



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Richard J. Luna
Interim Deputy
City Administrator

SUBJECT: Alternate Police Commissioner
Appointment

DATE: May 3, 2021

City Administrator Approval 

Date: May 3, 2021

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Accepting The Selection Panel's Slate Of One Alternate Police Commissioner (Jesse Hsieh) To Serve On The City Of Oakland Police Commission.

EXECUTIVE SUMMARY

In accordance with the City Charter, City Council approval of the resolution will accept the Selection Panel's decision to appoint Jesse Hsieh as an Alternate Commissioner on the Oakland Police Commission. If approved, Mr. Hsieh will assume the current vacant Alternate Police Commissioner seat, with a term ending on October 16, 2022.

BACKGROUND / LEGISLATIVE HISTORY

City Charter Section 604 (Police Commission) was first established by voter approval at the November 8, 2016 election, and later amended at the November 3, 2020 election. The ballot measures (also referred to as Measure LL and Measure S 1) established a seven-member Police Commission, with two alternate commissioners, charged with overseeing the Oakland Police Department (OPD) to ensure that its policies, practices and customs meet national standards of constitutional policing. Duties of the Police Commissioners include overseeing the Community Police Review Agency (CPRA), which conducts investigations into allegations of officer misconduct; overseeing the Office of the Inspector General (OIG), which performs independent audits of OPD; proposing changes to, approving, or rejecting current or proposed OPD policies; removing the Chief of Police for cause; as well as other duties.

The measures also established a nomination process whereby a nine-person Selection Panel would be responsible for nominating four (4) Commissioners and one (1) Alternate Commissioner to the Police Commission. The Mayor is also responsible for nominating three (3) Commissioners and (1) Alternate Commissioner. All nominations are subject to City Council approval. The Mayor and each City Council Member nominate an individual to serve on the Selection Panel. The Selection Panel meets as needed to determine its nomination process and review candidates wishing to serve on the Police Commission.

City Council
May 18, 2021

On December 1, 2020, the City Council adopted Resolution No. 88387 C.M.S., confirming James Jackson as a Mayoral appointee to the Police Commission; however, Mr. Jackson later resigned his position thereby creating a vacancy on the Police Commission.

At its meeting on March 11, 2021, the Oakland Police Commission voted to fill the vacancy created by Mr. Jackson by elevating David Jordan, then an Alternate Commissioner, to the role of Commissioner. The action created a new vacancy on the Police Commission for an alternate member seat. Commissioner Jordan is a Selection Panel nominee and served as an Alternate Commissioner since October 17, 2019, prior to advancing as a Commissioner. Mr. Jordan's Alternate Commissioner nomination was approved by the City Council in Resolution No. 87840 C.M.S. on September 17, 2019.

ANALYSIS AND POLICY ALTERNATIVES

Per City Charter Section 605(c)(8), the Selection Panel was tasked with nominating a candidate to fill the vacant Alternate Commissioner seat since that position was previously held by a Selection Panel appointee.

The Selection Panel conducted an expedited interview process in nominating Jesse Hsieh as an Alternate Commissioner. During their 2020 nomination process, six candidates, including Mr. Hsieh, were considered finalists but were ultimately not selected by the Selection Panel as they made two nominations to the Police Commission in August 2020. Those six candidates were considered reserve pool applicants by the Selection Panel and would receive first consideration should a vacancy occur in late-2020 or early-2021.

Three of the six reserve pool candidates accepted an interview with the Selection Panel on April 19, 2021. After completion of the interviews and deliberation, the Selection Panel voted unanimously to nominate Mr. Hsieh as an Alternate Commissioner.

Should Mr. Hsieh's appointment be confirmed by the City Council, he will be eligible to immediately serve on the Police Commission. Mr. Hsieh will assume the vacant term ending on October 16, 2022, and Mr. Hsieh will be eligible to serve an additional three-year term should he be nominated by either the Selection Panel or Mayor in the future, subject to City Council approval.

If the City Council does not accept or reject Mr. Hsieh's nomination within sixty (60) days, he shall be deemed appointed by way of City Charter Section 604(c)(3)(c).

