



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

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Regina Jackson: Good evening. Welcome to a special meeting of the Oakland Police Commission. It is 5:36, and I'd like to call this meeting to order.

Regina Jackson: Now we will move to roll call and determination of a quorum. Commissioner Gage?

Henry Gage, III: Here.

Regina Jackson: Commissioner Dorado.

Jose Dorado: Present.

Regina Jackson: Commissioner Harris.

Ginale Harris: Here.

Regina Jackson: Here for myself. Commissioner Prather?

Edwin Prather: Here.

Regina Jackson: Great. We have a quorum. So, if we have any public comment on closed session items before we go to closed session, Mr. Rus, do you have any speaker cards? No?

Juanito Rus: I do not.

Regina Jackson: Okay. Thank you very much. Okay, so at this point we will adjourn to closed session, and we will return just as soon as we're finished. The closed session is to discuss public employee discipline/ dismissal/release for Government Code 54957(b). Thank you.

Regina Jackson: Good evening everyone. It is 7:41 and we are terribly late. My extreme apologies, it could not be helped. I would like to say that we don't have everybody seated yet so we're not going to move forward just yet.

Regina Jackson: Okay. We're looking for Jose.

Regina Jackson: Do you need to go to the restroom? So, forgive us. We just need five more minutes for restroom and then we're really going to get started. Again, my apologies.

Regina Jackson: Okay, the time is now 7:44. Welcome to the Oakland Police Commission meeting. Excuse me? Can we... Thank you. So, when we close for closed session,



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we were actually joined by commissioner Anderson and commissioner Smith. I just want to report that there is nothing to report coming out of closed session once again. We'll be moving to item six which is the welcome and purpose, but why don't we just move on forward. Do you have speaker cards? Can you please call out the names?

Dominique Walker: We have 14 people on item six. Misty Cross, [inaudible 02:20:08] King, Dominique Waller, April Thomas, [inaudible 00:08:22], Saleem Bay, John Lindsay-Poland, Saleem Bay, Nino Parker, Michelle [inaudible 00:02:20:33]. I did not pronounce that right. Gabrielle Garcia, Paula Hawthorne, Maureen Benson and Bruce Macon.

Regina Jackson: Thank you. Please come forward in any order.

Dominique Walker: Hi, my name is Dominique Walker and I'm one of the cofounders of Moms For Housing, and we're here today to show our support for the goals of this legislation and the people that have advocated to protect our communities against unnecessary police violence. But we're also here to urge you all to strengthen this legislation to address our lived reality of police militarization. On January 14th, the Alameda County Sheriff's came to evict Moms For Housing in a manner that terrorized an entire community. There were robots, there were drones, there were battering ramps, there were tanks, there were AR-15s for moms and babies. We want to hold the Alameda County Sheriff accountable for these type of things, and we feel like this legislation is a start in the right direction. We want all of the agencies, the Sheriff's, the police to have to answer before they're able to come into our communities this way. Someone had to know that this was going to happen and it shouldn't have happened and it caused a lot of trauma. So, we're here to support this legislation as a start to do a good thing, but we do want it strengthened to include holding the Alameda County Sheriffs accountable. Thank you.

Regina Jackson: Thank you very much.

Gabriel Garcia: Good evening, commissioners. My name is Gabriel Garcia, policy and advocacy manager for Youth Alive. I'm here additionally in support of the ordinance for use policies for military equipment. I would urge that the commission really revisit a revision that was made to expand the amount of time that Oakland has to implement the use policy. Now, it's three years. I believe that at a previous meeting, OPD said that they already have use policies in place, that it's done internally. So, it's difficult for me to understand why they would need three years to implement a policy that according to them they are already executing. So, I would urge the commissioners to revise that part. A year is plenty of time if, like they said, they are already implemented as policy. That being said, as



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Youth Alive, we are a violence prevention organization. We work with the families of homicide victims and survivors of violent crime, and one thing that we keep hearing from families is that Oakland Police Department needs to change its policies and practices when it comes to how they are dealing with the families of homicide victims.

Gabriel Garcia: So, I'd urge the commission to work with Youth Alive and our families and survivors, which I'm prepared to bring to these meetings and subsequent meetings outside of this space to address the policies that are in place and make sure that the policies that Oakland Police Department has when working with homicide victims and their families are trauma informed, their healing centered and responsive to the needs of these victims. Again, we have mothers who have lost their sons, who are willing to share their stories and experiences, but we need to know that those stories and experiences are valued and don't fall on deaf ears. So, I'd very much look forward to working with the commission to hold police department accountable and revise some of those policies to make sure that the experiences of the clients that we work with are informing how the police act moving forward. Thank you.

Regina Jackson: Thank you.

Michele Lazaneo: Good evening, commissioner [inaudible 02:24:55]. I've been attending these meetings for eight months now for the [inaudible 02:24:59] family and for Jonathan. I believe we are making some progress, but the changes necessary are moving too slow. January was human trafficking awareness month, which is set aside as a time for law enforcement to bring awareness to the community and provide safety recommendations. The Alameda County District Attorney's office created a new protocol and procedures for officers because they understand the seriousness of these crimes and the frequency of reports in this county. The district attorney even created Alameda County United, which is a collaborative effort to combat human trafficking. OPD has participated in this collaborative, retired DC Cunningham, Lieutenant Jill [inaudible 00:13:40], Lieutenant Bier, Sergeant Chung, and even Susan Dershowitz from the Oakland City Attorney's office. Yet with all that representation and participation, OPD did not post or share not one public service advisory statistics or prevention information with the community. Why is OPD even participating in these special collaborative groups if they're not going to share the information that they've learned with the community?

Michele Lazaneo: Chief Kirkpatrick even participated in the last officer tip for the week, tip number six, but that was just another burglary theft prevention safety tip, had nothing to do with human trafficking. Per the California department of justice in 2019, Alameda County had 4,093 missing persons reports and of those 2,327



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were missing children. Oakland Police Department has a significant number of those reports. What have we learned from Jonathan's case? That OPDs missing persons unit has been understaffed for years. They currently only have two detectives dedicated to missing persons cases. What else have we learned? That social media can be an effective tool to locate missing persons and to share crime prevention information with the community. Per OPD's crime incidents page, which includes weekly breakdowns of crime, in January, they took nine rape reports, 343 aggravated assault reports, but they chose not to share anything with the community about human trafficking, rape, or assault. They've shown nothing about missing persons cases, nothing about how to make the report, what to expect, how to hold the officer accountable, how to request a chaplain, nothing. What do they choose to share on their social media platforms, all five of them? Coffee with a cop, happy lunar new year, happy black history month. Congratulations, Stucco Millington, who left OPD to lead the Tracy Police Department as their new chief.

Michele Lazaneo: 287 days Jonathan has been missing. Nine months and 11 days. We will never know what could have been done differently to solve this case with more detectives, with better resources, with better training and supervision, but we do know that we can't wait for the recommendations that result from the ad hoc social media committee. Chief Kirkpatrick, what are you waiting for? Departmental general order O-6, missing abducted persons, is dated December 15th, 2009. Update your policy and procedures immediately. Authorize additional staffing immediately. We've waited nine months. We're not waiting anymore. No more delay. No excuses. Thank you.

Regina Jackson: Thank you.

Paula Hawthorne: I'm Paula Hawthorne. I'm a gun violence prevention activist and one of the things that I have brought for you, anything I brought for you today, is this report from the Giffords Law Center. The Giffords Law Center is the preeminent research group about gun violence prevention, and this which is called In Pursuit of Peace. Anyone at home go on the Giffords website, giffordslawcenter.org and you can find this. I'm going to, as soon as I finished speaking, distribute the copies that I have to you. I only could carry six of them, so please, the six of you who would read it, take it and then share it with the others. What this points out is something that we all know in our hearts, which is that as the trust in the police goes up, the homicide rate goes down. In black and white, good studies here show that as we have police accountability, as we have police accountability that people can believe in, then there is more cooperation around helping to find out who has done what crimes and there is less need of people to arm themselves to protect themselves since they know that they can call the police if there is a problem.



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Paula Hawthorne: That is boils down to what this is. In this report, it points out the incredibly important work that you do to hold the police accountable. I would like to ask you to please take that work so seriously that you demand that you have the staff that you are entitled to. Where is your inspector general? Why are you not asking the city administrator every single meeting to report to you on what is happening with hiring the inspector general? You need the staff, you need this staff. Thank you very much.

Regina Jackson: Thank you.

Assata Olugbala: Love Life. Thank you for all you are trying to do around Jonathan and you appear to be the only body that is taking something serious about his return to his family. Just a couple of things. February 25th, 3:30 is when we go back to court with the NSA, with Judge Orrick. And I know we've had Ms. Jackson and Ms. Harris who last time you were there, and I really encourage as many of you to try to be in attendance. It is a very good learning experience. You get to hear from the chief, the representatives, the lawyers and several people including the mayor about what they're doing. So, the other thing is that black police officer investigation for which we have been told that the investigation is complete, but you can't share anything about what happened in terms of the results of the investigation. And I go back to the two Swanson reports, which was an investigation into the Oakland Police Department for which the results were revealed.

Assata Olugbala: And lastly, I'm very concerned about what's happening with the investigation around the mother of this seven children who was killed on 98th street. I am telling you something that's gossip and I hope it's not true, that that investigation is being held up for a reason, and the reason has to do with some type of avoiding an issue. And so, I'm not going to say what it is, but we need to find out. We have the car, we know who the owner of the car is and we don't have the ability to recognize who was driving that car almost a month ago. So, if this gossip is true and we are curtailing doing something related to holding someone accountable to avoid a public display of what could be considered an issue that we don't want out here. So, if you have the ability to look into this, please do.

Regina Jackson: Thank you.

Saleem Bey: [inaudible 02:33:26]. I'm not here to play politics and I know a lot of you up here are playing politics, but I ain't here to play politics because I'm talking about a bunch of people's lives and livelihoods. So, any moves that you making up here that's politics, we don't respect it and we ain't going to take it. All right?



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Saleem Bey: 07-0538. I've been saying this for over two years to this body and I haven't seen the movement. You agreed to this over a year ago, right? I haven't heard anything thing about this. The last thing I heard was at the city attorney's office. Now, is we're waiting on them. They're the ones that did the criminal things in the first place, but what I wanted to say about 07-0538, just so everybody understands, is that it was filed by me. 7/13, 2007. That was four days before Chauncey Bailey wrote the story I gave him about 07-0538. 07-0538 was a complaint about not investigating the murder of my brother, Wyatt G. 51 years old, CEO of Your Black Muslim Bakery with a payroll of over 250 black jobs, most of them formerly incarcerated. Okay?

Saleem Bey: It took us until 2018 to get this document, so whenever we hear about we're waiting on new evidence, AB1421 says that we can read this. This is from 07-0553, which is the Chauncey Bailey murder investigation that was covered up by Sean Went and we all know that Sean Went's credibility with underage girls and covering them up means that this is not out of the ordinary. This is from [inaudible 02:35:14], it says that in 2005 he became a full fledged member of homicide. He says the old man dies. [inaudible 02:35:23] dies. When he dies, Mustafa and these other guys, why [inaudible 02:35:26] is supposed to take it over. Now, this is not independent knowledge I have information of certain but this is what I have learned. He was over the investigation so it's not is what he learned, so he's lying under oath.

Saleem Bey: And then, it says that [inaudible 02:35:41] and a couple of other old guys are supposed to take over the bakery and run it as the old man left instructions. [inaudible 00:23:52], who's about 24 at the time, decided he wanted it and wanted these old guys to leave. When the old guys didn't leave, he had somebody kidnap [inaudible 00:02:35:59], take him to the hills, kill him and bury him. Well, we found the body sometime later. So, this is OPD saying in 2005, this is the OPD officer that was helping the person that murdered Chauncey Bailey saying that since 2005 he knew that my brother had been murdered to take over the the bakery. My brother was murdered in 2004 incidentally. So, if he's talking about 2005, a year after my brother was murdered and taken into the hills, my other brother, brother John who comes up here all the time, he was ambushed at 6:30 in the morning going to his house. And right where you're sitting is the distance between the ambush and his car, you on the dais, right across the road with the illegal weapons.

Saleem Bey: His case was closed in 63 days. He was shot June 17th, 2005. We didn't find out until 2011 that OPD closed this case in 63 days and stopped looking for all of those weapons that were used against my brother. So, that's all 2005. 2007, I make a complaint about these same cases. Sean went IED and chain of command covers this up. Seven years later, we get 131062 open to look at all



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these cases. Cunningham closes this, doesn't look at it, doesn't do anything and that's 2014. The document that I just read is from 2000, says that they've known since 2005 and they didn't release that until 2018. '14, it was closed. It took us a federal lawsuit filed by my brother and I who went to the law library to do it because no crooked lawyer would take it. We got 15,000 pages of discovery from the city attorney's office, the same city attorney's office that produced this document to show that OPD left these guns on the street and one of those guns that put holes in my brother's car put three holes in Chauncey Bailey two years later. So, that's covered up. Well, let's just say, last thing. June 17th, 2005, when my brother was shot.

Saleem Bey:

This document says, and this is from the DOJ investigation 0553 from the same thing that we found this out, it says, "Jordan described several meetings that seemed to point to [inaudible 00:26:31]'s association with the bakery, such as his picture posted on the website," and everything like that. It goes on to say that they gave him special treatment. November, 2005. So, you knew my brother was murdered by these people in 2004. You know my brother was shot by these people in 2005. You've given special treatment for him in 2005 and then covered it up in 2007, so I don't want to hear about, "Oh, we need to wait until the city attorney goes until we can get some information until we can move forward, just so we can say is there enough information to go forward?" Does that make any sense? I just gave you the document and that's bated stamped by the city attorney's office, so that is an official document, right? And this has been under seal for the last two years until AB1421 unsealed it. I've been to court in 2017, taken to court by the city attorney's office for talking about this case and threatened with sanctions.

Saleem Bey:

So, when I say that I've been coming here for two years having missed it, been telling you the same thing, been telling you to fire this chief, been telling you to fire Anthony [inaudible 00:02:39:43], been telling you that [inaudible 02:39:45] closed 07-0538. That Joan [inaudible 02:39:52] found 131062 not sustained at the same time as IED found 131062 sustained? But I'm still hearing 2020 and you can't tell me when you're going to start our independent investigation. True or not? Now, that being said, as I sum this up, there's been one person on this dais from the beginning who has been championed this. I thank all the people who then got to support it afterwards, but I fought tooth and nail with some of these people up here just to get this truth out here. And so, if I give you a bated stamped document that is official that wasn't released to us until 2018 and 131062 was closed in 2014, what do you have to vote on? What are we waiting on an independent investigation to say that there's new evidence, here it is.

Regina Jackson:

Thank you, Saleem Bey.



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John Lindsay-Poland John Lindsay-Poland, American Friends Service Committee. I'll be speaking later in the evening about the item 12, that proposed ordinance. Now, I want to address the California Public Records Act and the Oakland Police Departments noncompliance with it. There are hundreds of requests that are submitted every year to the police department under the CPRA and most of them are responded to with documents within a matter of a few days. The CPRA requires a response within 14 days, which can be extended. So, most of these are for records that are issued pretty rapidly. On July 23rd of last year, which was almost seven months ago, I submitted a request for copies of policies, rules and guidelines for the use or deployment by peace officers and OPD for breaching apparatus, grenades and flash bang grenades, water cannons, patrol rifles, firearms that launched small projectiles and sonic weapons including LRADs.

