



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

April 22, 2021

Regina Jackson: The Oakland Police Commissions meeting of April 22nd, 2021. It is 6:31, and I'd like to pull the meeting to order. And unfortunately, if my son doesn't come down here to get the teapot, it's going to be blaring, so my apologies. Roll call. Vice Chair, Jose Dorado.

Jose Dorado: Presente.

Regina Jackson: Commissioner Henry Gage.

Henry Gage, III: Present.

Regina Jackson: Commissioner Sergio Garcia?

Sergio Garcia: Here.

Regina Jackson: Thank you, Commissioner Brenda Harbin-Forte?

Brenda Harbin-Forte: Here.

Regina Jackson: Thank you. Commissioner David Jordan?

David Jordan: Present.

Regina Jackson: Thank you Commissioner Tyfahra Singleton?

Tyfahra Milele: I'm present, but I have another name for you to struggle over.

Regina Jackson: Oh, please give me that name.

Tyfahra Milele: It is Tyfahra Milele.

Regina Jackson: Tyfahra Milele. Outstanding. Thank you very much. And congratulations.

Tyfahra Milele: Thank you.

Regina Jackson: And Alternate Commissioner Marsha Peterson?

Marsha Peterson: Present.

Regina Jackson: Thank you. And myself as chair, and I am present. I'd like to read a message, and I just need to pull it up here. Okay. Tuesday's verdict is going to take us all some time to process. The jury's unanimous decision was a relief to some, who were unsure of the American system of justice would hold former police officer Derek Chauvin accountable for the murder of an innocent unarmed man, George Floyd. We got our answer. Still, real justice means that George Floyd should be alive. In the wake of the verdict announcement, many have asked if it's even possible to



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mourn when abuses across the country continue. Terrible videos continue to hit our social media feeds and add to the trauma. Most recently, with unwarranted deaths caused by Kim Potter, who shot Dante Wright, and Eric Stillman, who shot Adam Toledo, who was a 13 year old boy, and Nicholas Riordan who shot 16 year old Ma'Khia Bryant in Ohio.

- Regina Jackson: In Oakland, we understand that policies will not protect against all abuses or mistakes, and yet, the commission's work is to strive to ensure that our sworn officers do not put themselves in the same positions that others across the country have shot their way out of. Adding to the frustration and the despair, these last two weeks have also seen a spate of scary homicides and arsons. My own youth center, and others dear to us, including the Junior Center for Arts and Science, had been attacked. Taken together, it's clear that we must look out for each other in ways we never had to before. Thank you to everyone for joining us today to bring your insights and your stories.
- Regina Jackson: And with that, I will also want to announce that although we agendize and intended for the Vice Chair to serve as meeting manager tonight, that plan will have to wait until at least our next regular meeting. I need to consult the co-chairs of the rules ad hoc about a few ambiguities in the rules of order in consultation with counsel. Until then, I will preside over our meetings, consistent with the rules of order amended and adopted on February 25th, 2021. Thank you. And let's go to public comment.
- Juanito Rus: Thank you, Madam Chair. If any member of the public wishes to comment in open forum for tonight's meeting, please raise your hand in the Zoom queue, and you will be called in the order in which your hands are raised. Excuse me, while I put up my clock.
- Brenda Harbin-Forte: Excuse me, Madam Chair, point of order. Can Mr. Rus tell us how many I'm signed up to speak, please?
- Regina Jackson: Yes, he actually is supposed to do that after he asks them to raise their hands.
- Brenda Harbin-Forte: Okay. Sorry.
- Juanito Rus: My apologies. There's a loud background here. At this time, I see two hands in the queue. The first speaker on open forum tonight is a telephone attendee with the last four digits 5802. Good evening, 5802. Can you hear us?
- Saleem Bey: Yes. Saleem Bey. So much to cover. I think you guys are hypocrites. Please don't use George Floyd's name in vain while you're covering up OPD crimes here in Oakland. The OPC Dorado was just at the city council earlier this week, and yet it's nowhere to be found on this agenda. The bay ad hoc is missing from the list of item 10. The bay ad hoc was missing from the annual report. The bay ad hoc is missing from the ongoing items that need to be taken care of. Don't you see everybody is saying how shady you are? Second, why is the only mayor appointees on the Black officer's ad hoc that community Janell Harris started? We don't trust you. Please add community



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persons. Third, Mr. Dorado spoke two days ago at the ad hoc, and yet, we're still waiting on an answer of why it is that what is the legal justification for that and who gave it?

Saleem Bey:

Fourth, Judge, why are you so worried about the public speaking? Open forum means open forum. No limitations. You cut time to speak on agenda items, then you tell us we can't speak no other time on that agenda, including at the end of a created "open forum" to with your new rules. This isn't the courtroom where you choose what it said and when it's said. That's fascism. If you don't want to hear the community, then don't be a commissioner. We're not here for your convenience. You can't regulate what the public says under any item. You're not the arbiters of what is germane to an agenda item. I can tie all my issues to each agenda item and you could then choose to hear what you want to hear. Nah, that's not going to fly in Oakland, California, home of free speech. And we're still waiting on a reply to questions on whether or not Mr. Alden tampered with our independent investigation. Thank you.

Juanito Rus:

Thank you, Mr. Bay. The next speaker in the queue is Assata Olugbala. Good evening, Ms. Olugbala. You have the floor.

Assata Olugbala:

Yes. Thank you. I want to reference the selection panel of the police commission and what happened in their meeting recently. There was a gentleman by the name of Omar Former who was being considered as an alternate. Disparaging comments were made about his credibility and his character. Mary Vail implied that as he worked with the task force, he was someone who was confrontational. And as a member of the ad hoc committee, commissioners made comments about him being not able to serve on the police commission because of his inability to work with others.

Assata Olugbala:

A question asked by Jim Shannon during the meeting was, could he identify any police commissioners that would recommend him for the police commission? I don't know where that question came from, why it came from him. He gave an answer. Jim Shannon also implied that he had confidential information obviously from the police commission, about Mr. Former not being appropriate to be on the police commission. Mr. Former has served as a member of the re-imagining task force, on the ad hoc commission of the police commission, and he appeared to be very credible. But what Mary Vail did and Jim Shannon did was sabotage his ability to be on this couple of this police commission. Another individual, same thing with Ms. Harris.

Assata Olugbala:

Lastly, the Center for Disease Control said that every day, 200 Black people die from racism and discrimination prematurely, and you contribute to that with your actions.

Juanito Rus:

Thank you, Ms. Olugbala. Your time is expired At this time, I see no other hands in the queue, Madam Chair,. I return the meeting to you.

Regina Jackson:

Thank you very much. So, now we're going to go to item three on our agenda, commission retreat follow-up. We have Dr. Omowale Satterwhite, who facilitated our retreat, here to provide some overview comments about the experience and the accomplishments and our agenda ahead of us. So, Dr. Satterwhite, I believe you with us.



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Omowale Satterwhite: Yes. Thank you very much. Once again, let me begin by saying it really is an honor and a sense of real duty to have the opportunity to support the work of the commission. I'd like to take just a few moments and make some general comments, and then I'm willing to respond to any questions or additional feedback from commissioners. I first want to say to Commissioner Milele, in the report it's listed as Commissioner Singleton, but in the original report that I submitted, I did not provide a report that affirmed that you had been interviewed and were a part of that process. And so, I did submit a revised report for the record, so that the interview report that I prepared as a result of interviewing 13 individuals is now on the record finished and complete. And I do apologize for that oversight.

Omowale Satterwhite: The second document that I prepared and submitted was a retreat report, and it's really a highlight of the proceedings and the outcomes of each of the various discussion topics that were undertaken by the commission at the retreat that was held on January 30, 2021. And let me say that this work that we do is real-time, and so the choices and the decisions and the consensus that you have on January 30th, when you get to April, all of that's history. And so, I will be reporting out where things were as of January 30th, and I understand that it's very, very dated probably in some cases. Okay? But I did prepare a retreat report with a summary of the proceedings and documented that, created... I initially shared with the chair and got feedback and did an initial refinement, and so the document that you have at least has that preview. And if there are any other comments about the documents and their format or the contents, I'm always happy to revise.

Omowale Satterwhite: The third thing that I prepared, primarily from the initial interviews, and then the conversation that we had at the retreat, was a draft 2021 annual plan for the commission. One of the things that came through loud and clear in the interviews was that the commission needed an action plan for the year, and so I drafted an action plan and had a fairly detailed conversation with the chair. And during that conversation, she assigned each of those tasks of various individuals or committees. And so, what you have is a working draft of what your annual plan will be probably dated because it's a few months later from the 30th of January, but as of that time, our best reflection, mine and the chair's, about what that plan of action could look like. And I appreciate the fact that the commission is really, really challenged in terms of time, but there's a point at which you probably want to formally say, "Yeah, this is our plan of action going forward for the year as of January 30th," understanding that it's a work in progress.

Omowale Satterwhite: And then the last thing I submitted was a document titled Project Closeout Report, and what I did in that document was list each of my deliverables and then a status report on what occurred with regard to each of those deliverables. And then that document ends with a set of recommendations, which I would like to review for you, and then that will conclude my report.

Omowale Satterwhite: The recommendations are grouped into five headings, internal operations, planning, founding commissioners, community engagement, and field leadership, and these recommendations reflect my thinking based on the interviews the retreat dialogue, and of course my interactions with the chair. So, internal operations, there are three recommendations that you finalize and adopt the internal policy and procedure protocols in the following areas: in the OPD policy review



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process, the code of conduct, the chief of police evaluation criteria, the OPC orientation program and rules of order. These were things that you went through in detail at the retreat, and so I'm offering up the need to complete that dialogue and to finalize approval of those documents, recognizing, again, that this set of recommendations may be somewhat dated.

- Omowale Satterwhite: The second recommendation under internal operations is address key personnel matters in a timely way, including setting goals and evaluation criteria for the police chief, hiring an inspector general, and hiring OPC staff. Of course, in that case, contingent on budget. And third, and this is probably for me the most important recommendation in the document across the range of recommendations, but it sits under internal operations, continue to be a high-performing self-critical public body that delivers on its promise. I think that's the essence of who you are and the spirit that you bring to the work and a fundamental principle that guides what you do.
- Omowale Satterwhite: In the area of planning, I recommend that you implement the strategic priorities in that 2021 action plan as amended, and that action plan groups the priority task into seven categories: planning tasks, personnel tasks, policy development and implementation tasks, tasks related to the city budget, community engagement tasks, city auditor tasks, and then the negotiated settlement agreement tasks, tasks addressed addressing that issue. And all of those things are laid out in more detail in the draft action plan for 2021, but the recommendation is that you implement those strategies as approved. With regards to the founding commissioners, it was proposed, and there was general agreement, that you present citations for the outstanding leadership and service to those who are founding commissioners of the OPC to recognize their dedication, their service, their foundation that they laid to allow the commission to be the body that you are at this time.
- Omowale Satterwhite: The fourth of five categories was community engagement. And recommendation here, there are two, that one that you develop a formal community engagement process. I mean, you do that well, you're open to hearing and listening and facing with the community, but some formal way by which you will engage the community on a regular and systematic way is what has been proposed out of the dialogue and what I'm suggesting here. And one of the things that got lifted up both in the interviews and at the retreat was taking the initiative to convene unity meetings to develop a common public safety agenda for the city of Oakland, and those unity meetings would be between and among Black and brown communities and other communities with a stake in your work.
- Omowale Satterwhite: And then the last category that I think also is really, really critically important, there are two recommendations under something labeled field leadership. The first is to continue to be bold and imagine it, imagine [inaudible 00:22:05] in re-envisioning public safety in Oakland. It's not just about staying the course, it's about leading the field. And then lastly, document OPCs' story and share it with the broader community in the field. You are a unique body in terms of police oversight groups in the country, and the journey that you're taking and the lessons that you're learning will be of invaluable use by other communities around the country. So, I'm inviting you to proactively document your journey and share it with the field. That, Madam Chair, is my report.



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- Regina Jackson: Outstanding. Thank you. Just as our retreat was. I'd like to invite commissioners to ask any question before we go to public comment. Okay. Seeing none... Oh, there's a hand up from Vice Chair Dorado.
- Jose Dorado: Yes. Thank you, Chair Jackson. I had a quick question regarding the community engagement. Can you speak in a little more detail regarding convening unity meetings to develop a common public safety agenda for the city of Oakland?
- Omowale Satterwhite: Yeah. [crosstalk 00:23:39]. Yes. One or more people during the interview process lifted up the potential and a utility of getting some alignment and agreement, particularly between the Black and brown communities, about what the public safety agenda and priorities ought to be in the city of Oakland, and suggested that this commission was in a unique position to bring those communities together to have that conversation. That was the spirit and intent behind that recommendation and that action item in the strategic plan.
- Jose Dorado: Thank you.
- Regina Jackson: Are there any other questions of the commissioners? Okay. Seeing no other hands, we'll go back to the public. Mr. Rus?
- Juanito Rus: Thank you. Madam Chair, if any member of the public wishes to make comment on item three on tonight's agenda, please raise your hand in the Zoom queue and you will be called in the order in which your hands are raised. I am seeing no hands on this item, Madam Chair.
- Regina Jackson: Okay. Thank you very much. So, we will go on to item four.
- Juanito Rus: We just had a late hand raise. Is it too late [crosstalk 00:25:17].
- Regina Jackson: Okay, no problem.
- Juanito Rus: Okay.
- Regina Jackson: Yeah.
- Juanito Rus: There's one hand raised, then, a telephone attendee with the last four digits 5802. I believe that is Mr. Saleem Bey. Let me share my clock. Mr. Bay, you have the floor.
- Saleem Bey: Yes. Saleem Bey. And for the record, I did raise my hand twice, but thank you for acknowledging me. What I'd like to cover is very... Well, the first thing is very nice presentation, but I also want to let you know who you're dealing with. And all of the grand ideas that you're outlying, they sound very good, but in practice, they're not being done. We're calling out very specific things. Number one, where you're talking about the NSA violations, there's NSA violations that are happening right now. The NSA is the oversight body of the Oakland police commission. The commission



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answers to the NSA. Why hasn't the commission notified the NSA of the independent investigation that's going on for the bay that they're trying to keep secret?

Saleem Bey: Secondly, why haven't they notified the NSA which was made because Black people were being racially profiled for the last 18 years failed, yet there's no notification coming from the Oakland police commission when you're having all this communication about [inaudible 00:26:44], you have a lot of communication about the rape scandal, but we haven't heard a peep about the bay, what's going on right now. This is being discussed at the city. [inaudible 00:26:54] defendants in a racial profiling case. And since the OPC can't write a letter and notice the NSA that these things are happening, that tells us that this is [inaudible 00:27:07]. You guys are really suspect.

Saleem Bey: And then thinking outside the box, why are you accepting 3304 as written in stone when Judge [Roash 00:27:18] just ruled that SB 1421 rules that the city of Oakland is withholding documents and keeping cases sealed against the law. Right? So, if you haven't been trained on SB 1421, OPC commissioners, then you can't make a ruling on the bay cases based on only being trained on 3304. And we've been asking, have you been?

Juanito Rus: Thank you, Mr. Bey.

Saleem Bey: Through the chair, that's a question.

Juanito Rus: You're time is expired.

Regina Jackson: I'm going to have to look that up in order to respond. I don't have the details in front of me.

Juanito Rus: And there are no further comments at this time.

Regina Jackson: Okay. Excellent. Thank you very much. At this time, we're going to move to item four, memorandum of understanding with Oakland Police Officers Association and represented employees and discussion on Sloan report. Mr. Ian Appleyard of the Human Resource Department, he is the director, you are cleared to present, please.

Ian Appleyard: Thank you, Chairperson Jackson and members of the police commission. Thank you for having me. As I opened up my last time I was with you, thank you again for everything you do to make Oakland a better place, a safer place. Really appreciate your work. What's on the agenda is to presentation of the memorandum of understanding, but I took a little different take on it. The trainings are detailed in the measure LL legislation, and they're very broad. And it seems what would be relevant or informative for the commission was to go over the police recruitment and promotional process. So, I'd like to share that this evening. I'll try to get through it quickly. I'm happy to take your questions along the way, though it's a little hard for me to monitor the hands, but I think that will work. Does that sound good, Chairperson Jackson?

Regina Jackson: That sounds fine. And I'll monitor the hands from the commission, and then Mr. Rus will monitor the hands from the community. Thank you.



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- Ian Appleyard: Okay. Thank you. And thanks for having the presentation here. Juanito, if you could advance it. There you go. So, agenda day will be in very quick civil service overview. I presented two previous trainings to the commission, one of them did include civil service rules and important city-wide policies. The bulk of the presentation will be around police officer training and recruitment process, the police promotional process, and the importance of probationary periods and their function. Next slide, please.
- Ian Appleyard: So, police officer training and recruitment process, so police officer trainees, that classification, when a candidate is in the process and they are in the academy, that job is considered exempt from civil service because it works less than 1,000 hours per year. That's the current exemption. We are in the process of exempting the classification and enabling that position to work more than 1,000 hours per year in order to increase the amount of training that a police officer trainee would receive, and they wouldn't be limited by civil service rules or CalPERS or pension system requirements. So, currently, and into the future, the police officer training position will be exempt from civil service. I think that's important as we recruit for these important positions. It's only when somebody is appointed to a police officer, they graduate the academy and appointed to a police officer that then they would be in a civil service position serving a probationary period.
- Ian Appleyard: So, human resources coordinates really closely with OPD in the recruitment process, we are always looking for highly qualified and diverse candidate pool to fill our police officer ranks, and it starts with a standardized written examination. It's called the POST PELLETB, and that's the police officer standards and training. There's a national testing network written exam that can be administered almost anywhere. And there are national testing network sites, and we accept those scores as well. And we accept scores from regional training centers. So, there's a really broad and accessible process for accessing the written portion of the process.
- Ian Appleyard: I should mention that while the POT... Sorry, police officer trainee position is exempt from civil service, in many ways, we treat this recruitment with civil service principles and the best practices in terms of testing principles. A test is designed to be a predictor of performance, but it is not... Tests are inherently flawed, but this is the best practices that we have and these are the assessment tools that we use. And they've been in place as long as civil service has been around, but they always are evolving because we always need to make sure that these tests are job-related.
- Ian Appleyard: Once a person is successful with the written exam, it's onto a physical agility test, and we administer... I should say HR and OPD administer that together. The next threshold is when someone is successful there, they go to a standardized oral exam and oral board. These oral boards are managed by, again, human resources, in conjunction with OPD, but human resources is pretty much the lead on it in terms of the test itself. We offer a robust assessor training, so this is a way to address and reduce implicit bias. We talk about other biases like at the halo effect where somebody might be a very good oral communicator but maybe not a great problem solver, so assessors are trained on how to differentiate in those different dimensions. And then, we have the board composition. It's normally a member of the public. We have a city employee and we



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have had it with an officer or a sergeant on the board, but that might be evolving and changing. I believe there are current evaluation on how we do the oral exams.

Ian Appleyard:

So, once somebody is successful, we have a distribution of scores, we standardized the scores, we have a cutoff, we do great on a curve. I won't get too much into that, the science of that aspect, but it is very standardized, and this is the industry standard for deciding who are the best qualified for a position. Someone does need to meet minimum qualifications, but they go through this process and hopefully we've identified the best qualified. Once we do that, all the candidates are referred to the department. There's no rank order, or what would typically be a certification rule does not apply here, again, because this position is exempt from civil service. So, go to the next slide, please. Okay. So, once somebody has gone through the process, we usually are initiating a personal history statement. This is a lengthy statement that every recruit must complete, and it gets into a very comprehensive background. Those who are most qualified will start going through that background. This is the moment where most candidates are not successful. The very thorough background, and it's very comprehensive. So I just wanted to make you aware of that. That can take a lot of time, and that's where a lot of candidates may fall out. From that moment, it goes to the chief's panel. The chief does interview the candidates. Next is psychological testing, a polygraph exam, and then a medical exam. So all those things happen. The psych and the medical, once that happens, we offer a conditional offer. I'm sorry, the conditional offer comes before the psych and the medical, and then once that has passed on, we'll get a final offer.

Ian Appleyard:

Okay. I'll go to the next slide. The academy process can last six months. That's what it's scheduled for now, but as we work on exempting the police officer trainee classification more broadly, we'll be able to have a longer and more intense academy process. But right now it's six months. Again, there's a lot of standardized post learning domains, but there are also a lot of unique pieces to Oakland. Oakland does run its own academy. Some smaller jurisdictions will accept candidates who have completed a county post-program or a state post-program. For Oakland though, we very much want to train our own. We have some of our own standards that we like to tie it to the post standards, but also make sure that it's appropriate for our community. So for starters, a couple of pieces, and there are more to it than this.

Ian Appleyard:

This is just an overview of some of the components. They include community and constitutional policing, crisis intervention training, tactical communication and de-escalation, firearms, defensive tactics, weaponless defense, laws of arrest, criminal law, emergency vehicle operations, cultural diversity. And like I said, this is just a sample of the many subjects that they'll go over in the academy. So at the end of the academy, successful candidates will have a score, and they will be in a ranked order. And that rank order will usher them through their... Will determine where they lie in their class, but it will inform shift draw ranking, and set the stage for other seniority-based assignments.

Ian Appleyard:

Okay. So we have people who are on board. They're police officers. And I'll talk a little bit about the probationary period in a second. But this is the police promotional process. Now this ties to the OPOA Labor Agreement or MOU. And these are some of the requirements that are... and



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some of the agreements between the city and OPOA. Active, eligible lists are required. So a lot of our work and NHR is making sure we have these lists. We have three staff that are dedicated to overseeing this process. And then we bring in other Analysts and Technicians when we're doing exams, but these are some of the requirements. You have to have a timeline for the announcement, which is 30 days before the expiration of an eligible list. And stage one is happened within 90 days of the list being exhausted. So we always have people ready.

Ian Appleyard:

And again, this is for the promotional process. So for Sergeant, Lieutenant, Captain, those are the promotions. There are minimum qualifications for someone to qualify for the Sergeant exam. They have to have five years as a Police Officer or Lieutenant, three years as a Sergeant and for a Captain, one year as a Lieutenant. These are pretty standard ranks and among jurisdictions. Some places do have a corporal exam or that piece between, or that rank between an Officer and a Sergeant, we call that an FTO or a Field Training Officer. That would be an Officer that does get a premium pay, but it's expected to train other Officers, especially probationary Officers.

Ian Appleyard:

Okay. So the process itself, again, it's similar to the Police Officer Trainee process, and that this is a civil service exam, but we do look at these components much more carefully, much more stringently because this is under the labor agreement and under the civil service rules, right? So to establish the weights of the different hurdles in this, which in the process which is usually a written component and an assessment center, we do a job analysis. So we always have to have a current job analysis to make sure we are measuring the appropriate duties and responsibilities for the position. We do look time and criticality spend on different tasks. So we're updating the job analysis all the time. In the announcement, we have to have a timeline as to how the promotional process will go. There'll be an established route reading lists.

Ian Appleyard:

And then we would put the weights in for the different exams, for the different hurdles, right. For the written, which is based on required reading. And an assessment center is an outside panel. Typically, we like to... What we'll use, our outside panel members from other jurisdictions who are at the rank above the one that is being tested. For instance, if we're testing for Sergeants, we want Lieutenants or Captains from other jurisdictions, because they will have... There'll be what we call the subject matter experts, and be able to effectively evaluate the candidates. The assessors also go through the implicit bias training and the intensive training that happens before we have a standardized process and that is part of standardizing everything. Some of the things in the assessment center included role-play, we have inbox exercises, interviews, and other written type exercises. So it was a very comprehensive evaluation. And what will be produced is a ranked eligible list from this process.

Ian Appleyard:

All right. So another piece of the commercial process is that, there is an agreement to have an observer. The observer is selected by the Chief of Police, HR director and the President of the association. This is to ensure for the union's purposes, transparency, and hopefully reduce any complaints or grievances that might flow out of an exam. So they just want to make sure that we're doing our job right, and they can have access to the training. They can have access to the testing as well. The rank of the observer is that that's above being tested. It can be from an outside agency, it can be an active or retired employee, and they can raise issues of discrimination



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or testing your regularity. They can be present at the training and at the exam stages, and they're confidential. They sign a confidentiality agreement and they can't disclose the exam material. We don't always have an observer. It just really depends if somebody is available, but I just want to let you know that that's part of our testing process as well.

