



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT January 27, 2022

Commission staff: (silence)

When you're ready.

Chair Jackson: Good evening and welcome to a special meeting of the Oakland Police Commission for January 11th-

Commission staff: No, it's the 27th.

Chair Jackson: Oh, I really don't know. Okay. Thank you.

Commission staff: There we go.

Chair Jackson: January 27th, 2022. It is 5:30 and I'd like to call our meeting to order.

First, we are going to take roll call.

Vice Chair Miele

Vice Chair Milele: Present.

Chair Jackson: Thank you.

Commissioner Gage?

Comm. Gage: Present.

Chair Jackson: Thank you.

[Commissioner Harbin-Forte]?

Comm. Harbin-Forte: Present.

Chair Jackson: Thank you.

[Commissioner Howell]?

Okay. We'll come back to him.

Commissioner Jordan?

Comm. Jordan: Present.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Chair Jackson: Thank you.

Commissioner Peterson?

Comm. Peterson: Present.

Chair Jackson: Thank you.

[Commissioner Hsieh]?

Comm. Hsieh: Present.

Chair Jackson: Excellent. Thank you.

And I will circle back and we'll see about Commissioner Howell, but we do have a quorum.

Commission staff: Did Commissioner Jordan also join?

Chair Jackson: Yes. Yes. We called him.

Commission staff: My bad.

Chair Jackson: Thank you. No, that's all right.

Thank you. So we do have a determination of quorum. So now we need to adopt the renewal resolution that we've been adopting for several months now, allowing us to conduct meetings using teleconferencing in an association California government codes and the provision of AB-361. So if there are no questions, we can move forward to public comment on this item and then readopt.

Commission staff: Great. Thank you. Members of the public wishing to give public comment on this item, the resolution to continue working in Zoom, please raise your hands and I'll call on you in the order that you've appeared.

No hands Chair. Back to you.

Chair Jackson: Excellent. Okay. So we will go ahead and I move that we adopt the renewal resolution.

Is there a second?

Vice Chair Milele: I'll second.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Chair Jackson: Thank you. It has been moved and seconded. We had no public comment. We can take a vote.

Vice chairman, Vice Chair Milele?

Vice Chair Milele: Yes.

Chair Jackson: Thank you.

Commissioner Gage?

Comm. Gage: Yes.

Chair Jackson: Thank you.

Commissioner Harbin-Forte?

Comm. Harbin-Forte: Yes.

Chair Jackson: Thank you.

Commissioner Howell?

Comm. Howell: Yes.

Chair Jackson: Okay. And let the record show that Commissioner Howell is here at 5:33. Thank you.

Commissioner Jordan?

Comm. Jordan: Yes.

Chair Jackson: Thank you.

Commissioner Peterson?

Comm. Peterson: Yes.

Chair Jackson: Excellent. And yes, for myself. So we are unanimous in the adoption of the renewal resolution.

Let us move forward to the next agenda item, which should be public comment on closed session. So back to you, Rania.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Commission staff: Thank you, Chair. Members of the public wishing to give public comment on this item, closed session, please raise your hand. I'll call on you in the order that you've appeared. I will also start [inaudible].

First up, Ms. Olugbala. I see you, I've unmuted you my end, when you are ready.

Assata Olugbala: Thank you. Commenting on the Kilpatrick versus the City of Oakland. It's vicious how, in my opinion ... how the former chief is making accusations of abuse of power of the police commission, looking for special favors by the police commission, illegal requests for personal records and a number of other things. This is a form of retaliation for her just firing for which only the mayor could have confirmed that that firing should have happened. So this is going to be a struggle. I hope it doesn't go on for too long and this matter will be cleared.

The review of the performance evaluation of the director, related to the community police and review agency, I continue to uplift the fact that this agency is not performing where we are getting results. How can you have tonight on your agenda 43 items, the use of force being cleared as far as ending the cases of use of force and all of them unfounded, exonerated, not sustained? And this happens every time you get a report from this body related to use of force complaints.

I could probably count on one hand, since you have been in place, how many times they have found ... You mean, why are we still under the NSA, which is primarily about racial profiling and use of force. We could go to the judge and say, "We have evidence of no use of force. Get us out of this 19 years of being under this federal mandate." It's ridiculous that this body can produce evidence of use of force.

Commission staff: Many thanks, Ms. Olugbala.

Next up, phone number ending in 1779. I have unmuted you my end, when you're ready.

Mary Vail: Yes. This is Mary Vail and I'm commenting only on the Chief Kilpatrick lawsuit and the council update that you're going to be receiving. Her performance in retrospect was atrocious, and even though this was a quote, no cause termination, there was plenty to terminate her from. And she basically ... in her last months, gave the finger to the federal judge when he asked her, "Why are you falling out of more, you know, and more compliance tasks and what you back from improving that?" She said the bad media narrative, blaming it on the public and the media.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

She created an atmosphere of total non-accountability amongst the ranks. She had the press conferences where she basically put out a bunch of lies and spins and that blamed the monitoring team for her termination. And you know, this is somebody who inflicted a great deal of harm on the community and fought oversight from the police commission.

So this is not an easy case to settle and you should not be giving her any settlement, you know, maybe other than token severance compensation, which she refused, to conduct her continued war on oversight and on the community. Thank you.

Commission staff: Thank you, Ms. Vail.

Chair Jackson, that's all we have for public comment right now.

Chair Jackson: Okay. Thank you very much.

We are now going to adjourn to public comment and we anticipate that we will be back at approximately 7:00 PM. Is that correct, Rania? Do you have it up there?

Commission staff: That's right.

Chair Jackson: Okay, great. So for those of you who might want to do something else, please check back. Our goal is to be back and reconvene our meeting at 7:00 PM.

Thank you very much. Commissioners, we'll see you on the other side.

(silence)

This segment could not be transcribed due to issues with the source file.

Chair Jackson: It is now 7:21. We're going to call the meeting back to order and redetermine a quorum. Vice Chair Milele, are you here?

Vice Chair Milele: Present.

Chair Jackson: Thank you. Commissioner Gage is absent. Commissioner Harbin-Forte.

Comm. Harbin-Forte: Present.

Chair Jackson: Thank you. Commissioner Howell.

Comm. Howell: Present.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

- Chair Jackson: Thank you. Commissioner Jordan.
- Comm. Jordan: Present.
- Chair Jackson: Thank you. Commissioner Peterson.
- Comm. Peterson: Present.
- Chair Jackson: Thank you. Commissioner Hsieh.
- Comm. Hsieh: Present.
- Chair Jackson: Thank you. And I am here and we do have a quorum. So thank you very much for your patience, community. We have no reportable items from closed session and we are going straight into open forum now. Thank you, Rania.
- Commission staff: Thank you, Chair Jackson. Members of the public wishing to make public comment on this open forum part one. Ideally on things not on the agenda, but still relevant, please raise your hand and I'll call on you in the order that I see them. I will also get us started with our little timer. First up, phone number ending in 5802. I've unmuted you. When you are ready.
- Saleem Bey: Yes. Good evening. It's Saleem Bey. I pray my detailed California Senate bill 16 email and attachment has reached the Oakland Police Commission and that it will be posted for the public to see clearly the cover up of racial and religious profiling in the Ross investigation by the city of Oakland. There is credible evidence of OPD undercover officers using racial and religious animist profiling to set up black on black violence resulting in Oakland murders, including black journalists, Chauncy Bailey. The mayor's Chair Jackson is derelict of credibility to lead and should have stepped down last year after her term was up instead of still blocking progress. Still nothing on the agenda about racial profiling committee, even after OPC Harbin-Forte inquired. That doesn't matter if you read Measure LL, the law, it states, "Investigating OPD profiling is mandatory for the OPC." Profiling was found by the Ross investigation of the Bey cases, and it recommended that the cases be reopened and investigated.
- Nothing on the agenda about sending the Ross report to the IG officials. Has it been sent or not? Curious minds want to know who's going to show up at the public safety committee meeting where the Ross investigation is on the February agenda. Nothing on the agenda about the Ross report being sent to the NSA court based upon evidence of racial and religious profiling crime that most of you, sitting on the virtual DIAs, have heard with your own ears. Failure to act means ignoring facts. Ignoring facts is irrational. Irrationality is the basis of human bias and racism. Thank you



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Commission staff: Many thanks Mr. Bey. Chair Jackson, that's all I have for public comment.

Chair Jackson: Thank you very much. Let's move directly then to the update from the Police Chief, Chief Armstrong, or is one of your deputies responding to us? I'm uncertain. Oh, there you are, Chief. Thank you.

Chief Armstrong: I'm here. Good evening, Chair.

Chair Jackson: Good evening

Chief Armstrong: Good to be back. Good evening to other commissioners. Today, I'll start off with OPD, speaking of our current staffing. Currently, the department is staffed at 684 officers. Currently, we're authorized to staff up to 737. 187th academy started in December. We currently have 37 trainees in that academy. We started with 39. Our 188th academy is expected to start first week of March. We estimate that we'll start that with 33 new police officer trainees. So the department is continuing to try to grow and continue to hire to grow the number of officers focusing on local candidates, as well as our pipeline from Merritt College, as well as the potential for hiring officers outside the area, including some of our recruiting staff that will be going out to some historically black colleges doing some recruiting events there, as well as attending most local job fairs around the Oakland and east Bay area.

So as we continue to try to grow and take advantage of the additional academies that were provided to us by the city council, we also are seeking to speak with officers internally, trying to better understand how we can retain officers as we work with the council to try to come up with a retention strategy. The most significant issue that we've been facing in 2021 was the resignation of officers leaving a department. Officers in between five and nine years, which is not the typical time in which we would see officers leave the department because they are so far from retirement. And they'd also been at the department for a short period of time.

So we're working with the council to try to find any ways in which we can put a retention plan together to hopefully retain officers as we, as a department, compete with other departments across the east Bay, who are all seeking to hire right now, as the Sheriff's department seeks to hire 300 officers, the Hayward department has hired several of our officers, as well as the Alameda police department and the Concord police department has been the primary departments that have taken advantage of recruiting of OPD officers.

In terms of the negotiated settlement agreement, earlier this month, the department did go in front of Judge Orrick and his CMC where we did get some positive feedback, as well as some additional work that needed to be done by



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

the department. Most specifically, the judge requested that three particular policies be prioritized by the department. Those policies are one, our risk management policy, which is currently a department is working on and also working with the independent monitoring team for a review of an internal draft. Our social media policy, which is with the police commission in an ad hoc.