John Lindsay-Poland This has still not, there has been no response, any documents that had been issued in response to this. This is a request for policies of the OPD, whether they have them or if they don't have them. If they don't have them, they can say they don't have them. If they have them, you would think they would be within access. I have gotten a response online, on the platform saying that they are in the final phase of review. They also said that they were in the final phase of review in October, four months ago. So, there's an issue here of the OPD's... I don't know whether it's the political will, whether it's the selectiveness, whether it's the capacity or some combination of these things. We also submitted a request in September for the quarterly reports that summarize patrol rifle deployments that are created by policy under the Patrol Rifle Program since 2017. There has also been no response to this, so I guess my request to you is to please press on the OPD to both create the political will to respond as well as whatever capacity is needed.

Regina Jackson: Thank you.

Bruce Schmiechen: [inaudible 02:43:22], Coalition for Police Accountability and Faith in Action, East Bay. And I just want to give folks a heads up, we're going to talk later about public engagement with use of force policy, but while everybody's still here, I want to mention an opportunity. A community town hall on use of force, Saturday, March 21st, 1:00 to 3:00 PM. St. Louis Bertrand's church, which is at 1410 100th Avenue and International. So, this'll be an opportunity, we hope commissioners, as many of you can come hear from community members. We'll be doing a lot more engagement and outreach with the community to publicize this. It's just got the date nailed down this past week and it's an opportunity. The leaflet says are you safe, what needs to change, share experiences.

Bruce Schmiechen: So, this is an opportunity really for the community to have a voice. I think they should hear some about what's been going on, but it's really an opportunity for



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the community to speak from their experiences to this issue that's currently being drafted by the commissioners. So, lots more publicity is going to be coming, so thank you very much. Bye.

Regina Jackson: Thank you.

Bruce Schmiechen: If I've got 45 seconds, I also want to say, I may not speak on the ordinance later, but I do think that three year window for implementation of the military equipment ordinance is crazy, and one year is more than plenty of time. Thank you.

PART 3 OF 8 ENDS [02:45:04]

Nino Parker: Good evening. Nino Parker, homeless advocate Lake Merritt. Really great to see you up there, Henry. I haven't been to a commission meeting in a very long time. I took the month of January off so I'd come back strong, Black History Month. Looking forward to working with you this year and in the future.

Nino Parker: One of the things I noticed that you guys had here was a police complaint form. I hadn't filled out one of those yet and I'm glad Rashida kind of put that forth because I've been going through a claim with the city since March of last year, and I recently got a phone call just this week stating that my claim was denied once again by Ms. Jamie Smith, and she's a part of the city attorney's office. And that's Cole Warren & Company, actually that, I guess, defends the city in any type of claim.

Nino Parker: Well, I asked her why my claim was denied, and she told me it's because of "lack of information," meaning that when I got Mr. Jason Mitchell to get his personnel staff to give them the name, Public Works Department to give the name to the city attorney's office, they only gave the guy's nickname, which was Eraser because he paints over the graffiti. I took it on my own that day, when I got the call last Friday, to come right back down here to the Department of Public Works, get the gentleman's name, Gerald Brady, which is his boss, which could give the city attorney's office the name of the gentlemen that witnessed the police cut the locks off my bike.

Nino Parker: I can't even get my witness to the claims department so they can give me a fair chance at my case. So, but one of the things I'll say really quickly in the last 10 seconds, to get a claims form, this is the copy of the claims form, the city's claims form, to get this, you have to come into this building, go through the metal detector, talk to a guard, give them your name to get up to the sixth floor. That just doesn't seem fair to me to someone that's homeless in the street to have to go through all that, first of all.



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- Nino Parker: Secondly, why don't you have this form available on one of the three public floors? And if you're not, I have to tell the city claims department, "I'm taking over your form. I'm going to take this form, make copies and place it around the public library downstairs here at City Hall. I'm going to take it out to the encampments and give it to encampment people, so when you come out they will have their stuff pre-itemized. And when DPW Department of Work tries to take their stuff, you better have all that stuff on the list when you do your..." They're supposed to bag and tag and make it somewhere where you can retrieve it.
- Nino Parker: They have not been doing that. I was at Moscow Park last week and they just threw tons of away. So City Claims Department, because of your negligence, and I asked the city administrator, could she put that down to Sabrina to put that down to the third floor, the second floor, public floor, and she is not acted on it. So I will act for you. This form will be available all over the place from now on. And this will give you the right as a tool to get back upstairs. If you have this form, the only place that you can accept this form is on the sixth floor. So when you go to the guard, you will have the right to go upstairs. Thank you folks.
- Regina Jackson: Thank you.
- Nino Parker: Parker versus the city of Oakland. That's my sign there. You'll see me at city console with this sign up. I will not stop this fight.
- Regina Jackson: Thank you.
- John John Alden: Madam Chair, following up on that comment, we'll take a look at CPRA and see if we can't get ahold of some of those forms and make them available at our office when people have complaints to make that might involve a claim that could make those too, or at least get the form from us.
- Regina Jackson: Great suggestion. Mr. Parker, did you hear that? Okay, so Mr. Alden said that he's going to make sure that those claim forms are available in the CPRA office. Yes. The CPRA is just for community. Were there any other speakers on the first item, or excuse me, item six?
- Juanito Rus: There are a bunch of other names, but I don't know.
- Madam Regina Jackson: Okay. Well, if there are no other speakers, maybe they've left. Then we will go ahead and move forward to item seven, which is the election of the Oakland Police Commission Chairperson. Commissioner Anderson and Commissioner Dorado.



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Tara Tara Anderson: I'd say that most the most successful teams are the sum of their strongest parts. Chair Jackson, you've cultivated the best in each of us, challenged us to step up when we needed it, and you've done it with grit and grace. I hope that you would continue in this role for the next 12 months, and I would like to nominate you to do so. And I would like to make a motion for Chair Jackson, or Commissioner Jackson, to be chair.

Regina Jackson: Thank you.

Thomas Lloyd Smith: Well I'll second the motion, but I think we also have to see if there are any other nominations there. But I will second that motion.

Regina Jackson: Absolutely. So thank you very much, Commissioner Dorado.

José Dorado: Yes, I'd like to nominate Ginale Harris Garcia. There's no one that has worked harder, there's no one that has worked more passionately. And finally, it's time that we had a community person selected by the selection panel to be a chair of this commission. So I'd like to make that motion formally.

Regina Jackson: Is there a second?

Madam Regina Jackson: So if there is no second... Commissioner Harris.

Ginale Harris: Second.

Regina Jackson: Okay. It has been motioned and properly seconded. So there are two candidates for the position of chair. I think we should either hear from the candidates and then hear from the speaker cards. Commissioner Harris, would you like to go first?

Ginale Harris: You can go first.

Regina Jackson: Okay, fine. Thank you. So it's been my honor to serve over this past year. I think that we actually have put together quite a team, and that has led us to policies and procedures, excellent hirings, and while none of that is my personal contribution, I have been proud to oversee it, to help support it. And if the commission wants me to continue in this capacity, I am happy to do so. I serve at the pleasure of the commission, and I will say that while I am a mayoral appointee, I have been a community leader for more than 25 years. And I think you see it in my votes, and certainly see it in my leadership. Thank you.
Commissioner Harris.



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- Ginale Harris: Thank you, Chair. Thank you, Commissioner Dorado, for always supporting me and my work. I have been the Vice Chair two years in a row. The first time I was Vice Chair was because I wanted to be, and the second time it just ended up that way. I think that my contributions to this commission have been extensive. I too have a family and a full time job, and the community is what's most important to me. I am the people's champion, I feel. I love Oakland and I love the people that live in it. So I am on quite a few ad hocs that I make myself available to at any given moment. Yes, I'm busy but this work is extremely important to me. And I get my hands dirty, so I don't just delegate jobs, I do them. So thank you again for supporting me and my work and recognizing for what I do, and appreciating the things that I do. And yeah, that's it. Thank you.
- Regina Jackson: Thank you very much. Mr. Rus, if you could call the speaker cards, please.
- Juanito Rus: We have two speakers on this item [inaudible 02:54:35] and Maureen Benson, and Saleem Bey.
- Assata Olugbala: Love life. There is no one way that you can approach doing work. There's a variety of ways that things can be accomplished. And so we have two individuals who have different ways of approaching leadership, and it works for both of you. And it is an honor to see two black women who have such great capacity. And I would not get up here and pit one against the other, even though in my heart I might have a favorite, but I'm not going to do it because it happens too much historically that we do this, and it's not going to happen tonight.
- Assata Olugbala: I'm just going to simply say that I have observed both of you do tremendous work. I have seen the dedication. I have seen the commitment from both of you, and it would be an honor to see either one of you take that chair because it doesn't matter whether you in that chair or not. Your commitment is such that the work, it will happen. So sitting in the chair is important but sitting in that position that you have as strong black women gives me such a pleasure to sit in this room. So the integrity that you both have, the commitment that you have, the dignity that you have, I am so proud of you. And that's how I'm going to end this. Thank you.
- Regina Jackson: Thank you very much, Ms. Assata. Former Commissioner Benson.
- Maureen Benson: Thanks. Happy anniversary. Ms. Assata said everything I wanted to say about people. What I would like to speak to is more about process. Maya Angelou taught us that if you're always trying to be normal, you never know how amazing you can be. And I offer Dr. Angelou's words tonight to encourage the commission to dig deeply into what you consider normal for a leader and a leadership structure. Ask yourselves, what values and norms do you apply when



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thinking about what makes a good leader, and what type of structures for leadership are acceptable based on these norms? Ask yourself some questions rooted in the values from your strategic plan. For example, equity. Who do we and don't we believe into lead, and why and why not? Innovation. How did we default to this current leadership model? Is there another way? Community led change. How can we disentangle ourselves from city hall and an administration that has only hindered the commission's progress and trust?

Maureen Benson: How can we prove ourselves to an Oakland community that has been traumatized by not only police but decades of corrupt city government? Ultimately, I hope this commission considers something innovative and rooted in principled social justice work. It means centering the voices of those most impacted and surrounding them with support. It means distributed leadership and ensuring a system of checks and balances. I'd like you to consider a new normal: one chair and two vice chair model. It's legal, by the way, wherein two of the three must be in agreement around major decisions on behalf of the commission. It allows for varied personalities and skills to lead in varied situations. It allows for increased perspectives when making decisions on behalf of the commission. It embeds a shared culture with built in checks and balances to ensure there's no dictatorial leadership. And again, not people, process. But consider the problem we're having with Mitch McConnell in power right now. That is a structural issue.

Maureen Benson: Finally, as you consider a collective and collaborative leadership model to interrupt the hierarchical model that this commission has defaulted to in both of its years of existence, consider one more thing. Consider that in two years, only mayoral appointees have chaired. What do you think the impact of that is, intended or not? And ask yourselves, what would Janelle Harris, a person whose entire life, childhood and adulthood, has been deeply immersed in communities impacted by over-policing and the school to prison pipeline. What would she have to do to prove herself competent enough to you to lead an independent police oversight body? In what ways do you expect her to assimilate to an oppressive culture to be good enough to be the chair. And given the immense retaliation she's received in her role as vice chair, imagine a new normal.

Maureen Benson: Imagine for moment that she is the most competent to lead an independent police oversight body. Janelle smells the smoke where few do, and the city and police departments, plural, San Francisco and Oakland, have tried to burn her for it. If they are so afraid of her voice, ask yourselves, what would a new normal look like that we embrace her style of leadership rooted in community, and if we're truly about trauma informed responsiveness, and surround her with the support to help keep finding the fires that most people don't?



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Maureen Benson: You can't teach the competencies that Janelle has but yet she, as normalcy demands her to do, continues to lean in and learn and study the competencies that our society defines as normal leadership skills. And she's been doing an incredible job. Tonight, consider not being normal and be the amazing possibility that Dr. Angelou teaches us. And for what it's worth, I'm here on behalf of both the Anti Police Terror Project and Neighbors For Racial Justice, who you had teach this commission, by the way, on implicit bias. They've both asked me to share that they support both the distributed leadership model and making the practice of centering the voice of those most impacted. In this case, in this election time, we support Janelle Harris for chair again. And I'll end with the words of Toni Morrison who said, "As you enter positions of trust and power, dream a little before you think." Thank you.

Madam Regina Jackson: Thank you. Mr. Bey.

Saleem Bey: Saleem Bey. This is like deja vu. We're here again one year later. And first of all, we preface that because Ms. Jackson, I do respect you and I do respect the job that you did, but from the community's perspective and from the community's optics, the fact that the mayor's people are the only people that are qualified to lead this... And I do understand your background. That's the only reason why I ain't been on you for the last year because your actions speak louder than your words, and people will come to me and say they respect you. But being said like that, that was your choice for convenience to go through the mayor's path to get there. And I'm not knocking you for that. What I am going to call you on is that you represent the mayor by being appointed. The optics from the community is that no community person... This is supposed to be a community led organization. That's why there's four community people on there and only three mayors people.

Saleem Bey: How is it that the mayor's person, with only three votes, can keep being the chair unless there is a sell out on the community end? Because there's four community votes. There's a community person up there to be the chair, and then there's a mayor's person to be the chair. And so I'm speaking directly to the community people who were put there by community, not by the mayor's office, by the community, even though their community also pulls the strings behind who's choose and doing the choosing and all that, and who didn't want to get rid of the CPRB people like we've been telling them, so obviously they not all knowing. But let's just go back to the optics, and why I'm asking you, Chair Jackson, for the benefit of the people, please place anything, ego, anything to the side and allow the community to be the leadership of this.

Saleem Bey: What that tells us, what that tells the community that keeps coming here, is that the community is empowered. What it tells us when the mayor's people



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keep coming up here is that we're subject because even though you are unique, the person that proceeded you wasn't. He stopped justice on that all for the whole year. We didn't get no movement until you got up in there. He was a mayor's person. He's also the city attorney of a city, Antioch, that represents police. That's the people the mayor puts on. She got lucky with you but what I'm asking you personally, to do it for the people. But what I'm also asking the community people, you were put in by the community, there's a community leadership that was chosen by the community, get behind the community. Four votes. Any one of you vote for the mayor's people, please go apply to be a mayor's appointee from this point on.

Regina Jackson: Thank you. Are those all the speaker cards, Mr. Rus?

Mr. Russe: We got one additional speaker card from Nicole Marianne Fairley.

Nicole Fairley: Hello, good evening. My name is Nicole Fairley. I go to San Leandro High School, and I'm a part of the Social Justice Academy there. I've also been with EOYDC, East Oakland Youth Development Center, for about a year and a half. Ms Regina is also the CEO of East Oakland Youth Development Center. I just wanted to come up and say that since I've been a part of this center, I've felt like I've had support because I at home I don't get that much support, and I feel like, being a part of East Oakland Youth Development Center, I've had more opportunities than I would have because of Ms. Regina. She also is my mentor; that's why I'm here today. She's inspired me so much that I want to go into politics and be a lawyer, an attorney, something. And I just wanted to say that she's a beautiful woman. Her years of social justice activism in the community of Oakland has been amazing and so inspiring; it has paved the way for many black and brown people today. And yeah, I think that she should be chair. Okay.

