Guild, in a discussion and panel that was organized by Native Americans to discuss Native American rights and the laws that apply, and particularly religious freedom issues. We were discussing land issues and so forth. And I get a call from somebody who was saying her husband has just been arrested because he's, in fact, trying to ensure that native religious practices could be done here. After having been approved, he's being harassed and arrested.

Walter Riley: The power of that moment was not lost on so many people in that panel discussion, and it became part of a national issue for us, what was happening in Oakland to these people we know, and that many people knew Patricia St. Onge who is the chair of the board of the Highlander Center, a [inaudible 01:36:53] where Rosa Parks went to learn to develop community. Where so many people in the civil rights movement, the labor movement had been part of, she's the chairperson of that. The director of that center was speaking, also, at that panel discussion. Just to give some sense of the weight and the gravity of the issues and people were involved with here.

Walter Riley: I am not, at this point, advising that we filed a complaint because we have not gotten a police report. I would like for this commission to do what it can to get a police report for us. We need to know what the police officers are saying in regards to this incident, and we need to understand what the video... And review the videos that are there. We understand that there is body camera video. There might be video from the hallway. We need to review that in order to file, I think, the most efficient complaint. I believe this body can take action if it wants to, but we will file a formal complaint after we get those documents.

Walter Riley: But in this kind of a situation, it is necessary for this body to move forward to try to get the complaints, to get them released to the public. We've had these problems before. We need that complaint, and we need to have an open, transparent kind of a process here. And we can't wait until the process is evolved in the police department. It takes too long.

Walter Riley: That's my understanding, my experience in the practice. It takes too long to get the report. So we're doing that. But I want you also to understand sort of what happened, and being on a commission and having done some of these things and being an attorney, sometimes we tend to lose our passion because we deal with the details and the ins and outs of the daily life of the work. But please do not lose your sense and capacity for outrage as you sit under this commission. As commissioners, we need you to be outraged by conduct that you, before you got here would have been outraged by. The reasons-

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Walter Riley: ... before you got here, would have been outraged by. The reasons that you volunteered to be part of the consideration process for this commission and that people support you is because we believe you have an opportunity. You have the ability to be outraged by misconduct, and this is misconduct. Without going into all the details of this specific case, it is representative of what happens, having done policemen misconduct cases for the last 40 years. I can tell you what happened in this case. The police officer approach Wilson Riles Jr. in a hallway. The officers did not tell him that he was under arrest. They did not indicate to him that he was subject of suspicion, that he was a subject of their being there. There's no indication that they knew why he was there. We do know that he was not charged with any conduct for being in that office. The only conduct he was charged with and taken to [inaudible 01:40:01] for was police conduct. He was charged with obstructing a police officer and battery on a police officer.

Walter Riley: That, if you've been doing this long enough, you know that when that happens is suspect reporting and suspect police conduct. When the police officer has too many resisting arrest, they need to be reviewed and retrained. That is policy across the nation. You know that. There is no underlying charge for him being

there. That is enough for you to be outraged with to start. A man of this stature, a person of his weight in this community.

Walter Riley: But this is the way it happens and I have many cases. The police officer approaches somebody and they approach young people on the street who don't come to make complaints, who believe it's okay. Many people in this situation don't understand that police officers are trained in the academy with this procedure. It's a procedure that should not be allowed. It is violent and can be lethal because of what happens. You go slamming people, but they grab you by the arm as leverage. They're taught to grab you and they pull the arm around behind you and they push you down. That's called slamming in any place else. Slamming you to the ground and you are likely to be injured, but not everybody gets severe injury but there's ... Wilson Wiles was injured. Medical personnel was called to attend to him before he was taken to jail. He was injured.

Walter Riley: That outrage is the kind of thing that we have to show the people of Oakland and the police department that we will not accept. Slamming people is not acceptable. When a police officer approaches someone without having any reason to identify or articulate that they were going to arrest him, slamming him. And when people are in fact committing a crime and they want to arrest him, they slam people to the ground and they should not.

Walter Riley: You do not have to arrest and slam a person to the ground because you saw them selling marijuana or selling drugs or selling crack. You do not have to slam them to the ground to arrest them. You do not have to slam them to the ground and fall on top of them with your knees on their back or on the neck. We've seen it with Oscar Grant, we've seen it in enough videos. You can go to YouTube any day, you'll see it. And you can see the differences between the color of the people that they do this to. It's going to be black and Latin, people of color that this happens to. This is outrageous and you have to say it and you have to point it out and you have to name it and you have to say that you will not go on to allow this to happen.

Walter Riley: Sweeping should not be part of the arsenal on first contact. There are many things you can do. Arresting a person who is even uncontrollable can be approached in many other ways, but most people that are arrested are not resisting, but once they decide to grab you, your body reacts. You get slammed face down. A police officer or several police officers will put their knees on your back, twist your arms behind you, and they will then begin to say, "Stop resisting." Every time you see the video, they'll say, "Don't resist." In this case, they were saying, "Stop biting. Stop biting." Now some of you know Wilson Riles and you know he was not biting anybody. You know they were doing it for the purpose of the tape. They're doing it for lying. Don't accept that. When a police officer lies in his report, that should be punished. You shouldn't accept it. You shouldn't accept false reports.

Walter Riley: The police officer saying, "Stop biting," you see it when Oscar grant was on the ground. "Stop resisting." When they have numerous police officers on his back. We have to take action about this and I want this commission to understand this. When we file our report, I would like to see some concerted action being taken and a proposal for eliminating the sweeping, sweeping your legs out from under you and slamming you. Remember women, children are scarred for life when that happens to them. You have no respect for your community when when something like that happens to you. Thank you.

Chair: Mr. Riley. Before you leave, I want to thank you and all of those that have spoken on this travesty, but I do want to clarify one thing. We need you to actually file a complaint in order for the rest of the process to move forward. We want to make sure that CPRA does its investigation but that is the way the process [crosstalk 01:44:32]

Walter Riley: Yes, I will fly a complaint when I get the police report.

Chair: Okay.

Walter Riley: I will not file a report without a police report ... a complaint without a police report. I need to know what they're saying and what they're claiming.

Chair: Okay. Commissioner Gage?

Henry Gage III: Thank you, Chair. I'm under the impression that we do have the jurisdiction to direct CPRA to open a complaint ... or open an investigation, I should say.

Chair: So yes, and actually it's my understanding that you've already been directed, but I think it's also important for the first person to confirm whatever the information is. Mr. Alden, do you want to direct us otherwise? I've not been in this situation before.

John Alden: Madam chair, I think you're exactly right. We have already opened a case. Mr. Riles did stop by and talk to us briefly so we could make sure we have his contact information. I'd be happy to get the same from his counsel tonight if you'd like to pass that on.

John Alden: It would be helpful when they're ready to take a statement and get a complaint from them but we're moving forward now, at least with what we can do until we get more information from them.

Walter Riley: Well, you could appreciate the position as an attorney. I want to know what they're saying and what facts they are using and I want to look at that video. That's just necessary.

Chair: Okay, well again, I refer you to Mr. Alden for the procedural part. We definitely want to understand this whole concept about humanity and Oakland citizenry should not be allowed to be questioned, particularly for our citizens, but also our more vulnerable citizens — our elders, our youth, our mentally ill, our unhoused. No one should have that kind of treatment for an argument.

Walter Riley: I submit that-

Chair: We do need to learn how to deescalate.

Walter Riley: Absolutely. I submit that the police departments finds joy in being able to slam people.

Chair: I so hope you're wrong, but thank you very much sir.

Cat Brooks: Good evening. My name is Cat Brooks, I'm the co founder of the Anti-Police Terror Project and the executive director of The Justice Team's Network here in Oakland. We work with well over 40 families and people that have been impacted by police violence, everything from sexual assault to unfortunately, murder. Mario mentioned early that a lot of folks in community don't necessarily know that this commission exists. That's something that we are working on and and bringing people to the commission to file their complaints.

Cat Brooks: People do know that I exist around this issue and they know the APTP exists around this issue and so at least weekly, either my personal or our social platforms, we get a ding a call, a text. There's two cases tonight that you all don't even know are here yet that were brought here that way. There's only two times though in the over the decade that I've been doing this work that when I saw the name that I was being called about that I knew. One was [inaudible 01:47:37] who was my daughter's best friend's father and the second time was Bubba Wilson Riles.

Cat Brooks: For me, what it really highlights is what an epidemic it is, right? When every black person, every brown person knows at least one person that's been brutalized law enforcement, that should say to us this is an epidemic. This isn't a few bad apples. The whole fricking orchard is rotten and we need to be doing the work to tear that orchard up and replant it with something that is transformative and just and liberatory.

Cat Brooks: I don't expect this commission and I actually hope this commission isn't just about punitive measures. I hope that this commission as a partner in community as we re-imagine what public safety should and could look like for the city of Oakland. We are supposed to be one the most progressive cities in the country. Right? Yet we have one of the worst track records for police abuses in the nation.



Cat Brooks: When things like this come up, we should be asking ourselves, why were the police called in the first place? Why did you need to send a badge and a gun? Why did you need to send a badge and a gun? Because someone was angry or having an argument? Was there nothing else that we could have done? Where in policy can we have conversations about what is the threshold in city government or for God's sake, at a school board meeting, that you're going to bring badges and guns to deal with our elders, our teachers, parents, and students? That's a problem. Yes, OPD is problematic, but the whole way we're thinking about public safety and what law enforcement is supposed to be utilized for is problematic.

Cat Brooks: People, you spill milk on your neighbor's driveway, they call the police. They come with a badge and a gun. We can do better and we need to do better and if there's one thing I hope that we do pull from this tragedy, it is re-imagining when and where we need a badge and a gun and when and where we absolutely do not.

Cat Brooks: The only other thing that I want to say because I do have to get home to my baby is I'm APTP and Justice Team's Network fully supports you all supporting the [inaudible 01:49:44] proposal this evening. Thank you.

Chair: Thank you.

Laura Magnani: Good evening. I'm Laura Magnani. I'm a program director for Healing Justice for the American Friends Service Committee and we've been working on police accountability issues since the Rodney King incident in 1992. Throughout that time, we've witnessed the constant killing of unarmed African-American men and women, many other people of color by police officers around the country. I want to say before I go any farther, that after Wilson Riles was on the city council in Oakland, he came to work for the American Friends Service Committee as the regional director. So he was our regional director for 10 years, I think in the 1990s, and in that time ... We're a Quaker peace and justice organization. Our bedrock belief is nonviolence. Anyone who is directing our organization has to represent that perspective unquestioning. So he was not in the position every single day to demonstrate what nonviolence can look like, but to model it for the rest of the staff. So the idea that this man would go to a city office and exhibit any kind of violent behavior is frankly extremely offensive. We're talking about a lifelong fighter for justice and peace, and so if it can happen to Wilson Riles, it can happen to anybody.

Laura Magnani: While we've all become aware of cases like those of Oscar Grant, Tamir Rice, Rolando Castillo, Freddie Gray, Eric Gardner, Sandra Bland, Stefan Clark, there are hundreds more cases of people suffering from excessive use of force by police. This is an excessive use of force case. In addition to the independent investigations that people have been calling for the AFSE, my organization calls for first of all, reimbursement of the bail money that was lost even though the

charges were dismissed. Again, we understand that this happens to people every day, that they lose their bail even though they aren't even charged. We want that money back. Immediate release of the full police report to his attorney, including the body camera footage, the 911 tapes, the police radio tapes, and release of any security camera footage of the incident from the zoning office. Thank you.

Chair: Thank you.

Rochelle Towers: Hi, I'm Rochelle Towers and I am a friend of Wilson's and I'm an admirer of Wilson's for all that he has given to the community. I am very glad that this commission exists and has the amount of power that you do have. Oakland is very fortunate in this way. I was also, in addition to what everybody has said, so upset to see that the police issued a, an explanation or a statement saying something to the effect of that they had to weigh Wilson's civil rights against potential workplace violence. I just want to say that inherent in that is just a racist assumption of complaining wild black is going to result in a big shootout in the office. I don't truly believe that a white man who raised his voice would be seen as a threat in this way. If the police are so afraid of a black man raising his voice that they can throw him to the ground ... Wilson is 73 years old. This is ... what are our people facing who don't have all of the friends and the high profile that Wilson has, who go on unnoticed and unsupported every day because the police can just act with impunity in this way? They chose the wrong guy this time. Thank you.

Chair: Thank you.

Tracy Rosenberg: Good evening. Tracy Rosenberg from Oakland Privacy and for Media Alliance. I came here to say that what happened to Wilson Riles Jr. was unacceptable and to ask you to do everything in your power to facilitate as complete and prompt an investigation as possible. I think you've heard what that consists of and I want to echo the demands from American Friends Service Committee. They should be met.

Tracy Rosenberg: On my way over here, someone sent me a video from the Oakland unified school district, and I got to watch OPD body slamming a couple of teachers. As I processed all of that, which was a lot in the course of let's say an hour on my way over here, I thought about as people have said, the other five or seven or 10 or two dozen people on the streets of Oakland that this happened to in the past week or the past two weeks, whose names I don't know and whose videos I will never see. I raise the challenge to you, there is a problem with our police department. There is a problem with police departments all through the country. We are not exempt. The reality here is the perception of what and who is a threat is not reality-based. Literally, we are hurting and damaging and traumatizing everyone because the perception of who is a threat is not real and delusions are dangerous and delusions kill.

Tracy Rosenberg: The other thing that I wanted to say to you is I actually came here tonight to speak about something that is not on the agenda as well, which is an ordinance that talks about militarized equipment and that talks about the fact that when we knock down the door of someone's house and run a SWAT raid and there are kids in that house ... is it possible someone could see me a minute? I'm sorry. Thank you so much.

Chair: Go ahead.

Tracy Rosenberg: And that kid, for example, who may have had the bad luck to have a drug dealer father, who knows, it happens sometimes. That kid has to bear the trauma of that fear and that abandonment and that terror the rest of their lives. The reality is that it's done far too lightly and far too frequently and we don't even know how or when or why the majority of the time.

Tracy Rosenberg: I thought that I was going to see this on the agenda this evening and I didn't and I'm told that the reason is that OPD had to take an inventory. They had to count how many assault rifles they have. How many BearCats they have, how many LRADs they have. I'm sure there's a longer list of equipment. The point is, and I want to say this frankly, because things take too long as it is, it doesn't matter how many assault rifles they have. The issue is the same. This is not an issue of counting. This is an issue of what are we doing with this equipment and what toll is it taking in the city of Oakland? Are we going to ask those questions, are we going to pay attention, and are we going to oversee what's happening on the streets. Or are we not? So I encourage you to sort of not give the counting excuse as much play as perhaps is being asked because whether it's one SWAT raid that keeps one kid from turning into the person that they should have been or it's 500, it's the same problem. So thanks.

Tanya Love: Good evening, commissioners. My name is Tanya Love. I'm a resident of Oakland. I'm here to express my own personal outrage over what's been happening this past week and to reiterate Mr. Riley's request for a police report, but also to reiterate and agree with Cat Brooks' assessment that something needs to be done about people using the police to assault, harass, or arrest residents of Oakland. Definitely there's something needs to be done about the city, school board staff, city council, any official representative of Oakland using the police on residents who are just asserting their right to service or to address their complaints.

Tanya Love: So I come to you as a fellow commissioner, knowing that it's hard to know what to do in these cases and not sure if you actually have the jurisdiction, but I ask this is something that you consider as a policy suggestion. I ask you as a commission if you're willing to write a letter expressing your disappointment or your disapproval, what has happened. I ask that you as a commission request to work with the city administration around the police use of force, around staff use of police force and ask that you work as a commission to develop a policy

within the police department assessing how to properly respond to racist phone calls.

Tanya Love: I probably can come up with more policy suggestions. I'd be happy to work with any of you to think this through and figure out what can be done, but I ask ... like Mr. Riley, I ask that you really just come out with the outrage that I know you guys all feel and let's figure out a way that we can do something to express that in a policy way but as well as saying it. Thank you.

Chair: Tanya, we are currently working on a use of force policy that prioritizes deescalation as the number one priority.

Tanya Love: But I'm thinking more of how we can, like Cat was talking about, there needs to be some sort of cultural change where staff needs to be trained on that as well. Not just OPD but staff and people that represent the state.

