



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

March 12, 2020

6:30 PM

City Council Chamber, 3rd Floor

1 Frank H. Ogawa Plaza, Oakland, CA 94612

Regina Jackson: Good evening everyone, it is 6:30 P.M. Welcome to the Oakland Police Commission meeting on March 12th. Our first call to order are you present Commissioner Gage?

Henry Gage, III: For Now.

Regina Jackson: Commissioner Anderson.

Mr. Rus: Here?

Regina Jackson: Here from myself, Commissioner Smith.

Thomas Lloyd Smith: Here.

Regina Jackson: And in order to make a quorum we have the opportunity to elevate alternate commissioner Brown. Commissioner Brown?

Chris Brown: Present.

Regina Jackson: Excellent. So for this evening you will be a voting member. And we have established quorum. Okay, so I would like to welcome those of you who have come through the corona crisis to stay updated on what the Police Commission is doing. This is an opportunity to have a open forum. Are their speaker cards Mr. Ruse?

Mr. Rus: I have one speaker in open forum, Ms. Assata Olugbala.

Assata Olugbala: Love life. I just would like to take the opportunity based on what's been going on in the last couple of weeks and days, to publicly acknowledge the amount of work that you have put into working on this Commission, and to value it and appreciate it. Even though I sometimes have issues with many things, I do not want to understate the sacrifices that you're making and the legitimacy of how you've contributed to change within the Police Department. So I hope at some point a lot of things that have been misrepresented and misunderstood can be corrected, so your value can be spread besides among myself and others to a wider scope of the community here. And to realize that you serve a great purpose, I've always wanted you to have more power, I've always said that you needed more power, and I hope that will be a part of your growth that you

obtain that power. So I'm not going to speak to any subject matter. I just want to say thank you for your work.

Regina Jackson: Thank you.

Mr. Rus: We've received a second speaker card from Mr. Bay.

John Bey: Should be two more.

Regina Jackson: The clerk please.

John Bey: Good evening Commission. Well first of all I have a lot of things to speak on, but the very first thing I want to speak on is all this stuff that's been going on in the news with Commissioner Harris, and how she's under attack. With the reports that are coming out, all the people who are coming out against her, and all the witnesses against her, the Chief, Anthony Fennell, Joan Saupe, Karen Tom. These are all people that are named in the... That she was pursuing in the independent investigation. Independent investigation of 07-0538 was closed by Karen Tom. The investigation of 131062 was closed without finding anything by Joan Saupe right? The investigation of 160147 was closed without investigation by Mr. Fennell. These are all the names that are all pursuing Commissioner Harris right now with these fake and phony allegations, and I need this commission to stand up and protect their own.

John Bey: She's already been put out there, she had a leadership position, now she doesn't. Why doesn't she have a leadership position? Why has she been marginalized?. Not because of the mayor's people, but before by the community people. So now she just sitting out there, and only see you under the community people going out there, and making sure that all the stuff that's going on out here, and all the things where this chief came up here on October, 2018 and refused to answer any questions about racial and religious profile in new evidence that was found in our case. She was told the City Attorney not to answer any questions, but did she act on them? Because even if she came and told you that in the public she couldn't act on anything, I mean couldn't say anything, she as the police chief was handed information about racial and religious profiling which is against the law in the State of California.

John Bey: So by covering it up between 2018 and 2020, the police chief is... Did commit firerable acts in everything in it. And that this commission needs to stand up for their fellow commissioner. And now always hear people talking about how they're not doing it, I mean how a female are being marginalized and everything like that. Here's a female right here and she's being thrown under the bus by all of you as well as the city.

Regina Jackson: Thank you Mr. Bay.

Mr. Rus: We received a third speaker card from Ms. Anne Janks.

Regina Jackson: We want you to know that we wiped down the microphone, and the table, and everything so, I forgot to mention that.

Anne Janks: Anne Janks Coalition for Police Accountability. There was supposed to be an event for the Commission to hear from people on use of force issues, and on the 21st at St. Louis Bertrand church. And the church is not having any public events and I think once you all decide to cancel, it will be canceled but it's not available.

Regina Jackson: Okay. Thank you very much. We will get that information to Christie Love and have it, the line dropped through it. Thank you.

John Bey: John Bey. There should've been two Bey speaker cards, as he turned in one and I gave him mine so I don't know if he dropped it.

Mr. Rus: There is a second one it didn't have an item number.

John Bey: Okay, it's been a while since I've attended the meeting, my apologies I did that straight.

Regina Jackson: Thank you.

John Bey: Sure, but I did want to come tonight to voice my dissatisfaction with the open treatment of commissioner Harris. And I think it goes to say that a lot of the major decisions that the commission has done for the good of the community, particularly Salim and then myself seconding what for the most part he has had to say, those are the decisions that we have heard from the community members that needed to be done. And we came here and push for them, you all unanimously as far as I understand unanimously voted to remove this chief. This chief, the department still failing, so I don't understand what the problem is and all those people in the former CPRB who are currently in CIPRO, which presents a huge problem for us. And we did go by Mr. Anderson's office to try to hopefully voice that complaint.

John Bey: Hopefully it did get to him that we're dissatisfied that if he would recycle someone who did not properly investigate our complaints, both Saupe and Karen Tom, and we had witnessed some of their failed examples of what would be leadership when they were at the dais after Mr. Fennell was removed for not doing his job. So I don't understand why it's not clear unless I'm not fully up to speed, if it's not clear that Ms. Harris is a valuable part of this Commission and deserves the support and the respect of the Commission, just as the Commission deserves the support and respect of the community and likewise. When people take time out of their lives to come here to address things that are valid and true, I don't understand why they get such a short treatment. You put hours I would think. Our item is like 12 years old, two years to you all, but it's still way at number 11.

John Bey: So that means we have to see it to the end, that means the people who are engaged in the beginning can say what they got to say. Then leave people who may be viewing at home, may have to get on with their nightly duties with their family, can't stay engaged, and no one sees our thing move forward. So is it's either a tactical policy, or is it happenstance? So we need to work on some of those things of equity.

Regina Jackson: Thank you.

Mr. Rus: I have received one additional speaker card for open forum for Mr. Fallah Bandabaila.

Fallah Bandabaila: Good evening everybody.

Regina Jackson: Good evening.

Fallah Bandabaila: Today I'm here to speak not for my son at all, but I'm here to speak to you about something I heard on the television, and it hit me hard for hearing it. Council member, Noel Gallo said he is going to prepare a legislation to phase out this Commission. And I think that council member Noel Gallo does know who you are, the work you do. And I do not think that he really understand how that work affect the poor people in this Oakland. I did not know about you until I lost my son, actually not use the word lost, until my son is missing, then I came to know who you are, and how affectionate you when you hear us crying for help. There are most of us who has no help. Noel Gallo was I live in his district.

Fallah Bandabaila: When my son was missing, I went to the Council meeting, he was sitting on that side with the pen in his hand, he did not move. All the other council members we are so sympathetic, he did not do anything. I came the next day to his office, 10:30 I was there. The receptionist called him, his secretary came out and said, "He's in a meeting until 3:00 PM" I said, "Well I'm not going anywhere, I'm going to wait." Three minutes later she came back out and said, "The Council member want to see you now." Since then he had never said anything about my son, and I live in his district.

Fallah Bandabaila: So you have been very helpful to hear me crying here with my family helping him. So how can he come on the TV twice, that because of what has happened between you and the Chief. Therefore he's going to introduce a legislation to phase out this group. [inaudible 00:13:08] and I will say this again, I'm going to find when the council members meeting is. I'm going to go there and speak, I'm going to prepare a to speech. And I'm going to go there and tell him in his face, that he has no authority or phase you out. If I know the person whoever is in charge above you, I will speak to him. Because you have done something that has really and correct me or my family, whether I find my son today or not, I appreciate your help. And I cannot see anybody, there are many poor people in this city that need help. You can listen to them and help them, and I appreciate you very much. Thank you very much.

Regina Jackson: Thank you very much sir. [inaudible 00:13:59] any speakers?

Mr. Rus: No additional speakers.

Regina Jackson: Okay, thank you very much. So we can move to item four, the California Meyers-Milias-Brown Act and Public Employee Relations Board Training. Mr. Appleyard.

Ian Appleyard: Good evening Chairperson Jackson and members of the Police Commission. Ian Appleyard, Human Resources Director. I'm going to ask for that K-top pull up presentation. This evening I am presenting the second of three trainings to you, tonight's subject will be the introduction to labor relations. And again I'll just offer my disclaimer that I am not an attorney, I'm a practitioner but I often I'm in the environmental law, so I'll do my best to answer all your questions. But maybe if something comes up that's very technical we can get information back to you. So start the overview for today we'll talk about labor relations in the city of Oakland, important labor laws, the meet and confer duties and scope. When I talk about scope, I mean a lot of labor negotiations is dependent on the subject that we're discussing. What is an unfair labor practice? And what's the Public Employee Relations Board? What's the process for adopting a labor agreement or what we often call it an MOU or a memorandum of understanding? And why that process is different for non-sworn employees and for sworn employees, I'll go into that. And briefly over the grievance procedure.

Ian Appleyard: So by way of context, unionization in United States has dropped off considerably over the last 40 years. There was a significant event when the air traffic controllers were dismissed under in 1983 after that, that was kind of the height of unionization and now it's down to about 20%. And now it's about 10% of whole workforce in the United States is unionized. In California that number's a little higher, around 15% and public sector is a very is where we see a lot of the activity around organization and labor and unionization.

Ian Appleyard: So city of Oakland we have seven unions. Our largest is the Service Employees International Union, local 1021, and they represent mainly craft employees, and maintenance workers, and typically blue collar positions. The International Federation of Professional and Technical Engineers, local 21, that's managers and supervisors. The Oakland Police Officer's Association, the Oakland Police Management Association, the International Association Of Firefighters, local 55. The Confidential Management Employees Association, that's about 40 employees, they tend to be middle management. And then The International Brotherhood of Electrical Workers, local 1245, there's about 14 members in that union. Some of the important documents include the memorandum of understandings, and civil service rules. Those are critical components of any of all of our labor relations. There's also layers of federal law, California and local law.

Ian Appleyard: The California law that's most important is the Meyers-Milias-Brown Act And that was established in 1968, and we'll get to my point in the presentation soon

here. And that established the rights for public employee unions to say no, there is a National Labor Relations Act, but local governments are exempt from that act. So the Meyers-Milias-Brown Act enabled the public employee unions to organize in California. And again what really matters is the scope of representation, and that covers wages, hours and other terms and conditions of employment. And so I'll talk a lot about those subjects because that's really what we are discussing. The Meyers-Milias-Brown Act does allow for local rules as well, and they must be compliant with the MMBA or Meyers-Milias-Brown Act.

Ian Appleyard: Continuing on, so let's talk a little bit about these mandatory subjects wages, that can include salary, hourly rates, over time, longevity pay, merit pay, standby pay, acting pay, allowances. We have all of these in our current MOUs, so these are these and some more subjects are covered under wages. Let's see, under hours that would be days of work per year, per day, those can all be defined. Leaves including sick vacation, bereavement, paid holidays, standby pay, meal and rest breaks, those are all considered under hours. And then other terms and conditions, this can be quite expansive, it could be narrow. But in the case of Oakland, since we have such robust MOUs, they tend to be expansive. So that can include drug and substance abuse testing, grievance procedure is a mainstay of most MOUs, the medical and dental insurance dues deductions, those type of issues are covered there.

Ian Appleyard: There are management rights and we can talk a little bit about that. But for starters, for management rights, those are defined in our employer, employee relations rules, those are considered our local rules. So those rights include determining the organization of activities, basically if you think of an org chart, or what kind of services the city's going to provide, that's a management right. Setting standards and levels of service, so enforcing performance evaluations or compliance with rules and policies, assigning and directing employees and equipment, creating abolishing classifications, taking disciplinary action, so it's rights and its responsibilities. So often for these the city has the right to the decision, but it must bargain over the impacts of those decisions. And could talk a little bit more about impact bargaining in a moment here.

Ian Appleyard: Meet and confer, you'll hear a lot about that. Meeting confer is a technical term actually when a subject is a mandatory subject, it is considered a meet and confer when the parties are engaging, when the city and its union representatives are engaging. So it's changes that have significant and adverse effect on wages, hours, and working conditions. There is no obligation to meet and confer over a policy or decision that does not affect matters within the scope of representations. Again, we've talked a little bit about scope here. So what are the city's obligations? And this is under state law, the city must provide notice to and an opportunity to meet. The city it's main obligation is to provide notice and then it's up to the union to respond to that. The union must then make a valid request to bargain, union may request information or make proposals, rendered opinions, or ideas. It is not meet and agree, basically the hope is that the parties get together and they get to an agreement, but there's

also an impasse procedure in case the parties cannot agree. So this is all very organized actually.

Ian Appleyard: There are some obligations as well as the parties engage, good faith is a standard that needs to be met, and it's a genuine desire to reach agreement and resolve differences to reach common ground. So that includes full consideration prior to a determination, so the City or the union can't just come to the table with their mind made up, they have to keep an open mind. Information requests, that is exchanging information freely between the parties. Authority has to be at the table so you can't, you have to have someone there who can actually enter into an agreement, at least a tentative agreement. And a no delay tactics. And then impasse procedures also may apply. So we have impact bargaining that's where I talked about where the city may have the right to the decision, but I must discuss the impacts or go over the impacts.

Ian Appleyard: So the employer has the right decision impact on mandatory subjects of bargaining, bargaining over the effects of the decision. A classic examples is in layoffs. The city has the right to set levels of service, and therefore reduced services that it has to, there is a whole process and procedure for the layoffs in terms of seniority and the different classifications that might be impacted. But for instance if a work unit of five is then reduced to three, the city has to sit down and negotiate over the impacts of how the work is going to be done with those reduced resources. Reorganizations is included in that, reduction of service levels. Background checks for new employees, again we have the right to do it, the city has the right to do it, but it should negotiate over those impacts.

Ian Appleyard: So what happens when things go sideways? Well, unfair labor practices or you ULPs may be filed. And that is a violation of the state law, MMBA or a PERB, which is the Public Employee Relations Board regulations and it interferes with the rights of the employer or employee. Either the union or the management can file an unfair labor practice. And again that goes back to some of those good faith standards, violations of good faith standards and an unfair labor practice can be filed. So here's some examples, direct dealing with employees. So employer may not bargain directly with employees over wages, hours or the terms and conditions of employment, a supervisor cannot provide an employee wage or a benefit or a bonus that is outside of the labor agreement. The establishment of the wages and the hours and other terms and conditions can only be established in the collective bargaining process.

Ian Appleyard: The failure to respond to a union request for information and for that matter if the city or management makes a request for information, employer must provide information necessary and relevant to the representation. So when the city starts a cycle of bargaining, typically it all starts off with lengthy information requests that we receive from the union and we need to respond to those. And in bad faith bargaining. A union or employer may not create an illusion of good faith bargaining without the intent to agree. There's more examples, retaliation, union members can't be punished, denied a promotion or terminated for participation in lawful labor actions. Intimidation, employer cannot interfere,

intimidate, restraint, coerce or discriminate against employees for exercising union rights. An unfought lawful strike or work stoppage, union cannot strike pre-impasse. So while the parties are engaged in negotiating a strike at that time would be unlawful. But once the contracts expired and impasse has been declared, so that's a time when, when strikes can occur.

Ian Appleyard: So who adjudicated and looks over all of this is the Public Employee Relations Board. This is where a unfair labor practices can be filed and it enforces the MMBA that's it enforces the duty to bargain in good faith, discrimination, retaliation claims, scope of bargaining, interpretation, application of local rules, disputes over unit designation, how we establish classifications of employees and elections, representation elections. They will oversee that. So the process is the PERB charge is filed by the charging party, PERB conducts a preliminary investigation, responding party may respond in writing, a board agent determines if charge meets the minimum legal standards of a violation. If the charge fails at that stage, PERB issues a warning of letter to the charging party to cure the deficiency with the charge, and then if there are legal standards that are met, there's usually an informal settlement conference and PERB uses the attempts to facilitate a resolution. If there's not there'll be an administrative hearing.

Ian Appleyard: At the hearing, the charging party has the burden and may call witnesses and introduced evidence, and there's a number of different remedies that can come up. Notice postings meaning if the City had violated something, it basically can post to all the employees and let them be aware that they have violated this in the workforce, and it raises awareness of the violation. A return to status quo at the bargaining table could be back, pay could be front pay. Reinstatement employment, employees who are terminated for union activities, removal of disciplinary materials from personnel files and disclosure of other relevant information.