Regina Jackson: Thank you sweetheart. Are those all the speaker cards? Okay, so it's time to vote. The candidates are Commissioner Harris and myself. And I think... Let's see. I can't remember how to do this because the last time I wasn't in charge of it.

Juanito Rus: You vote in that order of nominations received.

Regina Jackson: Say it again?

Juanito Rus: You vote in the order of nominations received. So the first nominee, you run through a full vote on that. That's how that goes.

Regina Jackson: Okay. So I would have been the first nominee, correct?



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Conor Kennedy: I know in the past we just said who we vote for. We just read a roll call vote and you said... There's only two people, so.

Regina Jackson: Well, why don't we do it the way Connor is suggesting since he's our-

Juanito Rus: Yeah, that's fine.

Regina Jackson: Okay. Thank you. Okay, so those commissioners in favor of myself, Commissioner Jackson, continuing as chair, please vote aye. And if not, vote nay. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Dorado?

José Dorado: No.

Regina Jackson: Commissioner Anderson?

Tara Tara Anderson: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: No.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Okay. If I'm counting correctly, that's five for me. Now we'll go around for Commissioner Harris. Oh, we don't need to do that.

Juanito Rus: No, the first person-

Regina Jackson: Okay. Thank you. Okay. All right. My apologies. All right. Well I very much appreciate the support of the commissioners. I very much have appreciated Commissioner Harris's support and championship and teamwork. So thank you very much.



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- Regina Jackson: We are now moving on to item number eight, the election of Oakland Police Commission Vice Chair. I'm sorry, Commissioner Prather?
- Edwin Prather: I'd like to nominate Henry Gage, Commissioner Henry Gage III for the position of Vice Chair.
- Regina Jackson: Is there a second? Mr. Smith.
- Thomas Lloyd Smith: I'll second it.
- Regina Jackson: Okay. It has been moved and seconded for Henry Gage as Vice Chair. Are there any other nominations? There are no other nominations? Okay. Then I think we need speakers cards. Do we have any speaker cards on the subject?
- Juanito Rus: We have....
- Regina Jackson: Oh, I'm sorry. We should let Henry speak. My apologies. I know that everybody knows who you are but as it relates to the leadership role, you might want to suggest your qualifications or your thoughts about the position.
- Henry Gage, III: I am grateful for the nomination and I will accept it. This commission has a lot of work to do, this year perhaps more than any other. I sincerely hope that I am able to devote my time and energies to the completion of that work. Many of you, you know me. Many of you have seen my work product as it will. I sincerely hope you'd be willing to entrust me in that position of trust. Thank you.
- Regina Jackson: Thank you very much. Speaker cards?
- Juanito Rus: We have three speakers on this item, Ms. Assata Olugbala, Maurine Benson and Saleem Bey.
- Regina Jackson: I'm seeing Former Commissioner Benson wave off. Mr. Bey?
- Saleem Bey: Saleem Bey. Obviously you didn't hear anything that I said before when I got here the last time. Speaking for the community as a community person who's up here in the streets, been affected by the police, have deeper knowledge than the police and their doings and their policies than a lot of people up there, y'all just ignored that, which means to me that the process is flawed because if community people can keep putting mayor people into the chair position, that means the community is at a weaker position. It is. Right? So let's just not say that y'all represent the community. Let's say the commissioners who vote for mayors vote for, I mean, represent whoever's convenient at the time because you don't represent the community. Community's up here speaking all the time.



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The community has been behind Janelle Harris. The community watched Janelle Harris take all the slings and arrows that you guys don't take.

Saleem Bey:

Why? Because she was doing the work, because she was pushing it. So if you not taken the slings and arrows and she's taken the slings and arrows by the same administration that put you people in there, tells the community we've lost confidence in the process. And I bought into the process but again, I'm standing here two years later, and you can't tell me where our independent investigation is, and the only person that was pushing it, you just pushed off of a power position. So I really am concerned right now because she's the only one that I've seen up here who has been pushing this thing forward. Everybody else has been comfortable; everybody else has been very political about it. And people, especially people who have no idea about what it is to live inside the community, should not be telling us about the police's relationship with the community.

Saleem Bey:

If you have never experienced racial bias and you are of a different color, you have no say in this. You have an opinion but you ain't never lived it. And if you ain't lived it, don't have an opinion that gives it to the mayor's person. So I'm talking specifically about Mr. Prather and I'm talking about Ms. Anderson. Okay. Ms. Anderson, you represent the community. You represent black people who are being profiled at a rate double the percentile that they represent here. So you up there as a white person, what are you actually representing if racial profiling of black people is it? And then on top of that, when the person who was pushing to get this racial profiling done, and is under attack and everything like that, and you turn around and stab her in the back? That gives me... I mean, you just went there.

Saleem Bey:

I already knew about Mr. Prather because a year ago, when this council was told and noticed the NSA that they were going to do an investigation that hasn't been done yet, Mr. Prather argued that we wouldn't tell the NSA that we were going to do an independent investigation until we actually voted on it. So we did vote on it. So next week, can we get that on the calendar to get a notice? But back to the lab on you for you voting on that. You're the same person that got up and stabbed the community in the back the last time and spoke for Ms. Jackson. So I'm just letting you know how we feel personally out here that we have a person who's been fighting for us while you were sitting out here in the audience, while you were playing a very political role, and I didn't say anything about you playing a political role because that's the role you play, but once you get up here and start affecting the community and my justice and my family's justice, I have to call you out.



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Saleem Bey: You're not representing the community if you vote with the mayor's thing. We said that last year, and [inaudible 03:13:46], and you bring all these people up in here. And you think you know better than the community? Stop, stop. It's you disrespecting us at this point right now. Ms. Harris has been investigated, she's been attacked, she's been all these different things because of what she's doing up here. And what do you do? You demean that. First of all, you disrespected her last year. The whole process of last year, we forgot about that. You talk down to her, you disrespect her. We ain't forgot about that. And then you come back this year. The most qualified person to be the chair is the person who does the most amount of work, period. Merit based. She does the most amount of work. So when you go for the political thing, oh let's put the comfortable person up there because obviously she's too black and too strong for most of you.

Madam Regina Jackson: Thank you Mr. Bey. Ms. Assata?

Assata Olugbala: Well Ms. Harris, tell me something. Did you want this?

Ginale Harris: I did.

Assata Olugbala: You wanted this. Okay. Now I can talk. I have come to, not every meeting, but I've come to enough meetings to see a pattern. And the pattern is whenever the issue is substantially around black people, and when you're talking about policing, is a lot of stuff going on around black people. So whenever the issues around black people, the NSA, excessive force, racial profiling, missing Jonathan, there's always the same two people, and mostly one, Ms. Harris, who get up and come to the mic and say something and demand something. And Ms. Harris has been on apologetically pushing for issues around black people. And I have not seen that from anybody else on the podium except those two people. So in my eyes, when I got up here the first time, the only two people that represent my comfort level that the issues of black people will be represented.

Assata Olugbala: And that's because I've observed them doing it. So when I come up here and talk about black police officers grievance and blah, blah, blah, Ms. Harris and Ms. Jackson, mostly Ms. Harris. When I talk about the NSA, who's sitting over there in San Francisco? Ms. Harris, Ms. Jackson, nobody else. And when we talk about Jonathan, who's pursuing policies and practices? Ms. Harris and Ms. Jackson, okay? So none of you deserve to be up here from a black perspective except Ms. Harris and Ms. Jackson. So all you go ahead and vote. I know how you're going to vote. I know how you're going to vote.

Assata Olugbala: But guess what? It doesn't matter because we got two people that's going to continue, and I know Harris. Harris going to be on y'all behinds if you don't do what you supposed to do. So, and these people over here that represent, what



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do y'all call yourselves? What do you call yourselves? The coalition? You should be up here saying something about something except sitting back there. I don't care what it is. You the one want fought for this. And you're sitting on your behinds, not representing a point of view because this leadership position is important. But I got a feeling you done already had a back door discussion about who you want up here. But the fact that none of you have got up here to say anything, it's questionable.

Regina Jackson: Thank you, Ms. Assata. Those all the speaker cards. Mr. Rus?

Juanito Rus: Yes. Okay, so... Commissioner Harris? Yes.

Ginale Harris: Thank you. So first I just want to say to the community, thank you for always supporting me with love. I will say that, yes, I have been attacked. Yes, by

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Ginale Harris: Been attacked. Yes. By people on this dais, which I'm okay because it's for me... I'm okay, I'm a survivor. So I love the community, and I will continue to fight for the community. However, I have to pick and choose my battles. I'm not in politics, I'm not political. I don't care what they think about me. I don't care about the mayor, the city attorney, the city administrator. I don't care about none of that. I don't have a political agenda. I never did. And I won't from here on out, I represent the people and that's what it is. So whether I'm the chair, the vice chair, or just a community member... Being the vice chair is an extremely difficult and demanding position. And I will say to this dais right now, I'm extremely disappointed in the way that people have been showing up, from a community perspective. Because again, this is about people being hurt, black people being hurt.

Ginale Harris: And this commission was made up on that very thing. However, we take on all these other things that have nothing to do with our scope of work. And that's okay, if we have time to do it. However, I will say that I'm very disappointed the way people on this dais has been showing up. And that's okay, but I'm going to step back into the limelight, and I'm going to let the commission, my colleagues be held accountable because they're going to have to do the work. Because I'm not going to do it anymore. So I'm going to help where I'm needed, I'm going to defend my community, and I'm going to keep it at that.

Regina Jackson: Thank you, Commissioner Harris. So I think we need to call for the vote now. There's one nominee for the vice chair. And we'll do a roll call. Commissioner Gage?



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- Henry Gage, III: Yes.
- Regina Jackson: Commissioner Dorado?
- José Dorado: No.
- Regina Jackson: Commissioner Anderson?
- Tara Tara Anderson: Aye.
- Regina Jackson: Commissioner Harris?
- Ginale Harris: No.
- Regina Jackson: I for myself. Commissioner Smith?
- Thomas Lloyd Smith: Yes.
- Regina Jackson: Commissioner Prather?
- Edwin Prather: Yes.
- Regina Jackson: And Henry Gage will be our next vice chair. Welcome aboard.
- Regina Jackson: The next item is a report from the National Institute for Criminal Justice Reform on next steps with the pilot juvenile diversion program. You all may remember that David Muhammad gave an outstanding presentation a couple of meetings back, and there has been some work behind the scenes to try and make sure that the diversion program moves forward. I know that we most recently received an updated letter from Chief Kirkpatrick. However, we were waiting for more movement, and so... okay, Deputy Chief Armstrong, you can give us update, please.
- D.C. Armstrong: Yes, Madam chair, they have been a meeting between both the Oakland police department and Nomad. The MOU was revised. There was some issues of where was the MOU draft that we had received back in May, since Deputy Chief Lindsey has taken over, she was able to identify where that MOU lied. That MOU is now with the city attorney's office and has been listed as a priority to be completed. There's been an agreement between the department and Nomad to begin to work. We believe that the MOU that we've seen doesn't present any particular challenges, and so we've already set up a process with Nomad to begin working with them. So that meeting has occurred about two weeks ago with the staff between OPD and Nomad. So feel confident that within the next



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couple of weeks, that will be ratified, that the actual MOU, and then we'll be bringing it forth.

Regina Jackson: Okay. May I ask a couple of questions please? So I understood that the MOU had been languishing in the city attorney's office for months. I know that you've just said that it's going to be prioritized, but what does that mean? When will it be completed?

D.C. Armstrong: That means that there's a... So previously, there was another person assigned to this particular project. There needed to be some followup, and now that the chief has assigned someone new, which is acting Deputy Chief Lindsey, it is now on her list of priorities. She's met with the city attorney's office and let them know that needs to come back as soon as possible. So we expect that it should be back within the next week or two and brought before this body.

Regina Jackson: Okay.

D.C. Armstrong: And we can put it on the next agenda if you like.

Regina Jackson: Okay. And one last question before Commissioner Harris. You mentioned that Mr. Muhammad is going to get started working. Does he start working without a contract? Or how is that happening?

D.C. Armstrong: No, so that's the planning process of what particular cases will be reviewable for his particular unit. We'll start setting up specific processes of how we will receive those cases, where the calls will come in, and how they're forwarded. So the process part of it, we'll begin to work on so that once it's actually signed, we can immediately start assigning people to the program.

Regina Jackson: Okay. So it still really does need to wait until it's signed?

D.C. Armstrong: Yes, but it doesn't mean that we can't move forward with setting up the process because what would happen is if we waited the two weeks until it was signed, and then there would be another two week delay before we actually started intaking young people. So by the time it's signed, the process will already be in place, so we can immediately start training the officers in the field because that process needs to take place as well, to train police officers in the field on how to utilize the program.

Regina Jackson: Okay, thank you. Commissioner Harris?

Ginale Harris: Hi, Deputy Chief Armstrong.



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- D.C. Armstrong: Good evening, Commissioner.
- Ginale Harris: So I have a little concern because every time we asked for something, I'm now hearing Deputy Chief Lindsay's name. And so I'm just wondering why all of this stuff that has been sitting for months and months is now being dumped on her plate. She is terrific. I've met her. She's actually overseeing the Jonathan Bandabaila missing persons case, and she has been extraordinary in her followup and investigations. But now I'm like, okay, here's another big thing. Why are they assigning all of this stuff to her?
- D.C. Armstrong: So this assignment goes to the commander in charge of the criminal investigations division. It falls under the youth services division, which is underneath the Bureau of Criminal Investigations, which acting Chief Lindsay is responsible for. And so although she is the ultimate person responsible for the tasks, she also has officers within her command that can be primary, overseeing the project. So there's a project manager as well, which is Lieutenant Beer, who is the commander of our youth services division. And so I think it's just a matter of where the actual project lies, what bureau it lies in. And that's why it ended up in her hands.
- Ginale Harris: Thank you.
- Regina Jackson: Thank you. Commissioner Anderson?
- Tara Tara Anderson: Thank you, chair. I'm curious about how this MOU interacts with other diversion programs and relationships that OPD currently has. My understanding, there's an active MOU with community works for restorative justice, community conferencing. How does that work within... As you're building out these other relationships?
- D.C. Armstrong: I think we'll have to, and that's why I say it's important that we start that process conversation at this point right now, to look at the cadre of diversion programs that we already have contracts with, some of which don't serve the same population and also don't serve in the same way as Nomad does. And so I think for what we hope to accomplish is for young people not to actually enter the criminal justice system at all. And so in order to accomplish that, Nomad would seem like the most appropriate program to refer young people to. And so we'll be looking at what each individual program actually does and seeing what's the most appropriate program for whatever circumstances we're facing at that time. But I know that the chief has been very clear that we would like to not enter young people into the criminal justice system. And I think this program is the only one that actually fits that.



