



OAKLAND POLICE COMMISSION

REGULAR MEETING AGENDA

JANUARY 8, 2026 - 5:30 PM

Hearing Room 2, First Floor (1 Frank H. Ogawa Plaza) Oakland

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department to ensure its policies, practices, and customs conform to national standards of constitutional policing and to oversee the Office of the Inspector General, led by the civilian Office of the Inspector General for the Department, as well as the Community Police Review Agency (CPRA), led by the Executive Director of the Agency, which investigates police misconduct and recommends discipline.

Please note that Zoom links will be for observation only.
Public participation via Zoom is not possible currently.



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PUBLIC PARTICIPATION

The Oakland Police Commission welcomes and encourages public participation in its meetings. Please review the options below for observing the meeting and providing public comment:

OBSERVE THE MEETING

- Television:
Watch the meeting on KTOP Channel 10 via:
 - Xfinity (Comcast)
 - AT&T Channel 99 (City of Oakland KTOP - Channel 10)
- Online (Zoom Video Conference):
Join via video at the scheduled meeting time:
<https://us02web.zoom.us/j/88294451366>
Instructions: [Joining a Meeting by Video](#)
- Phone (Audio Only):
Dial at the scheduled meeting time:
 - +1 669 444 9171, **Meeting ID: 882 9445 1366#**
 - +1 669 900 9128 (San Jose), Meeting ID: 882 9445 1366#*If prompted for a participant ID, press #.*

Note: Zoom may only be used to observe. Public comment will not be taken via Zoom.

PROVIDE PUBLIC COMMENT IN PERSON

- To comment, complete a speaker card for each agenda item you wish to address.
- Speaker cards must be submitted before public comment begins for that item.
- Submit your speaker card to the Chief of Staff before being recognized.

Guidelines:

- Comments must be specific to the written agenda item listed on the card.
- Comments not tied to a listed item will be designated as Open Forum.
- One comment per person per agenda item.
- Speaking time limit: 2 minutes per comment. Time is not transferable.
- Groups sharing the same position may designate a spokesperson (3-minute time limit).

E-COMMENT (Written Submission Only)

- Submit written comments via the [Public Comment & Question Submission Form](#).
- E-comments must be submitted at least 24 hours before the meeting.
- Clearly indicate the agenda item your comment relates to.
- All comments are subject to a 2-minute time limit.
- Only one Open Forum comment per person will be accepted.



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- I. **Call to Order, Welcome, Roll Call, Determination of Quorum (and Read-Out from Prior Meeting, if any)**
Roll Call: Chair Ricardo Garcia-Acosta
Vice Chair Shawana Booker, Commissioners Wilson Riles, Shane Williams, Samuel Dawit, Angela Jackson-Castain, and Alternate Commissioner Omar Farmer

- II. Closed Session (approximately 5:30 PM - 6:30 PM)
The Police Commission will take Public Comment on the Closed Session items.

***THE OAKLAND POLICE COMMISSION WILL ADJOURN TO CLOSED SESSION
AND WILL REPORT ON ANY FINAL DECISIONS DURING THE POLICE
COMMISSION'S OPEN SESSION MEETING AGENDA.***

CONFERENCE WITH LEGAL COUNSEL

EXISTING LITIGATION (Government Code Section 54956.9(d)(1))

Delphine Allen et al. v. City of Oakland et al. - N.D. Cal. No. 00-cv-4599-WHO

PUBLIC EMPLOYEE APPOINTMENT

(Government Code Section 54957(b))

Title: Chief of Police and the Executive Director, Community Review Agency (CPRA)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(Government Code Section 54957(b))

Title not disclosed under personnel privacy laws, California's Brown Act, and the City's Sunshine Ordinance

- III. **Redetermination of Quorum (and Read-Out from Closed Session and/or announcements, if any)**

Roll Call: Chair Ricardo Garcia-Acosta

Vice Chair Shawana Booker, Commissioners Wilson Riles, Shane Williams, Samuel Dawit, Angela Jackson-Castain, and Alternate Commissioner Omar Farmer



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IV. **Open Forum Part 1 (2 minutes per speaker, 15 minutes total)**

Members of the public wishing to address the Commission on matters not listed on tonight's agenda but related to the Commission's work should submit a speaker card before this item is addressed. Comments regarding agenda items should be reserved until the respective agenda item is called for discussion. Speakers unable to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2. ***This is a recurring item.***

- a. Discussion
- b. Public Comment
- c. Action, if any

V. **Election of Oakland Police Commission Chairperson**

The Commission will nominate and vote on the appointment of a **Chairperson** to serve from January 8, 2026, until the next election.

- a. Discussion
- b. Public Comment
- c. Action, if any

VI. **Election of Oakland Police Commission Vice Chairperson**

The Commission will nominate and vote on the appointment of a **Vice Chairperson** to serve from January 8, 2026, until the next election.

- a. Discussion
- b. Public Comment
- c. Action, if any

VII. **Oakland Police Department Update**

Representatives of the Oakland Police Department will provide an update. Topics discussed in the update may include Negotiated Settlement Agreement (NSA) status, risk analysis, crime response, a preview of topics that may be placed on a future agenda, responses to community member questions, and specific topics requested by the Commission. (*Attachment 1*)

- a. Discussion
- b. Public Comment
- c. Action, if any



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VIII. OPD Presentation, Commission Discussion, and Vote on DGO M-04.1: Criminal Investigation of Department Members and Outside Sworn Law Enforcement Personnel Policy Draft

The Oakland Police Department will present the DGO M-04.1, *Criminal Investigation of Department Members and Outside Sworn Law Enforcement Personnel policy draft*, for Commission consideration. The purpose of this policy is to establish clear requirements for all Department members to promptly report allegations of criminal misconduct involving OPD personnel or sworn law enforcement officers from outside agencies. Following the OPD presentation and Commission discussion, the Commission will consider action to approve DGO M-04.1. (*Attachment 2*)

- a. Discussion
- b. Public Comment
- c. Action, if any

IX. Commission Vote on Case Management Conference (CMC) Statement for Submission in Delphine Allen et al. v. City of Oakland et al., N.D. Cal. No. 00-cv-4599-WHO, in Preparation for the Upcoming Case Management Conference (CMC)

The Commission will discuss the draft of the CMC statement regarding the NSA (Negotiated Settlement Agreement) scheduled for December 9, 2025. The Commissioners will be asked to consider approval of the CMC draft. (*Attachment 3*)

- a. Discussion
- b. Public Comment
- c. Action, if any

X. Ad Hoc Committee Reports

This item provides an opportunity for Chair Garcia-Acosta to share general updates regarding ad hoc committees, if applicable, and for representatives from active or upcoming ad hoc committees to report on their work, upcoming meetings, and events. Please note that ad hoc committee discussions are often fluid and may not follow a formal agenda. Recordings and minutes of meetings open to the public are available on the Commission's [YouTube Channel](#) and [website](#). Discussion, public comment, and any proposed actions related to Ad Hoc Committees will be held **after all ad hoc readouts are complete**. This ensures each committee can deliver its full report without interruption and that commissioner and public input is addressed in a consolidated discussion period.

Staff Search / Evaluations Ad Hoc: Commissioner Williams (Chair), OPC Chair Garcia-Acosta, Angela Jackson-Castain

The Staff Search Ad Hoc Committee is tasked with defining the role, attracting a diverse pool of qualified candidates, and managing a thorough and fair evaluation process. This includes screening applications, conducting interviews, and presenting the most suitable finalists to the hiring authority. The committee ensures an unbiased selection process, promotes diversity and inclusion, and assists with the onboarding of the chosen candidate. This Ad Hoc committee is also tasked with conducting the evaluation of the CPRA Director, Inspector General, and OPD Chief of Police, and OPC Chief of Staff. *These meetings are **not** open to the public unless expressly directed by the ad hoc committee chair.*



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Ad hoc update continued...