Ian Appleyard: And I'll take the next slide. So I'll go over this quickly. In the conduct of the exam, there's an objective exam, which is a written exam. We do an item analysis on that. If there's maybe an answer that could go one or two ways, we might re-key it, so that both answers are correct. We just have to look at it. All participants are assigned ID number. So the assessors don't know the names, it's all based on numbers. Everyone signs a confidentiality agreement. We establish a pass point. Again, that's grading on the curve, identifying the most qualified for the positions. And then seniority points can be added. If an individual has a Field Training Officer experience of one year, they get a point. If they have two years, they have two points, and that is for the Sergeant exam.

Ian Appleyard: The lists themselves... Yeah, we'll go to the next one. Thank you. They're valid for 12 months, but they can be extended for 30 days. So based on this, you can see how we're always busy with police promotional examinations. Same with fire, very similarly. So both our sworn services, we have a lot of work to do from the HR perspective. Then we certify the names based on how many vacancies there are. For the first vacancy, we certified four names. And for any additional one, we certify an additional name. Any dispute will follow the grievance procedure.

Ian Appleyard: And probationary periods. They are considered an extension of the examination process. And that is what's stated in the civil service rules. So for a Police Officer, once they successfully complete the academy and they become a Police Officer, they're required to serve a 12 month probationary period. This is the time that they were at will. They can be released from employment without just cause. But once they reached the... Go over the 12 month period, then they become a permanent employee. And just cause and due process does apply.

Ian Appleyard: With promotional appointments, it's a six month probationary period, it's shorter. If they're unable to be successful at that level, at that point, they can be released and demoted back to their previous position. We don't really call it a demotion, because they're at will.

Ian Appleyard: If someone is released from probation, they have a narrow basis to appeal those civil service board and that those bases are discrimination in the timeliness of evaluations when it comes to probationary leases of police, whether a Police Officer or a promotional position, it's very rare that we don't usually get an appeal for that. That usually happens with our miscellaneous or non-sworn ranks, just so you know. And is that it? Is there another slide?

Juanito Rus: Those are all the slides.

Ian Appleyard: Okay. So, that's my presentation. Thank you for your attention. Happy to take any questions.

Regina Jackson: Terrific. Thank you. I see a hand up from... Excuse me, Alternate Commissioner, Marsha Peterson.



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- Marsha Peterson: Yes. Thank you for your presentation. I have a question about the OPD background process in so far as recruitment. How do you screen for Police Officers who are fired or pushed out for bad performance in other jurisdictions from being hired in Oakland?
- Ian Appleyard: I'll take a stab at that and see if I've got an OPD or someone from the police department wants to also add in. And I think I might be missing here. So what you're describing is a police officer lateral process. And that would be someone who has been post certified, who may work in another jurisdiction and the city of Oakland says we're opening for lateral transfers and someone can apply and we can put them through the process. They would go through an oral board and we would... From the HR perspective, we'd do that evaluation. And then the department would do the normal background checks. And so the scenario you're speaking about specifically, I will defer to OPD if someone is willing to take on that question. I'm not sure if Lieutenant Smith is here or maybe the Chief.
- Marsha Peterson: Well, let me. May I ask you a follow on question then?
- Ian Appleyard: Oh sure. I just was going to make one last general comment, was that laterals, we have not had a lot of success in recruiting the laterals that are capable of working for the city of Oakland. There's just, we don't, we haven't hired a lot of people. It doesn't happen that people move around that might have something in their background probably, but we just haven't had... We haven't filled a lot of vacancies in that manner, just so you know.
- Marsha Peterson: Okay. So two questions then. A former Police Officer who may not make probation, say in another jurisdiction for some misconduct of some sort. They wouldn't be necessarily forced to just apply to Oakland as a lateral, would they?
- Ian Appleyard: If they do not... If they're not currently with the police department, then they would not qualify for a lateral position.
- Marsha Peterson: Okay. So they could just apply as a new recruit?
- Ian Appleyard: They can apply as a new recruit. Yes.
- Marsha Peterson: Okay. So if they can apply as a new recruit, then my question still stands. How do you find out what happened in the other jurisdiction? Because oftentimes when you call a Human Resources Office to find out about someone, you can only get the dates of service. So how do we... I'm really wanting to know either at the human resources level here in Oakland or the police department level, how do you find out as much about this person, be it a lateral application or a new recruit application?
- Ian Appleyard: Thanks for the question through the chair. The candidates all sign off on waivers that [inaudible 00:50:35] that, the police department can look deeply into their backgrounds and do an elaborate background check and talk to employers and look at personnel files. And so they signed that



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authority to the investigators and they do a very thorough job. I'll turn it over to the chief. I see he has his hand raised and he can elaborate as well.

Regina Jackson: Okay. Very good. Chief Armstrong.

Chief Armstrong: Yes. So [inaudible 00:51:03] chair. Yes. We do a full background, where the candidate does sign a waiver, allowing the department to not only look at their background at the other agencies, but also their disciplinary history at that agency. So we get an opportunity to view their internal affairs files. So any misconduct that they've been involved in, we get that. We get to review that as a part of our investigation. So we go through a thorough background, no matter if you were to come over as a new hire or a lateral candidate, we do a full background and includes examining the thorough higher end packet from the other agencies, to determine if you're a fit for the Oakland police department.

Regina Jackson: Thank you.

Regina Jackson: Does that complete your queries, Ms. Peterson?

Marsha Peterson: It does. To a large part, yeah. People do not always tell the truth in applications. So bearing that in mind, I will take your answer as complete as we can possibly get right now. Thank you.

Regina Jackson: Thank you very much. Commissioner Harbin-Forte has her hand up.

Brenda Harbin-Forte: Thank you. Similar question. The proud boys have been bragging about how many of their members are in law enforcement agencies around the country. The proud boys and other white supremacist and extremist groups. What screening can you do, have you done, or will you do to try to weed out the white supremacists and the proud boys and the old keepers, and all of those extremist persons?

Chief Armstrong: So [inaudible 00:53:00], chair. This is Chief Armstrong. So we have done a couple of things. Judge... Commissioner, Harbin-Forte. First thing we did was, we now, because of the city's resolution, we mandate that our [inaudible 00:53:18] candidate now sign a waiver that makes it clear to them that we have a zero tolerance for hate or connection to any white supremacist or racist groups, or extremist groups. They sign that waiver, understanding that with that signature, they understand that if we find within your background, anything that associates, it's an automatic disqualification, that's the first step. The second step is that throughout the investigation, we are looking for things similar to that connections to people who have those beliefs, anything that would show in social media. So we do an extensive social media check to see what associations, what things people have liked on social media, who some of the friends on social media that they've listed as close associates, the activity that they may be involved in. That is all a part of the background investigation to better understand who the whole person is, but also to see what potential activity they've been involved in.



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- Chief Armstrong: So we do that thorough background, and we look at it as thoroughly as we can. Obviously, things can be hidden in social media, but we do the best we can describe that, along with some assistance from some groups I won't mention.
- Brenda Harbin-Forte: Was Mr. Appleyard getting ready to reply as well? I'm not sure, but the other thing I wanted to ask was, is there a specific question that can be asked during the application process that specifically targets the groups that we know are problematic such as, are you now, or have you ever been a member of the proud boys or the old keepers or any of the other organizations that the KKK, anything else, other organizations that discriminate on the basis of race? Can you... Is there a simple, specific question anywhere that is asked of anyone, so that they go on the record of saying either yes or no?
- Chief Armstrong: Yes. So during the lie detector, which all candidates go through, the question now is the form that they fill out, the zero tolerance form is everything that you said. On the forum, true. You have no associations with these groups. That will be a question asked during the lie detector. And if they are untruthful, that would trigger during the lie detector.
- Brenda Harbin-Forte: So, okay. This is interesting. Okay. So they are on... While they are being examined with them hooked up to lie detector?
- Chief Armstrong: Yes. So they are [crosstalk 00:56:08] asked a series of questions during that examination. There's a series of questions to determine if there's any potential inconsistency in their responses, that will require us to ask further questions.
- Brenda Harbin-Forte: Okay. And lie detectors can be manipulated. So there are studies that show how they can be manipulated. So other than when they are hooked up to a lie detector, do you ask them in the application? Does either HR or someone to ask them in an application to answer the specific question, whether they are a members of any of these organizations?
- Brenda Harbin-Forte: So that you get a written answer and not just an answer while they're hooked up to a lie detector. Because some people know how to breathe and how to regulate their heart, and do all other kinds. There are tons of studies about how lie detectors can be manipulated, which is typically why they're not admissible in court.
- Chief Armstrong: Yes, Commissioner. Like I mentioned earlier, the form that I created and I brought to the police commission a couple months ago, is a form that asks the question. Do you have any connections to any of these groups? And it explains to them, if you do. If you're found to have any connection during this background process, it is an automatic disqualification from the process. So they sign their signature saying that they do not have any affiliations to any of those groups.
- Brenda Harbin-Forte: Thank you.
- Brenda Harbin-Forte: Thank you, Madam chair.



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- Regina Jackson: Thank you.
- Ian Appleyard: Through the chair, if you want me to elaborate a little bit, because I think there was some interest in what's the HR process around this.
- Regina Jackson: Absolutely. Go ahead.
- Ian Appleyard: We also are very aware of the zero tolerance policy that was passed last summer by council. And we have done some work with our civil service board to make that part of the civil service rules, that so going forward, this is central to the civil service system that we will have a zero tolerance policy across the board, not just for OPD, but that would apply to all civil service employees and apply to all employees at the city of Oakland.
- Regina Jackson: Excellent. Does that answer your question, Commissioner Harbin-Forte?
- Brenda Harbin-Forte: Yes, it did. Thank you. Thank you, Madam Chair.
- Regina Jackson: And I saw Commissioner Gage's hand up, but now it seems down. Have you changed your mind, Commissioner Gage?
- Henry Gage, III: Thank you, chair. Yeah. So I don't have any questions at this time.
- Regina Jackson: Okay. Very good.
- Regina Jackson: Excuse me. Are there any other questions on this particular training before we move to the next component of Mr. Appleyard's address?
- Regina Jackson: Okay. Seeing none, we will go forth to the discussion on the Sloan report, Mr. Appleyard.
- Ian Appleyard: Thank you again, chairperson Jackson. I don't have an elaborate presentation or anything to share with you, but I was just wanting to offer sort of an overview and explanation of the role of employee relations when it comes to the post-disciplinary appeal process. That appeal process is codified in the charter, which was from the measure LL that the rights of officers to fully appeal whatever discipline they have is intact. And part of that is... A major part, that appeal process is defined and placed in the memorandum of understanding, not just with the OPD, not with just OPOA, but with all of our MOUs. We have seven unions and associations in the city and all of them have a grievance process. And discipline is subject to that grievance process. There are multiple steps. Typically there are four steps. Some associations, some unions have five steps, but typically it's trying to resolve issues at the lowest level.
- Ian Appleyard: And grievances typically can be one of two things. They can be disputes about how contract language is applied or discipline. So there are steps that, at step one, where there's conversations that happened at supervisory level, that's step one. Step two is at the department head level. Step three is that the employee relations level, and then step four is arbitration or the civil service



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board, that's step four and in some cases, that's step five. But step four is the binding and final stop for appeals and grievances. When it comes to discipline, usually discipline is typically signed off by, especially significant discipline. Anything over five days is signed off by the city administrator, for civil service positions. And so the grievance process usually just starts at step three, and step three, the purpose of it is to attempt to resolve the grievance before it goes to an outside arbitrator, or an outside body where the city doesn't have control over it anymore.

Ian Appleyard: But you have trained professionals, HR professionals who can look at it. And what they do is they apply the seven part test to see if the city has met its burden for just cause. And that is a standardized... That's pretty standard and that's what any arbitrator would use, is the seven part test. And I won't get into necessarily the details of that unless you want me to, but we're just trying to look through the lens of an arbitrator before it goes to an arbitrator. So that's where employer relations comes in.

Ian Appleyard: In this instance, and in the OPO MOU, there is an ability to designate an officer. So it does not have to be city staff. Right now our employer relations is staffed with three very capable people, but they are in charge and responsible for negotiation, implementation and administration of these seven contracts that I'm referring to.

Ian Appleyard: So in this case, given the complexity and vastness of the facts and of the case, it was determined that an outside person would take on a hearing these disciplinary cases. That's not very common, but it's not without precedent, something that we have done. And it's certainly something that happens on occasion with Skelly Officers, as employees who are going through due process and the city doesn't have the capability, or they want to have a different perspective on something, they can use an outside Skelly Officer, was the case with these disciplinary cases.

Ian Appleyard: That's the general rationale for why we undertook this approach. In the end, we did get... We are responsible for responding in right... In responding to the grievance. In this case, we drafted findings, but we did not... They are recommendations. In the end, this is going to be advanced to step four, to an arbitrator and an outside arbitrator. And the parties will present their cases in front of him or her.

Ian Appleyard: What else to add here... That, like I said, this is a very complicated case. And so I think there was value added by having a step three process. The step three process is something that we are compelled to do. We want to make our best faith effort to meet our labor agreements. And this was our attempt to do that and try to resolve it, but we were unable to, and we have issued findings. And I guess with that, I'm happy to answer any questions.

Regina Jackson: Before we go to questions. I have asked Jim Chanin of the plaintiff's attorney to provide us also an overview from his perspective. So if you just hold on tight, I know that we've got quite a few questions for you. Mr. Chanin, are you there?

Jim Chanin: I am here.



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Regina Jackson: Okay. Very good. Thank you.

Jim Chanin: Can you all hear me?

Regina Jackson: Yes. We can.

Jim Chanin: Okay. Thank you.

Jim Chanin: Okay. With some exceptions, I will not attempt to re-litigate the Paula case. I intend to focus instead on the process that led to the Sloan firm being hired to re-litigate the Paula case after a final decision was made in this matter by the police commission and the propriety of the disciplinary committee being constituted in this case was upheld by judge federal judge William Orrick, after a lawsuit was filed by the police officer's association. The city administrator in this case took action. The action that was just summarily described without telling the police commission, the mayor, the compliance director, or the monitor, and they were not required to do this because of any agreement between the city of Oakland and the Oakland police officers association. Moreover, their action appears to violate the charter of the city of Oakland. And I want to quote from newly past S1, which states in relevant part that the city administrator shall not have the authority to reject or modify the discipline committee's final decision regarding the appropriate finding and level of discipline.

Jim Chanin: Now, the Oakland Police Officers Association MOU, that pertains to step three, which was just alluded to by Mr. Appleyard does not require, as I said before, that this go to an outside firm. I don't know why Mr. Appleyard characterize this as a quote, unquote very complicated case. I don't know why his employee of representatives who were retained for this very purpose were enabled to judge this very complicated case. And if they were going hire a law firm to look into to it, I don't know why none of you were even told that they did this. Step three is a relatively minor step. And it appears on page 40 of the MOU between the OPOA and the city of Oakland, contrary to what Mr. Appleyard said, it allows the union to bypass this step completely and proceed to step four, if they don't want to wait for an employee's relation officer to make a decision. And if you don't believe me, have the city produce the MOU and read it for yourself. It's on page 40 and 41.

Jim Chanin: The Sloan office was also given access to numerous other arbitrations and grievances. That's on page 71 and 72, that were not made available to the Police Commission or the Compliance Director. Now, where did the Sloan office get these decisions from? Because they're confidential as was indicated by the fact that most of them are blacked out in the report that was provided added to the public. Either the city provided them or Mr. Reins and the OPOA at the law office provided them. If number two is true, this proves that the Reins office was allowed input into Mr. Sloan's decision and the police Commission and the monitor was not. Then there is the Sloan offices association with former OPD, Chief Howard Jordan.

Jim Chanin: Chief Jordan's picture and biography appear on the Sloan website. Chief Jordan appeared with Chief Kirkpatrick when she gave a press conference after she was fired by the mayor and a



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unanimous vote of this police review commission. At the press conference, former chief Kirkpatrick announced that she would sue the city of Oakland and called for the removal of the Monitor and Compliance Officer, Robert Warshaw. Former Chief Jordan joined in this call for the removal of Chief Warshaw. Subsequently, Chief Kirkpatrick sued the city and attributed her firing to several members of this commission who were named in the lawsuit. The Sloan Report was particularly harsh on Chief Warshaw and his attorney, Ed Swanson, throughout its report and at one point used italics and bold print to highlight that his analysis was "problematic." Now, Chief Jordan has denied that he played any role in the Sloan Report and has maintained his involvement with the Sloan firm should not be a factor in the firm's being chosen or not chosen to investigate the Pawlik matter. I do not know if his relationship with the firm required a written waiver from the city before it retained the Sloan firm.

Jim Chanin: However, I do feel that his association should have been disclosed to the police commission, especially under the circumstances as previously described. Instead, the police commission was not even told about the retention of the Sloan firm at all. Furthermore, the decision to hire the Sloan Firm cost the city \$160,000 at a time when the city was suffering record losses in income during the pandemic. This, of course, does not include the cost of reinstating all the officers in the Pawlik case with back-pay and possible attorney's fee exposure that will bring the total loss to the city close to, if not in excess of, \$1 million. And that result was made very likely by this Sloan report.

Jim Chanin: I can't discuss the substance of the Sloan report because it's hundreds of pages and I have very little time. I just want to give one example, that of Sergeant Negrete. Sergeant Negrete, by the Sloan firm's own admission, improperly failed to sequester officers. Let those officers keep their phones. Had no plan to deal with Pawlik when he woke up. He put the officers with incomplete cover behind the BearCat. Failed to remain a supervisor. Didn't follow his own plan. Participated in shooting in direct violation of OPD orders pertaining to his role as a supervisor, which was to observe and direct.

Jim Chanin: And he allowed multiple officers to give Pawlik commands during direct violation of OPD policy, which is to allow only one person to talk to Mr. Pawlik. Even Mr. Sloan said you and Negrete set the stage for Pawlik to death by inadequate planning for contingencies and went on to say it is recognized that those in charge of the incident, Sergeant Negrete and Incident Commander Lieutenant Yu, basically set up extremely limited response scenario for Mr. Pawlik to escape deadly force. Wake up. Understand what was going on. Release his weapon and through it all, don't move the gun in any significant way that could be interpreted as more of a threat than it already is. So Mr. Pawlik was basically in a no-win situation and he had to make extremely sophisticated judgment when beyond any doubt, the police knew he was drunk, stoned, or both because no one lies in the middle of the street with a gun on them in plain view because they're sober and not stoned.

Jim Chanin: But Mr. Sloan did not take those things into account to convict Negrete of a class two violation, which I might add, the EFRB of the Oakland Police Department did on a two to one vote which included in the majority, our own Chief Armstrong. Instead, he used Negrete's violation of



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multiple OPD rules to justify overruling the decision of the compliance director and the police commission and said these things. It is my belief that the fact that Sergeant Negrete was not just a supervisor on the scene but also a shooter, should be taken into account as a mitigating circumstance. This report is a disgrace. I think that Mr. Appleyard has left open the door to doing this in the future and I would urge the commission to close that door in no uncertain terms. Thank you.

Regina Jackson: Thank you very much, Mr. Chanin, for your overview and analysis. At this point, I see several hands raised and I have a few questions of my own. I recognize Commissioner Gage followed by Commissioner Garcia.

Sergio Garcia: Thank you, Chair. Give the chair to Mr. Appleyard. I'd appreciate an explanation of why the city viewed this matter as deserving of the services of an outside consultant.

Ian Appleyard: Thank you for the question Commissioner Gage and for the Chair. One thing I regret not adding during my presentation, because I wanted to make sure I just gave a good overview, is that I've consulted with the city administrator and we want to make sure we don't make a process error again of this nature and I want to commit to you and the police commission and to the public that when we are in new territory, as we were with this case, we are going to make a commitment to you to be more communicative, upfront, to share this information. We own that process error and publicly, I'd like to apologize for that. As I mentioned in my presentation, we simply don't have the resources and human resources to take on this kind of case and we needed somebody from the outside.

Ian Appleyard: The OPOA objected to this hearing officer. This hearing officer was not secured as an attorney but just as a hearing officer, someone who's in a well-known labor and employment attorney who could apply the seven-part test for just cause and would be able to render a recommendation and have a thorough analysis in the process. And that's part of the thinking.

Regina Jackson: Commissioner Gage, do you have a follow-up...

Henry Gage, III: If I'm understanding...

Regina Jackson: Go ahead, Commissioner Gage. I'm sorry.

Henry Gage, III: Thank you Chair. Mr. Appleyard, if I'm understanding correctly, it sounds like you're saying that because of the history of this matter file, the record so to speak, was so voluminous that city HR reached the conclusion that it was unable to conduct the seven-part test using its own staff and therefore decided to secure the service of an outside consultant. Is that correct?

Ian Appleyard: Yeah. Through the chair, that's what I said and this isn't that common but it's not unheard of and it's something that's common with the Skelly officer that happened in this case. There was an outside Skelly officer in this case as well.



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- Henry Gage, III: When was the last time the city took an action in similar circumstances like this?
- Ian Appleyard: To be honest, during my four and a half years as director, we have not used an outside hearing officer at step three because honestly, this is one of the bigger disciplinary cases that has come across our desk and sometimes we'll look at this and confer with the city attorney and try to make a determination on how we proceed and we certainly did that in this case. We worked with the city administrator and we worked with the city attorney and this was the path that we chose. Regrettably, we did not communicate that path.
- Henry Gage, III: Okay, thank you. Now, during the process of selecting a consultant, why did you choose to go with a private attorney or private attorney group as opposed to, for example, the office of administrative hearings or a similar governmental body that could conduct this work?
- Ian Appleyard: Through the chair. So there are many arbitrators out there. We did consider arbitrators, neutrals. Ultimately, we want this case resolved with a neutral and that's the direction we decided to go. I think our thinking was that we wanted somebody who is going to be a little bit more to the management side. And like I said, OPOA did object to this hearing officer so we wanted to get somebody who we felt very well-established and well-qualified. I think that was the reasoning.
- Henry Gage, III: Thank you Mr. Appleyard. I don't have any further questions at this time Chair.
- Regina Jackson: Okay. Thank you Commissioner Gage. Commissioner Garcia.
- Sergio Garcia: Thank you. Thank you Madam Chair. Mr. Appleyard, I'll try not to be repetitive of some of the questions you just got from Commissioner Gage. I'm fairly new to the commission and what Mr. Chanin raised in his remarks just a few minutes ago places a number of very serious questions. These are not just allegations but they're raised as facts. I'm also aware of an ethics commission complaint that raises many of the same issues that Mr. Chanin raised just a few minutes ago. Now, I understand that there's potentially process error or something of that sort that led to your decision but let me see if I can understand some of the allegations that are in the ethics complaint.
- Sergio Garcia: This complaint was filed earlier this month and it relates to the very question that we're discussing right now, that is the city administrator's decision to engage the Sloan firm. More specifically, the complaint alleges that Ed Reskin has violated the city charter Section 604 Measure S1 by retaining the Sloan firm to investigate this Pawlik matter and to interfere with, or potentially impact not just the arbitration process but also this commission's discipline committee's findings with respect to the Pawlik case. Now, regardless of what went into the decision-making around this, and Commissioner Gage has tried to penetrate that decision, it's clear by your own admission here that the commission was not informed.
- Sergio Garcia: I'm not sure if the mayor was informed. I'm not sure who the decision makers were but it would be helpful to clarify who made this decision so that if there was a process error, we would better understand how this decision was made so that we can get to the facts of where we are now and



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where we can go from here. There's a lot of gaps, in my own understanding, of what happened. How was a decision made, who made the decision, why the commission was not consulted, why the mayor was not consulted. This appears to be the first time, based on your answers to Commissioner Gage's questions, the first time that the city went outside and hired a law firm, and it didn't hire just any law firm as Mr. Chanin described the Sloan law firm. This law firm clearly should have been disqualified from consideration in the Pawlik matter, just based on what Mr. Chanin has described here and what is described in the ethics complaint.