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- Regina Jackson: Thank you. Commissioner Prather?
- Edwin Prather: Thank you, Madam chair. Good evening, deputy chief, how are you?
- D.C. Armstrong: Good evening.
- Edwin Prather: I'm a little bit concerned because we received, at least Commissioner Harris and I received an email from David Muhammad, who made a presentation here, saying that the MOU had been circling between OPD, the city attorney, and his organization for about a year. And then we get an email just yesterday or in fact today, and we discussed it was stalled. But we're going to put it on the next meeting's agenda. But it's a little concerning that it's been with the city attorney for a year. What proactive steps can OPD take to make sure that it's getting out of this black hole, which appears to be... I don't know if it's... It doesn't appear from the emails we're getting from the program side that is their edits or tweaks that's slowing down the MOU. It feels like it's the city attorney's drafting or lack of attention to it.
- Edwin Prather: So what can we do? What guarantees are we talking about? Because I get it. You're going to ask or Deputy Chief Lindsay's going to ask, but it feels like we've been asking for a year. So what are we going to do next time to get either the city attorney here to answer questions about the MOU, or can we get involved in that process? But this is why this is on every agenda because we vote to approve or help something, and then it just gets lost. But this one's not going to get lost. So if you can give us more detail on that, I'd appreciate it.
- D.C. Armstrong: Okay. I don't believe that we intentionally lose things. I believe that in this case, we had a change in city attorneys. Our initial city attorney was Kim Bliss. She left the city at the end of the year in October-ish, November-ish. We had another... We was looking for a new city attorney, as the city went through the hiring process. We currently now have a city attorney on staff. She's been with us for probably about a month now. I think having someone that's in charge of it, that is doing the proper followup like Chief Lindsay has been doing will ensure that the project has moved forward. I think she's already set up the meeting and had Mr. Muhammad staff come in and sit down and discuss some of the issues that we've had previously. Those were worked through, so I think we'll continue follow up with the commission. Obviously I'm not going to continue to come to in front of commission and keep saying we have to wait, so I'll be pushing to ask questions as well, to make sure that we have some progress made.
- Regina Jackson: Thank you very much. Are there any other questions? Okay. Can we go to public comment, please?



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- Juanito Rus: I have four speaker cards on this item. Jane Kramer, Saleem Bey, Paula Hawthorne, and [was 03:30:37].
- Jane Kramer: At your latest meeting, you requested that we talk to the city council and appraise them of your interest in this program. I acted as a gadfly to do that. I think you need to seriously sit down with the city council and make sure that everybody's on the same page and that they're willing to put the resources that are necessary into that program. There's a lot to be gained from it, but you're going to have to put the effort into it.
- Regina Jackson: Thank you.
- Jane Kramer: Thank you. I want to thank Commissioner Prather and Commissioner Harris for staying on top of this. This is a far more torturous, convoluted story than people are letting on, frankly. We have a lot of internal OPD politics involved, as one might suspect, and so I'm really grateful to both commissioners as well as Chair Jackson for making sure that we get some forward movement. I think I would really ask that in the future, when this item is agendaized, that there'll be something in writing produced for the agenda item, either from OPD or from the city attorney or whoever is relevant to the issue at hand. Because it's difficult for us when we see an agenda item, but there's no report, to know how to prepare. So we'd appreciate that. But thank you very much for making sure that we get forward movement. Thank you.
- Regina Jackson: Thank you.
- Saleem Bey: Saleem Bey. I've been meeting with Mr. Muhammad and his organization for over a year. I've known Mr. Muhammad since the '90s. And I respect him. Everything that he's done has been for the community. We want to make sure that this gets done and gets done quickly, that it doesn't become an agenda item I have to speak on every week until it's done. This is wasting our time. I would much rather speak on my own case, that I don't see on the agenda, that I don't see any movement on that I've been coming up here for. So if we're going to make sure that we keep on this, let's make sure that next week all the items like this that get kicked on, are still on.
- Saleem Bey: Because every time that you wait two weeks, a month or everything like that on our case, it gets colder and colder. And now that you've X'd out the one person who has been pushing it, we feel very, very uncomfortable with this process. I'm keep coming up here and say the process, because I've been watching this and it's all political. You're not holding the chief accountable. Crime is up. And we keep talking about these little issues about not reporting and not doing this or what's taking so long, this. Fire her. What's taken so long to fire the chief who's



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not doing anything about racial profiling, who's holding up all of these programs, who's doing all that? So if you're not acting on firing a chief, you wasting all of our time.

Regina Jackson: Thank you, Mr. Bay. Sir, anyone else to speak on this item? Okay, so I'll be following up your email, Commissioner Harris, just to make sure that this is going to come out of here for next meeting.

Regina Jackson: Okay. We are moving forward to item 10, public engagement with use of force ad hoc committee. I actually put this item on because I know that the ad hoc committee has been doing a lot of diligent work, but I know that there have also been a lot of questions about how the public is going to engage. So I was hoping that there would be an opportunity for community members to identify the various and sundry ways they'd like to engage, so that as the engagement plan comes together, it's already informed by the community.

Regina Jackson: Commissioner Harris?

Ginale Harris: So, I'm on the ad hoc committee for the use of force. And the concern that I have is that people just show up to these meetings. They are not invited by any of the ad hoc members that I'm aware of because no one is sharing the information. I didn't know about any of the guests that we had. And our last meeting, it was disruptive, and we got nothing done. So the way that these ad hocs are set up, I just feel... And Commissioner Gage, please chime in if you feel necessary, but they're a waste of time. The last three we had, it's like we couldn't get anything done because we had people uninvited to these ad hoc committees, not even knowing the purpose of why they were there. T.

Ginale Harris: he first policy we were doing together, it went real smoothly but it wasn't... I feel like it wasn't as prioritized as this one. This one is longer, and it's serious... Not more serious than the last, but this is a big one. And so we're unable to really buckle down changes in the ad hoc because we had guests. We had a reporter in one of the meetings that works for OPD, who was uninvited by any of us. We weren't told why he was there, but he was there. And then we had a few other people just show up and kind of not really know what the process is. And it wasn't helpful, and I don't have that kind of time.

Ginale Harris: So I would ask that we revisit the way this thing looks because this is not working for me. I feel like I go to a lot of ad hoc meetings, and I go to... So I don't have a lot of time to give, and they're like three hours. They're ,like three hours. So next Thursday we have one. Then we have a commission meeting the Thursday after that. And this is where I say I'm disappointed because people can't come. And so I would just ask the commission that we just revisit maybe



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who are on these ad hocs, to see if it's a good fit or not because we're not getting 100% like we should.

Regina Jackson: Thank you, commissioner Harris. Commissioner Anderson?

Tara Tara Anderson: I also participate on the ad hoc, and during the last meeting, we spent the first hour talking about community engagement, which I think was a really important conversation, and there were a lot of different perspectives. Commissioner Harris reported out on the great work that she had been doing and outreach to so many different groups and the sequencing of planning when those community engagement activities could happen.

Tara Tara Anderson: Raheem spoke to their data needs, relative to how they could use the technology tool to reach out. And it really came up that the April 1 deadline that we set for ourselves may be unrealistic. And we also wanting to set objectives, to make sure that we're having meaningful community engagement, that we're tying it back to the work, that it really informs the policy. And so after spending an hour of discussion, we challenged the group to come up with four individuals that would work together.

Tara Tara Anderson: And with this being on the agenda, to come up with a concrete plan. And that would include timeline as well. So, because I don't like the idea of extending without a plan, without like, these are the activities that we're going to do, this is when they're going to happen. And because we want all of that to be meaningful engagement, this is the new deadline that makes it realistic to have a genuine community-built policy. I'm hesitant to move that deadline, because as it pointed out with any MOU or other circumstance, things keep getting pushed down the line. So the people who volunteered to be a part of creating that plan were Commissioner Harris... Juanita had spoken to the fact that there are many other jurisdictions have engaged in similar processes, and so wanting to reach out to those groups.

Tara Tara Anderson: Raheem, a representative, they didn't say specifically who, also volunteered to be a part of the conversation. And then OPD identified that they would assign someone as well. And the idea of being to come back to the next ad hoc meeting, which is scheduled for February the 20th, to present kind of an idea for what it could look like to have all these different ideas... Someone brought up about posting, even the current draft that's being talked about at ad hoc on our website, and then what that would look like. So just having a plan for how we utilize all the tools at our disposal to make... Because that's going to work for some people, but not a whole lot of people, and not the people we want to hear from the most, I would say. So there's many different tools that are disposable, and wanting to have a plan for that. I think that Commissioner Harris has made



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some excellent points about the structure of the ad hoc, how it's organized at OPD, that's run largely by OPD, and real questions about is that going to be the best process to get us the product that we want. So I really appreciate the question being called here for all of us to discuss.

Regina Jackson: Great. Okay. Mr. Gage? Commissioner Gage, sorry.

Henry Gage, III Thank you, Chair. I want to express my agreement with many of the comments that have been made with respect to how this has been structured. I'm very mindful of the fact that I am the new member to this ad hoc, so I appreciate you bringing me on board and getting me up to speed with what you've been working on. When I think about drafting policy like this, I start thinking about the parties and the stakeholders. We have members of the ad hoc, the commission, that needs to sit down and think and get our minds together about what we'd like to see happen and what we'd like to do. There are stakeholders in the public who are very interested in this policy. They want to give meaningful input to ensure that their voices are heard. And there are stakeholders from the staff side for OPD, they want to make sure that whatever policy is passed is actually implementable.

Henry Gage, III I think it's important to hear from everyone. We've done a pretty good job so far. I've listened to the staff side. Granted, the meetings we've been in have been largely staff. There's a lot of police officers in that room. What we have not done a very good job of is reporting out what we've been working on to the public and engaging in that sort of recursive going out, requesting feedback, and bringing that feedback back into the room to amend and draft the policy amongst ourselves before we go back to staff and ask them what they think of what we're doing. I think we need to get a lot better at that, but it's an area we can improve on.

Henry Gage, III At this point, and I am mindful of the logistics here, I am strongly in favor and I would urge that we consider suspending meetings with OPD, that we move forward with a community engagement plan, that we as a commission create our own draft or use of force policy, borrow when necessary from the work that's been previously committed... Pardon me, previously finished. And I won't say finished, previously completed by both the department and the ad hoc. But I think it's important we have that draft come first from both members of the public and members of this commission, before we take it to staff for further comments.

Regina Jackson: Commissioner Harris?



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Ginale Harris: I think you are correct, Commissioner Gage. But I do also think that it's very important that we hear from the people that this policy affects. That is the most important thing ever. Right? And we keep saying the stakeholders, and only two groups show up to this meeting. So I'm not real clear on who you mean the stakeholders and... there's two that we know that are involved, that are with us, involved, want to get down with the writing and all that. But where are the rest? How are you reaching the rest? And so I have been asking that question for years, two, to be exact. And not one person can answer it. Where are you outreaching to? What are you doing to reach the people that this affects? I think when the policy was being written about parole and probation, we actually set up a meeting with people who were lifers on parole, so we can get a perspective on how this affects them in the community. And I think that was good. It was disappointing that only two other commissioners showed up. But they wrote the policy.

Ginale Harris: And so that is the concern that I have, is that people need to be really mindful on who this affects. And they're not. Everybody can say we don't see color. Okay, well, that's not true. Because it's affecting people of color. It's affecting people, most people. And I want people to be mindful of that and hear their voices, not just when they come to this meeting. Go to them if you need to. And so that is the concern. I don't think it's a good idea to suspend the meetings. I think we should just have more accountability at the meetings, and people need to step up. I feel like I have put myself on every single ad hoc that I could, but people need to step up, and that's just the bottom line. We need more work done. More work done.

Regina Jackson: To your point, Commissioner Harris, I offer two things. I know I just recently had Chrissy Love send a spreadsheet of about 65 agencies, so that the commission could add agencies onto it that they know of, so that we could actually have a working document. I want to thank Bruce [inaudible 03:47:05] for giving me quite a few names, and of course I added some. And hopefully the broader commission, obviously, has contacts as well.

Regina Jackson: Secondly, I know that I offered, and time is kind of getting away, but I offered to do a youth listening session on February 29th. I didn't get any response back, or at least I don't remember it. I'm happy to do it. And in addition to that, I had made some suggestions which might allow all commissioners to participate in one way or the other around development of the use of force policy, even if they weren't on the ad hoc, which was setting up opportunities at libraries, at senior citizens centers, wherever, where you could have both a commissioner and an officer, and people come and share their ideas, so that we're getting them from a lot of different places.



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- Regina Jackson: Because I had to step off of the ad hoc, because early on when the meetings were set up, I was traveling. I'm still very happy to continue to provide that support, but wanted to make sure that it was within the framework that you all saw evolving, as you were doing the work. So I'm still happy to do the 29th, if you all say that you'd like me to get it going, I can do that. And if at least one ad hoc commissioner would be there, then that would be terrific. Somebody? [crosstalk 00:30:44].
- Ginale Harris: Go ahead, Commissioner Gage. [crosstalk 00:30:49].
- Regina Jackson: Go ahead.
- Henry Gage, III Thank you. Depending on the time, I can make the 29th.
- Regina Jackson: So I'm thinking 12:00 to 3:00. Early doesn't really work well for a lot of our young people. So when we have food...
- Henry Gage, III I have a three o'clock but I can try and reschedule, but I can follow up with you after the meeting.
- Regina Jackson: You said you have a three o'clock?
- Henry Gage, III I have a three o'clock [crosstalk 03:49:13] I believe I can reschedule.
- Regina Jackson: It could be 12:00 to 2:30, it's fine. We're flexible. I just want to be able to kind of hit the ground running. We already have several youth agencies outside of line who are basically interested in supporting. I just needed to nail it down .so I'm being told I should go ahead, so I'll do that. That's great. And hopefully, if any other ad hoc can come, but if not, a person who's not on ad hoc, we can have at least two or three commissioners there. And so long as one is representative of the ad hoc, so that they can take the information back.
- Regina Jackson: Yes, Commissioner Jordan?
- David Jordan: Yeah, I'd like to attend. I'm not on the ad hoc, but I am curious about this, and I'm also curious about how we're accessing this qualitative information from the community, and how we're processing it. I think that there's a huge value in getting a depth and a breadth of qualitative information, anecdotal information from our community, but at the same time, I think sometimes that needs to be filtered through what the ad hoc has done already, what the policy is. Sometimes the community to digest the work that's been done, and that's challenging sometimes. Or we need to figure out a way to filter the information we're getting from the community, so that it speaks directly to the policy. And I



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do wonder, and I'm sure Raheem is sort of working on it. I'm very curious about what their methodology looks like, but I think that we-

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John John Alden: But I think that we could go on asking for community input until every single person who has had any interaction with the police ever in Oakland tells us their story, but I don't think that that truly enables us to draft a policy that speaks to the sort of dynamic that we need. I think it just needs to be a little more targeted or filtered, and so my main interest is actually just showing up to see how we get that information, what it looks like, and what we do with it, how we synthesize it from there.

Regina Jackson: Thank you very much. One statement, I want to ask a question. One of the things that were really critical about the unhoused forum that was done was that we had the benefit of the graduate students from the Goldman Policy Program. I'm wondering if maybe ... I can reach out, but if there are others that can reach out to ensure that we can get some grad students who are collecting the information, doing the separate interviews of the young people so that both the quantitative and qualitative value and breadth is preserved for reference points, not just in this policy, but future approaches. Commissioner?

