

OAKLAND POLICE COMMISSION



2021

Annual Report

Executive Summary

The City of Oakland's Police Commission (Commission) is a Charter-created voluntary and civilian-run oversight board composed of seven Commissioners and two non-voting Alternate Commissioners.

The Commission's primary mandate is to oversee the Oakland Police Department, ensuring its policies, practices, and customs conform to national standards of constitutional policing.

On November 3, 2020, Oakland voters overwhelmingly approved Measure S1, amending the City Charter to establish a new Office of Inspector General (OIG) - outside of the OPD - to investigate and review the City's handling of police misconduct-related claims, lawsuits, settlements, complaints, and investigations involving the OPD and CPRA.

Subject to limitations, the measure allows the OIG to request and review OPD and CPRA records, including personnel and investigative records. The OIG will also audit the OPD's compliance with the tasks described in the Negotiated Settlement Agreement (NSA) in *Delphine Allen, et al., v. City of Oakland, et al.* This audit will address improvements in policing standards, the public's access to the complaint process, reporting and investigations of police misconduct, training and supervision, and identifying at-risk behaviors by police officers.

As well as the OPD, the Commission is also authorized and committed to overseeing the Community Police Review Agency (CPRA), which investigates police misconduct and recommends discipline, as well as the newly established Office of the Inspector General (OIG).

Legislative History

Charter Section 604 charges the Police Commission with overseeing the OPD and holding the Department accountable to its compliance obligation and its duties to Oakland's communities.

Among its charter mandated responsibilities, is the Commission's authority to approve or reject the Department's proposed changes to all policies, procedures, customs, and General Orders of the Department which govern use of force, use of force review boards, profiling based on any of the protected characteristics identified by federal, state, or local law, or First Amendment assemblies, or which contains elements expressly listed in federal court orders or federal court settlements which pertain to the Department.

Additionally, the Commission is also tasked with supervising the investigative work of the CPRA, and performance audits of the OIG.

Measure S1 allows the Commission to hire its own attorneys independent of the City Attorney's Office and provides CPRA and OIG with a budget to conduct work independently of the City Administrator or any other government agency.

Police Commission Structure

Police Commission Leadership

Chair Regina Jackson maintained the leadership role until the February 2022 election cycle. Commissioner Jose Dorado served as elected Vice Chair for most of 2021 (elected February 11, 2021) and was replaced as Vice Chair by Commissioner Tyfahra Milele (elected to the role in October 2021, to replace Comm. Dorado upon the completion of his term and service on the Commission).

Commission Composition, as of December 31, 2021



Regina Jackson
Chair

- Appointed by Mayor
- Seat: Mayoral
- Term ends: Oct. 2021



Tyfahra Milele
Vice Chair

- Appointed by Selection Panel
- Seat: Selection Panel
- Term ends: Oct. 2023



**Rudolph
Howell**
Commissioner

- Appointed by Selection Panel
- Seat: Selection Panel
- Term ends: Oct. 2024



**Jesse
Hsieh**
*Alt
Commissioner*

- Appointed by Selection Panel
- Seat: Selection Panel
- Term ends: Oct. 2022



**Brenda
Harbin-Forte**
Commissioner

- Appointed by Mayor
- Seat: Mayoral
- Term ends: Oct. 2022



**David
Jordan**
Commissioner

- Appointed by Selection Panel
- Elevated by Commission
- Seat: Mayoral
- Term ends: Oct. 2023



**Henry
Gage, III**
Commissioner

- Appointed by Selection Panel
- Seat: Selection Panel
- Term ends: Oct. 2022



**Marsha
Peterson**
Commissioner

- Appointed by Mayor
- Elevated by Commission
- Seat: Selection Panel
- Term ends: Oct. 2023

Commission Changes in 2021

The Commission received a new mayoral appointee, James Jackson, for a term to end in October 2023, but he resigned before attending his first meeting: The Commission bid farewell to a total of three Commissioners:

Commissioner	Title	Appointing Authority	Seat	Reason Left
James Jackson	Commissioner	Mayor	Mayoral	Resigned 2021
Jose Dorado	Vice Chair	Selection Panel	Selection Panel	Term ended Oct 2021
Sergio Garcia	Commissioner	Selection Panel	Selection Panel	Resigned Nov 2021

