



**CITY OF OAKLAND  
OAKLAND POLICE COMMISSION**

**Meeting Transcript**

**Thursday, May 23, 2019**

6:30 PM

City Hall, Council Chambers

1 Frank H. Ogawa Plaza, Oakland, California 94612

Regina Jackson: ... Commissioner Prather, can we? ... If everyone could take their seat, please. We're going to call the meeting to order. It is 6:32, this is the Oakland Police Commission. I'd like to call the meeting to order. If we can have commissioners identify their attendance. Commissioner Ahmad?

Mubarrak Ahmad: Present.

Regina Jackson: Commissioner Dorado?

Jose Dorado: Here.

Regina Jackson: Commissioner Harris?

Ginale Harris: Here.

Regina Jackson: Here for myself, Commissioner Smith?

Thomas Smith: Here.

Regina Jackson: Commissioner Prather?

Edwin Prather: Here.

Regina Jackson: And Alternate Commissioner Brown?

Chris Brown: Present.

Regina Jackson: Thank you. We have a quorum. I wanted to mention that the excused absences include Tara Anderson, but we will cross off Ginale Harris because she is here. Certain. Agenda item three, Welcome, Purpose and Open Forum. Speakers can come in any order they like. Celine Bay, Maureen Benson, Bruce Schmiechen, Henry Gage, Mary Vale.

Bruce S.: Thank you. Bruce Schmiechen, Coalition for Police Accountability, faith and action needs to be open to community organizations. I just want to mention, I got a copy of the 61st report of the Independent Monitor, which I read through.

I think the most disturbing two words in the report, in some sense, are '61st report', after 16 years. I want to read something here, in what has been described this, at the end, as a, "Checking-the-boxes approach to compliance, the department has sometimes failed, using its own internal processes, to recognize critical issues. When the monitor team has identified problems, the department's first response has sometimes been to resist the underlying analysis and to fail to recognize the need for reform. Our recent review of use of force reporting was illustrative. We found significant levels of non-reporting. The initial response from the department was to defend its processes and question the identified problematic cases."

Bruce S.: Then, the very last paragraph is, "A commitment to sustainability will require strong leadership at all levels in the department and the city structure. In its most essential elements, the NSA requires that the department be capable of critical self-examination. With that must come the capacity for self-directed reform, driven by unflinching pursuit of the truth." I think anybody who's watched the OPD over the last years knows that this is a very abstract future they're talking about and the department really needs new leadership. With a radically different approach and vision and I would like to invite people to come to the Federal Courthouse next Wednesday, May 29th, 2 P.M. 450 Golden Gate in San Francisco, 17th floor department, to the Coalition for Police Accountability, has filed a motion to intervene and become engaged in this process officially. To help move this thing forward, because it's insane-

Regina Jackson: Thank you.

Bruce S.: Frankly. 61st report.

Regina Jackson: Thank you. Mr. Gage.

Henry Gage: Thank you, Chair. Henry Gage III with the Coalition for Police Accountability. I was reading the monitor's report this afternoon and, like Bruce mentioned, I'm also disturbed by the fact that this is the 61st report from the Independent Monitor. Couple highlights to call out for you. Page 8, the IMT reviewed 71 use of force complaints, from August, September and November 2018. 71 reports, 67% involved the use of force against a black person. 35 of those events involved an officer pointing a weapon. Of those 35 events, excuse me, separate stat. Of those 35 events, 71% of that 35 involved pointing a weapon at a black person. Which, to me, says that it's shameful, that after 16 years of federal oversight, the Oakland Police Department is still disproportionately using force against black people, but wait, it gets worse.

Henry Gage: Page 9, the IMT noticed that in multiple instances, multiple officers worked in concert to control a subject, but reporting only identified a single officer as using force. Assisting officers were listed as witnesses, because they believed their actions were not reportable uses of force. Again, disturbing, after 16 years of federal oversight. Oh, but wait, it gets worse. Page 9, in approximately 10% of

those 71 incidents, OPD personnel failed to activate their body cameras. In some cases, body cameras weren't activated til after the use of force had occurred, after 16 years of federal oversight. What's going on? But, wait, it gets worse. Because the IMT informed OPD, regarding this non-reporting of use of force and the initial response was to defend the processes that currently existed in the department and to question the, "Identified problematic cases." Come on. Come on. Deny, delay, obfuscate. Deny, delay, obfuscate. This can't continue.

Regina Jackson: Thank you. Mr. Bay.

Celine Bay: Celine Bay. In looking at the agenda, I don't see anything in there on an independent investigation for our case, which is what was told it was going to be on there, for the last X amount of meetings. I mean, if we have to refresh everybody's memory, we will go back, put all the clips together of everybody saying how many times that they said about an independent investigation. We'll keep re-posting to that to #oaklandmeeting, until everybody understands there's a concrete need behind this investigation. We're not asking for an investigation to look into somebody who rough-handled somebody, we're looking at murders that happened.

Celine Bay: I keep coming up here and saying, 'murdered'. If you say 'murders' enough times, I guess it becomes, especially 'black murders', black murders don't carry the same weight as white murders. Obviously, because when you compare the Pawlik Investigation and how fast it was moved on, to the fact that this has been over a decade, that we've been coming up here and yet, we're still playing the game of putting this thing underneath an ad hock committee of somebody who's hostile. I also want to say, if we're looking at this agenda, it shows that the police department is in shambles. Most of the stuff that you're meeting on has to do with a department that's not being managed well.

Celine Bay: I don't hear people still calling for the firing of the Chief, but that didn't go away, because nothing changed. All of the racial and racial profiling information that I brought up here over this amount of time? You've never heard the Chief come up here. Let it be somebody who lost their bike, the Chief runs up, "Oh, yeah. Yeah, let me give this to you." But, I sit here and talk about her specifically, but she can't hear that. I just want to say that that's not equal justice. I mean, if you're here for equal justice, then you have to treat the black cases just like you treat the white cases. The other issue I want to say is, according to the ordinance, this says that you can't serve on this board if you serve a department or represent police personnel.

Celine Bay: Thomas Smith is currently in violation of that, because he works for the City Attorney's office out in Antioch or somewhere out there. He's covering for police officers. The City Attorney's office is notorious for covering up for dirty police officers. That makes you dirty just like that and you shouldn't be sitting

up there, talking about Oakland Police cases if you're throwing Antioch Police cases.

Regina Jackson: Thank you, Mr. Bay. Miss Vale?

Mary Vale: I'll be speaking tonight in more detail about the budget, but I wanted to point out, in Open Forum, the police department's budget and their way of relating to you about your comments on the budget, whether it's the stress counselor or the proposed budget. It's a really strong statement, about their values and approach towards compliance for the MSA. Their approach and attitude to being overseen by you, relative to some of the budget items relating to community policing and community relations. It's also a statement of, they don't recognize the role of the Community Policing Advisory Board to set community policing policy. They're certainly not thinking proactively about your role in overseeing and making changes, regards to their policies. You've got a lot of important budget items on the agenda tonight, I look forward to addressing them in more detail later. Thank you.

Regina Jackson: Thank you.

Maureen Benson: Good evening, as you know, my name is Maureen Benson, I'm a former commissioner who resigned in February, when it was apparent that the mayoral appointees were going to continue to lead this Commission. I called it out then and I say it tonight, that this Commission is a setup for failure for a variety of reasons. To quote Cat Brooks, co-founder of the Anti Police-Terror Project and executive director of Justice Teams Network, "When Measure LL was being crafted, APTP called out that there was too much city influence in the day-to-day running of the Commission. That it was dangerous to allow the Mayor's three direct appointments and that there wasn't a plan for appropriate trainings. That the terms of the Enabling Ordinance should have been set before it went on the ballot and the city would ultimately starve the Commission of the resources it needs to function as a Civilian Police Commission that the people thought they were voting for."

Maureen Benson: We'll talk about the staving of the resources when we get to the budget tonight, but in regards to the other issues, I'm here to announce that the Anti Police-Terror Project has created a police commissioned watchdog group. Comprised of concerned citizens, some are here this evening and many are watching and monitoring at home. We're announcing that we will be doing three things. First and foremost, stop the discriminatory treatment against Vice Chair Harris. We've collected dozens of soundbites, mainly from the three mayoral appointees, where she has been attacked, demeaned, apologized for an micro-aggressed against, on a regular basis. How can a Commission charged with interrupting racial bias of a police force do the same to one of its own commissioners with any sense of integrity?

Maureen Benson: Trust and believe this is unjust and this problematic behavior is about to end. You will each be called out in very public ways each time you do this to her. When you discriminately decide for whom your rules apply. To highlight one example of the inequitable way accountability is handled on this Commission, has anyone bothered to open an investigation into the mayoral appointee and former chair, Thomas Smith, who I called out multiple times, over a year ago? For abuse of power, dishonesty and discriminatory practice. Not only has there been no effort to investigate this, but the agenda item to do this was moved from a high-priority to a low-priority. You see it in the packet this evening, but the attacks and disciplinary actions against Ginale Harris continue.

Maureen Benson: We will be documenting number two. We will be documenting key issues for accountability and organizing in the community to hold this Commission accountable to equity and practicing in principled ways at best. At the very least, please consistently follow your own rules. Don't just pick them when they're convenient to have freedoms for privileged folks on this Commission and accountability when you want to silence someone. No longer will the only public fights that this Commission gets media attention around be for branding purposes that support making the Commission look good under political reasons. We will make sure this community knows when unprincipled and dishonest behavior happens and we will demand public accountability, just the same as we expect of police. It's hypocritical to operate otherwise.

Maureen Benson: Finally, we stand up for the revision of Measure LL, which is not the Independent Police Commission that the people wanted and sadly, a wasted opportunity to put a truly independent Civilian Police Commission on the ballot. In my last meeting as a commissioner, when Vice Chair Harris and I were in the hallway, she said something that will haunt me forever. She said, "When do we get to be the experts of our own experiences?" This watchdog group intends to support Vice Chair Harris' critical analysis of what a truly independent community commission must look like. This current Commission and the way it operates is far from creating space for the voices of those impacted by police violence.

Regina Jackson: Thank you, Miss Benson. A late speaker card from Lorelei Bassermann.

Lorelei B.: Thank you. I just want to remind everybody here and everybody watching at home that applications are currently being accepted to be on the Police Commission. They're due June 17th. You can find out more information on the website, which is kind of hard to navigate to, so you might just want to go to Google, type in 'Oakland Police Commission application'. Thanks.

Regina Jackson: Just one clarification. They're due June 17th, meaning?

Lorelei B.: Yeah.

Regina Jackson: After June 17th no more? Okay.

Lorelei B.: After June 17th, no more. Yes.

Regina Jackson: Okay, well, at least for this next round.

Lorelei B.: Oh, and the website, when you get to the website where you click the button that says 'application'? It will say that the deadline is March 30th, but if you click the button, it will say that the deadline is June 17th. Have a great night.

Regina Jackson: Thank you. The next item is the Pawlik Investigation update. The Commission will discuss CPRA's recently completed Pawlik Investigation ... Commissioner Prather?

Edwin Prather: Thank you, Madam Chair. Commissioners, at the last Commission meeting, one of the suggestions that was made by one of our public speakers, one of the plaintiffs' attorneys in the civil case, Jim Channon, had suggested that we adopt the findings of the Independent Monitor. At that point, we discussed whether having an investigation, a further investigation and an additional investigation made sense. One of the things that we moved to do was have the investigator that we had hired, or voted to hire for that purpose, do an analysis of the report that was prepared by CPRA, to determine whether it was worthwhile to do another investigation. I think you all remember our motion. I received, today, a letter from Mason Investigative Group. It was too late to put into the packet for release for our meeting, but I'd like to read you some of the relevant parts of this letter, with the Chair's permission.

Regina Jackson: Yes, that's fine.

Edwin Prather: This letter's from Eric Mason, the principal who came to our meeting and spoke. "I have read CPRA investigator Joan Saupé's report of her investigation into the killing of Joshua Pawlik by Oakland Police Department officers. Although it is possible that we would have arrived at the same conclusions as Ms. Saupé, I am troubled that her work was essentially limited to her view of facts and evidence gathered by OPD. That the department's report, by its own Criminal Investigations Division. Such an approach, lacking in innovative and imagination cannot reasonably be viewed as a search for the truth. Ms. Saupé indicates that she received the materials she needed to begin an investigation in January 2019, about six months from the time of Pawlik's death."

Edwin Prather: "Telegraphing a clear defeatist bent, Ms. Saupé goes on to note, quotation, 'One interview was conducted. Further interviews were not conducted, due to concerns as to the reliability of the information, given the time that has passed.' Closed quotes. Having conducted police shooting investigations and homicide investigations for over 30 years, I can state with confidence that a six-month period between the time of the killing and interviews about the killing is no reason to dispense with interviews of potentially knowledgeable parties. Moreover, given the discrepancies of the statements by officers using lethal and less-than-lethal force, as to what they can see, as to what they observed, the

need to identify, locate and interview others at or near the scene is a critical one."

Edwin Prather: "Ms. Saupé reviewed the findings of other arguably biased or compromised investigators, who themselves gathered information from non-neutral sources, in the form of OPD personnel on the scene and the shooters themselves. Given the conflicts in the shooters' statements about their plan, the decedent's mien and about what they observed that caused them to shoot. Given Ms. Saupé's own conclusions that the necessary post-lethal force sequestration did not properly occur, the Commission is owed the duty of a more thoroughgoing neutral investigation of this case. The passage of time has no bearing on this important effort, but the knowledge gained from it can be critical in assessing witness statements for accuracy and credibility." The second step, and a necessary one would be to canvas the neighborhood for eye and ear witnesses. A six-month passage of time should be no impediment to assessing the scene and seeking witness statements. We do not know why this was not undertaken, at a minimum."

Edwin Prather: The letter goes on to describe what Mason Investigative Group might do, if they were tasked with interviewing, but I'll just, for brevity's sake, leave it there. I'll make sure that we make the letter available on our website, on the Commission website, if that's appropriate, Madam Chair. As well as distribute it in the next meeting packet. Obviously, we've discussed, at length, that we are all troubled by the investigation the CPRA did into the Pawlik Investigation. I personally have done a lot of research and, not fact gathering, but analysis, since the last meeting. We're in quite a quandary at this point, because we're running up at 3304 deadlines, that may be told, that may not be told. We're in uncharted waters, because the Independent Monitor has issued findings, not yet recommendations, but findings which usurp OPD's own report, in this case. It creates really, an issue of first impression.

Edwin Prather: So, while the vote, last time and during our last meeting, was to reject the CPRA report and to send it back to CPRA for further treatment, I would, at this point, move that we take a further. I would suggest that we take further action, to move to initiate a Discipline Committee, once the Independent Monitor releases his own findings and recommendations. If they're contrary to what the CPRA has issued. I believe that have the tone and tenor of the Independent Monitor's findings show that his final recommendations will be different, but at this point, I think we need to move towards the establishment of a Discipline Committee.

Regina Jackson: Thank you very much. Other Commissioners' comments? Commissioner Dorado?

Jose Dorado: Is that a motion?

Edwin Prather: Not yet, but I'll make one, once everyone weighs in.

Jose Dorado: Okay.

Regina Jackson: I think that your commentary is accurate. I will say that we, excuse me, found challenge and trouble with the process, because obviously, as a part of the Discipline Committee, we need to keep our minds open, while reviewing all the information. But, I think that the situation that we find ourselves in is, as you said, a quandary, kind of untenable. We need to be able to move forward, if we do, in fact, have a disagreement between the two. Constitute the Discipline Committee, as is our right and responsibility, through Measure LL. Any other comments? Prather.

Edwin Prather: I'd also like to add, on the same note as related to the Pawlik Investigation, that during the last meeting, we moved to issue subpoenas in regards to the CPRA and information in those subpoenas were served yesterday and today. On all the parties that were mentioned. So, that part of this is ongoing as well, but those subpoenas did go out.

Regina Jackson: Excellent. Thank you very much, Commissioner Prather.

Edwin Prather: I'd like to move, begrudgingly, that we accept the CPRA's Pawlik Investigation and that we indicate to the Independent Monitor that we await his recommendations. That we also indicate to him that if his recommendations differ from the CPRA report, that we are ready, willing and able to institute and establish a Discipline Committee under the Enabling Ordinance.

Regina Jackson: Is there a second? Commissioner, oh.

Ginale Harris: Before we second it out.

Edwin Prather: Second.

Regina Jackson: Okay. So, it's been second, but there's a question or a comment.

Ginale Harris: I would suggest that we separate the two, accepting the report is one motion and then moving forward with the Discipline Committee, because they're two separate-

Regina Jackson: Items.

Ginale Harris: Items.

Edwin Prather: Gladly accept the friendly amendment, so I'd move that we accept the CPRA report and make a second motion. Actually, if that motion is seconded, then.

Ginale Harris: Second.

Regina Jackson: Okay.



Edwin Prather: And I'd like to make another motion, that we indicate to the Independent Monitor that we have accepted the report and that we stand, if his recommendations differ from the CPRA report, that we are ready to institute a Disciplinary Committee.

Speaker 1: We can really only have one motion to vote on at a time. Just procedurally. Also, don't forget to have public comment before we vote.

Regina Jackson: I didn't hear your last comment.

Speaker 1: Don't forget to have public comment before we vote.

Regina Jackson: Right, right. Thank you. Okay, so, we'll move with the first motion and we will invite public comment now, before we vote. I have note cards from Bruce Schmiechen, Celine Bay, Henry Gage and those are all.

Celine Bay: Celine Bay. Just sitting out there, listening, as an intelligent person and juxtaposing it to my case. Not my case, but the cases that we keep bringing forth, historically, I've seen Mr. Prather kick our can down the road, filibuster, find every single reason why we don't apply. Why we should be under this or why it shouldn't be handled. Yet, in the Pawlik case, if you would look at it, you see that he is active, he's aggressive with it, he wants justice. He's reading things into the minutes that weren't put in the agenda, right? He's very careful on our case, super careful, but every time that it comes to this case, he moves forward. I'm just saying, I'm pointing out that this is a hypocritical and discriminatory treatment.

Celine Bay: If he can say that Joan Saupé threw the case, but then can miss that 13-10-62 was closed by Joan Saupé in our case, while the IAD found it sustained, I see another parallel, right? But I keep telling you these parallels, just like Mr. Hogg was shot, nobody did anything about Mr. Hogg. I didn't see any marches out there, I didn't see anything. I feel for his family, for having to settle, but given the coverup and the depth of everything, I would say closure for settlement, sometimes, is good for the family, until you find out that there is something behind it. But, in Mr. Pawlik's case, I really see a difference in the treatment of somebody who everybody wants to get justice for Mr. Pawlik. I want justice for Mr. Pawlik. Mr. Pawlik's case shouldn't even happen, if you had addressed Mr. Hogg's case in the first place. But, then, when we're comparing the fact that our case is here for investigation, we've been promised an independent investigation, but I see all of this work on an independent investigation for Mr. Pawlik, but I don't see anything happening for our case, right?

Celine Bay: I'm going to keep on calling out the hypocrisy of it and again, we're going to start making video clips. We're going to have everybody up here with what they have said on video about this case and we're going to juxtapose it with all the murdered people out there. So their families can see who it is that's, right now,

has the evidence that these murders happened and that police misconduct was associated with it, and yet, they're up here playing politics with people's lives.

Regina Jackson: A late card from Rashidah Grinage.

Rashidah G.: Thank you. I'm just a little confused, because I want to make sure that you don't take any missteps that can lead to a challenge. What I want to raise is, first of all, I thought that the inquiry to the investigator was to determine whether or not there was sufficient time to redo the investigation. To do, basically, a new investigation from CPRA, with these independent investigators. I thought that that was the question that you were posing to them and, if that is the question, I didn't hear the answer to that. Secondly, you just came out with a motion to accept the report, I understood that your motion last time, was to reject the report. I am really unclear as to what you're doing, but more importantly, I just want to make sure that it has a legal foundation and is not going to provide a basis to overturn whatever decision that you ultimately make. Thank you.

Henry Gage: Henry Gage III with the Coalition. My concern right now is temporal. Whatever this Commission decides to do, I hope you do it quickly, because we're long past, was it March 2019? The only thing stopping this case from being prevented from discipline at this point, I believe, is the civil case that's tolling this action. That's not going to be there forever. I'm very concerned that what we have here is a situation where, excuse me, five officers, who may have been notified at this point, of some potential discipline, may essentially escape, if we don't get going now, because May. Whatever you decide to do, please do it quickly.

Bruce S.: Bruce Schmiechen, Coalition. This is kind of tangential to this discussion, but it's related directly to the facts and implications of the Pawlik case. At City Council on Tuesday, there was a discussion, basically, on the agenda, was approving the purchase of another BearCat military-style vehicle, which was used in the Pawlik case as a shooting platform, not, I would think, it would have potentially defensive and deescalation utility, but it was clear, from the transcripts that said, "Oh, it was used as a shooting platform." This is not funding from the general fund of Oakland. This was a special COPS grant, I believe, C-O-P-S. I would just suggest, because having seen that and I only became aware of that new BearCat issue when it was on the City Council agenda, that the Police Commission might consider, in the future, that when the OPD is preparing grant applications. I'm sure they probably have a lot of grant applications that are not terribly controversial, but when they have grant applications.

Bruce S.: I know you don't have staff and resources, but have the Chief or whoever, report to you what applications are being made. Before they make the application, it should be brought before the Police Commission, not that you have the power, necessarily, to stop the application, but the City Council has the power to refuse to have the City pay the money. I really think those kinds of things should come before the Commission, and come before the public, not

just through the Public Safety Committee, but to the public, through the Commission, where these kinds of issues are discussed. I would make that suggestion. Thank you.

Regina Jackson: Thank you. Oscar Fuentes.

Oscar Fuentes: I just wanted to ducktail on that. That meeting went really late, at 1:30 in the morning, that's when the BearCat issue came up. The way the vote went was, they weren't actually allowed to, I don't know how much of this you all know, but they weren't, because it was just a couple days ago. They weren't allowed, the City Council bifurcated the things they were asking for and they separated out the BearCat. The BearCat's supposed to come back to you all, for use, guidelines and whatever. I think you would actually have the power, in this context, to tell them 'no' to the BearCat. I just wanted to make sure that's on your radar and that you know that-

PART 1 OF 8 ENDS [00:35:04]

Speaker 2: [Bearcat 00:35:00], so I just want to make sure that's on your radar, and that you know that they're supposed to come back to you. It's either come back to you or drop it from the Edwin Prather request.

Regina Jackson: Thank you very much for that. Commissioner Prather.

Edwin Prather: Yeah. Thank you Madam Chair. So I think just a couple things for clarification. I believe the motion and the request to the investigator was not necessarily do we have time, because time is a legal question. That's a 3304 deadline issue and that's not the question that we asked. The question we asked was was it worthwhile in examining the report, the evidence that was available or not available, the witnesses that have been identified in the report, would it make sense to do an additional investigation. It wasn't ... The request of our investigator wasn't to necessarily criticize the CPRA report, although that's what the letter ended up being. The request was did it make sense to do that? And that was the response that we got.