And lastly, our racial discrimination policy, which is also a draft policy that is going through the IMT review. So the three policies that are expected to come back before the judge on April 27th are the ones that we have put as priorities. And we have communicated that with the chair, Chair Jackson, as well as Vice Chair Milele about these particular policies. And there is a path towards, I believe, getting those complete and hopefully brought before the entire police commission prior to us going back to court, hopefully, I want to shift over to crime. I won't spend a lot of time because I have given the preview and I know it's late. We have started off the year, unfortunately, we have seven homicides so far in the month of January. This same time last year we had 12. So it is a decline, but obviously seven homicides within 27 days is still higher than we would like to see.

So we continue to focus on gun violence. We continue to make that our priority. We have been recovering several firearms since the beginning of the month. And as you see right now, most of the crimes for the month of January are trending down, but we still continue to see a significant influx of firearms in our community. One of the news briefings that I placed into the packet was one of the seizures that we had along the international corridor on the .19 area, we continue to face challenges with these makeshift illegal casinos. We have been receiving multiple community complaints. We have responded to robberies and shootings in and around these particular casinos. And this is probably the sixth or seventh casino bust that we've made over the last three to four months. And as you see in the photo, recovered in that casino was multiple weapons, including rifles, including narcotics, and several other gambling machines that was inside this illegal casino.

So that is one of the challenges we'll continue to work with. It is driven by community complaints and we're doing our best to address it. Also within the package, you'll see a couple of our missing persons news briefings that we've sent out. Each one of them have been safely located. And so again, we include them just to ensure that police commission and others that have worked so hard on a missing person policy, know that we are continuing to use our social media channels, as well as our news release outlets in order to actually safely locate the individuals when they're missing. Currently, we are in the progress of working on our new sixth district plan. Our sixth district plan went into effect on January 22nd, which was basically shifting from a five area plan to a six area plan, bringing in 48 additional officers into east Oakland.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Essentially what we did was look at the call data across the city, and we recognized that nearly 60% of calls for service were actually coming from east Oakland in the BFO two area. So essentially what we've done is actually distributed our resources in that way dedicating 60% of our police resources, patrol resources in particular, to east Oakland and 40% to BFO one. That doesn't mean that there are new police officers that we've hired or that we are adding to the field. We've essentially made sure that call distribution had a direct correlation between the resource allocation. And so we have allocated the resources across as the city. We hope that that has an impact on our response to calls for service, our ability to be more proactive in the community in terms of deterring crime, and then also have an additional community engagement. So with that, I will submit my report and take any questions that commissioners may have.

Chair Jackson: Thank you, Chief Armstrong. I do have several questions. One is actually from, I want to say the last meeting or maybe two ago. Can you describe your strategy using Merritt College as a recruitment focus? I think I remember that you talked about the athletic department and there was some concerns raised by community about why athletic, but I don't think we had an opportunity to have you address what your thought process was behind that.

Chief Armstrong: Yeah, so there's two programs that we partner with. Our first partnership is with Merritt College's public safety program. And that is out of their criminal justice program for students that are studying criminal justice and going through a series of courses that would prepare them to enter a career in law enforcement. And that is a pathway into the department. We have several of our members of our department that are actually instructors on that team. Our recruiters are able to go up to Merritt College frequently and meet with potential candidates, be able to provide information, and help them prepare for upcoming tests. So Merritt College is our main pipeline and that's where we've hired several of, not only our cadets, but also our police officer trainees. Laney College is another partnership that we've taken on with Coach Beam, who is the athletic director for Laney College, who asked us to begin to come and do recruiting around the entire athletic department, as well as Laney College.

So it's not just limited to the athletic department, but what he has is over 100 some odd athletes that some of which are local athletes from Oakland, several of the students are from Oakland, have ties to the community and also are interested in criminal justice or potentially taking on a career in law enforcement. And so we have agreed to that partnership, have a presence around the athletic department, have been meeting with students as well as setting up recruiting booths at athletic events and things like that, where all students can take advantage of a career opportunity at OPD.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

- Chair Jackson: Thank you very much, Chief. I'll come back with another question, but Commissioner Harbin-Forte has her hand up.
- Comm. Harbin-Forte: All right. Good evening, Chief. Thank you for your report. One question and one of my favorite topics, what are the next steps on the juvenile Miranda process and procedures?
- Chief Armstrong: So we are planning to have a follow up meeting. We haven't secured a date with the public defender, but that is in the plan. So far, there has not been any follow up complaints, if you would, from the public defender's office, since we've made the internal changes that they've asked us to make. Chair Jackson has made herself available to the Public Defender Woods in case there was any issues. I'm not aware that he has communicated that there was any issues and I don't believe from my staff that any issues have come up from staff about following those new requirements around Mirandizing juveniles with public defenders present and on the phone. And so that's been something that we've been practicing since that agreement, and there has not been any additional follow up meetings, but we do plan to allow it to work for a couple months, just to see if we can gather enough data to have some substantive discussion about the potential impacts or if any impacts, because I do think we want to examine the effectiveness of our investigations based on this.
- Comm. Harbin-Forte: Excellent. Thank you very much.
- Chair Jackson: Vice Chair Milele.
- Vice Chair Milele: Thank you, Chair. Hey, Chief. I was wondering if you could provide some data around response times, not necessarily at this meeting, because I didn't ask for it before, but I am... Everybody knows that it's taken a while to get reports written to get police service. And I was hoping we could sort of get real time data each meeting to see if that's improving or worsening over time.
- Chief Armstrong: Yes we could give it. It's been a challenge to be quite honest, to get accurate response time data. We are going through an automated dispatch upgrade right now called a CAD upgrade. The city invested several million dollars and now we are in the final phases of that upgrade, which will improve our technology. Our current technology at our dispatch center is about 25 years old. And so this new technology that's taken us about three years to actually get integrated has been a challenge and it's going to take some significant training. So we were supposed to start training and upgrade transition to that system in the month of January. But COVID has had a significant impact on staff as well as some training staff related to that.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

So it was pushed back about a month. So we'll start in mid February with that transition to that new CAD Motorola system, which will be an improved system, which will provide, I think, more accurate data on response time, but we can pull what we have now and try to get you what we have now based on this Hummingbird software that we use, that's severely outdated, but it'll give us approximation, if you would.

Vice Chair Milele: Yeah, that could help us benchmark and you'll be able to tell if the new software is actually an improvement.

Chief Armstrong: Okay. No problem.

Chair Jackson: Chief, I know that you talked about the SMC and the policies that we are in the process of working on. I would like to talk with you about getting the anti harassment ad hoc working while you are working with the federal monitor, because we have been hearing comments from the community about just kind of taking the already baked work with the monitor and not getting in on the ground floor to do policy development. So I would like to get that ad hoc started because obviously we have three to get through by April 27th. We've already gotten started with our social media and I feel confident that we will be able to complete all three, but we can talk tomorrow about launching that within the next week or so, so that our commissioners can start getting in the weeds of the policy at the same time. Okay?

Chief Armstrong: Yes, ma'am. No problem.

Chair Jackson: Appreciate that very much. Thank you. That'll be kind of going back to the parole and probation policy development that started on the ground at the same time.

Chief Armstrong: Yep. Got you, ma'am. No problem.

Chair Jackson: Thank you. And did you say that Alameda... The city of Alameda is taking some of our officers?

Chief Armstrong: Alameda is offering a pretty hefty sign-in bonus for those officers that choose to lateral over, if you would. And that bonus goes as high as \$30,000. And so, pretty competitive. And so we recognize that our former deputy chief who I call a friend, is saying that he is not intentionally recruiting, but his advertisement is alluring.

Chair Jackson: Oh, he accidentally alluring. Huh? Okay. We're going to have to have some back channel conversations. That's fine. Thank you. And Commissioner Harbin-Forte.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

- Comm. Harbin-Forte: I was just going to make a comment about Chief Joshi over there. Our former friend. Okay then, stealing our people. All right. Thanks, now.
- Chair Jackson: Thank you. I don't see any other questions from the Commissioners. So we can and go to public comment on this item, Rania.
- Commission staff: Okay. You got it. Members of the public wishing to make public comment on this item, the Chief's report, please raise your hand. I'll call on you in the order that they've appeared. First, I'm going to get our little clock back. Give me just a second. Okay. Here we go. Thank you for your patience. First up, phone number 5802. I believe that is Mr. Saleem Bey, when you're ready.
- Saleem Bey: Yes. Good evening. Saleem Bey. My question for the Chief is, how long has east Oakland been the highest call area? Is this something new? And if it hasn't been new, why hasn't it been a reaction beforehand? Also, my question then is why hasn't OPD Chief addressed the fact that the murder and the attempted murder investigations associated with 13 1062 have been found to be incomplete? The fact that my brother's case files, [inaudible] case files were stolen by a former officer and taken off of property for over 10 years and no investigation has been done today, nobody has contacted us since you've been the Chief to follow up on these investigations. You haven't done anything, right?
- Also, I want to say that any new recruit that you bring into a corrupt system is going to make them polluted. They're going to be... If you put good apples in a rotten barrel, they will be rotten also. The fact that NSA has failed... I mean, OPD has failed in the NSA for 20 years while the chief has been in leadership for a large percentage of those 20 years says that the chief is not the person to do it. All the people who he has in leadership are not the people to do it. And until you change the leadership of O P D, you won't have any reform. The fact that city manager Landreth ran the OPD means that a civilian can run OPD. And that's what we're advocating for. No chief. A civilian oversight of OPD and who answers to the people and who don't answer to a code of gang blue. Thank you.
- Commission staff: Many thanks, Mr. Bey, for your comment. Next up, Oscar Yassin. When you are ready, Mr. Yassin, I have unmuted you on my end.
- Oscar Yassin: Thanks. Can you hear me?
- Commission staff: I can. Go ahead.
- Oscar Yassin: I have two questions for the Chief that I hope the chair will facilitate being asked because it would benefit the public. The first question I want to ask is I have been trying to get data through a public records request about the number of sworn officers who are vaccinated. Those who chose to apply for religious



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

January 27, 2022

exemptions and other exemptions from this city. And the city keeps telling me they do not have this data. And it just makes sense that that's not true. There must be data of the sworn officers because the sworn officers can get fired. So there has to be someone's writing it down somewhere. That's something the police commission could ask, because this information hasn't been aggregated in the total from the police department. It's part of the bulk, which includes non-sworn officers who don't interact with the public. So that's something I hope the police commission will ask for.

The other question is I just don't understand why with such a crisis of under staffing, that the police chief has complained about for over a year and blamed on counsel for not funding, why this idea of using good practices about allocation of officers never came up. People were dying, according to Mr. Armstrong, people were dying due to under staffing and no one ever mentioned allocating officers in a more intelligent way. That is criminal if the case is that under staffing was the cause of the increased homicide rate in Oakland. And I think the police chief, rather than be proud of that, should answer a lot of questions about why it took a year and a half of complaining about under staffing and under budgeting to do it.

Commission staff: Thank you, Mr. Yassin. Is that it? Okay. Thanks so much. Chair Jackson, that was the last of public comment.

