



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: James Beere
Interim Chief of Police

SUBJECT: OPD NSA Status Update

DATE: March 27, 2026

City Administrator Approval



Jestin Johnson (Apr 9, 2026 11:53:59 PDT)

Date: Apr 9, 2026

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report From OPD On OPD's Progress Toward Compliance With The Negotiated Settlement Agreement (NSA) In The Case Of Delphine Allen, Et Al., V. City Of Oakland, Et Al.

EXECUTIVE SUMMARY

In a Court Order dated May 12, 2022, the Honorable William H. Orrick declared that the Oakland Police Department had achieved substantial compliance with the NSA and ordered the one-year sustainability period¹ to begin as of June 1, 2022. On April 11, 2023, the Court expressed concerns about the City's inability to sustain compliance and subsequently issued an Order dated April 18, 2023, extending the sustainability period and reducing the number of actively monitored tasks from eleven to five. At the September 4, 2024 CMC, the Court stated that the failure of the Department to be honest and transparent when addressing officer misconduct is inexcusable and a leadership failure, and issued a Court order dated September 6, 2024, directing the Department and City to make changes to the Internal Affairs Division structure and coordination with the City leadership. The Court also removed Tasks 24 and 25 (reporting and investigating use of force) from active monitoring, leaving only three actively monitored tasks focused on Internal Affairs investigations and discipline (Tasks 2, 5 and 45). At the July 10, 2025 CMC, the Court praised Mayor Lee and stressed the key role of City leadership, stating "Executive leadership has to drive culture. The culture cannot drive the leadership." The Court also directed the submission of status reports on the City's efforts to achieve compliance to be submitted by August 26, 2025 and October 21, 2025. The most recent CMC was held on January 27, 2026.

The compliance status of the three remaining actively monitored tasks remained the same in the Monitor's most recent report ([Eleventh Sustainability Report](#), filed November 18, 2025). Tasks 2 and 5 were found Not in Compliance and Task 45 was found in Partial Compliance.

This report provides an update on compliance and the Department's progress in implementing the Court-ordered changes.

¹ Once the City achieves substantial compliance with all provisions of the NSA, the City must maintain that compliance for one-year.

BACKGROUND

In 2003, the City of Oakland entered into the NSA with the Plaintiffs to settle the *Allen v. City of Oakland* lawsuit (the “Riders” case). The NSA requires the implementation of [51 tasks](#) to promote police integrity and prevent unconstitutional policing. A court-appointed Monitor reviews and reports on compliance with each task and determines whether the task is “in compliance.” On October 24, 2019, the Council requested via the Rules and Legislation Committee a “Negotiated Settlement Agreement (NSA) Bi-Monthly Update.” At the May 11, 2021, Public Safety Committee, the Council’s request for a bi-monthly update *report* was changed to a *verbal* bi-monthly update. At the June 14, 2022, Public Safety Committee meeting, the bi-monthly update was amended to become a quarterly written informational report. OPD’s last informational report was presented to the Public Safety Committee on September 30, 2025.

ANALYSIS AND POLICY ALTERNATIVES

Monitor’s Eleventh Sustainability Period Report (November 2025)

Since the sustainability period began on June 1, 2022, the Monitor has conducted virtual quarterly site visits and issued regular reports. The Monitor published one report since the last update to the Council in September 2025, focusing on the three outstanding tasks.

- Task 2, Timeliness of Internal Affairs investigations
- Task 5, Complaint Procedures for Internal Affairs
- Task 45, Consistency of Discipline

Task 2 (Timeliness of Internal Investigations)

Until the Monitor’s [Tenth Sustainability Report](#), the Department had been in compliance with Task 2 since October 2021 ([79th Report of the Independent Monitor](#), Feb. 22, 2022) and remained in compliance through the Sustainability period ([Ninth NSA Sustainability Period Report of the Independent Monitor](#), Dec. 20, 2024). The [Tenth Sustainability Report](#) covered cases closed during the fourth quarter of 2024. During this time period, the Department completed 84% of Class I cases within 180 days, just shy of the 85% requirement. The Department also missed 3304 in two cases, and therefore discipline could not be imposed.