Edwin Prather: Partly the reason for the ... and I don't know if you call it a 180, I don't know if you would call it a see change in the way we view things is that ultimately we all still feel as we voted during our last meeting that the investigation in the [Pallet] case was woefully inadequate. And now that it's come to us now and what ... and I think probably Mr. [Gage] said it best just now in public comment, is that if we wait, we will lose the ability to discipline. And that's the big problem here is that do we want to go back and do we want an investigation and have no teeth, or do we want to be able to render discipline through a disciplinary committee, who will have frankly the final say, who will get to weigh in, who will get to consider the evidence, who will get to not necessarily redo an investigation, but at least to weigh in again on, and hopefully make up for the lack of investigation done by the CPRA.

Edwin Prather: I think our hearts, or at least my heart, is still rejecting of the CPRA report. But in order to move forward with discipline, in order to keep on track with the guidelines and and structures that we've been given, we have to get back to the enabling ordinance. And the enabling ordinance calls for this ... and unfortunately we're in this weird position of first impression because the independent monitor is coming and usurp the OPD's authority on this issue.

Edwin Prather: So frankly everyone around this issue doesn't 100% know what to do, but we do know that if we get to a discipline committee, that is the right act and that's ... we have all arrows pointing in that direction. So I hope I've explained enough to the to the public at this point what are with the thought processes and why we're doing it, but that is why we're doing it.

Regina Jackson: Yes, I would echo commissioner Prather. I mean if we had general counsel advising us, I mean we were just shocked at the process, and really wanted to reject that process. But we have to have the inconsistency in order to move forward with a discipline committee. So, to reject it would be to say there is no investigation and there was an investigation, however poorly following a process that there was. So, yes it's a 180, yes we're still new, this is probably an area to reject and now we want to correct that.

Regina Jackson: Commissioner Harris.

Ginale Harris: I understand what you're saying but however I just ... I have a problem even accepting the report from the CPRA. I just can't. I just can't. It's flawed, and it's made up, and I just ... I mean I know in order for us to move forward we have to have differences, right. But to accept it would be not right. We know that it's flawed, and to put blinders on would be wrong. So I mean we can take it how we want to but just me personally I would vote no. I would still reject the report.

Regina Jackson: Okay we have a motion before us. Is there further discussion? Questions?

Regina Jackson: Commissioner Dorado.

Jose Dorado: So we really are locked into making a decision as to ... in this case accepting the report so that we can move forward. There isn't any other ... there isn't any other choice in order to move forward with the discipline committee, we have to accept and the ... and there is no wiggle room, there is no other option other than doing that. Is that correct?

Regina Jackson: You are correct. As poorly as we all feel about that, I totally echo commissioner Harris's comments. The bigger challenge is that Measure LL also kind of didn't factor in this whole independent monitor situation. We're just kind of limited.

Regina Jackson: Commissioner Prather.

Edwin Prather: Yeah. And look, I don't think any of us feels good about this situation. I mean obviously we've received a report that we've already commented was woefully inadequate, that interviewed only one witness, it didn't involve video taped interviews as we had discussed, it didn't follow ... frankly I think we all felt during the last meeting that it didn't follow basic investigative principles. And now that we learned in having another investigator look at it, not only did it not follow in basic investigative principles, but frankly the report was so woefully inadequate because it just didn't it flies in the face of common sense. Like there just wasn't common sense investigation done.

Edwin Prather: So I understand that that doesn't feel right. So the question becomes do you accept a flawed report even though it's flawed so that you can move forward to discipline, or do you go back and say we're going to continue to reject the report and lose the ability to render discipline. That's the question here. And so does the ends justify the means dilemma that we're in if we're willing to not impose discipline in this case, then we could continue to reject the report and have an investigation redone. But we lose the ability even consider any evidence going forward.

Regina Jackson: Commissioner Harris.

Ginale Harris: I understand what you're saying commissioner right there. I do. However, I just feel like we always talk about setting the precedence and the tone, and we are a fairly new commission and we are not always going to get things right, but I don't feel like sacrificing the integrity of this commission by accepting a report that we know is flawed just so we can move to the next stage where we really don't know what's going to happen, it just doesn't feel right to me.

Regina Jackson: Do you have a recommendation?

Ginale Harris: I think my recommendation for this, and I don't know if I'm right or if I'm wrong, but I would say that we're an independent commission, and we follow Measure LL but it's not written in a way ... it's written in a way of interpretation. That's what I've got from it this far. Everybody's interpreting it very differently, and I think our first mistake was not going with our first thought when we knew that something was happening with this case with CPRA. Something was wrong, because she was taking long to get the information to us. We kept coming back, and coming back, and coming back, and again I was saying it, but here we are now. Right? We're here now and I think that we have to own it. We have to own the mistakes that we've made and reject this report.

Regina Jackson: Thank you. Commissioner Prather.

Edwin Prather: Yeah. I understand the sentiment. I don't feel great about the situation we're in, the mistakes that were made, particularly on this issue, how many times have we looked over at individuals who sat here where we asked about progress, and we heard nothing, and we were lulled into taking no action. But what I don't

want to do is lose the ability to have a discipline committee. And so what I'd actually recommend, and not on this agenda but putting it on a future agenda is frankly we need to have a full-scale audit of the CPRA, we need to have our ... the independent investigator that we've identified and used go in and look at the past investigations, and determine is the Joshua Pallet case a one-off, or for every case in the last 2 years, or 3 years, or whatever period we decide, were none of those cases investigated thoroughly? Were there not independent interviews done? And find out, is this case an isolated incident or is it part of a bigger problem, because I think vice-chair Harris, you're correct.

Edwin Prather: The science point to this being part of a bigger problem. And we don't know. And so that's where I start to feel better about the decision in this case because then I know I'm not letting it go unchecked. And I think that that's hopefully how you feel, too, is that maybe in this particular case, we can move forward so that we can get to a disciplinary committee. However, let's put on the next agenda a plan for auditing a complete audit of the CPRA. Not budgetary, but an audit of their investigations so that we can see. What has our investigative agency been doing over the last 3 years or 5 years or whatever period is? Because you've brought me over to your side on this, I have my doubts that things have been done as we have come to expect them to be done.

Regina Jackson: Commissioner Harris.

Ginale Harris: I would say to that, you are absolutely correct. And I would say go with the gut. And I have been doing investigative work for a very long time, and there's a whole lot of things that are wrong with the CPRA. And saying that I would say in regards to Joshua Pallet, we are steadily talking about discipline, and the officers how ... and it's not the officers, it's the leadership. It's the head of that agency that we should be focused on, because those officers were only following the hand that feeds them.

Ginale Harris: So if we reject this report, we have to eat what we have done. And I feel like that's the right thing to do, and own it, and all we can do is move forward in future things that we deal with like this and just move forward in the right way, because we've learned from this. But the real problem is with the leadership. It's not the small people that we need to discipline, it's the big ones.

Regina Jackson: Commissioner [Mub 00:47:46].

Mubarrak Ahmad: I will say ... good evening. I would say I would agree with what Mr. Prather said, except what about [Selim's Bay case 00:47:57], what he's saying, because when someone is murdered there's no statute of limitation on murder. And you can't just go back and say we want to look at it two or three years, you got to look at his case to, that's what he's saying why he keeps coming to the meetings. And I would agree with it, if we include his case. Thank you.

Regina Jackson: Commissioner Dorado.

Jose Dorado: Given all of the unique aspects of this whole situation, and the seriousness of it obviously, is there not sufficient grounds to toll so that we can continue down the road of the discipline committee.

Regina Jackson: Commissioner Prather.

Edwin Prather: So my understanding is that for some of the participants it appears that there have been activities to toll the 3304 deadline. For at least one of the participants there's not such a tolling. But it's unclear. It's just not clear and we don't have real, independent legal advice on this point. And so it's not something that I feel comfortable relying on in terms of the tolling issue. I would not want to make this decision. Like look no matter how you feel one way or another, it's okay. But the split the baby sort of decision is A, is it tolled and we just don't ... frankly we don't know enough to know.

Regina Jackson: Are we ready to move forward with a vote on the motion that's on the floor? Yes, it was seconded by commissioner Dorado. We've had conversation, we've heard public comment, I think it's time to take a vote. Commissioner Mub.

Mubarrak Ahmad: Abstain.

Regina Jackson: Commissioner Dorado.

Jose Dorado: No.

Regina Jackson: Commissioner Harris.

Ginale Harris: No.

Regina Jackson: Aye, for myself.

Regina Jackson: Commissioner Smith.

Thomas Smith: Abstain.

Regina Jackson: Commissioner Prather.

Edwin Prather: Yes.

Regina Jackson: Okay. And the motion is not passed.

Regina Jackson: Commissioner Prather.

Edwin Prather: Having it ... having the first motion not pass would make the second motion that I made moot to the extent I need to withdraw that motion, I withdraw it.

Regina Jackson: Okay. Very good. I think the between now and the next meeting we will clarify council to understand if there is anything else that can be done. Obviously we're operating with the information that we do have.

Regina Jackson: Commissioner Dorado and then Prather.

Jose Dorado: I was just going to say the same thing that I'd like to see that we go and see very specifically what constitutes grounds for a toll in this case. I think ... I'm no attorney, but it seems to me that there is sufficient grounds to really rest a case on tolling in the Pallet and I would like to see us do that.

Regina Jackson: Thank you. Commissioner Prather.

Edwin Prather: I'd like to ... having ... since we're not accepting the report, then I guess my belief would be then our previous action rejecting the report from the last meeting would still stand. So-

Regina Jackson: Yes.

Edwin Prather: ... we've currently rejected the report. Is it the will of this body to ... because we did discuss at the last meeting whether we would conduct a further investigation into the Pallet case or are we to leave that to a new interim CPRA director, or what is our ... do we have a plan going forward because this is ... we didn't discuss a plan, so perhaps this is a good time to discuss a plan.

Regina Jackson: Yes, perhaps it is. I think that we all feel that CPRA's investigation, the process of the investigation especially, was woefully done. I think most of us feel like the Pallet investigation deserves some hearing, some determination, in some way, and we are conflicted as to how to get there. And without the benefit of general counsel on this item, we actually need to get some, and ...

Regina Jackson: Go ahead Commissioner Harris.

Ginale Harris: So I thought we had ... there's an appellate process on our agenda, tonight, but I thought we were going to figure out a way to get the Bay case and the Pallet case investigated, because these are unusual circumstances. However, it was the Bay case that led me to believe that there was wrong doings going on in that agency. And me being an investigator I saw a lot of red flags. And if I would say ... when you said audit, I agree. Total audit. So-

Regina Jackson: So then it sounds like that the action that you're putting forward, because I think we've discussed audit, but I don't think that we actually moved to put it in place. Did you want to make [crosstalk 00:53:44].

Ginale Harris: ... I don't want to make a motion until we get to [crosstalk] yet. But I do think that these two particular cases need to be investigated. They do. And whatever the outcome is, is the outcome, because there's something but we don't know



what. We need an investigation on the Pallet case, because we never had a true investigation. We will never know the truth. If we accept that report ... well we didn't, but we would never know the truth. And the bottom line is giving peace, right? There's nothing we can do about the things that have happened already, and it starts with ... it comes from the leadership.

Ginale Harris: So that's the direction we need to be going in, is to go not ... like I said, we ain't trying to just discipline people to be disciplined, there's always a hand above them. So that's where I want to go. But it starts with our agency. We are responsible for community. And we are responsible for people. And with that said, this is our agency, and we look really, really bad. And I say we because it's our agency. So I believe that these two cases need to be investigated under special circumstances. They're similar in nature, but the difference is the time. The time. That's all.

Regina Jackson: When we get to that section for [attachment 10 00:55:18], I think that we can address that. But now in terms of staying in with the subject matter on the agenda, I don't know that we have a plan. I think that we need some counsel for ... to understand what it is that's appropriate because 3304 is not something that we want to mess with. We really want to ... No. Commissioner Prather.

Edwin Prather: Thank you Madam Chair. Well look, by not accepting the report to move forward, we're basically saying, "Forget 3304. We don't care what happens to discipline. We care about an appropriate investigation report." But what I don't hear is the follow-up. So, okay, how are we going to get to an appropriate investigation report? Like do we want an independent investigation? Are we going to send it back to CPRA to investigate? We don't have a plan, right? And all I'm saying is that what's now that ... Look, I was going in a different direction, everyone here dais knows. Now I'm looking in a different direction, it's okay. But we need to have a next step because ...

Edwin Prather: And here's the difference: this case is not closed because we've not allowed it to be closed. We voted to reject the report. We can't just reject the report because then it'll just exist in a vacuum. So what are our directions? Are we giving directions to any [inaudible 00:56:49]? Perhaps we have a new interim CPRA head that will start very soon. Perhaps we're giving directions to that gentleman, or perhaps we're taking a more proactive reproach. I don't know what the will of this body is at this point, but ... And that's what I'd sort of like to hear because, if I understood that better, I could help formulate what the next step is, and I don't have that.

Regina Jackson: Commissioner Harris.

Ginale Harris: So I think it would be pointless to send it back to the CPRA even with the new head because you still have the same staff that have been working under the same direction from whoever first started the shenanigans. So I would not feel comfortable. I say hire an outside investigator to do two independent

investigations, period, and we move forward from there. We cannot make a plan if we don't know the outcome of the investigation. Maybe there's nothing, maybe we're looking for nothing. I doubt that very highly, but if there is something there, we can't know how to move forward unless we know what we're dealing with, and we don't because we're guessing. We're only guessing because we have seen red flags, and that's fair. Like we don't have council, we don't have staff, we don't have a lot of things, and we are working on a broken wing.

Regina Jackson: Mm-hmm (affirmative). Commissioner Prather.

Edwin Prather: Thank you Madam Chair. I have a suggestion then. What if we directed the interim CPRA head to conduct an independent investigation using the independent investigator that we've already identified and hired, but that the interim head is then required to wall off that investigation from the rest of the office. We have a new leader, and we can have an independent investigation so that it resides with CPRA, but it's not really with CPRA. Would folks be comfortable with that? Just because I feel like it may be difficult for this body to supervise an independent investigation, especially if there are issues that come from it in the future. And so I guess that would be my suggestion. I don't know how people feel about [crosstalk 00:59:17].

Regina Jackson: Commissioner Harris.

Ginale Harris: Again, I would say we cannot send it back to the agency, we can't. Even if we have a new head and wall it off, I would not be comfortable. I don't know what's in that office, and I don't know what lurks behind. I don't know. I would feel much better if we instructed the investigator we hired to do the investigation and report back to the ad hoc committee, right? To the ad hoc committee, and then the ad hoc committee present the facts.

Regina Jackson: So the only challenge is that, even though we've moved to hire an investigator, we can't actually hire the investigator. So our interim person could hire the investigator, ensure that all of the documents and folders, and all the information is given to that investigator to do the investigation.

Ginale Harris: So the interim can hire them to report to [inaudible 01:00:18]?

Regina Jackson: Sure.

Ginale Harris: Okay. I don't know. I have to sit and think about that for a second.

Regina Jackson: Okay. Commissioner Prather, then Dorado.

Edwin Prather: Well then I guess my suggestion is, if the will of this body is that timeliness is not an issue ... because I think that that's what I'm hearing, right? Is that, it's not that we're trying to speed it up, we're actually trying to slow it down and do the

right thing, is what I took away from the vote. So why don't we table the issue? I will do further research into what our options are, and I will provide them. I don't know that I'll be at the ... I think I'm absent at the next meeting unfortunately, but I will provide those and those can be discussed at the next meeting. Because again, we're kind of trying to do something on the fly here, and I don't have any other answers than that, but ... Yeah.

Regina Jackson: [inaudible] Harris.

Jose Dorado: Yeah. At first blush, I think having the new CPA interim hire an investigator and go from there, obviously reporting to us, I think that would work, obviously walling it off from the rest of the staff. But I really would be looking forward to any further investigation that you do. So I would support a motion to table.

Regina Jackson: Commissioner Harris.

Ginale Harris: Thank you. So the problem I'm having is, why would the CPRA be able to hire somebody but we can't?

Regina Jackson: Thus far, I don't understand the way in which the process goes, but as a voluntary body, we can't hire vendors yet. Now there's somebody on city council that is trying to push that through, but until it's something ... there's no process for us to follow. So it [crosstalk 01:02:19]-

Ginale Harris: Go to city council and say, "We need to hire a private investigator, and we need you to let that happen."

Regina Jackson: No. We actually have to establish the formality of the ability to be a vendor. And the CPRA is a vendor, now they can hire.

Audience: [inaudible 01:02:37].

Regina Jackson: So to that point. I heard from the audience, the city council can hire.

Ginale Harris: Well that's the point.

Regina Jackson: Okay. But I don't think we actually heard that. So then I think that we need to go ahead and make that contact, and see if we can't present that way because it does seem a little crazy that we are held responsible to do work and on our ... We're a hot dog here.

Ginale Harris: Ms. [Kanage 01:03:10], can you step to the podium? I'm interested to hear your thoughts.

Rashidah G.: Thank you. I think it's, again, a question of what Measure LL allows you to do and what the [inaudible] ordinance allows you to do. Because if you do any other thing, that will automatically nullify whatever work you've accomplished.

So unfortunately, you don't have your own legal counsel, and unfortunately, I'm not an attorney either, but I do know Measure LL, and I do know under what circumstances you are allowed to convene a discipline committee. And if you don't meet that criteria, then you cannot do it. And if you do it without meeting the criteria, it will automatically be invalid.

Rashidah G.: So the question is, what role that you want to play as a commission? Do you want to endorse the monitors' findings and recommendations? Do you want to do your own investigation even if it means that no discipline will be awarded to anyone because it will be too late? The question is, what is the impact that you want the commission to have in this matter? And what steps are allowable in order for you to have that impact? And I would think that there is enough wisdom among all of you to make that determination. I hope I've been helpful. I [inaudible 01:05:08].

Regina Jackson: Thank you. Thank you.

Rashidah G.: Thank you.

Rashidah G.: [inaudible]

Regina Jackson: I'm sorry. We still had [Mary Vale 01:05:30] for this item. [inaudible] this was a late one.

Audience: [inaudible 01:05:35].

Mary Vale: Following up on what [inaudible] said, we have a really unusual situation. LL contemplated independent investigations by the CPRA and internal affairs and the police department. What happened in this case, we don't know yet. But what I suspect happened in this case is that there was a decided effort by the folks in the police department and internal affairs, reading what LL says, to corrupt the CPRA and influence the CPRA investigation-

Female: [inaudible 01:06:21].

Mary Vale: To get around Warshaw, and whatever Warshaw was going to do.

Female: [inaudible 01:06:26].

Mary Vale: And Warshaw of course is un contemplated by this. As someone who did investigations in the labor law setting, the time is gone. And whenever our agency had to redirect an investigation, witnesses' memories are not as good, witnesses that should have been called, that weren't, or getting called belatedly. However independent it is, and however separated from the department and the CPR, I kind of think it was doomed to fail, which is why I was sitting in the audience thinking about this [inaudible 01:07:07].

Mary Vale: Maybe you could take official notice without blessing or unblessing the CPRA report. I've read the CPRA report says and what Warshaw's report said, and say we'll convene a discipline committee to look at those conflicts and potentially make a recommendation. But I'm not sure about that given the fact that Warshaw and this situation is not envisioned by LL, and somebody would attack that. So yeah, I think you're in a hard spot, and it may be because of the extraordinary circumstances, all you can do is endorse the monitor compliance [inaudible] report. And then the officers who were facing discipline and want to dispute it, they go to arbitration, and that decides the case. Thank you.

Regina Jackson: Thank you.

Mary Vale: Of course, it doesn't address the Bay case, but this is the Pallet case.

Regina Jackson: [Maurine Benson 01:08:10].

Maureen Benson: Thank you. So two points of clarification. One, and I have it in writing, I'm happy to provide it, the city administrator, Stephanie Hom, informed me that, when I was on this commission, that as long as you invite three different vendors to apply for a [inaudible] ... we talked about this with this facilitation and training, as long as you have invited at least three and you've selected one, but you've extended the invitation, you simply turn it over and you say this is who. They don't have the right to refuse that, that's actually the only process. So you do, as a commission, have the right to hire an investigator, and that's the process to do it. Let me know if you need that in writing.

Maureen Benson: Secondly, it seems as if you've all just voted to pursue the pathway, which I really respect, of justice and making sure ... not so much through this discipline process, but making sure that the larger systemic issues are addressed in the problematic ways of this investigation process. I would highly encourage you to be organizing ... and if you're going to go through with an independent investigation, I would highly encourage you to be organizing to pursue criminal charges with the district attorney.

Regina Jackson: Thank you. Commissioner Harris.

Ginale Harris: So after hearing some of the public speak, it seems that, one, we've figured out a process on where we can hire an investigator. And two, we can endorse the monitors' report, not the CPRAs report.

Audience: [inaudible 01:09:52].

Ginale Harris: Well I mean she just said it. I mean we won't be at ... they'll go to arbitration, Mary Vale said it. They'll go to arbitration, and then will ... I mean, again-

PART 2 OF 8 ENDS [01:10:04]

Ginale Harris: Said it, they'll go to arbitration and it will, I mean, again, we are flying on one wing. We do not have the things that we need in place. It would be a different outcome, I believe, if we were fully staffed and we had what we needed. If we had a people's attorney, if we had an independent everything, we would be where we need to be. I mean, there is no real right or wrong in this situation. It's just like Ms [Ganar] said. What outcome do we want to have? Are we that much interested in disciplining or are we that much interested in doing the right thing? Are we that much interested in knowing the truth?

Regina Jackson: Do you do want to make a motion?

Ginale Harris: Okay. I mean again, I will say I'm going to make a motion and I don't know if I'm wrong or right, but I'm going to go with what I feel and integrity and transparency is what's most important to me. I can't speak for the whole commission. I only speak for myself. I feel that it's better that we know the truth on what happened, so we know how to fix it and move forward. We have already rejected the report but I say that we endorse [Warshah's] report and move forward.

Regina Jackson: [inaudible]

Ginale Harris: Okay. I will specifically make a motion. I'll make a motion that we, this commission endorse [Warshah's] report and except the findings.

Regina Jackson: Thank you. Commissioner Prather.

Edwin Prather: Thank you Madam Chair. I just like to caution all of us because we made a very fine point in the last meeting when we were rejecting the CPRA report to say that we were rejecting it based on procedural grounds. We were rejecting it, not because of what it determined but because the investigation was not properly done. It was not about results, it was about process. If we are looking towards the independent monitors report, then why aren't we looking towards IAA report? Then we're not picking process, we're picking result and we are looking at the independent monitors report because it goes in line with sort of where the public is on that issue. I caution us in looking at, in adopting something based on a results oriented approach. Look, I get it. The votes are not there to move forward with a discipline committee, but we can't adopt a report because we like it better, because of the results of that report are better.