Chair Jackson: Okay. Thank you very much. So Chief, I think that it would be helpful to respond to east Oakland and the level of violence. And I think that you can probably also address the reallocation of staff, which I believe you have been doing based upon the intelligence led policing. So if you can speak about that and I don't know if you can address vaccination exemptions. I don't know if that's a confidentiality thing, but if you can try and address those three things, it will be great.

Chief Armstrong: The first thing I'll say is that the department itself does not collect the vaccination data. That's collected by the city. The city runs that entire vaccination process. And so if there's any data to be provided, it would come directly from city risk management.

The second thing is, is that essentially when I took over as Chief, obviously we had a 35 B configuration for many years and we had been in a five district plan for many years. And I had gotten several complaints from community members, as I've talked to community groups across the city, about the number of officers in East Oakland versus the call ... in East Oakland and in West Oakland. And then the difference in call volume. So what we did over several months is actually monitor the call data, and we looked at the continued significant disparity in calls coming in into East Oakland. We also looked at the violent crime data, that



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

East Oakland represented the largest percentage of homicides in shootings. And so I made the determination that when we do our yearly draw, which is by MOU, we can only move and shift these resources around once a year. Because an officer, once he or she draws for that beat, per their contract, they are locked into that particular assignment for the entire year.

So I took advantage of when that draw time, which came in November, to reorganize the beat distribution to make sure that the resources were being distributed to where I seen the data say that the vast majority of calls, over 60% of the calls, were coming from. It is, you know, some of it is contractual. Some of it as us minding the data. I'm not saying that I'm any smarter than any other Chief. I just think with years of experience, I came in under a six district plan. Me and staff and others began to look at how we could make certain districts where we seen less calls, smaller, and use less officers in those districts. Making those districts a little bit smaller, and then shifting the additional officers out to East Oakland. And that's what we did essentially is 35 beats.

But instead of East Oakland started at beat 23, and now it starts at beat 20. But that also allows us to split. Instead of having two districts in East Oakland, I was able to turn it into three districts in East Oakland. Three districts with eight officers in each squad means that even though it's only five beats per district, you get eight officers in each squad. That means there's three additional officers in each squad that can not only respond to calls, but also fill in to positions when officers are off for leave or all of the COVID related issues we've been trying to manage. Those officers can fill into vacancies and things of that nature.

So it is a much more nuanced discussion about the movement of resources, but that is the genesis of why I decided to make that shift, that organizational shift. And I want to be clear. I've been Chief since February 8th, so it hasn't quite been a year yet. And so I made these changes within the first year. And so it just took time to get to this point.

Chair Jackson: Thank you very much for that context. Commissioner Hsieh?

Comm. Hsieh: Question through the chair then, based on that report is, Chief, what will you be looking at the end of the year to know that this is something that is working or something that you're going to keep?

Chief Armstrong: I think the most important thing is response time. I think, to Vice Chair Milele's point, monitoring if we're seeing improved response times, if we're seeing less open beats, meaning that we have enough officers to cover beats every night. Seeing if we have an impact on violent crime and crime in general, because they're more resources out there. Seeing if we can actually be involved in more community engagement events across DP, East Oakland.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

We are already are beginning to see lower call count numbers. And so typically, what we had seen for several months is that we have far more calls than our officers could respond to. And at some point it would go, it would reach over a hundred calls standing, which would place us in what we call no report status, meaning that officers can only go to priority emergency calls and would not be able to take written reports. Since we shifted these resources, we're seeing less calls standing, and less days where we're forced to go into no report status.

And so I think those are the things we'll continue to monitor over month-to-month to see if there's a decrease in those areas, to see if there's an improvement. You know, so far ... But it will depend on obviously attrition, the number of officers that are leaving. And as we grow the department, we'll be able to put even more officers in patrol to fill those squads out completely, because some of them still have some vacancies. And so once we are able to fully staff all of those teams, I think we definitely will see an improvement, because there'll be significantly more officers there to take calls.

Chair Jackson: Good for you. Commissioner Hsieh? All right. Great. Thank you.

I do not see anymore hands raised. So LeRonne, why don't we go to public comment, please?

Commission staff: You've actually had public comment on the Chief's report.

Chair Jackson: Oh. [crosstalk].

Commission staff: Ready for the next item? No worries.

Chair Jackson: I'm sorry. Yes. So thank you very much Police Chief. Sorry about that. And yes, we will move to the next item. Number seven, which is CPRA pending cases and investigations. Mr. Alden?

Dir. Alden: Thank you madam Chair. We actually have three different [inaudible] items on tonight. This agenda item and the next two. And I'm hopeful that we're able to save some time and space for the third one, about the request for proposals. So I'll keep this report of the next one, shorter.

This is the monthly report with respect to CPRA pending cases and completed investigations, among other things. We have the usual pending case list here and sustained ... Sorry, closed case list, some of which are sustained, attached. I do want to touch briefly on a topic that came up at our last meeting.

We had talked about ways to improve the closed case report to give more detail about these closed cases in the same way that we would in the annual report,



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

say by giving statistical information about the sorts of people who are affected, rates of closure on different kinds of cases, and the like. We are working on that. That's going to take some time with IT. They've been helping us automate this report. This current one is actually done by hand. And so we are looking to have that automated, which will make it easier to get that kind of data in there. But we weren't able to do that for this report. We'll continue to work on that, because we agree that that's a good idea.

I do want to flag though that one concern we did have there is if, amongst the material we'll be providing to you, would be sustained rates in a given month. And I think it's important to understand that we simply cannot evaluate the work of any oversight agency, or any internal affairs division, based solely on sustained rates. And I don't want us to inadvertently give that impression to the public, or to anybody else like an arbitrator who might be looking at our work in the future and assessing whether we're biased or not.

We don't assess courts based on how often the cases in front of them come to reach a conviction, say. And it's for that same reason, with processes like this one, it's important that we don't evaluate the system based on what result is reached, but on how promptly it's reached and the quality of the work that's done in regards to reaching that decision.

We had some conversation in our meeting in December, December nine, about how we would be able to show the public that the quality of the work is high. And we'll be talking about that a little bit in our next item, item eight, about making sure the commission has access to materials. But then in addition to that, I want to flag that we continue to be rolling out more and more cases. One can actually see our investigative work, because of SB 1421. And those are available at NextRequest, which is the city's website for public records act requests.

And as we talked about previously, there's a strong example in there of our work. It's at NextRequest, number 19-1146. It's described in our December agenda packet in a little more detail. And that's a case that I think is exemplary of the kind of work that we continue to do at CPRA, where we sustained some allegations, IAD did not. And they were particularly troubling use of force by a dog against several different men. So we would continue to hold that up as an example of the quality work that we do. And we hope that continues to be the metric by which our work is judged.

So that said, we are going to continue to work on getting you more detail in the closed case report. And so I'm hopeful as we're able to perfect those systems, that we can bring that to you in the future. I'm going to stop there because I want to give you more information on the next two items about those in a little



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

more detail, and see if commissioners, you have any questions just about the closure reports, and the pending cases.

Chair Jackson: Thank you very much, Mister Alden. Commissioner Harbin-Forte?

Comm. Harbin-Forte: Thank you, madam Chair. Director Alden, the completed investigations reports. We have had questions about why there are so many exonerated and not sustained use of force claims. And I've been on the commission for about 18 months now, since July of last year. And I have to ... I'm growing more and more concerned about the number of use of force allegations that are being made, and the number that are being exonerated and not sustained. And I'm not quite sure what is going on, granted you can't ... I mean, there's not always a fire when there's smoke, but it does seem to me that there may be a fire somewhere. And I'm wondering if we really are doing ... How we're getting to the exonerated. I know Miss Olugbala and others have raised their concerns about the number of exonerated and not sustained allegations.

And I'm wondering, and I was thinking about this as I was getting ready for the meeting and I was reading the agenda items yesterday. What could we do to have some kind, even audit, or any kind of report where we could even try to find out, or figure out, what these allegations are? I guess again, I just, I'm really trying to figure out what it is we can do. This is very troubling that month after month after month, there seems to be all of these bogus claims of use of force, if we just look at the report.

So I'm wondering, I'd like more information on really how we get, or what we could do to sort of have some oversight on how we're doing it. How many ... I even think about, what could we do in terms of are these repeat offenders, so to speak, in that these are the same officers who are getting these complaints? Is there any way of tracking these complaints of use of force by officer? Is there anything internal where there could be a report given that said, officer A has a hundred use of force allegations. Officer B has 10. Officer C has three. Officer D ... I don't know. I'm kind of rambling, because I'm trying to figure out what we could do. But it is troubling. And do we have any way of cross-checking the officer's names against, the officers rather, against the allegations? What-

Dir. Alden: Well, [inaudible] that's a lot of questions, but I'll try to answer them sequentially. A couple things. One is, I want to stress again how important it is that we never, never equate sustained rates with success. Those two just have nothing to do with each other. And it's really essential that we maintain messaging about that consistently with the public, because we will absolutely be reversed in arbitrations if we are perceived as trying to get to sustained solely for the sake of increasing sustained rate. Just as say, you know, a court would



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

never be judged by how often the cases in front of it result in a conviction. We just can't do that.

There are many other things that we can do to show that the work is of quality. You've asked, well, should we be concerned that a number of cases end up being exonerated or not sustained? Not by itself, no. If we never had sustained cases, and we never had exonerated cases, either one of those two outcomes would be aberrational. But the rates at which we see sustains here are not that different from other places that have strong civilian oversight like San Francisco or Los Angeles, or other cities of that sort that have managed to have effective oversight systems. So I don't think there's anything about the rates at which we're seeing these that suggests anything outside of the ordinary, for strong oversight systems that are successful in holding officers accountable.

In terms of being able to double check the work, it's important to note that SB 1421 does not allow us to make the exonerated cases public. It's just not the way that law is written. And some of the changes that came in this year do not allow us to do that either. I don't agree with that law. I continue to advocate that it should be loosened up. I do think that when people had opportunity to see some of these, Say exonerated cases, that would increase their confidence in the system. But we can't do that right now.

The next item we have on, item seven, is a ... Sorry, item eight, is an opportunity to create a process for you as commissioners to see any of these cases if you wanted to. You couldn't share them with the public, but you could see them yourself. So when we get to the next item, assuming that the commission approves that, that'll create a process by which you commissioner, or any of the other commissioners could say, "Hey, I'd like to see case number 27. It was an exonerated use of force case. I want to understand better why that reached an exonerated finding." And you could do that.

In addition to that, you now have an inspector general. We spent a lot of time and effort last year hiring an inspector general, in part because the inspector general can audit CPRA's work, has access to the files, unlike the public, and can look through those to let you know, if you think the work is of quality or not.

