



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Meeting Transcript

Thursday, March 28, 2019

6:30 PM

City Hall, Council Chambers

1 Frank H. Ogawa Plaza, Oakland, California 94612

Madam Chair: [inaudible]

Madam Chair: Welcome. Welcome to the meeting of the Oakland Police Commission. The date is March 28th, and the time 6:32. First item is call to order. Next is role call. Commissioner Ahmad is absent. Commissioner Dorado.

Dorado: Here.

Madam Chair: Commissioner Harris?

Harris: Here.

Madam Chair: Commissioner Smith?

Smith: Present.

Madam Chair: Commissioner Anderson?

Anderson: Present.

Madam Chair: Commissioner Prather?

Prather: Yes, I'm here. Thank you.

Madam Chair: Okay we have a quorum. Okay the next item is to welcome and acknowledge the presence of our new alternate commissioner, Chris Brown. I have been delighted to speak to him once or twice over the phone and recognize as a former chair of the CPRB that you come to us with wonderful experience, so we're looking forward to your contributions. If you'd like to take a moment to say something to the crowd?

Brown: Thank you very much. I just want to say thank you all, and I'm looking forward to this.

Madam Chair: Excellent. Welcome. Anybody else wanna say anything? Okay. We have got a packed agenda tonight. Next up is the Oakland Police Department's budget for managing job related stress. Oh! I'd like to invite our speakers for the open forum. We have Mr. John Bay, Oscar Fuentes, and Lorelei Bosserman. Forgive

me, I actually received Lorelei Bosserman's first, so it will be Lorelei, Oscar, and John. The piles are coming, so we're just organizing them. Thank you.

Bosserman: Should I wait while you organize the piles?

Madam Chair: No, go ahead, and then I will give the next two or three.

Bosserman: Okay. Hi, I am Lorelei Bosserman. My comment is for the people watching at home. To let you know that if you're interested in being on the police commission, you can apply for the next two days. The deadline is Saturday, March 30th. I wish I'd thought to make this statement two weeks ago, but it snuck up on me. You can stop by City Hall. I think the camera is there. You can stop by City Hall and pick up a copy of the application and then drop it off here, or you can go online to the police commission website. I don't think you can apply online. I think you have to print it out, so you have to have a printer. Then fill it out and then scan it. You have to have a scanner. Then you can email it back or you can just bring it back.

Bosserman: The police commission website is hard to get to, and I didn't bring it with me. Police commission Oakland will probably get you there. Thanks.

Fuentes: Hi there. I was hoping I could get Mr. [Rudin] to give his legal opinion about the enabling ordinance, specifically, let's see the number here, 2.45.070E. The authority to remove the chief without the approval of the mayor by a vote of not less than five affirmative votes and only after finding cause. The finding cause clause is also in the police commission law. Then it's in the enabling ordinance, but what does it mean? Is it a formal finding cause, or is it that they vote to find cause? That the cause is presented at a meeting and five people vote to affirm that that cause is valid and then that proceeds. It's not very clear. I think most people in the public would benefit from knowing that, if it's possible to have the legal opinion of Mr. Rudin. Thank you.

Madam Chair: Is that something you need to research or do you wanna respond to when you can respond?

Rudin: Yeah certainly. I provide legal services to the commission, not to the members of the public, first of all. My job is to be your attorney first and foremost. That would need to be a request that comes from the commission. Secondly, I would probably need to look into that, and then I could provide that advice to you collectively, but not necessarily to the public, if it is confidential or involves legal interpretation.

Madam Chair: Okay, so on behalf of the police commission, can you research that and report back at the next meeting?

Rudin: Sure.

Madam Chair: Thank you very much. So Mr. Fuentes, we will have an answer or a better interpretation at the next meeting. Okay? Okay, thank you. Mr. Bay and then Mrs. [Sada 00:09:46].

Bay: John Bay. Good evening. As we move forward with the police commission, with all due respect, we don't wanna recreate the agency that this was designed to replace, being the CPRB. We make sure that we understand that the oversight is of the police department, and the current state is 16 years of failure under a negotiated settlement agreement that they entered into, pledged to honor, and have consistently gone out of their way to disregard that through consistent cover-ups. Particularly in the last two years. There's enough fresh dirt, so to speak, that belongs squarely in this current chief's lap, that we don't want to have assigned historically to the department. But historically, through this thing, this has been a failure, and the fact that this current mayor has gone through four chiefs.

Bay: Once the replacement does come, we hopefully will have a plan for who and what form that takes. We definitely don't need the city administrator back in there. She didn't do anything to improve the department. The chiefs who stepped up or stepped down or were removed, were unable to do anything to improve the department, to put them in compliance. Then also, we need to incorporate in the failure Mr. Warsaw himself. Thank you.

Madam Chair: Thank you. Mrs. Sada?

Sada: Love life and love black people. I wanna reflect on something that was recently reported by the police chief. In her statement about what her accomplishments have been, she identified that there was a drop in the use of force. There's an article that appeared on September 15, 2018, where Robert Warsaw said that "The reports of use of force was in fact not true because there were facts that were not reported." Use of force incidents that were not reported. The police chief also identifies that there's been a reduction in racial profiling related to the stop data, but if you go to the stop data and the last reported stop data that the public can view is January 2016 through December 2017, and even though the numbers are lower, the percentage of African-Americans who have been stopped is greater.

Sada: The last reported incident in 2015 had 59% African-Americans stopped. The current data that they're using in 2016 through 17 is 66% of African-Americans, December through May, June through November 68% African-Americans, and we're less than close to 25% of the population.

Sada: The police chief has nothing that she can report that is identifiable as accomplishments. Along with that, we have several African-American police officers who are claiming that there is bias and prejudice and racism in the police department related to promotions, discipline, and getting into the academy. We have two police officers who are suing the police department over

the sex investigation and over the investigation related to the officer who committed suicide.

Sada: We have an individual who is suing the police department because of the police department's incident in Las Vegas. My time's up. I gotta lot of incidents. My time is up. There is nothing that this police chief can identify as something that has been an accomplishment. Everything has been failure.

Madam Chair: Thank you Mrs. Sada.

Hazza: For the record, Gene [Hazza 00:14:01]. I'd like to respectfully disagree with council over there because Oscar just asked for clarification of that enabling ordinance. That's not something that you have to go behind closed door. It's written right there. Even though it's open forum, and you don't have to respond to it, and that's a different reason, but what he said was bunk. I would like to continue to remind you, your role is going to be limited as long as you don't bring some challenge to the conflict in the charter. With measure double L and 305E of the charter.

Hazza: Under 305E of the charter, the mayor has no jurisdiction over any employee. So therein lies the conflict. Read 305E if you haven't read it because I continue to tell you about it, but I don't think any of you have really read it. You will see the duties and the responsibilities of the mayor are limited only to recommending the choice of a city administrator with the approval of council. That's it. So how is it that in double LL, she has all this other jurisdiction over hiring and firing the police chief, and you can't fire the police chief without having cause, based upon the enabling ordinance. So there's some problem there.

Hazza: So the mayor has already indicated that she's extended a two year contract for the police chief. How does she have that authority under 305E of the charter? Don't you read? As long as you don't challenge that conflict by doing a lawsuit, you're gonna have problems out of what you think your duties or responsibilities are. Thank you.

Madam Chair: Thank you. Those are all the speaker cards I have for open forum. Oh! That wasn't checked.

Speaker 1: There are four or five speaker cards in there for me.

Madam Chair: There are. It just wasn't checked under open forum. Sorry. I missed that.

Speaker 1: Ah okay. She's passing out a couple of pieces of paper. If you could just take a second. It's only three paragraphs, if you could just read that.

Speaker 1: This would have been the document that I read from last week that you asked and it was not in there.

Madam Chair: Thank you.

Speaker 1: But as you see in the second paragraph, in the last three lines, it says, "A finding of sustained as been determined. This finding is applied to the Oakland police department as the individuals subject officers and their immediate supervisor are no longer employed by OPD." So that's false.

Speaker 2: Not so much IA versus criminal. The whole thing he's talking about, this ain't-

Speaker 3: No, I understand what you're talking about.

Speaker 1: This is Figueroa talking here.

Speaker 3: It's internal collusion.

Speaker 1: Correct. Let's get down to the nitty gritty. [crosstalk] How do we get to the bottom line. That's where we wanna get. If this a step, we'll take that step.

Speaker 3: I don't know if I can resolve that bottom line.

Speaker 1: Okay.

Speaker 3: I've been clear not to over promise.

Speaker 1: Right.

Speaker 3: Which is why, when we had a phone call, I said I'm going to write you a letter saying [Ercy] Joyner still works at the Oakland police department and make the corrections in that letter.

Speaker 1: Okay. He said that he's going to make sure that we get a corrected letter that says that Ercy Joyner still works at the police department. You don't even have to believe me that this tape is actually authentic because one of the officers that was in there, Officer [Holmgren] was actually in that meeting and I actually have him on here too if we need to pull him up, that he could step right up here and verify that that was the then assistant chief, Paul Figueroa, admitting as I gave you the documents last week that said that the compliance director instructed Paul Figueroa to open 131062. After 131062 was closed, that's Paul Figueroa admitting to us in a meeting inside the police department that this letter is not complete, that there is a current officers.

Speaker 1: That was just one. That's the black officer that he tried to throw underneath the bus. The other officers that were complained about were Shawn [Wendt 00:19:13], David Downing. Okay? And Derwin Longmeyer. I'll pick this up a little later.

Madam Chair: Thank you.

Speaker 1: That also goes to show that how can the chief be sitting over there listening to something like that and not make any moves to do anything? That shows you right now that she's part of the cover-up. This was taken to her. This was given to her when she first came here. She's known about it. That letter says 2014. This is 2019. That recording was made in 2015. 2016, we made a complaint to the CPRB 16-0147 that was opened up by Anthony [Finnell] and closed almost a year later after listening to a tape where the man admitted to untruthfulness that he was going to write a letter and complete this investigation. So just to let you know that we're on it.

Madam Chair: The last speaker card I have is for Bright Star.

Olsen: Bright Star Olsen, principal at Bright Research Group. Good evening. I'm hear as a citizen and member of Oakland. I'm also the principal and CEO of Bright Research Group. Our mission is to help any social impact effort and engage in and be driven by the voices of consumers and community members. We've worked with the city of Oakland and the county to train and prepare community members to have a more authentic and meaningful role in system redesign ending violence in Oakland. I believe that this commission also needs adequate preparation in the form of training, support, legal council, in order to have the real impact that it was designed and intended to have.

Olsen: I'm here to just express my support and call you to engage adequate training preparation to really understand and do your role so that you can fulfill your charter. I also am concerned about this issue as a citizen of Oakland. I evaluated the Oakland police department for about eight years. I evaluated their community policing initiative and I think that the department needs more oversight and it needs to have a strong body that is really holding this department accountable to the citizens of Oakland.

Madam Chair: Thank you. The next item on the agenda is Oakland police department's budget for managing job related stress. As I mentioned, this particular budget is specifically called out in measure LL as a responsibility that we have to add to or contribute to. Let's see. Chief Ann Kirkpatrick or her staff, are you here to give the proposed or recommend a budget and timeline recommendations?

Kirkpatrick: Yes ma'am. Good evening commissioners. Thank you. I'm actually going to, like I've done in the past, introduce you to the person who oversees our health and wellness. This is gonna be a high level briefing regarding our health and wellness services that we provide in house. I know you all have asked for a detailed breakdown on the fiscal budget associated with health and wellness. As you have already heard, we will have that presentation for you at the next police commission with the break out regarding that. Right now, I'd like to introduce to you our unit coordinator. Her name is Leah Rubio. So Miss Rubio, if you'll come on up here. She's gonna be joined by acting deputy chief Roland Holmgren. If you have any questions, between her or deputy chief Holmgren, they'll be able to answer those questions for you. So Miss Rubio?

Rubio: Thank you chief. Good evening Madam Chair and the commission. My name is Leah Rubio. I'm the coordinator for the health and wellness unit in the police department. As the coordinator of the health and wellness unit, I'm here to provide an overview, as the chief said, about the unit and information about the physical space and the program that we provide for our staff, both sworn and professional staff. So you can have a better understanding of some of the things we're working on and coordinating, I've chunked it into different categories.

Rubio: First I wanna say that the unit was created to support staff during time of professional and personal crisis. We are evolving and trying to make improvements to ensure that our work force is physically and emotionally healthy. An advisory group was formed in 2016 consisting of 11 people, a mix of professional and sworn. Both officers and commanders are part of this advisory group. We meet regularly to discuss ideas, what possibilities, what we can bring to the staff, the needs of the employees, and how we can provide better services.

Rubio: The physical space, which is the 6th floor of the county side was very old. It was abandoned. It had terrible floors and it needed to be painted. I had the task of creating a calm space where employees could go away from stresses of the job. It doubles as a place where we can have lunch, unit meetings, celebrations, things like that. There's a conference room. There's a small library. We put new flooring in. I researched some calming colors for a wellness space and we did that. We got it painted. Now employees are using it, both sworn and professional. When I say employees, that's what I mean, everybody in the department.

Rubio: Let's see. We also have a beautiful mothers room. A lactation room. Just this week, I had to actually open up a second mothers room because we have over nine women that are gonna be using those spaces and it's really important that we provide a calm and relaxing space for them. This is a place that whether someone is affected by an incident locally, a shooting or a death or a suicide, or they're affected by something that's national, a mass shooting, some sort of incident that jars you just as a person, this is a place that they can come to and get information and resources.

Rubio: Let's see. I've provided information about what resources people have. That was one of the problems. A lot of people knew that they had resources, but didn't know where to get it. I have a lot of regular communications, whether it be email, posters, flyers around the department. Not only at the PAB, but also at Eastmont, at dispatch, and the High Street station as well.

Rubio: We have workshops and trainings. I've had 11 workshops where we've had 118 civilian staff attend. Over 430 officers have been trained in peer support training, vicarious trauma training, lifetime fitness, nutrition training. Like I said, the 11 workshops that have been provided for stress management, grief and loss. That's just a couple of them that I can think of right now. We also provide

yoga classes, foundation for fitness, crossfit training, and all this is for both professional and sworn. I think it's really important to provide that for your employees, or for the staff at OPD.

Rubio: Let's see. I'd like to invite all of you guys to come and check it out. It's a really nice space. I'm there Monday through Friday. You can come in and anybody on our staff would welcome you to come and visit our health and wellness unit.

Rubio: We all feel that it's important to have employee appreciation events as well. I've coordinated six events that were funded by the Oakland police foundation and not by the budget used for other things. The employees have been very, very grateful. I've gotten nothing but positive feedback.

Rubio: Let me see. I've gotten nothing but positive feedback. People thanking me and expressing that nothing like this has ever been implemented. People that participated are excited, and the department shows appreciation, and they look forward to events, workshops, fitness challenges, no sugar for a week, stuff like that. I'm honored and grateful to bring these new ideas to the department because a healthier department will be a healthier community.

Rubio: I live in Oakland as well, so it's important for me, not only as an employee, but also as a resident.

Madam Chair: Thank you Miss Rubio. Can you stay there for a second.

Rubio: Sure.

Madam Chair: I know that we're going to get a more detailed presentations, however, I would like for you to identify a couple of real specific things like what is the budget now? Can you describe what vicarious trauma is for the benefit of everyone else? And I heard you mention 11 workshops in stress management and vicarious trauma. I'd like to know if there are other titles for the workshops as well.

Rubio: I've got a whole list here. I've got-

Madam Chair: Thank you.

Rubio: Effective stress management. Strategies for working parents. Coping with grief and loss. We specifically did that one after the ghost ship fire that was really pretty intense for everybody. Managing through change. Humor for the health of it. Building resilience. Ready, set, relax. Some of the titles are meant to be fun and attractive to people. Ergonomics for police personnel. Back care class, or let's talk back is what it was called. Then we've had several emotional intelligence classes. Those were the specific workshops that we had.

Madam Chair: And how are you measuring impact other than comments that they really love what has been going on? How are you measuring impact in terms of how people are managing their stress? Are they in fact eating more healthy? Are they making change in their life based upon the program that is in place?

Rubio: That's hard to measure sometimes. I would hope that they are, but actually metrics on changing food and eating habits ... We have had nutrition training as well. Go ahead.

Holmgren: We are trying to see, with supervision, what the overall health and the morale is of the department. Seeing how that correlates with their potentially increased at risk behavior. Is there some associations with are they receiving a lot of complaints and is that something that may be generated from some stresses that are going on in their personal life or in their professional life? I think that with the increase in the use of the services is some of the ways that we're looking, with additional surveys that we're utilizing. Whether or not they're happy with it. Whether or not the officers or professional staff feel that they're appreciated.

Holmgren: We recently started through the Collective Healing grant these listening sessions wherein we're looking at all types of demographics within the police department, just to have some open and honest dialogue. To get a measurement of whether or not they feel that the resources in the wellness program is effective.

Holmgren: I can tell you from where we started back in 2014 to where we are now, it's been a work in progress that is growing into something that I think we're gonna be proud of as we continue on.

Madam Chair: Okay thank you. Do you commissioners have any questions? Yes Commissioner Dorado?

Dorado: A couple of questions. When a traumatized police officer is stressed out, he's a dangerous person out on the street, so I'm glad to see that there's been some focus on that. It makes me think that if in fact there are police officers that-

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

Speaker 4: ... police officers that really require an extensive amount of attention in this area. I think that speaks to going back to recruitment and training. In other words, if, in fact, somebody is really stressed, really has drug and alcohol problems, for example, then I think that speaks to that there's some sort of failure along the line in terms of recruitment and training to have identified that sort of a personality, let's call it, before they got to the Academy. So, I see it as like this problem with the 737s, the NTSB comes in and does an extensive analysis of what happened so that it doesn't happen again. So if you have a

situation with a police officer, then I think it requires the same sort of extensive analysis, going right back to the beginning.

Speaker 4: The second thing is if, in fact, you have a facility like this, it really is needed. There's no question. Police work is, to say the least, is stressful. So if, in fact, you have that facility, it really needs to be across the board, across the city. I'm glad to hear that it's not just the police officers themselves, but it's professional staff, and it's also throughout the city. You mentioned Eastmont, High Street- [crosstalk]

Deputy Chief: As well as communications are under- [crosstalk]

Speaker 4: ... yeah, dispatchers- [crosstalk]

Deputy Chief: ... operations dispatchers are under a tremendous amount of stress-

Speaker 4: Exactly.

Deputy Chief: ... that needs support, that need resources, so we can identify those issues that you talk about. And when we do, I just want to, if I may-

Speaker 4: Sure.

Deputy Chief: ... just respond to it, that first piece. When we do identify an issue like that, one of the first things we do go back to, and it's under Chief Kirkpatrick's direction, is to go back and look at that folder, that package, from the beginning, from when he or she was recruited, to see if there was something that was missed along the way.

Speaker 4: Right. Right. The other part of this is that I'm happy to see that this kind of focus is being brought about. But, again, talking about vicarious stress and trauma, there should well be an impact in terms of how these now counseled officers do their jobs out in the community, because they should have a particular and specific empathy and insight into the trauma and the stress that exists out in the community. They should have a special window through their training and their counseling to be able to do their jobs better in terms of identifying the stress, the PTSD, the trauma inside of the community.

Deputy Chief: A component of the Collective Healing Initiative deals with that specifically, dealing with not just the trauma that officers face, but the trauma that is spread vicariously through communities when they experience violence. I think I spoke about this last time, sir. It's not just the individual that is directly affected with a crime or violence, but it's their family, it's their community, it's their neighborhood, right? So, part of this Collective Healing Initiative actually has training, brings awareness to officers that communities vicariously are experiencing trauma when they have these types of incidents in their community.

Speaker 4: Thank you.

Madam Chair: Commissioner Prather.

Prather: Thank you, Madam Chair. I see that the police department submitted an attachment that was distributed with tonight's agenda regarding the Michael [Palmetry] contract. Was that something that you were going to opine on or speak on this evening? Or is it ... I have thoughts on this document, so I wanted to give you a chance to speak about it first.

Deputy Chief: I just thought ... It's for a situation and, like I said, some of the resources that are available.

Prather: Okay. Thank you. Thank you, Deputy Chief. I appreciate you being here.

Prather: I was at a Public Safety Commission meeting last week, as many of you know. I presented on behalf of the Police Commission, and this contract, this actual document came up for discussion. I've got to be honest, I was shocked. I was shocked at the lack of metrics. I was shocked at the lack of deliverables that this Palmetry matter delivered. I think the council members were also similarly surprised, and I think the public educated us all on just ... When you have one person come forward and is the only respondent to a RFQ, who had never worked with police before, who was a licensed marriage and family therapist, who is dealing with issues such as job related stress, post traumatic stress disorder, drug and alcohol abuse ... And we all know that policemen and women are the most stressful of employees of any job out there. They need support. And I have to be honest, I was totally taken aback by this proposal.

Prather: I think that the police department needs to show up at our next meeting and really talk about, not just ... Look, it's great that you have a lot of classes. It's great that you've picked a wonderful color for your walls. I don't mean to demean that. I do. I think it's fantastic. But let's talk about the money we're spending. Let's talk about what deliverables, what metrics, what can be built into this, because it's not okay just to say, "We hear nothing but positive feedback." Your quote. It's not okay.

Prather: Do you have blind surveys? Do you have exit interviews? How are we helping them? We have to measure that, because in the absence of us measuring that, we don't know. We're just guessing. We're making ourselves feel good about what we're providing when we don't have a metric. And so if we don't have something in place, we need to get something in place, because we're not going to approve the spending of money again and again. I don't think the Public Safety Committee's going to do it either, based on their comments and what you have to come back and prove.

Prather: I know you've got deliverables for them that you need to do, but we need to hear those, too, because I think the audience is well-educated on this issue. I

think the Commission needs to get better educated on this issue. But there are a lot of things that are happening that we're learning about sort of on the fly here.

Prather: I don't mean to unload on you, Deputy Chief, but-

Deputy Chief: That's fine.

Prather: ... unfortunately, you're the one standing here.

Deputy Chief: I've got it.

Prather: Right? But it is something, and I know you're shaking your head, so I know you agree with me, but there's something that can be done here.