Edwin Prather: I would recommend that we, that we do our own investigation then. We went to three investigators. Okay? We had two of them showed up and made speeches to us, and we picked one and we hired that person. We were told that we couldn't hire that person if indeed we can hire that person, that person's already hired. we should let that person, let that investigative group investigate the case. we can move forward with that now. There's no need to delay anything else, but to try to have this middle of the road approach where we're,

okay, we're going to, we want to investigate, but at the same time we want to sort of say like, "Look, we're going to blow the 33 or four deadline.

Edwin Prather: The vote already determined that we're not going to be able to institute a disciplinary committee because frankly we're not following the rules. Okay. It's okay. Ms. Harris, Vice Chair Harris, look you mentioned you want to go with your gut, you want to do what you feel is right. You want to be about justice and not necessarily about rules. Look, I mean, I don't agree all the time, but I can appreciate that. Right?

Ginale Harris: But that's not what I said.

Edwin Prather: Well I'm sorry to mis-state.

Ginale Harris: I did not say I don't want to go by rules.

Edwin Prather: I'm sorry to misstate you. My intent is not to do that. My intent is to credit you for saying like, "Look, I get where we're at on this issue." If we want to investigate it, let's investigate it. That's what I would recommend at this point.

Regina Jackson: Thank you, commissioner Prather. Vice Chair Harris and then Smith.

Speaker 3: If I may interrupt, I believe the point raised by Commissioner Prather is a salient one and that is, is if the commission as a body adopts the findings of the independent monitor that may create some issues with regards to the commission's ability to subsequently hold the discipline committee.

Regina Jackson: Thank you. Yeah, we got that.

Ginale Harris: I want to be clear that my intent is not, my thing is right now I'm not, I'm past the discipline committee because I don't know what the outcome is going to be. We keep saying discipline, discipline, discipline and we don't know if anybody's guilty. That's the problem that I'm having. I agree with you Commissioner Prather. Yes, I've been saying investigating investigator, investigator, investigator. I'm going to say it again. I believe that we should have two independent investigations.

Ginale Harris: I'm okay with that. Whatever the outcome is will be the outcome and then we will know the truth. We cannot do anything about discipline committee. We're not there yet. Even if we did come to a discipline committee, let's be real. There's only three people on this commission that are fully trained to be able to sit on that discipline committee and we don't know what we're doing. We don't have any counsel, so I'm just being real. I want us to be very, tread lightly. Be very careful when we're dealing with people's lives. The people that we are dealing with right now are already passed on. Out of respect, the thing we could do is get the truth.

Regina Jackson: Totally agree. Commissioner Smith.

Thomas Smith: My comment's a simple one, I just wanted to, if we're going to have emotion, I just want to make sure that the city attorney lets us know whether or not it's in this scope of the text for this agenda item because the agenda items listed as the, the commissioner will discuss CPRA's recently completed Pawlik investigation.

Regina Jackson: Well, we've gone through discussion, we've gone through public comment and now we're going to action.

Speaker 3: I think that point is also a salient one because, the agenda item does not mention the hiring of any investigators. I would specifically recommend that in the future, that the agenda item specifically list that as a possible action, if that's something that the commission would like to [crosstalk 01:17:36].

Regina Jackson: Well actually we've already done this. We did this a couple of meetings ago, so thank you for your point. All right. Yes, Commissioner Prather.

Edwin Prather: Thank you Madam Chair. I agree. We voted, we've approved the investigator, we selected them in a process, we've already tasked them with this investigation. We don't need a vote to do that. We can just follow through with our tasking of this investigation to them. I would ask Madam Chair to direct the interim CPRA head when he's there to have access to the files, which was our problem last time so that he can conduct his investigation.

Regina Jackson: Thank you. Commissioner Prather. Commissioner Harris.

Ginale Harris: I would say yes, but when we refer to this case, which is the Pawlik case, we hired the investigator, but it must include the bay case. I'm gonna keep saying it, until we agree to it.

Regina Jackson: To the point, when I made the commentary to Mr. Bay, I said that I would propose a process for reconsideration that is on attachment 10.

Ginale Harris: That's not what I'm talking about Regina. It was supposed to, sorry, Commissioner Jackson. It was supposed to be on this agenda and it was on the agenda the last time I looked. Then I show up to this meeting that I'm not supposed to be at and it's not on there. I have a problem with that. I would like, again, to propose that we hire the investigator to investigate both cases. That's it.

Regina Jackson: I want that too. I just don't think we can vote it in the Pawlik agenda item. We have another opportunity tonight to do that.

Ginale Harris: As the chair, you can do that. You can say, "We can add this on to the agenda right now." You can do that.



Regina Jackson: I think people need to be publicly noticed in advance. I don't think I can do that.

Speaker 3: Yeah, I very much concur with that assessment.

Regina Jackson: We will, okay. So-

Ginale Harris: Can we get a commitment for the next agenda then?

Regina Jackson: Yes, but I think that we can address it at attachment 10 and then we can specifically say Bay update investigation action item to select or approve investigator. Okay?

Ginale Harris: Very good.

Regina Jackson: Okay, so I think that we have discussed this line item, we have already approved an investigator who will move forward on that and that is the end of the update for this item. Can we move to agenda five then, which is the review of CPRA and commission budgets. I know that Commissioner Harris and Dorado and former Commissioner Benson, were taking the lead on this. Oh, sorry, Commissioner Harrisan can you withdraw that motion?

Ginale Harris: This is item four. On item four, before we move, I want to withdraw the motion.

Regina Jackson: Thank you. Excuse me, I second. That was the motion, the withdrawal of the motion is to accept the independent monitors findings.

Ginale Harris: Correct.

Regina Jackson: Okay, thank you. Back to item five.

Ginale Harris: Commissioner Benson, can you, I mean, Commissioner Benson. Former Commissioner Benson, I'm sorry, can you approach the podium? Last week, I set an appointment with the budget analysts, Mr. Johnson who came to our last meeting. He was very informative and very helpful on some clarity. There had been a budget that was pushed forward by the mayor and I had no idea where it came from. I went into the budget office, Ms. Benson and myself and we met with the budget director and, Ms Benson.

Maureen Benson: I'm curious how much, what familiarity all the commissioners have with the attachment for this evening because that will indicate how much you would like me to share. Little, medium, extensive?

Regina Jackson: Well, for the overall police department budget, we got a very high level view and so we weren't drilling down to CPRA as well as commission. I think we've got some amount of understanding because that's been on the agenda a couple of times, but based upon, Mr Johnson's meeting with Commissioner Harris, I'm not quite sure where-

Maureen Benson: I'm sorry, I'm having a tough time hearing you. Could you, thank you.

Regina Jackson: Based upon Commissioner Harris's meeting with Mr. Johnson of the finance office. I'm not sure where we landed. I don't know if we're looking at this entire document for the information or if there are some particular slides.

Maureen Benson: It should be the attachment for this agenda.

Regina Jackson: Sorry, I'm lifting the wrong attachment.

Maureen Benson: Okay. It's a four page attachment.

Regina Jackson: Yeah, this one. I think that we have a pre- we've been walked through a couple of times Commissioners. Are you feeling fairly confident that you've been following the numbers or do you need more of a foundational overview?

Maureen Benson: Well, just as an FYI, this includes a compare and contrast to the previous budget with the proposed mayor's budget, which eliminated some very glaring things.

Regina Jackson: What we didn't drill down into was the mayor's budget.

Ginale Harris: Apparently there were three proposals that were sent forward to the mayor that I found when I, in speaking to Mr. Johnson, that we're pushed forward through Mr. [Roose 01:23:55]. We were not consulted, so I couldn't understand like where they were getting the information from. He gave me all the information, Mr. Dorado, Commissioner Dorado and Ms Benson and I, sat down and figured out where the money was. It had the appearance that she was actually giving us \$103,000, when actually she was taking away money that we had never spent. We figured that out. Ms. Benson, can you give us some clarity on the budget?

Maureen Benson: Very briefly, what raised a red flag and prompted a conversation with Vice Chair Harris and I was that the mayor, one of the mayor's key points is city hall, which was really concerning to me as a former commissioner was that they were saying that funded the commission's request for a budget. I was very clear as someone who was on the budget ad hoc committee, the commission did not make a request for a budget. The first question we asked Mr. Johnson, who's been incredibly helpful, I just want to acknowledge and appreciate his support, was "Well, who authorized a budget?" That question came up as Ms. Harris raised last time, we still didn't have an answer. Number one, the process was not followed.

Maureen Benson: A budget was sent to the mayor's office on behalf of the commission, but this commission did not vote for a budget. I would offer as a concerned community member some accountability around that. Secondly, what's being touted in the community is that the mayor has added a significant amount of money to the budget. I'm a New Yorker and I grew up hearing all kinds of things and seeing all

kinds of things called shell games on the street and what actually has occurred here in front of your face is a shell game.

Maureen Benson: What that means is that we've moved money in one place and made it look really nice, but we've actually taken money away in a lot of other places. I would direct you to, I'll just say the final analysis on the last page is that actually the mayor has removed \$198,475 from the CPRA budget And also, it's not written there, \$46,000 from the commission's ONM budget, which basically decimates the separate budget for the new executive director that you're going to be hiring. The total amount that the mayor has removed from the commission in, the one 98 plus the 46, is a quarter million dollars and is claiming to have fully funded the resources requested by the commission. Be clear, there were no resources officially requested by this commission. There were no up-to-date reports for the budget ad hoc committee to do an analysis and time and again actually just want to celebrate and appreciate Brad, he got us the ask in an hour. In an hour, we got up to date actuals within an hour.

Maureen Benson: Why did it take months for this commission to get up to date actuals, so that you could do a budget analysis around how much money were we spending? In addition, there isn't, alright. Investigator two and a resource for legal fees for the CPRA and the commission that's added, so yes, technically more money has been added to the budget, but it was an oversight in the previous budget. It needs to be funded by measure LL. You have to have an attorney, there has to be a line item for that. That's what I mean by "it's a shell game." They're throwing money in here and it's being politicized, but really they've thrown some money in something that legally needed to be funded, Investigator two, your legal fees, the special events for public hearings, but they've decimated your budget. If you look at the first page there, you'll see the proposed 2019 and 2020 budget. Everything for the commission has been taken away except those first two line items. Then if you look at the third page, there's dramatic reduction in the CPRA budget, as I said, \$198,000. I'll leave it to the commissioners to make a motion, but just wanted to honor my commitment to Ms. Harris to finish out that budgeting work as I was appalled when I saw that presentation at City Hall.

Regina Jackson: Thank you very much. Commissioner Prather.

Edwin Prather: Ms Benson, Thank you. First of all, I just want to thank you for your continuing work on the budget. You championed this effort when you were sitting here and you continue to do so. Thank you very much for your commitment to this issue, to the commission. I just want to raise one concern and since I'm not, I always say I'm not a numbers guy, so we're gonna have a lot of changing needs in the next, in the short term and the longer term. I can just foresee us having, as we're starting to get into fulfilling more of our requirements, we're going to have a public hearing on the OPDs budget. There is a use of force symposium that we got to put on, there's going to be a lot of sort of new needs that we didn't have last year and that we're kind of can anticipate moving forward. Does

the proposed budget accommodate that or is that something we need to make a, to make a move to put in or how would you rectify that situation?

Maureen Benson: Yeah, thanks, that's a great question. On the first page, the line right under the police commission that says contract contingencies, budgetary only as a total of \$103,000. That seemed to come from one of the three requests for Mr [Roose 01:29:02], for \$75,000 for training and development for the Commission and then \$28,000 for special events. I think my understanding is that we calculated three to four public hearings a year so that you would have \$28,000 in special events. That's my recollection of that. In terms of that line item, it's been put in there, but you'll also notice everything below that has been taken out. You're left with nothing in any of those other areas.

Regina Jackson: Right. Former Commissioner Benson, so the reality of our budget would be the three 68, eight plus two 44. Correct? That would be our total budget.

Maureen Benson: The three 84, one 36?

Regina Jackson: Mm-hmm (affirmative).

Maureen Benson: Tell me where you're looking.

Regina Jackson: Oh, I'm sorry. I was looking at the three 68, eight.

Maureen Benson: Can you give me a page?

Ginale Harris: Page three.

Regina Jackson: Sorry.

Maureen Benson: Lots of numbers.

Regina Jackson: Attachment five. Okay, the top page. Okay, so the three 84, one 36 which is the first page.

Maureen Benson: Correct.

Regina Jackson: That plus the two 44 that was taken or shelled or misaligned or disappeared, whatever you want to call it, that should be the accurate reflection of our budget. Correct?

Maureen Benson: There's two budgets, we broke it out. The first page you'll see the police commission budget. That's obviously much smaller than the CPRA budget.

Regina Jackson: Yes.

Maureen Benson: The three 84, one 36, is just for the commission budget and you'll see that that's a significant amount of money for legal fees. That's one total. If you go to the third page, the CPRA total is three 68, eight 50. If you add those two together, that's now your new budget.

Regina Jackson: Right. What I'm saying is when you add those two together, we're still not accounting for the two 44 that was disappeared. If we added two 44 back to the two and joined budgets and then we would have the appropriately reflective budget based upon our costs savings.

Maureen Benson: That's correct.

Regina Jackson: Okay.

Maureen Benson: Yeah. You'll also notice there's almost half a million dollars still in unspent funds, so hurry up and hire that investigator. You got till the end of June to spend that money. Everything in 2018 which you'll talk about, but lots of unspent funds here.

Regina Jackson: What did Mr. Johnson have to say about the missing money?

Maureen Benson: Thank you.

Ginale Harris: He said that you can put it in a line item and they're able to move it. It will always be there. That's what he said. He said you don't have to split it up or you can just put it in one pot and then it will be there and we can use it for different kinds of stuff. Whatever we decide to use it for. Yes, yes. He gave me some real clarity on how it works and how it looks on the paper and it's not restricted funds that we can move it. I mean it's restrictive, but not restrictive. He gave me an idea, he said, "You could just put it back in the pot and it'll be there."

Regina Jackson: Okay. I think what we are looking to do, Commissioner Dorado.

Jose Dorado: Yeah, I just wanted to acknowledge the kind of work that former Commissioner Benson and our vice chair Ginale Harris did and continue to do. It's ironic that this amount of work that's been done consistently since we were seated, results in an attack on commissioner Harris, who's contribution in this commission has been more than considerable. On the page three, I just want to highlight the remaining amount here today, of \$540,087 that somehow, some way was not spent. How the hell does that happen? We will, down, we will, later on, I'm sure, consider a motion to have that amount of money being put back in the way that Commissioner Harris described and that is in the line item of contract contingencies so we can spend it appropriately. It's unfathomable to me that with this kind of money that can be spent for any number of things was not spent. It's absolutely incredible.

Regina Jackson: Thank you Commissioner Dorado. If there are no more comments or questions, we can go to public comment and then take action. Public comment is [Bruche Mikan 01:34:08], [Mary Veyo 01:34:08], Celine Bay, Rashida Grenache, Henry Gauge and that's it for my list. [inaudible] This is six. Yeah.

Rashida: Thank you. I just wanted to say that the mayor's budget really is irrelevant. The council is working on their budget. They have budgetary authority. Their budget, the council budget should be proposed next week. I know everyone keeps talking about the mayor's budget. The mayor's budget isn't what is going to be voted on. It's the council's budget. You know that the council supports you. I would say go for it. Ask for what you need. The unspent money needs to be carried over. It's unspent because you didn't hire any one. It's not a big mystery why you have unspent money. You didn't hire the people that you were budgeted to hire. Roll that money over, ask for what you need, which is a full compliment of investigators, which you don't have, and your inspector general, your counsel, legal counsel, auditor, whatever else you need as court and I believe you will get it. Thank you.

Mary Vale: Thank you. Following up on what Rashida said, the action now mayor's budget's been out there now for weeks, is the May, the June 10th city council budget, and you need to, whatever you decide tonight, you need to get it to a Council President Kaplan ASAP. She has the input before when they, the staff does their final work on the council's budget. You were obstructed and spending for key staff positions, that money should just be rolled over into this budget.

Mary Vale: One of the sleight of hand in the mayor's budget and I only mentioned it because it's something you've got to delete from the draft and point out to the city councils. The mayor has various community engagement and community survey, I wish they'd work as hard as digging deep on the racial profiling and holding officers accountable and changing their procedures, as they are with community engagement. As part of that, apparently there's a survey that the police department didn't do last year. They're moving the cost of the survey from OPDs budget, to your budget. This is not something you want. This is more sleight of hand to do some of this busy work the department wants to do instead of getting down to business and complying with the NSA and fixing the ... you need, and it's appalling that the mayor would offshore stuff the police department wants, tell the community that she's giving them level funding and park additional items in other offices or departments in the city that are actually things OPD wants. Then lastly, bringing the investigators up to the required level by LL, should be a priority and you communicate that to the council. Thank you.

Henry Gage: Thank you. [And] the third with the coalition. I want to echo the previous speakers with respect to the, need for timeliness in this budget, because time is of the essence. People said that it needs to be done quickly. I believe it needs to be done very, very quickly, as in tomorrow because this budget is going before council and as it's been said previously, the mayor's budget is frankly largely irrelevant in this context, except for the fact that the mayor's budget does have

current proposed allocations for this police commission. Sometime that communication, that's what they have to go off of. I'd highly encourage you to make your decisions tonight with respect to what you're asking for and get those out tomorrow. That way the council can have that and consider that as your ask. As has been said previously, they're institutionally and frankly politically incentivized to do that with you right now. You do need to do it right now. Thank you.

Regina Jackson: Thank you.

Bruce S.: [Bruche] coalition and NCO. I just want to make it simple observation, listening to this very helpful information. The meeting you guys had that people when they look at these budget issues and why you didn't get the budget and how long it takes. All the city bureaucracy, blah blah blah. It sounds to me like when you actually got hooked up with the competent people in the city staff, who do the work, things like can move and what's been happening apparently, gee, is that you have not been given access to the resources that you need to do your work and it's another one of these things where there's this layer of obstruction and non-transparency and stuff and coming from on high, who shall remain nameless but we know they are. I was just struck out, quickly you got the information you needed and wanted from the people who actually have the information. This could have happened, this is like a boondoggle that was created an imposed on you, I believe. Just an observation.

Regina Jackson: Thank you. Mr. Bay.

Celine Bay: Celine Bay. Well the first thing I want to make a clarification kind of double back a little bit, but we're talking about the CPRA. The reason why the commission is having all these issue about Pawlik is because the CPRA and the police sat on the case for a whole year and then handed it to you at the very last second. As we gnash your teeth and then go back and forth about fixing the Pawlik case, it was handed to you in a sabotaged manner. The other thing is Mr Pawlik was murdered. There is no statute of limitation on murdered, and if he was executed, then that is murder in the 33 or four toll. The other thing is, is that the measure LL gives this commission the ability to reorganize the CPRA. All right?

Celine Bay: I hear every week you complain about Miss Tom, you complain about Miss [Apay 01:41:14], we complained about Mr. Findell, we complained about all of the people, rightfully so because it's based on facts, but, let's start replacing them. Take Miss [Apay] and put her up underneath where she really works, which is the city administrator's office, and replace her with somebody new that you hired or that you vetted. Take Miss Tom and actually, forget that, move or fire both of them. And if in the absence of not being able to firing them, then let them be transferred out. Let's just get clear that you're being sabotaged. CPRA was a poisoned pill on this. We've been telling you from the beginning, it goes directly to your credibility. As we go back and forth and waste time talking

about CPRA, talking about the same people, the definition of insanity and I leave you with that.

Regina Jackson: Thank you. As I see it, Commissioner Harris has shared with me that the budgets of CPRA and commission at up to \$996,984. If we would also add the unexpended money, which totals 540,000, then we have a total of &1,537,071. I would like to accept a motion to accept a police commission budget in the amount of 1.537071

Jose Dorado: I move that we, well we accept this budget with the total of the unspent funds and the plan and the amounts that are shown, in our pages under the CPRA as well as The Commission, totaling the 1.5, et cetera. That's my motion.

Regina Jackson: I second. Commissioner Prather.

Edwin Prather: Yeah, thank you Madam Chair. Maybe this is a moot point, but the way I understand budgets is that you put a budget out there and then it gets carved back. I'm thinking that we should ask for more than that number. I think that because of our recent involvement with the city council on issues, and our added credibility with them, we could even add them as line items if appropriate. I just jotted down here, when we have our use of force public hearing or symposium coming up, I'd actually like to hire real experts, independent experts, pay them to come in. I budgeted, I just jotted down 50,000 for a real symposium for independent investigations into whatever we decide, we need an investigator here, I wrote down 125,000, and for audit, I wrote down another 125,000. That's an additional 300,000. Unless there's something I'm missing, I would like to suggest that we add that to whatever is currently being offered as a budget. Unless there's some reason not to or that it's going to hurt us, but I haven't heard anything. I actually thought I heard from public comment we should ask for the moon and then get sort of pared back from there.

Regina Jackson: Commissioner Harris.

Ginale Harris: I agree with you, Commissioner Prather. I believe, all of those things that you outlined, we do need. I ...

PART 3 OF 8 ENDS [01:45:04]

Ginale Harris: Need. Actually when the budget committee first started working on the budget, we actually put together a org chart, that we attached to the budget when we did the first budget. Do you remember commissioner Dorado? And it's not included in this packet today. But I will make it available to you. I don't feel like you guys need to go digging back for stuff, but I will make it available to everybody again, on the reorganization of the CPRA, and this budget. If we can make it an agenda item, that'd be great.



Regina Jackson: That's great. So, commissioner Dorado, given the suggestion, would you like to withdraw your motion or make an amendment?

Jose Dorado: I'll take it as a friendly amendment.

Regina Jackson: Okay.

Jose Dorado: And I will accept it.

Regina Jackson: So that amount I've added it up would be \$1,837,071. Now if you want to round up, knock yourself out, but I'd like for us to actually approve a dollar amount budget.

Ginale Harris: 2 million.

Regina Jackson: Yes, I accept the amendment. Can you restate the motion? Because I think that rather than an amendment that we should-

Jose Dorado: My amendment?

Regina Jackson: No. I think that what we ought to do is move an actual dollar budget. Rather than 1.5 over here, and then let's add 125, 125, 50. Let's get one number, and commissioner Harris just said, Oh, let's bump it up to 2 million. It was one eight 37.

Jose Dorado: Madam Sec, why can I just withdraw the motion we start over. I'll just withdraw it.

Regina Jackson: Okay. So and I'll withdraw my second. Commissioner Smith?

Thomas Smith: Oh, no [inaudible] motion.

Regina Jackson: Yes.

Thomas Smith: Okay.

Regina Jackson: Okay. Great. Thank you. The number is, well, what do you want to say? 1.9 million?

Speaker 4: 2,000,000.

Regina Jackson: 2,000,000. Okay.

Edwin Prather: I move that we submit a budget proposal to the city council of \$2 million.