The [Eleventh Sustainability Report](#) covered cases closed during the first quarter of 2025. The Department remained out of compliance, only completing 65% of Class I cases within the required 180 days. The Department anticipates it may not reach full compliance with Task 2 until the Monitor reviews cases closed in the fourth quarter of 2025. Since the first quarter of 2025, the Department has been working to improve the timeliness of IA investigations and has made progress throughout the year.

Task 5 (Complaint Procedures For IAD)

Task 5 was in compliance during the [sixth](#) and [seventh](#) sustainability periods but moved to not in compliance in the [Eighth Sustainability Report](#) (September 2023) because of high profile investigations involving senior members of the Department. Task 5 has remained out of

compliance. In the [Eleventh Sustainability Report](#), the Monitor reviewed 12 cases closed between April and June 2025 and found the Department's performance with the subtasks of Task 5 to be satisfactory. The Monitor did not disagree with any of the findings in the cases reviewed, however, they did state:

There remains in the Internal Affairs Bureau a number of issues, concerns, and developments which are not yet appropriate for public discussion. It is our hope that the City will expeditiously address these matters so that our confidence – and by extension, the community's confidence – in the internal affairs process can be restored.

Task 45 (Consistency of Discipline Policy)

Task 45 had been in a status of “no compliance finding” since the [Third Sustainability Report](#) (April 2023), when the Monitor cited the Department's 2022 [Internal Investigation Outcome and Discipline Report](#) that highlighted the disparity in discipline between black and white officers for violations of Failure to Accept or Refer a Complaint (unintentional). Task 45 remained in “no compliance status” until the Monitor found it in “partial compliance” in the [Tenth Sustainability Report](#). In the [Eleventh Sustainability Report](#), the Department remained in partial compliance. The Monitor credited the Department with continuing to take steps to ensure that discipline is imposed in a fair and consistent manner. However, the report stated:

Our previously stated findings relevant to Tasks 2 and 5 inform our thinking regarding the Department's standing with Task 45. While we continue to appreciate the studies and best efforts of the Department and its leadership to address Task 45 matters, there are other issues founded in the requirements of other Tasks that have both direct and indirect impact on the Department's compliance with Task 45.

Case Management Conference

The most recent CMC was on January 27, 2026. The Court expressed optimism about the future, stating that possibly for the first time ever, the City has prioritized constitutional policing in word, deed and resources. In addition to the efforts to comply with NSA tasks, the Court acknowledged the new position of a Constitutional Policing Administrator and the commitment of the Mayor to institutionalize constitutional policing. However, the Court also stated that the City is not there yet, expressing concerns about racial disparity in discipline identified by the Department in its 2024 study and recent turmoil in the Internal Affairs Bureau.

The Court ordered the Department to prepare the 2025 statistics on internal affairs outcomes and discipline by May 1, 2026 or before, so that the parties have current data to inform our analysis and discussion at the next CMC.

See **Attachment A** for the Transcript of the January 27, 2026 CMC. The Court scheduled the next CMC for May 27, 2026.

OPD's Compliance Efforts

The City filed the Court Ordered status updates in August and October of 2025 (See **Attachments B and C**: City of Oakland's Status Report and Exhibits filed August 26, 2025 and **Attachment D**: City of Oakland's Status Report filed October 21, 2025). The status reports

shared with the Court the City's efforts to improve culture and cooperation. The biweekly meetings with City leadership to discuss important internal investigations continue to occur on a regular basis. Mayor Lee has taken an active role in officer recruitment and retention and has met with officers and new police recruits to gain a better understanding of officers' experiences and perspectives. Mayor Lee has also implemented the "One Oakland" initiative which relies on mutual support and collaboration between Committed City leaders, community leaders, and members of OPD to align Department values with the needs of the community.

The Department and Police Commission are working closely to improve cooperation on policy development so that policies are practical for officers and responsive to community needs. The Department is also meeting more frequently with the CPRA to discuss investigative timelines in an effort to improve compliance with Task 2. The CPRA has increased its efforts to close investigations within 180 days and address case backlog.

