

# OFFICE OF THE INSPECTOR GENERAL CITY OF OAKLAND



Photo Credit: Gary L. Smith

## FISCAL YEAR 2022 AND 2023: ANNUAL REPORT



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# MESSAGE FROM THE INSPECTOR GENERAL

As the director of Oakland's Office of the Inspector General (OIG) appointed January 1, 2022, it brings me great joy to present the office's fiscal year 2022-2023 Annual Report. Through Measure S1, passed in 2020 by over 80% of Oakland voters, the OIG was established to strengthen the City's ongoing police reform efforts. Since its inception, the OIG has worked diligently to deliver on its mission to ensure police accountability, enhance community trust, and increase transparency. Every staff member in the OIG takes great pride in being both an effective and ethical public servant, who is accountable to the residents of Oakland.

This document will guide readers through the office's first year and a half of operation. Readers will learn more about the OIG's organizational structure, public reports, budgeted resources, community outreach, and educational activities. In each section, they will also see that the OIG centers its efforts around the values of integrity, impartiality, community, and prudence. The essence of the OIG's day-to-day operations is to serve members of our local community, by encouraging and fostering a culture of accountability via oversight for the Oakland Police Department (OPD), Community Police Review Agency (CPRA), and the entire City of Oakland.

Over the past 18 months, my focus has been advocating for staffing resources, crafting standard operating procedures, job descriptions, and requesting a budget that would help the OIG fulfill its requirements. I have also been garnering as much knowledge as possible about policing in Oakland and its impact on the Oakland community. However, with limited resources the OIG was still committed to completing reviews. I am happy to say that we were able to release four reports to advance an effective police department and oversight structure. For community members who would like to read these documents for themselves, they are available on the OIG's website.

Alongside the OIG's substantive work, the office also partnered with non-profit organizations, residents, and fellow public servants, to engage Oakland's diverse community. Educating residents on the functions of the office, while also garnering feedback and insight, has allowed the OIG to build a strong rapport with Oaklanders. Via in-person and digital engagements, including ongoing social media campaigns, the OIG provides a direct line for community members to grow and cultivate the office.

It is such a pleasure to showcase what the OIG has accomplished thus far, understanding there is much more to be done. On behalf of the office, I would like to express my appreciation for the City of Oakland, as well as members of the community, for the ongoing support and civilian oversight reform efforts. The OIG looks forward to providing this city with the civilian oversight needed to establish a sound and constitutional public safety system.

Sincerely,



Inspector General Michelle N. Phillips  
City of Oakland, Office of the Inspector General



## AUTHORITY & SCOPE

In 2016, residents of the City of Oakland voted to approve Measure LL. This measure established the Oakland Police Commission, which is charged with overseeing the OPD policies and procedures as they relate to constitutional policing, procedural justice, equity, and accountability. Measure LL also established the CPRA, which is tasked with independently investigating public complaints of police misconduct.

In 2020, Measure S1 was passed and amended Measure LL, strengthening the City of Oakland's police reform efforts. Measure S1 established the OIG, tasking the office with overseeing OPD's compliance with policies, procedures, and laws, particularly those stemming from the Negotiated Settlement Agreement (NSA). Measure S1 specifically outlines the following jurisdiction for the OIG:

The OIG shall audit the Department's compliance with the fifty-two (52) tasks described in the Settlement Agreement in United States District Court case number COO-4599, Delphine Allen, et al., v. City of Oakland, et al., and make recommendations to the [OPD], the [Oakland Police] Commission, and the City Council based on its audit(s), even after the Settlement Agreement expires. The OIG may review legal claims, lawsuits, settlements, complaints, and investigations, by, against, or involving the Department and the [CPRA], to ensure that all allegations of police officer misconduct are thoroughly investigated, and to identify any systemic issues regarding Department and Agency practices and policies. The OIG shall have access and authority to review Department data, investigative records, personnel records, and staffing information, as permitted by law, for the purpose of conducting audits of the [OPD].

Ultimately, the OIG aims to enhance the effectiveness of OPD and CPRA by submitting recommendations. In this moment, building a stronger relationship between police officers and those they serve is paramount to improving public safety. Transparency will be key to repairing this relationship, which is why the OIG works to create greater visibility around the dynamics of policing, and civilian oversight in the City of Oakland.





