



OAKLAND POLICE COMMISSION REGULAR MEETING MINUTES

February 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 5:36 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; Alternate Commissioner Karely Ordaz

Excused: Alternate Commissioner Angela Jackson-Castain

II. Adoption of Renewal Resolution Electing to Continue Conducting Meetings Using Teleconferencing in Accordance with California Government Code Section 54953(E), a Provision of AB-361. The Commission will re-adopt findings to permit it to continue meeting via teleconference under the newly amended provisions of the Brown Act.

Chair Milele shared an update on the City's transition to in-person meetings. Once Governor Gavin Newsom lifts California's State of Emergency related to COVID-19, all Boards and Commissions under the Brown Act will no longer be able to invoke AB-361 to conduct meetings via Zoom.

After public comments by 5 persons (Olugbala; Beck; Bey; Jenkins; Leonard) Commissioner Jackson made a motion, seconded by Commissioner Harbin-Forte, to adopt the renewal resolution. The motion carried by the following vote:

Ayes: 7 - Milele, Peterson, Harbin-Forte, Howell, Jackson, Hsieh, Jordan

Nays: 0

Absent: 0

III. Closed Session

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Section 54957(b))

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

Following public comment from 9 persons (Grinage, Vale, Contreras, Bey, Olugbala, Janet, Leonard, Jenkins, Bosserman) the Commission adjourned to closed session. During public comment, there was an outburst of “Zoom bombings” including profane language and derogatory comments from individuals who were muted and subsequently removed from the meeting.

After the closed session, Chair Milele reported:

Over the past few months, the Court Monitor has been working on two investigations of sworn officers implicating Task 5 of the NSA. The Investigations conducted for the Monitor on these matters have led to Chief Armstrong being placed on administrative leave and subject to discipline. From the beginning the Commission has asked for all documents relevant to this matter and has been consistently ignored by the City and OPD and the Monitor. This isn't surprising as the role of the Commission has been minimized. We have been asked to cut our budget by 20%. We have had little or no support in getting contracts finalized or amended. Our attorneys have not been paid in 8 months; a matter that will be agendized. We are hopeful that the City follows through on the new Mayor's commitment made in open court to fully support the Commission and its work because the Commission is going to exercise all its powers, especially those relating to the discipline of Oakland's police officers.

We have received the first batch of documents Jan 26; we've recently received the 2nd batch yesterday and we understand that there is to be a 3rd release date unknown. It is our understanding that the chain of custody begins with Clarence Dyer and Cohen firm to the federal monitor, to the City Attorney, to commission counsel and finally to the commissioners. On a motion by Commissioner Jackson, seconded by Commissioner Harbin-Forte, the Commission voted unanimously to expand our January 26, 2023 request for documents to include any and all complaints being handled by the Monitor or OPD or the City. On a motion by Commissioner Jackson, seconded by Commissioner Harbin-Forte, the Commission voted unanimously to establish a Discipline Committee pursuant to Charter Section 604 (g). Neither CPRA nor OPD have investigated complaints concerning the Chief within 250 days of the incidents complained about. This means the Commission can exercise its own authority over the matters. The Commission's power to fire includes the authority to impose discipline short of firing, or no discipline at all. Indeed, the Commission served a written warning on a prior Chief before moving to fire her, all without objection from the City. The Commission recognizes the need to move quickly. The Court has ordered the parties to have a plan for exiting the NSA by April 4, so we need to resolve all issues involving the Chief as soon as possible. The commission is planning to hold a special closed session meeting on Monday. And after the Commissioners have completed their review of documents. We will extend an invitation to the Mayor to meet with the Commission.

As a final note, it has taken time to get documents to the commission because we were complying with security requirements that involved placing watermarks that track the source of the documents on the documents. There's nothing in the records that would show that any commissioner violated confidentiality. We're confident that no commissioner disseminated these documents. We are very sorry and share the frustrations that the community is feeling about being left in the dark.

Chair Milele then called the meeting back to order 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; Alternate Commissioner Karely Ordaz

Excused: Alternate Commissioner Angela Jackson-Castain

IV. Open Forum Part 1

Public comments were made by 4 persons (Grinage; Leonard; Olugbala; Stylus).

After public comment was taken, Chair Milele directed Counsel to clarify some of the questions raised during open forum.

Counsel anticipated that there will be a special meeting of the Police Commission coming up and that an invitation to the Mayor would be extended. The Discipline Committee will take the comment and direction of the Commission and meet to decide the appropriate course of action.