Prather: For example, we need to see Palmetry's C.V. What classes has he taught, attended? What clinics has he given, taught, and attended? He must go to seminars all around the country. If this is now his area of work, let us see it. But just to try to push his contract through with Public Safety ... I've got to be honest. OPD had a team of folks there, and they had no answers. I was shocked. I was really shocked. You can tell, I'm still shocked about this. So we need answers next time, and our next hearing.

Deputy Chief: I understand, Commissioner, and I appreciate and I hear you. Even though I wasn't at that Public Safety meeting, I did watch it on [K-TOP 00:41:03], and I am aware that there were some deliverables given to the department for Mr. Palmetry to complete some metrics or evaluation report that provides some of the information you're requesting. I will bring that information back, because I know he's been tasked with that, and bring that back before the Commission, too, along with the Wellness Unit which is now restructured within the department. It's going to be falling under the training section, under Captain Bassett and Lieutenant Fred Shavies, along with what we're going to do to show that, hey, what we're doing is working. It's effective, and it's efficient, and it makes sense. So I understand. I hear your comments, and we can bring that back to you.

Madam Chair: Thank you. Commissioner Harris?

Harris: Thank you, Chief.

Harris: I just want to put you on notice that this is a lot of money in this contract, and we have been under the NSA for a very long time. This person that has been contracted with you guys already for many, many years, clearly something is not working. Right? That's a lot of money. So the Commission is going to expect to see some deliverables, as Commissioner Prather said, and meaning solid receipts, things we can touch, feel, and see.

Harris: I am hopeful that we'll see it. I just don't believe it. I just feel like we have ... and it's not a distrust, it's a fact, right? These things are not working. Things that we have been doing for this long are not working. It's only getting worse, 'cause every week I turn on the news or the TV, actually every day there's something about Oakland PD in there. It's really, really sad.

Harris: However, again, I just hope that you go back to the table and deliver the message that we want to see something, because I don't want to approve \$500,000. I got plenty of places where that money can go. So ...

Madam Chair: Thank you very much for the report. I'd like to request that you and the Chief and any other staff that are there stay with us. After we have questions on this item, we have some courageous individuals who are coming forth to share their experiences, and we need for you to be able to hear them. Okay?

Deputy Chief: Yes, ma'am.

Madam Chair: Thank you very much. Okay. So speakers for Item Four are Celine Bay, John Bay, Mrs. Sata. Those are the three that I have. Mr. Hazard, did I miss you?

Gene Hazard: Yes, you did.

Madam Chair: Well, I don't have it. Okay. Can you do me a favor and look through this? Go ahead, Mr. Hazard. We will take your word for it and figure it out.

Gene Hazard: Thank you. For the record, Gene Hazard.

Gene Hazard: Mr. Palmetry has been working with OPD since 2007, has been the only respondent to two RFQ processes conducted in the last 12 years. Renewing the Professional Service Agreement between OPD and Mr. Palmetry will ensure that OPD personnel continue to receive critical psychological support.

Gene Hazard: Oakland has contracted with Mr. Michael Palmetry, marriage family therapist, through several city council approved resolutions. This is absolutely no reason to continue to contract because somebody else ... He was the only one who applied. Send it back out to a RFP, RFQ-

Madam Chair: Right. Thank you.

Gene Hazard: ... and if nobody applies, then fine. But you just don't continue to extend a contract because in the past, in 2007, nobody else has applied. And then during that time, they've extended it. So when they should have been doing another RFP or RFQ.

Gene Hazard: Plus, what are the evaluation tools? Nothing that has been shown by the department, and certainly in the presentation this evening, that there have been some standard by which you can evaluate the performance. And, again,

this is a marriage counselor. Even though we know people in marriages, they have stress-related situations, but certainly not like that we experience in the department.

Gene Hazard: So I would urge you to ... Even if they bring back something, just based upon the fact that this should go back out to an RFP, and then, if other folks don't ... You can't tell me there're not stress Ph.D. ... This is a 74 years of age individual, soon to be 75. Okay? And you cannot tell me that they're ... Just like technology, we're in a new paradigm. So we have people out there who are proficient in this area which you're considering in this project. So I would urge you to reject it, regardless of what the department comes back with, and just send it out and see what you get.

Gene Hazard: If the results are the same, then so be it. Thank you.

Madam Chair: Thank you.

Celine Bay: Celine Bay. So, first off, I didn't hear anything about what the most important thing is, which is substance abuse. Substance abuse is something that is rife in any high stress job, and if you're saying this is the highest stress job, then it should have the highest levels of substance abuse if it goes hand-in-hand, and psychologically, we know that it does go hand-in-hand. It's why they test the fire department, right? I have black firefighter friends, and they say how they get tested all the time.

Celine Bay: I never hear anything about the police being tested. You will run to the scene of a shooting and pick up all the shells and do all this type of stuff, but you never test the people who did the shooting. How do we know they weren't hopped up on cocaine? How do we know they wasn't on meth or speed or crack, or in their heart pumping so fast that when they got scared, they had to shoot. But it wasn't them scared, it was the drugs that had them paranoid. So until you get to the bottom of the paranoia of the drugs, you're not going to know whether or not the police officer was really scared, or was it the drugs that were scared?

Celine Bay: And then, if we go directly to PTSD, the "P" is normally for "post." That means that something happened to the person and they're trying to get over it. But within our community, the "P" stands for "perpetual," perpetual traumatic stress disorder. Every time that we hear the sirens go off, all the time we hear the guns go off, all the time we hear screeching and chases and police megaphones and ghetto birds flying over our head, that's perpetual stress disorder.

Celine Bay: If the police department is not working on peace in the community, then they are going to be stressful, because the community that they're occupying is stressed. So how you going to have somebody who's trying to deal with stress go into a stressful situation, and then you're going to say, "Go back and sit in a nicely colored room."

Madam Chair: Thank you. John Bay? Or Mrs. Sata.

Mrs. Sata: Thank you. Let me start off by saying love life and love black people. I want to reference Task 40 and 41 of the Negotiated Settlement Agreement. It requires OPD to establish an early identification and intervention program to detect and address police personnel engaged in at risk behavior and substandard performance. Okay?

Mrs. Sata: Then I want to go to what was said at the Public Safety Committee meeting. It says that Mr. Palmetry's licensing of being a marriage and family therapist was the only licensing that they have. The California counseling license requirement has four different licenses. The one that would be appropriate for the police department is called Substance Abuse, Behavior Disorder, and Mental Health Counselors. The average salary in California for that particular consultant is \$47,840. We are attempting to give this particular family marriage therapist a hundred thousand dollar contract. This is a part-time employee, because he is employed in San Francisco as a licensed family therapist. I don't know how much time he spends over here, but he's employed over there.

Mrs. Sata: The other thing I want to reference is, we're not getting good information on what's happening to our police. There was a report that was given about why officers have to take leave of absence from their jobs. The number one reason that officers had to leave their jobs, 58% of the time, was strains. Second was contusions, sprains, lacerations, and multiple injuries. In the report of employees that had mental stress, the only department that reported mental stress was the Oakland Public Works Department. You would think ... and I have a report that was given by Officer [Donnelly] in 2012. He said ... Can I finish this statement, please?

Mrs. Sata: He said that the Oakland Police Department, our officers experience more trauma in one year than most officers elsewhere in this country in their entire careers. But we have no documentation of what the stress trauma levels are in a document that was created that reported why officers had to leave jobs and take leaves of absence.

Mrs. Sata: So there's a whole lot that's going on, but it's been passed that this thing by Palmetry was passed and is going by the next meeting to be approved by the council. Even if you address it, the council is going to approve it.

Madam Chair: Thank you.

John Bay: John Bay. Oakland is a beautiful city. We got beautiful people, intelligent, caring people, spend the time ... I don't know what they do when they're not here, but obviously they put a lot of time and concern to this.

John Bay: So the tactic, as I spoke about some of the tactics they do, that one was one they tried to slide past you. Put the report in, slide it past, council rubber stamp it, done. So that's how that type of thing works. That's what that is.

John Bay: But something we may also want to think of is when OPD gets things like this budgeted for them, a portion of that should likewise go to the community that is stressed equally. You're going to give these people budget money for stress and vicarious trauma, whatever it is, there's got to be plenty of it in Oakland. Some of the things should also be cleansing through honesty and accountability. Let's try some of those exercises to relieve ... Get all that stuff you hiding and all them secrets, get it off your chest! You know, safe and warm environment.

John Bay: And then, what onus is there ... If you go in for stress, you're stressed out, arguably. You go to this, but this doesn't work. What happens? You still on the street, stressed out. Where's the escalation? What do we do for someone who really needs further attention from the unqualified person as they're already?

John Bay: And then when you spoke about also being able to hopefully understand and be taught empathy, if it is not stressed, it won't be encouraged. It won't be enveloped by the officers. So there's a lot wrong with this, beginning with that it most likely will be passed again. So when Oakland don't have money, things like this is where it is.

Madam Chair: Thank you very much. So, Commission, we have heard some very troubling information, in addition to what our own Commissioner Prather has brought to our attention. I would suggest, if you all are in agreement, that we write a letter to the city council, as well as the Public Safety, expressing our concerns, many of the steps that are appropriately documented, and make sure that they at least get answers before they take another vote. How do you all feel about that? What is your pleasure? Be happy to draft it. [inaudible]

Madam Chair: Commissioner Harris?

Harris: I think the letter would be appropriate to send. However, I think we should ask to meet with city council and see if they can hold off on voting. Right?

Madam Chair: That would definitely be part of the letter. I'm sorry I didn't identify details. Anyone else have a thought? And then we'll take a vote, 'cause I don't want to just ram it down your throats. Commissioner Dorado?

Speaker 5: [inaudible] council [inaudible] amount of money.

Madam Chair: Okay. That sounds like I'm going to need to write a letter tomorrow. Commissioner Dorado?

Dorado: Commissioner, is that a motion?

Harris: That's a motion.

Dorado: Second.

Madam Chair: Okay, very good. It has been first and seconded. Any questions on the motion? Are we ready for a vote? Okay. Commissioner Dorado?

Dorado: Aye.

Madam Chair: Commissioner Harris?

Harris: Aye.

Madam Chair: Aye for myself.

Madam Chair: Commissioner Smith?

Smith: Aye.

Madam Chair: Commissioner Anderson?

Anderson: Aye.

Madam Chair: Commissioner Prather?

Prather: Yes.

Madam Chair: Okay. The vote wins, and I will send out a draft to you all tomorrow, expecting that you all don't have lots of edits, then it will get into the hands of council by tomorrow afternoon.

Smith: [crosstalk] Jackson? [crosstalk]

Madam Chair: I'm sorry.

Smith: Yes.

Madam Chair: I will send it out, and it will just go. Okay. Thank you very much.

Madam Chair: Okay. The next item on the agenda is 5) Search of Individuals on Probation and Parole. Commissioner Harris, did you want to provide a follow-up from our last meeting?

Harris: I invited the Police Commission to come to a meeting with some community members and some personal friends of mine who are participants in a group, a restorative justice group, and just happen to be on parole. I invited them to this Commission meeting today, as my guests, so they are in the audience and they

will be sharing some of their life with you all in regards to the effects of being on parole and probation and how this policy would affect them if it were to be written by OPD.

Madam Chair: [inaudible] cards?

Harris: I don't think so. I don't think they know the process.

Madam Chair: Okay. So what I'd like to do is, can ... [crosstalk] ... pardon me?

Harris: Do you want to invite them up?

Madam Chair: Yes. I would like to invite the three individuals up, and then we could get their names. And if we can get your support and fill out the card? I don't think they know the process, so we'll get that done.

Harris: Mm-hmm (affirmative).

Madam Chair: Again, we are appreciative of these courageous voices. Sir, state your name, and then you can go into your points.

Sam Johnson: Okay. My name is Sam Johnson.

Madam Chair: Thank you, Mr. Johnson.

Sam Johnson: You want me to go ahead and ... oh, okay.

Sam Johnson: This initiative, what they're proposing ... To let everyone know, I spent 26 years in incarceration. I've been home two years and one month. The reason this affects me, especially after hearing about all the stress and everything that's going around, I'm a black man. I'm on parole. And when I got found suitable, the governor deemed me not a threat to public safety anymore. But if I'm stopped, and I'm asked if I'm on parole, to me, the officers then still feel that I'm a threat, because you need to know.

Sam Johnson: My question is why ask that question to me, if I'm a returning citizen, and I've done deemed no longer threatening. I've been out two years and a month without any issue. I respect the officer. I respect everyone now.

Sam Johnson: I did wrong. I did the time for that. And I can never atone for the crime I did, but I'm trying to become a better citizen after being in prison for that long. 26 years is a long time. I learned about de-escalation, and I learned about trauma. I learned about the trauma that was in my life that led me into adulthood. I brought that childhood trauma with me, and I brought it from South Carolina, with racism and everything, and I came to California, and I violated the norm. But then I need help from the police officers. I need help from the city. But I don't need to continue to be scrutinized.

Sam Johnson: I have a son living in Stockton. Because of the rules, the 50 mile radius, I can't visit my son without a pass. But I was deemed by the governor to be no longer a threat to public safety and the State of California. So why am I restricted in a 50 mile radius, when I want to flourish? There's other jobs. I might want to live somewhere. But I have to be on parole, for me, as far as me, seven years. I'm still, to me, being punished, because I was deemed no longer a threat to public safety, but I have all these restrictions.

Sam Johnson: It's not just me going through it. My family, when the parole officer come over to the home and go through our house and the thing [inaudible 01:01:06]. So far, they've been being respectful, but some in the past was kind of ugly with they tearing up things and looking at things real roughly and going in my kids' rooms and stuff like that. I did the crime. I'm isolated in a room with my wife. You search that room. You do what you need to do in that room, and I respect that. But, again, I was deemed no longer a threat to public safety. So when will I be treated as no longer a threat, and given the second chance when I'm being scrutinized, when I'm in a program I have to be in at nine o'clock?

Sam Johnson: In prison, I had to be in my cell at nine o'clock. So the practice is still a reflected ... It's not just contained inside the prison, but it's out in the free world. But I'm free. I'm here before you. If I didn't say I was in prison 26 your, the only people who know it would've known, but nobody else would. I would've been a citizen.

Sam Johnson: But so this blackness, and I didn't ask for it, but God gave it to me so I have to live with it, and I learned to love it. When I was a kid, I hated it, because I couldn't get to white folks, not all white folks. My mom taught me there's good black folks, bad black folks, good white folks, bad white folks. So I have to judge.

Sam Johnson: But I just want to know, since being home, when will I get this restriction pulled away from me? When will I be welcome home, truly welcome home, in society's eyes? I'm 62 years old. My whole life I've been persecuted as a black man, hit with rocks and bottles, chased by cars, and, excuse me, but called a nigger all my life in South Carolina.

Sam Johnson: I came with anger when I came to California, and I unleashed it, and I did wrong, and I atone and I apologize over and over. When am I going to receive the help I need, the love I need? When I'm going to have the community rally around me to help me rehabilitate? My kids want that. I want to be able to look at California and go without have to get a pass, because my son is 57 miles, and I only have 50, and I can't go visit him. I told him, "I don't want to come and visit you like that. I want to be free to come and visit you at any time, and go back." My parole officer could tell me to call at anytime. I call. But the governor himself, again, stated that Sam Johnson is no longer deemed a threat to public safety. I see fit to give him another chance. When is the rest of my community going to give me that chance?

Sam Johnson: Thank you.

Madam Chair: Thank you, Mr. Johnson. Well said.

Speaker 6: Hello. [inaudible] yeah.

Lynette Rogers: Thank you.

Madam Chair: Please state your name.

Lynette Rogers: My name is Lynette Rogers. I'm a participant in Dr. Bowen's restorative justice group. I have never been incarcerated. I have a Master's Degree in counseling, and I've worked with different populations in the east bay, but in this group, it was my first opportunity to meet people who have been incarcerated.

Lynette Rogers: I have learned a great deal from these gentlemen. Research tells us that the male brain does not mature until around 25 years of age. Many parolees in our group were incarcerated in their teens. They were children, children with guns. I was a little nervous my first couple of groups, but my fears subsided as I felt the tremendous warmth and honesty from these men, and I heard the deep remorse that they expressed for the suffering that they had caused.

Lynette Rogers: The sharing in our group has created bonds between us. From my black friends, I have learned about white privilege. As I have come to know their stories, it is clear that our lives unfolded in different worlds. It wasn't that my life was without suffering, but I was in the white club ...

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

Speaker 7: ... suffering, but I was in the right club. I can see, but never fully experience, how different that is. Bryan Stevenson, founder of the Equal Justice Initiative, says, "Each of us is more than the worst thing we've ever done."

Speaker 7: These men have come out of prison as healed spirits. Rather than make their lives harder, let us honor and help them, use their wisdom to heal our communities. Thank you.

Speaker 8: Thank you very much.

Speaker 9: Good evening, Commissioner Joe [Bowen] and I'm at Community Works, a non-profit in [Jeckland] in square. We're based on the principles of restorative justice. I'm seeing the folks who attended our circle last night, and it's a pleasure to see you again, with a different sort of table between us. It was just amazing to have the Commission members attend the circle, and it felt very real to have those ears listening in to the lives of many folks who've been incarcerated, and then the rest of the community members who've been listening, now, for 18 months, as we talk to each other across the circle.

Speaker 9: To me, the restorative justice model has so much hope for the City of Oakland, as well as the police and all the various institutions that keep us safe and that keep us whole here. What I heard from the folks in the circle was: let's bring compassion to this issue. Let's let people be people. Let's let mistakes be mistakes. And let's bring the best we can to each encounter, whether it's an arrest or whether it's a peaceful circle.

Speaker 9: We all have a lot to learn, I think, and it's a learning process for me, what it means to be incarcerated, what it means to be on parole. I didn't know those things. I had to learn those things, and those are really important features of our life where such a large percentage of our national population has been incarcerated.

Speaker 9: So I think we're here to say: yeah, put that compassion into this policy to the best extent possible. Welcome the police to our circle. Let's build these bridges. Let's make happen for Oakland. I think we're in a position to do that. Oakland has committed to this new model that, I think, gives us all a chance to say, "Yeah. I've been harmed, and I've done harm, and I'm sitting here free. So how can I join those who spent some time behind bars and strengthen the outcome for all of us?"

Speaker 9: There's one more comment I want to make, which is related to a shift that's just an awareness-raising thing, but Alameda County used to receive a lot of parole services through [CenterPoint 01:09:07]. Department of Corrections funds came through CenterPoint to Alameda County, and we had classes and transitional housing and job search and all kinds of support. It's now coming through G.O., which is an organization that's a for profit organization that's profiting off the suffering of many people.

Speaker 9: We don't know this yet. These things are complicated. But G.O. now pretty much controls the purse strings for parole services in our county. My goal is to get our county say no to that. That's just another piece that I had a chance to bring.

Speaker 9: Thank you, Ginale, and thank you, Regina, and thank you, Jose, for visiting us last night. We hope to talk with you more, and invite you to every circle.

Speaker 8: Thank you very much.

Speaker 10: So I would like to publicly thank Commissioner Harris for facilitating, for having a relationship that we could visit in on and, again, want to lift up Mr. Johnson's very courageous conversation. I think we were all very touched.

Speaker 10: Are there any other comments by Commissioners before I open up for public? Oh, Commissioner Harris, sorry.

Harris: Again, I want to thank my guests for coming, and thank you for sharing. Sam, Thank you so much. I'm hoping the police department over there was listening to every word that was said. It was important to me that you heard it from the horse's mouth, because he's a man. He's a human being. He's a man. And me, personally, I don't feel that our police department should be any extension of the parole department. They have no business in it. They have their own parole officers and their own troubles and their own budget and their own everything. So for us to claim that we are an extension, or OPD is an extension is absolutely absurd. They don't need help. They don't need help. I think we need to heal.

Harris: And so I think this is something that should come up as part of the training. This is where that grass roots stuff comes in, as well. We have to start humanizing these men, not de-masculating them by siccing dogs on them. That's not what we want to do. That is the intent, so thank you, Commissioners. Thank you.

Speaker 10: Commissioner [Dorado 01:11:57]?

Dorado: I just wanted to say, very briefly, that it was a privilege to be there, to be allowed to be in your space. I was particularly touched by Mr. Johnson's comments, and the pain that he expressed. And, also, the other gentleman who spent 44 years in prison and was released at the age of 72 and is still looking at another seven years of probation, who said, "I feel powerless. If I'm stopped and they say, 'Stand on your head,' I'll stand on my head."

Dorado: He talked to me afterward, and he said, "You know, if I gotta to take a beating, I take a beating. I can't even defend myself. I'll just have to take the beating, because if I don't, I'm going back. So I'm totally powerless."

Dorado: Those were the two comments that really touched me. I appreciated the gentlemen who expressed that to us, and to the people in the circle, and I want to just say thank you, again, for allowing us in your space. Thanks.

Speaker 10: Commissioner [Prather 01:13:14]?

Prather: Thank you, Madam Chair. I, too, would like to thank Mr. Johnson and his group for coming tonight. It's a supreme effort to come here on Thursday evening, and I do appreciate Commissioner Harris' effort in bringing this information to the Commission. I think this is ... It's really a crystallization of how this is supposed to work, right? We get a policy, and OPD is supposed to come, initially, to the Commission with new policy, and we are supposed to debate this new policy and gather information and critique and public comment, as well as the experience of members of the public on policy, and then fold everything into policy. I think this is an example, even though, as the Commissioners know and the public knows, this policy had a rocky start, because it was advanced in a different matter and sent back to us by the City Council. And I'd like to say ... I thank everyone, really, who are involved in this process, because I think this is how it's supposed to work.

Prather: That being said, there exists parole and probation searches. They're not our policy. They're not OPD's policy. They are the policy of prosecutors. Prosecutors put these policies in place, and they demand them in cases in which they demand plea bargains, or sentences from judges. These are other agencies that we are trying to address the effect of these policies, probation and parole searches, upon the citizenry of Oakland. That's really what this is about.

Prather: Right now, OPD has the ability to come into contact with any individual and have it be the first thing they ask that person, "Are you on probation? Are you on parole?" They can ask that. That's not okay. It's not okay. Just to point out one thing, this policy changes that. And this starts to humanize ... This policy is a movement in the right direction. It's not perfect. This policy is far from perfect. But that alone, the ability that the officers cannot ask that question first is ... I don't have the numbers or the research on it, but I would hazard a guess that we're probably the only jurisdiction in the country that is starting to limit the activities of our officers in that way.

