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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DELPHINE ALLEN, et al.	)	Case No. 00-cv-04599 WHO
	)	
Plaintiffs,	)	JOINT CASE MANAGEMENT
	)	STATEMENT
v.	)	
	)	Date: July 10, 2025
CITY OF OAKLAND, et al.,	)	Time: 3:30 p.m.
	)	Courtroom 2, 17th Floor
Defendant(s).	)	Hon. William H. Orrick
	)	
	)	

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TABLE OF CONTENTS

PLAINTIFFS' STATEMENT	1
I. PLAINTIFFS' CURRENT POSITION	1
II. TASK 2 (TIMELINESS STANDARDS AND COMPLIANCE WITH IAD INVESTIGATIONS)	3
III. TASK 5 (COMPLAINT PROCEDURES FOR IAD)	6
IV. TASK 45 (CONSISTENCY OF DISCIPLINE POLICY)	10
V. PURSUITS.....	10
VI. POLICE COMMISSION PROPOSAL	13
CONCLUSION.....	14
CITY'S STATEMENT	17
OVERVIEW.....	17
I. THE DEPARTMENT'S PUBLIC-FACING ACHIEVEMENTS DEMONSTRATE SIGNIFICANT CULTURAL CHANGE.....	20
A. The Department Has Sustained a Meaningful Reduction in Racial Disparity in its Police Stops	20
B. The Vast Majority of the Department's Traffic Stops are for Moving Violations	22
C. The Department's Continuing Partnership with Stanford University Supports Sustained Culture Change	23
D. Despite Limited Hiring Due to Resource Constraints, Department Attrition Has Not Resulted in Decreased Diversity	25
II. A CITYWIDE APPROACH IS CRUCIAL FOR TIMELY COMPLETION OF CLASS I INVESTIGATIONS AND TASK 2 COMPLIANCE	26
A. Parallel CPRA Investigations Not Completed in 180 Days Are Increasingly Eroding the Department's Compliance Rate	27
B. Policy Permits Extensions in Exceptional Circumstances	28
III. THE DEPARTMENT CONTINUES TO MEET THE COMPLIANCE STANDARD FOR TASK 45 SET FORTH BY THE MONITOR AT THE OUTSET OF THE SUSTAINABILITY PERIOD.....	30
A. Preliminary Findings Reflect Racial Disparity in Case Outcomes for Sworn Members in 2024	31
B. The Department Consistently Seeks Solutions Beyond the Data	34

1	IV. THE CITY IS ADDRESSING PERSISTENT CULTURAL ISSUES HINDERING COMPLIANCE WITH TASK 5.....	36
2		
3	A. The Department Has Taken Initiative to Direct Policy and Training Changes to Prevent Failures from Reoccurring.....	37
4	B. Reorganization has Strengthened the Department	38
5	V. THE CITY HAS TAKEN STEPS TO ADVANCE ITS LONG-TERM GOAL OF TRANSFERRING SOME OF IAB'S RESPONSIBILITIES TO CPRA	40
6		
7	CONCLUSION	42
8	THE OPOA'S STATEMENT	43
9	THE POLICE COMMISSION'S STATEMENT.....	EXHIBIT 3
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

PLAINTIFFS' STATEMENT

I. PLAINTIFFS' CURRENT POSITION

The Independent Monitor for the OPD has issued two NSA Sustainability Period Reports (Ninth and Tenth Sustainability Reports) since the last Case Management Conference statement. This Sustainability Period involves the monitoring of the “last remaining and most critical Negotiated Settlement Agreement Tasks: 2, 5, 20, 24, 25, 26, 30, 31, 34, 41, and 45.” (Dkt. 1525, p. 2)

As of the publication of the Tenth NSA Sustainability Period Report of the IMT in May 2025, OPD is in compliance with eight of these eleven Tasks:

1. Task 20 (Span of Control – in compliance when most recently assessed in the Third NSA Sustainability Period Report);
2. Task 24 (Use of Force Reporting Policy – in compliance per the Eighth NSA Sustainability Period Report and no longer subject to active monitoring pursuant to the Court’s 09/06/2024 Order regarding Internal Affairs Reporting)
3. Task 25 (Use of Force Investigations and Report Responsibility – in compliance per the Eighth NSA Sustainability Period Report and no longer subject to active monitoring pursuant to the Court’s 09/06/2024 Order regarding Internal Affairs Reporting);
4. Task 26 (Force Review Board (FRB) – in compliance when most recently assessed in the Third NSA Sustainability Period Report);
5. Task 30 (Executive Force Review Board (FRB) – in compliance when most recently assessed in the Third NSA Sustainability Period Report);
6. Task 31 (Officer-Involved Shooting Investigations Review Protocol – in compliance when most recently assessed in the Third NSA Sustainability Period Report);
7. Task 34 (Stop Data – in compliance when most recently assessed in the Third NSA Sustainability Period Report);

1 8. Task 41 (Use of Personnel Assessment System (PAS) and Risk
2 Management – in compliance when most recently assessed in the Third NSA
3 Sustainability Period Report)

4
5 As of this writing, OPD is not in compliance with three NSA tasks:

6 1. Task 2 (Timeliness Standards and Compliance with IAD Investigations –
7 not in compliance when most recently assessed during the Tenth NSA
8 Sustainability Period Report.),

9 2. Task 5 (Internal Affairs Division (IAD) Complaint Procedures – previously
10 in compliance when assessed by the IMT in the 79th Report, “Deferred” in the
11 First NSA Sustainability Period Report, then deemed “not in compliance”
12 according to the Second, Third, Fourth, and Fifth NSA Sustainability Period
13 Reports before returning to compliance in the Sixth and Seventh IMT
14 Reports. Task 5 then reverted to not-in-compliance during the period covered
15 by the 8th Sustainability Report, and has remained out of compliance through
16 the periods covered by the 9th and most recent 10th Sustainability Reports),
17 and

18 3. Task 45 (Consistency of Discipline – this was in partial compliance during
19 the First NSA Sustainability Period Report, then was moved to full
20 compliance during the period covered by Second NSA Sustainability Period
21 Report. Between the Third Sustainability Report and the Ninth
22 Sustainability Report issued in December 2024, the IMT has reported “no
23 compliance finding” for this Task. This was upgraded to “partial compliance”
24 in the 10th Sustainability Report issued in May 2025.)

25
26 Plaintiffs’ attorneys concur with the IMT’s assessment that OPD is not
27 currently in compliance with these three Tasks. OPD was still in compliance with
28 Task 2 at the time of the last Case Management Conference and was in compliance

1 with Task 5 as recently as April 2024. The Department has not been in compliance
2 with Task 45 since 2022.

3 The other eight Tasks that are being monitored by the IMT -- or that are no
4 longer subject to active monitoring pursuant to the Court's 09/06/2024 Order --
5 remain in compliance according to the IMT's Tenth NSA Sustainability Period
6 Report. Plaintiffs will therefore focus on Tasks 2, 5 and 45, which will determine
7 whether and when OPD is able to finally achieve full compliance with the NSA, as
8 well as developments with OPDs pursuit policy which are germane to multiple
9 Tasks as well as the general spirit of the NSA.

10 **II. TASK 2 (TIMELINESS STANDARDS AND COMPLIANCE WITH IAD**
11 **INVESTIGATIONS)**

12 Task 2 requires that the Internal Affairs Division (IAD) of the OPD complete
13 internal investigations in a timely manner. This task was inactive from 2015 to
14 July 2019, before abruptly falling out of compliance in the 62nd IMT Report. Task 2
15 was out of compliance until February 2022, when OPD once again met the
16 mathematical threshold required for compliance. OPD remained in compliance
17 with this Task through the 9th Sustainability Report, issued in December 2024.
18 However, as of the most recent (10th) Sustainability Period Report, OPD has again
19 fallen out of compliance with this Task.

20 OPD policy requires that "at least 85% of Class I misconduct investigations
21 and at least 85% of Class II misconduct investigations must be completed within
22 180 days to be considered timely." Per DGO M-03, Class I offenses "are the most
23 serious allegations of misconduct and, if sustained, shall result in disciplinary
24 action up to and including dismissal and may serve as the basis for criminal
25 prosecution."

26 The IMT reviewed 43 Class I misconduct cases during the period covered by
27 the Tenth OPD Sustainability and determined that 36 of these cases were
28 completed in a timely manner. This represented an 84% timely-completion rate,

1 which puts OPD below the 85% minimum-threshold required for compliance with
2 NSA Task 2.

3 The IMT had long warned that the timely-completion rate was been slipping
4 downward over previous sustainability period reports, and that OPD's continued
5 compliance with this Task was therefore in serious jeopardy. As recently as
6 December 2022 (during the period covered by the Second Compliance Report), OPD
7 was completing 100% of Class I misconduct cases in a timely matter. (Second
8 Sustainability Period Report, p. 3); during the period covered by the 5th through 9th
9 Sustainability Reports, the IMT determined that this number had dipped to 85-89%
10 of Class I misconduct cases completed in a timely manner.

11 The IMT also reviewed 96 Class II cases during the period covered by the
12 Tenth OPD Sustainability Report and found that 87 were in compliance with
13 established timelines. This represents a 91% timely completion rate. Although this
14 rate is above the 85% minimum requirement, Plaintiffs' attorneys note that the
15 completion rate for Class II cases was consistently higher in previous reporting
16 periods, including at 98% in the period covered by the IMT's previous review.

17 The 352nd Monthly Compliance Update issued by the Chief of Police
18 summarizes some of the cases that missed the mandated 180 day investigation
19 timelines for internal investigations. This report is appended as Exhibit 1 to this
20 Case Management Conference Statement.

21 Among Class I cases, the reasons given by OPD for failing to meet the NSA-
22 mandated timelines include, but are not limited to:

- 23 ■ "case complexity" (Exhibit 1, p. 1, IA Case 23-0510),
- 24 ■ "external delays" (Exhibit 1, p. 1, IA Case 23-0510),
- 25 ■ "scheduling conflicts with involved officers and pending CPRA concurrence"
26 (Exhibit 1, p. 2, IA Case 24-0067),
- 27 ■ "investigator reassignments" (Exhibit 1, p. 3, IA Case 24-0115),
- 28 ■ "administrative delays" (Exhibit 1, p. 3, IA Case 24-0198),

- 1 ▪ “significant case assignment delays” (Exhibit 1, p. 3, IA Case 24-0232),
- 2 ▪ “severe administrative processing failures and case tracking errors” (Exhibit
- 3 1, p. 4, IA Case 24-0742),
- 4 ▪ “cascading scheduling conflicts and personnel unavailability” (Exhibit 1, p. 3,
- 5 IA Case 24-0755), and
- 6 ▪ “case prioritization issues” (Exhibit 1, p. 3, IA Case 24-0743).

