

OAKLAND POLICE COMMISSION REGULAR MEETING MINUTES March 9, 2023 5:30 P.M.

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

Chair Tyfahra Milele called the meeting to order at approximately 5:41 p.m. and took roll.

Roll Call:

Present: Chair Tyfahra Milele; Vice Chair David Jordan; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell; Commissioner Regina Jackson; Commissioner Jesse Hsieh; Commissioner Marsha Peterson

Excused: Alternate Commissioner Karely Ordaz; Alternate Commissioner Angela Jackson-Castain

II. Closed Session

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 and no reportable actions from closed session. After closed session Chair Milele reestablished quorum.

Present: Chair Tyfahra Milele; Vice Chair David Jordan; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell; Commissioner Regina Jackson; Commissioner Jesse Hsieh; Commissioner Marsha Peterson

Excused: Alternate Commissioner Karely Ordaz; Alternate Commissioner Angela Jackson-Castain

III. Open Forum Part 1

No public comment was made.

IV. Department of Violence Prevention (DVP) Presentation

Outgoing Chief of Violence Prevention Guillermo Cespedes and Deputy Chief of Direct Practice Kentrell Killens presented on the history, role, mandates, and an in-depth overview of practices utilized by the Department of Violence Prevention (DVP) to reduce harm and prevent violence in the City of Oakland. Chief Cespedes and Deputy Chief Killens then took questions from Commissioners.

No public comments were made.

V. Update from Oakland Police Department (OPD)

Chief Allison presented on crime statistics, MACRO and CARES call referrals, and Internal Affairs case numbers. Chief Allison also provided an update on compliance and the related upcoming April 11th court appearance. Chief Allison took comments and answered questions from Commissioners.

Public comment was made by 1 person (Janks).

VI. Update from Office of the Inspector General (OIG)

Inspector General Michelle Phillips provided an update on the Office of the Inspector General (OIG). Included in the update were proposed policy review and recommendations, current project updates, including the City Council Audit, the Bey Matter, and a review of the OPD and CPRA mediation program, the OIGs social media presence, and a staffing update. Questions were taken from Commissioners.

No public comments were made.

VII. Consider Invoking Municipal Code 2.45.210 to Enforce January 26 and February 10, 2023, Requests for Personnel Information from City of Oakland and Police Department (Complaints)

Commission Counsel Thuy Nguyen spoke to this request under municipal code section 2.45.210 regarding documents relating to the Clarence Dyer and Cohen outside investigation. Counsel Nguyen commented that the Commission has received documents, exhibits, reports, and other information related to this outside investigation, but has not yet received the complaint that triggered the investigation. Invoking this Municipal Code is an effort to seek follow through with the requests made by the Commission on January 26th and February 10th of this year.

After some discussion, Commissioner Hsieh made a motion, seconded by Chair Milele, to invoke Oakland Municipal Code 2.45.210 to enforce the Commission's January 26th, 2023, and February 10th, 2023, requests for personnel information from the Oakland Police Department. No public comment was made, and the motion carried by the following vote:

Ayes:6 - Milele, Peterson, Harbin-Forte, Howell, Hsieh, JordanNays:0Absent:1 - Jackson

VIII. Direction to CPRA Director to Develop Rules and Procedures re: Mediation per Municipal Code 2.45.070(N)

CPRA Director Charlotte Jones presented on the prospective mediation program discussed in agenda item VI. She presented on the process and possible staffing needs associated with standing up this program. After a discussion on the timeline and needs to establish this program, Commissioner Harbin-Forte made a motion, seconded by Commissioner Hsieh, to direct CPRA Director Jones to investigate the establishment of rules and procedures for setting up a mediation program under the Municipal Code 2.45.070(N) and report back to the commission on the steps involved in 30 days. No

public comment was made, and the motion carried by the following vote:

Ayes: 6 - Milele, Peterson, Harbin-Forte, Howell, Hsieh, Jordan
Nays: 0
Absent: 1 - Jackson

IX. Public Forum for NSA Task 5 (Investigations) and Task 45 (Discipline Disparity): Input on the lived experience of the public to inform culture change in OPD

Commissioners Harbin-Forte, Hsieh, and Milele, of the Negotiated Settlement Agreement (NSA) Ad Hoc Committee, gave a lengthy presentation on the upcoming Public Forum covering Task 5 and Task 45 of the NSA. This presentation covered the purposes of the ad hoc (to represent, review, and recommend), the urgency of action on this matter, barriers to NSA compliance, and systemic and cultural issues within OPD.

