



October 13, 2025

Via Electronic Mail

Kevin Jenkins
President, Oakland City Council
Chair, Rules and Legislation Committee
One Frank Ogawa Plaza
Oakland, CA 94612

Re: Reappointment of Oakland Police Commission Chair Ricardo Garcia-Acosta and Alternate Commissioner Omar Farmer

Dear Council President and Committee Chair Jenkins,

As Counsel for the Oakland Police Commission (Commission), I write to address both the September 25, 2025 decision declining to schedule two Selection Panel appointees (Chair Ricardo Garcia-Acosta and Alternate Commissioner Omar Farmer) and several misplaced allegations of misconduct made against Alternate Commissioner Farmer.

On July 25, 2025, the Selection Panel unanimously re-appointed Chair Garcia-Acosta and Alternate Commissioner Farmer to the Commission for a second time after an unnoticed procedural oversight during the prior re-appointment process. The City Council Rules and Legislation Committee's then-failure to schedule and submit Chair Garcia-Acosta and Alternate Commissioner Farmer's names for approval and the resulting delay places a cloud over the Commission's work and threatens the Commission's momentum on significant matters – both pending and on the horizon. Each of their terms will have expired before the (anticipated) subsequent submission to City Council. Despite the Charter's allowance for a "hold-over" period of 30 days, the term expirations leave the Commission's leadership and efforts in turmoil as 1) the body prepares to vote on matters of significance; 2) the year-end federal court Case Management Conference in the Negotiated Settlement Agreement (NSA) approaches; 3) ad hoc committees grapple with important recommendations; and 4) the Commission organizes to commence the recruitment of Oakland Police Department (OPD) Chief Floyd Mitchell's successor (including collaboration with the Mayor on appointing an Interim Chief). Lack of clarity about the Commission's ongoing executive leadership and its members at a critical time in the City's work with OPD undercuts the efforts of the dedicated Commissioners and Selection Panel members who volunteer their time in the interests of Oakland citizens.

The availability of mayoral appointments to the Commission – pending or otherwise – is immaterial to the Selection Panel's decisions to properly fill its own authorized positions. Commissioners are not interchangeable, but rather experienced volunteers with diverse backgrounds and varying knowledge bases. Any new appointee will require training and time to grasp the multifaceted matters pending before the Commission. During each of their tenures, Chair Garcia-Acosta and Alternate Commissioner Farmer have already cultivated a thorough

understanding of the Commission's substantive work and familiarity with those with which the Commission partners. Moreover, the Commission's current Chairperson possesses more experience in Commission leadership than any other Commissioner, a factor essential to the Commission's effectiveness and in collaborating with the Mayor and the new Interim Chief.¹

September's decision against scheduling either Commissioner's appointment before the Committee appears to have been based – in whole or in part – on allegations in a letter forwarded to numerous Oakland City officials. The letter included a litany of complaints leveled specifically at Alternate Commissioner Omar Farmer. The letter's allegations – made after a similarly targeted, yet-failed, attempt before the Selection Panel to dissuade that body from approving Alternate Commissioner Farmer's re-appointment – are erroneous, misunderstand the Commission's civilian oversight role, misinterpret the Charter and laws that guide Commission operations, and often misrepresent actions taken during Commission meetings. The information below speaks to each category of complaint and demonstrates the inaccuracy of the contentions.

The letter's accusations of Brown Act violations, misuse of Commission authority and time, and improper direction of OPD staff members are unfounded. As an initial matter, allegations of Brown Act violations are more appropriately directed to the Commission itself, which is responsible for responding to such complaints in the first instance. The Commission was not previously aware of the recent claims. However, having reviewed the referenced communications, the discussions arose during the Chief's Update which often incorporates a rotating catalogue of issues depending on current events or circumstances confronting OPD at the time. The Chief's report and Commissioners' inquiries do not contravene Brown Act requirements.

The Commission Charter authorizes the Commission to require the Chief (or Chief's designee) to attend Commission meetings. (Oakland Charter Section 604(a)(8)). The Chief reports on, and Commissioners pose questions related to, areas in which the Commission has some measure of responsibility. These areas include OPD's Officer Wellness Initiative (Oakland Municipal Code Chapter 2.45.070(C)) and the Negotiated Settlement Agreement. (Oakland Charter Sections 604(b)(4)-(5), 604(f)). The Chief often has officers available at Commission meetings to speak to matters on which they have more in-depth or up-to-date knowledge. (Officers may also join Commission ad hoc committees to offer input that may assist Commissioners in better crafting reports, recommendations, etc.) It is within the Commission's authority to request additional information from staff that the Chief designates to address a topic. Neither Alternate Commissioner Farmer's nor other Commissioners' inquiries into these relevant matters during the Chief's Update generate liability for the City or constitute a misuse of the Commission's authority.