Prather: The other thing that this policy does, and I would credit our Madam Chair for her advocacy on this point, is that it can't be used in a traffic stop. In a traffic stop, you're not going to be able to use ... absent some other means of doing a search, you can't then search the car. You can't search the person, just based on the fact that they were on probation or that they're on parole.

Prather: And so there are advances in this policy that make it important. It's important to have a policy like this. I'm proud to really have it be a collective effort of this Commission to advance this policy. At the last Commission meeting, I mention that I had received comments from Public Defender Brendon Woods, who's the Alameda County ... I think Brendon's still here in the audience. He did look over the policy. His office represents thousands upon thousands of affected individuals every year that would come into contact with this policy. And so it was important to have his comment and criticism of the policy. I'm not by any measure saying that he's the authority on probation or parole searches, but certainly having his input was important.

Prather: One of the key things that his office identified clearly was not being able to use ... not just being able to ask the question first. It's that you shouldn't be able to remember that someone is on probation or parole and say, "You know what? I'm going to search you because I remember that you're on probation and parole." The edits that were made from the last version to this version changed that. Now you can't just remember. You actually have to affirmatively check. You cannot, hey, there are some kids on the street. I'm going to go make contact with them. I remember Johnny here's on probation. That doesn't work anymore. You have to run the check right then. You have to have a reason to run the check. It builds in added protections that we currently don't have, and that's important. That edit is in there.

Prather: There were also mentions of a rehabilitative purpose. I don't know if the Commission members, you remember that in the document, but there was, and it was really kind of off-putting to me. This isn't necessarily my area of expertise, but I know by [inaudible] Harris and other members of the public commented on, OPD should not be involved in rehabilitation. Their job is not to rehabilitate. There are plenty of probation officers and parole officers and others who are involved in that process. So we have removed rehabilitative purpose from the policy. That's another important change.

Prather: We've also made changes in regards to during the traffic stop that they would not be able to search the vehicle. It's a small change, but also a very important change. That is in Section C(3).

Prather: The last change is a new section and new language ... I bring your attention to Section D(2), which is that in any encounter in which you are dealing with someone who is on a searchable probation or parole, that they must turn on a PDRD. Right? Makes sense. But it's not necessarily mandated now. This policy would make it mandated.

Prather: Here's what I'll say, sort of as an overview. OPD submitted a version of this policy which, I will give them credit, it was, frankly, groundbreaking in thought to have such a policy. Maybe lacking a little bit in content, presented to us, taken around us and taken to the City Council. Then-Chair Smith presented a version of what we felt, here at the Commission, was a good policy, took it to the City Council, argued for it. City Council decided, look, OPD's police commission, here are two competing versions. You folks go work it out.

Prather: This current version has everything ... I believe it has everything that Chair Smith advocated for. This policy is a better policy than the one that we submitted months ago. Is it a perfect policy? The concept of parole and probation searches are an issue that is beyond the scope of this committee. We can't stop those from being implemented. We don't control the D.A.'s office. We don't control the U.S. Attorney's Office. We don't control prosecutors' offices in other counties. We don't control any prosecutors.

Prather: But we do control how OPD reacts in situations in which they encounter individuals who are on searchable probation or parole searches. And so this, to me, this policy right here is leap years ahead of what we had. We have nothing, so it's obviously better than having nothing. It's better than the version we had before.

Prather: Could it be wordsmithed? We could wordsmith it to death. But at some point, we've got to make the call and submit it back to OPD to get this thing implemented, because right now there is no policy. So every meeting we continue to debate it is just another two weeks that there's no policy in place. At some point, we've just got to decide. If we decide we want to take further edits of it ... excuse me ... that's fine. I'm okay with that. But I'm also okay with

moving forward on this policy and getting something in place. If something becomes an issue, we can always take a look at it again.

Speaker 10: Thank you. Is there any further ... Commissioner Harris?

Harris: I've gone over this policy a lot, and I appreciate all the time and effort that other people put into the policy, including the public defender's office. However, it doesn't affect him. It doesn't affect people who look like him. It affects people that look like me. And so ... well, I mean, you're ... Okay. You can raise your hand, but clearly you're not representing the people that are in prison or in jail. 95% of the people or in jail are black, right?

Harris: Okay.

Brendon Woods: Can I comment, please?

Harris: Let me finish, and then you can comment.

Brendon Woods: Okay.

Harris: When we went to the Restorative Justice Circle, one of the gentlemen that was there ... his name is Macy, and Macy said to me and Regina and Jose, "This is the King's English. Words are everything. Shall, should, would, those are hurtful, and that's how they get us." That's what he said to me. He said, "This needs to be changed." And it was those little words, the same, very words that we changed it the first time to will, would, right? Words with teeth. Right? That shows that there's punishment, there's discipline behind you not following this policy, 'cause these are just words. These are just words.

Harris: But these words affect people, poor people, poor black people, poor people that live in East Oakland, poor people that go on parole and probation. Right? A lot of them don't come in here. I'm doing my hardest to try to make them come to these meetings. But you know what they say to me? "Let's have a meeting on the corner. Come to East Oakland. Let's have these meetings on the corner, at the park. We'll do it. But we ain't coming in no City Hall."

Harris: And I get it. It's out of fear. But like I said, I'm five generations in this. Five generations. And I keep referring to my own family, because I live this. I live this. It's hard for people to see it outside of the box unless you live in it. It really is. You know, children have to ... Like Sam said, they come to his house and tear it up with his kids in the room, because he's on parole. This is not okay.

Harris: We have to put the human back in people, right? I'm not saying that there wasn't a lot of work and ability done in this. But that's not going to help us. I'd rather have no policy than this policy. I had someone tell me at the meeting last night, "If you put that policy in place, I'm fearing for my life." Kenny. "I'm in fear for my life, Ginale, if you put that policy in place."

Harris: Regina apologized. "That was not the intent to scare you, Kenny. The intent is to make it better for you," she said to him.

Harris: He said, "Well, this ain't going to do it, right here. So you guys need to go back to the drawing board and fix it."

Harris: I would rather have more community input, rather than a probation officer, a parole officer, a public defender. I'd rather have people that this affects, that have to live this policy. Tell me what it's like for a police officer to stop you, and that's why I asked Sam to come, because I want him to tell you what it's like when he gets pulled over. When they're abiding by this policy, what is it like for you? Are you fearful because you're black?

Harris: "Yes, I am," he says.

Harris: So I get it. I just think that we need to work a little bit harder. Stop trying to push this. This is a really, really, really important policy that ... My plan is that we implement the policy that we want to have, and if they don't follow it, then guess what? There's consequences to pay. I feel like that's the message we need to send.

Harris: It's not out of hate. It's out of experience. My thing is we have post-traumatic stress, too.

Brendon Woods: Huh!

Harris: So it's like, it goes both ways. And it's been created by institution. Institutional racism created that. That's what created this policy. Parole is an extension of slavery! We know that. Sam just got up here and said seven years he's on parole after doing 26 years. How does that help us? I don't know. But he got seven years to abide by this, and he has to make sure that they don't stop him, or else Sam goes back to prison, if they stop him.

Harris: I just want us to think about that.

Speaker 10: Thank you, Commissioner Harris.

Speaker 10: I totally appreciate that there's been a lot of good work that's gone into this. Now we'd like to hear more community voices, starting with Lorelai-

Anderson: I did want to speak on this matter.

Speaker 10: Oh, I'm sorry. I didn't see you, Commissioner Anderson. Go ahead.

Anderson: Thank you, Chair. I also wanted to thank Mr. Johnson for your courageous testimony. I think that when you come forward and share a personal story,

especially one of that nature, you create a sacred space. So thank you for sharing your experiences with all of us. It's extremely meaningful, so thank you.

Anderson: And thank you to Community Works West, for your work in restorative justice. I'm very familiar with community conferencing and the power of circles of accountability and support, and I truly do hope that we're able to incorporate those learnings into what we do as a Commission, how we develop policy, and how we work on holding our police department accountable. So thank you for that commentary.

Anderson: I also wanted to ask some clarifying questions. So much work has gone into this before I came to the table, and I appreciate that. But I also, in reading the policy in its current form, it's not clear to me which forms of supervision are covered. One read, I see it as those forms of supervision that are under the control of a county probation department, so PRCS and probation, generally. I also would imagine that includes mandatory supervision for individuals who end up with split sentences. But, again, it's not clear to me this also includes state parole and circumstances that were just described in this testimony, which is not, by what I believe was described, not PRCS. So being sure which forms of supervision are actually under the jurisdiction of this policy I think is important.

Anderson: The edit that was referenced, I do still see here in B(2) a reference to rehabilitative resources, so curious if maybe we need to just make sure that that is representative of other comments that you made. And I would say, also, that the Superior Court, a judge, is who sentences someone, and that's the person who is responsible for, at that time of sentencing, identifying what form of supervision someone would be under ultimately when they are returned to community. So you vote for judges. It's important, when Superior Court comes to make determinations on certain things, that people are part of that. It's not just the prosecutor.

Anderson: Then, I also wanted to hear what Commissioner Harris has brought forward and may be a missing element in the policy is direct identification of what happens when the policy is not followed. Otherwise, I would think that all of what I've heard so far in public comment and the commentary around the table is included in this existing document before us. But I also understand the value of pausing to get specific feedback about how we can ensure, once implemented, this is effective.

Speaker 10: Thank you, Commissioner Anderson. If that is all from the Commissioners, can we hear from the public now? Your prosecutor?

Speaker 11: Public defender.

Speaker 10: Public defender. Did you fill out a form, sir?

Brendon Woods: I did not, but I can.

Speaker 10: Okay. That would be great.

Brendon Woods: Thank you.

Speaker 11: I'll carry it up.

Speaker 10: After him, we'll hear from Lorelai Bosserman, Celine Bay, Elise Bernstein.

Brendon Woods: If I can speak up now?

Speaker 10: Um-

Brendon Woods: Thank you.

Speaker 10: Okay.

Brendon Woods: I did not plan on speaking today-

Speaker 10: Can you- [crosstalk]

Brendon Woods: ... but I will- [crosstalk]

Speaker 10: Excuse me.

Brendon Woods: ... since I've been, I guess, called out.

Speaker 10: Excuse me.

Brendon Woods: Yes?

Speaker 10: Can you please state your name for the record?

Brendon Woods: I will do that next, thank you.

Speaker 10: Thank you.

Brendon Woods: My name is Brendon Woods. I'm the public defender of Alameda County. I apologize for not addressing the Commission previously. I have been attending the meetings, and I've had staff attend the meetings recently, for the past two months, now, Diego? Around there? It's kind of become my focus now to, as much as possible, see what issues, and I guess what this Commission can help with regards to issues that we face with the Oakland Police Department.

Brendon Woods: Now, I'm not sure if you're aware ... I guess, Commissioner Harris, that you weren't aware that I was an African American male. I mean, you were not. Now you are. And so I- [crosstalk]

Harris: I don't, yeah. Are you asking me a question? Because you have the skin color of a black man, okay. But that don't mean you live like a black man.

Brendon Woods: All right. So let's just talk. We can talk about it, okay? I've been a public defender, right now, for 23 years. Okay? I am the first African American black public defender, chief public defender, in the history of Alameda County. I was appointed in 2012. As you sit here right now, right now, I am the only chief black public defender in the State of California. So there's a lot of work to be done with regards to considering the population we serve, and the people at top who are making decisions.

Brendon Woods: Now, when it comes to why I do this work, my story is one that I guess you could say was based in poverty. I've been arrested. My uncle served 27 years in prison. I have another cousin who was beaten severely by the police, went to prison. I have another cousin who, after I was appointed public defender, six months, was found dead in San Francisco due to drug addiction and mental health issues. When it comes to the system, I have lived it. I've seen it. I do this job for a reason.

Brendon Woods: I do this job to advocate for people like me, for black and brown people, to keep the state from putting them in cages. That's why I do this job. That's why I've dedicated my life to do this job. So when you talk about me and why I do this job, that's why. Maybe you weren't aware of it.

Brendon Woods: So when it comes to this policy, specifically, I understand why the Commission may want to wait, may want to get more, but as I see it right now, this is an effective tool that we can use in our criminal courts that is missing. I mean, this is a tool that is missing. And daily, our fourth amendment rights are being restricted tremendously because we have this person in charge of this country who is ... for lack of a better word, he's a madman. He is appointing judges and restricting those rights daily.

Brendon Woods: What you guys are doing here and have the potential to do ... You could make it better, yes. It is groundbreaking with regards to respecting people when they are on parole, probation, and we did leave out mandatory supervision. That's not in there. You have parole, PRCS, probation, not just in prison. Mandatory supervision should be in there. This is a powerful tool.

Brendon Woods: And as a defense attorney, this is very, very good. To put it in front so they can't ... and I do thank you guys for accepting that ... We made four recommendations. Number one was you can't rely on the officer's prior knowledge. That is absolutely, for lack of a better phrase, ridiculous, because an officer says, "Oh, yeah, I know Johnny. He was on probation last year." His probation [inaudible] could be terminated. Should we give him the right to search? No. So taking our suggestion to remove that prior knowledge was excellent. Thank you for that.

Brendon Woods: We made a suggestion to remove the rehabilitative purpose. There's no way in hell a search if for a rehabilitative purpose. We made a suggestion with regard to extending it to vehicles. Thank you. And we added, which is critical, the body camera piece. That's critical. And the fact that you have adopted that, and are considering placing that into practice? I will say thank you.

Brendon Woods: If you want to make it better, yes, but I do worry that this will sit and sit and sit and sit, and at the end of the day, go nowhere. I do urge you ... If you want to put it over for one meeting to make it better, please do so. But move quickly. More quickly.

Brendon Woods: And someone commented with regards to consequences. My understanding, and I could be wrong, but once this document is in effect, there will be consequences for officers who do not follow it. Because if there is no consequences, then this is meaningless. There has to be some sort of teeth behind this. If it doesn't have consequences, then we've wasted a bunch of time. Okay?

Brendon Woods: I'm happy to answer any questions or provide more feedback. I have people in my office who can comment on this, provide more research if you want. We can tell you how it would play out in courts. We are here. We're available. Just let us know. Okay?

Brendon Woods: So, thank you. And nice to meet you.

Harris: I appreciate that, thank you.

Brendon Woods: Okay.

Speaker 10: Mr. Woods, thank you very much for your presentation, and the fact that it's a tool that you could make useful, sharing your story.

Brendon Woods: I'm sorry. It's a tool that should be ... once you've refined it ... should be adopted with other police agencies. This isn't the only one we have in Alameda County. Right? So this can be a model to be used for other places.

Speaker 10: Thank you very much, sir.

Harris: Can I say something, please?

Speaker 10: Just one comment. Okay.

Harris: So, Mr. Woods?

Brendon Woods: Yes.

Harris: With all due respect, we have police officers around this country that wear the body cameras and people, black men particularly, are being killed still. And they are being found not guilty. So those cameras are not helping us, right? I understand you saying that this is a tool. But, again, the language.

Harris: You're a public defender, so you know that if you want ... and this is just, this is receipts. I'm not trying to be funny. It's that when you have no money, you get a public defender, right? But 95% of people in jail are black. So what does that tell you, right? We need more. We need more. This language is not good enough for me. The will, should, and shall, that doesn't work. That means maybe you have to, I don't know, try it if you want. Would, will, should. That's what I'm asking. When you tell me on this policy that they ... and you're allowing it ... one role of the law enforcement is to act as the arm of the probation and parole PRCS system, like, what?

Brendon Woods: No.

Harris: Like what are you saying?

PART 3 OF 9 ENDS [01:39:04]

Speaker 12: ... PRCS system, like, what? What are you saying? You're condemning your own people. So I'm asking you to please revisit this.

Mr. Woods: I'll be happy to look at it again. And if there is a will to make it stronger, we can add it. You can replace and do a lot of "shalls," okay? I think if you want to use "shall" in every place-

Speaker 12: No "shall." "Will." "Must." Right?

Mr. Woods: Shall's the strongest one. "Shall" is what you want, [crosstalk] as a directional, you "shall" is what you want- [crosstalk]

Speaker 12: That's the police definition. Yeah.

Mr. Woods: I mean, there's no wiggle room. You "shall" do X is what you want.

Speaker 12: Okay.

Madame Chair: Thank you, Mr. Woods. We will be following up, but Commissioner Prather has a comment?

Prather: Yeah.

Mr. Woods: Yes?

Prather: Before you leave the podium, Mr. Woods, I just wanted to ... I know that you and I have been in direct contact. This is a good opportunity for me to tell the rest of the Commission and the public just, thank you for your support on this important issue. We don't have, currently, a research analyst that provides us backup and support. Your office has been there. Your office has done work for us that, frankly, we should be doing for ourselves, and you've really stepped up here and helped make this policy a lot better. I just wanted to acknowledge that, acknowledge your office's input in here and thank you very much.

Mr. Woods: Thank you.

Madame Chair: Thank you, Mr. Woods.

Madame Chair: So, after Mr. Hazard, Lorelei Bosserman, Celine Bay, Elise Bernstein, and Mrs. [Sata 01:40:31].

Gene Hazard: For the record, Gene Hazard.

Gene Hazard: What we're talking about is humanizing the sworn officers on the street when they approach an individual who looks like me. Because they do not go up to a Caucasian or an Asian. Maybe a Hispanic, but generally we know 99% of the time, those comments, whether you're on parole or probation, are directed at us, no other community. That's a fact! The stop data shows that.

Gene Hazard: And then, once you ask that, then that gives you a license to do some other things, and come up with some excuses to justify that action. The only thing they should be commenting to that individual is letting them know what the offense was for the reason they were stopped or approached. That's the first thing! Because they don't know Mr. Johnson was on probation or parole, so why do you have to ask them that?

Gene Hazard: The policy should at least, minimally, begin to say, when you approach an individual, then you identify the source of the alleged offense. That's what they should be asking first, not your pedigree or how long you've been out, are your probation or parole. So we're talking about humanizing, because that individual has done their time. They've paid for their offense. Now you want to continue to criminalize them on something they've already paid their time.

Gene Hazard: So when they walk out of the house right now, because of the policy or the absence of a policy with respect to how police officers are to approach all individuals, but I guarantee they don't approach a Caucasian person by first asking whether or not they're on parole or probation.

Gene Hazard: Mr. [Sauter] gave you some data earlier on which community gets more stops, just by the way we look. Stop sugar coating that, 'cause that's real! That's what the data shows! And for the Department to come up with any other data other

than that, these are outside sources. This is Warsaw. This is national, state data. It's clear!

Gene Hazard: So what are we talking about? Policy one: When you approach any individual, should be letting them know what the alleged offense is. They're not going to resist that. Why would they? They're not going to be intimidated ... Well, initially, they're intimidated just by the red light and you coming up. But what goes on after that is where the issue is. Thank you.

Madame Chair: Thank you, Mr. Hazard. Lorelei Bosserman, Celine Bay, Elise Bernstein, Mrs. Sata, Bruce, and then Anne.

Lorelei B.: Hi, my name is Lorelei Bosserman. Can you guys hear me? Okay.

Lorelei B.: I want to thank all of the Commissioners who have worked on this, and I especially want to thank Commissioner Harris. Your dedication and your expertise are stunning, and I really appreciate everything you've done on this.

Lorelei B.: I also want to point out to everyone, you don't need ... It's good if you can, but you don't need to compromise with OPD. You can take this to the City Council without OPD's buy-in. You have that right. You are an oversight agency. You have oversight over them. They don't get to tell you what to do.

Lorelei B.: I also am confused about the different drafts. I'm not sure what I'm looking at. I thought there was a policy in place. Is there no longer a policy in place? Did there used to be a policy in place? Because I went looking for it ... Oh, this is brand new? It didn't exist before? Because I thought there was a procedure.

Speaker 12: Policy in place before.

Lorelei B.: That's what I thought. I went looking for the policy to see what the current OPD policy was, and I couldn't find it on their list. I remember there being a policy, so I don't know if they had to retire it because it came up for review or what, but I'm curious about that. I'm also curious about what these redlines show. Are they redlines from the previous policy which I thought existed? So, thank you.

Lorelei B.: Thank you all for your work on this.

Madame Chair: Thank you. Mr. Bay, Elise, Mrs. Sata. Mrs. Sata.

Mrs. Sata: Love life, love black people. According to the data, the stop data of 2015-2016, and this is the last data that reports the number of stops by Oakland police officers of individuals on parole and probation, of 696 stops, 512 were African Americans. Of 696 stops, 512 were African Americans.

Mrs. Sata: So as you reported, most of the issues around policing and unfair policing is African Americans. If you have a police department who can't come under

compliance of a negotiated settlement agreement for 16 years, I don't care how you develop the policy. If this group of people don't have the capacity to enforce laws, policies, or mandates around racial profiling and excessive force, what makes us think that they're going to be compromising this particular document? I have no faith in this department until we get the proper leadership ... And, believe me, it's not policy. It's not procedures. It's leadership! ... that comes into this department and says, "You will abide by the policies of the negotiated settlement agreement. You will enforce all mandates that respect all citizens." I don't care what policies you develop.

Mrs. Sata: Let me say this. I, for 15 years, was in the prison system in Louisiana. I worked with inmates. I worked at Angola, a boys' correctional center, Washington Correctional Center, Dickson Correctional Center, St. Gabriel. I married someone in that system. I have never seen such a de-humanizing ... You talk about what's happening on the streets? The prison system ... Most of these people come out, they are de-humanized. My husband was in for 28 years. He couldn't make it out here. He couldn't survive. After six months, he left. It's not just the probation and parole system. It's that prison system that breaks these men and women.

Mrs. Sata: So I appreciate what you're doing. I have been in the system. I know what it does. I saw someone I loved couldn't come back into society. And we've got these people stopping these men and women, harassing them, and they've already been de-humanized, and it continues on the streets? It's absolutely ridiculous. But I appreciate what you're doing. But if we don't get a leader in here, nothing's going to change.

Madame Chair: Thank you. Ms. Elise, Celine, Mr. Bruce, and-

Elise Bernstein: Elise Bernstein from the Coalition for Police Accountability. This is wonderful community input. Thank you, Commissioner Harris, for bringing your colleagues.