Ian Appleyard: Just a real quick note and we're kind of winding down here, what's the adoption process for a MOU here in the city of Oakland? So first of all the City gets authority from the City Council to commence bargaining. And then the parties will begin to meet and confer in good faith. The City Council can convene in closed session under this subject, only in pending litigation and in labor relations can the City Council go into closed session. So this is one of those times where negotiators come to close session, they ask for authority whether it's a wage increase or a benefit increase, whatever it might be, and they'll have a parameter and go back to the negotiation table to seek agreement. The parties do sign off on tentative agreements at the table. The union membership will vote on those tentative agreements, and then the City Council will adopt the full contract in open session. That's when you're considered to have a total agreement, that the agreement is no longer tentative at that time.

Ian Appleyard: So what happens when things don't quite go right? Well, there is an impasse procedure. And this is the impasse procedure for the non-sworn unions here at the city of Oakland, it's governed by state law which was passed in 2011

AB646, and the union has the burden to invoke that if they feel that the parties have declared, either party can declare impasse, but once impasse is declared, the union has the ability to invoke fact finding. So that brings together a panel of three and this is all done within timelines with a union representative, a management representative, and a neutral or arbitrator. The party will deliberate the arguments and come up with a recommendation. It's a non-binding recommendation and it will go to the governing board, and if the governing board agrees or doesn't agree with the recommendation. Once they've gone through the process of fact then the governing board and the City Council can impose a contract for one year, after that one year they're back at the bargaining table.

Ian Appleyard: The difference with sworn is that they do not have the ability to go on strike, so there is a different process. So this is determined by charter section 910 Arbitration for Uniform Members of the Police and Fire Departments, strikes are not permitted. Again the union can evoke, this is after the parties are have gone to impasse. And the parties select a neutral arbitrator and those findings are binding. And again it's around the wages, hours and terms, other terms and conditions of employment. It is a little bit like there's different examples of arbitrations. One is what they call baseball, arbitration where the parties come in with, two wages and the arbitrator picks one or the other. So and it makes both parties be reasonable trying to get to the middle ground. That's not the case in the arbitration that the City and one of their sworn unions may engage in. The arbitrator really has broad authority to set the wages, the term of the contract, the different benefits and it's based on an objective criteria. Mainly what's the comparable agencies or what's happened in the past or what makes good business sense.

Ian Appleyard: So the city has gone through binding arbitration a couple times, we've gone down the path and it's resulted in agreements. Sometimes it results in the binding arbitration going into effect. There really isn't a lot of history of that, I think both parties want to keep local control over it and try to come to an agreement. There's a tremendous incentive there.

Ian Appleyard: Finally, I just want to talk briefly, this is the last slide about the grievance procedure, every MOU has a grievance procedure. I consider it the filter of the contract, if there is language in there that might be ambiguous or obscure and needs interpretation, it can go to arbitration. So the interpretation or application of the MOU. Many of the labor contracts we have here in the City also allow for agreements of the personnel rules or the civil service rules, and also disciplinary action can be subject to the grievance procedure and we talked about that in the last training. And that wraps up my presentation. So happy to entertain questions.

Regina Jackson: Are there any questions? Commissioner Anderson?

Tara Anderson: Thank you chair. I was curious if, and I believe this is under the scope of this agenda item, but if you could provide a status on any pending, MOUs where we

are in the cycle of the various MOU for the sworn, non-sworn relative to the Police Department and CPRA.

Ian Appleyard: Yes I can. So the Police Department, their agreement goes until July, I believe 2023, June 30th, 2023 I believe it expires. The fire we got an extension which goes to I believe December 31st, 2023, but I'm not sure it might be 2022. So we have extensions on both of those so they're there. We're not looking at negotiating with them anytime soon. The non-sworn, the SCIU, and local 21, and the other two unions they expire at the end of June, 2021, so in about a year and three or four months. And most of the CPRA staff is represented by local 21. I'm sorry.

Tara Anderson: I'm sorry I missed the date for local 21.

Ian Appleyard: Local 21 would be June 30th, 2021.

Regina Jackson: Are there any other questions?

Unidentified Speaker: If I might just add an observation for the-

Regina Jackson: Sure Mr. [inaudible 00:33:58].

Unidentified Speaker: ...think about. These processes that Director Appleyard has described I think are particularly important for us to consider as we're working on policy revisions for the Police Department. So any number of policies that we might work on, like use of force would be subject to many of the procedures Mr. Appleyard just described. And many of those happen after the omission's work about creating the ideal policy would be done. So for example, Director Appleyard was talking about how a union might identify certain impacts that a change in policy would have on their members around say overtime, or the length of a shift. And if they were able to identify those impacts from changes that this commission makes, this process would certainly be triggered. And that has happened in many jurisdictions around changes in police procedures. And so we should be prepared as a group to think about how we can provide positive assistance as the City, as a group works together on trying to figure out what that meeting confer process will look like and how we'd negotiate around it.

PART 1 OF 6 ENDS [00:35:04]

Unidentified Speaker: Process will look like and how we'd negotiate around it.

Regina Jackson: Thank you. Any other questions? Okay. Why don't we call the speaker cards.

Mr Rus: For this item, I have two speakers, Gene Hazzard and Ms. Assata Olugbala.

Mr Rus: Gene Hazzard and Assata Olugbala.

Assata Olugbala: Lovely. Point of clarification, in the presentation they mentioned the police union, but it's not clear if the black police officers, the latino officers union, and the Asian police office unions, are they identified as unions covered under this discussion that we're having?

Regina Jackson: Okay. Let me clarify. You're asking if the different associations are covered under the unions as identified?

Assata Olugbala: Yes, because it's stated "police union" and there is a Oakland police union, but there are ethnic police union members, the black police officers union. Is it recognized by management to cover some of the discussions that have been going on?

Regina Jackson: Okay. I think that's an interesting question. Can you answer that question, Mr. Appleyard?

Mr. Appleyard: I certainly can. Thank you. The OPOA is recognized as the exclusive bargaining agent for all matters of wages, hours, other terms and conditions to employment. So there is only one union that represents police officers, sergeants, lieutenants, and then the management association is the chiefs... and I'm sorry, is the captains. So they're broken up, but not broken up by those other subgroups. Those are informal associations, but it's not something that the city independently would bargain with.

Regina Jackson: So you're saying all the other associations, they're still under the umbrella of the OPOA when it comes to bargaining, is that what I'm understanding?

Mr. Appleyard: Yes, there's one exclusive representative.

Regina Jackson: Okay. Thank you.

Assata Olugbala: I'm not understanding, but let me go to my next question.

Regina Jackson: Okay.

Assata Olugbala: So in the case of the grievance, because it did mention that management rights include taking disciplinary actions around grievance procedures. So in the case of the grievance letter that was fouled by the black police officers union, I understood that there was an independent investigation. It appears that there should have been an investigation done by the city, based on the presentation tonight. And I'm trying to find out if there was an investigation around that particular grievance and then to further expand on it, what were the results of it? And if it's not possible to share just to find out if there was an investigation.

Regina Jackson: Okay. Thank you very much. I think that we'll have to direct that to the city administrator and police and come back to you with that information. Okay? Thank you. Mr. Hazard?

Gene Hazzard: For the record, Gene Hazzard, just adding on to what Ms. Olugbala had indicated with regards to the black police officers and their grievances. And yes, we know it's a personnel matter, but if there were an investigation and once that investigation is completed, are we privy to the results of that investigation, Madam Chair?

Regina Jackson: The answer is I'm not sure. Hold on one second, because when it was announced to us that it was completed and it was done, I believe inside-

Mr. Alden: Well if I might-

Regina Jackson: Okay. Go ahead Mr. Alden.

Mr. Alden: ... jump in, if you don't mind, Madam Chair? Through the Chair, the first thing I should probably point out is that this topic is not one that's agendized tonight. So we are outside the scope of the Brown Act. This is certainly a question about which I know there's a lot of public interest, but I am concerned that we might be in a place where our agenda tonight doesn't permit us to discuss it.

Regina Jackson: To that point, Mr. Hazzard, I've also got to get better about managing the agenda. So what I will do is I will look into this, we will agendize it and then be able to get you the information that you're requesting.

Gene Hazzard: Well if I may, Madam Chair, it's directly related to the presentation with regards to grievance.

Audience (many): Right, it is. Exactly. [Crosstalk 00:40:07]

Regina Jackson: I'd like to defer to... I want... Excuse me, I want to defer to our attorney.

Gene Hazzard: Okay.

Regina Jackson: Mr. Kennedy.

Mr. Kennedy: Thank you, Chair. I do agree on the Brown Act basis that it does make sense if the commission is going to engage in this topic, including any personnel exceptions that you do need to make sure that you're mindful of, that you properly agendize it. And so I just want to support you in that and reiterate the comment about the fact that we don't want to get outside of the Brown Act and we don't want to sort of engage in a considerable back-and-forth between the commission and members of the public just in the interest of compliance with the Brown Act. Since I was asked.

Gene Hazzard: I would concur then, I would ask-

Regina Jackson: Mr. Hazzard.

Gene Hazzard: I would concur with the statements from the director and council. I would add then, Madam Chair, would you please agendaize the item?

Regina Jackson: Yes. I said that I would so I will.

Gene Hazzard: At the next meeting. Okay. Thank you. So I'll accept the explanation.

Regina Jackson: Thank you very much. Thank you. Thank you. Are there any other questions for Mr. Appleyard? Commissioner Gage.

Henry Gage, III: Thank you, Chair. Through the Chair, my understanding is that the OPOA is the exclusive bargaining unit for Oakland police officers. Now, I also understand that the different affinity groups are informal associations. My question then is does a letter outlining, I'll call them grievances because it's a convenient word, but does an out letter outlining issues, that an informal association has with police management rise to the level that would trigger a grievance procedure under the MMBA? Because it's not the OPOA. If OPOA filed that same letter, arguably it would very clearly trigger a grievance procedure potentially. But I'm not clear whether or not that would apply to an informal association.

Mr. Appleyard: Through the Chair, the grievance procedure is pretty well defined in the contract and usually addresses who can file a grievance and it usually is a union steward or a union representative.

Henry Gage, III: So my understanding would be, it would be OPOA's somewhat exclusive jurisdiction to file grievances with OPD management?

Mr. Appleyard: They would control the grievance process because it's the terms and conditions of that contract that they are saying is maybe not being adhered to or not being interpreted or applied correctly. That would be the basis of that type of grievance, yeah.

Henry Gage, III: So for a non-OPOA association to request action of management would require some external basis for a demand. Would that be accurate?

Mr. Appleyard: I mean that's kind of a hypothetical so I can only explain how the contract defines what is a grievance and who can file a grievance on behalf of the representative membership.

Henry Gage, III: Okay. Thank you.

Mr. Appleyard: Thank you.

Regina Jackson: Are there any other questions of Mr. Appleyard?

Regina Jackson: Okay. I actually have a request of the commission. There is an item further down on our agenda. It is the recruiting process for OPD police chief... Don't

move Mr. Appleyard, please. And Mr. Luna is not here. What I would like to do is find out Mr. Appleyard, if you can assist us with an overview, I realize that this might not be something that you prepared for. However, if my assumption is correct that you were here when the last process happened and maybe you are familiar with it, is that correct?

Mr. Appleyard: I can talk generally about executive recruitments.

Regina Jackson: Okay, terrific. So with that then, I would like to ask if we can take this item out of the agenda, out of order, in order to facilitate that conversation. Commissioner Smith.

Thomas Lloyd Smith: I was going to say...

Regina Jackson: Oh just speak up then.

Mr. Kennedy: And just to read that into the indicates app. Is there a motion to suspend the rules is the question.

Regina Jackson: Okay.

Mr. Kennedy: So is there a motion to suspend the rules would be-

Regina Jackson: I'd like to make a motion to suspend the rules in order to move the item up on the agenda. Is there a second?

Thomas Lloyd Smith: Second.

Regina Jackson: Okay. It's been seconded by Commissioner Smith. Let me take a vote to do that. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Yes.

Regina Jackson: I for myself. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Brown?

Chris Brown: Yes.

Regina Jackson: Okay, terrific. Thank you very much.

Regina Jackson: So we're going to move to the recruitment process item, which is item seven and then we will go back. So, Mr. Appleyard as I mentioned, well actually we had a personnel committee that did not have its quorum and Richard Luna was to present there. I thought that he would also present here. He's not here. So, what I'd like for you to do is provide an overview. This is based upon a letter that I sent to the city administrator asking for assistance with the formal job announcement and kind of a proposed timeline of how we could move forward. So we weren't able to have that meeting, but if you can speak to generally how this process goes and any nuances that you recognize.

Mr. Appleyard: I can. Thank you. So, an executive recruitment is typically a nationwide type of recruitment that involves engaging a consultant, an executive recruitment consultant. We have furnished Mr. Luna and I believe he is furnished the body with the previous job announcement for the chief of police recruitment that happened probably three and a half years ago. I would imagine that this would follow a similar process, though it is different. You, you would be vetting the candidates as I understand it. So it would be a matter of developing a appealing job announcement and getting it, circulating it nationwide, using the networks of an executive recruiting consultant, is what I'd recommend. Because they have sort of the contacts in place, broad advertising to find your best and brightest candidates.

Mr. Appleyard: And then once you've evaluated your pool, you narrow it down to the finalists. I imagine you would consider a number of the finalists, some might drop out. You may have other stakeholders that evaluate the candidates, if they're feeling comfortable with it. There's a lot of confidentiality that goes around these types of processes. Not everyone wants to know that their name is out there, so I would advise on that high degree of confidentiality, especially in such a sensitive position.

Mr. Appleyard: Then you would just continue to narrow down your pool and then hopefully get three or four names as I understand it. Then that would be recommended to the mayor, is that correct? But in terms of the recruitment itself, really it would be onto the executive recruitment. Now that cost can be anywhere between, depends on the process you undertake, 20 to 30 maybe even \$40,000.

Regina Jackson: Okay. Thank you very much. The other question that I have is I know that there is somebody currently as a vendor that actually did the search last time and if we wanted to, I understand that there's kind of an RFP life and we're nearing the end of that RFP. So if we wanted to be able to extend it or create a new one in order to allow some other executive search consultant firms to join, how would that go? What would be the timeline for that?

Mr. Appleyard: So we do have one or two executive search firms, I believe two. That have money remaining on their contract allowance. So you know, that's the easy fix. The next step is to put out an RFP, and receive those proposals, and then vet those proposals and then bring contract limits to the city council for approval. So, that does take some time. That can take, I think we've already initiated the

process. We were looking at, I believe at June or July to have that all wrapped up for having new executive recruiters in place. But basically we put out a Request For Proposal. Then we'll receive them. We'll reach out to a number of executive recruiters that we are familiar with that do good work and we've had pretty good success with them, but we are kind of at an interesting stage where we only have two vendors available right now, both are very good. And the one who did the previous recruitment is also very qualified to handle it again.

Regina Jackson: Okay, so if I heard you correctly to issue a new RFP, maybe by what the end of March, would get a response by June, July, is that what I heard?

Mr. Appleyard: It would be my hope that June, July we would have those contracts in place.

Regina Jackson: Contracts would already be in place. Got it.

Mr. Appleyard: But don't quote me on that. I'd have to-

Regina Jackson: No no no.

Mr. Appleyard: -check with my staff.

Regina Jackson: Again, just trying to get a timeframe and so if we were to use a current entity that had money on the books, I think is what you called it. Then timeframe in terms of that whole process including stakeholder evaluation, listening sessions and those kinds of things, what likely would be that timeframe? With a known entity.

Regina Jackson: And then I'm trying to understand what the timeframe would be perhaps with a different entity.

Mr. Appleyard: Okay. Well I'll just kind of, let's go with a known entity cause then you can kind of build your time frame off of that. You got to imagine week or two to develop the announcement you want to have the right content in there. Advertising could be four to six weeks, maybe a little longer. Cause again this is a nationwide search. Then there will be screening of the applications you have to schedule interviews. That could be another four to six weeks whittling it down from there. Maybe another two weeks. So I'm not doing all the, keeping all the numbers. But I mean honestly it can be anywhere from, I'd say a three month process is very fast. I would say six months process is more likely, but it could be anywhere in between there.