Chair: Understood. Thank you.

John L.P.: John Lindsay-Poland, American Friends Service Committee. I want to add, I've known Wilson for a long time. There's a couple of things about this. One is he did not raise his voice with the police officers, so it was entirely, entirely, entirely unprovoked. The other thing I want to note is that this Saturday, previously scheduled, he's receiving an award that's being presented by Barbara Lee at noon at Everett and Jones for his long service. I hope you can go.

John L.P.: I also wanted to address the proposed ordinance for military equipment. When we were at the very last meeting, we spoke about the public records request for BearCat deployments that was submitted six months ago and has still not been responded to and since that time, the police department went ... they said that they would issue this within two weeks which would have been by today, they have now extended this another three weeks to November 20th.

John L.P.: So the same tactic of saying, "We have to prepare a staff report." Deputy chief Armstrong last meeting said it should be no problem to prepare a staff report about the proposed ordinance in time for this meeting. He told me that to my face at the last meeting. He also said that he was almost ready, that they were 95% ready with the response to these public records act requests. They're shining you on. That's what they're doing. I don't want you to go for it. You can say it would be most useful to get a staff report in order for you to consider this and propose something to the city council that has been reviewed that includes a staff report. But don't let them just stall because that is what the attempt is to do here. All of the use of this equipment is it exacerbates all the different racial disparities and use of force that we're seeing and that we've heard about tonight. When it's not just someone sweeping them off their feet, but they're using an assault weapon or a BearCat, it's exacerbated even more and with more trauma.

Chair: Excuse me, Deputy Police Chief Armstrong, is he here? Hi there. I just wanted to give you an opportunity to share with the audience what you shared with me about needing the extra time and what's going on.

DCOP Armstrong: Yeah, so Deputy Chief Armstrong, Oakland Police Department. At the last meeting, we did speak to the commission and say that we would review the draft that was sent to us. There's a process that goes into that. We put a focus group together of our officers within the department who has subject matter expertise on these particular areas. We met and that is in the state we're in now where we're going to prepare a draft for the next meeting. But I think what is clear is that it's not an easy process. It's not something that we can just go and immediately dedicate staff to take away from other duties that we are already currently doing. We initially put together that quick focus group to begin that process but we will have one as committed to the commission for the next meeting.

Chair: November 14th.

DCOP Armstrong: Yes, ma'am.

Chair: Okay. Thank you very much.

Sara Martinez: Sorry ma'am.

Chair: That's all right.

Sara Martinez: Good evening. My name is Sara Martinez [inaudible 00:02:03:51]. I live in the San Antonio district on the 1900 block of East 15th. We have a lot of activity there. As you probably know, that's sex workers, but that's not the issue why I'm here except to ... I just learned the stats that 92% of the arrests of that industry are the exploited women. So I'd like to see that change. Let's get the Johns and the pimps and leave the women alone.

Sara Martinez: What I'm here to report about is what I saw in full right in front of my house coming home Tuesday evening from grocery shopping with my daughter. There was a car that was stalled right in front of my house. So I drove with emergency lights. I drove around it and we saw that the car, its axle had, the front axle had broken in the car. The wheel was on the floor. I saw three young black women in the car. So I took up my groceries and I came down to see if they were okay. These young ladies were my daughter's age. So I went to check on them. They were upset, they were sad. A car had taken off. The driver was upset, like, "How am I going to get to work tomorrow?" I said, "Let me get you some water." I went upstairs, I brought them some water. The driver was on the phone to the tow truck company arranging it, it was a rental, to get it picked up. It was going to be 60 minutes, an hour for the tow truck. I said, "Let me get them some

snacks." I go upstairs, I bring them clementines, trail mix. Unfortunately, I had no junk food because that's what you want in this kind of situation.

Sara Martinez: So I talked with them a little bit, reassure them it's going to be okay, the insurance will take care of it, it's going to be fine. Just deep breaths gave them hugs and it was okay. I go back upstairs, I had my front door open because it was warm. What? I'll just go quickly.

Sara Martinez: A neighbor had called that her car had been scratched and so she wanted to get the young ladies' ID or information. So a trooper had come and the young lady had spoken to those troopers. When I came back out, voices had been raised. I come out to see a second police car and an officer from there yelling at the driver, "Let me see your ID, let me see your ID. I want to see," and she was like, "I already talked to the other officers. Everything's fine." But he raised his voice and then he grabbed her by her arm and started pulling her. The young ladies, their cousins or sisters, family had come to pick them up. So you have a group of young women, young black women, and this white officer, the other ones were not. The one older white officer starts pulling the young lady who's under five feet. Their adrenaline is already high because they were traumatized by the axle being broken. Then two police cars, they're already scared, always with police interaction, of being killed. He starts pulling her, the adrenaline goes through the roof.

Sara Martinez: People are freaking out, and next thing we know this block is covered with cars, with police cars, one after the other. Three black girls suffered their car breaking down and this resulted because one officer triggered ... it was like lighting a match in a dry field. He did not need to be yelling at her. He needed to take into consideration what they had just gone through and listen and be calm himself. It was just his fault.

Sara Martinez: Thank God I have to give credit to the other officers. They did not behave that way. I think they felt taken hostage as well by the older man's actions, because the train had left so they just had to follow suit. So I just want to reiterate, it's like everybody needs to be trained. Thank God weapons weren't drawn, but it was a fine line that it could have happened. I knew with my ... I'm Latina, but I know I have white privilege so I knew I had to be there and be a witness and I did file a complaint with the sergeant on duty because of that. But everybody needs to be trained and stop treating people of color like animals.

Chair: Ma'am, before you go on behalf of the commission, I want to thank you for serving the humanity that Oakland citizens deserve and that we typically move with, right? Water, snacks, all of that. I'm very thankful that you also filed a complaint because you know who that officer is.

Sara Martinez: Yes.

Chair: Thank you.

Vilma Serrano: Good evening. My name is Vilma Serrano and I'm an Oakland public school teacher. I'm here because I'm really concerned with the excessive response to a school board meeting the other evening. There is no need for ... the reports, there's different reports that say 9, some say 11. There is no need for 9 to 11 police cars and a helicopter to a school for a school event where parents, teachers, and students are protesting the lack of basic things that they have in their schools as well as school closures. Police have no business being there. City police have no business being there. A lot of our black and brown students already face a lot of institutional violence. We don't need our schools to be those places. We don't need city police to be at our school events where we are peacefully protesting for what we deserve. Thank you.

Chair: Thank you.

Speaker 9: Good evening. My name is [inaudible 00:31:01]. I am a public school teacher and executive board member of the Oakland Education Association. I'm here because last night, as you just heard, there was an excessive use of force against teachers and community members and there were of course, children present, students present from our OUSD schools. OUSD police pushed, choke, and clubbed elementary school parents and educators which were engaging in nonviolent protest against school closures.

Speaker 9: There was no reason, again, for those 9 or 11 police cars from OPD to be called there. There was no reason for the helicopter to be there. This heavy presence was not even necessary as when folks got there that they found out that there was no altercations. We hold the OUSD board of directors and superintendent Johnson-Trammell directly responsible and condemn this act of police violence.

Speaker 9: We do not need to spend \$6.5 million a year on policing our schools. We do not need to close schools. What our students need are nurses, counselors, and psychologist. Oakland educators are demanding that OUSD immediately enact a moratorium on all planned and future school closures, issue a public apology to our students, parents, and educators for the use of police barricades, over policing, and violence at last night, school board meeting; defund the OUSD police force and redirect those funds towards counselors, nurses, and other supports our students need; and immediately suspend, investigate, and discipline officers for their behavior last night. We call on this commission to stand with us in condemning the excessive response to peaceful protesters. Thank you.

Chair: Thank you.

Olivia Udovic: My name is Olivia Udovic. I'm also, I'm a kindergarten teacher at Manzanita Seed. My daughter is also a student there and I'm here to talk-

PART 4 OF 9 ENDS [02:12:04]

Speaker 10: My daughter is also a student there and I'm here to talk about two things. One to echo what my colleagues just stated. We are here representing the Oakland Education Association. Our president could not be here tonight, so we are on here as representing the leadership asking for you to join us in condemning the incidents that happened last night, the behavior both of the Oakland school police and of the OPD. I'm also here because I was witness to another event and I filed a complaint with this commission as Cat Brooks stated, I would never have known what to do if it didn't happen that her daughter used to attend the school that I teach at and so I know her and so I contacted her and she's the one who connected me here. I filed that complaint on September 8th and I haven't heard anything.

Speaker 10: I was driving to work with my nine year old at the time, daughter in the backseat of my car. We were in the Fruitvale neighborhood where the school is and officer Astrada was, I didn't know his name then, but was walking down the street with a young black man. It did not look normal to me. Something very strange was happening and I've worked and lived in Oakland and Los Angeles long enough to know that I have a responsibility to make sure that young black men are safe when they're around police officers. So I pulled over and rolled down my window and asked if he was okay. The conflict between the officer and the young man escalated. The young man, they ended up on the hood of my car and I, as many people have referenced here, the officer in question had absolutely no deescalation skills.

Speaker 10: I teach kindergarten. I do have deescalation skills. I have a video, which I was unable to figure out how to upload onto the complaint. I talked to the young man. The officer was refusing to answer his questions. He wanted to know why he was being stopped. I talked to him. We had a conversation. I asked him just to follow the officer's directions and the next thing I knew the officer had pulled his taser. This was in front of my nine year old baby who was screaming in the back seat of my car. I screamed at him not to tase the man in front of my child, he put the taser away. At that point, multiple other... I mean this all happened very confusingly, but I have it all on video. Multiple other officers arrived. They got him into their SUV thing. That man got him in handcuffs, got him in the SUV and drove away.

Speaker 10: I thought the incident was over. I got the officer's name, knew I was going to complain, but figured the incident was over. I proceeded to leave, drive the two more blocks up to my school where I work only to discover that they have pulled over in front of a elementary school at eight o'clock in the morning, at which is drop off time as most people and one would think Oakland police officers would be aware of, is the time when children are arriving at school. They have taken the young man, his name is Billy out of the car and they have him in front of the school. He had been arrested. I watched them, but I have



video of them putting him in the car. He was in handcuffs in the back of the police car. They drove two blocks away and took him out of the car in front of the school.

Speaker 10: Within minutes there was 15 to 20 police cars there. The young man was 51/50ed, he was tied. He somehow lost his shoes. He was strapped to this like weird sitting chair gurney thing and ultimately was taken to, you know, 51/50 is what the officers told the principal of my school. Numerous families, children, many of our students, my kindergarten students asked came and, "What happened? Why did they have that man like that? Why was he strapped like that? What did he do?" I still have no idea what the initial complaint, you know, problem was with him.

Speaker 10: Maybe he did something terrible like many people have said already, if he did do something terrible, then they even worse endangered the community and the children and the families all around there. So that event and the response yesterday really make me, you know, firmly believe that the Oakland PD needs a better policy on many issues, but definitely on their response to incidents near schools. Children did not need to see this, this man did not need to be humiliated in front of children like this. And there was absolutely no reason for it to happen. And I don't know what I'm supposed to do in terms of how I get the video to people. I tried contacting the man, he's never answered his cell phone. That number that he gave me. I don't know his last name.

Chair: I want to help you.

Speaker 10: Yeah.

Chair: So you said that you filed a complaint September 8th.

Speaker 10: Yeah.

Chair: Did you file it with the Oakland police or with CPRA?

Speaker 10: CPRA, I think.

Chair: Okay, so Mr Alden is the person that you're going to talk to and hopefully he can give you some direction about uploading the video.

Speaker 10: Okay. And Vice Chair Harris.

Ginale Harris: If you can send me an email with your contact, I will make sure that we follow this and notify the public on what's happening.

Speaker 10: Okay.

Ginale Harris: Okay.

Speaker 10: What is your...

Ginale Harris: Thank you.

Chair: Thank you very much ma'am.

Mike Hutchinson: Mike Hutchinson. I was at last night's school board meeting. I'm a lifelong Oakland resident. I've attended every school board meeting straight for the last eight years and my mom was a teacher, so I've grown up going to school board meetings. I've never seen anything like what happened at last night's school board meeting and nobody has. And so what happened to us last night at the school board meeting is as community members were again telling their list of demands to the school board members, they were faced with a line of police in front of them and a barricade that the school board had set up before the meeting even started. And there were a couple of people last night who planned on getting arrested because it escalated to that point. And what they did very peacefully like everyone's trained, is they jumped over the railing and gave their wrists up to be arrested to the OUSD PD.

Mike Hutchinson: The OUSD PD response was to charge the community line of people, throw that person to the ground and proceed to assault numerous members of the community who were there, including one that's been captured on video and hopefully people have seen of OUSD PD assaulting a teacher, one officer running across the stage to give her a two hand shove with his baton when she was just standing there. And then to make matters worse, the OUSD PD chief made a call to OPD to ask for assistance. And OPD responded within five minutes with 10 police cars, I counted 10, 10 police cars and a helicopter and officers streamed into the meeting with their tasers drawn.

Mike Hutchinson: It was so unacceptable and we're actually, I'm feeling very lucky and grateful today that we didn't wind up with a much more serious incident. But in a sanctuary city especially, and for our elected officials at a public school board meeting where there's parents, students, teachers, and community members from an elementary school to be attacked, was unacceptable. And I just want to stress this last point because this is where hopefully we can get some help from some other agencies. The way OPD in and their attempt on having heard that there were screams and they were needed at this meeting was unjustified and unacceptable. And if there had been a shooting, there wouldn't have been that kind of response. It was prearranged. And I yelled at the supervisor because I demanded to speak to the OPD supervisor and he tried to justify their presence there.

Mike Hutchinson: But they were used to attack the community and deny us access from the public meeting. Because as the school board meeting continued, the police denied us

access to the room and even access to public comments. And so what we really need, especially coming on the heels of what happened to council member Riles, we need to have some much stronger policies in place for OPD and how they respond, you know, in a time of Barbecue Becky and all of these things. We need to extend the way we think about that because if OPD can use how they were called to justify their response and possible mistreatment of community members, then we literally have no protection. And especially like was just mentioned, when they are entering a school building where there is a meeting with children happening. And so hopefully we can get some support from this commission also, there's a lot of us on the school side that are working really hard to abolish our school district's police force, but beyond that to hopefully work together on some policies where we can gain greater protections.

Mike Hutchinson: Because if nothing else, our schools need to be a sanctuary. Our public meetings need to be a sanctuary and there's no way that people should be subjected to that. And I am personally furious with the school board and superintendent, many of whom I know personally, because they literally even put my life at risk. So thank you for letting us come out here. And just lastly, I know I'm over my time. I want to publicly thank also OEA for coming out so strongly here in support of everything. We are all hopefully moving together and for the members of the police commission to note there are always willing people who want to work on these issues on the school district side and with the other police agencies that we also have policing us in Oakland. Thank you.

Chair: Thank you. Deputy Police Chief Armstrong. Can you provide us some insights to what he's talking about? Thank you.

DCOP Armstrong: Yes. So yesterday evening, the Oakland Police Department was requested by the Oakland Unified School District Police Department to assist with an incident that they were having at a meeting. Typically, the Oakland Police Department when requested by another law enforcement agency, we take the information that they provide us as the reason to respond. And so in our response we responded, we had no use of force incidents. None of our officers were engaged in any of the things that's been shared through the media and as soon as we were able to deescalate and remove resources, we did. I think we had the appropriate response for the information that we were initially provided, but immediately when we recognized that there was no immediate need for OPD, our officers, as soon as they were able to, were actually re-put back into service to continue to do what they normally do.

Chair: Thank you. Can you clarify what the request was? How did they frame the request?

DCOP Armstrong: I would have to refer to the actual call that we received in order to be completely sure of what information we were provided. But I know during a briefing that we were asked for assistance, which is normal when something

happens. Some of the smaller agencies will request assistance from us when they have an incident happening as if we would request sometime when we have large scale incidents as well.

Chair: Okay. Thank you. Vice Chair Harris.

Ginale Harris: Hello Deputy Chief. So listening to what I heard tonight was really disturbing. You know, as you are aware, we have very minimal police cars for Oakland and the gentleman said 10 police cars, and I have gone on a ride along and we don't really have 10 police cars. I think we have 10 for the whole city. But I'm just curious to know did any of our officers witness excessive force from another agency?