The Commission welcomed two new Commissioners

Commissioner	Title	Appointing Authority	Seat	Term Ends
Jesse Hsieh	Alt. Commissioner	Selection Panel	Selection Panel	Oct 2022
Rudolph Howell	Commissioner	Selection Panel	Selection Panel	Oct 2024

And promoted three others

Commissioner	Promoted to	Appointing Authority	Seat	Term Ends
David Jordan	Commissioner – Jan 2021	Selection Panel	Mayoral	Oct 2023
Tyfahra Milele	Vice Chair – Elected Oct. 2021	Selection Panel	Selection Panel	Oct 2023
Marsha Peterson	Commissioner – Nov 2021	Mayor	Selection Panel	Oct 2023

Staffing and resourcing

As part of the completed restructure of the Police Commission and CPRA offices (per Measure S1), the Commission said thank you and farewell to Ms. Christine Love, the former administrative lead and the Commission's sole resource. In August, the Commission welcomed Ms. Rania Adwan to the newly established position of Chief of Staff.



Doing The Work

Committees – Standing and Ad Hoc

The Commission continued in its practice to establish Ad Hoc Committees, composed of a smaller subset of Commissioners – along with subject matter experts and often inclusive of community groups and other members of the public – as a primary method of initiating and completing charter mandated projects.

This year also saw extensive conversations comparing the merit and efficacy of Standing Committees versus ad hoc committees; a continuing discourse, especially in light of its current limited staffing resources and with a view to its anticipated growth and the inclusion of two additional staff positions.



As of December 2021

Standing Committees	Commissioners
Community Outreach	Howell, Hsieh, Jordan
Personnel	Jackson

Ad Hoc Committees

Annual Report	Jackson, Milele
Anti-discrimination Policy	Milele, Harbin-Forte, Hsieh
Budget	Jackson, Milele
Community Policing OPD 15-01	Harbin-Forte, Howell, Hsieh
CPRA Director Performance Evaluation	Jackson, Milele, Peterson
OBOA Allegations Investigation	Jackson, Harbin-Forte
Police Chief Goals and Evaluation	Jackson, Milele, Peterson
Risk Management Policy	Gage, Howell, Peterson
Racial Profiling Policy	Jackson, Milele
Rules of Procedure	Gage, Harbin-Forte
Social Media policy	Jackson, Milele, Hsieh

Completed or Paused

Armed & Unresponsive Persons	Jackson, Jordan, Smith
Bey Case Investigation	Harris
CID Review	Jackson, Howell, Hsieh
Dedicated Arrest Team Policy	Jackson, Jordan, Smith
Inspector General Search	Jackson, Milele, Peterson
Militarized Police Equipment	Gage, Jordan
Missing Persons Policy	Jackson, Jordan
Police Chief Search	Jackson, Dorado, Harbin-Forte
White Supremacists and Other Extremist Groups	Jackson, Dorado, Harbin-Forte

Public Forums

In addition to the Commission meetings on Thursday evenings and the Ad Hoc Committee meetings, the Commission held several public forums related to specific topics and often in support of the working efforts of an Ad Hoc Committee.

The forums provide another platform to showcase and hear from subject matter experts, provide the public and other stakeholders with a digestible synthesis on a specific topic (as was the case with the Missing Person's forum) and allow for even more transparency in how the Commission completes its charter mandated tasks (as was the case of the Inspector General forum).

Public Forums



CANDIDATES FORUM FOR OAKLAND'S FIRST INSPECTOR GENERAL

JOIN OAKLAND POLICE COMMISSION AD HOC COMMITTEE MEMBERS (CHAIR JACKSON, COMMS. MILELE & PETERSON) FOR A FORUM TO VIRTUALLY MEET AND HEAR FROM THE THREE FINALISTS FOR OAKLAND'S INSPECTOR GENERAL.