Public comment was made by 1 person (Janks).

After public comment, Commissioners Harbin-Forte, Hsieh, and Milele continued their presentation and shared possible solutions to systemic and cultural issues within OPD before taking suggestions from the public (Janks).

After taking additional public comment from one person (Janks), Commissioner Harbin-Forte made a motion, seconded by Commissioner Hsieh, to extend the meeting one hour. The motion carried by the following vote:

Ayes: 6 - Milele, Peterson, Harbin-Forte, Howell, Hsieh, Jordan
Nays: 0
Absent: 1 – Jackson

X. Committee Reports

Negotiated Settlement Agreement "NSA" (Commissioners Harbin-Forte, Hsieh, Milele)

Commissioner Harbin-Forte did not have anything additional to report in light of the lengthy report previously provided in agenda item IX.

Rules of Procedure Ad Hoc Committee (Commissioners Hsieh, Howell, Jackson-Castain)

Commissioner Hsieh provided an update on the Rules of Procedure Ad Hoc Committee. The ad hoc is currently in the process of updating and revising the Code of Conduct and seeking the individual input of each Commissioner with regard to that process.

Community Outreach Ad Hoc Committee (Commissioners Howell, Hsieh, Jordan)

Commissioner Howell provided an update on the Community Outreach Ad Hoc, including development of 2023 priorities and the completion of a draft for the ad hoc's rules and guidelines.

Commissioner Howell also shared the information that locations for offsite meetings are being considered and invited the input of the public on determining those locations. Vice Chair Jordan also shared his views on the priorities of the Community Outreach Ad Hoc.

Budget Ad Hoc Committee (Commissioners Milele, Jordan, Jackson-Castain)

Chair Milele gave an update on the Budget Ad Hoc Committee and shared that Commissioner input and points of view are welcome in the creation of a final budget ask. Chair Milele shared that this final budget will be placed on the agenda of the next Commission meeting.

Public comment was made by 1 person (Janks).

XI. Consent Calendar

Commissioner Harbin-Forte made a motion, seconded by Chair Milele, to approve the February 23rd, 2023, Police Commission regular meeting minutes provided that a typo be corrected. No public comment was made, and the motion carried by the following vote:

Ayes: 6 - Milele, Peterson, Harbin-Forte, Howell, Hsieh, Jordan
Nays: 0
Absent: 1 - Jackson

XII. Upcoming/Future Agenda Items

Commissioner Peterson requested that a report on CPRA investigators be added to an upcoming agenda.

No public comment was made.

XIII. Open Forum Part 2

No public comment was made.

XIV. Adjournment

Chair Milele adjourned the meeting at approximately 10:42 p.m.



Background

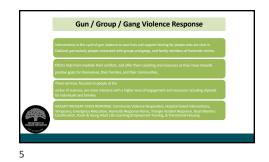
 July 2017 City Council Approves the creation of a new Department of Violence Prevention(DVP)

September 2019 Guillermo Cespedes joined as Chief
the Department of Violence Prevention.

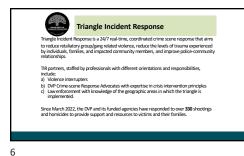
 July 2020 Oakland Unite, formerly a division of Human Services transitions its staff and funded programs into the DVP.

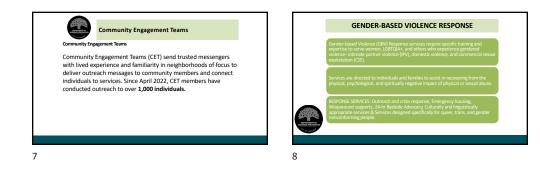


DVP Mandates **DVP- Hybrid Model** Reduce Gun Violence Provides Grants and monitors the performance of 32 CBOs that deliver violence prevention and Reduce Intimate Partner Violence intervention services Provides Direct Practice Services at individuals, Reduce Commercial Sexual Exploitation families, peers, community, and school level domains. Places emphasis on the hiring and professional Reduce Trauma Associated with Cold Cases personnel with "lived experience" as a critical component of city government • Develops evidence-based technical designs for fund Reduce Overall Community Trauma development and knowledge management purposes. 4