7

8 A similar outline of blown Class II deadlines attributes the Department’s

9 failures, variously, to:

- 10 ▪ “procedural complications” (Exhibit 1, p. 5, IA Case 24-0036),
- 11 ▪ “extraordinary scope and resource limitations” (Exhibit 1, p. 5, IA Case 24-
- 12 0167),
- 13 ▪ “administrative reassignments” (Exhibit 1, p. 5, IA Case 24-0114),
- 14 ▪ “witness volume and resource limitations” (Exhibit 1, p. 5, IA Case 24-0142),
- 15 ▪ “substantial assignment delays” (Exhibit 1, p. 6, IA Case 24-0649),
- 16 ▪ “assignment delays” (Exhibit 1, p. 6, IA Case 24-0695),
- 17 ▪ “intake processing delays and resource prioritization issues” (Exhibit 1, p. 6,
- 18 IA Case 24-0984), and
- 19 ▪ “delayed case assignment” (Exhibit 1, p. 6, IA Case 24-1070).

20

21 The sheer variety of excuses that OPD offered, above, is staggering, and a

22 notable departure from OPD’s demonstrated ability to sustain compliance with

23 Task 2. Again, OPD was previously in compliance with this task for so long that it

24 became inactive, before suddenly falling out of compliance with no warning. After

25 reattaining compliance, OPD entered another cycle of slowly reducing timely-

26 completion rates during the periods covered by Sustainability Reports 3-9. In spite

27 of repeated warnings from the IMT and Plaintiffs’ attorneys that OPD was newly at

28 risk of falling to meet the 85% timely completion benchmark, the Department has

1 spectacularly fallen out of compliance with this Task.

2 The Department must reckon with the underlying issue(s) that have allowed
3 such a wide-spread and cascading series of failure. What changed between the
4 periods covered by Sustainability Period 3-9 and the most recent IMT report? What
5 is the Department doing to rectify these issues? Pursuant to the Court's September
6 6, 2024 Order Regarding Internal Affairs Reporting, which states that "the Chief of
7 Police shall, on a daily basis, bear full and final responsibility for the activities of
8 the Internal Affairs Division" (Dkt. 1666, p.1), how does the Chief of Police explain
9 these systematic failures, and how does he propose to get the Department to meet
10 the timely-completion rates in Internal Affairs investigations that are mandated by
11 the NSA?

12 OPD must retain compliance with Task 2 if the Department wishes to exit
13 the Sustainability Period. Task 2 compliance is categorically different from the
14 other Tasks that remain out of compliance insofar as the metric for compliance is
15 strictly mathematical: there is an objective target that OPD must meet, and has
16 previously met. Plaintiffs' attorneys have repeatedly noted that the mandated 85%
17 timely-completion rate for OPD is substantially lower than what is required by most
18 other consent decrees, so there is no reason OPD cannot meet this threshold.
19 Furthermore, it should be noted that even if OPD meets this requirement, 15% of
20 complainants are not receiving timely notice of investigation outcomes. Therefore,
21 the downward trajectory reported by the IMT and the mathematically shortcoming
22 evidenced by the timely completion rates are wholly unacceptable and are valid
23 bases for revoking the Sustainability Period.

24 **III. TASK 5 (COMPLAINT PROCEDURES FOR IAD)**

25 Task 5 pertains to Complaint Procedures for the Internal Affairs Division,
26 and consists of several subtasks, all of which the IMT had previously found in
27 compliance, including:

- 28 • Task 5.1, which requires that when a citizen wishes to file a complaint,

1 the citizen is brought to a supervisor or IAD, or a supervisor is
2 summoned to the scene.

- 3 • Task 5.2, which requires that if there is a delay of greater than three
4 hours in supervisory response, the reason for the delay must be
5 documented.
- 6 • Task 5.3, which requires that when a complainant refuses to travel to
7 a supervisor, or wait for one, personnel make all reasonable attempts
8 to obtain specific information to assist in investigating the complaint.
- 9 • Task 5.4, which requires that specific information be documented on a
10 complaint form and submitted to the immediate supervisor or, in
11 his/her absence, the appropriate Area Commander.
- 12 • Task 5.5, which requires that the supervisor or Area Commander
13 notify Communications and forward any pertinent documents to IAD.

14 During the Sustainability Period the IMT focused on subtasks 5.15 to 5.19
15 and subtask 5.21, which address the quality of completed IAD investigations.

16 Prior to the onset of the Sustainability Period, the IMT determined that IAD
17 investigations had improved to the standards mandated by the NSA; in February
18 2022, OPD attained full compliance with Task 5. However, the First OPD
19 Sustainability Report moved the status of Task 5 from “in compliance” to “deferred
20 compliance”, and OPD was downgraded to “not in compliance” in the Second OPD
21 Sustainability Report. OPD remained out of compliance with Task 5 over the next
22 four reports as the Department, Plaintiffs’ attorneys, and the IMT crafted, refined,
23 and implemented policies relevant to the Internal Affairs function following the
24 publication of the “Conclusions and Recommendations Re: Vehicle Collision and
25 Elevator Discharge Incidents” drafted by the independent law firm, Clarence Dyer,
26 & Cohen LLP. (Dkt. 1564, “Clarence Dyer Report”)

27 Plaintiffs’ attorneys were active participants in this process and reported to
28 the Court that many of the policies they worked to craft with various stakeholders

1 within the Department were published and in effect. Accordingly, during the period
2 covered by the 7th Sustainability Report, OPD regained compliance with Task 5, and
3 it appeared that the Department was making real strides toward sustainable
4 compliance with this Task and, therefore, meeting all requirements mandated by
5 the NSA.

6 However, during the reporting period covered by the Eighth Sustainability
7 Report, the IMT “learned of investigations conducted by both the Community Police
8 Review Agency (CPRA) and an outside investigator into the actions of senior
9 members of the Department with regard to an earlier IAD investigation. The
10 outside and CPRA investigations resulted in sustained findings and discipline
11 against several senior members of the Department – to include terminations,
12 demotions, and suspension. (8th Sustainability Report, pp. 6-7). The IMT also noted
13 that “these personnel findings and systemic deficiencies transcend the Department
14 as a whole and call into question the capacity of the Department’s internal
15 investigatory process. Based on these investigations, the serious deficiencies in the
16 Department’s Internal Affairs Division render the Department out of compliance
17 with Task 5.” (8th Sustainability Report, pp. 6-7). OPD was accordingly found out of
18 compliance with Task 5.

19 Following the most recent Case Management Conference in this matter, the
20 Court issued an Order restructuring the Internal Affairs Department of OPD, which
21 includes the following:

22 ///

1 2. Until further order of the Court, the City shall restructure the organizational chart of the
2 Oakland Police Department. The Internal Affairs Division of the Oakland Police
3 Department shall be a “direct-report” to the Chief of Police. The Chief of Police shall,
4 on a daily basis, bear final and full responsibility for the activities of the Internal
5 Affairs Division. The Commander of the Internal Affairs Division shall be an
6 individual who holds the rank of Deputy Chief of Police. The Court recognizes that
7 the Chief has a myriad of other important responsibilities that this may interfere with,
8 but the Court can no longer tolerate the lack of integrity, consistency, and transparency
9 with which Internal Affairs has operated. The resolve and attention of the new Chief is
10 required to put the Department back on the path to sustainability of the NSA.

11 (Dkt. 1666, p. 1)

12 The very point of the NSA is to establish a framework for effective self-
13 governance without the perpetual involvement and/or oversight of Plaintiffs’
14 attorneys, the Monitor, and this Court. However, according to the most recent IMT
15 Sustainability Report, the IMT has “identified some concerns with IAB’s use of
16 unfounded and exonerated findings.” (10th Sustainability Report, p. 9). This echoes
17 the IMT’s criticisms of the OPD’s Internal Affairs Division in the 9th Sustainability
18 Report, which concluded that “the Department must rectify myriad issues
19 pertaining to leadership, structure, and personnel management relevant to the
20 Internal Affairs Bureau.” (9th Sustainability Period Report, p. 9).

21 OPD’s inability to fully comply with both of the actively monitored Internal
22 Affairs-related Tasks almost one year after the Court’s 09/06/2024 Order
23 restructuring the Internal Affairs Department is unacceptable. These failures must
24 be explained, reckoned with, and remedied immediately if OPD wishes to attain
25 compliance with the NSA.

26 ///

1 **IV. TASK 45 (CONSISTENCY OF DISCIPLINE POLICY)**

2 Task 45 requires that discipline is imposed in a fair and consistent manner.
3 OPD was in compliance with this NSA Task at the outset of the Sustainability
4 Period. Following the publication of the Clarence Dyer Report, the IMT
5 downgraded OPD's compliance status with Task 45 to "no compliance finding",
6 citing "systemic and other deficiencies cited by the outside investigators were
7 exacerbated by investigative and disciplinary decisions which were premised on the
8 status and positional considerations of both violators and decision-makers" (Dkt.
9 1577, Third Sustainability Period Report, p. 32). OPD remained out of compliance
10 with Task 45 through the most recent Case Management Conference, as well as the
11 period covered by the 9th Sustainability Report, which was issued in December
12 2024. The most recent IMT Report determined "no compliance finding" for Task 45,
13 although it appears that Department is making some progress on this Task.

14 Specifically, the IMT commends OPD for a "commitment to refined analysis
15 and appropriate responses to concerns consistent with the requirements of Task 45"
16 while also "noting that that commitment remains to be fully realized." (10th IMT
17 Report, p. 10).

18 The IMT and Plaintiffs' attorneys have repeatedly emphasized the
19 importance of sustainable cultural change: although policy and analyses are a
20 necessary prerequisite, they are not, by and of themselves, sufficient for compliance
21 with Task 45. Task 45 requires that discipline is imposed in a fair and consistent
22 manner, not just that infrastructure and policies for achieving that goal at a future
23 date are in place. Plaintiffs' attorneys therefore agree with the IMT that "with
24 regard to Task 45, a more specific finding by the Monitor would be inappropriate at
25 this time." (10th IMT Report, p. 10).