In addition, discussions that go beyond a cursory back and forth are not indicative of a "misuse of time." Commission meetings are most commissioners' sole opportunity to interact with the Chief. Department matters can be complex and multi-layered, and follow-up questions are often indispensable to gaining a full understanding of the issue before the Commission. As partners,

¹Notably, without either Chair Garcia-Acosta or Alternate Commissioner Farmer, no more than three of the remaining Commissioners will have experience in recruiting and hiring an OPD Chief.

the Commission and the Chief have committed to taking the time necessary to consider these matters. During these discussions, individual Commissioners sometimes disagree with the Chief (or designated staff) and vice versa – as is their privilege, as long as the disagreement occurs in a civil, productive manner. Alternate Commissioner Farmer has proved to be firm yet respectful when his opinion or information differs from that of the Department or other Commissioners.

The allegation that Alternate Commissioner Farmer has a personal complaint pending against OPD is simply false. In fact, the Department itself initiated the investigation at issue by affirmatively reaching out to Alternate Commissioner Farmer without any request from him. The Department based its investigation on work that Alternate Commissioner Farmer did during his time on another (now-disbanded) City of Oakland Commission. The investigation does not involve a “personal grievance” against OPD. Nor has Alternate Commissioner Farmer’s agreement to respond to an unprompted Department request created an actual, or even the appearance of a, conflict of interest that would justify rejecting his reappointment.

Among Alternate Commissioner Farmer’s duties is an assignment as Chair of the Negotiated Settlement Agreement (NSA) Ad Hoc Committee. As the Charter-mandated successor to the NSA, the Commission for some years has taken part in twice-yearly NSA Case Management Conferences (CMC) in the federal court. The Commission also contributes to the written Joint Case Management Statement. The Commission’s portion of the Statement is drafted by members of the Commission’s NSA Ad Hoc Committee (which is open to the public); presented to the City Attorney; and duly agendaized, discussed, and voted upon by the Commission in advance of being filed in court by the Office of the City Attorney. The Statement’s preparation is a collective process, involving several ad hoc sessions and numerous comments and revisions. The assertion that Alternate Commissioner Farmer has single-handedly authored documents or acted without Commission approval is baseless.

While the Commission has communicated with federal monitoring staff, these limited contacts have been for the purpose of proactively preparing for the time when OPD exits the NSA and monitoring transitions to the Commission and its Office of the Inspector General. Taking affirmative steps to ensure the Commission is primed for its Charter role does not “usurp” the City’s strategy in the settlement to which it agreed. Rather, the Commission’s efforts support OPD’s goal of exiting the NSA. At the January 2024 CMC, the Office of the City Attorney itself raised the question of whether the Court could be confident that the Department’s progress will continue when federal oversight ends. In demonstrating its readiness to step into the role anticipated by the Charter, the Commission is working to alleviate the Court’s doubts that OPD can sustain improvements after the NSA sunsets.

Finally, neither the Commission nor Alternate Commissioner Farmer has interfered with City labor negotiations. The passing comment referenced in the letter was misunderstood either due to an unfamiliarity with the prompting circumstances or because of a readiness to assume ill-intent. In truth, after a presentation to the Commission, a City labor negotiator invited the Commission to provide for City consideration any recommendations it believed would aid OPD in reaching sustained compliance with the NSA. Some months after this suggestion, the Commission had not taken up the matter of brainstorming such recommendations. During planning for future agenda items, Alternate Commissioner Farmer reminded his fellow

Commissioners of the invitation and proposed that the Commission properly agendize the topic. Thus, the Commission was not an interloper in the recommendation process, but a welcomed guest. The suggestion that the Commission's response to an express request for input was an attempt to meddle in City bargaining is nonsensical.

Alternate Commissioner Farmer's record demonstrates a steadfast dedication to confronting the challenges associated with the Commission's civilian oversight duties. He, like Chair Garcia-Acosta, remains industrious, committed, and professional in the face of sometimes-harsh criticism of the Commission as a whole. The Selection Panel's repeated decisions to advance each of their names underscore this commitment. Permitting deferred appointments and baseless allegations of misconduct to place the City and the Commission on shifting ground is untenable at a time when the Department faces difficulties ranging from identifying a new Police Chief to a threatened federalization of troops within City borders. The Commission's leadership and knowledge base must remain stable if the Department is to exhibit readiness to exit the NSA, let alone to weather these additional pressures. The Rules and Legislation Committee must submit the Selection Panel's appointments to the City Council for its approval to ensure the Commission continues its marked progress under steady leadership and with energetic members versed in Commission fundamentals.

Very best regards,



Katina Ancar
Commission Counsel
Oakland Police Commission

Cc: Barbara Lee, Mayor, City of Oakland
Jestin Johnson, Oakland City Administrator
Ryan Richardson, Oakland City Attorney
Rowena Brown, City Councilmember-at-Large
Zac Unger, City Councilmember
Charlene Wang, City Councilmember
Carroll Fife, City Councilmember
Janani Ramachandran, City Councilmember
Noel Gallo, City Councilmember
Ken Houston, City Councilmember