



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

September 10, 2020

Regina Jackson: Excellent. Welcome to the Oakland Police Commission's Special Meeting of September 10th. I'm going to call this meeting to order. It is 5:32. I'm going to take roll. Please identify that you are here after I call your name. Commissioner Gage.

Henry Gage, III: Present.

Regina Jackson: Thank you. Commissioner Harris.

Ginale Harris: Here.

Regina Jackson: Great. Thank you. Commissioner Dorado.

Jose Dorado: Present.

Regina Jackson: Thank you. Commissioner Anderson.

Tara Anderson: Present.

Regina Jackson: Thank you. Commissioner Smith.

Thomas Lloyd Smith: Present.

Regina Jackson: Thank you. Alternate Commissioner Brown.

Chris Brown: Present.

Regina Jackson: Commissioner Harbin-Forte.

Brenda Harbin-Forte: Present.

Regina Jackson: Thank you. And it would seem that our only absentee thus far is Alternate Commissioner David Jordan. We do have a quorum, and we will proceed. Can someone update the slides for me, please? Okay. I would like to hand over the mic to Mr. Rus, in terms of public comments, before we depart for closed session.

John Alden: Madame Chair, this is John Alden. I'll be handling the public comment regarding closed session.-

Regina Jackson: My apologies. You just said that. Thank you.

John Alden: Not a problem. He'll be back at 7:30, so we'll see him again later this evening. For members of the public who are on the line, this is the part of the meeting where we will be taking public comment relating to the closed session item, item four on the agenda. There will be an open forum for public comment about other topics after the closed session is over, item six on the agenda. We'll do one minute per speaker. Anyone here who is interested in commenting on the closed session



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item that will be next, raise your hand now, and we'll give you each one minute. I will put up the timer for that purpose. It looks like we have two folks who wish to comment. First is someone with a phone number ending in 0501. 0501, please go ahead. You may speak. You might be muted on your end, so make sure you unmute yourself.

Gene Hazzard:

Can you hear me?

John Alden:

Yes, we can, Mr. Hazzard. Welcome.

Gene Hazzard:

Okay. Thank you, thank you, thank you. I'm going to continue to address the flawed selection process of new members being recommended to the City Council for the Public Ethics Commission. Take note, [inaudible 00:06:34] lied in her comments with respect to Miss Harris, and the Selection Commission supported that lie, and if you go back and look at the tape, you can see that the votes came after, when Mr. Dorado came before the body to correct [inaudible 00:07:03], and if I'm correct, yours is only a recommendation to the Council, so the Council has an opportunity to reject or accept your-

John Alden:

I'm so sorry, Mr. Hazzard, but your time has expired. All right. Next speaker in the queue is Assata Olugbala. Miss Olugbala, please go ahead when you're ready.

Assata Olugbala:

Yes. The opportunity to do something different, even in closed session, as an independent body, is something you need to embrace. During closed session, there is nothing out of order with stating to the public what you are dealing with in terms of just the identification of the legal action you're dealing with. You don't have to go into detail, but how is it that we have open forum on closed session, when nobody knows what in the hell you're talking about? If you want to deal with an open process, you can at least identify the case that you are dealing with by name. The second thing is, you have the opportunity to become more legitimate as a group by dealing with the errors of the selection panel before it can become a legal issue.

John Alden:

I'm sorry, Miss Olugbala, but your time has expired. Thank you so much for your comments. Madame Chair, our next item ... I believe those are all of our speakers, so our next item on the agenda will be going to the closed session, and so for that reason, I will switch our screen here-

Regina Jackson:

Okay. Thank you.

John Alden:

... so that anyone who comes by knows that we're in closed session.

Regina Jackson:

Okay. Thank you very much. I'll meet all of the commissioners in the Zoom meeting for our closed session, and then we'll see you all later. Thank you very much.

Regina Jackson:

(silence). 49. Apologies for going over in closed session. While there is nothing to report out, the topic of the closed session published on our agenda is Conference With Labor Negotiator. The Commission's negotiator is Mr. Alden, the union is Local 21, and we will call out the closed session topics going forward. Thank you. Can you advance the screen, Mr. Alden, please?



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John Alden: Sure. I believe our next item would be public comment. If you are ready, I'll start with you for the commenters.

Regina Jackson: Okay. Thank you very much.

John Alden: Members of the public, if any of you would like to make a comment now, please make sure to raise your hand and resume queue. Each commenter will have one minute. [inaudible 01:21:09] the clock.

Conor Kennedy: Director Alden, can you hear me? This is council.

John Alden: Yes. Mr. Kennedy, go ahead.

Conor Kennedy: I might've logged in a little late by a half a minute, but I just wanted to make sure that the chair had the opportunity to read off that there was no reportable action that was taken.

Regina Jackson: Yes, we did.

Conor Kennedy: Just wanted to confirm that. Fantastic. I'm sorry for interrupting.

Regina Jackson: No, no, no. That's fine.

Conor Kennedy: Okay. Let me go back on mute now.

Regina Jackson: But I did get a correction that the union is Local 1021, not 21, so I just wanted to clarify that.

Conor Kennedy: Thank you. Thank you very much.

John Alden: Okay. With that, it appears we have nine speakers in the queue so far. Our first speaker is Ms. Olugbala.

Speaker 3: Excuse me, Mr. Alden, before you start the clock, I just wanted to ask a question to the chair to recognize that we have 28 in attendance but only nine people wanting to speak. Do you still want to keep the speaking at one minute?

Regina Jackson: Yes.

Speaker 3: Okay. Just checking.

Regina Jackson: Thank you. I'm sorry, I didn't see your hand raised.

John Alden: Okay. Madam Chair, with that, we'll start with our first speaker. That's Assata Olugbala. Ms. Olugbala, you may begin at your convenience. Okay?



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- Assata Olugbala: Yes. Thank you. I hope that the members of the Commission realize that you are in very serious moment because you have been approached several times with the issue of the invalidity of the selection panel and the fact that Ms. Cobb was involved in a disparaging comment about Ms. Harris, whether that was on purpose or mistake. It can be validated by looking at the tape of August the third. The problem is you've been given the opportunity to respond to this concern, and you've said nothing. Those two individuals who are coming in will be challenged. The Coalition for Police Accountability is going to be challenged because you have said nothing. So, we will continue to bring this matter up until it's appropriately-
- John Alden: So sorry, Ms. Olugbala, but your time has expired. Our next speaker in the queue is Kevin Cantu. Please go ahead at your convenience.
- Kevin Cantu: Good evening, everybody. I just wanted to chime in and say that you have seen the weather, you have seen the sky this week, you've seen the news. I think it's worth reminding you, the Commission, our Chief, that these are extraordinary times, and our decisions matter here. And as we decide how to spend our time, our police department's time, our police department's budgets, the rest of our civic budgets, we have to make choices that reflect our priorities.
- John Alden: Thank you for your comments. Our next speaker in the queue is calling in from a number ending with 0501. I suspect that's Mr. Hazard. Please go ahead.
- Gene Hazzard: Before you start my time, I'd like to get a clarification, please.
- John Alden: Before you do that, Mr. Hazard, I think that we should probably check in with the chair and council about how to proceed in that regard.
- Regina Jackson: What is the request?
- John Alden: Well, if I had understood correctly, it might've been Mr. Kennedy who had some advice for us about how to account for time on speakers who had questions in that regard, and I want to make sure I'm following whatever instructions that you, Madam Chair, and council [inaudible 01:26:00].
- Connor Kennedy: This is Connor Kennedy. Hopefully you can hear me. Yeah. If Mr. Hazard has a question, I'm more than happy to hear it before we start the clock. Go ahead, Mr. Hazard, if that's okay, Chair.
- Regina Jackson: That's just fine.
- Connor Kennedy: Okay.
- John Alden: Okay, Mr. Hazard, you are un-muted on our end. Please go ahead. We won't start the clock until you've done your question.
- Gene Hazzard: Thank you. To the chair, how do you determine the time speakers are opposed to get? Because if you said they had X amount of folks in the queue and then only a few people want to speak, and



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then you dictate only one minute. I don't understand. And that's stifling the community's opportunity to weigh in on various serious issues, while the committee speak endlessly. So, how is that determined? That's what I'd like to know from the chair, please.

Regina Jackson: Certainly. It has been past precedents, and as you know, while we all want to work very hard, we oftentimes go past 10:30 and 11:00 o'clock. So, since we still have long agendas, the one minute should be sufficient because you can continue to speak on every item if you like, but we will [inaudible 01:27:35] reduce the one minute.

Connor Kennedy: Chair, I'd also just like to provide members of the public the specific bylaw by which exactly what you just said that lines up with the bylaws. That's rule 3.1 on public comment. And I also believe that that tracks the city council's rules, as well, but that's directly squarely and expressed in our bylaws.

Gene Hazzard: Okay. Thank you, Madam Chair. And I just want the public to know, so we don't want to look at it being stifled, and unlike other committees' situations, you have afforded us the opportunity to speak on every item. So, to me, that's reasonable. So, I'd like-

Connor Kennedy: Yes, sir.

John Alden: Mr. Hazard, if you would like to make a comment, we'll start the clock.

Gene Hazzard: Okay. Thank you very much. Again, I'd like to speak to the selection panel because I think it was disparaging, disingenuous, and to allow that to continue without going forward and accepting of these individual... This is like a Trump thing. We've talked about Trump, but I've seen a lot of things that are currently happening because of Coronavirus, not only here but in the city council, you're just as guilty of the crap, and I will say that, that's coming out of the White House. And it's insulting to the public. We can't continue to allow this to go on in a manner in which it is without making these comments. There's lies coming from the selection committee, and you all accept-

John Alden: I'm so sorry, Mr. Hazard, but your time's expired. Thank you for your comments. Our next speaker in the queue is Megan Steffen. Megan, please go ahead.

Megan Steffen: Thank you so much. I just wanted to make a brief comment saying that I was very surprised to read the news that the member of OPD who was wearing a Hawaiian shirt during work had not heard of the Boogaloo boys or been trained to recognize them after they committed the murder of David Underwood in our city in early June. I would think that all OPD officers would have been trained in how to recognize these people, and I think it's absolutely beyond belief that the members of the public are being asked both to believe that OPD cares and that Interim Chief Manheimer's brief stop at a Tommy Bahama means that members of Boogaloo group aren't white supremacists and don't wear Hawaiian shirts. We need a PIO policy. I can barely take this anymore. Thank you.



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- John Alden: Thank you for your comments. Our next speaker in the queue is Tonya Love. Tonya Love, go ahead at your convenience.
- Tonya Love: Hi, I'm Tonya love. I live in district seven. I just want to follow up that previous person's comment. And since that I felt that the response from Chief Manheimer was really inappropriate and condescending, and it confirms her attitude towards addressing real racism in the department. Sometimes people in a privileged position, instead of actually acknowledging racism or microaggression, they tend to excuse individual behavior and accuse black and brown people overreacting, and that makes it challenging to really address real racist and oppressive issues within the department. So, it would have been better if she had acknowledged the fear and apologize for discomfort and come up with solutions on how to avoid it happening again. Even if, as she says, that the person is just wearing their favorite shirt, addressing the community in an appropriate manner is best, so I just wanted to make that comment and put it for the record. Thank you.
- John Alden: Thank you. Our next speaker in the queue is Jennifer Tu. Jennifer, please go ahead.
- Jennifer Tu: Thank you. Hi, this is Jennifer Tu, district three. I also want to echo what the previous speaker said and ask about that, and I also was hoping that today we might be able to get an update from the chief on the state of the PRAs that she mentioned last time and when we might be able to see any kind of results around that. And I see the timer's a little bit off, so I'll just call that a minute. Thank you.
- John Alden: Thanks for being so courteous about my failure to hit the timer. Appreciate that. Our next speaker is Saleem Bey. Mr. Bey, go ahead.
- Saleem Bey: Yes. Before you begin, point of clarification. I need to get a point for clarification on the closed session and whether or not people had their hand up to speak on the closed session should be afforded the time to speak. If you could stop that clock for you.
- Regina Jackson: Mr. Baey, we did have public comment for closed session.
- Saleem Bey: Was that before the closed session?
- Regina Jackson: Yes, sir.
- Saleem Bey: Okie dokie. All right. Well, I missed that. The last time you had closed session, it started after.
- Regina Jackson: Yes, that was our error, and we definitely corrected it and we acknowledged it. And my apologies because that was my fault, but we definitely handled public comment before closed session this evening.
- Saleem Bey: Okay. Very good.



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- Regina Jackson: Thank you, sir.
- Saleem Bey: Going forward. Can you reset that for me, please?
- Regina Jackson: Yeah. Mr. Alden, can you reset the timer, please?
- John Alden: Restart again.
- Saleem Bey: The selection panel has been noticed as a problem to the OPC. The OPC has ignored it repeatedly. This is a problem of complicity at this point. We're not going to forget this. If you had to choose an MVP of the Oakland Police Commission based upon all the criteria that counts, including overwhelming community support, if you're honest, if you're not racist, if you're not a hater, you would have to say Janell Harris is the MVP helping the OPC win for the community. This was an open attack against the black woman for politics, not on merit. What type of people hate on the MVP helping us win. They vote to get rid of her and snake her in the back every chance they get. These people are selfish, who are not here for the community. These are the people in their actions who will be called out repeatedly because they are a danger to self-determination for black people in the community. We're not going to forget this Coalition of Police Accountability.
- John Alden: Thank you, sir. Our next speaker of the queue is Jasmine Fallstich. Please go ahead at your convenience. You're unmute.
- Jasmine Fallstich: Hi, thank you. I have two questions related to data. The first is that the published crime stat data sometimes uses 24 weeks of analysis and sometimes uses 30 weeks, making it impossible to compare these against each other, so can we standardize how the reporting is done in order to have a better sense of what is actually happening with crime stats? And then, the second thing is, we're still waiting for traffic stop data for 2018 and 2019, and I'm wondering when we are going to have access to that data, as it's nearly the end of 2020, or we're quickly nearing the end of 2020. Thank you.
- John Alden: Thank you. Our next speaker in the queue is calling from a number ending with 0185. 0185, go ahead. You are unmuted. [inaudible 00:26:30].
- Gene Hazzard: Was that me?
- John Alden: Should be 0185. But that individual seems to be muted on their end and their unmuting isn't coming through on this end. So, 0185, we will try and get right back to you. Keep your hand up. We'll try calling on you again. And check the mute function on your end and make sure it's disabled. In the meantime, we'll hear from Cathy Leonard. Ms. Leonard.
- Cathy Leonard: Hi, Cathy Leonard, district one, native Oaklander. I, too, mirror the concerns of Tonya Love about Interim Police Chief Manheimer's response to the police officer wearing the Boogaloo shirt. We have been telling the police department for decades how they are disrespecting, killing, and racially profiling black people. But today we have another chief who has turned a deaf ear to the



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community and continues to support officers who apparently are with white supremacist groups. Your day is coming soon, Manheimer. You're not going to survive in the city of Oakland. We want change and radical cultural change in the Oakland Police Department, and we'll get it with you or without you. Thank you.

John Alden: Thank you, Ms. Leonard. We still had a speaker at 0185 who previously seemed to be having trouble unmuting. If you're still there, go ahead.

Michele Lazaneo: This is Michelle Lazaneo speaking for Jonathan Bandabaila. What do antiquated, ineffective OPD policies look like? Jonathan was reported missing to OPD by his parents May 7th, 2019. An officer took the initial report and entered him into the missing persons database two hours later. The report was handed over to the intake intelligence desk and logged in by a police services specialist. The report sat there for two days with no preliminary investigation, no search, no press release. The case wasn't assigned to the Special Victims Unit or assigned to a detective until May 9th, six days after Jonathan went missing. No search until May 13th, no social media posted until May 18th, no press conference until September 19th. OPD never took custody of Jonathan's vehicle or its contents, even though it was the last place Jonathan was seen before he suspiciously disappeared. We don't know who abandoned his car, yet OPD gave the tow company the authority to sell Jonathan's vehicle and didn't even tell his family. The property inside was never collected. Those items should have been treated like evidence and collected, stored, and preserved. OPD released some property to his family, and the tow company discarded the rest in the trash. Let that sink in. Thank you.

John Alden: Thank you very much for your comments. I'll lower your hand. Looks like we have one last speaker who joined the queue just recently. That would be Brit R. Brit, you are unmuted on this side. Please go ahead at your convenience.

Brit R: Yeah. It's hard to know what to say that hasn't already been said for months, right? The Boogaloo thing is, of course, embarrassing, but it's not surprising, right? Because when Mr. Underwood was murdered at the federal building, I don't think Manheimer has still acknowledged that that happened from white supremacist extremists. Apparently, they can acknowledge it on Twitter, but the chief of police can't. And I don't know who the police think that they're fooling that, for some reason, the chief of police of Oakland seems to always want to protect white supremacist extremist groups. And we all know about the history of police and we all know why nobody likes the police because of the racist white supremacy, and yet, here we see it time and time again. I'm done.

John Alden: Thank you. Madam Chair, I believe those are all of the speakers in our queue.

Regina Jackson: Thank you very much, Mr. Alden. Okay, we can go to the next subject on our agenda, and I do believe that that is Interim Chief Manheimer's presentation.

Chief Manheimer: Yes, ma'am. Good evening. Can you hear me all right?



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Regina Jackson:

Yes.

Chief Manheimer:

Thank you so much. I'm so gratified that I'm allowed a couple of minutes to address the commission and the community, because it really is great to be able to have a forum to respond to community concerns, current topics, and agenda items. And I would like to take a moment to really discuss what I think has been on a topic for your public comment thus far about the officer wearing the Hawaiian-style shirt while serving a criminal search and arrest warrant. I think the community members expressed concerns about the Hawaiian-style shirt and its association to extremist groups. I will say the department did look into this matter and determined that the officer was unaware of the association and the reference to the fact that Hawaiian-style shirts are extremist or have been seen to be associated with the Boogaloo movement.