## MISSION

The mission of the OIG is to ensure accountability, enhance community trust, and increase transparency via fair and thorough assessments of OPD's compliance with the law and departmental policies.

## VISION

The OIG's vision is to build an effective, independent, and civilian operated, police oversight body that maintains a culture of impartiality, transparency, and accountability in its work.

## VALUES



Strategic Planning Session with Unity  
Council: Fruitvale



Greater San Francisco Bay Area Urban  
League Empowerment Awards and Soiree  
2022



Civilians Office of Police Accountability  
Peoples Academy 2023

# PRINCIPLES & STANDARDS

The following principles shall guide and govern all the work conducted by the OIG. As an organization, the OIG will assess all actions, decisions, and reports against these principles to ensure the office meets professional standards outlined by the Association of Inspectors General and National Association for Civilian Oversight of Law Enforcement:

ACCESSIBILITY  
COLLABORATIVE  
COMMUNICATION  
COMPETENCE  
CONFIDENTIALITY  
COOPERATION  
COURAGE  
ETHICAL  
INDEPENDENCE  
INTEGRITY  
OBJECTIVITY  
PROFESSIONAL DEVELOPMENT  
PROFESSIONALISM  
PUBLIC ACCOUNTABILITY  
RELEVANCE  
TIMELINESS  
TRANSPARENCY

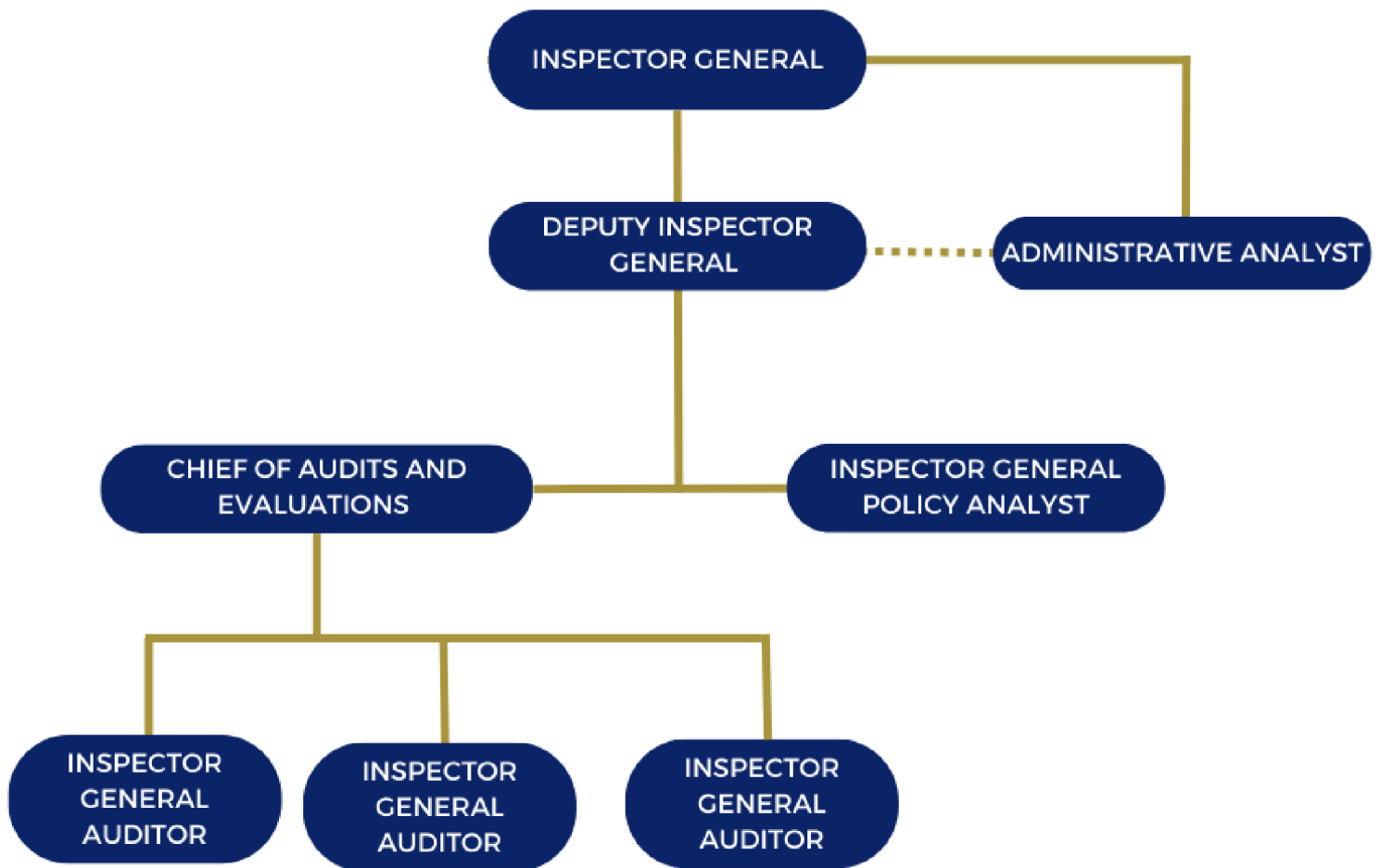
Association of Inspectors General: <https://inspectorsgeneral.org/>