Tara Anderson: Yeah, I think that is great. And Alternate Commissioner Jordan, having those ideas ahead of time, as opposed to, I think sometimes we can sit on the dais and have an observation role. We should have, you should have, and it's our responsibility. We need to do the work and we need to do it better. And I want to figure out how we can do that with a very targeted approach for this. And I think that you have a lot of great ideas and great experience developing policy with very proactive community engagement. So I look forward to seeing how you bring that to bear, not just as an observer in the room, but even before the 29th, being able to put that into practice. And I want to just challenge us all, and please challenge me if I say "you should" or "they should," and I've been telling you to call me back to order because I'm a part of this and I need to be a part of the solution.

Regina Jackson: Thank you. So just one sec. So Commissioner Jordan, I will follow up with you so that we can have a little dialogue about how you see this rolling out and then what I will request of the ad hoc is perhaps if you could send me what you've got so far so that I could glean, especially as it relates to the youth voice, maybe some things that might pop for them, that they might be more inclined to engage on. That would be very helpful as well. So hopefully you can do that. Good. Commissioner Harris.



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- Ginale Harris: Thank you chair. So as far as it goes with the ad hoc committee with the use of force, I think I may have overextended myself a little bit by taking on the role of the small committee within the committee. So I want to hand that back over to you so you could redirect it to somebody more suitable that could put it together in the way that you're looking for.
- Regina Jackson: Could you describe what that smaller group is, or you can't?
- Ginale Harris: Commissioner Anderson can, because she put it together.
- Regina Jackson: Okay. Commissioner Anderson?
- Tara Anderson: I think we couldn't ... And forgive me if I'm speaking out of turn in representing your thoughts in the moment, but [inaudible 03:54:54] I'll just speak for myself. That's probably a better move. I was feeling very frustrated an hour into the ad hoc committee, feeling like there were a lot of great ideas that were being shared about what could happen around community engagement without a plan. And we still had a policy to actually talk about. So I challenged us as a group to have four volunteers that would take time away in between ad hoc committees and return with an informed plan, that maybe would include a recommendation about extending the timeline beyond April the first for the ad hoc committee.
- Tara Anderson: And so, what I'm hearing Commissioner Harris say is turning that challenge back to me, for me to be a part of that group of four that volunteered themselves to be a part of creating a plan. My concern about that coming back to me is because Commissioner Harris has already done so much work in this area and had volunteered, I thought it was a match and a better balance of the group, but I'm also hearing the extra time that it's going to take. And so if I joined, would that change your mind or not know?
- Ginale Harris: No, I really think I overheard extended myself and that's my fault. I don't have the capacity to do it. Clearly I'm not the person to do it. I'm not. So I want to put that, give it back to its proper place where it goes and I will help where I'm needed, but I just don't think I could commit to it.
- Regina Jackson: Okay. Well thank you very much. And then hopefully Commissioner Jordan, I can at least help to represent what the youth voice wants to see as it relates to use of force, which might be very different from the adult voice.
- Ginale Harris: I would challenge you, commissioner, to look at the TAY population, which is the 18 to 25, but I say 30 because those are the most impacted.



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Regina Jackson: No, absolutely. That's what I considered youth. Are there any other comments before we go to public comment? Okay. Mr. Alden?

John Alden: I really like the tone of this conversation and I'm glad the commission is having it. I have an observation that I hope is helpful and an encouragement I want to give to the commission. It seems to me that formerly we had a CPRB, a board, an advisory group. Now we've moved to this model in which we have a commission which directs. So for example, CPRB would give an opinion about a disciplinary case. Now this commission directs what the results are going to be in disciplinary cases. CPRB used to give some advice about police department policy, now this commission directs what the policy will be. CPRB used to occasionally give advice about other things like how to select a chief, now this commission directs what that process will be. Likewise, I would encourage this commission to feel emboldened in this policy process, since you now direct what this policy is going to be, to likewise direct the department as to what support you do and do not need in this ad hoc process.

John Alden: And I say that in part because I think it is a culture often will develop in a city with an advisory board, like CPRB, that a police department will become comfortable with and the board will become comfortable with. The police department coming to the board and providing some information and the board providing some advice back, but the department ultimately deciding the issue. It's a very different dynamic. You now have opportunity to say to the police department what information you'd like them to provide to you as you create the policy, what support they should be providing to you logistically in making ad hoc meetings happen. Who should come to ad hocs and as you listen more to each other and to the public about how this process might look in the future, I would encourage you to then come up with deliverables that you might direct to the department about what you want them to do to assist you in figuring out what the final policy is going to be.

John Alden: Particularly an environment where this commission might not have as much staff as we'd like the commission to have a year from now, there may be opportunities there for you to provide more direction to the department about what you want this process to look like. And I hope you'll feel that you are empowered to do that in a way that we probably haven't seen in Oakland in the past. Be creative about pushing them to give you what you need.

Regina Jackson: Excellent suggestions. Vice Chair Gage.

Henry Gage, III: Thank you, chair. I'm appreciative that we've spent so much time talking about the outreach side of this issue because that's a persistent problem for this commission. We can't just have outreach for a policy like this go to people in



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this room. So Commissioner Harris, I absolutely agree. It cannot just be people in this room that this sort of outreach touches.

Henry Gage, III: The policy development side, however, is currently ongoing and as I mentioned previously, I have some serious concerns about how that's been structured. We've met with the police department I don't know how many times, six, 10, since last year?

Henry Gage, III: I'm counting the AB 392 revisions as well, given that they let up to. But the problem, the reason I bring that up is because that's a really heavy thumb on the scale. I'm really concerned that if we continue in this process of meeting with the PD every two weeks, that thumb's not going to get any lighter. We're not going to have time to meet with ourselves and talk about how we feel this policy should change. We're not going to have time to have that conversation. It's not going to feel comfortable to do that in a room full of shields.

Henry Gage, III: There's been good work that's been done and I think people deserve credit for the good work that has happened to date. I don't think we should scrap everything and start over, but I do think we should push a big pause button until we hear more from the community side of the table and less from the staff side.

Henry Gage, III: And right now, biweekly meetings with the PD is too much staff time and too little community time. I'd love to see a more robust outreach policy. I'd love to see sit down meetings with ad hoc members so we can figure out what we really want to see and where we want to get it from. And to come out of that meeting with the ad hoc with, as Director Alden mentioned, with directives, because we can't just sit in meetings and let the PD take them over. I think we can do that, but not in this current structure. I think we need to pause it.

Regina Jackson: Excellent. So I'm thinking you all will communicate with the OPD and either, yes, Commissioner Harris.

Ginale Harris: So I would say yes, but again, the commissioners need to step up because there's no communication when we leave this dais. None. And that when I was vice chair, I didn't hear from you and I didn't hear from Commissioner Anderson in regards to ad hoc. I mean, we didn't discuss it. My point in being is not to point fingers, is not to point fingers. It's to just say we have to make ourselves available, period. We only have two weeks until the next meeting. Right? So before we leave here, we should be planning to meet. That's all. People get busy. You forget, I forget.

Regina Jackson: Commissioner Gage?



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- Henry Gage, III: I'll propose we take a quick five minutes sit down and chat after the meeting's over.
- Regina Jackson: Thank you. Deputy Chief Armstrong.
- Armstrong: So cheer up. I will say that if we can provide some clarity around if we're moving forward with the next meeting on the 20th, I've heard that, but I also want to say in an effort to be collaborative, I think it's unfair to say that there has not been collaboration between a group. OPD has been a member of the table and not the leading voice at the table. It's been a very collaborative process where all decisions that have been made have been made as a group but not as OPD.
- Armstrong: And so a lot of the recommendations around policy, around the delay of release of policy, has been a commission led. And so I think it's not fair to say that OPD has led this process. OPD is just facilitated the meetings at our buildings and provided whatever follow up that the commissioners or members of the committee has asked of us. And so as a collaborative partner, I think it's only fair to not message that OPD is the primary person leading this process or guiding this process. We draft policy all the time. If it was up to us, we would have completed a draft and moved forward. I think with that collaborative mindset in place, we have taken it step by step, as the commissioners that are part of the ad hoc committee has asked us to do. And when you've asked for a paused, we've paused. If you said delay, we delayed.
- Regina Jackson: Thank you.
- Ginale Harris: I'm sorry.
- Regina Jackson: Commissioner Harris?
- Ginale Harris: So first let me say I agree with you. I feel like you and your department have been completely collaborative and it has not been OPD led. However, people have been invited without notifying. Right? So I'm like, if you ain't leading it, who's leading it? Right? So is that fair to say? Communication needs to be better. I'm not saying that you guys are taking the lead, none of that, because you have been, I will say, from the very beginning, I am in favor of this process because I think it goes very well. But when people come in and they're disruptive to the time that volunteers have, it makes it crazy. And so I was not happy. But in all fairness, I personally, as an ad hoc member, think we work well together. I think the process is good when we get the work done.
- Regina Jackson: So to your sensitivity, and I totally understand it, I did not realize that it was being represented that way. You have all the resources to bear. I think at this



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point what the ad hoc will determine is maybe there are less people that need to be in the room, that are even part of OPD, as well as kind of getting a handle on who the additional folks are, so that you can get back to a focused, intensive engagement and then plan out the other engagement. Commissioner Gage.

Henry Gage, III: Thank you, chair. Deputy chief, you have been quite accommodating, as has your department. I do want to make sure that's recognized publicly. Where we are right now is not your department's fault. It's not your fault. It's not the fault of any member of the department on the ad hoc. It's our fault for setting up the structure and allowing it to persist. You can say what you want about whether or not it's been OPD led, and I agree with you that leadership can flip flop a bit during meetings.

Henry Gage, III: But it's hard to argue with the statement that this process has been relatively OPD centric. I mean, we meet in your building. Most of the attendees are your staff, described as your staff and there are good reasons for that, that I understand those reasons. The reason I made the suggestions I've made tonight is because the structure itself is problematic, not you, not your department. The structure. And I appreciate all the work we've done to date. I think we can improve upon it. I hope you understand what I'm don't intend to message you or the department as obstinate or directory, but we've set up a structure of the drafting of this current policy that should not persist, and that's what I want to change tonight.

D.C. Armstrong: If the commission so wishes, we'll accommodate whatever the commission asks us to do. If you want to come up with a new structure, we're fine with that.

Regina Jackson: I appreciate your flexibility. Thank you. So I think, I'm sorry. We're ready to hear from the public? Okay, thank you. Can you please read off the speaker cards for this item, Mr. Rus?

Juanito Rus: We have eight speakers on this item. [inaudible 04:08:03] Saleem Bey, Kathy Leonard, Ann Janks, Lorelei Bosserman, Rashida Grinage, Bruce Schmiechen and Gabriel Garcia.

Rashidah Grinage: Thank you. Everything we've just heard confirms what Director Alden alluded to. You are not the captain of the ship. You should be, so you're using the wrong model. You are not directing the work. You should be. The meetings should not be held at OPD. They're your meetings. It's your ad hoc. You invite people that you want. You've ceded the leadership. This should not be an ad hoc process. This should be a standing committee.



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Rashidah Grinage: A standing committee means that all of the meetings are noticed, the agendas are posted, the documents are posted and anyone from the public who wishes to participate can participate, just like this meeting. What you're doing is behind closed doors in secret with no transparency, with no inclusion. It's a free for all. Anybody who wants to invite anybody gets to invite whoever they want. This is not a football party. This is really shameful, I have to say. It's a shameful process and it's unacceptable. You need to convert this ad hoc into a standing committee, properly notice the meetings and make them open to the community. Thank you.

Regina Jackson: Thank you.

Oscar Fuentes: I had signed up to speak. I don't know. My name wasn't read. Is it okay if I speak? So I think maybe I share, or maybe people here gathered, share some of the feelings I have when I've heard what I'm hearing and there's a little bit surprised and shocked and definitely feeling like there's a lack of transparency when we're hearing this, and certain members of the audience seem to know it, which is also weird, because there's no documentation of these meetings, and there's no report backs from these meetings. So I think in the interest of transparency, there's been a lot of things alluded to here about how OPD is basically running these meetings, and I think we deserve a report back and that deserves to be put on the record so that people understand what's being discussed here and so that they can adequately be able to adjudicate what to think about this.

Regina Jackson: Thank you.

Saleem Bey: Saleem Bey. The first point is that number one, there wouldn't be no ad hoc commission, wouldn't be any police commission, wouldn't be anything, if OPD was taking care of the business that they were supposed to be taken care of for the last 16 years. So the fact that there is an ad hoc committee talking about use of force in 2020 is a failure on the part of the NSA, the city of Oakland, and until it's getting taken care of by this commission, it's a failure by this commission.

Saleem Bey: One of the things I wanted to say is to make sure that when you talk about use of force, there's different types of use of force, right? There's a use of force where it's just straight up, you touch a gun, go for your gun, do something, beat somebody with a billy club, strangle them, do something. Those are all uses of force, but there's also another type of use of force that's not being addressed up here, and that is gun walking. The use of illegal weapons as a tactic inside our community, right? So undercover, the police department is tracking guns, not interdicting these guns, watching them shoot up the neighborhood, and then come back and arrest the people whenever the mayor needs a headline and go,



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"Oh yeah, we got a cease fire, let's do that." Right? So if you're not dealing with use of force in tactics that are being used by undercover officers, then you're not dealing with use of force. The other point that I wanted to make is this use of force grew out of the Joshua Pollack issue.

Saleem Bey: I remember very clearly that The Police Accountability Coalition was up on the steps of city hall, did a press conference and called for the firing of the chief based on the fact of her treatment of use of force, and exonerating the people who murdered Joshua Pollack. I haven't heard anything from anybody from that coalition since then to say anything about the police chief being fired. If she was bad a year ago, she's terrible now. Every report that's come out say she's failing. So I just want to say, while we're doing all these things behind the scenes, while all these machinations to put people on this dais and do all this, let's do the real work. Follow up with what you're saying. If the chief is supposed to be fired, let's fire the chief.

Saleem Bey: She represents the head, just as this body went for I don't know how long with a fake and foul CPRB and a fake CPRB executive director, that was your investigative arm, so while we up there, they're closing cases means that all the time that you wasted all that to get here to get to that point meant that you didn't listen in the first place. But now that we're here, now that you're listening, and I'm telling you, fire the chief. If you're not moving on firing the chief, you're not doing your job up there.

Saleem Bey: You were at that press conference, I saw you there, right? All these people here were at that press conference calling for the firing of the chief. But if you're not going to follow up on firing the chief, that's the head of the people who are going to this ad hoc committee and continuing to fail in 2020. You're not doing anything. Fire the chief.

Saleem Bey: Now, last thing I'm going to say, use of force. This was released in 2017, three years after 13 10 62, which makes this new evidence, right? And it says, I was informed. This is from the Chauncey Bailey murder investigation. This was released and this is date stamped by the city attorney's office and it said this is Chauncey Bailey. It also says Long Meyer and Ersie Joyner. You've heard those names up here too before. This is, it says, I was informed by Lieutenant Joyner that the casings at the Bailey scene were fired from the same shotgun used in the Cameron Cook case zero six, meaning 2006, and the John Bey case zero five, that's three four four two, meaning that same shotgun stayed on the street from 2005 to murdering Chauncey Bailey. Okay?

Saleem Bey: Ersie Joyner became the head of cease fire and went around and found all of the guns that they were leaving on the street. So every time they need a highlight



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for this, for something like that. So this what I'm saying about using weapons, illegal weapons, as a tactic is a use of force against the community that was used against myself, my family, and my community. And if we're not talking about firing the chief, you're not talking about anything.

