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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 DELPHINE ALLEN, et al.)
14 Plaintiffs,)
15 v.)
16 CITY OF OAKLAND, et al.,)
17 Defendant(s).)
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Case No. 00-cv-04599 WHO
DEFENDANT CITY OF OAKLAND'S STATUS REPORT

18 Pursuant to the Court's September 6, 2024 Order (Dkt. 1666), the defendant
19 City of Oakland submits this Status Report to update the Court on its
20 implementation of the Court's Order.

21 **I. The Oakland Police Department's Reorganization**

22 Pursuant to the Court's Order, the City restructured the organizational chart
23 of the Oakland Police Department (the Department). Effective September 14, 2024,
24 the Department removed the Internal Affairs Division from the Bureau of Risk
25 Management and created a separate bureau, the Internal Affairs Bureau (IAB).
26 Deputy Chief Angelica Mendoza is the Commander of the IAB, reporting directly to
27 Chief Mitchell. The current Department organizational chart reflecting the creation
28 of the IAB as a "direct report" to the Chief of Police is attached as Exhibit 1. The

1 IAB's internal organizational chart is attached as Exhibit 2.

2 **II. The City's Biweekly Update Meetings**

3 The City Administrator has set recurring two-hour weekly meetings for the
4 Chief of Police to provide updates on important internal investigations (hereinafter
5 "Update Meetings"). These meetings will continue to occur *at least* every other
6 week. In addition to the Court-required attendees, the meetings include the
7 Inspector General, Police Commission Chair, and Director of the Community Police
8 Review Agency (CPRA) (or representatives).

9 Chief Mitchell selects the investigations presented at each Update Meeting.
10 The investigation updates are delivered, however, by the Criminal Investigation
11 Division (CID) and the IAB. The Chief of Police is the decisionmaker in most
12 administrative cases. Therefore, having the Chief make summary statements about
13 ongoing internal investigations as a matter of course in recurring meetings could be
14 construed as prejudgment of not-yet-completed investigations. Thus, CID and IAB
15 deliver the investigation updates to protect the integrity of the final findings and
16 discipline in administrative cases.

17 One category of important internal investigations is investigations that
18 involve criminal allegations against sworn members. Under state law,
19 administrative cases against public safety officers are tolled when the alleged
20 misconduct is also the subject of a pending criminal investigation or prosecution,
21 essentially meaning the administrative case often cannot be completed until the
22 criminal case is resolved. Cal. Gov't Code § 3304(d)(2)(A) ("If the act, omission, or
23 other allegation of misconduct is also the subject of a criminal investigation or
24 criminal prosecution, the time during which the criminal investigation or criminal
25 prosecution is pending shall toll the one-year time period.") While the law does not
26 prohibit continuation of or completion of the administrative investigation where
27 there is a parallel criminal investigation or prosecution, there may be some
28 practical limitations that are advisable to avoid potentially compromising evidence

1 or jeopardizing a criminal prosecution.

2 Therefore, in the City's Update Meetings it is imperative that we include
3 updates on the *criminal side* of ongoing internal investigations. The CID and IAB
4 presentations are bifurcated to ensure that CID remains walled off from members'
5 compelled statements in the administrative investigation and from information
6 derived from any compulsory administrative process. The updates on CID's criminal
7 investigations are presented first; the CID commander does not attend the IAB
8 investigation updates.

9 The City held Update Meetings on September 26 and October 3, 2024. The
10 next meeting will occur on October 10, 2024. In addition to discussing ongoing
11 important internal investigations, City leadership has also directed that the City
12 consider and assess trends identified among important internal investigations,
13 receive updates on administrative leave or reassignment determinations associated
14 with these cases, and receive updates on important cases beyond their initial
15 completion, to include prosecution, discipline, or arbitration updates.

16 The Department's November 2023 policy revisions substantially
17 strengthened the Department's internal investigations system. The recent
18 structural changes to the IAB and City leadership Update Meetings provide clear
19 leadership accountability requirements to complement and support policy. The
20 City's thoughtful implementation of the Court's Order demonstrates the City's
21 resolve to sustain long-term NSA compliance.

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23 Respectfully submitted,

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25 Dated: October 8, 2024 BARBARA J. PARKER, City Attorney
26 BRIGID S. MARTIN, Special Counsel

27 By: /s/ BRIGID S. MARTIN
28 Attorneys for Defendants
 CITY OF OAKLAND