26 **V. PURSUITS**

27 Plaintiffs' Attorneys have engaged with Department and the Police
28 Commission on the subject of pursuits at great length. Pursuits are germane to

1 Task 5 as well as other NSA Tasks that are not being actively monitored at this
2 time, including Task 34 (Stop Data/Vehicle stops, which requires OPD to complete a
3 basic report on all vehicle stops, including pursuits, and to compile this information
4 into a database that can be searched, queried, and reported by the Department),
5 and Task 41 (Personnel Assessment System (PAS) and Risk Management, which
6 requires OPD to develop a risk management system to audit the performance of
7 specific members, employees, supervisors, managers, units, and the Department as
8 a whole. Pursuits have been discussed at length during Risk Management Meetings
9 attended by Plaintiffs' attorneys, the IMT, and Judge Orrick).

10 It is important to note that the current pursuit policy was written by two
11 former Chiefs of Police: Chief Sean Whent in 2014 and Chief LeRonne Armstrong in
12 2022. The policy was changed by Chief Whent after he did a review of pursuits in
13 2011, which showed that between March 2006 and 2011, six bystanders were killed
14 in five different pursuits OPD initiated. Chief Whent also found "Of all the high-risk
15 activities police engage in, vehicle pursuits represent the most significant threat of
16 injury or death to the general public."¹

17 Until this year, the Monitor and Plaintiffs' Attorneys have had little or no
18 input on the OPD's pursuit policy.

19 In 2025, a number of issues caused the matter of police pursuits to become a
20 significant issue in the City of Oakland. First, Governor Gavin Newsom came to
21 Oakland and held a press conference where he stated that Oakland was an "outlier"
22 compared to other cities in California in that it had so few pursuits. The current
23 Chief of Police then went to the Police Commission and asked for a number of
24 changes in the current OPD pursuit policy.

25 In fact, among the 50 biggest city police departments in California, Oakland
26 rate of police pursuits was slightly more than the average number of pursuits.

27 ¹ <https://oaklandside.org/2025/01/27/california-police-pursuit-data/> A PDF version
28 of this article is also incorporated as Exhibit 2 to the CMC statement, this quote
appears on page 21 of this article.

1 Oakland also had a higher pursuit rate between 2019 and 2022 than San Francisco,
2 San Jose, Fremont, Berkeley, Richmond, Anaheim, San Diego, Los Angeles, and
3 Richmond (Exhibit 2, p. 5), as well as a higher pursuit rate than San Francisco
4 during the period Governor Newsom was Mayor of San Francisco. (Exhibit 2, p. 4).

5 Pursuits can be incredibly dangerous, especially in crowded cities. Many
6 innocent people have been Injured or killed as a result of police pursuits. In May
7 2025, Marvin Boomer, an Oakland math teacher and Pathways coach, was killed by
8 a car being pursued by a CHP vehicle on surface streets in Oakland. The current 50
9 mph limit on pursuits, which can be overruled by a supervisor, was instituted by
10 Chief Armstrong after another innocent civilian was killed as a result of an OPD
11 pursuit in 2022.

12 Plaintiffs' attorneys are not opposed to all pursuits. Nor are we opposed to
13 reasonable changes in the pursuit policy that were recently suggested by the
14 Compliance Director. It is our hope that we can reach a reasonable accommodation
15 with the Police Chief and the Police Commission. However, we are extremely
16 mindful of the recent loss of innocent lives in Oakland in recent years. We are
17 opposed to changing the prohibition on police chases except when an officer has
18 reasonable suspicion that a suspect has committed a violent forcible crime and/or
19 crime with a gun, or if there is probable cause that the suspect has a gun. Innocent
20 people have and will be injured or killed by people being pursued. The looser the
21 rules around police chases, the more pursuits—and crashes, injuries, deaths, and
22 property destruction—there will be. Plaintiffs' counsel will never agree to pursuit
23 policies that cause more innocent people to die in Oakland.

24 Finally, we note there are a number of alternatives to at least some pursuits.
25 The OPD has a helicopter which may be able to follow some vehicles under certain
26 circumstances. The OPD also has Star Chase which can fire an object that can stick
27 to the pursued vehicle and then emit a signal as to where the vehicle goes. While
28 this will not end all pursuits, it should be viewed as an option in at least some

1 circumstances.

2 **VI. POLICE COMMISSION PROPOSAL**

3 Plaintiffs' Attorneys are opposed to the Police Commission's proposal that
4 they assume or share some of the duties of the current Compliance Director. If the
5 court is inclined to entertain this proposal, Plaintiffs' Attorneys wish to be heard at
6 the CMC.

7 We are opposed to the Police Commission's request for two basic reasons.

8 First, the City of Oakland is a defendant in this case. The Police Commission
9 is part of the City of Oakland. If the Police Commission's request were to be
10 granted, this would enable the City to participate in the decision as to whether the
11 NSA---which began and still is a lawsuit against the City of Oakland---should be
12 dismissed.

13 The decision whether to terminate the NSA should be made by the court
14 with input from the Monitor. Plaintiffs' Attorneys and the City of Oakland are
15 parties, not decision makers. Parties can make recommendations to the court, but
16 they cannot participate in the decision making process itself.

17 Second, even if the first reason were not enough, a decision to change roles at
18 this date would no doubt delay the end of the NSA. Even the Commission's own
19 proposal calls for a hearing on this issue in one year's time. The effort to iron out
20 the issues created by the Commission's proposal would be better spent in having all
21 parties work towards complying with the remaining tasks.

22 Plaintiffs' attorneys live in Oakland. We support the idea of a police
23 commission and we hope they will continue to support the reforms set forth in the
24 Negotiated Settlement Agreement. Furthermore, we see a role for the Police
25 Commission in working to end the NSA. We suggest that the Commission focus on
26 the remaining tasks in the NSA that are not in compliance and have the OPD
27 report to the commission at regular intervals as to what they have done to comply
28 with these tasks. Of course, the Commission can do whatever it wants to help the

1 City of Oakland attain compliance with the outstanding tasks and stay in
2 compliance with the existing tasks.

3 CONCLUSION

4 Although the City of Oakland continues to represent that it is on the cusp of
5 full compliance with the NSA, OPD has not yet achieved compliance with Task 45,
6 and it has once again fallen out of compliance with Tasks 2 and 5 and has never
7 been in compliance with all NSA Tasks in the Sustainability Period. The
8 Department is, by the numbers, farther away from full NSA compliance right now
9 than it was at the previous Case Management Conference.

10 The Department continues to demonstrate that it cannot investigate itself
11 and its officers to the standard mandated by the NSA. The same shortcomings that
12 have forestalled OPD's compliance with the NSA throughout the Sustainability
13 Period persist: pervasive systemic failures within Internal Affairs, as well as
14 individual failures by high ranking OPD personnel who oversee the Internal Affairs
15 Bureau. In light of the Court's 09/06/2024 Order reorganizing the Internal Affairs
16 Department to report directly to the Chief of Police, the Chief of Police now "bear(s)
17 full and final responsibility for the activities of the Internal Affairs Division" (Dkt.
18 1666, p. 1). It therefore follows that Chief Mitchell is directly accountable for the
19 Department's failure to maintain compliance with the two Internal Affairs-related
20 NSA Tasks (Tasks 2 and 5). Plaintiffs' attorneys are eager to hear how the Chief
21 will remedy these shortcomings and set the Department on the path to
22 sustainability and the completion of the NSA.

23 Acting Deputy Chief Bryan Hubbard has just submitted a number of
24 proposals to remedy the recently discovered catastrophic failure in the Internal
25 Affairs Bureau. Plaintiffs' Attorneys will be prepared to discuss these proposals in
26 the near future. Hopefully, these proposals and their implementation will remedy
27 many of the deficiencies recently discussed by the Compliance Director in their
28 recent report. However, the problems disclosed in the CPRA report, the Callahan

1 Report, and the investigations that violated 3304 deadlines are shocking
2 developments that will take some time to remedy. Plaintiffs' attorneys wonder if
3 OPD is even capable of doing this given the number of years the Department has
4 been under Federal oversight. In the past, we have proposed receivership and the
5 City of Oakland became subject to Judge Henderson's order of December 12, 2012.
6 The Court's recent Order justifiably stated that the Chief was ultimately
7 responsible for achieving compliance with the NSA. Plaintiffs' attorneys suggest
8 that the Chief specifically speak as to how he intends to comply with the NSA once
9 the reforms proposed by Acting Deputy Chief Hubbard reach training compliance.
10 We would also like to hear his plan as to how quickly Training Compliance will be
11 achieved. The Compliance Director could also tell the court in private who exactly
12 was responsible for the 3304 statute running, whether that person was disciplined
13 or not, and how this will be prevented in the future. We would also like to revisit
14 how the OPD keeps track of 3304 deadlines, and how this deadline will not be
15 "blown" in the future.

16 The NSA cannot draw to a close while the Department remains out of full
17 compliance with Tasks 2, 5 and 45. These tasks are foundational to the NSA, and to
18 constitutional policing, and OPD is in breach of the terms of the Sustainability
19 Period as of this writing by failing to maintain compliance with these Tasks. OPD
20 has repeatedly demonstrated that it cannot perform competent Internal Affairs
21 Investigations or discipline its own officers fairly, and now they are once again
22 blowing 180 day investigation deadlines as well as the State Law limit of one year
23 from the filing of a complaint to its resolution. Plaintiffs' attorneys will never agree
24 that the OPD has met the terms of the Sustainability Period unless and until OPD
25 is in full compliance with NSA Tasks 2, 5 and 45.

26 **It is therefore clear that Court and IMT oversight is still required in**
27 **this matter. OPD is not in compliance with the NSA. Plaintiffs' attorneys**
28 **once again urge the Court to modify the Sustainability Period until, at the**

1 **very least, OPD regains full compliance with each and every NSA Task.**
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THE CITY'S STATEMENT

OVERVIEW

The City's investment in the NSA has undeniably transformed policing in Oakland. The City agrees, however, that the Department remains in transition following the investigatory failures in the Chung and Tran cases, and the Department's subsequent restructuring of IAB. *See* Dkt. 1673, Sept. 4, 2024 Court Tr. 12:22-23 (Court finding "the manner in which Sergeant Chung's and Officer Tran's cases were handled is intolerable"); Dkt. 1666, Sept. 6, 2024 Court Order Regarding Internal Affairs Reporting ("the City shall restructure the organizational chart of the Oakland Police Department").

The record demonstrates that the lingering issues keeping the Department from sustaining compliance on tasks involving internal investigations are cultural rather than technical. The monitoring team has never expressed in any of its ten Sustainability Period reports that the City was out of compliance with Tasks 5 and 45 due to the Department's inability to technically comply with any enumerated subtask. The monitor's non-compliance determinations are instead rooted, fairly, in the need to cure the cultural issues that perpetuate infrequent but serious investigatory failures.