FISCAL IMPACT

There is no direct fiscal impact associated with City Council action on this report.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for this report beyond the standard City Council agenda noticing procedures.

COORDINATION

This report has been prepared in coordination with the Office of the City Attorney.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

Race & Equity: There are no race and equity opportunities associated with this report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Accepting The Selection Panel's Slate Of One Alternate Police Commissioner (Jesse Hsieh) To Serve On The City Of Oakland Police Commission.

For questions regarding this report, please contact Richard J. Luna, Interim Deputy City Administrator, at (510) 238-4756.

Respectfully submitted,



RICHARD J. LUNA
Interim Deputy City Administrator

Attachments (1):

- A. Jesse Hsieh – Application for Police Commissioner



Police Commission

Application for Position of Commissioner

The purpose of the Police Commission is to oversee the Oakland Police Department in order to make sure that its policies, practices and customs meet national standards of constitutional policing.

A Selection Panel of volunteer community members will select Oakland residents to serve on the Police Commission. Seated Commissioners are volunteers and will not be compensated.

Applicant Information			
Full Name:	Hsieh	Jesse	J. Date: 06/11/2020
	<i>Last</i>	<i>First</i>	<i>M.I.</i>
Home Address:	[Redacted]		
	<i>Street Address</i>		<i>Apartment/Unit #</i>
	Oakland	CA	94605
	<i>City</i>	<i>State</i>	<i>ZIP Code</i>
Phone:	[Redacted]	Email:	[Redacted]

Supplemental Questionnaire

The purpose of this supplemental questionnaire is to evaluate your qualifications to serve on the Police Commission. This application, along with your answers to these questions, will be used by the Selection Panel to select the most suitably qualified candidates.

- Applications submitted without a completed supplemental questionnaire will not be considered.
- Please limit your response to each question to one 8.5" x 11" sheet of paper (single or double spaced).

Please respond (in writing) to the following questions:

1. Please describe any life work and significant community volunteer experiences that prepare you to contribute to the work of the Commission.
2. Please describe your contacts or experiences with the Oakland Police Department.
3. Please describe, if applicable, if you or an immediate family member has had significant volunteer or employment experience:
 - a. as a police officer,
 - b. as a criminal prosecutor or defense attorney,
 - c. with a public agency or nonprofit community group serving or advocating for crime victims or persons charged or convicted of crimes.

Application Considerations

Check all that apply:

I would like to be considered as a Selection Panel appointee?

YES

NO

I would like to be considered as a Mayoral Appointee?

YES

NO

References

Please list three professional or personal references who are familiar with your background, experience and qualifications, and who can answer questions about your ability to serve as a Commissioner.

Full Name: Evan Kuluk

Relationship: Coworker

E-Mail [REDACTED]

Phone: [REDACTED]

Full Name: Avaninder "Avi" Singh

Relationship: Co-Board Member

E-Mail [REDACTED]

Phone: [REDACTED]

Full Name: Ali Saidi

Relationship: Union President

E-Mail [REDACTED]

Phone: [REDACTED]

Voluntary Self-Identification Questionnaire

1. With which race and/or ethnicity do you identify? (Check all that apply.)

- White
- Black or African American
- Latino
- Native Hawaiian or other Pacific Islander
- Asian
- American Indian or Alaskan Native
- Other: _____
- I do not wish to Self-Identify

2. What is your gender?

- Male _____ I do not wish to self-identify

3. You are considered to have a disability if you have a physical or mental impairment or medical condition that substantially limits a major life activity, or if you have a history of such an impairment or medical conditions.

Please check one of the boxes below:

- Yes, I have a disability (or previously had a disability)
- No, I do not have a disability
- I do not wish to answer

Disclaimer and Signature

The City Charter requires background checks for all Police Commission members and alternates. Prior convictions will not eliminate you from consideration. The Selection Panel strongly encourages formerly incarcerated individuals to apply.

I certify that I am over eighteen years of age and that my answers are true and complete to the best of my knowledge.

My signature below also indicates my acknowledgement that, by applying for the position of Commissioner, I will be subject to a background check.

Once submitted, your application form, along with all attachments, becomes a public record.

