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# AGENDA REPORT

**TO:** The Honorable City Council

**FROM:** John Alden  
Executive Director, CPRA

**SUBJECT:** Resolution Reallocating Inspector  
General Funds

**DATE:** November 21, 2019

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To Reallocate \$649,204 In Salary Savings In The Police Commission's Civilian Office Of The Inspector General During Fiscal Year 2019-20 To Fund Professional Services Agreements For An Investigation Of Community Police Review Agency (CPRA) Cases 07-0538, 13-1062, And 16-0147 With Knox & Ross Law Group, Engage The Community On A Revised Oakland Police Department Use Of Force Policy With Raheem, Facilitation Of A Police Commission Retreat With Walker And Associates, An Audit Of Current And Previously Issued CPRA Cases With Mason Investigative Group, And Other Expenses.**

## EXECUTIVE SUMMARY

The Police Commission has identified a number of short-term and one-time tasks that it would have assigned to the Inspector General, had that position been filled this fiscal year. Because that position is not anticipated to be filled this fiscal year, the Police Commission requests City Council approval to repurpose funds from Inspector General salary savings for the current fiscal year to discretionary spending under the Police Commission and CPRA Budgets so that contractors can be used to complete tasks in the current fiscal year.

## BACKGROUND / LEGISLATIVE HISTORY

Measure LL created the Oakland Police Commission and renamed and repurposed the CPRB to the Community Police Review Agency (CPRA). In the Fiscal Year 2019-20 budget, the City Council established salary funding for an Inspector General as part of the Police Commission budget. That position is not anticipated to be filled this fiscal year given current discussions relating to a Charter Amendment relating to that office. But work that would normally have been completed by such an Inspector General still remains to be completed, such as updating the Oakland Police Department Use of Force Policy, auditing the performance of CPRA, and outreach to the public. The Police Commission seeks Council approval to repurpose the salary savings accomplished by not filing positions in the Inspector General's office this fiscal year so that some of that work can still be accomplished this fiscal year through short-term contracts managed by the CPRA.

Item: \_\_\_\_\_  
Finance & Management Committee  
December 3, 2019

### **ANALYSIS AND POLICY ALTERNATIVES**

The only policy alternative to the proposed resolution is to leave untouched the funding allocated to Inspector General salaries in the current fiscal year. In that scenario, it is anticipated that those funds would remain unspent this fiscal year. That said, the Police Commission and CPRA would have little ability to effectively manage time-sensitive projects like Use of Force policy revisions.

### **FISCAL IMPACT**

There are no increased costs associated with this resolution. That said, taking this action does increase the chances that the allocated funds may actually be spent this fiscal year on the same kind of work for which they were originally appropriated.

### **PUBLIC OUTREACH / INTEREST**

This course of action and the resolution were discussed at the Police Commission meetings of October 24, 2019, and November 21, 2019. The presentation and discussion of the resolution was open to the public for comment and discussion.

### **COORDINATION**

Coordination of the contracts described in the attached Resolution would be managed by CPRA.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** There are no identifiable economic opportunities with this report.

***Environmental:*** There are no identifiable environmental opportunities with this report.

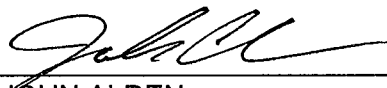
***Social Equity:*** There are no identifiable social equity opportunities with this report.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To Reallocate \$649,204 In Salary Savings In The Police Commission's Civilian Office Of The Inspector General During Fiscal Year 2019-20 To Fund Professional Services Agreements For An Investigation Of Community Police Review Agency (CPRA) Cases 07-0538, 13-1062, And 16-0147 With Knox & Ross Law Group, Engage The Community On A Revised Oakland Police Department Use Of Force Policy With Raheem, Facilitation Of A Police Commission Retreat With Walker And Associates, An Audit Of Current And Previously Issued CPRA Cases With Mason Investigative Group, And Other Expenses.

For questions regarding this report, please contact John Alden, Executive Director, at [jalden@oaklandca.gov](mailto:jalden@oaklandca.gov), or (510) 238-7401.

Respectfully submitted,

  
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JOHN ALDEN  
Executive Director, CPRA

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO REALLOCATE \$649,204 IN SALARY SAVINGS IN THE POLICE COMMISSION'S CIVILIAN OFFICE OF THE INSPECTOR GENERAL DURING FISCAL YEAR 2019-20 TO FUND PROFESSIONAL SERVICES AGREEMENTS FOR AN INVESTIGATION OF COMMUNITY POLICE REVIEW AGENCY (CPRA) CASES 07-0538, 13-1062, AND 16-0147 WITH KNOX & ROSS LAW GROUP, ENGAGE THE COMMUNITY ON A REVISED OAKLAND POLICE DEPARTMENT USE OF FORCE POLICY WITH RAHEEM, FACILITATION OF A POLICE COMMISSION RETREAT WITH WALKER AND ASSOCIATES, AN AUDIT OF CURRENT AND PREVIOUSLY ISSUED CPRA CASES WITH MASON INVESTIGATIVE GROUP, AND OTHER EXPENSES.**