Now, I don't mean to over-commit our new inspector general, Ms. Phillips, because I know she has a lot of tasks to do. And I also recognize it's up to the commission to set priorities for her. That's not up to me. But that's certainly something you can be in discussion with her about, about how to do that work and how you might like to see it prioritized and what questions you might have about CPRA work. She's already able to sit in on the meetings we have of the Chief of Police about sustained cases to see how we work on those, and she's been to several already. So she's available to you, as commissioners, to give you



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

some feedback. And over time, perhaps she'll be able to figure out some ways to speak to the public about her impressions in that regard, both as to IAD's effectiveness and also CPRA's effectiveness.

So those are a few mechanisms that we have. And that's one reason why I'm glad we have item eight on tonight, the next item. So we can get that process moving forward, so at least you as commissioners have more access to these cases.

Comm. Harbin-Forte: So if I understand you, in terms of the exonerated and unfounded report, it is not unusual in other of police agencies for there to be a 99% exonerated, unfounded [inaudible]?

Dir. Alden: Oh, I want to be clear. We don't have a 99% exonerated rate. That's not the case. In any given month, you might see that. But any given month is a really small sample size. You know, for example, in the protest cases-

Comm. Harbin-Forte: Exonerated and unfounded, those two combined.

Dir. Alden: We do not have a 99% rate. That's just not accurate, respectfully. You might see that in this month's report, but that is only one month out of an entire year. And in that regard, that's not unusual at all. So as an annual, we tend to take those numbers on an annual basis. And in that regard, we're definitely not at that point. You know, for example, we had 35 sustained findings for excessive force, just out of the protest cases alone from 2020. So we're routinely sustaining use of force cases. But if you're thinking that the rate of exonerated findings is higher than you might have expected, that's an indication that officers are actually complying with the use of force policy. Which is a good thing.

Comm. Harbin-Forte: Yeah. And I certainly want to believe that. And I think that the protest cases are sort of in a class by themselves.

But in terms of what we look at from year-to-year, does your annual report give us a breakdown of how many investigations and then the percentage that were use of force only? If we look just at use of force, how many were there were between ... In the exonerated and unfounded category, what percentage of those fall into the exonerated and unfounded? As I look at this report, for example, I think it seems to have been pretty typical, the use of forces here, a hundred percent. Isn't it? And again-

Dir. Alden: Well, I'm looking at our 2020 annual report, which is on our website right now. And in that one, we had a 2.4% sustained rate on use of force allegations in 2020. Which when we compare to say San Francisco, theirs was 5.7%, and San Jose was roughly 5%. Actually, pardon me, San Jose's was 0%. And both of those



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

two systems have strong civilian oversight. So, you know, in that regard, it's usually a very small percentage, but it's not zero in our system. It is in San Jose. It's not in San Francisco. So I think those are solid comparison points against which to compare.

It's also important to understand commissioner that when we look at use of force allegations, when we have a complaint come in and there's any use of force at all, we'll look at every single use of force in that case and consider every moment the officer used force as a separate allegation. And so we might see an officer do three things and conclude one of them was excessive force and the other two are not. Now that would sound like a one third sustained rate, but it really means the officer was sustained in that case, which you could also see as a 100% sustained rate. That officer did wrong in that case.

So it's important to understand that when we at use of force cases, we're looking at the use of force moment by moment by moment by moment. And so any given case could have four or five, six uses of force by an officer, each of which we're assessing separately.

Comm. Harbin-Forte: Okay. Okay. Other people may have ... I don't want to prolong. Thank you, madam Chair. I'm still trouble. I still have questions. I have something to say, but I'm good.

Chair Jackson: Well, we have work to do to figure that out.

Comm. Harbin-Forte: Yes. All right. Thank you. I'm good. Thank you.

Chair Jackson: Commissioner Peterson, followed by Commissioner Hsieh.

Comm. Peterson: Thank you, Chair Jackson.

I too am unsettled, and at this point dissatisfied, with a response that says that there is virtually nothing we can do to push the envelope more on transparency about how decisions are made and why they are made that way. And for you to say, "Well, it's in our annual report." I would like to see you come to the commission with a more granular report about use of force, or racial profiling. And the public is asking for this and for us to be an integrity, I feel with our role as oversight, I think we need to come with that to the extent that we can. And I'm thinking that we are falling short there.

And so I know that there are parameters around what can and cannot be released. And I respect that, that's by law. But I think we could do something better in terms of not releasing names or any identifying information, but what



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

the allegation was, what the complaint was about, and whether it was or wasn't sustained, and why. So, that's my thought on it. Thank you.

Chair Jackson: Commissioner Peterson, we're going to be sitting with Mister Alden to try and figure out how we get at that.

Comm. Peterson: Thank you, Chair.

Chair Jackson: Absolutely. Commissioner Hsieh?

Comm. Hsieh: Thank you, Chair. And thank you for your report, Director Alden. Couple of questions. Number one; are we getting to the point of cases and complaints where they fall under the new use of force policy?

Dir. Alden: We are just now.

Comm. Hsieh: [crosstalk].

Dir. Alden: We only started getting complaints of that sort in the last say week or so.

Comm. Hsieh: Okay. And so that would mean that for any complaints under the new use of force policy, they would be fully investigated in some sort of finding by within six months to a year?

Dir. Alden: That's right.

Comm. Hsieh: Okay.

And then the next part that I might ask is, there are generally, at the end of these reports, some policy recommendations or some recommendations to OPD. Are those transmitted directly to OPD, or just in the report that we have for commission?

Dir. Alden: Those are sent directly to OPD inside the context of each case in which we reach those policy recommendations. So we give to the Chief of Police, both a report, but also detailed information about policy recommendations. The case I was mentioning earlier, that's on NextRequest at 19-1146, has examples of that. So the public can see how we provide those policy recommendations, usually at the end of the report.

Comm. Hsieh: So generally how I sometimes, because I don't have access, and we'll be talking about access at some point, is to get some idea about the flavor of, and the underlying circumstances are, to kind of sometimes look at these policy recommendations, to give some sort of suggestion as to what is going on. I



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

know that that's not your intent and try to release information that you can't, but in that's one of perhaps CPRA's clues as to what sorts of things need to be looked at or addressed. I see some policy rec ... Actually a recommendation to change policy language in one of these recommendations. Is that right?

Dir. Alden: Yes, that's right. The policy recommendations are going to necessarily to some extent, give you a little bit of idea about what the cases are about. That's one reason in the closed cases report, we put that at the tail end of the report so that we are less likely to have a violation of some of the privacy rights there. You can't necessarily link it to a particular case that way. And we think that that's probably defensible.

Comm. Hsieh: Got it. Okay. Appreciate it. Thank you.

Dir. Alden: Of course.

Chair Jackson: Okay. Unless Commissioner Peterson, your hand is newly up, then I don't see any more questions from the commissioners. Is that correct, commissioner Peterson?

Comm. Peterson: I think I lowered it, didn't I?

Chair Jackson: Okay.

Comm. Peterson: I'm sorry.

Chair Jackson: No, no, no. It's okay. It was up for that. It's down now. Thank you. I appreciate it.

So I think at this point we can go to public comment on this item.

Commission staff: You got it. Thank you, Chair. Members of the public wishing to make public comment on this item, the CPRA a director's report out, please raise your hand ... Excuse me. And I'll call on them in the order they've appeared. I also keep losing timer. So bear with me just one second.

Okay. Thank you for your patience. First up phone number ending in 5802. I believe that's Mister [inaudible]. I've unmuted you.

Saleem Bey: Yes. Good evening. Saleem Bey. Where to start? Commissioner Janelle Harris raised these exact same issues in 2018, about the CPRA's mass closures. And here it is, 2022, and we're still asking questions, right? Mister Alden asked us to ignore our lying eyes about a 99% closure rate that you see. Right? He also reported months ago that there's a 100% closure rate by the CPRA of



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

discrimination complaints by the CPRA. Right? With 60% complaints coming from Black people. Right?

The other issue is, is that Mister Alden is bragging about being half the percentile of closure of sustained rates of San Francisco, where San Francisco is 5% and Oakland's only 2.5%. Right? There's a double standard that's going on in Oakland where ... Oh, here's the other thing, historically, I said in 2018 that the CPRA is the investigative arm of the OPC.

Its credibility is tied to the OPC's credibility. The same investigators of the CPRB, that failed to investigate cases and failed in the NSA, were then incorporated and renamed CPRA. Right? So we have the exact same investigators that Mister Alden is supervising who failed to investigate in the Ross investigation, are now coming back into saying, "Don't look at our 99% closure rate as a failure. Look at it as success." But yet Mister Alden hasn't come back with anything that shows that why he and his investigators should be collecting a check to close 100%.

Commission staff: Thank you so much, Mister Bey. I am sorry to have to cut you off, but unfortunately your two minutes are up.

Next up, Miss Olugbala. I've unmuted you. When you are ready.

Assata Olugbala: Oh. Thank you Miss Harbin-Forte, for pursuing the deeper level, what is happening with these use of force complaints in the large, consistent over years of not being sustained, exonerated, or unfounded being the results. I can't believe someone would tell me, don't worry about the results. That the success is the quality of the work. So the results would have us have the capacity to hold officers accountable if they're guilty for an excessive force, racial profiling, and other issues, but mostly excessive force being at a high, high rate. So if they have committed excessive force and it's not sustained and you haven't found it, but it actually happened.

What does it mean about your quality of work? Are you guys going to accept this? The quality of work, compared to holding those officers who have been engaging in excessive force? And as I said before, the NSA for 19 years has never been taken off the table. Excessive force is a issue in the city of Oakland Police Department. And Mister Alden wants us to say, "Don't worry about the results. Just look at the quality of our work." I mean, how insulting can you be? How insulting can you be?

In other departments, that means nothing. What other cities are doing. If they're getting it wrong, they're getting it wrong. Just like we getting it wrong. Please.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Commission staff: Thank you for your comment Miss Olugbala. Chair Jackson, no more hands raised. Back to you.

Chair Jackson: Okay. Thank you very much. Yeah, this ... We're going to have to work on this, get creative, policy change, whatever it is, because clearly it's a challenge for us all to make sense of.

So with that, we will move forward to item eight. I know that this started out as a request from Vice Chair Milele, so I'd like to [inaudible] to her to give us some additional context as we consider this formal request.

Vice Chair Milele: Yes. Thank you Chair. I just wanted to review some footage from an incident I heard about and to see if I agreed with the officer, or with the investigation. And it became clear that it wasn't so easy as to just request, and that we needed to officially do a formal request to get the access to look at the materials. And I thought this would be great to help us have a better view into if we agree or if we think the quality of the investigation is high or not. Yeah. That's why I made this request.

Chair Jackson: Okay, great. Thank you very much.