DCOP Armstrong: I wouldn't be able to speak to what we seen or what any officers seen in particular. I can say that you know, we know based on our review of the incident and that's really limited to what we wanted to make sure we understood what our officers participated in and if they were engaged in any incident and we know that that didn't happen. So I can't speak specifically to what OUSD you know, was engaged in or what was going on once the officers arrived. We would have to look into-

Ginale Harris: So did we have a helicopter there? Was there a helicopter that was asked to go out for a public school meeting?

DCOP Armstrong: So typically when we're asked for assistance, if there's something that's related to a violent incident or something that will require us to respond based on the information that we received, our helicopter would arrive first because it's overview and they can make it without going through traffic, can give us a visual understanding of what they see outside. We would relieve that helicopter as soon as they gave us a report back. That's how we minimize the number of resources that we need because we get an overhead view of what's happening and if the helicopter can advise us that it doesn't appear to be an issue or something to that effect, we utilize it and allow it to go back into service.

Chair: Thank you. Deputy, excuse me. Deputy police chief. As we are moving through this use of force policy, we're going to really need to have some discussion around engagement of other policing entities because people just see police, they don't know it's housing OUSD, what have you and our work doesn't... Our work... Yeah. Our work is not effective if we come out with these progressive policies and then our next door neighbors don't have them or don't recognize them. So this is for future, I'm just trying to put a pin in this. So let's work together on that, okay?

DCOP Armstrong: Yes ma'am.

Chair: Thank you. Yes, Ms Jenks.

Anne Jenks: Anne Jenks. So I'm very concerned about what the end of the story is going to be about the assault on the council member because I think there are two things that it's very likely that the OPD officers are going to defend themselves using. First they're going to say they didn't understand or receive adequate training on the policies that they violated. And the second is that they're going to say that the discipline is a case of disparate treatment, that other officers who have assaulted Oakland elders for absolutely no cause, that those other officers were not disciplined or received only a slap on the wrist and therefore if they are given a greater discipline that they're not being treated equally. And this will all happen a long time from now, but in terms of damaging the credibility of CPRA and the commission when that kind of thing occurs, it's I think a tremendous vulnerability.

Anne Jenks: Now there are two things on the attachment 16. Deescalation policy was placed on the list on January 1st, 2018. It's a low priority and public hearings on use of force was placed on the list on April 22nd, 2019 and it's a medium priority. There really hasn't been any movement in terms of holding hearings. We've done what we could to kind of try to help facilitate them, we offered you dates with locations and now we're just moving on and doing kind of some smaller circles that'll happen whether or not commissioners are able to participate. But I beseech you to make use of force. Every single person who spoke here today was speaking about use of force, not only in terms of the council member but also in terms of the other people that came. It's always about use of force. It can't be a medium priority, it can't be a low priority. It has to be a high priority. We've got to deal with it immediately. Please. And as always CPA stands ready to help in any way we can.

Chair: Thank you. I think that our pending items list hasn't caught up with our action as we are in the midst of the use of force policy development. But thank you.

Risa Jaffe: Risa Jaffe. going to take this opportunity to say something different from not repeat all of this. It's amazing to me that our police chief is still employed. Our police chief was hired with the priority of ending racial profiling. She's already demonstrated she's not doing that. So I have a really specific task that you can ask her to do starting next month, once a month that she do a video, it doesn't have to be fancy, that will be aired on KTOP and required viewing for everybody who's an employee of the OPD. And she will start by saying why ending racial profiling is her number one priority and what specific behavior changes she expects. And then she will choose an example of the month and she will say how that specific thing could have been done differently. Please let's see some action.

Chair: Thank you. Okay. I think that that... Thank you very much Mr. Riles. Thank you. So that is the end of open forum. Yeah, I've got to take a breather. That was heavy. So now I have the pleasure to welcome our two newest commissioners, commissioner Henry Gage III and alternate commissioner David Jordan. I would

like for you each... To just give a little bit of history, maybe a minute each. Okay. Okay. Whoever wants to go first.

Henry Gage III: Good evening commission. It's nice to be in this room again on the different side of the dais. It's a much nicer view from here, I'll admit that. My name is Henry Gage III, I'm a, excuse me, a member of the Coalition for Police Accountability. I am an attorney with some specialization in police oversight and public safety policy and I have a lot of ideas on what we can do to move forward to help create some of the policy changes that have been mentioned this evening and to help create an actual change in culture in the Oakland Police Department. I'd like to thank members of the public who came to speak this evening, it's not an easy thing to do. It's not easy to stay up late, it's not easy to come out and wait in line. It's appreciated and I hope people understand that action does take time.

Henry Gage III: I ask the people who have come and spoken on specific items, I ask for two things. One, I ask for your patience. We have processes we have to follow as a commission and I ask for your patients with us as these processes are exercised. And the second is, I ask for your continued trust. We need you to trust us that we are trying our best to act in the best interest of the people, the city. There's reasons why people say or don't say things in this dais, and it's not reflective of how we feel or don't feel on issues that are coming before us. So please, if you'll give us some patience and give us your trust, we're going to work, take our best efforts, do what we can. Thank you.

Chair: Well said. Alternate commissioner Jordan.

David Jordan: Yeah. My name is David Jordan. I, unlike Henry, I'm sort of unknown quantity in this space here with most of you. My professional focus is in policy, although I've had about 10 years in social service and nonprofit and education. I also do work with incarcerated individuals. And I've been attending meetings for a few months now in preparation for starting this here and as a first official meeting, this so far has been very enlightening.

David Jordan: I really am impressed with all the people who came out to speak today. Although I think it's such a shame that this has to happen, that we have to have so many people have such specific issues that need to be addressed and they do absolutely need to be addressed. And like Henry, I think that in my experience policy is a slow and unfortunately sometimes less than clear process. And for my part I would like to aid in any sort of transparency that we can bring to the process and really focus on making sure things are done in a timely manner and to the extent that I'm able. And I'm just happy to have the opportunity to be here. Thanks.

Chair: Welcome. Very nicely said. So now we're going to move forward. The police officer's bill of rights training is next on the agenda and executive director.

Ginale Harris: Can we do that last because they're all going to leave.

Speaker 11: Can you talk... If we could get the overhead and the speaker mic.

Chair: I'm sorry, who said what? Okay, so...

Speaker 12: Was there-

Chair: There is a, I'm sorry. There is a proposal that maybe we table the training until a little later this evening because of the audience that is here might want to listen to the other items on the agenda. I'm getting some nods. So can we-

Speaker 12: Public comment on the last item?

Chair: I didn't have a public comment on the last item. On three?

Ginale Harris: When you welcomed commissioners.

Chair: Oh sorry. I'm sorry. There was so many open forum things. I think I got it messed up. So Ms [Grenaj 02:36:44], please come forward.

Ms Grenaj: I just didn't want to have the impression that the newly welcomed members are being ignored by us, that was the only reason. So wanted to basically just make sure that, which one of them is escaped, but hopefully you will relay to him that we are welcoming him and we're proud of him as well as David and look forward to their service. Thank you.

Chair: Thank you very much. So is it the commission's pleasure that we table the presentation? Pardon me? Okay. So we're going to, Mr Alden, we're going to move your presentation in order to allow the folks in the audience to move forward on the agenda items. Is that okay?

John Alden: Oh, that's just fine. The next item also happens to be me, so.

Chair: Okay, so you could just stay standing there. Hold on one sec. We've got a swap off. You were welcomed voraciously by the coalition, you missed it. So it's a restatement. That's okay. Okay, so we are... I need to receive the comment on item eight even though we're not doing the training just yet. Mr Bay, is he still here? Nope. Okay, thank you. Okay, so now we're going to item nine, review of year to date figures and future projections on commission and CPRA budgets. Thank you Mr Alden.

John Alden: Thanks. I had moved over here for the other report, but since I am here and Bradley Johnson is also here to help answer questions about finance and budget, I thought I'd stay over here so we can both switch off on the podium. The documents that I have presented in aid of this item are found at exhibit

nine. I know the print is fairly small, but I tried to get the relevant documents onto one page each so they're a little easier to digest. I'll speak briefly about where we think the budget is right now and what we anticipate over the remainder of this fiscal year. I think the preview that I would give to the commissioners, understanding that some of you are very familiar with this budget and some of you may be brand new to this budget, is that there are some areas around which the police commission has some flexibility as to its spending over the next fiscal year. And I would like to particularly focus the commission's attention on those areas so that the commission can have opportunity to have some discussion about which of those areas are the highest priorities.

John Alden: Some of them are on the agenda as separate action items later this evening, so I hope this gives you the information you need to make decisions about subsequent items tonight. The first page you have in attachment nine is the adopted departmental budget. In other words, the budget we were given at the beginning of the fiscal year. As you may know, Oakland uses a two year budget cycle. I've given you just the first year here to make this a little bit easier to digest. In this first page you'll notice there are certain items that are highlighted, personnel costs among them, and also it's called ISF or expenses that we pay to other agencies within the city of Oakland for services they provide to us like IT support or rent for the office space we use. These are highlighted in that way because we really have very little ability to change those over the course of the year.

John Alden: Those are somewhat modifiable during the budget cycle every two years, but right now in the middle of a budget, we really can't change those. The amount of money that's set aside for personnel is what's set aside. The amount of money that's set aside to pay for other agencies in the city of Oakland just is what it is. So we can't make modifications to those right now. The other items you see on this first page that are not highlighted are accounts with regards to which both the commission and CPRA have some flexibility. The top third of the page is the commissions budget in that regard, and I want to draw your attention to the contract contingencies line, which has \$103,000 in it. And then the second, third or so of the page is the CPRA budget. We have the ability to move money between those two in these areas that are not highlighted if we chose to.

John Alden: The largest single item you'll see in that regard that we have some flexibility about is the contract contingencies line item under CPRA, which is \$246,000. So the bottom line here really is that the funds with regards to which the commission and CPRA have some flexibility during the year right now are those mostly those two line items. In addition to that, you'll notice down at the bottom of the page, we have a carryover that we've finally been allocated from fiscal year 2018-2019. This year it's going to be \$178,000. Now, we're not necessarily always able to get to those funds, this year we can. We had a surplus



and the city's given it back to us, so that's really great news. I know there's been some discussion too about how the attorneys that work for both the commission and CPRA are paid for.

John Alden: Those aren't reflected here for two reasons. One, in the course of working on this presentation, it became clear to me, and I think others in the city that the council you've retained to help you here with your meetings is paid for out of an entirely separate budget that the city attorney's office has, so it's not coming out of your discretionary funds. And that's great news, that gives you more room to use these discretionary funds as you like. At CPRA, we have a budget for a contract attorney as well. We expect to entirely spend it. Theoretically, we could move money out of that budget to some other place, but at this point I'm reluctant to do that because I really think we need her services and probably that full amount. If anything, we could probably both use more legal services rather than less, so I haven't included that here because I do think it's important to think about this discretionary money.

John Alden: The bottom, bottom line on this page is the bottom line, which is the bolded 527,929. That's the money that we can talk about today and moving forward as money around which we have some flexibility for contracts and other one time expenses this year. So I think the good news here is that that's a lot more money than I thought we had a month ago and I want to thank Mr. Johnson in particular for helping with that and the folks at the city attorney's office for clarifying how some of our attorney funds are paid for. I think this is fairly good news in that I think that should be enough to cover the expenses we've talked about already. Now the second page is a summary of expenses to date.

John Alden: These kinds of sheets I find pretty challenging, but I want to just draw your attention to a couple of parts. The very first five lines give you some detail about how much money we're spending on staff to date and in the far right column, you'll notice the numbers there are in the tens of thousands of dollars and they're not in brackets. That means so far we're under budget on personnel as to how much we've spent. That's only because we had a lot of vacancies at CPRA. One of the few ways in which we have flexibility about those funds is that we could use them to pay for overtime and we are really clocking a lot of overtime right now because we've had so many vacancies and now that we have a significant backlog, I expect we'll continue to clock overtime. So those extra funds, we can't really move them.

PART 5 OF 9 ENDS [02:45:04]

John Alden: ... continue to clock overtime. So those extra funds, we can't really move them around to any project and that's probably just as well because we're going to be spending them on overtime.

John Alden: You can see a little bit of our overtime spending to date a little further down in the chart. There are two lines, civilian other overtime and civilian overtime, about a quarter of the way down on that first page and you can see there we're already over budget on both of those, which will be counteracted by the savings above. I know that's very dense, but several commissioners had asked for a detailed assessment of how we're spending and so you have this to peruse at your leisure and let me know if you have any questions. I'm happy to get back to you about it.

John Alden: As to all the other accounts, I'd say we do have very specific accounts for things like furniture and equipment and the like. I expect those will be spent in a manner consistent with the budget. Some might be a little over, some might be a little under, but at the end of the year they're all going to balance out. Most of those line items were created with past year's expenses in mind and I think they're about right, so I wouldn't encourage moving any of those funds around very much.

John Alden: The final page is the one that I'd really like you to please ask me lots of questions about. This is a proposed spending plan. Now, I have not included in here things like salary, overtime, regular office expenses like furniture and the like, because I don't think there's really a whole lot to talk about there. I think we're well budgeted for those. We're going to spend the money we have on those.

John Alden: This draws your attention again to that \$527,929 item with regards to which we have some flexibility. This is where we're going to be paying for a number of miscellaneous contract expenses, and any of the contracts that the commission has already authorized this fiscal year or is planning to authorize.

John Alden: We do have some typical, relatively modest, expenses that we do need to keep some money aside for. You'll see that here under contract and contingency expenditures for CPRA Investigations/Investigations. These are a few items that we typically need to set aside a little bit of money for every year like transcription services. After a commission meeting is done, we send that out for transcription. That does cost us some money from a contractor. That line item reflects that. The other items there are similar kinds of expenses that we normally have that aren't otherwise accounted for in the budget and have to come out of this area. We're suggesting those might total around 30,000 this year.

John Alden: Some of the other expenses in the next section are ones discussed by the commission so far to date. If I have missed anything here the commission wanted to add, please let me know.

John Alden: We have the Commission Retreat with a Walker Group. That's effectively already been spent because we had the event already, roughly \$15,000. We've

already had some conversation about the desire I had that I brought too early about having another Complaint Investigator III. That costs some money. It has to come out of these funds to set aside. That'll go into salary and then it'll be locked up there. The 30,000 is an estimate of how much we think that'll cost this year. That might flex a little depending on when that person comes on and how quickly it's approved.

John Alden: The next three items are three specific contracts that this commission has talked about, some more than others, but I wanted to put all those line items here because it sounds like there may be consensus to spend all of those, and if so, these total expenditures would be \$184,998.

John Alden: There are three things I'd like to talk about tonight. One of them was late-breaking, but the other two are listed here under potential future expenditures to budget for. One is the idea that it might be, I think, a good idea for us to contract with someone to work on the OBOA complaint that we've talked about here at the commission before. Another is setting aside money for outreach in general for public meetings, especially use of force, based on our experience with the Walker Group. I think it's important to set aside money for that. Those are not free and we should fund appropriately for it.

John Alden: The third item that isn't here but just is late-breaking is the possibility that the commission might want to have closed captioning at our meetings. We've had some requests from the public about adding closed captioning to the screens here. As you may know, the city council does that for their meetings. Other commissions here in Oakland, to the best of my knowledge do not. I haven't found any that do yet. KTOP, among others, can provide that service pretty readily cause they're already doing it for the city council. We're estimating that if the commission chooses to do that, that would be about \$15,000 a year and it would have to come out of these funds. That's, I think, something the commission should think about. That's not specifically agendaized as an action item tonight beyond the fact that we have a general agenda item for this item to think about possibly taking some budget action. So I'd urge the commission to at least think about that and figure out whether that's something that commission does or doesn't want to spend on.

John Alden: I do want to spend just a minute talking about the OBOA investigation contract, but I've been going on for a little bit and perhaps there are questions about what I've presented so far.

Regina Jackson: Just one second. I have a question. First off, as with all the other presentations: Excellently done.

John Alden: Thank you.

Regina Jackson: Thank you. As far as I can tell you've anticipated all the things that we have discussed. The question that I have to put to you as it relates to the transcription service, because I have heard it requested several times, is do we know how many people tune in on KTOP? I'm just kind of trying to understand the percentage of investment to make sure that people can benefit from that.

