CITY OF OAKLAND

DISTRIBUTION DATE: 11/13/2026

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: James P. Beere
Chief of Police

SUBJECT: Informational Memo on Constitutional Policing After Court Oversight of the Negotiated Settlement Agreement

DATE: October 26, 2026

City Administrator Approval:

Elizabeth Lake (Nov 13, 2026 12:39:22 PST)

Date:
November 13, 2026

INFORMATION

This memorandum provides information on how the City of Oakland (City) and the Oakland Police Department (OPD) will sustain constitutional policing and the reforms achieved under the Negotiated Settlement Agreement (NSA) now that federal court oversight has ended. It describes the independent civilian oversight structure established by Oakland voters, the role of City leadership, and the OPD internal risk management system, along with the recurring reviews, reports, and public disclosures that make up the OPD accountability framework. The information is intended to give the Mayor, City Council, oversight bodies, and the public a clear picture of the mechanisms now in place to identify and address risks, maintain transparency, and continue the OPD's progress without a federal monitor.

HISTORICAL BACKGROUND

On September 30, 2026, the Honorable William H. Orrick ended federal court oversight of the OPD in *Delphine Allen, et al. v. City of Oakland, et al.*, concluding more than 23 years of federal monitoring under the NSA. The case arose from a December 2000 civil rights lawsuit that exposed grave and systemic misconduct by Oakland police officers and accused the OPD of deliberate indifference to unconstitutional policing practices. The allegations included excessive force, false arrests, falsification of police reports, planting evidence, racial profiling, and other constitutional rights violations committed against primarily young Black men.

In January 2003, the City entered into the NSA, committing to a comprehensive and long-term reform effort. The agreement required major changes to internal affairs investigations, supervision, use of force, training, reporting procedures, personnel practices, and community policing. Although originally envisioned as a five-year process, federal court oversight continued for more than two decades as the City and OPD worked toward full and sustained compliance.

Over the past 23 years, the City and OPD have undertaken significant reforms, transforming policies, practices, technology, training, accountability systems, and oversight structures. This work reflects the City's recognition of the profound harm caused by past civil rights violations and its ongoing commitment to constitutional, equitable, and community-centered policing.

This memorandum describes the internal and civilian oversight mechanisms currently in place to sustain and build upon the NSA reforms, monitor organizational risk, promote accountability and transparency, and support continued constitutional policing. While oversight mechanisms are generally codified in policy, some policies were written many years ago and have not been updated to reflect changes in practice. The City, OPD, and civilian oversight bodies are working to ensure OPD policies and procedures are updated to reflect current practices.

INDEPENDENT POLICE OVERSIGHT

In 2016 and later in 2020, Oakland voters approved the creation of an independent civilian oversight structure to strengthen accountability, promote constitutional policing, and provide ongoing oversight of OPD. The Oakland Police Commission oversees the OPD's civilian accountability functions, including the Office of Inspector General, which conducts audits and reviews of OPD policies, practices, and procedures, and the Community Police Review Agency, which independently investigates allegations of individual police misconduct.

CITY LEADERSHIP POLICE ACCOUNTABILITY

The City administration plays an important role in ongoing oversight of the OPD, and the reforms implemented through the NSA, and that work will continue now that federal court supervision has ended. The City is committed to OPD's long-term institutionalization of constitutional policing and has established a high-level leadership position, the Constitutional Policing Administrator, to support transparency, accountability, interdepartmental collaboration and communication, and constitutional policing practices. The Constitutional Policing Administrator position was created at the end of 2025, reports to the City Administrator's Office, and provides guidance, advice, and reviews on relevant policies and procedures. The position also works closely with the Chief of Police on matters involving the Bureau of Risk Management, Internal Affairs, and Fiscal and Human Resources.

OPD'S RISK MANAGEMENT SYSTEM

OPD's risk management system, derived from the accumulation of several tasks from the NSA, is codified in Department General Order (DGO) R-01, Risk Management**.** The order establishes risk-management responsibilities at all levels of the organization and provides a framework for identifying, assessing, and addressing individual and organizational risks. The Bureau of Risk Management supports these efforts by analyzing individual and organizational activity, tracking and analyzing relevant data, assessing employee performance and behavior, and conducting internal audits and inspections.

INTERNAL RISK MANAGEMENT AND OVERSIGHT ACTIVITIES

Under the NSA, the City leadership, relevant Oakland independent oversight entities, and OPD routinely review, analyze, and discuss data and investigative findings. These practices will continue as they keep all relevant parties involved and informed.

Monthly Risk Management Meetings *DGO R-01, Risk Management*	Monthly OPD command meetings analyzing, assessing, and mitigating risk with a focus on stop data, use of force, complaints, pursuits, and on-duty vehicle collisions.
Monthly Personnel Assessment System (PAS) Activity Review Panel *DGO D-17, Personnel Assessment System*	The PAS is a proactive, non-disciplinary, early identification and intervention program designed to identify and positively influence conduct, correct performance-related problems, and recognize exemplary performance. The PAS Panel reviews data and determines if an employee should be recognized for exceptional performance or requires monitoring/intervention due to at-risk behavior or substandard performance.
Force Review Boards *DGO K-04.1, Force Review Boards*	Force Review Boards are convened to analyze and assess performance in Level 1 and 2 use of force incidents and investigations, in-custody death incidents and investigations, and vehicle pursuit-related death incidents and investigations. The Boards make recommended findings to the Chief of Police.
Pursuit Review Boards *DGO G-04, Department Safety*	The OPD Safety Committee reviews pursuit reports and investigations.
Collision Review Boards *DGO G-04, Department Safety*	The OPD Safety Committee reviews on-duty vehicle collision reports and investigations.
Internal Affairs Trend Reports *DGO R-01, Risk Management*	The OPD Bureau of Risk Management prepares regular reports on complaint findings, sustained rates, trends, and training points.
Force Review Board Trend Reports *DGO K-04.1, Force Review and Executive Force Review Boards*	The OPD Bureau of Risk Management prepares regular reports summarizing the outcomes of each incident reviewed by a Force Review Board, along with reminders and training points.