Strategic Planning / Retreat (Chair), Jackson-Castain, OPC Chair Garcia-Acosta, Alternate Commissioner Farmer

The Strategic Planning Retreat Ad Hoc Committee is responsible for organizing the Police Commission's strategic planning retreat and drafting a comprehensive strategic plan. This plan outlines the Commission's goals, initiatives, and priorities over a specified period, serving as a roadmap to guide its activities, enhance operations, and better serve the community. *Committee planning meetings are **not** open to the public. **Committee retreats are open to the public.***

NSA Ad Hoc: Alternate Commissioner Farmer (Chair), OPC Chair Garcia-Acosta, Vice Chair Booker

The NSA Ad Hoc Committee is tasked with: (1) Representing the Commission in all deliberations and discussions with other stakeholders pertaining to the Sustainability Period and efforts to resolve Court oversight; (2) Reviewing the status of OPD compliance with NSA Tasks 5 (investigations) and 45 (racial disparity in discipline) and make recommendations as to any policies that may be required to achieve compliance in these areas; and (3) Recommend policies and actions required to ensure that the constitutional policing mandated by the NSA continues beyond the Sustainability Period. ***These meetings are open to the public every Monday from 6 p.m. to 7:00 p.m.***

Discipline Matrix Ad Hoc: Commissioner Garcia-Acosta (Chair), Commissioner Jackson-Castain, Commissioner Riles

The Discipline Matrix Ad Hoc committee is responsible for reviewing and providing guidance on the Oakland Police Department's Discipline Matrix to ensure it aligns with the objective of fair and consistent disciplinary practices. The committee works to ensure that the matrix, associated policies, and resulting disciplinary actions reflect contemporary industry standards for progressive discipline. This includes recommending updates, possibly reviewing cases for adherence to these standards, and ensuring transparency and accountability in the disciplinary process. Committee Chair Garcia-Acosta will provide an update on the status and/or next steps, if applicable. ***These meetings are open to the public every 1st and 3rd Wednesday from 6 p.m. to 7:30 p.m.***

Mediation Program Ad Hoc: Commissioner Dawit (Chair), Commissioner Williams, Commissioner Riles

The Mediation Program Ad Hoc Committee is tasked with: (1) Overseeing the development and implementation of the CPRA/OPD Mediation Program to ensure alignment with Commission values and City Charter expectations; (2) Monitoring program rollout, operations, and performance, and identifying any legal, operational, or policy challenges; and (3) Recommending policy actions or program adjustments necessary to support a voluntary, trauma-informed, accessible mediation process and long-term sustainability. ***These meetings are **not** open to the public.***

- a. Discussion
- b. Public Comment
- c. Action, if any



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XI. **Upcoming/Future Agenda Items**

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas. The Commission will work on creating a list of agenda items for future meetings. ***This is a recurring item.***
[Upcoming / Future Agenda Items](#)

- a. Discussion
- b. Public Comment
- c. Action, if any

XII. **Open Forum Part 2** (2 minutes per speaker, 15 minutes total)

Members of the public wishing to address the Commission on matters that were not on tonight's agenda but are related to the Commission's work should submit a speaker card before the start of this item. Persons who spoke during Open Forum Part 1 will not be called upon to speak again without prior approval of the Commission's Chairperson. ***This is a recurring item.***

- a. Discussion
- b. Public Comment
- c. Action, if any

XIII. **Re-adjourn to Closed Session (if needed) and Read-Out of Closed Session (if any)**

- a. Discussion
- b. Public Comment
- c. Action, if any

XIV. **Adjournment**

NOTICE: In compliance with the Americans with Disabilities Act and Equal Access Ordinance, for those requiring special assistance to access the video conference meeting, to access written documents being discussed at the Discipline Committee meeting, or to otherwise participate at Commission meetings, please contact the Police Commission's departmental email at OPC@oaklandcommission.org for assistance. Notification at least 72 hours before the meeting will help enable reasonable arrangements to ensure accessibility to the meeting and to provide the required accommodations, auxiliary aids, or services.

**OAKLAND POLICE DEPARTMENT REPORTING TEMPLATE
FOR POLICE COMMISSION MEETING**

*There hereby is established the Oakland Police Commission (hereinafter, Commission), which shall oversee the Oakland Police Department (hereinafter, Department) in order to ensure that its policies, practices, and customs conform to national standards of constitutional policing. * - Oakland City Charter Section 604(a)(1)*

Prepared 12/29/2025

I. 52 NSA Task Force – Status of Compliance, Charter 604(f)(5)

Task	
Tasks 2, 5, and 45	<p>The monitoring team has completed the Ninth NSA Sustainability Period Report of the Independent Monitor for the Oakland Police Department.</p> <ul style="list-style-type: none"> ▪ 10th IMT Sustainability Report (2 Jun 25): ▪ Task 2: Timeliness Standards and Compliance with IAB Investigations <ul style="list-style-type: none"> ○ Not in compliance ▪ Task 5: Complaint Procedures for IAB <ul style="list-style-type: none"> ○ Not in compliance ▪ Task 45: Discipline Policy <ul style="list-style-type: none"> ○ Partial compliance
IMT Visit	18 Nov 25
Next CMC	27 Jan 26

II. Policies Related to Constitutional Policing Matters – Status Update, Charter 604(b)(2) and 604(b)(4)-(5)
III. Any Other Policy, Procedure, Custom, or General Order Regardless of Its Topic – Status Update, Charter 604(b)(2) and 604(b)(6)

Policy	
J-04 Pursuit Policy	In the OPC Community Policing Ad Hoc. Attended and presented at the Public Forum on 31 Jul 24. Presented at OPC 23 Jan 25. OPC to vote on 25 Sep 25. OPC voted to approve the new pursuit language on 25 Sep 25.
BFO P&P 15-01 Community Policing	OPC approved the Draft First Reading – 25 Jul 24 Police Commission Reviewing Policy outcome from Ad Hoc. The approval of the Police Commission of the language is pending.
Sexual Misconduct Policy	Under review with the City Attorney's Office and IG. No timeline of completion was given as of 24 Sep 24.
Racial Profiling / Bias Policy (DGO M-19)	IMT consult/ OPC review completed, sent to Chief Mitchell for signature. In-service training is working on training instructors as well as a training plan for the Department. Goal is to have Department trained on policy by end of year (2025), early 2026.
K-4: Reporting and Investigating the Use of Force. (SO 9214)	Sent to OPC on 5 Feb 25. OPD will present on 13 Mar 25, the new timelines for use of force reporting and investigations.
Discipline Matrix	Currently with the Police Commission Ad Hoc.

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* "Constitutional Policing Matters" include: Use of force; Use of force review boards; Profiling based on any of the protected characteristics identified by Federal, State, or local law; First Amendment assemblies; Use of militarized equipment; and Elements expressly listed in Federal court orders or Federal court settlements such as the Negotiated Settlement Agreement.

Militarized Equipment Annual Report	The 2024 report is completed and posted on the city website. Returned to Ad Hoc for clarification (10/9/25). Next vote presentation 13 Nov 25.
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IV. OPD Budget, Charter 604(b)(7) & MC 2.45.070(C)-(D)

Topic																																																					
Staffing & resource management	<p>Sworn Staffing Authorized: 678 Filled: 613 Operation Strength: 518</p> <p>Communications Dispatchers Authorized: 78 Filled: 65 (2 new Dispatcher Trainees starting on Dec 6th. 18 are currently in training)</p> <p>Professional Staffing Authorized: 270.5 Filled: 238</p> <p>Vacancies of note: All vacant positions are frozen, with the exception of the Police Communication Dispatchers. Police Communications Dispatcher (14)</p> <table><tr><th>As of Dec 3, 2025 (Sworn only)</th><th>Admin Leave</th><th>Medical Leave On-Duty Illness/ Injury</th><th>Medical Leave Personal Illness/ Injury</th><th>Military Leave</th></tr><tr><td>2+ Years</td><td>1</td><td>2</td><td></td><td></td></tr><tr><td>1-2 Years</td><td>8</td><td>14</td><td></td><td></td></tr><tr><td>6 mo.– 1 Year</td><td>6</td><td>24</td><td></td><td></td></tr><tr><td>2-6 months</td><td>8</td><td>16</td><td>3</td><td></td></tr><tr><td>Less than 2 months</td><td>2</td><td>3</td><td>2</td><td></td></tr><tr><td></td><td>25</td><td>59</td><td>5</td><td></td></tr></table>	As of Dec 3, 2025 (Sworn only)	Admin Leave	Medical Leave On-Duty Illness/ Injury	Medical Leave Personal Illness/ Injury	Military Leave	2+ Years	1	2			1-2 Years	8	14			6 mo.– 1 Year	6	24			2-6 months	8	16	3		Less than 2 months	2	3	2			25	59	5		<p>Long-term leave: 89 sworn employees</p> <ul style="list-style-type: none">• 64 Medical Leave• 25 Admin Leave<ul style="list-style-type: none">○ 2 Sergeants of Police○ 23 Police Officers• 25 Sworn on Modified Duty• 1 Military Leave<ul style="list-style-type: none">○ 9 Active Military Reservists <p>Of the 25 sworn personnel on admin leave, 9 have been off for 1-2 years. The annual cost associated with those 9 employees is \$2,406,739. The cost breakdown is below:</p> <table><tr><th>Admin Rank</th><th>Position</th><th>Cost</th><th>Total Cost</th></tr><tr><td>Sergeant</td><td>1</td><td>347,682</td><td>347,682</td></tr><tr><td>Police Officer</td><td>7</td><td>294,151</td><td>2,059,057</td></tr><tr><td>Total</td><td>8</td><td></td><td>2,406,739</td></tr></table> <p>Attrition Rate – 6/mo. (45 separated over the past year)</p> <p>Reemployments – None</p> <p>Retirement Projections for 2025: 70 possible</p> <ul style="list-style-type: none">• 1 Assistant Chief of Police• 2 Deputy Chief of Police• 2 Captains of Police• 6 Lieutenants of Police• 24 Sergeants of Police• 35 Police Officers	Admin Rank	Position	Cost	Total Cost	Sergeant	1	347,682	347,682	Police Officer	7	294,151	2,059,057	Total	8		2,406,739
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Academy Recruits	195 th Academy: Began July 19, 2025 – 14 Police Officer Trainees (POT) 196 th Academy: Began November 22, 2025- 23 Police Officer Trainees																																																				
General Department functions (Internal Affairs Bureau, IAB	<p>Skelly Data:</p> <p># of pending Skelly by Case: 46 (-1) # of pending Skelly by Subject: 64 (-4) # of Skelly waiting for eligible SHO: 22(+2) Number of Skelly Hearing Officers: 18 (n/c)**</p>	<p>* Wait time for each Skelly – Varies * How are Skelly Officers selected (training, recusals, etc.) - Must attend Skelly Hearing Officer Training & be of appropriate rank **Retirement (1 Lt, 1 A/DC)</p>																																																			