OCTOBER 27 WEDNESDAY | 5:00 - 6:30 PST
 ZOOM ACCESS DETAILS AVAILABLE VIA THE POLICE COMMISSION WEBSITE:
WWW.OAKLANDCA.GOV/BOARDS-COMMISSIONS/POLICE-COMMISSION

CANDIDATES FOR THE ROLE OF OAKLAND'S INSPECTOR GENERAL



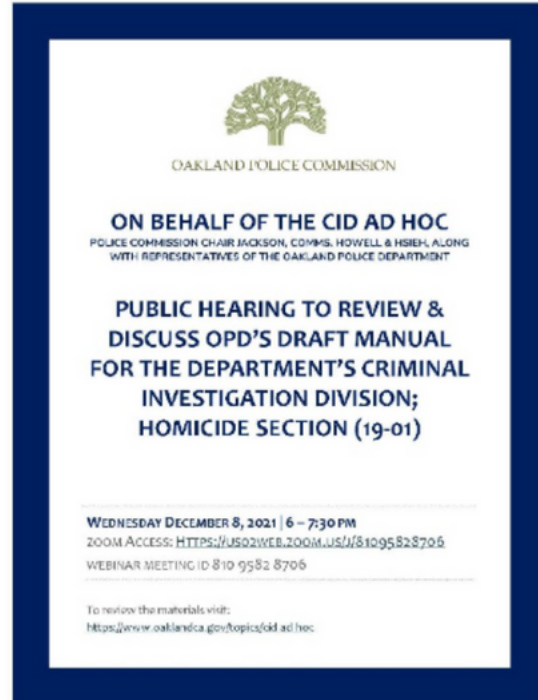
REBECCA JOHNSON
Rebecca Johnson, Director of Operations, Oakland Police Department



MARK MILLER
Mark Miller, Chief of Police, Oakland Police Department



MICHELLE PHILLIPS
Michelle Phillips, Chief of Police, Oakland Police Department



OAKLAND POLICE COMMISSION

ON BEHALF OF THE CID AD HOC
 POLICE COMMISSION CHAIR JACKSON, COMMS. HOWELL & HSEK, ALONG WITH REPRESENTATIVES OF THE OAKLAND POLICE DEPARTMENT

PUBLIC HEARING TO REVIEW & DISCUSS OPD'S DRAFT MANUAL FOR THE DEPARTMENT'S CRIMINAL INVESTIGATION DIVISION; HOMICIDE SECTION (19-01)

WEDNESDAY DECEMBER 8, 2021 | 6 - 7:30 PM
 ZOOM ACCESS: [HTTPS://US02WEB.ZOOM.US/J/81095828706](https://us02web.zoom.us/j/81095828706)
 WEBINAR MEETING ID: 810 9582 8706

To review the materials visit:
<https://www.oaklandca.gov/topics/cid-ad-hoc>



COMMUNITY COMMENT
OPD ARMORED VEHICLE POLICY

THE OAKLAND POLICE COMMISSION AD-HOC COMMITTEE ON MILITARIZED EQUIPMENT REQUESTS YOUR INPUT ON THE DEPLOYMENT AND USE OF ARMORED VEHICLES BY THE OAKLAND POLICE DEPARTMENT

QUESTIONS

- When should OPD be authorized or prohibited from using an armored vehicle?
- What are the downsides of OPD deployments of an armored vehicle?

THE DRAFT POLICY AND OTHER COMMITTEE DOCUMENTS ARE AVAILABLE ON THE WEBSITE OF THE OAKLAND POLICE COMMISSION:
<https://www.oaklandca.gov/resources/ad-hoc-committee-on-militarized-equipment>

WHEN
 Monday January 11th, 2021
 6:00 pm - 8:00 pm
 Public Comment
 6:15 pm - 7:15 pm

HOW TO PARTICIPATE

THE MEETING WILL BE HOSTED ON THE ZOOM WEBINAR PLATFORM PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:
[HTTPS://US02WEB.ZOOM.US/J/89351447947](https://us02web.zoom.us/j/89351447947)

OR IPHONE ONE-TAP -
 +16699009128,85460862182# OR
 +13462487799,85351447947#

OR TELEPHONE:
 DIAL (FOR HIGHER QUALITY, DIAL A NUMBER BASED ON YOUR CURRENT LOCATION):
 US: +1669 900 9128 OR +1346 248 7799 OR +1253 215 8782 OR
 +1 646 558 8656 OR +1 301 715 8592 OR +1 312 626 6799

