



# OAKLAND POLICE COMMISSION

## REGULAR MEETING MINUTES

August 10, 2023

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

Chair Milele called the meeting to order at 5:44pm and elevated Alternate Commissioner Ordaz to a voting commissioner. Chair Milele 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; Commissioner Jackson

**Absent:** Commissioner Jackson-Castain

Commission Counsel introduced a request to place two urgent agenda items on the August 10<sup>th</sup> meeting agenda. One is to consider and request approval for investigation files and records, including complaints for IAD 22-0796 and 22- 1710. This is pursuant to charter section 604(f)(2). The second item to be added to the agenda is a second closed session on public employee discipline dismissal release under government code 5497(O)(B). Counsel explained the circumstances for urgency and recommended a vote to place these two items on the agenda. There were no public comments on this matter.

Commissioner Hsieh made a motion, seconded by Commissioner Ordaz, to place the two urgent agenda items on the agenda. The motion carried by the following vote:

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

Nays: 0

Absent: 2 - Peterson, Jackson

**Urgent Agenda Item 1:** Consider and request approval for investigation files and records, including complaints for IAD 22-0796 and 22- 1710. This is pursuant to charter section 604(f)(2).

Commissioner Hsieh made a motion, seconded by Commissioner Ordaz, approve the request for investigation files and records, including complaints for IAD 22-0796 and 22- 1710. 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 matter.

### II. **Closed Session**

#### **Urgent Agenda Item 2:**

**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**



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There were no public comments on this matter.

The Commission adjourned to closed session at 6:08pm and returned at approximately 7:15pm. 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; Commissioner Jackson

**Absent:** Commissioner Jackson-Castain

There were no reportable actions from closed session.

Prior to open forum, Saleem Bey requested a point of order through the parliamentarian to move agenda item #17 regarding the Bey Matter to #4 on an amended agenda.

Chair Milele denied the request, as the preceding items were time-sensitive and had to be addressed.

### III. **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; Janks)

Chair Milele introduced items #4-#11 as a package of policies to approve as a set, with the possibility of pulling an item from the bundle to discuss and vote separately. These items were part of the new and revised policies reviewed at the May 25, June 22, July 13, and July 27 Commission meetings.

Chair Milele began by reading out the items for discussion and possible approval:

- IV. **Discussion and Possible Approval of DGO D-22 Personal Relationship Disclosure**
- V. **Discussion and Possible Approval of IAD 23-01 General Operating Procedures**
- VI. **Discussion and Possible Approval of TB V-T.01 Internal Investigation Procedure Manual**
- VII. **Discussion and Possible Approval of CID PP 23-02 Recusal Process**
- VIII. **Discussion and Possible Approval of CID PP 23-01 Investigative Training Program**
- IX. **Discussion and Possible Approval of DGO M-04.1 Criminal Investigation of Department Members and Outside Sworn Law Enforcement Personnel**
- X. **Discussion and Possible Approval of Investigative Recusal Form**
- XI. **Discussion and Possible Approval of Reviewer Recusal Form**

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

OPD representatives addressed questions from Commissioners and the public.



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Vice Chair Jordan made a motion, seconded by Commissioner Hsieh, to approve the policies and forms in agenda item #4-11 as a slate. The motion carried by the following vote:

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

Nays: 0

Absent: 2 - Peterson, Jackson

Chair Milele announced that the Commission would be losing quorum shortly and that all remaining items would be returning on future agendas.

Public comment was made by 1 person (Bey)

The meeting adjourned at approximately 8:20pm.

### List of Tabled Items:

- XII.** Community Police Review Agency (CPRA) Update
- XIII.** Discussion and Possible Approval of a Formal Request to the City of Oakland for a Broadened Definition of “Serious Incident” to Address Lack of a Clear City Administrator Protocol for Serious Incident Notifications to OPC Chair, IG, and CPRA Director
- XIV.** Discussion and Possible Approval of an Immediate Invitation to the Monitor for Regular Closed Session Briefings to the Police Commission and Its Direct Reports on the Status of Compliance Issues to Address Lack of City, Monitor, and IMT Coordination with Police Commission and CPRA
- XV.** Discussion on Implementation of a Standard Practice to Address Lack of City, Monitor, and IMT Coordination with OPC and CPRA with Confidential Files and Records
- XVI.** Discussion and Possible Direction of Commission Counsel to Work with City and OPD to Create Improved System of Managing Requests for Confidential Records and Files
- XVII.** Report Back on Bey Letter to Court Monitor
- XVIII.** Discussion and Possible Approval of Supervised Release Policy Impact Study and Funding
- XIX.** Preliminary Discussion on Possibility of Hybrid Commission Meetings and Request for Rules Ad Hoc Committee to Provide Recommendation
- XX.** Committee Reports
- XXI.** Upcoming/Future Agenda Items
- XXII.** Open Forum Part 2 (2 minutes per speaker, 15 minutes total)