Chief Manheimer:

I want to assure the community that we take all of these concerns very seriously. I also want to clarify for a moment, and I did speak with the director of the Northern California Regional Intelligence Center today, to say that, when I first heard the Boogaloo boys, it was after the shooting of both of the federal protective service officers. And it was a new group to me, and I am very well briefed sitting on the Joint Terrorism Task Force, Sitting On The International Association of Chiefs of Police, and having had all of the executive briefings from the Northern California Regional Intelligence Center. I remember the next day when the shooting was attributed to the Boogaloo extremist group, that I had to Google them because I did not know who the Boogaloo group was.

Chief Manheimer:

I would say that most and many of our officers, and certainly our chiefs in the region, did not know of the Boogaloo group. It's only a group that has come to be known within this last year on the East coast of the country. And that I just wanted to share that there was no real known material on this group locally and on the West coast Bay area until after this shooting, this tragic, horrific shooting, and that this Boogaloo group actually targets police officers, as well. There are different components of them that absolutely involve both white supremacist tendencies, as well as extremism and anti-government.

Chief Manheimer:

So, I want to assure everyone here that I am so concerned that the community thinks that I was dismissive of this. In no way what I'd be dismissive. First of all, this is a horrific group. This group targets cops. It has white supremacist tendencies. I share the concerns of everyone in our community that has fear, has suffering, and pain caused by extremist groups who are intolerant, and that we stand with our community. We would not tolerate that. The officer who was wearing that Hawaiian shirt no sooner knew of any association with any extremist groups and is pretty much mortified that anyone would, A, consider him to be either racist or insensitive to our community. He is out there every day working with ceasefire and other units on violence interruption in our community and is very-apologetic. To hear though, that community members would think that in any way this member or that we, the department, would want to cause hurt pain or suffering when we know that this community has, and is, in the midst of extreme social sensitivity, and unrest is very hurtful. I want to assure this community that there was not only no offense, but there was no knowledge of this officer or many in our department that it would cause that.



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Chief Manheimer: Since learning of this, we have worked with our plainclothes officers. I want to say that there is no policy right now that governs plainclothes attire, because really what they try and do is fit in with the community. This officer was one of about 15, that was serving a search and arrest warrant on a multi casualty shooting incident suspect. It was a very dangerous situation and so there were plainclothes officers pressed into that. But I can assure you that we have really looked at our attire, that we will be utilizing for a search warrants and that we have shared with our department, the sensitivity and the nexus and connection that individuals are making between this attire and that extremist group.

Chief Manheimer: I happened to be in Macy's at the time when I had received that email from a concern community member. So I actually was at the Tommy Bahama counter and looking at all these individuals purchasing that attire. So I just want to say that what I think is most disturbing is that anyone would think that I was being dismissive or that our department was either being dismissive or even worse displaying any alliance with a hateful, extremist, racist group. So I just want to reassure our community that we are looking at our clothing policy, that we are aware of now this association, most of our department members wouldn't be. That we are going to ensure that we don't trigger or target any of these concerns again. So I just wanted to take that moment, Madam Chair, to share that with you.

Chief Manheimer: I have two other updates that I'd like to bring in and I would like to think the community member who asked the question about the 24 weeks versus the 30 weeks. We have all kinds of different ways in which we parse out our crime and gang and gun stats. The reason we're using a 24 week, generally it is a 30 week, four of what we call quarters and that's how we report these crimes to the FBI and UCR crime databases. But it just so happens that this 24 weeks is the period of the shelter in place COVID period.

Chief Manheimer: What we have seen here and across the country is this really incredible spike in gun violence and we are looking at that and sort of using that, but I want to rest assured that any time I bring you a stat that says there's an increase in say, gunfire or homicides or anything else, that I want to show you that I am comparing the 24 weeks of this period to 24 weeks of either the previous period or the year before because we don't mix apples and oranges and we do make sure that our prime stats are relevant. There are different periods we use, but I want to share with you that I'm bringing this to you tonight not because you're not aware of the spike in the gun crime and not because you're not aware of the stats I've used, that during the COVID period this shelter in place from March 14th to September, pretty much to through a six month period that we've seen a 78% increase.

Chief Manheimer: I wanted to share with you why, we have had a citywide strategy in place I've been out East Oakland three or four times, walking with community members. We have started our community ceasefire walks again in the evening hours. But some of the reasons we're looking at, I've asked both officers, community based organizations, and some of our violence interrupters are general anxiety, group and gang turf association conflicts, the societal stress caused by the uncertainty of the pandemic. Areas of our city, which have been so stressed by the disparate hit that they've taken from the pandemic, but also from the fiscal crisis because that's where a lot of our service



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workers and employers are. So it's really a double whammy, both a health and a fiscal crisis for some of our most challenged neighborhoods. We also have seen that the school and health challenges now are creating additional family and social pressures. For those who are coming back early, we are not seeing the reentry services because jobs closed or out of business layoffs and so we're seeing individuals returning early in reentry and not having those resources necessary.

Chief Manheimer: So I just wanted to share with you some of the reasons that we are concerned and some of the things that we're doing through our OPD Cares Initiative, continuing to work with our city partners, our community groups, our intel lead policing and some very significant presence out in the eastern part of our community putting additional resources out there.

Chief Manheimer: My last and third update for you is on the public records requests, someone did ask about it earlier today when I was going to respond to that. I have some information for you today. This came up as you'll recall in the last meeting, we had several individuals that got up and they were concerned about the timeliness of their requests for police reports and other police records. As you may or may not know just the day after I believe our last police commission hearing, we had a pair of lawsuits filed against the city and the department regarding the timeliness of media requests for public records, reports filed.

Chief Manheimer: So here's my response for you and what I can say, I am somewhat constrained by our attorneys on sort of some of the details of the response, but in terms of public records requests this year we have received probably more records requests, 3,553 requests more than all of 2019. The reason for this is that there's been a change in law since 2019. There's a senate bill 1421, which I believe this police commission is well aware of as well that made more officer personnel records concerning serious misconduct subject to disclosure. Later on in 2019, they added some additional laws that allowed as well for, or mandated actually, the increase in audio and video recordings of those critical incidents.

Chief Manheimer: So those changes, which took effect in January of 2020, actually after the fact were declared to be retroactive. So cities all across the state were really caught off guard when it was determined that the legislation which took effect actually was determined to be retroactive. So all records were open to these kinds of disclosures, suffice to say that we are seeing significant and large requests from academics, from researchers and from the media, really looking to get into all of these personnel records. I want to say that we are not resisting that we encourage and embrace the transparency. However, the city's IT infrastructure and funding, were not really built to become that sort of librarian of research in such large volumes of requests, some which span long periods of time, even going back 5, 10, 15 years.

Chief Manheimer: Based on that and responding to these records requests, we also have to ensure that we protect the privacy rights and meet with redaction. So against all of that, we do acknowledge the community's concerns about the time sometimes that it takes to get police records. I will say that aside from these very voluminous 1421 requests that we're starting to see right now, we have the everyday requests that come in and that was the one I think this started from as a request for



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information on our public records was community members wanting to know how can they get their report? How can they get these records and get them in a timely fashion? I want to assure you that we are work efficiently to provide that information in a timely manner.

Chief Manheimer: When I sat down with our records department, there are so many different types of requests, everything from a traffic report that actually goes from the traffic bureau to those that go through our police records section, which is simply a record sealing or expungement requests or a police report. But then there are also those that are very complicated cases that either attorneys or others want that require special coordination with the courts, with evidence, with rules of law. So there is really no way to anticipate the amount of time taken, but I want to assure you that the record system and the city attorney's office are working very hard to make sure that we furnish all of these in a timely manner.

Chief Manheimer: We will have be adding five additional police records specialists in the next few months, as you know, we were constrained with COVID for some workplace based distancing and had ensured that now, as we get back up to speed with a backlog of records requests, that we are able to continue to turn those out efficiently and that our community members should continue also to be encouraged to file their reports online, because then they can just receive a copy of those online.

Chief Manheimer: So I have one other item I would like to go over with you. Madam Chair with your privilege, shall I stop here and take any questions on these items on the updates before I give you a brief update on where we are with our policies and process,?

Regina Jackson: Certainly commissioners, do you have any questions as it relates to Interim Chief Manheimer's overview or update thus far?

Regina Jackson: Okay. I see Mr. Commissioner Dorado has his hand up. You've been unmuted.

Jose Dorado: Thank you Chair Jackson.

Jose Dorado: Chief Manheimer, frankly, I'm offended. I asked you, I believe our last meeting to look into white supremacists, both within and without OPD. I, in fact, did cite the murder of Officer Underwood as well as the Zoom-bombing of a neighborhood council group by Nazis that may very well be local. So my offense is that the cavalier response that you had to the wearing of this Boogaloo shirt by this officer in West Oakland.

Jose Dorado: Let me quote from your response, "I can assure you that high Hawaiian attire or the Palm trees insignia is no more significant of alignment of a certain extremist group than it is of appreciation of colorful attire." You don't know the significance of that Hawaiian shirt, that's unacceptable. It's also unacceptable for this particular officer, I don't buy for a moment that this officer did not know the significance of wearing that shirt, not for a moment. I don't know what kind of investigation you did into the wearing of that shirt by this officer in that raid, but whatever it was, it was totally inadequate. I would ask you, and this is a direct request, I would ask you to go back



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and do another investigation of this officer specifically around any connection to right wing or extremist groups.

Jose Dorado: The other part of this is, are you aware of the Department of Homeland Security report, that sites right wing extremist groups as being the most grave danger, terrorist danger to this country? Are you aware of those reports? In fact, there's three of them. You cited that the groups that you belong to, that you get oriented by, regarding terror, well this is straight from Department of Homeland Security.

Jose Dorado: Are you aware of those reports, chief?

Chief Manheimer: Yes sir. Chair, shall I respond now.

Regina Jackson: Please.

Chief Manheimer: Okay. Thank you.

Chief Manheimer: Yes, no, I'm not aware of that report. I just spoke with Mike Sena who's the Director of the Northern California Regional Intelligence Center to make sure that it wasn't just me and my officers who were not aware of the Boogaloo Boys prior to the shooting of and killing of Federal Protective Services Officer Underwood and he said, no, that's right. They had not had a briefing locally as that group had not come to the attention of west coast individuals as a violence threat to us.

Chief Manheimer: Since then, we have gotten a briefing on him. It's been an executor of level briefing. I think it does really speak to the fact that, we have officers who are involved in many different things and they need to get briefed all the time in so many different things. But certainly this has been a learning moment in what may have not seemed to be immediately important knowledge to all of our officers, it's probably a good idea to give them more of these briefings.

Chief Manheimer: I will say two things. One is that I would be happy to have and facilitate Mike Sena coming and giving a briefing to you all because he was pretty clear with me that the Boogaloo Boys were not either well-known or known at all really to us local law enforcement until the late June shooting.

Chief Manheimer: Then the second piece of that Commissioner Dorado, I think is that, I do think that at the end of the day I don't want to argue the point, yes, it may well be that the Boogaloo's do claim the Palm tree and other elements of that Hawaiian style shirt. But so do you know, millions of Americans and that is not to dismiss, that is not to dismiss sir, that racist hate groups have no place in our society, that they are a threat, they are a real, real fear that they should be feared, that we are aware of them now and tracking on them. Secondly, we are aware of the sensitivities in our community, too, that now that is not to say that, should you see someone and you will see many, many someones walking down the street you should fear that they are a member of this extremist group.



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- Chief Manheimer: So it is sort of a double edged sword where we don't want to minimize or dismiss or in any way appear dismissive of the real truth threat of the Boogaloo Boys, to society, to police officers, who they seek out and kill, and then to our greater community, who is very fearful at this moment of the divisiveness and the social and racial unrest. So I will offer if you'd like to get a briefing for you, and you can rest assured that we have looked into this matter, both in our department and continue to look into that matter within our department, and also would be happy to give you all a briefing on it.
- Regina Jackson: Interim Commissioner Manheimer, Commissioner Harris's hand is up and if we could try to make our responses a little bit more brief, that would be helpful. Commissioner Harris, you've been unmuted.
- Ginale Harris: Thank you chair. So good evening, Chief Manheimer. I just want to bring to your attention that words are everything and people really listen when you speak at these meetings. In the past the public, the protesters, were being accused of the officer's murder and it was said several times and I remember. Since then it's been identified that this person from the Boogaloo group was identified. However, because he was identified as a hate group, I just feel like there should have been some kind of involvement in learning more about this group since he was, or they were in Oakland. Not only did the protesters get blamed for his actions, but it kind of was like, it dissipated, there was no acknowledgement, there was nothing saying, you know what? We made a mistake and the responsibility is on the Boogaloo group, we have an update for the public, you guys are safe, we know about them, we identify them.
- Ginale Harris: So this shirt thing is just a little more deeper than I think people are, or the department I should say, is taking it seriously. It's serious and these are identifiers that we identify some certain groups as, and our officers should know that. They should know that these are the things that they wear. I mean, not saying that they can't wear them on their own time, but when you're on public hours, then you should be aware, especially if they're coming into our town. That's one. So there's no response needed to that.
- Ginale Harris: The others in regards to the shootings that have been going on again, I will say it again, this is not unusual for Oakland, especially East Oakland. But recently there have been four to six shootings in the past three months in Alameda. Alameda is not known for shooting, so it's not only going on in Oakland, it's going on everywhere. So it does not make a significant difference on what has been happening. Again, there has not been a shooting rise that ceasefire is all of a sudden coming to the rescue. This has been a level playing field for East Oakland and I will continue to say that until something happens.
- Ginale Harris: Couple of weeks ago we had Oakland Cares and you know, this week, this comes out and we don't know anything about the Boogaloo. So it's kind of a contradiction and it's really hurtful. So I just wanted to say that. Thank you.
- Regina Jackson: Chief Manheimer.



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- Chief Manheimer: Yes ma'am, thank you. Thank you so much, Commissioner Harris, I always appreciate your comments. I think that our intelligence unit really stays up to speed with that, point well taken on doing some education for the department. I appreciate that, I hear it from you and from Commissioner Dorado, we will. I think that it came from a place of recognizing as well, that we don't want to be a trigger for our community, and we certainly want to go a long way to building trust. I just want to reassure you that we've taken the situation seriously.
- Chief Manheimer: Secondly, I think we have seen a huge decrease in shootings over the last five years. I say, we, I'm not taking any credit for it, I'm an interim here, but five years, they've decreased shootings in Oakland by 50%. I know that a lot of people, community people, violence interrupters, everyone. I'm not responding to that, but I will say this, that there is a 78% rise in shootings and it is not only Oakland. It is every major city and you're right, I think Alameda, we've seen it around the Bay area. But it is a real and true palpable increase and we are very concerned about it and OPD Cares, continues to be out there, put resources into East Oakland. We've made incredible arrests and also I hope mobilize the community and we look forward to partnering more together.
- Regina Jackson: Okay. Are there any other questions from commissioners?
- Regina Jackson: Okay. Before you go to your last thing, I am actually interested in a future conversation. It is my understanding that you all are in the midst of performance appraisals and I am concerned about both the effectiveness and accuracy of performance appraisals as a tool to provide qualitative feedback to employees. I actually have been told that a disproportionate number of people are being appraised at the very high levels while the bell curve at the bottom is almost nonexistent.
- Regina Jackson: What I'd like to do is request that on the next meeting, that we have a report out by race and gender of where people are because my concern is that there might be a need for training in order to get the most out of performance appraisal reviews.
- Chief Manheimer: Yes, ma'am. I will do that. I want to assure you as well there are biweekly meetings with sergeants at each level and continuing training, but I will certainly, and if you want, maybe I'll get offline with you and just figure out what other details you want, I'll be happy to report back on that.
- Regina Jackson: Okay. Thank you very much. [crosstalk 02:09:54].
- Chief Manheimer: Yes. Can I do that last item very briefly on the update, on the policies.
- Regina Jackson: Yes you can.
- Chief Manheimer: So Chief LeRonne Armstrong is going to share his computer, I'll do that very briefly and then I know we have some more questions. Chief Armstrong, are you able to share your computer screen?
- Deputy Chief Armstrong: No, Director [Aldean 02:10:19] will have to allow me.



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- Chief Manheimer: Director Alden, Are you able to do that, sir?
- John Alden: Trying to [crosstalk 02:10:33]-
- Juanito Rus: Good evening, this is Juanito Rus. I will do that right now.
- John Alden: That'd be great. For some reason, the Chief kept moving around in the queue whenever I tried to move him up, he would switch to different spot. Maybe Mr. Russo will have better luck than me.
- Juanito Rus: Do you see Armstrong, you should have the ability to share your screen now.
- Deputy Chief Armstrong: All right. You should be able to see.
- Chief Manheimer: Great. Thank you. I'll try and breeze through this very quickly and take any questions at the end. This is Oakland Police Department Policy Update, Madam Chair, as you know, this has been one of my goals that I was charged with coming here, both by the police commission and one of my personal goals once I realized that so many of our policies have been out of date for so long. I fully understand why you've had it since the beginning of the police commission is one of your goals to get these policies up to date. I certainly hear Chair Harris talking about it with passion quite a bit, and you can look this next slide we'll all understand why.
- Chief Manheimer: There are over 431 policies between training bulletins, general orders, report writing manual policies and special orders, of those over 288 are over 10 years old. If you could go then chief to the next slide, do we have the policy list? If you could get to that real quickly, you find that.
- Chief Manheimer: I looked chair and commissioners at these policies. Of those 431 policies that I shared with you, there are some that are over 20 years old, we have three or four pages of these policies, and I really did want to show them to you so you can see and understand that most of the policies I'm going to share with you are very sort of, I want to say mundane operational protocol, they are collection and preservation of evidence, notice to appear police inventory and control of equipment and furniture. These are some that are very, very out of date.
- Chief Manheimer: If you can go Chief Armstrong to the next page, just trying to give you sort of scroll through an idea of what these are. A lot of them really don't have community impact or community touches. I say high touch, but they are the really important sort of nuts and bolts protocol and procedures that need to be updated and ensure that they are within, I think these are 10 to 17 years old. Chief if you could go to the next page we have some, there we go more 10 to 17 year old. If you, you look down the list, most of those are not even within the purview of measure LL or the independent monitoring team, but really they present a challenge to us in terms of ensuring that we are up to speed and really not a regressive, but a progressive agency that is ensuring that its policies, procedures, and protocols are in line with current case law, legislative standards and best practices of other agencies.



