OAKLAND POLICE COMMISSION

REGULAR MEETING AGENDA

November 12, 2026 - 5:30 PM

City Hall Chamber - 1 Frank H. Ogawa Plaza, 3rd Floor, 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.

OAKLAND POLICE COMMISSION
REGULAR MEETING AGENDA
November 12, 2026 - 5:30 PM
City Hall Chamber - 1 Frank H. Ogawa Plaza, 3rd Floor, Oakland

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 Shane Williams, Angela Jackson-Castain, Evelio Grillo, and Alternate Commissioner Joey Harrison

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

CONFERENCE WITH LEGAL COUNSEL
PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
(Government Code Section 54957(b))
Title not disclosed under personnel privacy laws, California's Brown Act, and 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 Shane Williams, Angela Jackson-Castain, Evelio Grillo, and Alternate Commissioner Joey Harrison

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. **Oakland Police Department Update**
Representatives of the Oakland Police Department will provide an update. Topics discussed in the update may include NSA Updates, 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. ***This is a recurring item.*** *(Attachment 1)*

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

VI. **Immigration and Customs Enforcement Policy DGO-O10**

The Commission will discuss OPD's Immigration and Customs Enforcement Policy DGO-O10 draft and take action on the policy.

(Attachment 2: Click links below)
ICE Policy DGO-010
ICE Policy Resource Folder

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

VII. **Commission Vote on Draft Letter to City Leadership Regarding Charter Mandated Commission Functions and Funding**

In light of the termination of federal oversight, the Commission will discuss and consider approval of a draft letter to the City requesting full funding of the Commission budget necessary to perform Charter mandated functions. (*Attachment 3)*

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

VIII. **Office of the Inspector General (OIG) – Pre-Discipline Report Memorandum: Review and Comment**

The Office of the Inspector General (OIG) has submitted a memorandum recommending that the Commission direct the Oakland Police Department (OPD) and Community Police Review Agency (CPRA) to review and revise their respective Pre-Discipline Report forms to ensure consistency in the aggravating and mitigating factors considered when determining officer discipline.
The Commission will review and discuss the OIG's findings and recommendation and provide comments for consideration before the memorandum is finalized and publicly released.
OIG has requested any Commission comments or response by **November 20, 2026**, for inclusion with its final memorandum. (*Attachment 4)*

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

IX. **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.

Additionally, the Commission may review and discuss current ad hoc committee leadership and membership, assess Commissioner availability, consider and update committee assignments as needed, and coordinate and confirm upcoming ad hoc committee meeting schedules.

Please note that ad hoc committee discussions are often fluid and may not follow a formal agenda. Recordings 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. ***This is a recurring item***.

Ad Hoc Committee Commissioner Assignments

The Commission will discuss current Ad Hoc leadership and assignments; determine availability and updated assignments; and confirm ad hoc scheduling. *(Attachment 5 click here for attachment link)*

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

X. **Chair Report**

This item provides an opportunity for Chair Garcia-Acosta to give, where appropriate, general oral updates about developments resulting from standing meetings with City leadership on behalf of the Commission.

a. Discussion
b. Public Comment

XI. **Approval of Meeting Minutes (October 22, 2026)**

The Commission will review and take action on October 22, 2026 meeting minutes. *(Attachment 6 click here:* October 22, 2026)

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

XII. **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

XIII. **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 Commissions work should submit a speaker card before the start of this item. People 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

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

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

XV. **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.

RESOURCES

Some documents are not included in the full agenda packet because the files may be too large to send by email. Instead, those documents can be accessed through links. The links can be found in two places: in the description of the related agenda item and in this section as an additional place to access them. Some documents may still be included directly in the agenda packet, while others are provided by link for easier access.