National Association for Civilian Oversight of Law Enforcement: <https://www.nacole.org/>





## OIG ORGANIZATIONAL CHART



Still in its infancy, the OIG has been working with the City Administration to identify the appropriate level of staffing. With the support of the City of Oakland, the office was budgeted 8 fulltime positions. Unfortunately, the OIG has been operating with Exempt Limited Duration Employees (temporary staff members) during this time as we identify permanent staff needs. To fill these budgeted positions, the OIG will recruit individuals with the proper skill sets, commitment to community, and self-accountability required to be effective and efficient in civilian oversight. Staff must also have an understanding of the diversity, equity, and inclusion challenges across communities, particularly those in historically marginalized groups. The OIG is dedicated to filling all positions with full-time permanent staff members in the next year, to support the work and stabilize the office.

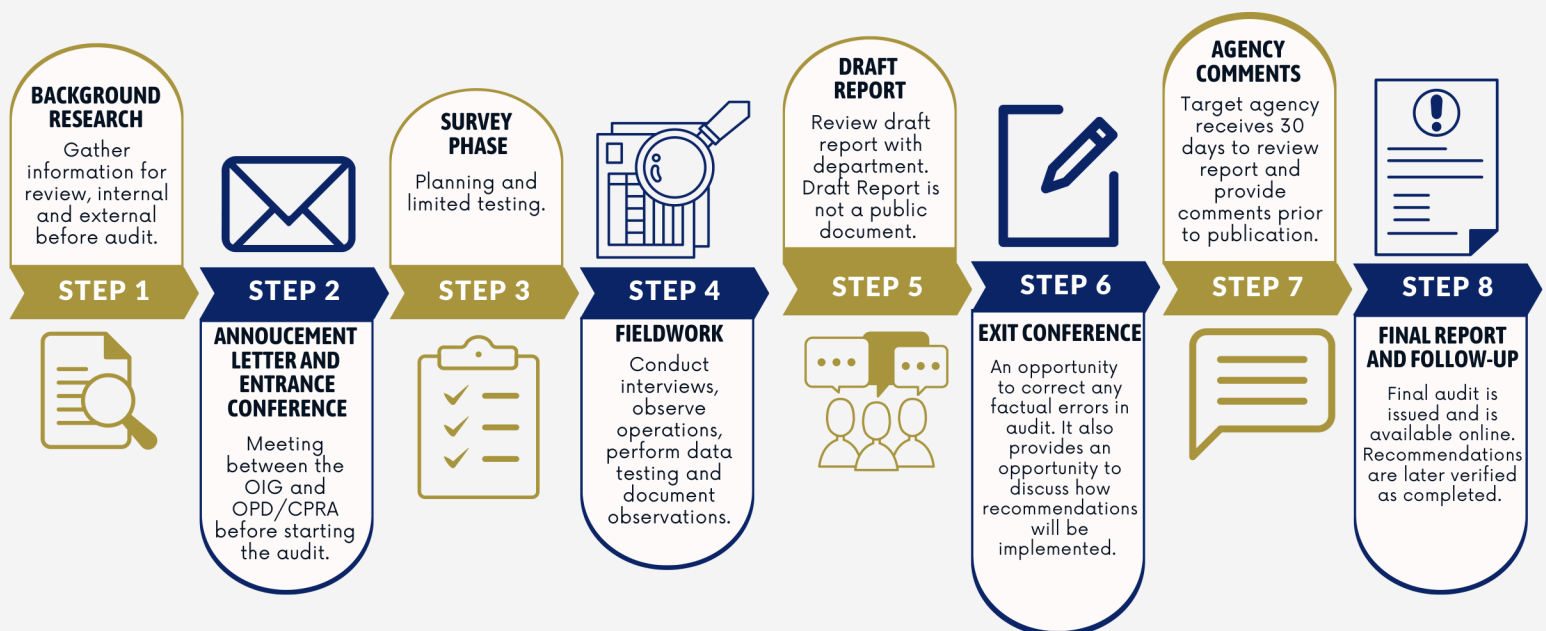
# OIG OVERVIEW: AUDITS, EVALUATIONS & INSPECTIONS

