



OAKLAND POLICE COMMISSION

SPECIAL MEETING MINUTES

November 18, 2021, 5:30 PM

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

Chair Regina Jackson

Roll Call: Commissioner Henry Gage, III; Commissioner Sergio Garcia; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell, Commissioner David Jordan; Commissioner Tyfahra Milele; Alternate Commissioner Jesse Hsieh; Alternate Commissioner Marsha Peterson

II. Closed Session Item

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.

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

(California Government Code Section 54957(b))

Title: Inspector General

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(California Government Code Section 54957(b))

Title: Director, Community Police Review Agency

Public Comment provided by the following speakers:

Assata Olugbala

Mary Vail

III. Call to Order and Re-Determination of Quorum

Roll Call: Commissioner Henry Gage, III; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell, Commissioner David Jordan; Commissioner Tyfahra Milele; Alternate Commissioner Jesse Hsieh; Alternate Commissioner Marsha Peterson

Commissioner Sergio Garcia rejoined shortly after roll call to redetermine quorum.

Chair Jackson noted nothing to report from the closed session.

Chair Jackson did make a statement with two key points. The first regarding public comment related to the Commission's work and process in service of identifying a qualifying candidate to serve as the new Inspector General. The Chair shared that she felt public critique was predominantly unconstructive criticism given the thoughtful planning and great number of hours dedicated to the process. She asked that members of the public join public forums with the spirit of



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useful and constructive support. The second point shared by the Chair was in response to the criticism of her efforts to support the Chief in his work of reforming the Oakland Police Department. She said that as a community leader she will always champion and encourage change agents and noted that her support of the Chief by no means preclude her from providing him with actionable critique and direction.

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

After ascertaining how many members of the public wish to speak, Chair Regina Jackson will invite the public to speak on any items not on the agenda but may be of interest to the public, and that are within the subject matter jurisdiction of the Commission. Comments on specific agenda items will not be heard during Open Forum but must be reserved until the agenda item is called. The Chair has the right to reduce speaking time to 1 minute if the number of speakers would cause this Open Forum to extend beyond 15 minutes. Any speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2, at the end of the agenda.

Public Comment provided by the following speakers:

None

V. **Selection of Alternate Commissioner to Fill Vacancy**

To fill the vacancy arising from a Commissioner's resignation, whose letter is available in the agenda packet, the Commission will discuss and consider a vote to select an Alternate Commissioner as a new Commissioner, per Oakland City Charter Section 604(c)(8). ***This is a new item.***

Comm. Garcia resigns his position and Commissioners thank him for his service. The Commission then moved on to elevating a current alternate to the newly empty seat and begins discussing whether the vacant seat should be filled by a Mayoral or Selection Panel alternate appointee.

Comm. Harbin-Forte suggests the elevation process be decided by seniority, which was her basis for voting to fill the prior vacancy for a Mayoral appointee with a selection panel appointee. She also requested that the Commission formalize the process for filling vacancies and moved to table this agenda item until the next meeting.

Comm. Jordan stated that seniority was not the primary determinant to the last elevation and nominates Comm. Hsieh. Comm. Garcia seconds.

Chair Jackson asks for a nomination of Comm. Peterson, based on seniority. Vice Chair Milele moves the elevation of Commissioner Peterson. Commissioner Harbin-Forte seconds. The Chair invites each of the alternate Commissioners to speak to their work and qualifications, starting with Comm. Hsieh.



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After Comms. Hsieh and Peterson speak, Comm. Gage requests the Commission consider establishing and codifying the elevation process to avoid future issues, so that the Commission can decide whether vacancies be filled by a like-for-like process or seniority or some other system. Chair Jackson commits to reviewing all the concerns, including whether maintaining the ratio established by Measure LL of having three Mayor's appointees and four Selection Panel appointees as regular commissioners, before proposing a standard procedure, and appoints Vice Chair Milele to assist with the review. Comm. Gage asks to join the Chair and Vice Chair Milele in creating a procedure.

Comm. Harbin-Forte's motion to table the item until the next meeting (w Comm. Garcia as a second) does not pass. (Ayes: Comms. Harbin-Forte, Howell, Vice Chair Milele; Nays: Comms. Gage, Garcia, Jordan, Chair Jackson. Abstentions: None)

Comm. Jordan's motion to elevate Comm. Hsieh to the vacant position (w Comm. Garcia as a second) does not pass. (Ayes: Comm. Jordan. Nays: Comms. Gage, Harbin-Forte, Howell, Vice Chair Milele, Chair Jackson. Abstentions: None)

Vice chair Milele's motion to elevate Comm. Peterson to the vacant position (w Comm. Harbin-Forte as a second) does pass. (Ayes: Comms. Gage, Harbin-Forte, Howell, Vice Chair Milele, Chair Jackson. Nays: None. Abstentions: Comm. Jordan)