Elise Bernstein: I am puzzled, as Lorelei expressed, as to why you don't have the language that you want. Making policy is one of the most important things that you do as a Commission, and it's vital that you use that power. There's no need for compromise. There's no need for trying to make nice. Do it the way it should be. Make it perfect. It's not perfect? Make it so.

Elise Bernstein: Thank you.

Madame Chair: Thank you. Mr. Bay?

Celine Bay: Celine Bay. So, first off, this part of the system is just the symptom. We're talking about mass incarceration. We're talking about this goes all the way back to slavery. Yeah, yeah. Whenever you talk about history, everybody's brain shuts off. We're actually talking about current events right now. We're talking

about people that we love, that I love, that people that I see every day who are on parole, people I ride around with every day who are on parole.

Celine Bay: I've been in the carts, when I've been growing up, I have never been on parole, arrested for any type of criminal activity, and yet I've been searched in the parole searches being with friends of mine who are on parole. Do you know how de-humanizing it is to be in the community and to not have a criminal record, but because you're with somebody who's a friend of yours, you have to be searched?

Celine Bay: But see, it's not just the search. It would be a benign search if you were searching white people. But anytime you search black people, anytime there's an interaction between black people and the police, it runs the risk of someone dying. And the someone's not the police officer, it's always the black person.

Celine Bay: It's easy if you have most of the language, and you're not the person being affected, so you can give a 15 minute soliloquy about why this is so perfect, and how so much time has been into it, and this is what it is. But that's nothing. It doesn't mean anything unless you, the affected population, who's doing it. So listen to the people who are being affected by this. Don't push this thing through.

Celine Bay: And, as far as I understand, public pretender is what we call them. It's not a public defender. If I wanted to know what is your record? I hear more cases of being settled between the public pretender's office and the D.A.'s office who are in cahoots, who are ... The D.A. wants a conviction, and the public defender has a stack of cases this high ... Because my brother had a public defender when he was only 18 or 19 years old, and the public defender came in with something and looked for his case, and then did a deal that put him on probation. So I don't want to hear ... I'm talking about what I know about.

Celine Bay: I want to be on the record. Do not listen to the people who are not affected by this. Let's get this correct. Let's not just, oh, okay, that's a good step. But let's get this down, and let's get the correct language in this and go forward. And let's put some teeth in it, 'cause the same people who are pulling black people over indiscriminately are the ones that's going to have to be held accountable for this, so don't just give them another rule that they're going to not listen to. Let's make sure somebody gets fired over this thing.

Madame Chair: Thank you, Mr. Bay. Bruce, and then Anne.

Bruce S.: Bruce Schmiechen, Coalition for Police Accountability in Oakland community organizations.

Bruce S.: A couple of things. First of all, I want to say that one of the strongest points that's been made is that no matter what policy, how strong it is, how tough it is, how many teeth, unless you have leadership, transformational leadership within

the department that is really going to push that department into places that they have not been willing to go so far, no policy you write is going to be effective.

Bruce S.: Number two is, this is a policy for stop and search individuals on probation or parole. It is not going to transform structural racism. It is not going to erase racial profiling on the part of all the police or anything like that, and it's fruitless to even go down that road and think that, with this single policy, somehow you're going to do something deeper than affect what a particular cohort of people who are extremely vulnerable, some of the most vulnerable people among us, how they are affected in a particular interaction that they experience a lot.

Bruce S.: So what I would suggest is that you go back, get more people ... and I want to commend Commissioner Harris for bringing folks here, but I would like to hear, honestly, from more people who have actually had the experience and from service providers in those situations, although I think their testimony is also useful, but go back, meet with Communities United for Restorative Youth Justice, all of us are ... There are lots of great organizations that are accessible to us. Have a few more meetings with people.

Bruce S.: But when you do that, you're also going to have to ... and this is why I think you can't be too broad in thinking this is going to solve so much ... Be very clear in the areas that you think are the gray areas or the problem areas, and ask questions about those particular things. Try to nail it down so you get the language that you want. And do it collaboratively with folks who have the experience. I think it would be worth taking some extra time to do that. There's lots of organizations. We-

Madame Chair: Thank you.

Bruce S.: Thank you.

Madame Chair: Anne?

Anne Janks: Do you have the card for Sam Johnson?

Madame Chair: Oh, a second one. I thought that was the one [crosstalk] that we got for the first one.

Anne Janks: No.

Madame Chair: No problem. Yes, I do.

Anne Janks: Okay.

Anne Janks: Anne Janks. I appreciate the need to move this policy so that it can go into effect. I would argue that there's one reason not to pass it tonight, although I would urge you to resolve whatever outstanding issues there are. I'm a little confused about what the specifics of those issues are, and what the language is. But just procedurally, if you're going to have community input, I think that you don't present your final draft until after you've had the community input.

Anne Janks: So it was a little odd here. I agree that this procedure is much better, as Commissioner Prather pointed out, than it has been previously, and I think we're working towards a model. But it seems to me you do the community input, and then you present a final draft at some point afterwards, not on the same day. So I would argue that.

Anne Janks: Thanks. Bye.

Madame Chair: Thank you.

Speaker 13: We actually have a policy in place.

Madame Chair: Okay. Mr. Johnson?

Sam Johnson: Seeing the exchange between the public defender and you, I saw my dad beating on my mom. I'm back there, and my chest is pumping, 'cause I don't understand what's going on. This country is so divided, and it hurts.

Sam Johnson: I heard a person ... You guys are in position to make things right, but your arguing with each other, it scares me. Because in the 26 years of what I'd done to hurt my community, my family, and myself, to be beaten by my dad with an extension cord all over my body, to be hurt as a child because I was black and just wanted to love people of white color, I went through a whole lot of trauma. And while I'm sitting back there, all of that stuff hit me again. I couldn't just sit there and not speak again.

Sam Johnson: You guys gotta heal this country. You have to heal this city. Black men are killing black men like it's crazy, because they don't know how to process the emotion. You're talking about emotional intelligence, how can I process it if I don't know what it is? Most of the guys in prison don't have education. They fought because nobody listened to them. They killed because nobody listened. You gave up.

Sam Johnson: And not myself, too. My people. Black, white, society, my people. And not myself, 'cause I was called a nigger. And not myself because my dad hated me, 'cause he was beating on me. What am I supposed to do? I got a gun in my hand, and I destroyed a life. That was wrong.

Sam Johnson: Your words are destroying each other, and it's destroying me. I don't understand it all. I don't understand the politics. I was the man, executive chairman in prison, representing the whole population. I had population hate

me. I had correctional staff hate me, and then I had the warden and them in the middle, because I represented the population with 24 other guys and I was the executive chairman. I was responsible to try to keep peace in the prison. I had threats on me.

Sam Johnson: But God saw fit to bring me out for a reason. I still don't fully understand that reason, but I know for a fact this community is in pain. The officers have pain. You have past trauma, and you have to deal with it. We all have experienced trauma. I'm not preaching. I'm not saying I know it, but I understand pain. I understand pain. And I don't want to see it anymore. I don't want to hurt anymore. I don't want to suffer anymore. I want to be loved as a man, not a black man, not a white man, not a ... I just want to be a man. I want to be a human being.

Sam Johnson: I need you guys' help. I'm not in the position to do things. All I can do is speak on what I feel. And that's why I don't see the rest of the guys here, because they're fearful. They're scared. They're scared you'll witness it. This dude will get naked if they say, "Get naked," do whatever, just to keep from getting hurt or going back to prison.

Sam Johnson: I don't want to go back to prison, but I have to voice what's going on. I'm hurting. They're hurting. As black people like cattles, and for ... Go on a tour of the San Quentin State Prison and see it for yourself. See what you're locking up. See the babies that are 17 or 18 years old that we have to mentor to keep them from getting killed in prison, or getting raped in prison. We did that. We stood by their side to try to teach them.

Sam Johnson: I caused a ripple effect that destroyed my community. I'm trying to heal it, but I need your help. I need you guys to come together as a whole and fix this stuff. I don't want to be scrutinized. I don't want to be stopped and fear with my family in the car from what I see. I want to embrace the police officer. But I'm fearful, because a black man, somewhat, a little bit educated, and I've been in prison. To me, it's stacked up against me.

Sam Johnson: I don't want the two of you ... Blacks, and you're still fighting. When is it going to stop? When is it going to stop? When are we really going to sit down and be emotionally intelligent and understand ... I got sentenced, but nobody checked the final, what caused Mr. Johnson to do this? My whole 26 years in prison, didn't one time see a psychologist. I carried that garbage my whole life, but then, through the programs, dealing with childhood trauma, recognizing what happened to me, and what caused me to pick up a gun and destroy somebody, what caused my dad to beat up on me and put a knife to my mama throat. And I had to jump on my dad, took a shotgun and shot it in the ground, willing to kill my daddy.

Sam Johnson: How do we continue to do this stuff? I'm hurting. And I'm not going to apologize for it. I'm hurting. I need healing. My community need healing. The young

people need healing. They need mentors. They don't need to be locked up. How can an 18 year old understand what they did? Because peer pressure, because of the parents beating them up, or whatever the case, and they just say, "Forget it. Nobody cares."

Sam Johnson: That's what I did. I numbed myself to everyone, and I didn't care. I didn't care about my father. I loved him, but when he was drinking, he was a monster, and I became one. It's the same monster. I did something my dad didn't do. I took a man's life, and I have to carry that the rest of my life.

Sam Johnson: I want to be accepted by the community. I want to be loved by whites. I want to be loved by Hispanics. I want to be loved by black ... I just want to be loved. I want to be taught what I need to know. I have a family to support. I don't want them fearful. I want them ... My little grandson, bought him a little police car. That's something he want. And he act like the officer to make right. Whatever he want to grow up to be, I want him to have that opportunity, but I don't want him to be fearful.

Sam Johnson: I sit there, [inaudible 02:04:23], my chest hurted like crazy. That's why I asked if I could speak again, maybe make a different ... I don't know. I don't know if it's the right forum for it. But I have to let you know, it's time to love. It's time to forgive. It's time to come together as a whole and really work on policy that doesn't hurt all the time. Why can't we come up with policy that heals, that doesn't restrict, that don't put fear in me if I'm pulled over? I should be pulled over and welcome it, 'cause I didn't do anything wrong, not fear that I might get shot.

Madame Chair: Yes.

Sam Johnson: It has to stop for me and others. There's hundreds of thousands of people locked up, and they're coming out fearful. The guys at the [Moose] sign up to come didn't come, because they're afraid if they say something, there's going to be repercussions. So I told them, I'll come. I'm going to speak my truth, and God have mercy whatever happen to me. But I put it in God's hands. I'm now a deacon in the church. I want my life different. I was tired of running from God.

Sam Johnson: I want love in this country. And I know it's always going to be some kind of division, but how great is that division over the love we can have for each other? How much do our children mean to us? To put a baby in handcuffs, 14, 15, don't know snot, out there, breaking in cars, doing stupid stuff, but we lock them up and we throw them in prison and then watch them get raped, watch them get beat up, make them stuff dope up their behind and bring it back.

Sam Johnson: This is America- [crosstalk]

Madame Chair: Right.

Sam Johnson: ... land of opportunity. I don't know when I'm going to get my opportunity, as far as the shall, but I want you to remember, I cry, I bleed, I live, and one day I'm going to die, just like everybody in here. I made a mistake. We all at some time have made a mistake. My mistake cost me dearly. It cost my community, and I really, deeply, sincerely, with my soul, apologize.

Madame Chair: Thank you, Mr. Johnson.

Sam Johnson: Thank you.

Madame Chair: Thank you so much.

Madame Chair: I would like to make a recommendation. Given the exceptional testimony that we've just heard, that perhaps we could convene a few more engagements and then bring back all of the changes after that information, and then bring it back to the Commission.

Madame Chair: Commissioner Anderson?

Anderson: I would just add that we're specific with what we're looking for from the community when we do that, and so that we're best able to incorporate their feedback into what ultimately turns out to be the policy. I can work on the community engagement framework around that, in partnership with Jose. I don't know if that falls under his leadership area with the ad hoc committee, but I'd be happy to do that.

Madame Chair: Sure. And I know what I can facilitate is the youth voice for young people that have been or are on parole. I want to acknowledge Commissioner Prather, but before I do so, I want to say that I know that there's been exceptional work on this, and we are so much further ahead. But with community voice, it's going to be that much tighter.

Madame Chair: Go ahead.

Prather: Thank you, Madam Chair.

Prather: First, I wanted to really recognize Mr. Woods and apologize. I think being a public defender is one of the noblest, highest callings to dedicate your life to the representation of the indigent, and I think it's really a travesty that it's being misunderstood and tossed around here as a farce. The disrespect that was shown to you by this Commission and by a member of the public is unacceptable, and I apologize to you. Maybe you're used to it, because you're a public figure, but I thank you for coming here, and I thank you for participating in this process and the committee, too. I want to thank you for that.

Prather: Just a couple of things, remarks, I'd like to make about the document itself. One, there was a reference to it has no teeth because there's no punishment. There's

actually punishment that's written into the general orders of OPD, so that the punishment need not be specific to this document. Punishment is dealt with. There's a punishment matrix, as well as violation of general orders, that handles any violation of this. So any violation of R-02 would be handled by another general order.

Prather: I also want to mention that ... I needed to double check with the members of OPD that are present ... there is currently no departmental general order on probation and parole searches. There is a training bulletin. So my understanding is that there's mention of it in training, but there's no general order. I think everyone's right to say either there is or isn't, but there's no general order. This is the first attempt at a general order.

Prather: The last thing I want to say about it is that when we go back to make additional edits to this document, I'd like everyone to keep in mind the audience for whom this document is for. This document is, while it is a publicly accessible document, it's not a press release. It's not a puff piece. This is a document to officers on the line to instruct them, to demand, that they act in accordance with this general order. It is for officers. And so it has to follow certain structures.

Prather: So, for example, in footnote three on page two, the manual rules indicate that the word "shall" shall be used. "Shall" means mandatory. "Shall" is the strongest it can be. It has to be "shall." There's language in here that has to be consistent with other general orders. And so when we're dealing with the introduction, or other command intent, this is the department speaking to officers. This isn't the Commission speaking to the public. It's not a press release. I know I've said that. But I just want to be mindful of, we've got to address this policy for what it is, and how it fits into a bigger puzzle or a bigger list of general orders.

Prather: I'm okay with edits. I said this in the beginning. This can always be made better. But at some point, we don't have a general order on this issue, and we need to address that, and we need to put something in place, whether it be this or something else. This is an important issue that we just need to work on. And frankly ...

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Prather: An important issue that we just need to work on, and frankly we should just stop patting ourselves on the back about how great this is and how much work we put into it. We're not adopting anything, so we have more work to do on this, and so let's not talk about the past let's talk about we can get the best general order possible, because we need to get this on the books.

Prather: So with that I would move that we table this to the next meeting and if there's any input in between either from members of the public or the commission itself, I would invite Madame Chair with your permission that that come to me,

and I'd be happy to try to incorporate that into further edits into this document to make it better. But that'd be my motion.

Madame Chair: Okay, thank you-

Comm. Dorado: Second.

Madame Chair: Was there a second? Was that what you just said? Sorry. Commissioner Dorado seconds.

Harris: Before we vote can I make a comment?

Madame Chair: Yes.

Harris: Yes?

Madame Chair: Yes.

Harris: So I just want to remind the commission and the members of the public that we already have a process for editing and drafting a policy in place. So we voted on it, and so I can send it to everybody if they forgot it. I can site it right now, just as in a refresher. And it has a lot to do with bringing the policy to the community. Not having the community come in here. So I can send it out to all the commissioners because it's a little bit lengthy, so I don't want to read it out, but if anybody needs refresher I can send it. But we did adopt it, and I expect to follow it.

Madame Chair: Thank you for sending it to us all. As I suggested, I'm certainly happy to facilitate a conversation at the East Oakland Youth Development Center, at Arjoy at any number of places in order to get that much more experiential voice of people on parole and probation. So with that, we have a motion and seconded to put this matter over to at least the next meeting, and what I'm committing to is facilitating at least a conversation before the next meeting. I'm not sure how many more we think we might need, but we can discuss that.

Harris: I think you should read the policy though, the process that we voted on and it'll tell-

Madame Chair: You're going to resend it to me.

Harris: Okay.

Madame Chair: Thank you.

Madame Chair: Okay so we're going to take a vote to put this over. Commissioner Dorado?

Comm. Dorado: Aye.

Madame Chair: Commissioner Harris?

Comm. Harris: Aye.

Madame Chair: Aye for myself.

Madame Chair: Commissioner Smith?

Comm. Smith: Aye.

Madame Chair: Commissioner Anderson?

Comm. Anderson: Aye.

Madame Chair: Commissioner Prather.

Prather: Yes.

Madame Chair: Okay. And the motion passes. Thank you.

Madame Chair: So the next item is the Community Police Review Agency, Pawlik investigation update, from Ms. Tom.

Ms. Tom: Thank you Madame Chair. Good evening. I wanted to give you an update on the progress of the investigation because that was the request of the commission from the last meeting. And I thought I would just break it down into three separate areas. First, just a little bit about the background of the timeline of the investigation, where we currently are, and when we anticipate that we will complete the investigation.

Ms. Tom: Just so that you're aware, CPRA was made aware of this complaint on March 13 2018. The case was initially assigned to an investigator on April 12th 2018. Some evidence was not available due to the pending CID investigation at that time. On October 5th 2018 the CPRA received a complaint from the mother of Mr. Pawlik. The case was then transferred to the current investigator on October 8th 2018 due to staffing changes within the organization. On December 6th of 2018, that's when I became the acting director of CPRA. During the time period of December of 2018, the investigator assigned to the Pawlik investigation was working on another time consuming investigation, which she completed approximately mid-Dec of 2018.

Ms. Tom: In the early part of 2019, January and February, that investigator was working on eight other cases that had due dates within that window. So she was working on those items as well. On January 10th of 2019, the investigator received an email, that the case was being finalized and presented to the Executive Force Review Board on January 8th of 2019. Once that was completed, all the file materials would be ready and available for review. The investigator from the

CPRA then received a follow-up from the investigator that they were gathering all the materials for her on January 16th of 2019. On January 22nd of 2019 the investigator was notified that the materials were ready to be copied. And she received an update, I believe internally, that materials were in progress and that copies and printing was being done on January 28th of 2019.

Ms. Tom: So that was just what was happening up to that time, so from that time forward was when she actively had more time to work on that investigation. With that being said, at that point as the investigation continued the investigator determined there were additional steps that she wanted to do to complete some additional follow-up. When I had a chance also to speak to her I also directed her to do some additional steps as well that I saw needed some further follow-up as well. Which is currently at the point which she's working on at this time with the investigation.

Ms. Tom: So at this time we understand the significance and the extreme importance to the community and to the public about this case. This is a very important case obviously in our office. The investigator is diligently working on this case and it has our highest priority in the office. We understand this case is of critical importance. The target date to complete this investigation is currently two months from the anniversary of the incident date. The incident date happens March 11th of 2018. So two months from the anniversary date, if you take it from March 11th of 2019, would take us into our target date being May 11th of 2019. Obviously if our investigator can complete the investigation in advance of that date, we will clearly be working as much as we can to get it done in that time frame. We're balancing the need to be thorough and complete with the investigation with the need to be expeditious and knowing the importance of having a result for the community.

Ms. Tom: With that in mind, I just wanted to share that we definitely understand the value of this case, however we will not compromise the quality or the integrity of the investigation given what this case is at this time.

Madame Chair: So Ms. Tom in terms of the commitment by the investigator, are we to be clear now that the investigator is only working on this, in order to finalize it?

Ms. Tom: Obviously if there's something else that comes up that needs her attention yes, but in terms of investigations yes, this is her primary investigation that she's focused on.

Madame Chair: Okay. I would suggest that, if it's at all possible, that there just be the focus to finish this up.

Ms. Tom: We understand that it is of critical importance. I would just like to take this moment just to let the commission also know that I just learned today that another one of investigators in our office is going to be out on leave for approximately a month. So we do only have at this time about three

investigators working full time. So just so you are aware of what resources and what we're working with. I do understand your concerns and clearly that is, like I said, the highest priority we have. But if we have something that comes in that also requires immediate attention, there has to be some latitude to deal with that. But again, coming back to this investigation.

Madame Chair: Thank you. Are there other questions? Commissioner Prather?

Prather: Thank you Madame Chair. I'm kind of hesitant just to ask this question. I don't know if I want the answer. Is there something you can tell us about the nature of the investigation that makes it so cumbersome? Is it the number of witness interviews, is it technical docu ... I certainly don't want to delve into content, but if there's something 40,000 foot level you can tell us about why it's so complicated? Because my general understanding of the facts that were presented in the public or in the newspaper, wouldn't necessarily make me think that it would be such a labor intensive investigation.

Ms. Tom: Thank you for that question Commissioner. I think it's a fair question actually. I would just like to say with that again, because this case is a pending and open case without delving into the specifics because of the possibility that we don't know what the ultimate outcome will be, there is the potential that there may be a discipline committee, so I don't want to influence that outcome at all. But I will just speak in general to officer involved shootings. When there is an office involved shooting you really shouldn't rely on everything you hear in the news or in the paper because a lot of times there is more that the investigator's doing that you're not aware of, you won't have that information necessarily.

Ms. Tom: I can say that generally when there is an office involved shooting there are a lot of additional steps. It could be technical. There are also many many witnesses if they're available to be interviewed. And that is often times the case. I mean I don't want to go too much into things but let's just say for instance, just so you understand the resource component of things. On a case such as this, OPD may have over a dozen people working on this case. Just this case. We have one investigator in our office on this case. I will just leave it at that.

Madame Chair: Commissioner Prather?

Prather: Yeah, thank you Ms. Tom. I appreciate that. And look I will grant you, that yeah there are some investigations that take many months, because you can have things like blood spatter analysis, gun shot residue, many technical and forensic matters that come into play. I also know that when an investigative body, when OPD or another law enforcement agency wants to get something done in two weeks they can get something done in two weeks. When they want to get it done in a month they can get it done in a month.