Skelly Process)	<ul style="list-style-type: none"> Upcoming retirements, laterals, and reassignments <p>Process Improvements:</p> <ul style="list-style-type: none"> All trained Commanders and Managers can conduct Skelly's (But subject to recusal assessments) Changed to digital format Waiver for Officers <ul style="list-style-type: none"> Working with the City Attorney to formalize Added personnel to assist VISION integration (assists in tracking ex. Reminders, emails) Skelly Dashboard fully operational 	<p>Skelly Comparison by Month</p> <table border="1"> <thead> <tr> <th>2025</th><th>By Case</th><th>By Subject</th></tr> </thead> <tbody> <tr><td>Jan</td><td>-</td><td>158</td></tr> <tr><td>Feb</td><td>-</td><td>157</td></tr> <tr><td>Mar</td><td>-</td><td>149</td></tr> <tr><td>Apr</td><td>-</td><td>148</td></tr> <tr><td>May</td><td>86</td><td>123</td></tr> <tr><td>Jun</td><td>83</td><td>119</td></tr> <tr><td>Jul</td><td>78</td><td>112</td></tr> <tr><td>Aug</td><td>62</td><td>85</td></tr> <tr><td>Sep</td><td>56</td><td>79</td></tr> <tr><td>Oct</td><td>47</td><td>68</td></tr> <tr><td>Nov</td><td>46</td><td>64</td></tr> <tr><td>Dec</td><td>46</td><td>64</td></tr> </tbody> </table>	2025	By Case	By Subject	Jan	-	158	Feb	-	157	Mar	-	149	Apr	-	148	May	86	123	Jun	83	119	Jul	78	112	Aug	62	85	Sep	56	79	Oct	47	68	Nov	46	64	Dec	46	64
2025	By Case	By Subject																																							
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Mar	-	149																																							
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May	86	123																																							
Jun	83	119																																							
Jul	78	112																																							
Aug	62	85																																							
Sep	56	79																																							
Oct	47	68																																							
Nov	46	64																																							
Dec	46	64																																							
IAB Cases	<p>2024 Total cases closed – 1508 (126) Sustained cases (235) Sustained allegations</p> <p>2025 (Through 24Dec2025) Total cases closed YTD – 1540 Total cases opened in Intake YTD – 1425 Total Cases assigned to Intake (not yet assigned to an investigator) – 206</p> <p>Case Load Total investigations assigned to IAB – 70 Total investigations assigned as DLIs – 199</p> <p>Total cases currently open – 521 This number represents all open cases, including those awaiting CPRA concurrence and Skelly hearing results. It should be noted that this number does not indicate that the IAB investigation is not completed, only that the case is not completely closed out.</p>																																								
SB 2	https://post.ca.gov/Peace-Officer-Certification-Actions	SB 2 List: 2025 (Year-To-Date) 3 total Oakland PD																																							
General Department functions (CID)	<p>SVS Juvenile Cases: 2025 (Year-To-Date)</p> <ul style="list-style-type: none"> Juvenile Arrests: 221 total juvenile arrests YTD Referrals to restorative justice programs: 44 <ul style="list-style-type: none"> Neighborhood Opportunity & Accountability Board (NOAB) - 43 Community Works West Referrals – 1 (No longer a partner as of January 2025) <p>Missing Persons: 2025 (Year-To-Date)</p> <ul style="list-style-type: none"> YTD MPU Cases: 1339 	<p>Hate Crimes: 2025 (Year-To-Date)</p> <ul style="list-style-type: none"> Total Cases: 4 New cases: 0 <p>DVU Cases: 2025 (Year-To-Date)</p> <ul style="list-style-type: none"> Total cases: 4,231 The clearance rate on DV cases is nearly 100%: These are named suspect cases. An investigator reviews all I/C and Out-of-custody cases. Domestic Dispute – 1,384 																																							

	<ul style="list-style-type: none"> YTD Closed MPU Cases: 1181 	<ul style="list-style-type: none"> Domestic Battery, 243(e)(1) - 1,074 Inflict corporate Injury Spouse/cohabitant 273.5 - 1,164
Education and training regarding job-related stress, PTSD, Wellness		
Budget QUARTERLY	Last:	
	Next:	
Citywide Risk Management QUARTERLY	Last: 12 Aug 25	
	Next: 25 Nov 25	

V. Collaboration with OIG

Project	Status
NSA Inspections Tasks: 3, 4, 7, 8, 9, 11, and 13	Meetings and data sharing.
OPD Staffing Study	Biweekly meetings with OIG and PFM. Ongoing data collection and sharing.
M-19 Audit Response	Completed and provided to the Ad Hoc on 3 Apr 24. Training to be completed by end of 2025.
Sexual Misconduct Policy	Policy: see policy section.
"Patterns" definition	Collaboration meeting with OIG, CPRA, IMT on 19 Mar 24.
OIG Document on OPD Policy Types	Created by OIG and OPD, completed review.
FTO Study	Completed.

VI. Collaboration with CPRA

VII. Rules and Procedures for Mediation and Resolution of Complaints of Police Misconduct, OMC 2.45.070(N)

Project	Status
Transition of IAB to CPRA	Meet and confer is being scheduled.
Daily Complaint Log, Weekly IAB Meetings	Ongoing
Complaints & Mediation	Pending
"Patterns" definition	Collaboration meeting with OIG, CPRA, IMT on 19 Mar 24.

VIII. Collaboration with the Community

Guns to Gardens	<p>OPD is again teaming up with our community partners for the "Guns to Gardens" gun buyback. Join us on November 15, 2025, from 12 to 4 p.m. at Mt. Zion Baptist, 1203 Willow Street. Those surrendering firearms can receive a gift card of up to \$300.</p> <p>**A total of 58 firearms were collected, including 4 assault rifles, privately manufactured firearms commonly known as "ghost guns", and an AR pistol.**</p>

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IX. Status of Submitting Records/Files Requested by Commission, Charter 604(f)(2)

File	Status
None	

X. New Laws Affecting OPD

Law	
2025 New Laws	<ul style="list-style-type: none"> Presented on 27 Feb 25 - Lieutenant Dorham

XI. Required Reporting to the California Department of Justice / Attorney General**XII. Policy/Practice on Publishing Department Data Sets, OMC 2.45.070(P)**

Report	Status
OIS or SBI (GC 12525.2)	Annual report: sent 26 Jan 24
DOJ Clearance Rates	OPD Records Division provides monthly validated crime data to the DOJ. Uniform Crime Reporting (UCR). https://openjustice.doj.ca.gov/exploration/crime-statistics/crimes-clearances
Stop Data (GC 12525.5)	Annual report 2024 Stop data was transmitted to State – sent 11Mar 25

XIII. Any Commission Requests Made by Majority Vote of Commission – Status Update, Charter 604(b)(8)**XIV. Report from the Department via City Administrator or designee, on Issues Identified by Commission through the Commission's Chair, OMC 2.45.070(R)**

