



# AGENDA REPORT

**TO:** City Council Members

**FROM:** Commissioner José Dorado  
Vice Chair, Police  
Commission

**SUBJECT:** Report On Independent Investigation  
On Bey Cases

**DATE:** April 15, 2021

## **RECOMMENDATION**

**Staff Recommends That The City Council Receive An Informational Report On The Independent Investigation Into The Bey Cases, And Discuss Recommendations For Action To Bring About Reconciliation And Restoration**

## **EXECUTIVE SUMMARY**

The City Council has previously asked for a presentation from the Police Commission concerning the work of the Knox & Ross Law Group with respect to investigating claims made by the Bey family regarding alleged past police misconduct.

The Council's request for information about Knox & Ross's work falls under a strict state law, codified in California Penal Code 832.7 and 832.8. That law treats all "information" about investigations or complaints against peace officers as confidential. The term "information" is very broad, and it does not appear to be ambiguous or present much room for interpretation.

The Police Commission's contract with the Knox & Ross Law Group makes it a matter of public record that Knox & Ross's charge is to "investigat[e] if there is enough evidence to reopen the CPRA cases 07-0538, 13-1062, and 16-0147." That investigation into available evidence is to aid the Commission in deciding whether or not to exercise its authority to reopen closed complaints.

With that said, any other information about Knox & Ross Law Group's work is confidential, which our independent counsel has confirmed on multiple occasions. In particular, Oakland's own Municipal Code makes it a terminable offence for the Commission to violate the confidentiality rule, whether or not the violation is intentional. On that basis, the Commission has to offer to provide confidential written updates to the Council about this matter, instead of delivering any information about it in open session.

It's worth pausing there to make a broader point about this specific state law, separate and apart from the Knox & Ross matter. The Commission encounters and discusses state confidentiality rules frequently. We have delivered multiple public trainings on the topic, including one on February 25, 2021. While reacting to that training, one member of the public stated: "Until we can get rid of this bill of rights, and some of these other confidential clauses and other limitations that don't allow the victims or the individuals who are seeking justice,

City Council  
April 20, 2021

nothing's going to much change. I can't see how you have an unbalanced system and you want to get results that are considered fair and just, it's just not going to happen.”

During our last meeting, on April 8<sup>th</sup>, one of my fellow Commissioners described this confidentiality rule as: “one of the most frustrating aspects of the work we are doing, and the work that anyone who's interested in police accountability is doing.” He went on: “I would love to find a way for the members of this Commission, as well as the public, who would like to see more information to ensure that the work is truly being done the way they expect it to be done. That energy needs to be placed in Sacramento.”

With all that said, the Commission will continue to abide by all local, state, and federal laws that apply to the important work that we do.

### **ANALYSIS AND POLICY ALTERNATIVES**

The Police Commission has been advised that the only report it could lawfully make to the City Council would be a written, confidential report. Further, the Police Commission has been advised that no further report could be made to the City Council in Open Session. For these reasons, the Police Commission is advised that no lawful alternative approaches are available other than a confidential written report to the City Council.

### **FISCAL IMPACT**

None identified.

### **PUBLIC OUTREACH / INTEREST**

There was no public outreach required for the preparation of this report beyond standard City Council noticing requirements.

### **COORDINATION**

This report was prepared in consultation with counsel.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** None.

***Environmental:*** None.

***Race & Equity:*** None immediately available given current state law.

