

EXHIBIT 1

CITY OF OAKLAND**Memorandum**

TO: Chief (ret.) Robert Warshaw
ATTN: To File
FROM: Office of Chief of Police
DATE: 9 May 25

RE: 352nd Monthly Compliance Update

This compliance update covers the reporting period of 1-31 Jan 25.

Risk Measures**Complaints**

	# Complaints Reporting Period	# Complaints YTD 2025	# Complaints YTD 2024	# Cases Sustained Reporting Period	# Cases Sustained YTD 2025	# Cases Sustained YTD 2024
Misconduct	98	98	101	15	15	6
Service*	19	19	74			
Total	117	117	175			

Note: The sustained cases exclude allegations involving preventable on-duty vehicle collisions.

Internal Investigation Timelines – Cases that missed 180 timelines

Class I Cases January 2025	Reason
23-0510	IAB Case 23-0510 exceeded the 180-day requirement due to case complexity and external delays. The investigation involved allegations of an officer injuring a civilian and subsequent complaint handling failures. Initiated April 2023, the case was subject to a 302-day tolling period due to a concurrent criminal investigation (April 2023 to February 2024). Once resumed, the administrative investigation required extensive coordination with CPRA, multiple interviews, body-worn camera reviews, and phone record analyses. Difficulties locating witnesses and coordinating with CPRA further delayed completion.
23-0617	IAB Case 23-0617 exceeded the 180-day deadline due to case complexity and a concurrent criminal investigation that tolled the case for 425 days (April 2023 to June 2024). This internally generated complaint alleged serious misconduct. The investigation required extensive coordination with the District Attorney's Office, comprehensive digital evidence review, and multiple interviews.

23-1576	IAB Case 23-1576 exceeded the 180-day timeline due to complexity and coordination with external agencies. This case involved an off-duty incident (September 2023) with allegations of Obedience to Laws, General Conduct, Truthfulness, and Interference with Investigations. The case was tolled from September 2023 to January 2024 during a criminal investigation by outside agencies. The investigation required numerous witness interviews, surveillance footage review, and evidence from external businesses and law enforcement agencies.
23-1724	IAB Case 23-1724 exceeded the 180-day requirement due to serious allegations requiring multijurisdictional coordination. An initial 102-day tolling period occurred while another jurisdiction's District Attorney reviewed potential charges. Significant witness cooperation issues arose, with a key witness initially unresponsive and the subject employee delaying interview scheduling. Following command [REDACTED] review, three additional allegations were identified, necessitating further investigation.
24-0130	IAB Case 24-0130 exceeded the 180-day requirement due to multiple complexities. Initiated January 2024 regarding an alleged criminal incident, the case experienced an 11-day tolling period for prosecutorial decisions in another jurisdiction. Witness interview efforts extended over several months, with many resulting in refusals or unavailability. Subject interviews required legal representation coordination. Additional investigative steps including witness canvassing and body camera review prolonged the process. Investigation completed February 2025 with sustained findings.
24-0067	IAB Case 24-0067 stemmed from a complaint regarding alleged excessive force during an arrest (January 2024). The case encountered delays due to scheduling conflicts with involved officers and pending CPRA concurrence. The case went to a Force Review Board, and a subsequent IAB review resulted in an addendum detailing disagreement with some findings, adding additional time.
24-0061	IAB Case 24-0061 exceeded the 180-day deadline due to the complexity of allegations and extensive documentation requirements. Initiated January 2024 following an anonymous complaint from a dispatcher, the case involved allegations against multiple supervisors. The investigation required interviews with numerous witnesses and thorough review of IAB files, complaint records, and workplace reports. The multi-layered allegations necessitated a meticulous review process, and each subject supervisor required separate findings development. The volume of documentation and number of involved parties significantly extended the investigation timeline beyond July 2024.

24-0115	IAB Case 24-0115 exceeded the 180-day deadline due to case complexity, investigator reassignments, and extended interview scheduling. The case involved serious allegations. Although assigned in March 2024, a recusal necessitated reassignment in August 2024. Multiple subject interviews required rescheduling due to conflicts with LDF representatives. Investigation required extensive BWC footage analysis, CAD record reviews, and coordination with city personnel. The IAB found deficiencies requiring updates, further extending the timeline.
24-0198	IAB Case 24-0198 exceeded the 180-day deadline due to administrative delays, expanded investigation scope, and extended review requirements. The case assignment was delayed nearly a month after the February 2024 complaint, significantly reducing the available investigation window. As the investigation progressed, additional allegations emerged requiring expansion of the case scope beyond the original complaint. This necessitated retrieval and analysis of additional historical records not immediately accessible to investigators. The gathering of digital evidence proved particularly time-consuming due to technical challenges in preservation and authentication. The case required multiple layers of review due to the serious nature of the findings, with each review level adding time to the process.
24-0232	IAB Case 24-0232 exceeded the 180-day deadline primarily due to significant case assignment delays and investigative complications. Following the February 2024 vehicle collision incident, administrative processing delays resulted in the case not being assigned for investigation until June 2024—a four-month delay that consumed most of the 180-day window at the outset. The investigation was further complicated by multiple personnel recusals due to conflicts of interest, necessitating reassignment and creating additional administrative delays. Each reassignment required new personnel to review the entire case file from the beginning. The expanded scope of the investigation, which evolved from a routine collision review to include potential policy violations regarding reporting requirements and statements made during the initial investigation, required additional investigative steps not initially anticipated.
24-0375	IAB Case 24-0375 exceeded the 180-day deadline primarily due to an extensive tolling period and technical investigative challenges. The case involving alleged criminal activity required a 245-day tolling period (March-November 2024) during criminal investigation coordination with the District Attorney's Office. This lengthy tolling effectively suspended the administrative timeline for over eight months. Following the criminal declination, significant technical investigative steps were required, including specialized electronic records analysis, database log audits, and consultations with DOJ database specialists. The historical nature of the conduct (dating to July 2022) created additional challenges in retrieving

	archived electronic records and locating personnel who had since changed positions. These combined factors made meeting the 180-day requirement impossible despite diligent investigation efforts.
24-0742	IAB Case 24-0742 exceeded the 180-day deadline due to severe administrative processing failures and case tracking errors. Despite being initiated in May 2024, significant intake backlogs resulted in processing delays of nearly five months, with completion not occurring until October 2024. This administrative delay consumed almost the entire 180-day window before substantive investigation could begin. The case wasn't assigned to an investigator until November 13, 2024—just two days before the deadline. Further system failures occurred when the case was incorrectly flagged as "No Investigator Found" on November 22, 2024, placing it in an administrative queue where it remained without progress. Documentation confirmed the case was "stuck in someone's queue" between June-October 2024. Even after investigation completion, CPRA concurrence requests were delayed until January 2025, further extending final resolution beyond the deadline.
24-0755	IAB Case 24-0755 exceeded the 180-day deadline due to cascading scheduling conflicts and personnel unavailability. Though assigned in June 2024 following a May complaint, interview scheduling was repeatedly delayed by the need for union representation coordination. Subsequently, medical leave and scheduled vacations of key personnel necessitated multiple formal extensions. While the initial investigation was completed by September 2024, command review and disciplinary processes introduced additional delays due to reviewer workloads and the need for thorough assessment of the findings. The progressive accumulation of these delays, though individually reasonable, collectively pushed final case resolution into January 2025.
24-0743	IAB Case 24-0743 exceeded the 180-day deadline due to resource constraints and case prioritization issues. Following a May 2024 incident, the investigation required extensive evidence review including body-worn camera footage, crime reports, and medical clearance documentation. However, workload limitations within IAB significantly delayed the intake and review process, which wasn't completed until October 2024—consuming over half the available investigation timeline. Severe staffing shortages forced prioritization of cases involving more serious allegations, further delaying progress. Despite eventually concluding with non-sustained findings, the multiple command approval levels required for case closure extended the timeline beyond the November 2024 deadline.
Class II Cases January 2025	Reason

24-0036	This case exceeded the 180-day deadline due to multiple personnel interruptions and procedural complications. Following assignment, the investigation encountered significant disruptions including investigator reassignments, extended family leave, and illness-related absences of key personnel. These staffing disruptions necessitated a formal tolling period from September-November 2024. Additional delays stemmed from difficulties scheduling interviews with a member who declined participation while on leave. The technical nature of the allegations required specialized knowledge, limiting the ability to reassign the case to available investigators without relevant expertise. These combined factors extended the investigation well beyond the deadline.
24-0167	This case exceeded the 180-day deadline due to extraordinary scope and resource limitations. The investigation involving multiple allegations against seven department members required extensive evidence review including numerous body-worn camera recordings, incident reports, and witness statements from a large-scale disturbance involving approximately 50 individuals. Organizational resource constraints necessitated reassignment from BFO Area 1 to IAD Investigations due to critical staffing shortages, creating procedural delays and requiring duplicate review processes. The exceptional case complexity combined with competing priority investigations within IAD created unavoidable timeline extensions.
24-0114	This case exceeded the 180-day deadline due to administrative reassignments and jurisdictional questions. Following initial categorization as a Preliminary Inquiry in January 2024, the sensitive workplace conduct allegations required reclassification as a Division-Level Investigation. This reclassification prompted sequential reassignments that significantly delayed investigation commencement. Initial intake was completed in March 2024, but command direction redirected the investigation to IAD Investigations later that month, requiring restart of the process. These administrative transfers between units created procedural delays that consumed much of the 180-day window before substantive investigation could begin.
24-0142	This case exceeded the 180-day deadline due to witness volume and resource limitations. Investigating allegations of discriminatory supervisor conduct required more than 20 employee interviews—an exceptionally high number that strained investigative resources. Chronic staffing shortages, case backlog, and unexpected personnel absences necessitated formal extensions of investigation timelines. [REDACTED] [REDACTED]

24-0649	This case exceeded the 180-day deadline primarily due to substantial assignment delays and specialized subject matter. Following receipt of a legal claim in May 2024 (regarding a January 2024 incident), administrative processing and case prioritization issues prevented investigator assignment until October 2024—consuming five months of the available timeline before investigation could commence. The specialized legal claim aspects required consultation with multiple city departments and review of technical records not routinely handled by investigators. These initial administrative delays combined with the specialized investigation requirements made compliance with the 180-day deadline impossible despite reasonable investigative efforts once assigned.
24-0695	This CPRA referral case exceeded the 180-day deadline primarily due to assignment delays and coordination requirements. Though the complaint regarding officer conduct was received in May 2024, investigative resource limitations prevented assignment until November 2024—nearly six months later. This delay alone consumed most of the 180-day window before substantive investigation could begin. Additional time was required for CPRA coordination and concurrence communications. Despite the CPRA ultimately deciding against a parallel investigation in November, the initial case assignment delay made timely completion impossible.
24-0984	This case exceeded the 180-day deadline due to intake processing delays and resource prioritization issues. Following the July 2024 complaint regarding officer demeanor during a vehicle towing explanation, administrative backlogs and staffing limitations resulted in the case remaining unassigned for several weeks. Once assigned, the investigation competed with higher-priority cases for limited investigator resources, further extending the timeline. Though the necessary evidence review (including body-worn camera footage, CAD logs, and reports) was straightforward, the initial assignment delays and resource constraints pushed completion beyond the 180-day requirement.
24-1070	This case exceeded the 180-day deadline due to delayed case assignment and specialized evidence requirements. Though the incident involving a member occurred in June 2024, investigation assignment wasn't completed until August due to administrative processing delays and limited availability of investigators with experience from that division. The investigation required specialized audio recording reviews and technical assessment of protocols, limiting the ability to reassign to available investigators without relevant expertise. These factors necessitated a formal extension approval in November 2024, ultimately resulting in case closure in January 2025 beyond the 180-day requirement.

Use of Force

# UOF during reporting period					# UOF YTD 2025					# UOF YTD 2024				
L1	L2	L3	L4	Tot	L1	L2	L3	L4	Tot	L1	L2	L3	L4	Tot
0	0	4	326	330	0	0	4	326	330	0	4	1	291	296

Pursuits

# Pursuits during Reporting Period	# Pursuits YTD 2025	# Pursuits YTD 2024	# Pursuits found Not in Compliance YTD 2025	# Pursuits found Not in Compliance YTD 2024	# Non-Response Pursuits YTD 2025	# Non-Response Pursuits YTD 2024
7	7	7	0	0	86	97

Note: The pursuit numbers represent the number of pursuit incidents, not the number of officers involved in pursuits. Some pursuit incidents have multiple officers involved. Pursuit numbers published in this report are subject to change due to ongoing investigations and data entry updates.

Note: In all cases where an officer attempts to stop a violator and the violator flees or fails to stop and the officer makes no attempt to keep up with or pursue the violator, the incident is deemed a "Non-Response Pursuit."

Important Updates

OPD does not have important updates for January 2025.

Sincerely,



Lisa Ausmus
Acting Deputy Chief of Police
Bureau of Risk Management



Floyd Mitchell
Chief of Police

EXHIBIT 2

oaklandside.org



Credit: Amir Aziz

PUBLIC SAFETY

Oakland police chases are more common than you think — but they're relatively safe

Gavin Newsom and others say OPD doesn't chase enough. We examined statewide data and found vehicle pursuits in Oakland and Alameda County are common.



by **Roselyn Romero**, **Jose Feroso** and **Darwin BondGraham**

Jan. 27, 2025, 7:42 a.m.

This story was produced with the help of Kubist, a nonprofit data journalism organization.

In a California Highway Patrol garage, two days after Christmas, Gov. Gavin Newsom delivered a stern ultimatum to the city of Oakland.

Flanked by CHP officers, District 6 Councilmember Kevin Jenkins, new District 7 Councilmember Ken Houston, and several business and community representatives, Newsom announced he would [continue the East Bay CHP surge operations](#) he began last year — but this state crime-fighting assistance isn't open-ended, he warned.

Oakland is at an “inflection point” in its relationship with the state, Newsom explained. “We specifically are going to need to see changes in the pursuit policy here in Oakland.”

The governor was referring to the Oakland Police Department's rules for when and why police officers can chase suspects who flee in vehicles.

[Oakland's policy](#) since 2014 has prohibited police chases except when an officer has reasonable suspicion that a suspect has committed a violent forcible crime and/or a crime with a gun, or if there is probable cause that the suspect has a gun. This means officers normally can't chase someone suspected of committing crimes like burglaries, car break-ins, or reckless driving.

Newsom [described](#) Oakland's pursuit policy as “extreme” because it doesn't allow police to chase suspects in all the situations he believes officers should be allowed to.

“This is an outlier in the state of California, maybe an outlier in the United States of America,” the governor said. “We need to see that policy change. This commitment from the state can't continue unless we see commensurate changes from our partners here in Oakland.”

ABOUT THE DATA WE USED FOR THIS STORY

Every law enforcement agency in California is required under [state law](#) to record information about every vehicle pursuit its officers conduct, and to provide this information to the CHP on a [Form 187A](#).

The CHP gathers all of this information into a single dataset that can be used to analyze different aspects of vehicle chases, like which agencies conduct the most pursuits, what dates and times chases most frequently occur, and whether chases resulted in collisions, injuries, and deaths.

Newsom's disdain for Oakland's pursuit policy reflects the views of some business owners, residents, and city leaders who argue it encourages crime. They have [implored the police department](#) and city leaders to allow for more chases, particularly for property and other nonviolent crimes.

Oakland police chases are more common than you think -- but they're relatively safe.

“I support making changes to the No Chase policy,” one resident [wrote](#) to the City Council last year. “I think with the amount of crime that I have seen in the last 3 years that I have lived here, some of It can be related to criminals knowing that OPD can not pursue them and they continue to become more [emboldened].”

Meanwhile, supporters of the existing policy have cautioned there could be a rise in crashes, injuries, and deaths of innocent bystanders, fleeing suspects, and police officers if the rules governing chases are loosened.

“Police pursuits are dangerous to community members who can be hurt or killed,” an East Oakland resident told the City Council last year in [an email](#).

This back-and-forth played out at two recent Oakland Police Commission meetings, [including a town hall meeting](#).

But as the debate over police chases in Oakland has unfolded, there hasn’t been a lot of data presented to ground discussions in reality.

To understand the facts, The Oaklandside obtained police pursuit data for 2019 through 2022 for every law enforcement agency in California, including city police departments, county sheriff’s offices, regional CHP offices, and more. With help from the nonprofit data journalism organization Kubist, we’ve crunched the numbers to look at the reality of pursuits across the state — and gauge where Oakland stands relative to other cities.

The reality of police pursuits in Oakland

What we found, in brief, is that there are actually lots of police chases in Alameda County, including in Oakland, and that OPD initiates a lot of these vehicle pursuits.

- Far from having a “no chase” policy, OPD consistently ranks high on the list of agencies that initiate the most pursuits.
- OPD also stands out for having one of the state’s better safety records compared with other police agencies when it comes to chases.
- But when taking Oakland’s very high rate of crime into account, OPD chases less than other departments that patrol similar cities where crime is high, as well as cities with much lower crime rates.
- Compared with other regions, law enforcement agencies in Alameda County are generally better at chasing suspects without contributing to crashes that cause property damage, injuries, and deaths.

A close look at the data and the history of Oakland’s pursuit policy suggests a different, more complicated story from the one being pushed everywhere from the governor’s office to the City Council’s inbox. It wasn’t “progressive”

politicians or the city's civilian-led Police Commission that put limits on chases in the name of public safety. On its own initiative, and in response to a number of deadly and destructive pursuits in the 2000s, OPD overhauled its policy in 2014. By the end of the decade, the number of chases dropped but remained high in absolute terms compared with other cities. Meanwhile, crashes, injuries, and deaths declined significantly.

Overall, the data reflects something experts have known for a long time. Academics and law enforcement leaders who've examined police chases since the 1970s have found an inescapable tradeoff between pursuits and collisions. The looser the rules around police chases, the more pursuits — and crashes, injuries, deaths, and property destruction — there will be.

It's ultimately up to each community to determine what level of risk it will accept when setting its policy.

Oakland police and other East Bay cops actually chase a lot of suspects

The data shows that while it's not the city with the most chases, Oakland is hardly a place where the police never pursue fleeing suspects.

Measured in per-capita terms, from 2019 through 2022, Oakland's rate of police pursuits was eight per 10,000 residents. Among the 50 largest cities in California, Oakland's rate of pursuits was a little higher than the average of 7.7 per 10,000 people.

At the top of the list was Vallejo, with 32 chases per 10,000 residents.

The big cities where police were least likely to initiate pursuits included San Jose, with a rate of 0.2, and San Francisco — where Newsom was mayor from 2004 to 2011 — at 1.4 per 10,000 residents.

Among California's 50 biggest city police departments, Oakland's per capita pursuit rate was about average

The mean per capita rate of pursuits from 2019 through 2022 was 7.7 per 10,000 residents.

Search in table

	City	Population	Pursuits per 10,000 residents ▼
1	Vallejo	122,807	32.1
2	Fontana	215,465	19.0
3	San Bernardino	223,728	18.5
4	Stockton	319,543	17.9
5	Sacramento	526,384	14.9
6	Bakersfield	413,381	14.0
7	Clovis	125,826	13.2
8	Ontario	182,457	11.9
9	Pomona	145,502	11.9
10	Riverside	318,858	11.4
11	Escondido	148,122	10.1
12	Oxnard	198,488	9.8
13	Concord	122,315	9.6
14	Salinas	159,506	9.5
15	Visalia	144,998	9.1
16	Antioch	117,096	8.7
17	Santa Ana	310,539	8.6
18	Carlsbad	113,495	8.4
19	Santa Rosa	175,845	8.2
20	Oakland	436,504	8.0
21	Huntington Beach	192,129	7.9
22	Fairfield	120,768	7.5
23	Modesto	218,915	7.3
24	Torrance	139,224	7.3
25	Orange	138,337	7.3
26	Los Angeles	3,820,914	6.7
27	Elk Grove	178,444	6.6
28	Chula Vista	274,333	6.5
29	San Diego	1,388,320	6.4
30	Glendale	187,850	6.4

31	Fresno	545,716	5.2
32	Murrieta	111,878	5.1
33	Anaheim	340,512	5.0
34	Garden Grove	168,234	4.8
35	Pasadena	133,560	4.8
36	Corona	160,238	4.7
37	Fremont	226,208	4.6
38	Simi Valley	125,113	3.6
39	Richmond	114,106	3.1
40	Roseville	159,135	3.0
41	Long Beach	449,468	2.5
42	Santa Clara	131,062	2.4
43	Fullerton	139,250	2.2
44	Hayward	155,675	2.1
45	Irvine	314,621	1.9
46	San Francisco	808,988	1.4
47	Berkeley	118,962	1.0
48	Sunnyvale	151,967	0.7
49	San Jose	969,655	0.2
50	Oceanside	170,020	0.1

Table: The Oaklandside with assistance from Kubist. • Source: California Highway Patrol • [Get the data](#) • Created with [Datawrapper](#)

Oakland police initiated 354 pursuits over the four-year period, averaging about seven per month. Compared with the 567 other California law enforcement agencies in the dataset, OPD ranked 29th in the total number of pursuits its officers participated in.

Unsurprisingly, the top law enforcement agencies for the raw number of pursuits initiated were the Los Angeles Police Department and the Los Angeles County Sheriff’s Department. With 3.8 million residents, Los Angeles is the second-largest city in America, and the county of Los Angeles is the largest county, with 9.6 million people. Other agencies with the highest sheer numbers of chases tended to be police departments of major cities, sheriff’s departments in large counties, and CHP area offices in major metropolitan regions.

Some cities similar in size to Oakland saw fewer police pursuits initiated by their police departments, including Fresno, Anaheim, and Long Beach, while Bakersfield and Sacramento saw many more chases. Bakersfield police

Oakland police chases are more common than you think -- but they're relatively safe initiated 1.6 times more chases than Oakland police, and Sacramento police officers initiated over 2 times as many chases.