The City acknowledges that the culture change within the Department necessary to achieve compliance and end Court oversight cannot happen "without the political leadership of the City, and [the Mayor;] it has to start at the top and the commitment has to be there throughout." Dkt. 1404, Sept. 22, 2020 Court Tr. 46:1-4. On May 20, Barbara Lee was sworn in as Oakland's 52nd mayor. Mayor Lee has a long history living in and serving the people of Oakland. Until early 2025, Mayor Lee spent more than 25 years in the United States House of Representatives. Her Congressional district was based in Oakland and covered most of the northern part of Alameda County. Prior to her federal service, Mayor Lee served in both the California State Assembly and California State Senate. She attended Mills College

1 in Oakland as well as UC Berkeley. Public safety and addressing the challenges of
2 crime and violence in Oakland are priorities for Mayor Lee and she appreciates that
3 police accountability is a key component of public safety. Mayor Lee is committed to
4 fulfilling the City's promise to the community to comply with all NSA tasks.

5 In her first month in office, Mayor Lee has demonstrated her commitment to
6 change Department culture and address outstanding compliance issues effectively.
7 Mayor Lee, in collaboration with City Administrator Jestin Johnson, recruited and
8 successfully rehired Michelle Phillips. Phillips previously served as the City's
9 inaugural Inspector General (IG). Phillips will begin serving as Assistant City
10 Administrator on August 30, 2025. Phillips will play a key role in implementing
11 City leadership's initiatives impacting NSA compliance and police department
12 culture.

13 During her time as the IG in Oakland, Phillips stood up the first independent
14 civilian Office of the Inspector General (OIG) which is responsible for monitoring
15 and auditing the police department. She adopted a vision and created a structure to
16 assist with oversight and accountability, while working collaboratively with
17 community and government partners. Phillips spent the last year in Minneapolis as
18 the Director of the city's Civil Rights Department. She also previously served in
19 Baltimore City as the Deputy IG for Investigations. The City is pleased to welcome
20 Phillips back, and looks forward to her continued valuable contributions to the
21 Department's cultural and compliance progress.

22 In addition to City leadership, City oversight bodies, including the OIG and
23 the Police Commission (Commission), retain authority to drive cultural
24 transformation and ensure the Department achieves NSA compliance, in
25 accordance with the powers vested in them by the City Charter. The Commission's
26 "perspectives on where we are and where we go to get this matter done" are critical
27 to the City's success. Dkt. 1570, Jan. 24, 2023 Court Tr. 12:2-4. The Commission
28 worries, however, that the "combined position [of the Monitor and Compliance

Director] seems to have diminished the capacity of the Monitor/Director to focus fully on either role, while creating unease within the Oakland community about the Monitor's ability to steer OPD toward compliance with impartiality." Ex. 3, *Statement of the Oakland Police Commission* 8.² The monitor's assessments, which attribute non-compliance on Tasks 5 and 45 to cultural issues, yet lack specific guidance or operational recommendations, may contribute to this concern. The City's understanding, however, is that to endorse compliance, the monitor must see that the Department is technically compliant with all subtasks *and* embraces the spirit of the NSA. The City appreciates that high-level and systemic investigatory failures, even in a single case, reveal that there are significant cultural issues impacting compliance that cannot be ignored simply because the Department has technically checked each subtask compliance box.

To the extent the monitor can provide more specific direction about what is needed to sustain substantial compliance, provide compliance advice to both City leadership and oversight bodies about how they can help steer the Department toward compliance, and include more detailed and contemporaneous feedback about the Department's progress in its periodic reports,³ that may improve transparency and address the Commission's concerns and the community's unease. But it is ultimately up to the City itself to address the cultural issues hindering compliance on the remaining tasks. To ensure the success of City-led efforts, open and transparent communication is paramount between City leadership, police oversight

² The Oakland Police Commission provided the City's counsel with this statement from the Commission (Exhibit 3) for inclusion in the court filing pursuant to the Court's January 24, 2023 request for the Commission's perspective. *See* Dkt. 1570, Jan. 24, 2023 Court Tr. 5:22-23. The Oakland Police Commission's authority arises from the City's Charter. *See* The Charter of the City of Oakland, sec. 604.

³ From 2014 to 2015, Chief Warshaw (Ret.) filed separate monitor reports and compliance director reports. In September 2015, the Court suspended the requirement that the Compliance Director file regular reports, finding that the monitor's monthly reports in lieu of quarterly reports are "more contemporaneous in nature based on the prior month's activities rather than activities that occurred four to six months prior, and adequately provide a regular snapshot of [the City's] compliance efforts." Dkt. 1070.

bodies, the community, and all levels of the Department. Active participation cultivates trust, strengthens shared accountability, and builds a unified approach to achieving enduring NSA compliance. The City looks forward to engaging with the City's oversight bodies, plaintiffs' counsel, the monitor, and the community to further discuss effecting and gauging necessary culture change within the Department.

I. THE DEPARTMENT'S PUBLIC-FACING ACHIEVEMENTS DEMONSTRATE SIGNIFICANT CULTURAL CHANGE.

The Department's culture has profoundly shifted under monitoring and Court oversight. It would not be possible for the Department to sustain substantial compliance for more than one year on 49 of 51 tasks without embracing the spirit of the NSA. The use of data and data analysis in its risk management program is one of the successful strategies the Department employs to facilitate and sustain cultural change. Data-driven initiatives, including prioritizing intelligence-led stops, reducing searches based solely on parole or probation conditions (both discussed in the City's last brief), and de-emphasizing stops for non-moving and equipment violations, have helped the Department decrease racial disparities in its stops.

A. The Department Has Sustained a Meaningful Reduction in Racial Disparity in its Police Stops.

The City continues to be particularly concerned with the historical overrepresentation of Black individuals detained in police stops. *See Magnus Lofstrom, et al., Racial Disparities in Law Enforcement Stops*, 6-7 (2021), <https://www.ppic.org/publication/racial-disparities-in-law-enforcement-stops/> (last visited June 19, 2025) (Black residents are considerably overrepresented in police stops statewide, while white and Latinx residents are represented fairly proportionally in stops compared with their state population share). The Department's policy changes and command directives to reduce non-dispatch stops⁴

⁴A non-dispatch stop is a stop made because an officer observes a violation of the

have yielded a significant reduction in both the number of Black people stopped as well as the Black stop rate over the past ten years.

The Department's most recent annual stop-data report shows that in 2024, the Department continued to sustain this meaningful reduction. In 2016, 62% of non-dispatch stops were stops of Black people. By comparison, in 2024 only 43% of non-dispatch stops were stops of Black people—a 19% stop rate reduction. *See Fig. 1.*

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Afr American	59%	62%	61%	55%	51%	52%	50%	46%	41%	43%
Hispanic	20%	20%	22%	22%	26%	26%	31%	35%	35%	34%
White	11%	10%	9%	11%	12%	11%	8%	9%	10%	9%
Asian	7%	5%	5%	7%	7%	6%	6%	6%	8%	9%
Other	3%	3%	4%	5%	4%	4%	4%	5%	5%	5%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Non-Dispatch Stops Percentage by Race 2015-2024

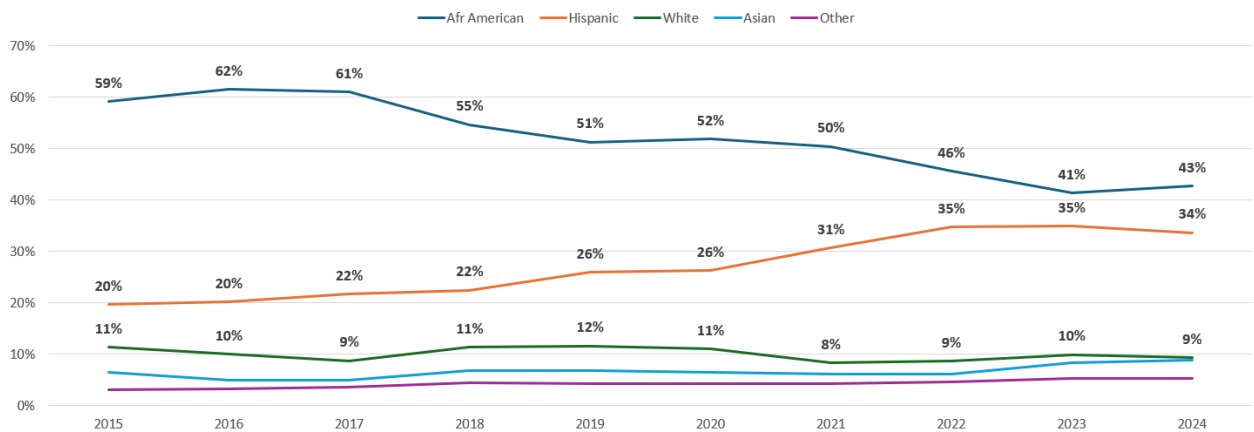


Fig. 1

The impact of this reduction on Black individuals residing in or visiting Oakland is incredibly significant. The stop-rate reduction translates to 15,000-17,000 fewer non-dispatch Black stops *every single year*. *See Fig. 2.* The Department stopped 78% fewer Black people during non-dispatch stops in 2024 than it did in 2015. *Id.*

While the Department has reduced its Black non-dispatch stop rate, its

law and chooses to initiate contact rather than a stop made because an officer is called by dispatch to respond. Officers typically have a greater amount of discretion in non-dispatch stops.