WEBINAR ID: 893 5144 7947

OAKLAND POLICE COMMISSION AD-HOC COMMITTEE ON MILITARIZED EQUIPMENT



Commissioners
 Chair Regina Jackson
 Vice-Chair Henry Gage III
 Commissioner David Jordan

Community Representatives
 Omar Farmer
 John Lindsay-Poland
 Anne Janks

OPD Representatives
 Deputy Chief LeBonne Armstrong
 OPD Training Division Staff

PUBLIC HEARING

OAKLAND POLICE DEPT. MISSING PERSONS POLICY
 •
 COMMUNITY INPUT REQUESTED

The Oakland Police Commission via the Missing Persons Policy Ad Hoc Committee is requesting community input on the revised OPD Missing Persons policy.

The hearing will include a facilitated conversation with a subject expert panel, as well as an opportunity for members of the public to respond to the panel as well as the policy itself.

The commission would specifically like to hear:

- Is the policy clear and effective?
- What has been your lived experience regarding missing persons investigations?
- What elements or resources should be prioritized in these investigations?

The policy and other supporting documents can be found at the link below:
<https://www.oaklandca.gov/resources/missing-persons-policy-ad-hoc-committee>

When
 Tuesday Nov. 2nd
 6 pm - 8 pm

How to Participate
 The meeting will be hosted as a Zoom webinar. Link to join:
<https://us02web.zoom.us/j/85460862182>
 Webinar ID: 854 6086 2182

Or One tap mobile:
 US: +16699009128,85460862182# or
 +12532158782,85460862182#

Or Telephone:
 Dial (for higher quality, dial a number based on your current location):
 US: +1 669 900 9128 or +1 312 626 6799 or +1 346 558 8656 or +1 301 715 8592

POLICE COMMISSION MEETINGS

The Police Commission meets on the second and fourth Thursday of each month in the evenings. Representatives from OPD and CPRA appear at most meetings to provide reports on Commission-requested topics and to hear public comment.

These meetings offer a robust open forum, inviting public commentary and input on agendized and non-agendized items. Members of the public are also encouraged and invited to submit their thoughts, concerns, ideas and sentiments via email; acknowledged at the Police Commission meetings as written public comment and posted to the relevant web pages soon after.

The Commission continues to ensure maximum transparency, public awareness and engagement efforts by expeditiously posting the recordings of all its meetings, along with transcripts and minutes whenever possible and as soon as feasible (given limited staff resources).

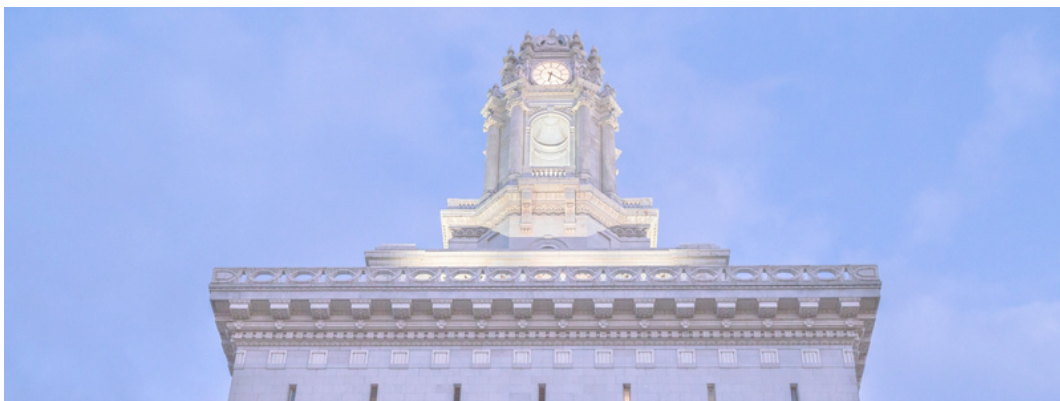
Due to the ongoing Covid-19 global pandemic, the Police Commission continued to conduct its Special and Regular Thursday evening meetings, along with Standing and Ad Hoc Committee meetings, virtually and via Zoom.