These 50 law enforcement agencies initiated the most vehicle pursuits from 2019 to 2022

Many California agencies that rank high the chase list are CHP offices and big cities, but there were some surprises.

Pursuits

1	Los Angeles Police Department	2,562
2	Los Angeles Sheriff's Office	1,849
3	San Bernardino Sheriff's Office	1,297
4	CHP Oakland Area	1,235
5	San Diego Police Department	884
6	Sacramento Police Department	793
7	CHP Baldwin Park Area	689
8	CHP San Francisco Area	672
9	Contra Costa Sheriff's Office	650
10	CHP Area Hayward	633
11	CHP Area Santa Fe Springs	584
12	Bakersfield Police Department	582
13	Stockton Police Department	579
14	Riverside Sheriff's Office	512
15	San Diego Sheriff's Office	510
16	Fresno Sheriff's Office	456
17	San Leandro Police Department	454
18	CHP Area San Jose	452
19	Sacramento Sheriff's Office	450
20	CHP Area Solano County	433
21	San Joaquin Sheriff's Office	426
22	Alameda County Sheriff's Office	419
23	San Bernardino Police Department	415
24	Fontana Police Department	411
25	Vallejo Police Department	401
26	CHP Area Castro Valley	396
27	Riverside Police Department	365
28	CHP Area Stockton	364
29	Oakland Police Department	354
30	Pittsburg Police Department	346

31	CHP Area Contra Costa County	332
32	CHP Area South Los Angeles	331
33	Santa Clara County Sheriff's Office	327
34	CHP Area Dublin	322
35	CHP Area East Los Angeles	305
36	CHP Area Riverside	293
37	CHP Area Bakersfield	292
38	Fresno Police Department	285
39	Santa Ana Police Department	274
40	CHP Area North Sacramento	272
41	CHP Area Santa Ana	251
42	CHP Area Central Los Angeles	251
43	CHP Area San Bernardino	250
44	CHP Area West Valley	248
45	Ventura Sheriff's Office	248
46	CHP Area San Diego	247
47	CHP Area Fresno	236
48	Orange County Sheriff's Office	233
49	CHP Area Redwood City	231
50	Kern County Sheriff	226

Table: The Oaklandside with assistance from Kubist • Source: California Highway Patrol • [Get the data](#) • Created with [Datawrapper](#)

Compared to the 12 other cities in Alameda County with their own police forces, OPD’s rate of pursuits was below the four-year average of 13 chases per 10,000 residents, but this average was skewed upward by two departments with unusually high numbers of chases.

OPD chased more than the police departments in Fremont, Hayward, and Berkeley, several of the county’s other biggest cities. However, police in San Leandro and Emeryville, which border Oakland, conducted far more pursuits than officers in other cities, including Oakland.

Surprisingly, the [San Leandro Police Department](#) ranked 17th in total pursuits among all law enforcement agencies in California from 2019 to 2022, despite its relatively small population of about 85,000 residents, roughly one-fifth of Oakland’s.

San Leandro initiated 454 pursuits over the four years. The city’s rate of pursuits — roughly 53 chases per 10,000 residents — was one of the highest in the entire state.

San Leandro and Emeryville police chase suspects more often than other Alameda County law enforcement agencies

From 2019 to 2022, San Leandro officers engaged in more vehicle pursuits than the Oakland police, despite being a much smaller police force patrolling a city one-fifth the size of Oakland.

	Pursuits	Pursuits per 10,000 pop. ▼
San Leandro	454	52.9
Emeryville	60	47.1
Pleasanton	119	15.9
Livermore	86	10.4
Albany	17	8.9
Oakland	354	8.1
Fremont	107	4.7
Piedmont	5	4.7
Alameda	35	4.6
Newark	15	3.2
Union City	20	3.1
Hayward	32	2.1
Berkeley	12	1.0

**Dublin contracts for police services with the Alameda County Sheriff's Office and doesn't report its own data to the state.*

Table: The Oaklandside with assistance from Kubist. • Source: California Highway Patrol • [Get the data](#) • Created with [Datawrapper](#)

In a recent interview with The Oaklandside, Lieutenant Enguang Abe Teng, public information officer for the San Leandro Police Department, said several factors could explain the agency’s high number of pursuits, including its proximity to two major highways: Interstates 580 and 880.

“We are in a central location within the East Bay, so there’s a lot of traffic that comes through the city,” Teng said.

He also attributed San Leandro’s high chase count to the department’s “fairly lenient” pursuit policy. “I can confidently say that, within the Alameda County [law enforcement] agencies, our pursuit policy is relatively permissive in terms of what our officers are allowed to initiate a pursuit for,” he said.

Unlike OPD, San Leandro's [pursuit policy](#) does not specify that a violent forcible crime, with or without a gun, has to have occurred for an officer to initiate a chase. Its policy manual states that an officer can begin a pursuit if they believe a person is trying to avoid arrest by "failing to yield to a solid front-facing red light." In other words, if someone flees in a vehicle, an officer can chase them.

Between 2019 and 2022, Teng said, about 54% of the San Leandro Police Department's pursuits were for felonies, 37% were for traffic infractions, and 6% were for misdemeanors. For the remaining 2%, the crimes were not listed.

Similarly, the Emeryville Police Department allows officers to initiate a pursuit when "a suspect, who has been given the appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle." The department's [pursuit policy](#) does not require a violent crime or the possession of a gun for officers to chase.

Oakland's crime rate is much higher than most other cities' — should its officers chase more?



Supporters of loosening the Oakland Police Department's pursuit policy hold a rally outside the East Bay Church of Religious Science in Oakland on Wednesday, Jan. 15, 2025. Credit: Roselyn Romero

When accounting for different cities' crime rates, OPD appears far less likely to chase than police in other cities.

In 2022, the most recent year for which we have pursuit data and [crime data](#), Oakland reported 149 violent crimes per 10,000 residents and had a relatively low pursuit-per-capita rate of 2.7. The only other city in Alameda County with a similar violent crime rate was Emeryville, with 112 violent crimes for every 10,000 residents. San Leandro had the third-highest violent crime rate — 58 per 10,000.

As mentioned above, Emeryville and San Leandro police engage in pursuits at rates roughly four to six times more often than OPD officers.

Proponents of more chases say if OPD caught more fleeing suspects it would serve as a deterrent to all kinds of crime in the city, including violent and nonviolent offenses.

Oakland police are less likely to pursue, despite a very high rate of violent crime

OPD's rate of pursuits in 2022 was 2.7 per 10,000 residents, higher than most other Alameda County cities, but lower than San Leandro, Emeryville, Pleasanton, and Albany.

	Agency Name	Pursuits per 10,000 residents	Violent crimes per 10,000 residents
1	Oakland Police	2.7	149
2	Emeryville Police	11.0	112
3	San Leandro Police	17.7	58
4	Berkeley Police	0.3	56
5	Union City Police	0.3	48
6	Hayward Police	0.6	39
7	Newark Police	1.9	32
8	Alameda Police	0.0	31
9	Livermore Police	1.4	23
10	Fremont Police	0.6	21
11	Albany Police	3.1	20
12	Piedmont Police	0.0	20
13	Pleasanton Police	5.6	11

Table: The Oaklandside with assistance from Kubist. • Source: California Highway Patrol • [Get the data](#) • Created with [Datawrapper](#)

Tom Gleason, a retired police captain from Tallahassee, Florida, who trained officers to chase suspects on the East Coast, told The Oaklandside that chasing more suspects can lead to more arrests — but it doesn’t necessarily lead to safer communities.

Gleason said he believes that reducing incentives for criminal behavior through smart prosecution and crime prevention initiatives will do far more to reduce crime than just catching more people.

“California’s judicial system is overloaded. Many people are apprehended, and then the system breaks down from there. Many people don’t even show up to court after they are released,” he said. “If we catch them, we gotta hold them accountable. But it’s a very complex issue.”

OPD Sergeant Gabriel Urquiza told The Oaklandside that between 2014 and 2022, OPD’s apprehension rate was 25%. After a recent decision by OPD to change its pursuit policy to require permission from commanders to chase

over 50 miles per hour — a decision prompted by a 2022 chase that ended in a fatal crash — apprehension and arrests went down to 16%.

Even if OPD changed its policies to allow chases under more circumstances, it's unclear whether pursuits would increase by very much. That's because another factor that might be holding OPD back from chasing more is the department's staffing level. With officer staff levels fluctuating around 700 in recent years, OPD has one of the lowest ratios of officers to its population, about 1.5 officers per every 1,000 residents. The national average for cities of 250,000 and over is 2.6 officers per 1,000 residents. Fewer officers on patrol means simply that OPD will respond to fewer crimes in progress, resulting in fewer opportunities to initiate a chase.

"If there were more officers ... these vehicles involved in certain criminal activities would likely be located either quicker or more often, so that may increase the amount of pursuits," Urquiza said.

There were more chases in Oakland than just the ones OPD initiated — but we don't know exactly how many

Like most big cities, Oakland isn't patrolled solely by its own city police department. On any given day, there are Alameda County sheriff's deputies, CHP officers, BART police, and other law enforcement working in Oakland, and all of these agencies' officers can chase someone suspected of a crime in the city — so long as they follow their department's policies.

The data we obtained did not specify the number of pursuits conducted within Oakland by CHP, BART police, or other law enforcement agencies, but it's clear that some of these agencies' chases started here.

Well before Newsom's surge operations began last year, the California Highway Patrol logged high numbers of pursuits in and around Oakland. Compared with other CHP offices, the CHP Oakland office, which covers Oakland, Berkeley, Piedmont, Emeryville, Albany, El Cerrito, and Richmond, carried out the most pursuits in the state between 2019 and 2022 — 1,235. CHP's Baldwin Park office in Los Angeles County ranked second with 689, followed by CHP San Francisco with 672.

The California Highway Patrol's Oakland office conducted the most chases from 2019 to 2022

CHP officers in the East Bay chase suspects more frequently than in any other part of the state.

Search in table

Page 1 of 3 >

	CHP Area	Pursuit Count
1	Oakland	1,235
2	Baldwin Park	689
3	San Francisco	672
4	Hayward	633
5	Santa Fe Springs	584
6	San Jose	452
7	Solano	433
8	Castro Valley	396
9	Stockton	364
10	Contra Costa	332
11	South Los Angeles	331
12	Dublin	322
13	East Los Angeles	305
14	Riverside	293
15	Bakersfield	292
16	North Sacramento	272
17	Santa Ana	251
18	Central Los Angeles	251
19	San Bernardino	250
20	West Valley	248

Table: The Oaklandside with assistance from Kubist • Source: California Highway Patrol • [Get the data](#) • Created with [Datawrapper](#)

The Oaklandside called and emailed the CHP Oakland Area office and the [CHP Golden Gate Division](#) which oversees the Oakland office to ask about the high number of pursuits by CHP Oakland officers, the breakdown of chases conducted within Oakland, and other questions. A public information officer forwarded our questions to the CHP headquarters media unit but told us “with the fires in Los Angeles, almost all of our HQ media staff has been deployed to assist with local efforts.” The CHP hasn’t responded to our questions but we will update this story when we receive a response.

Across all 58 counties in California, law enforcement officers in Alameda County — including city police officers, CHP officers working locally, and sheriff's deputies — carried out the second-highest number of pursuits from 2019 to 2022, with 4,099. The only county where more pursuits happened was Los Angeles County, with 9,582 chases. This is despite the fact that there are six other counties in California with larger populations than Alameda County.

In per-capita terms, Alameda County was by far the region with the most police chases among the state's big counties (those with populations over half a million). From 2019 to 2022, there were 245 chases per 100,000 residents in Alameda County, more than three times higher than San Francisco, and 2.5 times more than Los Angeles. Only San Joaquin and Contra Costa counties came close to Alameda County, with 217 and 177 chases per 100,000 residents, respectively.

Police chases are safer in Oakland

There is one sense in which Oakland was an outlier for the years we looked at: Pursuits here, compared with similarly sized cities, tended to result in fewer injuries and fatalities. Among the 354 chases that Oakland police initiated between 2019 and 2022, OPD reported 14 injuries and no deaths. It's unclear from the data whether the injuries were to officers, suspects, or bystanders.

However, there were two omissions in OPD's data we obtained from CHP which calls into question its accuracy. The data is missing reports on the death of Lolomanaia Sokai, who was killed during an [unauthorized OPD chase in June 2022](#), and the [death of bystander Agustin Coyotl](#) during a pursuit that same year in East Oakland.

The Oaklandside has reached out to OPD's media team about this omission and we'll update this story when we receive a response to our questions.

But even when the incident that led to Coyotl and Sokai's deaths are included, OPD still has a relatively good safety record.

The rate at which OPD pursuits lead to injuries is below that of most other big cities. Of the 20 largest cities in California, OPD had the third-best record for avoiding injuries, with four of every 100 chases causing an injury.

San Francisco and San Jose police had the worst records, with 22 and 20 of every 100 chases resulting in an injury, respectively.

Oakland police rarely crash and cause injuries during pursuits compared with other law enforcement agencies

From 2019 to 2022 OPD officers caused 4 injuries per every 100 chases, fewer than cities like San Francisco, Sacramento, and Fresno.

Search in table

	Agency	Injuries per 100 chases ▼	Deaths per 100 chases
1	San Francisco Police	21.9	0.9
2	San Jose Police	20.0	0.0
3	Los Angeles Police	13.6	0.3
4	Santa Ana Police	12.8	0.0
5	San Diego Police	11.3	0.2
6	Fontana Police	11.0	0.5
7	Sacramento Police	10.6	0.3
8	Fremont Police	9.4	0.9
9	Riverside Police	9.3	0.3
10	Oxnard Police	8.8	0.0
11	San Bernardino Police	8.2	0.5
12	Fresno Police	7.4	1.1
13	Bakersfield Police	6.9	0.0
14	Anaheim Police	6.8	0.0
15	Chula Vista Police	6.2	1.7
16	Stockton Police	5.9	0.2
17	Long Beach Police	4.4	1.7
18	Oakland Police	4.0	0.5
19	Modesto Police	2.5	1.3
20	Irvine Police	1.6	0.0

In the CHP dataset, Oakland reported zero fatalities from 2019 to 2022. However, news reports show that two people died as a result of separate OPD pursuits in 2022. We have added these two fatalities to the data presented here. Additionally, the cities of Santa Clarita and Moreno Valley do not employ their own police forces. We have substituted in the cities of Modesto and Oxnard for this top 20 table.

Table: The Oaklandside with assistance from Kubist. • Source: California Highway Patrol • [Get the data](#) • Created with [Datawrapper](#)

OPD Sergeant Urquiza told The Oaklandside that many factors could explain the relative safety of Oakland pursuits. “Usually the officers involved in pursuits are very good at what they’re doing,” he said. “And part of it could be

environmental, like the wideness of the streets compared to the freeways, where there are much more high-speed collisions.”

OPD’s restrictive policy is a big reason chases are safer in Oakland, said Gleason, the retired police captain whose [company](#) still conducts police safety trainings. Police forces with restrictive policies tend to reinforce the importance of public safety while allowing officers to do their jobs effectively, he said. Safer departments often require continuous education training, detailed post-chase debriefs, and clear communication of chase experiences and the risks involved by experienced officers. Hearing about other officers’ experiences in person likely impacts young officers most.

Gleason said Gov. Newsom’s characterization of OPD’s pursuit policy as an outlier is wrong. He said many police departments nationwide have similar or even more restrictive chase policies. New York City [just adopted a more restrictive policy](#), similar to Oakland’s, due to the high numbers of NYPD chases resulting in crashes, injuries, and deaths.

“I would ask [Newsom] where he is getting his data, or is this just his personal feeling? The flavor of the day, in the Democratic Party, went from defunding the police to saying, ‘We need to give the police more power,’” Gleason said. “If you ask me, he’s doing that from a political standpoint. It’s a political statement that sounds good in today’s environment.”

We contacted Newsom’s press office and requested an interview for this story. Newsom’s press team responded by sending us links to his [July 26, 2024, letter to the Oakland City Council and Police Commission](#) asking them to “reconsider” OPD’s pursuit policy and a link to his [Dec. 27 press conference](#) in Oakland. We followed up by sending a list of questions via email, including asking whether Newsom or his team ever conducted a review of police pursuit policies in California before characterizing Oakland’s as an “outlier,” and whether the governor had reviewed the data for OPD’s actual number of pursuits and safety record. The governor’s press team did not respond to our questions.

Gleason said that police already have a lot of leeway in determining when to chase. He’s heard of officers in departments with strict chase policies who choose to pursue because of the circumstances, such as being in an area where drugs are sold or where there has been a recent violent crime. “There’s usually an exception that a supervisor can approve,” he said.

Keeping restrictions on pursuits forces departments to find new ways to reduce crime, said Gleason. “[Policing] is a whole system process where everyone gets involved,” he said. “We have to take proactive approaches to problems, identifying solutions, and developing those action plans.”

Agencies with worse safety records tend to have pursuit policies that give officers more discretion about when to chase someone. For example, the Sacramento Police Department, which has an injury rate almost three times higher than Oakland’s, has a [policy](#) that allows officers to chase suspects for almost any reason.

But not all police departments with more restrictive policies are as safe. The San Jose Police Department is one of the agencies least likely to initiate pursuits, but it also has one of the highest rates of injuries. Per their [department policy](#), SJPD officers can only chase someone when “the driving behavior is reasonably perceived as being non-hazardous.” Once the fleeing person’s driving becomes hazardous (speeding, etc.) officers can only continue a chase if “the violator is believed to be a violent felon who poses a significant, ongoing threat to public safety.” And officers must “continually weigh the seriousness of the offense(s) against the potential dangers to themselves and members of the community” of continuing a chase.

The safety records of other law enforcement agencies within Alameda County are mixed. The Hayward, Newark, and Fremont police departments had the highest rates of injuries, between nine and 16 per 100 chases. Meanwhile, the Union City, Piedmont, Emeryville, and Albany police departments reported no injuries or deaths between 2019 and 2022.

Interestingly, even though San Leandro and Emeryville police chase suspects at far higher rates than the Oakland police, and their policies allow for chases of suspects for traffic violations and property crimes, Emeryville’s safety record was better than Oakland’s, and San Leandro’s was roughly the same as Oakland’s.

The amount of training officers in both cities receive may help reduce the risk that a chase will end in a crash.

Teng with the San Leandro Police Department said that all San Leandro police recruits must complete a 40-hour emergency vehicle operations course at the Alameda County Regional Training Center. Trainings are provided both in a classroom setting and behind the wheel, where the recruits practice various intervention techniques.

“When we send our officers out every other year to meet the training requirements, the course that we send them to is an eight-hour course,” Teng said.

Most police chases initiated by San Leandro also end quickly with officers calling them off, which may prevent collisions. Nearly 70% of the agency’s pursuits were canceled within two miles. Three-quarters of pursuits were canceled “due to public safety concerns,” according to Teng.

Dauer of the Emeryville Police Department said Emeryville officers also receive eight hours of pursuit training every two years. That means San Leandro and Emeryville police officers receive double the required training for vehicle pursuits.

And Emeryville also cancels most pursuits early. “I can confirm that the majority of our pursuits are aborted by officers or supervisors, who constantly assess the risk of the pursuit against the need to apprehend the violator,” Dauer wrote in an email to The Oaklandside.

An internal culture of cautious decision-making may also explain San Leandro’s relatively safe chases.

Oakland police chases are more common than you think // but they're relatively safe.

“We constantly remind our staff that all it takes is one pursuit to go wrong, or someone to exercise poor judgment or push the envelope more than they should, and that policy goes away,” Teng said. “Nobody will ever come down on you for canceling a pursuit.”

Among the 113 CHP offices that patrol different parts of the state, the Oakland office — which patrols highways in and around Oakland, Berkeley, Piedmont, Emeryville, Albany, El Cerrito, and Richmond — had one of the better safety records.

Between 2019 and 2022, the Oakland CHP engaged in 1,235 chases that led to 35 injuries and two deaths, for an injury rate of 2.8 per 100 chases and a fatality rate of 0.16. Rural CHP area offices had worse safety records, like the CHP’s Truckee office near the Nevada border, in which 22 of every 100 chases led to an injury.

OPD hasn’t always had a good safety record

The Traffic Violence Rapid Response Team and community members hold a protest and vigil for Lolomanaia “Lolo” Soakai, who was struck and killed during an unauthorized police chase on International Boulevard and 55th Avenue in Oakland on June 26, 2022. Credit: Jacob Simas

Before Oakland changed its pursuit policy in 2014, the department’s officers routinely engaged in vehicle chases of people suspected of committing violent and nonviolent crimes, including traffic violations. Many of these chases led to collisions, causing injuries and deaths.

It was OPD — not the City Council or other civilian leadership (the Police Commission wasn't established until 2017) — that changed the policy to better protect the public from high-speed chases. The impetus for change was [a 2011 study](#) conducted by Sean Whent, a lieutenant working in OPD's Office of Inspector General, a division in charge of studying OPD policies and recommending changes.

“Of all the high-risk activities police engage in,” Whent wrote, “vehicle pursuits represent the most significant threat of injury or death to the general public.”

The core of his study was a review of 315 pursuits that OPD initiated from Jan. 1, 2010, to July 31, 2011. He found that 21 bystanders were injured and that 128 pursuits resulted in property damage of some kind.

In 2010, 82 of the 219 total pursuits initiated by OPD, or 37%, resulted in at least one collision. The next year, the frequency of collisions increased to 48%.

Over the 19-month period Whent examined, 139 of the 315 chases, or 44%, were because of traffic violations. But in the cases where officers arrested a person fleeing after a traffic violation, very few of those suspects were found to have a gun, and there was rarely any evidence they'd committed a more serious crime than auto theft.

“People do flee from the police for just minor offenses,” he wrote.

READ OPD'S 2011 VEHICLE PURSUIT AUDIT

Oakland police chases are more common than you think // but they're relatively safe

Screenshot

Looking further back into department records, Whent found that between March 2006 and 2011, six bystanders were killed in five different pursuits OPD initiated.