Latinx non-dispatch stop rate has risen. *See Fig 1.* The Department has continued to closely track its Latinx stop rate and routinely discusses racial disparities in its stop data as part of Area, Bureau, and Citywide risk management meetings. Although the Latinx non-dispatch stop rate has risen, the Department's overall decreased footprint has resulted in 3,500-5,500 fewer non-dispatch stops of Latinx individuals annually. *See Fig. 2.*

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	# Change 2015 to 2024	% Change 2015 to 2024
Afr American	22,506	20,410	19,784	10,924	7,517	6,189	3,099	3,570	4,273	4,884	(17,622)	-78%
Hispanic	7,504	6,685	7,047	4,492	3,809	3,131	1,890	2,724	3,608	3,848	(3,656)	-49%
White	4,335	3,318	2,835	2,282	1,701	1,323	513	681	1,026	1,071	(3,264)	-75%
Asian	2,484	1,667	1,588	1,374	991	773	381	485	865	1,018	(1,466)	-59%
Other	1,190	1,061	1,152	899	627	507	259	365	552	605	(585)	-49%
Total	38,019	33,141	32,406	19,971	14,645	11,923	6,142	7,825	10,324	11,426	(26,593)	-70%

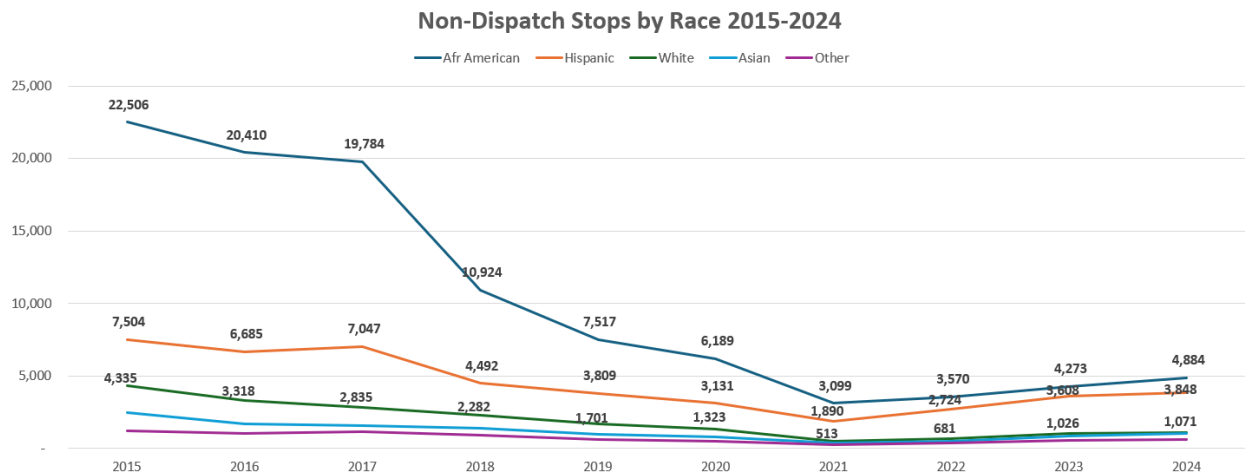


Fig. 2

B. The Vast Majority of the Department's Traffic Stops are for Moving Violations.

Studies have consistently shown that Black drivers are more likely to be stopped than white drivers for equipment and nonmoving violations, like having a taillight out (equipment violation) or expired registration (non-moving violation). *See, e.g.,* California Racial Identity and Profiling Advisory Board (RIPA) 2022 Report Quick Facts 6, available at <https://oag.ca.gov/system/files/media/ripa-quick-facts-2022.pdf> (last visited June 19, 2025). The Department has, therefore, made an intentional effort in the last several years to prioritize traffic stops for moving

violations in areas classified by the City's Department of Transportation as High-Injury Networks, and for dangerous driving.

In comparison with other California law enforcement agencies, in 2023 the Department had a substantially lower percentage of stops for nonmoving and equipment-based vehicle violations. *See Fig. 3.*

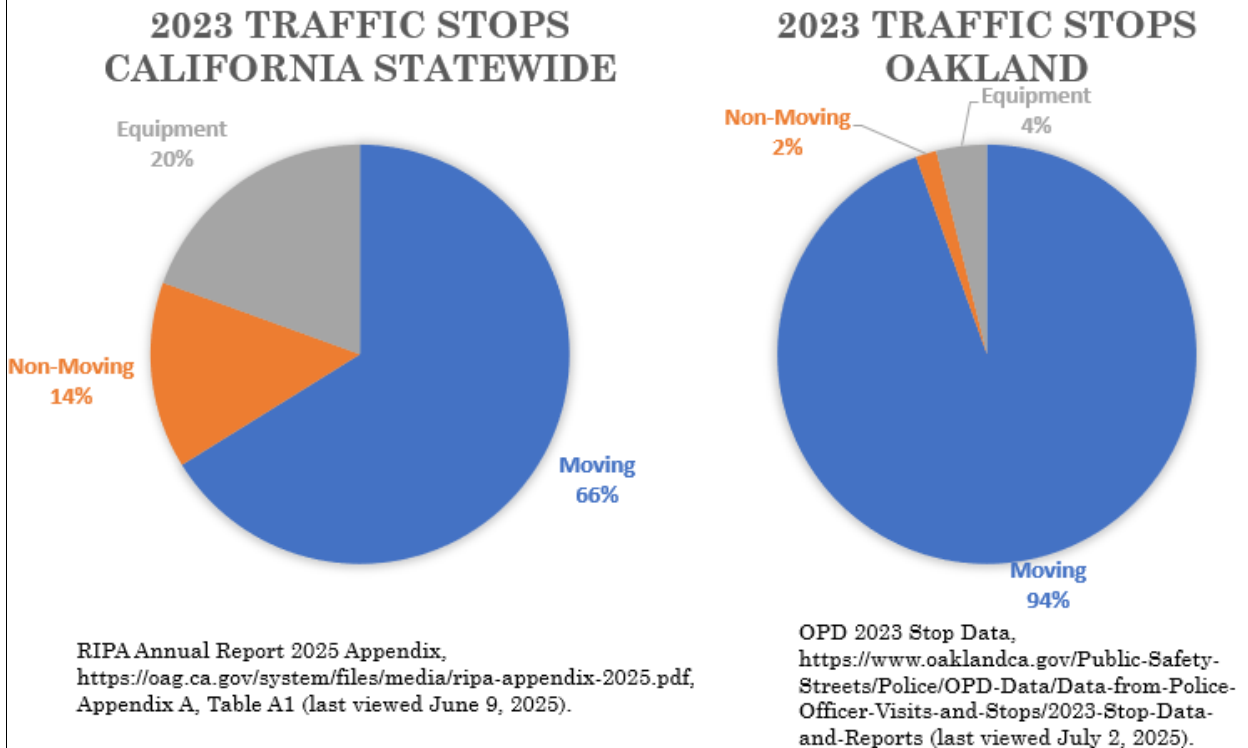


Fig. 3

The Department's de-prioritization of stops for non-moving and equipment violations likely contributes to its substantial and sustained reduction in stop disparities.

C. The Department's Continuing Partnership with Stanford University Supports Sustained Culture Change.

The California Racial and Identity Profiling Advisory (RIPA) Board recently recognized that the Department's partnership with Stanford University (Stanford) to improve Department training and accountability "reduced racial disparities and generally improved the culture of law enforcement in Oakland." 2025 RIPA Board

1 Report 129-130, available at <https://oag.ca.gov/ab953/board/reports> (last visited
2 June 19, 2025).

3 The specific intervention described in the RIPA Board Report involved
4 changing officers' decision-making by requiring officers to specifically indicate
5 whether each stop they made was intelligence-led and, if so, to provide the specific
6 source of intelligence.

7 While seemingly simple, requiring officers to indicate whether a stop is
8 intelligence-led is, in fact, a theory-driven intervention designed to
9 "mitigate specific situational triggers of bias, and in the process, alter
10 the way officers make the decision to pull someone over." This
11 intervention led to a significant drop in the number of Black drivers
12 officers stopped and reduced disparities in stops. Simply put, requiring
13 officers to check a box made them slow down and consider their reason
for making the stop, rather than relying on hunches, which can be
shaped by racial stereotypes. Additionally, asking officers to articulate
the specific source of intelligence they relied on as the basis of an
intelligence-led stop signaled that their actions were being monitored
and that they were being held accountable by their department for the
types of stops they were making.

14 *Id.* at 130. The RIPA Board stated it was encouraged by these emerging findings.

15 *Id.* at 129. The Department is proud of its engagement in such pioneering work. The
16 City is inspired to see the Department's work being promoted as a model to other
17 agencies statewide.

18 The Department's collaboration with Stanford demonstrates the type of
19 institutional-level intervention (as opposed to an individual-level intervention)
20 consistent with the broader view taken by prominent institutions in the past decade
21 that to bring about a cultural shift in policing, problematic behavior by rogue
22 officers should be "viewed as behavior that reflects institutional deficiencies." *Id.*

23 Since the last Court hearing, the City executed a new data-sharing
24 agreement with Stanford. Pursuant to the agreement, the Department will share
25 body-worn camera footage and other data to allow Stanford to continue to conduct
26 its innovative research on racial disparity and bias in policing. The City also
27 extended a separate contract with Stanford for data analysis assistance. The
28 Department is currently receiving assistance from Stanford to complete its

forthcoming annual report on internal affairs investigation outcomes and discipline. The City remains committed to continuing the meaningful collaboration between the Department and Stanford.

D. Despite Limited Hiring Due to Resource Constraints, Department Attrition Has Not Resulted in Decreased Diversity.

The City is mindful of the Court’s observation that the Department’s progress in reducing racial disparities has been furthered by “increasing the diversity of the force by gender as well as race and ethnicity.” Sept. 4, 2024 Court Tr., *supra* at 11:23-25. The City previously reported on the Department’s significant increase in non-white and female representation in its sworn ranks over the last decade. Dkt. 1660, *Joint Case Mgmt. Statement* 43-44 (Aug. 28, 2024). Despite not beginning any academy classes between July 2024 and June 2025, and despite the Department’s average attrition of 4 to 5 officers each month, officer demographics have remained largely unchanged. *See* Tables 1-3. Additionally, 9% of sworn officers are Oakland residents, the same percentage the Department has reported since 2023.

Table 1: Race*/Ethnicity* by Year – OPD Sworn Staff, June 30, 2024

Race/ Ethnicity	US 2022 Census- Oakland Pop. ⁶	OPD 2021	OPD 2022	OPD 2023	OPD 2024
Asian	15.9%	18.55%	19.23%	19.72%	20.40%
Black or African- American	21.8%	18.70%	20.52%	21.40%	21.53%
Hispanic	26.6%	27.97%	28.55%	28.95%	28.75%
Other	3.40%	3.33%	3.44%	3.92%	3.96%
White	32.3%	31.45%	28.26%	26.01%	25.36%

**Note: “Asian” includes Filipino; “Other” includes Native American and Undeclared*

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Table 2: Race/Ethnicity and Gender—OPD Sworn Staff, June 30, 2024

Race/Ethnicity	Female		Male	
Asian	10	9.8%	103	17.05%
Black or African-American	25	24.51%	127	21.02%
Filipino	2	1.96%	29	4.80%
Hispanic or Latino	37	36.27%	166	27.48%
Native American	1	0.98%	2	0.33%
Undeclared-Other	4	3.92%	21	3.48%
White or Caucasian	23	22.56%	156	25.84%
Total	102	100%	604	100%

Table 3: OPD Gender Percentages by Year Compared with 2022 National Percentage of Police Officers

Gender	National Percentage 2022	OPD 2021	OPD 2022	OPD 2023	*OPD 2024
Female	13.94%	15.65%	14.92%	14.59%	14.48%
Male	86.06%	84.35%	85.08%	85.41%	85.52%

**2023 figure shows all OPD sworn staff as of June 30, 2024*

The Department continues to seek to attract officers who reflect the racial and overall diversity of Oakland, with a focus on those with community ties to the City. The Department's 195th Academy is scheduled to begin on July 21, 2025. In its next brief, the City will provide the demographic composition of intervening academies.