Mister Alden, did you want to add any narrative to this?

Dir. Alden: Sure. We were talking earlier about, how can we get creative about assuring that CPRA's work is of quality, in all kinds of cases across the board and, you know, excessive force would be one example, but there are many others. So working with your counsel, Mister Kennedy, who I think might want to speak to this very briefly, we double checked the charter language and came up with a request that you, the commission, can make to the city that then would allow you to have access to some of the CPRA and IAD investigations, so you can see what you think about the quality.

And this does not permit anyone to share these with the public, but it would allow you in your role as commissioners to take a look at some of these cases and see what you think. And certainly if you see something there that you think looks amiss or awry, you can let us know and we can incorporate some improvements accordingly.

So we would simply ask that you approve the attached letter and then we can start doing that. Maybe Mister Connor ... Sorry. Mister Kennedy, you would like to say a word or two about that?

Connor Kennedy: I'd love to. Chair, is that all right?



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Chair Jackson: Yes, please.

Connor Kennedy: Thank you so much. Yeah. I think after listening to Vice Chair Milele's idea about the secure request, this really is what I will call an omnibus request. It's kind of a global request that really empowers the commission to get into the weeds about all the work that the CPRA does. We've extended this request across 2022. It sets forth the process where the director can be proactive about identifying the sorts of investigate materials that fall under all sorts of powers and duties that are in the Oakland City Charter for the commission to exercise oversight. And it extends to the department, it extends to the CPRA, and it really does ... On the front end, it allows individual commissioners to make individual requests for individual investigations that they catch wind of that they learn about in their oversight role. It also empowers the director of the CPRA, knowing what he knows, just based upon his perch at the top of the CPRA, to start asking, do you want this? What about this? What about this? That allows the kind of exemplar investigations that the director identified in an earlier agendized item to service the basis for greater transparency in 2022.

We do have to do this under the charter, because that was just part of the way that as the commission, we need to specifically identify, what are our powers and duties? Again, this is an omnibus request. That's the designed to facilitate across the board of access for all the investigation materials that are listed there on page one.

I'll pause there. See if there's questions, but otherwise join the CPRA director, and a recommendation to adopt the letter. We'll get a signature from the chair tomorrow and send it off both to the director and to the department to facilitate greater access throughout 2022. Thank you.

Chair Jackson: Thank you. So vice chair, this is your brilliant and creative idea. Did you want to make a motion?

Vice Chair Milele: I moved that we adopt this letter.

Connor Kennedy: Perfect.

Chair Jackson: I'll second it. I don't see any questions from the commissioner, so we can go to public comment.

Commission staff: Absolutely. Excuse me, members of the public wishing to make public comment on this item, please raise your hand. I'll call on you in the order that they've appeared.

First up, Mr. Bey 5802. I've unmuted you when you are ready.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Saleem Bey:

Yes. Good evening, Saleem Bey. I just want to remind the members of the public that the CPRA, as it exists right now is the exact same CPRB. That was in existence and failing police accountability when the public voted in a super majority to create this body called the Oakland Police Commission.

So when I came before this commission in 2018, and I said that the exact same investigators that you have that have been failing to investigate cases of misconduct and excessive force against OPD, are the exact same investigators that you have now, right? For all the 20 years of the failed NSA investigation, failed accountability, failed investigations where the CPRB and the IAD of greed to close cases, erroneously. These are the exact same investigators that we have now, I'm talking about 2007 to 2022, the same investigators.

So many things have changed. And yet you want these investigators to be held credible and say that they're actually doing the public's benefit. This is not something that we accept. Joan Sautee is under investigation in the Ross report. Karen Tom is under investigation in the Ross report. Mr. Alden is under investigation in the Ross report. All these people are under investigation, and this report is being suppressed.

We need to know that the people who are investigating black complaints are actually in our corner. It turns out that Mr. Alden admitted that he has no senior black management. He has no senior black investigators, and yet 60% of the complaints are black-

Commission staff:

Thank you for your comment, Mr. Bey. I am sorry to have to cut you off, unfortunately, your two minutes are up.

Miss. Olugbala you are unmuted when you are ready.

Assata Olugbala:

Thank you. This appears to be an opportunity to look into procedures, process, and what is actually happening with these investigations of all of Sipra. And this has to happen because the transparency and accountability and to have Mr. Old constantly come forward and to just make statements of the quality of the work and how proud he is, that's not sufficient.

We have to delve into actually seeing the work. And if the work is being, it is the work being done to the highest standards that we need to hold officers accountable.

This is the main focus that we should be having holding when it's necessary, officers accountable, for behaviors that are not appropriate. That should be number one. And this agency has that ability, but is it actually happening? I stand on the premise. It is not happening. And I've been around year after year



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

January 27, 2022

saying that about Sipra. This opportunity, I hope many of you will take advantage of your ability to go at a deeper level, to look at what's going on with the investigate that we have it. Again, I repeat it is so insulting for somebody to say, don't look at the results, look at the quality of work. What good is any work? If you don't get the results that you need, what good is any work without the results that are necessary? Thank you.

Commission staff: Thank you Miss. Olugbala.

Elise Bernstein, when you are ready.

Elise Bernstein: Good evening. This is Elise Bernstein from the coalition for police accountability. I just want to say thank you to commissioner Milele for initiating this. Increased transparency in this process of investigation is something that I've always felt was needed. So this is a really good step, so that you all on the commission, can see exactly what is going on with these reports and with these investigations. And I think this is a very good thing, so thank you.

Commission staff: Thank you, Ms. Bernstein. Chair Jackson, that's it for public comment.

Chair Jackson: Thank you very much. So we have heard public comment and we have a properly formed motion in a second. So let us vote. Vice chair Milele?

Vice Chair Milele: Yes.

Chair Jackson: Thank you. Commissioner Harbin-Forte?

Comm. Harbin-Forte: Yes.

Chair Jackson: Thank you. Commissioner Howell?

Comm. Howell: Yes.

Chair Jackson: Thank you. Commissioner Jordan?

Comm. Jordan: Yes.

Chair Jackson: Thank you. Commissioner Peterson?

Comm. Peterson: Yes.

Chair Jackson: And I too, am a yes, we are unanimous. Let us immediately. I'll sign the letter tomorrow. We will get this on the schedule for maybe the second meeting in



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

February, and then just start a consistent process of reviewing. Thank you. Thank you. Vice chair, Milele, brilliant.

And now we can advance to item nine. So Mr. Alden, can you give us the context around this particular RFP? I do have some questions, but thank you.

Dir. Alden:

Yeah. This is an item that's been on before you a couple of times last fall. So you may recall that the re-imagining public safety task force that the city put together, city council put together last year, flagged as a recommendation, having CPRA do most or all of the work that IA does, instead of having IA do it. And as you understand, I'm sure from measure LL, CPRA and IA each do an investigation in parallel, separate, but in parallel on all the cases that CPRA does. So you get two investigative files, two investigative reports on each one of those. The charter requires the CPRA investigation, state law invest requires at least one investigation, but there are no resources that the sources that require two investigations.

Right now, the NSA requires IA to do those investigations. So that's part of why we still have two tracks. So this is a proposal that city council flagged as one of its top priorities and provided funding for this concept specifically, they gave to you the police commission, a hundred thousand dollars to spend next fiscal year, meaning starting July one. On a consultant that would help work on this issue and figure out with us what that work would look like and what the transition plan might look like and what exactly the tasks would be that one might move from IA to CPRA.

And in that regard too, though, the city council also said that they directed the city administrator's part of the city council's budget directives to study this issue. So to put it another way, as I understand the city council's direction, it's really for the city administrator to work together with a consultant that's under your budget.

So therefore you would have the ability to pick them to work on this project. It is in that sense, set up as a joint project. I didn't hear the term joint project from the city council, but when I look at the details of how they chose to set this up, I think that's the inevitable conclusion here. You have the ability to reorganize CPRA, the city administrator has the ability to reorganize IAD. So for this proposal to work really, you have to find a way to reach common ground and come together.

It's been my experience so far, that as much as we at CPRA, might come up with detailed plans about how to do this, one still necessarily has to bring all the other City of Oakland stakeholders to the table to flesh out those ideas and



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

achieve some consensus that we can present to the city council about exactly how to do this.

One of the things that I have appreciated about city administrator Reiskin's approach to this is that he's proposed the idea that this consultant would put together a process by which those stakeholders would have to come together and talk to each other and reach agreements about how to do this project, and also to figure out just what it would look like to reach consensus about that.

And I think that's a valuable approach. So when I brought this to you in September, I mentioned that would be the approach and you asked me to go ahead and put together an RFP that would follow that approach. And then in December, you and I had a meeting in which we discussed what the scope of work would look like, and you gave direction to move forward with the scope of work that we worked on in December. The city administrator now has some feedback about that scope of work, and you have the RFP on this evening for you to approve.

As a very technical matter, I don't think it's necessarily required that you approve the RFP. You certainly would have to review the winning bidders, but I think it's good practice for you to see the RFP and give some scoping to it, because that'll help the bidders understand what it is that you want. And I think it's important that we also do this in conversation with the city administrator, because this process is only going to be successful if it's also credible to other city stakeholders, including the city administrator and the chief of police and others.

So you have before you tonight, the full RFP and the agenda packet, but I would flag that really the essential part of this is the scope of work. And so I think the question for you tonight is what do you think of the changes that the city administrator has suggested. And would you like to approve those?

He's on the line tonight, I appreciate him making time to come and talk to you about this. He might have some other perspectives or thoughts for you. And so if you're ready, my next recommendation would be that you hear from city administrator Reiskin.

Chair Jackson:

Okay. Thank you very much. I have a question that perhaps you and/or city administrator Reiskin can respond to, just initially. It seems to me like it's under budgeted. A hundred thousand dollars is not a lot of money when you're talking about really identifying a full on process for such a, there aren't examples like this all over the place. So this is not like a replicable, kind of model at least that I'm aware of.



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

January 27, 2022

So I'm concern that it doesn't have enough money that it needs and wondering what you think a real scope of service should cost for this. Because I'm thinking \$175,000, but I could be wrong. And we obviously want a quality job done. So that's my first question. And if city administrator, if you could address that, the tricks in between some of your recommendations that might help me understand a bit better.

City Administrator: Yeah. Thank you. Good evening, Chair Jackson, members of the commission, at risk and city administrator, appreciate you inviting me to join for this conversation.

Just to jump to your question. Chair Jackson, the hundred thousand dollars mountain was chosen neither by director Alden, nor me. It was an amount that was placed in the budget by the city council.

Chair Jackson: Right.

City Administrator: I don't know the extent to which it's adequate. One of the things that I had made a recommendation was that we don't use a consultant to help us do the implementation, I think we can collectively do that on our own. But to really focus more upfront in terms of some little bit more background research and table setting and development with the stakeholders of the criteria, by which we would be recommending options to the commission and the council and what the council directed was that I develop options for how we might go about this.