Sergio Garcia: So I really want to get at who made the decision, how many others made the decision, why weren't we consulted, why do we have no knowledge of this at all. This is news to me. And where do we go from here? Can we work toward disqualifying this law firm that is so clearly conflicted in the Pawlik case? And if it cannot be disqualified, I want to understand why not? The reason being is anything that's coming out of this Sloan firm in connection to the Pawlik case, clearly raises suspicions that the people who hired this Sloan firm have intentionally hired the very firm that can interfere with the decision-making of this commission, the discipline committee's decision and the arbitrator. There's no question about that based on what Mr. Chanin has stated here. So there's a lot here that has to be further explored so that we could understand where we are right now and how we're going to get out of this mess. Thank you, Madam chair.

Regina Jackson: Thank you. Mr. Appleyard.

Ian Appleyard: Thank you for the question Commissioner Garcia. I appreciate it through the Chair. I am not unaware of an ethics violation, so I haven't looked at that or been informed about that. Who made the decision as the city administrator? He did. So with my advice, and going forward, we certainly want to keep you informed and do better on that front. We did make a decision and our effort was to uphold and meet our obligations of the labor contracts, and that's the way we approached it and this is very different that we have different recommendations on the discipline but when it comes to discipline itself, the officers are entitled to an appeal process and maybe we're addressing it as we normally do at step three through the administration and just thinking in the administration but not taking into consideration all the many stakeholders and interests that are a part of it.

Ian Appleyard: And in the end, a recommendation was issued. This is not binding. It does inform the case, and I understand that there are certainly going to be disagreements on some of the recommendations that the outside hearing officer made. I hope that answers your question. I'm sure it might not. You might have more questions and I'm sorry if I can't fully answer those.

Sergio Garcia: It does not. I am not aware of any requirement to OPOA MOU that requires a city to engage a law firm prior to final arbitration. And in answering Commissioner Gage's question, you stated that the city administrator has never done so in prior cases. So, you went through a process that had never been done before. The OPOA MOU does not require it, you've never done it before, and then you go out and you hire the very firm that raises all of these conflict issues. I'm trying to disaggregate the decision-making. One is the decision to go outside. Commissioner Gage asked you why a law firm, okay. I'm going to go even further and say why the Sloan law firm? Did you



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consider other law firms? Did you consider informing this commission that you're going to go outside and hire a law firm in the Pawlik case?

Sergio Garcia: I want answers to those questions.

Ian Appleyard: So through the Chair, I believe I answered as to why we made a decision to go with an outside body. What we had, Sloan acting in a non-attorney capacity but someone who is capable of applying the just cause standards. We did consider other outsides and designations. I think that the OPOA MOU definitely allows the employer relations officer to designate somebody else to listen to the hearing, and when something is of this nature, it's a significant case. We have limited resources and limited capacities. We want to secure somebody from the outside knowing that we didn't have the bandwidth for this, so it is a question of resources. We did look at, like I said, other arbitrators, other neutrals, and this is the decision that we arrived at in terms of a conflict of interest.

Ian Appleyard: I happen to know that there was no involvement of the former chief of police of Oakland at all in any of this and I believe he has informed this body of that. So, that's about what I can share at this point. Again, I'm sorry if you're not going to be satisfied with the answers. I wasn't ready for a full investigation or inquiry at this point but I think I'm committed to making sure that we get it right going forward. That is my commitment to you and also the city administrator's commitment. So I think that's where I'll leave that answer.

Sergio Garcia: Are you committed to looking into the concept of interest? Are you committed to looking at former Chief Jordan's public statements about the Pawlik case and specifically about the Federal Compliance Director, Robert Warshaw's work on the Pawlik case and how he questioned that and how he, by implication, he questioned the findings of this commission's disciplinary committee?

Sergio Garcia: So, are you committed to looking at all of the facts regarding the Sloan firm and coming back to us and telling us we don't see a conflict, or we do see a conflict, we're going to disqualify this law firm. We're going to look for someone else. This is not the end. This is the very beginning of the inquiry. I haven't heard you committed to any of the things that Mr. Chanin has shared with us tonight.

Regina Jackson: Mr. Appleyard?

Ian Appleyard: I'm very committed to whatever it is that the police commission sees fit. I want to be responsive. The administration desires to be responsive, desires to work hand in hand. I'm here at this meeting. I'm doing my very best to answer your questions. I am also trying to give you an overview and appreciation of my role in the city and how we have worked with step three in the past.

Ian Appleyard: And in the end, the Sloan firm came up with the recommendation that is not binding. This is a matter that should go to arbitration, I think at that level, and that's the direction it's going when it comes to who we secure and who we talk to in the future. And maybe if another case of this



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nature comes up but similar high profile, or are there are differences and recommendations because there were a number of different recommendations on what kind of discipline would be appropriate in this case. Certainly, we'll reach out to you. We will discuss our recommendations and our thinking and our thought process before we go designate an outside hearing officer at step three.

- Ian Appleyard: I want to commit to you that we want to act in transparency and partnership, and that's what I can say here. This is new territory for me as the HR director. This is new territory for the administration, and we want to learn from that. It was not done perfectly. I want to respect your concerns and all the concerns that Mr. Chanin has raised as well.
- Sergio Garcia: No further questions Madam Chair. Thank you.
- Regina Jackson: Thank you, Commissioner Garcia. I just want to jump in with a couple of questions of my own. I do see your hand, alternate Commissioner. If you could just hold on for me.
- Marsha Peterson: Okay.
- Regina Jackson: Thank you very much. So with respect to this conflict of interest, I'm not sure if you are aware, Mr. Appleyard, that Sloan doesn't just have one former city of Oakland employee. They have three. Adam Benson, the former Director of Finance and Budget for the city of Oakland, and Bill Zenoni, interim Deputy City Administrator and Budget Director. It's absolutely disconcerting to me. Did Sloan ever identify any potential conflicts of interest?
- Ian Appleyard: No, because he acted... He did not. None of those consultants were involved in this. It's just simply Mr. Sloan.
- Regina Jackson: Yeah, and we're supposed to take somebody's word for that. Got it. So let me get a big picture question. Does the city have any process to determine the pool of firms that chooses to independently review police commission decisions under the MOU? And if not, can you develop one?
- Ian Appleyard: Certainly, we do not have one and we're certainly eager to work with you. We can develop one.
- Regina Jackson: Okay. Very good. I will come back with another question but want to go to alternate Commissioner Peterson.
- Marsha Peterson: Thank you Madam chair. I am really perplexed. In my former government practice, there were opportunities and instances where it was necessary to hire a neutral but are you familiar with JAMS? The Judicial Arbitration and Mediation Services? They're just the biggest one in the Bay Area and they have a whole list of neutrals. Did you ever look at JAMS? Have you heard of JAMS?
- Ian Appleyard: Through the chair. Normally, we work through the State Mediation Board. That's who, normally, we look at.



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- Marsha Peterson: Even JAMS?
- Ian Appleyard: Yeah. And I'm aware of many neutrals that are out there, many arbitrators that are out there. We went with this one again, because we, we did-
- Marsha Peterson: You're telling me was it like a sole source, or did you actually look at any of the other very public and very noteworthy mediator and arbitration neutral services?
- Ian Appleyard: I did evaluate, I did consider different ones. This is my recommendation to the city administrator. And I thought that what this option was someone who again, is very reputable, is on the management side and this was not welcome news to the OPOA that we secured this firm. So, that was the reasoning and yes, it was sole source and that's the direction we went.
- Marsha Peterson: Okay. Well then, that explains it. If you decided to not consider maybe even developing maybe three recommendations and you strike and you determine which one is the best for the circumstance because you could find a more management leaning even neutral by just reading their resumes and the cases that they have decided. So this is very suspect. It's all I can say and I'm new to the commission but just listening to this today, I find it peculiar that you would have to sole source a law firm that had this many conflicts when there are an abundance of neutrals and neutral services that you could have used. Thank you.
- Regina Jackson: Thank you alternate Commissioner. I recognize and appreciate, Mr. Appleyard, your answering these questions. Clearly, it speaks to a significant problem which I absolutely expect that you are going to fix based upon your offering but one question that's burning for me. Can you ask if the city can withdraw and reject that level three report now?
- Ian Appleyard: Thank you for the question. What was issued was a draft recommendation. So, it's in the public record and when something's been issued, I don't think it can be taken back.
- Regina Jackson: No. I'm saying, can you reject it? I mean, it is out there but the premise under which, I mean, it's absolutely not a neutral agency given what we've laid out and it was wholly inaccurate. And I'm asking if you all can reject it or withdraw it?
- Ian Appleyard: So at this point, we've responded to the OPOA saying you're free to move this to arbitration. So just in terms of the process, it's already past that point. It's been elevated to step four.
- Regina Jackson: Okay. So I'm taking that as a no. Let me let Mr. Chanin have the final question. Mr. Chanin.
- Jim Chanin: I'll be very brief. I am advocating that this commission make a vote that there will be no step three farming out of grievances by the city administrator without the knowledge and consent of the police commission by a vote and that, because I believe that this decision forecloses our winning at the arbitration. I really do. I think everyone who's not familiar with this knows it and this arbitration is highly likely to go in OPOA's favor, but be that as it may, I feel that the charter is clear. The police commission has the final say from the management side and any farming out



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under step three, which has never happened before and I personally feel should never happen again, but if there is a farming out of the step three grievance, then it should be with the knowledge and vote of this police commission. Thank you.

Regina Jackson: Thank you very much, Mr. Chanin. At this point, I think we probably need to go to public comment. Please continue to hold on, Mr. Appleyard. Mr. Rus.

Juanito Rus: Thank you Madam Chair. If any member of the public wishes to comment on item four on tonight's agenda, please raise your hand in the Zoom queue and you'll be called in the order in which your hands are raised. The first speaker in the queue on this item...

Regina Jackson: Mr. Rus.

Juanito Rus: Yes?

Regina Jackson: Can you tell the total number of people that have their hands up? So we know that.

Juanito Rus: Sure. At this point there are four hands raised in the queue.

Regina Jackson: Thank you.

Juanito Rus: And the first speaker in the queue is a telephone at 10 D with the last four digits, five eight zero two. I believe that is Mr. Saleem Bey. Good evening, Mr. Bey. You have the floor.

Saleem Bey: Yeah. Saleem Bey. And I will say, yeah, right. Trust you. Appleyard should be firing for hiring Sloan in the face of blatant conflicts. We don't trust OPD nor the fake systemic cover up city, man. Appleyard, who was clearly exposed as using a ringer law firm, a report painted by Sloan hiring this great ex-chief Jordan and other employees. This systemic high level city protection of dirty cops has to be addressed. I see, after this presentation, that civilian oversight should be incorporated into police hiring process. It should be a simple process but OPD best practices is not screening bad and violent cops. Why is it left to OPD to choose to ignore officers' past misconduct problems of violence in the black community. Violence in the black community is not an issue for a racist OPD hiring officer. OPD has a history of recruiting racist officers, going back 60 years. This is why OPD is failing the NSA. Again, OPD is doing the background and doing the accepting. Having a specific category of looking at the record of a cop from where he came from laterally. Does he have a misconduct record of violence? Is he being screened? OPD HR are passing these backgrounds like Officer Masso, who was a violent cop from NYPD, who murdered 18 year-old Alan Blueford in East Oakland. Shot him down in cold blood after running him down and turning off his PRD on a dark street.

Saleem Bey: Masso was cleared by the DA and suspended briefly by OPD. After Masso left OPD, he went to Fresno where he was exposed as a dirty cop again. Who is putting these maniacs in the black community and thinking you can reform this? Mr. [Tannen 01:45:59] has no shame after 18 years of failed NSA, and it proves OPD and the city are hopeless. Concealing and leaving cases off of all



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documentations purposeful, as we say it every single week, and every single week you either ignore us or say, oops, just another mistake [crosstalk 01:46:14].

Juanito Rus: Thank you, Mr. Bay. Your time has expired. The next speaker in the queue is listed as the Coalition for Police Accountability.

Rashidah Grinage: This is Rashidah Grinage. Thank you, Mr. Ruse. I want to go a step further than Tim Shannon did. There is no requirement in the MOU for a level three, it's optional. I would say that the commission should vote to simply not have the city exercise option three. There was a Skelly hearing, that was an appeal. There will be final arbitration. Step four. The Police Commission's Discipline Committee ruling is final. Measure S1 language is very clear in that it prohibits the city administrator from modifying, rejecting, or in any way altering the final decisions made by the Discipline Committee of the Police Commission. The language was there intentionally for this precise purpose.

Rashidah Grinage: There are already very many bites of the apple that accused officers have to readdress and for grievances. They had a Skelly hearing. There was a Discipline Committee. They do have final arbitration options. How many more bites of the apple do we need to give officers who are found to be guilty of misconduct by the Police Commission?

Rashidah Grinage: The city administration is simply not very respectful and aware that Measure LL and Measure S1 changed the landscape, and they're simply in denial of that reality. That was approved by over 80% of the voters of Oakland. They need to adjust and accept the new reality that the community is in charge of who is an acceptable officer and who is not. Thank you.

Juanito Rus: Thank you, Ms. Grinage. The next speaker in the queue is [Assata Olugbala 01:48:46]. Good evening, Ms. Olugbala. You have the floor.

Assata Olugbala: It is so hard to hear people get righteous in principle on certain things, but when Jim Shannon was attacking Omar Farmer's character and asking the question, who in the Police Commission would recommend you, and then saying he had confidential information he couldn't disclose about Mr. Farmer. Now you want to get all principled about this report, the Sloan report, and all the things that's not right. You didn't do right in that Selection Committee. Same thing with the Coalition for Police Accountability with Mary Vail attacking this black man. And you want to talk about Jordan sitting up there with Kilpatrick? Council Member Gallo was sitting right there and supporting her. I'm sure he's aware of all of this, and he didn't object to anything.

Assata Olugbala: The council members, the city administrator, has too much power. That person has the ability to spend over \$250,000 without going to council. That needs to be corrected. That \$165,000 should have went to council.

Assata Olugbala: As it relates to some of the issues about recruitment. You mentioned implicit bias, there's explicit bias training that needs to go on. Every officer doesn't unconsciously commit issues of racism and



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discrimination, a lot of them are conscious. That's what you're talking about. White supremacists. They are very conscious of their racism.

- Assata Olugbala: I never heard a discussion about how you have a prioritization of hiring people that come out of the military, giving them prioritization. And many of these people have post-traumatic stress syndrome. There's no training around in your listing of training about mental health intervention strategies. You never talked about field training, you barely mentioned it. How you're not an officer until you complete field training. And that's what happened with [crosstalk 01:50:53].
- Juanito Rus: Thank you, Ms. Olugbala, your time has expired. We have four additional members in the queue, Madam Chair. You wish me to continue?
- Regina Jackson: Please take them. Yeah, please.
- Juanito Rus: The next speaker is a telephone attendee with the last four digits, 1779. Good evening, 1779. Can you hear us? Telephone attendee with the last four digits 1779, you can unmute yourself.
- Mary Vail: The system says I'm unmuted. This is Mary Vail, I would like to, first of all, second, a lot of the questions that you're asking, Mr. Chanin's comments and Ms. Grinage's comments. To me, when you read the chronology in the Sloan report, it's about there's all this activity suddenly, even after the city administrator had signed off on the termination, after the Skelly hearing, which is, as I understand it, the last pre-arbitration step. Except the Skelly officer didn't find for the grievance and that seems to be, for some reason, a concern in the City Administrator's Office.
- Mary Vail: What I would have liked to have seen under the regular order of business is the city administrator and the city attorney having a talk in the wake of the Skelly hearing about, are they going to engage outside counsel? Because this is a big case, and it seems almost like the City Administrator's Office, aside from the financial and the process problems, like they didn't want to win the case.
- Mary Vail: The other elephant in the room, as far as I'm concerned, is not just the Howard Jordan connection and his alliance with the chief and his own personal grievances about Compliance Director Warshaw, there's the chief's lawsuit. And one of her central allegations when she's talking about Warshaw is what went on between the two of them as the Pollock case went through the system internally at OPD, the Force Review Board, and the fact that the compliance director disagreed with everything she did.
- Mary Vail: Finally, if you look back at the press conference of Howard Jordan's presence there, the OPOA was distraught that she had been fired, so this was a very [crosstalk 01:53:47] matter.
- Juanito Rus: Thank you.
- Mary Vail: It was very important.



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- Juanito Rus: Yes, ma'am, your time has expired.
- Mary Vail: Yes. I'm done. Thank you.
- Juanito Rus: Thank you. The next speaker in the queue is Mariano Contreras. Good evening, Mr. Contreras. Can you hear us?
- Mariano Contreras: Yes, good evening. I'm Mariano Contreras. This again is just a continued obstruction by this city and specifically the city administrator. The denial that over 80% of open voters gave this commission authority and independence is just beyond me. This has to stop. City administrator, you either work with the commission or get out of the way. This is not about arbitration by the OPO way. The OPO way, once again, is defending misconduct and crime by police officers. Commission, please vote to reject this report. Thank you.
- Juanito Rus: Thank you, Mr. Contreras. The next speaker in the queue is also listed as the Coalition for Police Accountability. However, there are two members with that name, so I'm not sure if this is the same person. Good evening coalition with your hands raised. Can you hear us? You can unmute. A second attendee with the name Coalition for Police Accountability.
- Regina Jackson: Mr. Ruse, you may have to move on since [crosstalk 01:55:43].
- Juanito Rus: That person appears to not be unmuting, so I'll lower their hand. The last speaker in the queue on this item has a very long alphanumeric code as their name. It starts with DD2RAEZ. If that is you, you may speak whenever you're ready.
- Ginale Harris: Thank you, Mr. Rus. This is former Commissioner Harris.
- Juanito Rus: Whenever you're ready. You have two minutes.
- Ginale Harris: Thank you. I was listening tonight of the Sloan report and I'm not surprised. It's just one more underhanded thing that this administrator has taken part in. Mr. Appleyard seems to be the focus, or the scapegoat, because he has his hands and name attached to every underhanded thing that this city administrator has done through this commission. This is not the first time, so I'm not surprised.
- Ginale Harris: I don't believe his apology. I believe it was on purpose. I believe that they just got caught. And so I would encourage this commission to do what they're supposed to do and do not allow them to get away with this without some kind of reprimand. People need to be held accountable, and thus far it's worked, a little, but now they're trying to slither their way into once again doing what they want to do, and it's not acceptable and it's not a good look.
- Ginale Harris: The Police Commission made its decision and that should be final. And because they break the law and break the rules of this city, what happens to them? Do they just apologize and move



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forward like they plan on doing, or what do we do to make sure that this doesn't happen again or that there are reprimands when things like this do happen? Thank you.

- Juanito Rus: Thank you, Ms. Harris. At this time, I see no other hands in the queue, Madam Chair. I return the meeting to you.
- Regina Jackson: Thank you very much. Mr. Appleyard, can you clarify for us what would have happened if the city didn't respond to step three?
- Ian Appleyard: Thank you for the question. If the city did not respond, there are timelines in the MOU and if there's a lack of response, then the union, who is the moving party though the city does carry the burden, can advance it to step four.
- Regina Jackson: So you all could have saved \$160,000, not had to report that conflict of interest, and then not speaking to any of us about it would maybe not have been an issue. I mean, I think we should have known that it was going to go to step four, but that is the case, correct?
- Ian Appleyard: I understand your perspective. We were trying to make the best good faith effort to abide by the labor contracts and I understand perfectly what you're saying.
- Regina Jackson: You might need to redefine what the term neutral really means in the future. I appreciate your time with us. I see a hand up from Commissioner Harbin-Forte. I'm not sure if that is a question of Mr. Appleyard or not. Go ahead.
- Brenda Harbin-Forte: Yes, a question. Thank you, Madam Chair. A question and a comment. It seems to me that if action was taken and that action was not authorized, there is no legal basis for that action, that the action and the results there are void. So the hiring of the Sloan Firm should be rescinded. Somebody will have to eat the 150,000, let it be the Sloan Firm or something, 160,000, or all their costs. But that action should be voided.
- Brenda Harbin-Forte: I'm wondering if the commission has the authority to rule that the hiring of Sloan was void, that the report that came out of the Sloan Firm is void and of no effect, and should be simply ignored and we should pretend that it was never out there.
- Brenda Harbin-Forte: I just think this is just outrageous. So there are to be consequences and in court I think that'd be a good argument to say that we set aside that hiring of the Sloan Firm, and we just pretend that the Sloan report was never in existence and it be completely ignored. So again, I'm not sure what actually we have, but we have to do something. Thank you, Madam Chair.
- Regina Jackson: Thank you. And before I acknowledge Commissioner Gage, it is my understanding that the city and the commission are not bound by the Sloan report. It doesn't bind any of us, and by moving to step four, the city has decided not to adopt the Sloan report recommendations. Is that clear, Mr. Appleyard or am I incorrect?



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- Ian Appleyard: Commissioner Jackson, Chair Jackson, yeah, that's correct.
- Regina Jackson: Thank you very much. And with that, I have two more hands. Commissioner Gage followed by Commissioner Garcia.
- Henry Gage, III: Thank you, Chair. Director Appleyard, I'm looking at the MOU right now, and in the step three section there's language that talks about the process for going through step three, and the language is fairly bare bones, but in your earlier discussion, you made mention of a seven part... I think you've mentioned a seven part [inaudible 02:02:26] test. I'm struggling to understand why the city would go through the exercise of really hiring anyone to complete step three when it seems like this step could be completed with a fairly straightforward written correspondence saying that the prior decisions are being upheld.
- Regina Jackson: Can you answer that, Mr. Appleyard?
- Ian Appleyard: I apologize, Chair Jackson, but I wasn't quite clear on the question itself.
- Regina Jackson: Commissioner Gage, can you restate the question please?
- Henry Gage, III: Yes, I can restate it. Step three in the MOU says that the employee relations officer is to respond in writing to a grievance within 30 days after the third step hearing, and that hearing itself can be requested by the employee or association representative after contacting the employee relations officer. Now, what I don't quite understand is why you're saying that that writing needed to be a full on report. Does that writing need to be a full on report? Am I missing something here in the MOU?
- Ian Appleyard: Through the chair, I'd say broadly response is usually in writing and in the form of some sort of report, and I've been doing step threes for decades and yeah, normally a writing is the response that we provide.
- Henry Gage, III: I understand the writing is the response. I'm curious about the scope of the report [inaudible 02:04:24]. In the past are these step three reports comprehensive? And by comprehensive, I'm trying to get at how much of a writing are we talking about for the average case?
- Ian Appleyard: Through the chair, I mean, the analysis can be extensive. It depends on the case. The person who's listening to it will consider, in a disciplinary case, the notice of intent and all the information that was relied upon to make a disciplinary decision can be extensive. They can consider the Skelly officer recommendation, they consider the union's arguments. The union can have extensive arguments depending on the case. When it comes to this case in particular there reams and reams of information that were relied upon in coming to that decision. So it can be quite extensive.
- Henry Gage, III: If I'm understanding this process correctly, after formal submission, after the appeal to the department [inaudible 02:05:45], after all these processes, including a Police Commission



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disciplinary decision have happened, there's then an additional opinion that the city will routinely file coming from human resources and/or a human resources contractor, that, once again, opines upon all of the paperwork that has been generated up to that point. And while that decision itself is not binding, it's nonetheless presented to an arbitrator as part of the record. Is that accurate?