Regina Jackson: Thank you.

Gabriel Garcia: Good evening again. From the previous conversation I heard some frustration from some of the commissioners, especially related to a lack of strategy or intentionality on community engagement. And for those reasons, I wanted to offer up Youth Alive as a resource. So for those that don't know, we have a youth program, Teens on Target, where we train youth leaders in high school to talk about the impact of violence in the community, the root causes of violence, and then they go out and teach middle school students about the impact of violence. So it's a multi generational leadership development and investment that we're doing.

Gabriel Garcia: But for these students, they are talking about this impact on an almost daily basis. We have two schools that meet Monday, Tuesday, Wednesday, Thursday. I have an open invitation that I'm sharing with the commissioners to come out, speak with the students, gauge their interest in these conversations.

Gabriel Garcia: I can leave some contact information so folks can get in touch with me, but I think it's really important that they are part of these conversations and they recognize that the power invested in this commission is something that can be shared with not only the community, but the youth themselves, and to be able to recognize that the ideas and insights that they share with you can then be used to influence and change policy is something that is very powerful and can be extremely empowering for them. So I highly recommend and hope that you take me up on this offer to reach out and connect with these youth and we can work together to set up some kind of engagement strategy. Thank you.

Regina Jackson: Thanks, Gabriel. I've sent you a text message. I'm hoping that separate and apart from visiting your work during the week that we might also get some of your youth to follow up and be a part of the 29th, so I'll follow up with you. Okay?

Gabriel Garcia: Great. We'd be happy to. Thank you.

Jane Kramer: Jane Kramer. I agree with everything she just said and I'd like to expand on that a bit. You have a wonderful opportunity here to allow a community to define itself to the rest of us. Okay? That doesn't mean that you talk just to the folks who have been exposed to social abuses. It means that you speak not only to



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them, but to the folks who don't have much contact with them except momentarily and fear them.

Jane Kramer:

It means that you bring people together to get to know each other, to participate in their life activities as a community, who care about each other. And that means that they come together to define, help you define what this program that you're wrestling with means to them. So I think one of the things you want to do is make it possible for the larger sense of community to become really enlivened. And you can do that by bringing them into a discussion that is permissive about their feelings, their experience, their lack of experience, their expectations, their values, their biases. You need to hear all of that and they need to express it. They need to come to terms with it. Thank you.

Regina Jackson:

Thank you.

Assata Olugbala:

Love life. Ms. Harris, the best way I can work this process out is follow up on anything you're doing since they won't make you the president or the vice president. Whenever you say something, I'm just going to follow up on what you said. Okay. So having said that, it appears that the issue is, well, going back to what some people have said, if I sit in this leadership capacity, it doesn't matter where the meeting is. If I bring to the table what I know has to be done, it can be at any table. So where it's being held to me is of no significance. And to some point, the undermining of your ability to sit with the police and to just assume that the police going to take over and you don't have the capacity to hold your ground and to speak to the things that are important to you is kind of insulting to you, to me.

Assata Olugbala:

Okay. Then my last point is this. Ms. Harris, the community involvement. When the violence prevention department was established, it was very important for the community to be involved. Now the community of the people who are the victims of police violence and have lost their children, they're the victims of lost and so on. We got a community involved with the commission. It's like a handful of people that come to the meetings. This is not community. It's some dedicated citizens who really care. But we don't have the scope of true community to get to the point of what we talking about, community involvement. Okay? So we have to build that community involvement and these people cannot say they the community and I can't say it either, but we don't have at the table yet the community. So if these people think that they represent these 400,000 people in Oakland, and most of them don't look like me, we got a problem.

Assata Olugbala:

So Ms. Harris, I agree with you. We need to have some structure and people have to believe in you guys to do the work. I don't have no problem with you going create a policy without the community, bringing it to the table for a



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community review, with them having some input about, I saw this section I didn't care about. This is how it usually happens in city council, and they ain't got no such thing nowhere in city governance where people sit at the table at policy development level. They make some recommendations, but I might be wrong, but Ms. Harris, every time you say something, sister love, I'm going to be following up on your perspective. Amen. Amen.

Ginale Harris: Thank you.

Regina Jackson: Cathy Leonard.

Cathy Leonard: First, I'll say that there are a number of black people that are in the Coalition of Police Accountability. I am one of them, but there are many. They don't all come to this meeting, but to say that the majority of the coalition is white is false. One of the most important duties that you have as commissioners is to write policy. Something so important as use of force should not be an ad hoc-

PART 6 OF 8 ENDS [04:24:04]

Cathy Leonard: Something so important as use of force should not be an ad hoc committee. It should be a standing committee and all of you should be participating. If Commissioner Harris says that she's doing a lot of the work and not a lot of people are doing work, if you don't want to do work, on this commission, resign, get some people in here who will do the work. This is important work. Maybe it's not affecting a lot of communities but it's affecting my community. Use of force affects the black community. I don't care if you're black or white or if you're Latino or if you're Asian, if you don't want to do the damn work, get off the commission. Let's get this work done.

Regina Jackson: Thank you.

Cathy Leonard: This has been going on for over a year. This needs to be a standing committee. You need community input, you don't have it. The coalition has been very helpful in getting the community out, where the commissioners can come in and take testimony from the community. But in writing this policy, there's two types of community input that are essential to ensuring that the policies have community input and support. First you need general input, not back behind the door dealings. We don't know what the hell you guys are doing because you don't come out of here and report to us. We have a right to know what is going on.

Regina Jackson: Okay, thanks.



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Cathy Leonard: Thank you. I want to know what's going on with the drafting of the policy. I have a right to. I was born in this city. I've been a victim of police brutality. I know people who have been. People in my family members, close friends of mine have been killed by the police department in Oakland. So I want to know what's going on in these conversations. I want it to be a standing committee.

Cathy Leonard: The other thing is a specific engagement on the drafting of the policy. Why are there just two sets of people at these meetings? And then as Commissioner Harris is saying, other people who aren't even invited to the meeting. Do you guys know the power that you hold as commissioners? I don't think you do. OPD isn't running this, this is the police commission. Do your job, run this, run it. Take control of writing the use of force policy, because we see what's been happening for the life of the police department with use of force. It's not getting any lighter. It's still coming down heavy handed.

Cathy Leonard: So the current process, as Commissioner Gage said, doesn't meet the goals of what you need to do to not only get community input but to draft this policy. Despite you meeting and reporting on some meetings with OPD, we don't know really what's going on but that a meeting occurred. Residents have not had access to the discussions, the drafts or the process. Why are you meeting behind closed doors, and you draft this policy, then you bring it to the community and the community says, "I don't like that." Now you got to go back and start all over again. Get community input up front. That's how you do things. You don't do stuff backwards. Everybody at the top, "Hey, let's do something and then we'll ask the people down here, do you like what we did?"

Cathy Leonard: When the people aren't here, aren't being affected by the policy, the people down here are. The residents of Oakland are being affected by the use of force policies, so they should be at the table. They should know what is going on in these discussions about use of policy. Take control and use the power that 83% of the Oakland voters gave you. I want to see you do that this year.

Cathy Leonard: We need to have more of you out in the community. We had community meetings, we didn't see the majority of you out there. We saw maybe two commissioners. All of you need to be there, otherwise resign. This is important work. We're not selling cookies here. We're talking about life and death issues. I want some transparency. We deserve transparency.

Cathy Leonard: So first of all, you tell people who you want at the meetings, don't let people just walk in the room and say, "Okay, well you know what? He's here today." If it's a standing committee, that won't happen. So please consider that seriously and let us have some input on the drafting of this policy, and not after the fact, before the fact. Thank you very much.



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- Regina Jackson: Thank you. Commissioner Harris.
- Ginale Harris: So I just want to let the public know, thank you, Miss Leonard for saying that, but I want you to know that this work is wicked. Okay? I don't even think you understand what I mean when I say wicked. This work is wicked. It is not easy as going into a meeting saying, "We run this. You're going to do what we say." No, that's not what has happened for the last two years. This work has affected each, I'm going to speak for me, this work has affected me physically, emotionally, mentally, right? But I don't have the luxury to quit. I don't have that. Why? Because like you said, it's us down here, us, me, us, my sons, my kids, my neighbors, that are being affected. So I don't have the luxury to quit because I want to, because I don't do politics and I hate it.
- Ginale Harris: I can't come up here and do my job. I can't. I'm being stonewalled at every corner, including up here. So, I've been attacked and attacked and attacked by every possible corner. So it's wicked. Please understand it is not that simple. I would love it to be that way, but it's not. And then when you have a full time job on top of that, it makes it even worse. So the time that I do give, I don't even have it. But I give it, because I'm stealing from my son, I'm stealing from my husband, I'm stealing from my community, I'm stealing from my joy. I'm stealing from everything so I could sit up here and do this work.
- Ginale Harris: I have to really reevaluate what I'm doing, because I have to ask myself, what are we really doing up here? Right? The fight is wearing on me. And it's like, I don't want to fight the people who are sitting up here, they already have a political agenda and I'm okay with that. Do whatever you got to do. Is wicked. I want the public to know that we're doing the best that we can. Well, I am speaking for myself, I'm doing the best that I can and I don't know what else to do. Because it's hurtful to hear people come up here and tell us what we ain't doing. There's so many choice words that go through my head that are not politically correct, that want to come out my mouth, but I'm not going to allow them to do that because you don't know. You don't know. But it's wicked.
- Ginale Harris: Some of you have been fighting this fight on that end, but when you're in it, it's consumes you. It consumes you. I'm not the type of person to dictate to others. You do this, you do that. I don't do that. I need to get my hands dirty because this is about me. So, thank you for keeping the fire up under us, but I just need you to please have some compassion because this work is wicked.
- Regina Jackson: I understand but you're saying that you're doing all the work. No, that's not the case though.



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- Ginale Harris: But I didn't say that. No one heard me. We can read the tape out, that's not what I said. What I said is people need to show up. I challenge you to, hold on, I challenge you to go to the emails, do a public records request and see what's on there and you tell me. That's all I got to say.
- Regina Jackson: Thank you Commissioner Harris. I am looking at the time. It is now ten o'clock.
- Ginale Harris: I got to go.
- Regina Jackson: We need to move forward diligently and see what items we can get through before the 10:30 hour because our folks-
- Juanito Rus: We still have public comments.
- Regina Jackson: I'm sorry.
- Juanito Rus: There is still a public comment on this item.
- Regina Jackson: Oh my apologies. I'm so sorry. Former Commissioner Benson.
- Maureen Benson: Take me 30 seconds. I want to remind you all that you adopted a rule 2.16 when you have ad hoc committees, that actually requires you to go through three readings in a very public way and center the voices of people impacted. So it is not necessarily necessary for you to have a standing committee if you're following an existing rule. So please remember, for not only the use of force but for militarization and all policy that you are writing, you have a rule in place. Please follow it. Thank you.
- Regina Jackson: Thank you very much. Were those all the rest of the public speakers. Okay. Great. So let's go to item 11, OPD report regarding 65th independent monitor's report. Are you leaving?
- Ginale Harris: Yeah.
- Regina Jackson: Okay. Commissioner Harris is going to be exiting. Thank you.
- Ginale Harris: Thank you.
- Regina Jackson: Deputy Chief Armstrong.
- D.C. Armstrong: So commissioners, you asked for some followup from the 65th report. A couple of the things that you asked in particular was a followup for recommendations. We looked at the 65th report and I worked with the office of inspector general



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to point out the IMTs recommendations which were, we continue to encourage OPD to consider whether additional training is needed for personnel on how to approach and when necessary to detain persons they encounter. This is related to the finding that verbal communication and explanation with those persons contacted might reduce the need for force and that OPD fails to identify themselves as police officers in some cases.

D.C. Armstrong: So what we did was provide refresher training throughout the department about the importance of making sure that during any contact that we advise the community that we are Oakland police officers and that when approaching people who we may take into custody or have some issue, that we need to go hands on with that, we identify that we are the Oakland Police Department. That's already incorporated in our training but reminders were sent out throughout the department to make sure that those notifications were made, and that came out of the independent monitors report where during their audits they identified that there were situations where officers should have been identifying themselves as police officers during foot pursuits and other actions.

D.C. Armstrong: OPD should track the revisions once implemented and determine the effect that this and other policy changes have upon reported uses of force. This is related to... The department is expected to increase its use of force reporting when special order 91/96 is fully implemented. So with the implementation of special order 91/96, that will increase the number of reported uses of force because we actually will be mandated to report more force related contacts.

D.C. Armstrong: So, just looking at how we're going to capture those additional uses of force and how we're going to attract those particularly level four uses of force, and so the department has been doing ongoing training for the last four weeks in preparation for the new use of force policy that took effect on this past Saturday. So, that policy requires us to fill out use of force reports on a lot of different force that we weren't reporting previously.

D.C. Armstrong: So, we will continue to support officers as they get up to speed on this new reporting process. We have administrators in the field to advise officers of how to properly report these new uses of force. So as the department continues to train and get officers engaged about the new reporting requirements, we recognize that there's a need for additional training and support out there, so that is being provided as we move forward.

D.C. Armstrong: Moving on to another one of the IMT recommendations, it says, while we support OPDs use of the SNFs to address some concerns including failure to activate PDRD, use of profanity or proper use of tactics, it is only appropriate to



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do so if a pattern does not exist. It remains critical that supervisors review prior work performance before determining how to handle those deficiencies they identify.

D.C. Armstrong: This is relevant to when supervisors are completing what we call supervisory note file entries. The policy requires that the supervisor must assess whether there's a pattern of that same type of conduct. So if we were to say for an example, a failure to activate your body worn camera, before that officer could receive a supervisory notes file entry as opposed to an actual formal internal investigation, the supervisor would have to determine that there was no pattern that existed in that officer's performance.

D.C. Armstrong: So that would mean, was there any supervisory notes file entries done in the last six months, eight months of similar misconduct, the serious nature of prior SNFs. So all of that will be considered as a pattern that the IMT believes needs to be assessed thoroughly before an SNF is authorized. So supervisors have been, actually, as a result of that, the chief and the command staff has actually opened up internal investigations on supervisors that have not assessed patterns and have chosen to issue SNFs when it didn't appear to be appropriate. So we continue to audit those things internally and we have administered discipline as a result of supervisors that have failed to follow that process.

D.C. Armstrong: And then the last one Nash recommendation was, in six instances officers who assisted in restraining combative persons did not report having uses of force. This continues to be a reoccurring issue and we have discussed these specific instances with OPD during our site visit. Again, this goes back to the creation of 91/96, which was to fill the gap of confusion in the previous policy where certain uses of force, although the officer was using the force, it wasn't reportable uses of force, 91/96 actually fills that gap. All of those force related issues are now reportable.

D.C. Armstrong: So like I just mentioned, it's going to drastically increase our force numbers, but it will make it more comprehensive about what we're reporting. So we'll be reporting nearly any time officers actually use force now, it will be reported and captured, which is different than it was previously. So we've cured the confusion between the two policies that existed before.

Regina Jackson: Thank you very much Deputy Chief Armstrong. I have a couple of questions. My memory could be wrong, but one of the specific things that I had asked the chief to report on was the number of incidents that profanity had been used by officers. We were talking about also discipline for not turning on PDRDs or turning them on late. We had some conversation about that, but we also were looking to understand how often is it the same officers that are not turning on



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the cameras. What is the range of discipline that is being enforced to ensure that that activity doesn't continue?