OPD Presentations at Commission Meetings

Since its inception, the Commission has requested that the Chief of Police provide informational reports on topics of interest to the Commission and as required by the Enabling Ordinance. In 2021, members of the Department presented on various topics including:

- Crime reports and corresponding statistical data
- Policy priorities
- The creation of a Violent Crimes Operations Center within the Bureau of Investigations
- The creation of a Bureau of Risk Management
- OPD use of overtime with City businesses
- Staffing concerns and attrition rates
- Updates regarding its work with the Independent Monitor
- General progress satisfying the terms of the negotiated settlement agreement
- The Department's zero-tolerance of any racist practices, behaviors, or actions, or affiliations or support of white supremacist or extremist organizations, including social media posts or interactions
- Investigation into the misuse of social media platforms by Department members
- Working relationship with Alameda County's Public Defender on the topic of timely mirandizing of youth



Consideration of OPD Policies and Orders

The Commission reviewed and considered several OPD Policies and Orders including:

- Armed and Unresponsive Persons Policy
 - Commission Ad Hoc members: Jackson, Jordan, Smith
 - The Commission voted on January 7, 2021 to approve a draft of the policy.
- Dedicated Arrest Teams Policy.
 - Commission Ad Hoc members: Jackson, Jordan, Smith.
 - The Commission voted on January 7, 2021 to approve a draft of the policy.
- Military Equipment Training Bulletin.
 - Commission Ad Hoc members: Gage, Garcia, Jordan.
 - The Commission voted on February 11, 2021 to approve a draft of the bulletin.
- Sunsetting the Use of “BearCats” (Armored Vehicles).
 - Commission Ad Hoc members: Gage, Garcia, Jordan.
 - The Commission voted on March 25, 2021 to approve a resolution to phase out and replace the Department’s “BearCat” armored vehicles with nonmilitarized alternatives.
- OPD Internal Affairs Division (IAD) Manual Draft Review.
 - Commission Ad Hoc members: Gage, Jackson, Jordan.
 - The Commission voted on May 27, 2021 to ratify a revised IAD Manual.
- DGO K-03: Use of Force.
 - Commission Ad Hoc members: Anderson, Gage, Harris
 - The Commission voted on October 8, 2021 to ratify the revised policy, completed and approved the prior year.
- Criminal Investigation Division (CID); Homicide Section (19-01)
 - Commission Ad Hoc members: Jackson, Howell, Hsieh
 - The Commission voted on December 16, 2021, to approve and adopt the Department’s revised Policies and Procedures manual for the Department’s Criminal Investigation Division; Homicide Section (19-01).

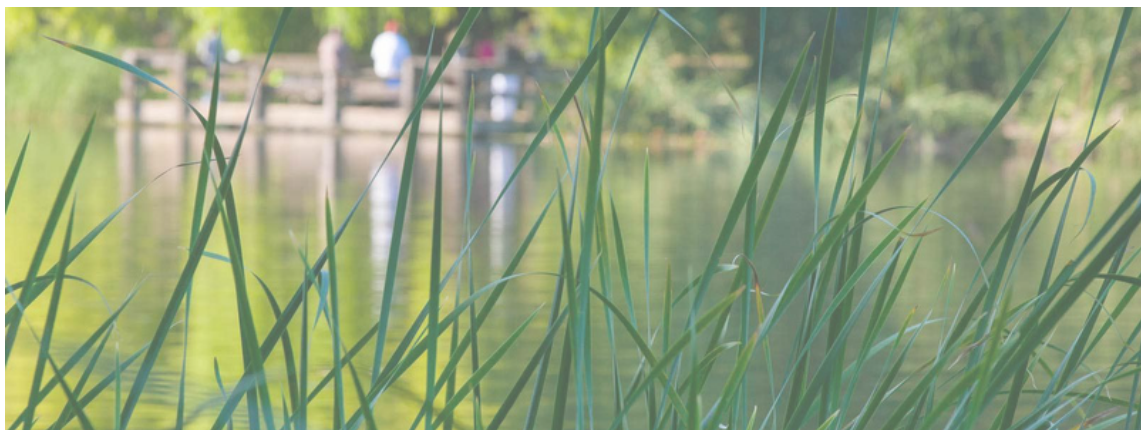
Special Presentations to the Police Commission