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Chief Manheimer: Chief if you could go back I'm going to share with you now, commission, how it is that we're going to move forward and get these policies up to speed. I'm really excited to present this plan to you because I think the department's really been stymied in how to meet this goal. In this policy and publication unit we have a total of two employees and they all have very significant collateral duties. This liaison between stakeholders, keeping records, creating and disseminating all the training, creating the reports, providing the documentation on that.

Chief Manheimer: Chief, if you could go to the next page. If you could see and commissioners, I know you're aware of some of the logistics around which police department policy is developed and or updated and it's a fairly cumbersome policy as we have our of course, this commission, in which we try and collaborate on the items either you or we want to bring forward for community policy impact and oversight input, and final policy formulation. That is a multi step process, which I'm not going to go through each of the steps, but the steps for you all when these fall within an under the purview of the police commission and the IMT really start with step five, in which case we get all the relevant stakeholders together, and then we present it to you, the police commission, for ad hoc committee review, or 120 day review. Then if concurrence, of course, it goes back to the IMT and the city attorney for final approval prior to your commission approval. Or if we have differences in opinion, as you know, the policies are submitted to the city council. So that is to share with you the policies that go through the police commission and that step in the policies.

Chief Manheimer: What I am going to share with you tonight is the policy update process. That is that we're going to work through a vendor to take all of our 431 policies that need to be updated and put them through with this vendor working with assigned personnel within the department and for those policies, which are within the scope and purview of the police commission or through the IMT, work with you through the review process of those.

Chief Manheimer: In the next 365 days and I have done this at another agency, in fact, many, if not most agencies in California now do it this way because the state legislation and the case law is so overwhelming that it causes us to have to do updates very often so that we don't fall behind in these policies.

Chief Manheimer: So this vendor is going to be able to work with us to ensure that these policies come up to the speed of legislative case law and best practice management for those that touch upon your purview, we will bring them back through you for your approval and do it in a systematic way that doesn't overwhelm you all, but gives you opportunity to review them, those policies, which you want to fully custom as I mentioned to you, Chair Jackson, I can get you that table of contents of the purview of your policy so that we can ensure that they get your input and curation and creation within the collaboration of our oversight. I think that this will, with the quarterly updates that we will get through this company, ensure that we are not falling further behind, as soon as we get back up to speed. One of the things that I think is important is the sustainability of the project.

Chief Manheimer: The other primary thing I really wanted to share with you all, and I'm very excited is that for the customization to the policies. A, the ones that we've already worked through, the ones that are in the queue and going through now with you all with the ad hocs and policy development, that we



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remain under your purview and that we will with you and the monitor, both ensure that we have a systematic way of getting them up to the alignment with our Oakland values and with the needs of the commission and our oversight.

Chief Manheimer: So that's just a brief overview of what we're going to do, but I'm really pretty excited that would be able to bring forward and start this implementation so that this goal of yours and ours is something that we'll be able to actually sustain through time.

Chief Manheimer: One thing that I really like about this company is that they bring in testing. So every time, every quarter that there are updates, those updates are pushed out automatically to the members. The members have to sign off on them and they're given tests every month of the important policies so that they are both accountable to them and they're up to speed and we're doing checks and balances through them. So that's it I'm open for any questions.

Regina Jackson: Thank you, chief. We have a series of hands starting with Commissioner Harris, followed by Commissioner Gauge, and then Commissioner Anderson.

Ginale Harris: Thank you, chair. Hello again, chief. So this is my area. So I heard you say there were two employees for policy, right? And I appreciate your PowerPoint, however, I will say it again there are 151-policies that affect the community that are over 20 years old. So yes, you put 17 to 19, but it minimizes, right? Because I keep saying it over and over, 151 policies that do affect the community. I'm curious to know what vendor you have chosen because, as I have stated on many occasions, I am not a fan of Lexipol. Lexipol's policies are very broad and lot of gray areas. And so I am not a fan of Lexipol. I don't like how they write them. It could be this way or that way. And that doesn't make sense for Oakland. Another question is why are there only two employees for policy, and how long has it been only two employees? And what is your plan to hire, and how many are you going to hire? And I would also request that you adopt the process for working with the commission as ad hocs on all of your policies, meaning that pertain under our privy. Thank you, Chair.

Regina Jackson: Thank you. Chief Manheimer?

Chief Manheimer: Yes. Yes. Thank you. Commissioner Harris, I have thought of you at every step of the way on these policies. And I'm sorry, ma'am. I was not meaning to minimize any of them. They're all important. Yes, a lot of them touch the community. I'm sorry if I communicated that incorrectly. You have made the case better than I could make it. And you have continued to make it in terms of the two employees, I'll take that first. I don't believe we plan to hire any more employees for policy. I think we're under significant cuts coming up, and there's all kinds of ways in which they're looking at taking further police department budgets.

Chief Manheimer: So the reason we are going with a vendor is that you could not hire enough employees to go through 431 policies and update them and look at all the local case law, look at all the standing legislation. And so I think we have to go with a vendor. We have looked at many different vendors across the country. And frankly, there is only one that's really in this business and in California,



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and you do need to be state-specific. And that is Lexipol. Now the reason Lexipol is kind of generic is because they are all through the State of California and what they do, and they don't promise to do more than this, is that they ensure that you are up to speed and within the standing and rules of the California PERS Commission, of all current case law, of all current state legislation.

Chief Manheimer: About three or four years ago, Lexipol had a very bad reputation. I used them in an old agency, and in fact, Oakland used them at one point here. They were going to go with Lexipol. And the problem with Lexipol is they were not state-specific. And they found out that one size does not fit all in this country. And so they actually now have state advisory boards, which actually are adherent to the state law. So not to go a long way about it, but I have really beat up on our folks to look for any other vendor out there that's providing the service because I know that there's kind of a bad taste in the mouth with Lexipol with some of our commissioners and others.

Chief Manheimer: But I think that after talking with the monitor, and he agrees with you and with us that it would be preferable not even to use the vendor, there is no way. And he recognized this and said that I generally don't quote the monitor, but he wanted to let you all know that he approves of this method. But also at the same time, he would rather we didn't use a vendor, but he understands there's no other way that we could climb the mountain of 431 policies and bring them up to speed and sustain that. So Lexipol seems to be the one in California that is going to get us there. They have changed a lot of their practices to be more attuned with both California values. And I can assure you that those policies, which you all, the police commission, have the purview under and want to customize will be done through that process. And we are very, very gratified, and we hope that we can meet in ad hoc on all of these policies that are under your purview and that we do policy development together on.

Ginale Harris: Thank you, Chief.

Regina Jackson: Thank you. Commissioner Gage is next, and then Commissioner Anderson.

Henry Gage, III: Thank you, Chair. Good evening in the room, Chief.

Chief Manheimer: Good evening.

Henry Gage, III: Why do you believe that Lexipol is an appropriate vendor for the task you've outlined?

Chief Manheimer: Commissioner Gage, honestly, they are the only ones in California that can offer that service. And probably now about 94% of all California agencies are using them. So I did use them at my former agency, San Mateo Police Department. It did take us about a year. There were a lot of the policies that our council wanted to see directly. We worked with the council. Each and every policy will go through the review of subject matter experts of the city attorney, as well as for those that require oversight, the oversight body. So it's really, Commissioner Gage, just that this is the mechanism about which to bring them all up to speed. And there really is not another that we can count on that actually does that within the state.



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- Henry Gage, III: Thank you, Chief. And thank you, Chair. Nothing further at the moment.
- Regina Jackson: Commissioner Anderson?
- Tara Anderson: Thank you, Chair. Interim Chief Manheimer, I find I agree that the 431 policies affect the community. Any action or policy that guides how the department conducts itself in service to the community is certainly a policy that impacts the community. You've listed off all of these that are 10 to 20 or 35 years old. And I'm curious, from your experience, how does this compare to other departments? To me, this appears to be an example of a long-time deficiency in leadership that stops at the chief level. So that's the first question. I'm going to list them out and then can wait for responses.
- Tara Anderson: I, too, find it extremely problematic that a for-profit entity is the only resource for departments that are stuck in this situation. What I hear in this conversation is a call to action for the creation of a nonprofit entity that can develop and should develop progressive futuristic policies for our police departments that are not only in compliance with existing law but are really in compliance with community demands. Maybe it would be a group of ACLU alum and others who come from progressive policing movement. There must and should be an alternative.
- Tara Anderson: I do recognize the problem that we are in, in that there are 431 policies. There are two staff that have other responsibilities. So do we engage with contracting our city dollars and paying a for-profit entity to move through this list of 431 policies, some of which will have the check and balance of the commission, but others will not. And so I also want to hear what commitment there is for those policies that don't fall under the purview of the Oakland Police Commission. How can those be customized? How can we ensure that there is a check on that process with community around how those policies will be crafted and implemented? So I guess where I sit is, from your experience, what is this compared to other police departments in terms of having 431 outdated policies? And given this conundrum we find ourselves in, of needing to pursue a for-profit solution, how can you ensure that community voice and expertise is incorporated into the creation of policies that don't fall under the OPC purview. Thank you.
- Chief Manheimer: Thank you, Commissioner Anderson. And I guess I'll just say as a statement there aren't alternatives right now and would welcome any initiative. I know you're very involved in policy and aware of what the landscape is out there. So in terms of deficiency in policy, I think that most larger agencies have an issue along these lines because, unless they have a huge staff, they are just caught between trying to keep them updated and also trying to ensure that they have the new policies, because there's always a lot of new and current issues, right? Like our carotid and other things that rise to a level that eclipse the going back and doing the maintenance work that's required to keep all the others up to date. That's frankly, why I think that businesses like Lexipol are the ones that we need to use because, at the end of the day, the updating is a sustainability issue alone with the level, particularly right now in California, that the legislature is taking an interest in policing. And I'm not making a derogatory comment about that. It's just that it's going to require a lot of updating.



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Chief Manheimer: Which brings me then to my third point, which I think you make a good point, and I'm going to be very honest and frank with you all. And the balance here is customization of a lot of these policies versus the ability to actually update them. So for each policy that we agree, right, that I'm going to come back, or my actual successor now, will come back and bring you this list of policies again and say, which are the ones that you want to pull out, your big 9 or 15 that are within the purview that we want to fully customize, recognizing that when we do that, and we fully are embracing that we should do that. So I'm not making comment against that. But when we do that, each one of those policies will not be able to be updated by Lexipol each quarter. We'll need to track and update those because they won't fit in with all of the other policies that are being updated across the state, right?

Chief Manheimer: So there is this balance and if you really need and really want to have each and every policy customized, then it will not work to use a policy like this. And what I was trying to say to you earlier, when you look again and maybe I don't know that we have the time, but I could ask the Deputy Chief to put back up that list of policies. You will probably see over half of them that you recognize that are really more procedural that just need to have that continued updating. So Commissioner Anderson, in short, the balance is between how many we customize and then the sustainability of being able to keep them up-to-date. Did that answer all of your questions, ma'am?

Tara Anderson: Through the Chair, thank you. I think one follow-up question is, and maybe I misspoke in requiring customization for every single policy. But I'm just speaking to, for those policies that don't come before the Oakland Police Commission, even if they will involve more of an off-the-shelf model, that there be some sort of process that OPD is committed to for transparency around the development and kind of final approval of those policies.

Chief Manheimer: Yes. And in my experience, what happens with those is they're kind of given in batches to different groups of subject matter experts. And we can look at some community involvement in that. I don't want to say that it's going to happen overnight. It really does take about a year to do this, but that's the agencies that do it right.

Regina Jackson: Are there any other questions of Interim Chief Manheimer on this subject? If not, then we can go to Mr. Rus for public comment.

Juanito Rus: Thank you, Madam Chair. At this time, any member of the public who wishes to speak on this topic may raise their hand in the zoom queue. And I will call on you in the order in which your hands are raised. Let me switch on my clap one second. Okay, my apologies. At this time, I'm showing 14 hands in the queue. The first hand in the queue belongs to Jennifer Thu. Hello, Jennifer, can you hear us?

Jennifer Thu: Yes. Thank you.

Juanito Rus: You have two minutes whenever you're... Excuse me, Madam Chair. Excuse me, Jennifer. Is it two minutes or one minute for today's meeting?



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Regina Jackson: One minute.

Juanito Rus: One minute.

Regina Jackson: One minute. Thank you.

Juanito Rus: Let me set you to one minute.

Juanito Rus: You have one minute whenever you're ready, Ms. Tu.

Jennifer Tu: Great. Thank you. This is Jennifer Thu from District Three. To echo Commissioner Harris, it is very concerning that OPD didn't learn more about the group that was responsible for a Federal Officer Underwood's murder in May. Obviously, there's nothing the chief or OPD can do about what happened in the past. So I'm very interested in hearing about what they plan to do in the future. It's a good start that the chief feels remorse for her ignorance, especially since that ignorance is something that puts her officers and the people of Oakland in danger. But remorse doesn't change anything. Through the Chair, could we hear from Interim Chief Manheimer on her plan for how to address OPD's limited knowledge of white supremacist groups, especially the ones on the Department of Homeland Security's list that Commissioner Dorado shared.

Juanito Rus: Thank you, Miss Thu. The next speaker in the queue is Kevin Cantu. Hello, Mr. Cantu, can-

Kevin Cantu: Before you start my time, I think that there was a question for the chief there.

Regina Jackson: Questions will be answered at the end.

Juanito Rus: Yeah. I apologize, Mr. Cantu.

Kevin Cantu: Okay.

Juanito Rus: The Brown Act doesn't allow engagement with the public during comment period. You have one minute whenever you're ready.

Kevin Cantu: Okay. So I think it's important to note that we can have and would benefit from having a police chief who is a civilian, not part of the blue wall. I think that looking at some of this propaganda around OPD CARES, I think it's worth saying that really, if you think about sending police officers armed like soldiers to deal with school kids, I think you should just go away. Take your guns and go away. Give us your budget to spend on social workers.

Juanito Rus: Thank you, Mr. Cantu. I will lower your hand. The next speaker in the queue is Cathy Leonard. Hello, Ms. Leonard, can you hear us?

Cathy Leonard: Yes, I can. Interim Chief Manheimer my problem with your excuses about the Boogaloo group is the Air Force Sergeant, the federal officer was killed on May 31st by this guy that was with the



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Boogaloo. The plains clothes officer with the Oakland police department or that Hawaiian Boogaloo shirt on September 6th, months later. So you would have us believe that a federal officer was killed in Oakland by a member of the Boogaloo and the police department did not investigate this group to see if, "Hey, if they're going to kill a federal officer, they might have tried to kill an OPD officer." I just don't buy your explanation. I don't buy it. We're tired of excuses. We're not stupid, and we see through what's going on. Level with us. Be honest with us. Stop disrespecting us. Stop making up excuses as you go along and communicate with the public. If you make a mistake, own up to it and do your investigation. We can't settle for anything less. Thank you very much.

Juanito Rus: Thank you, Ms. Leonard. The next speaker I'm showing in the queue is listed as Chuck. Hello, Chuck, can you hear us?

Anne Janks: Sorry, it's Ann.

Juanito Rus: Oh good evening, Ann.

Anne Janks: Hi.

Juanito Rus: Whenever you're ready.

Anne Janks: So I'm very concerned about the reaction to this Boogaloo situation that there needs to be a dress code for undercover officers as inappropriately narrow as a response. Law enforcement nationally has failed to recognize the seriousness and danger of racist extremist groups. There are many indications of infiltration of law enforcement groups by racist extremists. Law enforcement nationally has failed to aggressively police racist groups. This is the context within which the community is reacting. All officers need clear direction on actions and symbols, which can reasonably be interpreted as sympathetic to racist ideology in groups, whether the officer would argue that it was the intent or not. Examples include Blue Lives Matter, Thin Blue Line, Confederate flags, okay hand signs, and many others. I hope that mandates will be developed and that they'll be more effective than the instructions to wear masks, which OPD officers continue to ignore.

Juanito Rus: Thank you, Ms. Janks. The next speaker in the queue is listed as Tanya Love. Hello, Ms. Love. Can you hear us?

Tanya Love: Yes. Thank you again for allowing me the opportunity to speak. I have to comment again, Chief Manheim, on your response to the constituent. Many people feel that the way you responded to that email was flippant and dismissive. It's not enough for you to be disturbed by how the public perceives OPD members. You need to respond to that perception in an appropriate way. And if you think that responding to a constituent while at Macy's or you feel that you should downplay concerns, then maybe you should have someone else respond to constituents instead of you. Your response should be apologetic, not disturbed, and say that you were sorry for how you responded to the constituent. That is how you show respect and reverence to the situation. You



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are the chief, interim or not. Your response needs to be professional, and you need to set the example for the rest of the members. Thank you.

Juanito Rus: Thank you, Ms. Love. The next speaker in the queue is Bruce [inaudible 00:21:33]. Hello, Mr. Schmiechen, can you hear us?