Request	
Budget	<ul style="list-style-type: none"> Deputy Director Suttle and Fiscal Manager Marshall - July 24th
Update on Pursuit Policy	<ul style="list-style-type: none"> OPC approved recommended changes on 25Sep25 meeting. Forwarding through channels for final approval.
Special Order 9214	<ul style="list-style-type: none"> Use of Force Timelines – DC Ausmus on 13 Mar 25
Update on 2025 New Laws	<ul style="list-style-type: none"> Presented on 27 Feb 25 - Lieutenant Dorham
Sanctuary Ordinance	<ul style="list-style-type: none"> Presented on 23 Jan 25 – Lieutenant Dorham <ul style="list-style-type: none"> Sanctuary Ordinance Training for OPD
Youth Services	<ul style="list-style-type: none"> Presented on 24 Oct 24 – Lieutenant Campos <ul style="list-style-type: none"> Juvenile Arrest Referrals NOAB
Encampment Management	<ul style="list-style-type: none"> Presented on 10 Oct 24 - Captain Eriberto Perez- Angeles
Missing Persons	<ul style="list-style-type: none"> Presented on 10 Oct 24 – Lieutenant Campos
Ceasefire	<ul style="list-style-type: none"> Presented on 26 Sep 24 - Director Reverend Damita Davis <ul style="list-style-type: none"> Ceasefire
30x30 - OPOA Women's Committee	<ul style="list-style-type: none"> Presented on 19 Sep 24 - Lt. Alexis Nash <ul style="list-style-type: none"> 30x30 OPOA Women's Committee Women Leaders in Law Enforcement Symposium (WLLE)
Patterns Definition	<ul style="list-style-type: none"> Presented on 22 Aug 24 - "Patterns" Definition – Lt. Hubbard
Skelly	<ul style="list-style-type: none"> Presented on 22 Aug 24 - Update on Skelly – Act. Capt. Dorham
Wellness Unit	<ul style="list-style-type: none"> Presented on 22 Aug 24 - Wellness Unit Update – Dr. Nettles

J-04 Pursuit Policy	<ul style="list-style-type: none"> Presented on 31 Jul 24 at the Community Policing Ad Hoc Public Forum Capt. Ausmus, A/Captain E. Perez-Angeles, and Sgt. Urquiza-Leibin. Vote scheduled for 25 Sep 25.
SB 2	<ul style="list-style-type: none"> Presented on 25 July 24 – Lt. Dorham
911 System Grand Jury Report Presentation	<ul style="list-style-type: none"> Presented on 11 July 24 – Deputy Director Suttle and Mgr. Cheng
MACRO Strategy Development	<ul style="list-style-type: none"> Presented on 11 July 24 – Deputy Director Suttle and Mgr. Cheng
Paid Admin Leave Budget	<ul style="list-style-type: none"> Presented on 13 Jun 24, Manager Marshall and Chief Mitchell
MACRO Presentation	<ul style="list-style-type: none"> Presented on 23 May 24 Communications Manager – Mgr. Cheng
Ceasefire	<ul style="list-style-type: none"> Presented on 8 May 24 – A/Capt. Valle
IAD/Skelly	<ul style="list-style-type: none"> Presented on 8 May 24 and 13 Jun 24 - Lt. Dorham
MACRO Data	<ul style="list-style-type: none"> December 2025 bi-weekly data: 01Dec25-15Dec25 47 calls were referred from OPD Dispatch to MACRO 6 incidents were returned from OFD and sent back to OPD to handle

XV. Police Chief's Annual Report, OMC 2.45.070(F) (ANNUALLY)

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DEPARTMENTAL GENERAL ORDER

**M-04.1: Criminal Investigation of Department Members and
Outside Sworn Law Enforcement Personnel**

Effective Date: XXXX

Coordinator: Criminal Investigation Division

The purpose of this policy is to establish clear requirements for all Department members to promptly report any allegations of criminal misconduct involving Department personnel or sworn law enforcement officers from outside agencies. This policy also outlines the procedures and responsibilities for the Oakland Police Department's Bureau of Investigation (BOI) - Criminal Investigation Division (CID) and the Internal Affairs Bureau (IAB) in conducting and coordinating criminal investigations involving Department members.

The Oakland Police Department is committed to a culture of integrity, accountability, and transparency. Allegations of criminal misconduct by law enforcement personnel undermine public trust and require a response that is fair, thorough, and impartial.

This policy is guided by the Department's history of reform under the Negotiated Settlement Agreement (NSA), which emphasizes constitutional policing, fair treatment, and accountability. The Department affirms that all members are held to the highest ethical standards and that no individual is above the law. Independent oversight bodies, including the Oakland Police Commission, the Office of the Inspector General, and the Community Police Review Agency (CPRA), will receive timely notifications of criminal investigations as required by this policy. Their role is to review, monitor, and ensure that investigations are conducted with fairness and transparency; they do not direct or control OPD's investigative decisions.

This policy maintains separation between criminal and administrative investigations to protect constitutional rights and preserve the integrity of both processes. Criminal investigations must remain independent from any compelled statements obtained during administrative proceedings, ensuring that Fifth Amendment protections are preserved and that criminal prosecutions cannot be compromised using immunized testimony.

COMMAND INTENT

It is the policy of the Oakland Police Department to investigate allegations of criminal activity involving members of the Department and sworn law enforcement personnel employed by outside agencies. For criminal misconduct that occurred in the City of Oakland, the Oakland Police Department shall investigate and prepare criminal cases for appropriate clearance or submission to a prosecutor. Additionally, the Department shall ensure that personnel are held accountable through an investigative process that is fair, timely, and thorough. Members shall protect investigative integrity by maintaining confidentiality and limiting disclosure to only those officials designated in this policy.

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A. DEFINITIONS

A - 1. Member

A member is any person employed or appointed by the Oakland Police Department, including full-time officers, reserve officers, professional staff, police cadets, police officer trainees, annuitants, and volunteers.

A - 2. Reasonable Suspicion

From the totality of the circumstances, there is an objective basis for suspecting criminal activity, which is premised on specific, articulable facts.

A - 3. M-04.1 Follow-Up Report (TF-XXXX)

A mandatory standardized report completed by the BOI Deputy Chief documenting the reasonable suspicion assessment, post-preliminary investigation meeting, and investigation determination, including closure decisions, for all potential criminal misconduct allegations involving Department members.

A - 4. Investigative Action Report (IAR)¹

A chronological report documenting all investigation steps, progress updates, and command decisions throughout the criminal investigation.

A - 5 – Tracking Sheet

A centralized log maintained by CID to track the status, timeline, and key decision points of the criminal investigation.

B. NOTIFICATION REQUIREMENTS

B - 1. Notification Requirements of All Members

Notifications shall be made whether on-duty or off-duty. When any member, other than the Chief of Police², receives an allegation or has reasonable suspicion that a member of the Department is involved in a felony or misdemeanor, they shall, as soon as practicable and in all cases within 24 hours, make the following notifications via phone and email, with documented confirmation of receipt.

B-2. Members Assigned to the Internal Affairs Bureau

Members assigned to the Internal Affairs Bureau (IAB) shall contact the IAB Captain as soon as practicable and in all cases within 24 hours. If the IAB Captain cannot be reached, the member shall contact the IAB Deputy Chief.

¹ See Criminal Investigation Division Policy and Procedure 15-01.

² The Chief of Police may become aware of criminal misconduct committed by a member of the Oakland Police Department executive team (which includes the BOI Deputy Chief and IAB Deputy Chief), CID Captain, or other Department member that may require alternate avenues of reporting and/or investigation (e.g., directly to the District Attorney, or federal or local authorities) to ensure the integrity of the investigation. The timeline requirements still apply.

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B-3. Members Assigned to the Criminal Investigation Division

Members assigned to the Criminal Investigation Division (CID) shall contact the CID Captain as soon as practicable and in all cases within 24 hours. If the CID Captain cannot be reached, the member shall contact the Bureau of Investigations (BOI) Deputy Chief.

B-4. All Other Members

All other members shall contact an on-duty Watch Commander. If an on-duty Watch Commander cannot be reached by phone, the Communications Division Supervisor shall be called as soon as practicable, and in all cases within 24 hours to request a return call from an on-duty Watch Commander.

Exemption: If the required notifications to both the CID Captain and IAB Captain have already been completed by a lieutenant, captain, or deputy chief, the member is not required to additionally notify the Watch Commander.

B-5. Misconduct Allegations Not Rising to the Level of Criminal Misconduct

Allegations not rising to the level of reasonable suspicion of criminal misconduct shall be reported to IAB as soon as practicable, but in no case more than 24 hours after discovery of the allegation and administratively investigated in accordance with Departmental General Order (DGO) M-03.