Regina Jackson: Okay. And that's with the known entity.

Mr. Appleyard: Right. So if you tack onto, say it's July and you have your new entities available to you, you can do the timeline from there.

Regina Jackson: Okay, so then July would start perhaps the three to six month, which is more likely.

Mr. Appleyard: Exactly, that's what I'm thinking.

Regina Jackson: Okay. Are there any questions based upon this overview?

Regina Jackson: I think Mr Alden, did you want to say something?

Mr. Alden: Well if there are no other questions from the commissioners, I might add an observation that I think might be helpful in understanding some of this material.

Regina Jackson: Okay.

Mr. Alden: When you're ready.

Regina Jackson: Certainly what I'm thinking is that it might make sense to create an ad hoc for this work.

Regina Jackson: I am inclined to suggest that, but I don't know, given our limited numbers of people here at the table, perhaps I need to talk with folks offline who might be interested in signing up for this. In the meantime, Go ahead, Mr. Alden.

Mr. Alden: Sure. Well, I think a couple of things. First, it might be useful to ask counsel if this group could agree that the commission ought to create an ad hoc with the Chair to then name the members later given that you know, given current events in the world, we're not sure when our next meeting might be.

Mr. Alden: Perhaps it might be wise to start thinking about taking as much action as we could this evening as long as that's consistent with the way that matters agendize tonight. Secondly, I would just point out for the commission's consideration how the material that Director Appleyard has just given you, fits with some of the charter language about selection of the next chief. Since the passage of measure LL, one provision in the charter, now says that the mayor after consulting with the Chair of this commission can pick an interim chief of police, but that that interim chief may only stay on the job for six months unless the commission agrees to a longer period of time.

Mr. Alden: So as a practical matter, if this commission decides that they would like to find a different contractor to do the recruitment, other than the ones that Director Appleyard has pointed out are already under contract with the city, or are about to be under contract for the city. That would add some time to the process. A very likely outcome would be that this commission might be called upon to then extend that six month window on the interim chief in order to finish the recruiting process.

Mr. Alden: If the commission were to go with one of the vendors that the city already has available. Then an advantage, it's not necessarily a reason to do it, but an advantage would be the commission would be more likely to complete the selection process before that six month window expired. Now this is new territory for all of us, so I don't know what the commissions sentiments might be about whether they care to extend that six month window or not, and of course we don't know who that interim chief is yet, so I point that out now just so that the commissioners can think about that in advance. I do think it is very likely that if we went with a different vendor, the commission would effectively be putting itself in the position of probably having to extend that interim chief more than six months.

Regina Jackson: Thank you. I appreciate that. I know that I was part of some stakeholder meetings early on, but then I'm not exactly sure what happened with the process because I don't ever remember us getting down to two or three. We all of a sudden had Chief Kirkpatrick and that was kind of it. So I am inclined to identify that this is going to take a lot work. I know I've been thinking about it, but given the fact that you know, our personnel committee didn't have a quorum just a day or two ago, it would seem that we need to have the opportunity to have more engagement. I know that Commissioner Harris will likely very much want to serve on that ad hoc committee. So can I create the ad hoc committee right now?

Mr. Kennedy: The recruiting process for OPD chief, which is the action that we're all under the motion considering now does specifically say that you can vote on any actions in furtherance of that purpose. So I think that's satisfactory.

Regina Jackson: Okay, great. Okay. So I will go ahead and name the ad hoc and I will confirm the other two people and report out at our next meeting. In between that time, we're going to have to reset another personnel committee meeting. But I know that it's going to be very important that actually all commission members if you have some thoughts about interims cause we're going to need to get back to the mayor fairly quickly on that. So I will report out and listen to whomever would like to serve on that ad hoc and then we will set a fairly aggressive schedule of meetings and then probably also identify opportunities for feedback from the community. Yes. Mr. Kennedy.

Mr. Kennedy: Do you want to take public comment before you take final formal action-

Regina Jackson: Absolutely.

Mr. Kennedy: You knew that, I just figured I'd, okay-

Regina Jackson: Certainly, certainly. So we are on item seven and so if we have speaker cards from that, if you could name them all at one time please.

Mr. Rus: I have four speakers on item seven: Assata Olugbala, Saleem Bey, John Bey, and Gene Hazzard.

Gene Hazzard: For the record, Gene Hazzard. The section of the charter for which the executive directors myself and was making reference for the edification of the viewing audience and they could look on the powers and duties. Item 10, and it says the mayor and consultation with the Chair of the Commission shall immediately appoint an interim Chief of the police. Such appointment shall not exceed six months, and the duration unless approved by the majority vote of the commission. The commission with the assistance of the city administrator should prepare and distribute the job announcement, and prepare a list of at least four candidates, and transmit the names and the relevant background materials to the mayor. The mayor shall appoint one person from this list or reject the list and its entirety and request a new list from the commission. This provision shall not apply to any recouplement for the position of chief that is pending at the time the commission's first meeting. So I just for the edification of the list making-

Regina Jackson: Thank you.

Gene Hazzard: Okay. Thank you

Regina Jackson: Ms. Assata.

Assata Olugbala: Lovely. And I know you currently are just dealing with process. Okay. So within the process, the scope of work of the recruitment contractor, because that work can be broad or narrow. And what I mean by broad is they can engage in a series of determination, of questioning and compliance, and eligibility, and so forth and so on. So has that already been determined or will you be able to determine the scope of the work of the recruitment, whoever the contractor is? And your power to weigh in on? Because I've seen some work where just about all of the work is done by the contractor and they determine the finalists and present it to the final vote of the individuals who make the final decision. So I think you have to decide how much you want to give the recruitment individual in the process.

Regina Jackson: Yes, that is great and that has not happened yet. We were actually hoping to start that process during our personnel committee meeting because it is yet to be determined as to whether or not we want to go with the current executive search that completed... I forgot to tell you [inaudible 00:26:13], Commissioner Smith's microphone is not working. Can you try to address that please? And so anyway, sorry to chop up my response to you. So we have to get on that very quickly, which is part of the reason that I asked for the two different timelines from Mr. Appleyard.

Regina Jackson: But we do and did last time conduct a youth listening session to understand what attributes young people thought that they wanted in a police chief. I also

attended another one that adults weighed in as well. And I believe that that information was captured by that executive search firm. But again, my memory's a little fuzzy because after we did all of that, then it seemed like, I don't remember that there were any top three candidates. All of a sudden we had Chief Kirkpatrick. So we will make it in my humble opinion, and I am not the only voice, but we want to guide and direct this process and we definitely want to have community input. We also want to hear from inside the police organization what they think are appropriate attributes. And there are some officers that have said they are interested in participating in some of those sessions, so we do want it to be inclusive. So thank you. Excuse me, Mr. Bey.

Saleem Bey: Yes, Saleem Bay. We've had meetings already about the police chief and what we want as a replacement for this police chief because long before she was fired we'd been fighting for her to be fired and so we didn't just want her fired and then leave it to the same people who gave us Kirkpatrick to do it. No, we've already been thinking about this and there's already a precedent. The precedent is that a civilian needs to be over the Oakland Police Department and manage them, and that civilian has to answer to the people. You do not get another police chief from some other place whose loyalty is strictly to the police and not to the community of Oakland. You can bring somebody in like Kirkpatrick who comes from a whole nother state and then go, "Oh, we need you to be loyal to the community of Oakland and make sure they get uplifted".

Saleem Bey: Whereas wherever they came from, they were loyal to the police department and then they're loyal to the police department when they get here. Sabrina Landreth was the civilian police chief over the Oakland Police Department for almost a year before Kirkpatrick. And the other two other things. First of all, if the executive search that you were using produced Kirkpatrick-

Microphone Test: Testing, one two one two, it's working.

Saleem Bey: Produced Kirkpatrick, produced any of these previous chiefs because Kirkpatrick was the fourth chief in align, this was the fourth chief that this mayor has been responsible for. Each one has failed the city. Each one has failed the black community, right. And so now I just heard that the mayor and the mayor's appointment, that's you, sister, right? So now are going to be responsible for choosing the interim. Isn't that what you just said?

Regina Jackson: According to the measure-

Saleem Bey: Exactly so this why-

Regina Jackson: It is the mayor. Hold on Mr Bey. According to the measure, it is the mayor in consultation with the Chair. I will not make this decision by myself, but I will be the representative of the commission.

Saleem Bey: Okay. Well that to the community means that the mayor and the mayor's person is making the choice. Especially since the mayor's person was put there by so-called community people, we don't really have a lot of, you know, confidence in the fact that you represent in the community, especially when this last chief should have been fired for cause.

Saleem Bey: Right, so whatever the backdoor deals that made it where the mayor would go ahead and deal. Cause we said we were hearing that you and some other people were meeting with the mayor and not meeting with the other commissioners and come up with these things. So how should we, you know what I mean?

Saleem Bey: And on top of that, if the mayor has failed the community in the last four times, choosing a chief, why should we give her another one? You don't give black people that many chances. Black people you what? Three strikes for petty stuff and we're out. This mayor is on her fourth strike for this chief. Why should she have any say she's obviously a failure when it comes to policing of Oakland. Where else can you fail four times and then still be given a fifth chance to name another person?

Regina Jackson: So Mr. Bey, the only comment that I can make on that is that we've got to follow what the initiative says and it's the mayor in consultation with the Chair and there were updates to the commission along the way. So it was never just me and the mayor. Just want you to know that-

Saleem Bey: Right so that doesn't...

Regina Jackson: I actually need, I actually need to go onto the next speaker.

Saleem Bey: Which you took half of my time in answering that-

Regina Jackson: But I also let you talk over your time.

Saleem Bey: Not enough to make up for it.

Regina Jackson: It's never enough Mr. Bey.

Saleem Bey: It is never enough. That's why I'm here every time for the last few years-

Regina Jackson: I understand that.

Saleem Bey: And we're still talking about the same stuff-

Regina Jackson: Mr. Bey.

Saleem Bey: We're the one that came here and told you this chief should have been fired two years ago-

Regina Jackson: And she's gone.

Saleem Bey: Right but it took you two years to do it.

Regina Jackson: I'm sorry it wasn't on your timeline, but I need to ask you to let someone else speak now. Thank you.

John Bey: John Bey. Definitely that don't be in a hurry to get through the process. The contractor that produced this most recent chief, I think that should be held against him. And again, like Saleem said, that shows the lack of judgment on this mayor as well. That the department has gone through so much. The community has suffered financial loss because we continue to have to pay Warshaw so more than... The chief don't take no routine calls, so you don't need a cop. You need someone who can manage, who can see what the tasks are that have to be completed. Figure out a timeline on Warshaw's money. Solve it to his satisfaction and the court with the community support.

John Bey: That is more important for the chief of the police of the City of Oakland Police Department, than a cop who wants to wear their blue uniform and come up here and not answer questions when asked.

John Bey: So the first hard question you put to her was regarding our case and she came here with a response from the mayor. I'm not allowed to speak about it. She didn't act on it. She didn't do anything behind the scenes to update anyone to say that you know what is valid. I'm looking into it, I'm the new chief. I don't have any ties one way or the other except for the fact that she hired or excuse me. She kept the current dirt that she inherited in that chain of command, those upper level officers, kept them in place who had just involved in a Pimpin scandal of one of the citizens of the Bay area, a young girl, just involved in that and she kept them on. That should've been everybody's first indication that she was not the right person. We need a person who can manage staff, not a cop. Thank you.

Regina Jackson: Thank you very much.

Unidentified Speaker: Thank you. I'm a little confused about the need for an ad hoc committee for this since you already have a standing personnel committee, it seems a bit redundant. I mean, hiring the chief of police certainly has to fall within personnel, so I'm not sure why you want to build onto that another committee. It just confusing to me. So perhaps you could explain your rationale.

Regina Jackson: I'll try to clarify.

Unidentified Speaker: Thank you.

Regina Jackson: With all the time that goes into setting a personnel committee agenda, much like the time that goes into setting a commission agenda, we didn't have a

quorum in the current Corona crisis with people getting ill and all that. Setting up those times in aggressive scenarios when you probably need to be able to meet as often as you can to make a series of decisions is not just a one time decision. I feel like ad hoc might be a more specific-

PART 2 OF 6 ENDS [01:10:04]

Regina Jackson: The ad hoc might be a more specific, more efficient way to get there. Thank you. Are those are the end of the speakers?

Mr. Alden: I think those are all the speakers I had.

Regina Jackson: Okay, thank you very much. So we had a motion on the floor that has been properly moved and seconded. We have taken speaker's comments. I would like to take a vote now on setting the ad. Well, I know I can set the, I was taking the privilege of the chair to set an ad hoc meeting, excuse me, an ad hoc committee. So we don't actually need to take a vote. Right. Okay. Thank you. All right, so thank you everyone for that process. Now, and Mr. Appleyard, thank you very much for your time. Appreciate that, and Mr. Alden, thank you as well. So now we will get back to the proper [agendized 01:10:55] item number five, report on review of CPR pending cases, completed investigation, staffing and recent activities.

Mr. Alden: Good evening Madam Chair, members of the commission and members of the public. We have had a lot of activities since I reported last. I'll try to cover a number of things very briefly and if any of the commissioners would like more detail, of course I'd be happy to dig deeper on any of these items. You'll see from our list of pending cases, that we're now down to 88 pending cases. We were, when I came on, at 137 pending cases, so we're looking at a reduction of around a third of our case load. Our goal is to have our cases done within 180 days of the events in the case occurring or of the complaint being received. This is the first time we've created one of these reports in which that 180-day goal, the cases that would be completed within 180 days actually show up on page one, so that's a nice improvement from my perspective.

Regina Jackson: Excellent. Thank you.

Mr. Alden: Thank you. We still need to reduce our current caseload by about another factor of a third in order to get there. I'm really proud of the staff at CPRA for putting in a lot of overtime, working really hard on the cases to crank these numbers down. I really appreciate their diligence in that regard. I should say in fairness to them that the pace at which they're working is not a sustainable pace. They are moving through a lot of overtime. We have budget for that this year, so that's fine, but I do know they're going to need a break. So I am looking forward to the time later this calendar year, I hope when we're down to getting cases down to the 180 day limit and we have enough staff that people can resume a more

regular pace and recover a little bit from the very frantic pace we've been cranking out over the last six to eight months.

Mr. Alden: Moving forward, we have a new staffer. Dolores [Pao 01:12:53] is a former city employee who's come back on a temporary basis to replace the loss of [Verdine 01:13:01] [Clause 00:03:02], say who we still miss, but we're grateful that Ms. [Pao 01:13:06] is able to come onboard and help us out in the short term.

Mr. Alden: In the medium term, we're working on our budget ask. For those of you who had opportunity to see the agenda materials for the personnel committee earlier this week, you would have seen Tsipras proposed org chart and budget asks for this year. Fortunately, we have been told by budget and finance that we are not being asked to make cuts in a cycle. That is unusual and I'm grateful to the city for giving us that space. The department of budget and finances also given us a little bit more time to put in our budget proposal than is the norm, in part because I think it's well understood that the audit called for by measure LL should be out sometime soon and that this commission might want to make asks in response to that document. While we don't have a lot of time left to put in our budget request, we are going to I think have just enough time to be able to be responsive to that audit request in our, or audit report in our budget request.

Mr. Alden: That said, we are looking at a minimum from Tsipras perspective to increase the level of responsibility of the position that Ms. [Clause 01:14:20] used to hold up to an admin analyst too, to have another admin analyst to do outreach as we've discussed before, to add on a position called assistant to the director, which is an exempt position that then would report to the director and effectively be akin to a chief of staff. Because moving forward, other than Ms. [Clause's 01:14:39] former position. Once the inspector general comes on board, we'll have just myself and that position to do all of the work at CPRA, other than investigations. Clearly, we need more staff for that. So effectively, our budget asks is to build out the side of CPRA that handles anything other than investigations, outreach, all the internal staff we need to do projects that the commission assigns to us, helping with the search for the chief of police, helping with use of force policy, things like that.

Mr. Alden: We've had a number of public facing activities since I reported last, including assisting the commission with the youth outreach event at EOIDC around use of force. The use of force ad hoc meetings that we've continued to engage in, I had opportunity to go to a Nichole conference in Austin, Texas last week, which is probably the last time any of us are going to be traveling for a little bit, and that was extremely useful. I also was very pleased that the folks at KTBU were interested in doing a piece about the commission, and CPRA earlier this week. So they aired that and got the word out about how to get complaints into CPRA, and I really appreciate folks at KTBU for getting the word out.