Bruce Schmiechen: Yes. Thank you. This is Bruce Schmiechen of Faith in Action, Coalition for Police Accountability. On the training manuals and documents, those should all be posted. You didn't turn on my timer, but those should all be posted on the web, every one of them. I tried to find training manuals that were referenced in an earlier version of the use of force draft. And it was impossible. I finally found one that apparently a law firm had gotten through a public records request. Also on Lexipol, first of all, POSTs and state standards are not adequate for key Oakland Police Department policies. They're backward. POST is run by a guy who was a special agent for the FBI for 16 years. I'm not really interested in POSTs. Secondly, Lexipol, a Texas based company, if you go to their website and look at their executive team, it's eight white guys. I mean give me a break. Forget Lexipol.

Juanito Rus: Thank you, Mr. [inaudible 02:42:46]. The next speaker in the queue is Leslie Cosme. Hello, Leslie, can you hear us?

Leslie Cosme: Hi. Yeah. Sorry, this is more of a question so I can wait till the end. But my question was is there any way that we can get access to the policies that we were talking about earlier? And that is my question. I don't have anything to say.

Juanito Rus: Thank you, Ms. Cosme. The next speaker in the queue I'm showing as a telephone attendee with the last four digits, zero five zero one. I believe that's Mr. Hazard. Hello, Mr. Hazard, can you hear us?

Gene Hazard: This is Gene Hazard. For the police chief, number one, intel would have given you the characteristics of Boogaloo. Did you put a policy in place of the intel. This has been five months, okay? And for this police chief to wear that shirt is unconscionable. What policy did you put in place and state that the department will not tolerate any white supremacist activity within inside the Oakland Police Department? And with Lexipol, have you, and this is what we're talking about, re-imagining the police budget. Have you looked at ACLU you and see how they could fit into this? So don't tell me about Lexipol is the only viable organization. Have you looked at ACLU and asked them with regards to providing this service? So, yes, I'm concerned about your response to this whole thing. It's a whitewash. It's a bunch of crap. So have you put policies in place specific to the Boogaloo and the intel you receive that the police of Oakland PD will not tolerate any white supremacists with inside of OPD. Thank you very much.

Juanito Rus: Thank you, Mr. Hazard. The next speaker in the queue is a phone-in attendee with the last four digits, zero one eight five. Hello, zero one eight five. Can you hear us?



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- Michele Lazaneo: This is Michele Lazaneo. I've been speaking about your outdated policies for 15 months. From 2015 to 2018, Lexipol updated 13 of your policies. Why didn't Kirkpatrick have them all updated? I'm so angry tonight because while reading through all of OPD flexible policies today, I came across policy 609 cellular sites simulator usage and privacy. OPD has their own in-house cellular site simulator technology. They've had it since 2017. Yet it was never used to track Jonathan [inaudible 00:02:45:58]'s cell phone. Section 609.5 states, "The authorized purposes for using cellular communications intercept technology and for collecting information using that technology: A, locate missing persons; B, locate at-risk individuals." The 2017 cellular site simulator annual report indicates OPD used it three times that year to assist in apprehending murder suspects. So has it ever been used for missing persons cases? When? How many? Why isn't it being used for every missing persons case? If OPD cares, why-
- Juanito Rus: Thank you, Ms. Lazaneo. Your time has expired. The next speaker in the queue is Rashidah Grinage. Hello, Ms. Grinage can you hear us?
- Rashidah Grinage: Yeah. Thank you. Can you hear me?
- Juanito Rus: We can hear you. Whenever you're ready.
- Rashidah Grinage: Thank you. So the question I have is on one of the slides on the process for developing policy. Step number eight is a schedule for a meet and confer. It is our opinion that many of these policies are not required for meet and confer because they're not within the scope of representation. I want to know who it is that makes the determination about whether or not a policy must go through a meet-and-confer process. I want to know whether it's the commission council, whether it's the city attorney. Who is it that makes the call on each and every policy? And is there a written finding that supports that decision? Please provide that information. Thank you very much.
- Juanito Rus: Thank you, Ms. Grinage. The next speaker in the queue is Megan Steffen. Hello, Ms. Steffen. Can you hear us?
- Megan Steffen: Yes. Thank you so much. My name is Megan Steffen. I'm just calling because David Underwood was killed in late May, not late June. He died on May 29th. And I just think everyone said what they can about the Boogaloo movement and white supremacy. For the PRAs, the traffic stop data that was mentioned, the traffic stop data from 2018 and 2019, should not be onerous to release. Captain Chris Bolton has said multiple times that it's already available internally within the department. He refers to it quite often to the public. And he has even said he doesn't know why it hasn't been released yet. The only reason that requests like that are coming through a PRA request is because OPD is not doing its books correctly. And when we ask about the 24 versus 30 weeks, that's because for the same period of March 16th through August 30th, you have listed it both as being 30 weeks or 24 weeks, which is it? Please clean this department up. Thank you so much.



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- Juanito Rus: Thank you, Ms. Steffen. The next speaker in the queue is Mr. Salim Bey. Hello, Mr. Bay, can you hear us?
- Salim Bey: Yes, I can hear you.
- Juanito Rus: And whenever you're ready.
- Salim Bey: Yes. I'm calling BS on the officer in Hawaiian shirt with the tactical vest is Boogaloo in our community at you, sir. This is completely different than gas lighting, an answer comparing to no context civilian walking down the street excuse. A 15-second Wiki debunks her gas lighting. The term Boogaloo has been used on the fringe website since 2012 but did not come to widespread attention until 2019. That's been a danger since last year, Chief, that you've missed. It goes on. Heavily armed, they are often identified by the attire of Hawaiian shirts and military fatigues, just like your OPD infiltrator officer. And she should be fired tonight for playing the lame okay sign slash traitorous Confederate apology, heritage not hate card with Hawaiian shirts and dangerous white racists.
- Juanito Rus: Thank you, Mr. Bey. The next speaker in the queue is Terri McWilliams. Hello, Terry, can you hear us?
- Terri McWilliams: Yes, can you hear me?
- Juanito Rus: We can hear you. Whenever you're ready.
- Terri McWilliams: Okay. Yes. I just want to just say I agree with everyone that's talked, what has been said about the Boogaloo boys. It's just unbelievably disrespectful. And secondly, I'm with Faith in Action, East Bay. I am the Ceasefire East Oakland Night Walk Coordinator. We have started our walk. We started last Friday. So we are getting back out in the community. We were scheduled to go out tomorrow, but with this twilight zone weather, we're going to gather on Zoom. But I want to let you know that we will be out in the community and various areas in the coming Friday. So just wanted to let everybody know that. Thank you.
- Juanito Rus: Thank you, Ms. McWilliams. The next speaker in the queue is Ms. Olugbala. Hello, Olugbala, can you hear us?
- Assata Olugbala: Yes, sir. Thank you. All this talk about Hawaiian shirts, please. Philando Castile was stopped by the police 52 times from 2002 to 2016 before he was killed. And over the period of several years, he accumulated \$6,588 in fines and fees from minor offenses. Your data on your website gives very little information on use of force. Data stops 2017. Shots Fired. Stops 2018. Stop data. Stops in 2018. We need more data, up-to-date data. And Hawaiian shirts. Please. I could care less if one police officer wears an Hawaiian shirt. I want to know why are we stopping so many African American people in this city? I could care less about Hawaiian shirts.



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- Juanito Rus: Thank you, Ms. Fallstich. The next speaker in the queue is Jasmine Fallstich. Hello, Ms. Fallstich, can you hear us?
- Jasmine Fallstich: Hello. Thanks for taking my questions tonight. First, I have a point of clarification about the Brown Act. Can you pause my time while I ask a point of clarification question?
- Juanito Rus: Sure.
- Jasmine Fallstich: All right. So earlier someone mentioned that the Brown Act doesn't allow questions to be asked of speakers. We have used this process in the past to get our questions answered. So I'm wondering what's changed. And if you could point us to that information in the Brown Act because we're not finding it. So I don't expect your response right now, but I would like to get clarification around that.
- Jasmine Fallstich: So to my comment, the data questions that I asked about earlier with the traffic stop data from 2018 and 2019, the chief did not respond to that request. So I'm stating it again in the hopes that she is able to let us know when we can expect to see that data. And then in regards to my question about whether we're using 30 weeks or 24 weeks as a unit of measurement on reporting, just want to point out to the chief, I'm looking at a report called 2020 COVID-19 Shelter-in-Place Crime Summary Citywide. And it states that 16 March to 30 August is 24 weeks. And it also states that it's 30 weeks. So which is it? Are we using 24 weeks of data? Are we using 30 weeks of data? And this really, mistakes like this should not happen.
- Chief Manheimer: Thank you, Ms. Fallstich. At this time, seeing no.
- Juanito Rus: At this time, seeing no further hands in the queue, I'll return the meeting to you, Madame Chair.
- Regina Jackson: Thank you. Commissioner Harbin-Forte has a question.
- Brenda Harbin-Forte: Yes. Good evening, Chief. I want to go back to the Hawaiian shirt incident. And I'm not sure if you indicated that you would reinvestigate. I share the concerns of the members of the public who have spoken out about the intelligence that should have been known amongst all of your police officers. After the May incident, and after there was an indication that the shooting was by a member of the Boogaloo gang. One question is, what have you done to advise all of your police officers about the Boogaloo gang, and what have you done to advise them about the significance of the Hawaiian shirts? The other is... I know that someone before asked that you reinvestigate this, and I want to urge you to do that.
- Brenda Harbin-Forte: And the reason I want to urge you to do it is because of the May and September timeframe, but also because many of these officers are on social media. They have social media accounts. There are groups that are on. A lot of this information is known. So, what I would like you to do in terms of your reinvestigation, I want to ask the Chair if she can direct you to reinvestigate. I'm going to make the request and urge that the police commission ask you to do that.



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Brenda Harbin-Forte: I'd like for you to investigate the officer's social media accounts as well. I find it very, very difficult to believe that five months, four months or so after a very, very significant incident about a terrorist group, that the officers are clueless about the significance of that Hawaiian shirt. I find that very difficult to believe. So, and if they are clueless about it, or they were clueless about it that many months after the murder in Oakland, then that suggests that there are some larger problems in the police department that need to be addressed. Nobody in Oakland Police Department should have been unaware of the significance of the Hawaiian shirts in September of this year.

Regina Jackson: So-

Brenda Harbin-Forte: So-

Regina Jackson: Interim Chief Manheimer, it sounds like we have had quite a few of our commissioners very interested in you going deeper, whether it's reinvestigate or provide more content.

Brenda Harbin-Forte: Yeah.

Regina Jackson: And we will schedule this for next commission meeting.

Brenda Harbin-Forte: Thank you.

Regina Jackson: No problem. To the point, there were a few questions that reposed. I'm hoping that you took them down and that you can provide overview response so that we can move on to the next [crosstalk 02:58:37] .

Chief Manheimer: I can do it pretty quickly. I-

Regina Jackson: Okay. Great.

Chief Manheimer: ... took all the questions down. I do want to say one thing. I think that we are not advising people or officers that wearing a Hawaiian shirt is an indication of gang affiliation. And yes, we are looking into any affiliations within the department of any outside groups. Secondly, it wasn't for the commenter. And I just wrote, "It wasn't a Boogaloo shirt that the officer was wearing. He believed he was wearing a Hawaiian shirt." However, we are looking into, as I said, any allegations that have been made. We are aware that the community is very sensitive to Boogaloo shirts. And I have directed our staff that when they are on duty conducting department business, that this shirt is something that is sensitive to our community in terms of letting all the officers know about Hawaiian shirts. There's so many people that wear it. It's kind of like saying a red or blue shirt is one that would be worn by a gang member.

Chief Manheimer: And so if we were investigating someone for their activities, either through something that would be terrorist in nature, or some type of complaint or some type of activity, we would then start to go into those things. And our intelligence unit is advised of that.



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Chief Manheimer: So the Dick's question. Our policies are online. However, we do not put our training bulletins online, training manuals online that's because they are continually updated and it does contain information that's logistical to the police department. We do have policies in place to not tolerate or conduct or associate with any individuals or extremist groups, gang affiliated groups, or criminal affiliated groups. And we hold to those policies and we do conduct random searches for that.

Chief Manheimer: Regarding Mrs. Grinage, I think it was, who did the meet and confer? Yes, ma'am, they're not all policies that are required to go through meet and confer. The meet and confers generally around whether or not this impacts working conditions or matters of property rights. However, in each and every policy or a protocol that comes forward to a governing body, either a police commission or a city council, there will be a staff report that accompanies it. Should be, right, if we're following our policies correctly, that will have both city attorney. And if it's something involving our membership or impact to our membership, HR review, to determine whether or not there are other legal requirements or a meet and confer necessary. So yes, you're right. It is not just the step that's always enacted.

Chief Manheimer: In terms of racial stop data, and to the individual... And I don't remember her name. I am sorry. I wrote it down earlier. I did not respond to you earlier. The racial stop data was because of our intense operational period with the demonstrations. It was actually delayed somewhat. It is due to be released by September 30th. We apologize for the delay in that. We did not have the complete data and we now do. And I would suggest actually for your interest in it, Chair, Deputy Chief Armstrong is a nationally recognized expert in stop data and that if you'd like a report on that, we could schedule that for the near future.

Chief Manheimer: And then finally, just to Commissioner Harbin-Forte, I'm not at, I'm not at freedom to speak about personnel investigations, but we take all allegations very seriously, ma'am and we are looking into this.

Brenda Harbin-Forte: If they are, thank you. I appreciate the sensitivity of that, Chief Manheimer. But, again, I do hope that any investigation will include an investigation of the officer's social media accounts and other counts because officers are obtaining information from plenty of outside sources. So I'd like to know, and I think the community rightly wants to hear not just they deny, "Oh, I didn't know." But we'd like to know what the officer did know, and when they offer did know what as they say, "What did you know? And when did you know it?" And, again, I just find it hard to believe that there wasn't talk around many on many social sites for police officer that time that would show what Boogaloo is, what it was about, even if OPD had not specifically advised them.

Brenda Harbin-Forte: There's also concern and there are studies out that police departments around the country are being infiltrated by white supremacist. And there are documented studies about that. So I think we have to be very, very sensitive to the possibility that the infiltration and the hidden agenda. I'm not accusing your officers of doing that, of course. But I do think that it just means that we should be more vigilant about whether we gloss over denials and actually dig deep and do a deep dive into the intelligence and the information that officers have.



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- Regina Jackson: Thank you, Commissioner Harbin-Forte. We have a hand up from Commissioner Harris.
- Ginale Harris: Thank you, Chair.
- Ginale Harris: I just want to send a friendly reminder that it was stated by the Klu Klux Klan many years ago, that they would no longer be coming after black people. They would be putting on doctor coats, lawyer suits and judge robes. And so I say that to say that infiltration is happening and it is possible that we have infiltrators in our department. No doubt. I think we saw a little bit of that in our disparity study that came out. I believe the study minimized what the black officers go through in the department, but if they are going through any kind of racism or discrimination at all, I can only imagine what is coming out on the public. So I want you to keep that in mind. And ignorance is not an excuse. I see civilians that get arrested all the time that are told that. So if you wear a uniform, then you are held to a higher standard than a civilian. So ignorance is not an excuse, especially if it's policing the town or stuff is happening in the town you're policing. You should know everything about it.
- Ginale Harris: Thank you, Chair.
- Regina Jackson: Commissioner Harris. Mm-hmm (affirmative).
- Regina Jackson: I have one question as it relates to Lexipol and then we will complete your update. And that is how many policies are left if you use Lexipol for everything outside of 604B four, five and six?
- Chief Manheimer: Oh, so I can get you an answer to that. I know that for an NSA. But I'll get you an answer to that one.
- Regina Jackson: Okay. Thank you very much.
- Chief Manheimer: You're welcome.
- Regina Jackson: Okay. So we're going to move ahead to item eight on our agenda. Mr. Ruiz.
- Regina Jackson: Thank you.
- Regina Jackson: So Commissioner Harris, you are the lead on use of force. So I give this item to you to address.
- Ginale Harris: Thank you very much, Chair.
- Ginale Harris: So as you all know, we hired a project manager in regards to helping us keep everything on track. And we have been working really hard every single day with Raheem, the advisory council, the ACLU, going back and forth, trying to get the information to the public. I did ask Brandon from Raheem to speak today to give us an update on where we are at with the survey. And I want to give the floor a little bit to Ronya who can give us a brief update on where we're at in our process. So I'd like to start with Brandon. Brandon, are you there?



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Regina Jackson: Okay, Brandon.

Brandon Anderson: I'm here.

Regina Jackson: Unmuted.

Brandon Anderson: I'm here. Can everyone hear me?

Regina Jackson: Yes.

Brandon Anderson: Great. Is there a way perhaps that I could either share my screen or send the link to the folk on the call who could view what I'm looking at?

Regina Jackson: Mr. Rus, can you allow him to share your screen?

Juanito Rus: I just made him a cohost, so he should be able to share.

Regina Jackson: Thank you very much.

Brandon Anderson: Thank you, Mr. Ruiz. Is there also a way where I can paste the link where people can follow along themselves just so they have access to it?

Juanito Rus: No. No.

Brandon Anderson: Okay.

Juanito Rus: You can put it up on the screen when you share your screen.

Brandon Anderson: Yeah. Okay, great. Thank you. The link is kind of long. So let me try to move this to a Bitly link really quick, just so it's easier for everyone to see or remember, rather. Great. Okay. I'm going to open my screen.

Regina Jackson: Mr. Ruiz, it says the host disabled attendee screen sharing.

Brandon Anderson: Yeah.

Juanito Rus: Mr. Anderson should be able to share. He's been promoted to cohost.

Regina Jackson: Okay. Well, I'll tell you what, Brandon if you-

Brandon Anderson: Okay. It looks like it says the host stopped online screening so-

Juanito Rus: That's correct. You will end my share when you begin your own.



