



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: James Beere
Interim Chief of Police

SUBJECT: OPD Skelly Hearing Process
Improvements

DATE: January 27, 2026

City Administrator Approval


[Jestin Johnson \(Feb 12, 2026 18:53:47 PST\)](#)

Date: **02/12/2026**

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report From The Oakland Police Department (OPD) On The Role Of Skelly Hearings In OPD's Discipline Process, Current Challenges In Managing Skelly Hearings, And Options To Address The Backlog Of Discipline Cases Awaiting Skelly Hearings.

EXECUTIVE SUMMARY

This informational report provides an overview of the Skelly hearing process within the Oakland Police Department (OPD), current challenges contributing to the backlog of discipline cases awaiting skelly hearings, and process improvements implemented to address these issues.

BACKGROUND / LEGISLATIVE HISTORY

A Skelly hearing is a pre-disciplinary due-process hearing required under California law and the City Administrative Instructions for non-probationary civil service public employees facing suspension, demotion, or termination. OPD has a very detailed process, governed by [Training Bulletin V-T.4 \(Attachment A\)](#), which aligns with city policy and state law.

In October 2024, there were 169 Skelly cases pending assignment. As of January 22, 2026, OPD has a backlog of 46 Skelly cases involving 64 subject officers. Nearly half (22 cases) are awaiting assignment to an eligible Skelly Hearing Officer.

Historically, the primary challenge contributing to the Skelly cases backlog was an insufficient number of trained Skelly Hearing Officers relative to the volume of pending cases. Currently, OPD has 18 trained Skelly Hearing Officers, though this number is fluid and can change based on operational needs and retirements. Additionally, recusal requirements and unanticipated leave can reduce the pool of available officers for any given case.

Legal Foundation of Skelly Hearings

The Skelly hearing derives from the 1975 California Supreme Court decision [Skelly v. State Personnel Board \(\(1975\) 15 Cal. 3d 194\)](#), which established that civil service employees have a constitutional property interest in their employment. Under federal and state constitutional protections, public employers cannot deprive employees of their property interest (their job or pay) without procedural due process. This requires: (1) notice of the proposed disciplinary action and reasons for the action; (2) a copy of charges and materials upon which the action is based; and (3) an opportunity to respond, either orally or in writing, before a reasonably impartial reviewer.

City of Oakland Legal Foundation of Skelly Hearings

The City of Oakland's Administrative Instruction 521 (AI521) (**Attachment B**): Employee Discipline Due Process Requirements. Although AI 521 was established a number of years ago it is the most updated citywide policy that governs Skelly Hearings. This framework along with state law has informed OPD policy.

OPD Policy Framework

OPD's Skelly hearing process is governed by [Training Bulletin V-T.4](#) (Due Process Hearings). October 25, 2021, an Internal Affairs Bureau Memorandum (**Attachment C**) on Scheduling Skelly Hearings went into effect.

Key policy provisions include:

- The Skelly Officer must not be a potential witness, have had a role in recommending discipline, be involved in investigating the allegations, or serve in the subject's chain of command
- The Skelly Officer has 10 business days after notification to schedule the hearing
- Members must be informed of the hearing at least 10 business days prior to the hearing date
- The hearing must be held on the subject member's regular duty day during regular duty hours; overtime is not authorized
- The Skelly Summary Report is due to the Chief of Police within 14 calendar days of the hearing.

Process Improvements Implemented

OPD has implemented the following improvements to address the Skelly backlog, in anticipation of managing our resources in a way that is efficient and fiscally responsible while the City focuses on recruitment, retention and timeliness of the due process hearings and accountability:

1. **Expanded Skelly Hearing Officers (SHO) Eligibility and Training Pipeline:** All trained lieutenants, captains, chiefs, and professional staff managers and directors ("Commanders and Managers") can now conduct Skelly hearings, subject to recusal assessments. The Internal Affairs Bureau is working with the Bureau of Risk Management – Training Division to immediately train acting lieutenants, captains, chiefs, and managers. Additionally, upon promotion to these ranks, personnel will receive Skelly

Hearing Officer training so they can be assigned cases. This creates a sustainable pipeline of trained SHOs to address current and future capacity needs.

2. **City Executive Cross-Training:** The City of Oakland Employee Relations Division has assisted OPD by identifying and utilizing other city executives to conduct Skelly hearings. While this has provided additional capacity, there are limitations: city executives have competing demands on their time, and they require training on police and professional staff practices to have a sufficient understanding of the operational and policy issues involved in OPD discipline cases.
3. **Digital Format Transition:** The Department has transitioned to digital Skelly materials, reducing preparation time and enabling faster distribution of case files.
4. **Officer Waiver Option:** Establish a formalized waiver process for officers who choose not to contest proposed discipline, allowing cases to proceed without scheduling a full hearing.
5. **Additional Personnel:** IAB has added personnel to assist with compiling Skelly files and administrative processing.
6. **VISION Integration:** Integration with the VISION tracking system provides automated reminders, deadline tracking, and email notifications.