- Ian Appleyard: It depends. It depends. I mean, in some... Sorry. Through the chair, but it depends. Occasionally there will still be disputes. If a grievance is denied, then it'll be advanced. It can be denied in part and granted in part. And how it informs what happens in arbitration, sometimes arbitrators totally reject what happens at step three, because they want to preserve their independence and not have the step three hearing officer's opinion or perception substituted for his or her own perception, opinions, and findings.
- Henry Gage, III: Thank you, director. Nothing further from the Chair.
- Regina Jackson: Thank you. I see a hand up from Commissioner Garcia.
- Sergio Garcia: I've just been racking my brain and trying to figure out how we can get out of this mess. I think if I go back to Measure S1, it specifically mentions the city administrator and specifically mentions that the city administrator shall not have authority to reject or modify the findings from proposed discipline that have already been adopted by this commission.
- Sergio Garcia: To Commissioner Harbin-Forte's point, I mean, we could, not to sound too legalistic, but we could just say, this has no legal validity. It exceeds the authority of the city administrator. I'm just not sure we, as a commission, have the authority to declare that to be true. That's the problem. So until we resolve that issue of how we can have some statement that whatever the city administrator did in this case, call it outrageous, call it shady, call it all of those things, which it is, in addition to that, it also exceeded the authority of the city administrator per Measure S1 and it violates Measure S1.
- Sergio Garcia: Maybe we ask counsel for an opinion on this, but I would like somebody to declare that it's a violation of Measure S1 and that it's void. Null and void. It has no legal bearing whatsoever, cannot affect the Pollock case, and certainly establishes a precedent that will be very helpful for the future so that the city administrator is put on notice that we are not going to tolerate any more instances of exceeding his or her authority. As several members of the public have reminded us, Measure S1 is the statement of the people, the people of this great city, and anytime the city administrator, or anyone, violates the letter and spirit of Measure S1, they're going against the will of 85% of the people of the city of Oakland.
- Sergio Garcia: Thank you, Madam Chair.
- Regina Jackson: Well stated, Commissioner Garcia. And before we go to counsel, we have another hand up from Vice Chair Dorado.



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- Jose Dorado: Thank you, Chair Jackson. Mr. Appleyard, the thing that grates me the most is that you're all over the place. And by that, I mean, at one point you say you're compelled to take this action, and then you back up to say you admit it's a process error, but you stress several times that these are only recommendations, but you do understand that it's a matter of the language we, the Police Commission's Discipline Committee, has the final say. It's very, very clear.
- Jose Dorado: We have to question the motivation for the report in the first place, which is that, as you've heard from my fellow commissioners, is suspect in a number of ways. But clearly the effect is that it undermines what is our role, certainly the role of the Discipline Committee, and certainly the Police Commission as a whole.
- Jose Dorado: Don't tell me there won't be alluded to taken into account in arbitration, and that may well have been the real motivation behind this report. And that's what grates me. So let me just ask you straight up. You do understand how suspect this sounds with all I've just said, do you not, Mr. Appleyard?
- Ian Appleyard: Through the Chair, I understand what you're saying, and I'm trying to do my best to explain the city's rationale and my rationale and the city administrator's rationale in taking this course of action. I'm also coming to you humbly and trying to explain that we will do everything we can to avoid this in the future. I'm trying to be constructive here and engage, and I know that won't be necessarily satisfying at this point, but if you want to view me suspectedly and in the way you may, you can, but I have a pretty solid reputation with the city of Oakland. I've been here for over 20 years. And it's my interest to correct this going forward.
- Ian Appleyard: Like I mentioned, also, this was new territory for the city and I think I'm coming across honestly and earnestly. I'm not somebody who is very adept at being underhanded and acting in a non-transparent fashion. I know that this is not the case here. Again, this is new territory. I'm owning it. The city administrator is owning it. So I understand your perspective. I absolutely do. I respect that. I just needed to say that on my own behalf.
- Jose Dorado: Well, you didn't really answer my question, but I'm just going to leave it there. Thank you, sir.
- Ian Appleyard: Thank you.
- Regina Jackson: Thank you. Commissioner Gage, is this a new hand or did you not take your old hand down? Okay, perfect. So I at this time am going to refer this to counsel Conor Kennedy so that he can recommend to us what action we can take, perhaps in our next meeting. Conor, can you help me with that?
- Conor Kennedy: Absolutely. We'll be happy to. Thank you, Chair.
- Regina Jackson: Excellent. So again, Mr. Appleyard, I appreciate your training and your response to the Sloan report. I absolutely intend to take you at your word that you will keep the commission informed



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of the steps and perhaps of even our recommendations or suggestions should we ever find ourselves in this position again.

- Ian Appleyard: Thank you, Chairperson Jackson. Thank you, members of the Police Commission. I appreciate your time and I appreciate your questions and look forward to working you in the future.
- Regina Jackson: Thank you very much. Mr. Ruse, we will go on to item five, please. Thank you. So commissioners, you all remember that we took some time to review a process for approaching policy at our retreat, and I'm wondering if folks have any additional recommendations or if at this point we are prepared to, once we hear from public comment, if we are interested in solidifying the process that we discussed.
- Regina Jackson: As well, I believe that there is a list of potential policies that have been recommended from CPRA and OPD, as well as ones that we have been tracking toward over the last year or so that we might consider prioritizing tonight or at our next meeting if we don't feel like we have enough information.
- Regina Jackson: Are there any comments or thoughts at this point? I believe I see a hand up from Commissioner Gage.
- Henry Gage, III: Thank you, Chair. I'm a bit confused as to what you're proposing. I know we've discussed in prior meetings a policy development process that Commissioner Anderson had presented on. Could you explain a bit as to what you're proposing tonight?
- Regina Jackson: Well, I know that it was raised, we had some conversations. I wondered, it's been a few months now, whether or not any member of the commission has further recommendations, steps, renaming any process, or if we are prepared to take the recommendation from former Commissioner Anderson as an appropriate approach.
- Regina Jackson: She was the policy wonk on the commission, so I'm just trying to determine whether or not we are ready to honor this as our process, or if we want to make some additional changes to it. This is one of the processes that was called out from the auditor and we're still trying to track toward responding to some of those recommendations. Is that more clear?
- Henry Gage, III: Yes. And I think a short answer to that question would be, I don't believe we're ready to move forward just yet. The Rules Committee is working on a revised policy review process as one of the, I think it was three, larger items that have come to rules for an initial rough draft. We've been somewhat slowed down by earlier work product, for example, the code of conduct, but that is in process.
- Henry Gage, III: It would be quite useful, however, to receive any additional feedback from commissioners or the public as to what that process could and should look like, and I know our committee had made some initial plans to ask Commissioner Anderson to return to discuss more detail into how her proposal could be implemented.



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- Regina Jackson: Thank you very much. Commissioner Jordan, I see your hand.
- David Jordan: Yes. Thank you, Chair. I did actually just reread this earlier today and I do think that there's a couple of things we can move forward here with without... I mean, I think the risk is we really want to, as Commissioner Gage said, that the Rules Committee is working on some processes for some of our internal business currently, and we don't want to put the cart before the horse, and we want to be doing things in an efficient, orderly manner.
- David Jordan: But that said, I think that we can do some of these things concurrently and I don't think necessarily all of them need to be part of the Rules Committee, such as recommendation one here is, publish a policy priority list. I think that that's a thing that we can start now and get that on our website.
- David Jordan: Clearly, as a commission, we need to discuss what our priority policies are. I imagine we all have a few that we'd like to see put on that list. We do have a relatively full docket, but I imagine [inaudible 02:19:52] see us through the summer at least, and this goes hand in hand with what we heard earlier from [inaudible 02:20:03], the consultant who ran our retreat. So, I think that, A, that's a place we should be starting, that consider be moving on without the rules committee weighing in heavily on that. And unsurprisingly for me on this list also is recommendation three [inaudible 02:20:28] clear expectations around public engagement. I have developed a recommendation document around public engagement that I have shared with Commissioner gage as a member of the rules committee, hoping to get some input on how that might fit into their thought process. I've also shared it with Commissioner Dorado, as the other member of the outreach committee.
- David Jordan: As I've said, I'd like the outreach committee to develop a unified policy or, at least, set of best practices for community engagement that affects not just policymaking [inaudible 02:21:15] indicated here, but all of our community engagement, including our offsite meetings and our other public hearings and things. Why that's important is because we should have a consistent methodology so that we can compare apples to apples across all of those engagements and develop trend documents that can look forward, that we can use to aid our decision-making in the future.
- David Jordan: So, to that end, I would potentially like to... I mean, I was going to save this for our agenda making item later, but since this comes up now, I'd like to suggest that we put that recommendation document on the agenda soon-ish, maybe next meeting, or if not then soon, so that we can get... Because it occurs to me in conversations that I've had other people on ad hocs, I've referenced it but I haven't shared it because of Brown. I don't want to share the document in a non-public setting, and I feel like it's probably time for us to start thinking about this in a more formal way. So, I guess I'm interested in hearing what the rest of the commissioners have to say about agendizing that.
- David Jordan: And some of these other things around incorporating racial equity toolkit and those things, I think that that should be part and parcel. Some of these things, I don't know how the rules committee



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feels about that, but I think that we can start developing some of those and fold them into the actual formulized rules as we get a little further down. We can be working in parallel process and meet in the middle, to my mind, but I'm open to input on that. Thank you.

Regina Jackson: Thank you, Commissioner Jordan. I absolutely agree with you that the commission can take steps to prioritize and/or add to the list of policies that we want to try and tackle in the course of 2021. And then, the rules committee will review this policy process and come up with some recommendations, is my understanding. Is that correct, Commissioner Gage?

Henry Gage, III: [inaudible 02:23:52] returning with the policy review process draft. I would agree with Commissioner Jordan's request that some of the items, in particular the policy prioritization item, it's [separable 02:24:03], and it can be addressed more immediately.

Regina Jackson: Okay. Terrific. So, you all will let me know when you are prepared to deliver the draft, or can you tell me, is it mid May, end of May? Ballpark?

Henry Gage, III: [inaudible 02:24:21] but will certainly follow up with you and Dr. [inaudible 02:24:27] further discussion with the rest of the committee, and we'll come back with a draft.

Regina Jackson: Okay. Terrific. So, at this point, I think we can probably go to public comment. Mr. Rus?

Juanito Rus: Thank you, Madam Chair. If any member of the public wishes to comment on item five on tonight's agenda, please raise your hand in the Zoom queue, and you will be called in the order in which your hands are raised. There are four speakers on this item at this time. The first speaker is Mr. Bruce Schmiechen. Good evening, Mr. Schmiechen. Can you hear us?

Bruce Schmiechen: I can. And I assume you can hear me.

Juanito Rus: Yes we can.

Bruce Schmiechen: Bruce Schmiechen, Faith in Action East Bay and Coalition for Police Accountability. Yeah. This document on community engagement, I guess you're not going to act on this tonight, so I'll leave it alone. But I mean, the language of it and everything, it's very weak and flabby and unclear, and you need stronger mandates for certain kinds of community engagement, especially for certain important policies like the use of force policy, et cetera, which I think was handled very badly in terms of community engagement. I won't go into that.

Bruce Schmiechen: In regard to the policies that need to be addressed, there's two elephants in that room, in my opinion, and I've left this alone for quite a while, but use of force policy was never finished. Less lethal was untouched, with the suggestion that it be revisited through training bulletins. That's fine, but it wasn't done and it hasn't been done. It absolutely needs to be done. We're talking about tasers, we're talking about chemicals, et cetera, et cetera, important stuff left untouched completely.



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- Bruce Schmiechen: Further, the method of addressing it is supposed to be training bulletins. That's fine. Except, according to the prior chief, training bulletins are not public. There's times when public apparently has access to them, but they are not public documents, so if you're going to do through training... There are two things you can do, three. One is make training bulletins public, two is take the policy pieces out of the training bulletins and put them into a policy document that is public, or I would suggest do both. But we really need to go back and finish use of force. It wasn't finished. I'm sorry.
- Juanito Rus: Thank you, Mr. Schmiechen. The next speaker in the queue is a telephone attendee with the last four digits 0185. Good evening, 0185. You have the floor.
- Michele Lazaneo: This is Michele Lazaneo, spokesman for the Bandabaila family. In 2016, OPD entered into a memorandum of understanding with the Alameda County District Attorney's Office to utilize the cellular site simulator technology. The policy includes authority, access, usage, training, and mandated reporting every six months. The cell site simulator can only be operated by a trained and qualified OPD expert. The Alameda County DA's Office doesn't limit how many officers can be trained. However, during the Jonathan Bandabaila case, we were advised by members of OPD that they only have one subject matter expert in the entire department. So, out of 800 officers, OPD has only one.
- Michele Lazaneo: Other policies especially relevant to missing persons cases are automated license plate reader, evidence handling, property and evidence field collection and preservation, and social media policy and the Jonathan Bandabaila case, OPD didn't take custody of his car and allowed the tow company to sell it without letting his parents know. In the Tatiana Sunshine Dugger case, they also didn't take custody of her car or the belongings inside as possible evidence in now, what is potentially a murder investigation. So, please add those policies to your list. Thank you.
- Juanito Rus: Thank you, Ms. Lazaneo. The next speaker in the queue is a telephone attendee with the last four digits 5802. I believe that is Mr. Saleem Bey. Good evening, Mr. Bey. Can you hear us?
- Saleem Bey: Saleem Bey. According to the measure LL, profiling is the OPC's highest priority, and complaints like ours alleging racial and religious profiling are chiseled into stone into charter and mandatory to investigate. We have been complaining specifically about outdated 2004 DDO M19 policy and the OPD violations of racial and religious profiling in our complaint. It's suspect that after three years next month saying M19/M19 failures affecting our community, the fact that you are reporting that OPC nor OPD have any plan of action to address the very reason for OPC creation, which is racial profiling by OPD, this is shameful and a complete dereliction of duty by this commission and its commissioners addressing any other EGO or policy before M19.
- Saleem Bey: This exposes your fake zero tolerance policy you are telling the public. Specifically, you have a profiling policy dated 2004, over 17 years out of date in a scofflaw department, failing the NSA in profiling. Is that a priority? Your report on M19 states, "The department recognizes a need for revision." No draft as of yet. It also goes on to say, "The purpose of this policy is to reaffirm the Oakland Police Department's commitment to providing service and enforcing laws in a fair and



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equitable manner and to establish a relationship with the community based on trust and respect. You have no trust or respect with us. Whenever our practices are, or perceived to be, biased, unfair, or disrespectful, we lose public trust and support and diminish our effectiveness. Anybody listening to our complaints in M19 over and over would testify the commissioners listening are failing their fiduciary responsibility regarding M19 miserably. Thank you.

Juanito Rus: Thanks you, Mr. Bay. The next speaker in the queue is Assata Olugbala. Good evening, Ms. Olugbala. You have the floor.

Assata Olugbala: Yes. Your report states the policies that have been developed so far post release community supervision, individuals on probation, use of force, banning carotid restraint and all forms of asphyxia. So, I'm trying to determine what has been done to create enforcement around the policies that you have created, and if there's any enforcement in place, because we have a NSA with over 50 tasks which could be considered policies around the Police Department, after 18 years, nothing has changed. So, if you are creating policy, at some point, it has to be determined whether those policies are being enforced. And how will that be in place?

Assata Olugbala: Secondly, within the document related to this subject, you have something about the necessity to have a race equity statement, understanding who is impacted by your policies, who is impacted by police post release community supervision. Have an understanding of who you dealing with. You never have that discussion. And most of these things are African-American people. You don't spend a lot of time giving the Black people, and you don't spend a lot of time emphasizing Black people. But most of these policies you've developed so far, the main people who are impacted by them are African-Americans. But my biggest point is this: I don't see anything where you are creating a policy where you've created also the leverage to say that enforcement will be monitored to make sure the... And I don't know if you have the capacity to do it. If you don't have the capacity to do it, something is missing in measure LL.

Juanito Rus: Thank you, Ms. Olugbala. The next speaker in the queue is listed as Jay Lonnie. Good evening, Jay Lonnie. Can you hear us?

Anne Janks: Sorry. It's Anne Janks. On a shared computer. I took my son's computer, Juanito, so that I wouldn't have to be upgraded to panelist. Good evening, and I appreciate that you're not acting on this document this evening. The Coalition for Police Accountability is going to offer a document just reflecting some of the things that we think are not fully addressed or might've been overlooked, and we will do that sooner rather than later. I do want to support the speaker who is talking about looking at some of the policies and how they're working out. There were a group of data people who have offered previously to volunteer, and if you ever wanted them to work and look at some of the data around who's being stopped now that the probation and parole policy has been in place for a little while, I'm pretty confident that they would be willing to do some of that work with you. Thank you. Bye.

Juanito Rus: Thank you, Ms. Janks. There are no other speakers in the queue at this time, Madam Chair.



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- Regina Jackson: Thank you very much. So, as I understand it from the commission, we will take the suggestions from the community, come up with a longer policy document, and perhaps come ready to prioritize this next meeting while our rules committee is considering a draft of the policy review document with feedback, or front back, I don't know, with the suggestions offered by the Coalition for Police Accountability. Is that correct? Do I have that correct? Okay. Commissioner Jordan? I see a thumbs up from Commissioners Gage and Harbin-Forte, so thank you very much. I'm sorry, Commissioner Jordan, did you want to say something, or were you a verbal hands up?
- David Jordan: No, that was a question.
- Regina Jackson: Okay.
- David Jordan: Thank you. So, the first part of that is we take feedback from community around policies. How would you suggest we start that process, or what does that look like to you? How do we begin that? And how would we like to be receiving that feedback?
- Regina Jackson: So, I've been taking notes based upon what the community has suggested be added, and the list was actually made up of some of the recommendations from community, CPRA, and OPD. So, I will just add those to the list that Chrissie holds, which is... It will be a more extensive list than what you have in your packet tonight. We can certainly identify and get OPD to give us all of the policies that are listed, and then we can prioritize based upon need, based upon application. Certainly, CPRA shared with us that they needed certain policies addressed because they actually... I think the age of them requires them to be updated in order to allow for better enforcement as they go through their investigations. John, help me if I'm not stating that correctly.
- John Alden: That's right, Madam Chair. There are a few policies that were written before measure LL, and so some conforming edits in there to make sure that the commission and the CPRA are mentioned, it would be to help the Force Review Board policy would be an example. They're not necessarily what I would call urgent, but I do think they're important and hopefully will be done soon.
- Regina Jackson: Thank you. Thank you. And certainly, we have heard racial profiling more than once from Mr. Bay, but new to me as the evidence handling recommendation that Michelle Lazaneo offered. So, I think that we can get all the policies that are in place. Certainly, Ms. Assata's recommendation about an enforcement policy is very interesting and absolutely critical because as we are moving through, given the fact that we passed many of these policies and... well, some of these policies during the pandemic, and we haven't had an opportunity to get good data as to how, let's say, probation and parole is going or even use of force is, we can begin to identify how it is that we see enforcement in terms of application to our policies.
- Regina Jackson: So, I can work to get those policies that exist from OPD, and we can put them in the packet for you all to review. And certainly, a guideline in terms of which policies we think should be prioritized based upon, as I mentioned, how important the application is, how much it's a problem in terms of investigation, we've talked about this before, in that oftentimes the



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expectation of the public doesn't comport with the policy language, primarily because the policies are so old.

- David Jordan: Thank you. I would also like to just throw in there that I have agreed with Mr. Schmiechen that the remainder of use of force, non-lethal handcuffing, things along those lines need to be addressed as a priority. I feel like we don't want to lose momentum. I feel like there's a cohesiveness of thought and language that needs to be applied with these interconnected policies. Similarly, given our work most recently on the arrest teams and [inaudible 02:40:38] and so forth, I think that we should look at tactical teams because it is very much integrated. All of those things are in some ways integrated, that process. So, those are pieces that I would love to see on a list and maybe some materials to help around decision making when we [inaudible 02:41:01]. Thanks.
- Regina Jackson: Okay. That's excellent. Taking those notes. If there are no other comments on this, we can go ahead and move forward to the next agenda item. Okay. Mr. Alden, you are up.
- John Alden: Good evening, commissioners and members of the public. Before I start, is my audio okay? Can you hear me well?
- Regina Jackson: Yes.
- John Alden: Good. Excellent. Thanks. So, for my presentation tonight, I'd like to break this into three parts, and so that'll include talking about our statistical report; talking about how CPRA, we think, adds value to the investigative process, and that's in part to respond to some questions we've gotten in public comment the last few meetings; and then finally, I've been asked to present a bit of a presentation about how we might go about moving some of IAD's work over to CPRA, which was suggested by the Reimagining Taskforce and last week was flagged by them at the city council as a high priority. [inaudible 02:42:09] recommendations. So, commissioners, I hope you'll feel free to interrupt me as we go along. I'm going to share my screen in just a little bit for the second and third presentations, but I'll start just by talking about the statistical report.
- John Alden: So, in the statistical report that we have this month, you'll notice that we closed 43 cases over the last month, which is that's a lot for us, and I've been really pleased with the quantity of work that staff's been able to complete recently. As you may recall, sometime ago, we had numbers of pending cases that were up in the 150, 160, 170 range, and that's just too many for us to be able to get them all done in a quality and timely way. So, we've been working really hard over the last year and a half to crank those down. COVID, frankly, made that much harder. I've been really impressed that we've now got that down total to 91 cases, more than 30 of which are all from the protest cases of last summer after the murder of George Floyd, and so those cases will all necessarily have to resolve over the next month to a month and a half because of when they came in.
- John Alden: So, we're on the cusp of being down to maybe around 60 pending cases at any one time, which is all-time low number for us, and that's a significant accomplishment because now that means we



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are well positioned to make sure that we're getting the cases done at the speed described in the NSA, most of them being done in 180 days, some being done at 250 days. And I think that that's a really significant achievement by staff, especially since we've never been at full staff in the entire time for the year, so I've been really pleased with their performance in that regard.

John Alden: We have a wide variety of sustained findings in the set of statistical reports. Use of force, we had sustained findings, sustained findings for treatment of prisoners, sustained findings for search and seizure violations, sustained findings for demeanor, sustained findings for care of property. So, sometimes we're asked, what kinds of cases do we sustain? Well, those are, I think, are a pretty good cross-section of the sorts in any given year, and they happen to all appear in this particular month.

John Alden: One of the things, too, that's been going really well over this last couple of months is that because of the passage of measure S1, our investigative staff have been able to be involved in not just recommending whether cases are sustained or not sustained, but also in setting the discipline in cases. And we've been giving staff a lot of training about how to do this, make sure they have access to the right materials to do this. The Police Department's been very cooperative in getting us the materials we need.

John Alden: I've seen really strong performance from our investigators in this regard as they learn this new task, and I think that they're also getting a lot of job satisfaction, frankly, out of it because now they have a better idea what happens to their cases, and seeing how the work that they did is used not just to decide whether to sustain or not sustain the case, but also in setting the discipline that officers receive, I think, gives them a better sense of how to be a thorough, top-notch investigators. And all the investigators we have right now are really interested in making sure that they are at the peak of their game, as skilled as they can be, and I'm really enjoying seeing them learning this new skill and doing well at it. So, I've been very pleased by that, too.

John Alden: Those were all the things I wanted to say about the statistical reports, and unless there are questions about those, I'll start sharing my screen and we'll talk about some more general issues about how we think CPRA adds some value to the investigative process. Any questions about the statistical reports? Okay. I don't see any, so give me just a moment and I'll start sharing my screen. ... Just a moment.

Regina Jackson: And Mr. Alden, can you also email this... Well, no, it's in our packet.

John Alden: It is in your packet. That's right. You all have this in your packet.

Regina Jackson: Yeah.

John Alden: Okay. So, I take it that everyone can see the screen share. What I have here is the PowerPoint that you see the packet. There is one slide that we may change on that's slide number eight. I'll talk about that when we get there. But this is otherwise the same presentation you see in the packet. I've broken this into two parts, so I'll start with a portion about how CPRA adds value to



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our complaint investigations. And this is, as I mentioned, for largely to contribute to the conversation that's been going on in public comment at our meetings, asking the question, "How does CPRA improve the process? How is this better than having IAD do it? How are we meeting some of the goals and objectives of measure LL?"

John Alden:

So, as an overview, I would say one of the things that is a real strong add from CPRA to improve it or the process is our staff are longer term. So, in most police departments, and in Oakland Police Department too, the police officers and sergeants who work in [inaudible 02:47:31] typically rotate through. They'll spend a couple of years there and then they'll go back to some other assignment. And while that is probably an effective way to give them well-rounded training, our supervisors, it does mean that the folks who are working at IAD are constantly learning new skills, like coming in very green and having to learn the job. [inaudible 02:47:52] at CPRA are there for many years, and so they become extremely skilled and thoughtful and experienced, and so I think that makes for a stronger investigator staff. I think we have better rapport with the complainants in the community. We have many complainants who come to us and say they're comfortable talking to us, but not to the folks at Internal Affairs, just because they're uncomfortable talking to [inaudible 02:48:13] officers about the complaint.