John Alden: I don't know the answer to that, but I could certainly ask KTOP and see if they are able to tell us.

Regina Jackson: Okay. I mean I'm inclined to support it, but I just want to get a sense of what that investment looks like. Commissioner Brown.

Chris Brown: Thank you very much. Can you please tell me what the translation expense is for?

John Alden: Sure. The translation services that you see on the third page of attachment nine are for translations usually of statements or videos that we've taken in our investigations. For example, if someone brings to us a cell phone video and there are people speaking in Cantonese or Spanish or Tagalog, we want to make sure we can understand what's being said. We have a variety of transcription, pardon me, translation services that will help with that.

John Alden: Some of that we can do internally. We do have Spanish speakers and a Cantonese speaker inside the office and so we try to do that internally to the extent that we can, but obviously we can't catch every language, and sometimes the particular folks who might be able to offer that service are just swamped with cases they're investigating, so we might have that on a contract basis. So far, it's been a modest amount of money in my opinion because we're able to do so much of it in house, but that is again, more time for our people to spend on that work instead of doing other kinds of investigative work.

Chris Brown: Thank you.

Regina Jackson: Vice Chair Harris and then Commissioner Anderson.

Ginale Harris: Mr. Alden, I know that this is before you a little bit. However, we spent quite a bit of funding on this app to report use of force or racial profile or any complaint, and I have been getting emails and phone calls that the app doesn't work. Can you explain that?

John Alden: Well, I've been asking about that too since I'm new here. Yes, that did start before I came on. I've been trying to assess that app in a couple of ways. One is that I'm obviously concerned about how it works for the public as it faces them, but also how it works internally for us in our ability to track the information we need. As I think I may have mentioned at previous meetings, that software does not currently produce for us a set of lists or spreadsheets about all of our

pending cases. So those spreadsheets we're bringing to you, we're putting together by hand every time rather than printing them out of a database. That is one way in which that database is not currently meeting our needs. I am very concerned about that.

John Alden: As we've discussed, I'm planning on bringing you a report about the overall health of the agency and where we need to go in the near future before the end of the calendar year for sure, perhaps at our next meeting. I know we're having some conversation about timing in that regard, and that's one of the topics that I'd like to include in there, because obviously both of those two items we just talked about: the public having difficulty with it and it not generating the materials we need means it's not meeting our needs entirely.

John Alden: There is no money spent here on that database. We had a contract in the previous fiscal year that was already paid for then to create the database, and we're entitled to some more time from the database designers at no further charge. You might say the times in the bank, but then I think we'll all have to have a conversation together, and I'd like to have this conversation with the commission and the public about whether we should continue doubling down on that product or if we should go in different directions.

Ginale Harris: I do remember that your staff, Mr. [Russe 00:09:45], was a big part of that project and we spent quite a bit of public dollars on that app and it was the biggest thing since white bread. I expect it to work for what we paid for it. So I think we ... I don't know if we got any kind of commitment from the people that created it. I mean, those people came from another country to design this thing here. You can imagine what that cost, right? For people to tell me that they can't submit complaints against it, it's really bothersome. I don't want to just trash it because of the money spent. It needs to work. Do you know if we have a warranty at all?

John Alden: Well, not that I know of. No. We do have the right to ask that more work be done without us having to spend any more money up to a certain point. I think that the challenging question for us is do we take advantage of that and see if we can fix it or do we go in a different direction? I'm not quite ready to make a recommendation about that yet because it is tricky. If we went in a direction that could be an additional cost above and beyond what we're talking about here in the spending plan, but I don't think by a whole lot.

Ginale Harris: But don't we have a commitment from these people since we spent all that money on the app? That was my understanding ... Before you came on, my understanding was it works, we're just working out the bugs, it works. I mean, no one would pay for a product that doesn't work, right?

John Alden: Yep.

Ginale Harris: That's just ... right?

John Alden: I agree.

Ginale Harris: I ain't paying for no thing that doesn't work, so we expect it to work. I think the people that we bought it from know that.

John Alden: One of the things I've been doing to get ready for that conversation is assessing with staff what parts are working and what parts are not and how they'd like to see it operating differently so we have a wishlist. Then we can talk to those folks who designed it for us and see if that's something they can accomplish or not, and then I can bring that back to the commission and see if you want to take them up on that or go in a different direction.

Regina Jackson: Okay. Thank you. Commissioner Anderson, then Prather, then Gage, then Brown.

Tara Anderson: I appreciate having all the detail of now what seems to be flexible for us to be making decisions with and what kind of unspent funds we'll have to think creatively for the rest of the fiscal year. Another question that we had put forward was the flexibility that you have as director to move things from line item to line item within a given fiscal year. We know that there'll be some unspent, there'll be salary savings both in the CPRA budget and the budget of the police commission, and I'm curious if you were given any guidance and whether you would speak to this directly or Mr. Johnson, what flexibility there is, when for example we know there is not going to be, in the near term, an Inspector General hire, and so the amount of funds that have been allocated to that, how we could go about moving them to meet our other needs or the fact that many of these contracts are filling the need that would be, in my mind, served by an Inspector General?

John Alden: I think that's a great question. I'm glad you asked it. I'm on the first page, and I should say I'll need a little bit of Mr. Johnson's help with this as well, but on the first page you'll see, again, the items in our budget listed by line item. The ones that are not highlighted are ones that we could move administratively tomorrow if we needed to, and those are the funds around which we have this flexibility that we were discussing earlier.

John Alden: The salary and services to other agencies, we cannot readily move, so I think because we do have in the very last item you see there between two bold lines, that's the Inspector General money. It's roughly \$660,000. It's entirely for personnel and services to other agencies, almost all of that personnel. I concur with your assessment that we are not going to have an Inspector General on staff this fiscal year. I think everyone agrees about that.

John Alden: Several of the contracts we're discussing on page three are services that to my eye would be things that an Inspector General would be well suited to do. Like potentially some of the use of force work, potentially the OBOA investigation contract, certainly the the Mason Group audit, perhaps others. I think that's an interesting question to ask people who have more ability to control the budget than I do. With that in mind I'll ask Mr. Johnson to give you a little more detail.

Mr. Johnson: Sure. Members of the commission, thank you for the question. A general rule around the way we deal with personnel salary savings, while there is a small amount of flexibility to move that to O&M, very, very small in the case of the size of the police commission's budget. It can be moved but it requires a resolution of the city council. A fair amount of that, as a general rule, appropriations are the purview of the council. It's their authority and they have given us administratively certain parameters in which we can move things. They retain the ultimate authority around that. If there is an interest to use an unallocated, unspent quantity on personnel for a different purpose, it could be done. It simply requires their approval of that particular move or amendment.

Tara Anderson: Just a quick followup, by way of the chair, typically, how long does a process like that take? It would go to a subcommittee before going to the council as a whole? I'm just trying to, like value on time spent.

Mr. Johnson: Absolutely, I would say this if at the same time it could also be piggybacked on if there's a need to get contracting authority or something of that nature as well from the city council at the same time, that could actually be piggybacked on the same item. If there's ever a need to go out for that particular authorization against, those can be done jointly.

Mr. Johnson: As a general rule, there is a 10-day notice for a report before a committee meeting. Then after that committee meeting goes another week to city council meeting, so we're 17 days there. And normally a staff report, if it's administratively implemented, it has probably a 2- to 3-week lead time on it being published in a 10-day agenda packet. As staff we normally are working back a month and a half, two months from a council committee meeting, to actually get it there. Depending on the nature of how it's written could be done more quickly, but we'd have to get the proper legislation, have it blessed by the city attorney, [inaudible 03:01:51] legality, have it go through that process, so it depends on what the nature of it is, the complexity, how fast it can move.

Regina Jackson: Commissioner Prather, then Gage, then Brown.

Edwin Prather: Thank you Madam Chair. I have a question for Mr. Alden or maybe it's more of a comment. In referencing the ISF items, I just want you to keep in mind, I'm listening to the comments from Vice Chair Harris about the viability of the app and getting more complaints, but there's something that we're sort of missing in all of this, which is our requirement that we have a street level office space

where people can come in and make complaints. I don't ever see us talking about that. It gets sort of lost in this ISF number and rather than an app, if we have a door where people can walk in and feel comfortable making complaints as opposed to walking in and having to check in with security and taking an elevator and going ... I mean we make it very difficult for people to walk in and make complaints.

Edwin Prather: Tonight I think we all saw the great need for us to have that kind of space. I'd just like to make sure that we're focusing on finding ... Look, it's not going to happen overnight, it's going to take some planning. Our former Director of CPRA really put us off when we continued to push for that. I'd like you not to put this issue off and I'd like you to really focus on getting us that space if at all at the earliest possible moment.

Edwin Prather: I don't know if you ... I'm springing this on you so I don't know that you have a comment on it, but I certainly wanted to make sure that we're keeping on that as well, so thank you.

John Alden: Absolutely. I share that goal. I'm not happy with the space we have right now from a public accessibility and visibility perspective. My thought process there is that that would be a portion of the report I'll bring you in the near term about the first hundred days and how those have gone.

John Alden: My understanding is there isn't immediately available a space that matches that description among the the properties that the city has. That said, I also want to figure out exactly how much space we need, and part of my report to you will be some thoughts about a mid-cycle budget adjustment we might do to get some additional positions. Obviously that requires approval of a lot of people other than us and that would give me some idea of what size of office I'd want to look for, and that also helps us get the ball rolling on finding a location. I completely agree with you that that is a priority, and that's the strategy I have so far for moving towards it.

Regina Jackson: Commissioner Gage and then Brown.

Henry Gage III: Thank you, Chair. Can you explain what the special setups item is?

John Alden: That's on the ... Are you looking ...

Henry Gage III: I'm looking at-

John Alden: Mr. Johnson already has it.

Henry Gage III: Thank you [inaudible 03:05:03].

Mr. Johnson: 56111, the count and the code number?



Henry Gage III: Yes.

Mr. Johnson: That's actually the ... The name is not the best name for that. That is the allocated ISF codes for IT operations. Specifically, it's the allocated cost for internal services for licenses, software licenses subscriptions. For CPRA and the commission that's primarily Microsoft Outlook and access to the Oracle financial system by which we run payroll.

Henry Gage III: Thank you. Appreciate it. Also to Mr. Alden through the Chair, you'd referenced the 600, excuse me, you'd referenced the 600, I think, it's 49K number with respect to the IG, is that all IG salary or are there other personnel salaries reflected in that number?

John Alden: There are two positions slated so far, so that sum would be the total carrying costs of those two positions. It's not just what the person is paid, mind you, but also all the payroll taxes that the city of Oakland pays to the state, like any other employer does, contributions to CalPERS for their retirement contribution the city has to make, health insurance, et cetera.

Henry Gage III: My apologies. Saying salary was not as precise as I should have been.

John Alden: That's all right.

Henry Gage III: With respect to that fund in particular, and piggybacking off of Commissioner Anderson's point, given that we are essentially recreating the role of the IG using contracted monies or contracting [inaudible 00:21:35], to what extent would you feel comfortable moving that money? I'm looking for a rough dollar amount, so to speak.

John Alden: Well, as Mr. Johnson was mentioning, I can't without city council approval-

Henry Gage III: I'm not asking that question.

John Alden: Okay, very good.

Henry Gage III: I'm saying, assuming we go through the process of receiving appropriate approvals to move this money. Since you are someone who has an intimate familiarity with the potential needs for staffing and salary given your position as agency director, to what extent would you feel comfortable with us drawing down that line item to shift it into O&M for use as a backstop? See what I'm saying?

John Alden: I do. Personally, I'm comfortable with it because it's the Inspector General's money, not mine, but more specifically, I do think that there is ... It's a matter of public knowledge that the city is going through a process of considering whether to change some language in the charter about how the Inspector

General is hired and supervised. I think for that reason, I have not met anyone who expects that position to be filled this fiscal year.

John Alden: Now, maybe there's some reason I don't know about that suggests it will be, but I certainly don't have that impression, so I'm not aware of any reason not to move that money to some other more useful purpose. There may be others in the city thinking the same thing with some other purpose in mind for all I know. I know that's the city council's call, not mine, but that said, at least with respect to the three of us, the commission, CPRA, and the IG, I don't see how we're going to make any useful allocation of those funds this fiscal year given the state of hiring of the IG. The only way it would happen is if we hired the person who is subordinate to the IG, but I don't know why one would do that when you don't have the IG.

Henry Gage III: My understanding is that some of the funds are also to fund the Policy Analyst position that's supposed to be subordinate to IG. Is that still correct?

John Alden: I don't believe so, but I'll check with Mr. Johnson. It is certainly the idea per the charter, current language in the charter, to move the Policy Analyst position that is currently at CPRA over to the IG.

Mr. Johnson: I believe it's the [inaudible 03:08:46].

Henry Gage III: The question would then be-

John Alden: I think, Mr. Johnson and I were just confirming. We both believe that is actually a different position. A police Program and Performance Audit Supervisor.

Henry Gage III: The PPA.

John Alden: Right. The idea there was to have probably a couple, multiple positions, at the Inspector General's office, but those would be the two to start with to get the ball rolling. Then, of course, none of us anticipate either one of those are going to start this year.

Henry Gage III: Of course those positions aren't going to be hired until their supervisor, which makes sense.

John Alden: Right. My understanding, and I think Mr. Johnson could tell me if I've got this wrong, is that the funding for the Policy Analyst, just as the position would move from CPRA to Inspector General, so should the funding. That would be one position lost at CPRA, one gained at Inspector General.

Henry Gage III: Okay. Thank you for the time. I think we should very strongly consider taking immediate action to do just what you suggested, Commissioner Anderson,

because we need to back fill this position and contracting is currently our only option, so let's use it.

Regina Jackson: Commissioner Brown.

Chris Brown: Thank you, Chair. One question, sort of historical, in the past have we employed the project manager on the database project? Was that managed by the previous CPRA Director?

John Alden: To the best of my knowledge and Mr. Russe could tell us more, I'm sure, that was managed entirely by the CPRA Director and by the Policy Analyst, Mr. Russe, and then to a lesser extent by some other people in the office that added some assistance. Does that sound right?

Mr. Russe: The actual management of that project was by IT. They consulted with us and and so far as we had input, I was the manager of our input, but the actual management of the project itself was IT department.

John Alden: That's a good point. None of us at CPRA had the technical expertise to manage say the day to day or the coding at that level. Everything that we would do at CPRA, either in the past or moving forward, would be more from the user's perspective of providing feedback about how the system is or isn't meeting our needs.

Chris Brown: Yes, so then we'd have to go through them actually too about the warranty to see if it's working properly?

John Alden: Right.

Chris Brown: Thank you so much.

Regina Jackson: I know we need to take our speaker cards, but I would like for you to all to consider whether or not you want to get this ball rolling.

John Alden: If I may. I set aside for just a minute the issue of the the OBOA investigation contract, and I know there's a little bit of discussion on that in the agenda later tonight. I flagged that here primarily because as we've been considering at CPRA how to approach that complaint it's become clear to me that we don't have the right expertise at CPRA to handle that case in an effective and high quality way. We do have a lot of people in our agency that are great at assessing police officer misconduct in the field, and I feel very good about the expertise we have on board and the expertise we continue to develop in that regard.

John Alden: But none of us are experts on promotions or assessing whether there was disparate impact in a promotion practice or policy or whether promotions are unfairly denied. I am probably the only person in the office that has some

experience with that. I have just enough to know that it does require some expertise that I don't have. If we were going to work on that, I would at a minimum want to have an expert consultant guiding us in how to do it.

John Alden: Frankly, I think it would be best if we had someone who's an outside contractor and I think there are a fair number out there who could come in and do that assessment for us on that case. I think that would be fairer to the complainants and I think it would be a more effective way to assess whether or not what's happening in that situation is or is not meeting the race equity goals we have here in Oakland, but it would require an outside contractor.

John Alden: I might also say the second thing about that is that we could use the informal process like we have in some other cases to look ourselves for such a person or firm. I think it might be a good idea for the commission to consider whether it would be worth taking some additional time to put out a request for proposal and cast a wider net. That's obviously going to take more time, it's going to slow down the case, but it would give us the advantage of getting the word out to a much larger community where we might be better able to find the expert we need.