Prather: And you're right, it's a resource issue. But let's figure out what we're saying here. Is it a resource issue? Or is it it's so cumbersome that it can't be done

issue? Because what I thought I heard us say is that the nature of the investigation doesn't lead itself to be completed before May 11th 2019, and I have a reaction to that because it's not acceptable. It's just not. It's not personal, it's not anything about any individual, but we have a mandate, we have dates. We have to get this done. If we've got to push stuff aside to have it happen, this is so critical right now. It's just if I heard that we were doing some sort of forensic examination, autopsy or something then obviously that would change my mind about things, because those things take time. But witness interviews and other things would ...

Prather: Look I'm not an investigator by nature, and I think there are other people on this panel or on this commission who can probably speak to that better than I can, I'm a criminal defense attorney. I just know that investigations can be done. They don't take a year. My clients get charged within a year all the time. My knee jerk reaction to May 11th is it's unacceptable, and give you a new date and have you come back before the commission. I don't know how everybody else feels, but I'm willing to talk about without talking specifics.

Ms. Tom: If I could just respond. I will say it is not just a matter of being resources internally. There are a lot of items in this particular case to be reviewed. It is very extensive, and in my experience of what I've seen it's one of the most extensive cases in terms of material that has to be reviewed that I've seen. It's a lot of material to be reviewed. It's not a small case.

Harris: Ms. Tom, I have a question too in regard to investigation. So I do know investigations take a long time, however, Warsaw was able to do an investigation in like two weeks. And he found all kind of craziness. So it just makes us think, what is ... I know you can't give us any information, but you understand what I'm saying? What the point I'm getting at is that he's already made some discovery there in regard to an investigation and it's just been longer than a year.

Ms. Tom: I understand. I completely understand where you're coming from, however, again the case is open, I can't speak to it. And again, that is the issue that, again, puts me in a place where I can't comment on that.

Madame Chair: So Ms. Tom, when you and I met we discussed my preference of six weeks. At this point, I think beat the deadline is really what we're saying. So May 11th is two months out. We need to get there before May 11th.

Ms. Tom: As I said we're moving as quickly as possible on this case as we can. It becomes an issue where, if the investigator can't complete an investigation because of an artificial deadline, that becomes an issue in compromising the integrity of the investigation. That's all I can say about that.

Madame Chair: I hear you. And what I remember is a few weeks ago we talked about four months. Really appreciate you cutting that in half. Hoping that this can be tightened up and closed up, buttoned up, before May 11th. Okay? Thank you.

Madame Chair: I'd like to take open comment now. Gene Hazard, John Bay, Lorelai Bosserman, Ms. Asata, Saleem Bay, Bruce Schmiechen, and is Jim Shannon on item six? It doesn't have a number. Okay. Ms. Asata. Thank you.

Ms. Asata: Love life, love black people. I have no confidence whatsoever in the agency. I didn't when it was the other group, Citizens Police Review Board. And I kept coming and asking why there was so many cases of unfounded, unsustained, and I see that in the documentation tonight you're going to see the same thing. I have no confidence in the agency, period. Having said that, what I do have the possibility of believing in is the Swanson investigation that has been mandated by the courts to look at the Pawlik situation. That's what I'm going to look for, I could care less what the agency comes up, because they've got too many excuses. Too many excuses to get this serious work done.

Ms. Asata: And I just asked the lawyer when they going to to go into receivership? This police department needs to go into receivership, period. There is no other way that we going to get things done. But the Swanson investigation, I don't know how long it's going to take, but we going to see some results. So what tape are they going to use? They going to use to the same tape that the police chief use, or they going to us the tape that Warsaw used? Somebody ask that question. But this is too ridiculous, that I have seen consistently, you all almost begging these people to do the work. I just heard something and somebody was busy doing this and then they had to do something else. That's not a professional way we got to take care of this business.

Ms. Asata: Too many excuses, and let me say this, I don't want no body on this commission apologizing for when black people come up here and say what they got to say. Because we're dealing with this issue. And if we see that other black people aren't doing the work, we going to call them out. And you can apologize for you but don't apologize for me and no other black people out here.

Madame Chair: Mr. Hazard, Mr. Shannon, Mr. Bay.

Gene Hazard: So what I heard Ms. Tom say, there's going to be another delay. You know here we are with the very serious ... 22 bullets. Into a man on the ground, who was unconscious. It shouldn't take, how long has this been? And we still haven't come back with a definitive report? Because I thought the last meeting, the chief was supposed to come back with something. All right? In addition, she's supposed to come back and bring to this body, she said she disciplined 50, terminated 30, or whatever the case may be. So I'm waiting to hear that report as well. The categories for which these officers were disciplined. Was it because somebody was drunk on the job? Because they came late to work? Was it excessive force? She needs to report that out tonight, because that's what you

directed her to bring back this evening. On top of the Pawlik stuff. But here we get with the Pawlik stuff, some delay. So we shouldn't have any delay on itemizing the other thing that she did as a postscript when she should have kept her mouth shut on that, because that opened up another Pandora's box.

Gene Hazard: Please have the chief bring the report, and don't let her come up and say, "I forgot to do it". Because if she can count to 50 and 30 she knows what she disciplined those individuals are, and whether or not they were in the academy, and whether or not their shoes weren't polished right. But I'm interested in seeing how many of those individuals that were reprimanded for excessive force. Thank you.

Madame Chair: Thank you. Mr. Shannon. Mr. Bay. Lorelai Bosserman.

Mr. Shannon: Thank you. Could I start by asking a question which is, do you need a complaint-

Speaker 14: [inaudible]

Mr. Shannon: What am I doing wrong?

Speaker 14: Move closer.

Mr. Shannon: Okay. Do you need a complaint to investigate a level one shooting? No. Well, I don't understand why there is some juxtaposition between making a complaint and the investigator starting to do her job. I don't understand that. I think that this woman here has made invalid excuses for you, who are the ultimate authority for the city of Oakland in this shooting. It's not like we have level one shootings every day. This is the only one in all of 1918, I don't believe there's been one on 1919. This is not a light event.

Mr. Shannon: Since Ms. Hom will not develop her own protocol, I suggest that this commission develop protocol for when someone is shot and killed by the Oakland Police. And the protocol should go something like this. That the investigator, your investigator, gets a call when the shooting happens, and goes out to the scene, and investigates the scene. That's what internal affairs does. Why were you not there?

Mr. Shannon: Okay. Then, that they attend every session of the FRB. You know who attended the FRB? Thomas Smith. But Mr. Smith is not, Commissioner Smith is not an investigator. Commissioner Smith is a commissioner. You're investigator was not at a single session of the FRB.

Mr. Shannon: Thirdly, has your investigator interviewed a single witness? I would like you to answer that question. I believe the answer is no. Okay. How can you be fair to the Pawlik family, and the officers charged in this incident, by not interviewing witnesses? By not going out to the scene? By not attending the FRB? It's simply

unfair to everyone to do it this way. You need to develop a protocol because your agency is not going to do it for you. Thank you.

Madame Chair: Thank you. John Bay. Lorelai Bosserman. Saleem Bay. And Bruce Schmiechen.

Saleem Bay: Saleem Bay. So first off it wasn't only Mr. Pawlik that was shot sleeping. All right. So I want to keep bringing up Mr. Hogg. That we don't forget about the black man that was shot first, that if we'd have taken care of this, and had this much people concerned about Mr. Hogg's condition and his family and everything like that, maybe Mr. Pawlik would be alive right now. If we'd have done the same thing. But then jumping forward, let's not also forget that Mr. Hogg was in the same position and he was shot and executed while he was asleep.

Saleem Bay: As it applies to the CPRB and credibility, you can't say those two words in the same sentence. And just as the CPRA is the same as the CPRB, it goes directly to the credibility of this body that this is your investigative arm. Just as I told you about 13-10-62. 13-10-62 was found sustained as you saw by IAD, but crazily, I'm just going to use that word, 13-10-62 was found not sustained by Ms. [inaudible] who's sitting right over there. So how can you have the IAD that never admits anything wrong, find something wrong with our case, and then the CPRB, now slash A, because now it's a different one because you changed one letter, is not going to make a difference but, how is it that you can have 13-10-62 sustained by the department, and unsustained by CPRB? That doesn't make any sense. The CPRB, the C is for the citizens, right? This is supposed to represent the community. You're supposed to have a look toward the community, but your job is that you did such a terrible job, that the people voted to remove you. But instead of removing the CPRB as the investigative arm, it incorporated it under this body and taints this body to this day.

Madame Chair: Thank you. Lorelai Bosserman, Bruce Schmiechen, John Bay.

John Bay: John Bay. Those that have been here since Saleem started coming last summer, and I started later in the year, the substance of what we've said from day one, first time we stepped to this mic, before this body, was that your investigative agency and the executive director at that time, would not be able to do the work. That that body needed to be replaced. So, you see it. And they're down to three. All these other things, another ham string. Your ability to get to investigations in a timely manner, if they were being investigated, properly or however. As much attention that is on this case, clearly, that's a leadership decision that did not ... whatever resources that were there should've been poured into this. Warsaw got his stuff out. It's already been reassigned by the court for another investigation and you still lagging. I don't understand that. That is absolutely a leadership issue, management issue. Whoever's the manager ain't doing their job. Interim or not. But at least you get an excuse where as it was just arrogance from the other brother, so that's an improvement. But we still have a ways to go.

John Bay: I would just say that as high profile as this case is, what Saleem just mentioned, 13-10-62 was more high profile, because there was more murders. There was FBI involvement. There was US Attorney involvement. There were pin registers. Lost files. We mentioned in my attempted murder, the OPD lost the file, could not find it. Iron Mountain didn't have my file. Offsite storage lost the damn file. The whole thing is a trip. Here failure, there failure. City Hall? Failure. Make some changes, make some waves. Don't be afraid and definitely, because the brother who left, once he got checked, had no problem stepping over to speak to Saleem. And they spoke, brother to brother. So we got it. You ain't got to apologize for people, we got it.

Madame Chair: Bruce, Lorelai.

Lorelai B.: Hi, Lorelai Bosserman. So this is frustrating. I'm pretty sure everyone in this room knows that. Two months is a problem. Now I understand, I've been in your position where people are saying you have to have it in this time and it's just not possible. But, it's a problem, because at any point, tomorrow, you could suddenly have 10 days. It's not just an important case, it's an urgent case. And it's not just urgent because, "Oh gosh, we missed our target date". I mean you know this, you didn't mention any of it, but I know you know that there is a deadline for when you can impose discipline, and it's 10 days from whenever something happens that we have no control over.

Lorelai B.: I hope that Madame Chair, you will ask Jim Shannon's question, "Have you interviewed a single witness?", because I think they should be able to tell you that. Obviously the CPRA is having major problems. I have heard that there is someone who applied to be executive director months ago when that effort was underway, who is still interested. I believe someone suggested that you hire that person as an interim executive director, see how it goes. And, or, maybe just hire someone to just do this investigation. But one thing I definitely ... or receivership. Some people out there are convinced that receivership is the answer. I don't know enough to know myself.

Lorelai B.: One thing I noticed was that Madame Chair you asked, "Is this the only case that the investigator is working on?", and Ms. Tom you answered, "It is her primary case." The question was is it her only case. So, I leave that to you, thank you.

Madame Chair: Thank you. Bruce?

Bruce S.: Bruce Schmiechen, Coalition for Police Accountability, LCO. I don't understand, I mean here we are a year later. It's confusing. The old ED is gone, I guess thankfully. You guys have been swamped and have had a lot of problems and a lot of obstacles this past year. But, it seems to me that the CPRA is a complete and total kind of disaster, in terms of being understaffed, not being able to move on something like this. And looking at this attachment seven didn't give me any more confidence certainly, looking at all these exonerated, exonerated, exonerated, and no real information here. I don't know what this document is

but just looking it over, it didn't impress me. But I think that two things. One is, can you hire from outside, someone who's highly qualified and would have the trust of the community to supervise this particular investigation for the time being, working with the CPRA? The other thing is, it's evident to me that one of your biggest tasks moving forward is going to be finding-

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- Speaker 15: The biggest task moving forward is basically rebuilding; rebuilding confidence and rebuilding the CPRA. Finding an executive director... This is almost as important in a way as a police chief or something, who really gets it, who you charge with; build this agency back up, make sure we have investigators who are super qualified, who can do the job, and enough of them. Go to the city council if you need more, but I really think that that choice of the next executive director is one of the most important choices that's before you. You really need to be honest about this. You need to rebuild the thing from the ground up practically.
- Madam Chair: Thank you.
- Madam Chair: Commissioner Prather.
- Commissioner P: Thank you, Madame Chair. Look, I've heard a lot of really telling public comment, and I think one of the most telling things we've heard tonight is that our staffing of our investigative bodies at critical levels. We can't survive, we are lower than the required number of investigators per officers. Frankly, I'm kind of mad you stole my thunder on the idea of going outside. But we need to hire at least an investigator, if not multiple investigators, to bring them in to the CPRA, and we need to do it now.
- Commissioner P: I would say that there seems to be a lack of confidence. I don't even think we need to ask the question. The fact that the specter of the commission's investigative body not having done any work on this thing is enough to say, okay, we need... This is not okay, we can hire an investigator, we can mandate that they get it done in three to four weeks, get it done by the end of April, and we just do it. We have the money in our budget to do it, and ultimately that's what has to get done.
- Commissioner P: Look, the fact that we've replaced the executive director, the fact that we now have two investigators out on leave at the same time. I mean, there seems to be something going on, and I won't say... I don't know what it is, 'cause I don't work there every day, but this is too important of an investigation not to get done right now. We keep asking the question, we keep getting the answers that we don't want. Unfortunately, we gotta bring in somebody from the outside who will give us the answers we want. And if we bring in a credible individual, with the bona fides of a true investigator ... I mean, I think that has to control here.

Commissioner P: I would actually even invite our new alternate commissioner to opine on just the logistics of that. I don't know how we would do that but I know we have the money to do it, and I know we have the power to do it. But I don't know how we would go about... I certainly know many investigators, but how to select one in short order and to get the file transferred to them, and to get them going right away, to adopt whatever work product has been done. We need to get moving, quickly. That's my two cents.

Madam Chair: Mr. Johnson, did you have a comment?

Harris: [inaudible]

Madam Chair: Sorry, Brown. I'm sorry.

Harris: Okay, [inaudible] I agree with the Commissioner Prather. However, we brought this up several times, this has been on the agenda as well. In regards to bringing an outside person to do the investigation, there was a plan in place for us, and it kind of fell apart, when we wanted to hire the IG person. So, we did. We talked about this at several bar commission meetings about bringing an outside person, we even had someone volunteer for us. We did look into it, we did talk to counsel, or a borrowed counsel in regards. I went, and asked some outside opinions as well, and then it just stopped. So, that's good we're picking it up.

Madam Chair: The question I have for you Commissioner Harris, as I understood it, we needed to get three quotes in terms of being able to hire; do we have the three?

Harris: We don't have the three.

Madam Chair: So, we can get the three, then move on that, and get some assistance support to tie this up quickly.

Madam Chair: I will, accept the motion on our next steps.

Harris: Madame Chair.

Harris: So, it was my setting stone that we had to get three quotes. That was the concern. Did we need to get three quotes? And again, it came back to we are an independent commission, and if we want one quote or four three, that's our prerogative. We do not have to get three quotes.

Madam Chair: I think that it is an appropriate process, particularly under municipalities, that we should not look like we are handpicking. Volunteer or not. So, from that perspective, I think it would be important to do so. But I don't think that it will take a lot of time to do so.

Madam Chair: Yes, Mr. Rudin?

Mr. Rudin: Chair, this item is on the agenda as an update on the Pawlik investigation; so, if we need to get in the decisions on hiring, you should probably agendize that separately.

Madam Chair: Okay, thank you.

Madam Chair: I will accept a motion... He said this hiring is not on the agenda; we're outside of the agenda item... Scope.

Madam Chair: Mr. Rudin, as it relates to a next step here...

Mr. Rudin: This is on the report as a [inaudible] progress report from Karen Tom. However, it would be appropriate for you guys to give direction to staff, you know you can always do that.

Madam Chair: Okay.

Madam Chair: Yes, Ms. [inaudible]

Ms. ?: I just wanna make a comment in general about investigations. I've heard a lot of statements about investigations, and let me tell you as someone who's been on the forefront of the investigation to investigations for a long time, I think that there's a misunderstanding of what is involved in an investigation and what it takes. I would welcome the opportunity to talk to the commission in general about what is involved in investigations, as I'm sure other people in our office would. So that you have a better understanding, and I would suggest that you listen to us before you vote on anything that would affect what's going on.

Ms. ?: Comments that are made tonight aside, and with those kept in mind, at least listen to us before you vote on that. Thank you.

Madam Chair: Okay, I'd like to ask a question, as it relates to that, and a training in the future would definitely be beneficial. Because we're learning on the fly. But to the question around witnesses, how many have you investigated... Interviewed, excuse me.

Ms. ?: Can't answer that question at this time.

Madam Chair: More than one?

Ms. ?: It's a pending investigation.

Madam Chair: Okay. So, zero?

Speaker 16: I think she's trying to not give any answers, 'cause she doesn't want to compromise any investigation.

Madam Chair: Oh, not compromising any investigation. Okay, alright, well thank you.

Madam Chair: We'll have to set forth a training on investigations at some future date. Clearly after May 11th. But, we do need to direct, and I will at this point direct Ms. Tom. It will be six weeks, and we will probably get assisted support for an outside investigator to help finish this.

Madam Chair: I'll have to work with... Yes, Commissioner Prather?

Commissioner P: Thank you, Madame Chair. Could you direct me to get three quotes for investigations, and I'll present them in the next meeting for a vote?

Madam Chair: You're so directed.

Commissioner P: Thank you.

Madam Chair: We need to get this done, tied up, in a quality fashion, but as quickly as possible.

Madam Chair: Yes, Commissioner Harris?

Harris: May I make a suggestion? To have the investigator that's investigating the Pawlik case, remove the rest of her investigations from her, and let her focus on just this case?

Madam Chair: Yes, but I actually thought I wished pretty clear about that. Focus on Pawlik, and that's it.

Harris: Only?

Madam Chair: Pawlik only.

Madam Chair: Ms. Tom, can you make that happen?

Ms. Tom: So, I just wanna be clear. You're saying the rest of the investigations, the 3304 date or the Saturday can be missed?

Madam Chair: I am not saying that, but somebody else needs to handle those.

Ms. Tom: Unfortunately, like I said we only have three total investigators. They already have their case load.

Madam Chair: I got that.

Ms. Tom: So are you saying that they're going to miss their 3304 dates, because they also have dates coming up.

Madam Chair: You know, the challenge is this, I am not gonna tell you who's supposed to investigate what. What I do know, is that this is a critical case. We have got to do what's necessary to bring it to close. So, if what that means is that Joan is the one that's got to look at it 150%, then that's what we need her to do. [inaudible]

Madam Chair: ...and we can try and get additional support. We wanna help, we're not trying to burden you. But we really need this tightened up. Okay, so everybody clear?

Madam Chair: Is that a yes?

Ms. Tom: Yes.

Madam Chair: Okay. Thank you very much.

Madam Chair: So we are moving to item seven.

Speaker 15: [inaudible]

Harris: That's not a part of the agenda though.

Madam Chair: I'm sorry what are you saying?

Ms. Tom: That she has to remember she's supposed to report back from the last meeting.

Madam Chair: Oh, on Pawlik?

Ms. Tom: No, on this. The categories in which these are [inaudible 02:56:51]. Yeah, remember the categories of the [crosstalk] officers... [crosstalk] agenda.

Madam Chair: Okay. Then we can't hear it... I'm sorry?

Speaker 15: We need to follow the agendas.

Madam Chair: We're going to have to make sure that that item is on the next agenda, because it's not on here. I do realize your point, and I'm not sure why it's not there, but we will make sure that it's on the April 11th agenda.

Madam Chair: We're gonna have to move to agenda seven; review agencies' pending cases in completed investigations.

Madam Chair: ...Recess is next. No, recess is after the 10. It'll be. So, Ms. Tom?

Ms. Tom: Yes, so for item seven you will see three attachments. You will see that the first are the administrative closures that are being brought before you, which you also reviewed the fuller, more robust information on each of the cases in an e-mail separately. That is one of the informational items, the other informational

items are the completed cases and the pending cases, which are also included in this packet for your review.

Madam Chair: So, Ms. Tom, as it relates to the excessive force cases we previously discussed, that there are 11.

Ms. Tom: That's right.

Madam Chair: We recognize that it takes staff and an inordinate amount of time in order to compile them to display them to us in closed session. It took us two hours to go over four cases. I think that it would be appropriate for us to take a look, but I would not wanna put it in front of our May 11th, or our earlier closure date with Pawlik. So, are you suggesting that we just vote down closing, or reopen as we have suggested in the past? I'm taking recommendations from the commissioners.

Harris: I have a concern about closing these cases as I always have without the information, and because they are excessive force cases, I don't wanna close them, because I don't trust. And so, I wanna see them in closed session. That's my suggestion.

Madam Chair: What's the pleasure of other commissioners? ...These are all excessive force cases.

Madam Chair: Commissioner Dorado?

Commissioner D: I would move that we do not close these cases at this time. That's the motion.

Harris: If I could just add, you wouldn't be not closing them. They're already administratively closed by the director. You would be voting to have a closed session, so that you could review them.

Madam Chair: Okay, would you like to reframe your motion then?

Commissioner D: Would need to add the closed session as a part of the motion. Is that correct?

Harris: Yes, I was going to say, to the extent that you want to look at any of them, all of them, you would have to request a closed session to review them, and then you would have to take the affirmative vote, after the closed session was what happened the last time.

Commissioner D: Okay, then my motion is that when we do not close these cases into the week scheduled to closed sessions, then we can review them.

Harris: Well, the cases are already closed. So really, you're just voting to have the closed session to review them.

Madam Chair: One more time at the motion... You're voting?

Commissioner D: To...

Madam Chair: To review the cases in closed session.

Commissioner D: To review the cases in closed session. Okay.

Madam Chair: Is there a second?

Harris: Second?

Madam Chair: [inaudible] I voted, so yeah.

Madam Chair: ... So it's been moved and seconded, but we need to have public comment.