II. A CITYWIDE APPROACH IS CRUCIAL FOR TIMELY COMPLETION OF CLASS I INVESTIGATIONS AND TASK 2 COMPLIANCE.

The City appreciates that completing internal investigations within policy timelines and statutory timelines builds trust with the community as well with its own officers and civilian employees by demonstrating its responsiveness. The City

1 concurs that there is no reason the Department should fail to meet the one-year
2 statutory deadline provided by Cal. Gov Code § 3304 in two consecutive quarters
3 (third and fourth quarters of 2024). IAB leadership installed in September 2024 is
4 proactively monitoring to prevent this issue from becoming a recurring problem.

5 Additionally, in the fourth quarter of 2024 (the period assessed by the
6 monitor in its June 2025 report), the Department fell to 84% for timely completion
7 of Class I investigations. For three consecutive years, from October 2021 through
8 September 2024, the Department sustained compliance with Task 2 timelines,
9 completing more than 85% of Class I and more than 85% of Class II internal affairs
10 investigations within 180 days. Dkt. 1683, *Ninth NSA Sustainability Period Report*
11 *of the Independent Monitor 2* (Dec. 20, 2024), Dkt. 1505, *Seventy-Ninth Report of the*
12 *Independent Monitor 2* (Feb. 22, 2022). In the last quarter of 2024, it timely
13 completed 91% of Class II investigations and would have met the 85% threshold for
14 Class I investigations but for a single case that was completed two days after the
15 180-day deadline. Dkt. 1698, *Tenth NSA Sustainability Period Report of the*
16 *Independent Monitor 3* (June 3, 2025).

17 **A. Parallel CPRA Investigations Not Completed in 180 Days Are**
18 **Increasingly Eroding the Department's Compliance Rate.**

19 The margins on the Department's compliance rate for Class I investigations
20 remain razor thin in many quarters despite the fact that IAB is routinely prepared
21 to close in excess of 85% of its investigations within 180 days. One of the reasons for
22 this predicament is that in cases in which CPRA is conducting a parallel
23 investigation, "agreement or disagreement with the findings must be established
24 between the Chief of Police and Executive Director prior to adjudication." IAD 23-
25 01, *IAD General Operating Procedures* 10 (Nov. 2023). This means that even when
26 IAB finishes an investigation and is ready to close the case or present sustained
27 findings to the Chief, if CPRA is investigating or is mandated by charter to
28 investigate, the Department has to wait for either written concurrence from CPRA

1 or for CPRA to present its recommended sustained findings to the Chief. When IAB
 2 completes an investigation in 180 days but CPRA's parallel investigation is
 3 incomplete, the monitor does not credit the Department for timely completing its
 4 investigation. *See, e.g., Tenth Period Report, supra* at 3. Where a single late Class I
 5 investigation closure is often the difference between compliance and non-
 6 compliance, as it was in the last quarter of 2024, the Department's ability to
 7 complete complex investigations within 180 days is frustrated if CPRA's
 8 investigation or concurrence takes longer than 180 days.

9 The difficulty lies in the fact that CPRA is permitted to take longer than 180
 10 days. The City Charter states that CPRA has 250 days to complete an investigation,
 11 although it must "make every reasonable effort" to complete investigations within
 12 180 days. Oakland City Charter, Art. VI, Sec. 604(f)(3). Although the Department
 13 has achieved compliance with Task 2 for years, its 15% margin for error has been
 14 increasingly eroded by parallel CPRA investigations.

15 For these reasons, the City appreciates that achieving long-term compliance
 16 with Task 2 requires a comprehensive Citywide strategy addressing both CPRA and
 17 Department case completion timelines.

18 **B. Policy Permits Extensions in Exceptional Circumstances.**

19 The Department recently raised with the monitor the idea of allowing for
 20 some additional flexibility in its calculation of Task 2 timelines to the extent that
 21 such flexibility is expressly permitted in Department policy.

22 The IA policy manual states, "[b]arring extenuating circumstances or
 23 extensive investigations, reasonable efforts shall be made to complete investigations
 24 within 180 days pursuant to DGO M-03." IAD 23-01, *IAD General Operating*
 25 *Procedures, supra* at 11. DGO M-03 states that Internal Affairs investigations shall
 26 be completed within 180 days "unless approved by the IAD commander." DGO M-
 27 03, *Complaints Against Department Personnel* 21 (Dec. 2017)

28 The flexibility in Department policy that allows for approved extensions in

1 extenuating circumstances or extensive investigations apparently originated from
2 an agreement between the parties in or about 2008. To be fair, the first monitoring
3 team “informed the Parties and the Court that this further extension, particularly
4 in light of the agreement to lower the compliance level to 85%, is neither necessary
5 nor advisable” and is “not consistent with best practices and works against the
6 Settlement Agreement’s goal of high quality and timely investigations.” Dkt. 456,
7 *Eleventh Status Report of the Independent Monitor* 20 (May 14, 2008). The monitor
8 nevertheless later acknowledged that the Task 2 compliance requirement was
9 “substantively modified by the Parties’ agreement that an investigation of
10 misconduct should be considered ‘timely’ even if it takes longer than 180 days to
11 complete, provided that the IAD commander approves the extension beyond 180
12 days and the IMT agrees. Extensions beyond 180 days are rarely acceptable or
13 necessary.” Dkt. 525, *Fourteenth Status Report of the Independent Monitor* 19 (Jan.
14 22, 2010).

15 The City agrees that extensions should be exceedingly rare, though
16 appropriate reasons for extensions may arise more frequently now than in 2008. For
17 example, despite the benefits of technological advancements, the volume and
18 complexities of digital evidence often necessitate longer investigation timelines.

19 The City has not yet asked the monitor to approve an extension on any
20 particular case. With Class I compliance hinging on a single case just two days
21 overdue, however, the City cannot afford to forgo asking for grace in rare instances
22 where it is warranted. The City looks forward to continuing its discussions with the
23 monitor about this issue.

24 ///

III. THE DEPARTMENT CONTINUES TO MEET THE COMPLIANCE STANDARD FOR TASK 45 SET FORTH BY THE MONITOR AT THE OUTSET OF THE SUSTAINABILITY PERIOD.⁵

The monitor agreed that the City was in compliance with Task 45 in December 2022. *See* Dkt. 1557, *Second NSA Sustainability Period Report* 31 (Dec. 22, 2022). The monitor’s assessment was based on its satisfaction with the Department’s data-driven process for identifying and mitigating disparity in internal investigation outcomes and discipline. *See id.* The monitor subsequently made “no compliance finding” on this task for more than two years, spanning the Third through Ninth Sustainability Periods, citing the Department’s failures in the collision and elevator discharge investigations. The monitor provided little feedback in its reports during that time, offering the following: “[i]t is not just about compliance. It is time for organizational introspection,” and “efforts continue to be more in the form of studies and analyses instead of real cultural change.” *See* Dkt. 1578, *Third NSA Sustainability Period Report of the Independent Monitor* 15 (Apr. 3, 2023); Dkt. 1656, *Eighth NSA Sustainability Period Report of the Independent Monitor* 15 (Aug. 2, 2024).

In its last Court filing, the City challenged the notion that its studies and data analyses did not count as efforts aimed to inspire cultural change. Dkt. 1660, *Joint Case Mgmt. Statement, supra* at 50. The monitor has since granted the Department a finding of “partial compliance.” *Tenth Period Report, supra* at 11. The City contends, however, that based on the Department’s continuing and increasingly impactful data-driven analyses, as well as its qualitative introspection, it has earned a full “in-compliance” assessment.

⁵ For nearly 20 years, the monitor “assessed Task 45 by reviewing the structure of the disciplinary process, the outcomes of cases with sustained findings, and whether the required information was included in the [Vision] database.” *Third Period Report, supra* at 31. After the monitor conceded that “those criteria were satisfied,” (*id.*), the compliance measure shifted away from the assessment criteria used for two decades and refocused on the sufficiency of the Department’s pioneering approach to use data to find and eliminate disparity. *Id.*

At the beginning of the Sustainability Period, the monitor stated that “[c]ompliance with the requirements of Task 45 depends heavily on the analysis of the disciplinary process and its outcomes. Those analyses are clearly intended to assess the degree of fairness in the process and, if necessary based on the data, to drive corrective action.” Dkt. 1540, *First NSA Sustainability Period Report* 34 (Oct. 3, 2022). The monitor subsequently found the Department in compliance with Task 45 using this measure, explaining:

The Department has taken significant steps in identifying, examining, and responding to potential disparity in the disciplinary process. It is also committed, by policy, to annual reviews of this data. That commitment is also enabled by the creation of a detailed written methodology which will guide similar examinations going forward. The work to assess disparity in discipline has been extensive, and the steps taken to this point are consistent with the Task 45 goal of ensuring that discipline is imposed in a fair and consistent manner.

However, conclusions are necessarily tentative because statistical tests of the relationships in the data were not completed; and a technical report of the research is not available for review. The completion of these, in connection with the year-end review of discipline data, will be necessary to support continued compliance with the requirements of this NSA Task.

Dkt. 1557, *Second NSA Sustainability Period Report* 31, Dec. 22, 2022. Since that assessment, the Department published its 2022 annual report on internal investigation outcomes and discipline, identified and fixed the racial disparity it observed in 2022 discipline for failure to accept or refer complaints, published its 2023 annual report on internal investigation outcomes and discipline, which did not show any disparity negatively impacting non-white sworn members, and presented at the last monitor site visit some preliminary results of its forthcoming 2024 annual report.

A. Preliminary Findings Reflect Racial Disparity in Case Outcomes for Sworn Members in 2024.

The Department remains engaged in analyzing its 2024 internal investigation outcome and discipline data; its annual report is forthcoming. During the monitor’s May 2025 site visit, the Department presented some of its preliminary

findings (*see Fig. 4*):

- White sworn members were sustained at a significantly lower rate than Black and Latinx members;
- There were only four cases where white sworn members were sustained;
- The low number of white sworn member sustained cases made it difficult to perform meaningful analysis;
- White sworn members had the highest sustained rate in 2023 and dropped to the second lowest in 2024;
- Black sworn members had the lowest sustained rate in 2023 and rose to the highest in 2024;
- The number of sustained sworn member cases fell by 50% (129 to 64); and
- The overall sworn sustained rate dropped from 8% in 2023 to 5% in 2024.