John Alden: If the commission thinks that direction is a good one, then I would be eager to get feedback from the commission about whether we should try to go informal and fast or formal and a little slower but wider net.

Regina Jackson: Okay. Thank you very much. Commissioner Dorado.

Jose Dorado: Just a quick comment on the basic outreach. I have no doubt that at some point we'll have a street level, for lack of better term, office, but I just want to plant a seed that I would like to see a coordination of that street level effort with a wider outreach possibly regular sessions in different locations in the community. Certain Wednesday between 3:00 and 5:00, there's going to be a staff member. It can be as widely publicized as possible out in different areas of the community. As well as maybe even a mobile unit of people going to specific places to talk to folks right there on the street corners. I just want to plant that seed and then we could talk about that more down the road.

John Alden: I love that idea and I'm expecting in the report we were talking about earlier that I'll be bringing to you about the first hundred days that one of my recommendations is going to be that we need some staff that are assigned specifically to outreach to make those kinds of things happen. Great idea. Thank you.

Regina Jackson: If there are no other questions, let's go to public comment and then we can see if we're ready to take action. [Rashida Granage 00:30:06], I have a speaker carpet. It didn't have a number, so not this. Okay. Maureen Benson and Elise Bernstein.

Maureen Benson: You all knew I was going to say something it was about the budget. Hi everybody, it's Maureen Benson, former police commissioner with APTP. Couple things. One, I do want to appreciate the inquiry into using the unused salary, the Inspector General. I want to encourage you all to push that as hard as you can push it. This mayor makes a surplus on this budget every year by not staffing this city. You are not the only department that is not fully staffed. There are millions and millions and millions of dollars that everybody celebrates as a big surplus and hundreds of vacancies in this city. Use those resources.

Maureen Benson: Secondly, I just want to appreciate Commissioner Harris for bringing up the \$400,000 that was spent on the app. For historical context, Mr. Alden, there was \$400,000 spent on that app. It was four times the original amount estimated and there was no outsourcing of bids to external organizations. It was fast tracked before the commission began, so I hope that organization, which was not vetted, it was just fast tracked, is held accountable to making this an app. We heard the OEA leader tonight who couldn't even upload the video.

Maureen Benson: Also though, I just wanted to continue to offer my support. One of the pledges I made to this commission early on was that I would be happily engaged in youth outreach and that's actually on your pending agenda items list to have youth give you feedback on this app. They're the ones on their smart phones and often the ones disproportionately impacted by police violence in the flats. I have about a dozen sites set up that remain setup and ready to happy to give feedback. So Commissioner Dorado, if you wanted to partner with that on the community outreach piece, I'm happy to do that. That app has to work and right now it certainly isn't working on the mobile site. It's barely on the laptop. We have a lot of work to do on that app.

Maureen Benson: Last but not least, I want to remind you all that on the first page of your budget where it says 146,000, I can't read it because I'm not able to see, 146,320 and then you have all those blank lines underneath until it gets to 103 that is where your mayor gutted this budget. You had numbers there. All that money was taken away except for the 103,000. That 103,000 was 75,000 for training and \$28,000 for special events. I know he's in a conversation right now, but I want to make sure that that is captured as you all are reconfiguring those funds. The \$28,000 was so you could have community meetings. That was the intention of that. And the 75,000 was for training. I don't know if that's going to happen, reimbursement for [inaudible 03:17:54] or whatnot, but all of your funds for all of your other items were taken there. Please remember the original intent, 75, 28, community meetings, training. Thanks.

PART 6 OF 9 ENDS [03:18:04]

Chair: Intent. 75, 28 community meetings. Training. Thanks.

Elias Bernstein: Good evening. Excuse me. Good evening. Elias Bernstein. I'm here to comment on two things. One, as a member of CPA, the move from the sixth floor to the ground level is something that's described in the ordinance. So, it's not simply, let's do it when we can, it's required, it's finally important as this evening's tale of horrors showed.

Elias Bernstein: And second, I'm one of the people who filed the complaint about the lack of hearing access in these meetings. I realized that I can hear better watching from at home, but I miss all the excitement. So in my exploration of how to get a resolution, and I was hoping it would be closed caption, that seemed to be simplest. Chair Jackson responded immediately and included the administrator in resolving it, and the city administrator's staff person got back to me and said, "No one else has the money. It has to be on the police commission's budget and it would be 12 to 15,000 dollars," so I was very glad to see that that is already something that you might be thinking of.

Elias Bernstein: And thirdly, the ADA, the American for Disabilities Act staff person, said that they're very pleased that we're looking forward to that and that they have no funds for such things either. So I'm glad there seems to be some fluency in the budget. I'm not the only one that has this problem, and closed caption would make it much easier. So thank you.

Chair: Thank you. So that's all I have for public comment. Is someone ready to make a motion or do we want to continue discussion? Commissioner Anderson?

Tara Anderson: I'd like to make a motion to move the 649,204 dollars from the personnel line. My item earmarked for this, inspector general and staff that would report to the inspector general be moved to... Well, we can work out the specifics of where it would fall, discretionary or we'll work on finding the exact purpose for that, but move forward with the resolution process to move that money out of a line item where it will not be spent from this fiscal year. I accept any friendly amendments to my motion.

Chair: Commissioner Gage? So it's been properly moved and seconded. Now, Commissioner Harris? Oh.

Henry Gage III: No, it's up for debate.

Ginale Harris: So can I make a friendly amendment before you second it?

Chair: Yes. Yes.

Ginale Harris: So, I would like to make a friendly amendment to that motion and say we put back the 75,000 and the 28,000 for community outreach and training for the commission.

Chair: Okay. That friendly amendment is accepted, correct?

Tara Anderson: I accept the friendly amendment.

Chair: Okay. Now with that, do we have a second?

Henry Gage III: That's [inaudible 03:21:35] rules, you make a motion, you have a second to the motion, and that second it's not a second to agree, it's a second to open debate, which means that we are now in debate, so we're still debating that motion and all these amendments we're debating technically need to be voted on, but we have consensus so it's okay.

Ginale Harris: Well, before we make a second on a motion, you got to give people an opportunity to make an amendment.

Henry Gage III: No, you have to second the motion to open the floor for debate and during debate you can offer amendments, so what you're done... This is all okay. Now, on the topic of debate since we're here, my understanding is that ONM would provide us with sufficient discretion to use that money and put it back into, for example, community hearings. Is that an accurate assessment?

John Alden: That's right. Even with the proposed expenditures I've laid out here, there's still another 200,000 or so. Now, I would be cautious about spending that because we're only three or four months into the fiscal year. There might be other things that come up that you might want to spend it on, but if you'd like to designate some of that for training and community outreach, I think that's something we could do immediately that wouldn't require city council approval if you want to use your existing ONM or discretionary funds to do that. We have some very modest line items right now in the CPRA budget that pay for those same items. But it's not as much money as you're describing, so I'm thinking from what I'm hearing, I might be asking staff to help me put together resolutions for the next meeting about these items. And one of them would be about that move you just described.

Henry Gage III: Yes. So in terms of amendments, since we're on the topic, I'd like to offer an amendment to the motion itself and state that the commission will give direction to staff to prepare appropriate documents to move the aforementioned amount from personnel into the ONM funds to be redistributed at a future commission meeting at the discretion of the commission.

John Alden: Right. And that that particular motion that Commissioner Anderson made about the inspector general money is one that would require approval of the city council. So I might suggest that resolution be seek city council approval for-

Henry Gage III: Direct staff to seek city council approval [crosstalk 00:05:58].

John Alden: There are a couple of other modest technical issues there that I intend to include in the resolution. For example, there's been some question about whether the contracting authority given to this commission adequately identify which money would be used for it. We could clean that up as well in such a resolution as long as we're going to the city council. So I'd include some other technical details like that in order to accomplish the transfers you're describing and make sure the money's freed up for you.

Chair: Okay. So we just got complicated. Would you like to restate the motion given the direction that Mr. Alden has provided about the nuance as it relates to our fender?

Henry Gage III: Sure. Let me take a shot at this. So offering an amendment to the motion proffered by Commissioner Anderson to state that the police commission moves to direct staff to seek approval from city council to move funds currently located in the, I don't know if I need to get specific with respect to the line item here, move funds currently located in the personnel sub column in the amount of-

John Alden: For the inspector general's budget.

Henry Gage III: For the inspector general's budget in the amount of 649,204 dollars, moving that amount to the commission's ONM budget to be used and reallocate at the discretion of the commission. Am I missing something here?

Chair: I think you got it. I'll second that.

John Alden: I think that's just fine for the purpose of contracting [crosstalk 03:25:36] and other expenses. I'll make sure the language matches the intent that you're describing.

Henry Gage III: Thank you. This is why [inaudible 03:25:42] in a day is a terrible idea.

Chair: Okay, so this has been properly moved and seconded by me. Are we ready to take a vote? Excellent. Commissioner Dorado?

Jose Dorado: Aye.

Chair: Commissioner Anderson?

Henry Gage III: Yeah. You have to vote on the amendment first.

Chair: So I approve the amendment.

Henry Gage III: An individual can't approve, the body has to.



Chair: Okay. All right. I thought we were doing a group vote on that amendment. Yes, correct. So Commissioner Anderson?

Tara Anderson: Aye.

Chair: Commissioner Harris?

Ginale Harris: Aye.

Chair: Aye for myself. Commissioner Gage?

Henry Gage III: Aye.

Chair: Commissioner Prather?

Edwin Prather: Yes.

Chair: And the amendment passes. Okay. So now [inaudible 00:08:30].

Henry Gage III: The amendment now occupies the space of the original motion and we can now go to the motion. So if you want to call the question [inaudible 00:08:39].

Chair: Does anybody have a question or can we go ahead and move-

Henry Gage III: No, call the question is asking for a vote.

Chair: Oh, that's... Okay. Go ahead. Commissioner Jordan?

David Jordan: I'm just curious about what the carry forward process is with this funding if it goes unspent. [inaudible 00:03:27:13].

Speaker 13: That is a good question. You're speaking specifically to the inspector general's money or funding in general?

David Jordan: Specifically the inspector general's money, but it also feels like the money that we're moving over potentially if we [crosstalk 03:27:35] approval, if that is moved over into contracts and we RFP out for a expert in the specific process that we're looking to investigate, RFP process can sometimes take a long time. What if we are unable to get into contract with somebody? What is the carry forward process at that point?

Speaker 13: I would hope that we were able to get in a contract within the fiscal year, but if we wouldn't at the point in time where it is, you achieve city council approval to move it, it would be moved in the context of our project and it would be available for carry forward.

Chair: You're good now? Great. So now can we take the ultimate vote? Can we? Okay. Commissioner Dorado?

Jose Dorado: Ultimate aye.

Chair: Commissioner Anderson?

Tara Anderson: Aye.

Chair: Commissioner Harris?

Ginale Harris: Aye.

Chair: Aye for myself. Commissioner Gage?

Henry Gage III: Aye.

Chair: Commissioner Prather?

Edwin Prather: Yes.

Chair: Motion passes, yes. Okay, and thank you.

Speaker 13: May I ask another question of the commission?

Chair: No. No, go ahead.

Speaker 13: All right, I'm done then. No. With respect to the money we were talking about for closed captioning, is that something the commission would like to consider tonight or would you like me to help you put together an agenda item for our next meeting about whether that's an expenditure we want?

Chair: I think that we would like to consider it. Does anybody have strong feelings against that or have questions? Commissioner Anderson?

Tara Anderson: I would like to support engaging in that type of directive today. One assignment that I would like to also, this prompted for me, is translation services on site during the meeting. What providing those would cost and whether they've been requested and previous meetings. That would be my expectation of what would be included in the analysis that would be provided to us later.

Speaker 13: We could certainly bring that next time. I'm not aware of any requests so far, but I'd like to check

Chair: Commissioner Harris then Commissioner Gage.

Ginale Harris: I would gladly welcome closed caption being that I'm deaf in both of my ears and I wear hearing aids, so I use closed caption quite a bit.

Chair: Thank you for that. Commissioner Gage?

Henry Gage III: Thank you, Chair. Question for council, would acting on this issue of implementing closed captions fall within the listed agenda item or would we have to go come back to this at a future meeting?

Speaker 13: That's a good point. Just looking at the agenda item itself, it does state that there's going to be action taken on some items. The docket does contain a full number of line items. I would sort of want to look at that line item for a second. Maybe consult with the CPRA director about whether or not that has actually been specifically agendized and or there was a level of notice given to the public about it. My instinct is that it should be fine though.

Henry Gage III: Can you conduct that consult [inaudible 03:30:58] the next five minutes?

Speaker 13: 30 seconds. You know what I could also do is I could start working on figuring out how that's going to work and then come back to you next time and confirm that we've got that. If there's any question about it, I'd certainly like to get started on it right away, but.

Henry Gage III: Sure. While they are consulting, given that I think I agree with counsel's interpretation that this agenda item is broad enough, I move we direct staff to allocate funds to implement closed caption.

Chair: Okay. And I'll second.

Speaker 13: Sorry I missed the motion... Just consulting. Was it to basically go ahead and move it to the next meeting?

Henry Gage III: No, no, no, no. The motion was to move direct staff to implement closed captioning by allocating appropriate funds.

Speaker 13: Right. So just looking at the specific topic that was agendized, I do not see something that's specific to closed captioning. I also don't see, unlike a lot of the other items, that there was items in the packet that specifically discussed ADA compliance or something to that effect. So in the interest of caution, I would advise that just for the sake of compliant with the Brown Act, it may make sense to push that one item to the next-

John Alden: It was a late add. So there isn't a written line item here that describes it. So I think that's good, counsel.

Chair: Oh no problem. And I recognize that because I sent it over to you this afternoon. So vice chair has it on the agenda so we'll make sure that we have that vote November 14th. Okay, so now I can go to item 10, the Bay case review. Commissioner Harris?

Ginale Harris: Thank you, Chair. So we have the Oakland police commission resolution number 1901, the resolution authorizing the community police review agency executive director to enter into a professional services agreement with Knox and Ross law group for investigation and review of the CPRA case 070538131062 and 160147 for an amount not to exceed 49,999 dollars. Do I read the whole thing?

Chair: Mm-hmm (affirmative).

Ginale Harris: It reads, "Whereas the voters of the city of Oakland voted yes for measure LL on November 8th, 2016 which established the Oakland police commission and whereas measure LL amended the Oakland city charter to add section 604 and entitled police commission and whereas the Oakland city council adopted ordinance number 2.04.022 on July 9th, 2019 amending Oakland municipal code chapter 2.04 purchasing system to add section 2.04.022 to authorize the police commission to enter into professional service agreements necessary to fulfill its duties as defined in measure LL codified in section 604 of the Oakland city charter and whereas all police commission contract approval require an affirmative vote of four or more members of the commission who are designated to vote at the time the action is taken to approve a contract.

Ginale Harris: "And whereas the community police review agency, executive directors authorize on behalf of the city of Oakland to enter into professional service agreements properly approved by the commission and shall be the contract administrator, and whereas all contracts approved by the police commission are subject to the competitive and other processes and procedures required under Oakland municipal code chapter 2.04 purchasing system. And whereas on May 9th, 2019 the police commission voted to direct the CPRA executive director to contract with an outside investigator in review of CPRA cases 070538, 131062, and 160147 and whereas the police commission solicited and received three bids from Henry Gage the Third, Noxon Ross Law Group, and Law Offices of Amy Oppenheimer for investigation and review of the CPRA cases 070538, 131062, and 160147.

Ginale Harris: "And whereas on July 25th, 2019 the police commission was informed that Henry Gage the Third and Law Office of Amy Oppenheimer had withdrawn their proposals from further consideration and the commission chose to continue to search for an outside investigator and whereas Knox and Ross Law Group being the sole responsible bidder is being recommended to perform investigation and review of CPRA cases 070538, 131062, and 160147 and whereas on October 10th, 2019 the police commission voted to engage services of Jason Ross from

Knox and Ross Law Group to investigate if there is enough evidence to reopen the CPRA cases 070538, 131062, and 160147.