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- Brandon Anderson: Okay. Yeah. Sorry. It's still not allowing me to do it, so I will. Well, maybe this will do it. Darn. Well. Okay. I'm not really sure what's happening.
- Ginale Harris: I'm sure Brandon, that everybody has the agenda packet that is on this line tonight.
- Brandon Anderson: Okay.
- Ginale Harris: But in the future, we can probably get this to Mr. Ruiz ahead of time, and then he could figure it out how to like put it on the display.
- Brandon Anderson: Sure. Okay. Thank you. Thank you. Actually, maybe this will work.
- Ginale Harris: There you go.
- Brandon Anderson: Okay, great.
- Ginale Harris: Yeah.
- Brandon Anderson: So everyone can go to this link right here. Can everyone see? Well, I don't think anyone can, can do that. So people who, who can not see I've made it as large as possible it's-
- Ginale Harris: We can see it.
- Brandon Anderson: Everyone can see it. Okay. That is the link. Please go there. I'll leave it up there for about 10 more seconds so people can go to it and then I'll switch over to that page. And then I'll also walk through the interim report with them.
- Brandon Anderson: Great. Great. So I'm now going to move to the report. In addition, people can always go to medium.com and follow Raheem. And whenever we put up updates, they're alive and they go directly to the public and it's all online.
- Brandon Anderson: So this is an interim report prepared for the Oakland police commission about our study, particularly about the survey and the stories that have been submitted to us. In the earlier part of this, we remind people that this is a study to influence the use of force policy. It's grounded in the lived experiences of people's treatment by police, but also their perspectives and opinions about how police should or should not use force.
- Brandon Anderson: Because the survey is currently still in progress, the document won't include detailed survey results as a means of not risking biasing ongoing responses. But I do want to give some color to what we've able to accomplish. Just to note that the survey will end tomorrow night at 11:00 PM local time.
- Brandon Anderson: So about the survey, some highlights, I'm going to just run through these as highlights and then open it up to any questions that might be had. We have surveyed, at least at the time of this,



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which was Friday. We had, at the time last Friday, we had surveyed 1,372 Oakland residents nearly tripling our original goal of surveying only 500 residents. So that is a fantastic thing. Thanks to all the folks who've been involved in this project so far and far outweighing and tripling the number of people who responded.

Brandon Anderson: Then in addition, we had 220 people who have reported their stories to Raheem that document their encounters with the police. The difference between these two, one is a survey. The 1,372 Oakland residents who were surveyed, they took a particular survey. That's the survey up here in the link here. That is a survey that asks about the opinion and perspectives of how police should use force more generally. The stories that were reported to us, one of the final questions that we ask is how have you been impacted by police use of force and if you have a particular experience that is specific to a particular officer? And an encounter that you had with the Oakland Police Department, we ask that you share that. 220 people, at least as of Friday, said that they did. This is data that goes into explaining the outcome of those.

Brandon Anderson: So in the first chart here, we have it broken down by race. Of the 220 people who reported their stories to us, 35% of them were African or black. 30% of them were white, 12.7% preferred not to say. And then the other largest was Latin X folk at 12.3%. And then there are, of course, some smaller percentages from South Asian people, Pacific Islander and multiracial, as well as middle Eastern folk.

Brandon Anderson: And this is a bit small so I'm going to make it larger for everyone. This is a breakdown of how, those 220 people, how they experienced police during those times. One thing to note here is that if you take a look here, the most common experience people had in those 220 experiences were being profiled. Black people are disproportionately profiled unlike white residents.

Brandon Anderson: In terms of the other ways with which black people were harmed by policing, according to the reports that were submitted over this time is that they have been disrespected. So feel free to dive into this a bit more. I don't want to go into great detail, but I thought it was a useful explanation.

Brandon Anderson: And then this here gives a breakdown as to the type of encounter that people had based on race. We are happy to offer this in five different languages. It looks that English, Spanish, Mandarin, Vietnamese and [inaudible 03:16:41] As to be expected, 99.7% of the folks responded were English [crosstalk 03:16:50] speakers.

Brandon Anderson: The highlights of the survey distribution for over sampling was the survey is available online in several places, thanks to our partners on the advisory council. And here you can find the link, all of the links that outline where you can find that survey. If someone has that survey online somewhere else, whether they promoted it on social media or on their own websites, feel free to email me at hello@raheem.org. And I'd love to add that to the list.

Brandon Anderson: We've hired 10 canvassers that were selected by the eight organizations on the advisory council to survey people with no access to internet between the 1st of September until the 11th of



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September. So that's tomorrow. Canvases have surveyed residents in districts one for the houseless population, and then districts six and seven, where an overwhelming majority of calls come from or go to at least calls for service come from, which has led to at least 120 survey submissions on paper that haven't been counted in the overall total. So that 1372 number will be increased. And while paper surveys from districts six and seven have not yet been included in the total survey participation results, in the online results these districts have the lowest turnout, less than 10%.

Brandon Anderson: So I wanted to acknowledge that, and I think it's really important for us to do a better job of both [inaudible 03:18:21] and any, any of the people in the community a call for to have more Oaklanders respond from district six and seven. And again, we have not counted the 120 survey submissions that we had canvassers go out to from district six and seven. So it will increase quite a bit, but I think it's still important to acknowledge that's an area where we can improve.

Brandon Anderson: In terms of the impact of the survey on policy drafting, two highlights there. The current policy draft has not yet been influenced by the survey. However, the survey will inform the next draft of the policy once the survey is closed and the results are final. The policy will be updated to include the survey results once the survey is closed. And Raheem has provided a more in depth analysis.

Brandon Anderson: Again, the survey will close tomorrow at 11:00 PM. And there are lists of community events that have helped to inform the current draft, just so that the public is aware that the current draft has been written with the use of feedback from communities through both Oakland police, commissions town halls, but also their upcoming community events, like the African American Latino Action Alliance. It's happening on the 17th of September at 6:30. There's a link right here to register.

Brandon Anderson: And then, finally, Youth Alive is putting on a town hall. However, they have not decided. They're still deliberating between two times. So when that's final I'll update this with the final time. I think it might be closer to five to 6:30.

Brandon Anderson: I will leave this here. This is the team. Just to give some transparency and insight into who we are, what we do, what our qualifications are. And so feel free to read that. And then we have also listed here, again, the advisory council and all the organizations who are represented on that advisory council. Again, they are eight black and brown led organizations. And you can find the list there, but there's also an announcement that we wrote about their involvement, which you can find at the bottom of the page.

Brandon Anderson: So I'll stop there. I'll open it up to Rania or anyone else if there are no other questions. Commissioner Harris?

Ginale Harris: Thank you, Brandon. I think before we get to Rania, we will open, I don't know, if it's okay with the Chair to, if any of the police commissioners have any questions in regards to Brandon's work. Chair?



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- Regina Jackson: Yeah, that's fine. I see Commissioner Harbin-Forte's hand is up. You've been on here-
- Brenda Harbin-Forte: I'm sorry. I'm sorry. I forgot to let it down from the last time [inaudible 03:21:22]
- Regina Jackson: Oh, okay. No problem. Thank you. Are there any other questions from the commissioners? Okay. There being none, Commissioner Harris, if you want to.
- Ginale Harris: Thank you. I just want to take notice, again. Thank you, Brandon, for this report back. I do want to say that I heard him say that less than 10% of the respondents that took this survey are from district six and seven. And district six and seven are the most marginalized in Oakland. And so for my personal perspective, it's extremely important that these voices be heard and which is why I'm really glad that Raheem has chosen to do canvassing. But that just goes to show you the trust that has been broken in these districts, whether it's from the police or from people that are trying to get information in regards to the police to help create a better policy. And so I'm so glad that we have engagement council that can help with getting some of these voices heard.
- Ginale Harris: So thank you, again. And thank you, Brandon. If you can just stick around just in case the public has some questions I'd like to bring on Rania, our project manager. Rania, are you there?
- Rania Adwan: I am. Can everyone hear me?
- Ginale Harris: Yes.
- Rania Adwan: Okay, great. Good evening, everyone. Good evening, Chair Jackson and the commission. Good evening to members of the public, Director Olden, Chief Manheimer, if she's still on. Oh, she is. And DC Armstrong. It's a pleasure to be with you this evening.
- Rania Adwan: It's been a pleasure to support the ad hoc, the Raheem Group and the community through this. This has been, I think, anyone that I've come across would... I understand how trying it is in COVID times to try and get involvement and engagement. But I think we've really gone out and tried a few things here. So as well as the update that Brandon just gave you about the Raheem survey, we have, the ad hoc has worked to get a few more things up and running on that project website. I believe everyone should have it, but otherwise I'll find a way to make it public.
- Rania Adwan: We'll send out tweets, we'll send out emails. Our pleas will say sign up and we'll make sure that you're included in those notes. There are now multiple ways to get involved in this project and to have your say on the policy. Of course, you can take part in the Raheem survey. We always want to hear your experiences, as well as a very simple form called Formstack. And you'll find that on the website.
- Rania Adwan: And we've also actually rolled out a new platform called conveyor. And I think we've only had one user so far. So I'm hoping that is a shout out. Please use it. We'd also like to see if this works for policy. This could be something that the commission continues to use, especially in these COVID times where it's still not safe to meet and have these working groups in the districts. But it allows



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you to go on and use the PDF of the draft policy and actually make comments directly into the section. So there are a couple of ways to get involved.

Rania Adwan: So I also want to mention some timelines coming up since I know we've been asked about process and timelines. We are anticipating, as Brandon mentioned, Raheem survey closes tomorrow. This was the interim report. There'll be a final report as well as an official final report, as well as like a verbal report that Brandon can give the ad hoc and the ACLU and work those in. We'll be checking on the conveyor. We'll be checking on your comments online as well. We'll make sure all of that is integrated into these discussions. The ad hoc hopes to take the full commission through a draft policy on the 21st, during a special meeting. I think that's coming up. We'll make sure that all the documents are available in time. So there's moments for public comment there. And then we'll continue working on it.

Rania Adwan: So just because the official channels might be closing, the ad hoc has directed me to expect public input and engagement right up until the 25th of September. That doesn't mean that that's where public comment or public interaction stops. I have it on good assurances from the ad hoc that you can email them at any time. You can use any one of the ways to get through to the commission. You can use public comment to make your voice heard. But yeah, I will kind of stop there cause I realize I'm rambling. But I hope that is some clarity about ways to get involved, ways to keep track of the progress and process and also what to expect coming up. And I'm also around if anyone has questions.

Ginale Harris: Thank you, Rania. So I also want to reiterate that the ad hoc is still meeting. We got the feedback from the ACLU and all of the executive board's feedback in regards to the use of force policy that the ad hoc came up with. I'm sorry. That the ad hoc came up with, we got the ACLU got involved and put their input into the policy. And we are meeting with OPD on the 14th so we can go over this policy just to have some dialogue and just to see where people's heads are at. And of course, like always, we will be reporting out.

Ginale Harris: Commissioner Anderson has been posting stuff on the website every time we have a meeting, so this will be no different.

Ginale Harris: We still have a few more town halls that are coming up. So I am extremely interested in those. I was invited as a police commissioner, as the ad hoc chair, to attend the African American Latino Alliance meeting. And so I will be on the panel that day in regards to the use of force.

Ginale Harris: So I think that is all I have to report out. Commissioner Anderson or Commissioner Gage, would you like to add something?

Tara Anderson: Thank you, Commissioner Harrison through the chair, just want to reiterate a part of the other opportunities for feedback that were identified by Ronya is that there will be a special meeting of the Oakland police commission, exclusively devoted to the use of force policy where no action will be taken on voting for or against the policy itself, but rather another opportunity to create space for additional dialogue. And ensure that the commission as a whole is prepared to eventually take



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action on approval of a final draft policy. And that is scheduled to take place on September the 21st. And I know, again, there's so many different ways that we identified and reinforced during the course of today's meeting for people to get involved. And I hope that they take advantage of all of them. But I did want to reiterate the date for the special meeting. That'll be exclusively devoted to the use of force policy, so thank you all for... Brandon, your team at Raheem and your work in this area. Rania, your amazing project management. I really think that we are building out an amazing template for what is to come for the Oakland Police Commission. And thank you to Commissioner Harris for keeping us on task.

Regina Jackson: Excellent. Thank you. Commissioner Gage, I saw your hand up, but then I think it went down. And then I see Commissioner Dorado's hand up. So, you are unmuted, Commissioner Dorado.

Jose Dorado: Thank you, Chair Jackson. I had a couple of questions. I was interested in that .2% of the responses were in Spanish. Was that online? Did I understand that correctly?

Brandon Anderson: Yes. That that was online. Yes.

Jose Dorado: Okay. So, obviously that's extremely low given that a third of Oakland is Latino. The other question I have is, were any of the canvassers that went out to district six and seven Spanish speaking?

Brandon Anderson: Yes. Two members were Spanish speaking.

Jose Dorado: Two out of the 130?

Brandon Anderson: No. No. I'm sorry. I thought canvassers as in the people who surveyed, not the people who were respondents to the survey. So, there were 120 participants who completed a survey on paper. However, there were 10 canvassers, and of those 10 canvassers, I'm aware of two of them being Spanish-speaking.

Jose Dorado: Okay. Thank you.

Regina Jackson: Commissioner Gage, was I incorrect? Was your hand up or no?

Henry Gage, III: Thank you, Chair. My hand was up, but my comments were made by others commissioners.

Regina Jackson: Oh, okay. Thank you very much. Commissioner Harris, if that completes the presentation, we can go to public comment.

Ginale Harris: Thank you, Chair.

Regina Jackson: Certainly. Thank you. Mr. Rus?



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- Juanito Rus: Thank you, Chair. At this time, if you would like to speak on this item, please raise your hand in the Zoom queue and you'll be called in the order in which your hands are raised. The first hand in the queue is Cathy Leonard. Hello, Ms. Leonard. Can you hear us?
- Cathy Leonard: Yes. My question is, is the Oakland Police Department going to give input on this draft? Is that meeting public, if they are? If it is not public, I would like to know who is going to be in that meeting.
- Juanito Rus: Ms. Leonard, it appears that you became muted. Did you yourself, or would you...
- Cathy Leonard: Oh, I'm sorry. Did you hear anything I said?
- Regina Jackson: It cut off after... I mean, why don't you put another 30 seconds on there since she was cut off for half of it. Is she still with us, Mr. Rus?
- Cathy Leonard: Yeah. Can you hear me?
- Regina Jackson: Oh, okay. Yes. Mr. Rus, would you put 30 seconds back on the clock because you were muted for about half of your conversation.
- Cathy Leonard: Oh my goodness. Thank you. Yeah, my comments are generally around the Oakland Police Department and whether they're going to be giving any input on the draft, will their meeting be made public? If not, who are the attendees from the Oakland Police Department? Will there be a comprehensive report from that meeting? And are the Oakland Police Department's comments going to be made public?
- Ginale Harris: Chair, I can answer that.
- Cathy Leonard: Thank you.
- Regina Jackson: Okay, go ahead.
- Ginale Harris: So, yes, we are going to have a meeting with Oakland Police Department, and yes, they are going to have input on the policy that we are presenting to them. And it will be the same ad hoc members that it originally was. No different, no change. Is it going to be open to the public? No, it's not open to the public. The three representatives from the Police Commission are the representatives that have started this process, so they will continue until this process is over. Once, on the 14th, we have this ad hoc meeting, the finished product will be presented to the public immediately. The only difference for this meeting is that a representative from the ACLU will be participating in this ad hoc meeting. Did I answer all the questions, Ms. Leonard.
- Regina Jackson: You did a pretty good-
- Juanito Rus: She is no longer on the line [inaudible 03:35:56].



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- Regina Jackson: You did a good job. We'll go back to public comment. And I think it might be a good idea, Commissioner Harris, for us to take down the questions and then have you or another member of the ad hoc answer them all at the end. Mr. Rus?
- Juanito Rus: Thank you, Madam Chair. The next speaker in the queue is a telephone attendee with the last four digits, 0501. I believe that's Mr. Gene Hazard. Hello, Mr. Hazard, can you hear us?
- Gene Hazard: Yes. This is Gene Hazard. Ms. Harris continues to be acknowledged for keeping this commission on track, so it's unconscionable for her not to be reappointed to this body [inaudible 00:06:49]. You've acknowledged her contributions, so that election committee was a bunch of crap. With regards to this statute, to the interim police chief, the public records request, this statute says 10 days. My question to you, are the requesters being [inaudible 03:37:17] 10 days, it's going to take longer to be responsive to their requests? Or do you just ignore them entirely? Because that's that what the statute speaks to. You are supposed to inform the public of a request within 10 days from the submission of that request.
- Juanito Rus: Thank you, Mr. Hazard. The next speaker in the queue is Bruce Schmiechen. Hello, Mr. Schmiechen, can you hear us?
- Bruce Schmiechen: Can you hear me?
- Juanito Rus: We can hear you.
- Bruce Schmiechen: I have a question as to why I'm reading an item off of [medium 03:37:59] wasn't attached to the agenda, but I'm going to leave that alone. That actually doesn't surprise me in this context. But anyway, looking at the document, there are two outreach events that were important that aren't mentioned. One was Latino Task Force serving people at Dia de los Muertos, And one of the responses they got from folks about officers keeping their hands on their weapons, or the weapons belt, was forwarded to the Commission in a bunch of comments by Coalition for Police Accountability, which Latino Task Force is a member. And it was actually adopted and is in the current draft, so that's an example of community input working. The other one was the All of Us or None town hall. The Commission was given a transcript of that. It was in December. Thank you.
- Juanito Rus: Thank you, Mr. Schmiechen. The next speaker in the queue is listed as Chuck. I believe that's Ms. Anne Janks. Hello, Chuck, can you hear us?
- Anne Janks: Hi there.
- Juanito Rus: Good evening, again. Whenever you're ready.
- Anne Janks: So, I'm just really somewhat confused about what the process is and what the timeline is in terms of public participation and the public understanding what a draft is at any given point. There is part of the report was that there's been feedback from the ACLU and somebody else that I was unclear on. Has that been made public? Do we see it? What exactly is the document that's being



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addressed with OPD on the 14th? And the prior reports of meetings with OPD did not list who the attendees were, and it did not report out on what the positions by OPD or anybody else were. So, It really didn't give us a sense of that. And to be clear, OPD often lies, so I think there's a real benefit to understanding what is happening. I don't understand when we're going to see documents after the 21st and what opportunity there is to comment on them except emailing commissioners, but based on what documents, if they haven't been shared publicly, as the current draft, and there is no public participation.