John Alden:

And as we're going to talk about in this presentation, I think we have three very specific ways that we improve investigations of public complaints. I think we're better at correctly identifying what the public's complaining about. Second, we're better at catching the allegations that either the public or Internal Affairs didn't see in the beginning of the case. And I think we're better at sustaining the misconduct when it should be sustained and opposing discipline. We find that all three of these appear to us to have strong equity impact. It's our experience, just anecdotally, that disproportionately the complainants that come to us, the people that are affected by misconduct, the cases we sustain, are disproportionately people of color and especially people who are Black. That said, we've been trying to figure out how we could measure that with data that would actually confirm the experience we think we're having subjectively and tell us whether we're right about that or not. And I'll be talking about that a little bit here too.

John Alden:

It's important to understand that part of the way the system is currently set up is that people can make a complaint in the field to an officer right at the moment that their interaction with the police happens, and a lot of people do that in Oakland. So, about 85% of all the complaints that come in are made to officers out in the street in the moment that the alleged misconduct is occurring. The sergeant will come out and finish taking the complaint, but the CPRA is not there. Right? And that material gets sent into Internal Affairs where their intake division takes in that information, processes it, and then gives it to us at CPRA.

John Alden:

Typically, IAD generally hasn't tracked race through that intake process, so when we get that material, it's not immediately obvious the race of the complainant. At CPRA, we get complaints after the fact, right? So, people call us the next day or they go online maybe that night and let us know what happened. We do ask people to share race if they choose to. We do that because we're trying to, again, measure for equity impact, but that's only about 15% of complainants.



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Every now and then people complain both ways, and so sometimes these numbers overlap a little bit, but generally this is a pretty good rule of thumb. 85% in the field, 15% [inaudible 02:50:25].

John Alden:

When we take a look at who is complaining, we see data like this. This is the 2019 data for complainant race as reported by the complainant. And as you can see here, we don't know the race for 86% of complainants. That generally corresponds to the complaints taken in the field. And we could make our own guess or assumption or inference based on other materials in the case, and we've been reluctant to do that in the past because we think it's more reliable to ask people to self-identify. When we do have complainants report their race, you'll see that we have a very substantial number of people that check the box or indicate other. It's up to a third. And typically, most people who say that to us if asked, say that they perceive themselves, they identify as being multiple races. And so, we've started to consider whether there might be a better way of capturing that information too.

John Alden:

And anecdotally, in our experience of the people who do say that they identify as of multiple racial backgrounds, disproportionately, we find a lot of those folks here in Oakland identify that at least part of that racial background is Black or African American. And then, disproportionately, that 33% slice there are folks who also have complaints about being racially profiled. That's very hard to track in the data. So, I want to be really clear that's a subjective understanding that we have just from our day to day experience, and we're trying to learn better ways to track that with hard data that would demonstrate to us whether our experience and whether we're perceiving it correctly or not. That said, what you do see from the slice is at least the people that come to the CPRA are more often African-American than any other category of race, and that is also consistent with our day-to-day experience.

John Alden:

This also gives you a sense of where our complaints are coming from. This 2019 flag map shows you the locations where the alleged misconduct occurred, if we can figure that out. That's not always immediately obvious. Sometimes there isn't a true location, but when we can figure out location, we'll put on this map. And you'll notice that, as you might expect, it tends to, very often, come from west Oakland, east Oakland, not so much the north part of Oakland, not so much the Hills. And this is, again, consistent with our day-to-day experience. Most of our complainants are coming to us from the parts of town where we see more police activity and where, historically, there's been a lot of inequity.

John Alden:

This is our first cut of our 2020 map. We're still finalizing this, which is [inaudible 02:53:11] draft. There might be some very modest changes here as we continue to make sure our data is as clean as possible, but this was one of our almost final drafts, and I think it's reliable enough to at least show you here to give you an idea what we've been seeing. As you've been seeing in 2020, if we satisfy the complaints about the protests, which naturally it came disproportionately from downtown where many of the protests occurred, we can see that the lion's share of the other complaints we have are all from [inaudible 02:53:41], even more there than any other part of town.



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- John Alden: This is also consistent with our general experience at CPRA that the complainants are meeting, both the ones that complain in the field and the ones that come to us, disproportionately, from some of the same parts of where we see, historically, the most inequity and where we typically see the most Black residents. So, it's a really consistent pattern that the folks that we're serving are folks that, historically, are the folks that we're trying to treat in a more equitable way in the city of Oakland. So, as we think about our race equity [inaudible 02:54:17], this makes us feel good that at least we are getting complaints in from the folks that we think are the most effected by police misconduct and need our help the most.
- John Alden: So, how does CPRA actually add value to an individual investigation? This is the same slide you saw earlier, but I've highlighted here in gold the next two I'm going to talk about. So, we think we're better at correctly identifying what the complainant has to say, what it is they're complaining about, and we think we're better at catching allegations or potential violations that the public or IAD might've missed.
- John Alden: So, here are the ways we add allegations. So, right at the very beginning of the case when intake occurs, are intake technicians might notice that OPD missed an allegation. Right? It might also be that they noticed something the complainant's willing to share with them or shared in some way that OPD didn't pick up on when they were going through the intake process. Some typical examples are racial profiling allegations, which often we'll see the complainant is complaining about, but sometimes don't appear in the materials we get from IAD.
- John Alden: Body worn camera activations are another example. The person who's meeting the officer in the street almost never knows whether the body worn camera it was on or off. And if we determined that it was not activating when it should have been, that's something we can learn, but the complainant wouldn't know and then we add those violations commonly. That said, we haven't historically tracked when this happens, so we don't have very good data about it. We're considering how we might be able to improve that moving forward.
- John Alden: The second way is that during the investigation, the CIPRA investigator sees a new allegation that IAD did not. [inaudible 02:55:55] really getting into the meat of the case. These often are search and seizure violations, or use of force violations that require investigators' expertise to spot. And they might not be things that a complainant would know about. They're things that we would hope IAD would notice, but they don't always.
- John Alden: So this is not something we formally tracked, but as we've been putting together our annual report, we've made a good faith hand count for 2020. Had our investigators go through the cases they worked on and see which ones had allegations that CIPRA added. We found about 39 allegations spread over 19 cases. And that's not a huge number when you compare how many cases our investigators did. That's roughly one of every 10 cases assigned to an investigator at that stage, we found something that was new or different compared to what IAD was looking at.
- John Alden: Now, this is one slide I changed a little bit from the one that's in the agenda. And we'll seek to go back and change that one that's listed in the agenda just to make sure it has a separate slide. But I



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want to be clear that when we find those allegations, IAD will then, after we found them, [inaudible 02:57:02] their case and they will come to a finding on it. I think that is good policy. If they realize that we have spotted something they didn't, it's good that they add it. And it's also the case that sometimes the IAD investigator might agree with us, or might not. If they don't agree with us about the finding on that allegation, a sergeant or a lieutenant might overturn them. That happens a fair bit amongst these 39 cases. And then in all of these cases, at the end of the day the chief of police agreed with CPRA.

John Alden: And so, this slide is a little bit more accurate than the one I had previously put together, because it makes that point clear. It was inadvertent, but the way this slide was set up previously, it might've implied that either the chief, or the captain or Lieutenant at IAD didn't agree with us about these findings, and that wouldn't be totally accurate. Because at the end of the day the chief always backed us up on these, and I'm grateful for that.

John Alden: But that said, we wanted to take a close look at this set of cases to how they affected our equity analysis. If these are the cases that we're really adding in, and we're confident that they're ones that would have otherwise been missed, what do those look like? And when we look at the racial breakdown, it looks like this. Now, again, this is a small set and this is based on a good faith trying to track which cases we added allegations on fairly late in the investigation when investigators were working on it. And we found that when we sustained those kinds of allegations that would not have been found otherwise, the people who were affected by that misconduct, not necessarily the complainant; sometimes the complainant's a third person or a bystander, but the person who was affected by that misconduct, those folks are disproportionately black. 60%. Which is at least double the Oakland population. Right? We also found that folks who are affected by that misconduct, again in only 39 allegations spread over 19 cases, were disproportionately Latinx. And so, we think those are really substantial, significant numbers.

John Alden: This is of course upsetting to see. I'm disappointed that this is where we are in Oakland. On the other hand, I'm really glad that CPRA is finding these cases and making this difference. Because this is why so many of us at CPRA do this work. We feel strongly that there is an equity impact of our work, and this data showed us what we think we're experiencing on a day-to-day basis. I always want to be cautious about confirmation bias, because honestly, this is the kind of number we expected to see. But it was also helpful to see that we could actually put a number to this phenomenon.

John Alden: So how else does CPRA add value to investigations? We think we are stronger at sustaining misconduct when appropriate. And as we were discussing before, we have on occasion disagree with IAD and then we've been able to convince the chief to support us in that regard. Sometimes we're successful in persuading a lieutenant or captain at IAD to support us in that regard. And in 2020, we actually had a lot of success in that regard and I think that's really important, even though it's a little harder to track and we're still working with counsel to figure out ways that might be better reported in the future.



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- John Alden: But one example that I could give you is the case that the Federal Monitor has already talked about. In the 69th and 70th reports of the Federal Monitor, they described a case involving some dog bites that we worked on at CPRA. And based on the material you already see from the Monitor, we can talk at least a little bit about what that case looked like. It's a good example of the kinds of cases we had in 2019 and 2020. Generally in those years we had a wide variety of cases where we've sustained allegations; search and seizure, failure to activate body worn cameras, use of force.
- John Alden: This particular case that I'm going to talk about is one where use of force is the key thing the Monitor talked about in their reports, and it also happens that the use of force here was such that this case is subject to SB 1421. And the report that we wrote will eventually become public. I have asked that to be cleared for publication. There's some redactions required by 1421, one of the challenging things about that statute, but we're getting that wrapped up so that we can publish that part of the report and the public can see what we did on this case.
- John Alden: Oh, pardon me. Give me just a second.
- John Alden: Thanks. One reason I want to talk about that case here in a little bit is that we sometimes talk about sustained rates, and sustained rates are really challenging in this field. In my opinion, the overall sustained rate of any given agency, whether it's a police agency or a civilian agency, is not a good measure of whether they're doing a quality job. There are a few reasons for that. One is that any agency, whether its internal affairs or CPRA, doesn't have control over the cases that come through. Complaints might be just as much about dissatisfaction with police policy as they are about the conduct of an individual officer. But the sustained finding, that phrase literally in the law means that the officer did not follow policy. Right? So we sometimes get complaints, for example, about officers ordering people who are passengers in a traffic stop to get out of the car. For better or for worse, current law allows officers to do that and officers are trained to use discretion about that and have a lot of flexibility about it.
- John Alden: It's controversial. A lot of people think that that's not a good law and that's not a good policy. But that is the law and the policy right now. So when officers order passengers to get out of a car during a routine traffic stop, we can't sustain that but it's still something we get complaints about. And so, that's one reason why sustained rate isn't always necessarily an indicator that we're doing a good job of finding misconduct. Some things people complain about are just things that legitimately the public has a concern about, but have to be addressed in policy change, which we're doing here at the commission.
- John Alden: Sometimes people think sustained rate is kind of like a conviction rate for a prosecutor. Well, prosecutors get to pick the cases they file. They only file cases that they think they're going to win, where they think they should be convicting someone. We of course don't do that. We take every complaint, regardless of who brings it in or why they choose to bring it in, and we look at every single one of them. So we're not looking at these cases because we think they are or are not sustainable at the beginning, we just look at them because everyone deserves to have their complaint investigated regardless of where that goes.



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- John Alden: I think a better measure of quality is whether our investigations examine all the officers involved, whether it looks closely at what kinds of misconduct could be present that maybe a complainant wouldn't see. Typically we ask our investigators, if say there's an allegation of use of force, to look at every officer who was present when the force was used to see which one of them might have been responsible for it. So if someone says, "Hey, an officer put my cuffs on too tight and I'm not sure which one it was. They did it behind my back. I couldn't see." We'll look at four officers in that case, all the ones who were present. And if we only find that one of them put the cuffs on and did it too tight, we'll sustain on that one officer and exonerate the other three.
- John Alden: Some people would look at that as a 25% sustained rate because we only sustained one out of four allegations. I would look at that as a 100% sustained rate. Because we believed the complainant, we found the officer who did it, we sustained against that officer and exonerated the others who weren't responsible for misconduct.
- John Alden: So we try to use, as our key performance indicators, the quality of planning the investigator puts in, the quality of their interviews, and the quality of their analysis at the end. And we do a lot of training about how to do those things well and about the laws that apply so our investigators are thorough. We don't use sustained rates as a performance indicator for our officers. Sorry, for our investigators. Because their sustaining an officer or not sustaining an officer, really depends on what the evidence was. So we want to see that they made a thoughtful, thorough analysis of why they came to their conclusion, and that they come to a conclusion as opposed to how often they sustained against an officer.
- John Alden: That said, we do get a lot of questions about sustained rates, and I think it's something we should share. Statewide the sustained rates tend to be fairly low for the reasons I just described. They tend to be the 12 to 8%. Civilian oversight systems tend to have higher sustained rates. The Department of Police Accountability in San Francisco had a 19% sustained rate in 2019. I think that was an all-time high for them. In the past that had been 10, 11, 12, 14%. So that's an unusual, I would say even a high, watermark, if you will. That's one of the highest sustained rates I've ever seen anywhere.
- John Alden: These other agencies tend to report all the cases that come in. As you know, CPRA is generally right now investigating just the cases that are mandated under measure LL and measure S1. So excessive force, racial profiling, et cetera. So, our sustained rate is a little bit apples and oranges to the other agencies, because we're only looking at a slice, the most serious cases that come in, the most serious allegations. We're not looking at some of the cases that are not mandated, because we just don't have the resources for that yet. So our sustained rates per case investigated have been pretty similar to what you see elsewhere. These are cases that we took on. We decided we were going to look at these. And so, of the public complaints in 2019, there were roughly 500. We looked at 227 of them. 28 of them had sustained findings [inaudible 03:07:26] sustained rate. In 2020 we had fewer mandated cases, but we had a similar sustained rate; 14.4%. And I think that's pretty typical, what we probably should expect in the future if we keep getting the same kinds of complaints.



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- John Alden: Now to compare, I think you'll have opportunity in the future to take a close look at this dog bite case I was talking about. And there, I think, you'll see the quality work that we do. This is a case where initially internal affairs had found a dog bite was in policy. The first one. There with a second time that the same dog bit a second suspect that the officers were looking for, and internal affairs concluded that that dog bite was also in policy. So these are what would also be called exonerated findings, or findings that the officer behaved according to policy.
- John Alden: We were able to show that an expert that was used in those materials, to assess those materials, shouldn't be relied upon. We were able to demonstrate why that person's opinion wasn't very good, and we were able to demonstrate why both of those two dog bites were not consistent with policy and with fourth amendment law. And as a result, in both cases, even though IAD disagreed with us, we were ultimately able to convince both the executive force review board and the chief of police that those were out of policy and should be sustained. And I think had we not been actively involved in both the force review board process and also the report that we wrote, I don't know that those cases would have been.
- John Alden: Clearly the initial take from IAD was that it shouldn't be sustained, they were in policy, and I was really glad that we moved the results on those. I thought that was a significant accomplishment and I'm looking forward to the public being able to read our analysis on that case and see what they think of the quality of our work. And I hope that moving forward, to the extent we have more cases that are subject to 1421, people take the opportunity to look at the quality of the cases that we can make public and see what you think. And if people don't like the quality of those cases, we want to hear that. I think you're really going to like the quality of the analysis in that case, and the strength that we showed there, both in our investigative skills and the analysis and the persuasiveness of the case at the end.
- John Alden: The next topic I'm going to talk about briefly is this concept that Reimagining has moved forward to seek counsel about reassigning some work from IAD to CPRA. But I want to check in with the commissioners and see if there are some questions about the material that I just presented.
- Regina Jackson: I don't see any hands up, Mr. Alden. So I think you should keep going.
- John Alden: I'll go to the next item. Thank you. So as you know, the Reimagining taskforce last week at city council gave a report about some of their ultimate recommendations to the council. They had quite a few. I did notice that they sorted them according to what the task force felt were the highest priority items, and also sorted them according to which items they thought could be accomplished soon, as opposed to which changes they thought would need a significant amount of time to accomplish. And I noticed that they flagged the moving of work from IAD over to CPRA as not only one of their top three priorities, but one that they thought the city council could accomplish in the budget cycle we're about to start in July this next [inaudible 03:11:05].
- John Alden: And so, in concert with that recommendation, I want to be sure we're being thorough in presenting to council and other decision-makers what that might look like if we're going to follow Reimagining's recommendation there. Now Reimagining's recommendation is broadly to take



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everything at IAD and move it over to CPRA. And that may be accomplishable eventually, but what I'm going to talk about here is a way to do that in some steps, starting in this fiscal year, so that we're able to do this in a thoughtful and quality way. Because I want to make sure, if we did do this, that we do in a way that's sustainable, that makes sure that we're still doing a really good job on cases in the interim, and takes into account the various things that we have to do as a city to make a change like that. It's not something that can happen in a day. We should have a thoughtful work plan about what that would look like, and hopefully that'll help decision makers decide whether that's something the city does or doesn't want to do.

John Alden: Some advantages, of course, of this idea, as we've talked about before, is that IAD and CPRA are investigating some of the same cases. So there's a substantial cost savings to the city by eliminating that duplication. We think in the long run that increases the public trust, transparency and accountability of the system for the reasons I mentioned in this presentation I just finished. We also think that we have a better shot as a city at successfully resolving the NSA tasks that have to do with these investigations. As you know, the city is not currently in compliance with NSA requirements in this regard. In the past, the city has been during some periods and not others. We think CPRA and the commission are better positioned and better structured to consistently meet those tasks over time and help us get up from under the NSA.

John Alden: I really want to stress, though, at the beginning of this that I think the single most important thing to understand about this idea is that having CPRA take on the public complaints and have IAD step away from that work, is very close to what we're already doing. It is a relatively modest, fairly straightforward reassignment of work. And it is one where CPRA is already doing the hardest part of that job and we would need to have some additional staff moved over from IAD to do the whole job. We already have the structure, the policies, the training in place to do this. We just need more stuff to do more of what we're already doing. And in that regard, it's not a complicated process.

John Alden: I'll talk about some of the requirements we have to meet. We don't see any charter changes that would be required by this. CPRA already has the authority to investigate all public complaints if the commission so directs, and we have the resources to do it. IAD is not required to do them. If we did this, there wouldn't be an IAD report on these public complaints. Our CPRA report meets all the requirements that the chief would need to do the adjudication process with us as required by charter. And so, instead of having two dueling reports, the chief would have a single report from CPRA that the chief would evaluate in that adjudication process to see if he agrees with us or doesn't. And that's actually done in some other cities. For example, San Francisco has been doing that since the early '80s and that's worked well.

John Alden: There are some NSA requirements we have to think about. In particular, I see two NSA tasks is triggered here. Task two requires 85% of cases to be completed in 180 days. Now, it talks about that being done by IAD. And so, we'd need to make sure that we had the agreement of at least the court, but realistically, if we were to persuade the court of that, I think we would need agreement from the Federal Monitor and plaintiff's counsel that CPRA would be named in the NSA as being the party responsible for at least the public complaints. That would require more



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staff and direct access to more records. This proposal gets us more staff and we've been increasing our direct access to records over time [inaudible 03:15:22] helps finish that process. So that is an accomplishable goal if we have the staff.

John Alden: Task five describes the findings and processes for specific complaints. Those are already the same processes we use in CPRA. So really, we would just need our name, CPRA, to be added there so it's clear task five applies to us also. So candidly, we think this is fairly straightforward, provided that we can persuade the court and the other parties I mentioned that it's a good idea.

John Alden: I think a substantial change, though, is that we will have to go through the meet and confer process with multiple unions in order to do this, because it involves moving staff from one department to another. And in some cases, reassigning some work from some sworn officers to civilian professional staff, like the folks at CPRA, like our complaint investigators. We will need more CPRA complaint investigators. There will be less work for police sergeants to do [inaudible 03:16:21] Without question, that triggers meet and confer. And we're required as a city to do that in a good faith manner, which means it's going to take a little bit of time. And so, one of the things that I'll describe in this presentation is a way to stage out that process so that we can create time for adequate meet and confer.

John Alden: There are three main parts of IAD that would need to move over to CPRA to make this work. One is the intake unit. You recall earlier I talked about how 85% of cases are reported or complaints are made out in the field, and then the intake unit at IAD helps process those complaints once they come in from the field. We'll need to start doing that part at CPRA. And frankly, I'm really eager to do that. We already do some of that work with our own complaints that come in straight to us, but we think, just as investigations are done better by long-term professional civilian staff, if we think intake is done better that way too. And frankly, intake is one of the most important parts of the case. I'd really like for our complaint investigators to be supervising that process and to be able to have an eye on how intake is going. Because if something's missed at intake, it may be missed forever.

John Alden: And so, moving intake over to CPRA allows us to expand the resources we have for the intake we're already doing, and actually have an eye on all the intake from the beginning, which I think is going to help us better identify some of those mandated cases and allegations that might otherwise be missed, as I was talking about earlier. These are the positions here that would need to either be reassigned to civilian employees, and/or moved over to CPRA.

John Alden: Second issue is that right now the police department uses something called DLI, or Division Level Investigations, where a particular complaint is assigned out to a sergeant, who works out in the field and supervises officers most of the time, to do the investigation, instead of having an internal affairs investigator investigate it. Those police sergeants obviously have lots of other duties and they're trying to squeeze in these investigations while they're also trying to do all the other work they do in the field. We would move that work over to CPRA. That's going to free up some time for police sergeants in the field, and we think that creates some funding to then create more positions at CPRA.



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- John Alden: Our good faith estimates so far is that that's roughly the equivalent of two full-time police sergeants. I am eager to hear more from others about whether they think that estimate's correct, because we want to make sure we get that right as we figure out how much time we're really freeing up from sergeants and therefore how much money we're really freeing up for positions at CPRA. Coincidentally, totally unrelated to this proposal, the police department happened to already be working on a study of what exactly police sergeants do. We heard a little bit about that in an earlier presentation tonight. And that might happen to educate us a little bit about whether this number is right. So we'll continue to watch that study and see if that gives us a better, more data driven estimate [inaudible 03:19:34]
- John Alden: And then finally this would be, I think, a much later stage. We could have half the investigative team at IAD move over, and here are the positions listed that would have to either have their work moved over to civilian employees, and/or moved over to CPRA. This proposal still leaves some staff at internal affairs to investigate the internally generated complaints at IA. So those would be one officer complaining against another, or a supervisor, like a sergeant, complaining about the performance of their subordinate. And there are a lot of those. There are roughly 500 in a year, just as there are another 500 public complaints. And in IAD we need to keep working on that [inaudible 03:20:16] this proposal.
- John Alden: This is in the packet. So this is an org chart of what the new organization would look like. Green is all our current staffing. Not all those positions are filled right now. A couple of those are vacant. But this lets you see visually that we're roughly adding by half more staff to CPRA to accomplish this transition. And they're largely people who are helping with intake, but also to some extent people who are doing investigations and some of the administrative work that goes with all of that.
- John Alden: As for case load, we're thinking that the typical year has IAD looking at 500 public complaints between the ones that come in the field and the ones that come in to CPRA. Historically CPRA, since the Measure LL pass, has been doing about 250 of those a year. It's varied. Some years it's 190, some years it's 270. But that's a good, I think, estimate. Roughly half. And they tend to be the most complex and serious of those cases because of the way the charter mandate works. We're required to do these worst cases, we're required to do the investigations, we're required to do the original profiling cases. So the other cases that come in tend to be simpler and more straightforward. Not to say they're not important, but they're not as complicated.
- John Alden: And so, here we're increasing our case load by twice as many cases, but not by twice as much work. It is going to be a significant increase in the number of cases, but a lot of those cases will be, compared to our current case load, relatively straightforward to resolve. So it's a change to quantity, but it doesn't really require us to change our procedures or training or the reports or the way we store information. It really requires us just to have more staff to move more cases.
- John Alden: This is a suggestion about the chronological steps that we might take. We would need to work right away to start working on the NSA language. Because as I noted, there are two tasks that would have to be altered. If city council signs off on this idea, we should immediately begin meet



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and confer or where the steps that we'd be taking here, and particularly IAD intake, because I would see that as the first step. And meet and confer can take a while, so we'd want to start on that straight away, as soon as council told us to.

