

CITY OF OAKLAND



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May 7, 2024

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Tyfahra Milele, David Jordan, and Ginale Harris v. James B. Chanin, City of Oakland, Oakland Police Commission Selection Panel, and Nikki Fortunato Bas
Alameda County Superior Court Case No. 23CV038479
City Attorney File No. X05510**

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled lawsuit for the agreement of the Oakland Police Commission Selection Panel (“Selection Panel”) to make certain revisions to its policies and procedures.

This action arises out of a challenge to James Chanin’s (“Chanin”) service on the Selection Panel and the process the Selection Panel used to choose Police Commissioners for the 2023 term. Plaintiffs contend that Chanin had a conflict that precluded Chanin’s service on the Selection Panel because Chanin is one of plaintiffs’ counsel in *Delphine Allen et al. v. City of Oakland*, United States District Court Case No. 00-cv-04599-WHO, an ongoing federal civil rights case alleging police misconduct.¹ Plaintiffs also contended that the Selection Panel acted arbitrarily and capriciously in conducting its selection process for the 2023 term. Both a trial court and a court of appeal have preliminarily rejected Plaintiffs’ claims and refused to intervene in the process of selecting Police Commissioners for the 2023 term.

The City has determined that a settlement to agree to make certain revisions to the Selection Panel’s Policies and Procedures, without admitting liability and to avoid further litigation, in exchange for a dismissal with prejudice of the action and agreement that both sides will bear their own costs and attorneys’ fees, is in the best interest of the City.

¹ The *Allen* Plaintiffs alleged misconduct by Oakland police officers known as the “Riders, including kidnapping, planting evidence, and beating the defendants and that the [Oakland Police Department](#) turned a blind eye to police misconduct. In 2003 the City and plaintiffs settled the litigation entering into a negotiated settlement agreement (“NSA”) requiring reforms. The City continues to be under court oversight regarding the NSA.

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The City Council authorized settlement of this case in Closed Session on Thursday, April 18, 2024 (moved by Councilmember Carroll Fife and seconded by Councilmember Kevin Jenkins - 5 Ayes, 3 Excused - President Pro Tem Dan Kalb, Councilmember Fife and Councilmember Treva Reid).

Respectfully submitted,



BARBARA J. PARKER
City Attorney

Assigned Attorney
H. Luke Edwards

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