V. Presentation by Alameda County District Attorney Pamela Price

Alameda County District Attorney Pamela Price gave a presentation with Senior Assistant District Attorney Kwixuan Maloof and Chief Assistant District Attorney Otis Bruce on the new Public Accountability Unit and its mission, vision, and impact on law enforcement.

Prior to taking questions and comments, District Attorney Price stated she would not be permitted to speak to the issue of Chief Armstrong or any related matters.

Commissioners Harbin-Forte, Jackson, Peterson, and Hsieh raised questions and made comments. Public comment was made by 7 persons (Contreras, Grinage, Bey, Olugbala, Jaffe, Janks, Leonard).

VI. Update from Oakland Police Department (OPD)

An update was provided by Deputy Chief Cliff Wong. Included in this update were current crime statistics and staffing numbers, despite the city network being down. Also included in Deputy Chief Wong's report was information relating to OPD's mental health liaison, Sergeant Dorian Neff, and information about MACRO. Comment and questions were raised by Commissioners Howell, Peterson, and Hsieh.

Public comments were made by 6 persons (Contreras; Jaffe; Janks; Bey; Olugbala; Cleveland).

After public comment, Deputy Chief Wong responded to some of the questions raised.

VII. Presentation by Elliott Jones, MACRO Program Manager

MACRO Program Manager Elliott Jones presented on MACRO's pilot program, including their engagement with the Oakland Police Department and Oakland Fire Department, challenges faced, staffing numbers, and the criteria required to dispatch MACRO for service calls. Comments and questions were raised by Commissioners Howell and Jackson.

Public comment was made by 6 persons (Cleveland; Janks; Jaffe; Olugbala; Bey; Leonard).

After public comment, Commissioner Harbin-Forte made a motion, seconded by Commissioner Jackson, to extend the meeting one hour. The motion carried by the following vote:

Ayes: 7 - Milele, Peterson, Harbin-Forte, Howell, Jackson, Hsieh, Jordan

Nays: 0

Absent: 0

VIII. Committee Reports

Staff Searches (Commissioners Milele, Jordan, Howell)

Chair Milele provided an update on the Staff Searches committee. The Ad Hoc completed its first round of interviews January 31st and met Tuesday February 7th to discuss interview responses and identify second round candidates. Second-round interviews for the CPRA Executive Director role are expected to be completed by the end of February, with a public forum hopefully being held in March.

CPRA Policies (Commissioners Harbin-Forte, Jackson-Castain, Ordaz)

Commissioner Harbin-Forte provided an update on the CPRA Policies Ad Hoc Committee, including updated scheduling information. The Committee is hopeful that a sample proposal will be put together by mid to late March.

Public comment was made by 2 persons (Vale; Bey).

IX. Consent Agenda

On the consent calendar were the approval of meeting minutes for 10/13/22; 10/27/22; 11/10/22; 12/8/22; 1/12/23; and 2/2/23.

Commissioner Harbin-Forte made a motion, seconded by Commissioner Hsieh, to approve the items listed on the consent calendar. The motion carried by the following vote:

Ayes: 7 - Milele, Peterson, Harbin-Forte, Howell, Jackson, Hsieh, Jordan

Nays: 0

Absent: 0

X. Upcoming/Future Agenda Items

Commissioner Hsieh requested that the approval of the Militarized Equipment Ad Hoc Committee's proposed edits to TB III-H Specialty Impact Munitions and TB V-F.02 Chemical Agents be placed on an upcoming agenda, so that they may be put back to Council.

Commissioner Peterson requested a monthly report on the number of calls diverted to MACRO and information on how OPD is getting information regarding MACRO to their officers.

Vice Chair Jordan suggested drafting a letter of support or a resolution for Commission oversight at a county level and in relationship to the Sheriff's Department.

Commissioner Jackson requested an update on the Chief of Staff, a quarterly budget update, and a look at where the OPC is in relationship to anticipated audit items.

Commissioner Peterson also added the request for information and clarity on the nature of hybrid meetings.

Commissioner Hsieh added that he would like to see an update on the issue of a Juvenile Miranda Policy, as it relates to the juvenile detention program.

Commissioner Jackson added that she would like to see a report from the Department of Violence Prevention.

Public comment was made by 3 persons (Olugbala; Grinage; Bey).

XI. Open Forum Part 2

No public comment was made.

XII. Adjournment

Chair Milele adjourned the meeting at approximately 10:56 p.m.