Immigration and Customs Enforcement Policy DGO-O10
Attachment 2: Click links below
ICE Policy DGO-010
ICE Policy Resource Folder

Ad Hoc Committee Commissioner Assignments
Attachment 5 click here for attachment link

Approval of Meeting Minutes October 22, 2026
Attachment 6 click here: October 22, 2026

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 11/12/2026

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

Task	
Tasks 2, 5, and 45	N/A
IMT Visit	N/A
Next CMC	N/A

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	
Immigration Policy DGO I-10	OPC Chair directed the commission to address the updated Immigration Policy DGO O-10. On 7 Apr 26, OPD sent the requested letter beginning the 120-Day clock. OPC sent the policy to an Ad Hoc committee on 8 Jul 26. The last Ad Hoc meeting was held on 4 Nov 26, with the possibility of one addition meeting focused on community education. The draft policy is scheduled to be presented to the full commission on 12 Nov 26.
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. The policy was signed by Interim Chief Beere and published to PowerDMS on 3 Feb 26.
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 Police Commission's approval of the language is pending.
Sexual Misconduct Policy	Under review with the City Attorney's Office and IG. No timeline for completion was given as of 24 Sep 24. OPD located a previous draft and sent it to the OCA for legal review. OCA sent to OPC and OPD with comments on 28 May 26. Policy was discussed during the 13 Aug 26 Commission meeting. OPD will provide updated draft for review by next meeting on 27 Aug 26. OPD completed latest draft on 24 Sep 26 and sent to OCA. OCA returned draft in mid October with additional comments. OPD is working on another revision.
Racial Profiling / Bias Policy (DGO M-19)	IMT consult/ OPC review completed, sent to Chief Mitchell for signature. In-service training involves training instructors as well as developing a training plan for the Department. In the final review, it will be sent to the OCA for legal review.

* "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.

K-4: Reporting and Investigating the Use of Force. (SO 9214)	Sent to OPC on 5 Feb 25. OPD will present the new timelines for use-of-force reporting and investigations on 13 Mar 25. Policy was signed by Chief Mitchell on 8 Apr 25 and published on 30 Apr 25.
Discipline Matrix	Currently with the Police Commission Ad Hoc.
Militarized Equipment Annual Report	The 2025 Annual MEU Report 2025 was submitted and presented to the OPC on 23 Jul 26, which was reviewed and approved. 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.

IV. OPD Budget, Charter 604(b)(7) & MC 2.45.070(C)-(D)

Topic

Staffing & resource management

Sworn Staffing Authorized: 678
Filled: 613
Operational Strength: 530

Communications Dispatchers Authorized: 78
Filled: 65 (18 are currently in training)
Four (4) Police Communications Dispatchers hired eff 12 Sep 26.

Professional Staffing
Authorized: 281.00
Filled: 235.50

*FY 26-27 increased authorized staffing to 281 due to the addition of: 2 positions, 4.5 FTE grant-funded Police Cadet positions, and the unfreezing of 6 positions.
The increase in the authorized staffing is due to the unfreezing of four (4) Intake Technician positions and one (1) Fleet Compliance Coordinator. The grant funding of nine (9) FTE Police Cadet positions will be available July 1, 2026.
~~*Vacancies of note*:~~
~~All vacant positions are frozen, with the exception of the Police Communication Dispatchers. Police Communications Dispatcher (14)~~

As of October 15, 2026 (Sworn only)	Admin Leave	Medical Leave On-Duty Illness/ Injury	Medical Leave Personal Illness/ Injury	Military Leave
2+ Years	1	5		
1-2 Years	2	16		
6 mo.– 1 Year	2	12		1
2-6 months	1	14	1	

Long-term leave: 65 sworn employees
- 55 Medical Leave
- 9 Admin Leave
- 24 Sworn on Modified Duty
- 1 Military Leave
  - *9* Active Military Reservists

Of the 9 sworn personnel on admin leave, 2 have been off for 1-2 years. The annual cost associated with those 2 employees is $695,364. The cost breakdown is below:

Admin Rank	Position	Cost	Total Cost
Sergeant			
Police Officer	2	347,682	695,364
Total	2		695,364

Attrition Rate – 6/mo. (45 separated over the past year)

Reemployments – None

Retirement Projections for 2026: 54 possible
- *1 Chief of Police*
- 2 Deputy Chief of Police
- 1 Captains of Police
- 11 Lieutenants of Police
- 17 Sergeants of Police
- 22 Police Officers