Mr. Alden: In addition to that, I was asked to speak at an ACLU event about oversight recently, so we continue to try to get the word out as best we can. We're

starting to have conversations with [Gia 01:16:06] Orlando, who was the outreach person that the commission kindly approved us bringing on. There's a resolution memorializing that later in the agenda, and we've already started talking to her about how to revise some of our materials and put together our lists of contacts and like, so we're moving quickly on that. So, lots going on at CPRA. Questions?

Regina Jackson: One comment. I thought that your interview on KTBU was done very, very well.

Mr. Alden: Thank you.

Regina Jackson: And I know that we got lots of comments from the community. So if you have not seen it, I know that we tweeted about it on our Twitter, Oakland Police Commission, follow us. There's also a written article, so thank you and congratulations for that. Certainly, we know how much you are managing with the bringing down the caseload, so to add all of these external facing supports is stretching your time quite a bit. Again, appreciate that. Any other comments or questions? Commissioner [Gage 01:17:10]?

Unidentified Speaker: Thank you, John. When I'm looking through the recently completed investigations report, I'm seeing a handful of sustained, and sustained claims involving PDRD violations. I'm curious if you've noticed an uptick in that particular MOR violation.

Mr. Alden: Well, I can only speak to that in a very anecdotal way, and I know Commissioner Anderson will appreciate the limitations of anecdotal evidence. Certainly, individually, you're right, this report does show a few more of those. Whether those are on the rise or not would require me to also take a look at all of the self discovered PDRD violations that the police department has, not ones discovered as a result of a complaint raised by a member of the public. So it would be difficult for me to say if overall there's an increase or not, but it is correct as you observed, that in our most recent batch, we saw a fair number of those more than we had seen in previous periods.

Mr. Alden: It is also, I think of interests that the Oakland police department already has a penalty guideline for violations of the PDRD policy that allow for a slightly higher penalty than you might see on other ordinary performance of duty violations. So this particular kind of violation has already been singled out by the police department as meriting slightly more intense discipline than some other like violations, and I think that's a positive. It sends the message that the PDRD is a very important tool that officers must use every time.

Unidentified Speaker: Any followup, or-

Unidentified Speaker: No. It's interesting to note that it looks like OPD themselves discovered many of these PDRD violations, which is to the department's credit that it didn't have to

rely on separate note those particular findings that were later sustained. So, credit the department for catching those ones.

Unidentified Speaker: That's great. Commissioner Anderson, do you have a question?

Tara Anderson: Yes, thank you. Through the chair, in regards to staffing at one point, and I, forgive me because I don't remember which meeting we had this discussion, we talked about the fact that there'll be individuals who come forward with a complaint that have experienced significant trauma, and regardless of the finding of CPRA, those individuals needed support, and thinking about best practices and how we could connect individuals to support services regardless of the outcome of the investigation. I'm curious, have you thought through any budgetary implications with CPRA being able to play a role in connecting people to services and resources to support them in the wake of the police violence that they've experienced?

Mr. Alden: I have thought about that. Given the amount of physical space we have and some of the challenges we're having around existing tasks, the budget asks that I've made here is one, I think it's pretty aggressive compared to our current budget, but doesn't account for the needs you're describing. In the long run, I would definitely like for CPRA to have the capacity to provide the services you're describing. Now, to my mind, I can think of four or five things that would also be similar level asks for me and following years, subsequent years. But for this project, I would think we would need at least a couple of people that could run a mediation program and also at the same time try to find ways to connect some of our complaints with services.

Mr. Alden: It is common that complainants that come to us, in addition to making a complaint, really need some help about something specific that happened to also involve police officers. Maybe they had a bicycle that was confiscated and they want that back from public works, and we don't have jurisdiction over public works, but I could imagine a system in which we had someone that would provide them some assistance in talking to public works and getting that bike back. I could imagine a system in which we also had referrals to connect people to psychological services or counseling that might help them with trauma that they had experienced either because of their interaction with the police or just before the police got there because of some other crime that happened. I think there are a lot of ways in which we could be providing supportive services of that kind, and I'm interested in doing that in the long run at CPRA. I do think that would be a substantial increase in staff and it would be a very different kind of staff, the ones we have, and I welcome continuing that conversation as we move forward.

Tara Anderson: I also see opportunities to leverage resources that already exist within the community and having the opportunity to develop formalized agreements between CPRA and those organizations to have a more direct referral stream. So I'm not, I think there's probably a balance of increased capacity in house and CPRA. I also would hate to see us wait when we know that there are community

based providers that could provide the service. We're just not, we're not seizing this opportunity to link individuals to that service. While I understand that developing an MOU with a community based organization is going to take time, I recognize that, but I would hate to wait on a whole nother budget cycle to create pathways to care and support, regardless of the outcome of an investigation. So as much as that could be thought through at a minimum, what might be realistic in the near term to direct people towards those supports.

Tara Anderson: I think about in, of course my day job, regardless of whether or not we move forward with charging a case in the district attorney's office, there are supports that are available to victim survivors that come forward to us. I think of this very, very much in the same way, and wanting to maintain continuity of services and support when people are in need, and have demonstrated some of the greatest courage, and being able to come forward and report that something has happened to them that was inappropriate. So as much as we can create tools that seize that moment, I would appreciate us thinking that through and recognizing finite resources to do that.

Tara Anderson: I also appreciate your call out about anecdote. While I appreciate what, how it can inform conversation, I do like the idea of us being able to look at overall trends, especially when you're constrained about what you're able to speak to, and I'm curious about kind of when we might be able to have some sort of a summary annual report that helps us understand certain trends, especially based on the questions of commissioner, vice chair, [Gage 00:14:13].

Mr. Alden: Sure, a couple of things there. If the commission would like for us to make an even bolder budget asks than the one that I've described, I would certainly be happy to do that and I'd take whatever direction the commission would like to provide about that. It's not required that the commission do that in order for the budget acts to be effective, but I want to make sure I'm making a budget asks that the commission supports and likes. So if it's the consensus of the commission that we should move forward on creating those positions now, as you were describing, then we can do that too. I would say even if, at the end of the budget cycle, we only got say the outreach admin analyst two that we've discussed, a high priority for me would be making sure that person at least created lists of referrals or resources that we could send people to so we can at least connect them to the right services out there in the community.

Mr. Alden: As for the annual report, we have started working on that. The commission also has an annual report that Ms. Love is working on, and we're shooting to have both of those done late spring, early summer is our hope at this point. We do anticipate that there'll be some data in the CPRA report about the cases we have so far. Simultaneously, we're moving forward on continuing improvements to our database so that it's better able to provide us with the kind of information we'd like. One of the reasons we have, they ask for some of these new positions, like the chief of staff at CPRA, is because we just don't have enough staff on that side of the house to shepherd those projects as well as we'd like. We've had to take people off investigations to work on the database

fixes, and that's obviously going to slow down the investigations. So part of our idea here is to make sure we got better capacity for database, but we will have a report for you.

Mr. Alden: Mr. Rus might be able to tell you a little more about it, if you'd like.

Regina Jackson: That's okay.

Mr. Alden: Okay.

Regina Jackson: One of the points that I wanted to make to you as it relates to the community spreadsheet that we just created, I think that there are a lot of organizations on there that may serve and provide resources. It sounds like perhaps Ms. Love needs to provide some abbreviations around the services that are available, and then perhaps she can also begin to set up some meetings with you so that you can figure out from a priority standpoint what goes where, and maybe it's not you, but part of me thinks it might be because you have some knowledge around some of the needs. So that may be one way, and then certainly with the outreach person, I realize that they're primarily trying to do outward facing documentation and collateral, but there may also be a space there to identify kind of a trajectory of resources and services and keep liaisons to facilitate or to refer to. It's just a thought. Yes, Mr. Rus?

Mr. Rus: Through the chair, two quick things. One is all of our investigators and intake, except for the new ones, have gone through the CIT training offered by Alameda County. So they do have lists of service providers through Alameda County and they do provide those referrals. They don't do any kind of active case management, but they will provide numbers and help people get in contact with providers through the County.

Mr. Rus: The second thing I just wanted to quickly, and I had planned to do this at the personnel committee as well, as a point of comparison to think about sort of how the investigative and administrative parts of our agency work. The comparable numbers for internal affairs, they have, just outside of the investigatory part of their body, they also have six intake people, including, and a Lieutenant and a Sergeant. They have an officer specifically assigned to certain types of documentation regarding pursuits, some certain other kinds of things. They have a Pitchess officer and they have four other administrative people who help them prepare things like Skelly packets.

Mr. Rus: Under the old structure of the CPRB, when our findings were advisory, we didn't have to prepare as much documentation on the back end for the grievance part of these procedures. IAD has four dedicated people just to do those things and we have no one. So there are a lot of these administrative tasks that our investigative case load is much larger, but our administrative load is much larger than it was two years ago and we don't have any additional administrative

assistance right now. So just filling out those administrative roles to get us in line with what needs to be prepared on the backend of cases is just vital.

Regina Jackson: Okay. Thank you. Are there any other questions on this item? Commissioner Gage.

Henry Gage, III: Thank you, chair. More of a comment than a question, I want to express my things to the agency staff for the work they're doing right now. I recognize that you've set some aggressive timelines when it comes to reducing the overall pending caseload for the agency, and our view of this report and prior reports, it's working and I'm appreciative of the hours people are putting in. Hopefully, we can get you the staff you need. I recognize the staff and disparity between IAD and the agency. It is significant, and that's something we're going to have to address moving forward. For now, thank you.

Regina Jackson: I echo Commissioner Gage's comments. Obviously, to see the reduction of a third of the cases is a great direction to go in, especially in review of the 180 days. That in addition to the external facing activities, you guys have been full speed ahead. So it sounds like the recommendation around liaison or resource coordinator or delivery, maybe there's another position in there that can be vied for in your budget. So you might want to take a look at that, because I think you'll be bringing that to us soon.

Mr. Alden: Bringing the budget back again?

Regina Jackson: Aren't you? Or I thought I heard you say May or June, but I'm not sure. Is that just going-

Mr. Alden: Oh, let me explain briefly then the budget process. So, our budget submission to budget and finance was actually due about a week ago. So we have been given an extension on that deadline because we're unusually situated this year. We're ready at CPRA to go ahead and submit the proposal that you see in the personnel packet from the meeting that was going to be on Tuesday. So had we had that meeting, maybe we could have gotten some feedback then and be ready to move forward. If the commissioner would like to provide some more feedback before we send it in, we'll hold onto that, and until we get that direction, which could be tonight or could be some other time.

Mr. Alden: So whatever the commission would like us to do, we're ready to move forward. We wanted to run it past the commission first, so we're ready for whatever direction you'd like to give us now. Then, the next steps in the process would be budget and finance would move forward with city council in May as to what the city as a whole would be submitting to council, including the CPRA budget, and then council would have May and early June to make decisions, final decisions about how that would look.

Regina Jackson: Okay, so I misunderstood the timing. So first question, since you got an extension for a report that arguably was due a week ago, it sounds like you really need to submit it. But the second question is in terms of the personnel committee, the commission, did the commission all get that report even if they're not on the personnel committee, the budget piece?

Mr. Alden: Well, our original, intentionally, we created the agendas for the meeting Tuesday. A personnel committee and the meeting tonight was it, then there would be a report from personnel tonight to this group. So we are awkwardly positioned in that regard since that meeting didn't happen. I know that we do have an agenda item on, with respect to committee reports, and that might be a way to properly facilitate taking action on that, should the commissioner will do that tonight.

Regina Jackson: Okay. So my only thought is based upon the query that Commissioner Gage and Anderson talked about in terms of that resource identification liaison, if there is room to add something in there that can kind of fit that or additional responsibilities as it relates to whatever budgeted items are already in there, maybe you could make those adjustments, and that way it gets you the resource you're looking for and answers the questions and provides the resources to community that we're all looking for.

Mr. Alden: Absolutely, and just to confirm, I think I am hearing that it is at a minimum the consensus of the group tonight that we should add that position. So I can go ahead and take that action without any further need of direction, if that's all right with the commission. We'll research what inappropriate classification might be and add that to our request.

Regina Jackson: I think that sounds correct.

Mr. Alden: Done.

Regina Jackson: Okay. Thank you. So moving forward, we are on item six, committee reports. Oh, nope, sorry, I skipped a speaker. Can you identify the speakers on this item?

Mr. Alden: We have four speakers on this item. I have Assata Olugbala, Saleem Bey, John Bey, and Rashidah Grinage.

Rashidah Grinage: Thank you. A couple of things. First of all, as Mr. Bruce knows perfectly well, and I think Mr. Brown does as well, Mr. Finnell had proposed a mediation process quite a while ago, two or three years ago. It was pretty well flushed out, and it was based largely on the San Francisco model, and it went into meet and confer and was never seen again. So perhaps Mr. [Rousse 01:34:36] can update the commission on what happened to it and maybe he can resuscitate it, and I think that the idea based on Ms. Anderson's comment, the idea was to contract with local mediation partners, nonprofits and organizations that do this sort of thing,

and it was a very detailed proposal. So it should be sitting in Mr. Rus' files, I would think, and perhaps he would like to elucidate and for everyone's benefit.

Rashidah Grinage: Second point is that, once again, and I'm sure Mr. Alden knows exactly what I'm going to say, many of these dates indicate that there is a continuing problem with SEpra getting IAD investigations timeline. That is unacceptable, and I don't know why it is still happening, and I wonder what we can do to enforce the fact, I mean, especially since the caseload is difficult to manage as it is, losing a week or 10 days between the time that IAD has it and SEpra has it is unacceptable. Then finally, maybe there should be a budget provision for moving the intake to the ground level, which is what the ordinance requires so that someone without a compass and a flashlight can find the office. Thank you.

Regina Jackson: Thank you Ms. Grinage.

Assata Olugbala: Love life. It is my position that it is inappropriate to take a position that reducing case loads is a issue. We're not interested in reducing anything. We're interested in every citizen who feels to need to approach for an issue around police conduct to come and have that dealt with, and the numbers of reducing caseload is not an issue. It shouldn't even be discussed. What should be discussed, are we allowing the citizens who need to come to get what they need from us? Are we having that amount of outreach at its massive man capacity?

Assata Olugbala: The other thing is cases, ADA cases, 55 of those cases are excessive force or use of force cases, followed by racial profiling is a higher number in harassment. Of the cases that were unfounded, that were completed investigating, the investigations were completed, 52 of them were use of force. All of them were unfounded or exonerated. So a discussion of how is this happening and continuing to happen with this group of police commission investigators as it was in the pass, we were never able to hold police officers for use of force, violations and always saying it's no police officers violated use of force, unfounded, exonerated. Not one, and that was the history before, and in my mind, the police commissions newly formed was going to be able to eliminate this, and it's not happening.

Assata Olugbala: So lastly, I want to see a report on staff diversity, everybody, investigators and whoever else, and cultural competency, because most of the people you coming contact with are African Americans and probably Latinos and people who are socially, economically challenged, and to have the capacity to deal with that. But diversity, I don't see it, but I'm very upset that we're having a discussion about reducing case loads and as if we're going to have a rah rah about that, and I want some explanation of how we are not able to have findings that say "sustained" on at least one case.

Regina Jackson: That's right.

Assata Olugbala: Thank you.

Saleem Bey: Saleem Bey. So our experience with the CPR A/B/whatever you want to call it is basically, it's the same people there right now. You have the same people who closed all of our cases in 2007, 2011, 2014, 2016 are still there. They're the people who was there before you were here. The reason why you're here is because if they were doing their job, representing the people in the community, two thirds of the voting public wouldn't had to do a super majority to put you guys up there, right? To listen for the last X amount of years for me to come up here and tell you that your investigative arm is only is good or you're only as trustworthy as your own investigative arm. Right? Same investigator arm we're logging right now has Joan saw pay over there and Karen Tom.

Saleem Bey: A month ago, right? I just named off all of the ones that we file. A month ago we filed another one, a new one. We walked in, we went through the process. We went through there. So there, if there's not a Bay case up there in your pending cases, why don't we have a number at this point? What public person comes off the street and files a case or a complaint against the police and a month later, we still don't have a case number? Through the chair to Mr. Alden.

Regina Jackson: It's a fair question. Can you answer it?

