



# OAKLAND POLICE COMMISSION

## REGULAR MEETING MINUTES

July 13, 2023

### I. Call to Order, Welcome, Roll Call and Determination of Quorum

Chair Milele called the meeting to order at 5:45pm and established quorum following roll call:

**Present:** Chair Milele; Vice Chair Jordan; Commissioner Howell; Commissioner Hsieh; Commissioner Jackson; Alternate Commissioner Jackson-Castain; Alternate Commissioner Ordaz

**Excused:** Commissioner Peterson

### II. Consider and Request Approval for Investigation Files and Records, Including Complaints for IAD #22-0395 and #22-0464. Pursuant to Charter Section 604(f)(2) and Commission's Vote at June 22, 2023 Closed Session Commission Meeting.

Commission Counsel introduced the item as follow-up action from a vote in closed session on June 22, 2023. Vice Chair Jordan made a motion, seconded by Commissioner Hsieh, to approve the request for investigation files and record, including complaints, for IAD #22-0395 and #22-0464. The motion carried by the following vote:

Ayes: 5 - Jordan, Howell, Hsieh, Jackson, Milele

Nays: 0

Absent: 1 - Peterson

There were no public comments on this item.

### III. Closed Session (approximately 5:30-6:30 p.m.)

The Police Commission will take Public Comment on the Closed Session items.

**THE OAKLAND POLICE COMMISSION WILL ADJOURN TO CLOSED SESSION AND WILL REPORT ON ANY FINAL DECISIONS DURING THE POLICE COMMISSION'S OPEN SESSION MEETING AGENDA.**

**CONFERENCE WITH LEGAL COUNSEL –**

**EXISTING LITIGATION (Government Code Section 54956.9(d)(1))**

**Delphine Allen et al., v. City of Oakland, et al.**

**N.D.Cal No, 00-cv-4599-WHO**

There were no public comments on this item.

The Commission adjourned to closed session at 5:47pm and returned 6:53pm. Chair Milele reestablished quorum with roll call:

**Present:** Chair Milele; Vice Chair Jordan; Commissioner Howell; Commissioner Hsieh; Commissioner Jackson; Alternate Commissioner Jackson-Castain; Alternate Commissioner Ordaz

**Excused:** Commissioner Peterson

There were no reportable action from closed session.

Before moving on to the next item, Chair Milele announced a welcome to CPRA Executive Director Mac Muir and two CPRA Investigators, Charlotte Epps-Stowers and William Aquino.



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#### IV. **Open Forum Part 1** (2 minutes per speaker, 15 minutes total)

Members of the public wishing to address the Commission on matters that are not on tonight's agenda but are related to the Commission's work should submit a speaker card prior to this item. Comments regarding agenda items should be held until the agenda item is called for discussion. Speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2. ***This is a recurring item.***

Public comment was made by 2 persons (Bey; Olugbala)

#### V. **Thank You and Farewell to Commissioner Brenda Harbin-Forte for Service on the Oakland Police Commission from July 2020 – June 2023.**

The Commission paid tribute to the Honorable Brenda Harbin-Forte's service on the Oakland Police Commission from July 2020 – June 2023. Chair Milele delivered the following address:

*We want to wish a very bittersweet thank you and farewell to Commissioner Brenda Harbin-Forte, who served on the Oakland Police Commission from July 2020 to June 2023.*

*Judge Brenda Harbin-Forte retired from the Alameda County Superior Court in 2019, after 27 years on the bench. Her judiciary leadership positions include serving on the California Judicial Council; serving as the first African American woman Dean of the B.E. Witkin Judicial College; serving as the first African American woman Presiding Judge of Alameda County's Juvenile Court; serving as the first African American woman President of the Alameda County Bar Association; President of Black Women Lawyers Association of Northern California; and Judicial Advisor to various presidents of Judicial Council of the California Association of Black Lawyers.*

*Her numerous honors include: Judicial Council of California's Distinguished Service Award; California Association of Black Lawyers' Hall of Fame Award; Charles Houston Bar Association's Special Lifetime Achievement Award; California Judges Association's Alba Witkin Humanitarian Award; and the American Bar Association's Spirit of Excellence Award, to name just a few.*

*The City of Oakland has been very fortunate to have someone of Judge Harbin-Forte's caliber and national reputation to volunteer her time and expertise on the Oakland Police Commission.*

*While serving on this Commission, Judge Harbin-Forte's contributions have been invaluable — from chairing numerous ad hoc committees and volunteering countless hours, to leading with the integrity and justice this Commission exemplifies. One example of her many contributions as a Commissioner is her service as Chair of the NSA Ad Hoc Committee, during a challenging time for the City. Under her leadership, the Commission, for the first time, submitted an Addendum and NSA Memorandum as part of the City's court filing.*