The Department has continued its partnership with Stanford Researchers to assist with the Department's annual report on internal affairs investigation outcomes and discipline and the biannual employee survey to gauge perceptions about discipline equity and fairness. A new technical assistance contract between Stanford Researchers and the City was finalized in January 2026.

In December 2026, Mayor Lee selected former Assistant Chief James Beere to serve as the Interim Police Chief. Chief Beere promoted Casey Johnson to Assistant Chief and Aaron Smith to Deputy Chief, who is leading IAB. The Mayor also created a new position, Constitutional Policing Administrator, which has been filled temporarily by Michelle Phillips (former City of Oakland Inspector General). The Constitutional Policing Administrator will assist Mayor Lee and Chief Beere in promoting local ownership and moving beyond the historical association of the NSA and compliance with external oversight.

See **Attachments E and F** for the Joint Case Management Statement and Exhibits for the January 27, 2026 CMC.

Task 2

The Department's efforts to get back into full compliance with Task 2 resulted in improvement over the course of 2025. Department policy requires internal investigations be completed within 180 days, and to be in compliance, the 180-day timeline must be met 85% of the time for Class I and Class II investigations. The Department has been able to maintain compliance with Class II investigations. Class I investigations, however, involve more serious allegations of misconduct and are typically more complicated and time consuming to conduct. There are also far fewer Class I than Class II investigations and a single late investigation closure is often the difference between compliance and non-compliance.

The most current assessment by the Monitor covered the first quarter of 2025, with only 65% of Class I investigations completed within 180 days. Based on OPD's assessment of Class I investigation timelines for the remainder of 2025, the compliance rate has been steadily improving and there is optimism that the Department will get back into full compliance for cases closed in the fourth quarter of 2025.

Personnel resources have been an obstacle in maintaining compliance with Task 2. The most serious, complex Class I investigations are usually conducted by IAB investigators, who

routinely carry a caseload of approximately 15 cases. This is double what is considered a heavy caseload.

IAB has been working to improve efficiency and identify additional personnel resources to assist investigating sergeants. Additionally, the CPRA has been increasing their staffing, which will hopefully reduce the time to complete their investigations. Although the monitor solely uses the Department's investigation completion rate to measure compliance, whether CPRA completes its investigations within 180 days impacts the Department's completion rate. When the Department completes an investigation in 180 days but CPRA's parallel investigation is incomplete, the monitor does not credit the Department for timely completing its investigation. See, e.g., [Eleventh Sustainability Period Report](#) p. 3. Instead, the monitor completely removes from its calculations any cases that the Department timely completes but CPRA does not. Given that most CPRA investigations involve Class I (more serious) allegations, the impact is more pronounced in the monitor's calculations of Class I completion rates.

Task 5

While the Department has maintained compliance with Task 5 subtasks throughout the Sustainability period, the Monitor found the Department out of compliance with Task 5 in the [Eighth Sustainability Report](#) due to investigations conducted by the CPRA and outside investigators that resulted in serious discipline for several senior members of the Department. The Department has remained out of compliance since the [Eighth Report](#). In the [Eleventh Sustainability Report](#), the Monitor again found the Department in compliance with all Task 5 subtasks, but found the Department out of compliance due to concerning issues in IAB.

The Department continues to make improvements in policy and IAB operations. In January 2026, the Police Commission approved the Department's revision of DGO M-04.1, *Criminal Investigation of Department Members and Outside Sworn Law Enforcement Personnel*. Also, the Department has completed all of the recommendations from its self-initiated lessons-learned report to address the investigatory failures in the Tran case, with the exception of the recommendation to impact positive culture change—that will remain an ongoing, continuous endeavor.

Task 45

The Department completed its analysis of [2024 investigation outcome and discipline data](#) in late 2025. The analysis found that Black and Hispanic sworn members had a significantly higher sustained rate than white members, which was a reversal from the 2023 findings. However, when looking at the five-year average (2020 to 2024), the sustained rates evened out among all race groups, with white members having the highest sustained rate. The analysis also found that the largest disparities were observed in cases that were internally generated (initiated by OPD personnel). These findings raised concerns within OPD and in its [response](#) to the analysis, the Department committed to keeping a better record of internally discovered allegations, monitoring IA case outcomes more frequently, conducting a qualitative study on equity and accountability in the IA process, and implementing additional implicit bias training and advanced race and equity training.