Regina Jackson: I second. We have heard public comment do we want to take a vote? And that presumes that we will add in the additional line items and have a line for re-org.

Speaker 5: Yes.

Regina Jackson: Okay. Commissioner Dorado.

Jose Dorado: Yes.

Regina Jackson: Commissioner Harris.

Ginale Harris: Yes.

Regina Jackson: I for myself, commissioner Smith.

Thomas Smith: Yep state.

Regina Jackson: Commissioner Prather.

Edwin Prather: Yes.

Regina Jackson: And the motion passes. We have a budget.

Regina Jackson: Thank you former commissioner Benson, thank you vice commissioner Harris and Commissioner Dorado. Hopefully the next time we do this, the process will be more smooth. Okay, so we are now moving to-

Speaker 6: Commissioner just in the interest of making sure that it gets done expediently, as has been raised as a potential issue, is there somebody who should be designated to submit that?

Regina Jackson: Yes, I'll be working with commissioner Harris to make sure I get the template and then we will add the additional dollars. Is that good?

Ginale Harris: Yes, ma'am.

Regina Jackson: Okay, very good. Thank you. So we are moving on to item six. Submission of candidate for a CPRA Interim Executive Director.

Regina Jackson: So I will say that "I received an email from the city administrator, recognizing that I did not have confidence in trying to lift another staffer from CPRA into an interim position. She suggested that I consider former employees. And one of the names that came up was that of former CPRA executive director and former police commissioner Mike Nisperos. You all may remember that commissioner Nisperos, particularly in his capacity as commissioner, has continued to keep us on track, particularly around process, has reminded us around historical retrospective and cautioned us to be very thoughtful about our movement forward."

Regina Jackson: So I gave that information, I checked with former commissioner Nisperos and he said that he will be delighted to serve in an interim capacity. He was to have met with city administrator yesterday. And so we were suggesting to put this on the agenda so that we could therefore approve his candidacy.

Regina Jackson: So, Mike Nisperos is the person that has been moved forward. And if there are any questions or comments before we go to public comment.

Jose Dorado: Just delighted.

Regina Jackson: Thank you very much, commissioner Dorado. So do you want to go to public comment now? Okay, very good. So, the speaker cards for public comment are Henry Gage, and Suline Bay.

Henry Gage: Henry Gage the third with the coalition. I'm glad to see that the commission's moving forward with the selection of an Interim Executive Director, especially since the work of separate is not stopping. And the status quo of having a headless horse with respect to the agency can't continue. So hopefully the executive directors, permanent search will conclude shortly and we can move on from this item. But in the interim, thank you for taking this up.

Regina Jackson: Thank you, Mr. Bay.

Celine Bay: Suline Bay. My comment on this would be that first of all, I had a question, like what years did Mr. Nisperos serve as the executive director of the CPRB? Dovetailing off for that, I would like to say that CPRB was not a prime example of transparency and justice. And that to recycle somebody back into that position, doesn't give the community a lot of confidence.

Celine Bay: And like I say, I don't believe I've ever had any interactions with Mr. Nisperos, and I can't cast the dispersion on him directly. But I would just say from a community perspective, if the city administrator would like to bring somebody back and put them in a position, it's because they worked in that position with the city administrator. If Mr. Nisperos was also managing Miss All Pay, Miss Tom and all of the other people who've been booting and throwing the cases, does that give the community a warm feeling that you're going to put in that person back over?

Celine Bay: Again, if the CPRB was doing the job that it was supposed to be doing, you would not exist? So to take somebody who was from the CPRB, to put them back over the CPRB, and then give them the exact same staff that you're rejecting? It doesn't sound, it sounds circular. You see what I'm saying?

Celine Bay: So you really need somebody, I would suggest somebody independent, somebody that would be acceptable to the community, or based on their credentials, and not somebody who's already been inside the system who's comfortable enough. I mean, obviously, if he was the executive director, he's

been meeting with different city administrators all the time that he was the director.

Celine Bay: And so now you're going to put that person right back there. Where does the loyalty lie? And I know there by oh, he's a good guy, but we also know that your environment is stronger than your nature. And once you get in there, and you start teasing and smiling and eating the taxpayer donuts and everything like that, we don't have that type of confidence. And I know for a fact I wouldn't want my case to go back to the CPRB, to be re-done by the CPRB, now with a different letter at the end, just to call it the CPRA.

Regina Jackson: Thank you. So to answer your question, I don't know the exact years that he was executive director. Commissioner Prather.

Edwin Prather: Yeah, thank you Madam Chair. According to the CV that was attached and attachment six to our agenda, Mr. Nisperos was the manager of the CPRB from July 1997 to April 2001.

Regina Jackson: Thank you very much. So we have heard our conversation, our discussion, we've heard public comment, are we prepared to move on this item? Just in terms of time frame, given the interim role is likely to be more than three months, given where we're moving with our personnel committee process? So just wanted to give us time frame. Commission Dorado.

Jose Dorado: I move that we approve the submission of Mike Nisperos to serve as our Interim Executive Director for CPRA.

Ginale Harris: Second.

Regina Jackson: Commissioner Harris' a second. It's improperly motioned and seconded. And we've heard public comment. Are we prepared to take a vote? So Commissioner Dorado?

Jose Dorado: I.

Regina Jackson: Commissioner Harris?

Ginale Harris: I.

Regina Jackson: I for myself. Commissioner Smith?

Thomas Smith: I.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: And the motion passes.

Regina Jackson: So Mr. Nisperos, I will be speaking with him tomorrow but I do expect him to report to work on Tuesday, right after the holiday.

Regina Jackson: Point of privilege. We have a speaker here on item nine for CAHOOTS, and they have flown in. I would like to ask the commission if we can move this item ahead and let that person present? This is on the emergency calls that are taken by community, and then we can do the OBD public hearing on the budget.

Speaker 7: Sure.

Regina Jackson: Okay. Very good. So we'd like to bring up and Enjenks and the representative from CAHOOTS. Commissioner Brown, did you want to provide any intro?

Chris Brown: Yes, I'll be brief. The interest in this, in the CAHOOTS model or services, stems from a skill mismatch that exists when you apply police officers to mental health problems. Eugene, Oregon has a unique solution to this problem. And so we are hoping with help from the commission and from the city council to fund a brief or small examination whether that would work in Oakland.

Chris Brown: And so the presentation tonight is to prepare the board for a motion to support the investigation. So with that, I'm done. Thank you.

Regina Jackson: Welcome, sir.

Oscar Fuentes: Hi. Thank you. Just to clarify, I came over on back from San Francisco today, I didn't fly in. And I'm a designated representative of CAHOOTS. They'll be here in June.

Regina Jackson: Okay. Thank you.

Oscar Fuentes: So, yeah, my name is Jacob Savage. I'm just going to briefly talk about CAHOOTS and the White Bird Clinic up in Eugene, Oregon. My background is listed in this bio, if anybody wants it, I can distribute it.

Oscar Fuentes: So White Bird Clinic is an organization of which CAHOOTS is a program and just to cut to the chase, CAHOOTS sends out a team of two responders in a van to handle every single call in the city of Eugene, call for service related to homelessness, mental health, substance abuse, and the various things that surround those types of calls. And any other jurisdiction, you'd have law enforcement responding to these calls, and I'm not sure what the stats are in Oakland, but most municipalities end up getting bogged down with these calls and sending police to calls that really most people would think police are not necessary for or police might be excessive, or police just by the nature of having a gun and a badge might exacerbate.

- Oscar Fuentes: So, I found out about these guys about four years ago or five years ago. I did a ride along with their van, and I had a lot of experience doing a ride along with police officers, but I never knew what it was like to show up to mental health crisis without a gun. And it was amazing how effective these CAHOOTS workers were at de-escalating and voluntarily getting these clients to support services.
- Oscar Fuentes: The thing that was almost more amazing was their relationship with Eugene Police Department. The police officers in Eugene, if you talk to them, they'll say "We can't imagine what it would be like to be a police officer in a city that didn't have something like CAHOOTS." It really shows the value of inter-agency collaboration and how CAHOOTS is effective because they have the safety net of knowing they have the police on the radio, they have an emergency button if they need it. They work really well together.
- Oscar Fuentes: And I just throw a quick story in there. There was a guy at the sheriff station that we had just dropped off with CAHOOTS. And we heard a call on the radio for police saying there was a guy at the sheriff's station who's getting rowdy and getting riled up. So we turned around, we headed back to the sheriff's station got there, and the police had already gone hands on with him.
- Oscar Fuentes: They were putting him in control holds and he was fighting back, and it looked like it was going to be a bad situation. And as soon as CAHOOTS got there, I've never seen this before in my life, but the police officers jumped off the guy and said, "Here, take him." And that was the most beautiful thing because it was a situation that in my mind, I said, okay, this is just going to be another... It's going to keep escalating, and this is going to get really bad and maybe tragic. And it went completely the opposite direction, like the cops didn't do anything afterwards, they just left us with the guy and they realized that we were the more appropriate agency to handle this issue.
- Oscar Fuentes: And 30 years of CAHOOTS doing this, they've had no injuries, no hospitalizations on the job. They're handling 10,000 calls for service per year. So that's incredible statistics and that, there's lots of questions about safety, what if you show up to a mental health crisis and you don't have a firearm or you don't have that duty belt.
- Oscar Fuentes: Well, there's unfortunate self fulfilling prophecy of showing up to a mental health crisis with a gun. And CAHOOTS proves that there can be an alternative and also just they reinforce the value of having a good working relationship with the police, so that if CAHOOTS is engaging with someone, they can use their discretion to decide when they want to call police and police can stand, kind of at a distance as to not necessarily trigger the individual in crisis, but to have the back of the CAHOOTS' workers just in case something does go wrong. So yeah.
- Regina Jackson: Thank you very much. Do you have any questions? Yes, commissioner Brown.

Chris Brown: I want to thank you very much for this. This is the kind of proactive thing that this poised commission can do to move Oakland Police forward. And I want to thank you again for making the presentation.

Oscar Fuentes: Thanks.

Regina Jackson: Extraordinary resource. Thank you, commissioner Harris.

Ginale Harris: So just a question about Eugene, Oregon. Is their Police Department similar to ours? Is it big or small? Or how is it a town? Is it city?

Oscar Fuentes: It's smaller. It's like 400 500,000. I want to get this population, right. I think it's something like 400,000 people in Eugene. Is it really? Okay. I think it's smaller though. I'm from San Francisco. I just went up there a few times, but they feel smaller. Let me say that. But they have 10,000 calls for service per year that they handle. I think that's a great metric just to think about, what does that look like in Oakland. If you take 10,000 calls that are like drunken public 5150 type calls, what does that do to the overall numbers?

Ginale Harris: Is CAHOOTS being practiced in any other city besides Eugene, that you know of?

Oscar Fuentes: I mean, CAHOOTS is just in the city of Eugene. And if you read my bio I was inspired by CAHOOTS to bring something to San Francisco. But yeah.

Anne: They started something last year on one of the Eugene suburbs.

Regina Jackson: On your mic.

Oscar Fuentes: Yeah. What she was saying is, CAHOOTS has actually expanded to a couple municipalities surrounding Eugene but in the greater Eugene area, so Springfield, Oregon, also now has one van. But so I should say CAHOOTS is specific to Oregon, the Eugene area and surrounding cities.

Ginale Harris: Thank you.

Regina Jackson: Thank you. Commissioner Prather.

Edwin Prather: Yeah. Thank you for being here. Thank you for your really meaningful presentation. I can tell by just your effect and your mannerisms that you really believe in the work and then just thank you for it.

Edwin Prather: Commissioner Brown just passed me an additional information about CAHOOTS and a couple of questions and just, can you give me a sense of like, the size, to service a municipality like Eugene, in Springfield, which I understand from commissioner Brown is probably around 170,000. What's the size of the CAHOOTS force? In terms of vehicles and number of individuals and even... Or

annual budget, just in terms of those types of things. If you know sorry, I don't mean to put you on the spot either-

Oscar Fuentes: It's okay. I'm just going to give the disclaimer that I don't work for CAHOOTS, I don't officially represent them.

Edwin Prather: Okay.

Oscar Fuentes: I'm here to talk about... I've been up there like multiple times, I've gone for lots of ride along. And they suggested that I present since they couldn't be here, so that's the disclaimer.

Oscar Fuentes: In the city of Eugene, they have two vans that go out every day. I believe it's one in the morning, one starting at like 8 a.m finishing at sometime in the early evening, and then one starting later in the afternoon, going through probably 2 a.m. That's like a rough recollection.

Oscar Fuentes: They may have expanded since I was last there as well. They also have one van in the city of Springfield. I just saw a Facebook fundraiser, for like keeping CAHOOTS in one other small municipality. So they might be hanging on a thread somewhere else, but they have two workers on each van.

Oscar Fuentes: And this is the important part, I think to their model. One person is a health professional. That's like an EMT-Basic or RN or an MFT or a social worker.

Oscar Fuentes: One person is a physical health, so not social worker, one person is going to be EMT or registered nurse. The other person is a social worker, or not even a social worker, but somebody who's gone through the training program that CAHOOTS has put together. That's pretty radical, because they're creating their own training system and that person, if they don't have a social work degree, they just really appear. But that team of the medic and the non-medic, seems to be really effective for what they're doing and I think they have a... There's an article I can share with you guys that talks about the benefits of having a health worker on that van.

Edwin Prather: I appreciate the comment. One of the things that stood out to me and the information I received about CAHOOTS, was talking about it not this year, but in prior years it did, it takes up to 15,000 response calls a year. And so it's really amazing to do that with two or three, just sort of a small force, and I'm reading a statistic from 2018 where CAHOOTS will be part of 26,000 calls. I mean, that is an amazing number of incidents to be involved in whether it's dealing with homeless or medical services or substance abuse or other social service needs. I'm just trying to get my mind to wrap around, just the difference that can be made. With a sort of a small surgical force to go in and combat an issue, I mean, really to be on 20,000 calls a year and in a city of similar size is pretty amazing.



Oscar Fuentes: I think part of the part of the deal is that the lack of mandates that CAHOOTS has to do certain things. Just the process of making an arrest sometimes takes an officer out of commission for hours, right? CAHOOTS, if they're able to go into a situation that may have escalated or may have required a police officer to make an arrest and other jurisdiction, when they go in there. They say, "Hey, check what's going on men, you doing okay?" He's like "I yeah, I just was getting a little angry, but I feel better now."

Oscar Fuentes: They have a great relationship with the community and so, there's so many times when it's just them showing up is defusing a situation and then it's also the great partnership with all the city services for really efficient like transport to voluntary detox or transport to, they've turned the Old City Hall into a homeless shelter or a temporary shelter.

Edwin Prather: I think that's amazing. One of the other stats that really jumps out at me is that CAHOOTS, I'll say claims I'm sure it's true. But CAHOOTS saves the Eugene Police Department \$800 per response. And so they calculated they've saved the police department around eight or eight and a half million dollars a year, to take over these types of situations. I mean they're all, for all the reasons you've stated and additionally for the bean counters that there's an economic one too, it seems to make a lot of sense.

Oscar Fuentes: And that's probably another seven or eight million saved. Just diverted ER costs and medic costs, but I know this word of police commission here so yeah. I'd love to see their year of 26,000 calls, and how much money they think they save the police department. Because I know the \$8 million statistic, I thought that was from a while ago when I heard like 15,000 calls so.

Edwin Prather: Looks like in 2017, they're saying 12 million in savings. So if you extrapolate out those numbers, it's probably more like 15 million, 16 million in savings. I mean, there's a lot of assumptions and that. Per the cost of every response is going to be different from city to city, department to department and sort of those things. But that doesn't diminish the good work and the difference that the right program can make. So I really think my time is up on the stage. I just thank you for being here.

Oscar Fuentes: Thank you guys.

Regina Jackson: Thank you very much. Are there any other questions? Okay, then we'll go to couple of comments. Anne? Yes.

Anne: I'll do it under public comments. So just I'm presuming that there was interest. Some folks from CAHOOTS, just gave me some availability Tuesday, June 25, and Wednesday, June 26. And what they typically do, is they hold meetings with anybody who's interested, and then they hold a separate meeting with police and fire, who tend to be asking a lot more, very specific questions and they're very accustomed to coming and responding to that kind of thing.

Anne: On commissioner Prather's point, I asked them if they calculated the cost of arrests that are not being made when CAHOOTS responds? And unfortunately they've been in Eugene for so long. They can't do a comparison of the numbers of arrests with and without CAHOOTS.

Anne: One of the things that's very attractive about it, however, is that there's nothing that obligates us to start the program at full strength, we can start very small and grow out to whatever is appropriate for Oakland and however the program would be appropriate for Oakland. Thank you.

Regina Jackson: So I'm going to call for public comment now. And, Mr. Jacob, if you don't go too far away. If there are any questions posed, hopefully you'll be able to answer them. Thank you.

Regina Jackson: So in any order, Eleischt Bernstein, Bruce Macon, Oscar Fuentes, Rashida Granacsh and I have no name.

Eleischt B.: Good evening, Eleischt Bernstein, from Coalition for Police Accountability. I'm a retired social worker from Massachusetts. CAHOOTS is just the kind of setup that we really need in all communities. I've had personal experience in Oakland, with the mental health system as it set up to help the police right now, with my neighbor when there was a confrontation twice with her.

Eleischt B.: The first time sitting in a car not doing anything, standing at the car were representatives from the Alameda County Crisis Mobile Team, they said that they couldn't do anything to help the police force who were enormous numbers of them, plus the tank, they couldn't do anything because they didn't know anything about the resident. So they just stayed back.

Eleischt B.: And the second time, the same woman this week, again, was out on the street all morning, terribly drunk, and someone called the police. And the response this time was from Oakland Police Department's mental health person, who generally drives around with a mental health practitioner, I think from the closest mobile team, for some reason he was alone that day. The police officer didn't know why he was alone. This was a much more successful meeting, although they had to arrest her and take her away in handcuffs.

Eleischt B.: But she's going to a cycled. And I think it was because this guy responded first. Unfortunately, he was in uniform, and she ran from him. She known and he was a stranger, but he handled it in a way that they were able to get it to the car. I mean, she was not happy with it. It was not voluntary.

Eleischt B.: But we need professionals who are coming instead of police. No uniform, I think is the model. That's best.

Regina Jackson: Thank you.

Eleischt B.: Thank you.

Regina Jackson: I have a card from Miss. Tabay.

Rashidah G.: Thank you, I think this is a no brainer. This actually goes to the heart of what community policing is supposed to be about, which is to help people solve problems, help neighborhood solve problems, not by arresting but by bringing in resources that are appropriate to the issue. This concept is going to be presented to the Public Safety Committee on June 11. And we are asking that the commission indicate support for exploring the possibility of bringing a similar or creating a similar program modeled on the CAHOOTS program to Oakland.

Rashidah G.: We believe that the council is very receptive to this. But it would be very helpful if the commission would express support for it. And once we get the council to endorse, exploring this, then we would work with the commission to develop what could be a pilot program in year two.

Rashidah G.: So if you are all on board and see that it's within the scope of your mission, we would certainly ask for your support. Thank you.

Regina Jackson: Thank you.

Risa Jaffe: I'm Risa Jaffe. I don't know if I have anything new, it just makes common sense to me, we really need to look for solutions that don't require a gun, to have people show up without a gun. A person showing up in uniform with a gun just escalates the situation just by the fact of their arrival. So we have a lot of mental health issues in our city that just don't require that please. Whatever we can do. Not just a little pilot go big. Thanks.

Regina Jackson: Excuse me. Can you just repeat your name so I can write it down.

Risa Jaffe: Risa Jaffe.

Regina Jackson: Thank you.

Celine Bay: Suline Bay, I would just like to say that everything that they're saying in CAHOOTS is been tested, and it does work. I mean, this is something that we've been doing in the community, de-escalating for a long time without an actual organization.

Celine Bay: People show up and they try to de-escalate, especially in our community, we see people interacting with the police a lot of times who have mental health issues, and I see people in the community all the time jump in between the police and a person and say, "Look, he's having an issue, he will listen to me." And so it does make sense. And if we're talking about a police force that serves, protects and serves, sometimes they need to step out the way especially when

we're finding out that the police department keep saying that they're scared. Every time they shoot somebody is because they feared something. This is.

PART 4 OF 8 ENDS [02:20:04]

Celine Bay: One is every time they shoot somebody because they feared something, I mean that is a blanket excuse. So if you're that scared, let somebody else go up who is not afraid and who doesn't have a weapon and everything like that. So when you do go into these communities and occupy them with a gun, it's because you're coming from a another community. A lot of these people are driving from the Valley. A lot of these people are driving from way, hours outside of Oakland. These people being Oakland officers to then spend 12 plus hours inside Oakland. Not only are they stressed, not only are they coming in, where in a community that they're not familiar with and that makes them afraid, but they're trained to shoot first and ask questions second. Right? So if the community is going to step in the way and this organization right here, sounds like they're on the right track, we would support them.

Regina Jackson: Thank you. Mr. [Meekin 02:21:07].

Bruce S.: Thank you. Bush Meekin, Coalition. Yeah. I just want to affirm what other folks have said. And I think that two thing, well one thing strikes me about this in particular, there's lots of community based services out there that try to do things like this, but the idea of having them linked in to the 911, I think that scales it. It gets them on the scene in a quick efficient way displaces an unnecessary presence. And I just want to say I've seen, just in my own personal experience, I should credit my wife for this, but twice in our home we've had women come in who were being literally beaten, on the street in front of our house, like 3:00 AM and my wife will call the police when that stuff happens, no question, and the police I want to say were handled it very well.

Bruce S.: There was a woman officer, fire people came, EMT people, medical people and all that. But it was also real clear that even though the police were handling the situation with a certain, obviously they had some experience and training and a certain amount of sensitivity. The very fact of the uniform was off putting and I was able to get information from the victim that they wouldn't give to the police. So it's that weird thing where even if the police do the right thing in that situation, oftentimes the uniform is a deal breaker and just screws things up. So this is a brilliant, and I think it could be scaled other things like including even training people to handle domestic violence and things like that. Thank you.

Regina Jackson: Thank you. That's an outstanding community organized effort. I'll look forward to hearing a presentation.

Regina Jackson: Yes, Commissioner Brown and then Commissioner Prather. Oh, Commissioner Prather, then Commissioner Brown.

Edwin Prather: Thank you Madam Chair. I think I'm probably channeling most all the commissioners and the public that this is pretty much a no brainer in terms of concept and what it is. I mean obviously there are certain things I'd like to see. I'd love to see the rules of conduct between the Eugene Police Department and CAHOOTS to see how that interaction happens. I'm sure there's an MOU or other documents that outlines the rules of engagement there. Love to see if other organizations are out there nationwide doing the same work. But so I think some additional work needs to go into it too. But to Miss [Grenache's] point, if the public safety committee is going to review this matter and needs to basically hear a thumbs up or thumbs down from us by that date you, it would seem to me to be pretty clear that we should support this effort, especially if it's going to come back to us for further investigation and ferreting out what a relationship could really look like. And so I'd be in favor of this and I believe Commissioner Brown has a motion.