Juanito Rus: Thank you, Ms. Janks. The next speaker in the queue is Ms. [Assata Olugbala 03:40:27]. Hello, Ms. Olugbala, can you hear us?

Assata Olugbala: Yes.

Juanito Rus: Whenever you're ready.

Assata Olugbala: Thank you. What is the expectation here? We already know that African Americans are disproportionately the victims of excessive force and racial profiling in the city of Oakland. There is no other race or ethnic group that has that problem. So, you're going to have some new findings? No. You need to look up the term gentrified black lives matter because that's what's going on in the city of Oakland. Instead of dealing with the attention to the black social justice issues, you're now going into issues like offices wearing Hawaiian shirts and the protesters who were being gassed and the protesters who were being bombed, and we're not talking about black people. All the time, you've been talking about these Hawaiian shirts, and black men are dying and you have nothing to say.

Juanito Rus: Thank you, Ms. Olugbala. Your time is up. At this time, I see no further hands in the queue. Madame Chair, I'll pass the meeting back to you.

Regina Jackson: Okay. Thank you very much. So, I believe we can move on to item nine on the agenda. This is the commission retreat. We first discussed this in March and then again in May. As all the commissioners know, we have a significant amount of work to do in terms of responding to many of the recommendations that the city auditor made in her report. I have begun to try to identify some facilitators that can give us quotes to be able to walk us through, a little more than a half day, probably like a 10 to three hour retreat. Not hour, excuse me, 10:00 AM to 3:00 PM, similar to what we did last year. What I'd like to propose is that if anyone has a facilitator that they would like to send my way so that I can give them the overview on what it is that we need to have addressed, that would be helpful.

Regina Jackson: In terms of focusing on a timeline, I was hoping that our commissioners could identify October 17th or cross it off for themselves. Clearly, this will be a Zoom meeting, and what I'd like to do is there are a series of [inaudible 03:43:30] finalize as a part of that work. And one is our policy review process, another is the CPRA case prioritization, another is commission orientation program, another is finalizing our chief of police evaluation criteria and code of conduct. These are mostly things that we have done [inaudible 00:13:59], somethings are more closely finished



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than others, but I am really excited about trying to get a confirmation on our ability to really focus on this. This would be a retreat that is just dedicated to getting this work plan together and finalized.

Regina Jackson: So, I am happy to take any questions from the commissioners on the subject. You all may remember that last year when we had the retreat, we invited both folks that were rolling off as well as folks that were coming on in order to facilitate a stronger overview and orientation around how we work together, but will have very focused agenda items to move through. Are there any questions? Uh-oh, somebody sighed.

Ginale Harris: Chair, I apologize. I cannot find the hand sign to raise my hand, but [crosstalk 03:45:16].

Regina Jackson: Oh, okay. Go ahead. I hear you. Go ahead.

Ginale Harris: So, I have the notes from our last retreat, if they would be helpful, in regards to the subject matters that would be discussed at our next meeting. So, I am just interested to know, how do you get your input to give you suggestions about what will be happening at this retreat, and how do we make decisions? Do we vote on it or is it just put together by you? How does this work?

Regina Jackson: So, as I mentioned, if you have a suggestion for a facilitator, what I am basically using is some of the documentation that we had before, which is a shared understanding of our legal mandate and our charge, reviewing our major accomplishments and impacts, developing a process and procedures toolkit to address the key issues that were flagged by the city auditor, and some of those things are the specific items that I identified. We need to have three facilitated recommendations in terms of proposals, and you can make any recommendations that you want to. I just know that our agenda will be very full just trying to tackle those items.

Ginale Harris: I think the question I'm asking is in regards to the agenda. [inaudible 03:46:59] the agenda or are you working with people to do the agenda?

Regina Jackson: Oh, I mean, anyone can assist. The agenda has basically been created by the city auditor's work that we owe her, as well as, as I mentioned, a shared understanding of our legal mandate and our charge. You might remember, in the last meeting, that we provided some overview and conversation to allow us to hone in on some general processes and procedures that we needed to have in place, because we hadn't had a retreat before after we'd been together for two years. These items that have been flagged by the city auditor, some of them are things that have already worked on but maybe not been finalized, and we just want to codify and finalize them, for our own benefit, as well as, as I mentioned, addressing the city auditor.

Regina Jackson: So, we can create an ad hoc if necessary, but really, I can share an overview of the thoughts and you all give feedback. Again, if you have recommendations of facilitators so that they can submit proposals, that will be great, but I wanted us to identify a stake in the ground around timing so that we can manage this big piece of work and get it handled and then be able to move forward with those things in place.



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Ginale Harris: Thank you, Chair.

Regina Jackson: Certainly. Are there any other questions from the Commissioners? Okay, Commissioner Dorado your hand is up. You've been unmuted.

Jose Dorado: Okay. Can you hear me now?

Regina Jackson: Yes, sir.

Jose Dorado: Thank you, Chair Jackson. Just a quick review of the items you had mentioned, starting with the CPRA priorities, then you had orientation of new members, and evaluation and the chief, and I didn't get them all [inaudible 00:19:24].

Regina Jackson: Certainly. Do you want me to repeat them/.

Jose Dorado: Yeah, please.

Regina Jackson: Okay. No problem. So, Oakland Police Commission's legal mandate and charge, our policy review process, code of conduct, chief of police evaluation criteria, CPRA case prioritization, and OPC orientation program.

Jose Dorado: Great. Thank you.

Regina Jackson: Mm-hmm (affirmative). So, what I'd like to hear from the commissioners is, if everyone is amenable to October 17th. Okay.

Ginale Harris: [inaudible 03:50:21] I am.

Regina Jackson: Thank you.

Jose Dorado: That works for me.

Regina Jackson: Okay, great.

Henry Gage, III: That works for me.

Speaker 8: That's fine for me.

Regina Jackson: Excellent.

David Jordan: Yeah, it works for me as well.

Regina Jackson: Okay, excellent. So, it sounds like we have a majority.



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- David Jordan: I would like to ask though, as far as the agenda goes, if we could potentially, adding into the agenda item around commission orientation, maybe also look at developing an ad hoc for our own internal policy and procedures, or something around that. I think it fits together with the same sort of internal housekeeping along with the orientation piece.
- Regina Jackson: Absolutely.
- David Jordan: [inaudible 03:51:05] look at that [inaudible 03:51:06].
- Regina Jackson: No, no, no, absolutely. And as I mentioned, there are some commissioners who have been leads in developing some of these items already, and so for areas like the commission orientation program, which has not had any work on it, then it will be great to get a few people together on that. I just know that most of the commission members are overwhelmed with work that is currently going on so [crosstalk 03:51:35].
- Brenda Harbin-Forte: I'm on the phone [inaudible 00:21:37].
- Regina Jackson: Brenda, can you mute for us, please? And so, alternate Commissioner Jordan, I would be happy to have you and whomever thinks they have some time to begin to frame out what you think would be important to include in the orientation program.
- Regina Jackson: Okay. So, thank you everyone. In terms of those items, what I can do is send out a framing draft agenda that you all can provide some feedback and input to, and then we can also make decisions within the Zoom space as to whether or not we want to go into separate rooms to work on... to have two different groups of commissioners working on two different things and then meeting back. That might be a more efficient way for us to handle our business. But I am recognizing that this is some focused work that, as I shared with the city auditor and everybody else, that we can't just handle in the midst of our regular meetings. We have to dedicate a meeting and really go in a hard to deal with it and finalize it.
- Regina Jackson: So, I thank everyone for their support and assistance, and I will send out just a layout of what the items are, some perspective, timing, and people can go in and say, "Hey, I don't like it this way. I think we ought to do it that way." But I have not created an agenda item that hasn't already been called out. So, just trying to get this handled, because this is one of our responsibilities.
- John Alden: Madam Chair, [inaudible 03:53:35] sorry for the interruption, but the date you were thinking about, October 17th, that would be with a paid contract and facilitator?
- Regina Jackson: Yes.
- John Alden: Realistically, I.... I'm sorry to be the bearer of bad news, but I don't think we would be able to get someone through the contracting process fast enough for them to be available on the 17th. We'd have to have the Commission talk about this on the 24th and compare which of the contractors [inaudible 00:23:58].



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Regina Jackson: You're not talking into the microphone. I couldn't hear you.

John Alden: While I was talking?

Regina Jackson: Okay. I heard bearer of bad news and might not be able to get them through the process, and then it muffled.

John Alden: Right. I can't imagine we'd be able to get a contractor approved in advance of the 17th. We would have to have Commission talk about this item again at the next meeting on the 24th to pick a contractor, and then we'd have to move them through the contracting process within three weeks. We've never been successful in moving that fast, I think. We might be able to get someone under contract by the end of October if we select them in late September.

Regina Jackson: Okay. All right.

John Alden: [inaudible 03:54:43] now rather than have that be a problem before the October 17th date comes around.

Regina Jackson: Okay. So, then, October 17th, maybe we can have a pre-work session amongst us. I'll try and figure it out. But what's most important is that we have at least three bids from facilitators, which I would like to try and present at the next Commission meeting so that you all can vote on who you would prefer to work with, and then we'll get the timeframe ironed out. This whole contracting timeline thing is just ridiculous, though. But thank you, Mr. Alden. I appreciate it.

John Alden: You're welcome. Sorry that wasn't better news.

Regina Jackson: Yeah. Thank you. Okay. So, thank you very much for allowing me to update you on the retreat. I want to make sure that we can move as expeditiously as humanly possible, and maybe it will allow us to get some of the prep work done so that we can move more efficiently. So, we can go to public comment, Mr. Rus.

Juanito Rus: Thank you, Madam Chair. At this time, if any member of the public would like to comment on this item, please raise your hand in the Zoom queue, and you will be called in the order in which your hands are raised. The first person in the queue is a telephone attendee with the last four digits, 0510. I believe that is Mr. Hazard. Hello, Mr. Hazard. Can you hear us?

Gene Hazzard: Yes. Can you hear me?

Juanito Rus: We can hear you. Whenever you're ready.

Gene Hazzard: Okay. This is Gene Hazard. It is shameful if Ms. Harris is not going to be a participant in that retreat. You're going to have two or three new members, and they won't know anything about how the Commission operates. That selection process, and you're going to continue to hear me [sell 03:56:47] you in terms of what went down and how the effort to eliminate a contributing



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member to this body. And the interim chief did answer the question with respect to have the folks who made public records requests, have they been totally ignored or have they been notified under the statute, the 10 day statute, the notification that is going to take longer to be responsive to their requests? Thank you very much.

Juanito Rus: Thank you, Mr. Hazard. The next speaker in the queue is Ms. Assata Olugbala. Hello, Ms. Olugbala, can you hear us?

Assata Olugbala: Yes.

Juanito Rus: Whenever you're ready.

Assata Olugbala: Your credibility is at minus zero. You have been approached many times in the last couple of weeks about the issue of how the selection panel shows the upcoming two individuals that are supposed to sit on this commission as of October 16th, 2020. These individuals were wrongly put here through a process that wasn't valid. You refuse to address the issue. All you have to do is go back and look at the tape of the selection panel meeting of August the third and August the 12th. The evidence is clear, but you won't address it. You have a legal mandate, but you have a moral and ethical mandate. Your credibility is zero, and I will continue to pursue this until somebody speaks up and addresses it. You can retreat all you want from this issue, but it will stay in front of you.

Juanito Rus: Thank you, Ms. Olugbala. At this time, seeing no further hands in the queue, Madam Chair, I'll return the meeting to you.

Regina Jackson: Okay. Thank you very much. We will go to item 10 on the agenda. Okay. So, I'm providing a brief update on the police chief update. As you may know, the final day for applications is tomorrow at close of business. We expect to have more than two dozen applicants, hopefully even more than that, but we will review to determine an adequate pool in order to find our next chief. Our goal is to meet the deadline set by Chief Manheimer's departure. However, we will not sacrifice quality over speed. We recognize that across the country, lots of jurisdictions are looking for reform-minded chiefs. There may not be a lot of people out there, but we are hopeful that we'll get applications, also not just from across the country, but from within our own departments. We do believe that there is talent within. Certainly, if we feel like we don't get enough qualified candidates by tomorrow end, the ad hoc will make a decision to extend the deadline.

Regina Jackson: And that is the update for now. I don't know if Commissioners Dorado or Harbin-Forte want to add to that. Just want to keep everybody informed. Are there other questions from the commissioners? Commissioner Dorado, your hand is recognized. You're unmuted. Sorry. ... Uh-oh, somehow unmuted someone else. My apologies. Commissioner Dorado?

Jose Dorado: Yes. Thank you, Chair Jackson. Just real quickly, I think the job description really outlined exactly where we need to go, where OPD needs to go, where the city needs to go, and a great deal of credit goes to our former commissioner, [inaudible 04:01:30] Prather. But what is gratifying is the



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fact that people felt it was so progressive that we would not get any applicants, and yet, within the first week, we had over a dozen and we're looking at two dozen or more applicants. So, again, that's really gratifying, and it confirms the fact that the job description really rung true in the hearts of a number of people. So, that was really, again, it was really gratifying to see that play out the way it did. Thank you.

Regina Jackson: Thank you. Commissioner Gage, you're unmuted.

Henry Gage, III: Thank you, Chair. I'm curious about the number of applicants today. Commissioner Dorado mentioned two dozen. Is that the correct count?

Regina Jackson: Yes.

Henry Gage, III: Thank you. That's all.

Regina Jackson: Thank you. Okay. If there are no other questions, why don't we go to public comment, please?

Juanito Rus: Thank you, Madam Chair. If any member of the public would like to comment on this item, please raise your hand in the Zoom queue. The first speaker in the queue is Rashida [Grinage 00:33:12]. Hello, Ms. Grinage, can you hear us?

Rashidah Grinage: Yeah. Thank you. I just wanted to ask if there is a need a consideration being given to any kind of public participation or access. I'm assuming that after your initial interviews, you will determine your finalists, and I'm just wondering at that point whether there will be an opportunity for the public to see who they are and be able to engage with them in any type of forum. So, just wanted to know if you've been considering that and whether you've reached any decisions about it. Thank you.

Juanito Rus: Thank you, Ms. Grinage.

Regina Jackson: And I'll respond to that question. We have another meeting scheduled for tomorrow evening where we will begin to review and figure out what the next steps are, so I imagine that we will discuss that then. Thank you.

Juanito Rus: Thank you. The next speaker in the queue is a telephone attendee with the last four digits, 0501. I believe that's Mr. Gene Hazard. Hello, Mr. Hazard, can you hear us?

Gene Hazzard: Thank you. Can you hear me?

Juanito Rus: We can hear you.

Gene Hazzard: Thank you. Is this large response the result of reducing the qualification of potential candidates that they don't have to be former deputy chiefs or-former deputy chiefs, otherwise, is that the result of this large response? And secondly, I didn't get a response from Interim Police Chief, or



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somebody else could answer the question, with regards to why there's been a lack of response. Has there been a total lack of response to public records requests or have they been identified, contacted them because of what the statutes say, within a 10 day period of time? I understand about the Bill 1421, so that's going to give a longer request time, but have they notified individuals accordingly?

Regina Jackson: I'm sorry. I did get a response that people are notified per the regulations. Go ahead, Mr. Rus, thank you.

Juanito Rus: The next speaker in the queue is Miss Assata Olugbala. Hello, Miss Olugbala, can you hear us?

Assata Olugbala: Yes. It's not a good thing when emails are being sent out, naming the person who's going to be the next police chief. Something's going on when they say [inaudible 04:06:25] or his wife is going to be the next police chief. So I don't know how that got out. I don't know what's going on, but I always heard that you guys were trying to get somebody from within the police department to be the police chief. I don't want anybody from within the police department. I don't care if they black, white, yellow, green. This police department is so corrupted. There's no way that somebody already who has been in here and hasn't been able to do anything to deal with, particularly, the black police office grievance, and even the black officers didn't stand up for themselves. Somebody's got to come... I wish it could be a civilian that could come in here and handle this, but you all got problems because people already out here saying you going to pick somebody from within the police department.

Juanito Rus: Thank you to Miss Olugbala. At this time, seeing no further hands in the queue... Oh, there's one further hand. Excuse me. The next speaker in the queue is Cathy Leonard. Hello Miss Leonard, can you hear us?

Cathy Leonard: Yes, I can. Cathy Leonard. I just want to second what sister Assata said about selecting within the Oakland Police Department. The entire culture of that department needs to be changed. We need someone new, probably someone maybe not in law enforcement, but the culture has to be changed. We have officers that are siding with one another, who are silent about police misconduct. We need a radical change. I don't know how many times the community can say that, but we're going to continue to say it. Thank you, and good evening.

Juanito Rus: Thank you Miss Leonard. At this time, seeing no further hands raised in the queue, Madam Chair, I will return the meeting to you.

Regina Jackson: Thank you very much. We're going to move ahead to agenda number 11, and this is a meeting minutes approval. There are three sets of minutes, so we will take them in order. June 25th first, I'd like to know if there are any edits or corrections to the minutes of June 25th. And if there are none, I'm happy to receive a motion to approve. Commissioner Dorado, you've been unmuted.