So I think that would be the main work of a consultant. I think to your question about is a hundred enough, we'll probably get a sense of that. Or the commission will get a sense of that, or the CPRA, once you get responses to the RFP and it could be that we see that either we're seeing responses that say, "Well, given this amount, this is all I can do. Or in order for me to do this, I'm going to need \$150, 175,000." I think at that point, we can collectively work to reevaluate the resource need and potentially bring on additional resources if that's needed. It would be in the next fiscal year or so. We do have the mid cycle budget adjustment process during which we could do that.

So I don't know if that's enough or not. I feel like it may be, but I think we'll find out during the procurement process.

Chair Jackson: Okay. I thank you. I was just concerned that maybe we wouldn't get enough responses based upon that. And well, this is a important thing to do. So I thought that was, I appreciate your answer.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Did you want to provide a little bit more context to your recommendations or did you want to, I see there are several hands up. Did you want to start with questions? How would you like to do that?

Vice Chair Milele: Whatever is your pleasure.

Chair Jackson: Okay, well maybe some will be handled in the questions anyway. So we have commissioner Harbin-Forte followed by vice chair Milele.

Comm. Harbin-Forte: Thank you. I'm speaking hesitantly because I guess the train has already left the station about moving IED to CPRA, but considering that we have some questions about the investigation process and some of the results that are being reached, I wonder if perhaps we should wait until we at least get some sense of what's going on, based on the letter and the procedure that vice chair Milele has laid out. So that we can start sort of looking at some of the issues and that may help us in terms of the scope of work and the kinds of things we're going to need in an RFP for the transition.

And as I said, I'm speaking hesitantly because based on the issues we've discussed tonight, and a lot of the information that we don't have, I'm really trouble even about moving forward with an RFP right now. I don't know if, we have a deadline for transferring the IED work over to CPRA? I know it's supposed to happen, but does it have to happen by a certain date?

Chair Jackson: So let me let the city administrator respond because I know we do have a policy directive.

Comm. Harbin-Forte: Okay.

City Administrator: Yeah. Thank you. Through the chair to commissioner Harbin-Forte. Short answer is no. The council directive reads "Direct city administrator to analyze options and timeline for moving most or all of the responsibilities of IAD to CPRA."

So I think to your first point, I don't think the train has left the station. This is direction to explore alternatives or analyze options. It's not saying it's a done deal, let's do it. It's saying explore options. It is kind of indicating a direction by saying moving most or all of the responsibilities of IED but ultimately the train has not left the station and this process is really to help us figure out what functions to move, if any. Again, the council seems to be directing that they think most, if not all, and on what timeline. So in terms of our reporting back, in some of their policy directives, they do ask for a specific report back date, in this one they did not.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

And as the director Alden noted, the funding is available in the next fiscal year, starting July one. So we're not going to be able to engage a consultant unless we use other funding sources until the summer anyway. So I think there is time.

I think our thinking was, and the director can speak for himself, is that if we can get this process started now, then we can kind of hit the ground running when the new fiscal year starts and use that the next fiscal year to figure out the answers to this. And to be able to bring some recommendations to the commission and the council, perhaps in advance of the next two year budget cycle. Which means we would be aiming to have this, I think to get some direction from the commission and the council by the spring of 2023. That that would be probably an ideal timeframe. But there is, to answer your question directly, there is no timeline and the train is not left the station.

Dir. Alden:

Yeah. I agree with that. I think what does seem to be clear from the city council is they want us, collectively, meaning the commission CPRA, the city administrator, to be actively working on this issue to figure out what plan to give to the city council. So that we have a framework for having the conversation. And I think commissioner, the question you ask, well, what does success look like? I think is what you're saying. Like, do we like work that we're seeing either from IED or CPRA, and if we changed the way they work, what would be our criteria for success? How would we measure whether that's a successful change or not?

That's part of the conversation that would happen in this process. And I think the advantage of approving this RFP now is that we then have someone that comes on in the near future to help us this summer and this fall, after you've already had a chance commissioner, take a look at some CPRA cases and some IED cases, and think about this some more. To have this conversation with the commission and with the police department and with other important stakeholders in the community and within the city family to better flesh out many questions like the one you just asked.

But I also think it's really important that we take heed of the council's direction, that they would like us to move forward on this next fiscal year and actually be assertively working on it and having the conversation. I'm sure in the course of that conversation, others will bring up many other questions like the one you just asked, so we can incorporate all of those into really thoughtful process.

So I don't think at all that this is too early. I think this is exactly the right time to be approving the RFP, because then it helps create a structure and help to you to have the conversation that you just described.

Chair Jackson:

Thank you, Mr. Alden. Vice Chair Milele?



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Vice Chair Milele: Thank you, chair. I'm concerned. I want to make sure that the process includes a high equity focus is director Flynn part of the team that will be helping to implement, or is she involved in this at all?

City Administrator: So if I may, we have not, director Alden and I have not had a conversation of what the internal stakeholder group would be. I think it would certainly make sense to have directive Flynn or one of her staff. She has not been part of this, at least from my perspective to date, but I think she would absolutely be an important subject matter expert or voice in this process.

And we can make that explicit. I think it's a good point that we don't... We didn't really talk in the... There's not language in the scope of work about what the kind of metrics or principles are, but I think that's something that we could certainly add to make it clear that we will be looking at and analyzing options through a racial equity impact analysis process.

Vice Chair Milele: [crosstalk] I would need that I would need that to want to approve the RFP to make sure that we're attracting the right people.

Chair Jackson: I agree with the vice chair. And we have found Darlene Flynn's advice and subject matter expertise to be spot on in supporting some of our policy work. She's on our social media policy ad hoc right now. And I think her voice will be critical here. So thank you for confirming that you can talk with her about being part of that team.

Let's see. Are there other questions for Mr. Reiskin? Oh, commissioner Harbin-Forte.

Comm. Harbin-Forte: Is there any downside to waiting for more information before we approve this? Because again, I just don't have a real sense of what even the investigation procedures will be.

Chair Jackson: Sure.

Comm. Harbin-Forte: But IAD's investigation processing and procedures and policies are what CPRAs processes and procedures and policies will be sort of like, what's going on with these investigations now? We've raised some concerns. Are we going to get better? Is it going to be the same? And I think that the answers to some of those questions will help us shape the RFP. So I'm kind of, I'd like to delay a vote on issuing it, but that's not, well, maybe that could be my motion if we get to it. Unless other people have, okay.

Chair Jackson: So I'm wondering if we should have Mr. Alden try to address your question.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Dir. Alden:

Yeah. I think the answer to your question commissioner, is that the longer you wait to issue the RFP, the longer it'll be before you really have answers to the questions you just asked. Because I think the purpose of this RFP is to get some consultants in who can give us advice about how to ask these questions and what metrics to use. And also have conversation with you, each of you on the commission, about what you think the right questions are to ask in this process.

So to put it another way, this RFP gets you someone that helps you figure out what your questions are and get answers to them. And we just don't have enough people around right now to do all that work, unless we bring on this consultant. That's one of the strengths of having this consultant on board.

So I actually would say I'd put it the other way around. Instead of waiting for more information to issue the RFP, I would say issue the RFP so that you can get more information and have some assistance in getting your questions answered.

And then there's no rush on the project itself. If as the project is moving forward, it causes other questions to come to mind. It's designed to then let you keep asking those questions and get more answers to them as you progress. I'm sure there'll be lots of other questions that come up that none of us are anticipating right now, but we really need someone to help us do that in a structured way.

Chair Jackson:

Thank you, Mr. Alden.

I don't see any other questions here. So let's go to public comment and then we can decide what action to take.

Commission staff:

Thank you Chair Jackson.

Chair Jackson:

I'm sorry. And before you go to public comment, I do want to thank the city administrator for spending some time with us this evening. You have been extremely supportive of helping us get the IG on board and so many other things. So thank you for yet again, walking us through this.

City Administrator:

Yeah, of course. Happy to be here.

Chair Jackson:

Now you go, Rania. Thank you.

Commission staff:

Thank you, chair. Sorry. I didn't mean to talk over you. Members of the public wishing to make public comment on this item. Please raise your hand. I'll call on you in the order that they've appeared. I will also get our timer on. Ms. Olugbala You're up first. I've muted you.



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

January 27, 2022

Assata Olugbala: I don't know if Mr. Reiskin is there, but when somebody is out on the street for over two months, with the issue of discrimination going on at the Lake Merritt Tiny Homes, and you have not instructed Sarah Bedford, Tanya Rubin, to do anything to correct all of these issues going on over there.

And a man was dead for three weeks, three weeks. And I'm not going to take up all the time, but Reiskin, you need to do something about what's going over there in Lake Merritt, you need to do something. The homeless people do not deserve the wrong doing that are going over there. And how do you start a program of co-governance for 99% white homeless, and the population is 70% homeless black people. Take down that fence where you're segregating white people and non white people. Take down the fence. Sorry to take this opportunity but Mr. Reiskin and the administration has been ignoring this issue of discrimination of black homeless people over at Lake Merritt Tiny Homes.

Going back to this issue. And I've been out there for two months protesting this issue, how can we have Sipra go forward with anything internal affairs? They're very limited in what they're doing according to LL. They don't all levels of complaints. Do they deal with theft? Do they deal with fraud? Do they deal with dishonesty? Internal affairs is involved in that. I just don't see how they're going to do whatever they're going to do, because they're not even doing what they currently do it. And to take on some other responsibilities. Please, Reiskin do something about that in Lake Merritt.

Commission staff: Thank you, Ms. Olugbala. As a friendly reminder, please keep your comments on this agenda item. Next up Saleem Bey 5802. You're unmuted.

Saleem Bey: Yes. Good evening. Saleem Bey, 100 black men of the Bey Area. First commissioners, please. Google Senate bill 16, Nancy Skinner, then ask Mr. Alden or Mr. Connor why they haven't mentioned it and why this transparency hasn't been brought forth to the commission as it applies to the loss report.

All the same CPRA people that you are talking about giving more powers to are the same people you were just questioning in the last agenda item as to whether Mr. Alden and his CPRA investigators were closing too many complaints.

Also factually, Mr. Alden is under investigation by the \$49,999 Roth independent investigation, which is a report right now for CPRA and IAD failing to investigate in closing racial and religious profiling discrimination complaints without investigation. Until the Roth report findings have been released to the public, we oppose giving Mr. Alden oversight over IAD cases, especially where the same CPRA investigators were found wanting in the [inaudible] case.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Question, did Mr. Alden and his subordinate investigators pass investigation in the Roth independent investigation? We don't know, right? Because it's being suppressed. The issue is, is that the city administrator's office covered up racial and religious profile in IAD07-0553. The Chauncey Bailey independent investigation for two years.