Public Comment provided by the following speakers:

Rashidah Grinage

Anne Janks

Oscar Yassin

Mariano Contreras

Assata Olugbala

Bruce Schmeichen

Jennifer Tu

Cathy Leonard

VI. Update from Police Chief

OPD Chief Armstrong will provide an update on the Department. Topics discussed in the update may include crime statistics; an update on the Negotiated Settlement Agreement; a preview of topics which may be placed on a future agenda; responses to community member questions sent in advance to the Police Commission Chair; and specific topics requested in advance by Commissioners. ***This is a recurring item.***

Chief Armstrong presented the Department's current crime statistics and the value of the Department's ceasefire strategy. Also covered was the Department's partnership with the ATF, the increase in gun recoveries, missing persons alerts, slightly improved staffing levels, the latest



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federal monitor visit, the completion of the Axon contract to purchase new body-worn cameras and integrating the recommendations from the social media investigations.

The Chief asked that public questions posed during public comment be noted and included in a forthcoming meeting – in line with the Brown Act and allowing him and the Department find the necessary information to respond.

Topics requesting attention

+ Post-arrest referral data (Comm. Gage)

+ Attrition data analysis + positions/assignments officers are leaving and moving to (Comm. Hsieh)

+ Policy and training regarding officers making flippant remarks and citing city politics and policies while on assignment (Anne Janks/Public Comment)

Comm. Gage and Chair Jackson asked Chief Armstrong to diligently review and consider the vendors the Department chooses to work with, following public comment regarding training recently provided by the Anti-Defamation League.

Public Comment provided by the following speakers:

Anne Janks

Oscar Yassin

Assata Olugbala

VII. Revised CID Policies & Procedures for the Police Department Homicide Section

The Commission will review and discuss the approval of the Police Department's revised Policies and Procedures manual for the Department's Criminal Investigation Division; Homicide Section (19-01). ***This is a new item.***

Chief Armstrong, along with Lt. Turner and DC Drennon, presents the revised CID (Criminal Investigation Division) policies and procedures manual for the Department's homicide investigations. The Chief noted the draft document before the Commission had been reviewed by the independent monitors, the plaintiff's attorneys in the Allen case, and the City Attorney's Office.

Commissioners posed questions to the Department regarding the draft document and enquired about the time restriction to review and adopt this policy given the potential desire for public review and commentary. Chair Jackson set up an Ad Hoc to review the draft CID policy and procedures manual, appointing: Comms. Jackson, Howell, Hsieh.

Public Comment provided by the following speakers:

Anne Janks

Oscar Yassin



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VIII. **Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing, and Recent Activities**

To the extent permitted by state and local law, Executive Director John Alden will report on the Agency's pending cases, completed investigations, staffing, and recent activities. ***This is a recurring item.***

Executive Director Alden presented the CPRA's monthly statistical report, with a focus on pending cases.

Public Comment provided by the following speakers:

Rashidah Grinage

Anne Janks

A.L. Warren

IX. **Militarized Equipment Ad Hoc Committee Final Report Out**

Leads of the Militarized Equipment Ad Hoc will discuss the Commission's obligations under the new Military Equipment Ordinance, Oakland Municipal Code § 9.65.010 – 9.65.060, confirm the completion of the time-limited task of the ad hoc and recommend next steps. ***This is a recurring item.***

Comm. Gage shared the legal guidance related to Ad Hocs and Standing Committees confirming that a Standing Committee is not required unless membership is static – necessitating the Militarized Equipment Ad Hoc rotate its Commission members.

Comm. Gage requests this Ad Hoc be restructured as a Standing Committee to ensure maximum public exposure of the topic.

Public Comment provided by the following speakers:

John Lindsay-Polland

Jennifer Tu

X. **Referral of Prior-Subpoenaed Records to the Inspector General**

The Commission will vote on whether to refer Department records previously subpoenaed by the Commission related to IAD Numbers 07-0538, 13-1062, and 16-0146 to the new Inspector General, per Oakland Municipal Code § 2.45.120(F). ***This is a new item.***

Commission counsel explains the shifts to expect when the new Inspector General (IG) joins Oakland's public safety landscape including the referral of a series of records for the IG to prioritize once they begin.



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Vice Chair Milele brings a motion to refer previously subpoenaed records to the IG, Chair Jackson seconds. The motion passes. (Ayes: Comms. Gage, Harbin-Forte, Howell, Jordan, Vice Chair Milele, Peterson and Chair Jackson. Nays: None. Abstentions: None).