Per the Court's Order at the January 27, 2026 CMC, the Department is working on the 2025 IA outcome and discipline analysis so that it can share the data by May 1, 2025. The preliminary

results show no significant disparity in IA outcomes between white members and members of other races, which is an improvement from the 2024 results.

The Department is finalizing its quantitative survey results from an anonymous survey distributed to employees in June and July 2025 about perceptions of the investigation and discipline process. A citywide working group has been meeting since mid-September 2025 to plan for a qualitative study to get deeper insight into how employees feel about the IA process. Through these interviews, the Department hopes to learn more about perceptions and opinions around the fairness, transparency, and trustworthiness of the IA process. The interviews will supplement the 2025 survey data. Qualitative data collection will allow the Department to gather more insightful data than can be obtained through a traditional survey.

On February 26, 2026, the working group received approval from the Oakland Police Commission to exempt the qualitative interviews from triggering formal complaints, unless there is an allegation of criminal misconduct. This exemption will encourage participation, open dialogue and trust, as well as protect the anonymity of study participants.

See **Attachment G** for the Submission Memo to the Oakland Police Commission for the Qualitative Study.

RELATED PLANNING EFFORTS

This agenda item is a routine item and does not relate to any Oakland strategic planning efforts.

FISCAL IMPACT

This report is for informational purposes only and has no direct fiscal impact or cost.

PUBLIC OUTREACH / INTEREST

No public outreach was necessary outside of standard Council noticing and publishing requirements.

COORDINATION

OPD regularly consults with the City Administrator's Office and the Office of the City Attorney on NSA matters and reports.

RACE AND EQUITY

The OPD continues its work with Dr. Eberhardt, a distinguished social psychologist from Stanford University, who has previously collaborated with us on advancing race and equity best practices and training. The on-going partnership between OPD and Stanford underscores

OPD's commitment to fostering an inclusive environment, ensuring that all department members are equipped to serve our community with fairness and respect.

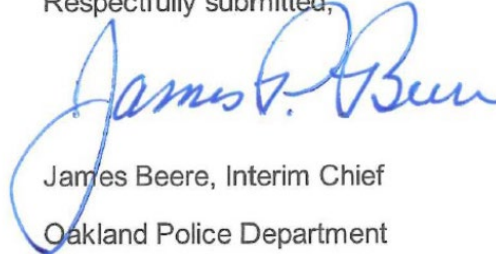
OPD's efforts to develop processes and procedures to address all NSA tasks support the citywide race and equity efforts. These efforts support contemporary, procedurally just policing that promotes community trust and public safety. OPD's efforts to show progress with the NSA tasks, as outlined in this report, support the City's efforts toward increased responsiveness and trust and community safety.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Receive An Informational Report From OPD On OPD's Progress Toward Compliance With The Negotiated Settlement Agreement (NSA) In The Case Of Delphine Allen, Et Al., V. City Of Oakland, Et Al.

For questions regarding this report, please contact Deputy Chief Lisa Ausmus, Bureau of Risk Management, at lausmus@oaklandca.gov.

Respectfully submitted,



James Beere, Interim Chief
Oakland Police Department

Reviewed by:
Lisa Ausmus, Deputy Chief
OPD, Bureau of Risk Management

Prepared by:
Kristin Burgess-Medeiros, Data Manager
OPD, Bureau of Risk Management

Attachments (7):

- A: Allen CMC transcript, January 27, 2026 CMC
- B: City of Oakland's Status Report, filed August 26, 2025
- C: City of Oakland's Status Report Exhibits, filed August 26, 2025
- D: City of Oakland's Status Report, filed October 21, 2025
- E: Joint Case Management Statement, filed January 20, 2026
- F: Joint Case Management Statement Exhibits, filed January 20, 2026
- G: Submission Memo to the Oakland Police Commission for the Department's Qualitative Study