B-6. Mandatory Notification and Meeting Requirements

Upon receiving notification of alleged criminal misconduct involving a Department member, the BOI Deputy Chief shall:

- a. Complete stakeholder notifications within 24 hours (see D-1);
- b. Convene a mandatory M-04.1 meeting by the next business day (see D-2); and
- c. Convene a post-preliminary investigation meeting (see D-3)

C. INITIAL RESPONSIBILITIES OF NOTIFIED PERSONNEL

C - 1. Watch Commander Responsibilities

Upon learning that any member of the Department has been allegedly involved in criminal misconduct, the Watch Commander shall attempt to determine the identity of the member and the jurisdiction in which the alleged criminal misconduct occurred. The Watch Commander shall provide such information to the CID Captain within the 24-hour notification requirement. In so doing, the Watch Commander shall:

- a. Determine the identity of the member;
- b. Obtain information about the alleged criminal misconduct;
- c. Not interview the subject or witness members;
- d. Not engage in conversations with subject members that could pose potential violations of their protected rights;

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- e. Not take overt action that could interfere with or undermine the integrity of the investigation;
- f. Determine the jurisdiction of the alleged criminal misconduct.
- g. Contact the Communications Division to make a confidential and non-specific entry to the IAB Daily Incident Log, which includes obtaining a Computer Aided Dispatch (CAD) incident number; and
- h. Maintain strict confidentiality at all times.³

C - 2. IAB Captain and Lieutenant Responsibilities

Upon awareness that any member of the Department is allegedly involved in criminal misconduct, the IAB Captain or an IAB Lieutenant shall take the following actions:

- 1. Determine the identity of the member and the jurisdiction in which the alleged criminal misconduct occurred, and ensure that this information is shared with the CID Captain;
- 2. Ensure a preliminary inquiry is initiated regardless of whether the criminal conduct occurred within Oakland;
- 3. Determine the necessity for an investigative callout;
- 4. Confer with the IAB Deputy Chief;
- 5. Confer with the CID Captain for all criminal matters, both within the City of Oakland and outside jurisdictions; and
- 6. Maintain strict confidentiality at all times.

C - 3. CID Captain Responsibilities⁴

Upon awareness that any member of the Department is allegedly involved in criminal misconduct, the CID Captain shall immediately:

- 1. Determine if the alleged criminal misconduct occurred within the City of Oakland;
- 2. Assign an investigator and direct a preliminary investigation if the alleged criminal misconduct occurred within the City of Oakland;
- 3. Determine the necessity for an investigative callout;

³ The Watch Commander may become aware of criminal misconduct committed by a member of the Oakland Police Department executive team, CID Captain, or other Department member that may require alternate avenues of reporting and/or investigation to ensure the integrity of the investigation. The Watch Commander should remain conscientious about not notifying a known involved member in the alleged criminal misconduct.

⁴ Additional detailed requirements for CID Captain responsibilities are codified in Criminal Investigation Division Policy and Procedure 19-01.

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4. Confer with the BOI Deputy Chief;
5. Contact the appropriate jurisdiction if the alleged criminal misconduct occurred outside the City of Oakland; and
6. Contact the IAB Captain.

D. RESPONSIBILITIES OF THE BOI DEPUTY CHIEF

D - 1. Initial Responsibilities

The BOI Deputy Chief shall complete an email summary of the allegation(s) to the Chief of Police, Assistant Chief of Police, Chief of Inspectors of the Alameda County District Attorney's Office, Office of the City Attorney, Chair of the Police Commission, Police Commission Inspector General, Executive Director of the Community Police Review Agency (CPRA), IAB Deputy Chief, IAB Captain, City Administrator, and Mayor.

If the alleged criminal misconduct occurred in another jurisdiction, the BOI Deputy Chief or designee shall additionally contact the appropriate law enforcement agency and/or district attorney's office that has jurisdiction for that agency.

Notifications from the BOI Deputy Chief should include the following information, when known:

1. The date(s) of the alleged criminal activity;
2. The date of arrest, if any;
3. Whether the alleged criminal activity occurred in Oakland or in another jurisdiction;
4. The criminal investigating or reporting agency, if other than OPD;
5. A brief description of the criminal activity and/or statute(s) allegedly violated (e.g., DUI, VC 23152); and
6. The rank of the member (e.g., "officer" or "lieutenant").

Such notifications shall be made whether or not the alleged misconduct occurred during the course and scope of employment, e.g., "On March 1, 2025, OPD was notified that an OPD Lieutenant was arrested on February 28, 2025, by ACSO for auto burglary, 459 PC, in Hayward that allegedly occurred on February 25, 2025."

D - 2. Initial M-04.1 Meeting Requirements

By the next business day from the M-04.1 email notification (*see* D-1), the BOI Deputy Chief shall convene an initial M-04.1 meeting to ensure command staff and legal counsel are informed and preliminary investigative actions are initiated.

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Participants shall include the:

1. Chief of Police (or designated Assistant Chief when Chief unavailable);
2. BOI Deputy Chief;
3. IAB Deputy Chief;
4. CID Captain;
5. IAB Captain;
6. Office of the City Attorney representative; and
7. Community Police Review Agency (CPRA)

The initial notification meeting shall ensure:

1. All required notifications under Sections B and D-1, above, have been completed;
2. Participants are briefed on the nature of the allegations(s);
3. Preliminary investigation responsibilities are confirmed;
4. CID is aware and has initiated a preliminary criminal investigation;
5. IAB is aware and has initiated the administrative investigation; and
6. The timeline for the post-preliminary investigation meeting under Section D-3 is scheduled.

D-3. Post-Preliminary Investigation Responsibilities

Following the preliminary investigation activities outlined in Sections C-3 and D-1, above, the BOI Deputy Chief shall convene a mandatory M-04.1 meeting within a reasonable timeframe to determine whether reasonable suspicion exists. Required participants shall include the:

1. Chief of Police (or designated Assistant Chief when Chief unavailable),
2. BOI Deputy Chief,
3. IAB Deputy Chief,
4. CID Captain,
5. IAB Captain,
6. Office of the City Attorney representative, and
7. CPRA representative.

Meeting Outcomes:

The meeting shall result in a determination to either:

1. Continue the criminal investigation with OPD as lead agency;

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2. Refer the matter to an outside jurisdiction;
3. Close the matter if reasonable suspicion is not substantiated; or
4. Pursue a joint investigation with another agency.

Documentation Requirements:

The M-04.1 Follow-Up Report (TF-XXXX) shall be completed before the meeting concludes. The form shall document:

- The reasonable suspicion assessment and supporting facts;
- Investigation determination and rationale (continue, refer, close, or joint investigation);
- Assigned investigative responsibilities; and
- Timeline expectations and any special considerations.

A copy of the Report (TF-XXXX) shall be included in the CID investigation, if appropriate, and provided to the IAB Captain to include in the IAB investigation.

D – 4. Criminal Investigation Responsibilities

If the meeting outlined in Section D-3 determines that the Department will conduct the criminal investigation, the BOI Deputy Chief shall confer with the CID Captain to discuss the proposed investigative plan, which may include, but is not limited to, the following:

1. An assessment of probable cause for arrest;
2. Continuation or reassignment of investigative personnel;
3. Determination of whether a joint investigation with an outside agency is needed; and
4. Documenting compliance with the recusal process as outlined in the Bureau of Investigation Policy and Procedures 23-02.

If the Department will not conduct the criminal investigation, the BOI Deputy Chief shall direct the CID Captain to:

1. Notify the appropriate law enforcement agency and/or district attorney's office that has jurisdiction over the alleged criminal activity; or, if another agency has already initiated an investigation, coordinate with that agency as the lead investigative authority;
2. Forward supporting documentation;
3. Document these communications in the Tracking Sheet and Investigative Action Report (IAR) through the chain of command; and
4. Act as the liaison with the outside agencies.

D - 5. High-Profile Case Updates

Officer-involved shootings, in-custody deaths, and any criminal investigation into a Department member is considered a high-profile case, and updates shall

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be provided to the Chief of Police at least once a month, at a routinely scheduled meeting.

The Chief of Police may request regular updates on any high-profile case.

The meetings will consist of a presentation by the BOI Deputy Chief on updates regarding criminal investigations. If the IAB Deputy Chief will be presenting updates for IAB high-profile cases at the same routinely scheduled monthly meeting, the BOI Deputy Chief and any other CID personnel will leave the meeting before the IAB Deputy Chief presents updates for IAB high-profile cases.

The BOI Deputy Chief or designee is responsible for providing updates relevant to the progress of the criminal process to the Chief of Police. The BOI Deputy Chief will ensure that high-profile case updates are documented on the Tracking Sheet. The CID Captain and BOI Deputy Chief shall ensure that any substantive directives are documented on the IAR.