**WHEREAS**, the voters of the City of Oakland voted yes for Measure LL on November 8, 2016, which established the Oakland Police Commission; and

**WHEREAS**, Measure LL amended the Oakland City Charter to add section 604, entitled "Police Commission;" and

**WHEREAS**, the Oakland City Council adopted Ordinance No. 13498 C.M.S. adding Municipal Code Section 2.45.100 that established a civilian Office of Inspector General (OIG) with powers, functions, and duties assigned or authorized by the Commission, and shall include conducting any audit or review of the Department necessary to assess the Oakland Police Department's performance and adherence to constitutional policing practices, and shall also include conducting any audit or review of the Oakland Police Department's policies and procedures, including any pattern of non-compliance with the foregoing, as necessary or helpful for the Commission to fulfill its duties under City Charter section 604(b)(4), (5) and (6); and

**WHEREAS**, the Oakland City Council adopted Ordinance No. 13547 C.M.S. on July 9, 2019, amending Oakland Municipal Code Chapter 2.04 Purchasing System, to add section 2.04.022 to authorize the Police Commission to enter Professional Service Agreements necessary to fulfill its duties as defined in Measure LL, codified in section 604 of the Oakland City Charter; and

**WHEREAS**, all Police Commission contract approvals require an affirmative vote of four (4) or more members of the Commission who are designated to vote at the time the action is taken to approve a contract; and

**WHEREAS**, the Community Police Review Agency (CPRA) Executive Director is authorized on behalf of the City of Oakland to enter into Professional Services Agreements properly approved by the Commission and shall be the contract administrator; and

**WHEREAS**, all contracts approved by the Police Commission are subject to the competitive and other processes and procedures required under Oakland Municipal Code Chapter 2.04 Purchasing System; and

**WHEREAS**, on June 27, 2019, the Police Commission approved a motion to engage the Mason Investigative Group in a contract to perform an audit of CPRA cases for an amount not-to-exceed \$49,999; and

**WHEREAS**, on June 27, 2019, the Police Commission approved a motion to accept a proposal from Walker and Associates to conduct a half-day retreat for the Police Commission, the cost of which would not exceed \$15,000, which includes the cost of a venue rental; and

**WHEREAS**, on October 24, 2019, the Police Commission approved Resolution 19-01 authorizing the CPRA Executive Director to enter into a Professional Services Agreement with Knox & Ross Law Group for investigation and review of CPRA cases 07-0538, 13-1062, and 16-0147 for an amount not-to-exceed \$49,999; and

**WHEREAS**, on October 24, 2019, the Police Commission approved a motion to seek City Council approval to redirect all funding for vacant Inspector General positions towards the above contract expenses, \$75,000 for training of Commissioners and CPRA staff, \$28,000 for community outreach, and remaining discretionary expenses as needed in this fiscal year; and

**WHEREAS**, on November 14, 2019, the Police Commission approved Resolution 19-02 authorizing the CPRA Executive Director to (1) enter into a Professional Services Agreement with Raheem to gather community feedback to inform a revised Oakland Police Department Use of Force policy for an amount not-to-exceed \$40,000 and (2) request on behalf of the Police Commission that the City Administrator waive the competitive solicitation process; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator, or designee, to reallocate one-time salary savings in an amount of \$450,000 from vacant Office of the Inspector General positions to fund Professional Services Agreements for an investigation of CPRA cases 07-0538, 13-1062, and 16-0147 with Knox & Ross Law Group, engage the community on a revised Oakland Police Department Use of Force policy with Raheem, facilitation of a Police Commission retreat with Walker and Associates, an audit of current and previously issued CPRA cases with Mason Investigative Group, and further contract services as identified by the Commission in the remainder of the fiscal year; and be it

**FURTHER RESOLVED:** That the Police Commission is authorized to enter into professional service agreements with said vendors consistent with the provisions of Municipal Code Section 2.04.022, that the funds reallocated from the vacant Inspector

General positions in the prior paragraph serve as the Commission's budget for contracts as described in Oakland Municipal Code section 2.04.022(d), and that any unspent funds can be utilized by the Police Commission to fulfill its duties under City Charter section 604(b)(4), (5) and (6); and be it

**FURTHER RESOLVED:** That the services provided pursuant to the contracts authorized hereunder are for a professional, scientific, or technical nature and will not result in the loss of employment or loss of salary by any person having permanent employment status in the competitive service; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator, or designee, to reallocate the remaining one-time salary savings in the amount of \$199,204 from vacant Office of the Inspector General positions to fund \$75,000 in training expenses, \$28,000 in outreach expenses, and other discretionary expenses as identified by the Commission in the remainder of the fiscal year; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is authorized to take any other action necessary consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California