Signature:



Date: 6/15/20

Completed applications are accepted continuously by mail, hand-delivery, or e-mail as follows:

Mail or Hand-Delivery (Monday-Friday, 8:30 am – 5:00 pm)	Selection Panel for Police Commission c/o City Administrator's Office 1 Frank H. Ogawa Plaza, 3rd Floor Oakland, CA 94612
E-mail	Address: CityAdministratorsOffice@oaklandca.gov Subject: Police Commission Application

Please respond (in writing) to the following questions:

1. Please describe any life work and significant community volunteer experiences that prepare you to contribute to the work of the Commission.

For the last fourteen years I have worked with people that have had to interact with the police. As a law student and new attorney, I helped clients legally clean up their record to avoid the stigma of contact with law enforcement. As a deputy public defender for the last eight years, almost every client of mine has contacted a police officer. Through my clients, I have gained great insight into how the police interact with the innocent and the guilty alike.

I am also familiar with law enforcement tactics and practices. As a public defender I review police reports, investigations, body camera footage, and department policies daily. I have handled cases from the simple drug possession to homicides; from traffic stops to cases involving months of surveillance. It is my job to be an expert in how the police handled an investigation and then to think critically about that investigation from an outsider's perspective: to determine what went right, what went wrong, and what could have been done better.

In what spare time I have, I sit on boards and committees that require me to work with others and build consensus to achieve common goals. I am the current vice president of the Asian American Criminal Trial Lawyers Association, a nonprofit board of Asian American criminal defense attorneys, judges, and law students. In that capacity I work with other board members to put together trainings and programs for Asian Americans in the legal profession. I am also part of the Public Defender's Office's Racial Justice and Diversity Committee, Training Committee, and Union Executive Board.

2. Please describe your contacts or experiences with the Oakland Police Department.

Outside of work, I have had minimal contact with members of the Oakland Police Department. Once, I was pulled over for speeding on Martin Luther King Jr. Way. By then, I knew how to stay on an officer's good side: two hands on the wheel, make no sudden movements, describe my actions before doing them, and never mention that I am a lawyer. I still ended up with a ticket but one with a lesser violation for my "cooperation."

In the past, I have reviewed a few police reports and body camera footage from the Oakland Police Department.

Clients who have talked to me about their experiences with the Oakland Police Department have generally conveyed lukewarm to negative experiences with OPD.

3. Please describe, if applicable, if you or an immediate family member has had significant volunteer or employment experience:

a. as a police officer: None.

b. as a criminal prosecutor or defense attorney: I am the only attorney in my family.

c. with a public agency or nonprofit community group serving or advocating for crime victims or persons charged or convicted of crimes: I previously worked at A New Way of Life Reentry Project and the East Bay Community Law Center, two non-profit organizations assisting people who had been convicted of crimes clean up their records and mitigate the collateral consequences of their convictions.

Jesse J. Hsieh

Oakland, CA 94605

BAR ADMISSIONS California, SBN 260348

EXPERIENCE

Office of the Public Defender, Contra Costa County Martinez, California
Deputy Public Defender, Alternate Defender Office 9/17-Present
Deputy Public Defender II-III, Felony Unit 3/14-9/17
Deputy Public Defender II, Juvenile Unit 4/13-3/14
Deputy Public Defender Special Assignment, Misdemeanor Unit 5/12-4/13

Training Committee

Racial Justice and Diversity Committee

Law Clerk Recruitment Committee

Union Executive Board

- Represent indigent clients against pending criminal charges
- Interview and advise individuals as to their constitutional rights and other pertinent information relevant to existing or prospective criminal charges
- Initiate and direct investigation essential to the development of a defense
- Conducts legal research and writing for motions and the development of a defense
- Confers with prosecutors and judges to negotiate dispositions for clients
- Conduct jury trials and juvenile delinquency contests.