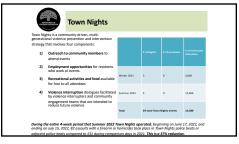


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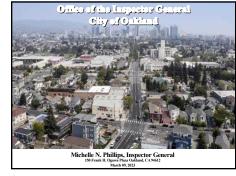






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Independent Monitor Site Visit

- On February 21 & 22, the OIG attended all segments of the site visit
- The presentation and discussions included current state of use of force complaints, high-profile cases, policies, and risk management

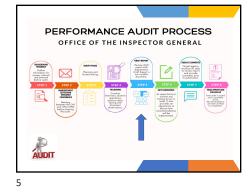
Negotiated Settlement Agreement Tasks:

Task 42 – FTO Program

Field Training is an important area of review, as it is the officer's first time working on the streets, post academy
Access to OPD data and key documents were impacted by the February 8 cyber attacks

• Nevertheless, the OIG team is in the drafting stages of the report (Step 5 of the Performance Audit Process)

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Negotiated Settlement Agreement Tasks:

Case Management Conference Work Group

- OPD initiated a work group for key stakeholders to receive updates on their implementation of the recommendations offered in the Clarence Dyer and Cohen LIC report
- The OIG intends to have representation at these ongoing meetings
- •Although, the OIG does not have a role in the implementation of the recommendations, we plan to add value to the process by assisting in the modification of a current policy and/or procedure

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Negotiated Settlement Agreement Tasks:

Proposed Policy Review and Recommendations

- While OPD's focus has been the implementation of the Clarence Dver and Cohen LLC recommendations, the OIG has also identified potential gaps in policy
- •The OIG is working with IT Department and OPD Policy and Publication unit to gather background information, while actively reviewing a current policy
- If the background research yields the need for a more comprehensive policy review, the OIG will complete the review and forward a report to the Police Commission

Current Projects Update

City Council Audit

•The OIG is currently drafting a recommendation document for OPD organizational

The Bey Matter

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- •Attached to the agenda report is an informational report on this matter
- $\bullet\mbox{The OIG}\xspaces$ review was impacted by the ransomware incident and will be delayed

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Review Of OPD & CPRA Mediation Program

- Initiated by an inquiry from an Oakland resident • Evaluated Enabling Ordinance §2.45.070 & §2.46.060 • Reviewed several documents and spoke to subject matter experts within the National Association for Civilian Oversight of Law Enforcement
- Reviewed multiple jurisdictions' mediation programs Communicated with OPD and CPRA regarding any developments
- Sent the confidential report to Commission leadership for review and response
- Released the public-facing report on March 2, 2022



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Community Engagement & Outreach

Activities Recap

- 10+ community events attended
- •Activities included a book signing, neighborhood council meeting, planning sessions, business, and community meetings, and service events

Social Media Campaigns

- •#FAQFriday, allows OIG the opportunity to answer commonly asked questions from the community
- •#CandidConversataion, will elevate various perspectives from the community with the goal to have constructive conversation





NSA AD HOC COMMITTEE

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Commissioner Brenda Harbin-Forte, Chair Commission Chair Dr. Tyfahra Milele Commissioner Jesse Hsieh Featured Community Representatives TBD



URGENCY Next Status Conference on April 11, 2023 Joint Status Conference Statement due April 4 At January 2023 Status Conference, Judge Orrick: "interested in the perspective of the Police Commission" as parties discuss how to move forward to finally achieve compliance Ordered Commission to be at the table to engage with the parties in serious discussions about achieving full compliance with the NSA



SYSTEMIC, STRUCTURAL ISSUES 1. Post-NSA Transition to

Community Oversight Authority 2.Necessary Commission-Dedicated Staff for Charter Obligations 3. Untimely or Absent Notifications to the Commission and CPRA

SYSTEMIC, STRUCTURAL ISSUES

- Lack of City protocol for serious incident notifications to Commission Chair, IG, and CPRA Director
- 5. Future merger of CPRA and IAD