E. CID INTERNAL INVESTIGATIVE PROCEDURES

E - 1. CID Investigation Command

The CID Captain shall direct the criminal investigation.

E - 2. Fairness and Confidentiality of Investigations

Departmental investigators shall conduct criminal investigations in a manner consistent with Departmental policy and procedures and ensure the confidentiality of all investigations.

E - 3. Documentation Integration

All M-04.1 investigations shall reference and incorporate the IAR. Any deviations from the investigation plan documented in the M-04.1 Follow-Up Report (TF-XXXX) require the approval of the Chief of Police.

E - 4. Separation of CID / IAB Investigations

The criminal investigation and administrative investigation are separate and distinct processes. To maintain the integrity of both investigations and safeguard members' rights, the following rules apply:

1. All non-privileged evidence and products from the criminal investigation shall be made available to IAB for use in its administrative investigation. This includes, but is not limited to, body-worn camera (BWC) footage, Computer Aided Dispatch (CAD) records, forensic reports, photographs, physical evidence, and witness statements obtained without compulsion.
2. Criminal investigators shall not obtain, review, or use compelled statements, Lybarger advisements, or any other material generated solely through administrative processes once a subject has been noticed by IAB. Any exposure to compelled statements, whether direct or derivative, may result in the suppression of evidence and dismissal of criminal charges.

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3. The M-04.1 Follow-Up Report (TF-XXXX) and its determinations are available to both CID and IAB and serve as the common baseline for coordinating investigative responsibilities.
4. To prevent contamination between investigations, CID and IAB shall maintain separate case files, conduct independent interviews, and document their investigative activities separately. Any CID interview of a Department member must be voluntary, preceded by appropriate constitutional warnings, and conducted without reference to or knowledge of any compelled administrative statements.

E - 5. Updates on Investigation Progress

The investigator shall update the CID Captain on a bi-weekly basis with the progress of the investigation.

E - 6. Timeline for Investigations

Criminal investigations shall be completed within 90 days from the date of the initial M-04.1 meeting. When additional time is required, the BOI Deputy Chief may grant extensions in increments of up to 30 days. Each extension request must be approved by the BOI Deputy Chief and documented in the Investigative Action Report (IAR) and Tracking Sheet with specific justification.

Extensions may be granted on an ongoing basis as needed; each extension shall require individual approval and documented justification by the BOI Deputy Chief.

E - 7. Closure of Investigations

The Chief of Police shall approve the disposition of any CID investigation of a member's criminal misconduct. The BOI Deputy Chief shall ensure such approval is documented in the IAR and the Tracking Sheet.

E - 8. Notifications of Investigation Closures

The CID Captain shall provide email notification of the closure of the CID investigation to the Assistant Chief of Police, Chief of Police, BOI Deputy Chief, IAB Deputy Chief, Chief of Inspectors of the Alameda County District Attorney's Office, Office of the City Attorney, Chair of the Police Commission, Police Commission Inspector General, Executive Director of the Community Police Review Agency (CPRA), and IAB Captain. This email notification shall be documented in the IAR and the Tracking Sheet.

E-9. Form Integration with Case File

The completed M-04.1 Follow-Up Report (TF-XXXX) shall be:

1. Filed as the first document in any criminal investigation case file;
2. Provided to the IAB Captain for inclusion in administrative case files;
3. Referenced in all investigative reports and updates; and

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4. Used as the baseline for measuring investigation progress and compliance.

F. ADDITIONAL OVERSIGHT AND REPORTING FOR CID INVESTIGATIONS

F - 1. CID Captain Oversight Responsibilities

The CID Captain shall ensure that the investigations proceed in accordance with Departmental policy and provide oversight, guidance, and resources necessary for their timely completion.

F - 2. Briefing of the BOI Deputy Chief

The CID Captain shall brief the BOI Deputy Chief regarding the status and progress of all investigations on a bi-weekly basis.

F - 3. Review of Investigations

The CID Captain and BOI Deputy Chief shall review the investigation before submission to the District Attorney's Office for charging consideration.

F - 4. Briefing of the Assistant Chief and Chief of Police

The BOI Deputy Chief shall provide status updates to the Chief of Police within 30 days. Updates shall be documented in the IAR and/or Tracking Sheet.

F - 5. Maintenance of Secure Investigation Files

IAB shall maintain secure files of completed investigations involving members of the Department.

F-6. Regular M-04.1 Review Meetings

The Chief of Police shall establish at least a monthly meeting to review all active M-04.1 investigations. Attendees shall include all positions identified as required participants in the standard M-04.1 Follow-Up Report (TF-XXXX) and listed in Section D-3 of this policy.

G. CRIMINAL MISCONDUCT BY OUTSIDE SWORN LAW ENFORCEMENT PERSONNEL

G - 1. Notification Requirements of Members

When any member receives an allegation and/or has reasonable suspicion that a sworn law enforcement officer employed by another agency is involved in a felony or misdemeanor, the member shall immediately notify an on-duty Watch Commander via phone and email. If an on-duty Watch Commander cannot be reached by phone, the Communications Division Supervisor shall be called to request a return call from an on-duty Watch Commander.

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Members shall not rely on assumptions that the officer's employing agency is already aware of the misconduct. The Watch Commander or appropriate command staff must confirm notification with the employing agency.

G - 2. Watch Commander Responsibilities

If the alleged criminal misconduct occurred within the City of Oakland, the Watch Commander shall:

1. Attempt to determine the identity of the outside sworn law enforcement officer, details of the alleged criminal misconduct, and contact information for the reporting entity;
2. Ensure that on-duty personnel take steps to identify a crime scene and assess the immediate necessity for preserving it and related evidence; and
3. Notify the CID Captain.

If the criminal misconduct occurred in another jurisdiction, the Watch Commander shall:

1. Attempt to determine the identity of the outside sworn law enforcement officer, details of the alleged criminal misconduct, and contact information for the reporting entity;
2. Notify the law enforcement agency where the conduct occurred and the employing agency of the outside sworn law enforcement officer; and
3. Notify the Oakland Chief of Police through the chain of command.

G - 3. CID Captain Responsibilities

If the criminal misconduct occurred within the City of Oakland, the CID Captain shall:

1. Direct, or designate a CID Section Commander (Lieutenant), to oversee a preliminary criminal investigation;
2. Determine the necessity for an investigative callout;
3. Confer with the Bureau of Investigations (BOI) Deputy Chief;
4. Notify the officer's employer of any ongoing investigation or arrest;
5. Within 24 hours, provide email notification of the CID investigation to the Assistant Chief of Police, Chief of Police, BOI Deputy Chief, Chief of Inspectors of the Alameda County District Attorney's Office, and Office of the City Attorney. This email notification shall be documented in the IAR and Tracking Sheet, and a copy of the email shall be kept on the CID confidential server.

G-4. Concurrent Investigations

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If OPD initiates an investigation into an outside sworn officer for criminal misconduct occurring within Oakland and later learns that the officer is also the subject of an active investigation by their employing agency, the BOI Deputy Chief shall:

1. Confer with the employing agency to establish investigative roles and avoid duplication of effort;
2. Determine and decide, through inter-agency coordination, which agency will serve as the lead investigative body;
3. Document the outcome of this determination in the Tracking Sheet and IAR.

If the agencies cannot reach a mutual agreement on lead investigative responsibilities, by default, OPD shall retain primary jurisdiction for criminal misconduct occurring within the City of Oakland.

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M-04.1 FOLLOW-UP REPORT

CONFIDENTIAL - FOR OFFICIAL USE ONLY

This form documents the determination of reasonable suspicion, or the lack thereof, as presented and discussed at the Post-Preliminary Investigation Meeting, and independently reviewed by the Chief of Police or designee. (See DGO M-04.1. D-3). It shall be independently reviewed by the Chief of Police or designee.

Reasonable Suspicion: From the totality of the circumstances, there is an objective basis for suspecting criminal activity, which is premised on specific, articulable facts.

IAB CASE NUMBER:

DATE OF INCIDENT:

DATE/TIME OF M-04.1 MEETING:

MEETING LOCATION:

DATE OF THIS REPORT:

SUBJECT MEMBER(s) NAME(s)/SERIAL#(s):

SUBJECT MEMBER(s) ASSIGNMENT(s):

M-04.1 MEETING PARTICIPANTS

- ☐ Chief of Police
- ☐ Assistant Chief of Police
- ☐ BOI Deputy Chief
- ☐ IAB Deputy Chief
- ☐ CID Captain
- ☐ IAB Captain
- ☐ OCA Representative
- ☐ CPRA Representative
- ☐ Other:
- ☐ Other:
- ☐ Other:
- ☐ Other:

ALLEGATION SYNOPSIS

Brief description of the alleged criminal misconduct and how it came to the Department's attention:

REASONABLE SUSPICION ASSESSMENT

From the totality of the circumstances, there is an objective basis for suspecting criminal activity, which is premised on specific, articulable facts beyond the mere fact that an allegation of criminal misconduct has been made. Include alleged law(s) violated.