So we don't believe Mr. Reiskin actually cares about police reform or anything that the OPC is doing based on the fact that he's a [inaudible] for the 1% and that he will lie for a paycheck. Right? A super majority of-

Commission staff: Thank you for your comment, Mr. Bey. Sorry to have to cut you off. Unfortunately, your two minutes are up.

Mrs. Rashida Grinage When you are ready.

Rashida Grinage: Thank you. I'm sorry. I was just able to join the meeting very recently, and I will listen to the recording tomorrow of what I missed earlier. But I just wanted to say that I'm very pleased that the commission is taking a very kind of a good look at what Sipra is doing. I think I've been concerned for some time that not enough attention has been paid to Sipra by the commission.

So I'm very pleased to see that there's a new wind blowing and that the commission is really taking a much stronger role in overseeing Sipra. Which is one of the duties that it has under LL. So thank you very much for that.

Commission staff: Thank you, Ms. Grinage. Is that the end of your comment?

Rashida Grinage: It is.

Commission staff: Thank you. Next up, phone number ending in 1779. When you're ready.

Mary Vail: Yes. This is Mary Vail, and I think we need to remember this decision has been made to do the transfer. It's not like IAD is going to be shut down completely. One thing up front, they need to be shut down from the people have been city council, community members. All civilian complaints need to be, the intake needs to be consolidated in CPRA.

There has been, and also this is not something that is subject to meet and confer with any union, except for details of implementation after the implementation of the council and the re-imagining task force decision.

Those decisions have been made. If there's an implementation impact on a member, yes, there's meet and confer, but that's at the very end of a process.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

In turn, there's been some due attention which is appropriate to CPRAs performance this evening. However, I certainly don't want to get things stuck down in the reads about that, the delays implementation of this important reform.

And again, some of the mechanics of how the cases are handled by either IA or CPRA can be handled. Internal affairs has a horrible record, the Pawlik case. Performance problems in the past, backlogs, and most recently, Instagram. Where everyone looked away from the problem rather than dealing it and seeing it for what it was. Yes, have the input from the department of race and equity and basically right now the issue isn't some...

Commission staff: Thank you, Ms. Vail. Sorry to have to cut you off. Unfortunately, your two minutes are up. Ted Jackson, that was it for public comment.

Chair Jackson: All right, thank you. So, I would like to move that we delay voting on the RFP. I think we will obviously have a vote, but what I'm hearing is that many of us want to see more work go into it before we move it forward. So, my motion is to delay our vote on the RFP tonight. Is there a second?

Comm. Harbin-Forte: I'll second.

Chair Jackson: Thank you very much. So, we have a properly moved and seconded item. We've taken public comment and I think we are ready to vote.

Comm. Harbin-Forte: Excuse me, Madam chair. There are some hands. Commissioner Jordan has his hand up.

Chair Jackson: Oh my apologies, I didn't see that. My screen...

Comm. Harbin-Forte: Sorry to interrupt.

Chair Jackson: That's fine, thank you. Commissioner Jordan.

Comm. Jordan: Yeah. I mean, since there's been a motion and a second, there's still, space for conversation or around that motion and I would say to that end, I feel like the thing that was probably the most pertinent in discussing this RFP tonight was the section on scope of work on page three of the attachment, and we didn't really get into that and, I do think that in some ways that we can, if our concerns are... I didn't hear any specific concerns except for Vice Chair Milele's specific concern around wanting to include the Department of Race and Equity around this piece, which is kind of the most pertinent thing, and what I did hear was that... And what sort of my understanding was, is a lot of what Commissioner Harbin-Forte's concerns were, would likely be answered through this process of



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

going through this RFP process, bringing somebody on board and the time in which we are able to answer many of her concerns, and a lot of the concerns that we've had throughout this evening around how metrics are tracked for CRPA and what their policies and procedures are, what their best practices are.

Presumably, this process would be developing a new and somewhat hybridized department, taking a lot of those responsibilities away from IA, moving CPRA, which would necessitate new policies and procedure. This is an opportunity to sort of open the... So pull back the curtain and really dig into what that process is. I would suggest that her vice chairs concerns and that first bullet point, we could just explicitly add Department of Race and Equity to that list of city departments and that would be our preference. I don't know, beyond that, it feels like it's... I guess I'm concerned. I don't know what, going back to the drawing board or re-reviewing, sending this back to the folks who developed it, what our intention is. We didn't suggest specific changes or critiques of the document we're looking at here just to sort of generalize misgiving and so, that's, I would sort of, I guess I'm arguing against the motion. Thanks.

Chair Jackson: Okay, thank you Commissioner Jordan. Did anyone else want to speak on the motion or against the motion? Okay, Commissioner Peterson.

Comm. Peterson: Yeah, just to maybe add on to Commissioner Jordan's concerns, what exactly when we delay one, what are we looking to do with the document to make it satisfy our concerns? Can you lay that out? And two, how long will that process take? Because it sounds like this is more of an important matter that we need to get done.

Chair Jackson: So I will offer two cents. The word delay is just that, it's not into March, April. I just think that I need a little bit more time. There are some things that are missing. It's not just the equity issue. Like I said I don't think that there's enough money in there and the last thing I want to see is not enough people applying for the RFP, because they don't think there's enough money in there, but I have a couple of ideas that I think I would like to share with Mr. Alden, but I really did want to hear the city administrator's opinion and we kind of got a precursor on that yesterday, so I'm still mulling it around for myself.

I can't speak to anybody else. I do recognize that all these processes move slowly, so I am just talking about delaying perhaps a meeting or two, but that's me, I can't speak for anybody else. I am just not comfortable moving it forward at this point, but I will do more work, I will engage Mr. Alden and perhaps the city administrator to ensure that I'm comfortable moving it forward. I think there are some more ideas that can go in there and maybe commissioner Harbin-Forte. I'm not sure commissioner Peterson, if your hand is up again, or if it stayed up. Okay so, commissioner Harbin-Forte.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Comm. Harbin-Forte: I just want to echo your concerns for why I... My interest is not in delaying this forever or basically taking it off the table, but I have some additional questions and so Madam chair, maybe I can share those with you and as you talk with Mr. Alden about some things. So, I don't see any downside to passing, to making the final call in after another meeting or two. We could do February.

Chair Jackson: Okay, thank you very much. Mr. Alden.

Dir. Alden: I'm happy to support the commissioner either way, whether we approve this tonight or delay it to another day but I would say that if we do delay it to another day, I will need some feedback from at least some of the commissioners about how this could be changed to better meet the commission's concerns and I think I'm hearing, it sounds like Chair Jackson and Commissioner Harbin-Forte might be among the commissioners that I'd be talking to. Do I have that right? And would there be anyone else I might need to talk to?

Chair Jackson: Well, and the vice chair... I mean...

Dir. Alden: That's right, she mentioned the race equity issues. So yes, absolutely.

Chair Jackson: And so what it really sounds like is Commissioner Harbin-Forte is going to talk with me about her concerns and then the vice chair, and I will sit down with you.

Comm. Harbin-Forte: Exactly.

Dir. Alden: Okay.

Chair Jackson: Okay. So, it sounds like we've finished discussion there. We do have a motion that has been properly moved and seconded so let's take a vote on that and then move forward. Vice chair, just to remind everyone, the motion is to delay approval of the RFP to a later date. Vice Chair, Milele?

Vice Chair Milele: Yes.

Chair Jackson: Commissioner Harbin-Forte?

Comm. Harbin-Forte: Yes.

Chair Jackson: Commissioner Howell?

Comm. Howell: Yes.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Chair Jackson: Commissioner Jordan? Okay, I'll come back to commissioner Jordan. Commissioner Peterson?

Comm. Peterson: Yes.

Chair Jackson: And yes, for myself. Commissioner Jordan? Okay, I don't know if he is absent or not. Just not voting, but anyway, the votes are five affirmative to delay the RFP. I am happy to make a commitment that I hope I can work out with the vice chair to sit down with Mr. Alden and maybe perhaps go back to Mr. Reiskin, at least by the next meeting so that if we don't have time to put it on the next meeting's agenda, then it could be on the following meeting. So I'll make that commitment to prioritize.

Okay. Thank you very much. Again, thank you, city administrator and we will go to committee reports. So the first is the CPRA director performance evaluation ad hoc and we... Oh, so commissioner, I'm sorry, Commissioner Jordan's device died, so he'll try to rejoin, but we will move forward. So, what I wanted to say was that we are just about complete with our evaluation report, but we are looking to get more feedback from current staff and perhaps former staff to finalize our input and provide that review to Mr. Alden. So that's where we are with that ad hoc. For rules of procedure, Commissioner Harbin-Forte, did you want to represent that ad hoc?

Comm. Harbin-Forte: Yes, thank you. Thank you, Madam Chair. We are working really on more administrative matters. We are trying to, we're working on getting our landing page for the commission's website. We don't have any new rules or procedure or anything to work on and we will Madam Chair, at some point you may wish to have the rules of procedure ad hoc, look at whether or not there are... Or part another ad hoc to look at what rules and procedures should apply when the commission, when CPRA can start its own investigations and initiate its own investigations. That is probably something that's going to need to be organized in some way, but otherwise we are, we're sort of in a holding pattern, in a holding pattern on a final decision on an ad hoc committee protocol as well.

We have not discussed, Madam Chair, in terms of the last meeting issue about how many committee report should be on any agenda. We have not made a recommendation on that. I don't think commissioner Gage and I had different understanding as to what we were supposed to do. I think we both agree though that we don't think that anyone should recommend a specific number of committee reports on any given agenda, but that we have a policy of making sure that each committee reports regularly to the public and to the other commissioners. So we have not brought back anything on that.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

- Chair Jackson: Okay, thank you and I just wanted to provide an update that the rules and the code of conduct were recently posted to the main page, so hopefully you'll be able to see those.
- Comm. Harbin-Forte: Yes, yes, yes. They are there. Thank you.
- Chair Jackson: And for the social media policy, commissioner Hsieh, if you'd like to provide an update.
- Comm. Hsieh: Yes, the social media policy ad hoc had its first public meeting on January 18th, Tuesday, where we went over OPDs initial draft of the social media policy and had solicited feedback from community members, as well as public written comment for anybody who was watching the meeting. The meetings will be occurring every other Tuesday. The next one coming up on February 1st at 6:00 PM. These are public meetings and the information is posted on the police commission's website, under social media policy ad hoc with the zoom link so that anyone can attend and follow along. We are soliciting, I think, subject matter experts so that we may have a panel or a forum or a presentation as to best practices on social media policy for Oakland's police department. So if anyone out there has suggestions, please let us know. Thank you.
- Chair Jackson: Excellent. Thank you very much. If there are no, well, those are all the updates. So, if there are no questions, we can go to public comment.
- Commission staff: I'm just giving it a minute to see if there are questions. There are none. Let's go to public comment. Members of the public wishing to make public comment on this item, the committee report out. Please raise your hand and I'll call on you in the order they've appeared. Just one second, I will also get our timer. Thank you for your patience. Mr. Saleem Bey 5802. When you're ready, sir, I've unmuted you.
- Saleem Bey: Yes. Good evening Saleem Bey. There is still no racial profiling committee. I mean, how many times every single... Please, anybody go back and review every single meeting. There's no racial profiling committee, right? It's just being ignored by the chair. The reason why, and the vice chair. The reason why it's being ignored is because racial profiling is at the heart of the Ross independent investigation. If you start talking about racial profiling as a committee, you'd have to deal with the racial profiling found in the Ross report. The issue is, is that this is a coverup. Social media got an investigation, an independent investigation. It was coordinated with the NSA. A disclosure of the report findings were released by the judge, an ad hoc committee was created for this and yet there's still no racial profiling committee. Especially where measure LL dictates and please read, this is for the people who are on the commission.