Jose Dorado: Okay. Thank you, Chair Jackson. I did have an edit at the bottom of page four, the last sentence says, "The [inaudible 04:09:30] carried by the falling vote," but then there's not... Oh, I'm sorry.



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Nevermind. I do see it now. There was a vote up at the top of the next page. So I'll make a motion to approve the minutes of June 25th, 2020.

- Regina Jackson: Very good. Thank you. Is there a second? Well, I can second. It has been properly moved and seconded. Why don't we go... Oh, shoot. Why don't we take July 9th and then July 23rd and then go to a public comment for all three sets of meeting minutes.
- Thomas Lloyd Smith: We can't. We got to do them one by one.
- Regina Jackson: Okay. Alrighty. Thank you. So we'll go to public comment for the June 25th meeting minutes.
- Juanito Rus: Any member of the public who would like to comment on the June 25th meeting minutes of the Oakland Police Commission, please raise your hand in the queue.
- Thomas Lloyd Smith: Oh, sorry Chair. They can comment on all three sets of minutes, we have to make one motion and then-
- Regina Jackson: At a time. Yes. Okay. So great. So we will have the comments address each of the meeting minutes or all as a group. Thank you, Mr. Rouse. Thank you, Commissioner Smith. Go ahead, Mr. Rouse.
- Juanito Rus: My apologies, Madam Chair. Any member of the public wishing to make comment on the June 25th meeting of the Oakland Police Commission?
- Thomas Lloyd Smith: Any of the minutes, Mr. Rouse.
- Juanito Rus: Any of the minutes. Very well. The June 25th, the July 9th or the July 23rd minutes of the Oakland Police Commission, please raise your hand in the Zoom queue. Seeing none, I return the meeting to you, Madam Chair.
- Regina Jackson: Okay. Thank you very much. So it has been moved and seconded to accept the June 25th minutes and we have heard public comment. Can we vote to accept those minutes? Commissioner Gage?
- Henry Gage, III: Yes.
- Regina Jackson: Thank you. Commissioner Dorado?
- Jose Dorado: Yes.
- Regina Jackson: Thank you. Commissioner Anderson?
- Tara Anderson: Aye.
- Regina Jackson: Thank you. Commissioner Smith?



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Thomas Lloyd Smith: Yes.

Regina Jackson: Thank you. Commissioner Harris?

Ginale Harris: Yes.

Regina Jackson: Thank you. And Commissioner Brenda Harbin-Forte?

Brenda Harbin-Forte: I vote aye, with the understanding though that I wasn't in attendance, but I'll vote aye.

Regina Jackson: You're right. Okay. Thank you. And aye for myself. So June 25th meeting minutes are passed unanimously. We'll move on to July 9th meeting minutes. Does anyone have any edits or suggestions, Commissioner Dorado?

Jose Dorado: I do not have any edits. I move that we approve the minutes of July 9th of 2020.

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

Ginale Harris: Second.

Regina Jackson: Thank you. It has been properly moved and seconded. We've already taken public comments, so let us vote. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Thank you. Commissioner Harris?

Ginale Harris: Yes.

Regina Jackson: Thank you. Commissioner Harbin-Forte?

Brenda Harbin-Forte: Aye.

Regina Jackson: Thank you. Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Thank you. Commissioner Smith?

Thomas Lloyd Smith: Yes.

Regina Jackson: Thank you. And aye for myself. And-



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Jose Dorado: You forgot me.

Regina Jackson: I never forget you Commissioner Dorado. Commissioner Dorado, sorry.

Jose Dorado: Aye.

Regina Jackson: Okay. Thank you very much. And aye for myself. The meeting minutes of July 9th have been passed with unanimous approval, and now we'll move on to the meeting of July 23rd. Are there any comments or suggestions? Uh oh, I saw a hand and then it moved. Oh, Commissioner Dorado?

Jose Dorado: I move that we approve the minutes of July 23rd, 2020.

Regina Jackson: Very good. I see a hand up, Commissioner Harbin-Forte?

Brenda Harbin-Forte: I second.

Regina Jackson: Excellent. It's been properly moved and seconded. We've taken public comments, so we should vote. Commissioner Harbin-Forte?

Brenda Harbin-Forte: Aye.

Regina Jackson: Thank you. Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: Thank you. Commissioner Gage?

Henry Gage, III: Yes.

Regina Jackson: Thank you. Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Thank you. Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Thank you. Commissioner Smith?

Thomas Lloyd Smith: Yes.



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- Regina Jackson: Thank you. And aye for myself, and the minutes of July 23rd have been approved unanimously. So we can move on to the next agenda item please, item 12.
- John Alden: Madame Chair, this is John Alden. That would be the report on CPRA pending cases, completed investigation, staffing and recent activities. So if it's all right with you, I'll go ahead and start my report.
- Regina Jackson: Yes, sir.
- John Alden: As one can see from the materials we have attached to the agenda, we still have a very substantial number of cases. Other than cases, coming from the recent protests, we still have 86 cases pending. We have another 40 cases from the recent protests in addition to that. So as I mentioned in some previous reports, that was almost a 50% increase in caseload all at once. That has stalled out some of the other things we'd like to be working on right now, like some of our internal training, which just is not going as quickly as we'd like, because we have to turn attention to this significant increase in caseload. I do, that said, want to thank the city council for providing us some money over the summer for some short term, one time staffing to help bridge that gap. Things are pretty tight in the City of Oakland right now. So the fact that we were able to get funding for that at all, it's something I'm really grateful for. And again, appreciate the council members for providing that.
- John Alden: Department of finance and human resources management also helped us move the hiring process through fairly quickly for these temporary hires. So I'm happy to say we've got three temporary people coming on all this month to help us with that. Two of them are complaint investigators, Jessica Cole and Jason Wecter. They both come to us with a lot of experience out of the San Francisco oversight system, and I'm really pleased they're going to be able to help us with these protest cases. We also have a temporary intake technician named [inaudible 04:17:44] who's come on board. She's also just started. I'm really excited to have her on as well. And so with this extra assistance, I do think we're going to be able to move through those cases fairly well.
- John Alden: Out of those 40 protest cases, we will be able to do our own independent investigations, including our own interviews of a fair number of them, certainly the most serious ones and in particular issues relating to whether or not the Oakland Police Department, across the board, complied with crowd control policy. But that said, we are going to have to merely do a review of the internal affairs investigations on some of them, because we just don't have enough resourcing to do all of them from scratch. That's unfortunate, but I'm glad we have the funding to at least look at the most serious ones directly and as independently and thoroughly as we'd like. So far, OPD has been very cooperative in providing us with the information we need, and it's of course their requirement, but in addition to that, I think it's just a good sign that they're being very transparent with the material that we need to gather on those cases.
- John Alden: So aside from just the numbers of cases we have going forward, I've been pleased with the quality of the investigations we've had lately. You may have seen the report from the Pollock matter that the federal monitor put forward recently. And one of the things that the federal monitor noted



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there was that, in their opinion, the Pollock report from a few years ago didn't do enough. The CPRA [inaudible 04:19:33] Pollock report in particular didn't do enough to independently interview witnesses and independently consider the allegations in that case. So one of the things I'm glad to say we're doing a lot better now is that we have developed an ethic internally in CPRA of not just relying on the IAD information, but doing interviews ourselves.

John Alden:

Over the last year, we were able to increase a lot of the training and also the direction that we gave to our investigators in that regard. So not only are we training on investigative techniques and how to do interviews, but the importance of doing independent interviews, planning those interviews and techniques for actually conducting the interviews. And I think that's one reason why we're seeing a significant increase in the quality of the investigations that are coming through. We've also started having earlier direction for mid level management to investigators about both what to look at in their cases, and also how to prioritize the cases that each investigator has. A key tool we're using in that regard are investigative plans, which our investigators now do at the beginning of their cases within the first week, and which are reviewed with supervisors after they're completed to make sure we think the investigators are on the right track, prioritizing appropriately and the like. So not only does that allow for earlier direction, but better direction, and it's a collaborative process so I think it makes the investigators feel even more invested in their own cases.

John Alden:

And one result of that, if you look at our closed case report, is that we have a fair number of sustained allegations in that report, and all but one of them come from allegations that we discovered at CPRA that internal affairs had not discovered or flagged. And I think that's a really substantial hag that CPRA has been able to introduce into the discipline system in Oakland recently. But for CPRA independently discovering those allegations and investigating them thoroughly, they wouldn't have even been assessed, much less sustained. And in some cases, they're fairly serious sustained allegations. So I'm really glad to see that increase in our quality. And I want to say too, that our staff has been really excited and interested in all of these changes and it's helping them feel their work is better supported, which I also think makes the investigators feel better about their work, feel their work makes more of a difference and that also leads to increase in quality. So I've been really pleased to see the staff being really interested in the training and in the increased direction that we're providing about cases.

John Alden:

A third thing I should tell you about is that this year, the National Association for the Civilian Oversight of Law Enforcement was not able to do an in person conference, of course. They would have done that in August. So instead over August and September, they've been doing the various sessions that were slated for that conference up online, instead of in person. So a number of our folks have been able to go to some portions of the NICOLE conference this year. We helped present one of the sessions at NICOLE, having to do with interview techniques, and that seemed to be fairly well received. So at least we've been able to participate somewhat and get some quality training out of our [inaudible 04:23:09] this year.

John Alden:

Last thing I should tell you about is the OBOA request for proposals. And one of the things that I was pleased to see is that we've gotten in some bids for that OBOA investigation. This is the first



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time we've done a formal request or proposal, and first time we've processed bids. So we're working now on the scoring process. At the end of that process, we'll be bringing to the commission some of the contractors for evaluation, we'll make recommendations too about which ones we think are the front runners. And then of course, the commission can pick the finalist. We have four bids and I'm not exactly sure how long that might take, only because the same staff we have working on that process are also working on the Chief of Police search and providing some support to use of force, which are obviously moving really fast right now. So I hope to have those bids to in the near future, but probably not until at least October. So I neglected to mention too, that Commissioner Anderson gave a presentation at NICOLE as well, and I was not able to attend that one, but I heard some very good things from others about that presentation. So thank you to Commissioner Anderson for helping out with NICOLE this year. Questions?

Regina Jackson: Are there any questions of the Commissioners? I don't see any hands raised. Where'd the hand go? Okay. Commissioner Anderson, you're unmuted.

Tara Anderson: Thank you, Chair. And thank you Director Alden for carrying us through those updates and the report out and the materials that we have before us. One thing I would love to hear more about, I also appreciate the additional resources that have been afforded to CPRA for being responsive to the increase in complaints. And I'm curious how, relative to the non first amendment assembly complaints, the other complaints that are in the queue, how have they been impacted? How are things working in terms of being on deadline for completing those investigations? I see several use of force complaints here. I'm also hoping to have those inform our use of force policy. So any additional insights that you could provide about the queue of investigations that are before you and your team that go beyond the first amendment assembly complaints. And if there are any particular findings, especially those that we see that were sustained related to use of force that could provide additional guidance for us as we are entering these near final stages of that policy development.

Tara Anderson: And thank you for your acknowledgement of my contributions at NICOLE. It's kind of a twofer in terms of my work in my day job and number of years of work around prioritizing sex worker safety policy, that I was very, very proud to be a part of and communicate those experiences along with other experts as a part of that panel. And I think that the virtual environment, it was interesting seeing it shift to that space. So if you wouldn't mind responding to the question about what's in the queue and also kind of recent completed investigations, any additional insights that you could speak to for the use of force policy?

John Alden: Sure. I could do that. I wouldn't say in this particular batch of closed cases, I don't know that there's anything in this particular set that stands out around use of force. But I would say over the last year, there are a couple of things that would inform the use of force policy development process. There are three in particular that I think are worth considering, and they're all very specific uses of force, as opposed to the broad principles about how to use force. And they have to do with first, tasers, second, vehicles, particularly police vehicles on bicycles or as against bicycles, and then police canines. So with respect to tasers, I think it is important to understand



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that in California, but also has a result of current OPD policy, it's important that officers only use tasers when they see some imminent threat of injury. It is therefore what we call an intermediate use of force, meaning it is a more significant use of force than say, just the hands. It is a, I suppose it would be fair to say, less significant use of force than a firearm, in that it is much less likely to be lethal than a firearm is. It's not to say it couldn't be lethal, but less likely to be.

John Alden: And so because it's in this intermediate range, it is important that officers are only using it when that threat to someone else really is immediate, not just possible, but immediate. And I think that as we move forward, an interesting question of course will be whether we continue to have tasers, but also if we have them, under what conditions. And I do think that OPD is going to really need to focused on making sure that if tasers are continuing to be a tool, that there is some really significant focus on that standard that I just mentioned. And I am a little concerned that we have seen some cases in which tasers were used more to stop people from fleeing than because they presented an immediate threat. We continue to work on that issue. And I think that's an important one to flag, and it does give us some reasons to ponder whether our taser policy is working or not, as it's currently drafted.

John Alden: The second issue that we see increasingly is the way vehicles are used to stop bicycles. There is a technique that some agencies in California use called channeling, in which, if an officer is having a hard time getting someone to comply with their commands to stop on a bicycle, that they'll use their own patrol vehicle to gradually cut off the path of travel of the bicyclist. In our opinion at CPRA, that should be categorized as a use of force because ultimately it forces the bicycles either to stop or causes the bicycles to collide with either the police vehicle or parked vehicle or stationary object. And then we need to have, I think, more training and standards about why that is and is not appropriate in OPD.

John Alden: The third has to do with police canines and whether or not they are trained to bite when they are searching for suspects. And I think we should be having a conversation in Oakland about whether we think police dogs should or should not be used in that manner. So I'd say those are the three big trends that I see in our cases that I think would inform our use of force process.

John Alden: Commissioner, your other question was about whether our cases are looking timely. We have had some improvements in getting the cases done a little bit further in advance of the 3304 day. We have a little bit more lead time now on the cases we currently have in the queue between our 3304 date and the dates those are due. If you look at the cases sorted by [inaudible 04:32:06] goal, there are still a number in our current report that are due in October, which is a little sooner than I'd like, but on the whole, that space between the current date and when our next set of cases are coming due has been getting a little bit bigger over time. I would rather be getting the cases resolved, say, three months before the 3304 date, or even a little sooner, and we're slowly moving towards that goal. Getting in these protests cases and figuring out staffing for that has set us behind a bit on that goal. But if we're able to maintain current staffing levels and process those protest cases, I'm hopeful that we get that lead time down on completion even a little further. Hope that answers your questions.



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Regina Jackson: Commissioner Anderson?

Tara Anderson: Yes Chair. Thank you, Director Alden. Really appreciate the thorough response.

John Alden: Sure.

Regina Jackson: Are there any other questions from the Commissioners? Okay, I'm seeing none. Mr. Rouse, we can go to public comment now.

Juanito Rus: Thank you, Madame Chair. If any member of the public would like to comment on item 12, please raise your hand in the queue and you will be called in the order in which your hands are raised. The first name in the queue is Rashida Grinage. Hello Miss Grinage, can you hear us?

Rashidah Grinage: Yes. Thank you. I have two things. The first is, that I see once again that there are sometimes three to five days or more, a period of between the time that internal affairs receives the complaint and CPRA does. And I don't know why that is continuing, but I really am unhappy about it. Also on page three of nine, it's case 190619, there's a very confusing situation with subject officer one and subject officer two, it's called unintentional improper search and seizure or arrest. I don't know how it can be unintentional. And there are two different findings, one is sustained and the other is not sustained, and it's the same for subject officer two. So I would appreciate it if Mr. Alden could respond. Thank you.

Juanito Rus: Thank you, Miss Grinage.

Regina Jackson: Mr. Alden, can you provide clarification to the query?

John Alden: That is difficult to do in that particular case while still staying within the bounds of state law. I suppose one thing I could say about the intentional and unintentional searches is that OPB has a discipline matrix, and that discipline matrix calls out two different kinds of improper search seizure arrest. One is intentional, meaning the officer knew that that was an improper search seizure arrest and did it anyways, say as an example, an officer intending to harass someone and then intentionally, unlawfully seizing them or searching them, versus officers who make mistakes because they misunderstood fourth amendment law or misunderstood the applicable facts in that moment that justified or didn't justify the search. And in that regard, had some reason to think that the search they were conducting was lawful, but were incorrect and shouldn't have done the search. And so for that reason, our allegations distinguish between the two: is this an officer who intentionally or maliciously violated the fourth amendment, or is this an officer who, say, was green and didn't understand the rule well enough, even though they should have, and therefore should be faulted for not learning the rule well enough?

John Alden: And so these unintentional searches fall into that category of, I guess you might say, either uninformed or not very thoughtful applications of the fourth amendment by a particular officer. And then, to the extent that one sometimes sees in these reports very similar looking allegations with some that are sustained and some are not sustained, typically that's because there's more



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than one instance of a search or seizure or arrest. There might be multiple people that the officers searched or seized or arrested, or the officer might have, say, seized the person and searched them. And the seizure might've been lawful, but the search wasn't. That's not an uncommon result. And so it's very difficult for us to give more detail that would explain that while still staying within the rules that are given to us by state law about these [inaudible 04:37:27]. Not that those are as helpful as I'd like them to be, but I think that's the best I can do given the restraints I have. I hope that's at least somewhat helpful.

Regina Jackson: Thank you very much. Mr. Rousse, we can go on to the next public comment please.

Juanito Rus: Thank you, Madame Chair. The next speaker in the queue is Miss Assata Olugbala. Hello, Miss Olugbala, one minute whenever you're ready.

Assata Olugbala: Oh. Just like this commission is doing nothing to respond to the need to have something done about the selection panels errors, CPRA is a complete failure. Do a report of the last five years or three years, at least three years, of how many times sustained findings on excessive force. Nine pages of this report, you only have seven sustained items: performance of duty and supervision. Do you realize that whenever you have this kind of issue in place where nothing is happening, another black man is going to die because nothing is being resolved and stopping it. Excessive force is not being stopped under CPRA. And you're not saying anything about it.