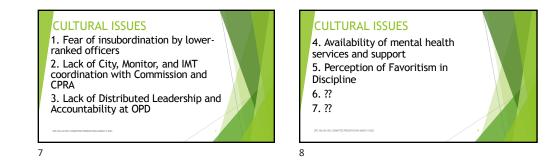
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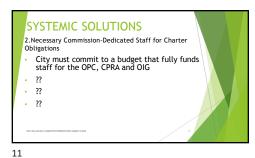
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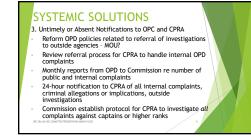
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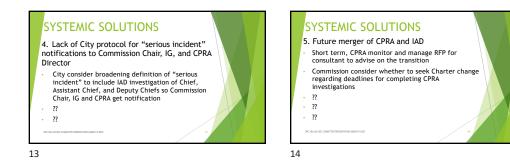












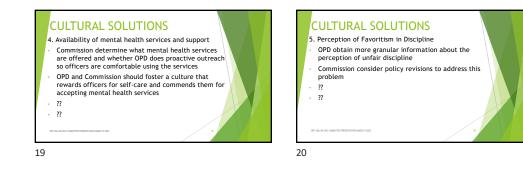


















Police Commission Role and Responsibilities

The Commission's core role is to oversee and reform policing in Oakland to steward public safety and instill confidence in a just legal system. We carry out this mission through the following responsibilities:

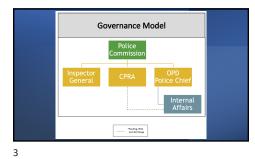
 Police Oversight in collaboration with the Community Police Review Agency (CPRA) and the Office of the Inspector General (OIG)

Police Reform through policy, culture change, and community engagement

Charter and Municipal Mandates as determined by the voters of Oakland

Negotiated Settlement Agreement compliance, sustainability, and transition

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Measuring the Commission's Success

Key indicators of the Commission's success:

Charter and Municipal Code mandates fulfilled
 Impact of policies reviewed and approved

Address racial disparities in policing practices

- Mitigate police misconduct
- Negotiated Settlement Agreement Tasks and Sustainability
- Compliance with City Audit Report
- Public forums and community engagement
 Evaluation of inclusion and transparency
- Staff recruitment, management, retention, and performance evaluation



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Budget Proposal Principles

Departments were instructed to adhere to the following principles in developing the budget proposals to embrace the opportunity and necessity for process improvements by:

• Centering Equity – an intentional effort to prevent exacerbating racial disparities and to reduce racial disparities wherever possible

Valuing the City Workforce – prioritizing the wellbeing and professional development of our dedicated and talented workforce

• Strategic Thinking – encouraging creative and innovative strategies to become a more efficient and effective City

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Research and Analysis

- Research, consultation, and analysis completed in developing this proposal:
- Independent Monitoring Team (IMT) Organizational Structure
- Oakland Equity Indicator Report¹
 FY 2021-23 Service Impact Statements²
- 2022-23 Budget Priority Survey³
- International City/County Management Association (ICMA)⁴
- National Association for Civilian Oversight of Law Enforcement (NACOLE)^5 $\,$
- OakDot Geographic Equity Toolbox⁶
 City of Oakland Human Resources
- City of Oakland Finance Department
- Police Commission Annual Retreat

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Community Surveys

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Police Commission Budget Proposals

- Retain current budgeted positions
- Proposed Addition of FTE Positions:
- Program Analyst II: Interagency liaison between OPD, OPC, CPRA, and OIG to oversee monitoring and compliance post-NSA
- Senior Policy Analyst: Proactive policy research, design, implementation, analysis
 Public Information Officer I: Media relations, communications and social media
- strategy, community engagement and events

• Third-party search firm funding to lead Chief of Police search

End Notes

- 1. Oakland Equity Indicator Report: https://coo.94612.s3.amazanaws.com/documents/2018-Equity-indicators-Euli
- 2. FY 2021-23 Service Impact Statements: https://stories.openpay.com/opkiondca/aubished/3/Gco450z
- 3. 2022-23 Budget Priority Survey_<u>https://ankiondide.org/wa-content/voloods/2023/02/View-Attor</u> 4. ICMA Conditions for Building Trust between Police and the Community<u>eteme//www.communityeteme/</u>/
- 5. NACOLE Community Oversight Paves the Road to Police Accountability:
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