“The Department cannot absolve itself of any responsibility for these deaths by saying that it was the suspect who chose to flee that actually caused those deaths,” Whent wrote. “While technically correct, we need to be reminded that we are the ones charged with protecting the citizens of Oakland, not the suspect that flees.”

Acknowledging this would be controversial, Whent recommended that OPD change its pursuit policy to restrict officers from chasing suspects except when they are wanted for a “violent felony.”

He pointed to the San Jose Police Department’s policy at the time, which allowed officers to chase suspects “believed to be a violent felon who poses a significant, ongoing threat to public safety,” as a good example to follow.

Once OPD changed its policy, the total number of pursuits dropped and the department’s safety record improved.

Former Police Chief LeRonne Armstrong instituted further limits on chases in 2022 after an unauthorized police chase killed bystander [Lolomanaia “Lolo” Soakai](#) on International Boulevard and an authorized police pursuit resulted in the death of [Augustin Coyote](#) that same year. [Special Order 9212](#) limited police chases on city streets to no higher than 50 miles per hour. Officers seeking to go faster must continually obtain permission from a commander through radio updates. That means a pursuit above 50 miles per hour goes through two approval processes: one from a supervisor to initiate the chase, and another from a commander to exceed 50 miles per hour.

The special order, Urquiza said, created additional paperwork for officers to complete after a pursuit, calling it an “administrative burden.”

“A chase that could literally last 15 seconds could create hours and hours of work,” he said. “I have no problem doing a lot of work, but when I’m generating work for other people ... I think it would give anybody pause.”

After the special order was enacted, Urquiza said, supervisors who authorize a pursuit, the commander who approves it to exceed 50 miles per hour, and a different supervisor who was not involved in the pursuit must each submit reports summarizing the chase and whether it complied with OPD’s policy.

Before Special Order 9212 went into effect, OPD conducted 130 pursuits. Last year, Oakland police carried out 68 chases, according to Urquiza. The Oaklandside was unable to independently verify these numbers.

Should OPD change its chase policy?



The Oakland Police Commission listens to comments from Rashidah Grinage of the Coalition for Police Accountability during a meeting at City Hall on Thursday, Sept. 19, 2024. Credit: Jungho Kim

Many Oakland residents say that OPD's current policy essentially allows people who commit nonviolent crimes to flee with impunity. They believe the city's reputation as a [hotspot for commercial burglaries](#) makes an intervention long overdue.

"[The policy] is signaling to criminals what types of activities are permissible," said Jeremy Burbank, a District 4 resident, at the Oakland Police Commission's town hall meeting on Jan. 15.

But Gleason, the retired police captain, worries that loosening pursuit policies would be a bad decision from a "total risk management" point of view. He said the cost of cars, the loss of police labor from chase-related injuries, and the cost of lawsuits from injured parties are too risky for cities to handle, especially during this budget-crunching time.

"Would your governor say that he's going to open up his pocketbook to pay for the effects of more [police chases]?" Gleason said.

His biggest concern is the increased physical risk for police officers and the public.

“The research, and my own personal experience since the ’70s, is that the more pursuits you have, there are more injuries, more deaths, and more damages to police and civilian vehicles,” Gleason said. “The majority of people that are standing up there [asking for more chases] haven’t had to pick somebody up out of the road or have someone they know killed because of speeding.”

Over the next few months, OPD will consider changing its policy to authorize officers to chase for **commercial burglaries**, Urquiza said. And it will almost certainly remain a hot topic at future Police Commission meetings, as many residents and business owners have called for officers to chase more often for property crime.

EXHIBIT 3



CITY OF OAKLAND | POLICE COMMISSION
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THE OAKLAND POLICE COMMISSION'S STATEMENT

I. Introduction

At its September 4, 2024 Case Management Conference (CMC), this Court asked the Parties, including the Oakland Police Commission (the Commission), to provide “forward-looking solutions” to the “ongoing problem” of the Oakland Police Department’s (OPD or the Department) failure to sustain compliance with the terms of the Negotiated Settlement Agreement (NSA). The Court has helpfully noted that good intentions are not enough; rather, OPD must shift its core operating paradigm to achieve sustainable compliance and earn an exit from Court oversight.

It will come as little surprise that the Commission strongly agrees with the Court’s sentiment. In that spirit of agreement, the Commission uses its portion of the CMC Statement to supplement its feedback on the Court-mandated Internal Affairs Bureau (IAB) reporting structure with an additional proposal for an even deeper, more forward-thinking, paradigm-shifting reform solution that will build on community input, better empower OPD to comply with the NSA, and finally fulfill the goals of this Court’s 2012 Order Re: Compliance Director. As noted at the last CMC, doing the same thing going forward will not result in a different outcome. (CMC Transcript at 33:10-13 (Sept. 4, 2024)). As such, the Commission proposes to reconfigure monitoring and oversight to foster lasting, sustainable culture change.

II. Paradigm Shift One: Court Appointment of Oakland Police Commission As Compliance Co-Director

This Court continues to seek paradigm shifting recommendations to spur structural and cultural change within OPD. Although the current NSA oversight structure has had a significant

1 time to accomplish its compliance objectives, unfortunately (as the Court is aware), OPD has fallen
2 short of reaching full and sustained compliance. In its fiduciary capacity to the citizens of Oakland,
3 the Court has rightly sought additional avenues to jumpstart forward movement. The Commission
4 proposes such an option to begin shifting the compliance dynamic and requests that the Court
5 exercise its authority to appoint the Commission to collaborate with the current Compliance
6 Director to fulfill a portion of the Director duties and responsibilities in creating a detailed plan to
7 guide OPD toward an ultimate exit from the NSA.

8 Oakland voters overwhelmingly approved both Measure LL and Measure S1 which revised
9 the City's Charter to establish the Oakland Police Commission. The Commission is composed of a
10 governing body of Commissioners, the Community Police Review Agency (CPRA), and the Office
11 of the Inspector General (OIG). Per Oakland's Charter, CPRA performs investigations of citizens'
12 allegations of misconduct against sworn Department officers. The CPRA's determinations are
13 independent of OPD influence. The CPRA's Interim Director Antonio Lawson brings over 20 years
14 of investigation and monitoring class action litigation and settlements to the office. An
15 accomplished attorney, Director Lawson has deep experience with police oversight, having served
16 for a decade as independent counsel to Oakland's Citizens' Police Review Board (the predecessor
17 to the Oakland Police Commission). Should the Department's own Internal Affairs Bureau (IAB) be
18 drawn down in the future (as has long been contemplated by the City Council and successive
19 mayors), CPRA will serve as the primary body charged with investigating OPD officer misconduct.
20 As an impartial body outside of OPD, CPRA is able to address the problem of the Department being
21 unable or unwilling to police itself. (*OPD Incident Assessment and Report* (Case No. 23-0459 at p.
22 6) (noting that a transfer of IAB duties to an independent CPRA will allow CPRA to hold individual
23 officers accountable for misconduct and discipline those in leadership who overlook or attempt to
24 conceal wrongdoing.). With this shift, many of the sworn officers currently performing IAB
25 investigations could be redeployed to patrol duties throughout the City.

26 Within the Commission, the Charter amendment ballot measures also created an Office of
27 the Inspector General (OIG), which is responsible for program and performance-based audits,
28 evaluations, inspections, and reviews of both the Department and the Commission's CPRA arm.

The Commission's Inspector General Zurvohn Maloof brings to his role over 20 years of experience in federal and local agency offices of inspectors general. Holding an Inspector General Certification from the Association of Inspectors General, IG Maloof possesses a strong background in criminal investigations, audits, administration, management, supervision, and oversight. Notably, the Charter provides that the OIG "shall audit the Department's compliance with the fifty-two tasks described in the Settlement Agreement in United States District Court case number C00-4599, *Delphine Allen, et al. v. City of Oakland, et al.*, and make recommendations to the Department, the Commission, and the City Council based on its audit(s), *even after the Settlement Agreement expires*" (Oakland City Charter Section 604(f)(5))(emphasis added). As this structural design reflects, the singular and most significant purpose underlying the creation of the Commission was to establish an independent body to take over the role of Compliance Director and oversee OPD's ongoing compliance with the 52 NSA Tasks once the Department earns its exit from Court oversight.

COMPLIANCE DIRECTOR DUTIES	INSPECTOR GENERAL DUTIES
A plan for the oversight, acquisition, and implementation of a personnel assessment system to provides a sustainable early-warning system to mitigate risk by identifying problems and trends at an early stage.	The OIG prepares an annual report that includes trends and patterns regarding Department training and education, and the Department's use of any early warning system(s). (Oakland Municipal Code Chapter 2.45.120(A))
Strategies to ensure allegations made by citizens against the OPD are thoroughly and fairly investigated	The OIG prepares reports summarizing annual reviews of OPD's and CPRA's processes and procedures for investigating alleged misconduct; for determining the appropriate level of discipline for sustained findings of misconduct; for training and/or policy issues that arise during the investigations of complaints. (Oakland Municipal Code Chapter 2.45.120(A))

Strategies to decrease the number of police misconduct complaints, claims, and lawsuits

OIG develops and presents a plan to the Commission to measure the performance of each element of The Department's discipline process for sworn employees.

(Oakland Municipal Code Chapter 2.45.120(C))

The OIG monitors and evaluates, on at least an annual basis, the number and percentage of sworn officers who have received in-service training on profiling and implicit bias, procedural justice, de-escalation, diplomacy, situational problem-solving, and work-related stress management, and make recommendations, as appropriate, to the Commission regarding changes to the Department's training programs.

(Oakland Municipal Code Chapter 2.45.120(C))

Because moving the Commission's Office of the Inspector General into the Compliance Director role is part of the Charter's anticipated evolution of the Court oversight process, the Commission's proposal set forth herein builds on its prior Statement to the Court in which the Commission requested the Court to "consider separating the Monitor and Compliance Director roles as originally envisioned and executed." (Joint Case Management Conference Statement at 55:21-23 (Aug. 28, 2024)). The Commission's 2024 request was itself a result of feedback from the Oakland community. Throughout the Commission Era the Oakland community has demanded that the Commission increase its participation in the Court oversight process. Via the Commission's Reimagining Public Safety Task Force, Oakland citizens voiced strong opinions, even asking for a determination of the "feasibility of the Commission filling Warshaw's Compliance Monitor role." (Oakland Public Safety Taskforce, *Oakland Reimagining Public Safety Taskforce Report and Recommendations (Report)* at p. 182)). In its final *Report*, the Task Force offered specific recommendations (Nos. 7, 8, 100) for the City to "consider requesting [the Court to] implement a separate monitor and compliance director...." (*Id.*) Moving the Commission into the Compliance Co-

1 Director position for a trial period will communicate to the public that its voice is being heard in the
2 oversight process.

3 This Court has expressed some hesitancy about the extent to which the Court's continued
4 supervision can guide OPD toward full NSA compliance. The Commission considers the Court
5 indispensable in helping OPD reach the finish line. Nonetheless, a transition of duties to the
6 Commission as Compliance Co-Director will ensure that the Commission has a sufficient amount of
7 transition time during which both the Director and the Independent Monitoring Team (IMT) can work
8 directly with and share its institutional knowledge with the body that will ultimately take over all
9 oversight duties. Beginning the preparation for this turnover is critical to demonstrate that the Court
10 and the Commission are forward-looking stewards of the oversight process. The Commission, thus,
11 proposes to move into this role on a trial basis. Doing so now, rather than later, will allow for a
12 seamless transition when the NSA sunsets – both ensuring the Court and the Oakland community that
13 experienced and rigorous oversight will continue into the future and setting up the City of Oakland
14 for sustained, long-term success.

15 Appointing the Commission as Compliance Co-Director will provide the Court with a fresh
16 perspective on the obstacles to compliance and build trust among the Court, the Commission, and the
17 citizens of Oakland. Moreover, while the combined Monitor/Compliance Director role has its
18 limitations, the Commission and its Office of the Inspector General (OIG) are uniquely situated to
19 assume the position of Compliance Co-Director without those downsides. In fact, the Commission
20 has the autonomy, capacity, and connections with the Oakland community that can produce results
21 where the existing oversight regime has not yet been fully successful.

22 **A. Appointing the Commission as Compliance Co-Director Will Achieve Sustained**
23 **Cultural Change Within OPD.**

24 Since the Monitor and Director appointments merged, OPD reached the sustainability period,
25 only to then regress or suffer mixed results on most of the Tasks that the Court's 2012 Order identified
26 as of the utmost importance in driving sustained cultural change. (Tasks 5, 20, 24, 25, 26, 30, 34, 40,
27 41). These Tasks involve First Amendment Assemblies, Use of Force, Officer Wellness, Culture,
28 Discipline. Compliance with Task 45 (consistency in discipline) has also regressed. The Commission

1 is currently preparing a sequence of benchmarks that OPD will track and report to the Commission
2 during the Department's update at the Commission's twice-monthly meetings. The Commission will
3 measure these benchmarks via tailored performance indicators focused on achieving sustained
4 cultural change. The Commission is similarly developing a strategic plan to take proactive, forward-
5 looking steps toward ensuring sustained Constitutional policing rather than reacting to changes within
6 City Hall or from OPD leadership.

7 According to the Court's 2012 Order creating the position, the Director has the power to
8 review, investigate, and take corrective action regarding OPD policies, procedures, and practices -
9 both those related to the NSA and even those that do not fall squarely within any specific NSA task.
10 As contemplated by the Court's 2012 Order, during the proposed trial period, the Commission is
11 prepared to provide the Court with detailed monthly status reports analyzing OPD's progress toward
12 achieving the compliance with all three of (1) the NSA Tasks currently being evaluated by the Court,
13 (2) the Commission's own benchmarks (as well as any reasons for delayed progress), and (3) any
14 corrective actions proposed or undertaken to address inadequate progress. Similarly, prior to each
15 case management conference, the Commission can provide the Court with a comprehensive summary
16 of any pre-existing, new, or evolving circumstances as well as status reports on additional
17 Commission recommendations to assist OPD in achieving cultural change.

18 Although the Commission acknowledges that OPD had previously entered the NSA's
19 sustainability period, events involving leadership derailed compliance and exposed an ingrained
20 resistance to cultural change within the Department. The Commission is best positioned to direct this
21 cultural change. Integrity is pivotal to accomplishing the goal of compliance with the NSA, and the
22 Commission has no fear of directly opposing Department actions that do not comport with
23 Constitutional policing practices. Accordingly, to further ensure that the Commission never risks even
24 appearing to serve as a rubber stamp, with the assistance of its investigative (CPRA) and audit (OIG)
25 arms, the Commission will work to improve compliance levels and to remedy compliance errors,
26 regarding all portions of the NSA, including but not limited to: (1) changes to policies, the manual of
27 rules, or standard operating procedures or practices, (2) disciplinary actions in misconduct cases and
28 use-of-force reviews; and the discipline, demotion or removal of the Chief of Police; tactical

1 initiatives that may have a direct or indirect impact on the NSA; (3) procurement of equipment,
 2 including software, vehicles, para-military weapons, and equipment categorized under California
 3 Assembly Bill 481 (or other resources intended for the purpose of NSA compliance); and (4) OPD
 4 programs or initiatives related to NSA tasks or objectives. Moreover, the Commission will work hand-
 5 in-hand with the current Director/Monitor and continue to collaborate with, not only OPD, but also
 6 the Mayor, City Administrator, and City Attorney to address outstanding Tasks and other issues
 7 related to compliance with NSA objectives.

8 Guided by strong community participation in its NSA Ad Hoc Committee, the Commission
 9 in its prior August 28, 2024 CMC Statement suggested several actions to steer the Department toward
 10 the kind of accountability, transparency, and culture change that would lead to sustained compliance.
 11 (Docket 1660 at 61:26 – 71:3). These included:

- 12 • Developing an educational campaign on the NSA and its history at all department levels and
 13 addressing oversight resistance through training, education, and discipline to reduce officer
 14 fear of being chastised for taking the actions necessary to shift culture and move the
 15 Department towards NSA compliance.
- 16 • Analyzing all public complaints (sustained or not) to identify patterns to identify and address
 17 any patterns in alleged misconduct to understand community needs and to proactively
 18 identify and remediate those issues.
- 19 • Assessing the effectiveness of disciplinary actions to determine whether and how
 20 disciplinary actions shift culture, deter misconduct, and model accountability.
- 21 • Establishing an annual public assessment of police disciplinary actions to understand
 22 community needs and to proactively identify and remediate those issues.
- 23 • Setting a goal to reduce civil monetary awards to settle or pay civil judgements due to police
 24 misconduct – an estimated \$57 million from 2001 to 2011 and \$35 million from January
 25 2011 to December 2021 – to demonstrate culture shift.
- 26 • Establish an 18-month sustainability period with robust metrics gathering to allow
 27 evaluation of OPD misconduct during two successive summers – the time period with the
 28 most citizen-police interaction – to reveal whether culture shift has occurred.

- 1 • Restructure Compliance Directorship fee during Co-Directorship and Monitor fee during the
- 2 Sustainability Period allowing a portion of the Compliance Director fee to be used to fund
- 3 the OIG and permitting the Monitor to actively participate in the sustainability effort at a
- 4 lowered rate.
- 5 • Work collaboratively with stakeholders (including an ongoing NSA Ad Hoc Committee that
- 6 includes members of the public) to ensure a shared vision of compliance problem(s) and
- 7 solution(s).

8 As Compliance Co-Directors, the Commission through its OIG along with the current

9 Compliance Director will collaborate to ensure that the Department integrates these elements and

10 the NSA's 52 Tasks into its cultural identity.

11 **B. Appointing the Commission As Compliance Co-Director Will Return to the**

12 **Initial Intent Behind the Court's December 2012 Order.**

13 Over a decade ago, in December 2012, this Court nearly placed OPD in full receivership. As

14 an alternative, the Court created the Compliance Director (Director) position instead. The Court

15 crafted the role with receivership-like duties with the goal of addressing the deficiencies that led to

16 OPD's noncompliance. The Director was tasked with developing a plan for facilitating sustainable

17 compliance with all outstanding tasks. In this way, the Director would drive results toward

18 sustained NSA compliance. Thereafter, in 2014, the Court essentially merged the roles of Director

19 and Court Monitor, appointing one person to serve in both positions. The combined position seems

20 to have diminished the capacity of the Monitor/Director to focus fully on either role, while creating

21 unease within the Oakland community about the Monitor's ability to steer OPD toward compliance

22 with impartiality. Appointing the Commission as Co-Director will alleviate these concerns and

23 redirect the Director role toward developing a roadmap to guide OPD toward achieving full NSA

24 compliance.

25 The Court's Order Re: Compliance Director (Dec. 12, 2012) (2012 Order) states,

26 "[t]he Compliance Director and the Monitor will be independent positions that

27 report only to the Court and not to each other. However, the Court expects the

28 Compliance Director and the Monitor to work closely and in consultation with

1 each other.”

2 (2012 Order at 3:25).

3 The Commission and its IG are equipped with multiple sets of lenses through which to
4 evaluate compliance with the 52 tasks. The Commission provides for seven Commissioners (and two
5 alternate Commissioners), all Oaklanders, selected for their experience in relevant personal and
6 professional fields, along with an Inspector General (IG) whose office was first formed and has been
7 built up over time with the specific vision that the IG would take on the Director duties. (Office of
8 the Inspector General, *Compliance Inspection – NSA Task 3: IAD (IAB) Integrity Test* (June 6, 2025))
9 ([https://cao-94612.s3.us-west-2.amazonaws.com/documents/NSA-Task-3-Compliance-Inspection-](https://cao-94612.s3.us-west-2.amazonaws.com/documents/NSA-Task-3-Compliance-Inspection-Final-Copy.pdf)
10 [Final-Copy.pdf](https://cao-94612.s3.us-west-2.amazonaws.com/documents/NSA-Task-3-Compliance-Inspection-Final-Copy.pdf)). As Oaklanders with roots in the community, the Commission by design has its finger
11 on the pulse of the City, especially as to police-community interaction and police reform issues. The
12 Commission holds two meetings per month during which it discusses and facilitates a forward-facing
13 forum while conducting extensive public outreach for comment on topics within its subject matter
14 jurisdiction, especially as to NSA-related matters. The IG also has access to, and the demonstrated
15 capacity to engage directly with, Oakland community members. The IG’s ongoing effort to discuss
16 its work and to demonstrate to the citizens of Oakland exactly *how* the Commission is holding OPD
17 accountable will increase the community’s trust in Court oversight. Currently, no official channel
18 exists for the community to engage and share its concerns with the Director. Therefore, appointing
19 the Commission as Co-Director would address some community members’ oft-heard critiques that
20 Court oversight can itself seem opaque and its goals enigmatic from the vantage point of the average
21 Oakland citizen who may not make the trip over to the federal courthouse on the other side of the Bay
22 or who may not feel like that process is tailor made for ongoing public comment and critique.
23 Implementing a Co-Director structure that already incorporates gateways to community input will
24 enhance the quality of compliance reports to the Court and for OPD to achieve enduring compliance
25 with the NSA.

26 The decision to appoint one person to both Monitor and Director roles was well-considered
27 and appropriate for the time. Over the course of time, however, its implementation has yet to result
28 in the necessary outcomes. As noted above, when the Director role was created, the intention was for

the Director and Monitor role positions to be independent, full-time positions, *based in the City of Oakland*. Asking one person to hold two full-time positions concurrently is less than ideal. Aside from the time commitments and the disparate purposes and necessary skills needed for each role, while based full-time out-of-state, the Director faces a unique challenge in gaining a full sense of the inner workings of OPD and the needs of the City. Conversely, the volunteer Commissioners, the IG, and CPRA Director are all deeply embedded in the Oakland community. Each has a deep love for and commitment to the City of Oakland, making the Commission a superb and responsible candidate for guiding OPD on the path to full achieving compliance in collaboration with the Monitor and current Compliance Director. Appointing the Commission to the role of Co-Director will help ease the burden of some of the existing Director challenges and fulfill the Court's intended goal.