Regina Jackson: Commissioner Brown.

Chris Brown: Thank you. I do. [Kpop.] can you pop me up a tiny bit please? I'd like to move that the commission draft is send a letter to city council, all city council members, stating that the commission endorses efforts within the council to fund a study on how Oakland might implement and benefit from a program based on Eugene, Oregon's CAHOOTS program.

Edwin Prather: Second.

Regina Jackson: We have heard from the public. Are we ready to vote? Commissioner Dorado?

Jose Dorado: I had a comment.

Regina Jackson: Oh, you had a question? Sorry.

Jose Dorado: No comment.

Regina Jackson: A comment. Okay.

Jose Dorado: I just wanted to make a connection between, obviously it's, I think it's obvious it's a no brainer, but I want to connect the comments of of Miss Granache and Mr. Bay. And that is in the sense of community policing and the empowerment of the neighborhoods. I think it's important to see this as a first step in the direction of actually having the community be empowered or better said, empower themselves, ourselves to be able to deal with these kinds of questions and situations on our streets. Without the intervention of the police department. I think we are [proley] capable of doing it. I think that's a road we need to go down and this I see as just the first step down that road.

Regina Jackson: Thank you very much. So I need to get clarification because Vice Chair, Harris just raised an important point. Does Alternate Commissioner Brown, can he make a motion or is it that he just can't vote?

Speaker 8: I believe that charter is clear that alternative commissioners cannot vote. It is unclear to me and there is nothing in the rules of procedure addressing whether an alternate commissioner can even make a motion. Just out of an abundance of caution might be easier to have one of the other commissioners make that motion.

Regina Jackson: Okay. Commissioner Prather.

Edwin Prather: Well I believe there's precedent because I believe we have had an alternate commissioner make a motion. So I see Commissioner Smith shaking his head.

Regina Jackson: So given that would you offer up a motion?

Edwin Prather: That's fine. Given Commissioner Smith's head shaking, I will adopt, I will make Commissioner Brown's motion for him, whatever it was.

Edwin Prather: I move that the commission draft and send a letter to the city council stating that the commission endorses efforts within the Oakland City Council to fund a study on how Oakland might implement and benefit from a program based on Eugene's CAHOOTS program.

Regina Jackson: Second.

Regina Jackson: We ready to vote? Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Smith: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Okay. Motion passes.

Regina Jackson: And thank you, Ann [Genx] for bringing this to our attention. Appreciate the support of the coalition.

Regina Jackson: So we are now at agenda item seven, public hearing on the OPD budget. And Police Chief Kirkpatrick is here.

Police Chief: Good evening, Commissioners. I'm here just to introduce the staff who will be doing the report for you. And so you already know Mr. Bradley Johnson who is with the city's fiscal department, but you have not met one of our most talented people within the police department. Mrs. Nell Wallington, she is our Fiscal Manager and she's going to be making the presentation with him. So Ms. Wallington.

Nell Wallington: Very kind of the Chief. Good evening. I am Nell Wallington. I will go over a highlight or high level overview of the police overtime budget. We have a PowerPoint presentation, so I will-

Regina Jackson: Excuse me, Ms. Washington.

Nell Wallington: Wallington.

Regina Jackson: You said the over- Excuse me. Wallington?

Nell Wallington: Yes.

Regina Jackson: My apologies. Did you say the overtime budget?

Nell Wallington: I'm sorry. Overtime is on my mind.

Regina Jackson: Okay, not problem.

Nell Wallington: It is the OPD budget, but we will discuss overtime within the budget. Thank you for that.

Nell Wallington: Okay, perfect.

Nell Wallington: If you guys want to follow along, I believe there's some copies available or it should be some copies available. Okay, perfect. So the overview will first discuss the current FYI '18, '19 budget. We'll go into the personnel costs, the O&M costs, the funds and some of our grants. We will also discuss the proposed budget for FYI 1921, and we'll discuss a high level challenges and some opportunities. So if you want to go to the next slide. So as you can see here, this is OPDs baseline budget. Our all funds budget is \$288 million. 91% of our budget comes from the general purpose fund. It's pretty hard to see from here, but you can see the breakdown from the general purpose fund. And you'll see salaries at 44% as our largest expenditure followed by retirement fringe benefits, over time. And then internal work orders. So our budget mainly goes to personnel cost.

Nell Wallington: So if we want to go to the next slide, you'll see here the vast majority of our budget is associated with personnel costs, \$242 million in all funds associated with personnel and 220 million, 23 million. For the general purpose fund. Our positions, we have 1,311 positions, 792 sworn positions. We have 384 professional staff and we have 135 police officer trainee positions. Now these are positions, these are not actually field positions, but this is what we're budgeted for.

Nell Wallington: So next slide. So this is an overview of our overtime. So our adopted overtime budget is \$12.3 million. Our adjusted overtime budget is \$14 million. And what that means is after the budget is released, we have money and probably a contingency account and then we would do a BCR to move the money to the correct account. So this really applies to our academies. So right now our budget, well for the future years, our budget is aligned in the appropriate location, but previously it was in the contingency account and then once the year was active then we will move funds to the overtime account. So OPD is expected to spend \$36.2 million in overtime. And this is due to public safety level service demands. This is the homeless outreach. This is our crime reduction strategies. This includes our special events. This includes all the overtime that we're working. So our adopted revenue budget for overtime.

Regina Jackson: Excuse me.

Nell Wallington: Yes. Yes. Yes.

Regina Jackson: We have a question from Commissioner Harris.

Ginale Harris: So I understand this is a snippet of the budget, but it doesn't give me any actuals. You're saying, you have an overtime budget for projects and homeless and events.

Nell Wallington: No. So this is not the overtime budget. It's how much is expected to be spent is \$36.2 million of actuals. This is our projection, so we have an overtime report that's actually going to public safety committee on June 11th that really has the detail related to the overtime. So if-

Ginale Harris: So could you share that with us as well? I'm just curious to know why overtime keeps going up.

Nell Wallington: Yes. Just one second. I do have that information and the information-

Nell Wallington: Yes?

Regina Jackson: Follow-up question on Commissioner Harris's. Overtime is money that you spent outside of the budget. Why isn't this a part of the budgeted money? What I'm understanding is that we keep over spending.



Nell Wallington: Correct.

Regina Jackson: We know we're going to spend it because it's actually, as I understand it, a cost savings to actually filling the positions with benefits and all of that. Am I not correct?

Nell Wallington: Yes, but we need additional staff. We are under-

Regina Jackson: So to my point though, if we know that we're going to spend it, why not add it responsibly into the body of the budget rather than segregating it like, oh, we anticipate that we're going to overspend. Why not build it in? So that we can make efforts to hire the positions that we know we need. But as I said, it's been explained to me that if you were to actually fill all the positions that you have open, you would spend more than the amount of budget, the amount of money that's budgeted for overtime, which is why you live in the overtime. Is that correct?

Nell Wallington: Not necessarily.

Regina Jackson: Okay. Well how necessarily? Can you grab more information-

Nell Wallington: So if we have full staff, we should not spend \$36 million in overtime, if we're full staff, because a lot of the overtime is associated with backfill. Now, it would not eliminate overtime. So there is an expectation that if we are full staff then we'll completely eliminate overtime and that's just not the reality, but-

Regina Jackson: It would substantially reduce it. Am I correct?

Nell Wallington: Yes. Yes, it will.

Regina Jackson: So, and I know that you're here to present the budget and forgive me, but this has been wearing on me for a minute. Do you, Are you all working with HR to get a plan to substantially reduce overtime by filling positions?

Nell Wallington: Yes we are.

Regina Jackson: Yeah. Okay, great. So hopefully that's going to come to or later. But go ahead Commissioner Harris. I'm sorry [crosstalk 02:35:34].

Nell Wallington: Do you want me to address your initial?

Regina Jackson: Yes please.

Nell Wallington: Okay. So as of March 31st we spent \$27 million. So that is actual, so that's not projected. That is actuals as of March 31st, 2019 that's from July 1 2018. Our main categories for spending is special events and enforcement. That is \$9 million followed by backfill overtime, which is approximately \$5 million.

Regina Jackson: What was that?

Nell Wallington: Backfill. Then extension of shift is approximately \$4 million. Holiday overtime is about \$3 million. And I'm trying to focus on the high level ones. The Fair Labor Standard Act is \$1.2 million. And all of this information is in the overtime report. It should be released fairly soon and made public. But all of this information ... So backfill overtime. In case you're not familiar with backfill over time, is filling open beats. So extension of shift is if someone's staying late to complete a assignment. If you're doing backfill then there's an open beat. An open beat because of vacation, sick leave, military, medical leave and someone has to come in and fill that open beat.

Regina Jackson: Okay. So Commissioner Smith has a question.

Thomas Smith: And my question is actually for the Chief because when I look at this much overtime and I look at it so consistently happening year after year. One of the concerns that I have is that the officers who are doing all of this overtime can become fatigued.

Police Chief: We agree.

Thomas Smith: And then what you-

Police Chief: We agree.

Thomas Smith: And then what you get is you get people who are stressed out and fatigued trying to provide services in emergency situations, and you can have poor decisions that are made because their quality of life is so poor on the job and it can result in hurting in the community.

Police Chief: I applaud as well. We have 106 vacancies. That work does not go away. So that is where overtime is primarily spent. So we have been working with the city to try to fill these positions but it's also owned as well with downtown HR, not just the Police Department. So that's where the delays come and the filling of these back positions. So I share and agree with the public very much. I have great concerns about that fatigue and it's big circuitous problem.

Regina Jackson: Commissioner Brown?

Chris Brown: Chief [Brask. 00:18:42]. What's the breakdown of the open positions? Sworn versus administrative?

Police Chief: I apologize, I actually don't hear well so I'm going to-

Nell Wallington: So you wanted the breakdown of what?

Chris Brown: Of the open positions between sworn and non-sworn.

Police Chief: We have that. We have 67 open positions. Non-vacant positions in the professional staff. That's our non-sworn and then the balance is right at 40 for our sworn. But I want people to understand that when we hire you and you're in the academy, you do not count until you graduate. So we have recruit officers in training in the academy, but they are not counted in that vacancy until they are in the street as a full police officer. But this is where it gets complicated, but it's a good question and I do think it's good for the public to have an understanding. So when the officer graduates from the academy they have to ride with another officer. That's a field training time period. So that officer's not independent. So their still that two person car is really one officer in many ways. So there are long delays before you have fully functioning people.

Chris Brown: Thank you very much.

Regina Jackson: I have one more question and I'm not sure if Ms. Wallington you can answer it or if it's the Police Chief's question. She mentioned that they're working with HR, but I'd like to understand a plan. Because what I'm hearing is it's HR's slow response that is delaying, and I don't know if it's just one way. But I'd actually like to hear a plan or have you present us a plan next meeting. And I realize that things don't work exactly to clockwork, but it seems to me like it makes way more sense to have a goal of filling eight positions a month for a period of time so that you can actually see some reduction of the overtime immediately.

Police Chief: There is a plan. It's not that there's not a plan and we can come back and explain what that plan is. But for instance, because these are like civil service commission positions, they have to be tested for, that testing is basically over viewed and the oversight is from downtown HR. So HR doesn't just fill the Police Department. They've got vacancies in the entire city. So they give us five priorities. So they'll say, "What do you want to work on? You get to give us five priorities". And so I can come back with you with a more explanation but because I'm not prepared tonight and it would take a little time, I think it would be a good one to agendize.

Regina Jackson: No, that that would be just fine because I'd like to know what the five priorities are-

Police Chief: And how that works.

Regina Jackson: And I'd like to see how we're working against those priorities. How long have you had a plan in place? Because then I would like to get us an update on the plan that you first set in place.

Police Chief: Oh, ever since I got here we rolled out what are we trying to do to get the corrections to facilitate, make the hiring process leaner, how we're doing hiring and even recruiting. All of those factors are one big plan and that has been, actually Virginia Gleason owns the oversight of that because that's under her unit, but of course I've been as the chief working as the overseer of that plan.

But this is not something that is just a last minute, oh, we need a plan. This is definitely been in place since I got here.

Regina Jackson: Okay. Well, whatever that update is for the next meeting, I'd like to have it in enough time to put it in the agenda so people can actually review it.

Police Chief: Absolutely.

Regina Jackson: Okay. Thank you. Commissioner Harris?

Ginale Harris: I have a question.

Regina Jackson: Oh, I'm sorry. Excuse me. Police chief, Commissioner Harris has a question, please.

Police Chief: Staying close then. Okay. All right. Yes, ma'am.

Ginale Harris: Thank you, Chief. I know that we have talked about this subject a few meetings ago in regards to the hiring process and since then we have received a letter of some racial discrimination allegations towards the hiring practices. Can you tell us if that has anything to do with the 106 vacancies we have right now in OPD?

Police Chief: That is a question I cannot tell you the response to that, the way you're asking the question, but what I can tell you is that we went back, Virginia Gleason went back, she's oversees the hiring, she works with a recruiting staff. She has a Lieutenant, she has a Sergeant and so forth. We did direct her to go back and look at the entire last year's, I think she went back for one year. She pulled every file, I believe it was 668 files of applicants who had applied that had been rejected. She went back and was looking for patterns for bias. I do know she also put back into the hiring process, I can't tell you the numbers and you know she's not here tonight, I'd have her speak to it. I just know she put people back into the hiring process and some of those people have been hired.

Police Chief: But again, as a part of the report you're requesting for, I think she would be the better person with detail that she could give you so we can include that for you.

Ginale Harris: Thank you, Chief. Could you actually get the actuals of how many people she brought back and actually hired? So the number brought back and actually hired.

Police Chief: We'll bring that back when we do the report. I don't know that number.

Ginale Harris: Thank you.

Police Chief: That's my understanding. We brought people back in.

Ginale Harris: Okay. Thank you.

Regina Jackson: Any other questions?

Regina Jackson: Wait, you might want to stay close. [inaudible] Thank you.

Nell Wallington: I'll move to the next slide. If you guys have any additional questions at any point, just let me know.

Regina Jackson: And forgive me, I think that we probably should have said that as the questions arise, we would like to ask them because we can lose our thoughts and stuff. So thank you.

Nell Wallington: No, I like it like that, it works for me. So the next slide is our O&M. So of the \$12.4 million we have for O&M, these are the main categories that we spend money on. Eastmont rent, medical bills. This is for sexual assault victims. Examinations for our vet bills, for toxicology, also fuel, contracts. Some of the contracts that we have, are ShotSpotter contract, CALICO, polygraphs, mental health contracts, that's MHN and Michael Palmertree. We have phone bills, the landline and cell phones. We have travel and training. We have the range rentals, vehicle rentals, evidence, storage rental. We have the helicopter maintenance, IT software and maintenance and also supplies and equipment.

Nell Wallington: Any questions? Yes?

Regina Jackson: So where is the Bearcat? The one that we already have on this list?

Nell Wallington: The Bearcat would be under maintenance of vehicles, which would not necessarily be on this list because that's an internal service fund. So we pay that to PWA to maintain that vehicle.

Regina Jackson: Okay. Did you have a question? You want ... The medical bills, no? Commission-

Ginale Harris: So I understand that Eastmont is not a full service police station, is that correct?

Nell Wallington: I do not know.

Ginale Harris: Okay, so one, I need the answer to that, someone, Chief?

Nell Wallington: And what do you mean by-

Ginale Harris: Is it a full service police station? Because I have gone into there personally and it was closed at like two. So they say that you have to go downtown to report or do anything and that's way far away from the people who live in East Oakland. So we have one officer assigned to 35X. That means there's one officer assigned 35X for the whole East Oakland and the police station is closed. So how much rent are we paying for this station?

Nell Wallington: 30 no, I'm sorry. \$93,000 a month. About \$1.1 million for the year. Yes.

Ginale Harris: So chief, can you please explain to me why it's not open 24 hours?

Police Chief: Right. It's staffed, the night desk, which is what I think what you meant by full service because we staff downtown PAB, the administration building, all night. And that was the way it was when I got here. So I don't know the reason historically for that.

Regina Jackson: So given the cost to have Eastmont open, can you all come up with the estimate to make it 24 hours? Because we've had three murders in the last, what, two weeks and it's just ridiculous. We need to have 24 hours [crosstalk] and there've been unreported.

Ginale Harris: I saw them myself.

Police Chief: Do you know the history?

Captain Hookfin: Yes.

Police Chief: He may know the history. This is our, excuse me, this is our new Chief of Staff. But Captain Hookfin, who is currently area one, but he is becoming our Chief of Staff. He's been here a long, long time. So he would know the history.

Captain Hookfin: So good evening Commissioners. Actually Eastmont station is staffed. It's the front doors are closed, meaning that there's no desk officer, but there's officers in East Oakland. So from areas four and five, officers are staffed at Eastmont.

Regina Jackson: So if there's no desk officer, then that means that somebody from the outside can't get service.

Ginale Harris: Correct.

Regina Jackson: Which means it's not staffed to the sufficiency of community, is that correct?

Ginale Harris: Correct.

Captain Hookfin: So services as in 911 or services as in non-emergency calls?

Regina Jackson: As in you roll up to the door because you need some help.

Ginale Harris: Right.

Captain Hookfin: Correct. So there's no desk officer, but obviously, yes there's no desk officer. The front doors close at five o'clock but there's officers in and out. So there's a button that's outside the door that can be pushed.

Ginale Harris: Well I will say, Chief? Is it Chief?

Captain Hookfin: No.

Ginale Harris: No? Okay, my apologies.

Captain Hookfin: Chief of Staff.

Ginale Harris: Chief of Staff, I will say that I personally have gone there and couldn't get any help.

Captain Hookfin: And like I said, because the doors lock at five o'clock, the desk officer is not there. That will be an additional cost. If the desk-

Regina Jackson: That was my first question.

Captain Hookfin: Right. But there's officers in and out at all times.

Regina Jackson: Right. But the in and out doesn't help if you can't get support.

Captain Hookfin: I get you.

Regina Jackson: Okay. So I would like to understand, and as I don't think it's just me, it's at the very least myself and the Vice Chair would like to understand what it's going to take to get a desk officer in there because having police officers move back and forth doesn't help the community.

Nell Wallington: Okay. So we'll provide the costing for 24 hours desk officer.

Ginale Harris: Please. And please try to make it in a way that is feasible because East Oakland needs to be serviced.

Nell Wallington: Now I can't say feasible. I'm going to give you the real number as it is. So how many hours they, I don't want to say I'm going to make up numbers and make sure that it fits within a line. If it takes, if a desk officer, if we need them, I'm not sure, three shifts and it's three people, then I'll provide that information.

Regina Jackson: Yeah, you've got to [crosstalk 02:51:52]-

Nell Wallington: Provide on overtime. Yeah, but I'll give you the actual amount that's needed.

Regina Jackson: That's what we're looking for, thank you.

Nell Wallington: But I can't say if it'll be [crosstalk 02:51:59]-

Regina Jackson: We just expect your numbers to be as precise as possible so that we know what the ask should be.

Nell Wallington: Thank you.

Regina Jackson: Thank you.

Ginale Harris: I just see with this budget there's a lot of fluff in it. And what I mean by fluff because I do budgets, and what I mean by fluff is you're adding 20% on the actuals because you need it, you're going to overspend.

Ginale Harris: So the 15% that you guys are taking out for overhead is not enough to cover your overhead costs. I know that.

Nell Wallington: Yes. I'm not including any overhead. I'm including an actual cost 24 hours for the desk officer that I'll provide to you all. I'll provide the actual information. We only add the overhead and CSL for special events so it doesn't apply to our regular overtime.

Ginale Harris: Okay. Thank you.

Nell Wallington: Thank you. So I'll go to the funds. So these are the funds that when I say all funds, these are the other funds that come to OPD. We have measure Z at \$14.7 million. We have the Self Insurance Liability Fund at \$5.7 million. We have the DLJ Cop Hiring Fund at \$1.4 million, this grant is expiring, so this fund will also be expiring soon. We have the False Alarm Reduction Program at \$1.4 million. We have the Traffic Safety Fund at \$1.4 million. Measure BB, at \$500,000, and then we have Alameda County Vehicle Abatement about \$500. And Worker's Comp claims at \$435, and that's a lot of it for positions.

Nell Wallington: Next slide.

Regina Jackson: So Commissioner Harris has a question.

Nell Wallington: Yes?

Ginale Harris: So there's line item 2411 which is the False Alarm Reduction Program.

Nell Wallington: Yes.

Ginale Harris: The citizens of Oakland actually pay \$25 each per year for this. So why are ... That's income, that's incoming income to you or to the department, not to you, to your department. And you have \$1,383,000 why? When we pay for it, everybody in Oakland pays for that. It's mandatory. I know it because I hate paying it because if you call the police, nobody comes.

Nell Wallington: I'm not following the question. So there is a registration fee for \$25 per registration that-

Ginale Harris: Per year.



Nell Wallington: Per year that needs to be renewed per year. In addition to that, if there is a false alarm, there is a fine that goes along with it, it's \$84 and \$158 if it's a panic alarm.

Ginale Harris: Right.

Nell Wallington: These are the funds to run the program. So this is not the revenue, this is the expenditures.

Ginale Harris: So where does the revenue that the citizens of Oakland go? Because there's lots of us. So where does that money go? The \$25 per house?

Nell Wallington: To run the program.

Ginale Harris: So you need this additional plus the regular-

Nell Wallington: This is not additional. This is not a request. This is our budget as is. So this is our current budget. This is not a request.

PART 5 OF 8 ENDS [02:55:04]

Nell Wallington: -is our current budget, this is not a request.

Regina Jackson: Yes, what Commissioner Harris is trying to say is, typically, when you're doing budgeting, you're talking about money out, but you haven't captured where the money in comes from. [crosstalk] And there's not a lot, I'm certain, across this entire budget, but it doesn't indicate, perhaps, that it really would cost two million dollars were it not for the 25 dollar per household contributions.

Regina Jackson: So that we can have a real understanding of the cost of running it, 'cause you have just expenditures, not the income that should reduce the cost.

Nell Wallington: Okay, we can p-

Nell Wallington: Go ahead.

Brad Johnson: Sorry, Brad Johnson with the budget department.

Brad Johnson: One thing that maybe we want to clarify in general ...

Brad Johnson: OPD's [inaudible] is showing you their expenditure budget. Every one of these expenses is offset by a revenue item. And so the way this ... They're [bounced 02:55:59], they don't ... and offset is actually the wrong word. It's supported by a revenue item. Bringing in revenue does not reduce an expense.

Nell Wallington: Okay.

Brad Johnson: So there ... The way I would read this with the false alarm fund, is the total amount of revenue is generated from false alarm, assuming we're bouncing, is estimated at that 1.3 million dollars, and then OPD is spending that 1.3 million dollars on related services. So the revenue in is going to equal the expense out.