- On March 11, 2021, Human Resources Director Ian Appleyard provided an update on the Police Commission reorganization, the Inspector General position, and other staffing projects underway for the Police Commission and the agencies it supervises and responded to questions from the Commission.
- On March 11 and 25, 2021, former Commissioner Ginale Harris shared an update on the Reimagining Public Safety Task Force.
- On March 25, 2021, Former Commissioner Tara Anderson and Gabriel Garcia of Youth Alive reviewed 2021 bill language currently being considered by the State Legislature.
- On May 13, 2021, Joe DeVries, Director of Interdepartmental Operations, delivered a presentation on Neighborhood Services.
- On May 13, 2021, Ryan Richardson from the Office of the City Attorney (OCA) presented a report which summarizes recent efforts by the OCA to help improve the police discipline system and data on arbitration decisions.
- On October 28, 2021- Ryan Richardson from the Office of the City Attorney (OCA) presented a semi-annual report summarizing recent efforts by the OCA to help improve the police discipline system and data on arbitration decisions.
- On December 7, 2021, a special joint meeting of the City Council, Community Policing Advisory Board, Public Safety Services Oversight Commission, and Oakland Police Commission was held to discuss the City's efforts on public safety and violence reductions.

Special Presentations by the Police Commission & Commissioners

The Commission and individual Commissioners are often invited to attend, participate and speak on behalf of the Commission at certain events. In 2021, Commissioners met with the Selection Committee and attended the three Case Management Conferences presided over by Judge Orrick in connection with his tracking the progress of OPD's reform efforts and compliance with the Negotiated Settlement Agreement in *Delphine Allen, et al., v. City of Oakland, et al.* Chair Jackson also spoke at three Police Academy Graduations and at the Police Promotional Ceremony.

Additionally, Commissioners are regularly invited to partner and participate in Special Concurrent Meetings of the Oakland City Council, Community Policing Advisory Board, and Public Safety Services Oversight Commission.



TRAINING FOR THE POLICE COMMISSION

Training for Commissioners is ongoing as Commissioners cycle on and off the Commission. The Commission received the following trainings in open session:

- February 25, 2021 CPRA Executive Director John Alden delivered a training on Public Safety Officers' Procedural Bill of Rights, as mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190.
- April 22, 2021, Human Resources Director Ian Appleyard delivered a training on Memoranda of Understanding with the Oakland Police Officers Association (OPOA) and represented employees as mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190.
- December 16, 2021, Nitasha Sawhney, of Garcia Hernández Sawhney LLP (GHS), Independent Counsel for the Commission, provided Commissioners a refresher training on Robert's Rules of Order.



OTHER NOTEWORTHY ITEMS

PERSONNEL

- Submitted four candidates for Chief of Police to Mayor and select LeRonne Armstrong as Oakland's Chief of Police
- Selected a consultant to conduct an investigation of the OBOA allegations.
- Received a report from the law firm of Knox & Ross on the Oakland Police Department's handling of the Bey case
- Hired a Chief of Staff to support the Commission's operations and growth
- Conducted and completed a national search to award the position of Oakland's very first Independent Inspector General to Ms. Michelle Phillips. This work was successfully completed by an Ad Hoc Committee (Commissioners Jackson, Milele, Peterson).

RESOLUTIONS

- Approved a resolution urging the District Attorney Nancy O'Malley to re-open the Oscar Grant case.
- Approved a resolution calling for parity in the administration of COVID-19 vaccinations for front line public safety workers.
- Approved a resolution regarding the sunsetting the use of the BearCat.

RULES AND PROCEDURES

- Adopted a Code of Conduct for Commissioners.
- Adopted Amended Rules of Procedure for the conduct of the Commission's business.

PLANNING & FUTURE THINKING

- Conducted a retreat on January 30, 2021 attended by former-Commissioners Anderson and Prather, who presented on various topics.
- Submitted letters of support for California Police Reform legislation.

ACKNOWLEDGEMENTS

The Oakland Police Commission would like to thank and acknowledge stakeholders and community members for continuing to engage and get involved. In particular, the Commission would like to pay special thanks to Dr. Sarai Crain, Department of Violence Prevention, for her participation and input at the Missing Person's Ad Hoc and Darlene Flynn, Director of Race & Equity for the City of Oakland, for all her time and support on a multitude of the Commission's workstreams, including White Supremacy Ad Hoc, Racial Profiling Ad hoc and the Social media Policy Ad Hoc.



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