The current arrangement of housing both the Monitor and Director in a single person is a framework that the current Court inherited. Nonetheless, under this Court's oversight and despite having had ample time, the arrangement has yet to yield full and sustained compliance success. Beginning to process of separating the Monitor and Director positions by appointing the Commission to the Co-Director role will not only fulfill the original intent of this Court's 2012 Order but also install an entity with a strong understanding of the needs of the Oakland community - all while investing in the body created to ultimately step into the Court's oversight position when the NSA sunsets. Such a structure will create a win-win situation for both the Court and OPD.

C. Appointing the Commission As Compliance Co-Director Will Fulfill the Goals of NSA Task 49.

The Parties modeled the NSA on the Los Angeles Police Department's (LAPD) November 2000 consent decree. (Oakland Police Department and the City of Oakland, *The Oakland Police Department and Court Ordered Reform: The Negotiated Settlement Agreement drives cultural and operational change* at p. 2 (no date)). Pursuant to the decree, the LAPD fully implemented 174 reforms in nine years. Within another three years, the LAPD completed its sustainability/transition period. In comparison, the OPD's NSA includes far fewer reforms (52) and remain incomplete after a whopping twenty-two years. Although one person has served in the OPD NSA's combined Monitor/Director position for nearly half that time, the NSA itself places an express limit on the

1 number of years an appointee can perform those roles. The Commission's proposal will allow the
2 Court both to start a new pathway to OPD compliance and to begin to "reset" the Director position as
3 decreed by the NSA.

4 In accordance with the "Period and Appointment" section of the NSA's Task 49B Pattern
5 and Practices document from December 2008, the Parties agreed - and the Court ordered - that the
6 NSA Monitor would serve for no longer than five years. Allowing for exigencies, however, the
7 document permits an extension of that time period. Nonetheless, the NSA mandates that under no
8 circumstances may any Monitor appointment exceed seven years. Despite these terms, the current
9 Monitor has now served in that role since 2010 for a total of fifteen years - over twice the original
10 time limit. In addition, the Monitor and Director roles have been combined for nearly a decade.
11 Although the "Staffing" and other restrictions discussed in Task 49C were created at a time when
12 only the Monitor role existed, the same person currently staffs both the Director and Monitor roles.
13 As a result, to the extent that the NSA imposes a limit on the amount of time that a single Monitor
14 may serve, the time limitations set forth in Task 49B and 49C appears to apply equally to the Director
15 position. Therefore, the NSA similarly restricts the number of years that a person may hold the
16 Director position.

17 An arrangement whereby the Commission and its IG transition into the Co-Director role will
18 also accomplish one of the likely goals of the NSA's limitation on the number of years one person
19 may serve as the Monitor/Director. New eyes bring new perspectives and produce novel solutions to
20 entrenched problems. The IG, CPRA Director and Commissioners can serve as those fresh eyes for
21 the Monitor and the Court reviewing OPD's current status and developing innovative processes or
22 procedures tailored to coach the Department, not simply toward compliance, but to ongoing success.
23 Like the NSA's restriction on the Monitor's term of service, an individual Commissioner also may
24 serve no longer than five years with the IG and CPRA Director holding career positions. This
25 combination of term-limited Commissioners and permanent roles provides an ideal configuration to
26 generate innovative ideas for a roadmap to compliance while maintaining an accompanying long-
27 term perspective - much like the structure mandated within the NSA.

The Parties created - and the Court approved - the Negotiated Settlement Agreement as a methodical collection of National Best Practices for law enforcement and federal court oversight of consent decrees toward which OPD and the oversight Monitor would work. According to the Court, OPD's inability to govern itself appropriately and obtain compliance with NSA Task 5 is due to Department leadership's failure to follow existing policies or agreements. (Tr. at 12:13-17 (Sept. 4, 2024)). The Court admonished OPD leadership to approach disciplining officer misconduct with integrity and courage. (Tr. at 50:15-17). Authorizing a pilot period during which the Commission will step into the Co-Director position, long held by a single person, will set the tone from the top of the oversight structure that fidelity to mandated procedures is proper - even when continuing down the present path looks to be the less complicated choice. However, easier in the short-term does not always lead to better outcomes in the long-term. Thus, the Commission asks the Court to endorse a proposed co-Directorship as a pilot period to begin the formal process of transferring the Director responsibilities to the Commission.

D. Appointing the Commission as Compliance Co-Director Is Cost-Effective for Oakland Taxpayers.

The Commission is profoundly aware that the City's budget as currently proposed does not fully fund the Commission's OIG. The consequent lack of auditors leaves the OIG unable to perform one of its most significant Charter-mandated functions, without which the Department cannot exit Court oversight. This funding deficiency not only limits the Commission's capacity to seek appointment as full Compliance Director (including to implement the Commission's own prior recommendations to the Court for transparency, accountability, and cultural change within the Department) but demonstrates a lack of commitment to absolute and sustained NSA compliance.

Ironically, not only will the Commission's proposal allow it to continue its collaboration with the City while guiding OPD toward full NSA compliance but serving as Compliance Co-Director will achieve greater cost-effectiveness for Oakland taxpayers. Currently, the City makes two separate monthly payments connected to Court oversight: one to the Monitor and a second to the Director. The ultimate transition of Compliance Director duties to the Commission could allow the City to redirect savings from the Director payment to funding the OIG. City leadership has worked diligently to close

1 a \$129 million shortfall in the City's FY 2024-2025 budget and to eliminate an additional \$280
 2 million projected deficit over the next two years. At this time of fiscal crisis, City leadership
 3 (including Mayor Barbara Lee) must be able to fully utilize all resources at their disposal.

4 Drawing on the Commission's skills to share in the Compliance Co-Director role will provide
 5 a significant cost savings. City leaders will gain the flexibility to reinvest those funds toward the
 6 pressing needs of the Commission's OIG and CPRA arms for long-term stability.

7 **III. Paradigm Shift Two: Court Restructuring the Internal Affairs Bureau to Report** 8 **Directly to Chief of Police**

9 One of the values of implementing reforms through this Court is its receptive approach to
 10 welcoming new reform ideas that push the boundary. This Court's order that the Internal Affairs
 11 Bureau (IAB) report directly to the Chief of Police (Chief) is one such example. Along with the
 12 change in the reporting structure, the Chief and IAB conduct biweekly meetings in which the
 13 participants, including the Commission, review outstanding allegations and investigations against
 14 certain officers. OPC respectfully submits to this Court that more can be done on this score. The
 15 Commission respectfully submits that altering the internal reporting structure is unlikely to prove
 16 sufficient in producing long-term change within the Department. The Commission proposes therefore
 17 that the Department's culture change issues calls for additional, *contemporaneous* guidance and
 18 direction toward compliance incorporated within the oversight process. The Commission proposes to
 19 finally implement the vision Oakland citizens first articulated when they created the Commission and
 20 vested it with its initial spate of oversight powers. The Commission itself should step into the role of
 21 Compliance Co-Director.

22 The Commission is confident that its appointment as independent Compliance Co-Director
 23 will build on the tremendous amount of work done by the Parties, the Monitor /Compliance
 24 Director, and the Court while guiding OPD and the City of Oakland across the finish line to
 25 sustained success.

26 Accordingly, the Commission requests that the Court issue an order as follows:

- 27 1. The Oakland Police Commission will collaborate with the Compliance Director to gain a
 28 comprehensive understanding of the role as currently organized and to identify avenues

1 through which duties can begin transitioning to the Commission and the Office of
2 Inspector General as Compliance Co-Director (with the specific duties to be determined
3 by agreement of the Monitor/Compliance Director and the Commission).

4 2. The Commission and Monitor/Compliance Director will submit a status report to the
5 Court within six months of this Court's Order.

6 3. One year after this Court's Order, in conjunction with the Monitor/Compliance Director
7 and the Commission, the Court will determine the Commission's readiness to begin to
8 serve as sole NSA Compliance Director.

9
10
11 Respectfully Submitted,

12
13 *Ricardo Garcia-Acosta*

14 Ricardo Garcia-Acosta

15 Chair, Oakland Police Commission

16
17 Omar Farmer

18 Chair, NSA Ad Hoc Committee

19 Alternate Commissioner, Oakland Police Commission

20
21 NSA Ad Hoc Committee Members:

22 Shawana Booker, Vice Chair, Oakland Police Commission

23 Antonio Lawson, Interim Director, Community Police Review
24 Agency

25 Zurvohn Maloof, Inspector General, Oakland Police Commission
26
27
28

EXHIBIT 4

CONFIDENTIAL DRAFT - CASE # 23-0459 INCIDENT ASSESSMENT AND RESPONSE

OPD, in partnership with internal stakeholders, has analyzed the Department's handling of allegations brought to OPD by the District Attorney's Office (DA) that an OPD officer committed perjury and bribed a witness. While after-action reports typically address identified strengths as well as weaknesses, this assessment focuses on assessing failures that led to OPD failing to appropriately handle serious allegations of misconduct. We have carefully reviewed the investigative reports and analyzed identified failures to determine necessary improvements. While there is no way to completely prevent misconduct, the goal is to discourage misconduct by fostering a culture that prizes honesty and accountability and by creating a framework within which misconduct cannot be easily ignored or covered up.

We have concluded that numerous improvements to policy and training are necessary to reduce the likelihood of similar future misconduct, including supervisory failures in addressing misconduct, and ensure that when misconduct occurs it is promptly identified and appropriately handled. Importantly, aspects of this matter are still under investigation and the discipline process is not yet complete. Nonetheless, the issues uncovered by the completed investigations of the underlying administrative investigation and failure to criminally investigate are of a critical nature and must be addressed immediately.

OPD takes responsibility for what occurred and has taken the laboring oar in this assessment and response. However, it is essential that City leadership and civilian oversight are equal partners in moving forward. It is essential that the assessment of the incident as well as the response incorporate the City's civilian oversight, including the offices of the Mayor, City Administrator and City Attorney and critically, the community-mandated oversight entities: the Oakland Police Commission (OPC), Office of the Inspector General (OIG) and Community Police Review Agency (CPRA). Through this assessment and identified areas of improvement, the City will ensure OCA and CPRA, most critically as the subject matter expert in administrative accountability, are involved in not only the assessment of what occurred but also consulted in identifying appropriate remedial and proactive action and formally integrated into the resultant enhanced accountability structure. This will best ensure lessons learned result in permanent change.

City Investigations Found Many Failures in the Handling of the DA's Complaint Against a Member

The City conducted two independent administrative investigations to evaluate what occurred and determine whether failures were a result of misconduct. CPRA and OPD, using an outside investigator, each conducted an administrative investigation (IAB & CPRA case # 23-0459).

Investigations uncovered troubling conduct by actors at all levels of the Department in the handling of the DA office's very serious criminal allegation(s) against an OPD officer. The following chart summarizes and responds to the issues identified, describing both actions already undertaken by the Department as well as additional planned and recommended actions the City will take to further enhance procedural barriers to such misconduct.

IDENTIFIED FAILURES	[REDACTED] The DA informed OPD of evidence in the form of two sworn affidavits: (1) from the officer confirming that he lied under oath regarding his relationship with the sole eye witness, stating that he did not know her prior to the instant criminal investigation, when he knew her and had used her as an informant previously, and (2) from the witnesses, attesting that she received payments from the officer in relation to her testifying. The evidence of perjury and bribery led to the overturning a murder conviction, and the release of two men from prison.
RESPONSE	[REDACTED] [REDACTED] [REDACTED]

Issue	OPD actors did not find reasonable suspicion, triggering the initiation of a criminal investigation, despite evidence that a member officer engaged in criminal conduct.
Response	DGO M-04.1 outlines the requirements for criminal investigations involving OPD members. [REDACTED]. It is critical to Community safety and the integrity of the Department that OPD apply the same standard and approach to assessing reasonable suspicion when assessing potentially criminal behavior of an OPD officer as when assessing potential criminal misconduct by a member of the Community.
Action taken	• The Chief (COP) has instituted regular M-04.1¹ meetings to discuss criminal investigations of OPD officers. Meetings include the COP, CID, IAB and OCA. • CPRA, the City's independent investigative body, is represented at the regular M-04.1 meetings. CPRA's presence enables input from a knowledgeable independent City stakeholder

¹ Department General Order M-04.1: *Criminal Investigation of Department Members and Outside Sworn Law Enforcement Personnel* is OPD's policy that outlines how the Department and its members report and investigate criminal misconduct of OPD members and other sworn law enforcement personnel.

	to ensure thoughtful decision-making in compliance with policy and procedure. Including CPRA as an attendee enhances sound decision-making, transparency and accountability regarding OPD criminal investigations of members. • Members of Executive Command, including the COP, members of CID and IAB received training and instruction regarding M-04.1 and “reasonable suspicion”. While more robust training(s) related the issued raised in this assessment will be developed (see “recommended/additional action sections), instruction was immediately given to ensure OPD actors were aware their individual responsibilities under M-04.1 and the serious consequences for other as well as the initial when each OPD actors does not fulfill their role with integrity. • OPD is currently working with OCA and CPRA on reviewing DGO M-4.1 to identify potential enhancements to the policy in addition to those specifically identified below. For example, institutionalizing actions taken such as the regular M-04.1 meetings and providing for civilian oversight weigh in on the initial assessment of reasonable suspicion, upon OPD learning of a criminal allegation against an officer. • M-4.01 meetings are being expanded to include a mandatory meeting in which the initial decision regarding reasonable suspicion is discussed. To enhance integrity, accountability and transparency, this meeting should include CPRA as well as OCA. • CID will be providing follow-up reports within 72 hours of sending M-04.1 notices to IAB, CAO, OCA and CPRA summarizing the information CID has regarding the matter.
Additional action	• OPD will work with OCA and CPRA to prepare and provide comprehensive retraining on M-04.1 to ensure all personnel understand both the specific obligations of the policy as well as its purpose and importance in ensuring the integrity of the Department as a crime-fighting institution. To accomplish this goal, training will be tailored to specific audiences to ensure City actors and stakeholders have an understanding of the policy appropriate to their particular role(s). Thus, training for OPC members and the City Administrator will be relatively general, while that for CID would be more comprehensive and targeted and that for CPRA/IAB targeted at their accountability role and the impact criminal investigations have on administrative investigations into the same conduct. The training for CID will be developed to be provided to new personnel upon assignment to CID. In addition, training focused on Command responsibility will be provided to personnel prior to being promoted or transferred into CID Command positions. • OPD will ensure the permanence of the above enhancements by incorporating them into its written policies. Written policy and related training also enhance transparency and accountability. Contemplated revisions to M-04.1 include requiring regular M-04.1 meetings, involving CPRA in the initial reasonable suspicion assessment and M-04.1 meetings, and prescribing the timing and content of M-04.1 follow-up reports.
Issue	OPD Executive Command failed in their responsibility to ensure the allegations were criminally investigated.
Response	Executive Command is responsible for insuring both administrative and criminal accountability of members generally, as well as making sure that CID and IA specifically and independently

	carry out their accountability roles by investigating misconduct allegations in compliance with policy and procedure. Executive Command must be held ultimately responsible for incorrect and/or inappropriate decisions they participate in. Commanders are ultimately accountable for decisions as appropriate in a top-down organization within which respect for chain-of command is mandated. The culpability of commanders does not absolve their subordinates. Instead, each involved member must be looked at individually to assess their level of culpability.
Action taken	Several of the actions mentioned above enhance transparency regarding the involvement of top leadership in decisions and the ability of the City to hold Executive Command appropriately responsible, including M-04.1 meetings, follow-up reports.
Additional action	Similarly, additional planned actions mentioned above will assist in ensuring members of Executive Command are held to account for critical decisions and thus incentivized to give them serious consideration including considering impacts on the Department's integrity.
Issue	[REDACTED]
Response	The idea that OPD relies on the DA to direct OPD in criminal investigations directly conflicts with OPD's obligation to independently conduct criminal investigations when warranted. Most criminal investigations are not directed by the DA but are initiated by OPD upon the finding of either reasonable suspicion or probable cause. DGO M-04.1 requires OPD to act in the presence of reasonable suspicion. When there is evidence that a member has committed a crime, declining to investigate unless explicitly asked to by the DA is both unreasonable and counter to policy. [REDACTED] [REDACTED] Policy and common-sense dictate that when OPD is in receipt of evidence of a serious crime, it must investigate. This requirement becomes more, not less, critical when the evidence is that an OPD officer committed a crime. [REDACTED] [REDACTED] OPD does not rely on the DA's office to protect its integrity that is OPD's job in the first instance. There is a role for civilian oversight partners in the decision-making process to protect the Department and City from bias or inappropriate motives undermining the work that has been done and that we continue to do to build trust with the Community and ensure we are policing the Community with integrity.
Action taken	When policy is clear, but is violated, it undermines accountability to assume there is a policy problem instead of an officer misconduct problem. Often, the strongest accountability stance is standing behind policy and holding the officer accountable. That said, the following actions have been taken to ensure OPD's independent obligation to criminally investigate all allegations of criminal activity with the same earnestness and without bias, regardless of the identity of the subject is clear to all.

Additional action	- Revise M-04.1 to make explicit the mandate to initiate criminal investigations when "reasonable suspicion" is present and apply reasonable suspicion standards equally to all criminal subjects. - Provide additional training to reinforce CID's responsibilities under DGO M-04.1, especially with regard to criminal investigations of its own officers, where OPD's integrity is at stake. The training would include case studies highlighting scenarios where independent investigation is mandated and incorporate specific examples to guide decision-making.
Issue	[REDACTED]
Response	Critical decisions and the basis for them should be documented. Not doing so creates an opportunity for unreasoned, bias, or otherwise inappropriate decisions. Documentation requirements both ensure some level of consideration in the decision-making process and allow for greater transparency and accountability (whether for criminal or administrative investigation or both). In addition, CID's failure to adequately document its initial assessment of criminal allegations against member officers hinders and delays the City in investigating misconduct allegations administratively.
Additional action	OPD should revise M-04.1 to require a reasonable suspicion assessment and documentation of the same. This would be the functional equivalent of the preliminary investigation in the handling of misconduct complaints.
Issue	[REDACTED]
Response	OPD expediting the completion of the investigation compromised its integrity and led to an incomplete, insufficient investigation. When OPD decides not to criminally investigate, administrative investigation becomes the sole avenue for understanding what occurred and ensuring accountability. It is imperative that investigations not be rushed, and instead, are thorough and comply with City and OPD training, policies and procedures. These provide the baseline foundation for an effective investigation. [REDACTED]
Action taken	- OPD establishing IAB as a distinct bureau with a Deputy Chief residing over it and reporting directly to the Chief provides focused executive-level attention and resources to IA. It prevents the possibility of an IAD Captain, or their subordinates feeling pressured or outranked by a Deputy Chief or others in Executive Command who may want the case resolved quickly for operational reasons. - The new IAB DC has been and continues to actively re-enforce various OPD policies that ensure thorough investigations. This counterbalances the pressure to focus solely on timelines.