Harris: Madame Chair, just for clarification, are you leaving them all open or certain ones? Because there will have to be multiple sessions most likely to review them all. [crosstalk]

Madam Chair: I believe the consideration was for all of them, or the excessive force cases?

Commissioner D: All of them.

Madam Chair: Okay, the answer is all of them.

Madam Chair: The speakers are:

Madam Chair: John Bey, Elise Bernstein, Lauralai Balsaman... oh no and then I have a "no name", I'm not sure who.

Madam Chair: [inaudible] That's me. Okay, [inaudible] alright, thank you.

Speaker 17: Love life, and love black people. Listen, this report has been a consistent report. Years of going to the citizen's police review board, you know I was going to the meetings, you were on there. Same thing. Use of force, how many cases I see here? Six... Eleven cases of use of force, and not one sustain. Not one!

Speaker 17: The only cases sustained in this document have to do with driving under the influence, intoxication... Sustained, driving under the influence... Department property and equipment, driving under the influence, soliciting or accepting gifts... What else? That's it!

Speaker 17: Then we got racial profiling on here, we have people pointing guns at folks. And this agency is not finding anything of a serious nature that reflects holding these officers accountable. Hold them accountable for drinking on the job, hold them

accountable for getting gifts. This is not what we want! If you have eleven use of force cases, and not one of them is sustained, this is a consistent pattern.

Speaker 17: Due all report, over the past 5 years, how many use of force cases have been sustained by the agency? [inaudible]

Madam Chair: Thank you.

Lauralai B.: Hi, Lauralai Balsaman. I'm glad that you are questioning this, because when I looked at that report I said, "This can't be right. It's just really suspicious."

Lauralai B.: I have some comments from Rashidah Grinage, who could not be here, because she's ill. Sorry, trying to find them here. She points out that the CPRA report of cases proposed for closure is less, not more informative than the previous CPRB narratives were, and asks why. She asks if all of the complainants in these cases were notified that their cases would be proposed for closure tonight. So, they would have the opportunity to plead their case if they disagreed with the findings that also used to happen with the CPRB. Thanks.

John Bey: John Bey. So yeah, that one there, the closed off. Some forces use in all of them, but exonerated on all... Pending also. 41 pending cases, 24 of them use of force, 18 excessive force. Then you got some PDRD issues, and racial bias, and profiling issues. All huge, but looking at the closure, out of the 24 use of force on the other pending, we probably expect a low sustain rate; if the math holds up, or if there's something remarkably different in the investigations going forward. So, just on this report, it doesn't look good. And again, we need to look at the numbers, and the rates, and what we're getting out of the agency, what you're getting out of the agency. So then, expectations can be set in its new form, whatever that turns out to be.

John Bey: We can learn what will work, lot of times about finding in... analyzing what hasn't worked, and then we have that part. Then we can work on what will work.

Madam Chair: Elise Bernstein and Saleem Bey.

Saleem Bey: Saleem Bey. So, I keep coming up with saying the exact same thing about the same body over and over again, and it's almost as if, if a black person gets up here and says something... and we've been talking about bodies left and right. Like, I hold up a picture, has at least 5 people who had been murdered. You multiply their families by 5, 6, 7 people. You're talking about 25-30 people immediately impacted by these people, right? That was 13-1062, again, in 13-1062 it took us in the civil case to find out that we were investigated, in 13-1062 when it went to the citizens police review board. There was a whole part of the file that had to do with just all the stuff that happened in our community with our name ain't even in there. So, how is it that we can trust an investigation if

the investigators are investigating the people who are complained about, if we're complaining about the police?

Saleem Bey: In 2007, Ms. Tom closed 07-0538 about my brother John, and my brother Wajid's case. 2014 Ms. [inaudible] closed 13-1062 about my brother's case, John's case, and Wajid's case, and you have the papers here that says, that actually the police says there was some kind of misconduct that went on. Except that the police didn't admit to the whole misconduct, they only admitted to the very minimum, but obstruction of justice is in an attempted murder case doesn't have a statute of limitation. Both those cases are still open, and therefore the 3304 date does too on those cases.

Saleem Bey: So, I will keep coming up here, and we were against the CPRB becoming the investigative arm of this body from the beginning. We can go back on every single time I've spoken up here over the last year, and how many times I've talked about the CPRB and nobody said anything, but then now everybody's saying something about the CPRB. Just as we've said about the chief, just as we've said about the legal counsel. Everything that we're telling you about ultimately, you come to that point; except that just as black people's eyes ain't as cold as white people's eyes. I'll tell you the truth, but somebody else has to tell you that look different than me.

Madam Chair: Thank you. Is Elise Bernstein still here?... No? Okay.

Madam Chair: Commissioner Prather?

Commissioner P: Thank you Madame Chair. Quick question; so, I'm looking at, on attachment 7 page 16. And I'm looking at three cases; 18-0303, 18-0345, and 18-0346, which one case we are past the 3304 deadline, and on two cases we will be past the deadline before our next meeting. And I don't see those on the list of closed cases. So, I'm wondering about the status of those cases, because did we blow a deadline, and are we about to blow the deadline in two others? They seem to be all signed to the same investigator. I'd just like to find out more about these three cases.

Madam Chair: Ms. Tom, are you able to enlighten us?

Ms. Tom: Let's see...As to 18-0303, that case was closed within its statute of limitations date. So, that's not an issue. As to these two other ones the statute date has not come, and my anticipation is that they will be resolved before the statute date is... We have not had a 3304 missed date, so, my anticipation is those will be completed.

Lauralai B.: I can't hear you.

Ms. Tom: My anticipation is those cases will be completed before the 3304 date expires.

Commissioner P: Madame Chair, may I?

Madam Chair: Yes.

Commissioner P: So, am I correct in saying that 18-0303 is incorrectly included on this document?

Ms. Tom: Yes, because of the fact that, when the printing of this is before the turning in of the [crosstalk] sometimes a little bit of a lag.

Commissioner P: Right, and then we do or don't have to vote on the closure of that case?

Commissioner P: ...Like are you telling us that we previously voted to close it?

Ms. Tom: No no no no no.

Commissioner P: No, we don't need to vote to close it?

Ms. Tom: Correct.

Commissioner P: Okay, and the same with the DUI, which is 0346, we don't need to vote to close it.

Ms. Tom: Yeah, just for clarity, as an educational piece, these are pending investigations. The pending investigations do not come before you, administratively closed cases means they weren't assigned for investigations. When they're assigned for investigations they're on this pending case list. So, once they're assigned to investigations, they don't come before you for a vote. The only way they would come before you is if a discipline committee were called, after the completion of the investigation.

Commissioner P: We will never vote on this list, this attachment, page 16, 17, all of this list here? Page 18? We will never vote on any of these here.

Ms. Tom: Correct, because those are open investigations. Your authority is for administratively closed or some already dismissed cases.

Commissioner P: These are just for us to monitor deadlines.

Ms. Tom: Correct.

Commissioner P: Just wanna make sure I'm correct, okay.

Madam Chair: Commissioner Harris?

Harris: So, to your question Commissioner Prather, I still have the previous list from the previous executive director. So, what I will do was I will go home, and compare those cases, because we couldn't get the answer from that either. And if these

are the pending ones, then I will cross-reference all the dates and the case numbers to find out if these are a new set of cases, or if we still have some pending ones from executive director Finnell.

Commissioner P: Thank you Vice Chair Harris, that's very generous of you with, I know, your very limited time already. Can I ask through the chair? Can we just get something that's more understandable? Maybe this is what it is, but I'm sitting here, I couldn't decide for it at home without guidance, I'm here. On the [inaudible] trying to decide for, and I wanna understand it, but it's just not... I don't know if there's a format or different report that we can ask the executive director for; so, it's just more easily understandable to us. And maybe it's just me, and I'm the only one up here that's having the same problem, but... It's not easily...[crosstalk 03:13:47] I'm juggling paper over here, and I don't wanna be.

Harris: May I help him with his question?

Madam Chair: Yes, Commissioner Harris.

Harris: I would suggest that we do it by investigator. So, we have all of the pending, all of the closed, and all of the current on the same sheet, but not bounced around. All of the closed or, you know, started from all the current that they're working on. That way it'll give us an idea, how many cases each investigator carries, 'cause from my knowledge to date, I haven't seen an investigator with 10 cases [inaudible] yet. Because they're told, or they're on hold, they have 7 or 8, but 5 are told. So, that doesn't count. When you're not working on something, that doesn't count.

Madam Chair: Ms. Tom?

Ms. Tom: Yes, if I may just comment? You will look, and see that each investigator is assigned, their initials are listed next to the case number that they're working on and so those are their initials. [crosstalk]

Madam Chair: I think that question is to organize them in the... individual investigator. So, you're not bumping from ED to NG, and from NG to AL. Just, have all EGs all the way down, and then ALs all the way down. Can we do that?

Ms. Tom: That can be adjusted. However, then instead of date on the 3304, dates will be shifted around. Just so you know, right? I mean if that's not your concern, then I can ask the administrative support to work on it differently, and do a different formatting.

Madam Chair: Okay, Commissioner Harris?

Harris: I would suggest that you use an Excel spreadsheet. Then nothing will fall off from the page. You can open as many cells as you need to by formula. And everything will be readable on the page.

Ms. Tom: She has it on Excel spreadsheet so, basically, if you wanted to track differently, she can track it differently.

Harris: We just don't want any less information, that's all. Everything that's on this sheet should be on an Excel spreadsheet, but per investigator.

Speaker 18: [inaudible]

Speaker 19: ... now that, with the... I'm afraid I would disclose something I shouldn't.

Madam Chair: Okay, no problem. [crosstalk] Thank you.

Madam Chair: We were just asking the question I think that [inaudible] asked around. The level of information that's been shared on the CPRB reports versus CPRA reports, but at this point we're not gonna add anything. So, now we are going to move forward to item eight; police commission annual report.

Madam Chair: Commissioner Prather?

Commissioner P: [inaudible]

Madam Chair: No?

Commissioner P: Uh.

Ms. Tom: My understanding was we had an open motion on the floor that was seconded. So, just wanted to... [crosstalk] make sure that... The one emphasis I would make if we are moving forward with that, that we're... given that for the 11 cases that were referenced in terms of [crosstalk] having the review, all of 3304 dates for those are far in the future, and that we're still prioritizing the investigation of the Pawlik case; and any closed session review of these cases be postponed until such a time that sufficient resources are provided to do so.

Madam Chair: Is there a... [inaudible]

Madam Chair: ...Right, I thought she was making a substitute motion.

Ms. Tom: So, I want to make a substitute motion supporting what Commissioner Dorado originally stated in terms of opening up the 11 administratively closed cases, for us to have a closed session to review, but such a time in the future whereas we're not-

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Speaker 20: But such a time in the future wheres we're not compromising the integrity or the speed of the Pollock investigation.

Madame Chair: Is there a second?

Speaker 21: I would accept that.

Madame Chair: Okay, seconded. Is there a question?

Ms. Tom: I just wanted to make a comment, actually, that I understand that you wanting to keep the Pollock investigation as a priority. However, there are numerous cases. These cases also some of them while there is time left, I believe one or two of them the statue date might be in August and so the extent that that gets delayed if by chance the commission does vote to decide to reopen one of the cases and to send it to an investigator that would be a very limited time for that investigator to do that investigation.

Ms. Tom: Part two of that is also there are numerous cases that we're reviewing I don't know if you know how many cases as a director I'm reviewing every week. So to the extent that there may be several investigations assigned a month there's also a number of investigations that are going to be potentially administratively close and then will come up again. If we delay these there will be more of a backlog on your cases as they come up for the next meeting. And so I just don't want you to start setting up a backlog of additional cases going forward.

Madame Chair: So Ms. Tom we said earlier we're gonna get you some help, but we can't speak to it because it's not on the agenda. We will move forward. We've got substitute to motion that has been seconded. And we're going to ... no we've already done public comment on the pending cases. We'd like to take a vote. Commissioner Dorado.

Commissioner D.: Aye.

Madame Chair: Commissioner Harris?

Commissioner H.: No.

Madame Chair: Aye for myself. Commissioner Smith.

Commissioner S.: Aye.

Madame Chair: Commissioner Anderson.

Commissioner A.: Aye.

Madame Chair: Commissioner Prather.

Commissioner P.: Yes.

Madame Chair: Okay, and the motion passes.

Speaker 22: Point of clarification Madam Chair.

Madame Chair: Yes ma'am.

Speaker 22: May ask if all pending and completed cases are class one action violations?

Madame Chair: Um, I can't answer that, Ms. Tom can you?

Speaker 22: The reason why I'm asking Madam Chair because your purview is under measure LL and the agency's perview is class one. And it looks like some of these violations are class two.

Madame Chair: Okay, thank you.

Madame Chair: Yes, Ms. Tom.

Ms. Tom: If I may just speak to that. The cases that are assigned to the investigations I think there's some confusion here. The cases that are being proposed for administrative closure and/or some refinding. Those by definition are class one cases. However, pending cases can be assigned if there's something the director sees that they want the investigator take a look at. So some of them are gonna be class one cases, some of there are not gonna be class one cases. That's a totally different issue.

Madame Chair: So, in terms of the spreadsheet that we're talking about and via investigators. Why don't you list class one's first and if they're handling class two's those should come at the end of the listing. So that we can tell the difference.

Speaker 22: Measure LL [inaudible]

Madame Chair: Yes, I heard you Ms. [inaudible] thank you. You can follow that? Okay, thank you.

Ms. Tom: Basically you just wanted an additional column of either class one or class two.

Madame Chair: Correct. And then we will focus on class one.

Madame Chair: The annual report. Item eight, Commissioner Prather?

Commissioner P.: Yeah, thank you Madam Chair. As many of you know based on sort of our deadline chart that we are due to submit some type of Annual Report to the Mayor, City Council, and the public on or before April 17, 2019. Our Annual Report subcommittee, our ADHOC subcommittee took it upon itself tried to contact through Chrissy Love, various vendors who will be able to assist with the putting together of a more traditional Annual Report. We were told that there wasn't time that that would take both getting them on board and then getting

them the content. That that process literally takes months to produce some kind of fancy, glossy Annual Report that maybe others are used to.

Commissioner P.: Ms. Love then determined through talking to other people, I believe to be administrators, that not much was expected of us in terms of Annual Report. That it would be best to follow the informational report format that we used for submitting ... sorry the agenda report format that we submitted the quarterly report to the public safety committee. And so our thought is that we're going to make that a little bit more robust. Maybe add a couple of pages to that quarterly report and then submit that at our next meeting in April. Hopefully for April so that we can meet that April deadline. But it would really would be following the categories that have already been laid out. So we really already done the work for that Annual Report because the quarterly report submitted to the Public Safety Committee it didn't encompass just the quarter, it encompassed a year, it encompassed fifteen months.

Commissioner P.: I just ask that if anyone has additions of categories to, in the quarterly report that they please get those to me or to Commissioner Smith and then we'll add those into the document.

Madame Chair: Okay great. We will have the draft on the next agenda.

Commissioner P.: We will have a draft on the next agenda.

Madame Chair: Excellent, okay.

Madame Chair: Are there any questions? Okay we'll go to Public Comment. Selene Bay.

Madame Chair: [inaudible]

Selene Bay: Selene Bay. One of my understandings for the enabling language in the ordinance is that the Chief of Police has to come and as part of your Annual Report the Chief of Police has a portion of that report. And that the commission actually can question the Chief on the progress she's had in certain areas so that that can be incorporated in the report. And if you read it, it does say that the commission is able to call the Police Chief forward and actually request that she makes a report on anything that you request her to do so that you can include it in your Annual Report.

Selene Bay: One of the things that the Chief has never got up here and addressed is racial profiling. I mean racial profiling, we say racial profiling. Racial profiling is obviously what the commission mission is. You don't even have a choice when somebody says racial profiling. You have to investigate it. Racial profiling is the number one thing that has the OPD in the NSA for the last sixteen years. It's the reason why this commission exists. So therefore you can't have an Annual Report without dealing with racial profiling. The progress of racial profiling or

the lack of progress in racial profiling as has been pointed out by the monitor that you actually going backward in M19.

Selene Bay: M19 as I've said many times, is actually a criminal act that any time there's racial profiling inside of the department, they're actually breaking the California penal code 13519.4E. Right? There is a law. Right. And if you're not upholding that law or you're not holding the Chief accountable to that law, the body is not doing the job that its supposed to do. And so I would like to see as part of this Annual Report that the Chief makes a very specific report on what she's done for the last two years on racial profiling. Where racial profiling stands. What she plans to do. What type of training she has. Anything to address it, she's been called up here multiple times. I would just like her to be held accountable for it. Thank you.

Madame Chair: Thank you very much Mr. Bay.

Madame Chair: So, Commissioner Prather when we do the agenda setting, I think that makes sense to put that on the agenda so we can get that feedback.

Madame Chair: So the next item is 9, Chief's goal ADHOC committee update and, excuse, Commissioner Harris.

Commissioner H.: So this is what the ADHOC Committee came up with when Commissioner Benson, Dorado, myself were on the ADHOC together. And this was an outline of ... just something that detailed in regards to areas that we're looking for. This particular document has not crossed the community yet. This was just an outline ... you know a start of a draft, our own thoughts. So it still has to be looked at by community members which you have in front of you.

Madame Chair: Are there any questions. Maybe while you're reviewing we can also go to public comment.

Commissioner P.: I do.

Madame Chair: Yes, Commissioner Prather.

Commissioner P.: Thank you Madam Chair. What is the ... I'm sorry I don't have it in front of me. What's the timeline for us on this. I remember that we have to give the Chief her, our requirements a year in advance.

Madame Chair: Yes [crosstalk]

Commissioner P.: Is that the only timeline we're dealing with on this issue?

Madame Chair: Yes, one of the items that actually will be visited by the personnel committee is trying to lay out the template for the items that you all decide go in there, but this is the draft of information. So yesterday.

Harris: So I have the pending agenda list matters and its on here as high priority and there is no timeline. But I would, say yes we should have one.

Madame Chair: Ms. Anderson.

Commissioner A.: Thank you Chair. Um given that there will still be need to a review that's done in the interim. So what will be used to evaluate the current performance of the Chief.

Madame Chair: Mr. Smith.

Commissioner S.: Yeah, I think that the difficulty is if you don't give someone goals and you don't give somebody expectations then you're hard pressed to evaluate them because you haven't laid out what it is you expect them to do. So that being said, I think we need to, what I would support and what I can say is, I think we need to finish and agree upon what the goals are gonna be. And then I think we need to set a timeline after the goals. I mean we're supposed to do this once a year. We could do, maybe we could do something like a six month check in or something, with like a progress point. And then a full year. So she gets some feedback, but I don't think we can launch any evaluation before we've given her the metrics or the expectations that we expect to evaluate her by.

Madame Chair: That's correct. What we can do if they exist is to request that information from the City Administrator or the Mayor to see if they have communicated any goals.

Harris: We've already checked in with them.

Madame Chair: Oh you did?

Harris: And they don't have anything. Which is how we came up with this. If you review it, it has questions on here in regards to some of the things we've dealt with over the past year. This is a working draft of the Chief's goals and like number two is NSA/Racial Profiling compliance. Reduction of racial disparities by how much perfect. I mean we need more input from the community. In stop and search data and use of force. Like these are questions that we would ask her, right. NSA task and compliance for the year. What was your timeline for completion of all tasks? How does your community survey with Mr. Byrch, who I've heard is no longer with us and Court Blow who was in charge of the community assessment that was put on hold. Impact influence achieving these. If you go all the way to three and just read the questions or the information down there, I think it just about covers everything that we've gone through in the past year.

Harris: We didn't have anything that we could follow, we did ask. We went to the City to see how do you evaluate the chief, and it was very juvenile what they had. It

was very minimal, but I wasn't surprised because, you know, a lot of their job descriptions are too. So I wasn't surprised. So we came up with our own.

Madame Chair: Commissioner Anderson.

Commissioner A.: Just to clarify, did the ADHOC committee, is that the Chief's goals. ADHOC committee. Or is this the personnel committee.

Harris: No, it was the Chief's goals. ADHOC committee.

Commissioner A.: Okay, it sounds like we need to give ourselves a deadline and complete this task, but also allow room for a public input.

Madame Chair: At this point since the ADHOC Committee is short, Ms. Benson do you want to fold that over into the personnel committee or do you want to keep.

Harris: No, we're fine.

Madame Chair: Okay so you and Mr. Dorado will finish it up.

Harris: Well it's finished. This is it, but it has to go to the community to get their input.

Madame Chair: Okay, so when will you schedule a community hearing?

Harris: I can do that tomorrow.

Madame Chair: Okay.

Harris: I mean I can work on doing it tomorrow.

Madame Chair: Alright.

Harris: You know what I mean. I'll start scheduling, I'll start asking and looking.

Madame Chair: Okay, great.

Madame Chair: I pulled up a few evaluation templates from Police Chiefs across the country. I'll forward it, I'll forward that to you, but that will obviously be for personnel committee piece. Cause that's one, you know, this is the goals. And then the next facilitates the evaluation.

Harris: I can have Chrissy send me some too.

Madame Chair: Well, that's fine. [inaudible]

Madame Chair: Okay, so you all will coordinate some community engagement to get feedback on this and then report back at the next meeting?

Harris: Hmm mm mm

Madame Chair: Okay, excellent. Thank you.

Harris: So I don't know if we're going to be able to set-up a community meeting before the next meeting, so we'll see. Yeah.

Madame Chair: Okay, so I think we can call public comment.

Madame Chair: Henry Gauge. Bruce Schmikin. Gene Hazard and Selene Bay.

Henry: Thank you Chair. My name is Henry Gauge the Third with the Coalition for Police accountability. This discussion about the evaluation of the Chief of Police is a particular interest of me because I am mindful of the need to provide someone with the metrics to which they are going to be evaluated prior to you conducting the evaluation. That makes logical sense and it's the right thing to do. However, this case is somewhat unique in that here in Oakland, you have a consent decree analogous negotiate itself agreement. You have a built in metric for how to evaluate the Chief of Police. It is not unfair to use that metric to evaluate her performance to date. She's been on notice of the need to abide by the prescriptions of that court order, before she took the job here in Oakland. There's no prejudice to her to evaluate her based on her compliance or lack there of. With the task laid out in the NSA. And as we've seen in recent history, we're not moving in the right direction.