Less than 2 months	3	8	1		
	9	55	1	1	

Academy Recruits	195th Academy: Began July 19, 2025 – ended January 16, 2026 14 Police Officer Trainees (POT) 196th Academy: Began November 22, 2025-ended May 29, 2026 17 Police Officer Trainees 197th Academy began April 25, 2026- ended Nov. 6, 2026, with 15 Police Officer Trainees 198th Academy began August 29, 2026- 43 Police Officer Trainees	
General Department functions (Internal Affairs Bureau, IAB Skelly Process)	**Skelly Data:** # of pending Skelly by Case: 24 (-4) # of pending Skelly by Subject: 36 (-3) # of Skelly waiting for eligible SHO:5 Number of Skelly Hearing Officers: 32 • Upcoming retirements, laterals, and reassignments **Process Improvements:** • All trained Commanders and Managers can conduct Skellys (But subject to recusal assessments) • Changed to digital format • Waiver for Officers ○ Working with the City Attorney to formalize • Added personnel to assist • VISION integration (assists in tracking ex. Reminders, emails) • Skelly Dashboard fully operational	* Wait time for each Skelly – Varies * How are Skelly Officers selected (training, recusals, etc.) - Must attend Skelly Hearing Officer Training & be of appropriate rank Skelly Comparison by Month

2026	By Case	By Subject
Jan	38	56
Feb	37	53
Mar	35	54
Apr		
May	31	45
Jun	30	51
Jul	25	41
Aug	30	47
Sep	28	39
Oct	24	36
Nov		
Dec		

IAB Cases	**2025** (Through 31Dec2025) Total cases closed YTD – 1560 Total cases opened in Intake YTD – 1451 Total Cases assigned to Intake (not yet assigned to an investigator) – 164 **2026** (Through 09Nov26) Total Cases Closed YTD – 1148 Total Cases Opened in Intake YTD – 1153 Total Cases Assigned to Intake (not yet assigned to an investigator) – 152 **Case Load** Total investigations assigned to IAB – 57 Total investigations assigned as DLIs – 142 Total cases currently open – 351 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.
SB 2	**https://post.ca.gov/Peace-Officer-Certification-Actions** — **SB 2 List:** 2026 (Year-To-Date) 3 total Oakland PD

General Department functions (CID)	**SVS Juvenile Cases:** 2026 (Year-To-Date)
	• Juvenile Arrests: 179 total juvenile arrests
	• YTD Referrals to restorative justice programs: 28
	  ○ Neighborhood Opportunity & Accountability Board (NOAB) - 28
	  ○ Community Works West Referrals – 0 (No longer a partner as of January 2025)
	
	Missing Persons: 2026 (Year-To-Date)
	• YTD MPU Cases: 1300
	• YTD Closed MPU Cases: 1168
		Hate Crimes: 2026 (Year-To-Date)
		• Total Cases: 1
		• New cases: 0
		
		DVU Cases: 2026 (Year-To-Date)
		• Total cases: 3855
		• 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 –
		• 1145
		• Domestic Battery, 243(e)(1) -
		• 871
		• Inflict corporate Injury Spouse/cohabitant 273.5- 1030

Education and training regarding job-related stress, PTSD, Wellness	With the retirement of Barbara De Salvo as the Wellness Unit Coordinator. Officer Maria Madlansacay, PhD, will cover the Wellness Coordinator position while we finish the HR recruiting process to hire a permanent professional staff person.	
Community Engagement or Events	7 Aug 26, the Department attended National Night Out with City Leadership	
Budget **QUARTERLY**	Last: Next:	
Citywide Risk Management **QUARTERLY**	Last: 2 Jun 26 Next: 1 Sep 26	

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

"Sleep in Heavenly Peace"	OPD (Sworn and Professional) personnel assisted "Sleep in Heavenly Peace" volunteers in building and delivering 200 bunk beds for families in Oakland. This amazing group builds beds for children, so they do not have to sleep on the floor or on a couch. Over approximately 8 years, this group has built almost 400,000 beds (396,006), and they currently have 108,473 beds that need to be built. The group has logged over 1,304,376 hours so far.