The OIG conducts program and performance-focused audits, evaluations, inspections, and reviews of OPD and CPRA. Following its discovery and findings, the OIG makes recommendations to improve the policies, procedures, and practices of these entities.

The goal of performance audits is to determine whether or not CPRA and OPD are following the directives outlined in their Standard Operating Procedures, Manual of Rules, the law, and other relevant policies. The OIG's audit priorities are set by legislative requirements, developing trends, and identified issues imbedded within OPD.

Additionally, mounting community concern with current police practices may induce an audit. As required, the Audit Section will assess whether OPD or CPRA personnel are complying with existing policies and procedures and makes recommendations to strengthen compliance and decrease risk. These reports are presented to the appropriate action holder for their review, approval, and subsequent implementation.

## PERFORMANCE AUDIT PROCESS OFFICE OF THE INSPECTOR GENERAL





# OIG REVIEW: INVESTIGATIONS AND POLICY REVIEWS

## Investigative Case Review

The primary focus of reviewing closed complaints and investigations, by CPRA and OPD's Internal Affairs Division (IAD), is to identify potential breaches in policy during their complaint intake and investigative process. Therefore, the OIG is required to complete investigative reviews to recommend revisions to current departmental policies and procedures, that will assist in effective accountability. These reviews are a priority task for fiscal year 2024.



## Policy Review

The OIG is also tasked with reviewing existing OPD and CPRA policies and procedures. Following the completion of a review, the OIG may recommend changes to existing policies or the creation of new policies. If applicable, the office will use information derived from an audit, review, inspection or evaluation to inform its recommendations. Reviews can also be initiated and informed by a community concern with an OPD or CPRA policy, procedure or practice.



## OIG PUBLIC REPORTS

Transparency is a guiding principle of the OIG. In its work the OIG strives to complete all audits, reviews, inspections and evaluations in a timely manner. The OIG releases its reports to the public in accordance with applicable laws and policies. All reports and corresponding audit responses are available for public review on the OIG website. In 2022, the OIG released four public reports, summarized below.



**Released July 8, 2022**

### **Limited Scope Preliminary Review Report of Investigation**

The OIG conducted a preliminary review into the practice of IAD providing Reports of Investigations to CPRA, prior to CPRA's completion of their independent investigations. In addition to the analysis of several relevant documents and policies, the preliminary review included rigorous discussions with OPD and CPRA, as well as legal guidance from the Oakland City Attorney's Office.

From this review, the OIG found that the Internal Affairs Division sent draft Reports of Investigations to CPRA, per their request. CPRA contended that the practice was inherited from past management. CPRA also noted that IAD has more resource, and therefore are able to complete their investigations faster.

The OIG recommended this practice of draft report sharing be discontinued immediately, to ensure each entity completes parallel independent investigations. The OIG also recommended that CPRA establish Standard Operating Procedures in accordance with the enabling ordinance.