Henry: Our coalition has already called for action from the Compliance Director/Federal monitor. My hope is that his commission will also take decisive action as well. We can't continue to move backwards. You have the information you need ahead of you, right now, to take action and to hold the Chief accountable. Please do so.

Madame Chair: Thank you. Bruce Schmikin.

Bruce: I did [inaudible]

Madame Chair: Oh, I'm sorry. This slid into denials. Pardon me.

Madame Chair: Gene Hazard. Ms. Azada and Selene Bay.

Speaker 23: Love life, love black people of fiscal responsibility. One of the most crucial issues around fiscal issues in the Police Department is the tremendous amount of money that is over time. And the amount of money that is over budget. I think the Police Department was 23 million dollars over budget. And they already are 60% of the general fund budget. I mean the money that's being spent. I'm just asking you, do you feel it necessary to deal with the need or the Police Chief to find a way to stay within budget. And to reduce the over time expenditures as being important.

Speaker 23: I'm concerned about the CRO's and by the way, they had training today for CRO's. I don't know if y'all keeping up with that. But I went to the public safety, I mean the meeting of the measures people on Monday and they had a list of what they're doing for projects. So the projects in areas one, two, three, four, and five all are the same. Blite, homeless encampments, and business and property inquiries. The CRO's and what they doing in the content of supposed to be community police and violence prevention, crime prevention, is not happening. I know that taking away from their duties is something that you're interested in, but what they projects are is something that you want to evaluate the Police Chief because they are supposed to be intricately involved in reducing crime. And the things that they dealing with are not high crime activities.

Madame Chair: Thank you. Selene Bay, then John Bay and Laura [inaudible]

Selene Bay: Selene Bay. So actually I was at the meeting a few meetings ago when the Chief was asked to, the reason why, just for historical basis so everybody understands who wasn't there. The Chief was asked to come with a list of her priorities. The list she came with was not sufficient therefore this commission had to take it over and give her a list. The Chief stood up here and in her priorities she left out racial profiling, she put the NSA I think last. She, you know, this is the reason why we here talking about that the commission had to then take a list from her.

Selene Bay: The other issue is the Chief's evaluation was built in when she took the job, right. She took the job as the 8th or 9th Chief in a row that has failed in the NSA. Her evaluation is based on her accepting this and saying she was gonna bring the apartment in compliant. At this point right here the department is in less compliance under her than when she started. So what evaluation are you talking about that you need to give her a chance before we can evaluate her. Her evaluation came when she accepted the head of dysfunctional department and that department has gone backwards. The evaluation is in. Her priorities are out of skew. She isn't talking about racial profiling, she isn't talking about all the things that she's supposed to be doing. Therefore her evaluation with the community and the community has spoken. It's telling we want a new Chief, right. We've all been saying we want a new Chief, people, other people now the accountability people are saying that we need a new Chief.

Selene Bay: Your job is a body to protect the people of Oakland from a dysfunctional department. Part of the disfunction of the department is the fact that the head is dysfunctional. If you have a dysfunctional head, the department's gonna go backwards, and that's what we're looking at.

Selene Bay: So I don't know how much more of a chance we're looking at giving the Chief to evaluate her when it's very clear that she's failing. She started by promoting failing people who covered up the rape scandal of a underage girl. That's where she started, so here we are flash forward all the way here. She's failed every step of the way. Lets get rid of her. This is your job, you have the power. We just

need five votes, right. We got four votes from the community. Well, excuse me I leave it at that.

John Bay: John Bay. I think what Ms. Azada did say earlier, the receivership should be strong consideration. It has been called for with previous Chiefs and in in fact, Mr. Chandler and Mr. Buress was there as well. And I think we got another investigation instead of that. And then we came up with some of Libby's Chiefs, but Warshaw wasn't in, okay.

John Bay: Clearly, upon acceptance of the position, she knew as a professional what she was walking into. She had time to evaluate it, we have the NSA task driven assignment that has a specially assigned monitor and a compliance director to make sure that the Department is in compliance. With that so on the policing issue, we clearly can evaluate her ability to do her job and function in this Department and its substandard. Based on the metrics of the NSA. We don't have to, going forward, we'll want to go ahead and do this, but to evaluate the current Chief, you're well qualified. The citizens of Oakland are well qualified to say whether she has or has not done the job to meet the NSA.

John Bay: Then we have, what in some places will be aberrations or we'll say scandals. High profile cases with suspicious activity involved. We have a number of those that happen under her watch. We've seen her have and come into the mists of scandal and how she'll met out discipline in those. So there's a lot of metrics we can measure this Chief on how she does. Again, with the over time budget the protest level is a whole lot less than it was, so over time should be a whole lot less than it was. Thank you.

Lorelai: Hi, Lorelei [inaudible 03:44:25]. Normally I would agree that you shouldn't evaluate someone when you haven't given them a list of what you'll be evaluation cause it's not fair to them, but in this case I think we can say there's a basic inability to do the job. If you hire me as a technical writer and in the course of a year I don't produce a single document, a single draft, you don't need to have warned me in advance that I needed to produce a document, I'm a technical writer. I think that's what we're looking at here, you know. I don't even want to get into the list. There are many things where we can point to it and say you are simply not doing the job. You are incompetent, and it looks a lot, to me, like she's just plain corrupt. But you don't need the NSA, if whether or not, you think that the NSA lays out things that you can fire her for. There are plenty of other things that are just basic job description. And I really do think that it's time to fire her.

Lorelai: [inaudible]

Madame Chair: So I believe that we've already taken action on the expectation moving forward. So I think that unless there any other questions we are at recess. Okay. We will be back in eight minutes. [inaudible]

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

- Chair Jackson: We're going to resume the meeting in about one minute, please.
- Chair Jackson: Okay, can we get the rest of the commissioners back up here so that we can do the second half of this meeting?
- Speaker 24: [inaudible]
- Chair Jackson: Okay, I'd like to call the second half of the meeting to order, please. Can the commissioners take their seats, please?
- Speaker 24: [inaudible]
- Chair Jackson: Okay, so our next item is item 11, meeting minutes approval. Are there any edits, Commissioner Smith?
- Smith: Yeah, so where under the attendance portion, I notice there's a separate line for Commissioner Mubarak, Ahmad, and myself, and it just says, "Commissioners." And I would just ask that we move our names up to the line where it says, "Commissioners present," and then we can keep the part which says, "Early departure at 10:11 P.M." People are laughing here because 10:11 P.M. is an early departure, but and nonetheless, yeah, that's the edit that I would request.
- Chair Jackson: Okay, thank you very much Commissioner Smith. Are there other edits, Commissioner [Prather 04:00:12]?
- Prather: Thank you, Madam Chair. I think in a test to my reading of the minutes through to the very end, on page 10, about in the middle of the page, it says, "A motion was made by Ginale Harris 04:00:28], seconded by Jose Dorado," and it has me listed as both voting yes and no. I did not vote yes and no. I think I just voted no, so I would ask that my name be stricken from the ayes. Then on the last page of the minutes, second paragraph, next to last word in the first sentence, yeah, digression, I think, is discretion. I think that's a typo. I usually don't wordsmith it that much, but I just happened to see that.
- Prather: The other thing I'll mention, and maybe we want to send the minutes back, is that the minutes are very inconsistent in listing names. Sometimes, it's full name. Sometimes, it's commissioner and last name. Sometimes, it's first initial and last name. It's almost like these minutes were done by two separate people or multiple people. I just ask that there be consistency in it. I think it should list individuals as Commissioner Smith, Commissioner Anderson, Chair Jackson, Vice Chair Harris. I think it should list people with appropriately with their titles, and so I'd ask that those edits be made.
- Chair Jackson: Okay, now. These minutes are done by CPRA staff, correct? Ms. Kim, I mean, Ms. Toms?

Ms. Toms: [inaudible] Yes. I believe that they're sent out for ... Is this the transcription part or the minutes part? It looks like yes. I can just let staff know the concerns and just she can either pass it along or fix it herself.

Chair Jackson: Okay, thank you very much. Alright, are there any other items that need editing for the meeting minutes? No, okay. Let's see, I ... We still need to have open ... Excuse me. Before we move to accept the minutes, a public comment from [Selene Bay 04:02:53].

Selene Bay: [inaudible]

Chair Jackson: Mm-hmm (affirmative).

Selene Bay: [inaudible] Selene Bay, so just on, I see attachment 11, page 10, I just wanted to make sure that the commission is made aware. It says, "A motion was made by," doesn't say Vice Chair, but it says, "Ginale Harris, seconded by Mr. Dorado to officially notice the SNA Court and it was carried by vote." I just want to make sure that a lot of times what happens to our case in ... It gets lost, and it doesn't get actually closed out, so I would like to actually make sure that that motion is followed up on and that we have a date or some time that we can point to so that we can close that out. I also would like to point out to the top of the motion where it says, "Commissioner Prather suggested hiring folks on the interim," and I would agree with that, and that that would be part of what you put on there, was to make sure that the commission hires somebody independently as well as to make sure that those notes [inaudible] go out in a timely manner. Thank you.

Chair Jackson: Thank. And in terms of that item, Mr. Bay, you'll see it in the next agenda?

Selene Bay: [inaudible]

Chair Jackson: Yes.

Selene Bay: [inaudible]

Chair Jackson: Commissioner Harris. There is on page 37, attachment 11, at the bottom are two searches of individuals on probation and patrol. It should say "parole" not "patrol".

Speaker 25: Chair Jackson, I, just dawned on me, that it's a hair past 10:30, and we would need a motion to continue the meeting.

Chair Jackson: Okay, so it's a hair past 10:30. We need a motion to continue the meeting to at least 11:00. Can I have a motion please?

Dorado: I move to continue the meeting till 11:00.

Chair Jackson: Okay, Commissioner Dorado. Is there a second?

Harris: Second.

Chair Jackson: Okay, Commissioner Harris. Thank you. Can we have a vote? Commissioner Dorado.

Dorado: Aye.

Chair Jackson: Commissioner Harris.

Harris: Aye.

Chair Jackson: Aye for myself. Commissioner Smith.

Smith: No.

Chair Jackson: Commissioner Anderson.

Anderson: Aye.

Chair Jackson: Commissioner Prather.

Prather: No.

Chair Jackson: Okay, the vote passes. Let's see. I'd like to accept a motion to accept the meeting minutes with all of the amendments. Commissioner Dorado.

Dorado: Aye.

Chair Jackson: Oh, no. I wanted you to make a motion. [crosstalk] I'm sorry. We get a little ... [crosstalk] I did make a motion. Is there a second?

Dorado: Okay, second.

Chair Jackson: Okay, very good. Thank you, Commissioner Dorado.

Dorado: Okay.

Chair Jackson: It's been properly noticed and second. Let's take a vote. Commissioner Dorado.

Dorado: Aye.

Chair Jackson: Commissioner Harris.

Harris: Aye.

Chair Jackson: Aye for myself. Commissioner Smith.

Smith: Aye.

Chair Jackson: Commissioner Anderson.

Anderson: Aye.

Chair Jackson: Commissioner Prather.

Prather: Yes.

Chair Jackson: So this is what happens after the bewitching hour. Okay. We are moving to item 12, the vote to support AB392, peace officer's deadly force. Commissioner Anderson.

Anderson: Thank you, Chair. I won't take long, as though we are at the late hour and my colleagues have requested I be brief. I just wanted to emphasize the importance of this bill. Although it is a state bill, it will have significant ramifications for us locally if successful. It's an important change for California, and therefore, an important change for Oakland. It would change the current standard so that lethal force is not simply used because it's an option, but because it's required. It also requires the use of deescalation tactics, which are proven important and essential.

Anderson: This bill was introduced by Assemblymember Weber and has its next, it's actually first hearing at Public Safety Assembly next, well, oh, it's a couple weeks from now, the April the ninth of this year. I would put forward ... I'm happy to answer any questions in terms of any knowledge I may have about the bill. It's similar to a bill that was introduced last year, AB931, and I just really feel as though this is a action that we should take as a body. It communicates our intentions, and I think it's the spirit of why we were created to begin with, and I hope that I can get the support of my fellow Commissioners. If we did have an affirmative vote today, I would draft the letter that would be sent by the Chair indicating our support, if that's what happened.

Chair Jackson: Commissioner Prather.

Prather: Thank you, Madam Chair. I'd just like to say that I'll be voting in favor of Commission Anderson's proposal this evening. One of the reasons why I believe that the community, the selection committee brought Ms. Anderson, Commission Anderson to us was for this very reason, for her expertise in these areas. Frankly, a lot of these issues are above my head and pay grade, and she's distilled them to an understandable bite for me, and has convinced me through her work and other conversations about this issue that this is important. It very much does fall under our edict and our mandates with the Oakland Police

Department, and so I'd hope that everyone would support, are supporting of AB392.

Chair Jackson: Anymore comments or questions?

Harris: I have a comment.

Chair Jackson: Commissioner Harris.

Harris: I support the idea of the bill, but again, just reading some of the language in the bill, in just doesn't seem like it has any teeth. Based upon probably cause, like what's probably cause, right, so I mean, yeah. I just would really like to, nevermind. I withdraw, sorry. [inaudible]

Anderson: Sorry, I just want to [crosstalk 04:10:07]. I want to be brief, but I do hear your point, Commissioner Harris, in terms of we would like to see more teeth here. The other versions in previous sessions before our state legislature have had a little bit more to them, so I appreciate you recognizing that we could go further as a state. But I would say, "This is the best effort currently before our state legislature, and I think it deserves our support," but thank you for point that out.

Chair Jackson: Okay, so Bruce Schmiechen, John Bay, Lorelei Bosserman, Anne Janks, and Selene Bay.

Bruce S.: I'll try to be as quick as possible. Bruce Schmiechen, Coalition for Police Accountability, Oakland Community Organizations. There's definitely issues around how strong the language is, but having gone through and been up in Sacramento for the Public Safety Committee hearings last year on AB931 and having seen it withdrawn because Toni Atkins, the President pro Tem, didn't have the votes. I mean, we're talking about the state legislature, so they're redoing this and trying to get an improved language through that they think they can get through. Otherwise, nothing happens, so I just wanted to say ... And Dr. Weber, who is behind this bill, I would say her heart is so much in the right place for this thing. She's a powerful, very, very sharp person and will do her damndest to get the strongest thing that can possibly, actually get through 'cause that's what these folks are dealing with. We know it here.

Bruce S.: But I also want to say something else, that when you write this letter, if you can write it as quickly as possible, there's another Public Safety Committee hearing this coming Tuesday in the Senate, chaired by Nancy Skinner, and it would be great to CC Nancy Skinner on this because there's a competing bill that law enforcement wrote that was brought in by a conservative Democrat from Salinas, I think, Caballero, and they're trying to get that through and it's training only. It doesn't change any of the language parameters. The existing language goes back to 1872, which is insane. This bill does ... The ruling mandates deescalation, which is a key piece of what we need in the bigger picture, so I

would say let Skinner know that you support this as well, and I believe Buffy Wicks is on the Public Safety Committee for the Assembly that'll be hearing this. I would add all those people to though.

Chair Jackson: Thank you. Mr. Bay.

John Bay: John Bay. I would say just for sending the message that everyone is looking for change in policing and that it's not something we have to necessarily push for, but just to support at this level, I would see that as being feasible.

Chair Jackson: Thank you. Ms. Anne Janks and Lorelei Bosserman.

Speaker 26: You may not know this because typically I just speak for myself, but I'm actually with the Coalition for Police Accountability and I'm speaking on behalf of the Coalition. We support 392. We would urge you to support 392. Thank you.

Chair Jackson: Thank you.

Speaker 27: I just came to say please vote yes on this, but I have to pick up on Bruce's point. There is a competing bill out there, and we do not want to see that one go anywhere. Thanks.

Chair Jackson: Thank you. Selene Bay.

Selene Bay: Selene Bay. Normally, I guess, what ends up happening for us is we have to take the worst of the best that we can get, considering the fact that the people that are being affected the most by this are the people that the police choose to use force on the most, which we always see is usually people of color. I mean, we do understand that there is a ... Just like the bill, AB1421, was supposed to pull the sheet off of the police department, we see how hard it is to get them to actually do right. Anything that's on the books that changes the fact that they can shoot a person down at will is something that we want to make a move towards changing, but let's also not be satisfied with the fact that the people who are being affected are the people that look like myself and the people who are in my community who are the ones that are facing the deadly force.

Selene Bay: It's very easy to say, "This is better than nothing," but we've been living with nothing since the 1800s and extra-judiciary executions of black men and people of color has been happening in our community. Anything that calls attention is a positive step, but we also don't want to just make this the last step and say, "Oh, everything is good just because we have AB392." We want to make sure that if that is a step, that that is a step with the fact that this commission is not satisfied with that step. That's what I would like to have.

Chair Jackson: Thank you. [inaudible]

Smith: I'll make a mo-

Chair Jackson: Commissioner Smith.

Smith: I'll make a motion to support AB392, sorry.

Chair Jackson: Is there a second?

Prather: And a friendly amendment to add that we will send a letter authored by Commissioner Anderson signed by the Chair to where does it go? Sorry.

Anderson: It would go to [inaudible 04:16:28]. [crosstalk] To Assembly Public Safety Committee, including CC'd communication to the introducer, Member Weber, and then also members of the Senate, the State Senate, Skinner, and Wicks.

Prather: Yes, that would be my friendly amendment.

Smith: I will amend my motion to include what was just stated, yeah.

Prather: Second.

Smith: The letter, yeah.

Chair Jackson: Okay, so it has been moved and seconded. We've already taken public comment, so can we take a vote? Commissioner Dorado.

Dorado: Aye.

Chair Jackson: Commissioner Harris.

Harris: Abstain.

Chair Jackson: For me, aye. Commissioner Smith.

Smith: Smith, aye.

Chair Jackson: Commissioner Anderson.

Anderson: Aye.

Chair Jackson: Commissioner Prather.

Prather: Yes.

Chair Jackson: Excellent, so the vote carries, the motion passes. Excuse me. Commissioner Anderson, when will you be able to send me that letter?

Anderson: Tomorrow, first thing, you'll have it.

Chair Jackson: Okay, thank you very much. Alright, and moving right along, item 13, creating of ad hoc policy committee. Commissioner Anderson, would you like to speak on that too?

Anderson: Yes. The memo kind of details the intention behind it, but it's really grounded and some work I do in my day job that was kind of led through an education process to the government alliance and race and equity. We were able to successfully pass a racial equity statement amongst all our criminal justice agencies and are currently moving an agenda to action to actually make that real, so it's not just a piece of paper. I think that it's an essential part of the guard rails to any policymaking that a body does, and that's a component of why I'm involved and wanted to be involved in the sentencing or the police commission, 'cause the sentencing commission was the body I was working in.

Anderson: This could happen through an ad hoc committee, that we go and develop the racial equity statement and the tools that would be used for applying any policy. Or this could be an assignment where you are comfortable with me speaking with Director Flynn from the office here and other recommended experts and bring things back, so that we're not creating more ad hoc work. 'Cause I recognize, I mean, we're late in the hour. We cover so much as a body, so I really want to put this forward as something that I think is essential for guard rails around policymaking to ensure that we're not just furthering institutional racism and that we're constantly checking ourselves to be sure that we're putting the best policy forward that has the least amount of unintended consequences.

Chair Jackson: Commissioners, do you have any questions?

Dorado: This is 14, not 13, correct?

Chair Jackson: Oh. Did I do that?

Dorado: [inaudible]

Chair Jackson: No, it's creation of the ad hoc policy committee.

Anderson: Oh, sorry.

Chair Jackson: That's okay.

Anderson: [inaudible]

Chair Jackson: Thank you.

Anderson: [inaudible]

Chair Jackson: Commissioner Dorado, thank you.

Anderson: [inaudible]

Dorado: [inaudible] We can just back up to the 13, [crosstalk] but let's finish for 14.

Chair Jackson: Oh, okay, so we'll ... Since attachment 14 has been spoken to, why don't we take public comment on that, unless there are questions before we go to public comment and then, we will go back to 13.

Dorado: [inaudible]

Chair Jackson: Comments, questions.

Harris: No.

Chair Jackson: Okay, so we will take public comment from John Bay, [Ms. Asada 04:20:10], and [Gene Hazard 04:20:13], who I think has gone home.

John Bay: [inaudible] Good evening, John Bay. This is kind of what I spoke to earlier on one of the other issues, the police stress issue is ... Also, perhaps, in talking about equity, is tie an economic component to it so that through this occupation in the black and brown communities by police as a force, there's consequences that are financial that families face for all these stops, tickets, and many of those things, bail, court, time loss, so some, a financial component that could put in for whatever. In a sense, bring the community centers back, youth activities. Make some things that are regenerative for the community for an equity stake and for the future, since equity could be used as a sign of growth. Thank you.

Chair Jackson: Thank you. Ms. Asada.

Ms. Asada: I love life and love black people. I'm getting kind of tired of all documents that come up that speak to racial equity and correcting issues around racism, white supremacy, and all that. If y'all want to go ahead on and write another document, go right ahead. But what needs to happen is somebody needs to address this NSA 16 years and why we can't come out of it. Somebody needs to address that letter that these black police officers wrote that said that there is racism in the police department around hiring, around promotions, around discipline, around everything, and I think the department ... The racial equity indicator report, I keep throwing it into the mix at council meetings, and nobody's paying any attention to it. Like I said, it is very difficult for people to deal with racism, and bottom line, racial equity means eliminating racism and people just don't want to do it. But if y'all want to spend some time on writing another document, go right ahead.

Chair Jackson: Thank you, Ms. Asada.

Ms. Asada: [inaudible]

Chair Jackson: Okay.

John Bay: [inaudible]

Chair Jackson: Pardon me?

John Bay: [inaudible]

Chair Jackson: No, this is item 14.

John Bay: [inaudible]

Chair Jackson: [crosstalk] Did I miss you?

John Bay: Should be in there.

Chair Jackson: Okay, I have you ...

John Bay: Do you see it?

Chair Jackson: ... for 15, okay. Oh, here it is. Thank you.

John Bay: [inaudible]

Chair Jackson: Okay, so yeah, we skipped ahead accidentally, so yes, Mr. Bay.