East Bay Community Law Center Berkeley, California
Supervising Attorney, Clean Slate Practice 6/09-5/12

- Represented indigent clients pursuing criminal records remedies after contact with the criminal justice system
- Supervised weekly court-based clinic, conducted client intake, prepared clients to file pro se, drafted declarations and briefs, negotiated with district attorneys, appeared at hearings in California Superior Court
- Supervised clinical law students, providing formal and informal feedback and training on all aspects of advocacy and ethics
- Represented indigent clients pursuing administrative and legal relief challenging the collateral consequences of their convictions
- Developed and coordinated a litigation strategy for advocates around the state to help clients seeking remedies under FCRA and ICRAA

A New Way of Life Watts, California
Staff Attorney 1/09-5/09

- Supervised volunteer legal advocates at free monthly clinics
- Drafted and prepared petitions for expungements
- Created training manuals for attorneys
- Represented clients in California Superior Court hearings

Neighborhood Legal Services of Los Angeles Pacoima, California
Legal Extern, Workers' Rights Advocacy Group 9/07-5/08

- Staffed regular self-help Workers' Rights Clinic
- Drafted legal memoranda and assisted with litigation tasks.
- Represented a client at a Labor Commissioner hearing with attorney supervision

**PROFESSIONAL
AFFILIATIONS**

Asian American Criminal Trial Lawyers Association

Vice Present 2019-present

Secretary 2018-2019

Contra Costa County Representative 2015-2017

Asian American Bar Association, 2017-present

Contra Costa County Bar Association, member 2019-present

EDUCATION

UCLA School of Law, Los Angeles, California

J.D., May 2008

- Asian Pacific American Law Journal, Business Manager
- Asian Pacific Islander Law Student Association, Secretary

California State University, Los Angeles, Los Angeles California

B.A. Psychology w/ minor in Mathematics June 2005

- Psi Chi, National Honors Society in Psychology, President
- CSULA Cognitive Psychophysiology Lab, Research Assistant
- Phi Kappa Phi National Honors Society, Member
- Golden Key International Honors Society, Member
- Early Entrance Program, Student
- Dean's List 2002-2004
- Teaching Assistant 2003-2004

SKILLS

Fluent in Mandarin Chinese (spoken)

Volunteer Activities

AABA Garrick Lew Scholarship Selection Committee 2019-present

KABANC Pro Bono Legal Clinics 2015

OneBrick SF 2011-2012

Reentry Legal Clinic 2007-2009

Neighborhood Legal Services of Los Angeles, Workers' Rights Clinic 2006-2008

Search for Academic Achievement Testing Administrator 2001-2004

American Cancer Society Relay for Life 2004

Early Entrance Program Provisional Quarter, Mentor 2001, 2002, 2004

Fine Arts Program Facilitator, Edmund D. Edelman Children's Court 2000-2001

Voting Booths, ASI Elections 2001

Foothill Middle School, Music Tutor 9/99 to 6/01

Training

Trial Skills training Benchmark Institution Foundation 7/11-17/2010

Jesse J. Hsieh

[REDACTED] Oakland, CA 94605
[REDACTED]

BAR ADMISSIONS California, SBN 260348 2008-present

EXPERIENCE **Office of the Public Defender, Contra Costa County** Martinez, California
Deputy Public Defender, Alternate Defender Office 9/17-Present
Deputy Public Defender II-III, Felony Unit 3/14-9/17
Deputy Public Defender II, Juvenile Unit 4/13-3/14
Deputy Public Defender Special Assignment, Misdemeanor Unit 5/12-4/13
Training Committee 2020-present
Racial Justice and Diversity Committee 2014-2020
Law Clerk Recruitment Committee 2014-2020
Union Executive Board 2020

- Represent indigent clients against pending criminal charges
- Interview and advise individuals as to their constitutional rights and other pertinent information relevant to existing or prospective criminal charges
- Initiate and direct investigation essential to the development of a defense
- Conducts legal research and writing for motions and the development of a defense
- Confers with prosecutors and judges to negotiate dispositions for clients
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- Represented indigent clients pursuing criminal records remedies after contact with the criminal justice system
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- Supervised clinical law students, providing formal and informal feedback and training on all aspects of advocacy and ethics
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- Supervised volunteer legal advocates at free monthly clinics
- Drafted and prepared petitions for expungements
- Created training manuals for attorneys
- Represented clients in California Superior Court hearings