At the end of September 2022, the OIG received a telephone call from an Oakland resident inquiring about the availability of mediation programs for community members seeking to remedy an issue with an OPD officer. This request prompted the OIG to review the status of the required mediation program, outlined in the Oakland Municipal Code – sections §2.45.070 and §2.46.060. Mediation is a form of dispute resolution that allows space for impacted parties to meet and discuss ways to resolve a problem. An effective OPD mediation program would provide community members and the officer the opportunity to safely and directly discuss the resident's complaint, via a third-party mediator.

The OIG identified two sections within the City of Oakland Municipal Code, that outlines the duties and functions of the Police Commission, CPRA, and OPD, as it relates to the development and implementation of a mediation program. To ensure relevancy, the OIG reviewed applicable City documents to capture the deferred timeline for the mediation program implementation.

The OIG reviewed other law enforcement and police oversight agencies with reported success with mediation programs to include the Pasadena Police Department, the City of Seattle's Office of Police Accountability, and the Atlanta Citizen Review Board (ACRB). The OIG spoke to National Association for Civilian Oversight of Law Enforcement (NACOLE) representatives, that offered ACRB's model as an option for the City of Oakland to consider.

The OIG recommended that the Police Commission, OPD, and CPRA, should discuss and solidify the parameters of a sustainable program, particularly the details of its implementation. Additionally, the OIG noted that all parties should work together to ensure that the implementation strategy and program plan are memorialized. Lastly, the office recommended that they collaborate with community members, and subject-matter experts, for optimal planning and implementation.



Released March 22, 2023

## Recommendation for Staffing Study & Resource Analysis Report

Prior to the appointment of the Inspector General being appointed, the City Council voted to have the OIG complete an audit of a particular operation. Before completing an audit of calls for service, the OIG recommended that the City of Oakland conduct a staffing study and resource analysis of the OPD. After a review of some of the data, the OIG was unable to identify a staffing baseline for OPD, which can be used for a benchmark for success. Upon completion of the staffing study, or a similar review, interested stakeholders would be able to:

- Identify current resources
- Determine the number of officers needed in a particular geographic area
- Decide how staffing and operational resources should be allocated

In its research, the OIG reviewed contextual information and study methodologies from the National Institute for Criminal Justice Reform (NICJR). After several meetings with the NICJR and a review of previous OPD studies, audits, and assessments, the OIG determined that the City of Oakland must establish a baseline for the number of officers and resources needed to properly respond to calls for service within each geographic area in Oakland.

Consequently, the OIG recommended that the City of Oakland allocate funding resources for a staffing study and resource analysis to be completed. The City of Oakland's City Council responded in support of this recommendation, and allocated funding for its study.





Released March 30, 2023

## Public Report

After a routine review of the City of Oakland Municipal Code, the OIG reminded the Police Commission of Enabling Ordinance section §2.45.120 – Authority of the Ethics Commission, which outlines the intersection of information sharing.

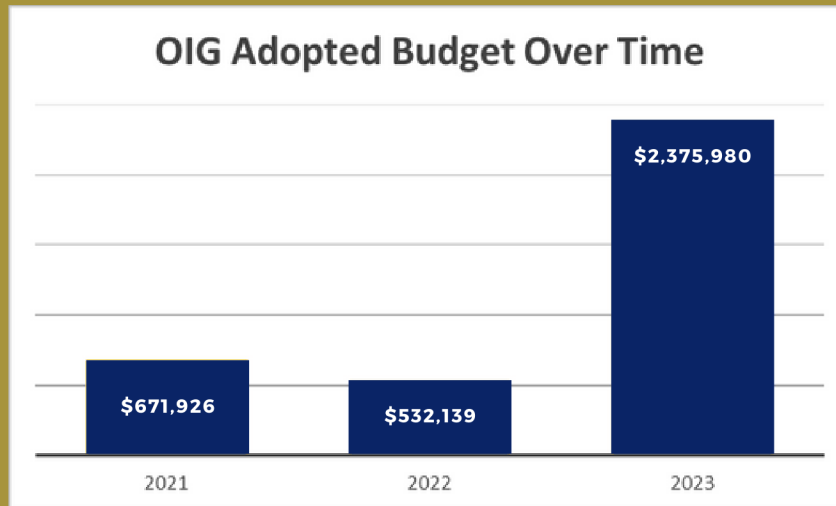
The OIG met with the Ethics Commission staff, to discuss how to procedurally enact this provision and ensure they have the necessary information for review and/or enforcement action, if required.