D.C. Armstrong: Yeah, so the senior I brought... I'm sorry. I brought, deputy chief, I mean, acting captain Lao, our internal affairs commander, to speak to that. What specifically we recall was that we were asked to go back and look at complaints related to failure to activate body worn cameras and so he's prepared to provide you that data on those.

D.C. Armstrong: We'll say that he will speak to specific allegations of misconduct, but like I expressed to you before, if there's no pattern there, the first process is if there's no pattern, in accordance with the policy is appropriate, if we identify non-malicious behavior on the officer, just a failure to activate due to late activation, if there's no pattern that is usually handled through, the first time through a supervisory notes file entry. If it's something more egregious or we have a pattern, this is where Captain Lao will speak to the actual ones where we needed to go into a formal investigation.

Regina Jackson: Before you step away, is it possible to get what Captain Lao is going to present to us in writing? We had talked previously about police reports being in writing so that we could review them in advance, reflect on them, they might create more questions for us. Obviously we can't get it now, but-

D.C. Armstrong: Yes, we have a data report that we did forward. We will have to go back because some of the data that we included in the report that we forwarded to you, the chief sent you a report that was completed by the internal affairs commander that provided information that we can't reveal publicly, we can go back and release the data. So there is a manner in which we could release most of what we forwarded to you, just the information that's non-releasable.

Regina Jackson: Okay. I appreciate that because obviously we want to make sure the community is able to follow what we're asking for as well. Thank you.

D.C. Armstrong: Okay. All right.

Captain Lau: Good morning commissioners.

Regina Jackson: Good morning?

Captain Lau: Or no, it's evening now, huh?

Regina Jackson: Not quite yet. Don't push us over the top.



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- Captain Lau: Good evening everyone. It's been a long day. So, the question I heard was what's the discipline range for PDRD violations, am I correct?
- Regina Jackson: It's that, it's profanity, we basically pulled out a few sentences in the monitor's report, which were disconcerting to me. I don't believe that officers need to use profanity in order to do their jobs and that that should be enforceable. Much like when the PDRD which are supposed to be turned on fairly immediately aren't turned on. I'm interested in enforcement for what I consider are violations.
- D.C. Armstrong: Yeah. Let me step in. So, I will say that Captain Lao came prepared to speak specifically to the PDRD issue. We can go back and look at profanity if that's what you choose. It might take a little more time because that's a performance of duty related violation. So it gets a little bit broad. So we'll have to go in and have our staff specifically drill down into specifically profanity, which we can do.
- Regina Jackson: Okay. So let me identify what will be helpful to you in the future because I pretty much broached both subjects in the same breath.
- D.C. Armstrong: Okay.
- Regina Jackson: Do I need to follow up via email to isolate those specific things so that we don't come back with one thing when we wanted three? Is that better for you guys?
- D.C. Armstrong: Yes.
- Regina Jackson: Okay.
- D.C. Armstrong: We're taking notes now too.
- Regina Jackson: Okay. Thank you.
- Captain Lau: As for PDRD for the violations on the first time offense, it goes from written to a five day suspension.
- D.C. Armstrong: Written reprimand.
- Captain Lau: Written reprimand from a five day suspension. For a second time offense it can go from a two day suspension to a 10 day suspension. For a third offense it can go from a 10 day suspension to 30 day suspension. That's the discipline matrix for a PDRD violation. Whether it's a delay or no activation. Just like Chief Armstrong said, it just depends on patterns.



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- Regina Jackson: Okay, thank you. I'm glad to hear that there's progressive discipline. Can you tell me the number of people who have had the first line of discipline, the second line of discipline and the third line of discipline?
- Captain Lau: I can't specifically tell you the number of people, but I can tell you between January 1st, 2019 and November 22nd, 2019, when were still in the prime database, we had 19 cases for PDRD violations. Seven were sustained, I did the math, it was 37% of those cases were sustained and discipline ranged from a two day suspension to a 30 day suspension.
- Regina Jackson: Okay. I would presume given that data that you will also be moving forward with collecting that, because that's something that's very important.
- Captain Lau: Sure.
- Regina Jackson: Okay.
- Captain Lau: So out of those seven cases, I just want to just be clear, there was five suspensions that ranged from two days to 30 days and two written reprimands.
- Regina Jackson: Okay. Thank you. Are there other questions? Commissioner Anderson.
- Tara Anderson: Just want to reiterate the importance of whether possible having written reports, there's really, really difficult to follow the breadth of information that was just shared with us without having it in writing, so just want to reinforce that expectation.
- D.C. Armstrong: Yes. Chrissie Love who usually forwards us the request of what's being asked for the particular agenda, if that information comes directly to me, either through the chair or through Chrissie Love or the vice chair, we can prepare those reports.
- Regina Jackson: Okay. Great. Thank you. Are there other questions? Yes, Vice Chair Gage.
- Henry Gage, III: Thank you chair. More of a comment than a question really. One of my takeaways from the meeting we haven't talked about was that PDRD footage in general is potentially a very powerful compliance tool, with a lot of data captured in those videos. The problem we're having is we only get that data if the cameras are turned on to begin with, which is unfortunately a persistent problem. And on the other side we only get the useful compliance effect if people are actually reviewing the footage from those cameras looking for violations.



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- Henry Gage, III: I know it's current policy for the department to have supervisors do that kind of review for the people in their units, I'm unconvinced that's happening on a meaningful basis, simply because you can't really expect a patrol Sergeant to go through that many hours of video on any given or regular schedule. And there's an opportunity for us as a commission to implement some of our own, I guess you could say compliance measures, because we have a huge untapped data source that we really should start using for our own compliance efforts.
- Regina Jackson: I actually liked the word compliance measures.
- D.C. Armstrong: We do Chair.
- Regina Jackson: Go ahead.
- D.C. Armstrong: We actually do conduct random audits. Supervisors do conduct random weekly audits of PDRD footage for each officer in their particular squad. They rotate the officers that they audit per week and that's actually documented in our monthly management reports. So there is an auditing process. But I will say it's an extensive amount of video that, I mean, department wide, that we collect that it would be virtually impossible for us to watch every second of every video. But we are auditing officers' video, we are looking at officers' interaction and we are sitting down with officers and having discussions around their body worn camera footage.
- Regina Jackson: And you said those are weekly audits?
- D.C. Armstrong: Weekly audits, and they're conducted and are documented as per the NSA.
- Regina Jackson: Excellent. Thank you. Are there other questions? Okay. Hearing none, we'll go to the speaker cards. Mr Rus.
- Juanito Rus: Sorry. On item 11 we have two, three, four speaker cards. I have one without a name. Saleem Bey, Marine Benson and Paula Hawthorne.
- Regina Jackson: Thank you.
- Saleem Bey: Saleem Bey. So every issue that you have with this commission, I can tie it directly to our case. From this point on I will be tying it to our case, I will be speaking on this case until you do something, act on this, move this thing forward. I'm tired of talking about it. But the first thing that I would like to say is that the monitor/compliance directors are being getting paid a million dollars a year by the taxpayers to write four summaries. And all the time it always says the same thing, that OPD is not in compliance.



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- Saleem Bey: Well, I happen to notice that throughout this whole report, I didn't hear him report on anything about racial and racial profiling, or profiling anywhere. That is why you're here, primarily. Everything else is secondary. It is important, all the things going down, use of force, except for profiling, because when you're profiled you're more likely to have use of force used against you. That's a trickle down use of force. Profiling is at the top.
- Saleem Bey: Black people are stopped at a greater rate. Nobody says, how many fines are coming out of the black community, how many people are losing their jobs, losing their cars, being impounded. That's racial profiling.
- Saleem Bey: What I do want to say is that, on July 23rd, 2013, the office of the compliance director, whose report we're just looking at, contacted OPD, and it says, from the compliance director to Assistant Chief Figaroa, subject citizen's complaint. It talks about John Bay knocking on the door and lodging a verbal complaint, issue is, is that we dropped paper after paper after paper and harass this man for months before he called OPD and told Assistant Chief Figaroa to open it. And it says he left a business card. On the business card, my brother's business card, it says IA 07-0538.
- Saleem Bey: So therefore, this document became 1310/62. The compliance director opened 1310/62. The compliance director that you sent a letter to last year saying 1310/62 needs to be investigated. Have you heard back from him? Please write that down.
- Regina Jackson: No I have not.
- Saleem Bey: I know. Please write that down. That this body needs to find out, why haven't they acknowledged this evidence of racial and religious profiling? 07-0538 was filed on 7/13/07 with the CPRB. Except that on 7/20, that'd be seven days, right? 7/20/07 from 07/13. It says, "To Saleem Bey, Oakland County. Mr Bay. Please let this letter serve as a followup to the letter."
- Saleem Bey: So I'd already received the letter, meaning it had been closed earlier, but that the CPRB advising you of the reasons why your July 13th, 07, cannot be accepted for investigation. However, the letter states that you spoke to CPRB investigator Audrey Shawnborne about your complaint. However, it has come to my attention that you actually spoke to investigator Karen Tom.
- Saleem Bey: Okay. So I'm just letting you know, first of all, you haven't heard from OPD about racial profiling and that hasn't been addressed. In the monitor's report from September, 2018 it said racial profiling was still a failure. Racial profiling is



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department general order M19, that is something that is your highest responsibility and what created this commission.

Saleem Bey: Therefore, if I bring you documents, and as a matter of fact, over a year ago, the police chief was questioned. She took the fifth, when she was asked about racial profiling. She said, "Well, I can't because I was advised by the city attorney not to answer." So since that point, OPD documents have been unsealed. When are you going to call her back and ask her to answer for racial profiling? Why is it the last time that the chief was up here and gave her list of priorities, racial profiling or NSA compliance was at the end?

Saleem Bey: If you don't hold her accountable, she'll never be accountable and you're wasting your time, the community's time and everybody's time as we keep coming up here. Same chief that promoted the people who covered up the serial rape of the underage girl. Okay? That's your chief.

Regina Jackson: Thank you.

Assata Olugbala: Where Ms. Harris?

Juanito Rus: She had to go.

Assata Olugbala: Oh she had to go?

Regina Jackson: She wasn't feeling well.

Assata Olugbala: I left the room and went downstairs and it took me a long time because I started talking to the police officer. I suggest we do that more often because engaging with our police officers and listening is going to help you understand. This is what I understand, talking to some police officers, we got to get out of this NSA. I usually on the discussion on the NSA has to do with the victimization of racial profiling and excessive force. But the NSA after 16 years is killing the morale of the police department. The officers are being inundated with a whole lot of things for which a lot of them don't have anything to do with racial profiling. Because it's not all of them, but it's creating in the police department this morale descent and this morale dissent and it's, do this, do that, this program, everyone coming in, all of this. It's not at its best. It will be at its best once we can get this NSA thing out of the way. We got to get it out of the way. Then, I was saying, "Just leave it." I mean fix it and 17 years is too long. From the perspective of, how is this impacting the Oakland Police Department, being in the NSA for 17 years, do you think it's better? I can tell you, talking to officers, it's not.



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- Assata Olugbala: What happened in Baltimore when officers became so disengaged, they started to close their eyes, to things in the community. They did it on purpose to say, "You don't respect us. You don't care about us. So we going to not do certain things." And I wonder. But lastly, we went from three out of [inaudible 04:57:59] to almost eight or nine. I don't have the answers. Somebody has got to have the answer. We got to get out of this NSA. Warsaw is making a lot of money and I wonder if staying in the NSA and the money coming in, is a reason to stay in the NSA. We don't have no control over his contract. The judge does. So we need to get out of it.
- Regina Jackson: Thank you. It is 10:28 we're going to need... Vice-chair Gage.
- Henry Gage, III: Thank you chair. Given the hour, I propose that we table the remainder of the agenda and move to attend to setting.
- Regina Jackson: We have moved and seconded that we table the rest of the agenda items. We still need to take speaker cards. We need to go ahead and take speaker cards for the other items. Before we can do a vote, I'd actually like for you to extend the meeting if we can. 15 Minutes?
- Henry Gage, III: Move to extend for 15 minutes.
- Regina Jackson: Commissioner Dorado.
- José Dorado: Second.
- Regina Jackson: Thank you. It's been moved and seconded to extend the meeting. Let's go ahead and vote to extend the meeting and then we can continue and at least take the speaker cards on each of the items. Commissioner Page?
- Henry Gage, III: Yes.
- Regina Jackson: Commissioner Dorado?
- José Dorado: Aye.
- Regina Jackson: Commissioner Anderson?
- Tara Anderson: Aye.
- Regina Jackson: Aye for myself. Commissioner Smith?
- Thomas Lloyd Smith: Aye.



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- Regina Jackson: Commissioner Prather.
- Edwin Prather: Yes.
- Regina Jackson: Thank you very much. And the motion passes.
- Regina Jackson: We're not going to vote on tabling because we have to take the speaker cards before we can take another action. Deputy chief is leaving, so thank you very much. Is that correct Connor, or am I out of order? If you can let us know how many speaker cards there are.
- Henry Gage, III: On item 12: I have one, two, three, four, five, six, seven, eight, nine, ten speakers.
- Regina Jackson: Okay, thank you. Can you call the names please?
- Henry Gage, III: Wilson Riles, Nino Parker, Tracy Rosenberg, Maureen Benson, John Lindsay-Poland, Saleen Bay, Mike Chase, a blank card, Laura Benanti and Oscar [Pointless 00:05:01:05].
- Regina Jackson: The only person that I'm sure has left is Maureen Benson, so you can pull that card.
- Henry Gage, III: And Laura Benanti is no longer here.
- Wilson Riles: Commissioners, I'm Wilson Riles.
- Wilson Riles: When I was before you last in regards to item 12, the militarization equipment, I mentioned that I would have appreciated having this ordinance in place when I was on the city council. I'm glad that it's here. I'm sad that it's taking so long for it to kind of move forward. I do think that some additional items need to be looked at, particularly the three years before you can look at these militarized items that are already in the hands of the department. I also feel that there needs to be some action moving forward in terms of outside agencies like the Sheriff's department coming in and using those military equipment. I know that's a complicated issue, but I think that, that's something that seriously needs to be looked at.
- Wilson Riles: I know that the police department has reservations about this, more because of the reputation of the police department, which they're trying to resurrect. I think it would be important for you to be clear with the department that they're not going to be able to improve their reputation.



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Wilson Riles: There's a history to why things are the way they are, and until they begin to deal with that history, one of those things being the militarization of the police, they're not going to be able to get the trust of the community in order to move forward to do what they need to do.

Wilson Riles: We can solve a lot of the problems if the chief would stand up and support the ordinance that is before you. If the chief would speak to what the Sheriff's department did when they came in to this community. I know the mayor was upset about it. There was no real public statement from the chief and I think that needs to happen, and that can help to show that the department is together with the community in supporting this ordinance and what needs to be done in order to make a difference in that community.

Regina Jackson: Thank you very much.

Mike Chase: Hello, my name's Mike Chase. I'm here representing the ACLU of Alameda County.

Mike Chase: First, we know that militarized equipment is disproportionately used against people of color and communities of color. Let's acknowledge that.