Regina Jackson: But that doesn't make sense because basically what that is is passed through funding. It's generated by these citizens, and you all are planning to spend it. But it should be held somewhere so that it zeros out. If we [crosstalk 02:56:51].

Brad Johnson: You are accurate. [crosstalk]

Brad Johnson: It is brought in, and then is expensed.

Nell Wallington: Right.

Brad Johnson: Right. So that ... and they do offset. [crosstalk] The expense equals the revenue.

Nell Wallington: How much is brought in?

Brad Johnson: The 1.38 is going to be your total revenue also in this, because I believe [crosstalk] this fund is entirely, almost entirely OPD. In this case, that's true.[crosstalk 02:57:17] If you were to look up at your general purpose fund, offsetting that number are various tax numbers and whatnot that are offsetting those expenses. So, they're not ... the way I'm trying to articulate this, or the way I'm trying to maybe convey this, the expenditures you are seeing on the sheet are what OPD is budgeted, in this case in the current year, to expense. For every expense in the budget, city-wide, there is a supporting revenue. This is not the revenue line, but assuming that that fund is all OPD, which is a pretty good assumption on this one, there is a revenue number in that is equal to that. And so there's a revenue estimate that is equal to your expenditure estimate, and that's how the budget would operate.

Regina Jackson: Commissioner Dorado.

Jose Dorado: Well, if that's the case, then we need a sheet that shows all the revenue in because if you, in fact, get 1.3 in from the 25 bucks, and you expend the 1.3, you got a net zero.

Brad Johnson: Correct.

Jose Dorado: Okay, so, we need to know what moneys are coming in, and how they affect and offset these numbers here. [crosstalk] We're only seeing expenditures, not all the revenue that's brought in by x number of items, like the 25 bucks.

Brad Johnson: So, one of the things that I think now, [inaudible] we can provide you the revenue that OPD specifically generates, and where that comes from. So that is a number that we can do.

Regina Jackson: Yeah, that'd be great. Thank you.

Nell Wallington: Perfect. Thank you. Thank you, Brad.

Nell Wallington: So the next slide, we're going to discuss the active grants. Sorry.

Regina Jackson: All right, Commissioner Durado.

Jose Dorado: Sorry.

Jose Dorado: On the Measure Z, can you give me a quick breakdown of what those 14 million dollars goes toward in terms of, if I'm understanding it correctly, the CROs and CRTs?

Nell Wallington: I did not bring that information. Wait, let me ... hold on.

Nell Wallington: No, I don't have the CRO and CRT breakdown, but it's readily available. I can provide that information.

Jose Dorado: Would you please?

Nell Wallington: Yes.

Jose Dorado: Thank you. And any other items that are in the 14 million.

Nell Wallington: Yes.

Jose Dorado: Okay.

Nell Wallington: So, you want the CRO, the position breakdown for everything?

Regina Jackson: Yes.

Jose Dorado: CROs, CRTs, and any other-

Nell Wallington: And SBS also.

Jose Dorado: Yeah, whatever else is coming out of that 14 million.

Nell Wallington: Okay, thank you.

Regina Jackson: Commissioner Harris also has a question.

Ginale Harris: I appreciate you coming up here and trying to explain, but the way this budget is written out is very, it's not user-friendly, and people who don't know how to do budgets are not going to understand what you're talking about. [crosstalk] And this has been going on for years, and this is not ... we cannot do this anymore.

This is ridiculous. Every time people come up here asking for money, they need to explain where the money's coming from. These people's tax dollars, and everybody's like, "give me 4 million, 3 million." I'm poor, so I'm like, "I don't want to give no tax rate, I don't want to go up on nothing." So, that's a problem.

Ginale Harris: My thing is, is when you're asking for dollars, and especially overtime that we cannot explain, we want a breakdown, line items. How much is being spent on paper? How much is being spent on materials? How much is being spent on training? How much is coming in? How much is going out? That way we can actually do the budget. The people who actually know how to do the budget can do it. But I think the practice has been this for so long that it's just been acceptable, and no longer is this going to be acceptable because we can't decipher what this is. This is just jargon.

Nell Wallington: I think that's fair. I did try to reach out and see what was requested from the commission so I can come here and provide exactly what was needed, so I just went off of, basically, the information that I had available. So, if you guys want any more details, I'm happy to provide those details. If you want a different format, just let me know. It's not a problem for me to reformat this at all.

Ginale Harris: I would like to ... I would like it very much if you could reach out to me, I don't have your information.

Nell Wallington: Yes.

Ginale Harris: But I would like to see if maybe we can sit down and reformulate the way the budget is done.

Nell Wallington: Absolutely.

Ginale Harris: That would be terrific.

Nell Wallington: Yeah, absolutely.

Regina Jackson: Thank you [inaudible 03:02:11].

Regina Jackson: Thank you for your flexibility.

Nell Wallington: So the next slide, active grants. So, we have the JAG Grant. The JAG grant, we have two of them, about 500,000 dollars each. Well, three of them that are active, but one is about to expire. We have the State Cops Grant, that is about 651,000 dollars. We have Coverdale Grant, that's 66,000 dollars, this is for a lot of training for our crime lab. We have the STEP Grant, this is our traffic enforcement grant that does the DUI enforcement, some-

Regina Jackson: I'm sorry, the detail listing. It will be really great to see the amounts of the grants next to it.

Nell Wallington: We can absolutely provide that.

Regina Jackson: And then, we can figure out, maybe in an additional sheet, what it really applies to because Paul Coverdale, in terms of your science improvement, where do you see that? [crosstalk]

Nell Wallington: Absolutely. This is-

Regina Jackson: And I appreciate that you're flexible so that we can ... We're going to get to a [inaudible 03:03:20], I have confidence that with vice chair, and you, and Brad Johnson, we're going to get to the kind of budget that we need to see, which includes a narration on the far right, so that we can explain.

Nell Wallington: Absolutely.

Regina Jackson: Okay.

Nell Wallington: So, I would just skip this whole slide, and go to our proposed budget, and we'll provide additional information related to the grants.

Nell Wallington: So the proposed budget ... So all funds ... Next slide, we'll skip this.

Nell Wallington: Do you want to go back to that slide? The other slide is in the Mayor's proposed budget. This is just one of the charts that's in there. It breaks down how much is provided by department. As you can see, the police department makes up about 19.9 percent of the budget. Next slide.

Nell Wallington: So, the proposed budget highlights all funds, 318 million dollars for year one, and 330 million dollars for year two. For the general purpose fund, 291 million dollars in year one, and 302 million dollars in year two. Our ONM breakdown [crosstalk 03:04:37]-

Ginale Harris: Question.

Regina Jackson: Commissioner Harris.

Ginale Harris: How much of the proposed budget for year one and year two go to the police department from the general fund?

Nell Wallington: From the general fund. I have that, just a second.

Nell Wallington: Maybe I did not print that out.

Regina Jackson: I have an idea.

Nell Wallington: 44 percent of the proposed budget for the general purpose fund goes to the police department.

Ginale Harris: Thank you.

Nell Wallington: You're welcome.

Nell Wallington: So, as you can see, the personnel cost is the largest expenditure for us out of our budget. Our overtime budget this year is 15 point ... or the next fiscal year, 15.1 million dollars and 15.5 million dollars in year two, and this includes the [COLA] increases as I mentioned before when I discussed overtime, that we did a budget adjustment afterwards. This year we did the adjustment on the front end, so you can see the money, where it's supposed to be.

Nell Wallington: Internal Services, 32 million dollars in year one, and 31 million dollars in year two.

Nell Wallington: Yes, Ma'am?

Regina Jackson: What is that, please?

Nell Wallington: Internal services? So that pays for facilities, that pays for our vehicles, so that goes to a different department, so that goes to PWA, that goes to IT, that goes to the finance department to pay for shared services, so for the maintenance of our vehicles, to maintain our facilities. That's-

Regina Jackson: So, since those are shared costs, do you actually share them?

Nell Wallington: Well, we get the budget, but it goes right back out, so we really don't touch this money. So, it's 32 million dollars to the police department that really goes right back out to public works, IT, and the finance department. [crosstalk] So we don't touch it.

Regina Jackson: Okay, thank you.

Nell Wallington: You're welcome.

Nell Wallington: The next slide has a proposed budget breakdown. You can see the salaries, overtime, how much is spent within OPD only. So salaries make up 41 percent. Again, overtime is five percent of our general purpose fund budget. Retirement, 20. Internal services, 11. Allowances and premiums, three. And [inaudible] benefits, 15.

Nell Wallington: I'll go to the next slide.

Regina Jackson: Hold on.

Nell Wallington: Yeah, sorry.

Regina Jackson: Commissioner Smith.

Thomas Smith: Sorry to have you rewind, but I was just curious. On your chart, that's the breakdown of the FY 2019-2020 funds-

Nell Wallington: I'm sorry, I can't really hear you.

Regina Jackson: Page 11.

Thomas Smith: There's a 22.70 percent, says nondepartmental of the pie chart that you have there, on the breakdown of the FY 2019-21 funds. What is the nondepartmental consisted of, in terms of the biggest breakouts of that?

Nell Wallington: I'll turn it over to Bradley Johnson.

Brad Johnson: The nondepartmental budget is largely debt service. That is by far the largest category with the nondepartmental budget.

Thomas Smith: So, what percentage of that 22 percent would you say is debt service?

Brad Johnson: Two-thirds of it is debt service.

Thomas Smith: Wow, okay.

Nell Wallington: So, the Mayor's proposed budget changes for OPD. Converting seven police communication operators to police communications dispatcher. This is for efficiency for recruitment, so we can do one recruitment, get someone in that can do the call taking responsibility and also dispatching the call. We have crossing guards, moving them to measure BB. We have deleting a Project Manager 3 position from Internal Affairs. We have COLA increases for overtime, as I previously discussed, and Shotspotter for Phases 2 and Phases 3 for year two in the amount of 475,000 dollars.

Nell Wallington: Yes?

Regina Jackson: Commissioner Harris.

Ginale Harris: So, was the Shotspotter Phase 2 and 3 ever presented to the Police Commission? Do you know?

Nell Wallington: No.

Nell Wallington: Okay, maybe this is a Chief question. Chief?

Ginale Harris: Okay.

Nell Wallington: Chief, you there?

Regina Jackson: Chief?

Nell Wallington: It's in regards to the Shotspotter Phases 2 and 3 funding, so this is the first time I've seen this. I didn't know that this was a request. So did this ... Did you put it forward to the Police Commission at any time in regards to funding 475,000 dollars for this?

Police Chief: No, Ma'am, I did not bring it to the Commission. Shotspotter is a contract that has been in place, again, since I got here, so, since when, [crosstalk] 2012. So, I did not.

Nell Wallington: Do you know what Phases 2 and 3 are?

Police Chief: Yes, Ma'am. They have to do with the areas of the city that are covered by Shotspotter. So, we have Shotspotter in deep East Oakland, and we have Shotspotter in West Oakland, but it doesn't cover North Oakland much. Actually, again, our Chief of Staff, he's been in the streets for a long time, so he, probably of all people, would be very specific, so Chief, go ahead.

Chief of Staff: A little bit. So, it does not cover the entire city, mainly the flat land areas, West Oakland, Deep East Oakland, around the lake, and the [Fruitvale] area.

Ginale Harris: Right now.

Chief of Staff: Right now, yes.

Ginale Harris: So Phase 2 and 3 would cover what?

Chief of Staff: The areas I just described.

Ginale Harris: Okay, so more Shotspotter [crosstalk 03:10:52].

Nell Wallington: So, this is already implemented. Phase 1 was Deep East Oakland, Phase 2 was mainly West Oakland, Phase 3 was around the lake.

Ginale Harris: Okay. So, we're asking 475,000 more dollars for what?

Nell Wallington: To continue to use Shotspotter. This is for maintenance.

Ginale Harris: Okay, got it. Thank you.

Regina Jackson: Don't you think they ought to be presenting to us? I mean, moving forward? Yeah, I think that'd be a good idea.

Nell Wallington: The next slide please.

Nell Wallington: Challenges and opportunities.



Nell Wallington: Challenges, obviously we have community trust is a challenge that we're working on, we have service-level demands with our current staffing, so we have staff levels that are not sufficient for our crime rate. We have increase in public safety demands, which is our homeless outreach uptown, nightlife details sideshow enforcement. We also have, a challenge is overtime and budget spending, so we're really trying to figure this overtime budget spending issue out for this new year.

Nell Wallington: And also, I did not include it, but I want to call it out. So Alameda County closure for the jail, so now we have to transport everyone to Santa Rita, so that's an additional cost and a challenge for us because, of course, the jail, closer.  
[crosstalk]

Regina Jackson: Did you have a question?

Ginale Harris: Yes.

Regina Jackson: Okay, Commissioner Harris.

Ginale Harris: So, what is a cannabis officer?

Nell Wallington: The cannabis, I believe it's an ordinance that calls for one officer to do the regulations and to monitor that. So that is that one officer for the cannabis.

Ginale Harris: But shouldn't that be a city position, or county position? That should not be within our police department.

Nell Wallington: I think he does it with Court Nation with other, I think, at one point, I want to say Nancy Marcus in the City Administrator's office was working with him for a lot of the [inaudible] portion of it, but he is the person to deal with the regulation, I want to say, but I can come back with more information about that.

Ginale Harris: Thank you.

Regina Jackson: Thank you.

Nell Wallington: Opportunities.

Nell Wallington: So, since the cops hiring grants are expiring, we have more flexibility to staff those officers. We have efficiencies from use of technology, tele-staff upgrade... hopefully once that's upgraded, we can do realtime monitoring of overtime. Shotspotter is a technology efficiency, and our new vision, which replace prime.

Nell Wallington: And then hopefully collaboration with the Police Commission is a great opportunity for us to move this train along, and community partnerships for vicarious trauma. We have a grant for ICP Grant, which deals with vicarious

trauma, and we hope that this would get us to a better place. So these are some of our opportunities for the police department.

Regina Jackson: Commissioner Harris.

Ginale Harris: It says community partnerships with vicarious trauma. For [crosstalk 03:14:09]. What does that mean?

Nell Wallington: So, we have a grant, the IACP Grant, I can't remember what that even stands for. [crosstalk] I apologize.

Regina Jackson: Can you... You said you don't remember what IASP-

Nell Wallington: I can't remember what... Is it... Sorry.

Police Chief: That's okay. It is the International Association of Chiefs of Police. It's the largest of the associations for police chiefs in the country, as well as international.

Nell Wallington: And they're a past-through from the Department of Justice to deal with trauma within the police force and the community, so we have a section that would deal with community partnerships so we can reach out to various groups that been impacted negatively by the police department so we can address some of those concerns.

Ginale Harris: And this community you're speaking of, where would that be located in Oakland?

Nell Wallington: Hopefully all over Oakland. I hope it's addressed all of Oakland.

Ginale Harris: Thank you.

Nell Wallington: Thank you.

Nell Wallington: So, do you guys have any other questions? I am happy to address any concerns, now or even later?

Regina Jackson: If you can just sit tight because we are going to hear public comment, and there may be some questions that we need clarification on on their behalf.

Regina Jackson: Okay, so, thank you very much, and again, this a learning opportunity for us, and I think that there's a probably a long way to go in terms of just really clarifying where the money is and where the opportunities to reduce moneys. For the... You do have a question? Commissioner [Prather 03:15:51]?

Speaker3: For the Chief.

Regina Jackson: Question for the Chief.

Police Chief: If I may, I'd like to commend Ms. Wellington. I think she did a fabulous job, and I'd like to take these opportunities to mentor, to show them off, first of all, and then to mentor, give them opportunities, and I do think she did a great job.

Regina Jackson: Yes, Ms. Wellington, you did do a great job. I know that we probably frustrated you with 79 questions. But we're here to learn because this is an additional responsibility we have, and if we don't know, we can't provide insight.

Nell Wallington: I welcome and look forward to meeting so we can get to the bottom of it.

Regina Jackson: Thank you. Thank you.

Nell Wallington: Thank you. [crosstalk]

Regina Jackson: Commissioner Prather?

Edwin Prather: Hi, Chief, good evening.

Police Chief: Good evening.

Edwin Prather: Thank you. Thanks for being here. So, I'm not much of a numbers guy, I'm not much into budgets, so I, too, went to the International Association of Chiefs of Police website, and reviewed their best practices for creating budgets for police agencies.

Edwin Prather: A couple of things struck me, and maybe this is more of a comment than it is a question for you. So, really talked about three things, that one, a budget should be a planning document. It really is a document for funding. Right? It's also a living document that must change as needs change, and the last thing it mentioned, and frankly hadn't struck me in such crystallized terms before, but it talks about a budget being a political document, and it's a financial expression of the values of the department. And that really struck me because what I see here is a funding document. It's a planning document. What I don't see here, sorry to use your term, Chief, is a transformative budget. It's not, and frankly, I think this goes to... I've had a lot of contact lately with some of your executive staff around policies and procedures that we've been talking about editing and making changes to, and I really think all of these things are lost opportunities for the department.

Edwin Prather: What I don't see here is a department that's committed to transformative change. And it needs to be reflected in this budget, and it gets [shortstripped] at the end of the PowerPoint. It talks about challenges and opportunities, but I think it starts from you, Chief. And your mandate on how this department needs to be run. It needs to be woven throughout this budget. In every PowerPoint, in every time it's presented, it needs to feel like the department is committed to change because, as we would all recognize, the status quo on all things is not okay. And that, to me, starts with a budget because the public is going to be so

interested in this, and it really is a lost opportunity if you're not, if the department is not talking about the transformative change, again to use your term, to be a change agent, right?

Edwin Prather: That's not in this document. That's not in this budget. And it needs to be because if you're talking about trying to gain the public's confidence, it needs to start with everything that is presented to the public. And we have interested people here, we have interested people at home, and some of them aren't numbers people like me and can't with the very well thought out acumen that [Chair Jackson 03:19:26] Vice Chair Harris have. We look at this document, and we take away a feeling. And the feeling I take away from this document is that it's just a funding document.

Police Chief: Okay, I'm happy to address that.

Edwin Prather: It doesn't reflect change.

Police Chief: Okay, I'm happy to address that. I do have an appreciation that all of you have had experience with budgets, but within the framework of government, and within a police department, and a department within a city municipality, the way that it works is that each of your department directors, whether it's through your librarian, your fire chief, your police chief, your public works, you name it. Each director does put forth those transformative change-agent requests for the budget. That does not go to you. Those budget requests are directed through the governance of how city government works. It is sent to my boss's, and that's why it flows to the Mayor. The budget that is presented to the City Council has already been vetted. That budget is presented through the Mayor to the City Council. So I heard your reprimand, if you will, but the issue of whether or not what I present is flowed through and vetted through a process that is already established.

Regina Jackson: Let me clarify. We are also an entity that you report to, and you have an opportunity to [crosstalk 03:21:20], no, you're not going to cut me off. You have an opportunity to highlight what you think is transformative, whether it's in a budget or a narrative. Now, I understand that there is a template and a format for the Mayor, but you do have a reporting responsibility to us. What Commissioner Prather suggested is that, moving forward, you could probably, you should probably outline what that is, so that we will be able to identify it in some of the line items.

Regina Jackson: Now, if the Mayor cuts it out, because I do understand that you can put stuff in, and somebody else might cut it out, then that's not of your control. But I just want to be clear that his comments were great suggestions. They were something that maybe you didn't consider because there has been an institutional way of doing budgeting, but in your opportunity to demonstrate leadership in a brand new, brilliant way, particularly under the area of transforming, it's another opportunity.

Police Chief: I will be happy to share your comments with the Mayor and with the City Manager, and we can come back, and I will take the direction that they would like for me to take.

Regina Jackson: Commissioner Prather?

Edwin Prather: Thank you, Madame Chair.

Edwin Prather: Chief, I have a lot of respect for you, but I got to tell you, I'm disappointed right now. The Commission serves the public. You, too, Chief, you serve the public. And your comments tonight in regard... what I had stated was not a reprimand to you. It was a suggestion. It was a comment about the budget.

Edwin Prather: Now, the best practices suggested by the International Associations of Police Chiefs, which you reference, state that a budget is a financial expression of your values. Your values as a department. What I'm saying is that that is not reflected. Your values are not reflected in this document, so it's a lost opportunity. But to hear you say, Chief, that, "look, this document isn't for the public, it's for the Mayor, it's for the City Council," really then does strike a cord with me because the problem is, this discussion that I've been having with some members of your executive staff about RO2, the Probation, [Parole Searches 03:23:54], or use of force, is that they're saying those policies are for police officers, and it doesn't matter what the public thinks, and that's tone-deaf, Chief. It's just tone-deaf.

Edwin Prather: We have to do things better. You said so yourself, Chief, that we have to do things better. You said, "I'm transformative. I'm a change agent." And I'm giving you the benefit of the doubt on those things, but that has to be reflected in all we do, everything we do. Every action, every document. And that can be passed down. It starts at the top. [crosstalk] And if your budgetary person comes here and isn't doing the transformative and change agent-type work you want them to do, then you have to get on them to have them do it better. It's about doing it better. It's not about fault, it's not about what happened in the past. It's about better because status quo isn't good enough.

Police Chief: Chair?

Regina Jackson: You heard the suggestion, correct? Not a reprimand, just a clarification of opportunity.

Police Chief: I will be more than happy to also go back to other people for whom I work for and express that and let them know I have directions from bosses. [crosstalk]

Regina Jackson: I get that.

Police Chief: I will certainly be happy to share your requests for my presentations that I make to them. I will be happy [crosstalk 03:25:32].

Regina Jackson: No, I think what Commissioner Prather is trying to get at is, we're not trying to direct your presentations to everyone. As the new, I realize you've been here a minute now, but typically, when people start out in new leadership roles, they do do some things differently. And if you are just doing the template that's always been there, he's just sharing that there was an opportunity that was missed.

Police Chief: I understand. I think we can have a further discussion between us.

Regina Jackson: No problem. Commissioner Harris has a comment.

Ginale Harris: Chief, I really want to just say to you that we have been in this commission position for, it's going on two years now, almost, and I just feel like we are where we started, and it shouldn't be that way. It's real disappointing. You are supposed to be the leader of Oakland Police Department, and of course, we know that there's some things that are happening with the NSA, and it's not your fault. This is before your time. But you have stepped into a role of true leadership where we have expectations of you to be versatile and ready to be fluid, and it really feels like you haven't budged an inch, and it's like, we want to work with you. We want to work with you in a way and give you suggestions.

Ginale Harris: The people are the ones who pay taxes that pay OPD's budget, and we forget that all the time. It's the little people that count, and it makes it... when you say things and make comments like that, it's a real slap in the face, and it just feels [crosstalk] very hurtful. Measure LL created this commission. This is the people's will, and the Police Chief should have open arms and say, "I'm with you."

Ginale Harris: But instead, it's like, you're report to your okay, but regardless what comes out of your mouth, we are a body that you report to and it just [crosstalk 03:27:44], it doesn't feel good.