Mr. Alden: I can never answer any questions about specific cases from this dyes.

Saleem Bey: Very good. Well, we'll just leave it at that, but-

Mr. Alden: Pardon me, Mr. Bey, but I'm not done.

Saleem Bey: Okay.

Mr. Alden: So as we discussed in a previous due training, right, there is state law about that and it doesn't allow us to say anything about specific cases. So I can't talk about Mr. Bey's case.

Regina Jackson: That's fine. So let me ask in general, what is the timeline that it takes from taking a complaint and actually assigning a number? Is it two months, four months, six months?

Mr. Alden: That varies widely to-

Regina Jackson: I want to make sure it's a realistic expectation.

Mr. Alden: Sure. It varies widely depending on the kind of complaint. So one of the things that our system currently does as a result of LL is requires CPRA and internal affairs at some point to figure out whether we have concurrence on the case. In order to make that process work well, we use the same case numbering system in both agencies. so whenever one of us gets a complaint in, there's a reconciliation process where we check to see if that same subject matter is

already the subject of a complaint at the other agency, and sometimes it takes some time to figure that out.

Mr. Alden: Once we figure out the appropriate case number for the matter, that doesn't automatically generate a notification back to the person who made the complaint. That usually happens after we've done a little bit more intake work and figured out what the course of the case is going to be, who's going to be working on it in the longer term, particularly who it is that might be doing some followup interviews with the complainants and that can sometimes be a couple of months out.

Mr. Alden: So to get back to what some of the other complainants, sorry, some of the other members of the public had mentioned earlier, part of the reason getting the caseload down is important is that the case that we had a year ago was so huge that cases were sitting for months before anyone even crack them open, and that's clearly an unacceptable place to be. So we are really interested in getting case loads down, because the case loads got to a point where there was no way for our existing staff to process them in a thorough manner. Since our first concern is doing a good job on the cases and since each case has a one year statute of limitations, we just really had to manage to figure out ways to effectively get through those cases quickly. So our investigators can now, moving forward, spend more time on each case and get back to complainants faster than we did in the past.

Regina Jackson: Okay. Well, thank you for that context.

Mr. Alden: Sure.

Regina Jackson: So it sounds like it's going to take a little bit more, but in terms of a realistic expectation, it sounds like it's at least another month or so.

Rashidah Grinage: Another month or so before we get in an answer or before we get a response on our thing. So anyway, I just wanted to say that you may want to look at your processes when people put in a complaint, and then it's important to them. The complaint is important to the public. So if we do a complaint with the CPRA and we don't hear from them for months until you go back to them, and then, or anything like that, that's not a good process. We're talking about responsiveness, or at the very least acknowledge that it's there and being processed or something to that effect.

Rashidah Grinage: But we've been back twice to do interviews, so really and truly, we're watching the CPRA. This is a test case to see how Mr. Alden, but we wanted to make sure that our case does not go back to the same people who've been closing our case, the same reason why you're here. The same issues that we keep saying is not being resolved. So what we would like to do, and also one question that was never answered here was how many of the IAD cases that, how many IAD cases

were sustained at the same time as CPRA cases were sustained? So if they're sustained in a case, how many many-

PART 3 OF 6 ENDS [01:45:04]

Regina Jackson: As CPRA cases were sustained. So if they're sustained in the case, how many IED cases concurred with that sustained motion?

Regina Jackson: Okay. That'll take a little work. Thank you. So Mr. Alden, it sounds like we probably need a visual graphic or something that speaks to the processes and sometimes how long it can take so people have a sense of where they are. Does that make sense? Does it-

Mr. Alden: It does. I don't have any staff to create that right now, but that's something I'd love for our outreach person to do if we got them hired.

Mr. Bey: If you-

Regina Jackson: That sounds great.

Mr. Bey: ... could lay out an outline? I could probably put that together and then you guys can review it if you want to do it that way to help out.

Regina Jackson: Thank you, Mr. Bey, did you-

Mr. Bey: I'm more than willing to help. So look me up on that.

Regina Jackson: Thank you.

Mr. Bey: I'm serious though.

Regina Jackson: I'm not playing. Thank you.

Mr. Bey: That's the whole reason aside from the fact that... Just like you say, the one process where you were involved with the chief... was working or going along and then disappeared and dropped off and then the other-

Regina Jackson: Let me clarify. I was not working with the mayor. I'm just saying as a part of the search process, when stakeholders were brought to the table to work with the search person that was a meeting-

Mr. Bey: And you thought something was going?

Regina Jackson: Right. And then you got down the road and-

Mr. Bey: Right. That is the city of Oakland, Oakie Doke. It happens often. Things are supposed to be moving along like our case, and then they are forever delayed.

They are kneecapped. Various things happen, but bottom line is no progress is made. So while we want progress in closing cases, we want to be able... The case is a person. A person has a complaint serious enough to them that they would stop whatever they're doing, go to a specific place, take time, lodge a complaint, and they want a result.

Mr. Bey: So if we are sustaining some cases, like Saleem just said, what is IA doing regarding that same case? We need to get deeper into the weeds of the cases and what that means. The system was saying... It's not a race. We want to do it properly so that the person can feel that they're valued, that their complaint was heard.

Mr. Bey: We know 16 years of oversight for this police department, I would say 9 out of 10 they not correct. So why are they all sustained... I mean why are they exonerated, as she said? So we have to look at it. We have a failing police department, four chiefs. The mayor has failed millions of dollars in Mr. Warshaw... I know his grandchildren have wonderful Christmases every year off of Oakland.

Mr. Bey: So let's resolve some of these things and let's work for the supra that has gained new power. Now you trying to spend some money to supposedly help us. Help us. Give us the information that we can use in the community.

Regina Jackson: Thank you. And Mr. Bey. I'll follow up with you on that graphic.

Gene Hazzard: Okay. For the record, Gene Hazzard. I've said in the past 604 the charter is in direct conflict with three 305 the charter. The mayor should not be involved with the selection of the police chief. Okay? That needs to be changed in the charter. But having said that through the chair to Mr. Alden, how many use of forces did you say they were?

Regina Jackson: Mr. Alden, if you can answer that question?

Mr. Alden: I didn't go into that level of detail, but-

Gene Hazzard: Didn't you say there were 80 or 55? Did you say they were 55-

Regina Jackson: Actually, I think that was Ms. Assata that identified those numbers.

Gene Hazzard: Oh, okay. Excuse me. Okay. If there were that many use of force... And I'm sure Ms. Assata... She's a very astute reader of documentation and information. My question to Mr. Alden, in regards to what Ms. Assata had brought forth, how many of those were repeat offenders? Okay?

Regina Jackson: Okay.

Gene Hazzard: And if they were repeat offenders, you're telling me you want us to believe those folks were exonerated? If they knew they got away with it the time before, they going to do it again. So something is wrong with that playbook. If Mr. Alden through the chair could speak to that... Maybe not in specific, but in a general way?

Regina Jackson: Okay. So the question that I think I hear, which I do not think we have the information to tonight is, how many of the cases have repeat offenders? Is that what I heard?

Gene Hazzard: Yes.

Regina Jackson: Okay.

Gene Hazzard: Yes.

Regina Jackson: So is there a way in the future where you can identify that? Nope, there is not.

Mr. Alden: No. Well, two things about that. The, the issue that bothers me the most about the question that Mr. Hazzard raised is that there currently is a provision in measure LL, that I think most lawyers who've looked at, I would say could be drafted better, but has also been interpreted by all the lawyers who looked at it as effectively prohibiting Cipro staff from checking to see what the officer's history was before they investigated the case.

Mr. Alden: I find that unacceptable. I think that is not a way to do business, but that is what the charter language imposes upon our investigators right now. So one of the things that I have been talking to council about is that since they have very kindly, many of them, suggested they might be willing to entertain a ballot measure to make some amendments to LL. I've been asking them if they might please fix that so that we could have our investigators check to see the history of officers with respect to use of force as they're investigating use of force claims against those officers.

Mr. Alden: So that's the biggest, I think, problem in this regard. I am hopeful that the council will see fit to include language of that sort in that charter revision, and that that'll be before the voters for them... to vote upon in the fall, such that we might be able to do a more effective job on use of force cases. I think that'd be a tremendous improvement to our procedures. It's one of my top priority issues for this calendar year.

Mr. Alden: Secondly though, current state law, which I neither like nor think is good policy, prohibits us from conveying that information to the public. So in less and until the state legislature or a state initiative changes some of the police privacy laws, I and other oversight agencies like mine, have no way to get that information to the public. Other States allow that. Ironically, in the state of Utah, that happens

all the time. That never happens in California and I think that's really unfortunate.

Gene Hazzard: Through the chair, if I'm not mistaken, there is a state law. AB... Huh? 1421-

Regina Jackson: 1421. Is that what you're talking about?

Gene Hazzard: Yes. That does allow the previous conduct of an officer to be brought into question. And if I'm not correct, can Mr. Alden, can counsel speak to that and the AB 1421? SB 1421. I think that does speak to the issue for which I'm bringing a forth.

Regina Jackson: Justice Kennedy, do we need to specifically agendize that in order to respond to it so that we can have-

Gene Hazzard: That'll be fine. I mean, that'd be fine if he would do that. The state law with respect to-

Mr. Alden: I do think that we are getting a little bit far field with respect to what's been agendized.

Regina Jackson: Okay.

Mr. Alden: And I will continue-

Mr. Bey: Okay. No. I could appreciate that, but that-

Regina Jackson: So then we will do that.

Mr. Bey: ... really needs to be addressed.

Regina Jackson: We will do that.

Mr. Bey: Okay.

Mr. Alden: Madam Chair, if it helps, I'd point out too that we discuss this issue in great detail at a training that this commission did as part of a public meeting. It was our one meeting in December of last year. So members of the public who are interested in how 1421 interacts with this issue can look up that meeting, which I believe was only audio recorded, if memory serves. And at least see the training materials there that answer these questions and listen to the colloquy about these [crosstalk 01:54:10].

Regina Jackson: Okay.

Gene Hazzard: Okay. So you can agendize, you did in the training. It needs to be brought here so the public could be informed as to what that particular legislation says, with regards to-

Regina Jackson: So what it sounds like is at that presentation, I will need to email it to you, since I guess you weren't at that meeting.

Gene Hazzard: No.

Regina Jackson: And we can make some more-

Gene Hazzard: Well, I'm not just talking about for the-

Regina Jackson: copies available.

Gene Hazzard: Yeah. The reason it needs to be agendized... Remember, we don't know how many people are watching this on-

Regina Jackson: Absolutely.

Gene Hazzard: ... the video. So I think, not just to give it to me, minus for the edification of the public at large.

Regina Jackson: No, problem.

Gene Hazzard: Thank you.

Regina Jackson: Thank you. Yes, Commissioner Anderson?

Tara Anderson: Through the chair, is it possible to get a just a reoccurring summary that goes with each of these each time we discussed them that goes over the major points of law that govern investigations? I mean, there's so many pieces of the law that was a very long training. But having [crosstalk 01:55:16] a legend... because otherwise we'd just have these investigative reports and nothing else. But if there's something consistently... helps message what is permitted or not permitted, maybe, Chrissy can pull together key points from that slide deck. So it doesn't require a whole lot of additional work from yourself, Director, Alden.

Tara Anderson: I think that that would be extremely valuable, especially because I see this coming up more and more, and we would want to have it as an agenda every meeting. Not to suggest that there isn't the necessity to have a potential agenda item next time we convene, but I think in addition to that or just having a consistent summary of those things as a part of these documents may prove to be helpful.

Mr. Alden: I think that's a great idea and we'll ask Ms. Love to help with that. But I would say as a general rule that the information we see here is above and beyond

what you see from most agencies. And really there isn't anything else we can provide, regrettably.

Regina Jackson: Okay. So you're going to try and figure out a framework for a legend that can accompany this report every time it's given. We will also pull up the training and make sure that it's easily identifiable, both on the website and maybe copies here for the next meeting that we have. Okay. Thank you.

Regina Jackson: Excuse me. So we are on committee reports, which is item six. We can go around again, since we have so many people absent, I recognize that maybe all of these items won't be able to be reported on. Well, we've talked about personnel several times and because of a lack of quorum, we did not meet.

Regina Jackson: We are going to have an ad hoc for the police chief recruitment process. For outreach, I do not know if anyone has added to the spreadsheet that was shared, I believe it had about 65 organizations on it. I wanted the commission to be able to add to it, so that we give the most thorough representation, and attach it to the next meeting, so that if there are other organizations that are missing that the community thinks needs to add to it, that we can do that.

Regina Jackson: So if you all can make sure to take a look at it and weigh in on whatever you think might be missing. These were both nonprofits, as well as church listings for community outreach. Do you have a question commissioner [Brown 00:01:58:03]? Oh, okay.

Regina Jackson: That's as much as I have on outreach. Ms. Love did email the listening sessions, which I now understand is cancelled, which makes sense, to all the organizations. So we're beginning to use it in order to engage as well. Do you want to speak on the mental health model?

Chris Brown: Right. This subcommittee refers to a meeting related to Maureen Benson's community organizations, where the goal was to talk about initially responding someone besides police to mental health related cases. We've met once. Presently, we're looking around for another date where people are ready to meet a second time. We anticipate it could go out into April because of calendaring problems, but right now people are just turning in their available dates.

Regina Jackson: Okay. Is this a meeting that community can attend or that...

Chris Brown: Yes, the community can attend this. It is a community-based meeting, we just sit in and listen. That is our role in this.

Regina Jackson: Do we have a flyer that we might be able to share?

Chris Brown: I'll be glad to set that up with a Commissioner Benson.

Regina Jackson: Okay. All right. Very good.

Chris Brown: Yep. Glad to do that.

Regina Jackson: Thank you. Commissioner Anderson.

Tara Anderson: I just had a clarifying question. Is this associated with the \$40,000 that the city council approved to look into a CAHOOTS model or is this something separate and apart from that?

Chris Brown: This is separate and apart from that. The CAHOOTS model is being pursued right now. Officer Neff, will be talking the interim chief as soon as we have an interim chief. And to further that because that has been stalled now because of the change in personnel, but it's still going forward.

Regina Jackson: Great. Thank you very much.

Chris Brown: I want to point out what this is part of is overall for solving the problem of, "What do we do, so that we don't have people's mental health forward community members first contact be with police, but rather with someone besides police?" There are roughly five competing solutions for that.

Chris Brown: So at some point we're going to need to reconcile the solutions and find out which one makes the most sense of what kind of solution we're actually looking for. Whether we want access to Alameda County records, whether we want to start our own database. Or we want to pursue something like the CAHOOTS model, which may or may not have access to County records.

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

Thomas Lloyd Smith: Commissioner Gage, as well as myself and commissioner Prather have been involved in the code of conduct. As we mentioned before, there was a circulated draft that had first been developed earlier in the year. So Commissioner Prather forwarded that to us.

Thomas Lloyd Smith: Just so people are familiar with the areas that we're looking at, the core of them or really six core areas. The first one is commissioner conduct. The second one's our's responsibilities of the chair during commission meetings. The third is commissioner interactions during commission meetings. And then the fourth is commissioner interactions with the public. And then social media concerns, and finally points of order.

Thomas Lloyd Smith: We're going around giving feedback on those key points, which consists of the code of conduct and we should be able to bring that forward pretty soon once to Commissioner Prather comes back.

Regina Jackson: Excellent. Thank you very much. I think we moved forward to Rosa procedure? Was there anything on equipment?

Henry Gage, III: For equipment, there is no update at this time.

Regina Jackson: Okay, no problem. Item four, can either Commissioner Gage or Anderson provide an update on use of force?

Tara Anderson: In attempt to increase transparency associated with the use of force ad hoc, we created this biweekly report, and anticipate producing one of these after each of our ad hoc meetings. I think we're in the process of determining how we can increase exposure to what's happening in ad hoc while simultaneously planning for a larger revision effort that is community driven.

Tara Anderson: This is a summary provides background on a bit of a historic [inaudible 00:18:12], what's led us to this particular ad hoc around use of force. And then the update from this specific meeting. That's our first attempt at this, so I know we will receive a lot of feedback about how it can be improved to help increase transparency around the use of force ad hoc process.

Tara Anderson: I'm happy to respond to any questions that our fellow commissioners have and welcome Vice Chair Gage to add any commentary associated with the meeting and this attempt at increased transparency.