*Thank you, Commissioner Harbin-Forte, and we are so grateful for your continued participation on all the ad hoc committees as a dedicated member of our community. Personally, I couldn't have asked for a more dedicated and hardworking fellow commissioner. You have been a fierce ally and advocate in the face of great challenges and you have taught me to stand up for what's right and what's fair no matter*



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*how hard it gets because the best leaders lead by example. I thank you for the lessons, the encouragement, and for showing me what it means and what it looks like to truly empower the next generation. I can assure you that I will take every opportunity I can to do the same. Thank you, your Honor. My fellow commissioners, please join me in honoring the service of Judge Brenda Harbin-Forte.*

Commissioners also took turns expressing their thanks. There were no public comments on this item.

### VI. **Negotiated Settlement Agreement (NSA) Update**

The Court has extended NSA court oversight beyond June 30, 2023. NSA Ad Hoc Committee (Committee Chair Harbin-Forte, Commissioner Hsieh, Chair Milele) will provide a report on the NSA and invite public discussion on the top NSA priorities with respect to the Commission. ([Attachment 6](#))

Judge Brenda Harbin-Forte provided an update on the NSA and led a productive conversation on culture change, the evolving role of federal monitorship, and next steps.

Public comment was made by 4 persons (Contreras; Bey; Olugbala; Janks)

Following additional discussion amongst Commissioners, another comment was made by Ms. Olugbala.

### VII. **Update from the Office of the Inspector General**

Inspector General Michelle N. Phillips will provide an update on the OIG's work. Topics discussed in the update may include project priorities under the City Charter; staffing updates; community engagement and outreach. ([Attachment 7](#))

IG Phillips provided an update on project priorities, staffing updates, and community engagement, followed by questions and comments from Commissioners.

Public comment was made by 2 persons (Olugbala; Bey)

### VIII. **Approval for the Office of the Inspector General to Conduct a Review of Integrity of Clarence Dyer Cohen Investigation and Report Findings regarding IAD Nos. 22-0858 and 21-0862.**

The Commission will consider approval to direct the OIG to conduct a review of IAD Nos. 22-0858 and 21-0862 and report to the Commission by August 2023 any policy recommendations for changes to procedures as they relate to NSA Task 5 and appropriateness of discipline.

Following discussion, Commissioner Hsieh made a motion, seconded by Vice Chair Jordan, to direct the Office of the Inspector General to conduct a review of the Clarence Dyer Cohen investigation and report findings regarding IAD Nos. 22-0858 and 21-0862 by January 2024. The motion carried by the following vote:

Ayes: 5 - Jordan, Howell, Hsieh, Jackson, Milele

Nays: 0

Absent: 1 - Peterson

Public comment was made by 3 persons (Contreras; Leonard; Bey)



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### IX. Follow-up on Past Commission Action: Bey Case – Noticing the Federal Monitor

As a follow-up to items on the 3/14/19 and 4 /11/19 agenda, the Commission will discuss, and may vote on, a letter that will be submitted to the Federal Monitor regarding the Bey Case. ([Attachment 9](#))

Chair Milele introduced this item with background on past Commission action. Mr. Saleem Bey provided the Commission with clarification during a productive discussion.

Vice Chair Jordan made a motion, seconded by Commissioner Jackson, to direct Commission Counsel to draft a letter to the Federal Monitor regarding the Commission's original communication in April 2019. This letter shall include a deadline to respond and, at minimum, a confirmation of receipt. The letter shall copy Judge Orrick and the Civil Rights Division of the Department of Justice. The motion carried by the following vote:

Ayes: 5 - Jordan, Howell, Hsieh, Jackson, Milele

Nays: 0

Absent: 1 - Peterson

Public comment was made by 1 person (Bey).

Before the next item, the Commission took a brief break for approximately ten minutes. Upon return, Chair Milele reestablished quorum with roll call:

**Present:** Chair Milele; Vice Chair Jordan; Commissioner Howell; Commissioner Hsieh; Commissioner Jackson; Alternate Commissioner Jackson-Castain; Alternate Commissioner Ordaz

**Excused:** Commissioner Peterson

### X. Community Outreach Committee Submits "Ad Hoc Rules Proposal" for Review by Rules Committee ([Attachment 10](#))

Vice Chair Jordan introduced this item and reviewed the proposed ad hoc committee rules for review by the Rules Committee. The Commission held a productive discussion with several other suggestions.