	Enforcement of existing policy and procedure will ensure that investigations follow the appropriate steps.
Additional action	• Ultimately, CPRA as the independent City-investigative body, taking over the investigation of such serious misconduct allegations is the best way to ensure fair, thorough investigations in which operational concerns, personal relationships, supervisory intimidation, etc. cannot improperly influence investigations. • OPD, CPRA and OCA are working together and in consultation with other stakeholders as appropriate to create robust training regarding administrative misconduct investigations. Such trainings will clearly articulate investigative standards in more detail than is feasible in policy. The training will be provided to administrative investigators in IAB and CPRA and also be made available to other stakeholders, including internal civilian oversight, plaintiffs' counsel and members of the public. This will enhance transparency and accountability in the investigative process. Training will include Community perspectives and emphasize the need for impartiality and procedural integrity in internal investigations.
Issue	[REDACTED]
Response	[REDACTED] Supervisors are responsible for ensuring subordinates investigate thoroughly and in compliance with training, policy and procedure, as well as carry-out their own supervisory duties in reviewing and approving investigative steps and ultimately the investigative report [REDACTED] [REDACTED]
Action taken	• IAB has been created as a distinct bureau with a Deputy Chief residing over the Bureau and reporting directly to the Chief. This provides for more focused executive-level attention to internal affairs. It prevents the possibility of an IAD Captain, or their subordinates feeling pressured or outranked by a Deputy Chief or others in Executive Command who may want the case resolved quickly for operational reasons. • The new IAB DC has been and continues to actively re-enforce various different OPD policies that ensure thorough investigations. This counterbalances the pressure to focus solely on timelines and enforcement of the same will ensure that such an investigation gets the appropriate attention.
Additional action	• CPRA playing the primary investigative role as discussed above would address the issue not only of OPD holding itself accountable for misconduct in the first instant but also ensuring that those who failed to hold the original actors accountable are held accountable. • Training: Emphasize impartiality and procedural integrity in internal investigations.
Issue	[REDACTED]

Response	Command is responsible for ensuring administrative accountability. Executive Command is uniquely situated with insight and decision-making power as to both internal and criminal investigations. It was imperative that Executive Command ensure the integrity and independence of the administrative investigation, demanding that it be conducted in earnest. [REDACTED] [REDACTED]
Action taken	• Regular M-04.1 and Bi-weekly important case update meetings create documented awareness, involvement and decision-making by leadership. • City civilian oversight leadership, including the City Administrator, Mayor and OPC, CPRA leadership are kept informed of the progress of serious investigations through bi-weekly serious case update meetings. The Chief is responsible for identifying cases to be included in the updates.
Additional action	• OPD, in partnership with OCA and CPRA will create and provide training on supervisor and command accountability. The training will focus on assigning and assessing culpability amongst numerous involved actors. • OPD and oversight partners will review the MOR sections regarding Command responsibilities and responsibility for particular members of executive Command for potential enhancements in clarity of duties and responsibilities. This review should focus on verbiage from the accountability perspective, addressing the persistent difficulty the Department has had in assigning Command appropriate responsibility given their leadership role and their position as ultimate deciders. • OPD and oversight partners will develop more detailed standards for IAB's supervisor accountability assessments. This would include both more comprehensive and targeted training for OPD and CPRA investigators as well as written guidelines. • Request assignment of a CPRA liaison investigator to work with outside investigators when there is no independent CPRA investigation
Issue	[REDACTED]
Response	[REDACTED] IA policy provides the minimum required OCA involvement; IA should work as closely as possible with OCA, respecting their input, in serious cases.
Action taken	• IAB has implemented weekly meetings with OCA to discuss cases and allow for feedback regarding investigations or investigators

	The COP is kept better informed of serious cases as a result of having IA designated as its own Bureau and the IAB DC report to him. This and OCA's participation in M-04.1 meetings creates more direct discussion especially for the most serious cases.
Issue	
Response	Public trust is eroded when allegations conclude with an unfounded finding without the necessary evidentiary basis or analysis. An unfounded finding signifies an allegation is demonstrably false, meaning the complainant's allegation is false or not factual. Although this finding may be due to the complainant mishearing or misunderstanding the conduct, an unfounded finding may impliedly or explicitly state that the complainant has made a baseless allegation or is lying. If there is insufficient proof that the misconduct occurred, the allegation is "Not Sustained." If the investigation uncovers sufficient evidence to prove the conduct did not occur, the allegation is "Unfounded." In coming to an unfounded finding, an investigation must clearly articulate the evidence proving the allegation false as well as addressing any and all evidence that misconduct occurred. The IA DC has reviewed the underlying investigation as well as the study on Unfounded findings conducted for the Department by Stanford with the support of OCA in order to ensure that the Department's response to the issue directly addresses the problem as it arose here as well as ensuring the Department has sufficient guidance and training regarding investigative findings in general, and coming to an Unfounded finding specifically.
Action taken	- OPD, with the assistance of OCA and CPRA, is working to sure best practices in clarity and uniformity of findings in the City's police misconduct investigations. This includes reviewing other jurisdictions' investigative practices involving unfounded findings. - OPD is working with OCA and CPRA to develop training targeted to address the issue of "unfounded findings." The training will include investigative guidance as well and discussion of the impact of such findings from the Community perspective, including understanding the damage inappropriate use of Unfounded findings can have on the Department's integrity and Community trust. For cases that are investigated by CPRA, any non-concurrence in finding, including those for which neither entity has come to a sustained finding, will be submitted to the OPC Discipline Committee.
Additional action	- The format of reports of investigation can be altered to focus on the analysis of the facts and determinations. Instead, currently, ROIs lead with pages summarizing evidence, with the allegation questions and analysis at the end. A change in format would appropriately emphasize the key facts and analysis and how the investigation has come to it's finding. By forcing a focus on factual analysis, it also makes it easier for reviewers of the investigation to do their assessment of the allegation and finding. - OPD with the input of CPRA and OCA can enumerate certain categories of serious cases for which Unfounded findings (as well as Exonerated and Not Sustained should require review and

	approval by the Chief. Currently, cases that do not have a sustained finding receive final approval by the IA Captain. • Robust training on the definitions and resultant investigative and evidentiary requirements will be included for CPRA and IA personnel and all Sergeants and supervisory/Command staff, including Executive Command, responsible for IA investigations. Information training will be provided to all OPD staff and City staff with civilian oversight responsibility, including OPC, OIG, and Employee Relations. Training will be incorporated into IAB on-boarding training for investigators and supervisors as well as in regular CPT training.
Issue	The Chief and Executive Command must stay focused on ensuring that Department members follow policy and best practices to ensure consistent, quality investigations. Beyond simply requiring adherence to rules, however, the Department appreciates that it must address cultural aspects of the Department's internal investigation system that have enabled or fostered a pattern of high-level failures in the past several years. The Court in April 2023 highlighted this particular issue when it observed “a cultural inability of OPD to police itself, to hold itself and its officers accountable without fear or favor; a culture that lacks integrity; a culture that plays favorites and protects wrongdoers that undercuts the foundations of constitutional policing.”
Response	Culture change is the process of changing or adopting values, beliefs, and behaviors. Department leadership starting with the Chief of Police must address these issues head-on by consistently messaging cultural values and expectations that echoes down to officers through the executive team and Department supervisors. But messaging is not enough. The values and expectations must also be modeled by supervisors at all levels of the Department, starting with the Chief and his executive team. The Department must not only clearly understand <i>what</i> policy requires but <i>why</i> those policy requirements are important—to the Department and the community it serves. The result should be that members not only better adhere to policy but that members appreciate that accountability for failures to adhere to policy is not simply a punishment but a necessary consequence to improving community trust and, ultimately, increasing public safety.

EXHIBIT 5



Examining the Transfer of Oakland Police Department Internal Affairs Investigations to the Civilian- Staffed Community Police Review Agency

prepared by :



MOEL
LAH
FAKHOURY

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** All photos included in this report are courtesy of the City of Oakland*

Introduction

On May 31, 2021, the Oakland City Council passed Resolution Number 88607, which proposed prioritizing recommendations from the Reimagining Public Safety Task Force in the 2021-23 Fiscal Budget, to “[e]xplore possible transfer, no earlier than July 2022, of most of the Internal Affairs Bureau of OPD to the Community Police Review Agency (CPRA)...” This report, prepared by a private consultant team hired by CPRA, evaluates the potential benefits and challenges in transferring investigative responsibility from the Oakland Police Department (OPD) Internal Affairs Bureau (IAB) to CPRA.

There are some key benefits in transferring the responsibility to CPRA:

Avoids overlapping responsibilities and inefficiencies: Currently, both IAB and the CPRA often investigate the same alleged misconduct by OPD sworn officers, resulting in an inefficient duplication of work. Investigators from each agency conduct parallel reviews, collect identical evidence, and may interview the same witnesses and complainants. This overlapping work slows timelines, strains limited resources, and creates confusion around accountability, especially where the ultimate determinations may differ.

Having clearer jurisdictional lines, rather than overlapping investigations, would simplify the complaint investigation process. This would be similar to Chicago’s oversight model, which has its Civilian Office of Police Accountability investigate specific categories of misconduct such as use of force, search and seizure, and sexual misconduct allegations.¹ The Chicago Police Department’s Bureau of Internal Affairs investigates all other complaints of misconduct.²

Reduces obligations of some OPD field sergeants: A related opportunity lies in reducing the burden on OPD sergeants for Division-Level Investigations (DLI). Field supervisors have been responsible for reviewing a relatively large number of mostly lower-level misconduct allegations, diverting their attention from patrol duties. In the short term, eliminating dual DLI and CPRA investigations should reduce the caseload from field sergeants currently assigned to DLIs. Longer term, as CPRA assumes greater responsibility, it could reduce this burden substantially.

Civilianizes administrative and intake functions currently handled by OPD sworn personnel: These positions, such as intake technicians and administrative support roles, generally do not require law enforcement authority and may be managed more efficiently and cost-effectively by trained civilian professionals within OPD and eventually CPRA.

Increases transparency and independence from OPD: Having an outside entity lead the investigations into alleged misconduct by OPD officers could create greater public trust that the investigations are complete and objective.

1. See <https://www.chicagocopa.org/investigations/jurisdiction/>. COPA investigates bias-based verbal abuse, coercion, death or serious injury in custody, domestic violence, excessive force, improper search and seizure, firearm discharge, sexual misconduct, taser discharge resulting in death or serious bodily injury, pattern or practices of misconduct, and unlawful denial or access to counsel.

2 *Id.* These investigations include but are not limited to criminal misconduct, theft, substance abuse, and residency violations.

There are also challenges that must be addressed with such a transition:

Building Organizational Stability at CPRA: Both IAB and CPRA have undergone significant changes during the short pendency of this project. These changes, particularly at CPRA, might impact the transition in the short term. Within a period of approximately six months, the CPRA team has seen the departure of its Executive Director and its Director of Training and Policy. It also has seen significant turnover among CPRA's investigators, leaving the agency understaffed. The lone investigation and intake supervisor is a temporary employee whose contract expires this summer. In addition to the above changes at CPRA, there is a new reporting structure at IAB and transfer of IAB's leadership.

Tackling Funding and Logistical Challenges: The City's financial issues present real challenges to staffing CPRA to handle more than its docket of Charter-mandated cases and occasional other investigations.

In addition, transitioning cases is not as simple as moving IAB to CPRA. Many officer-involved misconduct cases are dispersed among several dozen field supervisors across OPD. Finding the resources to fund the additional CPRA investigators to handle that case load will cost a significant amount of money absent changes in how these cases are investigated. However, as we outline in our recommendations, there are certain achievable interim steps that the City might implement.

Addressing Legal Complexities: Any changes will have to occur thoughtfully and with adequate staffing and funding for the receiving agency (CPRA), particularly against the backdrop of the Negotiated Settlement Agreement (NSA). Any transfer of investigatory authority would need to consider the federal court-monitored NSA, especially in connection with Tasks 2 and 5 of the NSA, which mandate timely and high-quality internal misconduct investigations. Some changes may involve collective bargaining questions for represented employees from OPD and CPRA.

Any transition should move forward in carefully planned phases with the support of a working group staffed by members of CPRA, OPD, and the Commission, among others. As outlined below in the Recommendations Section, Phase 1 involves adequately staffing CPRA to take the lead on Charter-mandated cases and reducing duplication with IAB. Phase 2 discusses a reduction of IAB's role in these cases, while Phase 3 contemplates longer term and more resource-intensive goals such as shifting Division-Level Investigations entirely to CPRA.

This report is a high-level analysis of our observations based on the limited set of information we obtained to both highlight potential issues and make recommendations to the City should it move forward with this plan. It is important to note that this process is filled with legal, fiscal, and collective bargaining complexities, some of which might not be immediately foreseeable. Ultimately, it is the start of an important process that will need to involve key stakeholders and a committed working group to move this potentially path-breaking project forward.

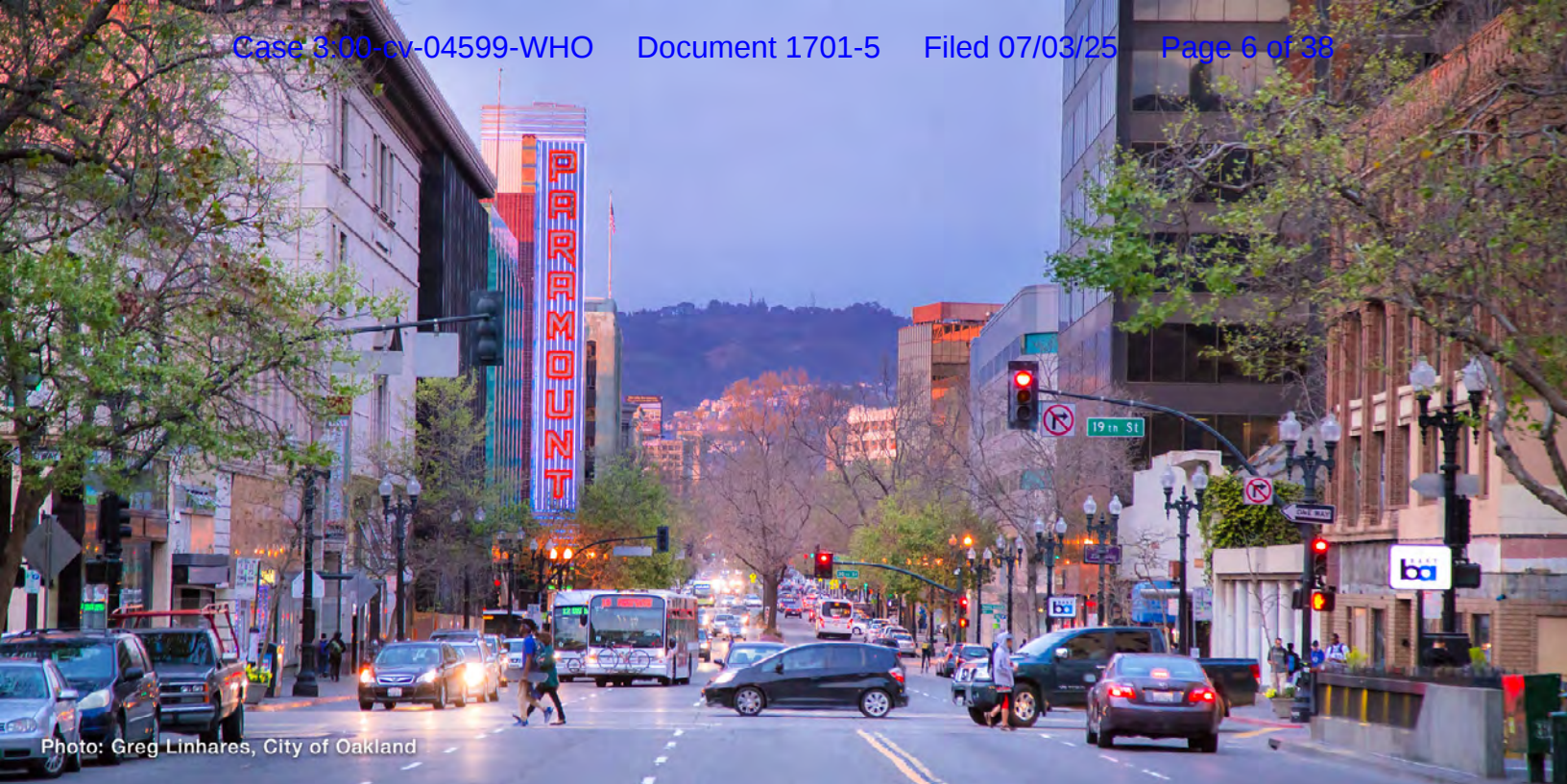


Photo: Greg Linhares, City of Oakland

Project Background

In the summer of 2024, following a public bidding process, CPRA selected the consultant team from Moeel Lah Fakhoury LLP³ to examine the feasibility of transferring responsibilities from IAB to CPRA. The project commenced with the consultant team reviewing and analyzing documents and interviewing key stakeholders. During this first phase of the project, the consultant team also conducted interviews with OPD command staff and Internal Affairs leadership, including Chief Floyd Mitchell, and CPRA's investigative, intake, and leadership teams. They also made a series of preliminary requests for information from both organizations relating to staffing, caseloads, structures, and financial information.

Before receiving all relevant information, however, Oakland's financial outlook changed dramatically. In the late fall of 2024, the City of Oakland declared a fiscal emergency that raised the potential for significant budget and staffing cuts to City agencies, including the OPD and CPRA.

Relatedly, CPRA, which issued the Request for Proposals, requested that the consultants initially pause and then limit the contours of their work given the City's looming fiscal uncertainties. The consultants, after conferring with the now former CPRA Executive Director, agreed to largely freeze its information-gathering and formulate a truncated report and analysis while substantially reducing the budget for this project. This project recommended at the end of May 2025, with a draft report submitted two weeks later. Accordingly, this report focuses mainly on potential short-term transitional recommendations.

The consultant team could not have produced this limited report without gleaning useful information and insight from key stakeholders, including from numerous members of OPD and CPRA, the City Attorney's Office, and others. We thank each department and agency and its members for providing useful information on background, context, and ideas for a phased transition. The team is deeply appreciative of their helpful participation in this project.

3. The consultant team was led by MLF Managing Attorney Andrew Lah and subcontractor Russell Bloom.

Oakland's Current Investigative Structure

A summary of IAB's and CPRA's current investigative structures is below. These operational workflows highlight certain inefficiencies within the current system and opportunities for improvement that tie into our recommendations.

As a baseline, both agencies investigate allegations of violations of the Oakland Police Department's Manual of Rules (MOR). Both agencies properly use the same four categories of findings for completed investigations—sustained, not sustained, exonerated, and unfounded—based on a preponderance-of-the-evidence burden of proof.

OPD has been subject to the Negotiated Settlement Agreement (NSA) resulting from *Allen vs City of Oakland* since 2003.⁴ The conditions principally at issue with any transfer of responsibilities from IAB to CPRA include Tasks 2 and 5 of the NSA, which govern Timeliness Standards & Compliance with IAB Investigations and Complaint Procedures for IAB.

Under NSA Task 2, at least 85% of Class I misconduct investigations and at least 85% of Class II misconduct investigations must be completed within 180 days to be considered timely.⁵ The Department MOR incorporates these timelines and other NSA requirements into various MORs. Any changes stemming from a transfer in responsibilities from OPD to CPRA will need to be updated in the OPD's policies and after conferral with the City Attorney's Office.

The NSA requires OPD to adopt and implement written policies and procedures governing the intake, classification, investigation, and documentation of internal misconduct complaints.⁶ Task 5 mandates that OPD enact a policy requiring a supervisor to respond within three hours of being notified when a complaint is received in the field. If this does not occur, there needs to be documentation in the complaint form as to why that did not occur.⁷ The NSA further requires that all complaints must be classified as either Class I or Class II and entered into IAB's complaint tracking system.⁸ The Department must ensure that supervisors, IAB personnel, and other relevant staff receive appropriate training on the intake and classification of complaints.⁹

The NSA requires full investigations of every misconduct claim regardless of its type. Investigators must assess and document the credibility of all involved parties and summarize those assessments in their investigative reports.

A. IAB

IAB is the internal unit within OPD responsible for investigating complaints of alleged misconduct. Governed by departmental policies and state laws, such as the California Peace Officer Bill of Rights,

4. *Delphine Allen et al. v. City of Oakland*, No. C00-4599 TEH (N.D. Cal. 2003).

5. Ninth NSA Sustainability Period Report of the Independent Monitor for the Oakland Police Department; available at <https://cao-94612.s3.us-west-2.amazonaws.com/documents/OPD-Sustainability-Report-9-122024.pdf>

6. *Id.*

7. *Id.* at 9.

8. *Id.* at 13

9. *Id.* at 23

IAB investigates a range of issues, including complaints of misconduct against sworn and unsworn employees.¹⁰

IAB's Units: IAB's structure is broken down into the following main units: The Intake and Administration Units, IAB Investigations, and IAB DLI.¹¹ Each of these sections has a Commander who reports to the IAB Commander.¹² IAB has a publicly available Internal Affairs Policy and Procedure Manual that outlines the unit's general operating procedures.¹³

Class I and Class II Offenses: OPD categorizes misconduct allegations into two distinct categories: Class I and Class II.¹⁴ Class I offenses are the most serious and, if sustained, can lead to severe disciplinary consequences including suspension, termination, or even criminal prosecution. These offenses include use of excessive force¹⁵, dishonesty (such as perjury or falsifying reports), insubordination, criminal conduct, bias-based policing, retaliation, and obstruction of investigations.

Class II offenses are considered less severe for disciplinary purposes and often involve violations such as failure to perform duties, improper handling of equipment, or discourtesy.¹⁶ These may be addressed by supervisors through informal or corrective action unless they reveal a broader pattern of misconduct or rise in severity, in which case they may be elevated to Class I status.¹⁷

Case Tracking: All of IAB's cases (whether an IA Investigation or a DLI) are captured in Vision, IAB's case management database. Vision is a proprietary database created for Oakland in part to better assist OPD in abiding by the NSA's reporting requirements and to centralize OPD's human resources information. It allows investigators to log their investigative steps into an investigative chronology and stores pertinent documents and reports within each case file. The OPD managers we interviewed discussed certain limitations with Vision, such as its inability to sync with calendars to create deadlines, but it is a functional database that can allow appropriate IAB employees to work within electronic case files. It also can create 180-day reports as required under the NSA and monitor statute of limitations deadlines.

10. See DGO M-3.1 (the "Department shall investigate all misconduct complaints from any source (including anonymous) against a member or employee...").

11. Departmental General Order 23-04; Use of Force Reporting and Review Responsibilities.

12. *Id.*

13. Internal Affairs Policy and Procedure Manual ("Manual"); available at <https://public.powerdms.com/oakland/tree/documents/222>.

14. The OPD Manual of Rules also categorizes uses of force into four distinct levels. Level 1 represents the most serious incidents, encompassing any use of force that results in death, poses a substantial risk of causing death, or leads to serious bodily injury. Level 2 includes significant uses of force that, while not resulting in serious injury, involve substantial physical impact or the use of weapons such as tasers or batons. Level 3 covers moderate uses of force, such as physical strikes or control holds that do not cause serious injury. Level 4 pertains to the least severe instances, including minimal physical contact or the use of verbal commands to gain compliance.

15. Uses of force are Class I violations.

16. Oakland Police Department, Manual of Rules (last accessed June 10, 2025).

17. *Id.*

Other IAB Functions: In addition to the administrative investigative function, IAB staff serve numerous other functions within OPD. These other responsibilities include:

- Non-sworn employee investigations.
 - Compliance with SB 2: This is a state-mandated requirement that, among other things, commands the “agency employing peace officers” to update results of officer-involved misconduct investigations to the California Commission on Peace Officers and Standards and Training.¹⁸ IAB has sworn personnel in intake working on SB2 requirements, which involves flagging appropriate cases and updating the allegations and outcomes in Vision.
 - *Pitchess* and *Brady* Obligations: IAB personnel are responsible for ensuring compliance with *Pitchess*¹⁹ and *Brady/Giglio*²⁰ obligations by managing requests involving officer personnel files and exculpatory evidence. This includes preparing records in response to *Pitchess* motions, appearing in court for in-camera review, and maintaining a log of motions and judicial outcomes. For *Brady/Giglio* compliance, IAB staff research officer complaint histories to identify any potentially exculpatory or impeachment-related information. They then document those inquiries and maintain records of all such requests. These duties are coordinated by the designated *Pitchess* Officer to ensure lawful disclosure and evidentiary integrity.²¹
 - Integrity Testing: The IAB commanders we interviewed noted that this was not a substantial time commitment within IAB.
 - FRB/EFRB: The lead investigator and commander of IAB must present their case and the evidence they glean to the Force Review Board or Executive Force Review Board. The Force Review Board (FRB) is convened to review all Level 2 use of force incidents, while the Executive Force Review Board (EFRB) reviews Level 1 use of force incidents, in-custody deaths, vehicle pursuit-related deaths, and other cases designated by the Chief of Police.²²
- When a case has been investigated administratively by IAB, the assigned IAB investigator is

18. Cal. Penal Code § 13510.9 (West). This amendment to the Penal Code, also referenced as SB 2 for the enabling legislation, requires the agency to notify POST of any employment changes (hiring or departure from the agency) as well as any “complaint, charge, or allegation of conduct against a peace officer employed by that agency that could render a peace officer subject to suspension or revocation of certification by the commission...” This includes reporting on the final disposition by the employing agency or a civilian oversight entity that the officer engaged in conduct that could subject the officer to suspicion or a revocation of certification, regardless of the discipline imposed.