Regina Jackson: Commissioner Gage.

Henry Gage, III: Thank you and commissioner Anderson for putting together this report. I'll be very brief. As an ad hoc, we agreed that we did not want to bring a full draft proposal forward, it was still in progress. The goal at this point is to continue to work as an ad hoc to put together a preliminary revision and then take that revision back to commission as well as to members of the public to ask for feedback concurrently with many of the town hall activities that are going to be going on, moving forward. With that said, that's the process we agreed on. That's the process we're operating under right now, and we're open to feedback. Did I get that correct?

Regina Jackson: So I have a question. One of the things that has been a reoccurring theme is community access. Is there somewhere that... perhaps on the website, I don't know. Where there could be, posted, the draft as it is thus far so that people could weigh in almost like a Google doc and make narrative suggestions, so that it doesn't seem like the documents' done before you're sharing it for comment?

Henry Gage, III: I can speak to that a bit as. As an ad hoc... get a number of conversations about what the process at this stage should look like. One of the early suggestions was to do just that, just to post both the current version of our working draft as well as the original version of DGO K-3 with a request for public comment.

Henry Gage, III: After discussion as an ad hoc, we have out voted and came to the conclusion that this time we did not want to post either version for public comment, instead of wanting to wait until we could clean up and make the version we were working with better. It's debatable, of course, but that was the decision the ad hoc came to and I'm willing to respect that.

Regina Jackson: Okay. So you don't think that there is a possibility that other people could help you clean it up? Or it's just something you think that should be done?

Henry Gage, III: Not at all. I'm not saying that there's no possibility that no one could help clean it up. I'm saying that as an ad hoc, we had a conversation about when a current draft should be publicly posted. And as an ad hoc, the ad hoc decided that they did not want that draft we're currently working on to be publicly posted at this time.

Regina Jackson: Okay. Thank you for answering that question. I think that one of the things that would be helpful, it's might not be related to this specific subject, is that we should be working toward a proforma of how we're going to approach policy in the future. So that we can bake in engagement early and often.

Regina Jackson: I know that we've done it different ways each time, which is part of why we probably need to identify an infrastructure moving forward. Again, I get that you all decided not now. It might be helpful to know if not now, when? So that people can have something to look forward to. And now that the March 21st listening session has been canceled through no fault of anybody's, what we might do to facilitate that?

Henry Gage, III: I think as an individual I've been quite clear, about my preferences when it comes to how I'd like this policy development work to be completed. However, as an ad hoc after respect, the will of the people I work with, and as a group, that's the decision we came to.

Henry Gage, III: I agree that we need to have a discussion as a commission with respect to how we engage in policy development, and we need to have some rules set out for how that process happens because this right here can't happen again. We can't have this happen again. But it's happening right now, and this is the process we have right now.

Henry Gage, III: It's the process we're working with. Out of respect for my fellow ad hoc members, I'm reporting the ad hoc position and I'm not advocating this as best practices. I'm just simply saying, this is what's happening now.

Regina Jackson: I appreciate that. The reason that we're having the conversations because there are those of us that don't know, so we're asking questions. It's not attacking what you've done. It's trying to clarify what the thought process was and what's coming down the pike, but in an abundance of desire for a infrastructural approach to policy development so that we're never here again.

Regina Jackson: Perhaps we can work on something that can be presented and adopted by the commission so that for future policy approaches we have steps that are already agreed to as much as possible. Everything's going to be nuanced but at least a frame.

Henry Gage, III: Commissioners Smith spoke briefly about the code of conduct that was drafted by a commissioner [Prather 02:09:18] I believe it was early 2019, if memory serves. That code of conduct discusses in very light detail... It starts to get into some of this work. I've taken that and started making notes on justice, a standard operating procedure for policy development.

Henry Gage, III: It's not ready enough for the commission to take action on this time, but it's certainly something I would welcome help with if anyone, besides members of the rules or procedure ad hoc, would like to weigh. I agree, we need to do better when it comes to this sort of development.

Regina Jackson: That sounds great. I'm glad that there are pieces, bite size or otherwise that you can use to get to the SOP that I think we all want to get to.

Henry Gage, III: Thank you. Thank you. This is a very frustrating position to be in. I do not relish the position of reporting out this sort of information to members of the public, who I am quite sure are very interested in hearing and seeing what's going on in this meeting. So it's not my position, but it is the position.

Regina Jackson: Appreciate that we sometimes have to carry the load of more of the people that we represent, even if it isn't our personal perspective. I get it. Are there any other questions? Oh, I'm sorry. Commissioner Anderson.

Tara Anderson: I appreciate that we'll work collaboratively to set up a structure that we want to use as our approach, as we address future policy changes. Although there was a consensus being represented by Vice Chair Gage around how the process should be, we also have the opportunity to pump the brakes and examine if there are ways that our current process can be altered to best respond to the concerns that we've heard, not only from the public but from our fellow commissioners.

Tara Anderson: So I would like to have the opportunity for us to approach some of this a bit again and what it could look like. It may look like the ad hoc continuing, but further clarifying what work product is coming out of the ad hoc and what the intention is for the development of a community-driven best practice and work group representation around key subject matter that the community our best possession positioned to provide.

Tara Anderson: I'm thinking beyond the town hall format, sitting in community identifying actual line item revisions. Not to say that town hall doesn't inform revisions because it absolutely can and does. And highlights, oftentimes, components of policy that one may not even think to include.

Tara Anderson: For having voices and real experiences behind, why it's important to have certain positioning of body to understand that something... Noise and the use of noise, how that can actually be forced. So these are things that I think are very important that come through town hall, but there's also a different space and facilitation that can happen when you sit together and go through line item in some areas.

Tara Anderson: I would say that there's space for that even if we continue with the process as is in the ad hoc and come out with some draft product, that I envision us still having those stages of this process as well.

Tara Anderson: Well, we have looked at model policy from other jurisdictions. They are what I have called "model compromises," so I want to ensure that we're going to the root of best practices and has been suggested. Really understanding from those in those jurisdictions.

Tara Anderson: What was the compromise that was most unfortunate to you in this process? And what should we be thinking of as we're drafting this use of force policy? So while I understand that how we've moved forward at this point with the ad hoc is challenging because it hasn't been as transparent as some would like, as I would have liked at certain points.

Tara Anderson: This memo is one step towards that, and I think that we have a duty to explain a more global plan for what our processes beyond like, "Something's coming, we'll have a public conversation about it." That's unsatisfactory and we have a responsibility to do better.

Regina Jackson: Thank you. I know that each time that we've approached a policy, it's been pretty challenging. Hopefully, we're getting better... Every group that works on a different policy. I think that our community outreach, which has also lagged horribly, is now starting to get some traction. So I'll look forward to it. And certainly, if there is some way I can support from a distance, since I'm not on the ad hoc committee anymore, I'm happy to do so. Are there any other questions on this? Yes, no. Okay. Yeah. Oh, sorry. Commissioner Brown.

Chris Brown: Not on this item. I need to move back and make a correction on the item I spoke on.

Regina Jackson: Sorry. Say that again.

Chris Brown: Not on this item, but I need to move backward and make a correction on that item I spoke on.

Regina Jackson: Oh, so you want to talk about number-

Chris Brown: Yes.

Regina Jackson: three, the mental health model?

Chris Brown: Please. I'd like to correct my misstatement. I said that the person that the Oakland Police Department who was pursuing the CAHOOTS model, which is the model that Commissioner Anderson referred to as having the \$40,000. I miss identified her as an officer. she is actually Sergeant Doria Neff. So she's a Sergeant.

Regina Jackson: Yes, and that's important to give people their right titles. I understand.

Chris Brown: Thank you.

Regina Jackson: Thank you. Okay. Do we have public comment on this item?

Mr. Rus: We do. We have four speakers: Gene hazard, Assata Olugbala, Anne Janks, and Saleem Bey.

Regina Jackson: Thank you.

Gene Hazzard: For the record, Gene Hazzard. I have a reasonable understanding and command of the English language. When they're words that are difficult for me to understand the meaning, then I go to the dictionary. The comments before this item related to SB 1421, and the comments made by Mr. Alden and counsel said this is prohibited. But my understanding under 1A, misuse of that authority can lead to grave constitutional violations, harm celebrity, and the inherent sanctity of human life as well as significant public trust.

Gene Hazzard: Number B, the public has the right to know all about serious police misconduct, as well as about officer involved shootings, and other serious use of force. Concealing crucial public safety matters such as an officer's violation of civil rights or inquiries into deadly use of force under cuts of public's faith in the legitimacy of law enforcement, makes it harder for tens of thousands of hardworking peace officers to do their jobs, and endangers public safety.

Gene Hazzard: Now, this clearly says we have a right to know. The privacy issue relates to those sections of SB 1421, has to do with redacting certain information. Where a person lived, where they also [inaudible 00:32:54], but not to conceal from the public the misconduct and the frequency of that misconduct. That's what SB 1421 is about.

Gene Hazzard: So I respectfully disagree with counsel and to Mr. Alden, what this says. So, again, I am requesting that it be scheduled for a clear understanding-

Regina Jackson: [inaudible 02:18:22].

Gene Hazzard: ... to the public. Thank you.

Regina Jackson: Okay, thank you.

Assata Olugbala: Love life. Relative to the focus of the mental health model. It appeared from the report that it reflected police officers encounter with mental health challenges, is that body going to also delve into mental health issues of police offices that challenge them in doing their job because that is a issue? Stress and trauma is a major contributed to anyone who works in policing.

Assata Olugbala: So my question, again, is the focus just on their capacity to work with mental health individuals or are we going to also look at the mental health issues of police officers? And you don't have to answer that because time is important. Okay. The other issue I had that doesn't call for conversation because of time, is the use of force. Is there the capacity for that group to look at the CPRA's investigative process around use of force filings because they are-

PART 4 OF 6 ENDS [02:20:04]

Assata Olugbala: ... Around use of force filings, because they are large in volume. And as I reported there is a continue reporting out of findings being unfounded or unsustainable, not sustained and to look at the process of investigation to analyze it, to study it and valuate it, to see if there is some reasoning for why we continually get the same results from the investigators. Okay?

Regina Jackson: Thank you.

Assata Olugbala: So could that be also considered too?

Regina Jackson: Absolutely. Thank you very much. Sensors. John Bey.

Saleem Bey: For the record, Saleem Bey. According to Measure LL, one of the primary goals or focuses of this commission is in fact, one of the mandatory missions of this commission is profiling. Right? So is there a profiling ad hoc? Is there a profiling committee? Is there a profiling anything? Profiling is covered in Department General Order M19. The last time, and when I looked it up online, Department General Order, DGOM19, which covers profiling was dated 2004. How can you deal with the underlying symptoms of something if you don't deal with the actual cancer that it is? What initiates all of the use of force against black people? Profiling. It starts at profiling. What causes black people to pay more in fines in Oakland? Profiling. What keeps the OPD in the N... Or what brought the OPD into the NSA? Profiling. Right?

Saleem Bey: What has this commission done about profiling? If the policy is dated 2004, shouldn't you be working on that before you work on anything that is a symptom of profiling? But since you put the cart before the horse and you're having ad hoc about all of the other different things that are below profiling, which have been identified by how many independent groups, Stanford and Eberhardt, the Monitors Report, the community, we've brought you documents

over and over about profiling. So if you don't have a ad hoc about profiling in which you're looking at out of date DGOM19, please put that down on your list. Because that's very important and at some point you're going to have to deal with that.

Regina Jackson: I think you're correct. Thank you very much.

Rashidah Grinage: Saleem, we've been talking about this since 2004.

Regina Jackson: Janks.

Anne Janks: Anne Janks. First of all, just further clarification: the Urban Strategies Council is commissioned by the city to do kind of an implementation and a feasibility report on a pilot, that we've taken to calling Macro just to distinguish it from the Eugene program called Cahoots, and that's about replacing police with non-officer responders for certain 911 calls. That's essentially what that program is. It's responding to 911 calls without a police officer.

Anne Janks: But just on my pet subject of transparency. I think this conversation is possibly the best demonstration of why transparency is so important. We have an ad hoc made up of three Commissioners who were all appointed through the community's selection panel. And each one of them individually says publicly, that they support transparency and are very concerned with the process of engaging behind closed doors with the police to draft a policy. And yet with all three of them saying that publicly, the ad hoc committee is engaged in a process that is not transparent. And if in fact this were a standing committee, then the things that each Commissioner says would correspond more, I think seamlessly with the actions that clearly the committee takes.

Anne Janks: This process has been problematic. We welcome anything that makes it more transparent and encourages community engagement in this essential policy. Nobody feels like they were engaged when they're handed a document and told that it's already been produced and now they can comment. That's not a process that makes people feel that they have adequately been engaged. The public forums are very nice, but that's not the same as seeing a document and I appreciate the memo but the memo is just telling me what I, as a member of the public, am not allowed to see.

Regina Jackson: Thank you. Those are final speakers? Okay. Thank you very much. We're moving on to Item Eight. Did you all have a...

Regina Jackson: Okay. Item Eight: Review of current police commission standing and ad hoc committee assignments. Part of me feels like this is not a good opportunity to talk about this because again, we have so few of our Commissioners here and one of the challenges with all of these committees is the amount of time that we have to work on specific subjects and then on broader subjects in general. I would like to table it until we can have a more full conversation about who can

participate where, because we have a lot of the same people on everything. How do you all feel? I'd like to make a motion to table this to another... Unless you want to have a discussion. Commissioner Gage?

Henry Gage, III: I'm in agreement with the proposal to table this item, given our current compliment of Commissioners available at the dais. I would ask the fellow Commissioners take a moment to consider your own personal capacity, your own personal interests, as well as the core issues that we as a commission are going to need to tackle in the very near future. Because we have some improvement we're going to have to get cracking on very quickly and it's going to require some hard decisions and hard conversation about our commission priorities. We've taken on a lot, just in these committees and we're going to have to re-evaluate what we can actually reasonably accomplish in the next six months, in the next year, in the next three years. With that, I'd like to second what I think was a motion coming.

Regina Jackson: It was an effort at a motion. Yes. I would like to move that we table this item to the next meeting.

Henry Gage, III: Second.

Regina Jackson: Okay. It's been properly moved and seconded. We have not yet heard public comment. So can we hear public comment and then we'll take action?

Mr.Rus: I have two speaker cards on this item: one for Anne Janks and one that is blank.

Regina Jackson: I'm looking at... No. So neither speaker wants to speak? Okay. Thank you very much. Okay. So since there are no speakers on this item, I'd like to go ahead and take a vote to table. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Yes, for myself. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Brown?

Chris Brown: Yes.

Regina Jackson: Okay. So our homework between now and then is to take a real hard look at what else we can add. Further on the agenda is a retreat that's listed. So hopefully, we can prioritize some of our actions through that activity. Okay?

Assata Olugbala: Madam Chair.

Regina Jackson: Yes.

Assata Olugbala: Can I just, one comment?

Regina Jackson: Yes. Yes.

Assata Olugbala: It's been an observation and I hope I'm not being too disrespectful, that I see the same people volunteering to be on commissions and it's my recommendation that every Commissioner commit to do work on at some level on a ad hoc committee.

Regina Jackson: Thank you. Great suggestion. Okay. So we're going to move forward to Meeting Minutes Approval, it's Item Nine. If anyone has any edits or suggestions or wants to move adoption, please let me know. Do we need to take a minute or...

Henry Gage, III: Chair Jackson.

Regina Jackson: Oh, Commissioner Gage.

Henry Gage, III: Thank you, Chair. Is there any public comment on this item?

Mr. Rus: There is not.

Regina Jackson: Minutes? No.

Henry Gage, III: Thank you.

Regina Jackson: Shall we take a few minutes? I guess we'll take a few minutes. [silence 00:10:01] While we're taking a minute, I hope that you're looking at all the minutes. Okay. So if we can wrap this up in maybe about two more minutes. [silence 00:02:31:25] Okay. Do we think we are ready to take action? Okay. I've got one, two, three.

Thomas Lloyd Smith: There's one thing I've noticed at the minute it's odd. It's when a Commissioner arrives late, I don't think they should be listed on the conditioner absent if they're there.

Regina Jackson: How about that?

Thomas Lloyd Smith: So I think in spaces where it says the Commissioner arrived during an item, I think, and that happens across several minutes I see. It should be adjusted. Because the Commissioner actually is present. They just arrived late and so I think that should be corrected on those items.