PROFESSIONAL AFFILIATIONS **Asian American Criminal Trial Lawyers Association**
President 2021-present
Vice President 2019-2021
Secretary 2018-2019
Contra Costa County Representative 2015-2017

Asian American Bar Association, member 2017-present
Alameda County Bar Association, member 2019-2020
Contra Costa County Bar Association, member 2019-present

EDUCATION

UCLA School of Law, Los Angeles, California

J.D., May 2008

- Asian Pacific American Law Journal, Business Manager
- Asian Pacific Islander Law Student Association, Secretary

California State University, Los Angeles, Los Angeles California

B.A. Psychology w/ minor in Mathematics June 2005

- Psi Chi, National Honors Society in Psychology, President
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- Phi Kappa Phi National Honors Society, Member
- Golden Key International Honors Society, Member
- Early Entrance Program, Student
- Dean's List 2002-2004
- Teaching Assistant 2003-2004

SKILLS

Fluent in Mandarin Chinese (spoken)

Volunteer Activities

Center for Youth Development through Law, Board Member 2021-present

Contra Costa County Office of Education Mock Trial Competition Scorer, 1/28/21

AABA Garrick Law Scholarship Selection Committee 2019-2021

Contra Costa Clean Slate Day, Volunteer 4/8/17, 3/26/16, 8/4/14, 10/9/13

KABANC Pro Bono Legal Clinics 2015

OneBrick SF Volunteer 2011-2012 (SF Foodbank, At the Crossroads)

Los Angeles County Reentry Legal Clinic 2007-2009

Neighborhood Legal Services of Los Angeles, Workers' Rights Clinic 2006-2008

Search for Academic Achievement Testing Administrator 2001-2004

Early Entrance Program Provisional Quarter, Mentor 2001, 2002, 2004

Fine Arts Program Facilitator, Edmund D. Edelman Children's Court 2000-2001



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION ACCEPTING THE SELECTION PANEL'S SLATE OF ONE ALTERNATE POLICE COMMISSIONER (JESSE HSIEH) TO SERVE ON THE CITY OF OAKLAND POLICE COMMISSION.

WHEREAS, On November 8, 2016, Oakland voters approved Measure LL – establishing a Police Commission with 83.19% (137,032 votes) in favor of the measure; and

WHEREAS, Measure LL established City Charter Section 604 which created a seven-member Police Commission to oversee the Oakland Police Department's policies and procedures and the Community Police Review Agency that investigates police misconduct and recommends discipline; and

WHEREAS, City Charter Section 604(c)(2) required the Mayor to appoint three Oakland residents as regular members of the Commission and one Oakland resident as an alternate member and to submit those names to the City Council for approval; and

WHEREAS, City Charter Section 604(c)(3) established a nine-member Selection Panel to review applications, interview applicants, and submit a slate of four Oakland residents as regular members of the Police Commission, and one Oakland resident as an alternate member, to the City Council for approval; and

WHEREAS, The initial members of the Police Commission were accepted by the City Council on October 17, 2017, and held their first meeting on December 13, 2017; and

WHEREAS, The initial members of the Police Commission served staggered terms of two, three, or four years; subsequent appointments serve terms of three years; and for vacancies that occur for reasons other than the expiration of a term, the Commission shall select one of the alternates to replace the regular member for that regular member's remaining term of office; and

WHEREAS, Mr. James Jackson resigned his position of Police Commissioner after being confirmed by the City Council on December 1, 2020, and the Police Commission appointed Mr. David Jordan at its meeting on March 11, 2021 to replace Mr. Jackson and to serve his remaining term through October 16, 2023; and

WHEREAS, Since Mr. David Jordan was a Selection Panel appointee, the Selection Panel has the responsibility of appointing another Alternate Police Commissioner to serve Mr. Jordan's remaining term through October 16, 2022; now therefore be it

RESOLVED: That pursuant to City Charter Sections 604(c)(3) and 604(c)(8), the City Council hereby accepts Mr. Jesse Hsieh as the Selection Panel's Alternate Police Commissioner appointment to serve on the Police Commission through October 16, 2022.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California