Public Comment provided by the following speakers:

None

XI. **Committee Reports**

Representatives from Standing and Ad Hoc Committees will provide updates on their work. ***This is a recurring item.***

Missing Persons Ad Hoc (Commissioners Jackson, Jordan)

The Missing Persons Ad Hoc Committee is tasked with reviewing and updating the OPDs missing persons policy, to ensure that it is in line with the standards of constitutional policing and evolving community values. The resulting policy will be presented for review and approval to the full Police Commission, with the intent that it be formally adopted as the guiding policy for the investigations of missing persons by the OPD.

Comm. Jordan reminded the Commission and the public of the public hearing held since the last progress report-out. He noted the Committee had reached out to subject matter experts, per the public comment at the public hearing. Once final modifications are made, the Commissioner believes the group will be ready to bring the draft to the full commission for review and possible action.

Inspector General Search (Commissioners Milele, Jackson, Peterson)

The Inspector General Search Ad Hoc Committee is tasked with conducting a nationwide search for a civilian Inspector General who will report to the Police Commission.

Comm. Peterson mentioned that she, along with her fellow Ad Hoc members, walked the full Commission through their findings and recommendations. She reiterated that while there was nothing to report back from closed session, the Commission is nearing the end of its search and is anticipating announcing the qualifying candidate soon.

Chief's Performance Evaluation (Commissioners Garcia, Milele, Peterson)

The mission of the Chief Goals Ad Hoc is to establish goals and objectives that determine the criteria upon which the Oakland Chief of Police will be evaluated by the Oakland Police Commission.



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Comm. Peterson noted that the group continues to make progress and will keep providing updates to their efforts.

CPRA Director Performance Evaluation (Commissioners Milele, Jackson)

The purpose of this Ad Hoc Committee is to provide a transparent performance review of the CPRA Executive Director. The Committee will craft constructive critiques, as well as performance expectations for the coming year.

Chair Jackson reported the Ad Hoc used the closed session to continue reviewing and addressing the performance evaluation of the CPRA Executive Director. She noted the continued progress and the last activities required to close out this group's work by the years end.

Public Comment provided by the following speakers:

Anne Janks
Jennifer Tu

Chair Jackson asks for a motion from the Commissioners to extend the meeting from a 10:30 end to an 11:30 end. Comm. Harbin-Forte brings the motion, seconded by Comm. Gage. Commissioners voted unanimously and the motion passes.

XII. Open Forum Part 2 (2 minutes per speaker)

Chair Regina Jackson will invite public speakers to speak on items that were not on the agenda, and that are within the subject matter jurisdiction of the Commission, with priority given to speakers who were unable to address the Commission during Open Forum at the beginning of the meeting. Speakers who made comments during Open Forum Part 1 will not be permitted to make comments during this Open Forum. Comments previously made during public comment on agenda items may not be repeated during this Open Forum. The Chair has the right to reduce speaking time to 1 minute for reasons the Chair will state on the record. ***This is a recurring item.***

Public Comment provided by the following speakers:

Assata Olugbala
Anne Janks
Reisa Jaffe

XIII. Robert's Rules of Order

Refresher Training. ***This is a new item.***



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Vice Chair Milele made a motion to table this item and re-agendize for the next Commission meeting (Dec 9). Chair Jackson seconds. The Commission votes unanimously and the motion passes, this item is held over to the next meeting.

Public Comment provided by the following speakers:

None

XIV. Cancel a November 2021 meeting

Staff will recommend cancelling the November 25 meeting. ***This is a new item.***

Chair Jackson noted that the next scheduled Commission Meeting falls on November 25 and looks to accept a motion to cancel this meeting given the Thanksgiving holiday break.

Comm. Harbin-Forte brings the motion, seconded by Chair Jackson. The Commission votes unanimously and the meeting scheduled for Thursday, Nov 25, is cancelled. The next scheduled meeting will be held on Thursday, December 9, 2021.

XV. Adoption of Meeting Minutes

The Commission will vote to approve minutes from the October 28 Special Meeting. ***This is a recurring item***

Commission staff noted the unintended omission of a header and footer identifying the document as the October 28 Meeting minutes and confirmed the correction will be made before the minutes are finalized and posted online for public access.

The Commission votes unanimously to adopt the draft minutes.

Public Comment provided by the following speakers:

None

XVI. Agenda Setting and Prioritization of Upcoming 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. ***This is a recurring item.***

Chair Jackson acknowledged the running list of queries posed to Chief Armstrong and the Police Department by members of the public, including towing, flippant officer remarks, probation and parole statistics and BearCat deployment, as well as possible review of the Missing Person's policy.

Public Comment provided by the following speakers:



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Assata Olugbala

- XVII. Adjournment**
Meeting adjourned at 10:50 pm.