Regina Jackson: Okay. Is that for January 9th, February 13th and February 27th or? Because if we can specify that.

Thomas Lloyd Smith: Yeah. I'm seeing it across multiple items. So... I see, for example, on January 9th it says alternate Commissioner absent and it says Chris Brown arrived during item six.

Regina Jackson: Got it.

Thomas Lloyd Smith: And so he was present, but it says he's listed as alternate Commissioner absent. And then, it continues to happen throughout. So-

Regina Jackson: Yeah. I saw it on [crosstalk 02:33:20]-

Thomas Lloyd Smith ... In each instance where the Commissioner is listed as showing up during the meeting, but then listed as absent, we need to correct that across the slate of minutes.

Regina Jackson: So that's a flaw. Okay. So we will have, Chrissy I guess make that adjustment. So yes, Commissioner Brown.

Chris Brown: Along the lines of what Commissioner Smith is talking about, we actually can't attend until a certain point so we're not even late.

Regina Jackson: Oh. So there should be a listing of 5:30 and then 6:30?

Chris Brown: Yes.

Regina Jackson: Got it. That makes sense. Okay. Are there any other comments, edits, suggestions? Okay. I will accept a motion to accept and we'll go one by one. The minutes of January 9th, [crosstalk 02:34:07]-

Henry Gage, III: Subject to those edits.

Regina Jackson: 2020 with the edits.

Henry Gage, III: Move approval of the January 9 minutes as amended.

Regina Jackson: Okay. Been properly moved. Is there a second?

Tara Anderson: Second.

Regina Jackson: Okay. Then moved and seconded. We have no public comment. Can we take a vote to accept the minutes of January 9th with the proposed edits? Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Well, aye for myself. Commissioner Smith?

Thomas Lloyd Smith: Abstain.

Regina Jackson: And Commissioner Brown. Hello?

Chris Brown: Yes.

Regina Jackson: Okay, thank you. So we will move to the minutes of February 13th. I don't know if we have any additional edits except for the format of making sure that we separate out 5:30 and 6:30, as well as the redundancy around whether somebody's absent after they come late or come when they can come. Are there any additional edits?

Henry Gage, III: No additional edits Madam Chair. I move approval as amended.

Regina Jackson: Okay. It's been moved. Is there a second?

Unidentified Speaker: Second.

Regina Jackson: Okay. That's probably moved and seconded. We don't have any speakers on [inaudible 02:35:17]. Can we take a vote please to approve the minutes of February 13th? Commissioner gage.

Henry Gage, III: Yes.

Regina Jackson: Commissioner Anderson.

Tara Anderson: Aye.

Regina Jackson: Aye for myself. Commissioner Smith.

Thomas Lloyd Smith: Aye.

Regina Jackson: Commissioner Brown.

Chris Brown: Aye.

Regina Jackson: Okay. It has been approved that the minutes of February 13 along with the edits.

Henry Gage, III: I think you[inaudible 00:15:38]

Regina Jackson: Oh, I'm sorry. I'm all the way onto February 27. Okay. So January 23rd minutes are next. I took them out of order. I'm sorry. Are there any additional edits to January 23rd? Right. The same edits around the proforma identifying a distinction between 5:30 and 6:30 and then deleting the Commissioner absence...

Henry Gage, III: And replacing it with-

Regina Jackson: And replacing it with when they-

Henry Gage, III: Present.

Regina Jackson: Present but late. Whatever the distinction is to clarify that they were there.

Henry Gage, III: I'll move approval of the January 23 minutes as amended.

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

Tara Anderson: Second.

Regina Jackson: Okay. It has been moved and seconded. There is no public comment on this item. Can we take a vote to approve the minutes of January 23rd? Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Anderson.

Tara Anderson: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Brown?

Chris Brown: Yes.

Regina Jackson: Great. The minutes of January 23rd are approved. Now we have finally the minutes of February 27th.

Henry Gage, III: February 20th. There's also minutes [crosstalk 02:36:55] from February 20th Chair.

Regina Jackson: Yeah. Because they are behind. Okay, got it.

Henry Gage, III: Madam Chair, I'll move approval up the February 20 minutes as amended.

Regina Jackson: Thank you very much. I've got a motion. May I have a second?

Tara Anderson: Second.

Regina Jackson: It's been properly moved and seconded. There is no public comment. Can we take a vote? Commissioner Gage.

Henry Gage, III: Yes.

Regina Jackson: Commissioner Anderson.

Tara Anderson: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Brown.

Chris Brown: Yes.

Regina Jackson: The minutes of February 20th have been approved. [crosstalk 02:37:25].

Henry Gage, III: Finally I will-

Regina Jackson: Now we move on to February 27th.

Henry Gage, III: ... Move approval of the February 27 minutes as amended by Commissioner Smith.

Thomas Lloyd Smith: Second.

Regina Jackson: Thank you. It has been properly moved and seconded. There is no speaker comment. Can we approve the minutes of February 27? Commissioner Gage.

Henry Gage, III: Yes.

Regina Jackson: Commissioner Anderson.

Tara Anderson: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Brown?

Chris Brown: Yes.

Regina Jackson: And the minutes of February 27th have been approved. I know that was a fairly mundane process. But I'm here to tell you that we have been behind on minutes for like six months so we have finally caught up. Thank you. Thank you.

Henry Gage, III: [inaudible 02:37:58]

Regina Jackson: All right. So the next item is the resolution to direct separate to hire an outreach coordinator. I know that we have previously discussed this item and we have a resolution attached.

Mr. Alden: Yes, Madam Chair. The purpose of the resolution is merely to memorialize on writing the action that the commission already took at the previous meeting. We've been advised that given the way the contracting ordinance for the commission is written, it's best to make sure we have a written record of the commission's thought process. So really the only question tonight is; does this document accurately reflect the action the Commissioners took last session?

Regina Jackson: I believe it is. Are there any questions? Anybody want to take a moment to review.

Henry Gage, III: Madam Chair, is there any public comment on this item?

Regina Jackson: I'm sorry?

Henry Gage, III: Is there any public comment on this item?

Regina Jackson: Oh, I don't know. Mr Rus?

Mr. Rus: There are three speaker cards on this item. I have Assata Olugbala, Jane Kramer and Rashidah Grinage.

Regina Jackson: Okay. Do you have any comments before the public comment or questions?

Mr. Ruse: I have no comments before public comment.

Regina Jackson: Okay, very good. Okay. So we're happy to hear public comment.

Jane Kramer: Jane Kramer. Last week you had a community forum on use of police force and I attended that. My personal observation and comment is; I was delighted at the sense of enthusiasm that members of the community brought with them into that meeting room. Regardless of whether they had a concern that was hanging or they had information to give to the chairperson of that committee meeting. I would like to see that kind of enthusiasm indelibly put into future outreach processes. One of the things that just hit me between the eyes was, community member got up and said, "We have this committee, we have this process on this

issue going for us. Did you know about it?" And the commission member who was chairing that session said, "No, I didn't. I'm glad I now know about it and I will bring it to the commission in total." Now what that said to me was she was deliberately instilling not only the fact that she was hearing the community, but she was giving the community power. Thoughtful power. They already had a resource put into place to deal with something. Thank you.

Regina Jackson: Thank you.

Assata Olugbala: Just briefly with no one necessarily having to respond. I am not understanding from reading the ordinance the Pacific duties and what is to be accomplished with this person's job. And the reason why I'm concerned is based on the recent situation of the confusion in the community about police commission's duties and risks, that responsibility and what appears to be a lack of truly understanding the work of the commission. Does this outreach coordinator help to resolve that issue? Don't respond, because the lateness of the hour.

Regina Jackson: It's a good question. We certainly can address it in the future so that... I'm sure you have a scope of service. Yeah. Okay. Thank you. I think there was a third speaker. No? Okay. All right. So thank you for all the speaker comments. At this point are there any comments, edits, questions, or are we ready to approve the resolution?

Henry Gage, III: Madam Chair, unless there's another Commissioner has further comments they'd wished to make, I'd like to move approval of the resolution.

Regina Jackson: Okay. It has been properly moved. Is there a second? I'll second. It is moved and seconded. We've taken speaker comments and we're ready to take a vote. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Brown?

Chris Brown: Yes.

Regina Jackson: Okay. The resolution is approved. Thank you very much. So we are on item 11: Commissioned subpoena related to decision on reopening closed Bay investigation. So this item is to consider and vote on whether to issue a

subpoena and further [inaudible 02:43:58] authority in the charter and the enabling ordinance to decide whether to reopen closed investigations. So I don't if, Connor are you presenting on this or not really? Okay. So let me first say that before we begin discussion on the item, I want to remind my fellow Commissioners as we're discussing the item, please don't make specific mention of names of police personnel or other city employees. The subpoena before the commission has been reviewed by council and it is within the commission's authority under the charter. So I appreciate any thoughtful remarks. I just want to make sure that we operate within that framework.

Regina Jackson: Are there any comments or questions? I know that Commissioner Harris has been a champion for this and she is not here, so I'm sorry that we cannot add her commentary to the subject.

Saleem Bey: Who drafted the subpoena?

Regina Jackson: Counsel. Counsel drafted it.

Henry Gage, III: Connor, did you draft the subpoena?

Connor: Yes, I did.

Henry Gage, III: Okay. Could you just walk the group through it?

Connor: Sure thing. I do think that the Chair's comments largely sum up the fact that the commission is going to be acting in furtherance of its authority under the charter and under the enabling ordinance to determine whether to reopen a closed case. All of the documents and the communications that are requested in numbers one through four, they're on the attachment one, are material that is germane to this commission's authority to request. You'll see after that there's some definitions. The definitions are just designed to tailor the requests for these documents and these communications to a variety of public cases and public docket items. This will go and it will be sent out. There's going to be a deadline for compliance with it. And at which point after receiving the original materials, we can report back to the commission about what we received. Thereafter to be sent on to the Norton Rose Law group who will be, on behalf of the commission, conducting that investigation that was approved.

Regina Jackson: Did you have any more questions or did that help you? Okay. So is there any public comment on this item?

Mr. Rus: I have three speakers on this item; Assata Olugbala, John Bey and Saleem Bey.

Assata Olugbala: [inaudible 02:47:10] The Bay investigation has been an ongoing and very long and I'm wondering if necessary to bring to some reasonable conclusion. And why do we have only one member of the commission who's willing to champion the cause? And why don't we have a collective representation of

understanding? What's going on with the Bay investigation? And a more supportive agenda around Commissioners related to this. And so I'm just uncomfortable. I don't have the knowledge of detail. But I do understand there is a lot that has been brought to you and I've seen some pushback and I'm not comfortable with that and I'm not respectful of that. So I hope we can begin to give more support other than Commissioner Harris related to the Bay investigation. And this is years and years and years of their pursuit and diligence and steadfastness to demand justice. So in order to get that justice more of you have to find a way to help them get there.

Regina Jackson: Thank you.

Saleem Bey: Saleem Bey. I would like to underscore the fact that the lawyer said that everything was okay, above board, been checked out, with this. Right? This is what has been said. With that being the case, then it should be just a matter of going ahead and okaying it and pushing it out. So this is what we're in support of. We just want to say that or I just want to underscore that I'm not here to berate you every week because I get off on berating you guys every week. Or because I want to stand here and see myself on the big screen or anything like that. I'm here because of justice. If anybody on that dais is standing in between us and justice, that's why we will be at you until you get out the way and we will keep on moving. This is the latest, you are the latest people in a long line of people, but we have gotten the most amount of traction.

Saleem Bey: So we brought into the process and as long as it keeps moving forward, then we'll keep on being patient on what it is. But again, I have family members who are not here, who haven't been here for over a decade, whose family members miss them, whose family members won't even come to this thing because they become too emotional when they see people playing politics up here with other people's lives. Millions of dollars of businesses, hundreds of black jobs are all attached to this. So as this gets kicked down the road, we will keep coming back until we get the independent investigation. And again, that independent investigation was initiated by Janell Harris when she asked the chief, "Was there new information?" The chief refused to answer that. Never answered that even up until she was dismissed.

Saleem Bey: So again, we've produced a lot of documents. We want you to vote on this to keep this going. We have no idea where the contract stands with the independent investigator. We know that this person is already checked out to be a city vendor. So why is it that they starting from scratch and re-issuing RFQs, RFPs, everything with our case? We've seen a whole bunch of investigations come through this body as well as CPRA and none of them have had to take the hurdles that we have for our case.

Regina Jackson: Thank you.

John Bey: John Bey. I think the Miss Olugbala's question and her line of questions was valid. What is it that makes us so unique to continue to be here, continue to

stand on the same facts with very limited support? Sometimes open hostility. Yet that truth still stands. So whatever you decide is your decision obviously. But like Saleem said, the train won't stop rolling. So I see you where it's acknowledged that potentially what is subpoenaed will be forwarded, which is helpful. So, it's a matter of respect and it's not individualized. This is something that we told the community, we told family we would stay on . Because if it was me that died and [inaudible 02:52:37] was here, he would be here. So I can't not be here.

John Bey: So this ain't for us. This is for the community to show that if you a black Muslim in Oakland and you are a victim of crime, regardless of who the crippler of the assailant is, what will the police do with that one? They have shown hatred, animosity, jealousy and fear of us, so now they have to work for us. What will they do? And they haven't done a damn thing except hide and cover up. So the evidence will show that and whatever continues, we'll be here for it.

Regina Jackson: Thank you very much. So I am happy to take a motion to act on the subpoena for records. We have had public comment. Is everyone ready to vote? Okay. Oh, excuse me. I'll move that we approve the subpoena for records. Is there a second?

Tara Anderson: Second.

Regina Jackson: Okay. It's been properly moved and seconded. We have taken public comment. We're ready to vote. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Brown.

Chris Brown: Yes.

Regina Jackson: We have a unanimous approval to issue the subpoenas. It has been a long road but we are here. Thank you. The next item is 12; commission retreat. As we know, there is an audit looming and it is not finalized but in terms of some of the functional processes, we need space for at least four to six hours in order to start really putting in place, not just agenda management, performance reporting, just lots of systems. Our first commission retreat, I think that we came together on really trying to identify where the train should be going. Now

what we need to do is take some time to create the foundation to identify some of the items that-

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Regina Jackson: Create the foundation to identify some of the items that community has mentioned, what policies are we're going to undertake over this next year? What are the priorities going to be, what is our work plan going to look like? Because we recognize that it takes a long time to be able to isolate a date that we can all come together, create an agenda, work with a facilitator to help us do what none of us has the time to do in our day lives. So I am asking that we identify or value setting another commission retreat and then perhaps identify potential facilitators and certainly have a cost out. We know that our last retreat, which was held in October I believe was about \$11,000 and I believe that was such a little over a half a day. I believe he went from 10:00 to 3:00 or so. So I'd like to hear some conversation around if there are some other specific things that are burning that you want to make sure that we address. Commissioner Smith?

Thomas Lloyd Smith: Well, I mean, not to be a downer about the retreat, but I do wonder, I mean with the Corona virus going on right now and we don't know where we're going to be a few months from now. Last time I believe we did have some members of the public who wanted to attend, but if we think that it's going to be a significant number of people and we're going to expose people to potential risk. If that's a concern for us, then you know we should have that dialogue along with trying to plan the retreat.

Regina Jackson: Okay. So.

Thomas Lloyd Smith: It impacts, it would impact timing. It would impact capacity. I mean public health safety, welfare.

Regina Jackson: So I hear your comments and they are certainly valid. The timeline that I was looking at was really kind of June, July and I do believe that we have some IT considerations around, whether or not if we have to, is this more of a Zoom meeting where people can dial in? Is it kind of webinarish? As opposed to how we did it, which was face to face and certainly we could plan for those things. I think that the greatest value, and again it's just my personal opinion, is that we have facilitated conversation and action items that we can move forward to strategically plan and that is something that we just really need so we can shape it however we'd like. I'm really looking for the commission to approve a retreat with some general guidelines around budget and timing and we can, I can come back, we can provide several different facilitators. The facilitator that we use that I think everyone liked actually won't even be available for this next one. They are too full with work.