John Alden: Our estimate is that after six months we'd be ready to move IAD intake to CPRA. We don't see that as needing new office space, because they already have a space that's ground floor and in the same building as us that we'd just expand into. Some people in the police department and IAD would need to move somewhere, presumably back to [PAB 03:22:55] or some other location. Oh. We don't see that as a substantial [inaudible 03:23:00].

John Alden: Then we'd complete meet and confer [inaudible 03:23:04] moving the rest of the IAD resources. That'd be the DLI work and then the investigative staff at IAD. Then we'd really start not just doing the intake, but working on all 500 cases. We think that's probably somewhere in the 12 month range. And after that, we'd be able to be investigating all the public complaints at CPRA. I do want to point out that I'd still recommended internal affairs, also in parallel to us, investigate the level one uses of force, like officer involved shootings. That's widely acknowledged as a best practice in the field. I think the more eyes we have on those very important but very rare cases, the better. So I wouldn't recommend we take them out of that loop. But in all other regards, we'd have CPRA handling all the complaints.

John Alden: And so for that reason, between the level one use of force and the internal complaints that come in at IAD, we'd still have some resources at IAD for them to take care of those kinds of cases. Especially internal EEO issues, which we don't really do at CPRA and which IAD is probably the better place to have those done. And there would still be a significant investigative team, much smaller than the current shop at IAD, and they'd slowly [inaudible 03:24:15] that. So that's the proposal. I'm curious if there are questions from the commission.

Regina Jackson: Thank you, Mr. Alden. It was a very thorough presentation. Are there any questions from the commissioners? Do you know when exactly city council will be moving forward? Do you have a timeline for that?

John Alden: Well, as I understood the most recent city council meeting on this topic, the council decided to set a special meeting of the council to talk about all of the Reimagining taskforce proposals on May 3rd. And then after that, the city council would presumably have further meetings about implementing or finalizing the city's budget in May and June. I don't know dates for those meetings yet, but the next meeting I'm aware of is May 3rd, and I think it would be good for us to be able to have this same material available for council at that point, if this is one of the proposals that they want to talk about at that time.

Regina Jackson: Would you meet commission presence at that meeting as well?

John Alden: Well, I don't know how the city council would like to put together that meeting. Well, let me say this: I don't think that it's necessary for this commission to take any action tonight on this item, but I do think it would be helpful for the commissioners to consider whether there is a



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commissioner who could be present on May 3rd. There might be, in addition to this proposal, other proposals in Reimagining that might affect the commission. And having someone there at least answer council questions, I think would probably be appreciated by the council.

Regina Jackson: Okay. I will make myself available May 3rd.

John Alden: Thank you, Madam Chair.

Regina Jackson: Certainly. Are there any other questions from the commissioners? Okay. My seeing none, let's go to public comment, Mr. Rus.

Juanito Rus: Okay, Madam Chair. If any member of the public wishes to comment on item six on tonight's agenda, please raise your hand in the Zoom queue. And we'll share the clock. At this time I see four hands raised. The first speaker on this item is a telephone attendee with the last four digits 5802. I believe that is Mr. Saleem Bey. Good evening, Mr. Bey. You have the floor.

Saleem Bey: Yes, Salim Bay. Black people are being overwhelmingly abused by OPD and have been left off hook for decades by the same CPRB employees before simply changing the last letter to A and thinking the black community won't see the city [inaudible 03:27:21]. For three years we have said OPC credibility is based upon the credibility of its investigative arm, which employs all the same corrupt employees who did such a lousy job holding OPD accountable to black complainants that the Oakland voters uses the super majority vote to create this OPC you serve on. Specifically to take away this power from these exact same people. Instead, you renamed them.

Saleem Bey: They meet with corrupt HR Appleyard, they hobnob with the corrupt city admin office for over a decade, concealing OPD misconduct against majority black [inaudible 03:27:59]. Shame on you. If you can see the [inaudible 03:28:03], honestly, you can see this one.

Saleem Bey: The fact that IAD found 131062 complaints sustained while current supervisor and person Mr. Alden is lauding, investigator Joan Saupe found it not sustained. Let that sink in. IAD sustained 131062 in representing citizens, Miss Saupe disagreed with IAD. What is the black investigator and supervisor representation in the CPRA, since black people are overwhelmingly the most affected? We know head man director Mr. Alden cannot experience the racism black complainants experience. We know supervisor Miss [Tom 03:28:38] can't. We know supervisor Miss Saupe can't; no more than a man can claim to know what childbirth is to a woman. Please remove these non-black overseers. This is not justice.

Saleem Bey: We have been fighting to civilianize hopelessly criminally corrupt IAD and CPRB for decades. Commissioners and the public are advised that the super-secret Ross independent investigation includes CPRA director Mr. Alden and CPRB/A supervisors Tom and Saupe.

Juanito Rus: Thank you, Mr. Bey.

Saleem Bey: All currently under investigation by independent investigation before you turned over IAD-



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- Juanito Rus: Your time has expired. The next speaker in the queue has a long alphanumeric code as their name. I believe that is Ms. Ginale Harris. Good evening, Ms. Harris, can you hear us?
- Ginale Harris: Thank you, Mr. Rus. So I want to just talk about the Reimagining task force recommendation. One of the things that did come up with that recommendation was the reorganization of the CPRA. Again, the letter was changed but yet we have the same staff. And right now we have two cases that are before the police commission that were not handled correctly by two of the investigators that are currently working in a supervisory role. Also another thing, a concern that came up is that the CPRA does not have a procedural investigations manual and that is super important. I think we've talked about that in lengths when I was on the Police Commission. These are not investigators, they have no investigative training and we want people to come into the community and do investigations. Not sit from their desk and rely on information that is given from OPD. That is not in an investigation. So one, I'd like to know where we are at in the reorg process that the Police Commission approved. And two, I will be at May 3rd just to support the reorganization before I agree with allowing the handling over from IAD to CPRA.
- Ginale Harris: Changes need to be made within CPRA as well. And when I was on the Police Commission, it was in process, and then COVID hit and we heard nothing else about it. So, I'd like to just know where we were at, if the commission could just, through the chair, schedule that so we can know where we're at with that. Thank you.
- Juanito Rus: Thank you, Ms. Harris. The next speaker in the queue is listed as the Coalition for Police Accountability. I believe that is Rashidah Grinage. Good evening, Ms. Grinage, can you hear us?
- Rashidah Grinage: Yes, I can. Thank you very much. I have three points. The first one is, I noticed that on the spreadsheet of the complaints that there is no longer a column that shows when IAD received the complaint, only when CPRA received it. And, that used to be there. And, I used to comment on the delay. I wonder why that column has been deleted, because that is one of the significant problems, is the delay in getting the complaints to CPRA from IAD. Of course, that won't happen if this new conversion happens. The second, is I'm assuming that in all of the cases that CPRA sustained that the chief agreed with that, which is why there has been no discipline hearing on those cases. Finally, the most important point is that I would like legal counsel to advise the Police Commission on the rationale or justification for meeting and conferring.
- Rashidah Grinage: In my understanding, this kind of shift of the complaints going to CPRA from IAD is not bargainable. It does not result in layoffs, it does not result in people losing salary or benefits. And, I really think this is part of managerial prerogative and public policy. And as such, not subject to bargaining. And, I would ask the commission to seek advice from legal counsel on this matter, because it is our belief that this kind of shift in public policy is not bargainable, certainly not mandatory; and therefore, it doesn't need to happen. And, if OPLA-
- Juanito Rus: Thank you.
- Rashidah Grinage: ... wants to challenge that, they can.



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- Juanito Rus: Thank you, Ms. Grinage. The next speaker in the queue is Assata Olugbala. Good evening, Ms. Olugbala, can you hear us?
- Assata Olugbala: Yes, sir. It is expected that there would be no questions around this presentation. I went to the meeting and strongly objected to the CPRA having the ability to take over cases from the police department investigated. They have not been productive. And, for this man to give a report and to imply that having final conclusions not being sustained, doesn't mean anything. But look at the report tonight, use of force, one sustain, 54 not or either unfounded or exonerated. You had two racial profiling cases tonight, all unfounded. I mean, where are you people going with this issue of having an investigation and coming to a conclusion? If you come to a conclusion and sustain that's important, what is important? I look at reports all the time. Do you understand Mr. Alden, we're dealing with racism?
- Assata Olugbala: You guys are talking about the need to make sure officers are not involved in white supremacists groups. But, we don't get the data of the racial breakdown of the individuals. I have never seen a report with demographics involving different groups of people, don't report the race of the people. And, you do it on a voluntary basis. And, Black people are the main individuals involved with it, that's why it's not important to report the race of these people. I cannot believe this, that you continue to have unfounded, unsustainable, not exonerated. And, you guys sit there with no questions.
- Juanito Rus: Thank you, Ms. Olugbala. The next speaker in the queue is a telephone attendee with the last four digits, 1779. I believe that is [Mary Vail 03:36:39]. Good evening, Ms. Vail, can you hear us? Telephone attendee with the last four digits, 1779, you can unmute yourself. My apologies, 17... There you go.
- Mary Vail: Okay. I think now we finally got it.
- Juanito Rus: I can hear you.
- Mary Vail: Mary Vail. And, I second Rashidah Grinage's comments and I know this as a retired union public sector worker. Mandatory subjects, wages, conditions of employment, the employer has to bargain including our mid-term contract modifications. Management prerogatives, city policy, city council voting to reorganize certain functions, those are not subject to bargaining. Now the union, including the OPOA, including the civilian unions, if there are no layoffs, but the other impacts of transfers or the process for transferring over, or transferring people from one union bargaining unit to the other, those bargaining occurs after the financial and the policy decisions are made by the city, not before. The OPOA doesn't get to bargain about the principle of whether civilian workers who aren't in OPD, and have all the pressure to equip people with the culture that OPD has had over the years, its no... They would love to do that.
- Mary Vail: I've always referred to internal affairs as the officer justification unit, because that's their record. And, they try to minimize things and advocate for many discipline and really serious cases. The city administration should not allow that, you don't have any bargaining with the OPOA, but for



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impacts and implementation after the decision is made. And, that's why I think it's really important for the commissions independent counsel to investigate the law on this and advise [crosstalk 03:39:17] you, so that you can advocate on the issue. Thank you.

Juanito Rus: Thank you, Ms. Vail. And, the final speaker in the queue is a different listing for Coalition for Police Accountability. I'm not sure who that is. Hello, second Coalition for Police Accountability, can you hear us? Hello. You're un-muted, can you hear us? Apparently that one is still not working. Madam Chair, I don't have anyone else in the queue.

Regina Jackson: Okay. Thank you very much. There is a hand up from Commissioner Harbin-Forte.

Brenda Harbin-Forte: Thank you, Madam Chair. I did want to get a little bit more information from Mr. Alden, in terms of the demographics of the investigators now. Do we have information in terms of the ethnicities of the investigator gender and ethnicities of the current employees?

John Alden: I don't have that all on a chart. I could [inaudible 03:40:47], pardon me, present to you, but I can walk you through part of it quickly verbally.

Brenda Harbin-Forte: Okay.

John Alden: We have three intake technicians. We have two currently on staff, one of whom is Black and the other of whom is of mixed ancestry. And, I think I should defer to her about how she chooses to present that. I have pushed about that. And so, we can get back to you on how she'd like to convey that. We have a third intake technician that just accepted an offer, who is Latino. And, we're particularly happy that she is a fluent Spanish speaker, because we need that in our intake unit. Amongst our investigators, let's see, we have five current investigators. One is Asian male, and a Cantonese and Mandarin speaker, which is a key skill for us. So, language diversity has been really important for us.

John Alden: We have a white female investigator, who's also fluent in Spanish. And so, that gives us some more Spanish skill. We have a white female investigator, who's fairly new. We have another one who I think is fairly candid about identifying as lesbian. And then, we have another investigator who is a white female. And then, we have a supervisor who is a Asian female. And then, to my feeling, that does make our investigative staff heavily female. And, I think that if we were looking for a little bit more of gender balance, one way we could be more diverse just is to have more male staff. Of all of those staff I just mentioned, only one is male.

John Alden: And, I think generally we are trying to increase the number of women we have working at the City of Oakland as a whole. But for reasons that aren't necessarily clear to me, I think that doing this kind of work tends to generate a very heavily female applicant pools. And so, we tend to get hiring lists that are largely if not, almost entirely female. It's an interesting phenomenon. So, in all of our complainants, I would say gender balance is almost even between complainants.



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- John Alden: I do think that moving forward, one of the things that I would be interested in exploring further is how we can create a promotional path through the organization that further advances some of our equity goals. We currently have complaint investigator twos as our entry-level investigator position. But as is implied by the title, complaint investigator two, the job description requires some previous investigative experience. So for folks who are intake technicians, who might want to move up into investigations, it's hard for them to do that because we don't have a true entry level investigator position like complaint investigator one. For whatever reason historically I'm told, Oakland's just never had that position. And, one of the consequences of that is I find that a lot of the people who already have investigative experience elsewhere, tend disproportionately to be lawyers. Yet, when we get our hiring lists for complaint investigator two and three from HR, it's remarkable how many people that are already lawyers. And as you know, access to education in our society is not equitably distributed.
- John Alden: And so, when we get hiring lots [inaudible 03:44:19] disproportionately attorneys, then is less tend to be not as diverse as I would like them to be. And, I think one of the things we could do better is create a pipeline by creating a complaint investigator one position, so that people can move from intake to complaint investigator one, to two, to three. And, as a promotional path, we're developing that expertise among people who really care about this work. And, I think that helps us circumvent the inequities in the educational system that we don't have control over. And, we can work around by creating a promotional path. So... Go ahead.
- Brenda Harbin-Forte: So, we have one African American investigator on your team. I mean, one African-American employee on your team, and that's out of how many? How large is your team?
- John Alden: Well, the people I just described, that's eight employees.
- Brenda Harbin-Forte: Okay. And then, we have you, and then you have a chief of staff.
- John Alden: Right?
- Brenda Harbin-Forte: And, his ethnicity?
- John Alden: He's also white male. And then, we have our policy analyst, Mr. Rus, who's white and male, and a Spanish speaker. And, of course, he's moving over to the Inspector General's Office.
- Brenda Harbin-Forte: Okay. What are CPRA doing to increase the diversity of your investigators? And, particularly considering as has been pointed out that the majority of the complainants appear to be African-American. What are you doing to bring more African-Americans in, to investigate those complaints and to educate other members of your team on some of the implicit biases, and some of the other issues that may occur in some of the police interactions?
- John Alden: Well, right now we're doing a recruitment for complaint investigator three and should have a list for that shortly. And so, that's going to create opportunities for us to fill any complaint investigator two vacancy we have, and a complaint investigator three vacancy we have.



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Brenda Harbin-Forte: Okay.

John Alden: So, that'll help us build to two vacancies. And so, there's a significant opportunity there since we have a relatively small workforce to create a significant improvement in our diversity. [crosstalk 03:46:36]. I'm sorry, go ahead.

Brenda Harbin-Forte: Go ahead. I'm sorry. I was going to say, was there outreach done to organizations and groups that are likely to generate more African-American applicants? Was there any targeted outreach or anything?

John Alden: Well, one of the things we made sure to do was reach out to NACOLE specifically, and that's an organization that is extremely diverse, and really prides itself on diversity. And so, there's a really... That organization has membership that is largely people of color who are working in a variety of other oversight agencies in other places. And so, we really wanted to get word out there about the opening we had, to try to convince people to come on over to our agency. And, right now I think we're getting a really good reputation nationally, as being cutting edge. And so, we've had a really strong set of applicants. I'm not permitted to see the applicant pool yet, according to our HR rules, but based on the outreach we did through NACOLE I think we have a good funnel. Now, we also tried to really broadly reach out both locally, regionally in California, and nationally, to as many organizations as we can think about.

John Alden: And, it has been my experience that when we reach out to the other organizations that have a lot of investigators and men, that you find really diverse pools there too. And so, I think that's largely because people who are doing this kind of work now, tend to come from really diverse backgrounds. And, I think if anything, it's been a way for people who have experienced some inequities in their life, to try to feel like they're making a difference in changing it. So, I think we're going to have a really strong set of diverse applicants, and we're going to be looking really closely at that pool as a way to increase our diversity. But, I do really want to emphasize that complaint investigator at one process. We have an equity team that works within the city, and I was at a presentation about how we could diversify the workforce.

John Alden: And, there were a couple other departments that were mentioning the same problem [inaudible 03:48:49]. And, it really got me thinking about trying to figure out ways that we could get people to come into the intake level, who are local Oakland folk, who have the ability to be the intake technician, and can work their way up. And, I think, again, it gets around that structural inequity and our educational system, that would really allow us to move some people up. Also, I think the people that we have, we've had intake in the past have been really strong. And, I think welcomed the opportunity to grow. We get that. I've also noticed the pools we tend to get for intake technicians, tend to be more diverse. And so, if we can take advantage of that existing diversity there and create a way to grow people, and give them a chance [inaudible 03:49:32] organization, I think that really has a strong and pretty effective, And, they're more likely to be local in the intake class.

Brenda Harbin-Forte: I have two more questions, comments, Madam Chair. If I can.



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- Regina Jackson: Okay.
- Brenda Harbin-Forte: One comment is that I don't think the concern is so much diversity as a general construct. It really is African American diversity, more African Americans in the CPRA. So, I really would like to see us come up with a plan to increase the number of African-Americans. And second, how long has it been that there has been only one African-American investigator on your team, or African-American member of your team? How long has that been [inaudible 03:50:26] ?
- John Alden: Last spring, we had another African American complaint investigator, who was with us through last spring. And then, we lost him about this time last year. And then, shortly before that, let's see, that would have been August of 2019, we had another African-American investigator who also left. He moved away to another state, and found, I think the bay area was becoming increasingly challenging place to live. [inaudible 03:50:58] I think it was Texas. So, [inaudible 03:51:01] that's coming on.
- Brenda Harbin-Forte: The current African American has been there how long?
- John Alden: Since long before I came on, I think she's been there. Gosh, honestly, I'm not sure. She was here for several years before I arrived. So, at least [crosstalk 03:51:16].
- Brenda Harbin-Forte: Okay. I think if we work on an outreach and recruitment plan, I think we just have to increase the number of African Americans employed by CPRA.
- John Alden: I agree. And, I would really like to see that happen. In fact, commissioner, if you have some time in the near future to sit down, two of us, and talk about that, I'd really welcome that.
- Brenda Harbin-Forte: Yeah. Yes. I have some suggestions of some groups that you can and should reach out to.
- John Alden: Great. And, particularly if we... Sorry.
- Brenda Harbin-Forte: All right. So, certainly I'm willing to work with you. Okay.
- John Alden: That'd be great.
- Brenda Harbin-Forte: Thank you.
- John Alden: I'd point out too, that this transition we're talking about...
- Regina Jackson: Mr. Alden...
- John Alden: I'm sorry.
- Regina Jackson: That's okay. I know that I have mentioned previously that I'd like to see on the org chart, both the race and gender, so that we also have like percentages at the bottom. That is very helpful in terms



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of understanding, not just position but representation. So, the next time we see that org chart, I'd like to see that in there. Can we make that happen?

John Alden: Sure. When would you like that?

Regina Jackson: Oh, a week. [crosstalk 03:52:26].

John Alden: Next time.

Regina Jackson: I don't know. Yeah. Next time. Thank you. That's fine. Thank you. So, if there aren't any other questions we can move forward to the next item on the agenda, which is the support letters. So, you all may remember that we had presentation from former Commissioner Anderson and Gabriel Garcia of Youth Alive. And, they provided a template for support letters. We provided those support letters. And, you have copies of them in your packet right now. I don't know if there are any questions about that, or we should go on to public comment. I see no hands. Mr. Rus. Oh, wait. Now I see, I'm sorry. I see Commissioner Harbin-Forte. Are you not able to use your raise hand button? You're on mute. I can't hear you.

Brenda Harbin-Forte: I clicked on raise hand, But I think I held it on there too long. And then, the hand... Sorry, I apologize. Sorry. I just wanted to say that. I thought the letters were very well done. I have a suggestion, it's really more stylistic in terms of the way they are addressed, so that there's consistency. And, the way that they are addressed and everything. But I thought that they were very well done. And, I just wanted to compliment you and the other authors on that. And, I'll point out the stylistic things separately. They're not nothing that we need to talk about right now. Thank you.

Regina Jackson: Okay. Thank you very much. So, I think Mr. Rus, we should go to public comment because our police chief has been up since 3:00 AM, and we really would like to get to hear from him even though his report will be brief.

Juanito Rus: Thank you, Madam Chair. If any member of the public wishes to comment on item seven, on tonight's agenda, please raise your hand in the zoom queue. I see two hands in the queue at this time, three hands in the queue. The first speaker on this item is telephone attendee 5802. I believe that is Mr. Saleem Bey. Good evening, Mr. Bey, can you hear us?

Saleem Bey: Yes. Saleem Bey. I would like to add to that, that if the police commission, takes this amount of time and effort to write letters of support for people who come before it. And, the fact of the matter is we've been coming before the commission for three years. And, it's been at least two years since the commission even floated a letter out to the NSA. The NSA is getting paid a million dollars a year. At least the compliance director, to write four reports a year to tell us what we already know in the Black community, that OPD is failing. We're asking, and we been asking the Police Commission to write a letter, noticing the NSA of all the violations, the profile and violations that you claim are important, that you claim DGOM-19 is reported, is important. That



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you claim serving the community is important, and listening to community is important, or leaving your ear open is important.

Saleem Bey: And, we keep saying, notice this, this is the fiduciary responsibility of this commission, based on the fact that you answered to the NSA. If you have an independent investigation going on, and there's issues that need to be noticed to the higher power, why is it such a super-secret that you can't even put it on the agenda, right? You can't even add it to the ad hoc list. It doesn't make any sense. And, we'll keep saying it. We've been saying it for a decade before the OPC was created. And, we'll say it every two weeks until justice is served.

Saleem Bey: Every person that stood between us and justice, between when we started and this incident where you're hearing my voice, is in our rear-view mirror. If you're standing in between us and justice, you will be in our rear view mirror shortly. So, we're asking you to do your job, to notice the NSA compliance director of racial and religious profiling. The fact that my brother [Warren G's 03:56:58] murder has never been investigated. And, that you leave it in the hands of OPD who lost his file, that was stolen by OPD officers.

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

Assata Olugbala: Yes. Writing letters to support some of these legislative matters. With your credibility, I don't know what it's going to get. But if you want to do something significant, the state of Maryland just repeal the Officers' Bill of Rights. And, once that decision is made to repeal the Officers' Bill of Rights in California, you're going to get a lot of things done. Write a letter to someone who has that ability to put a bill forward, that will repeal the Officers' Bill of Rights, reflecting on what the state of Maryland just did, as a way to support that it's happened someplace else, and it can happen here, possibly.

Assata Olugbala: So, that's got to happen. Once we get that Officers' Bill of Rights eliminated, well, I don't know you guys, you don't have no interest in holding these officers accountable. I don't believe it. But it is sickening to sit here, and hear a report from Mr. Alden that reflects nothing is going on around racial profiling and excessive force. You spent all that time talking about the Swanson Report, and you have no interest. And please, Mary Vail get off the phone with your racism towards Omar [inaudible 03:58:49], leave him alone. But the Officers' Bill of Rights, we'll get a lot of productivity in terms of holding officers accountable. If we can eliminate it. Oh, boy, this people.

Juanito Rus: Thank you, Ms. Olugbala. And, the next speaker in the queue I believe is Ms. Ginale Harris . Good evening, Ms. Harris, can you hear us?