PRELIMINARY INVESTIGATIVE ACTIONS TAKEN

List initial steps taken to gather information and preserve evidence:

ASSIGNMENT OF INVESTIGATIVE RESPONSIBILITY

Complete this section at the conclusion of the Post-Preliminary Investigation Meeting to document the determination of investigative responsibility and disposition of the criminal investigation.

Check one:

- ☐ Continue criminal investigation (OPD as lead agency):
- ☐ Referred to outside agency (specify agency):
- ☐ Joint investigation with an outside agency (specify agency):
- ☐ Close criminal investigation (reasonable suspicion not substantiated)

Justification for the decision to initiate or decline criminal investigation:

NEXT STEPS / TIMELINE

Outline of planned investigative steps and anticipated timeline:

ADDITIONAL NOTES

Document any specific directives or considerations:

CHIEF OF POLICE APPROVAL

Chief of Police: _____ **Date:** _____

RECEIVED BY IAB: _____ **Date:** _____

After COP approval, this report shall be forwarded to the IAB Captain for inclusion in the Case Vision file.

TF Number:

ATTACHMENT 3
Agenda Supporting
Materials

Pages 31–38

STATEMENT OF THE OAKLAND POLICE COMMISSION

I. Introduction

At its last Case Management Conference (CMC), this Court emphasized that compliance with the terms of the Negotiated Settlement Agreement (NSA) will necessitate a change in the culture of the Oakland Police Department (OPD or the Department). According to the Court, this “culture change [will] require[] strong leadership at all levels. Executive leadership has to drive culture. The culture cannot drive the leadership.” (CMC Transcript at 7:3-6 (July 11, 2025)). The Court’s words are more important now than ever. With the recent departure of former Chief Floyd Mitchell from the Department and the Oakland Police Commission preparing the search for his replacement, Oakland must find the kind of Chief willing to take ownership of the task of repairing a decades-long culture that, when faced with officer misconduct, wrongly labels corrective disciplinary action as “weaponization” and “punishment.” As this Statement confirms, collaboration places the Department’s feet on that path and demonstrates that an independent oversight body is a benefit, rather than a hindrance, to the goal of constitutional and effective policing.

Oakland voters overwhelmingly approved Measure LL which established the Oakland Police Commission (the Commission) to serve as an engine of reform within the Department. Composed of a governing body of Commissioners, the Community Police Review Agency (CPRA or the Agency), and the Office of the Inspector General (OIG) (which was created via Measure S1) (collectively the Commission), the Commission was created, not only to ensure effective *external* review of the OPDs disciplinary process, but to step in and function as the primary oversight vehicle once the Department reaches compliance with – and exists from – the NSA. The Commission is therefore committed to an enduring change in culture within the Department that will result in long-term compliance beyond the lifetime of the NSA. Three factors are critical to accomplishing this goal: (1) the Commission’s continued effective and productive relationships with key City and community stakeholders, including the Oakland Police Department and an independent OIG; (2) beginning the transfer of certain Internal Affairs Bureau (IAB) investigations to CPRA and further standardizing the disciplinary process; and (3) the City’s commitment to secure and defend the kind

1 of independent civilian oversight that will cement constitutional policing within the core of the
2 Department.

3 **II. Constructive Independent Oversight in Action**

4 In recent months, the Commission's role in overseeing the Department's policies and
5 procedures has been spotlighted in Oakland. Amidst recent criticism of certain OPD proposals and
6 the Commission/Department relationship, the Commission has worked diligently with the
7 Department to review, revise, and prepare to implement a number of OPD policies. At an October
8 2025 Commission meeting, the Department's liaison to the Commission described how both bodies
9 worked hand-in-hand in the prior year to collaborate – even in the face of disagreements – and
10 refine policies to resolve challenges. The Commission consulted with the Department on a proposal
11 to revise OPD Special Order 9214 (Use of Force Investigation Timelines). According to OPD, the
12 policy (as it stood), resulted in an administrative burden for Captains and Sergeants. Via efforts
13 mostly invisible to the public, this consultation brought forth an OPD request for policy
14 modification that received unanimous Commission approval. The newly revised policy was said to
15 have helped tremendously in reducing officer requests for extensions and in eliminating duplicative
16 reporting - which in turn put more officers on the street while lowering the need for overtime. This
17 policy revision exemplifies how the Commission collaborates with the Department to alleviate
18 unnecessary restrictions while ameliorating effective policing.

19 Despite public concerns that OPD policing practices targeted residents of certain races,
20 until recently, Department policy addressing racial profiling was severely outdated, having
21 sat untouched for well over a decade. Responsible for program and performance-based audits,
22 evaluations, and inspections. As part of its Charter authority, the Commission's independent Office
23 of the Inspector General (OIG) reviewed Department General Order M-19 (Prohibition Regarding
24 Racial Profiling and Other Race-Based Policing) to identify gaps in the primary document outlining
25 the Department's commitment to fair, equitable, and unbiased service. Upon examination, the OIG
26 offered six substantive recommendations for improvement (along with three additional
27
28

1 consideration points).¹ The Commission's Racial Profiling Ad Hoc (made up of Commissioners,
2 OPD staff, and a member of the public) then accepted the Inspector General's report, then crafted a
3 policy update for the Department's Manual of Rules and a Cultural Accountability Statement that
4 acknowledged OPD's documented link between profiling and harassment of people of color and
5 modern policing. Endorsed by the full Commission, the policy updates were recently approved by
6 the Chief. The revised policy demonstrates how the independent OIG, the Commission's governing
7 body, and OPD can coordinate to align Department policy with national standards for constitutional
8 policing; improve consistency of policy implementation; and increase accountability for officer
9 actions – all of which will advance OPD's compliance with the NSA.

10 As the Court is aware, soon after former Chief Mitchell assumed his post, the
11 City Council referred the OPD's General Order J-4 Policy on Vehicle Pursuits (commonly known
12 as the OPD Pursuit Policy) to the Commission for review and recommendation. Once the
13 Commission recommended no changes to the Policy, Chief Mitchell, elected officials, and the
14 Oakland community became more involved in the process, until the Chief himself proposed specific
15 modifications to the Pursuit Policy. After discussion with the Chief and the receipt of significant
16 community input, the Commission reached agreement with the Department and voted to approve
17 the Chief's modifications to the Pursuit Policy. Despite efforts to describe the Department and the
18 Commission as foes, the unanimous vote demonstrated that the Commission and the Department
19 can cooperate to reach resolution on controversial and pivotal matters.

20 In establishing relationships with key stakeholders, the Commission's efforts extend beyond
21 collaborations with the Chief. Commission leadership has attended officer line-ups to advise that
22 the Commission supports the Department, ensure officers that OPD command staff convey officer
23 concerns to the Commission, and to dispel misconceptions (such as that the Commission is against
24 or "out to get" officers) that instill mistrust of the Commission in OPD officers. Fostering
25 connections with officers enables them to see that Commission oversight is not anti-law
26

27 ¹ The Commission is profoundly concerned that the City's budget does not fully fund the OIG, leaving
28 the IG understaffed and unable to fully perform these kinds of critical duties.

1 enforcement and to embrace the practices associated with cultural change. The Commission also
2 has engaged in improved coordination with City leadership, such as attending twice-monthly Core
3 NSA Group meetings. These recurring meetings permit the members to discuss and coordinate
4 around outstanding NSA Tasks, strengthening communication about the Department in general and
5 the status of NSA Tasks in particular. Commission leadership's participation in Independent
6 Monitor Team site visits similarly provide insight into the specific areas in which the OPD can fine-
7 tune its work to comply with the remaining NSA tasks. The City's Municipal Code gives the
8 Commission's Inspector General (IG) a corresponding opportunity to evaluate OPD's disciplinary
9 process. As part of the OIG's oversight responsibilities, Chapter 2.45.110(E) authorizes the IG to
10 attend OPD's Skelly hearings² – the proceeding by which sworn officers may contest proposed
11 discipline before it takes effect. The Inspector General has observed one such hearing to evaluate
12 the proceeding's fairness, consistency, and adherence to Departmental policies and procedures.
13 Building on this initial observation, the IG intends to continue to attend Skelly hearings to assess the
14 Department's disciplinary process; reinforce accountability and transparency; and safeguard
15 officers' due process rights. All of these Commission efforts advance the Department toward the
16 goals of cultural change, NSA termination, and sustained compliance post-federal oversight.