John Bay: Oh, very good. If I can get those extra 20 or so seconds, but basically what I would like to say on this is that that is good to outline that, but a piece of paper is not what is standing in between us and injustice. This really has to do with actions. I'm all for documenting it, but it's really ... It has been documented. It's documented in the Constitution that says ...

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

Mr Smith: It has been documented. It's documented in the Constitution that says that the police under color of law, under the 14th Amendment, cannot discriminate based on race and all the other profiled categories. That's the Constitution. I don't know if the document that Ms Anderson is speaking about, is going to clarify the Constitution. But equity is equity, and I do believe the lack of equity is the reason why this commission exists. That's tangible. That's something we live every week in our community, is inequity, discrimination. My family moved here in 1968. The difference between dealing with the police in 1968 and dealing with them in 2019 is huge, but not that far away. Let's get to the fact that all of these are enshrined in the Constitution, equity, discrimination and everything. We have exactly what we need, to hold the police accountable. Let's just hold them accountable. We've got the reports that say that M19 is being violated, why don't we hold the people who are violating M19 accountable, please?

Madame Chair: Thank you. We've had public comment. I'm prepared to entertain a motion on the creation of a racial equity statement ad-hoc committee. Commissioner Anderson?

Ms Anderson: I guess, to my comment earlier, I don't want to create an ad-hoc committee that doesn't ... Well, I can do this assignment and come back, if that's what's preferred by members. But as a matter of procedure I'll go forward and make a recommendation to form an ad-hoc committee to develop the equity statement and equity tools, but that won't come before the body for approval.

Madame Chair: Is there a second? Commissioner Brather.

Mr Brather: Question, do we need a motion before the chair to create an ad-hoc committee?

Madame Chair: Actually, no, we don't.

Mr Brather: I don't think we do.

Madame Chair: So we'll create an ad-hoc committee on the creation of racial equity. You'll come back when ... you and whomever else is confirmed? Terrific. And I'll appoint someone else to your committee. Thank you. To 13, which was the creation of an ad-hoc policy committee. I know you got excited.

Female speaker: I am.

Madame Chair: Okay, so would you like to address that issue now? I think that we came together ... that's interesting. I think we came together around the police policy, but that had a couple of iterations.

Speaker 28: Yeah. That's a good [impulse] [inaudible 04:27:27].

Madame Chair: Anyway, the Oakland Police Department has requested that there'd be a policy committee. Obviously we are beginning to address policies. We've got the probation and parole, and there is a few others coming down the pipe. Sergio, would you do us a favor and provide an overview on an ad-hoc policy committee's role or responsibility? How long it should last, that kind of thing.

Ms Harris: Do we discuss this, to come up with a policy on how to do that? Because, why are we asking him?

Madame Chair: No, we're talking about a commissioner.

Speaker 28: I think the question is ...

Mr Smith: There are rules.

Speaker 28: ... there are rules in terms of Brown Act requirements. Because if you have a committee with continuing jurisdiction, it's a standing committee, not a temporary ad-hoc committee. Realistically, if you wanted to have a policy committee that were to cover all policies from now until forever, that might come before the commission, that would need to be a standing committee, not an ad-hoc committee. But if there's a specific policy that you wanted folks to work on, you can do that by ad-hoc committee, by creating an ad-hoc committee for that specific policy without it triggering Brown Act requirements or requirements under the municipal code to get city council approval for the creation of a new standing committee.

Madame Chair: So I guess the question is whether or not we want to create a specific ad-hoc policy committee, and then maybe further down the road create a standing policy committee. I will accept recommendations. Commissioner Harris.

Ms Harris: We were provided with a list of policies from the CPRA that needed to be worked on and looked at, that Ms Tom provided for us. I think you should start there.

Madame Chair: Go ahead, Commissioner Smith.

Mr Smith: Yeah. That would be an example of an ad-hoc policy committee. It has a specifically defined set of policies that it's gonna work on. A duration we would set for it, so how long we expect that to exist. It should terminate generally usually less than a year. There's not really a specific ... a lot of people use a rule of thumb of nine months, or so, as a max. Anyway, there should be a shorter timeline when it all expires, to be clear when it's gonna come to an end. But that range of policies that Commissioner Harris described, it's specific. It's contained, it could be an ad-hoc.

Madame Chair: Okay. I will accept a motion. Oh, okay. So we're just gonna create an ad-hoc policy committee that does not last longer than nine months, in order to address the recommended policy reviews that Ms Tom has already given us.

Speaker 28: Once again, you can do it.

Madame Chair: All right. Then I will. Yes, Commissioner Harris?

Ms Harris: I think we've established that already when we came out with the list.

Madame Chair: I'll just make some appointments. So we'll move forward now, we're jumping ahead to item 15, because we got happy and jumped to 14 and went back to 13. So we are at standing and ad-hoc committee assignments. Since the last time we met, I have accepted the request by Commissioner Anderson to be placed on the personnel committee. I'd like to know if there are any other members who would like to be placed on standing or ad-hoc committees.

Mr Smith: We've got ... I was gonna say, we've only got two standing committees. The Commissioner Dorado and Commissioner [Armad] are on the community service standing committee.

Madame Chair: That's two people ...

Mr Smith: So there's one more person left.

Madame Chair: ... so if there's one more person that wants to be on the outreach committee, I am happy to entertain that interest.

Ms Harris: Actually Mr Dorado wanted to be on the personnel committee.

Madame Chair: Right. But I declined that, because one, Mr Dorado is already serving on a standing committee. And two, we have a commissioner who was interested in serving on the standing committee and doesn't already serve on one.

Ms Harris: But there's no limit, and we didn't make any rules-

Madame Chair: That's okay. I've already appointed-

Ms Harris: Who said it's three?

Mr Smith: The Brown Act.

Madame Chair: Okay. Anyway, we have three members on the personnel committee. What I'd like to do is know if anyone here would like to join the one position that's available on the standing committee for outreach. If not at this time, we can raise that at another time. We obviously want to make sure that we populate the standing committees, so they can do the important work that they need to do. They are the only two standing committees that we have right now. Okay? I guess, we will put this over to [crosstalk 04:33:15].

Ms Harris: Commissioner Jackson, I have an issue with the standing committee. We don't have the executive director, or any of the personal items on here, because at the standing committee we agreed that we would have meetings twice a month.

Madame Chair: No, we did not make that agreement.

Ms Harris: Yes, we did. It's on tape. It's on tape.

Madame Chair: No. I resisted ...

Mr Smith: Excuse me.

Madame Chair: ... the committee ...

Ms Harris: That's fine.

Madame Chair: ... to two weeks.

Mr Smith: We're outside the scope.

Ms Harris: Stay out of this, okay?

Mr Smith: No, no. We're outside the scope.

Ms Harris: Stay out of this.

Mr Smith: Counsel, is this outside the scope of their issue?

Ms Harris: You're out of order.

Mr Smith: I'm asking legal counsel a question.

Ms Harris: You need to let her do the chairing.

Mr Smith: It's a point of order. It's a point of order, and I'm asking a legal question.

Madame Chair: Commissioners-

Ms Harris: Because that's what he does.

Madame Chair: Commissioner Harris-

Ms Harris: You're gonna make me-

Mr Smith: It's a legal question.

Ms Harris: Okay, but you need to shut your mouth.

Madame Chair: Okay. And I need for us to all respect each other.

Ms Harris: Shut your mouth. You've got one more time to do respect me up this ...

Madame Chair: Commissioner Harris.

Ms Harris: ... and you're really gonna see-

Mr Smith: I'm not talking to you.

Madame Chair: Commissioner Harris, I need you to stop, and I need you to stop.

Ms Harris: That's fine.

Mr Smith: It's a question of legal counsel.

Ms Harris: I don't need you to tell me when to stop. I'm tired of him talking over me, and disrespecting me. Enough.

Madame Chair: I need for you all to both be respectful to each other.

Ms Harris: I'm not even talking to him. I'm talking to you.

Madame Chair: Okay. I've got you now. You have my attention.

Ms Harris: Okay. Thank you. I have a problem with the personnel committee. It's on tape. If you want to review it, I'd like to do that with you, if possible. But we need to meet before May. We need to meet before May. If we wait for May, then nothing is going to happen. I'm tired of asking. I feel like I have to ask you for everything, and I don't remember making up any rules where the chair person can tell somebody they can't be on a standing committee, and you appoint somebody else. Like, okay.

Madame Chair: First off, there are a couple of things. As chair, I do have a point of privilege and there are rules that were already sent out to you today that says that I have that privilege.

Ms Harris: They were sent by the city attorney. By the city attorney. That is not our attorney.

Madame Chair: That is up to our own rules. When I'm talking, please don't over-talk me. I want to give you the courtesy, I want you to give it back.

Ms Harris: Okay, but you need to go.

Madame Chair: Excuse me?

Ms Harris: You need to hurry up, because I'm talking and nobody listens to me.

Madame Chair: I will take my time. The other point is, when it was initially recommended in our personnel committee that we have two meetings, I resisted agreeing to that. Because the point was made that we have a lot of work to do in between personnel committees.

Ms Harris: And we voted.

Madame Chair: And that having personnel committees every two weeks might not serve us. Having said that, one of the things that you wanted to demand was that on April

1st, which is Cesar Chavez holiday, which I have, that I needed to come in and meet. I told you that I plan to take my holiday.

- Speaker 28: I would recommend that we ... if this is going to require a lengthy discussion beyond the scope, [it's like appointments 04:36:24].
- Madame Chair: You know what? It doesn't really.
- Ms Harris: No, it does.
- Madame Chair: Commissioner Harris ...
- Ms Harris: It's on videotape ...
- Madame Chair: ... has an issue.
- Ms Harris: ... and I'm going to challenge it in public. It's on videotape.
- Madame Chair: You can challenge.
- Ms Harris: We voted, Commissioner Benson and myself voted, outvoted you. We were the quorum, and we voted.
- Madame Chair: Okay. And Commissioner Benson is gone.
- Ms Harris: Okay. But we voted before that.
- Madame Chair: Well, we won't be able ...
- Ms Harris: So now we change the rules?
- Madame Chair: ... to have a quorum until May 6th, when Commissioner Anderson joins us. In between that, we have some things that are going on, executive director search, and some other work that we've been doing. And we will be able to report on them.
- Ms Harris: So we have no standing committee until May 6th?
- Madame Chair: We have a standing committee. We will have a meeting May 6th.
- Ms Harris: That's what I just asked you. So there will be no meeting until May 6th?
- Madame Chair: That's correct. Comments on item 15?
- Mr Smith: Just kinda quick. We've got a lot of work to do, you see? We've been watching the can get kicked down the road. We've been watching months and months, and months go by. Anything that could be done to speed up this process we are

for it. We can't keep saying that we're gonna do things in a month, or keep pushing it down the road. What we really need to do is get down to business. A lot of these committees are a hot item. Especially where Ms Benson, who put a lot of time and effort into these committees, because she's not here doesn't mean that her legal votes don't count going forward, unless we go back and unvote her votes. So if there is something that was associated with Ms Benson and standing committees then I think the public record will clear it up. But before that's cleared up, I don't think any action should be taken other than to move this thing forward, please.

Madame Chair: Thank you. Now we're on item 16, agenda-setting and prioritization of upcoming agenda items. Taking a look at the prioritization, what say you all? We did mention we wanted the police chief to come back and give us the very specific report-out around the ... let's see, I've forgotten now, the specific categories for which officers were displaced.

Ms Harris: No, we need a-

Madame Chair: Commissioner.

Ms Harris: Okay, go ahead.

Madame Chair: Commissioner Harris?

Ms Harris: Go ahead.

Madame Chair: Commissioner Prather.

Mr Brather: Thank you, Ma'am Chair. I have three items for submission for the next agenda. One would be a continuation of the annual report matter that was on today's agenda, that will be presenting a draft of the annual report for this body to consider. The second would be bringing back a discussion, and hopefully another draft of the probation and parole search policy. The third item would be, I've been tasked by the chair to bring bids or quotes for investigative services to aid the CPRA, so I will do that. I'd like that agendized as well, hopefully for consideration and action.

Madame Chair: Excellent. Thank you very much. Other items?

Ms Anderson: There's two budgetary matters. The proposed budget around training, and then also the budget as a whole. I think there's clearly concerns about overtime in particular, but that we're responsible for having a hearing on the budget.

Madame Chair: Yes, and I have asked the ... I think it's the Finance Department to provide an overview. I think the training is scheduled for April 11th. But also the specific wellness training program presentation, the more detailed one.

Ms Anderson: Because we have to meet the budget as a whole hearing requirement before the 9th, would that make more sense to do at a later April meeting, because we have other things we have to prioritize? I don't want to make a-

Madame Chair: I can check and see if they can do it at a later meeting. Commissioner Harris?

Ms Harris: Can we get some clarification if the budget has been passed at all? Or are we gonna vote on the budget at all, since it's way past the due date?

Madame Chair: I think what we were waiting to do was, have the Finance Department come to us with the actual numbers. Because they have a situation where their accruals don't show up, until almost the end of-

Ms Harris: That was four weeks ago.

Ms Anderson: Almost the end of the year.

Madame Chair: Yeah, so short of not having real numbers, I think-

Ms Harris: That was four weeks ago.

Madame Chair: I understand that.

Ms Harris: And before you got on there as chair, we figured all of that out. And we presented it to the public, and we presented it to you. We asked Mr Rouse to present us with the actual numbers and he was getting those, and now we don't have them.

Madame Chair: As I mentioned, when I met with the city administrator I told her that I needed to make sure that the Finance Department had real numbers. Because there were question marks in the very detailed spreadsheet of the budget that was provided. They're supposed to be doing that now. They were scrambling, quite frankly, to work on their general budget for the entire city. So I said ... I think it's April 9th or April 11th, which is our next meeting, that they would be able to come. Then the one right behind that is the budget hearing that we are responsible to hold. Do you have another question?

Ms Harris: No. Not in regards to the budget. I do have a comment about our process of agenda though. I know that it's not being followed. We put it together, we voted on it, and it's not being followed. And some of the agenda items on here today, are on there because they're not being followed. I would ask this commission again to please follow the process of the agenda-setting.

Madame Chair: Commissioner Anderson?

Ms Anderson: As someone who recently went through the process, I was given four different sets of instructions, all of which I followed in order to get the items that you see

before you that were related to me. In that process what became clear is that there isn't a very clear process. I am working with ... not actively, but through the email communication, Chrissy is going to refine all the communication, so that it's a clear ... especially as we have other new members onboarding over the next several months. I know it was a frustration for me, I know it was a frustration for you, feeling as though the rules weren't followed. I just want to communicate that I've done everything I could, and to me it revealed some issues with the process.

Madame Chair: It's a clarification of the agenda-setting process as refined.

Ms Harris: Actually, in regards to the agenda-setting process, I don't know if you were provided with this document that we have? It's a rolling list of items. When you submit your sheet, it goes on this list as a priority, either high, medium or low. Frankly, and not to be disrespectful, but I don't think that a ... what is it that you said? The letter, I don't think the letter was more priority than hiring an executive director. That's just my thoughts though.

Ms Anderson: If that item was prepared to be discussed today, I'm sure it would have been prioritized by the chair. I appreciate your comments.

Ms Harris: It was prepared, and it was submitted to the chair. So I appreciate that.

Madame Chair: Now we're gonna take open comments. Lorelei?

Lorelei: Hi, I have my own comment, and also something from Rashida. Oh, and there's some overlap. I'm concerned that the personnel committee is not meeting until May, because you need to get an executive director of CPRA just yesterday. Rashida Grinage's comment was, we've had no movement forward on hiring an ED for CPRA, question mark. There were two proposals presented on the final steps, why has there been no follow-up and forward movement? This is an urgent hire and there's no political obstruction here. Wow, is that possible? That's my comment. Since it's in the charter, rather than in the ordinance, yes, it is possible. Thanks.

Madame Chair: Okay, just an update. Tomorrow actually there are emails going out to the recommended list of folks that were recommended I think probably late November, early December.

Lorelei: Okay, good.

Madame Chair: They will be asked to respond as to whether or not they want to move forward. That requirement will be laid by April 15th. That way we will know who wants to move forward. There is a design that Commissioner Harris has put forward that will be on the agenda May 6th. By that time we will have had an opportunity to review the applications that came in after that December period, to identify who of that goes forward as well. That way the people who are deemed

appropriate and aligned with the requirements and qualifications can all move forward at the same time.

Lorelei: So there's actually quite a bit of movement on that.

Madame Chair: Yes, and that's what happens when you're in between meetings, work gets done.

Lorelei: Thank you.

Madame Chair: Thank you very much. Mr Bay?

John Bay: I didn't hear about putting our agenda item on here. I would like to get that, make sure that gets on there. I also would like to share this with you. That gentleman standing in the back there survived this. This is why it's so imperative that we do this, because all the weapons that you see that were used on this, OPD closed this case in 63 days. Without going back and talking to the witnesses, it was closed between 2005 and 2011. And OPD was telling us that this case was open, and they were using it. We didn't find out until we did a records request, that this case was closed, all the way from 2005 to 2011, which also goes to show that when I made my complaint about this specific case in 2007 to Ms Tom and the CPRB that this case was closed. How can you investigate a case of a complaint, and then look and see that the status of the case was closed? This happened in 2005. My little young nieces were in the house when this happened. It turns out that the police were helping these people. This is what the evidence says. This is what the city attorney's office is sitting on. This is what they have sealed. This is what is happening in our community. These are all illegal weapons. When you close this case in 63 days, that means you're not looking for these weapons anymore.

John Bay: That means you're giving free pass to the people that shot my brother up. That all the guns that were used on this, were allowed to go back to the street, to be used on other people. Michael Wills, Odell Roberson, Chauncy Bailey, were all community people that were killed by the guns that were attached to this, two years later. Don't even get me started on the fact that my nieces were in the house when this thing happened. That they had to leave that house the exact same day and never come back to this day, 2005. That I had a niece that was in elementary school who had to leave and relocate, because the police were allowing people to shoot people up? At the exact same time that this was done, [Urci Joiner 04:50:18] was the head of the task force for gang shootings. He looked at this and allowed this to be closed? The chief allowed this to be closed? It was allowed to be closed for six years until we found out. Then I come here for a whole year, and I got to argue with Thomas about whether or not this is a priority?

John Bay: How many times you deflected it, how many times you took it off the thing. You are responsible for this. How many times Mr Prather, you kicked this can down

the road? Thank you for all of the 15 minutes of everything you got to say. But that don't mean nothing. When you go to sleep, you don't have to deal with this.

Male speaker: Don't talk like that.

John Bay: Your family wasn't affected by this. So let's move on this. Please, put this on the agenda. Notice the NCA court, notice Warsaw, notice the city council, notice the DA, that laws have been broken. Can we get that, please? Please.

Madame Chair: Yes. We will definitely have it on the agenda that the Independent Monitor will be noticed as we agreed at the last meeting. Yes, Ms [Asada 04:51:30]?

Speaker 29: I got you, sister. I got you. A [love light 04:51:33]. You know what Dr John Henrik Clarke said one time, Ms Harris? You know who I'm talking about? He said, if you're black and you're truly conscious, you [made it 04:51:45] all the time. Don't let nobody derail you from the passion that you have. Black women always got to ... not me. Not me. Don't you change who you have to be to get things done. Dr Eberhardt, I don't think you've heard from her. It's very appropriate that at some point her work with the police department should be directed towards this group. Also, the black officers letter has to be dealt with. I was in a meeting Monday, and I heard terms I don't know, but it's called OPD's policing approaches, community policing, intelligence-led policing, geographic policing, cease fire. You guys heard of this stuff before?

Ms Harris: No. I didn't know that.

Speaker 29: Have you had any reports on what they're doing around that?

Madame Chair: We had a report on cease fire about a year ago.

Speaker 29: What about this geographic policing, intelligence-led policing? I've heard of community policing. But this is called their policing approaches. They have four different policing approaches. If you want to look at that. [PRISM] is a mandate of the NSA. It has to be in place. It's the computer ...

Madame Chair: The data analytics.

Speaker 29: ... system that will analyze the data. It has to be ready by June. They're having all kind of problems with it. But that's gonna be the way that they determine racial profiling. So where are they on PRISM? Lastly, class one and class two, is it appropriate for the agency to be investigating class two complaints?

Madame Chair: Thank you very much.

Speaker 28: I do have one in here, John Bay.

Madame Chair: Mr Bay.

John Bay: By putting that on the agenda after all this time, that we've shown in the police department and the CPRA by their behavior and their actions ... in our case in similarly related types of high profile cases, their ineffectiveness, their bias and their propensity to cover up and put things under the carpet. So we're asking for an investigation like anyone else. Perhaps had they done some work on our case, and not let their animus sway their decision-making, a lot of these other murders might not have happened. Then the last thing, I think we don't see a lot of credibility around some of those bodies. It loses potentially, from what I see ... Mr Smith, I think it's highly inappropriate, without ... I don't have the knowledge of boards and all that, but I think it's highly inappropriate to address over the chair to another person that you're not involved in the conversation with. It's a constant theme. There's not much back and forth on the commission overall. It seems to work out. But there's a consistent theme that you have to always have something to say about Commissioner Harris. And then to the point to where whatever was just going on, you wasn't even listening to what [Selena] had to say.

John Bay: Then now you don't even have the decency, for a man to take a day off of work to come to address this stinking ass body ... I'm trying to keep my decorum, and then you ain't even got the decency to look me in my face as I'm talking to you. And he's the one we're supposed to rely on? It's no wonder that the police are how they are. It's no wonder that the CPRA is how it is. It's no wonder that this dysfunction this last whole year has been crazy. He was leading it. Always got something to say to her though, but you ain't got nothing to say to nobody else though, that is standing up right here at you.

Madame Chair: Thank you, Mr Bay. I would like to entertain a motion to-

Mr Smith: Do you want me to address that? In meetings, that ain't cool.

Male speaker: Motion to adjourn.

John Bay: If that's how the public is to be treated, we don't need that from you.

Madame Chair: Thank you. There's been a motion to adjourn.

Ms Anderson: Second.

Madame Chair: Commissioner Anderson has second. Are there any- Can we all agree? Thank you. The motion passes.

Male speaker: Just respect [inaudible 04:56:58].

PART 9 OF 9 ENDS [04:56:58]