19. Manual at 31.

20. *Brady v. Maryland*, 373 U.S. 83(1963) and *Giglio vs. United States*, 405 U.S. 150 (1972) are U.S. Supreme Court cases which require that exculpatory information be provided to a criminal defendant to protect their Due Process Rights under the Fifth Amendment. *Giglio* clarified that impeachment evidence must also be disclosed to the defense to comply with the Constitution. Because IAB investigates misconduct that can be considered *Brady* or *Giglio*, there must be appropriate processes to ensure that information is disclosed to prosecutors and ultimately the defense if appropriate.

21. Manual at 31.

22. Department General Order K-4.1, §§ I–VI, pp. 1–16

required to present the completed use of force investigation and all relevant materials to the Board. IAB must provide the Board Chairperson with the complete investigative file within four calendar days of notification. Boards are not convened until the IAB investigation is finalized. CPRA also participates in these meetings.

IAB's Budgeted Positions: In 2024, IAB was authorized the following 32 positions:

Classification	Authorized
Administrative Analyst II	1
Captain of Police	1
Intake Technician	6
Lieutenant of Police	3
Police Officer	4
Police Records Specialist	2
Police Records Supervisor	1
Sergeant of Police	14

IAB is budgeted for 22 sworn positions or varying ranks.

The proposed budget for 2025-27 also authorizes 32 positions.²³ The total cost for IAB in 2026 is projected to be \$10,249,660.²⁴ The cost for 2027 is projected to be \$10,742,960.²⁵ IAB's proposed budget is just below 3% of the total OPD budget.²⁶

A summary of IAB's units is below.

i. Intake & Administrative Section:

The Intake and Administrative Section receives and processes complaints, makes recommendations to open or administratively close complaints, and serves as IAB's custodian of records on both the front end (data and processing) and the back end (preparing disciplinary records). This section also houses OPD's *Pitchess* Officer and responds to *Brady* and *Giglio* inquiries.

The IAB Intake and Admin team works five days a week and handles complaints and intakes that arrive during their shifts. Any off-hours complaints are taken in the field by supervisors or by the communications staff and entered into a daily log. IAB processes cases received during the weekend on the following Monday.

An Intake Officer or Technician processes the complaints and recommends a disposition, which is then reviewed by the Intake Supervisor, an OPD sergeant. After this review, the Intake and Administrative Section Commander reviews the case and recommends that the case be administratively closed or opened as a full investigation.

23. See <https://controlpanel.opengov.com/transparency-reporting/oaklandca/3de931f5-b904-4bd5-9714-3d37bd203e94/4dab3eeb-5c99-477e-8fe9-31666ad7b33c?savedViewId=63c51663-055f-4176-85ff-e1bb8fa8a17e>

24. *Id.*

25. *Id.*

26. *Id.*



On the back end, in cases involving substantiated findings resulting in discipline, IAB's record specialists create most of the documents relating to discipline, including Skelly packets and discipline notices. This section also tracks discipline cases.

Staffing: IAB's Intake and Administrative Section is staffed by six intake technicians, several sworn officers, a sergeant, and a team of four additional professional staff. IAB has also received assistance as needed from light-duty personnel to assist with IAB's workload.

ii. Division-Level Investigations (DLI)

Following an intake review, the Intake and Investigative Division Lieutenants determine whether an open investigation will stay in IAB or be referred to a field supervisor as a DLI. A DLI is a "formal investigation into allegations of misconduct that is conducted outside the Internal Affairs Bureau. DLIs are subject to the same investigative requirements as those conducted by IAB investigators."²⁷ DLIs usually involve Class II allegations, but Class I allegations may be sent out as a DLI if the IAB Commander approves.²⁸

Generally, higher profile or more complex investigations stay within IAB Investigations. Many of the other cases—DLIs—get dispersed across the OPD bureaus for a field supervisor to investigate. The IAB DLI team acts as liaison with the field sergeants assigned DLIs until the investigations are completed. At times, following IAB reviews, the case is sent back to the field supervisor for further investigation.

27. Manual at 54.

28. *Id.*

Most of OPD's misconduct complaints are handled by OPD field supervisors through the DLI process rather than through IAB Investigations. Once assigned to a DLI case, the field supervisor will conduct a full investigation or, if the allegation can be resolved by reviewing the involved officer's body-worn camera (BWC) recording(s), then the field investigator can request through the chain of command to make a summary finding that the case be exonerated or unfounded. Fully investigated cases go up to the area bureau captain for approval and then back to IAB's DLI investigators, who review the file and determine whether there is sufficient evidence to support the findings. The DLI Lieutenant will then agree or send it back to the field for further investigation, if needed. If the finding is not sustained, the case goes to the IAB captain for final review.

DLIs are maintained in Vision just like IAB Investigation cases. In cases where CPRA is also investigating a DLI, there is a check box in Vision to indicate that both agencies are investigating.

In terms of tracking deadlines, the 180-day report is generated from Vision under the "Reports" tab and is downloaded as an Excel sheet. In addition, the Bureau of Field Operations East and West maintain a tracking sheet to stay apprised of deadlines. Any case older than 55 days from the date of complaint will appear on the tracking sheet so that all relevant supervisors are aware of any upcoming deadlines.

Staffing: Within IAB, a three-person team is responsible for monitoring and reviewing DLI investigations from field supervisors. This staff includes a DLI Commander (Lieutenant)²⁹, a DLI Coordinator, (Sergeant)³⁰, and a DLI Section Analyst (Administrative Assistant II).³¹ This staff works to monitor, review, and process DLI cases and coordinates with the CPRA on dual-investigation cases.

Workload Concerns: In terms of workload, virtually all the OPD leadership and staff we met raised concerns about the current DLI process and the burden it placed on field supervisors. A high-ranking OPD official who monitored DLIs opined that approximately 60 to 70 field sergeants (and sometimes lieutenants) could be working on one to two DLI cases at any given time. DLIs may also require certain other supervisors to get involved to monitor the process.

OPD has had between 111 and 120 sergeants over the past five years, and the OPD official believed that a pool of more than 80 sergeants received DLIs. That pool, however, is reportedly shifting because certain sergeants have proven more adept or reliable at handling complaint investigations. Accordingly, those sergeants are assigned cases more frequently and have had to work overtime to handle DLIs.

According to an informal analysis done by an OPD executive, DLI investigations average about 30 hours of work per case. Of course, the actual hours can vary quite a bit: a single discourteous statement from one officer to a single complainant will be less resource intensive than a use of force involving multiple witnesses and officers.

Some IAB supervisors also expressed concern that it is highly inefficient for field supervisors to have to prepare full reports for less serious Level 2 cases. According to these supervisors, these resources should be put into more serious Level 1 cases, but the NSA does not distinguish between case types.

29. Manual at 39.

30. *Id.* at 41.

31. *Id.* at 43.

iii. Investigations Section

IAB's Investigations Section is responsible for completing investigations assigned to IAB, which are often the more serious, high-profile, or complex investigations.³² Under Department General Order M-03, OPD is required to accept and investigate fairly and impartially all complaints of alleged employee misconduct to determine the validity of allegations and to impose disciplinary actions that are justified in a timely and consistent manner. IAB Investigations also has a Force Investigation Section (FIS) which primarily responds to Level 1 force incidents, such as officer-involved shootings.³³ The IAB sergeants who are part of FIS are “standby” investigators who receive “standby pay” and are assigned a Department vehicle to respond to all call-outs within one and a half hours of notification from the FIS Commander (a sergeant).

Notably, OPD differentiates between misconduct complaints and “service complaints,” which may be received from any source regarding inadequacies in policy, procedure, practice, service level, legal standard or statute that “would not result in discipline.”³⁴ These service complaints must be assigned an IAB case number and must be documented in the IAB database, but they are not identified as misconduct allegations. OPD may also address Class II misconduct complaints informally wherein a supervisor, commander, manager, or investigator may resolve a complaint by “addressing and resolving the issues with the complainant and the member or employee.”

The IAB Commander is responsible for ensuring that all complaints, whether received internally or externally, are formally logged, assigned to either the IAB or a division-level investigator, and classified based on severity. This includes generating control files, identifying involved personnel, establishing case due dates, and entering all data into IAB databases. The Commander reviews recommended dispositions and ensures appropriate documentation flows to the involved personnel, their supervisors, and relevant command staff. A Preliminary Inquiry (PI) must be initiated within 14 days, including interviews with the complainant and witnesses, gathering evidence, and reviewing body-worn camera footage. The PI culminates in one of four outcomes—further investigation, supervisor-level handling, administrative closure, or a summary finding—with such closures requiring high-level approval, but minimal additional investigation if existing evidence is deemed conclusive.

Administrative responsibilities during a PI also include providing the complainant with a complaint packet, informing them of their rights, and maintaining secure records. If a disagreement arises regarding the recommended resolution, the matter is escalated to IAB for final adjudication. All complaint memoranda undergo a formal review by the first-level commander for quality, completeness, and appropriateness, with dissent documented and forwarded to IAB within seven days.³⁵

32. See Internal Affairs Policy and Procedures Manual at 24.

33. Level 1 and Class 1 are distinct but overlapping concepts. The MOR breaks down uses of force into levels. A level 1 use of force represents the most serious incidents, encompassing any use of force that results in death, poses a substantial risk of causing death, or leads to serious bodily injury. Use of force is also a Class 1 violation.

34. Oakland Police Department, General Order M-03: Use of Force Reporting and Investigation (rev. June 6, 2018), available at <https://cao-94612.s3.amazonaws.com/documents/M-03-Use-of-Force-Reporting-and-Investigation.pdf>.

35. *Id.*

The Investigations Section ensures that the IA Intake Checklist was followed, including ensuring that the complainant was contacted and the allegations were properly categorized by Intake.³⁶ The IAB investigator also canvasses for witnesses; obtains medical, arrest, and other records; prepares administrative search warrants; refers potential criminal conduct to CID; and conducts appropriate interviews.³⁷ When the investigation is completed, the sergeant prepares a report of investigation that goes up IAB's chain of command.³⁸

The Investigations Section must coordinate with CPRA, since many of IAB's cases will also be Charter-mandated cases within CPRA's jurisdiction. Department General Order M-03.2 outlines requirements for member and supervisor cooperation with CPRA investigations. This includes responding to interview notices; contacting CPRA investigators within three on-duty working days; and complying with investigatory directives, including the production of incident-related records, within 10 calendar days.³⁹

IAB supervisors are responsible for ensuring that investigatory records are delivered promptly. Failure to adhere to these mandates could subject members to potential disciplinary action.⁴⁰

Staffing: The Investigations Section is staffed with an Investigations Section Commander (Lieutenant), a team of approximately 6-8 investigators (Sergeants), and administrative support staff (Administrative Assistant II). Under the NSA, IAB is also responsible for increasing staffing if needed to timely investigate complaints.

IAB Intakes: As the data indicates, IAB's intakes have increased since 2019. According to a high-ranking OPD official, this is because the Department underwent a wide-scale retraining on taking complaints which led to an uptick in the number of intakes.

We also received data from IAD regarding the number of DLIs and IAB investigations by year. However, we were later informed by OPD that the initial data we initially received appears to be inaccurate and undercounted. The IAD Commander recently confirmed that the Department adjudicated over 764 DLI cases in 2024. We did not receive complete data in time for this report due to an accelerated completion time following the project being largely paused. The working group will need to receive that data and ensure properly captures the actual number IAB and DLI cases, as this data will impact the transition.

	2019	2020	2021	2022	2023	YTD 2024
Intake	1450	1621	1565	1747	2070	1399
IAB Investigations	94	114	138	108	143	95

Class II violations have increased during the past two years. In terms of "Other" cases, a number of IAB cases are administratively closed or involve MOR violations that are not Class I or Class II violations.

36. See Internal Investigations Procedures, Index Number V-T1, pp 7-15.

37. *Id.*

38. *Id.*

39. Oakland Police Department, Departmental General Order M-03.2: Community Police Review Agency (effective Sept. 11, 2020), available at <https://public.powerdms.com/oakland/tree/documents/443>.

40. *Id.*

	2019	2020	2021	2022	2023	2024 (Partial)
Class I	222	245	186	224	266	192
Class II	431	500	493	531	692	511
Other⁴¹	797	876	886	992	1112	696
Total	1450	1621	1565	1747	2070	1399

OPD Concerns About Transition to CPRA: OPD personnel whom we interviewed raised a range of questions and concerns about a transition to an outside agency. A common concern that many OPD persons shared involved how a transfer might impact the NSA, and particularly Tasks 2 and 5. Relatedly, OPD staff raised questions about CPRA's staffing and whether the City would or could adequately fund the agency. Some IAB staff mentioned that in many instances they had completed their investigation and were waiting for CPRA to finish their parallel case because CPRA did not have enough investigators to move the investigations forward.

Some OPD staff raised concerns about the relative inexperience of recent CPRA hires and noted that any misconduct investigations had to be fact-bound and evidence-based. Another concern raised was the potential for bias in the process, particularly in disciplinary recommendations from CPRA, which some OPD staff found overly punitive. One relatively consistent statement, however, was the preference to have DLIs reduced or removed from field supervisors. Some OPD supervisors mentioned that DLI sergeants were not as well trained or well versed in these cases and DLIs often had to get sent back for additional work.

B. Oakland Police Commission and CPRA

The Oakland Police Commission⁴² oversees the Oakland Police Department to ensure that its policies and practices conform to constitutional policing standards. The Commission also oversees CPRA, which is the Commission's investigative branch and recommends discipline for substantiated misconduct.⁴³

CPRA's Jurisdiction: CPRA is statutorily required to investigate categories of alleged misconduct, often called mandated allegations. Those categories consist of "public complaints involving uses of force, in-custody deaths, profiling based on any of the protected characteristics identified by federal, state, or local law, untruthfulness, and First Amendment assemblies."⁴⁴ CPRA is directed by the Commission to investigate other matters of alleged misconduct of sworn OPD employees. Accordingly, CPRA and IAB will often conduct parallel investigations into the same alleged incidents of misconduct.

41. Cases noted in the "Other" category are service complaints or complaints that do not relate to the MOR. They have complaint numbers but are administratively closed.

42. The Police Commission is comprised of seven regular and two alternate members, enabled by Oakland City Charter section 604. All commissioners are Oakland residents and serve in a volunteer capacity. (<https://www.oaklandca.gov/boards-commissions/police-commission>; Last accessed June 2, 2025).

43. The Office of the Inspector General, led by the civilian Office of Inspector General for the Department, is also under the Commission's purview.

44. Oakland City Charter § 604(f)(1).



Required Investigative Timelines: In terms of timing, the CPRA is required to make “reasonable effort” to complete its investigations within 180 days.⁴⁵ In circumstances where the CPRA cannot meet the 180-day date, the CPRA is required to complete the investigation within 250 days of the filing of the complaint unless the Agency Director makes written findings of exceptional circumstances in a particular case beyond the Agency’s control.⁴⁶ Of course, CPRA is required to abide by California Government Code section 3304’s one-year statute of limitation.

Mandated Staffing Requirement: The Oakland Charter mandates that CPRA “shall consist of no fewer than one line investigator for every one hundred (100) sworn officers in the Department, rounded up or down to the nearest one hundred (100). The number of investigators shall be determined at the beginning of each budget cycle based on the number of sworn officers employed by the Department the previous June 1. At least one investigator shall be a licensed attorney.”⁴⁷

CPRA’s Investigative Process: CPRA, like IAB, also utilizes intake and investigative teams to initially review and then investigate appropriate cases.

1. Intake:

CPRA currently has three full-time intake technicians who process complaints from IAB and from the public. The intake technician is responsible for reviewing the complaints, obtaining relevant evidence such as body-worn camera (BWC) footage, and identifying potential OPD policy or legal violations. This includes identifying potential violations that the community member may not have expressed. Intake technicians also flag the relevant portions of BWC footage for investigators or supervisors and request documents

⁴⁵. *Id.* at 604(f)(3).

⁴⁶ *Id.*

⁴⁷. *Id.* at 604(e)(4)

from IAB. CPRA currently has one supervisor (Investigator III), who is on a temporary contract, to oversee all intake technicians and investigators. CPRA has been allocated two Investigator III positions in the past, but that second position was frozen due to budget constraints.

Once this process is completed, the Investigator III will review the summary and may recommend a finding based on the available evidence, forward the case to an investigator, or return the case to the intake technician for further steps. There was a period when the reviewing employee varied because the Investigator III was initially hired on a part-time contract and was later rehired as a full-time employee after a gap in employment.

It should be noted that at both CPRA and IAB, the intake process serves as a preliminary investigation. The intake process is also used for both agencies to administratively close cases where the allegations can be resolved by BWC or other available evidence without investigating further. This ultimately allows for a more targeted use of investigative resources for those other cases.

Timelines in Intake: CPRA was unable to provide complete data analysis on how long the intake process takes. The CPRA's most recent annual report notes: "In July 2023, informal CPRA staff polling and partial data analysis indicated that it was taking approximately seven months, on average, for a case to proceed from the intake stage to supervisory review. With the same standard of analysis, as of May 2024, this time had been cut at least in half. By August 30, 2024, the oldest case at the intake stage was 64 days old, and the average case at the intake stage was 36 days old."⁴⁸

This excerpt reveals three things of note. First, it demonstrates that CPRA can dramatically reduce the time for its intake process. Second, although that reduction in time in intake is laudable, CPRA should ensure its processes have some flexibility to allow an investigator to respond more quickly in cases where a complainant may have visible injuries or where canvassing for evidence needs to be done quickly. The third point is a broader observation: CPRA reliance on "informal CPRA staff polling" highlights the urgent need for the agency to have a more robust and consistently utilized case management platform that can reliably and accurately report data.

2. Investigators:

CPRA's investigations generally follow this process. After being assigned a case, investigators review the initial evidence collected during the intake process and obtain any additional evidence. Investigators also interview witnesses and complainants as appropriate. CPRA usually interviews OPD officers toward the end of their investigations, often with their IAB or OPD DLI counterparts. CPRA has at times interviewed OPD trainers as part of its use-of-force investigations.

Once all the available evidence is obtained, the CPRA investigator prepares a Report of Investigation detailing the pertinent facts, the relevant policies, the analysis of the facts as applied to the policies, any credibility analysis, and investigative findings.

Working with OPD: Some investigators reported difficulties communicating with DLI investigators but found IAB more responsive. In terms of obtaining documentary evidence, CPRA investigators we interviewed said IAB was generally accommodating to their requests, and, according to longer tenured

48.FORECAST OF CPRA REPORT-OUT FEBRUARY 27, 2025, at p. 9. Available at CPRA-Report-Forecast-02.27.25.pdf

staff, IAB's response time has improved substantially over the past several years.

The most common concerns raised included OPD investigators using leading questions in interviews or failing to ask challenging or probing questions during interviews. Another critique was that IAD did not recommend discipline commensurate with the seriousness of the misconduct. Some CPRA staff also reported that the IAB has at times categorized serious allegations such as untruthfulness as less serious performance issues, thereby limiting any disciplinary or preventative impact. There was concern that DLI investigators were slow in their response times to CPRA's requests for information and that the quality of those investigations was lacking.

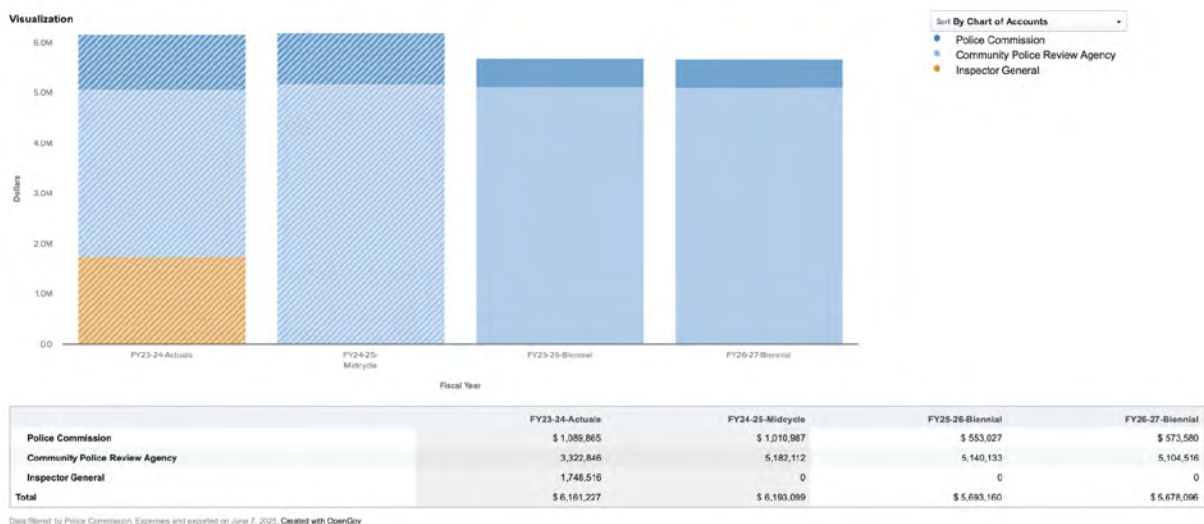
Investigator Staffing: CPRA has seen its investigator staff drop dramatically in the past seven months due to Oakland's fiscal emergency. CPRA is currently budgeted to receive seven Complaint Investigator II positions and one Complaint Investigator III position.⁴⁹

	2024-25 Adopted Midcycle FTE	2025-26 Proposed Biennial FTE	2026-27 Proposed Biennial FTE
Administrative Analyst III	2	1	1
CPRA Attorney	2	2	2
Complaint Investigator II	7	7	7
Complaint Investigator III	1	1	1
Crime Analyst	2	2	2
Executive Director CPRA	1	1	1
Intake Technician	3	3	3
Project Manager	2	2	2
Total	20	19	19

This would largely return investigative staffing back to mid-2024 levels before the fiscal crisis impacted the City but below the budgeted positions CPRA had in 2023 and 2024. CPRA's allocated budget Fiscal Year 2025-2026 is \$5,140,133.