The OIG recommended that the Police Commission develop a policy and procedure that tracks information requests from the Police Commission to the City of Oakland Departments. Additionally, the office recommended that the Police Commission develop criteria to determine when they would initiate an ethics complaint, in accordance with Enabling Ordinance section §2.45.120. This provision would allow enforcement action should the Police Commission not receive information, they are legally entitled to receive to hold OPD accountable.

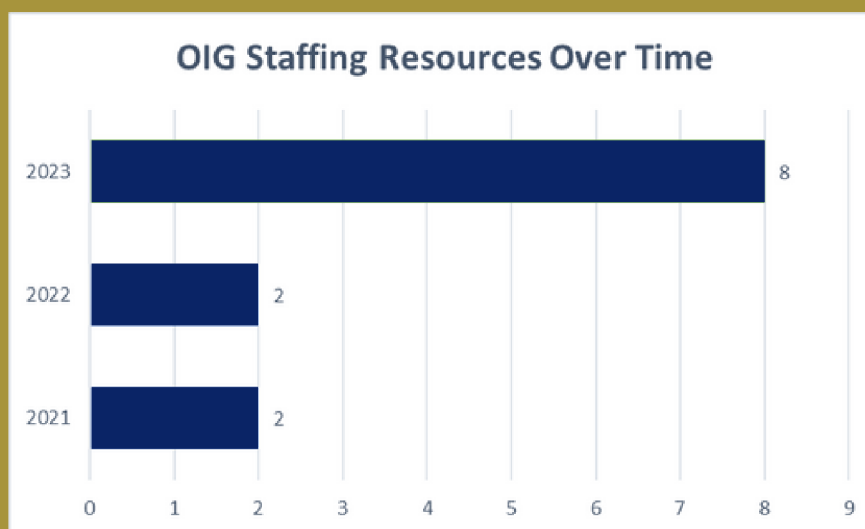


## BUDGET PROGRESSION

Oakland City Charter Section 604(e)1 states, "The City shall allocate a sufficient budget for the Commission, including [CPRA] and the OIG, to perform its functions and duties as set forth in this Charter section 604, including budgeting." Since its inception, the OIG has evolved significantly, with an overall increase in its budget and resources through the current fiscal year. In Fiscal Year 2022, for five months, the Inspector General was the only position filled. The other position was filled with a temporary staff member at the very end of the fiscal year.



Throughout her tenure, the Inspector General advocated to increase the OIG's budgeted staffing positions. From 2021 to 2023, the OIG budgeted staff positions have grown from two full time permanent staff positions to eight. Once fully staffed with permanent employees, the additional resources will allow the office to conduct more timely audits, reviews, evaluations, and inspections.





# COMMUNITY OUTREACH

The OIG is determined to build and strengthen its relationships with Oakland's community members. The office regularly participates in local engagement activities, such as professional development workshops, cultural celebrations, and community meetings. These community outreach and education efforts bring transparency and community partnerships to our work. To aid in our educational and engagement goals, we have launched two social media campaigns to answer the community's frequently asked questions (#FAQFridays) and elevate their perspectives around safety and oversight (#CandidConversation). The office's social presence continues to grow daily, increasing the OIG's ability to reach audiences most impacted by police misconduct.



Metropolitan Chamber of Commerce Board Induction



Oakland Peace Summit Planning Workshop



District 4 Public Safety Townhall



Youth Safety Conference with Higher Ground

## CONCLUSION

With tremendous work ahead, the OIG will continue to strive to deliver on its mandate to protect the civil rights of individuals who interact with OPD and ensure police accountability. Via independently and objectively examining the operations of OPD and CPRA, the office looks forward to building a stronger public safety system. The OIG remains deeply grateful for the partnership of stakeholders across Oakland.



# CONTACT US

Electronic copies of the OIG's reports, strategic plans, and brochures are available for download in a portable document format (PDF) on the City of Oakland Office of the Inspector General website. For questions concerning the contents of this report, please contact the office at (510) 238-2916.



CITY OF OAKLAND OFFICE OF THE INSPECTOR GENERAL



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