Ginale Harris: "Now therefore be it resolved that the Oakland police commission authorized the CPRA executive director to enter into a professional service agreement with Knox and Ross Law Group for investigation and review of CPRA cases 070538, 131062, and 160147 and be it further resolved the total amount of the agreement shall be for a not to exceed amount of 49,999 dollars and be it further resolved that the set agreement with Knox and Ross Law Group shall be executed contingent upon available funding and be it further resolved that the CPRA executive director has identified available funding in the amount of 49,999 dollars in general purpose fund 1010 police commission organization 66111 administrative project 1003737 program IP06 and be it further resolved that the CPRA executive director is authorized to negotiate and finalize the scope of services with Knox and Ross Law Group for investigation and review of CPRA cases 070538, 131062, and 160147 in police commission meeting, Oakland, California passed by the following vote." That's a mouthful.

Chair: Okay, so are there any questions about the resolution?

Speaker 13: Chair, is it all right if I speak really quickly just about the commission's ability to take this action item up today and the potential outcome of it?

Chair: Okay.

Speaker 13: Thank you. And without bringing up any confidential or privileged information that may or may not have been already shared, just want to note that while the commission can move forward with the action today because of certain compliance questions there may be a limited ability to guarantee the outcome of that right now. I think that it's possible that there may need to be first, a question about connecting first with Knox and Ross Law Group about not just the scope of what they intend to do, but who would be doing it. And then also there might need to be an extra layer of approval depending upon in what capacity that law group serves the commission. That is just to say that there's a little legal note to flag. You can still move forward, but it just does not guarantee the outcome that is reduced to writing in the resolution. I just want to flag that for the commission so everyone knows. And with that, I'll take any questions and totally understand if there's going to be questions.

Chair: Thank you. Commissioner Harris?

Ginale Harris: So in hiring any other investigators for anything that we've previously done, we've never had this challenge ever. And clearly it's after the fact. People had plenty of time if they had an issue with what we were doing, voting, and moving forward with this to say, "No, you can't do this." We were told that we had to go to a specified training in order to be able to hire outside contractors to do what

we needed them to do without the city attorney's approval. City council? Okay. But not city attorney. So where do we stand with that? I just want a clean, clear answer. What does that mean what you just said?

Speaker 13: Yeah. I'm very wary of as a lawyer waiving the privilege and yet I just want to specify, when I say levels of approval there's certain ways in which you can look at who from the law firm and what their certifications may be. Works on a matter and then whom and which entity or body depending upon who is able to designate funding would have to later approve of that. So similar to the last item, that there might have to be a newly agendized item where you get authorization from the council based upon budgeting. That might be something that does pop up and-

Chair: So, hold on. So what you're saying is that there are processes that this agency needs to file their papers and all that kind of stuff that we actually had done with the Mason in terms of identifying with their hourly rate and just all those kinds of things. Right?

Speaker 13: There are additional questions about which personnel at the Knox and Ross Law Group are going to work on the matter. And then once you clarify that, and you can, there might be an additional layer of approval and-

Ginale Harris: From whom though? Who is the additional layer of approval and what difference does it make who's working on it from their firm? [inaudible 03:43:37]

Speaker 13: Thank you. Vice chair. There's a couple of ways to go about this problem. The biggest issue is that if you're going to ask a law firm to act as a law firm, you have to get the city attorney to sign off on it. That's just the way the charter works right now. We do have some flexibility with respect to other types of contracts, so as Commissioner Anderson is mouthing, investigators fall clearly within this scope, which means as the chairs mentioned, it's going to be very important how Knox and associates fills out their schedules because if you want to try to use both the RFP process properly, as well as the licensed investigator carve out so to speak, you have to be very specific about that when they fill out their paperwork.

Speaker 13: The problem is they need to file that paperwork before you vote to approve a contract with them. Otherwise you're writing a blank check and you can't do that. So unfortunately this means this takes time and organizations who have contract with the city previously often have these schedules on file or they're very familiar with how this process works, so it's quicker for them. I'd imagine that they could work with our contract administrator to do this timely, but it still needs to happen before we move on.

Ginale Harris: Right, right. I mean that's what I was asking. I don't have a problem with processes but I would like to feel confident that this body knows what that process is. That's what I can trust is that this body knows what that process is. That way I know how to follow it.

Speaker 13: My understanding at this moment is that given that the contracting amount we're considering is below the threshold for further approvals so to speak by council, given that we have current funding in our discretionary funds to fund this kind of contract and [inaudible 03:45:25] assuming that we designate this person as the licensed investigator as opposed to a person acting as an attorney, then the process that would need to move forward would be having Knox and associates reach out to, I believe that would be Mr. Alden as contract administrator, to complete the relevant schedules, which means that this item for tonight needs to be tabled pending the receipt and review of those schedules by our contract administrator who can then return to us after those contracting schedules have been completed.

Chair: Commissioner Anderson.

Tara Anderson: I'm trying to understand, so would subsequent to gaining that information, the language of the resolution would change in some way? Because my understanding what we're doing here is giving that very directive. So I don't understand why we can't pass this resolution today. I do not think of it as a blank check and that all certifications that any contracting process would entail would be initiated after the passage of the resolution. So I'm resisting the idea that we need to table the resolution and unless I'm given additional information right now.

Henry Gage III: And, perhaps council will speak to this, my understanding has always been that these schedules need to be completed prior to your resolution.

Speaker 13: So if you designate from the Knox and Ross Law Group that licensed investigators rather than attorneys handle the entirety of the matter, then that would probably put you in a position where you have the authorization to move forward. And that's all I'll say. And otherwise you can move forward with this resolution on that ground and that's the entirety of my advice on that point.

John Alden: May I add just a little bit to that?

Chair: Yes.

John Alden: My experience with the schedules in the past has been that this commission's directed us at [Sipra 03:47:19] to move forward on working with the contractor. Those schedules ultimately get approved by contracts and compliance to see if people can demonstrate that they meet the city of Oakland's requirements for contractors in general. It's always possible that someone can't, but I think that's

rare. So our role at Sipra, if this resolution were to pass tonight, would then be to work with this firm to get those approvals.

John Alden: As Commissioner Gage pointed out, there is this issue about who under the charter ultimately approves attorneys being hired and your council's suggestion about being clear about that as the contract is put together, probably would change who and how it gets approved as it's working through contracts and compliance. I should point out that every single contract we ever do in the city of Oakland ultimately gets approved by the city attorney's office at a minimum as to form a legality. And every single contract has that block on it. Just like the resolution you have this evening has that same block on the first page. And that's not something I have control over, so. What I can guarantee I can do is be an effective advocate for the contract you want.

Ginale Harris: So I guess what I'm confused about is why did we have to go through that training if we still need approval?

John Alden: My understanding of that training is that the commission is exempted from a variety of other steps that one might otherwise have to do to pick the contractor on the front end. But all the contractors we hire still have to meet city of Oakland requirements, like proving they've paid their taxes, proving that if they have an office in Oakland that it's appropriately zoned and they have permits for it, things like that, that the city as a whole has decided are important in anyone we want to do business with. That they treat their employees fairly in a variety of ways. Pay applicable minimum wage, that kind of thing.

Chair: Okay. Yes. Commissioner Dorado?

Jose Dorado: So if I understand this right then, the real specification, the real hurdle is simply specifying that an investigator as opposed to an attorney will handle the investigation and that's it. So that's the only qualification we have to put on this, the passage of this resolution as I understand it,

Chair: Commissioner Brown?

Chris Brown: [inaudible 03:49:47] now on to what Commissioner Dorado was saying, it sounds like then we can just add an "and" at the end of this saying that we directed the CPRA executive director negotiate this as an investigatory contract as opposed to a legal representation contract and he's allowed, in the last resolution, he's allowed to negotiate everything about it.

Chair: [inaudible 00:32:15], is that your understanding?

Speaker 14: That's my understanding.

Chair: Okay, great. So it sounds like we can-



Ginale Harris: I have one question for council. So can we amend this resolution on the [inaudible 03:50:27] right here?

Speaker 14: You can add an amendment that's germane to the resolution.

Ginale Harris: Just to make it clean, clean, clean so there's no room for nothing.

Speaker 14: What you would do is you'd move to direct staff to amend it and then pass it as amended. Right.

Chair: Commissioner Harris? Oh, sorry. We got a question. Commissioner Gage?

Henry Gage III: Question for council through the chair, is there... This is a little bit unusual for me. Is there anything untoward about approving a resolution like this prior to seeing information that would be disclosed in the schedules?

PART 7 OF 9 ENDS [03:51:04]

Henry Gage III: Just seeing information that would be disclosed in the schedules.

Connor: I can't speak to untowardness, but you can clarify your question-

Henry Gage III: Sure.

Connor: I also should note, I'm probably not in a place as the parliamentarian here to render legal advice about other specific items that you may be asking about and I'm more than happy to take some question offline. Write any memo that you need to provide, whether it's a cautionary memo or something else to provide legal advice, but if you could specify your question, that would be great.

Henry Gage III: Sure. I'm not sure I should ask this to you, actually.

Chair: Okay.

Tara Anderson: What? What happened?

Henry Gage III: I guess it's a general question for the commission then.

Chair: Okay.

Henry Gage III: My concern at this point is, generally speaking, these schedules are created so that people that are approved for contracts with the city disclose certain information. So my concern would be if we approve a resolution to engage a body that hasn't completed these contracts, it raises the perception that we haven't done our due diligence before passing resolution. Now if this resolution is just saying, "Hey CPRA, go and work with this agency to complete these

schedules and then come back for a final approval," I'm okay with that. But if this is saying, "We're delegating everything to CPRA from here on forward and they don't come back, no matter what happens on these schedules, and if no matter what comes out," that gets a little interesting.

Chair: Well, something's wrong with the schedules. I mean that's a problem anyway.

Tara Anderson: Yeah [crosstalk 03:52:28]

Henry Gage III: Well then that's... Oh pardon me.

Chair: Go ahead, Mr. Alden.

John Alden: Through the chair. That's part of the service that contracts and compliance, the contracts and compliance division offers. They provide their schedules to the public for them to peruse or were used to prepare for making a bid. They give them to contractors that this commission might select and then they evaluate them to make sure that the contractor meets the qualifications. If for some reason we had a vendor or contractor who couldn't successfully complete those schedules or some problem arose, we wouldn't be able to contract with them and in some instances we might be able to bring that back here to have a conversation with you. There's, I'm sure, a lot about that process I don't yet know because I'm new enough to it, but I can tell you that so far with the other contracts we've done, we've gone through that process after the commission has instructed staff at CPRA to move forward with a contract and there doesn't seem to be any problem with that order of operations that I can see.

Chair: Okay, so we're not doing anything different. Commissioner Prather. Oh, I'm sorry. Anderson then Prather. Did you have a comment/question?

Tara Anderson: Just... I'm just taking a breath cause this is completely frustrating for me so I can only imagine what it's like to be Mr. Bay at the back of this room and what he's feeling right now. So I'm just taking a moment to find a way forward because I do think it's possible here tonight. I believe based on the dialogue by smart people that I know care very much, in the same way that I do, about making sure that this is adequately investigated, that we could add language to the resolution as it stand before us. A further resolved that includes the specification that the services rendered by Knox and Ross Law Group be specifically provided by an investigator, a licensed investigator, that we pass this resolution in confidence that the CPRA in managing the schedule and contracting requirements with the city of Oakland, if anything happens in that process, that informing us as the police commission, as has been demonstrated by all of our experience so far working with Mr. Alden at the helm of CPRA. I'm open to further dialogue around that before I make a motion to do so.

Chair: Okay. Commissioner Prather?

Edwin Prather: Yeah, thank you Madam Chair. Okay, so I'm listening to the dialogue on it and I think I have a solution and I think that there are some issues and so it appears that the original motion from last time was to engage the services of Jason Ross of Knox and Ross. I think the problem is, and I just looked up the website, that Jason Ross is a lawyer and so I think we have to have a new motion. We have to go back, I think we have to resend that motion. We have to bring a new motion along the lines that Commissioner Anderson is talking about to engage Knox and Ross in investigative services of Knox and Ross as opposed to... Because I think the way it was styled last time it appears as if it's a legal services contract and it's not a legal services contract. It's an investigative contract. So I think we have to characterize it as an investigative services contract.

Edwin Prather: I do think that... Look, I just want to use mine and Mr. Bay's favorite term: kick the can down the road again. I think we should just push it through and frankly I think we can amend both the resolution and the agenda report. I don't think we need to amend the agenda report but the resolution can be amended to reflect the changes I think that Commissioner Anderson mentioned, that I'm mentioning. What I like about this is that the resolution provides Mr. Alden the authorization to negotiate, to finalize the scope of services. He has been here. He knows what the intent is. Mr. Alden, you can negotiate the contract.

Edwin Prather: I think waiting for schedules and sort of this and that, just doesn't... We're just, it takes us back to kind of where we were at. So I would, and I don't know the mechanism for that, so through the Chair I would ask council how we withdraw the old motion from last time, or rescind it, or whatever we need to do and that maybe via Chair she can bring a new motion, you know, in the vein that we're talking about that. But that would be my suggestion.

Speaker 15: Yes. That's exactly what Commissioner Anderson said, which is, you know, move to pass the resolution with direction to staff to make the single germane amendment to it and take action on that.

Speaker 16: We need to withdraw the motion from LA from last meeting.

Jose Dorado: The motion from last meeting?

Speaker 16: So there was a motion made at the last meeting that Jason Ross of Knox and Ross and Jason Ross is legal counsel. So would we, could we, are we just making a new motion to amend or do we need to rescind, or vacate, or terminate? I don't know the... This is new to me. So-

Connor: If I can acknowledge Nitasha Sawhney.

Speaker 16: Learned council is approaching and we will consult her.

Nitasha Sawhney: I think the, the current resolution would probably make clear the direction of the commission, but out of an abundance of caution, the steps that would be necessary to fix the motion from the last meeting would be a motion to reconsider the motion taken at the last meeting and then a motion to retain this firm to provide investigatory services. So, that would require three motions. First, would be a motion to reconsider the motion that was taken at the last meeting. Then, a motion to retain the services, which is a little bit duplicative of this resolution but nonetheless it was what was happened at the last commission meeting. So you could do a motion then to retain the services of the firm to provide investigatory services. And then the third motion would be to adopt this resolution with the amendment posed by Commissioner Anderson. And then you would have all of the pieces met.

Chair: And for those who aren't aware, this is our legal counsel Nitasha Sawhney. She had a very brief introduction at the end of our last meeting. Thank you. Okay. So are we all clear about the three resolutions? Excuse me. Three motions, sorry. And we have to do them with five minutes left before we have to extend the meeting.

Henry Gage III: Thank you-

Chair: Okay. So, Commissioner Gage?

Henry Gage III: Thank you for answering the questions and I think I'm very comfortable delegating future contracting authority to Sipper. Moving forward, I think it's important to be careful about approving contracts without seeing a scope of work first. But given how long this has taken, I'm completely comfortable delegating that to the separate director in confidence. Now let's pregame the Vote-a-rama. I move to reconsider the previous decision and the previous action by this body to retain the services as counsel of Jason Knox. Jason Knox?

Speaker 16: Jason Ross.

Henry Gage III: Jason Ross of Ross Associates?

Speaker 16: Knox and Ross.

Henry Gage III: Knox and Ross, pardon me.

Jose Dorado: Second.

Chair: Is there a second? Commissioner Dorado has seconded. Oh, but we got to take public comment before we vote. Okay.

Ginale Harris: We have to take public comment? This is just a motion to change the amendment.

Chair: I get it, but we can't vote on it until we take public comment. Yeah.

Speaker 16: You're not voting on the resolution again, you're just voting on getting yourself into a position to vote on the resolution.

Henry Gage III: Yeah.

Ginale Harris: Right.

Henry Gage III: It's... Microphone.

Chair: Okay. All right.

Henry Gage III: Motion to reconsider debate.

Chair: Okay. Has been properly moved and seconded and we have a second motion...

Henry Gage III: Then you call the question, the next question.

Ginale Harris: Jose seconded.

Chair: No, I got it. We're looking for the second motion now, two of three.

Henry Gage III: I'd like to call the-

Nitasha Sawhney: You need to vote on each motion before you consider the next.

Henry Gage III: Yes.

Chair: Right. I thought I was right. So we have to take public comment before we vote.

Nitasha Sawhney: No. Your agenda is issues on the resolution. If you want to take public comment on that at this time, that's perfectly appropriate. And then you can go forward with all of your motions. So if there is public comment and you'd like to have it considered before all three motions are considered, please go right ahead.