SUSTAINED CASES BY SUBJECT OFFICER RACE (2023-2024)

	2023			2024		
	Total Cases	Sustained	Percent Sustained	Total Cases	Sustained	Percent Sustained
White	348	37	11%	223	4	2%
Black	341	20	6%	351	23	7%
Latinx	512	40	8%	425	25	6%
Asian	379	26	7%	342	11	3%
Other	68	6	9%	76	1	1%
Total	1648	129	8%	1417	64	5%

Fig. 4

The Department is investigating to determine if particular factors that may have been absent in 2023 resulted in, contributed to, or correlate with the racial disparity observed in 2024 case outcomes. However, it is important to remember that whether to sustain an allegation is not a random decision akin to a coin flip, it is the culmination of many factors. Therefore, we may observe more extreme fluctuations from one year to another in case outcomes than we might expect to observe from data reflecting the outcomes in a number of random events like coin flips. Accordingly, it is important to consider both short-term and longer-term data trends when analyzing disparity to gain a clearer picture of more ingrained trends

or determine if there are cumulative impacts.

A five-year review of case outcome data shows that in 2024 there was an unusually low number of cases for white officers and an unusually low number of those cases were sustained. *See Fig. 5.* Collectively, however, from 2020 to 2024, officers across all races have similar five-year average sustained rates, with white officers having the highest sustained rate. *Id.* When numbers fluctuate year-to-year but maintain a stable five-year average, it suggests that the fluctuations are not indicative of a long-term trend but rather variations around a stable baseline. Thus, while the data fluctuation between 2023 and 2024 was more extreme, fluctuations in the opposite direction in recent years result in a relatively consistent average across all races over a five-year period, with all races averaging between a sustained rate between 6% and a 9% over that period. This indicates that the variation observed in 2024 is not part of an ingrained trend of disparate treatment or a demonstration of cumulative disparate impact.

**SUSTAINED CASES BY SUBJECT OFFICER RACE
FIVE-YEAR AVERAGE**

	2020-2024 Combined		
	Total Cases	Sustained	Percent Sustained
White	1691	147	9%
Black	1298	102	8%
Latinx	2050	162	8%
Asian	1426	87	6%
Other	290	24	8%
Total	6755	522	8%

Fig. 5

The Department is committed to searching for and eliminating disparity in investigation outcomes or discipline. Discovering that disparity exists, however, should not dictate lack of task compliance. Rather, the focus is more appropriately on the Department's demonstrated willingness and ability to effectively address observed disparities. If "[c]ompliance with the requirements of Task 45 depends

1 heavily on the analysis of the disciplinary process and its outcomes,” *First Period*
 2 *Report, supra* at 34, then it is reasonable to find the Department in compliance with
 3 Task 45 based on these achievements. The Department, however, has also engaged
 4 in further introspection.

5 **B. The Department Consistently Seeks Solutions Beyond the**
 6 **Data.**

7 The Department’s efforts to ensure consistent discipline are not limited to
 8 data analysis. In 2020, the Department created an internal working group to lead
 9 implementation of measures to ensure equity in internal investigations and
 10 training. By August 2021, the Department had implemented fifteen measures. *See*
 11 Dkt. 1467, *Joint Case Mgmt. Statement*, Ex. 2 (Aug. 25, 2021). Many of the
 12 measures derived from recommendations from the 2020 Department-commissioned
 13 police discipline disparity study. Dkt. 1371, *Joint Case Mgmt. Statement*, Ex. A,
 14 *2020 Oakland Police Department Police Discipline Disparity Study* (May 20, 2020).
 15 In September 2022, the Department published an Information Bulletin to document
 16 these strategies. Some, but not all, of the practices were added to Department
 17 policies. The Information Bulletin was just one of seven projects undertaken by the
 18 BRM’s Risk Analysis Unit specifically designed to promote internal procedural
 19 justice with a particular focus on its internal investigation and discipline process.
 20 *See* Dkt. 1541, *Joint Case Mgmt. Statement* 28 (Oct. 6, 2022); *OIA’s Discipline*
 21 *Equity and Internal Procedural Justice Report: Collected Documents Reflecting the*
 22 *Department’s Examination of Data and Information to Improve Equity in the*
 23 *Internal Investigation and Discipline Process, Academy and Field Training*
 24 *Programs, and Officer Diversity* (Sept. 2022), available at [https://cao-](https://cao-94612.s3.amazonaws.com/documents/Dept-Response-and-OIA-Discipline-Equity-and-Internal-Proc-Justice-Report-Sept-2022.pdf)
 25 [94612.s3.amazonaws.com/documents/Dept-Response-and-OIA-Discipline-Equity-](https://cao-94612.s3.amazonaws.com/documents/Dept-Response-and-OIA-Discipline-Equity-and-Internal-Proc-Justice-Report-Sept-2022.pdf)
 26 [and-Internal-Proc-Justice-Report-Sept-2022.pdf](https://cao-94612.s3.amazonaws.com/documents/Dept-Response-and-OIA-Discipline-Equity-and-Internal-Proc-Justice-Report-Sept-2022.pdf) (last viewed June 30, 2025).

27 In 2024, the Department’s Office of Internal Accountability conducted an
 28 audit to determine whether the fifteen equity interventions described in the

1 Information Bulletin remained in effect between October 2022 and December 2023.
2 *An Inspection of the Oakland Police Department's Practices to Promote Racial*
3 *Equity and Fairness in the Internal Investigation and Discipline Process, Academy*
4 *and Training Programs, and Recruitment and Hiring* (May 23, 2025), available at
5 [https://cao-94612.s3.us-west-2.amazonaws.com/documents/Inspection-of-Race-and-](https://cao-94612.s3.us-west-2.amazonaws.com/documents/Inspection-of-Race-and-Equity-Measures-FINAL-Report.pdf)
6 [Equity-Measures-FINAL-Report.pdf](https://cao-94612.s3.us-west-2.amazonaws.com/documents/Inspection-of-Race-and-Equity-Measures-FINAL-Report.pdf) (last visited July 2, 2025). The Department's
7 decision to choose this audit topic demonstrates its commitment to ensuring that
8 the Department continues to routinely employ recommended strategies to promote
9 racial equity in its internal practices, particularly in administrative investigations
10 and discipline.

11 The Department to restarted or recommitted to measures that the audit
12 found had fallen out of practice. *Department Response to An Inspection of the OPD's*
13 *Practices to Promote Racial Equity and Fairness in the Internal Investigation and*
14 *Discipline Process, Academy and Training Programs, and Recruitment and Hiring*
15 (May 30, 2025), available at [https://cao-94612.s3.us-west-](https://cao-94612.s3.us-west-2.amazonaws.com/documents/Department-Response-to-Race-Equity-Inspection.pdf)
16 [2.amazonaws.com/documents/Department-Response-to-Race-Equity-Inspection.pdf](https://cao-94612.s3.us-west-2.amazonaws.com/documents/Department-Response-to-Race-Equity-Inspection.pdf)
17 (last visited July 2, 2025). The audit also made important recommendations to
18 improve existing measures. For example, the Department puts out a quarterly
19 complaint and discipline report to provide transparency to its members about
20 recently completed administrative cases. The Department has added the race of
21 members along with each case outcome. The Department intends to add gender in
22 its future quarterly reports. This will allow give all members of the Department
23 some ability to compare discipline across race and gender each quarter, in addition
24 to the annual report.

25 The Department also re-established its Race and Equity Team with a new
26 chair and members. The Team is resuming the goals set forth in its charter,
27 including promoting inclusion and "end[ing] racial inequity in the community and
28 in the workplace." *OIA's Discipline Equity and Internal Procedural Justice Report,*

1 *supra* at 12-16. The Team analyzes race and equity outcomes and applies equity
2 tools across Departmental policies and procedures. *Id.*

3 Additionally, on June 20, 2025, the Department sent out to all members its
4 biannual anonymous survey to gauge members' perceptions about discipline equity
5 and fairness. The Department intends to work with Stanford researchers to analyze
6 the survey data.

7 The Department's achievements and commitment to consistency of discipline
8 align with both the letter and the spirit of the NSA. The Department's discovery
9 and subsequent remediation of deficiencies—whether through data analysis or
10 introspection—should be encouraged rather than penalized in order to drive further
11 self-improvement. The monitor recently stated that it “will convene a meeting of the
12 Department and the Plaintiffs’ attorneys to have a singularly focused discussion
13 regarding OPD’s initiatives related to this Task.” *Tenth Period Report, supra* at 11.
14 The City recommends that the monitor invite City leadership, the IG, and the Police
15 Commission Chair to participate in the discussion.

16 **IV. THE CITY IS ADDRESSING PERSISTENT CULTURAL ISSUES**
17 **HINDERING COMPLIANCE WITH TASK 5.**

18 There have been ten compliance periods assessed since the Court-ordered
19 Sustainability Period began in 2022. During these ten periods, the monitor has
20 never assessed the Department out of compliance on Task 5 due to deficiencies on
21 any of the enumerated subtasks. In most reports, the monitor has had no
22 disagreements with internal investigations, credibility findings, or dispositions in
23 cases it reviewed. The monitor has consistently stated that the Department is in
24 compliance on all subtasks—both in reports where it assessed the Department as
25 “in compliance” with Task 5, and in reports where it assessed the Department “not
26 in compliance” with Task 5. According to the two reports issued by the monitor in
27 the last year (December 2024 and June 2025), the Department continued its long
28 history of sustained compliance with all assessed technical requirements of Task

1 5. *Tenth Period Report, supra* at 7-9; *Ninth Period Report, supra* at 6-8.

2 The City acknowledges, however, that the Department's investigatory
3 failures in the Chung and Tran investigations through early 2023 provided a
4 reasonable basis to extend Court oversight, notwithstanding technical task
5 compliance. *See* Sept. 4, 2024 Court Tr. 13:15-16 (Court finding "It's this area []
6 that compels continued court oversight, which is well overdue to be terminated.")

7 **A. The Department Has Taken Initiative to Direct Policy and**
8 **Training Changes to Prevent Failures from Reoccurring.**

9 In the wake of the Department's failures, it revised policy and procedure to
10 prevent such failures from reoccurring. Following the Chung case, the Department
11 made several significant changes recommended by the outside investigator. Those
12 changes to policy and procedure did not take effect, however, until after the
13 investigatory failures in Tran occurred. Nonetheless, the Department is not relying
14 solely on the efficacy of the post-Chung policy changes to address its failures in the
15 Tran case. The Department completed its own "lessons learned" report to guide
16 future performance, similar to the outside investigator's conclusions and
17 recommendations published publicly in the Chung case. Ex. 4, *Case No. 23-0459*
18 *Incident Assessment and Response* (Apr. 30, 2025). The Department invited
19 feedback from the Oakland Police Commission Chair, the Community Police Review
20 Agency Director, plaintiffs' attorneys, and the monitor. The perspectives of these
21 stakeholders are reflected in the resulting policy and training recommendations.