Ginale Harris: Thank you, Mr. Rus. Can you hear me?

Juanito Rus: We can hear you.



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- Ginale Harris: Okay. So, I just want to point out and I appreciate Commissioner Harbin-Forte pointing out the fact that we only have one Black investigator. Listening to Mr. Alden speak, he keeps referring to us as people of color. And, we're not people of color. We're Black people. And, I find that white people have a hard time having this conversation in regards to color. And there is color, whether you think you see it or not. And, it is important that people who look like this, educate others that do this work, because you couldn't possibly imagine what it is to live in this skin. You couldn't. You couldn't even [inaudible 04:00:18]. You have children, you couldn't imagine your children having to live in a world where their parents have to teach them what to do and how to act, and what to say when they leave their home.
- Ginale Harris: So, it's very important that we have people who understand what it's like living in this skin, investigating. And, be the investigators and the voices for the people who look like them. We must be allowed to be our own experts, and I still have not seen it. And, it makes me very sick that people try to justify a male ratio comparison to, we only have one Black person. And, instead of just saying, we only have one Black person. There's always a justification. So, thank you for that. And, I will continue to ask questions and just keep an eye out on what this looks like, and looking out and forward to that reorganization. Thank you.
- Juanito Rus: Excuse me. I lost my mute button. Thank you, Ms. Harris. And, I see no other hands in the queue at this time, Madam Chair.
- Regina Jackson: Thank you very much. Commissioners, I need a motion to extend the meeting. It is 10:30 now.
- Brenda Harbin-Forte: I move, Harbin-Forte.
- Regina Jackson: To what time?
- Brenda Harbin-Forte: Sorry, for one hour, to 11:30.
- Jose Dorado: Second.
- Regina Jackson: Okay. So, it has been moved and properly seconded. Moved by Commissioner Harbin-Forte, seconded by Vice Chair Dorado. Can we vote, Vice Chair Dorado.
- Jose Dorado: I.
- Regina Jackson: Thank you. Commissioner Gage.
- Henry Gage, III: Yes.
- Regina Jackson: Thank you. Commissioner Garcia.
- Sergio Garcia: Yes.



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- Regina Jackson: Thank you. Commissioner Harbin-Forte.
- Brenda Harbin-Forte: Yes.
- Regina Jackson: Thank you. Commissioner Jordan.
- David Jordan: Yes.
- Regina Jackson: Thank you. Commissioner Milele.
- Tyfahra Milele: Yes.
- Regina Jackson: Thank you. And yes, for myself. Our meeting is extended 11:30. Next up is our police chief report out. Chief Armstrong.
- Chief Armstrong: Chair, good evening.
- Regina Jackson: Can you hear us? Okay.
- Chief Armstrong: Yes. Good evening. So, I'll have a short, I know it's been a long meeting already and I know you have other agenda items, and so I'll make sure I keep it short and sweet. So, I just want to start off first of all, like I do always just want to acknowledge the fact that it's been a long week for the department. We continue to see our crime rate continue to increase. We currently sit at 45 homicides to date. That is a 200% increase compared to last year, at the same time. We have 173 shootings so far this year, and that's up 104%. overall violent crime is up 14%. Overall, crime is actually down 23%, but that's mostly due to our decrease in burglaries. And, we've seen that trending in that direction, pretty much the entire COVID pandemic due to less people leaving homes in our residential burglaries being down significantly, as well as our auto burglaries being down significantly.
- Chief Armstrong: Our focus at the Oakland Police Department continues to be, our priority is reducing violent crime, in particular the loss of life. And so, we have been doing a lot of work to address violence in the City of Oakland. So far this year, we have made 17 arrest of homicide suspects, and we have made over seven arrests in the last 10 days. So, our officers in the new Violent Crime Operations Center, that I reorganized and created within the department, is really going out and trying to apprehend those that are driving violence in our community. We also had a ceasefire call in last Thursday, where we had an opportunity to directly communicate with some individuals, that have been identified at the highest risk of being involved in violence or being a victim of violence, and they were offered services by our Department of Violence Prevention, and 90% of the people who attended accepted those services. And so we hope that is a fruitful, and is at least is some change. So a couple of specific incidents that I do want to cover, because I think it's important to acknowledge some of these tragedies that we've seen, and I've talked to some families and let them know that I would not let their names go in vain and not speak to it.



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- Chief Armstrong: The first homicide, all our homicides are important, everyone that loses their life is important, I want to just speak to a 19-year old young man that unfortunately lost his life in the city of Oakland. This young man is DemetriusRusvelt Fleming. This young man was in a vehicle riding with his friends. This young man, from all accounts, had no connection to any violence or was not connected to any groups or gangs, was a young man that had a job, and was by all accounts, a really respectful and kind young man. And so, as he was riding in the back of a car, shots rang out, and a stray bullet struck this 19-year old man, killing him, in the 6800 block of International Boulevard. Just speaking with his family, I know how devastated they are. Again, my condolences go out to his family, and we are following up on leads for that particular investigation, and there is a \$10,000 reward for information leading to his arrest.
- Chief Armstrong: And then the second really tragic incident occurred on April 17th, late in the morning, at 1215 hours, where Oakland Fire was dispatched to the 9500 block of Stern Street where Oakland Police Department would also respond to a fire. After responding to the fire, we quickly understood that it was an explosion, an intentional arson that took place. And unfortunately, two people were killed as a result of the fire, a 37-year old husband, and a one-year old child, their remains were recovered within the house.
- Chief Armstrong: And so the very tragic incident connected to, we believe, connected to other violence, to a string of other crimes in the community that we are investigating, along with some of our Federal partners who have come to assist us, in particular, the ATF, as well as the Alameda County District Attorney's Office. This violent spree connected to this particular crime has taken, now, three lives and has led to several other shootings as a result of that. And so that's our focus of trying to prevent any additional shootings related to that.
- Chief Armstrong: And then lastly, I'll speak of, again, some of our enforcement efforts around addressing violence. We did an investigation in partnership with Antioch Police Department of an Oakland gang that was both committing violent crimes in both Oakland and Antioch. As a result of this long term investigation, multiple individuals were arrested for crimes from homicides to shootings, to other robberies and violent crimes. We recovered 40 weapons, several of which were assault weapons, and 15 additional ghost guns.
- Chief Armstrong: And so with the increase in ghost guns in the community, obviously, it's having a significant impact. Our partnership with the ATF has been very helpful, but it is becoming a serious issue with ghost guns in the city of Oakland. So I just want to offer to you that we are making adjustments in order to address violence while still making sure that our officers are following policy, and doing things according to the values of the police department and practicing constitutional policing. So we are consistently having the discussions about not only how we address violence, but how we address it with minimal use of force and minimal impact to the community. So, I'll stop there, Chair, and I'm open for questions.
- Regina Jackson: Yes. So my first question is, well, congratulations on apprehending 17 of the folks connected to the 46 homicides. Do you have an idea if any of the perpetrators of homicide have killed more than one person? So for example, 17 represents the more than a third, but not quite a half of all



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the homicides. Do you know if any, or do you think that any of the perpetrators have committed more than one homicide?

Chief Armstrong: Not that we're aware of, that we're looking for a suspect that has committed multiple homicides. We do believe that some homicides are connected to group and gang violence, so the same group of people that have been involved in multiple shootings across the city against other rival gangs. And we have a couple of citywide conflicts that we're trying to manage that continue to drive the violence. We also have seen, just as a result of the COVID pandemic, several violent confrontations that have led to violence, typically that we wouldn't see, and so we're trying to better understand, working with the Department of Violence Prevention, if we can utilize our violence interrupters a lot more. So one of our specific strategies is bringing violence interrupters to our shootings and homicide scenes to see if they can start addressing potential retaliation as well as starting to focus around those suffering from some trauma on the scene, and provide support services immediately on the scene to hopefully prevent emotions to reach a level where people want to go in and actually retaliate on behalf of their loved one.

Chief Armstrong: And so that has been effective, we've seen services be provided at those scenes. Also, we must give credit to our clergy community, thank you Chair Jackson, because I know you've attended some of the vigils, a monthly vigil that is being put on by a group of clergy throughout the city. There's one upcoming this upcoming weekend, Sunday at 5:00 at the Fermi Park will be the next vigil, really calling for healing in the community.

Chief Armstrong: And so the last thing I will mention is that, as a result of the Derek Chauvin trial and the verdict, we were prepared to expect peaceful gatherings in the city of Oakland. We had no incidents and had no crowd control events as a result of the verdict, and so just appreciate peaceful gatherings that we've seen throughout the city, as well as the partnership with the Mayor's office and Council Member Taylor, to create healing stations, which I asked the Mayor and the City Council, would they be willing to help put forth healing stations for people to begin to have discussions and talk about the impact of the trial and the verdict. And we've seen a pretty decent group gather at our Liberation Village in East Oakland, so just appreciate that.

Regina Jackson: Thank you. Question on arrests for the demonstration that did do damage inside the city and the buildings, one of the things that I am very aware of as I watched the videos is that those were not protestors. Those were folks hiding in the protest to do the damage. And it's pretty clear that some of them were White, I don't know if they were all White, but I'd just like for you to address, if you were able to make some arrests from that protest.

Chief Armstrong: Yeah, unfortunately, so we did have a protest in the city of Oakland on Friday night. We expected that that protest would come to the Police Administration Building, where we have barriers. Our plan was to not have officers out to have any confrontation with any group that would come to the PAB. Unfortunately, the group decided to go in an entire different direction and go up Broadway, instead of down Broadway, which forced us, with the small amount of resources that we had dedicated to that protest, to actually shift. By the time we shifted those resources to begin to closely monitor those that were participating in this protest, a small group of what we



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call anarchists with black masks on began to vandalize and destroy property, including busting windows at nine of our city businesses, as well as setting vehicles on fire at our Honda dealership.

Chief Armstrong: As we began to safely try to move in, and one of the things that we know is that when we want to move in, we want to make sure to minimize the use of force and minimize the use of tear gas or anything like that. We want to get the right number of people, and so in that sense, as we gathered to get people together so that we could safely address it, these individuals began to scatter and leave the city, but we had damage.

Chief Armstrong: We did have damage to several businesses, and I personally went out to all of those businesses and assured them that moving forward, and I've met with the council to talk about, we need to have additional resources to support our ability to prevent the vandalism and damage, but also I think one of the things that we would like to see is just maybe a greater community presence, because I think, for those individuals, they were not Oaklanders. Those were people who were outsiders, they came intentionally to cause damage to the city. The manner in which they took these instruments out of backpacks and out of cars, they intended to come and break windows and destroy our city. And so I hope that we can all come together and say that we will obviously continue to facilitate peaceful protests in the city of Oakland, but we all stand together and not want people to destroy our city.

Chief Armstrong: And that's what we saw this weekend, but we will be following up, we do have video footage of some of these individuals, and we are doing some follow up investigations and hope to seek arrests for those that we can identify.

Regina Jackson: Great. Thank you. My last question is, what do you attribute the increase in ghost guns to?

Chief Armstrong: Well, I think, one of the things that we talked about, even when I went to Washington, DC, was most major cities are seeing the increase in ghost guns. These guns are guns that can get into hands of people who may not be able to actually purchase a firearm. So whether you are someone that is prohibited, for whatever reason, from purchasing a firearm, they can seek these guns online or in some other manner, and then put these guns together and use them in a crime.

Chief Armstrong: And I think it is something that people know law enforcement has a very difficult time tracing these guns. We are not able to trace these guns through serial numbers, or through purchasing of these weapons, and licensing of these weapons. And so I think the intention is to definitely not be caught by law enforcement and to be able to commit violent crimes in our community. And so, we are working with actually the White House and the Administration to support their legislation to require serial numbers to be put on all guns, even these ghost gun kits will no longer be sold without serial numbers. And so we truly support that legislation and hope that it makes it through Congress.

Regina Jackson: Thank you very much, Chief Armstrong. I don't see any other hands up from commissioners. Oh, one popped up, and okay, Vice Chair Dorado?



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- Jose Dorado: I won't be long, Chief Armstrong, you've had a long day. Just a couple of questions. Are the ceasefire call-ins going to be starting up again? Is the amount, the numbers of murders, are they due to increased gang activity? Or the gang activity pretty much at the same level, and it's more a question of what you had mentioned about the COVID prompting violence from people that in some cases would not have gone that route? And I'll just leave it at those two questions. Thanks.
- Chief Armstrong: Yes, Vice Chair Dorado, [inaudible 04:19:24] Chair. Yeah, so we are recently seeing an uptake in violence related to our groups and gangs. We, for most of the year, had seen a pretty decent balance of group and gang violence, but also, sort of single events that were either arguments or confrontations that led to violence. We've seen some homicides related to human trafficking. We've seen some family disputes or neighboring community disputes that have led to shootings and homicides, and so those were areas where we have seen some increases. We've seen some homicides related to our unsheltered population, connected to our encampments, and so there's a couple of ones that we've seen trending, but the latest spike has been centered around our groups and gangs, gang conflicts, they are beginning to pick up as well. Our Latino gang conflicts are now beginning to pick up as well. That has led to a couple of recent homicides, and so multiple conflicts throughout the city is probably the major focus for us.
- Chief Armstrong: We are doing our ceasefire call-ins, like I mentioned, we had our last one last Thursday evening. It was well attended. We are doing it in person now, we are practicing the cease fire strategy. I'm really grateful to the council because last Monday they actually authorized some funding to be able to actually reallocate our ceasefire resources that were frozen due to budget cuts. And so we are putting those resources back into the ceasefire team to get that up to full staff. And we also were given some additional funding to address our side show details, so now we do have a full time side show detail that will be in play for the remainder of the year. And we've had two weekends where we've been able to manage a side show, and we anticipate that we'll be able to manage it moving forward.
- Jose Dorado: Just one quick comment. I'd like to hear more, not necessarily right now, about your thoughts around community members being out more, if that's the right way to phrase it, when you have potential for the kind of damage that we saw on upper Broadway. I'd like to hear more about that. Thank you.
- Chief Armstrong: Yes, yes, Vice Chair. I think when we are dealing with protests, or peaceful gatherings, I think sometime police presence can escalate situations. Community member's presence might, obviously, it's less threatening, it's less authoritative, and hopefully reduces people's anxiety around seeing law enforcement. So we try to take a posture of stepping back and being out of sight, but if we could definitely have some visual presence from community members that are encouraging people to not vandalize or damage property, that would be great, but also we'll be there to support and intervene if we need to.
- Jose Dorado: Sign me up.



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- Regina Jackson: Thank you, Chief. Let us talk about that because I've seen you all lay back at the protests, and I think it's a great practice, but I'm not at all the protests. So, we need to make sure that we can do what you need us to do. Thank you. I see no more hands, so Mr. Rus, why don't you go to public comment please?
- Juanito Rus: Thank you, Madam Chair. If any member of the public wishes to speak on this item, please raise your hand in the Zoom queue. At this time, I see four hands in the queue. The first speaker is Assata Olugbala. Good evening, Ms. Olugbala, you have the floor.
- Assata Olugbala: Yes. I'm glad it's finally happened that the concentration is going on to what's going on with the side shows. That was long overdue and it had gotten completely out of hand, and the discussion never goes to the fact that the gun violence, the shootings, and even deaths, people getting killed with side show activity, has not been emphasized. I'd like to concentrate on Lake Merritt. I was so disappointed this past weekend with this one Black lady, who is a non-sworn officer, being out there by herself, mandating the traffic around Lakeshore, and at the same time, seeing on Broadway, four police cars in front of a bank that had been hit. Four police cars around an empty bank, and what Council Member Bass has done is pushed all of the Black people over to Grand, in a confined space, and Sunday, it was completely out of control.
- Assata Olugbala: And the only thing that was on Grand Street was a public works garbage truck, with no ability to intersect the issues that were going on with double parking, with racing the bikes up and down. Something's going to happen. And that one lady out there, a non-sworn officer, put her in danger. And I was very upset about that, I'll be out there tomorrow to see what's going on, but Lake Merritt is going to be a problem because it's not being done right. And I don't know what role the police are supposed to be playing, but it's something that is not going to result in anything but an issue of somebody getting hurt.
- Juanito Rus: Thank you, Miss Olugbala. The next speaker in the queue is Reisa, I believe that is Miss Jaffe.
- Reisa Jaffe: Yes. Thank you so much. I appreciated hearing the recognition of the value of community members being out when people are doing their right to free speech, and how that is a good de-escalation method, but there needs to be funding for people to do that because the people who really need to be doing that work are Black and Brown people, and they're less apt to have volunteer capacity. So I'd like to hear the Chief say that he's willing to give up some of his funding to support paying community members to do that work. Thank you.
- Juanito Rus: Thank you, Miss Jaffe. The next speaker in the queue is a telephone attendee with the last four digits 0679. Good evening, 0679, can you hear us? You can unmute yourself whenever you're ready to talk.
- Speaker 9: Good evening. Earlier, you heard Michelle Lazaneo mentioned my sister's name, Tatiana Dugger. She has been missing for three months, last seen in Oakland, California. Three weeks ago, her body was found. My sister is gone and our hearts are shattered. My family strongly believes that if Oakland PD had the manpower to fully dedicate themselves to my sister's case, more details



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would have been found out sooner. Not only to benefit my sister's case, but your entire city. In fact, when you left in the money from OPB, you take away from the Missing Persons unit, not the people who are patrolling the streets, not the officers on the streets. When you take away the money, you're taking it from units that actually matter. Do you know how many people are even working in that unit? Because I can tell you there's four, and that is not enough people for the hundreds of missing people that go from your city every day.

Speaker 9: Something about that just does not sit right with me. With this low of staff members, and you expect them to be sufficient to find all of these missing girls and children and young adults? Something has to change with your Missing Persons Unit in Oakland City or you will have even more of a stigma and your name is going to be smeared. Tatiana Duggar is beautiful, her life was taken too soon, is she will not be the last person that you have to remember if you do not start making the change within your Missing Persons Unit. Thank you.

Juanito Rus: Thank you. The next speaker in the queue is a telephone attendee with the last four digits 5802. Excuse me, lost my button for a second there, 5802, I believe that is Mr. Saleem Bey. Good evening, Mr. Bey. Floor is yours.

Saleem Bey: Yes. Saleem Bey. Officers are on record, let side shows go on after seeing them. So we think OPD is falsely using side shows to get more [inaudible 04:29:06] dollars. We have no confidence in OPD addressing violence in the Black community. The former head of Ceasefire, Earthy Joiner, was caught giving team shooters access to high powered military grade illegal weapons that led to multiple collateral murders in the Black community, including Black journalist Chauncey Bailey, who was exposing corrupt OPD chain of command. That's being investigated right now. OPD has so many excuses. We need to track all the excuses we get from their failures in the Black community. Statistics show that Black people are the victims of murder at a rate over double the Black population percentage. And we don't know what the percentage of black victims of violent crime is compared to other ethnicities. Where is the same attention to the Black community suffering? Why isn't OPD and the city calling attention to violence affecting what percentage are victims of violent crimes that are Black, compared to White and Asian violent crime?

Saleem Bey: Now compare the media, police and city attention and resources applied to Chinatown as compared to East Oakland, where the actual crimes and violence are happening, and the victims are overwhelmingly Black victims. I'm not hearing OPC concerned that this is a literal public safety crisis resulting in Black genocide. How many black elders are victims of crime? Where are the victims by race and age statistics? Let us remember the city tends to forget the gentrification ethnic cleansing strategy that primarily displaced Black families, and overwhelmingly negatively affected the homeless community. It was a city admin that relocated the homeless encampment next to Chinatown, then disingenuously point that the result in increased Chinatown violence as a crisis, while ignoring year in and year out, OPD's failure to protect and serve the Black community. If we judge a community by how safe it is, that is the difference than reporting on how-

Juanito Rus: Mr. Bey, your time has expired. The next speaker in the queue is a telephone attendee with the last four digits 9997. Good evening, 9997, can you hear us?



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- Speaker 10: Hi. Can you hear me?
- Juanito Rus: We can hear you. Floor is yours.
- Speaker 10: Oh, thank you. I'd like to remind the commission that they can ask questions, and they can also make sure that they're hearing the Chief right, and that what he's saying makes sense. I'm under the impression that there were no arrests at the protest last Friday, and therefore there's no way to know whether those people who did vandalism are from Oakland, and that's just logic.
- Speaker 10: The second question, a question I'd like to ask is there was a press release from OPD today that said that so far this year, I believe it was this year, 318 firearms have been collected. I want to ask Chief Armstrong, and I think that the members of the commission should have asked this question, how many of those were ghost guns? When we're going to set priorities, we need to have data. We need to base these things not just on what the Police Chief says, but on numbers. Are we suspecting that ghost guns are a big problem? Or do we have the numbers and the numbers of guns that have been collected, which seems to be a big deal for the police based on the press release they wrote, how many of those guns are ghost guns?
- Speaker 10: And these are all questions that I wish, I really wish, you would be asking because you're wasting this time. You're wasting everyone's time with this. There should be no report from the Chief. It does not give any new information that isn't available already online. That report is supposed to be for the commission to make sure they are getting the appropriate data so that it can make decisions, and you're squandering it. Thank you.
- Juanito Rus: Thank you. That was the last speaker on this item, Madam Chair.
- Regina Jackson: Thank you very much. Thank you very much, Chief Armstrong, hope you get some sleep. The next item is meeting minutes approval for April 8th, 2021. Are there any suggested edits? And if none, I'm happy to receive a motion to approve them.
- Brenda Harbin-Forte: So moved, Madam Chair. Harbin-Forte will make the motion.
- Jose Dorado: Second.
- Regina Jackson: Okay. Commissioner Harbin-Forte has moved and Vice Chair Dorado has second. Let's take public comment and then we can vote. Mr. Rus?
- Juanito Rus: If any member of the public wishes to make a comment on the April 8th minutes, please raise your hand in the Zoom queue at this time. I see no hands, Madam Chair.
- Regina Jackson: Okay. Thank you very much. Then we are ready to vote. Vice Chair Dorado?
- Jose Dorado: Aye.



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Regina Jackson: Thank you. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Thank you. Commissioner Garcia? Okay, we will skip forward to Commissioner Harbin-Forte.

Brenda Harbin-Forte: Yes.

Regina Jackson: Thank you. Commissioner Jordan?

David Jordan: Yes.

Regina Jackson: Thank you. Commissioner Milele.

Tyfahra Milele: Yes.

Regina Jackson: And yes for myself. So, Commissioner Garcia, I'll come back to you again. Are you still there? Are you still with us? Okay, so we have six affirmative, and one, I guess abstention, since he's absent.

Regina Jackson: Okay, and the next item is committee reports. I will try to be efficient on Missing Persons. We met recently and we have figured out a plan to start meeting weekly, effective May 11th. I have reached out to Michelle Lazaneo an effort to also contact the Dugger and Bandabaila families to see if that schedule will work for them. She confirmed that it would work for her, and that she would check with the other families. So, given the fact that we've had a crunch on ad hocs, we wanted to at least identify and put a line in the sand as to when we were going to move forward with expeditious meeting schedule. So thus far, if anybody else that also wants to work on the Missing Persons policy from the community, please email me or Mr. Alden, and then we could follow up with you. But the May 11th date is going to be weekly, Tuesdays from 6:00 to 8:00.

Regina Jackson: On the OPOA allegations investigation, I actually would prefer that Mr. Alden provide that update because we have not yet had a meeting since we selected the investigator. Mr. Alden?

John Alden: Just to make sure I'm following, Madam Chair, you want an update on that right now?

Regina Jackson: Yes.

John Alden: I'd be happy to give that if that's the agenda item.

Regina Jackson: Yes. Yes.

John Alden: Okay. I don't know that we have currently a committee on this item.

Regina Jackson: We do.