Mike Chase: Now with regard to this ordinance. So called mutual aid agreements or other forms of collaboration with other law enforcement agencies such as the Alameda County Sheriff's office should be prohibited by the ordinance, absent police commission review and city council approval.

Mike Chase: Transparency with the public is at the core of this ordinance. The ordinance is based on the surveillance equipment ordinance, which has already been passed by the city council and which has good public transparency requirements. As with that ordinance, the acquisition and the use policies in this case, a militarized equipment, should be discussed in publicly noticed meetings.

Mike Chase: Lastly, the three year period proposed for OPD to submit proposals for current equipment is accessibly long and should be shortened to one year. Thank you.

Regina Jackson: Thank you.

John Lindsay-Poland: Good evening. John Lindsay-Poland, American Friends Service Committee.

John Lindsay-Poland: I know of at least seven people who were scheduled to speak on this item, but value their sleep more than I guess all of us do and so have left. A couple said they see it in [inaudible 05:05:39] their time to me. These include representatives of Oakland Privacy, Anti-Police Terror Project, Ella Baker Center,



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Youth Alive, another community organization, of course OPD has left, Commissioner Harris has left.

John Lindsay-Poland: I want to say a couple of things. One is first of all on this ordinance, you are not writing policy. You are developing a recommendation for city council on an ordinance, a piece of law that will mandate policies from this commission. I understand that policy development takes a long time, but you're not writing the ordinance and you're not writing policy. You're making a recommendation that has to go to the city council.

John Lindsay-Poland: The city council has shown that when you make a recommendation they will back you up. When OPD want a 2nd Bearcat and you said no, the city council backed you up. This goes to the conversation about what is your role in relation to OPD and in ad hoc committees. You do not need to be a broker between the community and OPD. You can look for the best possible policy and recommend it or the best possible ordinance and recommended it. That is an appropriate role in my view for this commission.

John Lindsay-Poland: On the some of the pieces in what is in this agenda tonight has changes from the ordinance that was originally before you a couple of months ago. Some people have spoken to that, the three year timeline for creating policies.

John Lindsay-Poland: I would note that the privacy advisory committee has already reviewed 10 types of surveillance equipment, sorry, use policies for 10 types of surveillance equipment in a 14 month period. Right now on the currently, on the original proposal, there are eight types of militarized equipment that would be [inaudible 05:07:40] that OPD already possesses, that would be subject to this ordinance. Two of them were actually proposed for removal from the list in the most recent version that is before you tonight. It seems very, very feasible that OPD within one year would be able to submit use policies for between six and eight types of equipment.

John Lindsay-Poland: The one other thing I would say is that in terms of outside agencies, we know that when the sheriff deployed BearCat and assault rifles and a battering ram on the Moms 4 Housing, they were officers at the court. They were not acting on mutual aid with OPD.

John Lindsay-Poland: There is a provision in this ordinance that would say for mutual aid, if OPD is in a command and control role with an outside agency that they have to get permission through this ordinance. There is also a provision for exigent circumstances if there is some kind of emergency that does not allow OPD to go before this body. That is a potential scenario in which OPD might seek the exigent circumstances exemption for going before this body for use by an



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outside agency. But otherwise if OPD is in a command and control capacity, it should be applying the same kinds of policies as they would apply for their own equipment.

John Lindsay-Poland: Similarly, what we're saying around the coming in of the sheriff for evictions is that it should be similar to the ICE palette, the ICE ordinance. The OPD is forbidden by ordinance from collaborating with ICE on its operations unless there is a public safety emergency.

John Lindsay-Poland: We're looking for something similar. If an outside agency wants to deploy militarized equipment and they don't have policies that are consistent with Oakland's, then OPD should not collaborate with that outside agency in the deployment of that equipment, in that particular operation.

John Lindsay-Poland: I know that we're going to have some kind of conversation about how this goes forward to try and ratify or get drill down on the language about outside agencies.

John Lindsay-Poland: I would just ask before you adjourn tonight, if you can let us know that this will be early on the agenda on February 27th, and that it will be on the agenda. So many people came out and they waited for four hours and then they had to go home and it's not even being discussed by the commission. That would be very helpful for preparing for the 27th. Thank you.

Regina Jackson: Thank you. We will handle that.

Saleem Bey: Saleem Bay. What I have to contribute to this conversation is that the 36 year black Muslim community in the Golden Gate district of Oakland, on 8/3/2007 the most militarized vehicles and operation, the largest militarized operation in Oakland's history, was on the black Muslim community.

Saleem Bey: They shut down San Pablo for miles on either way and they brought in other agencies with other BearCats, with other tanks, with other things. We're talking about people bringing BearCats and everything into Oakland.

Saleem Bey: This happened to our community. They arrested 19 people. They only ended up keeping three of them and charging those three. What I would like to say about that is that was 2007. One of the three people that was arrested was [inaudible 00:14:27].

Saleem Bey: I told you my brother was shot on June 17th, 2005.



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Saleem Bey: This document was released by the city of Oakland in 2017, three years after the close of 13 10 62 making a new evidence. Which is the criteria for reopening all these investigations while we wait for an independent person to come up and say what I've been saying.

Saleem Bey: This is ice, and I'm talking about ice in terms of it being cold. It's just as cold, it freezes at the same point for everybody, but black ice and cold enough for you. When the facts come to you and I bring you these facts.

Saleem Bey: On November 28th, 2005, that's over six and a half months after my brother was shot. In the morning, [Arrat Serena 00:05:12:17] stated that he had a meeting at the Oakland FBI office and Deputy Chief Jordan, Captain Loman, Officer Andre Rochelle, and federal agents, to discuss the case. Arrat Serena was told for the first time [Bay 05:12:32] was coming to the police department the next day. Arrat Serena asked, "When was anybody planning on telling me he was coming in?" Loman joked, "Yeah, I'm telling you now." I'm just going to slide on down here where it says, Loman said, "If Bay is completely forthcoming during this interview, he was to be released.

Saleem Bey: He's the lead side suspect in the shooting of my brother's case. So six and a half months later, the deputy chief is saying to release this man back to the street, knowing that he's targeting me, my family, he's shot up my brother, he's connected to my other brother's murder.

Saleem Bey: It says here, he continued saying they should not give Bay special treatment. Now, this is a person who wasn't involved, a police officer who wasn't involved. He's complaining about the police officers giving the person who's shooting up our community special treatment. Knowing that this is the person who was not the head of this community and everything. So what I'm saying is, this is new evidence. The point being, there wouldn't have been all these armored vehicles in our community to arrest this person, two years later, if you'd have picked him up and stopped giving him special treatment in the first place.

Saleem Bey: This is the type of stuff that we're talking about. The egregiousness of what I've been bringing up here time and time again. Right! These are murders, murders that were caused by OPD. I'm giving you evidence after evidence that they were leaving these people on the street. People who had access, they knew had access to illegal weapons. Murders, that does not have a statute of limitations.

Saleem Bey: When I asked the police chief what she was going to do about my brother's murder case, she tells me that happened before she got here. Yeah. Murder doesn't have a statute of limitations. If the chief doesn't care about my brother's case, I do. That's why I'm going to come up here and keep holding you



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accountable and keep telling you that this is the evidence. If you voted to say, is there enough new evidence to open these cases; I'm giving you baste stamped evidence that was verified in federal court by the federal court as well as produced by the city attorney's office. The same city attorney's office we're waiting on to investigate all of the stuff that we're doing.

Saleem Bey: When does this circle break? When does the circle break? That's what I'm saying. I'm asking, that's a question, really through whoever to the chair, please.

Regina Jackson: I'll give it to you. We're trying to figure it out too.

Saleem Bey: Now. That's not a good enough answer.

Regina Jackson: I understand.

Saleem Bey: I will be contacting you every single day. I will contact you and the vice chair, the same way I was in contact with Ginale Harris and who was working through all of this and everything. I'll be contacting you guys the same way. You've seen the evidence. You've seen enough evidence to know what's happening and you passed on it, to get on the dice. Now that you're on the dice, none of the evidence changed. You can't keep playing politics. At some point you're going to have to act.

Regina Jackson: Thank you.

Saleem Bey: That's my brother, who still ain't here. 2004 To now, his family, his grandchildren, all the people who were on his payroll are now no longer [inaudible 05:15:49] has to all you can keep getting paid. All those people in the black community, ain't getting paid until you do your job. So do it.

Nino Parker: Nino Parker. Homeless, black advocate, Lake Merritt.

Nino Parker: I do want to start off on the agenda item before I push any of my own personal agenda.

Nino Parker: I am still, you know, it's just devastating the way this is Oakland, city department loves to push their muscle around. I have to say once again, Deputy Chief Armstrong, should you be listening somewhere, that BearCat does so much psychological damage to our community. If you want to make police relations well, you have a 10 year old kid sitting in this BearCat going up to his neighbors. Whether neighbors good or bad, whatever something happens. That's the image in his mind, forever. It's a tank. No little kid in the diamond district has to see that. So why should our kids have to see that?



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Nino Parker: Now really quickly. Thank you Rashidah Grinage for telling me about the police complaint form. Of course I looked at it really quickly. The first thing I saw, the same thing, I see the problem with anybody that's homeless. It's the address on here. How are they going to get the information back to me once I fill it out? So I just checked with the deputy officer. He said maybe we can have this complaint form where someone can bring it back to the office. Is your office on the first floor sir?

John Alden: No, we're in 250 Frank Ogawa on the sixth floor. But, before you go too much further, it is the obligation of everyone at OPD to accept your complaint regardless of how you want to give it to them. They must take it.

Nino Parker: That's understood but-

John Alden: Okay, but we're happy to take it also.

Nino Parker: But how do they answer me? If I need a letter back from the police, how did they get the letter back to a homeless person? To my tent? I just thought, I said every time you guys bring in a new issue, I have to, there has to be a new solution. So now Deputy [Thompson 00:21:07], what do you suggest? I said, give me some time to think about it. Maybe they have to open up something in this office where, if you need to have something returned, you can come back to the city hall here and get your return letter from the police department. There's a new homeless world out here, things are different now. These regular complaint forms aren't the same as they used to be.

Nino Parker: There's people in different capacities now. We're not all housed. The first thing Chief Armstrong said to me was like, do you have an email? That goes to show how little they know about the life of a homeless people out here. We don't have computers and emails. No, that's not how we get, we barely have cell phones. There's no way to contact. We have to contact you to get back. So there has to be a place for this form, for us to get an answer from this form once we filled it out. Like I said, just being in the homeless experience teaches you a lot of things. You learn a lot of things along the way. So I just hope that we can find some mechanism so when someone does make a complaint, that once I do fill this complaint out about my bikes and I send it to them, where am I going to get my response from? Someone, please tell me.

Regina Jackson: Thank you. Mr Alden, is there a way, a box or some sort of collection device that could be created inside CPRA?

John Alden: No. But, I would point out, we're on the sixth floor in a back corner. We're pretty hard to find. Internal affairs is on the first floor of 250 with street facing



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windows and a door inside the building. If someone makes a complaint to IA, I'm happy to also take the complaint. They can stop by our office anytime and ask us how our side of the complaint is going. We can give them as much as we can, which as we've discussed in previous trainings isn't a lot. But anytime anyone's complained to CPRA, you're welcome to come by our office and ask us how the complaint's doing.

John Alden: But likewise, I'd also say if anyone has made a complaint to OPD directly, that's going to be handled at internal affairs. In my opinion, one should be able to stop by internal affairs and ask, "How's my complaint going?" And to be fair, there's not a lot of information that either of our trade agencies can provide, but at least there is some, and there's no reason you shouldn't be able to get that in person.

Regina Jackson: I know that it could be very intimidating to go to internal affairs. Maybe we can offline try and think of some other options that wouldn't be so invasive.

John Alden: Sure. You know, one challenge we have right now is that at CPRA we don't have direct access to IAD's database in that regard. I would not be able to find out immediately where that case is, that ID. But that might also be a reason to make the complaint to CPRA. And you're welcome to stop by any time. And we can tell you how your case is doing.

Nino Parker: The whole thing is to eliminate going to the sixth floor so you can come in this building without having a guard let you up somewhere. That's what I call a 'blockcracy' that's when it blocks you, next to the bureaucracy. That's what that is sir.

Regina Jackson: I understood. Commissioner Prather.

Edwin Prather: Yeah. Mr. Parker. I-

Nino Parker: Hey, how you doing?

Edwin Prather: I'm okay, thank you. I just wanted to let you know that it is a requirement, this may be the first time some of you are hearing this, it's actually a requirement that we have a CPRA office with a storefront on the ground floor. And, Mr Alden has committed, committed to making that happen. And when that happens, you're going to be able to walk in just as all the citizenry of Oakland's going to be able to walk in, right on the ground floor. Right! And that's what, six weeks, six weeks? No, but it's going to happen soon. And it's just yet another gentle reminder that we have work to do. But I apologize and Mr Alden is working on it.



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Nino Parker: And let's remember about one little factor though. Should someone lose their tent in the next closure and they need to have buy, it's picking illegally let's just say, and then we got to wait for an office sometime. But where's that person in between that, sitting out in the cold somewhere? I've been doing this, it would be one year that I filed for this in March. This is ridiculous. When I get them evidence and all the information, it's like dealing with the Trump administration.

Regina Jackson: I am so sorry. Yes Mr. Rus.

Juanito Rus: Just a brief comment. I believe that the complaint that Mr. Parker is talking about, it isn't actually a complaint of police misconduct. It's a tort claim regarding his property that was confiscated. Just as a question or possible out, the commission or the chair, there are within the city, there's an assistant city administrator who deals with a lot of the homelessness issues in the city. It might make sense to get in contact with them and bring up the idea of a central location that homeless could come and pick up documents, not just complaints that are related to police issues, but tort claims. There are a number of claims that homeless people make with the city and I don't know that there's a central place that they could pick those up. I don't know that that's an issue that's been brought up in that way.

Regina Jackson: Okay. Maybe you could share the contact information with me in the email and I will reach out to them.

Juanito Rus: I'd be happy to do that.

Regina Jackson: Thank you. All right, we're now at 10:50. Were there other speaker cards for any of the other items or can we go ahead and finally take our vote to table everything?

Henry Gage, III: I have two speakers on item 13, Assata Olugbala and Rashidah Grinage.

Regina Jackson: Okay. Yeah, it looks like they're passing.

Henry Gage, III: And I have Rashida Grinage on item 14 as well.

Regina Jackson: Okay. You're good. Okay. Thank you. So we're going. I'm so sorry. I know this started because we started so late. So we're going to prioritize the items that we table for the next meeting. Commissioners, I'd like to take a vote now. It has been properly moved and seconded to table the rest of the meeting. Vice Chair Page?

Henry Gage, III: Yes.



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Regina Jackson: Commissioner Dorado.

José Dorado: Aye.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Okay. Thank you. Now I'd like to get a motion to adjourn.

Henry Gage, III: Move adjournment?

Thomas Lloyd Smith: Second.

Regina Jackson: Great. It's been moved and seconded. Let's vote. All in favor?

Thomas Lloyd Smith: Aye.

Tara Anderson: Aye.

Speaker 23: Aye.

Jose Dorado: Aye.

Henry Gage, III: Any opposed?

Regina Jackson: No. Opposed we're unanimously out of here tonight. Thank you everybody for your patience.