- Thomas Lloyd Smith: We should check again. They may not be so busy with all these conferences being canceled.
- Regina Jackson: That's fair. I did call just a couple of days ago to see, but you know they are great facilitators but I know that there are other ones as well and maybe there's someone whose sweet spot is more like a strategic plan, you know that kind of process but mostly again we're looking for a commitment to the idea, a budget and a general timeline. So if there are some other questions, please let me know. I primarily did the work to pull together that last retreat. I'm happy to do some work on that again but I just want feedback. Commissioner Gage?
- Henry Gage, III: Thank you chair. I am very much in favor of taking this sort of action. We need a strategic plan, we need to work plan for the rest of the year and we very much need consensus with respect to how and what we are going to do with many of the areas for improvement that are being identified. My hope is that we can walk out of a meeting like that with that work plan in place with the outlines of a strategic plan in place with the framework we need to demonstrate both to ourselves and to the public that we have an idea of what our core needs are, what our current capacity is and the resources we can identify that we need to both grow our own capacity and to ensure that we meet the core obligations of this commission.
- Henry Gage, III: With respect to dates my preference would be to hold it as soon as possible. Might recognize that that's under the current climate unlikely. Looking at June as early as possible in June would be my preference. With respect to providers and whatnot, I am more than happy to defer that decision making to the Chair. The last conference was excellent and I'm confident you'd be able to pick a provider in a timely fashion, especially given that our commission may have some difficulty meeting and discussing these sorts of things in the coming weeks.
- Regina Jackson: Appreciate your vote of confidence. Thank You. Commissioner Brown.
- Chris Brown: Thank you Chair. I wanted to express my preference that we, if it's possible, if the epidemiology allows it, that we meet in person. I think that that's a superior way to, I think there's a connection that people make when they meet in person that you're not going to get if we do this on electronically. In addition, I would like to say from my experience working on strategic plans, it's a huge process and we need to be very careful that we don't oversubscribe ourselves so that we find ourselves hurried trying to fit everything in.
- Regina Jackson: To your point, I think that the goal coming out of this retreat is a work plan on the way to a strategic plan because strategic plans can take a year, if you hurry them up, maybe six months, but there's going to be a lot of information that people will be asking for us to give in order to be able to, as we come together, kind of thread the ideas. So we just have to be willing to do some of that work on our own via surveys and what have you. And certainly hopefully there will also be a way in which a community can weigh in as well on the advance as well

as being able to attend. So we will prioritize a meeting in person. And I certainly hope that this Corona crisis is way over before June. Are there any other comments, concerns? Yes. Commissioner Smith?

Thomas Lloyd Smith: So I speak with the caveat, I don't think Corona is going to be over. I think Corona may not be over this whole year and so I..

Regina Jackson: I'm going to keep hope alive.

Thomas Lloyd Smith: Yeah because it's getting worse. Generally, I enjoyed the last retreat. I thought it was a really big leap forward for us in terms of having a space to be able to connect in a different way than we typically do. So from a relationship standpoint, I thought it was a big leap forward. I think the first year was so much work and so much learning and so intense that it was nice to be able to talk to people in a way that was a little more relaxed, to be a little bit more relaxed in terms of dress and all that.

Thomas Lloyd Smith: But, so I'm in favor, but seriously the Corona virus, it concerns me very much. And it also concerns me, we had a hotel, we had all of those sort of things before and to put up the money and not know so much about whether or not folks will cancel, who are the presenters or other people could add an additional complication to it. So overall, I'm a huge fan of the concept I'm just sort of cautiously looking outwards and saying, wow, this could be something that could be really difficult to do if the environment continues to get worse. I mean, it's already bad and we're down several people today for whatever reason.

Regina Jackson: My promise to you will be, or my promise to all of you will be that we will have an opportunity to do it in several different ways and then when we get to the time we'll decide whether that way is, that we are, maybe we are together and people have to dial in or we dial in, we'll figure that out. Those aren't details we need to deal with right now. So I'm getting that everybody is in favor. I will ask that if you all have facilitators that you know that you know their expertise is really either around strategic planning or at least putting frameworks together that will help us get down the road.

Regina Jackson: The next thing that I want to ask you about is a commitment to budget. We have set a precedence around \$11,000 I believe that we can get that done with that amount of money. Hopefully we can get it done with less, but we know that's what it took before to have a quality engagement and a document to follow through with that. What are your thoughts around that? \$11,000? Okay. I'm feeling like there are nods. All right, so do we have any other questions on this item? Because otherwise we can take public comment if there's public comment.

Mr. Rus: I have one speaker on this item, Jane Kramer.

Regina Jackson: Okay. Very good.

Jane Kramer: Okay, so there's a handful of us who know that this commission has class. The rest of us need to know that. And a very good first step is what you propose. You're going to make mistakes. Those mistakes need to be in the open. You need to revisit those mistakes. I won't say make amends for it. You need to retool them. Okay? If the public sees you consistently brainstorming consistently. Pursuing whatever it is that your work agenda is going to be, they'll stick with you. Enough of them will stick with you.

Regina Jackson: Thank you very much. Since we have already heard public comment, are we prepared to move forward on approving a commission retreat? Our second commission retreat. Okay. Then I'd like to make a motion that we approve our second commission retreat with a budget of \$11,000.

Tara Anderson: Second.

Regina Jackson: Thank you. It is properly moved and seconded. We have taken public comment and I'd like to take a vote. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Brown?

Chris Brown: Yes.

Regina Jackson: Unanimous. Thank you very much. That was an extraordinary experience. I know there are a lot of people in the room with us now that shared those moments with us. Hopefully you'll be able to share again and we will do our very best to you have. I don't think it'll be as sexy a meeting as the last one. We're going to be getting to work and there will probably be lots of work on the front end as well, but thank you very much. So now we're going to move on to a liaison and other commission reports.

Regina Jackson: So I don't know who wants to go first on this item? Any reports on your own activities? Well actually I guess I could go first. [inaudible 03:08:10] Pardon me? Did we go through that. Well, we kind of did specific things that we can run through this real quick. I want to say that the youth listening session that we did, there were quite a few kids from our nearby schools. There were a few teachers that gave kids extra credit for attending, which was great. I know that, I believe it was KTVU you that kind of promoted what we were doing. We had

lots of support from the coalition for police accountability. As a matter of fact, we had a hiccup around food and they came to the rescue and very, very much appreciate that. They sat in the background and really let the young people go. And I need to let you know that your fellow Commissioner David Jordan was incredible as a facilitator.

Regina Jackson: It was the first time I've been in a listening session where I didn't have to facilitate and he has got some skills as well. Vice chair Gage was very engaging and very thoughtful. Sorry. You know? Okay. And it also gave Mr Alden an opportunity to inform about CPRA. And I think that one of the biggest tells that came out of that was that young people want to be respected, they want to be greeted, they want to be respected, and they realize now that there are support systems in place for them. And I think it was a great listening, a great learning for them and for us. I don't know if there's anything else you want to add to that. Okay. Maybe not. Anybody else have anything? Commissioner Anderson?

Tara Anderson: Thank you Chair. I just wanted to point to an email that folks on the commission have started to receive from Christie love several months back as I realized that Mrs Sada is kind of the reader's digest of every public meeting that is happening in Oakland and has been so amazing at informing us of, Hey this happened on Tuesday or is happening on Thursday. If there was some way that we could have a system internally where we're getting the updates on what's on upcoming agendas. And so that is the email that you've started to receive from Chrissy is a compendium of all the forthcoming matters before the city council.

Tara Anderson: So I just wanted to point to why that was. It was a request I made because it's something that is a regular resource that I get through my day job work and thought that it made sense for us to have something similar for ourselves. And then that just prompts for me. We've never had a like or I don't believe we've had, it's more ad hoc liaison with public safety committee and wondering. I know that regular communication happens by way of the chair, but if there was, as we're thinking about our priorities and duties and how we're communicating with other bodies if we want to, like I don't know formalize that in some way so it doesn't all just sit on the chair or vice chair unless we as a body decide that's where that regular communication should be.

Regina Jackson: I'm happy to give it up, turn it around, sit down, you know it. Sharing that is a lot. And in terms of public safety I won't say anymore so that's fine. let's work together so I can make sure that we...

Tara Anderson: I'm not necessarily saying it should be me.

Regina Jackson: No, no, no, no.

Tara Anderson: If the group decides I'm not trying to [inaudible 03:12:04] I'm not, I just...

Regina Jackson: No, no, no. I appreciate.

Tara Anderson: The group decides I'm not trying to give myself a job, but I will take it if that's what the group decides.

Regina Jackson: How about it can be Chrissy's job. How about that? So why don't I talk with Mr Alden and Chrissy and figure out how we can have that process move itself along. I mean you're holding a lot and I appreciate that you made the suggestion. You know, you have been really spot on about providing resources and systems support. So just keep at it and we'll catch up. Are there any other items? [inaudible 03:12:48] What happened?

Henry Gage, III: Thank you chair.

Regina Jackson: Oh, I'm sorry, Commissioner Gage. I'm sorry.

Henry Gage, III: Thank you Chair. In addition to serving on this commission, I also serve on the privacy commission for the city of Oakland. And this time there aren't any items that I believe need to come directly to this commission. However, there are always number of items that are of general interest in some public concern. At present, the privacy commission is looking over a proposed use policy and impact statement for the use of unmanned aerial vehicles departments, call them UAS or unmanned aerial systems. It doesn't quite come within the scope of the proposed equipment ordinance, but as you might imagine, the proposed acquisition of that sort of equipment by the department isn't an item of some public concern. I raised that to this commission simply to make you aware of that discussion. So if any of you wish to weigh in on that discussion while it's still before privacy, you will have the opportunity to do so.

Regina Jackson: Okay, sounds good. Commissioner Anderson?

Tara Anderson: I did a ride along last Thursday after our use of force meeting and had the opportunity to interact with a number of officers in the field and one thing that was brought up to me was the remote fingerprint reader and that that had gone before privacy and so I was curious just because was brought up by this particular officer as something that takes them out of the field. For a long period of time because they're having to go all the way to Santa Rita for ID verification when they would actually do a cite in the field. So I'm just curious about like what's the status of reviewing that resource and whether or not through your experience at the privacy commission, you do see that as a solution that would free up time while also not compromising privacy interests?

Henry Gage, III: The surveillance ordinance at the PAC operates within requires annual reports, which means that we won't receive much of an update for some time. I believe the annual reports are due in March of every year, so we're receiving some of them now. We'll have better information as you might imagine a year from now with respect to that particular piece of tech given that was recently approved. I will say that the mobile fingerprint ID system can save a lot of time. There are a number of offenses that simply require a citation and if no person is willing to

identify themselves via a mobile fingerprinting system, it's simply a records check. It doesn't capture a fingerprint, doesn't record it, doesn't save it, doesn't file it away in a database. It's a reference check for Alameda County because it exists. They can save off. There's a lot of time that they would otherwise have to spend transporting someone to the facility, identifying them there and then citing them. It's a good idea. There were a lot of concerns with respect to what sounds like very scary technology but those were very much mitigated after explanation.

Regina Jackson: So given that, is there some information that you can share with us as a body or do you think that they should present to us or is this just kind of?

Henry Gage, III: Not at this time this is more informational. I'll try to keep an eye on items that come before privacy that might be of more concern to this body. But at present most of the items before privacy are squarely within their jurisdiction and somewhat outside of ours.

Regina Jackson: Okay. All right. Thank you. Are there any other items that are just burning? because you know we're actually doing pretty well with time. It might be nice to wrap up soon. Okay so do we have any speakers on this side?

Mr. Rus: We had one speaker, Mr Saleem Bey, but I do not see him in the audience.

Regina Jackson: Mr Bey? Okay. It sounds like he's gone. So let's go ahead and move to agenda setting and prioritizing about upcoming agenda items. So one is kind of weighing on me, it's been mentioned quite a bit and it is directly related to the Corona crisis. I would like to, in an abundance of caution, given the fact that most of all the other commissions and city council and everybody is pretty much said we're not coming back until April 7th I would like to recommend that we move to council the next meeting, give us all an opportunity. Well those that aren't feeling well or whatever, an opportunity to be able to come back with fresh eyes, energy and I'm able to really do the work that we are charged and tasked to do. We are spread thin. We know that. And given the fact that there are all kinds of cases popping all around Oakland, I think that it's in our best interest to also keep ourselves safe. And have a little bit of a rest. Are there any thoughts? Questions? Commissioner Gage?

Henry Gage, III: Thank you Chair. Given the current guidance from the state of California, I'm very much in favor of postponing future meetings. I am somewhat concerned with the timeline because it's very unclear to me and I think it's also unclear to many other commissioners how long this is going remain an emerging public health concern. So I've seen some messages from the city with respect to the potential for virtual meetings and workarounds. In the interim, I'm kind of curious about bit of perspective planning beyond simply stopping this next meeting too. If we cannot meet him in person, will we have time to develop a protocol to meet going forward?

Regina Jackson: So our attorneys are already working on that because there was some question and certainly there was some recommendation that tonight's meeting be canceled and I felt very strongly and obviously those of you that were able to get here felt similarly strongly that if we were going to make an announcement and in some way a route canceling a meeting that we ought to do it in front of people as opposed to just kind of do it. So my suggestion is that yes, we cancel the next meeting and then recognize that any meeting after that, if there are still health and safety concerns that we make sure that they are IT supported, whether this concept of being able to have community engage, whether it's a Zoom call or I don't know. I mean I'm on calls every week with 80, 90 people.

Regina Jackson: So I can do that. We can facilitate access, but it doesn't have to just be that way. But we can figure out what that's going to look like. Provide you all some options to figure out how you can dial in or come in and how community can still do public comment and all of that. So I don't have it all worked out, but fortunately for us, we have support to figure it out. They've already begun to figure it out and we should have some updates probably within a week or so in terms of how we'll do it. I just want us to all have a break. Timing is horrible, I don't know how else to manage it, but here's the deal. People who tend to fall ill to Corona, their immunities are low. I can tell you right now, I'm on pins and needles. And so I want everybody to be able to regroup. Commissioner Smith?

Thomas Lloyd Smith: So yes, I completely agree with the idea of canceling the next meeting and trying to work with the attorneys to figure out what's possible. I mean the Brown act makes it a bit complicated, but I'm sure there's, you want to chip in?

Tara Anderson: Yeah, sorry. So with the declaration, most recent declaration by the governor around this state of under emergency, he had a special provision in his most recent order that calls out the Brown act and ability for groups to convene. But it didn't provide explicit direction about how to go about doing it, but it did provide the allowance for it. So I think that's probably what the legal questions that are still being determined. Correct.

Regina Jackson: And our attorneys are speaking with the city attorney's office. We're going to make sure.

Thomas Lloyd Smith: So that's exactly what I was going to say. I mean that's not exactly, but that is the pathway I was on. I think enough has been said on the point. So I agree with the notion of canceling the next meeting and then let's see what we have in terms of options for how we can still protect everybody's health safety and welfare and move forward with our agenda at the same time.

Regina Jackson: Yes. So do we have public comment on this item? I mean, well we haven't really gone much further, but part of me feels like we have some agenda items, some that have been proposed, some that are should be coming up anyway. We still have trainings to do and what we're really trying to do is prioritize some of the functional responsibilities that we have in addition to moving the agendas on policies and some of the other responsibilities. So if we don't have public

comment, is that what I heard? Okay, great. Then maybe why don't we just move this along. I will certainly provide updates via our attorneys around what our options are for the meeting after the 27th and we've got time to do kind of a test run, not necessarily with all of you, but I can test with the attorneys and maybe vice chair Gage and then we can work that out. Okay. I'll trust me to get it done.

Henry Gage, III: Happy to defer. Most generally curious about these systems and how they could work given the need for ad hoc committees to meet. We have some real scheduling and capacity issues on the ad hoc side. So if we can figure this out as a full commission, it can quite easily make the ad hoc work process much easier as well.

Regina Jackson: Sure. Okay, so are we prepared to, let's see. I'd like to make a motion that we cancel the next regularly scheduled commission meeting and find a technologically sound and safe way to honor commission meetings moving forward that allow for community engagement in some other way than face to face.

Henry Gage, III: Second.

Regina Jackson: Okay. It's properly moved and second that we have no public comment. Can we take a vote? Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Commissioner Anderson?

Henry Gage, III: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Commissioner Brown?

Chris Brown: Yes.

Regina Jackson: Thank you. Will somebody please motion to adjourn meeting.

Henry Gage, III: Move adjournment.

Regina Jackson: Okay. Can we just take a unanimous vote?

Everyone: Aye.

Regina Jackson: Thank you, Thomas. Sorry if I cut off where you're going with that. I was just...

Speaker 11:

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