ANALYSIS AND POLICY ALTERNATIVES

Recommended Policy Action

The Oakland Police Department recommends continued implementation of the multi-faceted approach outlined in this report to eliminate the Skelly hearing backlog and establish sustainable processes for timely due process hearings. This includes expanding the pool of trained Skelly Hearing Officers, leveraging city-wide executive resources, transitioning to digital processes, and utilizing technology solutions to reduce administrative burden.

Key Issues

The Skelly hearing backlog if not addressed timely presents significant challenges to the Department's accountability functions and federal oversight compliance. The core issues driving the backlog are:

Structural Capacity Constraints: Only 18 personnel are currently eligible to serve as Skelly Hearing Officers. Recusal requirements—which prohibit SHOs who served as witnesses, investigators, or in the subject's chain of command—further reduce the available pool for any given case. For serious misconduct cases requiring suspension for 30 or more days, demotion, or termination, hearings must be conducted by Deputy Chief or Director ranks or higher, creating additional bottlenecks given the limited number of personnel at those levels.

Administrative Workload: Skelly file preparation is labor-intensive, requiring compilation of investigative reports, body-worn camera footage, personnel records, and other documentation. Redaction of sensitive information is particularly time-consuming but necessary.

Competing Operational Demands: Commanders and executives who serve as SHOs have primary operational responsibilities that limit their availability for hearings. This is also the case when utilizing city executives from other departments, who require training on police practices and have their own departmental obligations.

Analysis of Alternatives

The Department evaluated several approaches to address the backlog:

Status Quo: Maintaining current SHO certification levels and processes would not resolve the backlog and risks further accumulation of pending cases. This alternative was rejected.

Expanded Training Pipeline: Training acting lieutenants, captains, chiefs, and managers—and institutionalizing SHO training upon promotion—addresses the root cause of capacity constraints. This creates a sustainable solution rather than a one-time fix. This alternative is recommended and is being implemented.

City Executive Cross-Utilization: Leveraging Employee Relations to identify executives from other city departments provides immediate additional capacity. However, the time required to train non-police executives on law enforcement practices and their competing departmental responsibilities limit scalability. This alternative is recommended as a supplemental measure.

Retired Annuitants or External Hearing Officers: Contracting with retired OPD command staff or qualified external hearing officers could provide surge capacity to clear an existing backlog while more sustainable measures are implemented. This option requires legal review regarding due process requirements and cost-benefit analysis. This alternative is under consideration.

Technology Solutions: Digital file management and automated redaction software address administrative bottlenecks that delay file preparation. These solutions reduce the time from investigation completion to hearing scheduling. This alternative is recommended and is being implemented.

Waiver Process Formalization: Allowing officers who do not contest proposed discipline to waive their Skelly hearing reduces unnecessary scheduling and frees SHO time for contested cases.

Rationale

The recommended multi-pronged approach addresses both immediate backlog reduction and long-term sustainability. Expanding the training pipeline ensures future capacity while city executive cross-utilization and process improvements provide near-term relief. Technology investments reduce administrative burden across all cases which may decrease in the amount of overtime used for this purpose.¹ Technology investment by way of a management, reporting and reconciliation system was a recommendation by the City Auditor in their Audit Report, [Oakland Police Department Overtime FY 2014-15 through FY 2017-18](#), released June 2019. In reference to the waiver process, it removes unnecessary hearings from the queue entirely. This combination of strategies balances operational feasibility, legal requirements, and resource constraints.

Citywide Priorities

This recommended policy action advances two of Oakland's Citywide Priorities:

¹ Since the recommendations have not been implemented yet we do not have any pre and post data. However, this is the hypotheses.

Holistic Community Safety: Timely resolution of misconduct allegations is essential to maintaining public trust and ensuring officers who violate policy are held accountable. Delays in the discipline process undermine the Department's ability to address misconduct, correct behavior, and separate employees whose conduct warrants termination. Conversely, prompt resolution builds trust with the community and provides realistic timelines for officers to anticipate a resolution. An effective, timely accountability system supports the broader goal of a police department that serves and protects all Oakland residents.

Responsive, Trustworthy Government: The Skelly hearing process is a critical component of the City's commitment to transparent and accountable governance. Eliminating the backlog demonstrates that Oakland takes employee accountability seriously and manages its processes efficiently. Progress on this issue also supports national best practices and supports good governance within the department. Timely due process for city employees reflects a government that honors both its obligations to the public and the rights of its workforce.

Skelly Backlog Status (As of January 22, 2026)

October 2024 OPD had a 169 Skelly case backlog. As of January 22, 2026, the Skelly Backlog is as follows:

- Pending Skelly hearings by case: 46²
- Skelly cases waiting for eligible Skelly Hearing Officer: 22
- Number of trained Skelly Hearing Officers: 18

Skelly Hearing Officer Pool Constraints

Skelly Hearing Officers must be reasonably impartial and noninvolved reviewers. They must disqualify themselves if they were a potential witness, had a role in recommending discipline, were involved in the investigation, or serve in the subject's chain of command. With only 18 personnel currently serving as SHOs and these recusal requirements reducing availability for specific cases, the Department faces capacity constraints.