22 The Department's response to the recommendations advocating for cultural
23 change is encouraging.

24 Culture change is the process of changing or adopting values, beliefs,
25 and behaviors. Department leadership starting with the Chief of Police
26 must address these issues head-on by consistently messaging cultural
27 values and expectations that [echo] down to officers through the
28 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

1 what policy requires but why those policy requirements are
2 important—to the Department and the community it serves. The
3 result should be that members not only better adhere to policy but that
4 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.

5 *Id.* at 9.

6 The Department is committed to translating the findings in the Tran case
7 into real and lasting organizational improvements. The decision to publicly publish
8 the lessons-learned report demonstrates the Department's commitment to
9 continuous improvement and improving community trust. Making as much of its
10 lessons-learned report public as possible allows the Department leadership, City
11 leadership, and community members to better understand what went wrong in the
12 Tran case, and how the Department intends to prevent future failures. The public
13 report also provides a cautionary tale to Department leadership and members.

14 **B. Reorganization has Strengthened the Department.**

15 The Department has also benefitted from the Court-ordered reorganization.
16 In September 2024, Internal Affairs was restructured as its own standalone bureau.
17 Deputy Chief Angelica Mendoza heads the IAB and reports directly to Chief
18 Mitchell.

19 In October 2024, the City Administrator began holding weekly meetings for
20 the Department to update City leadership and the monitor on important internal
21 investigations (hereinafter "Update Meetings"). The Update Meetings are now held
22 every other week. In addition to the City Administrator and representatives from
23 the Mayor, City Attorney's Office, and monitoring team, the Inspector General,
24 Police Commission Chair, and the CPRA Director (or representative) also typically
25 attend.

26 Chief Mitchell selects the investigations presented at each Update Meeting.
27 For investigations involving criminal allegations, updates are delivered by the
28 Criminal Investigation Division (CID) and the IAB. Other categories of

1 investigations covered include cases involving allegations defined in *IAD General*
 2 *Operating Procedures, supra* at 55, 57, as “high-profile incidents,” “serious
 3 incidents,” and “serious allegations”;⁶ cases involving misconduct referrals from a
 4 court, prosecutor, or public defender; and any other case which the Chief selects to
 5 present or for which another biweekly meeting participant requests an update. In
 6 addition to discussing ongoing important internal investigations, City leadership
 7 has also directed that the City consider and assess trends identified among
 8 important internal investigations, receive updates on administrative leave or
 9 reassignment determinations associated with these cases, and receive updates on
 10 important cases beyond their initial completion, to include prosecution, discipline,
 11 or arbitration updates. The City continues to refine its implementation of the
 12 Court’s Order to maximize the benefit of the Update Meetings.

13 The structural changes to the IAB and the regular Update Meetings create
 14 accountable leadership which, in turn, complements and supports policy. The
 15 meetings have resulted in improvements in communication between IAB and the

16 ⁶ Examples of “high-profile” incidents include, but are not limited to, the arrest of
 17 any OPD member; a complaint of a serious nature as to require some form of
 18 immediate action (e.g., emergency suspension, administrative leave, temporary
 19 reassignment, etc.); any Class 1 MOR allegation against a professional staff
 20 manager or sworn commander; or misconduct likely to generate
 21 unusual public interest (e.g., alleged criminal conduct, serious injury, death, etc.).
 22 “Serious Incidents” include a Department sworn employee-involved shooting, death
 23 or serious bodily harm caused by the action and/or inaction of a Department sworn
 24 employee, in-custody death, and/or on-duty or off-duty criminal conduct of a sworn
 25 Department employee which rises to the level of a felony or serious misdemeanor,
 26 as well as allegations for which the minimum presumed discipline for a first offense
 27 is a 30- day suspension, demotion, and/or termination.

28 “Serious Allegations” include allegations of criminal conduct; retaliation,
 discrimination, or harassment in violation of Administrative Instruction 71; use of
 position for personal gain; allegations likely to generate unusual public interest or
 require some form of immediate personnel action; and allegations that warrant
 consultation with the Office of the City Attorney (OCA) prior to investigative
 interviews.

1 Criminal Investigation Division on cases where there are internal investigations
2 involving allegations of criminal conduct. In addition, the IAB holds meetings every
3 other week with CPRA to discuss progress on parallel concurrent investigations.
4 IAB command has also taken steps to more effectively track cases post-discipline
5 and has reduced the backlog of cases in which members are awaiting *Skelly*
6 hearings. *See Tenth Period Report, supra* at 10.

7 More than two years have elapsed since the investigatory failures occurred in
8 the Tran case. More than one year has elapsed since an outside investigator hired
9 by the City completed its investigation of the investigatory failures in the Tran case.
10 While there will continue to be lapses, because human fallibility is inherent to any
11 organization, in the past year none of the Department's investigatory lapses have
12 required the monitor to step in. None of its failures have come to the attention of
13 the monitor, media, or plaintiffs' counsel prior to the City's intervention. The City's
14 system has, if not perfectly, at least adequately addressed investigatory deficiencies
15 in this last year.

16 The City is resolved to continue the Department's cultural evolution during
17 this period of transition with a primary objective of improving the integrity of
18 internal investigations.

19 **V. THE CITY HAS TAKEN STEPS TO ADVANCE ITS LONG-TERM**
20 **GOAL OF TRANSFERRING SOME OF IAB'S RESPONSIBILITIES TO**
21 **CPRA.**

22 On May 13, 2021, City Council ordered the City to "explore possible transfer"
23 of "most" of IAB to CPRA based on the recommendation of the Oakland
24 Reimagining Public Safety Task Force. *See Oakland City Council Resolution No.*
25 *88607* (Jul. 13, 2021), available at <https://oakland.legistar.com>, File No. 21-0350.
26 *See also* Dkt. 1604, *Joint Case Mgmt. Statement* 48 (Sep. 19, 2023). In June 2024,
27 the City hired consultants to assess the practical aspects of transferring IAB
28 responsibilities to CPRA. The consulting team is led by attorney Andrew Lah,
Managing Partner at Moeel Lah Fakhoury LLC, and police auditor Russell Bloom.

1 The consulting team completed its report in June 2025. *See Ex. 5, Examining the*
2 *Transfer of Oakland Police Department Internal Affairs Investigations to the*
3 *Civilian-Staffed Community Police Review Agency* (June 2025). The report
4 evaluates the potential benefits and challenges in transferring investigative
5 responsibility from IAB to CPRA.

6 Among the key benefits of transferring responsibility to CPRA, the report
7 cites increased workload efficiencies by reducing the number of parallel
8 investigations, increased availability of sworn officers to conduct traditional police
9 work by redirecting sergeants investigating lower-level misconduct and officers in
10 administrative IAB roles, and a greater number of independent officer misconduct
11 investigations. The report sets forth a recommended three-phase transition
12 framework and preliminary roadmap. Phase 1 involves adequately staffing CPRA to
13 take the lead on Charter mandated cases and reducing duplication with IAB. Phase
14 2 involves a reduction of IAB's role in CPRA-led cases. Phase 3 contemplates longer
15 term and more resource-intensive goals such as shifting Division-Level
16 Investigations, the lower level investigations handled by field sergeants, entirely to
17 CPRA.

18 The first recommended step is to have the City hire a permanent Executive
19 Director to head CPRA. CPRA is currently being headed by its fifth permanent or
20 interim Executive Director since mid-2023. The report "strongly believe[s] CPRA
21 must address its leadership situation before moving forward with a transition." *Id.*
22 at 17. The second recommended step is to have the City create a working group of
23 stakeholders "to assess next steps and course correct on issues that arise." *Id.* at 20.

24 The report does not ignore the City's fiscal challenges, ongoing federal Court
25 oversight, or NSA requirements. It recognizes, and the City concurs, that any
26 "changes will have to occur thoughtfully and with adequate staffing and funding for
27 the receiving agency (CPRA), particularly against the backdrop of the [NSA]." *Id.* at
28 3. The City's goal in shifting some IAB responsibilities to CPRA is to strengthen

1 fairness and impartiality in police misconduct investigations to help sustain
2 compliance with NSA task requirements. This transition is intended to improve
3 compliance with established standards, not to avoid monitor or Court oversight
4 accountability.

5 The City will continue to involve the monitor and plaintiffs' counsel regarding
6 the transfer of responsibilities from IAB to CPRA and will keep the Court apprised
7 of its plans and progress. The City is working toward, and certainly expects that it
8 will achieve, compliance on the remaining tasks involving internal investigations
9 apart from and prior to the transfer of responsibilities from IAB to CPRA. The City
10 shares its long-term strategic plan, however, to demonstrate that its commitment to
11 fair and impartial police misconduct investigations goes beyond simply achieving
12 NSA compliance. At the heart of this work is a shared commitment to building a
13 public safety system that earns and sustains the trust of the community and all
14 stakeholders. *Id.* at 30.

15 CONCLUSION

16 Constitutional policing is the bedrock upon which public trust is built. By
17 upholding constitutional values and demonstrating a commitment to safeguarding
18 individual rights, law enforcement can foster a culture of respect, confidence, and
19 collaboration, leading to enhanced public safety and a stronger relationship with
20 the communities they serve. The City understands that constitutional policing
21 necessitates a sustained, long-term focus on continuous improvement beyond any
22 period of judicial oversight. The City appreciates that neglecting constitutional
23 policing initiatives can undermine cultural advancements within the Department
24 and threaten the cultural transformation the Department is undergoing.
25 Consequently, the City remains committed to prioritizing and investing resources in
26 initiatives that enhance both public trust and safety, even in these financially
27 challenging times.

THE OPOA'S STATEMENT

Intervenor Oakland Police Officers Association ("OPOA") is aware that since the last Case Management Conference, the Oakland Police Department ("OPD") has directed substantial efforts toward achieving full compliance with the Negotiated Settlement Agreement ("NSA"). Although the OPOA is not privy to the entirety of the data, it is confident that OPD is situated to transition to the next phase of these proceedings.

Respectfully submitted,

Dated: July 3, 2025

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*Per Local Rule 5-1(i)(3), the filer attests that concurrence in the filing of the document has been obtained from each of the other Signatories