Public comment was made by 1 person (Olugbala)

### XI. New and Revised Policies to Address Deficiencies in and Strengthen Internal Affairs Investigations

Deputy Chief Wong, Captain Tedesco, and Lieutenant Calonge led a second review of policies in "Group 1" of the new and revised IAD policy packet.

Public comment was made by 2 persons (Olugbala; Bey)



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**XII. Discussion on Whether to Consider Revising Department General Order 0-4 (Informants) and Any Other Policies Related to Recent Public Reports of Allegations of Improper Witness Payments, Pursuant to Commission’s Authority to Independently Review OPD Policies Under Charter Section 604(b)(6).**

Charter 604(b)(6) authorizes the Commission to “[r]eview and comment on, at its discretion, any other policies, procedures, customs, and General Orders of the Department. All such comments shall be submitted to the Chief of Police. The Chief of Police shall provide a written response to the Commission upon the Commission's request. ([Attachment 12](#))

Commissioners engaged in discussion regarding the Informants Policy and the possibility of creating an ad hoc committee. Chief Allison answered questions and provided clarifications.

Public comment was made by 1 person (Bey)

**XIII. Committee Reports**

Representatives from Ad Hoc Committees will provide updates on their work.

*This is a recurring item.*

- **Staff Searches: CPRA Director, Chief of Staff, Police Chief (Commissioners Milele, Jordan, Howell)**  
The Staff Searches Ad Hoc Committee is responsible for the recruitment and hiring of staff vacancies, including the CPRA Executive Director, Commission Chief of Staff, and OPD Police Chief.

Chair Milele provided an update on the Chief of Staff and Police Chief searches, including details on upcoming community forums and meetings with the search firm.

- **Community Outreach (Commissioners Howell, Jordan, Ordaz)**  
The objective of this Ad Hoc is to increase public awareness and knowledge of the Commission’s work and ensure broad community voices, especially from the most marginalized, are elevated. This Ad Hoc will also oversee the community engagement and outreach of the CPRA, the IG’s office and to some extent the OPD. Additionally, this Ad Hoc will work to set the guidelines for how Commission Ad Hoc’s are formed and run.

Commissioner Howell shared an update on the June 5<sup>th</sup> Community Outreach meeting. The ad hoc discussed developing a survey to measure engagement impact and gather feedback on how the community would like us to engage with them, especially those whose voices are most marginalized. The committee shared upcoming events and opportunities to represent the Commission out in the community.

- **Community Policing DGO 15-01 (Commissioners Hsieh and Howell)**  
This committee is dedicated to developing a new policy directing Oakland Police Department's role in Community Policing. This project began in earnest in July 2021 in partnership with community leaders, activists, police officers, and city staff. The ad hoc was reconstituted in May 2023 to review additional updates to the policy by OPD.

Commissioner Hsieh reported the ad hoc is moving along with proposed changes and working through edits diligently.



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Commissioner Jackson left the meeting at this time, and Alternate Commissioner Ordaz was elevated to a regular voting Commissioner.

Public comment was made by 1 person (Bey)

Commissioner Hsieh made a motion, seconded by Commissioner Howell, to extend the meeting ten minutes to 11:10pm. The motion carried by the following vote:

Ayes: 4 - Jordan, Howell, Hsieh, Milele

Nays: 1 - Ordaz

Absent: 2 - Peterson, Jackson

#### **XIV. Approval of Meeting Minutes**

The Commission will review and possibly amend or approve meeting minutes for May 25 and June 22.

Commissioner Hsieh made a motion, seconded by Vice Chair Jordan, to accept agenda item #14 and the materials in the supplemental attachment as part of the agenda. The motion carried by the following vote:

Ayes: 5 - Jordan, Howell, Hsieh, Milele, Ordaz

Nays: 0

Absent: 2 - Peterson, Jackson

Commissioner Hsieh made a motion, seconded by Vice Chair Jordan, to accept the meeting minutes with one correction. The motion carried by the following vote:

Ayes: 5 - Jordan, Howell, Hsieh, Milele, Ordaz

Nays: 0

Absent: 2 - Peterson, Jackson

There were no public comments on this item.

#### **XV. Upcoming/Future Agenda Items**

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas.

Commissioner Ordaz requested a future discussion on hybrid meetings.

There were no public comments on this item.



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- XVI. Open Forum Part 2** (2 minutes per speaker, 15 minutes total)  
Members of the public wishing to address the Commission on matters that were not on tonight's agenda but are related to the Commission's work should submit a speaker card prior to the start of this item. **Persons who spoke during Open Forum Part 1 will not be called upon to speak again without prior approval of the Commission's Chairperson. *This is a recurring item.***

There were no public comments on this item.

- XVII. Adjournment**

Chair Milele adjourned the meeting at approximately 11:03pm.