OAKLAND POLICE COMMISSION SPECIAL MEETING TRANSCRIPT

January 27, 2022

Don't just sit there like a bump on the log, read the law. The law says that racial profiling is a mandatory issue to be investigated by the Oakland police commission. If you took the time to volunteer your time to serve the community, serve it based on what the law says. You're supposed to be there. It's for racial profiling. The fact that we're 20 years into the negotiated settlement committee, settlement agreement and there still is violations means that your job is undone regarding racial profiling. As we keep saying, racial profiling, racial profiling. Eventually, I hope you have a nightmare about racial profiling because the black community lives with racial profiling every year. Every decade we've been living with racial profiling. So if you sit up on the day or on a bump on the log and do it. We live this, we live police in our community just pulling us over regardless, right.

Commission staff: Thank you Mr. Bey. I am sorry to have to cut you off. Unfortunately, your two minutes are up. Chair Jackson, that's it for public comment.

Chair Jackson: Okay, thank you. So I think we are at the second part of open forum.

Commission staff: That's correct. Thank you. Members of the public wishing to make a public comment on open forum and items not on the agenda, but still relevant please raise your hand and I'll call on you in the order they've appeared. Mr. Bey. I do see your hand up. Unfortunately, I can't call on you because you did already comment at the first open forum. So I just want to acknowledge that I do see you. Just one second. Ms. Olugbala, when you're ready madam.

Assata Olugbala: Yes, I came in late because of being in a school board meeting, but I hope that some reference was made to the Bey Case tonight. I hope some reference was made to instruct inspector general, to proceed with bringing before the council information related to continuing the investigation of the Bey Case. I also hope that we will continue to focus in on the negotiated settlement agreement, excessive force, 19 years and what are the specifics of what is not happening so that the police department is not coming out of that mandate, and when you were a year ago, three tasks out of compliance and now you are over five, I think, out of compliance, going backwards. Want to speak to the issue of Lake Merritt policing. The city council spent over a hundred thousand dollars that included having officers on Saturday and Sunday for several months to sit and to make sure that African Americans didn't park on Grand and Lake Shore.

The waste of policing time, they had put enforcement officers, they stopped legal parking and this harassment of black people. Lastly, I want to apologize for talking about what's going on at the homeless site of Lake Merritt. That's nothing for this commission to deal with, but I had to take advantage of trying to get Mr. Reiskin to do something, to stop the discrimination over there. Thank



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

you for, oh, and thank you for Harbin-Forte and others speaking about [inaudible], we got to get that office to work much better.

Commission staff: Thank you Ms. Olugbala. Chair Jackson, I have no new public comments, no new hands for you at this time.

Chair Jackson: Okay, well thank you. Before we move off of open forum, I did want to provide an update as it relates to the Bey Case. The commissioner for the subpoena records originally provided to the Ross firm to the IG in November of 2021. She came on board January 3rd. She is now in receipt of the subpoenaed records. So that's the update. Now, the next item is I believe agenda setting.

Commission staff: Correct.

Chair Jackson: Thank you. Okay. So if there are suggestions around agenda items, commissioners, please feel free to you suggest them now or feel free to send me an email. There's a lot of work that needs to be done between now and February 10th. It was initially my goal to have our first in-person meeting February 10th, but I have been advised by the city administrator that there is going to be an extension on the closure or the non-opening, so we will still be on zoom February 10th. I really am hoping that we can get to see each other in person moving forward so if there... Commissioner Harbin-Forte.

Comm. Harbin-Forte: Thank you, Madam chair. I would suggest that we have a racial profiling ad hoc update at the next agenda, at the next meeting, the racial profiling ad hoc update.

Chair Jackson: Okay, thank you. We have not yet met because of these priorities that the judge put on us and the timeframe, but I will see what we can do, obviously to provide an update.

Comm. Harbin-Forte: Thank you.

Chair Jackson: Thank you. Are there any other suggestions? I know we've got a full plate, so we will work it out and let's go ahead on to public comment for the agenda setting.

Commission staff: Thank you chair. Members of the public wishing to make public on this item, the agenda setting, please raise your hand. I'll call on you in the order they've appeared. Give me just one second, I'll also get the timer. Mr. Bey, I see you up first 5802. I've unmuted you when you're ready.

Saleem Bey: Good evening, Saleem Bey. So everybody who's been listening and all the people who actually are really committed to the community up on the Oakland police commission can hear that the chair, who represents the mayor's point of



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

view is really not that enthusiastic about creating a racial profiling ad hoc. She committed to this over a year ago, and then she'll say, she'll see what she can do, but you guys are really busy, but racial profiling is the core of what created the Oakland Police Commission. If racial profiling wasn't an issue, Stanford wouldn't have come back and found that OPD was talking disrespectful to every stop that they made in Oakland to black people, that racial profiling was still happening, right? That the Ross report, the core of it, is racial profiling. If you don't, if you're not dealing with it, you're not dealing with it because it benefits you politically.

You're not dealing with it because you're not dealing with facts. If you were dealing with facts, if you dealing with an independent investigation, who else has to get an independent investigation to prove independently that there's racial profiling and then have that suppressed to the point to where you say, oh no, I can't really even talk about it? Everybody up there who listened to the report of Ross, knows that racial profiling is that California Penal Code 13519.4E states that racial profiling is a criminal offense, right? So every, all of the time that you've been sitting here, not doing anything about that as the OPC, you're criminally complicit and covering up murders, that of misconduct, that were associated with OPD and IED 13-10-62. That's what's going on and-

Commission staff: You for your comment, Mr. Bey. Miss Olugbala, when you are ready I've unmuted you my end.

Assata Olugbala: Yes, I have been asking over and over again, when are we going to get a report on hate crime and the necessity to deal with that issue? The other thing is, and I don't, this is not your issue, but this thing called macro, I tried to call the 311 number to have someone come over to the demonstration to solve some issues that were going on between myself and some other people and I didn't want it to... Well anyway, the problem is, can we get some kind of understanding the macro at a level where the, you'll know when it'll start? Because I was under the impression it had already started. Nobody at the 311 even knew anything about what Michael, is it macro, what it was about and I actually be connected to the fire department and it was just a mess, but lastly, sex trafficking of minors, what the police are doing with these minor kids or how they're being dealt with.

The Claire House, I went over there yesterday, that's been shut down over in district seven. I don't know what's happening to our girls who are 12 and under and lastly, the black police office grievance doesn't get hardly any attention. I would love for someone to have some kind of understanding of how our police are interacting with these young girls and what are the procedures, how it works out, that they intervene with these young girls and we have our very young participating in sex trafficking in this city. Thank you for the time.



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

Commission staff: Thank you Ms. Olugbala. Ms. Rashidah Grinage, when you're ready. Sorry, let me restart that clock for you. Rashidah Grinage, when you're ready.

Rashidah Grinage: Thank you. First of all, to miss Olugbala, macro has not begun yet. They're still in the process of hiring and training so, I'm not sure when the start date is, but it's not implemented yet. I did want to request that the commission put on an agenda, hopefully next time, if not, maybe the time after, endorsement for the legislation that Mia Bonta will be carrying, which has to do with reversing the Supreme court, California Supreme court ruling in 2006, known as the Copley Press. As you have heard over and over again, there is huge frustration in the community because of your inability to disclose information. This information was disclosed by the CPRB prior to the 2006 decision, and after that decision it was no longer able to be disclosed, which is what has given rise to the frustration that we are all experiencing, including yourselves. So, we are hoping that the commission will endorse and support this legislation and that you will put it on your agenda in order to do so. Thank you.

Commission staff: Thank you, Ms. Grinage. Rachel Beck, I've unmuted you when you're ready.

Rachel Beck: Hi, just hoping that we can continue to get reports on what is reportable in the Bey Case.

Commission staff: Okay. Anything else?

Rachel Beck: That's all.

Commission staff: Thank you, Ms. Beck. Anne Janks, you're up next? Oh, give me just a second. And can you hear me?

Anne Janks: I can.

Commission staff: Thank you. Go ahead.

Anne Janks: I'm pretty sure this isn't cricket. So Judge Forte, if you could just close your ears for a hot minute here, I'm going to answer... I'm just going to follow up on Ms. Grinage's answer to Ms. Olugbala about at macro. They are making real progress in terms of getting teams on the street in the pilot areas in east and west Oakland and if you want regular updates, they are sending out from the fire department updates pretty much on a weekly basis, and if you were to email the project manager for Macro, Elliot Jones, who's really been doing a fabulous job. All of this has to be built from scratch because there aren't any programs really similar to Macro. Elliot Jones, his email is ejones three, number three, not written three, at Oakland CA and just asked to be added to the regular updates that they're sending out, but they have finished interviewing



OAKLAND POLICE COMMISSION

SPECIAL MEETING TRANSCRIPT

January 27, 2022

everybody. They're moving forward as rapidly as they can while still, being effective. Thank you.

Commission staff: Thank you, Ms. Janks. Here's a friendly reminder. Public comment is on the agenda items but I appreciate you clarifying. Chair Jackson, no more comment?

Chair Jackson: Okay, thank you very much. So we are at adjournment and it is now 9:28. Why don't we take a vote to wrap up a little earlier tonight?

Commission staff: We don't even need to do that.

Chair Jackson: No, actually you're right. No, we can just say goodnight and be safe.

Comm. Harbin-Forte: Great meeting Madam Chair.

Chair Jackson: Thank you.

Comm. Harbin-Forte: Thank you. Good meeting, very efficient meeting.

Chair Jackson: Appreciate that. February 10th, the same bat channel. Same zoom channel.

Comm. Harbin-Forte: Good night, everybody. Goodbye.