Police Chief: It doesn't feel good to me either. [crosstalk] Let me say that I know because I do desire that this works. I think that at times you ask me questions, and you make statements based on not understanding that I have certain rules I also must follow. I am trying to serve many masters. I have a responsibility to follow the rules, the statutes, and the laws of this organization, and to serve all masters here.

Police Chief: I am not trying to not be anything but as transparent as the rules allow me to be. When you do ask me or make statements that I know and understand, Commissioner Prather, that you meant well, but I have rules. I have structures I must obey. So, it doesn't feel good because it is not my intention to be anything but as relational, as open as I'm allowed to be. And you ask me questions that I know I cannot respond to, so it seems that I'm being insubordinate, and it troubles me because I do not desire, I am not of the makeup to be bombastic, to be insubordinate, and I desire for this commission to work. You bring legitimacy to this police department.

Ginale Harris: Well, let us help you.

Police Chief: Then help me by not putting me-

PART 6 OF 8 ENDS [03:30:04]

Police Chief: ... then to help me, by not putting me in a position in a public forum where you have asked me a question that I cannot answer and especially not on the spot. So, when you have assigned meaning to me that I am not being straight-forward, that is troublesome to me as well. It hurts relationship.

Police Chief: But, you are asking me and I have mentioned it several times to you.

Ginale Harris: We understand that chief.

Police Chief: So, I'm asking you please to also show me some courtesy that please at least let's take the conversation one on one where I can explain to you why I'm not able to go and answer the question you're asking me.

Ginale Harris: I mean, I think we understand that chief. We do understand that. We understand your position, however... right? The voters, the people, the public, right-

Police Chief: I understand that.

Ginale Harris: ... put this commission, requested this commission for transparency. This department has not been straight forward for a long, long time. And it's just... it's time. It's time for change.

Police Chief: Commissioner, I'm about as true-blue as you're going to get. You may not like that, but I will be as transparent as I possibly can be. You can look at any of my emails. You can call me out. But, if you want leadership, then you have to have a truth-speaker standing here. I'm a truth speaker. That's leadership.

Police Chief: I have not walked away. I have come every single time when I have not had a conflict. And, I see the chair's face. I understand that, but I am trying to be supportive of you. I am not walking away.

Police Chief: I will come and continue to come back here. I will not walk away. I am committed to trying to heal this relationship. I won't walk away.

Regina Jackson: As for the chair's face, I was getting comments that the presentation is still on, rather than you being on in your speaker role. So, I'm just trying to figure out what's going on.

Police Chief: All right.

Regina Jackson: Thank you very much. Public speaker cards: Henry [Gage 03:33:04], you're speaking. Mary [Vale 03:33:06], Risa [Jaffe 03:33:07], Jaffee? Okay, thank you. Rashida [Granage 03:33:11], Maureen [Benson 03:33:12].

Speaker 9: Hi, Risa Jaffee. Thank you Commissioner Prather, you said with heart some of the things I wanted to say in a much better way. I am a person who have dealt with numbers, this budget means nothing. I want to see a budget that tells me what our values are, what does safety mean in our community, and how are we getting there?

Speaker 9: Just today we had a presentation about [kahoots] as a way to save money. So, the transformative budget that we needed to see was going through the whole thing. How are we spending their time, what things are they spending their time on that don't require a gun, and stop putting police there. Stop right now.

Speaker 9: Like on Tuesday, I was at city council. There's a police officer there. I said, "Are you here on paid time?"

Speaker 9: "Yes."

Speaker 9: "Why?"

Speaker 9: "Because it's in the charter."

Speaker 9: If that's true, we need to change the charter. We don't need an armed police officer at city council. There are so many times we have police we don't... I watched video of a dozen police officers evicting a homeless community. It's wrong. Our values in our budget... so let's gut the whole thing. Let's see where the police are spending their time. Let's figure out where they don't need to be.

Speaker 9: Thanks.

Mary Vale: Mary Vale. First of all, in terms of the relationship between the leadership of the police department, and the commission and this budget, trying to off-load your PR survey into the commission's budget so the OPD can spend more on other things, is... it's not honest. It's not fair, and it's certainly not transformative.

Mary Vale: I'm happy to let the staff answer my question, but I have more questions. Last year's horse and pony, pedaling pony project, which is supposed to cost more each year, that's about community relations, supposedly? But it wasn't vetted by either you guys or the Community Police Advisory Board. I've urged council people to carve that out of the budget. We can't afford it, and again, it's not transformation. It's police department PR.

Mary Vale: Another area to cut is patrolling fairs and athletic events. Groups can hire security contractors. We don't have OPD folks that are already working overtime doing those assignments.



Mary Vale: One area where the chief I know is trying to transform the department, but she's not working properly with either you guys or the Community Policing Advisory Board. When she finally came to a CPA meeting a couple of months ago, she started talking about, for police-community relations, she's going to open up these little police department storefronts. And we've talked about the [Eastmount] station costing so much money and not being accessible.

Mary Vale: And yeah, I've got a couple of neighbors that would say that it would be great to walk to a cop-shop, instead of having to go on the computer or go downtown, and report dangerous driving. But, it's not informed either by CPAB, or the commission, or the community. It's just ideas that come into her head that look like they'd be good PR for the department. So, all those types of items need to be stripped from the budget and I hope you guys will be to get more answers and dig them out.

Regina Jackson: So, I do believe that you asked a question. So, through the chair, Ms. [Wallington 03:37:19], can you answer that question please.

Nell Wallington: About surveys and how many types, I really don't have-

Regina Jackson: Oh, Okay. No problem. Okay. No problem. Thank you.

Police Chief: I have the answer. It was a NSA requirement. It was a part of the 50 recommendations of Stanford that the NSA adopted. One of the requirements was the survey. We were prepared for the survey. It is our understanding the commission asked to do the survey and that it should not be done by us. That was put into your budget with the money so that you could do it.

Police Chief: So, that was why the money went into your budget.

Regina Jackson: Okay. Commissioner Harris actually has a comment because that's incorrect.

Ginale Harris: Yes, chief, the correction is the commission did not ask for the survey. The survey was being done and I just fell upon the survey and asked and inquired what they were doing without our knowledge. That's how that happened. So, the commission did not ask for the survey.

Nell Wallington: For clarification, the survey... we do not currently have funding for the survey. We never had funding for the survey. It's not like it's moving from OPD's budget, to the commission's budget. We're requesting funding this year because it was an unfunded expense.

Regina Jackson: Okay.

Nell Wallington: So, we said, can we please have funding for the community survey. We met with the city administrator's office, the mayor's office. We had a discussion around it. We were discussing the perception of a community survey done by the police,

and we said it would be more transparent and more legit if it came from the police commission or an entity outside of the police department. So, it wasn't-

Ginale Harris: But the police commission was never asked or inquired or anything-

Nell Wallington: You're correct.

Ginale Harris: No.

Nell Wallington: But, I don't want to say it's money that we already have and it's coming from police to the police-

Ginale Harris: Well, can I tell you what the budget office of the budget, or what they said, that it came from your budget. From OPD's budget and it was placed in our budget. But, we don't want it in our budget because we're no hundred thousand dollars for no survey.

Nell Wallington: I believe it was a budget request. So, it's not an actual budget. So-

Ginale Harris: Okay.

Nell Wallington: I think that's the-

Ginale Harris: Right.

Nell Wallington: ... difference.

Regina Jackson: So, those dollars move from one area to another and-

Nell Wallington: It's a request still-

Regina Jackson: Yeah.

Nell Wallington: It's still unfunded.

Regina Jackson: Okay. Very good. Thank you for a clarification. Bruce.

Bruce S.: Bruce [Smeekan 03:39:53], coalition OCO. I don't really consider myself a big budget hawk with the police department particularly. I am a transparency hawk and I think that's where you have to start.

Bruce S.: So, two things. Number one is, I really don't understand this lecture I just was party to about what can and can't be divulged in this forum. This is a police department budget, it should be a public document. If there's stuff in here that can't be divulged to the public, it shouldn't be in the police department budget. Okay?

Bruce S.: Number one. Number two is, when I talk about how the money could be better spent, and I really don't mean this to disparage staff people because I think that there's a whole back story to why we saw what we just saw. I don't blame it on any individual person. If we're going to have a hearing, I believe you are planning on having a hearing. I don't know what the timeliness of it will be, but on the police budget... is this the hearing?

Bruce S.: Okay, well what I was going to say was if you have a public hearing on the police budget, a document like this is impenetrable. I'm not a numbers person, I made it through algebra, that was it. You know? And I forgot everything. But, I couldn't figure out what the hell that was about. I see Measure ZZ 14 million dollars. I do understand what that is. Where was that money spent? That's a really... so, I think if you have hearings like this, you have to sift through... What I was going to suggest was that the commission develop a way of presenting this to the public so that the public can actually have a conversation about it and we're not sitting there, scratching our heads.

Bruce S.: So, anyway, that... but I really don't get this thing about what can't be divulged here. That really, really made me more concerned than anything else I've heard here tonight.

Regina Jackson: Thank you.

Speaker 10: Hi. I'm Lorelei [Bosserman 03:42:19]. I'm a member of the Coalition for Police Accountability, but I'm not speaking for them because these are thoughts that just came into my mind in the last few minutes.

Speaker 10: Chief, I'm really puzzled by your response. You seem to go on at length about some question that you couldn't answer. And, I understand that sometimes that is going to be the case for personnel reasons or whatever else. But, all I heard from Commissioner Prather and maybe there was a followup that I'm not remembering was a suggestion about how to present the information and all your walls went up.

Speaker 10: Now, I'm a technical writer. I write for different audiences. I might have the same information, the same material, but I prepare it differently for different audiences. When I'm writing a user manual for the people who use a product, I don't say, "Oh well, the service people want to see it this way, so you're stuck with that." I write two different documents for my different audiences. And, I think that was all you were asking for, but I could be wrong.

Speaker 10: That doesn't even seem hard, and your response was, "Well this is how the mayor wants it." And then, your next response was, "I'll take this to the mayor." That's hard to swallow. The community is looking for accountability in a deep and profound way. And, to hear that you will take something to the mayor, I don't even have a coherent argument about this right now. That just really doesn't sit well.

Speaker 10: I guess that's all I had to say. Thank you.

Rashidah G.: Black font. Use black font when you are doing slides that are going to be projected, not light blue on white, which nobody can read. If this was in fact the budget hearing that is required, then we should have had copies of that power point. It should have been in the agenda. We should have been able to read it before we came here. The fact that it was not is inexcusable, frankly.

Rashidah G.: If you requested it and it wasn't provided by OPD, that should go on their performance evaluation. Even if you didn't request it, the fact is that they know it's required in LL.

Rashidah G.: Where is the negotiated settlement agreement money coming from? Gee, I didn't see that category in the police department budget. I guess that's coming from the general fund, which means that it's not coming from someone else's fund like homelessness, or like other pressing needs. Maybe the negotiated settlement fund should come out of the police department budget.

Rashidah G.: They earned it. Maybe it should even be retroactive for 16 years that we've been paying for it. The reason that we put this requirement in LL was so that the budget of the Oakland Police Department would in fact reflect the values of the community. Which is what Mr. Prather's comments were about. That's the reason it's in measure LL is to provide the opportunity for the police commission to reflect the values of the community and make recommendations for any changes that you feel are needed in that department budget. Thank you.

Maureen Benson: So, I want to speak on two things. I'm Maureen [Benson 03:46:31], Anti Police Terror Project and Defund OPD. A couple things. I think there has to be layers of accountability here. So, firstly I actually really hear the frustration of the chief on one hand because there is a process that you submit your budget requests to central office, so to speak the mayor's office. But, there's a couple breakdowns here. Number one, as we illuminated earlier, the commission did not do such a thing. However, it was authorized to be done. So, that still hasn't been named tonight, so I haven't heard accountability from this commission on their participation in the lack of process. Secondly, the mayor actually ultimately makes a significant amount of decisions, so we actually don't know what was rejected. Right?

Maureen Benson: So, if the mayor has final say in the budget, and we're having a conversation around transformational values, let's take a look at what Defund OPD talked about in terms of Schaff's... the mayor's values.

Maureen Benson: The mayor's office budget was increased by 20.2% this year. OPD was increased by 11.4%. Libraries were decreased by 1.3%. Human Services decreased by 1.6%. Parks, Recreation and Youth negative 11.1%, Public Works decreased by 12%. Economic and Workforce Development 12.7%.

Maureen Benson: So, when we're going to have a conversation about values, you actually can't exclude the fact that the mayor has a substantial say in what the values of this city are and if the point to having a public hearing was to be able to look at the OPD budget, in conjunction with the values of this city, this commission also has to be accountable to the fact that this is not really a public hearing. There's 15 people here. There are groups refund, there are groups defund. There's all kinds of groups in the city that are doing powerful transformative work to be able to open up space for these conversations.

Maureen Benson: What also didn't get brought up tonight was the fact that since 2002 through 2016, the OPD budget has increased from 136 million to 242 million, an increase of 78%, but crime has decreased 3.1% in 2002 from 2016. That's also from defund. Those would have been valuable people to have here at the table for your hearing. In addition, I didn't hear anything about outreach, which is actually why I'm staying. So, let's have public accountability all around, you are the only group that consistently shows up, so I'm calling out for public accountability.

Maureen Benson: Hang on. Well you ask why, nobody's messing with your commission Rashida, that's why.

Maureen Benson: The other piece I just wanted to share is that OPD settlements are in the millions. So, I just want to read this and then I'll leave. "OPD has cost the city of Oakland millions of dollars due to court settlements which include cases of sexual exploitation, brutality, misconduct, vehicle collisions, wrongful arrests, wrongful deaths. Since 2015 OPD has wracked up approximately 20 million dollars in court settlements."

Maureen Benson: These are all things that have to be part of the conversation, but there have to be multiple levels of accountability here. So, while the chief has to be held responsible, so should the mayor, so should this commission's lack of outreach because there were hundreds of people at a public hearing on homelessness, but we're having a hearing... all across the city there's hearings on this budget right now and there's hardly anybody here in this office.

Maureen Benson: So, let's be real about accountability. Let's have it on all of the levels.

Regina Jackson: Thank you.

Henry Gage: Henry Gage the third, with the coalition. A quick note on the budget. One of my longstanding concerns has been the use of grant funding for all sorts of interesting purchases. I generally track the... if you're familiar with the 1033 Program or the Law Enforcement Assistance Administration, which is now called something else. I think it's OJP. Cops, grants. A lot of these grants started off with wonderful intentions, but have often been co-opted to buy all sorts of interesting and overly militarized equipment.

Henry Gage: As I understand the process now, council usually has the final say with respect to whether or not the monies were actually appropriated. But, those monies were often for specific uses, which means that by the time you find out whether or not you can take the money, the grant application's already filed. It's too late. You've asked for an armored vehicle instead of trauma plates. You've asked for another helicopter instead of, I don't know, an ECW. Those decisions are being made long before you ever get a chance to weigh in and it's a long-standing concern of mine.

Henry Gage: This entire conversation, and thank you [inaudible 03:51:19], is a case study in why we need a charter amendment. I frankly sympathize with you chief, because no one should have to serve two masters. Or three in this case, since you also have council public safety looking over your shoulder. But mostly, I'm very disappointed in you chief because what I'm seeing in this conversation is a failure to deescalate.

Henry Gage: Your department has been under a lot of criticism tonight. And, I grant you, much of that criticism could be very unfair. I don't know all the details, but what I see is an angry response and someone running up to the podium to defend their honor.

Henry Gage: You don't need to defend your honor. You've got one, two, three, four, five, six people on the dais. If we can't deescalate this, then what chance do we have out in the city?

Regina Jackson: Thank you.

Oscar Fuentes: I had signed up for this item, but you called me for another item. I wanted to agree with a couple of the statements that have been made. If Chief Kirkpatrick is saying that it's not her budget somehow, or that she's serving other masters and she has no control, then what really should have happened here if that's the case is that Chief Kirkpatrick should have come here with the mayor and they should have done a joint presentation and both of them should have laid down their criteria and their rationales for things and then they could have been answerable to the public.

Oscar Fuentes: I also think that a public hearing, this doesn't really qualify, so you guys could and should do public outreach and you would get a lot of people here. You really would and that would be actually a good way to get people involved.

Oscar Fuentes: One thing before I go into the point I was going to make originally and then it got kind of morphed into a lot of points, about the grants' funding. Okay, they keep going over their budget, okay. And they keep applying for these grants. And what they ask for in these grants are discretionary things. They should not be allowed to get grants for anything by paying off their overages. So, every grant they get should be subtracted from their budget and that would... right

now they're asking for a Bear-Cat and some other stuff. That grant can be used, if I'm not mistaken for personnel, for projects with youth, and for juveniles.

Oscar Fuentes: And so, to buy a Bear-Cat with that... well, you can come up and talk to me chief. I'm right here. I'm a member of the public, or you can talk under your breath over there.

Oscar Fuentes: Whoever she was talking to... it didn't look good, I'll say that much. It looked like she was muttering under her breath sir.

Nell Wallington: [inaudible] only for frontline law enforcement activities.

Oscar Fuentes: This is not for the cubs grant. This is for the grant that-

Nell Wallington: Is- is... we call it state COPS. It's Citizen Options for Public Safety, so it's state COPS. It's not the cop's hiring grant, so it is where the Bear-Cat was requested.

Oscar Fuentes: What else can go in there? What else could you ask for?

Nell Wallington: I'm not going to do this, but I can provide-

Oscar Fuentes: But, why? Because you came up here to do something.

Nell Wallington: Well, no because I wanted to clarify.

Regina Jackson: Hold on, excuse me. Excuse me.

Oscar Fuentes: I'm not asking you now.

Nell Wallington: I'm not going to argue with you now.

Regina Jackson: Mr. Fuentes. Mr. Fuentes.

Nell Wallington: I'm not going to argue with you, thank you.

Oscar Fuentes: I'm not arguing with you, I'm asking you for more information.

Regina Jackson: Okay, so, Mr. Fuentes, one of the things-

Oscar Fuentes: Don't threaten me, sir. I'm here a member of the public. You're going to threaten to come up here.

Regina Jackson: Mr. Fuentes, you need to speak through the chair. I'm over here.

Oscar Fuentes: Through the chair? I don't understand what is happening here. There's a lot of like-

Regina Jackson: Okay-

Oscar Fuentes: ... static coming from the police here during a police commission-

Regina Jackson: Yes, yes-

Oscar Fuentes: They're kind of... this guy's kind of throwing his weight around, it doesn't make any sense to me.

Regina Jackson: Excuse me. Mr-

Oscar Fuentes: It's a little [inaudible]

Regina Jackson: Mr, Fuentes. Mr. Fuentes-

Oscar Fuentes: It's a little [inaudible] sir, I mean... come on now.

Regina Jackson: Mr. Fuentes, I'm over here. Okay? I heard you say through the chair, and what we're seeing is some defensiveness-

Oscar Fuentes: Sure.

Regina Jackson: ...some pushback and Ms. [Wallington] said that she would clarify for us, for the next meeting a delineation of all the grants and what they're actually for so that we can understand them, the amounts as well as the narrative.

Oscar Fuentes: Sure. But, I think it's telling that she came up here to slam down my point but didn't define anything in the grant, and I don't believe her and I don't believe the chief either.

Regina Jackson: Thank you.

Oscar Fuentes: The last thing I wanted to say is, there is a process that happens with city council when a department goes over budget. Within 60 days they have to report why and how it happened and their plan to get back into conformity with the budget. That was supposed to happen with this department in February and I think then council asked them for more information. It was supposed to happen a month ago in April.

Oscar Fuentes: And then it was supposed to happen a week ago and they asked for more time. And now, that report of why they keep going over budget for overtime won't be available until the very last minute before budget deliberations. And that is not transparent, Chief Kirkpatrick and so you need to show some respect and respect that-

Regina Jackson: Again, over here.



Oscar Fuentes: I can talk to her.

Regina Jackson: No, no. You're supposed to talk to me.

Oscar Fuentes: I can do my thing anywhere I want-

Regina Jackson: Come, come on.

Oscar Fuentes: ...Chair Jackson. Don't tell me where to turn my head, that's not polite.

Regina Jackson: I'm not trying to tell you where to turn your head, I'm saying that you need to speak through me. Those are the ways in which we direct information-

Oscar Fuentes: Through the chair?

Regina Jackson: Through the chair.

Oscar Fuentes: Chief Kirkpatrick, you cannot pretend to be transparent and then use every trick in the book to keep clouding issues and pushing things away and etc-

Regina Jackson: Mr. Fuentes-

Oscar Fuentes: ... and etc.-

Regina Jackson: Okay.

Oscar Fuentes: ... and I think everyone is upset with it.

Regina Jackson: Yeah, we got it.

Oscar Fuentes: So, thank you.

Regina Jackson: We got it. Thank you.

Regina Jackson: So, the time is now 10:30. We need to make a motion to extend the meeting and perhaps we can extend it for 30 minutes and deal with however much business we can handle. I'm offering 30 minutes if you all want to do something less or more, I'm happy to hear it.

Regina Jackson: Commissioner Dorado?

Jose Dorado: I move we extend our meeting 30 minutes.

Regina Jackson: So second it.

Jose Dorado: Are we forgoing a recess?

Regina Jackson: I really do need to go to the restroom, but yes we can forgo recess.

Jose Dorado: Just asking.

Regina Jackson: Okay. We can make it a shorter recess. I can run. Okay. Okay, so let's take the vote to extend the meeting by 30 minutes. Commissioner Dorado?

Jose Dorado: Yes.

Regina Jackson: Commissioner Harris?

Ginale Harris: Yes.

Regina Jackson: Commissioner Smith?

Thomas Smith: No.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Okay, and the motion passes. Excuse me? Yes, I was the second. Commissioner Prather.

Edwin Prather: Yeah, thank you Madam Chair. It didn't occur to me that tonight or this was our public hearing on the budget. I thought this was a discussion on the budget. I now look at the agenda item and it says Public Hearing on the Budget. To Ms. Benson's point, this is not what I anticipated when I read the requirements in LL that we're required to put on a public hearing on the budget. Maybe that's because the bar has been set on other events we've done.

Edwin Prather: Even if it's past the deadline. Even if it won't have any effect on this year, we do need to have a more robust forum on the budget, because... not even talking about line item issues the fact that the budget doesn't reflect as Ms. Granage commented the values of the people of Oakland... did you just fall asleep into the mic, Madam Chair?

Regina Jackson: No.

Edwin Prather: Because, it doesn't reflect the people's will. I mean, that's what we're here for. We're here to have that type of hearing and, while I appreciate everyone who's here and who's making comment, we need more. Is that?

Regina Jackson: I do not disagree with you. I think the reason it was put on the agenda, and I've been talking to finance and the police for at least two months, was that we wanted to try and put it on before the process had been completed. Now, I was

not expecting this. And so we can certainly put it over and put more robust conversation and promotion behind it. But that is what happened.