Department	Year	FTE
Police Commission	2027	19
Police Commission	2026	19
Police Commission	2025	20
Police Commission	2024	25
Police Commission	2023	26
Police Commission	2022	18
Police Commission	2021	17
Police Commission	2020	17

49. CPRA Budget, available at <http://bit.ly/45vRgu0>

!!!FY25-27 Proposed Financial Category

The recent attrition has negatively impacted CPRA's investigative capacity. CPRA's Forecast from February 2025 explicitly notes: "CPRA is currently struggling to complete its Charter-mandated functions and duties. Additional cuts risk leading to missed statute of limitations deadlines, noncompliance with the Charter and ordinance, and serious impacts to the City's police accountability efforts."⁵⁰ That Forecast also noted that CPRA had approximately 110 pending cases, with an average time from case receipt to case close of 285 days (an increase of 2.3% from December 2024).

After that Forecast, CPRA lost another investigator. In terms of their investigator staffing as of the date of this report, CPRA currently has one temporary supervisory Complaint Investigator III, two Complaint Investigator IIs, and two temporary Crime Analysts performing investigative duties. As the Chair of the Police Commission has recognized, "staff turnover due to budget cuts comes with its own significant cost, as familiarity with Oakland's specialized oversight system is developed over years of experience."⁵¹ CPRA's operational challenges must be addressed before it can reasonably absorb duties from IAB.

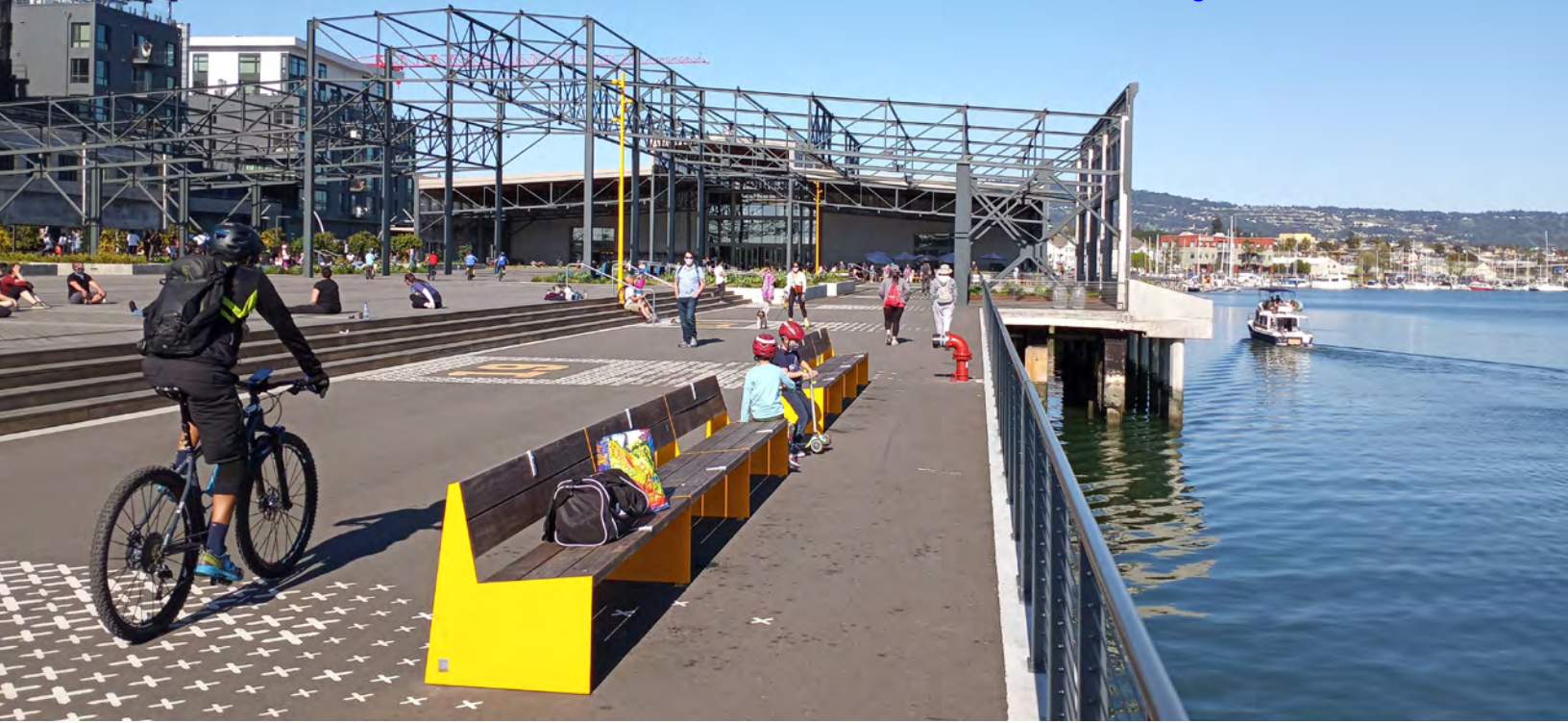
CPRA Staff Concerns About Transition:

Reducing Turnover: CPRA is currently being headed by its fifth permanent or interim Executive Director since mid 2023. The prior Executive Director, from whose staff we received much of the information for this report, left the City in March 2025. We strongly believe CPRA must address its leadership situation before moving forward with a transition.

CPRA staff raised concerns about assuming a greater caseload without a commitment to fully funding the agency and to reducing turnover. The current interim is taking concrete steps to hire permanent investigative and other staff, and this process should continue in order to comply with the Charter's staffing mandate for CPRA.

50. <https://cao-94612.s3.us-west-2.amazonaws.com/documents/CPRA-Report-Forecast-02.27.25.pdf>

51. Statement from the Chair of the Police Commission RE: Adequate Funding for Effective, Legally Mandated Civilian Police Oversight. Available at https://drive.google.com/file/d/1EGjqConFGm_8b2AesLjFJ1qtNM6JnICT/view



Need for a Database and Standard Procedures: Numerous CPRA staff whom we interviewed in 2024 noted that the agency lacks a proper investigative database and standardized procedures. Investigators rely heavily on email, Excel spreadsheets, and sometimes physical notebooks because of the lack of a modern centralized case management platform. CPRA does have a database, but it was reportedly compromised during the February 2023 ransomware attack on the City and it has not been fully reintegrated into the investigative process. Numerous CPRA staff members noted challenges with using the database, however, which was referred to as “outdated” and “unworkable for investigative purposes.” Unsurprisingly, because there was no functional database, obtaining data from CPRA for this project was challenging.

Prior iterations of CPRA leadership reportedly used the database in different ways (or not at all), and the staff we interviewed who used the database found it largely unhelpful. The prior CPRA Executive Director noted CPRA’s technology issues and was attempting to create a case management system using an outside vendor, but that contract was terminated due to the City’s financial circumstances.

CPRA’s Interim Director has required staff to use the existing database as of April 2025.

Clearer Onboarding and Supervision: CPRA staff consistently wanted more formalized onboarding for new employees, training, and more robust supervision. A recurring concern was that one supervisor (who for a period of time during this project was part time) was woefully insufficient to supervise all of the intake technicians and investigators.

3. The Commission and Discipline

The Oakland City Charter establishes a shared and interdependent disciplinary framework among the CPRA, the Chief of Police, and the Commission.

Section 604(g) of the Charter requires that, for any public complaint alleging misconduct that is investigated by both CPRA and OPD, the existence of agreement or disagreement regarding the investigative findings must be established by the Chief of Police and the CPRA Executive Director prior to any disciplinary adjudication.

In cases where CPRA sustains a finding and recommends discipline, but the Chief of Police disagrees with the proposed disciplinary action, either by disputing the finding or proposing a penalty outside of the recommended disciplinary range, the matter is elevated to a Discipline Committee.⁵²

The Discipline Committee has the authority to issue a final determination regarding the appropriate discipline to be imposed. In such cases, CPRA serves not only as the investigative body but also as a contributor to the evidentiary record on which the Committee will rely. Some OPD interviewees raised concerns that the Discipline Committees overwhelmingly supported CPRA's higher disciplinary recommendation.

This shared model emphasizes the need for CPRA to be organizationally and administratively equipped to meet its obligations within the disciplinary framework.

52. OMC Section 2.45.130. The OMC notes that the Discipline Committee, comprised of three Commission members, "decide[s] any dispute between the Agency and the Chief regarding the proposed or final findings or proposed or final level of discipline to be imposed on a subject officer."

Findings and Recommendations

The City of Oakland has an opportunity to create a path-breaking structure for investigating police misconduct cases—one that balances independence, accountability, and operational feasibility. Given the challenges of Oakland’s fiscal situation and the ongoing oversight pursuant to the Negotiated Settlement Agreement (NSA), any structural shifts should proceed in carefully sequenced phases, each tied to clear benchmarks.

The recommendations outlined in this report contemplate foundational investments in CPRA staffing and systems, consistent coordination with OPD and the City Attorney’s Office, and interim procedural reforms such as the phased transfer of certain complaints. Collectively, these steps are designed to strengthen investigative integrity while ensuring that the City can deliver on its promise of fair, effective, and community-supported independent oversight.

This transition should occur in phases to test procedures and CPRA’s ability to meet case deadlines. The City should create a working group of stakeholders to assess next steps and course correct on issues that arise. We strongly agree with the observations of both CPRA and OPD interviewees that any process would have to be tested with a smaller subset of cases to work out processes.

Phase 1: Fully Staff CPRA and Eliminate Parallel Investigations

The first step before any transfer should occur is to fully staff CPRA to its budgeted allocation, with additional administrative support. This budget will need to increase as Phase 1 is completed and the City looks to remove DLIs from OPD. However, there are numerous current vacancies at CPRA that will take time to fill. Longer term, staffing CPRA should create cost efficiencies, as outlined below.

The current dual investigative agency system means that two agencies are conducting parallel investigations—including simultaneously reviewing and analyzing documents and BWC footage; interviewing complainants, witnesses, and subject officers; and writing separate reports—for the same administrative complaint. Both agencies can also present or attend the Force Review Board or Executive Force Review Board, and present to the Chief of Police at the conclusion of administrative investigations. Reportedly, in the cases where both IAB and CPRA investigate, the two agencies have agreed on investigative findings in the majority of them.

A starting point is to have CPRA be the only agency to investigate Charter-mandated and other cases that it is already investigating. This would amount to more than 100 cases per fiscal year, based on CPRA current docket. Those cases already include many resource-intensive cases such as officer-involved shootings and other serious force cases that both agencies are currently required to investigate. This approach would allow IAB Investigations and some DLIs to be gradually reduced while freeing up some officers to return to other non-duplicative OPD functions. A back of the napkin estimate done by an OPD official indicated that having only CPRA investigate the cases it currently has on its docket could eventually free up approximately 3 to 5 sworn officers.

Additionally, methodically reducing IAB’s staffing and shifting certain resources over to CPRA— particularly civilian administrative support—could create greater long-term efficiency to avoid dual intakes of the same complaint and double-tracking efforts to obtain records and documents. It could also reduce confusion for complainants who might not understand why they are being contacted by multiple agencies.

An additional cost saving layer would be to civilianize some intake and other functions while this transition is occurring. IAB uses sworn officers for administrative and intake positions at IAB, but civilians can fulfill many of those administrative and intake job duties. As outlined in the chart below, the potential cost savings by having civilian staff instead of sworn officers perform administrative and intake functions could be approximately \$160,000 per position.

The chart below based on the City's proposed budget indicates the differences in salaries and benefits between somewhat comparable positions. It is excerpted from the City's projected budget information, which is included as Attachment A at the end of the report.

	Total IAD Budget FY 25-26	Total CPRA Budget FY 25-26	
Total Division/Agency Budget	\$10,249,660	\$5,140,133	
IAD vs CPRA Comparable Position (number of staff based on projected budget)	IAD⁵³ Total Employee Compensation	CPRA Total Employee Compensation	Potential Cost Savings Per Position
Deputy Chief (1) / Executive Director (1)	\$557,002	\$402,650	\$154,352
Captain (1)/CPRA Attorney (1)	\$474,512	\$371,752	\$102,760
IAD Lieutenant (3)/CPRA Investigator III (1)	\$433,966	\$253,250	\$180,716
Sergeant (14)/CPRA Investigator II (8)	\$322,954	\$217,326	\$105,628
Police Officer (4)/Civilian Intake & Admin	\$322,954	\$162,184	\$160,770

These salary differences are not a one-for-one replacement in terms of cost savings. The OPD employees in IAB would not fall off the OPD side of the ledger; they would eventually be transitioned into other duties within OPD. But as more positions are shifted to CPRA over time, and as civilians take over other positions, it would presumably reduce IAB's role in OPD's budget and in the City's overall costs. If most of IAB's positions were civilianized, the cost differential would exceed \$1 million before including overtime pay.

Before CPRA can assume sole responsibility for cases, however, it needs appropriate staffing.

53. These figures reflect data from the City's proposed budget figures for 2025-26. Many of the figures for ranked positions at OPD vary, presumably because salaries differ based on years of service. We selected a number in the middle if the budget included multiple positions included. Accordingly, those figures could be somewhat higher or lower if other figures were selected.



Recommendation 1: Hire Permanent CPRA Executive Director

CPRA has cycled through five permanent or interim Executive Directors over the past three and a half years. The Executive Director with whom the consultants initially worked resigned during the pendency of this project. Numerous interviewees from IAB and CPRA noted the challenges caused by leadership shifts at CPRA, including the inherent changes in direction when new leadership comes aboard. Each leadership change initiates a new recruitment process and can result in periods of stagnation and/or rebuilding. This recurring cycle of transition and upheaval has prevented the agency from establishing a long-term strategic direction, hampered morale, and contributed to a lack of consistency in investigative approaches and internal expectations.

In addition, as of the date of this report, the CPRA has reduced investigative staffing and one contract Investigator III (supervisory role) due to budget challenges. This minimal number of investigative staff falls below the Oakland Charter's mandate that there be one CPRA investigator per 100 Oakland police officers. OPD has approximately 678 officers in its ranks during Fiscal Year 2025.⁵⁴ In addition, CPRA is not in compliance with the Charter's requirement that it have an investigator who is an attorney. Because it is so understaffed, CPRA cannot presently absorb functions from IAB.

Therefore, increasing CPRA's investigative and administrative personnel numbers must be a priority. Under the current proposed budget, CPRA is allotted seven full-time investigators. An incoming Executive Director will need to hire investigators as the budget allows before any meaningful transition can commence. Hiring at least one investigator with experience as a prosecutor, public defender or as a civil

54. <https://oaklandca.nextrequest.com/documents/4478739955>.

litigator used to interfacing with law enforcement officers in a professional setting would help buttress CPRA's investigative needs.

One frustration we heard from CPRA was the lengthy process associated with Oakland's civil service recruitment process that has reportedly slowed hiring for new employees. This process should be made as efficient as possible considering potential future cost savings.

Recommendation 2: Create a Transition Working Group

The impacted agencies and other necessary parties should create a working group to create concrete timelines with transitional steps. At minimum, representatives from CPRA, OPD, the Commission, and OCA should be involved and in constant communication with the Monitoring Team, the City Administrator's office, community stakeholders, and the Mayor's office. Constant communication and cooperation will be imperative to ensure that the process is workable and to course correct as issues will invariably arise.

This working group should address the civilianization of IAB to the extent that entity continues to exist following any transition. The working group should also address budgetary and overtime issues within OPD and CPRA.

Recommendation 3: Increase CPRA Supervisory Staff

The current budget only has one Investigator III (supervisory) position to oversee all the investigative and intake staff. Numerous CPRA employees we interviewed noted that the lack of supervision was a significant issue on both the intake and investigative sides, both in terms of receiving timely guidance on how to proceed with intakes or investigations, and in terms of receiving timely feedback on investigative reports. Our interviews and review highlighted that one investigative supervisor is inadequate for an agency charged with leading sensitive investigations.

CPRA should have *a minimum* of two supervisory investigators—one to supervise intake and one to supervise the investigators. IAB has a much higher supervisor-to-investigator ratio – with three Lieutenants who respectively monitor Intake, Investigations, and DLIs. Allotting CPRA more supervisory resources allows for more timely intervention, on-the-job training, second chairing interviews, and more levels of review for cases as appropriate.

Recommendation 4: Increase Administrative Support

The CPRA has only one administrative assistant budgeted for its staff, and the proposed budget seeks to remove a second administrative assistant position incorporated in prior budget years. Virtually every CPRA staff member we interviewed noted that the administrative support was insufficient and slowed the overall agency operations.

Civilian staff at IAB's Intake and Administrative sections are already well versed in working on matters within CPRA's jurisdiction. As IAB is reduced in size, one possibility, where appropriate, is to reassign or hire those administrative support persons to CPRA.

If the City wishes to more quickly reassign some sworn officers doing administrative work out of those positions, perhaps OPD and CPRA could jointly interview and hire for those administrative slots in IAB as



CPRA prepares to assume sole responsibility for mandated cases. As the transition progresses, those civilians could then transfer from IAB to CPRA.⁵⁵

CPRA will also need to fill its analyst roles and ensure it has the staff to report appropriate data to the Commission, OPD, and other stakeholders. CPRA's need for data analysts also ties into the following recommendation.

Recommendation 5: Establish an Improved CPRA Database

CPRA should explore whether its case management and data capabilities are adequate to handle a transition. As noted above, CPRA, at the time the consultants reviewed CPRA's processes in Fall 2024, was utilizing a mix of email, Excel spreadsheets, handwritten logs, and inconsistent use of its database to memorialize its work and for data collection. Before submitting this report, we were informed that CPRA had reinstituted the use of its database.

If CPRA's current database proves unworkable, one possible database solution is for CPRA to transition to Vision, which is IAB's and OPD's current system. Vision is currently the only functional investigative case management platform in Oakland that tracks misconduct cases. Vision also houses OPD's human resource and performance data. CPRA recently explored creating its own replacement proprietary database, but that endeavor was terminated due to the City's fiscal situation. Given that there is no clear alternative currently, Vision appears to be the most viable option.

⁵⁵ We recognize that Oakland's civil service hiring rules may require additional steps or more complex processes that might make this recommendation less feasible.

Using an existing system such as Vision offers potential benefits. It includes a better reporting function on case deadlines and timelines. It offers a centralized place to find case information and incorporates tools such as an investigator chronology built into its user interface. It has been tested under the NSA's task requirements. It is already paid for. Additionally, adoption of the Vision system by CPRA during transitional phases would support continuity of case management processes and will allow for direct data comparisons to better evaluate the efficacy of any transfer of duties and responsibilities.

Expanding Vision for the CPRA is an imperfect solution. Vision lacks certain capabilities, such as sending push notifications and syncing with a calendaring system and may not currently capture all data that the CPRA must report. The prior CPRA Executive Director had full access to Vision. Other CPRA staff have more limited access, but it is seldom, if ever, used. Accordingly, if this option is pursued, CPRA staff will need to be trained on using Vision with the expectation that it is consistently utilized.

Perhaps most critically, strong firewalls would need to be instituted to ensure that the CPRA's work is confidential and protected, both to protect investigative integrity and to ensure public trust that only authorized users have access to the details of the independent investigation materials. These firewalls exist within OPD to protect IAB's work product from unauthorized access; similar or stronger firewalls will need to protect CPRA's work as well and should include an auditing function to track user access to the database and its contents

To make the necessary changes to Vision to bring CPRA into the fold, the consultants were informed that a handful of persons in City IT understand the platform. Those persons would need to be consulted as part of this process if City stakeholders decide to proceed down this path. This could also be an opportunity to update and improve Vision based on OPD's input on working with the system.

This transition will likely require staff time to import data and cases from CPRA. There may be costs associated with updating Vision to incorporate CPRA's work. The time involved in creating or transferring into a new case management platform should be discussed by the transition working group early in the process.

Regardless of platform, CPRA must at minimum standardize its case management practices. If CPRA's database that was in use prior to the last permanent Director's arrival proves functional, then that database should be tested to see if it can properly accommodate a transition.

Recommendation 6: Amend Oakland's Municipal Code, OPD's Manual of Rules, and Potentially the NSA As Needed.

Because these recommended changes differ from the current processes Oakland has established for addressing investigations of alleged officer-involved misconduct, it will require updating the OMC, OPD's MOR, and potentially the NSA. For example, the OMC currently contemplates a system of two agencies investigating misconduct cases. The OMC would need to be modified to recognize CPRA as the lead investigative agency on Charter-mandated cases.

Some of these changes may also trigger collective bargaining issues. The City Attorney's Office should be part of the working group to advise on what legal issues may arise during the transition process. Finally, this process will require discussion with plaintiffs' counsel from *Allen* and the Monitoring Team regarding these potential changes to IAB's responsibilities.

Recommendation 7: Continue to Address Gaps in CPRA Policies and Procedures

As the CPRA moves toward assuming sole responsibility for mandated allegations, the next leadership team should continue to standardize CPRA's investigative procedures, some of which the City Auditor previously noted. These suggestions include:

An onboarding for new investigators specific to civilian oversight and police misconduct investigations. Topics should include effective questioning of complainants, witnesses and subjects, securing evidence, and documenting investigative steps.