17 Finally, the Commission's most significant partnership is its role in appointing an Interim
18 Chief and hiring a new permanent Chief with Mayor Barbara Lee. James Beere, a 28-year veteran
19 OPD officer, was named Interim Oakland Police Chief in the wake of former Chief Floyd
20 Mitchell's resignation.³ With Beere installed as Interim Chief, the Commission is now moving
21 purposefully to once again mount a recruitment of exceptionally qualified applicants to interview
22 for the permanent Oakland Police Chief position. Once the applicants are reviewed, the
23 Commission will present the most capable candidates to Mayor Lee for her ultimate consideration.
24 Coordinating with the Mayor, the Commission intends its search to yield the appointment of a Chief
25

26 ² In the last 17 months, after consistent inquiry by the Commission about the number of officers on
27 administrative leave while awaiting Skelly hearings, OPD has expanded the list of persons who can
28 serve as Skelly officers – resulting in an increase in the number of discipline cases moving forward
to hearing.

³ Beere served as Acting Chief until former Chief Mitchell's formal departure on December 5, 2025.

1 with the commitment to improvements in OPD culture and the dedication to compliance necessary
2 for long-term success in a post-NSA environment.

3 **III. The Work of CPRA, the Investigative Agency That Polices the Police**

4 The Community Police Review Agency (CPRA or the Agency) investigates citizens'
5 allegations of misconduct against sworn OPD officers. As an impartial body outside OPD, CPRA's
6 determinations are independent of Department influence. CPRA is Oakland's go-to agency to guard
7 against the unmistakable conflict of interest associated with having the Department police itself.
8 CPRA investigate allegations of misconduct by sworn OPD officers involving uses of force, in-
9 custody deaths, profiling, and First Amendment assemblies. CPRA continues to tackle issues to
10 designed enhance its ability to hold accountable any officer or Department leader that engages in or
11 conceals misconduct.

12 Adopted in 2018, Oakland's City Ordinance No. 13498 (Municipal Code Chapter 2.45.070)
13 requires the Commission, in coordination with CPRA and the Chief of Police, to establish a
14 mediation program. After overcoming numerous obstacles and delays, on September 25, 2025,
15 CPRA presented a mediation plan to the Commission, which unanimously approved the Mediation
16 Policies and Procedures. The Mediation Program will offer community members and police officers
17 the option to mediate complaints *for which officer discipline is not a potential outcome*. Founded on
18 restorative justice principles and administered by CPRA, the program's goal is to further improve
19 communication and cooperation by providing citizens the opportunity to meet with OPD officers
20 and discuss individual complaints in an open, non-confrontational environment.

21 In addition, CPRA remains focused on collaborating with OPD on the transfer of certain of
22 OPD's Internal Affairs Bureau (IAB) investigative duties to the Agency. In April 2025, an
23 independent consultant completed its report on the transition. Transferring certain IAB investigative
24 duties to CPRA will reduce costs to the City while enhancing the independence of the investigative
25 and disciplinary processes. CPRA's additional objectives include improving the efficiency and
26 effectiveness of the OPD discipline process (including a reduction in time for the completion of
27 Skelly hearings), developing strategies for compliance with NSA Task 2 (Timeliness in IAB
28 Investigations), resolving inconsistencies in discipline within the Department (NSA Task 45), and

1 increasing the quality of investigations. Each of these goals is crucial to instilling long-term
2 confidence in the City's ability to manage the investigative process and to impose appropriate
3 discipline (where necessary) both now and once the Department is no longer subject to judicial
4 oversight.

5 Along these lines, CPRA and the Commission have cooperated with the City to build
6 the internal capacity necessary for the transfer of additional IAB obligations. Full CPRA staffing
7 requires no fewer than 17 permanent employees of which (according to the City Charter) at least
8 seven must be investigators. In the second quarter of 2025, CPRA staff consisted of just seven
9 permanent employees and three contract employees with only three investigators. This shortfall
10 remained even after Interim CPRA Director Lawson agreed to cut the position from which he had
11 been elevated to Interim Director in order to forestall further cuts to investigative staff. The new
12 mayoral administration has, however, more than doubled CPRA's budget, allowing the Agency to
13 begin recruiting and hiring new staff. These include a Project Manager to assume IAB transition
14 tasks, manage the new Mediation Program, and to decrease the time for the completion of OPD's
15 Skelly review process for officers on administrative leave. A fully staffed CPRA can be the most
16 effective in providing accountability and independent, unbiased investigations of alleged police
17 misconduct.

18 **IV. Ensuring Commission Stability**

19 In the realm of Oakland administrative bodies, the OPC is a fairly new Commission. In its
20 eight years of operation, the all-volunteer Commission has successfully set up new systems despite
21 an ever-decreasing support staff, and repeated slashes to its budget. Building upon a foundation
22 established by prior Commissioners and members of the public, the current Commission has itself
23 to one of the most effective to-date. Under current OPC leadership, Commissioners have solidified
24 their positive working relationships, including with CPRA and the OIG and extending outward to
25 the former Chief of Police and the Department.

26 Although the Commission has worked relentlessly and labored under City budget
27 reductions, the Oakland City Council's recent failure to reappoint two incumbent Commissioners
28 places the Commission's stability at risk. Despite the Commission Selection Panel's unanimous

1 approval of the reappointment of these two incumbents, the City Council directed the Selection
2 Panel to renew the months-long process of recruiting and interviewing new candidates, with one
3 councilmember stating that they are coordinating with officers to identify OPD-“friendly”
4 Commissioners. This assault on Commission membership and independence has coincided with
5 other overt attempts to disrupt Commission business. Unbeknownst to the Commission, verified and
6 credible threats had been made to the safety of the Commission, resulting in an increased law
7 enforcement presence at Commission meetings. Twice already, these safety concerns have left the
8 Commission without a quorum to conduct Commission business. Unfortunately, the failure to
9 approve reappointment of two members of one of the most effective Commissions yet has gone far
10 in validating this anti-Commission climate. Without support from *all* City officials that
11 demonstrates a commitment to independent civilian oversight that can quell anti-Commission
12 harassment, the City could face a challenge in recruiting and maintaining volunteer
13 Commissioners.

14 As previously noted, the Commission has begun the essential process of recruiting a
15 qualified applicant pool for interviewing and presentation of select candidates to Mayor Barbara
16 Lee. Efforts to upset Commission-functioning are attacks, not only on the task of identifying a
17 successor Chief of Police, but on the greater goal of continuing to implement effective and enduring
18 independent oversight. Now more than ever, the Commission’s stability is fundamental to that
19 project. Failure to vociferously defend Oakland’s designated independent police oversight
20 governing body will undermine the Commission’s continued success and risk decreased compliance
21 with the NSA (or a short-lived exit from the agreement).

22 **V. Conclusion**

23 The Commission’s primary goal is to transform OPD culture by promoting accountability
24 and fairness through appropriate Department policies and equitable disciplinary actions. Through its
25 ad hoc committee efforts and its independent OIG and CPRA branches, the Commission has made
26 significant headway in working with the Department to revise OPD policies to make constitutional
27 policing an efficient, real, and manageable daily practice. Therefore, the Department should not be
28 distrustful of either civilian investigative oversight or any discipline that results from officer

1 misbehavior. Yet, within OPD and parts of City government, the fallacy persists that officer
2 accountability for misconduct is punitive and anti-law enforcement, rather than a welcome
3 demonstration of transparency and a desire for improvement. Despite financial challenges, lack of
4 support, and credible threats of significant physical harm, the Commission remains intent on the
5 mission set before it by the Oakland community: to serve as the standard-bearer for advancing
6 constitutional policies and practices within Oakland law enforcement. The Commission looks
7 forward to locating a Chief of Police who is committed to continued partnership with the
8 Commission and further improving Department culture to accomplish that goal.

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10 Respectfully Submitted,

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13 Ricardo Garcia-Acosta
14 Chair, Oakland Police Commission

15
16 Omar Farmer
17 Chair, NSA Ad Hoc Committee
18 Alternate Commissioner, Oakland Police Commission

19
20 NSA Ad Hoc Committee Members:
21 Shawana Booker, Vice Chair, Oakland Police Commission
22 Antonio Lawson, Executive Director,
23 Community Police Review Agency,
24 Oakland Police Commission

25 Zurvohn Maloof, Inspector General, Oakland Police Commission
26 Mariano Contreras, African American-Latino Action Alliance
27
28