Chair: You know what? Why don't we go ahead and vote before Commissioner Harrison, Harris just said before people forget. So go ahead. We're on a roll. So Commissioner Dorado.

Jose Dorado: Aye.

Chair: Commissioner Anderson.

Tara Anderson: Aye.

Chair: Commissioner Harris.

Ginale Harris: Aye.

Chair: Aye for myself. Commissioner Gage?

Henry Gage III: Aye.

Chair: Commissioner Prather?

Edwin Prather: Abstain.

Chair: And motion passes. My second, our second motion. Second motion is to retain the services. Go ahead.

Tara Anderson: I make a motion to retain the investigative services of Knox and Ross Law group to investigate the case, CPR cases 070538, 13-1062, and 16-0147.

Chair: Is there a second?

Jose Dorado: Second.

Edwin Prather: Friendly amendment?

Chair: I think it's been properly moved and seconded.

Edwin Prather: If I could offer maybe-

Chair: Commissioner Prather?

Edwin Prather: Inserting the phrase not to be completed by any legal counsel or something along those lines, I think would just make it crystal clear.

Ginale Harris: What does that mean?

Chair: Okay.

Henry Gage III: I second that amendment.

Ginale Harris: I need some clarity. What does that mean?

Tara Anderson: We're further emphasizing that the only professional that can perform the contracted services is a investigator.

Ginale Harris: Okay, so not an attorney.

Tara Anderson: Correct.

Speaker 17: Except that an attorney is a legal-

Ginale Harris: An investigator.

Speaker 17: Can be a licensed investigator, so that attorney can function as a licensed investigator, but not as an attorney.

Chair: Okay, but-

Speaker 17: But not to say that an attorney can't do the investigation. Your-

Chair: No, no, we get that. We get that. We're just trying to clarify that it's the investigator role that is being employed.

Speaker 17: But that's not what he said. He said that an attorney can't do it, but the attorney of Jason and Ross can also...

Chair: Okay.

Speaker 17: Can function as a investigator.

Chair: Gotcha.

Speaker 17: Not as an attorney.

Chair: Okay, gotcha. Would you like to restate that? I know, I know you're almost there. Almost there.

Tara Anderson: Making a motion that the CP... That the-

Chair: Retain the services.

Ginale Harris: We're tired.

Chair: Motion-

Tara Anderson: That investigative services and to CPR cases 070538, 13-1062, and 16-0147 be performed through an agreement with Knox and Ross Law Group and by an investigator. Does that-

Chair: Is there a second?

Tara Anderson: That's worse.

Chair: Okay, we're going to try it again.

Tara Anderson: Yes.

Chair: Commissioner Harris.

Ginale Harris: Okay. Motion to retain services of the Knox. Wait, hold on. Give me five seconds. The Knox and Ross Law Group. Firm? To retain services of the Knox and Ross Law Group to investigate CPRA cases 070538, 13-1062 and 16-0147.

Chair: Is there a second? Commissioner Prather?

Edwin Prather: Yeah. Friendly amendment to that. The language of the motion was not necessarily to investigate, but if there is enough evidence to reopen the CPRA cases, 07-0538-

Ginale Harris: That's in the second one down.

Chair: That's in the resolution.

Ginale Harris: We're not rewriting the resolution.

Edwin Prather: I understand. But the... So the motion that was made on October 10th was a motion to engage the services of Jason Ross of Knox and Ross to investigate if there's enough evidence to reopen CPRA cases and then the three case numbers. Not to exceed in amount of 49,999 that is different from the motion that was just made in scope. In scope. I just, look-

Ginale Harris: We're not doing scope right now. All we're doing is changing the language of who's going to do the investigation.

Edwin Prather: But the scope that you mentioned was different.

Ginale Harris: Investigating? Case 1062?

Edwin Prather: But that's different from what the motion is. Investigating the case is different from investigating if there's a-

Ginale Harris: Okay would you like to make the motion?

Chair: Go ahead and make it so it can be right.

Edwin Prather: Okay. So I move to engage the services of the Knox and Ross Law Group to investigate if there's enough evidence to reopen CPRA cases 07-0538, 13-1062, and 16-0147 not to exceed an amount of 49,999 and the work to be conducted



by an investigator, or an attorney working in their licensed investigative capacity. Is that-

Ginale Harris: Seconding.

Chair: Okay.

John Alden: May I... I'm really sorry to have to point this out but I'd feel remiss if I didn't.

Chair: Okay, hold on.

John Alden: Okay.

Chair: Wait, hold on. It is 10:06, we have to vote to extend the meeting. Will somebody please make a motion?

Henry Gage III: Move to-

Chair: I would recommend that it be 30 minutes cause we still have a lot to do.

Henry Gage III: Move to extend the meeting by 30 minutes.

Edwin Prather: Second.

Henry Gage III: Okay. It's been properly moved and seconded, can we vote? Commissioner Dorado?

Jose Dorado: Aye.

John Alden: Before-

Chair: Commissioner, hold up.

John Alden: Okay. Sorry.

Chair: Commissioner Anderson.

Tara Anderson: Aye.

Chair: Commissioner Harris.

Ginale Harris: Aye.

Chair: Aye for myself. Commissioner Gage?

Henry Gage III: Aye.

Chair: Commissioner Prather?

Edwin Prather: Yes.

Chair: Okay. Motion passes, meaning we'll go at least until 10:30. Now, going back to Mr. Alden.

John Alden: So sorry to interrupt, but I want to be careful about how I say this because it happens that I'm a lawyer and I have some familiarity with the code sections and the government code that correspond to this issue, but I'm not your counsel. All right? With the language that you're describing now that might have an attorney doing the investigation, I think you're much more likely to have someone later say, well that then triggers the provision in the charter that would require city attorney approval because of the way the statute and the government code is drafted. I'm happy to pursue whatever contract you direct me to pursue, but the greater the chances that the city attorney would step in and say, we need to approve this, then...

Connor: If I could clarify more hurdle.

John Alden: Then that's more work.

Connor: Sorry if I can clarify the way to amend that resolution then is the only objection that was raised was about excluding attorneys because that was the statement that was made. So instead, making a statement about should only be conducted by a licensed investigator does not in any way exclude attorneys who are acting in their capacity as licensed investigators. So if that is the motion, then that would sort of fall within the intent of what Commissioner Prather said.

Chair: Yes. So you yes, when you withdraw it and restate it-

Edwin Prather: I'd like to withdraw my motion.

Chair: Okay. Will you restate based upon what Connor just suggested please? I think we're all getting kind of tired and I really want to make sure we get this done.

Edwin Prather: All right. I'd like to move that the commission engage the services of Knox and Ross Law Firm to investigate if there's enough evidence to reopen CPRA cases 07-0538, 13-1062, and 16-0147 in an amount not to exceed 49,999 with all work to be conducted by licensed investigators.

Chair: Second. Can we vote? Okay, Commissioner Dorado.

Jose Dorado: Aye.

Chair: Commissioner Anderson.

Tara Anderson: Aye.

Chair: Commissioner Harris.

Ginale Harris: Aye.

Chair: Aye for myself. Commissioner Gage?

Henry Gage III: Aye.

Chair: Commissioner Prather?

Edwin Prather: Yes.

Chair: And the motion passes unanimously. Okay. And now to the third motion. And this third motion is, shoot, I wrote it down. Where'd it go?

Henry Gage III: I think this is [inaudible 00:19:25].

Nitasha Sawhney: This is the item that we need to have a commentary before we do.

Chair: Okay. So now we're going to go to public comment and then we will do the final resolution. And I'm recommending that we not do any meetings past 10:30 because we all get frustrated. Okay. So that's 11, okay. Okay, Saleem Bay, that's the only one.

Saleem Bay: Thank you, Commission. Thank you. I guess you know...

Chair: We're getting it done.

Saleem Bay: Yeah, I'd like to say I'm verklempt but I'm not, I'm numb. Seriously. I have no idea what you guys just did. I don't know if it's legal. I know that the city attorney has never come and argued against a contract to this degree and out of the blue. And this process has been going on for over a year and a half. That this was approved months and months ago. And yet as we're going through the final piece, here comes the city attorney. That should tell you a lot, especially when I tell you that the city attorney is involved in obstruction of justice, connected to murders, connected to these cases, and that it will ultimately fall on them. So that is a rat leaving the ship type of thing.

Saleem Bay: And speaking of rats leaving ships, IAD 13-1062 was closed and will be shown to have been closed without being investigated by IAD captain at the time, Captain Cunningham, who mysteriously is retiring and he's a very young man. Who's also been going up the chain and has been promoted recently. So that should

tell you something, especially since when Ms. Oppenheimer somewhere way back when in this thing was agreed to Ersie Joyner who's a person who I keep calling out, all of a sudden wanted to retire. All of these are young men who still have time and would make money off their retirement.

Saleem Bay: So that should tell you that this case, and us pushing this case, where you get your pressure from, that's where the guilt is coming from. Where nobody is reacting to this, where the chief who sat here and listened for a whole year of all these heinous allegations and never made a move and when she was called up to speak on racial profiling, she took the fifth. So I would just say that my appreciation for grinding through this, and I do appreciate all of the commissioners because this hasn't been an easy slog. And like I said, I just, I appreciate it and let's go forward.

Edwin Prather: Thank you.

Chair: Thank you. And with that, can we make the last final motion on this item, please? You got it? Yes, please, Commissioner Prather.

Edwin Prather: So subject to these edits, page two, second paragraph beginning, "Whereas Knox and Ross Law Group," on the second line, the phrase "and review of," should be changed to the phrase "related to." Paragraph three, second line. The words "Jason Ross from," should be deleted. Paragraph four, last line. The words, "review of," should be deleted and inserted it should be the phrase "whether there is enough evidence to reopen." And in the last paragraph, second line in front of the word services should be inserted the word investigative. And on the third line, the words, "review of," should be deleted and it should be replaced with "whether there is enough evidence to reopen." Subject to those edits, I would move that we approve Oakland Police Commission Resolution 19-01.

Chair: Okay. Is there a second?

Jose Dorado: Second.

Chair: Okay. It has been properly moved and seconded. We'll take a vote. Commissioner Dorado.

Jose Dorado: Aye.

Chair: Commissioner Anderson.

Tara Anderson: Aye.

Chair: Commissioner Harris.

Chair: Okay, I think that's a no.

Ginale Harris: I didn't have a time to follow where he was going. So I'm looking at the edits, but I couldn't catch on.

Chair: Do you want to abstain?

Ginale Harris: No, I want to know where he's changing things.

Chair: Okay, we're in the middle of the vote. We kind of need to finish.

Ginale Harris: Okay, but I need to understand what it is.

Chair: Okay. So we-

Ginale Harris: No, it's a vote. This is... No.

Chair: But you...

Edwin Prather: So we're going to get to. Put that in. Instead of "a review of," because it's not a review, "whether there's enough evidence to reopen." It's just a document.

Ginale Harris: Okay. Okay.

Edwin Prather: It's just being consistent.

Ginale Harris: Okay.

Edwin Prather: Investigative makes it so it's not legal.

Ginale Harris: Okay.

Edwin Prather: [inaudible 04:15:59].

Ginale Harris: Okay. Okay.

Chair: You ready?

Ginale Harris: Yes.

Chair: Okay. Okay. Commissioner Harris?

Ginale Harris: Yes.

Chair: Yes. Aye for myself. Commissioner Gage.

Henry Gage III: Aye.

Chair: Commissioner Prather.

Edwin Prather: Yes.

Chair: And the motion passes unanimously. Yeah, I think we all... Thank you for your patience, Mr. Bay. So.

Ginale Harris: [inaudible 00:25:30].

Chair: Yeah, I'd like to. So it has been suggested that perhaps we delay the last couple of items to the next meeting. I think, again, we're all exhausted and there are some frustrations. Is our fellow commissioners willing to do that. Can I get a motion to table the last three items?

Ginale Harris: No there's three more over here.

Chair: Well, I know we still got to do public comment. Six items. What happened? We should do the Raheem thing. Got it. Okay. So we're going to move to item 11 and we'll have public comment on that and then I'll need a motion to table the other five items. Okay? Okay. So somebody, I think Commissioner Anderson, I don't know, I think you were spearheading this one.

Tara Anderson: So as a followup to our last meeting where we received a thorough presentation on Raheem, we requested that they develop a scope of work for us to consider and is included in the agenda. I would ask that Brandon Anderson come forward and speak to the scope of work for our benefit. Thank you. Thank you for being here so late. [inaudible 04:18:14]

Brandon A.: Thank you for having me. So the scope of work is really an itemized and outline of the opportunity we have at hand, the challenge we face with regards to the limited capacity of an understaffed and overworked police commission and its ability to reach people in the community of Oakland, the town of Oakland that, frankly don't make it here. And to use that information to fuel and inform policymaking around particular policy, which is the use of force. Commissioner Anderson, are there anything in particular that you'd like me to outline in the scope of work that... I'm wanting to save as much time for people as possible to have debate and conversation without needing to go over something that might've been reviewed already.

Tara Anderson: Yeah, thank you. I would appreciate if you would address the items that here to me call out very important points that were made during public comment after your presentation the last time we convened.

Brandon A.: Yes. So there, there were a few and the first one was we wanted to make sure that it was accessible in multiple languages. And as you can see in our scope of work, the languages will, in fact, be included beyond the scope of languages that are required, which Mr. Alden has presented. Currently it is Chinese, if it's spoken, it's a dialect of Mandarin, it is Spanish, English, and there was a third one that was required, which I believe is, Cantonese?

Speaker 16: I'll let... Do you want to go?

John Alden: English, Spanish, and Chinese. I thought in Cantonese?

Brandon A.: Cantonese.

Speaker 16: It's not specified, but Cantonese.

John Alden: Cantonese is more common here. The other two languages that are recommended but not necessarily required are Vietnamese and Tagalog.

Brandon A.: And I'm happy to report that all of those languages will be accessible through our platform.

Brandon A.: The second was the use of data around stop and arrest and it was a caution that stop and arrest data be not reviewed once more in use to inform our use of force policy and I wanted to be clear about how we use stop and arrest data. It helps us understand the particular people who've been stopped by police. We use that to build a targeted list of people with whom we are able to reach out to directly to collect their information and about, to frankly ask them directly how their experiences have gone.

John Alden: Right.

Speaker 18: Commissioner Anderson am I talk... And I think the other, there was a third one or was that more? Those are the two concerns that I left with, but I might be... I want to give space if...

Tara Anderson: Yeah. The other things that we had discussed were around timeline and kickoff. A lot of that is relative to how quickly we can expedite resolutions and contracting. So some of that still remains before us.

Brandon A.: Yeah, so the, the quick and dirty answer is that we've reached out to foundations to see if they can find and subsidize the portion of it up until we're able to kind of get started and get rolling. Those asks are still out and we had talked previously just about a commission sort of putting together a letter if it would mean that we can accelerate them handing over some subsidized funds to help us move forward before the commission is able to approve that. But I

can't make any sound decision on that now because yeah, we haven't gotten a response favorable to that as yet.

Chair: Is one of your requests of Kapor or no?

Brandon A.: No, it is not. But it should be.

Chair: Yeah, it should be.

Brandon A.: Yes.

Chair: Kapor Center for Social Change, sorry.

Brandon A.: Yes. So we have a meeting with them a week after next, but we are wanting to meet with Mitch and Freada Kapor from that foundation.

Chair: Okay, great. Thank you. There's some other questions? Yes. Commissioner Brown.

Comm. Brown: Thank you chair. To the challenge I ask our city attorney, is the fact that they're hiring contract staff create a problem for anybody? Does it require some sort of oversight or qualification for their hiring?

Connor: I just want to specify what this isn't, is not, this is accepting the proposal. It's not finalizing the contract. Right. Okay. That's, I think that point is sort of, you know, important from the beginning. As for any legal analysis on questions like that, I'm probably not in a position right here and now to provide that, but I can also, you know, provide any legal analysis you'd need. I just want to absolutely flag that the proposal is going to be final, but after the proposal is final, there are additional steps that are put it into a resolution, compliance with the use of commission funds to go forward with it.

Comm. Brown: That was, thank you.

Chair: Question, Commissioner Jordan?

PART 8 OF 9 ENDS [04:24:04]

Chair: Question, Commissioner Jordan?