- Having a standardized investigations and intake manual. Numerous staff indicated that there were different materials prepared by different CPRA leaders), and a lack of clarity on which to follow. The CPRA should standardize these materials so that staff understand how to properly meet expectations.
- Completing the policies and procedures manual. A draft manual was in progress and under review shortly before this consulting project was initially paused. The manual should be updated as the initial transitional steps become clear and further updated as the transition develops. A clear, useful manual would assist both internal staff and external stakeholders in understanding how the CPRA's processes work.
- Using standardized closing reports. There was movement toward standardizing the CPRA's closing reports of investigations prior to this project being paused. This process of having standard report templates should also be completed and implemented if it has not yet occurred. If CPRA assumes the sole responsibility for conducting investigations into officer-involved alleged misconduct, then it will be critical for CPRA to consistently and accurately communicate about the evidence evaluated, CPRA's analysis of it, and the investigative steps that lead to that analysis. This is especially vital in cases where allegations are substantiated so that the evidence and MOR violations are clearly communicated to the Chief of Police, the Commission, and OCA.
- Ensuring CPRA's independence in investigative findings. CPRA's investigations must be completed with appropriate levels of confidentiality and lack of interference from other agencies or persons to reach complete and objective investigative conclusions.

With a clear leadership team, adequate staffing, and independence, CPRA should be able to establish these processes within a reasonable period.

Recommendation 8: Ensure CPRA Complies with Timelines

When the prior Executive Director assumed that position in 2023, CPRA was facing numerous lapses on 3304 deadlines. The agency proceeded to focus on clearing cases that were nearing or had surpassed statutory deadlines. It is unclear whether CPRA will again have to triage cases to avoid missing the 3304 deadlines in light of recent budget cuts, but if so, those dated cases will need to be completed in advance of a transition. Otherwise, CPRA would be facing a crisis in meeting deadlines even before it assumes greater responsibility.



There should be clear benchmarks as CPRA staff members take sole responsibility of Charter-mandated and other cases assigned to it from the Commission. In our view, meeting 3304 deadlines should be a minimal threshold before an expansion commences.

Recommendation 9: Selecting Pilot Cases

These internal issues—hiring and training investigators, preparing set procedures, and expanding Vision pr another database—are achievable benchmarks.

As CPRA nears meeting these benchmarks, the CPRA Executive Director should evaluate the CPRA docket and its staffing levels and capabilities. The Executive Director should select a test docket of cases and confer closely with IAB and the Commission in determining which cases CPRA will have sole responsibility for investigating. This initial set of cases should be ones without pressing 3304 or 180-day issues. This will allow CPRA to build on processes and work through issues with OPD, the Commission, and OCA. Another benefit of this selection process is that it requires constant communication between the agencies to ensure that appropriate deadlines are being met.

Phase Two: Expanding CPRA's Investigative Capabilities

Once Phase 1 is completed, CPRA should assume sole investigative jurisdiction over all Charter-mandated cases and other cases that the Commission designates it to investigate. The working group should determine what achievable timelines and benchmarks for expanding CPRA look like once it is fully staffed. As CPRA assumes sole authority for Charter-mandated cases, it will need appropriate support from OPD and the Commission to obtain evidence, receive transitional support and input, and work through protocols.

Recommendation 1: Address Critical Incident Callouts

To ensure timely initiation of critical incident investigations, such as officer-involved shootings or in-custody deaths, stakeholders should consider establishing a formal protocol for CPRA participation as it assumes responsibility for these cases.

The former CPRA Executive Director previously responded to such incidents. This practice should continue for the short term. As CPRA assumes sole responsibility for Charter-mandated cases, OPD and CPRA should work through clear protocols for CPRA staff to receive OPD-escorted walkthroughs of secured scenes of incidents and to ensure that criminal and administrative investigators are appropriately firewalled.

Incorporating CPRA into these responses would promote transparency, investigative integrity and quality, and would align with public expectations for independent oversight. Because many critical incidents occur outside of ordinary CPRA working hours, putting CPRA investigators on call may raise collective bargaining questions. IAB's investigators receive on-call pay and a take-home vehicle as part of their on-call duties.

COPA in Chicago transferred non-criminal responsibility for these cases to civilian hands, and stakeholders in Chicago may be worth contacting.

Recommendation 2: Ensure CPRA's Timely Access to Evidence and Records & Establish a CPRA-OPD Liaison

As CPRA gains additional staffing and responsibility and IAB reduces in size, there will need to be clear channels for obtaining access to records and evidence. Under OMC section 2.45.080(B), CPRA is required to have access to OPD's records. Currently, CPRA has direct access to BWC footage and works with IAB to obtain other evidence. To the extent legally permissible, all CPRA investigators and supervisors should have direct access to OPD evidence and records to ensure timely and independent investigations rather than working through an intermediary. Creating unnecessary layers can slow investigative processes and create administrative barriers. For example, some civilian-led oversight agencies, including the local BART Office of the Independent Police Auditor, have direct access to platforms such as the police department's web-based records management systems, officers' disciplinary history, and computer-aided dispatch (CAD) entries.

The ability to review and collect relevant video evidence early in the investigative process also allows for more accurate identification of all potential misconduct allegations at the outset. Direct access to evidence significantly improves the likelihood of meeting investigative deadlines, whether self-imposed or required by law.

Within OPD, CPRA investigators reported a lack of cooperation from the Criminal Investigation Division, with some resistance reportedly stemming from uncertainty about *Garrity*⁵⁶ protections and the legal implications of open communication with CPRA. This can be resolved in two ways. First, the administrative statute of limitations may be tolled if there is a criminal investigation into the same conduct that CPRA is investigating. Second, concerns about an officer's Due Process rights under *Garrity* flow only in one direction. The criminal section does not generate compelled statements from the subjects of misconduct investigations; only the administrative section compels statements that require an officer to answer the investigator's questions. Accordingly, this does not limit the flow of information from the criminal side to the administrative side. Without clear protocols or assurances from OPD Command staff, investigative information to CPRA may remain limited.

56. *Garrity v. New Jersey*, 385 U.S. 493 (1967). *Garrity* held that police officers cannot have compelled administrative statements that were obtained by a potential sanction of a loss of employment used against them in criminal proceedings. To utilize compelled statements in criminal proceeds would violate the officer's 5th Amendment rights.

Of course, there are certain records that CPRA will need assistance from OPD to obtain, such as warrants, the Crime Record Information Management System (CRIMS), and certain other law enforcement records. CPRA has limited access to certain databases (such as the California Law Enforcement Telecom System (CLETS)). To support interagency coordination during and after the transition of investigative duties, OPD should designate a dedicated CPRA Liaison. This liaison could serve as a key point of contact for CPRA, ensuring timely access to records, facilitating communication with OPD personnel, and supporting case coordination, including with Criminal Investigations (CI) when applicable. Establishing this role could help streamline operations, reduce delays in evidence sharing, and strengthen cooperation and trust between agencies.

Recommendation 3: Address Staffing at Internal Affairs

A transfer of cases would allow the caseload for IAB Investigations and DLIs to decrease, but it would not entirely disband IAB.

For example, the IAB DLI process, where the greatest quantity of misconduct cases are addressed within OPD, would continue during the initial phases of any transition unless it was a mandated case. Longer term, the goal would be for CPRA to take over DLIs, a step that has the support of multiple OPD leaders we interviewed. If DLI's could largely be removed from OPD's purview, that would free up IAB DLI to return to other law enforcement functions and relieve field sergeants of the burden of investigating hundreds of cases per year. In 2024 alone, OPD reportedly completed 764 DLIs.

For the more immediate future, if CPRA is already conducting a misconduct investigation, it would reduce some duplication and free up the bandwidth of field supervisors. The working group will need to quantify the additional individual or collective bandwidth and availability due to the varying levels of complexity of each misconduct investigation and each sergeant's daily workload.

Similarly, IAB's Intake and Administrative Units will need to exist in some capacity moving forward. Although some duplication could be reduced by moving civilian intake and administrative support from OPD to CPRA, IAB Intake and Admin would still need to prepare a high volume of cases during the transition.

In addition, some of IAB's functions would have to continue, either remaining at IAB or moving to the Bureau of Risk Management. In the case of administrative disciplinary work, much of that should eventually be transferred to CPRA. An example of other functions include:

- SB2: This function would remain at OPD, as the relevant Penal Code section requires that the employing agency update POST on misconduct issues.
- *Brady* and *Pitchess* responsibilities: CPRA will need to ensure that it is providing appropriate *Brady* and *Giglio* information to OPD. CPRA is not part of the criminal prosecution team; that reporting responsibility to provide exculpatory evidence should flow through OPD. The City should confer with OCA to determine the best path for addressing this issue. *Pitchess* deals with OPD employee personnel issues in litigation and should also remain within OPD.
- OPD will need to be involved in physically serving discipline and placing an officer on administrative leave (e.g. recovering Department-issued firearms).

- IAB Integrity Testing: these administrative “stings” should remain in OPD.
- Preparing disciplinary packets: CPRA should assume this responsibility in Phase 2 as it builds its administrative staff.

Phase 3: Transferring Discipline Functions and DLIs to CPRA

Recommendation 1: Fully Civilianize Misconduct Investigations including DLIs

While the long-term objective of fully civilianizing the misconduct investigation process remains an overarching target, transferring DLIs from OPD to CPRA presents significant operational and fiscal challenges. DLIs constitute a substantial portion of the overall misconduct caseload and shifting them to CPRA would considerably increase the agency’s investigative workload.

Given the City’s ongoing financial constraints and CPRA’s current staffing limitations, the volume of DLI cases raise immediate feasibility concerns, without regard for the complexity of any given complaint investigation. Although there appears to be consensus among various stakeholders that DLIs should eventually be removed from OPD’s purview to allow OPD sergeants to commit more time to public safety-related tasks, the City should first ensure that CPRA can successfully implement the foundational elements of Phases 1 and 2 before moving toward this additional expansion.

This approach may better enable the agency to build the necessary investigative capacity, supervisory infrastructure, and procedural consistency required to absorb the additional DLI-related duties. After CPRA has demonstrated measurable success under the earlier phases and secured adequate staffing levels and training processes the City and CPRA leadership should evaluate the full reassignment of DLI responsibilities.

OPD reportedly totalled more than 700 DLI cases in 2024. These cases, on average, should take fewer investigative hours than IAB’s cases, but CPRA would need to increase its investigator FTE dramatically to handle this case load. Presuming approximately 30 hours of work per DLI case, that would equal 9000 hours of work per year, not including administrative, meeting, or potential discipline-phase time.

Some CPRA and OPD staff suggested using a better triaging method for lower-level complaints rather than requiring full written reports for every case. The NSA does not make distinctions between how lower level versus serious cases are investigated.

Recommendation 2: Consider Reforming CPRA Intake Process

The current CPRA model of conducting intakes, which function as preliminary investigations, sometimes takes months to complete before being assigned to an investigator. This period could be shortened substantially by using investigators earlier in the process and by having the intake process be a largely administrative role. The intake process can begin with an initial collection of basic information, a summary of the nature of the misconduct allegations, a request for documents from OPD, and a preliminary review of the relevant BWC footage. These things can then be flagged for a supervisor. More serious cases involving ephemeral evidence, such as physical injuries requiring more immediate attention, should be flagged and sent for investigation immediately. This way, trained investigators can quickly go to the scene to canvass for witnesses and evidence.

CPRA will also need to develop a process for receiving complaints from the Communications Division, which logs all complaints received when IAB is unavailable.

Recommendation 3: Transfer Administrative Discipline Responsibilities to CPRA

CPRA must be sufficiently staffed and equipped to handle the additional workload associated with notification of discipline⁵⁷, *Skelly* hearings, disciplinary committee reviews, and arbitration proceedings. The IAB currently employs personnel dedicated to redacting records, preparing *Skelly* documents, and serving as liaisons to the City Attorney's Office. CPRA lacks comparable administrative and logistical support. To fulfill these functions effectively, CPRA would need to expand its capacity by employing administrative staff responsible for managing these processes.

OPD has struggled with a significant backlog of *Skelly* hearings.⁵⁸ To the extent that the lack of hearing officers has played a role, CPRA and OPD should explore having non-OPD hearing officers handle them.

Moreover, CPRA should develop a structured internal process to coordinate with the City Attorney's Office, ensure the legal sufficiency of documentation, and maintain procedural timelines. This may require establishing designated roles focused exclusively or primarily on supporting disciplinary case progression after findings are issued. Absent sufficient staffing, the process could overburden CPRA, delaying or otherwise undermining the efficacy of the intended disciplinary process. Eventually, CPRA's attorneys may be able to handle some of the disciplinary proceedings such as arbitrations.

Technology upgrades will also be essential in this area. CPRA must implement systems that allow for secure, trackable workflows and document management, and provide real-time visibility into the status of *Skelly* responses, scheduling, and the tracking of final disciplinary outcomes. Effective case tracking and documentation are especially important in the event of challenges brought by employee representatives or external reviewers such as the Independent Monitor.

Finally, to match the procedural support currently in place at IAB, CPRA will need to establish clear protocols and lines of responsibility for handling *Skelly*-related materials. This includes redaction standards, coordination of mechanisms for document delivery, and staff who can serve as consistent points of contact with OPD, the City Attorney, and any relevant third parties. Without this infrastructure, CPRA could risk missing deadlines, end up producing incomplete or inadmissible records, or failing to uphold due process requirements. Each of these results could lead to disciplinary outcomes being overturned or otherwise invalidated.

Recommendation 4: Transfer DLIs to CPRA Immediately Following Initial Field Interview or Contact by Field Sergeant

The City should implement a procedural shift in the handling of DLIs. Field sergeants are required to respond to the scene or speak to a complainant within three hours under NSA Task 5.1. When CPRA has

57. IAB's Pre-Discipline process requires the following: "Upon approval of a sustained finding in an internal investigation, unless the Chief has waived the process, the IAB shall provide a printed copy of the subject's five (5) year disciplinary history, his/her two most recent performance evaluations, the Complaint Investigation Report (CIR) and the Report of Investigation (ROI) for the current case. The documents shall be forwarded to the sustained member's Captain." IAB Manual at 57.

58. <https://www.sfchronicle.com/bayarea/article/oakland-police-discipline-backlog-19499706.php>

the appropriate staffing, OPD sergeants could complete only an initial field interview with complainants and then promptly transfer the case to CPRA for further handling and investigation. This approach would maintain continuity in the initial response and documentation of allegations while enabling the CPRA to assume responsibility for case development, documentation, and investigation. Delegating only the initial intake to OPD supervisors preserves the continuity of complaint processing while relieving sergeants from the burdens of some administrative tasks. It would also establish a clear procedural division between first-responder duties and investigative oversight, thereby aligning with any efforts to ultimately fully civilianize misconduct investigations. For this transition to be effective, protocols for handoff, evidence transfer, and timeline tracking will need to be clearly established and jointly managed by OPD and CPRA leadership.

Recommendation 5: Non-Sworn Employees

CPRA lacks the legal authority to investigate allegations of misconduct involving non-sworn OPD personnel, such as dispatchers. As a result, such cases must either remain within the purview of OPD or be reassigned to the City's Employment Investigations and Civil Rights Compliance unit. Given OPD's size relative to other City departments and agencies, we recognize that this is not a minor shift and may raise a number of logistical and legal issues. The receiving agency will need to hire staff to handle that additional case load.

In the interim, the City should establish and communicate a clear and enforceable division of investigative responsibilities across departments to prevent oversight gaps, and to ensure consistent handling of complaints involving all categories of OPD personnel.

Conclusion

This report has explored whether some of IAB's responsibilities can be effectively transferred to the CPRA. While the overarching goal of fully civilianizing misconduct investigations reflects the values of transparency and accountability sought by Oakland and its residents, it must be pursued with strategic care.

The City is currently navigating severe fiscal constraints, and CPRA continues to contend with staffing limitations, leadership transitions, and operational backlogs. These realities require the City to approach any expansion of CPRA's duties via a measured and thoughtful plan. If Oakland can successfully accomplish exclusive civilian oversight, it could become a national leader and be one of the very few to embark on this path.

The recommended three-phase transition framework offers a preliminary roadmap. Beginning with the transfer of certain Level I complaints and gradually increasing CPRA's scope over time, this approach allows for necessary investments in CPRA's investigative staffing, internal systems, and interdepartmental coordination. Success must be evaluated at each stage, not only in terms of caseload metrics, but also in the consistency, fairness, and integrity of outcomes to all parties. At the heart of this work is a shared commitment to building a public safety system that earns and sustains the trust of the community and all stakeholders.

Attachment A

Bureau	Job	FTE	Amount	Position Type	Year
Internal Affairs Bureau	Captain of Police (PERS).PS107	1	474512	Sworn Staffing	2026
Internal Affairs Bureau	Deputy Chief of Police (PERS). EM135	1	557002	Sworn Staffing	2026
Internal Affairs Bureau	Intake Technician.AP434	1	155695	Professional Staffing	2026
Internal Affairs Bureau	Intake Technician.AP434	1	158741	Professional Staffing	2026
Internal Affairs Bureau	Intake Technician.AP434	1	155695	Professional Staffing	2026
Internal Affairs Bureau	Intake Technician.AP434	1	155695	Professional Staffing	2026
Internal Affairs Bureau	Intake Technician.AP434	1	155695	Professional Staffing	2026
Internal Affairs Bureau	Intake Technician.AP434	1	155695	Professional Staffing	2026
Internal Affairs Bureau	Lieutenant of Police (PERS) (80 Hr). PS152	1	454221	Sworn Staffing	2026
Internal Affairs Bureau	Lieutenant of Police (PERS) (80 Hr). PS152	1	433966	Sworn Staffing	2026
Internal Affairs Bureau	Lieutenant of Police (PERS) (80 Hr). PS152	1	389789	Sworn Staffing	2026
Internal Affairs Bureau	Police Officer (PERS) (80 Hr).PS168	1	322954	Sworn Staffing	2026
Internal Affairs Bureau	Police Officer (PERS) (80 Hr).PS168	1	337119	Sworn Staffing	2026
Internal Affairs Bureau	Police Officer (PERS) (80 Hr).PS168	1	306041	Sworn Staffing	2026
Internal Affairs Bureau	Police Officer (PERS) (80 Hr).PS168	1	303135	Sworn Staffing	2026
Internal Affairs Bureau	Police Records Specialist.SS165	1	120894	Professional Staffing	2026
Internal Affairs Bureau	Police Records Specialist.SS165	1	120894	Professional Staffing	2026
Internal Affairs Bureau	Police Records Supervisor.PS171	1	180612	Professional Staffing	2026
Internal Affairs Bureau	Sergeant of Police (PERS) (80 Hr). PS179	1	386251	Sworn Staffing	2026
Internal Affairs Bureau	Sergeant of Police (PERS) (80 Hr). PS179	1	377369	Sworn Staffing	2026
Internal Affairs Bureau	Sergeant of Police (PERS) (80 Hr). PS179	1	389827	Sworn Staffing	2026
Internal Affairs Bureau	Sergeant of Police (PERS) (80 Hr). PS179	1	391806	Sworn Staffing	2026

Internal Affairs Bureau	Sergeant of Police (PERS) (80 Hr). PS179	1	392650	Sworn Staffing	2026
Internal Affairs Bureau	Sergeant of Police (PERS) (80 Hr). PS179	1	381357	Sworn Staffing	2026
Internal Affairs Bureau	Sergeant of Police (PERS) (80 Hr). PS179	1	388755	Sworn Staffing	2026
Internal Affairs Bureau	Sergeant of Police (PERS) (80 Hr). PS179	1	356945	Sworn Staffing	2026
Internal Affairs Bureau	Sergeant of Police (PERS) (80 Hr). PS179	1	368547	Sworn Staffing	2026
Internal Affairs Bureau	Sergeant of Police (PERS) (80 Hr). PS179	1	347710	Sworn Staffing	2026
Internal Affairs Bureau	Sergeant of Police (PERS) (80 Hr). PS179	1	368991	Sworn Staffing	2026
Internal Affairs Bureau	Sergeant of Police (PERS) (80 Hr). PS179	1	380288	Sworn Staffing	2026
Internal Affairs Bureau	Sergeant of Police (PERS) (80 Hr). PS179	1	390734	Sworn Staffing	2026
Internal Affairs Bureau	Sergeant of Police (PERS) (80 Hr). PS179	1	390075	Sworn Staffing	2026

CPRA

Position Status	Position	Job	Fund	Org	Project	Program	FY26 FTE	FY26 Amount	FY27 FTE	FY27 Amount
Filled	PN_10027	Complaint Investigator II.AP146	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	217,326	1.00	215,761
Filled	PN_2056	Complaint Investigator II.AP146	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	217,326	1.00	215,761
Filled	PN_34865	Intake Technician. AP434	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	165,231	1.00	164,016
Filled	PN_34900	Executive Director CPRA. EM229	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	402,650	1.00	399,782
Filled	PN_35961	Complaint Investigator II.AP146	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	217,326	1.00	215,761
Filled	PN_37514	Intake Technician. AP434	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	162,184	1.00	161,016
Filled	PN_37515	Intake Technician. AP434	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	162,184	1.00	161,016
Filled	PN_40099	Complaint Investigator II.AP146	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	217,326	1.00	215,761
Filled	PN_40100	Complaint Investigator III. AP144	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	253,250	1.00	251,439
Filled	PN_43416	Project Manager II.EM211	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	354,047	1.00	351,500
Filled	PN_44872	CPRA Attorney. MA165	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	371,752	1.00	369,076
Filled	PN_45341	Administrative Analyst II.AP106	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	195,350	1.00	193,945
Filled	PN_45342	Complaint Investigator II.AP146	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	217,326	1.00	215,761
Filled	PN_48848	Crime Analyst. AP446	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	187,765	1.00	186,415
Filled	PN_48849	Crime Analyst. AP446	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	187,765	1.00	186,415
Filled	PN_48860	CPRA Attorney. MA165	FD_1010	OR_66211	PJ_1003737	PG_IP06	1.00	371,752	1.00	369,076