For the most serious misconduct cases—those involving proposed termination, demotion, or lengthy suspension—Skelly hearings are typically conducted by senior executives. With limited Deputy Chiefs and executive staff available, and given recusal requirements, this creates bottlenecks for high-level discipline cases.

Policy Alternatives Under Consideration

- **Batch Scheduling for Related Cases**: Where multiple subjects are involved in the same underlying incident, coordinating hearings to be conducted by a single SHO in consecutive time blocks to maximize efficiency.
- **Tiered Hearing Assignment Based on Discipline Severity**: Reserving Deputy Chief and Captain-level SHOs for terminations, demotions, and lengthy suspensions (30+ days), while assigning trained Lieutenants and Managers to lower-level discipline cases to optimize the use of limited senior officer availability.

² The 46 pending cases involve 64 subject officers, as some cases include multiple officers involved in the same underlying incident.

- **Dedicated Skelly Hearing Officer Assignment:** Temporarily assigning one or more trained Commanders to focus primarily on clearing the backlog, with adjusted operational responsibilities during this period.
- **Coordinating with CPRA on Case Timelines:** Aligning Internal Affairs and CPRA investigation completion dates and discipline recommendations to reduce delays between sustained findings and Skelly scheduling. CPRA conducts independent investigations that run concurrently with IAD; better coordination ensures cases are ready for the discipline process without unnecessary waiting periods.
- **Implementing Redaction Software:** Deploying technology solutions to automate redaction of body-worn camera footage and sensitive documents, which is currently one of the most time-consuming aspects of Skelly file preparation.
- **Pre-Hearing Settlement Conferences:** Establishing a process where, prior to a formal Skelly hearing, the subject officer and their representative can meet with IAD to discuss potential resolution, which may result in acceptance of discipline or negotiated outcomes without requiring a full hearing.

Policy References

The Skelly hearing process is governed by Training Bulletin V-T.4 (Due Process Hearings), which establishes the legal basis, procedural requirements, and responsibilities of Skelly Hearing Officers. The October 25, 2021, Internal Affairs Division Memorandum on Scheduling Skelly Hearings provides additional operational guidance, including timelines for scheduling and notification requirements. City-wide requirements for Skelly Hearing Officers, including training and eligibility standards, are set forth in City of Oakland Administrative Instruction 521.

FISCAL IMPACT

The Skelly backlog has direct fiscal implications: officers on administrative leave awaiting hearings continue to receive salary and benefits while not performing operational duties. Expeditious resolution of Skelly hearings would reduce these costs and return officers to active duty (where discipline does not result in separation) or finalize separations more quickly. The City's fiduciary responsibility as stewards of taxpayer funds is vital to good governance and overall community trust.

PUBLIC OUTREACH / INTEREST

The Skelly hearing backlog has been discussed at Police Commission meetings and has received media attention. Community members have expressed concern that delays in the discipline process undermine accountability and public trust.

COORDINATION

This report was prepared in coordination with the City Attorney's Office.

PAST PERFORMANCE, EVALUATION, AND FOLLOW-UP

OPD provides bi-weekly updates to the Police Commission on Skelly data and process improvements. The Department will continue to track pending Skelly cases and report progress on reducing the backlog. Key metrics include the number of pending cases by case and subject, wait time for hearings, and SHO availability. These regular reports show progress overtime in

decreasing the backlog. OPD reports to the Police Commission can be found [here](#), under OPC Regular Meeting and OPC Special Meeting.

SUSTAINABLE OPPORTUNITIES

Economic: There are no direct economic opportunities associated with this report. However, reducing the Skelly hearing backlog may yield indirect fiscal benefits by minimizing the duration officers spend on administrative leave awaiting hearings, thereby reducing salary costs for personnel not performing operational duties.

Environmental: There are no environmental opportunities associated with this report.

Race & Equity: Timely and consistent administration of the discipline process advances racial equity by ensuring that all officers—regardless of race, rank, or assignment—are held to the same accountability standards within the same timeframes. Delays in the discipline process can create perceptions of unequal treatment and erode trust in the fairness of the system, both among officers and within the communities they serve. Additionally, a well-functioning accountability system supports the Department's ability to address misconduct that disproportionately impacts Oakland's Black, Latino, Asian, and other communities of color. Prompt resolution of sustained misconduct findings demonstrates the City's commitment to equitable treatment and strengthens community trust in OPD's accountability mechanisms—a critical component of the Department's efforts to repair relationships with historically over-policed neighborhoods and advance holistic community safety.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Receive An Informational Report From The Oakland Police Department (OPD) On The Role Of Skelly Hearings In OPD's Discipline Process, Current Challenges In Managing Skelly Hearings, And Options To Address The Backlog Of Discipline Cases Awaiting Skelly Hearings.

For questions regarding this report, please contact Bryan Hubbard, A/Captain of Police at bhubbard@oaklandca.gov.

2/12/2026

Respectfully submitted,

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Attachments (3):

- A: Training Bulletin V-T.4, Due Process Hearings
- B: Administrative Instruction 521: Employee Discipline – Due Process Requirements
- C: IAD Memorandum, Scheduling Skelly Hearings (October 25, 2021)