Juanito Rus: Thank you, Miss Olugbala. The next speaker in the queue is a telephone attendee with the last four digits, zero five zero one. I believe that is Mr. Jean Hazard. Hello, Mr. Hazard, can you hear us?

Gene Hazzard: Can you hear me?

Juanito Rus: We can hear you. One minute, whenever you're ready.

Gene Hazzard: Okay. Thank you. To Miss Grinage's comments, can you tell me how long the subject one, subject two, how long have they been on the force? And secondly, with regards to item number 11, my understanding of Robert's rules and maybe we'll get it from the parliamentarian, Miss Harbin-Forte. Unless she saw the tapes of those [inaudible 00:34:52], neither could she vote in the affirmative, she must abstain in those, unless she saw those. Can we get a ruling, either from-the parliamentarian, Mr Alden, in that regard. And also, whether or not to Mrs. Grinage's concerns, about those subject officers, how long have they been on the force?

Juanito Rus: Thank you, Mr. Hazard.

Regina Jackson: Commissioner Smith, you have always served as the parliamentarian. I actually am interested in that answer to the question, can you speak to the extension or the appropriate affirmative, for the meeting minutes?

Conor Kennedy: Chair, I'm sorry. I was on mute. I did try to chime in as well. Would it be all right if I...



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Regina Jackson: Yes, please.

Conor Kennedy: Thank you. So the point that Mr. Hazard made, just to confirm, we did look for that, we researched it. We found no restriction against what Commissioner Harbin-Forte just did, in terms of voting to approve the meeting minutes. I looked for that, and that just happened to come up at a previous time, during the Commission's tenure. So we looked it up, I think in late 2019, found absolutely no restriction for that. But if Commissioner Smith has a different opinion, I'm more than happy, either here or offline, to review any additional authority, including in Robert's Rules. Thank you.

Regina Jackson: Yeah. Mr. Kennedy, I oftentimes go to Mr. Smith because he knows more than I do, as it relates to Robert's Rules. So forgive me, I probably should have called on you first.

Conor Kennedy: Not at all.

Regina Jackson: Okay, thank you. And to the second question, that I believe Mr. Hazard raised as it related to Ms. Grinage's comment, Mr. Alden, could you respond to that?

John Alden: All right, I can. For better or for worse, I can't provide any specific information about officers that might be identified, like how long they have been on the force, or assignments, or ranks, or the like, in these reports. So I can't answer that question.

Regina Jackson: Okay. You cannot?

John Alden: I cannot. I'm sorry.

Regina Jackson: Okay, no problem. I just want to make sure I was hearing you correctly. I sure wish there were ways, that we could get answers to these questions. But thank you, if you can't. This has to do with the rules around the investigation, correct?

John Alden: That's right. Specifically, the state laws that California has in place, that provides a high level of privacy for police officers, when they're named in these kinds of investigations. I should mention if it helps, that the level of information we provide per case here, is dramatically more than most other agencies provide. And I don't know that it helps people, feel any better about it. But I think it is fair to say that, Oakland is a real leader in providing a level of detail, like we do. I do regret that we can't provide more.

Regina Jackson: Okay. Thank you very much. It looks like Mr. Rouse, there might be one more person in the queue, or has that hand just been taken [inaudible 04:43:36].

Juanito Rus: One just went down, but there is one additional person in queue.

Regina Jackson: Okay. Please, move forward. Thank you.



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- Juanito Rus: At this time, I'll call Noah Bauston. Hello Mr. Bauston, can you hear us?
- Noah Bauston: Yes. Hey, can you hear me?
- Juanito Rus: We can hear you. You have one minute, whenever you're ready.
- Noah Bauston: Thank you. Yeah. So I just want to comment... Or it's really a question for Mr. Alden. When you were speaking earlier in that last section, you mentioned something about the K9 policy, in terms of how the canines are trained, and in what scenarios they're trained to bite, versus to restrain from biting people. And I'm just wondering if you could clarify, what is the current policy, for when the dogs are trained to bite? And where can the public find documentation, where that's written down regarding that? Thank you very much.
- Juanito Rus: Thank you, Mr. Bauston.
- Regina Jackson: Mr. Alden, could you clarify that answer please? Or the question, excuse me.
- John Alden: I can provide a little more detail there. The Oakland Police Department policy relating to canines, is found in appropriately BGO K-9. And that's available online, at the OPD website. So any member of the public, can take a look at it at any time. It's a little bit of a long order, so there's certainly a lot of detail we could talk about there. I think the main issue that I'm trying to highlight here is, that there is some question about, I think among those who handle police canines, as to whether or not you want to use them at all, to bite people.
- John Alden: There are certainly some who are of the opinion, that it's appropriate to have dogs actually bite, in order to apprehend someone who is dangerous, say a subject with a knife or a gun. And that it might be okay to have a canine bite somebody, if they refuse to come out from a place of hiding, when the police are trying to detain them. Those are both, as a general rule, lawful, at least under federal constitutional guidelines, about appropriate use of force. And there's a robust body of case law, about when dogs can be used in those two scenarios.
- John Alden: But just because it's constitutional to use the dog in that way under certain circumstances, doesn't necessarily mean that, that meets our community standards here in Oakland. In Oakland, it is currently permissible to have a dog bite, in either of those situations. But I think that it is a useful conversation for us to have as a city, as to whether or not, we think that it's really something we want police officers to do with dogs, or not.
- John Alden: An alternative in those situations, is to have a dog who is searching for someone, say who is hidden, at least alert their handler, that the person is there. And then, you could try to use other methods to get the person to come out. There are pros and cons to that. That could be a very long conversation, but I think that's the nutshell of the issue, that I think we should be thinking about here in Oakland.
- Regina Jackson: Thank you very much, Mr. Alden.



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- Juanito Rus: Madam Chair, since the time of the last question, two additional hands have been raised in the queue, including one member of the public, who already commented on this item. I don't know the best way to proceed.
- Regina Jackson: If they've already commented, we won't take two bites at the apple.
- Juanito Rus: Very well. In that case, there's one additional person. The last person in the queue at this time is listed as Chuck. I believe that is Ms. Anne Janks.
- Regina Jackson: Okay. Thank you.
- John Alden: Hello Ms. Janks, can you hear us?
- Anne Janks: Yes. My question has to do with these issues, that Mr. Alden are raising. I don't really see them reflected substantially, in the Ad Hoc's Use of Force draft. I know canines are mentioned, but there's also a separate K9 policy. I just wanted to know how much these observations are being reflected, in the Use of Force discussions that are taking place currently.
- Juanito Rus: Thank you, Ms. Janks. At this time, I see no further hands in the queue Madam Chair. I will return the meeting to you.
- Regina Jackson: Okay. Thank you very much. Mr. Alden, can you address that query?
- John Alden: Well, in part, I have not been to every meeting of the Ad Hoc, so I'm sure the Ad Hoc members would have probably something additional to say, beyond what I mentioned. I do know that the issue of whether or not we use dogs to bite, and whether or not tasers... and how tasers are used, are both topics that have come up. The specific vehicle question, might be one for a further, say sub-policy, like a training bulletin or [inaudible 04:49:33] events, or it might go well and say, policies around which uses of force are reported and then assessed.
- John Alden: I think, as the overall Use of Force policy is considered by the Ad Hoc, and then by the Commission, once we reach a final version of that, there will be a lot of sub-issues to consider, in ancillary policies like the K9 policy, the Taser policy, and Vehicle policy. And so, I think those conversations probably don't need to be heard now. I think once the Ad Hoc finishes the overall Use of Force policy, then maybe opportunity to drill down into some of those other ancillary follow-on policies, if that makes sense. But that's just my opinion, the Use of Force Ad Hoc might have a different perspective about that. At least a couple of those issues are going to come up in future drafts, as those come back to the Police Commission.
- Regina Jackson: Okay. Thank you very much. If there are no other comments, we can go to Item 13. Okay. In terms of agenda setting, I know that we have to agendize the September 21st meeting, the special meeting for the Police Commission. Are there any other items, that people want to make sure are on the next regularly scheduled Commission meeting, which would be the 24th? Commissioner Dorado?



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- Jose Dorado: Yeah, I'd like us to take a first look at OPD draft policy 15-01, that's been on the back burner for quite some time.
- Regina Jackson: Community policing?
- Jose Dorado: Correct.
- Regina Jackson: Okay, very good. Thank you. Commissioner Harris?
- Ginale Harris: Thank you, Chair. I would like to get an updated report on the Jason Ross' law firm, for the Bay case.
- Regina Jackson: Okay. Updates on... And Mr. Alden, can you help coordinate that please?
- Ginale Harris: I have not received an update Chair, on the Jonathan Vanderbilt case. I think the protests interrupted what we had going, but I would like some feedback or some report back, on where they are with the case, if that's possible.
- Regina Jackson: Absolutely, thank you. These are all excellent suggestions. Are there any other suggestions? I know that I will intend to make some recommendations, for the Commission to consider whether or not, we want to have an external after action report, based upon the demonstrations, given that the report that we got at the last meeting, was not as critically analytical as I would have expected. So I definitely want to put that on, but if there are no additional suggestions, we can go ahead to public comment.
- Juanito Rus: Thank you, Madam Chair. If any member of the public would like to comment on Item 13, please raise your hand in the Zoom queue, and you will be called in the order in which your hands are raised. At this time, I see four hands raised. The first speaker in the queue is Ms. Assata Olugbala. Hello Ms. Olugbala, can you hear us?
- Assata Olugbala: Yes. First and foremost on the agenda, the selection panel process, whether it was a fair ethical process. Put it on the agenda. Second, the case of Miesha Singleton. A report that specifically identify, why it took the Police Department four months, to acknowledge that there was a suspect, and any other aspects of that case, why it was hidden. Third, the process for which separate use for investigations. The process of how they go through investigations, all aspects of how that works, and the possibility of developing an identification of race, when you have a complaint. Thank you.
- Regina Jackson: Thank you.
- Juanito Rus: Thank you, Ms. Olugbala. The next speaker in the queue is listed as Chuck, I believe that is Ms. Anne Janks. Hello Ms. Janks, can you hear us?



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- Anne Janks: I'm sorry, Mr. Rousse. I promise by the next meeting, I'll unlazy myself enough to change the name. I would urge the commission to agendize, as rapidly as possible, what the process is going to be, for future policy development work. What was reported on this evening is that, there are some recommendations that have been provided to the Ad Hoc, that the Ad Hoc is going to discuss with OPD.
- Anne Janks: Neither the meeting nor the results of the meeting, will be made public, just a generic report without substantive information. And in fact, the recommendations from community partners, such as the ACLU and somebody else, also are not being shared with the community. So there could be an extraordinarily good recommendation in there, that the community would want to advocate for, but we'll never know about it. So I'd encourage you then to agendize, as quickly as possible, making some permanent changes.
- Juanito Rus: Thank you, Ms. Janks.
- Speaker 10: Holy shit.
- Regina Jackson: Oh my...
- Juanito Rus: Next speaker in the queue is Ms. Rashidah Grinage. Hello Ms. Grinage?
- Rashidah Grinage: Yes. Can you hear me?
- Juanito Rus: We can hear you.
- Rashidah Grinage: Yeah, here's a feel good story. So you may remember several months ago, you endorsed a juvenile diversion program called NOAB, and you heard from David Muhammad, who's leading that program. Wanted you to know that it is actually being implemented, that they have over 20 juveniles, that have been referred to them by OPD, that we've had several meetings with these juveniles and their families, and the program is going really well. And so, it might be informative for you, to get a status report from Mr. Muhammad at some point. It's not urgent, but I think it's something that you'll feel good about and proud, that you supported. Thank you.
- Juanito Rus: Thank you, Ms. Grinage. The next speaker in the queue is a telephone attendee, with the last four digits, 0501. I believe that is Mr. Jean hazard. Hello Mr. Hazard, can you hear us?
- Gene Hazzard: Can you hear me?
- Juanito Rus: We can hear you, whenever you're ready.
- Gene Hazzard: Yes. I'd like to associate myself with Ms. Olugbala's three recommendations, of the agendized item. And second, I'm having trouble with what Mr. Alden had mentioned, why they couldn't state the tenure of the officers, in that subject matter one and subject two. Because if they're rookies, I could see why there would be some inadvertent search and seizure. But for a senior



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officer, that's unacceptable. So why is that sensitive information? If Mr. Alden could give the public the response to that. Why is that precluded? That information request. Thank you.

Juanito Rus: Thank you, Mr. Hazard. The next speaker in the queue is Megan Steffen. Hello, Ms. Steffen, can you hear us?

Megan Steffen: Yes. Thank you. Hi, I just... Maybe not for the next meeting, but I do think it would be great if the Commission could, as you said in the previous meeting, get Chief Cespedes from the Department of Violence Prevention. I don't think it's so urgent, that it needs to be in two weeks, but soon would be good. Thanks so much.

Juanito Rus: Thank you, Ms. Steffen. This time, those are all of the speakers in the queue Madam Chair. I will return the meeting to you.

Regina Jackson: Thank you. Commissioner Harris?

Ginale Harris: Thank you, Chair. So I just want to clarify something for the record. There are certain members of the public that keep referring to, the public is not getting these documents, or there's nothing that's being reported out, when there are 10 agencies that were reported tonight, in a report out that is public, that have been having discussion and meetings, on the Use of Force policy.

Ginale Harris: When this process first started, the Coalition for Police Accountability, supplied this Ad Hoc with a full five pages of input, for the Use of Force policy. Which were, by the way, implemented in the policy, so thank you Coalition on Police Accountability. However, there is now a bigger process, where you can outreach to a bigger and broader community of folks, that you can give your public input as a unit, as a group. You don't give it directly to the Ad Hoc.

Ginale Harris: No one has direct access to the Ad Hoc, other than email, or through phone calls, or things like that. But we're not... There's not one certain group or agency, that is part of this Ad Hoc. So I wanted to make that very clear. Everything is transparent. Everything we do is being reported out, and I want to make that very, very clear. There are documents out there already, whatever we have, you have. So, that's what we have. Whatever you have, whatever's posted, that's what you have as well.

Ginale Harris: So, we welcome more comments. I did receive today, a draft of a Use of Force policy, that was created by the Coalition on Police Accountability. I do not know if there was any public input. I do not know if there was any process that was done, it wasn't reported to us or to anybody, that they were doing their own Use of Force policy. I was not made aware of that. But thank you for that, and sharing the document with the Police Commission.

Ginale Harris: But everything we are doing, is very transparent. These meetings are closed, because if it's made public, as I have stated on multiple occasions to the public and to everybody else, that if we open it up to the public, we will never get the work done. So we're just trying to come up with an



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outline. Nothing is set in stone with an outline, which is why we ask subject matter expert, ACLU to come on board, as we did with AB 392.

- Ginale Harris: So, they are coming to make sure that the law is being followed. I understand that some people believe, or claim, or state, that the police lie. However, I am a public member of the Police Commission, and I am not going to have no lying on my watch. So everything that is in this policy, is in agreement between two parties. So the Police Department, and I will be clear, they are not steering the Use of Force Ad Hoc, nor this policy. They are not.
- Ginale Harris: However, we have had a good experience in this Ad Hoc, in working together and making sure, we come up with things that we can agree on. So every time we do that, we share it with the public. And I will say for the record, every time we had a meeting, the Coalition on Police Accountability, was supplied with a copy of all of our updates. So for members to get on here, and say that they're not being shared with the public, I resent that, because I am doing nothing but sharing and being transparent.
- Ginale Harris: And it is only this [inaudible 05:04:51] agency, that believes we are not sharing, and I am sharing. Like I said, I got a whole five pages of input, and we have implemented their recommendations through Jim Chanin. Jim Chanin supplied the Coalition on Police Accountability's recommendations, and we implemented them, and they are in the policy. And everyone, the policy is public. So I just wanted to state that for the record.
- Regina Jackson: Thank you very much, Commissioner Harris. Let's move ahead to agenda Item 14, please. Can I get a motion to adjourn please?
- Brenda Harbin-Forte: Motion to adjourn.
- Regina Jackson: Thank you.
- Ginale Harris: Second.
- Regina Jackson: All right, Commissioner Brenda, Harbin-Forte. And Commissioner Dorado, can we vote?
- Jose Dorado: Yes. Let's vote.
- Regina Jackson: Thank you. But you have to say something.
- Jose Dorado: I third the motion.
- Regina Jackson: Very good. So thank you, that's a, "Aye." Commissioner Harbin-Forte?
- Brenda Harbin-Forte: Aye.
- Regina Jackson: Thank you. Uh-oh, I lost my attendance. Okay.



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Thomas Lloyd Smith: Aye, Commissioner Smith.

Regina Jackson: Commissioner Smith, thank you. Commissioner Anderson?

Tara Anderson: Aye.

Regina Jackson: Thank you. And maybe myself, aye. Okay, we are adjourned.

Ginale Harris: You forgot me, Chair.

Regina Jackson: Oh, I thought... Oh, I'm sorry. I thought you were... My apologies. Commissioner Harris?

Ginale Harris: Aye.

Regina Jackson: Thank you.

Juanito Rus: Commissioner Dorado, I believe.

Regina Jackson: No, I called on him.

Juanito Rus: Okay.

Regina Jackson: Thank you though. Commissioner Smith, did you feel like you didn't get heard? Okay, I've got an answer. Thank you very much. So, thank you very much. Excellent meeting. Still got a lot of work to do, and I'll look forward to meeting with you all in another week or two.

John Alden: All right everybody, have a good night.

Regina Jackson: Okay, be safe.

Juanito Rus: Take care everybody.

Regina Jackson: Thank you, Mr. Rus. Thank you, Mr. Alden.