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	• 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	• Deputy Director Suttle and Fiscal Manager Marshall - July 24th
Update on Pursuit Policy	• OPC approved recommended changes on 25Sep25 meeting. Forwarding through channels for final approval.
Special Order 9214	• Use of Force Timelines – DC Ausmus on 13 Mar 25
Update on 2025 New Laws	• Presented on 27 Feb 25 - Lieutenant Dorham
Sanctuary Ordinance	• Presented on 23 Jan 25 – Lieutenant Dorham o Sanctuary Ordinance Training for OPD o DGO O-10 Sent to OPC on 7 Apr 26
Youth Services	• Presented on 24 Oct 24 – Lieutenant Campos o Juvenile Arrest Referrals o NOAB

Encampment Management	• Presented on 10 Oct 24 - Captain Eriberto Perez- Angeles
Missing Persons	• Presented on 10 Oct 24 – Lieutenant Campos
Ceasefire	• Presented on 26 Sep 24 - Director Reverend Damita Davis o Ceasefire
30x30 - OPOA Women's Committee	• Presented on 19 Sep 24 - Lt. Alexis Nash o 30x30 o OPOA Women's Committee o Women Leaders in Law Enforcement Symposium (WLLE)
Patterns Definition	• Presented on 22 Aug 24 - "Patterns" Definition – Lt. Hubbard
Skelly	• Presented on 22 Aug 24 - Update on Skelly – Act. Capt. Dorham
Wellness Unit	• Presented on 22 Aug 24 - Wellness Unit Update – Dr. Nettles
J-04 Pursuit Policy	• 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	• Presented on 25 July 24 – Lt. Dorham
911 System Grand Jury Report Presentation	• Presented on 11 July 24 – Deputy Director Suttle and Mgr. Cheng
MACRO Strategy Development	• Presented on 11 July 24 – Deputy Director Suttle and Mgr. Cheng
Paid Admin Leave Budget	• Presented on 13 Jun 24, Manager Marshall and Chief Mitchell
MACRO Presentation	• Presented on 23 May 24, Communications Manager – Mgr. Cheng
Ceasefire	• Presented on 8 May 24 – A/Capt. Valle
IAD/Skelly	• Presented on 8 May 24 and 13 Jun 24 - Lt. Dorham
MACRO Data	• July 2026 Monthly data: • 163 calls were referred from OPD Dispatch to MACRO • 6 incidents were MACRO Time Out – NOT HANDLED.

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

November __, 2026

Via Electronic Delivery

The Honorable Barbara Lee
Mayor, City of Oakland

Members of the Oakland City Council

The City Administrator, City of Oakland

Re: Funding for Independent Civilian Oversight Following the End of Federal Court Oversight

Dear Mayor Lee, Members of the City Council, and City Administrator:

The Oakland Police Department's (OPD or the Department) recent exit from the Negotiated Settlement Agreement (NSA) is a milestone that reflects years of effort by the OPD, City leadership, the Police Commission (Commission), Oakland community members, and other stakeholders. The ultimate measure of success, however, will be whether the Department sustains its hard-fought reforms. A decade ago, Oakland voters placed into the City Charter the framework to safeguard OPD's progress. The termination of federal monitoring marks, not an end, but a new beginning whereby Department oversight transitions to the Commission – the Charter-mandated civilian structure established to "oversee the Oakland Police Department ... to ensure that its policies, practices, and customs conform to national standards of constitutional policing." Oakland Charter Section 604(a)(1).

Each division of the Commission (its governing body, the Community Police Review Agency (CPRA), and the Office of the Inspector General (OIG)) plays a significant role in oversight of OPD. The Commission's OIG, in particular, now steps in to fulfill the duties previously performed by the federal Monitoring Team. The City Charter provides that the OIG "shall audit the Department's compliance with the fifty-two tasks described in the Settlement Agreement in United States District Court case number C00-4599, Delphine Allen, et al. v. City of Oakland, et al., and make recommendations to the Department, the Commission, and the City Council based on its audit(s), even after the Settlement Agreement [the NSA] expires." Oakland City Charter § 604(f)(5). Therefore, the City Charter expressly preserves the NSA's substantive obligations beyond the end of federal oversight placing monitoring responsibilities with the OIG.