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- John Alden: Pardon, my bad. I have been continuing to work on getting the contract finalized, and as we've discussed previously, the commission had selected a particular firm to do the work, and I just met with them yesterday to finish working on getting the contract done. We are anticipating that that contract is probably going to be done by the end of this month, and then they can start work after that.
- Regina Jackson: Okay. Thank you very much.
- John Alden: Sure.
- Regina Jackson: That gives us a timeframe. Okay. Very good. And the next committee report is Rules of Procedure. I'm not sure if Gage, Harbin-Forte, or Garcia, are the report out?
- Brenda Harbin-Forte: I will give a status report on our projects, Madam Chair. We hope by the first meeting of next month that we will have the final Code of Conduct to you. We continue to work on the process and the protocol for reviewing department policies. And in addition, we are also working on a procedure, generally, for ad hoc, the protocol for ad hoc committees, what they should do, how they should do it, how they should engage the community. So that's where we are.
- Regina Jackson: Thank you very much, and I'll call on Vice Chair Dorado to report out on White Supremacists and Other Extremist Groups ad hoc.
- Jose Dorado: Thank you, Chair Jackson. We had a good discussion, we being the ad hoc, yourself, Commissioner Harbin-Forte, myself, and the Chief, and the executive team, a diverse executive team. And we heard clearly their commitment to root out this evil of White supremacy, and the impacts that it would have on department culture. Where this is the first meeting with Chief Armstrong, certainly won't be the last, we're going to continue meeting talking about this subject, and again, the three questions are, who are the White supremacists in OPD? Who are the White supremacists in Oakland, around Oakland? and thirdly, the connections between the two groups and individuals, so we certainly will be reporting back to the community in these meetings about this subject. Thank you.
- Regina Jackson: Excellent, thank you very much. If there are no questions from the commissioners, we will go to public comment, I see no questions. Mr. Rus.
- Juanito Rus: Thank you, Madam Chair. If any member of the public wishes to comment on any of the committee reports presented on item 10 on tonight's agenda, please raise your hand in the Zoom queue and you will be called in the order in which your hands are raised. The first speaker on this item is a telephone attendee, the last four digits, zero one eight five. Good evening, zero one eight five. Can you hear us?
- Michele Lazaneo: This is Michele Lazaneo, on behalf of myself and the Van DiBella family, we want you to invite former commissioner Ginale Harris to participate in the missing persons' ad hoc committee. She was an effective advocate and liaison between our group and the Oakland police department for



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18 months, she has invested in this reform as much as we are, especially after losing one of her own. Her niece, Priscilla Castro, Ginale has expertise as a former commissioner, as a long-term employee in criminal justice and rehabilitation, and now as a victim. Her niece, Priscilla was reported missing the OPD August 2020, and two weeks later her badly burned body was found, dumped near Lake Berryessa. Priscilla wasn't the first OPD missing person to be killed, neither was Tatiana Sunshine Dugger. July six, 2019, Theola Polk, 71 year old Oakland resident was reported missing. Two weeks later, her grandson was arrested for her murder.

Michele Lazaneo: March 25th, 2020, Anika Crane, a 32-year-old, East Oakland resident was reported missing and six days later her dead body was found stuffed into the trunk of her car, parked in the Ashland area. Anika Crane was a community activist who met with Councilman Lauren Taylor and At-Large Rebecca Kaplan. She was trying to bring attention to make East Oakland a better place. When Anika seemingly disappeared off the face of the earth last March, her case received almost no media attention besides the desperate push by her friends and family who took the social media with her photos and car description to seek the public's help. Doesn't this sound familiar just like Jonathan Van DiBella and Tatiana Sunshine Dugger, this ad hoc committee has a power to make decisions that will save lives.

Michele Lazaneo: OPD must address issues of staffing, policy, procedures, supervision, and accountability. OPD's current process is extremely flawed and these flaws can lead to a loss of life. We can't wait 17 years for change, like with the negotiated settlement agreement, we need swift and immediate changes. I will be sharing a timeline with the committee for the Tatiana Sunshine Dugger case and you'll be shocked at the missteps, blatant mistakes, failure to follow policy, and lack of due diligence. She was killed and once the investigation is complete, then we can be certain whether OPD completely failed Tatiana and completely failed her family. Thank you.

Juanito Rus: Thank you, Ms. Lazaneo.

Juanito Rus: The next speaker in the queue is listed as Nick. Good evening, Nick, can you hear us?

Nick: Hi. Can you hear me?

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

Nick: Hi, I filmed a very disturbing incident by OPD officers. Last night, a group of about five or six officers harassed, beat, and tased a single homeless man who was experiencing a mental health crisis. I'm wondering where is the de-escalation? Have we learned nothing from the tragic deaths and injuries of folks struggling with mental health at the hands of officers? Are there not professionals who are supposed to be dealing with this? You have to do better, this man was on the floor. You had five, six officers being very unnecessarily aggressive with him, he wasn't fighting back. He may have been slightly resisting, but he was also yelling in pain, asking them to stop squeezing his neck, get off him, involve a mental health professional, it has to happen.



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- Nick: Learn to de-escalate or people will continue to die, although, that doesn't seem like something that you all care about. If not that, you should be worried about the department's reputation because officers are going to continue to be held more and more accountable. I don't even want to think about what these cops would have done if there wasn't cameras and what they do when there are cameras is not acceptable. That's all.
- Juanito Rus: Thank you, the next speaker in the queue is Assata Olugbala. Good Evening, Miss. Olugbala, can you hear us?
- Assata Olugbala: Yes, if you think it's important to work on identifying white supremacist group members, go forward with that. But I just want you to remember what I told you during open forum, the Center for Disease Control said that black people are dying prematurely. Every day, 200 black people died prematurely because of racism and discrimination. They didn't say because of the hands of white supremacist, racism and discrimination are the main issues. You don't have to be a part of a white supremacist group to be a racist. White supremacy is an ideology, it's a practice, anybody can be involved in it. You don't have to be a member of a white supremacy group to engage in white supremacy activity.
- Assata Olugbala: It can be done by anyone, so go forward with that as it relates to the black police officer's association's grievance. That grievance lingered for a long time, it was because of Ginale Harris, it took flight. I haven't seen any interests of this being uplifted, anything around black people I haven't seen uplifted, you've never had a discussion about Miesha Singleton. For four Months, the police department said nothing when an undocumented individual caused her death, they tried to hide it. You said nothing about that, Jonathan Bandabaila, a struggle if it wasn't for Ginale Harris, nothing would have happened. So go forward with that, if you think it's important.
- Juanito Rus: Thank you. Ms. Olugbala.
- Juanito Rus: The next speaker in the queue is a telephone attendee with the last four digits, five, eight, zero, two. I believe that is Mr. Saleem Bey. Good evening, Mr. Bey, the floor is yours.
- Saleem Bey: Yeah, Saleem Bey. I asked earlier, why is the Bay ad hoc still missing off this list? Why is it not even being mentioned? Does it not exist anymore? Why isn't the Vice Chair Dorado reporting that he reported to the city council on the bay independent investigation earlier this week. If it's a black Muslim case can the OPC just ignore what's happening and use 3304 as an excuse? Why won't the OPC answer whether or not they've applied senate bill 1421, transparency law, since it became law in 2019, two years ago? If you're not trained on SB 1421, how can you legally say OPD misconduct deserves to be hidden from the public? In our case, a few meetings ago, the chair said leaving the bay ad hoc off the annual report was a mistake. Now it's missing all together. Isn't that suspect ad hoc here, Dorado isn't saying anything either.
- Saleem Bey: And I speak every item and say the same thing. Every meeting for the last three years, doesn't that smell hinky to the public and new commissioners. At the very least, I keep saying the bay, you paid \$49,999 for an independent investigation and you won't even speak about it, but you can



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talk about all these other different things. But the bait case is persona. Why was the Bay ad hoc removed from the priority list? It was on the priority list when Ginale Harris was a commissioner, when he was overseeing it now that's she's been gone. It mysteriously disappeared, when will you answer these questions? And why is it that you can sit up there and for the commissioners that aren't involved, how is it that you sit up there silently and never asked the question about all of these irregularities that I bring before you? That's suspect, is the reason why we wanted Ginale Harris on there in the first place. She was the most qualified, the most vocal, and she was overseeing our investigation before the racist CPA got her off the commission.

Juanito Rus: Thank you, Mr. Bey. Your time has expired.

Juanito Rus: The next speaker in the queue on this item is Rachel Beck. Good evening, Ms. Beck, can you hear us?

Rachel Beck: Yes, thank you. I'll be short, this is thanks to Vice Chair Dorado, for his work on trying to get the ad hoc on white supremacy within OPD and the community off the ground. And thank you particularly for saying that you don't just want to investigate white supremacy within the department, you also want to investigate it in the community. And what connection, if any, there is between, I read a thread this week talking about how white supremacists installed within police departments are particularly well-poised to let white supremacist and white nationalist organizations in their communities know when investigations are closing in on them and that's bad for everyone. Thank you.

Juanito Rus: Thank you, Ms. Beck.

Juanito Rus: At this time, I see no other hands raise the cue, Madam Chair.

Regina Jackson: Thank you very much. Since there were not very many people in open forum in the beginning, I think that we are able to move forward to item 12 on agenda setting. Since there are no public speakers that are over overflowing from the first briefing. So-

Brenda Harbin-Forte: Actually, excuse me, Madam Chair, may I be recognized, point of order?

Regina Jackson: Yes.

Brenda Harbin-Forte: Open forum, part two is not limited to people who were here at the beginning of the meeting.

Regina Jackson: Okay. Mr. Rus, would you like to call anyone who'd like to be able to speak.

Juanito Rus: Thank you, Madam Chair, if any member of the public who did not speak during the open forum at the beginning of this meeting would like to raise their hand in the zoom queue. You will be called in the order in which your hands are raised. The excuse me while I run my clock. The first speaker and the second open forum is Reisa J. I believe that is Ms. Jaffe. Good evening, Ms. Jaffe, can you hear us?



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- Reisa Jaffe: Yes, Thank you. This is Risa Jaffe. I want to appreciate commissioner Harbin-Forte for that reminder that this is an opportunity for others, cause I wasn't able to get on at the beginning of the meeting, but I just want to make it quick. Thank you, just seeing you all, your beautiful faces. I know I've asked for that a number of times and I just want to appreciate that it happened. Thank you so much.
- Juanito Rus: Thank you, Ms. Jaffe.
- Juanito Rus: The next speaker in the queue is Nick. Good evening, Nick, can you hear us?
- Nick: Hi, can you hear me?
- Juanito Rus: We can hear you, you have two minutes.
- Nick: So again, this incident where the OPD took advantage of their numbers and this was outside of Safeway in the diamond district, right on Fruitvale, not too late 10:00 PM or something. And there were families that witnessed this, it's devastating and when this is a person who doesn't pose a threat, someone who was sleeping on a bench. As I was watching and filming, I was really just wondering, like what's the point? We know that tackling folks who are having crisis, folks with mental health issues, we know that restraining them in these things, trigger them. We have to get mental health professionals for these people. We need to see how effective it's been within other police departments. We have to start with this right now because it's really detrimental. I understand that there's a worry about abolition that we won't be safe, whatever it is, but that doesn't apply to this one. It's just unnecessary. Thank you.
- Juanito Rus: Thank you.
- Juanito Rus: There is one other hand in the queue, but it is belongs to someone who spoke during the first part of the meeting. So I will turn the meeting to you, Madam Chair.
- Regina Jackson: That's fine. Go ahead and let them speak. That's fine.
- Juanito Rus: Very well, the last hand in the queue then is a telephone attendee, extension, five eight zero two, Mr. Saleem Bey. Good evening, Mr. Bey.
- Saleem Bey: Yeah. Thank you. Saleem Bey, for the record Vice Chair Dorado went before the city council and stated that OPC legal demands keeping the entire Ross independent investigation reports in closed session. The email records shows that OPC Jackson stated this was based upon training you received in February, you're 3304 hands tied position is incorrect and cannot be used as justification to hide the source of this. The loneliest legal advice nor preclude LL mandated action by OPC to address non-investigated OPD, racist profiling crimes against my family members and community and unexposed. At its most basic the sunshine law guarantees that the public has the right to know, who is providing this is legally advice that's the OPC is erroneously following. Please name the lawyer/firm or CPRA name of those who seek the play God with black community lives,



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this transparency ensures that no selfish, racist, religious, bias, political, or financial/job considerations will be tolerated, nor excused from being exposed and held accountable to the community.

- Saleem Bey: OPC legal assessment is incorrect and we have pointed out and provided evidence showing multiple ways that it's flawed, like all this Brown's legal advice that benefited the city when the OPC was first starting. We have basic question, was this February OPC training specifically about the circumstances and evidence available and the Bay cases, yes or no? Who performed this legal training for the OPC? Did they cover specifically why legally Bay cases don't qualify for Senate bill 1421, public transparency? Is this your memory and notes? Where is the data written legal advice that the OPC received for the public record, specific debate cases that you are quoting before the city council saying that the Bay cases deserves to be limited by 3304 law.
- Juanito Rus: Your time has expired.
- Regina Jackson: Can you let Mr. Rus return it back to me? I'll call on you.
- Juanito Rus: There are other speakers.
- Regina Jackson: Thank you very much, Commissioner Harbin-Forte.
- Brenda Harbin-Forte: Two points. Point of order number one, our rules are very clear and we have rules about who can speak at second open forum. It is unfair to everybody else if you break the rules for certain people. So I'm going to encourage the Chair and remind her of her responsibility to follow our rules. There's no way that we can ever tell anybody else that they can't speak again, in open forum two, if we let Mr. Bay or anyone else who's had an opportunity to speak. Particularly when all we hear is repetition of things we've already heard, that is point number one. Point number two is with your permission, I will make a motion to extend the meeting for another hour. It's about 11:28 PM, is what my time is showing, but we have to be fair to everybody else in the room every member of the public who wishes to and who does try to obey the rules, to hold them to the same standards.
- Regina Jackson: You want me to make a motion for an hour? We only have one other item on the agenda. So-
- Brenda Harbin-Forte: At the rate we're going, it may take another hour, Madam Chair and my motion was to extend for another hour.
- Regina Jackson: Okay, someone else wants to make a second to that motion?
- Sergio Garcia: I second.
- Regina Jackson: Thank you, is that commissioner Garcia?
- Sergio Garcia: Yes.



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- Regina Jackson: Okay, thank you. It has been moved and properly seconded. We will extend the meeting, Commissioner Dorado and you vote?
- Jose Dorado: Aye.
- Regina Jackson: Thank you, Commissioner Gage?
- Henry Gage, III: Yeah.
- Regina Jackson: Commissioner Garcia?
- Sergio Garcia: Aye.
- Regina Jackson: Commissioner Harbin-Forte?
- Brenda Harbin-Forte: Yes.
- Regina Jackson: Commissioner Milele?
- Tyfahra Milele: Yes.
- Regina Jackson: Thank you and aye for myself. So we are now on item 12, agenda setting and prioritization of upcoming agenda items. Thus far, I have a prioritization of policies, which will add, use of force, less lethal methods of addressing training bulletins. As well as the policy recommendations in terms of prioritization and we will add, evidence handling, racial profiling, and then I also have an update on the CPRA re-organization. Are there other suggestions that commissioners have? Commissioner Jordan?
- David Jordan: Yeah, as I mentioned before, I would like to agendize on the review of the community engagement recommendations document so that we can start codifying some of those ideas.
- Regina Jackson: Okay, very good. Thank you. Are there any other recommendations? Okay, seeing none. Mr. Rus, why don't we go to public forum and see what other folks want to recommend?
- Juanito Rus: Thank you, Madam Chair, if any member of the public wishes to speak on item 12 on tonight's agenda, please raise your hand in the Zoom queue. The first speaker on this item is telephone net MD with the extension five eight zero two, Mr. Saleem Bey. Good evening, Mr. Bey, can you hear us?
- Saleem Bey: Yeah, Saleem Bey. All I'd like to suggest that you agendize the Bay ad hoc reports. We can find out when the report is due, what the status of it is, what's going on with it, or anything like that, same thing I've been saying. The other issue is I would like to say that the judge can't limit public speaking. It was the judge that went and created a whole new policy about changing how people can speak to be more conformed with her courtroom and not public speaking. If I want to speak



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and I'm available to speak as a public person, you need to listen to what I'm saying and if I'm repeating it and you get tired of hearing, act on it or resign from the job that you there to do. So if you're not willing to do the job or hear what the public has to say, please get off the commission.

Saleem Bey:

Because we had a commissioner, her name was Ginale Harris, and she listened to everything that we said and fought for it. So if repetition and the public wasting your time affects you, judge, please get off the commission because this ain't the courtroom. And we will have to listen to you and you can't dictate to the public what the content of what they say. And when they say it, if we go through the whole meeting and something comes up, that needs to be addressed, that wasn't addressed, that we didn't know about it at the beginning of the meeting, that's the time to address it. That's always been the time to address it at the end, so you don't come in and change the rule and then tell everybody why you are all off about being here all this late and serving the people you were appointed by the mayor. This community didn't choose you and again, everything that you're doing so far is counter to the community. So as far as we're concerned, we're not worried about you, your vote or anything that you're doing because all your actions are anti community. Thank you.

Brenda Harbin-Forte: Mr. Bey, you are smart, man. I-

Regina Jackson: Need for you to recognize and be professional and courteous.

Brenda Harbin-Forte: And I need for you to do the same.

Regina Jackson: Are there any other agendized items that people, oh, no. Excuse me. [crosstalk 05:04:45] Thank you. Yeah, I got discombobulated with all of that. Thank you.

Juanito Rus: Next speaker in the queue is Assata Olugbala. Good evening. Can you hear us? Okay?

Assata Olugbala: Yeah. Boy, I am recommending that the commission consider an independent performance report on CPRA. Tonight, you heard a self-evaluation of the work that they are doing. That's not acceptable. We need to get an independent review of the work in its credibility, particularly when it's being recognized that they may be taking on more work based on the task force recommendation. It is never acceptable to purely agree upon what is going on based on a self-assessment of what their work has entailed and how well they have done it.

Assata Olugbala: The second thing I'd like to recognize is that you become familiar with what Council Member Kaplan and the city council is doing related to the Bay case. Since it was said that you, as a body with the representation of one of your members, that you can't do anything to divulge any information councilmen who captain did not accept that. And she is proceeding based on the meeting today at rules, to go forward, to obtain as much information about the Bay case investigation that can be legally done. She is pushing, this body is not pushing. So since you have decided to step to the side, at least do the courtesy of looking at what Council Member Kaplan is attempting to do to support getting information on the Bay case, something that you should be doing and it's not happening.



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- Juanito Rus: Thank you, Ms. Olugbala.
- Juanito Rus: The next speaker in the queue is Ms. Ginale Harris. Good evening, Ms. Harris, can you hear us?
- Ginale Harris: Thank you, Mr. Rus. I know it's late, but what I just heard happened was horrible. And I just want to remind this commission that you represent a public, of people, of those who don't have a voice, and none of you come from a situation that we have to deal with on a daily basis. And it's unfortunate that people behave like this, and there is no order here. It's like this ain't personal, there's no nothing personal here. It's about a people, we're a community and we need help. And we just want to be heard and this man has been coming to these meetings for years. And I don't know him from Adam and I don't know what's happening here, but whatever is happening here is suspect because nobody is telling this man anything, and I no longer have the power to pursue it, but I'm a public member and I still want to know. How are you going to suffice the justice for these people? Like he is a community member, him and his family matter.
- Ginale Harris: So I would just ask this commission to think about why you're sitting up there. Think about who you represent and think about why 83% of the people chose to have a police commission, not to have somebody dictate on what the rules are and how much we could talk or how we can speak. This is not a courtroom, this is a public place where we can speak, so I just ask you to please remember be patient and listen. That's all. Thank you.
- Juanito Rus: Thank you, Ms. Harris.
- Juanito Rus: I see no other speakers on this item, Madam Chair.
- Regina Jackson: Thank you very much. So with that, I will accept the motion to adjourn. I'll move to adjourn. Thank you. I'm seconded from Commissioner Peterson. It has been moved and seconded. Let's vote. Commissioner Dorado?
- Jose Dorado: Aye.
- Regina Jackson: Commissioner Gage?
- Henry Gage, III: Yes.
- Regina Jackson: Commissioner Garcia?
- Sergio Garcia: Aye.
- Regina Jackson: Commissioner Harbin-Forte.
- Brenda Harbin-Forte: Yes.
- Regina Jackson: Commissioner Jordan?



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David Jordan: Yes.

Regina Jackson: Thank you, Commissioner Milele?

Tyfahra Milele: Yes.

Regina Jackson: Aye, for myself. It is 11:38. We are adjourned, everyone be safe. Good night.

Love, Christine (Chrissie)

From: Russel Victor [REDACTED]
Sent: Thursday, April 22, 2021 12:28 PM
To: Love, Christine (Chrissie)
Subject: General Comment/Question for tonights Meeting

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

My question does not pertain to a specific agenda item, but is general in nature and concerning recent events.

My questions: Why were there no arrests made during the recent protests/riots that vandalized businesses downtown? Is there something about Police Commission policy that made this so?

Best,
Russ

Love, Christine (Chrissie)

From: jack saunders [REDACTED]
Sent: Thursday, April 22, 2021 1:45 PM
To: Love, Christine (Chrissie)
Subject: QUESTION ON ARREST POLICY

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

Why were there no arrests at Friday night's protest march when we could clearly hear the shattering glass on the Citizen video feeds? This event did not catch OPD by surprise. Is this our carefully considered policy? Put it all on insurance companies, and the customers who pay their premiums? Vandals pay nothing?

Love, Christine (Chrissie)

From: Elise Bernstein [REDACTED]
Sent: Thursday, April 22, 2021 2:14 PM
To: Love, Christine (Chrissie); policecommission@oaklandnet.com
Subject: Please share with Police Commissioners RE: Agenda Item 4 on Thursday 4-22-2021

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

Police Commissioners,

When over 80% of Oakland residents voted for Measure LL and Measure S1, they opted for a civilian commission to have oversight over the Oakland Police Department and to ensure that the rulings by the Police Commission about police misconduct could not be overturned by the city.

The action by the city to have an outside firm investigate the Joshua Pawlik case was a clear violation of the Charter, and should be thoroughly investigated.

The City Administrator should explain what parties were involved in making the decision to arrange for the investigation of this Police Commission Discipline Committee decision.

Was OPOA involved? Was Mayor Schaaf involved? Was City Attorney Parker involved?

How was it decided that the Sloan law firm would be chosen? Was this decision influenced by the fact that Howard Jordan, a member of the firm, was a former Oakland Police Chief (who publicly supported fired Chief Fitzpatrick)?

It is well recognized that the OPOA and other factions in the current city administration oppose the Police Commission as a diminution of their own power. Their opposition was evident in relentless foot-dragging as the Police Commission was first established. Their opposition persists despite the broad acceptance of the Police Commission by the public.

As a member of the Coalition for Police Accountability, I join the many voices who object to this current attempted blocking of the Police Commission. I join the demand for full disclosure of the process. The decision by the Police Commission Discipline Committee in the Joshua Pawlik killing to fire the guilty OPD officers must be upheld.

Thank you for your consideration,

Elise R Bernstein

[REDACTED], District 6

Member of the Coalition for Police Accountability Steering Committee

Love, Christine (Chrissie)

From: Mary Vail [REDACTED]
Sent: Thursday, April 22, 2021 4:31 PM
To: Love, Christine (Chrissie)
Subject: Comments, 4/22/21 Police Commission Agenda

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

1) Agenda Item #4: This item (OPOA contract & Sloan Report) may not have included all relevant materials, such as relevant passages of the OPOA contract. I will phone in to comment, after the presentations.

2) Agenda item # 6: The City Council will ultimately decide/make the policy decision of whether OPD officers working in IAD or CPRA staff will investigate public complaints of officer misconduct, along with attendant budgetary decisions/adjustments. These are management prerogatives and matters of high public interest. Any pre-decisional meet and confer is unnecessary. Should the City adopt the RPS Task Force recommendations on his subject, the OPOA and other City employee unions may have 'impacts and implementation ' m and coner rights, over issues such as lay-offs, Dept. or bargaining unit transfers.

3) The Police Chief's report:

One question: What is he doing to assure rigorous investigation, due attention is given to those officers who used the Instagram o pos messages against the NSA and OPD leadership's reform policies on such subjects as use of BWC's, changes to UOD policies and work rule changes to reduce racial profiling?

mary vail