Regina Jackson: So, I can take accountability for that and we can tweet and announce and do all of that when we decide that... I honestly think that after vice-chair Harris can help them understand how or what format we should see the budget in and call out some of the questions that were presented here today, that that might be a better time. Whether we can change it at that point or not, I think what's most important is that the community and ourselves quite frankly, can understand it.

Regina Jackson: Commissioner Prather?

Edwin Prather: Madam Chair, let's be very honest about part of what occurred here tonight. When someone is making a budget proposal and the budget proposal doesn't get in the documents for the meeting? That's gamesmanship, right? This budget has been prepared for a long time. I think it was Ms. Granage's point that you... we got this- I got this when I walked in tonight. And, there was no chance of analysis or anything else and that's why my only comment was, "The theme of the budget didn't sit well with me."

Regina Jackson: Well-

Edwin Prather: I don't... while I appreciate Madam Chair's willingness to take accountability for what happened here tonight, I don't think it was that. I think it was, we got it last minute. What I would suggest we do is put it on our pending matters list for what sounds like a budget hearing or public hearing on the budget in the fall-

Regina Jackson: Mm-hmm (affirmative)

Edwin Prather: ... after whatever ad hoc committee or whatever group of commissioners gets to take a serious look at it and then we can bring in resources as Ms. Benson and other people have referenced.

Edwin Prather: I just looked up here, while I was sitting here, there's so many resources available for police chiefs around the world in making their budgets. And, I just cited one, but I found like five different best practices that, frankly, didn't look were followed in the making of this budget. And I just did that in 20 minutes.

Edwin Prather: So, I feel like there's more we can contribute to this process, but again it really is frankly just kind of tabling it and picking it back up in the fall when we can have a hearing.

Regina Jackson: I don't disagree with you and I think that this comment of getting last minute or at the door has been raised before, which is part of why when I requested from Ms. Wallington that we get the document in time for it to be published. So, I think that your suggestion in the fall makes really good sense. Does anybody have a challenge with that timing? That way we can take some time and actually

distill the budget so that the next process will be much more robust and clarified.

Regina Jackson: Commissioner Harris.

Ginale Harris: Thank you chair. I think one thing that would be helpful is if we all got the information because I didn't know nothing about it. We all do our own outreach in different kind of ways, right? Some do twitter, some do you know, whatever, but we all have ways of getting things out. But, we all have to know about it. So, the information needs to be shared and I think, you know, we're slowly but surely getting it together on sharing the information. So, if we all... you know, if they're sending the chair something that is something of this nature, then maybe you should send it to the rest of us.

Regina Jackson: Let me clarify, I didn't get anything.

Ginale Harris: No, no, no. I don't mean this time.

Regina Jackson: Oh, okay. Okay.

Ginale Harris: I mean, if they send anything, you know, they want to deal with one person, right? And that's fair. But, if they send it to you, then send it to the rest of us. And then we have a way to get things out, right?

Regina Jackson: So, with that. We have item number 8. Rules of order addition. I'm sorry. Oh, yes, [Kathy 04:04:51]?

Speaker 11: Quick comment, somebody from the city's office sends me the entire packet like the Thursday before... I think the week before the hearing I want to say.

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Tara Anderson: Higher packet like the Thursday before, I think a week before the hearing, I want to say. And so at that time, do you guys get it at that time?

Regina Jackson: I don't think so.

Tara Anderson: I'm on her email list and so she sends them to me in advance so I can look through and see what's in there, what's not in there.

Regina Jackson: Who's the she?

Tara Anderson: Class?

Regina Jackson: When you get back to your email if you could send-

Tara Anderson: [inaudible] yeah. Yeah. [crosstalk] So she sends it in advance the entire packet. And so I got it in advance. So I guess what I'm saying is, if you get on her list and she sends it in advance and you can look and see what you don't have, what attachments are missing because they do send them, she does email the entire packet.

Ginale Harris: I don't think she got the police budget. We just got them tonight.

Tara Anderson: No, no, no. I'm not saying that, but I'm saying she sends the entire packet and so if you get it like on the Thursday before the hearing, you could look in there and say, oh my God, look what isn't in there.

Ginale Harris: Okay. Well thank you very much.

Regina Jackson: Yeah, we should get them.

Ginale Harris: Yeah, we should.

Regina Jackson: So I'm gonna move forward to item eight and then we're... Oh. Item eight is rules of order edition. The commission will discuss and may take action on a potential amendment to the rules of order. New Rule 2.19 would create a procedure around the commission's chief of police for cause assessment. This is a new item. Yeah. So did you want me to read this? Go ahead Commissioner Prather.

Edwin Prather: Thank you Madam Chair. So this rule change has been drafted by our council that we retained that we've met with in closed session around the assessment of the chief as it relates to any movement to consider termination for cause. As the Commission knows we have the ability to terminate the chief for cause pursuant to section 604 B 10 of the city charter as well as subdivision 2.45.70 E of the municipal code. What this does is cautify and place some rules around how that would be done and the votes that would need to be taken. What I would suggest is if, because we've discussed this previously, if there's a ton of discussion about it, I'd just say we should table it til the next time. If folks are ready to go ahead and consider it tonight, then we can do that in expediently because we only have... We don't have too much time but I'll leave it to the will of my fellow commissioners.

Mubarrak Ahmed: Can I just ask that you guys explain what it is? It's not very clear in the-

Regina Jackson: I'm sorry.

Mubarrak Ahmed: Can you just explain this because it's not very clear in the language of the agenda. Whoever.

Ginale Harris: Do you want to provide an overview Commissioner?

Edwin Prather: Sure. So the commission has the ability to consider terminating the chief for cause pursuant to our powers granted by the enabling ordinance. This rule would be an amendment to our rules of order to provide some structure to that power. This rule was drafted by our independent outside council and presented to us to vote on in open session. Happy to answer further questions.

Regina Jackson: So do you all have any questions? Because we can go to public comment and get any other questions answered then. Okay. Public comment. Selene Bay, Mary Vale, Rashida Granache [and 04:09:07], and those are all the cards I have.

Tara Anderson: Can I just say, it is freezing in here. What's going on? They need to turn that off.

Regina Jackson: We're being frozen out, I don't know. Well Kay Top can't handle the heat. Don't we have a security guard somewhere here? Okay. I'm sorry, go ahead.

Rashidah G.: It's a few degrees cooler in here than out in the hall. The only comment I have on this proposed rule is whether it should be a rule or whether it should be part of the enabling legislation. I'd like you to give some consideration to that because if it in any way, shape, or form, it can be interpreted to disagree with the intent and the language of the enabling legislation as well as measure LL, then I can see that there could be consequences in trying to follow the process that's outlined here.

Rashidah G.: So I'm wondering whether it should be an internal rule or whether it should be codified in legislation that the council passes. Thank you.

Regina Jackson: Commissioner Prather.

Edwin Prather: Ms. Granache, I can answer that question. So I'm channeling our council on this issue, but the thought of council in putting this together was to provide some guidance and structure because otherwise the way it's currently written in the ordinance is sort of unfettered. There's no guidance. So what this provides is guidance. So what I'd probably say, and this is now my own opinion, not council's opinion, is that if when LL is reformatted, then some similar language should probably get into the ordinance. But absent, absent that, this rule helps provide a structure and guidance on how we can affect, how we can carry out that power if needed.

Rashidah G.: Through the chair. You used the word ordinance when I sometimes think you mean charter change. So it's a pretty important distinction. And so I'd like you to clarify whether you feel it should be in the charter change that is going to be presented to the voters or whether it should be in the enabling legislation.

Edwin Prather: I did misspeak. Thank you. I did mean the charter change.

Celine Bay: Good evening, Selene Bay. I fully encourage you to do whatever it takes to move this forward. I mean, and when I say move this forward, I mean move,

terminating this chief, right? She doesn't have the disposition to be the chief of police of Oakland. Whenever she's challenged, she always reacts. That's the same way the police act in the community. If somebody asked the police a question, we just had a video pop up where Sandra Bland showed a video from her perspective when she was pulled over, how the police talk down to people. So we're looking at this police chief, she's been the police chief for going on almost three years now. She owns at least three years of the failure of the NSA. She owns the most important three years of the failure of the NSA, which is the last three years of the NSA. Under her leadership, and I use that word jokingly, is we're going backwards in NSA. So whatever it takes to put an official, this is the cause for firing her, I can give you all kinds of causes.

Celine Bay: She promoted the people who raped that underage girl and then when the community came and spoke to her about it, she ignored them. Now, she's just in Oakland for only a few weeks and her very first move is to promote people who've been preying on people in our community. And then when the people live in Oakland come to her, she overrides the people. So how can you be in Oakland only a couple of weeks and then make a decision that affects all of Oakland and then close your ear. That's the mentality that she brings to it. And then every time she's challenged, she tells you who she serves. She serves the mayor, so she's not listening to this commission. She's listening to the mayor. The mayor is the one that's pulling her strings.

Regina Jackson: [inaudible] Thank you. Yeah. Commissioner Smith.

Thomas Smith: I just actually had a question. I realized, so it says four votes here, but I know under the enabling ordinance it says, not less than five votes to remove for cause. Is that purposeful? It says, I mean under the enabling ordinance it says, acting separately or jointly with the mayor, remove the chief of police by a vote of not less than five affirmative votes. And that's under...

Regina Jackson: Commissioner Prather.

Thomas Smith: Yeah. Section 604 B 10.

Edwin Prather: Commissioner Smith, the way I read this, it talks about in order to have an assessment it just requires a majority of commissioners. But in order to terminate the chief for cause then you would need five affirmative votes.

Thomas Smith: Oh, I got you. I got you. Sorry.

Edwin Prather: And so I-

Thomas Smith: Still at the top.

Edwin Prather: So I hope that's consistent with the-

Thomas Smith: Okay, great.

Edwin Prather: Yep.

Regina Jackson: Does anybody else have question on the rule? Commissioner Harris?

Ginale Harris: Nope.

Regina Jackson: Commissioner Prather?

Edwin Prather: If there are no questions, I move that we adopt a rule 2.19 chief of police for cause assessment as drafted in attachment eight.

Regina Jackson: Commission Dorado?

Jose Dorado: Second.

Regina Jackson: Okay. It is properly moved and seconded. We've already had public comments, so we can go to a vote. Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: Aye for myself. Commissioner Smith?

Thomas Smith: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: And the motion passes. Thank you. We've already taken care of item nine so we move forward to the report from ad hoc committee on the CPRA appellate process. According to my conversation at the last meeting, what I promised was that I was going to either facilitate the committee meeting or try and present an opportunity that would allow for a consideration like Mr. Bay's to be reintroduced or reconsidered, a former investigation to be reconsidered. So specifically what I tried to work out was a couple of points, that it be able to accommodate an intervening change in a controlling law or to account for a substantial new evidence not available during the investigative process, and/or to correct a clear error of law. Some of the other processes really only allowed for a 30 day or 60 day to be reconsidered and we recognize that we needed a process that was far more flexible.



Regina Jackson: I don't know. I don't think I need to read the entire thing, but I wanted to at least offer up for discussion, a process that we might consider. Admittedly, Commissioner Harris had not had a chance to review and as we thought, was going to be out of town as well. So I wasn't trying to get us to make a final decision, but merely get the conversation started about how we might approach it.

Regina Jackson: Commissioner Harris.

Ginale Harris: So I did not get a chance to view this document prior to this meeting. I was working on personnel stuff. But in reading it, it doesn't outline any of the suspicions of any of the agency staff or her misconduct that has been identified.

Regina Jackson: So this is more of an approach for a process as opposed to a denigration of a system that doesn't work. It's more to identify if someone has a circumstance that could be considered in terms of being able to either reopen an investigation or reconsider one.

Regina Jackson: Now again, this is offered for review, for discussion. It's an approach that would be availed to different appellate approaches that I know that we've seen a few samples. And so you can take it under consideration, use some of the language for whatever process you'd like to move forward, throw it out. But I promised that I would deliver something and that was important for me to keep that word.

Ginale Harris: I think that in the mechanism the letters should be able to be sent to any commissioner, not just the chair. I think it should go through the chair when we're on the dais, but the complaints should be to any chair, I mean any, sorry, I'm tired, to any commissioner.

Regina Jackson: Any other comments or questions?

Ginale Harris: I think the language needs to be more user friendly, too, because everybody doesn't understand lawyer talk.

Regina Jackson: Okay. I am not currently on the appellate committee. I don't know if, I know you are, but I don't know if you want to meet offline and we can try.

Ginale Harris: That's good. Yeah. I would like to sit with this document for a while.

Regina Jackson: Okay. Yeah, no problem. Any other comments? Thoughts? Okay, great. So I know that you all haven't had a chance to get together to bring something. Oh, yes. Commissioner Brown.

Chris Brown: Thank you. I met with Henry Gage to discuss this issue as well, and we come up with a similar document. It doesn't outline the process as clearly as this does, but it does talk about some of the other considerations. One for how the

commission, how a subcommittee of the commission would be able to, the weakness in this is that the subcommittee of the commission would not have access to the same documents that the people doing the investigation had access to.

Chris Brown: So we saw that as a problem and we also explicitly declared that misbehavior by an investigator would be, or alleged misbehavior by an investigator would be one of the reasons that you could reopen a case. So we would add a fourth item there. We found that looking at that, we found that the most useful expedient way to do this is to implement through the IGE at first, and then as the [inaudible] changes to allow a part or a subcommittee of the board, of the commission to view the personnel files, then we could expand it to include an appeal the IGE's result. So it's substantially similar to yours, but it's not identical.

Regina Jackson: Okay. And can you share that document for future conversations or?

Chris Brown: I'll be glad, I know Commissioner Harris, you probably have that in your email.

Ginale Harris: I don't, I just checked my email and I don't have it.

Regina Jackson: Okay. Commissioner Prather.

Edwin Prather: Thank you, Madam Chair. I'd also just like to share that I know that Commissioner Anderson, who's not here, also had worked on this issue and did have a draft of something. So it appears that there are three drafts of potential rules. So I commend the many parties who worked on this and hopefully there can be some consensus on the process.

Regina Jackson: Well it sounds like there's a lot of language out there that can be cobbled together or separated out in order to get us where we're trying to go. So I'm happy to meet with you, Vice Chair Harris and Commissioner Brown or just hand off the document and you use it however you like so that you can present something at the next meeting.

Thomas Smith: And Chair Jackson, I'm noticing that Chair Smith has stepped out, perhaps temporarily, perhaps permanently, but perhaps it might be helpful to designate Commissioner Brown as a voting member of this meeting as a corpsman can continue.

Regina Jackson: So yes. So for the purposes of continuing the meeting, Alternate Commissioner Brown, you are now a viable member with voting rights. Do we know if Commissioner Smith left or just went? No, his hat is here, so he must be-

Chris Brown: He just stepped out, he'll be right back.

Regina Jackson: Okay. So it could be a short lived situation. Thank you.

Chris Brown: It may be over now.

Thomas Smith: Yeah. Okay.

Regina Jackson: Chair Commissioner Harris.

Ginale Harris: So is this the part where we talk about the Bay case?

Regina Jackson: Well, yes it can be because this is, as I mentioned, in the frame of what we were talking about.

Ginale Harris: Okay. Well I would like to make a motion that we have the same attorney do the investigation for the Bay case that we do the Pollick case.

Regina Jackson: Is Mr. Mason an attorney?

Ginale Harris: He's an investigator.

Regina Jackson: Okay. So say, have the same investigator.

Ginale Harris: That's what I said.

Regina Jackson: No, you said attorney.

Ginale Harris: Oh, I'm sorry-

Regina Jackson: It's late-

Ginale Harris: I'm tired.

Regina Jackson: That's what I was just trying to-

Ginale Harris: I'm sorry, Mr. Bay. The same investigator as Mr. Pollick. Let me back up. Okay. So my motion is to have the same investigator that we are hiring for Mr. Pollick's case for Mr. Bay's case.

Regina Jackson: Commissioner Dorado. Okay, it's been properly first and seconded-

Jose Dorado: Before you vote on that though, you're supposed to hear public for-

Regina Jackson: [crosstalk] I'm getting ready. We're not finished-

Jose Dorado: So I'm just saying don't take a vote on it [crosstalk]

Regina Jackson: And your name is first up.

Jose Dorado: But also has something to say on that, too.

Regina Jackson: Hold on just a sec. Excuse me, Mr. Reus ? Can you start the clock please? Thank you. Go ahead.

Celine Bay: So I would just say that I do disagree with having the same investigator as the Pollick case. Okay. Because we didn't vet that investigator. We don't know who he is. We don't know who he's friends with, whose relationships with, we have investigators that we vetted and we can put those names forward and we would like those investigators to be one of those people to be chosen. And that would be what we would like.

Regina Jackson: Okay. Can you send that email, I know that a couple of weeks ago you'd made a suggestion. Can you send that email to commissioner Vice Chair Harris?

Celine Bay: Yes, I will.

Regina Jackson: And then that way once we have cobbled this whole thing together, then we can make the recommendation for the process as well as the investigator.

Celine Bay: So again, there's two separate issues. The process is a separate issue. We're talking about just like Pollick wasn't underneath this, Pollick was separated out, the Bay case or the Bay cases-

Ginale Harris: Mr. Bay, may I interrupt you?

Regina Jackson: Commissioner Harris.

Ginale Harris: Okay, so we're going in circles. Now, I agree with him. We're not going to do the circle thing. My thing is that we made a commitment, we made a commitment that he was going to get his case investigated. That's all we're asking. He should not have to go through this process, and if he does have to go through this process then so should Joshua Pollick's case.

Regina Jackson: So I think that what we committed to is having an investigator look at the information to make a recommendation. That's correct.

Ginale Harris: Yes.

Regina Jackson: But what Mr. Bay is suggesting is that he does not want the same investigator that's going to look at Pollick to look at his case. So I think it's appropriate for him to provide that information to you, so that in the next meeting we can both move forward on an appellate process, which is separate but still-

Ginale Harris: No, no-

Regina Jackson: Issue.

Ginale Harris: No, no, no, no.

Regina Jackson: And then move forward for an investigator.

Ginale Harris: Regina, I mean-

Celine Bay: As long as those are two separate-

Ginale Harris: Commissioner Jackson.

Regina Jackson: Yeah, they are two separate. They're two separate [crosstalk]

Ginale Harris: This is not what you, this is not what we agreed on. So we may have to have some offline conversations right now.

Regina Jackson: Okay.

Ginale Harris: Because-

Regina Jackson: Okay, so here's what I am suggesting-

Ginale Harris: No, you are trying to do something else.

Regina Jackson: Okay. No, no, Vice Chair.

Ginale Harris: Yes you are.

Regina Jackson: Vice Chair, what I'm trying to do is separate out the issues but we still want to-

Ginale Harris: You're making an issue though.

Regina Jackson: We're still trying to move forward on an appellate process and that is-

Ginale Harris: I understand the appellate [crosstalk]

Regina Jackson: And that is the agenda item that we are discussing-

Ginale Harris: I understand, it's only the agenda item we're discussing, because you did not put the agenda item on here. You removed it because you thought I wasn't going to be here.

Regina Jackson: I didn't remove it. It never got on there. Yes, because-

Ginale Harris: No, it was on there because I saw it.

Regina Jackson: No.

Ginale Harris: Yes.

Regina Jackson: Okay. Well, I did not think you were going to be here.

Ginale Harris: I know.

Regina Jackson: And I did not want it to move forward without you because-

Ginale Harris: But I'm here.

Regina Jackson: But nobody knew you were coming.

Celine Bay: I would just, I would just say to do this, if on the next agenda there is two separate items.

Regina Jackson: Yes.

Celine Bay: One appellate item-

Regina Jackson: Yes.

Celine Bay: And one to choose an investigator-

Regina Jackson: That says Bay investigator, right.

Celine Bay: Bay investigator.

Regina Jackson: Yup.

Celine Bay: That is what we would go for and we will get you the names to be agreed upon or somebody to agree upon at the next meeting.

Regina Jackson: You can send them to Vice Chair Harris, yes.

Celine Bay: And I will send them to Ms. Harris.

Regina Jackson: Yes, thank you.

Edwin Prather: And Commissioners, I would recommend that in the title of the agenda item, you list the names of the investigators.

Regina Jackson: I didn't understand a word you said.

Edwin Prather: Oh, I was saying I recommend you list the names of the investigators that are under consideration for the agenda item.

Regina Jackson: Yes. That's why they're getting sent. Okay. So Rashida Granash, Henry Gage, and yes, Commissioner Smith.

Thomas Smith: I just wanted to report that it is 10:59 PM we have exactly one minute left until the meeting comes to an end.

Regina Jackson: So do I... Okay. Do I have a motion to extend the meeting? 10 more minutes, 15 more minutes? Commissioner Dorado.

Jose Dorado: I move we extend the meeting for 15 minutes.

Regina Jackson: Is there a second?

Ginale Harris: Can I make a friendly amendment? Can we finish this item and then end the meeting?

Regina Jackson: Yeah, I think that would be fine.

Ginale Harris: I have to go to work tomorrow early.

Regina Jackson: Okay. So we will finish this item but I think that that means for Kay Top's benefit, 10 minutes.

Jose Dorado: You have to withdraw the motion.

Regina Jackson: Oh, I'm sorry. Well it's a friendly amendment so, okay, so go ahead Commissioner Dorado. You'll accept the friendly amendment that we finish this item and then we will adjourn the meeting and all the other items will be put over to the next agenda. Thank you. Mr Gage?

Henry Gage: Thank you Chair.

Regina Jackson: Mr. Rues, clock please.

Henry Gage: Quick suggestion. It sounds like there's a couple drafts of proposed language with respect to the appellate process. If there is an ad hoc committee meeting in the interim, that's awesome. If not, it'd be nice to have all that proposed language on a future agenda item so that can be finalized and voted on at the next meeting. Thank you.

Regina Jackson: Thank you. Okay. Those are all the speakers. Ms. Granache waved off, so-

Jose Dorado: Motion to adjourn.

Regina Jackson: Yes. Seconded. So the motion is-

Jose Dorado: That was a motion to adjourn [inaudible]

Regina Jackson: By commissioners- Pardon me? Commissioner Prather?

Edwin Prather: Yeah, I move that we table items 12, 13, 14, 15, and 16 to the next-

Regina Jackson: I second.

Jose Dorado: All in favor.

Regina Jackson: Yeah, all in favor?

Jose Dorado: Aye.

Ginale Harris: Aye.

Regina Jackson: Commissioner Dorado, Commissioner Harris. Aye for myself. Commissioner Smith?

Thomas Smith: Aye.

Regina Jackson: Commissioner Prather?

Edwin Prather: Yes.

Regina Jackson: Okay. Can we move to adjourn? I move to adjourn. Okay. It's been properly first and seconded. All in favor say Aye.

Edwin Prather: Aye.

Jose Dorado: Aye. We're out of here.

Ginale Harris: All right, aye, aye.

Regina Jackson: Thank you for everyone.

Speaker 12: [inaudible].

PART 8 OF 8 ENDS [04:32:12]