David Jordan: I think that given the conversation at the retreat about community outreach and given tonight's conversation about community outreach, I get that this is sort of both quantitative and qualitative data acquisition, but this is also community outreach in some ways or it should be, from my perspective, it should dovetail with what our intended goals are, outreach-wise. Ideally in developing this, this should be in some ways very much connected in methodology and in action



with our efforts. That includes some of the efforts that were discussed here earlier today. I just want to get a sense of how amiable you guys would be. I know sometimes it can be hard to modify your plan to fit in with other ongoing efforts.

Henry Gage III: Honestly I think that, that's what we're good at, frankly. That's why we were called on by Commissioner Anderson, is the ability to understand the needs of the commission and to ensure that our technology is malleable in ways that support sufficient, insufficient ways, the outcomes both expected and desired.

Henry Gage III: So when we... at whatever point this is approved, there will be a week or two process by which we will need to convene, hopefully, an ad hoc committee of some sort, to make amendments and to propose changes by way of the questions that need to be asked regarding use of force. In what ways do you hope to change the use of force policy and to have those questions and concerns inform the outreach? So I don't see this being separate at all. In fact, in a clear alignment with what you just mentioned.

Chair: Okay, so given those questions, we have three public comments. It is 10:25, trying to honor getting out of here at 10:30. We will call up Rashida Grenache. Oh, I have a no-name and Ann Jenks for item 11.

Speaker 19: Thank you. We had a meeting with Brandon earlier today to get some more information about the project, and I will share with you what I expressed to him, which was that it is our hope that this program will have some sustainability aspects to it. Namely that in addition to collecting the data that there will be some effort to do some education around the fact that we have a police commission, that we have an independent review process that is unconnected to the police so that not only will there be the short term benefit of collecting the data with respect to the use of force, but there will be an ongoing educational impact in terms of making people aware of the fact that there is a police commission, that there is an independent agency that will investigate complaints of the use of force as well as other forms of abuse.

Speaker 19: So we would like to see that kind of component built into the effort so that there are longterm benefits, not just benefits that accrue with respect to the use of force policy, but that there is an education component and hopefully the people that are interviewed will share the information about the commission with their associates and their friends and neighbors and family and help to get the word out. Because as it was stated earlier, most of these folks don't know that there is a commission. They don't know that there's anywhere to go to file a complaint, but the police department, which they don't want to do. And so I'm hoping that that will be added as a part of the scope of work. Thank you.

Chair: Thank you Ms. Jenks. Oh, Commissioner Prather.

Edwin Prather: I'm sorry Ms. Jenks. Just I think Ms. Granage made a great point and I don't know if 40,000 is a lot of money for something like this, it doesn't strike me as a lot of money, but if it is a lot of money, it would be great if there was along the lines that Ms. Granada's talking about sort of longterm benefits, but setting up an infrastructure for when we have to go out and get public input into other issues besides use of force.

Edwin Prather: We're often sort of, I feel like we're reinventing the wheel every time we need to go out and do something about the probation search policy or we need to go out and talk about militarized weapons or whatever it is. But if there could be built in some infrastructure where we have that cost savings in the future, each time we go back to it, I mean that presents more value in the 40,000 I think. And it makes a, it makes it a little bit easier to spend that because you'll know you'll be getting sort of value each and every time you kind of go back to that.

Edwin Prather: And I think it's good for him because it sort of sets you up for future work, right? Or some kind of future contracts in that regards. Sorry, Ms. Jenks.

Chair: Go ahead, Ms. Jenks.

Speaker 20: Ann Jenks. So first of all, I just have to reiterate that the way that you chose to locate somebody for a contract without ever telling the many community groups that have engaged around the policies, around the probation and parole stop, some of whom have done canvassing just as not a good look. And I really hope this is the last time that you do it this way.

Speaker 20: I'm a little bit disappointed. Last time I thought that there was an aspect of data analysis, which apparently there's not. I still think you might want to consider at some point doing some data analysis and I mean both in terms of the social media and the canvassing, I really hope that this project, the forward facing piece of the project is the commission and Cipro rather than the website, the Raheem website.

Speaker 20: I was talking to him about, and I hope I don't mischaracterize this Brandon, that the way that they did it previously is that people filled out the Raheem form and then they asked them if they wanted to file a formal complaint and you get a lot of nos. It's your second ask and you're doing the same thing a second time. And my question is, can you first ask to fill out the independent agencies request?

Speaker 20: Right? I mean, let's put the commission forward and Cipro forward rather than the website and that in terms of doing education both in social media, I'm really hoping that what we see in terms of the social media is commissioned forward, Cipro, forward as well. Thank you.

Chair: Thank you. Okay. It is now 10:30. Commissioner Harris.

Ginale Harris: Can I ask-

Chair: Yeah, go ahead.

Ginale Harris: So in regards to Raheem is there, yes please. I'm a little bit familiar with something similar to Raheem, but is there any way you can give us a demonstration on how this works? Like if I come to you like I'm a person that you're dealing with, I want to know how you would follow through on the process.

Ginale Harris: I believe that this strategy does work. I'm a big fan of the data that you're collecting and how you're collecting it because you know our people don't like to go to the police. Right? And they don't like to talk to just whoever. So I understand, you know, this is how you're collecting your data and this is the most helpful. I mean, where are you going? Are you going to the corner stores? Are you going in the neighborhoods? Are you walking door to door? Right? Because they're not coming to you. Right. So I support that.

Jose Dorado: To just speaking in two terms, the, sorry, on the concern that Ms. Granage brought. I think that it is a good one and the one that Anne has brought forward, especially regarding what we put forward as being our first initiative To give some insight into how we collect data.

Jose Dorado: When we ask people questions about their experiences with police, we started out in fact first with the approach in, it wasn't the police commission at that time. It was a different oversight body in Dallas that we were working with and we said, "Hey, there's this independent agency that will investigate your complaints. How about we support you through reporting these ways?" We found out that lots of people when met with that upfront are backing out. What we found is if we give them three questions, get them talking about the experience and oftentimes people are not even understanding that the thing they went through was violent. It isn't until those questions are raised that they understand it to be important to report.

Jose Dorado: So the second ask is there was a bit of mischaracterization. The second ask is not for them to do it again. In fact, what I'd love to work with Mr. Aldean's office is a connection point that when they report to us with the limited amount of information we ask of them, we can, without them needing to do any work, automatically send a carbon copy of that report directly to the community police review agency without them needing to do more work.

Jose Dorado: And that is stunted by some way of the, the legalities behind APIs that we've talked to sipper about. But that is the hope and that's where we're headed in that direction.

Chair: So what I think I hear you saying is that you have the capacity to send the information directly to Cipro.

Jose Dorado: Yes, we do.

Chair: Okay. So with respect to the questions from Commissioner Jordan and I'm not sure who else cause it's late, can you add to the scope some of that outreach that kind of puts the commission entity upfront or first or what have you. I mean, is that a challenge? Is that fairly easy? And if you can't answer it now, maybe we should delay the vote until next meeting. I don't know. I mean, I don't know how people are feeling. I just want to get a sense.

Jose Dorado: Yes, we can do that to answer that question.

Chair: Okay, so you want to see a demo? A demonstration. Okay. How is the commission feeling? Would we like to put this over until the next meeting, see a demonstration, and then make a final decision. Okay. I'm getting some nods.

Tara Anderson: I'm concerned with that timeline given the accelerated timeline that we have for revising the use of force policy and one of the primary reasons for going about engaging with this opportunity was looking at technology tools that would bring voices into that process. I understand the need for due diligence, and I would hope that we would all engage in that between meetings, but I'm hoping that we could move forward with emotion to engage in a services contract with Raheem, which would initiate staff having to generate a resolution that would then come before us at our next meeting, which provides an additional two weeks for us to ensure that the resolution represents a comprehensive scope of work that explicitly calls out the intention of the police commission, that their Raheem engagement explicitly incorporate education about the commission and CPRA and that it incorporate as has already been stated, the working with us around the specific questions and that it is not a separate independent process but really integrated for the purpose of revising use of force. That would be my recommendation.

Tara Anderson: In terms of other comments that have been made is just really recognizing that this is one particular project that will benefit us in many ways moving forward. It is not the only type of public outreach that I would hope we would engage in. I see us, especially as we move money from the inspector general line item over into more of our discretion, us then having the capacity to do a comprehensive RFP or RFQ or RFA, whichever is going to be most applicable to what we need. That would represent all types of community engagement. So I just wanted to express those thoughts.

Chair: Okay. Thank you. I think I got it. So it is now 10:37. I need one motion to extend the meeting to 10:45 so that we can get all these other items tabled and then take our action with Raheem.

David Jordan: Move to extend the meeting by 15 minutes.

Chair: I was only asking for eight.

David Jordan: We have two agenda setting.

Chair: Okay. Is there a second?

Edwin Prather: Second.

Chair: Okay, it's been moved and seconded to extend the meeting. It is now 10:38 to 48. I don't want to be here. Okay. 15 minutes.

Chair: So based upon your comment, Tara-

Tara Anderson: We have to vote.

Chair: Oh, I'm sorry. We got to vote. See that's what I mean. I'm tired. Okay. Commissioner Dorado. We're voting to extend it. Yeah.

Jose Dorado: Oh yes.

Chair: Okay. Commissioner Anderson?

Tara Anderson: Aye.

Chair: Commissioner Harris.

Ginale Harris: Aye.

Chair: Aye for myself, Commissioner Gage.

Henry Gage III: Aye.

Chair: Commissioner Prather.

Edwin Prather: Yes.

Chair: Okay. And the meeting is extended for 15 minutes. With respect to your point, Tara, Commissioner Anderson about additional outreach. I totally get that. That makes sense. With respect to your ability, Brandon, to build some of those, you know, inquiries in and carbon copy and all that. I think that if we can get you to add those pieces to the scope and working with Mr. Alden, then I'm comfortable. Are there any other questions? Commissioner Dorado?

Jose Dorado: Just a quickie. I just got this afternoon a report from urban strategies on their safe Oakland summit. So they did a whole lot of digging into the community, the ambassadors that they train. So it's a lot of good stuff here that you can piggyback on. So if you're willing to do that then yeah.

Chair: Okay. I see you nodding.

David Jordan: Sorry, I didn't know if I can talk, but yes, Rasheed and I were having a conversation actually urban strategies.

Chair: Okay, very good. Are we ready to take action? Okay. Can I get a motion please? Ms. Anderson.

Tara Anderson: I'd like to make a motion to engage the services of Raheem as outlined in this scope of work, but also to include specific emphasis on actively working with the police commission on methodology, which would include development of questions, enhancing education outreach as it pertains the existence of the commission and the reporting process of CPRA.

Tara Anderson: And I would instruct a staff to develop a resolution for us to vote on or have for consideration at our next meeting.

Chair: Second. It has been properly moved and seconded. Can we take a vote? Commissioner Dorado.

Jose Dorado: Aye.

Chair: Oh no, we already took public comment. Yes. Commissioner Dorado.

Jose Dorado: Aye.

Chair: Commissioner Anderson.

Tara Anderson: Aye.

Chair: Commissioner Harris.

Ginale Harris: Aye.

Chair: Aye for myself. Commissioner Gage.

Henry Gage III: Aye.

Chair: Commissioner Prather.

Edwin Prather: Yes.

Chair: Okay. And it unanimously passes. We will look forward Brandon to you working with Mr. Alden to get all that situated.

Chair: Okay, so now I know that we're going to have to take public comment on a few items. I would like to move that we table items eight, 12, 13, 14, 15, 16 to the next meeting on November 14th. Can I get a second?

Ginale Harris: Second.

Chair: Okay. It has been properly moved and seconded. We need to hear public comment.

Henry Gage III: Sure. Item 16 is agenda setting.

Chair: Yes.

Henry Gage III: You wish to move that? I have items that I would like to add to the agenda is what I'm saying.

Edwin Prather: I might respectfully suggest that the motion itself does effectively set most of the agenda for your next meeting.

Edwin Prather: Plus the items that we've already mentioned earlier.

Speaker 20: We're good in handling. I promise. I got to go home.

Chair: Okay, so we needed to hear public comment on, I have speaker cars for item 13, 14, 16 so that's Rashida Granage 14 Celine Bay 13 and Celine Bay 16:00 and Rashida 16.

Speaker 19: I don't think I have anything on 13. I did on 12 the legal counsel RFQ I think is the same boiler plate one that you rejected before. So I would strongly suggest that you reject it again. It's not applicable to the work that you are looking for and you've already rewritten it and the rewrite is already encoded in the ordinance as well as the proposed ballot measure. So, but this needs to be rejected in its entirety.

Speaker 19: On the issue of agenda setting, I really think that it's time for you guys to reorder the spreadsheet. You've got a lot of things that have already happened. Should no longer be there because they're not pending unless they have to recur. Like if it's something that has to happen every year, but if it's a one off and it already happened, it should just be removed.

Speaker 19: I also think that you should separate what's mandatory in terms of training or reporting, like the police chief's annual report. Those things should be highlighted in or separated in some way that shows that these are mandatory and not optional. And I think you need to go over your prioritization again because as we said earlier, deescalation had a low priority really, and use of force had a medium priority. And so how were they established? Who established the priorities? What's the criteria that was used? I mean it's very unclear and you know, you gave the ballot measure a medium priority. I would think that it should be a very high priority. And you listed it as entered on October when we first brought it to you in June. So this really needs a thorough going over for it to be useful. I will talk with Miss Levin in the morning. Most of this should have already been addressed, but thank you. Yeah, appreciate it. Thank you.

Chair: Mr. Pay.

David Jordan: This will be on a 16 on agenda setting and I'll be very quick and again, this is from the federal investigation of OPD done by the NSA that has jurisdiction over this body. Actually, and this is at the top of this document. It says page 23 of 33 and it was filed on zero six 2117 so that was squarely within this chief's tenure of what this was going on. Under the heading, IUD did not properly supervise its investigator. It says in this case the IED Lieutenant did not review any interview questions prior to the IUD interviews of Ms. [inaudible 04:47:08] Officer A. Officer B, Officer C, the Lieutenant did not review recordings of the interviews before receiving a draft ROI. This is because the Lieutenant supervising the IUD investigator did not identify the sexual misconduct investigation as a case worthy of close supervision.

David Jordan: That's a quote that that sending an underage girl dick pics, I said it, was not a priority of OPD. This needs to be said as an agenda item and it says that there was no supervision being done and I'm going to leave this last line here.

David Jordan: The IED commander received periodic updates on the case, including when the IED investigator learned that Officer B sent Ms. [inaudible 04:47:56] a picture of his penis while Ms. [inaudible 04:47:59] was a minor, but the IED commander did not set a tone that the sexual misconduct investigation was a high priority of the department. And there's no way that we can allow this as the community, that these predators that are coming inside of our community and attacking minors. Let's remember that this minor was the daughter of a non-sworn officer of OPD who put the original ID complaint in and she was attacked. So please put this on here. It needs to be investigated, please.

Chair: Thank you. So now we've heard from all the speakers, can we go ahead and take our vote to table those items again? I'll just say they were eight, 12, 13, 14, 15 and 16. Commissioner Dorado.



Jose Dorado: Movement seconded, correct?

Chair: Yes. Yeah, we moved to second before, but I had to take public comment before we could vote.

Jose Dorado: Aye.

Chair: All right, good. Commissioner Anderson.

Tara Anderson: Aye.

Chair: Commissioner Harris.

Ginale Harris: Aye.

Chair: Aye for myself. Commissioner Gage.

Henry Gage III: Aye.

Chair: Commissioner Prather.

Edwin Prather: Yes.

Chair: And the motion passes. Now I would gladly accept a motion to adjourn and I'll say-

Jose Dorado: Seconded.

Chair: Okay, thank you. Properly moved and seconded. And the vote. Commissioner Dorado.

Jose Dorado: Aye.

Chair: Commissioner Anderson.

Tara Anderson: Aye.

Chair: Commissioner Harris.

Ginale Harris: Aye.

Chair: Aye for myself. Commissioner Gage.

Henry Gage III: Aye.

Chair: Commissioner Prather.

Edwin Prather: Yes.

Chair: Motion passes. Go home safely. I'm slurring my words.

PART 9 OF 9 ENDS [04:50:22]