Pursuit Review Board Trend Reports *DGO J-04, Pursuit Driving*	The Bureau of Risk Management prepares regular reports summarizing pursuit outcomes, common trends in recent pursuits, reminders, and training points.
Department Annual Management Report Meetings *DGO A-07, Annual Management Reports*	The Chief of Police, Assistant Chief, and Deputy Chiefs meet individually with Division Commanders and Managers to review their respective annual management reports. The reports for each Unit cover staffing, accomplishments, challenges, expectations, budgets, internal affairs data, and use of force data.
High Profile Case Meetings *Federal Court Order Regarding Internal Affairs Reporting, filed September 6, 2024*	The Mayor, City Administrator, Office of the City Attorney, Constitutional Policing Administrator, Chief of Police, CPRA Director, and Inspector General meet twice a month to review important cases, investigation status, and investigative timelines.
Bi-monthly Constitutional Policing Core Group Meetings	The Mayor, City Administrator, Office of the City Attorney, Constitutional Policing Administrator, OPD Commanders, and Police Commission Chair meet every other week to discuss sustained compliance with the NSA reforms and organizational improvement.

PUBLIC TRANSPARENCY AND OVERSIGHT

To promote transparency, OPD publishes studies, audits, inspections, and survey findings and presents data and information in public forums, including but not limited to the Public Safety Committee, Police Commission, and OPD community engagement events.

Bi-Annual Community Risk Management Meetings	The OPD has committed to hosting a risk management meeting for the community twice a year to give the public an opportunity to see the data OPD reviews monthly, observe how OPD assesses the data, and ask questions about the data and the process.
Bi-Annual Informational Report to the Oakland Public Safety Committee on Constitutional Policing *Oakland City Council Request*	At the City Council's request, OPD provides periodic informational reports on NSA compliance efforts to the Public Safety Committee. OPD will continue reporting twice a year on compliance with NSA reforms, data trends, improvements needed, and accomplishments.

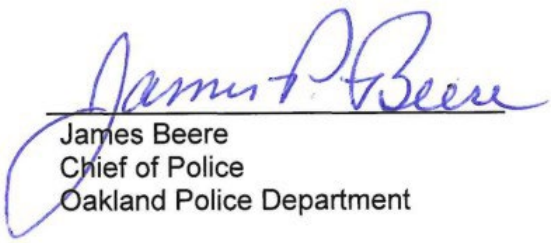
Stop Data *DGO M-19, Prohibitions Regarding Racial Profiling*	The Bureau of Risk Management publishes data on individuals stopped and a summary of stop data statistics, including stops by race and gender, intel-led stops, reason for stops, and stop outcomes.
Use of Force Data	The OPD publishes use-of-force data, including every use of force by every officer on every subject.
Department Annual Management Report *DGO A-07, Annual Management Reports*	The OPD prepares an annual management report comprised of individual annual reports completed by each functional Unit. Each Unit's reports cover staffing, accomplishments, challenges, expectations, budgets, internal affairs data, and use-of-force data.
Annual IA Outcome and Discipline Study *DGO R-01, Risk Management*	The Bureau of Risk Management conducts an annual study of sustained rates and discipline by race, gender, and rank to identify and address any potential demographic disparities. Prior annual studies have recommended further review of specific areas or additional studies. In 2026, OPD did a follow-up study on informal corrective action documented in Supervisory Notes Files to assess racial and gender disparity in the informal corrective action process. Additionally, the OPD has launched a qualitative study on employee perceptions of the Internal Affairs process to collect candid, detailed insights from employees across all ranks and bureaus. This in-depth inquiry will allow the OPD to better understand workplace dynamics and the lingering influence of past internal affairs issues, helping leadership address the deeper drivers of trust concerns.
Bureau of Risk Management Audits/Inspections *Training Bulletin V-P, Guidelines for Audits and Inspections*	The Bureau of Risk Management conducts audits and inspections each year on a variety of topics. Reports are publicly available on the OPD's website.
Biennial Internal Affairs Perception Survey	The OPD has committed to conducting a biennial survey to assess employee perceptions of the internal affairs process, from complaint intake to discipline. The most recent survey was conducted in 2025.

CONCLUSION

The conclusion of federal court oversight marks a significant milestone for the City and the OPD, but it is not an endpoint. The reforms achieved under the NSA are now embedded in Department policy, in the OPD Bureau of Risk Management's analytical and audit functions, and in a layered oversight structure that includes the Police Commission, the Office of Inspector General, the Community Police Review Agency, the Constitutional Policing Administrator, and the City's elected and appointed leadership. The practices described in this memorandum, including regular data review, independent investigation, public reporting, and candid self-assessment, were built over more than two decades and are designed to endure without federal oversight. The OPD recognizes that public trust is sustained through consistent performance rather than declared intentions, and it is committed to demonstrating, through its data, its transparency, and its conduct, that constitutional policing in Oakland is our foundation and not a condition of court supervision.

For questions, please contact Lisa Ausmus, Deputy Chief of Police, Bureau of Risk Management, Oakland Police Department, at LAusmus@Oaklandca.gov.

Respectfully submitted,



James Beere
Chief of Police
Oakland Police Department

Prepared by:

Kristin Burgess
Police Services Manager
Risk Analysis and Compliance Unit
Bureau of Risk Management

Reviewed by:

Lisa Ausmus
Deputy Chief of Police
Bureau of Risk Management