On the investigative side, CPRA remains Oakland's go-to agency to guard against the conflict of interest associated with having the Department investigate itself. CPRA will continue to review and investigate "alleged misconduct or failure to act of all Department sworn employees, including complaints from Department non-sworn employees" and "public complaints involving uses of force, in-custody deaths, profiling based on any of the protected characteristics identified by federal, state, or local law, untruthfulness, and First Amendment assemblies." Charter Section 604(f)(1). Because its determinations are independent of Department influence, CPRA is also looking ahead to taking over certain Internal Affairs Bureau (IAB) investigative duties as recommended by an independent

consultant. Transferring these IAB investigative duties to CPRA will reduce costs to the City while enhancing the independence of the investigative and disciplinary processes.

Like most other local bodies, the Commission's governing body performs much of its day-to-day work behind the scenes. However, the Commission remains focused on reviewing, and approving or rejecting, proposed Department changes to various policies, procedures, customs– at its own behest or the request of City Council and OPD. Via public ad hoc committees and its twice monthly meetings, the Commission takes community input on proposed policy revisions and keeps its finger on the pulse of police-community interactions. At least twice per year, the full Commission also holds its meetings outside of City Hall, facilitating a forward-facing forum and encouraging community comment on topics within its subject matter jurisdiction. Upon the departure of a Chief of Police, the governing body also recruits a qualified applicant pool, interviews, and presents select candidates to the Mayor for hiring. The Commission also plays an essential in supervising the Chief, once sworn.

Oakland cannot responsibly replace federal monitoring with an underfunded local oversight system. These responsibilities require sufficient operational resources, including reliable access to information, appropriate technology, qualified personnel, and administrative support. The Commission, the Inspector General, and CPRA must have the resources necessary to fulfill the mandates the Charter assigns to them.

Adequate funding is not discretionary support for ancillary programming. Monetary resources is the practical means by which the City will satisfy continuing Charter obligations, protect the progress achieved under federal oversight, identify emerging risks, maintain fair disciplinary and investigative systems, and preserve community confidence in constitutional policing.

The Commission urges the Mayor, City Council, and City Administrator to provide adequate and sustained appropriations for the Commission's governing body, the OIG, and CPRA. The City should specifically consider funds previously devoted to federal monitoring for redirection to Oakland's permanent civilian oversight structure. The forthcoming budget and all subsequent financial plans should provide stable funding for the personnel, audit, investigative, policy, data, administrative, technological, outreach, and operational capacity necessary to perform the functions. The end of federal oversight must include a clear and durable funding commitment for the institution mandated to carry this work forward. The Commission welcomes this renewed opportunity to work with each of you to ensure that Oakland's transition from federal monitoring strengthens – rather than diminishes – independent oversight, constitutional policing, and public trust.

Sincerely,

Ricardo Garcia-Acosta
Chair, Oakland Police Commission

City of Oakland
Office of Inspector General

MEMORANDUM: PRE-DISCIPLINE REPORT

attachment 4

Dear Oakland Police Commission,

The Office of the Inspector General (OIG) submits this memorandum to provide a recommendation to the Oakland Police Commission (OPC) regarding directing a revision of a discipline procedure of the Oakland Police Department ("Department") and the Community Police Review Agency ("Agency")

Authority

The City of Oakland authorizes the OIG to audit or review the policies and procedures of the Department and the Agency. The Oakland Ordinance, Title 2 Section 2.45.100 (A.) provides in part:

> The powers, functions and duties of the OIG shall be those assigned or authorized by the Commission, *and shall include conducting any audit or review of the Department necessary to assess the Department's performance and adherence to constitutional policing practices,* and shall include conducting any audit or review of the Department's policies and procedures, including any pattern of non-compliance with the foregoing, as necessary or helpful for the Commission to fulfill its duties under City Charter section 604(b)(4), (5) and (6).

In addition, The Charter of the City of Oakland, Article VI, Section 604 f (5) provides in part:

> *The OIG may review legal claims, lawsuits, settlement, complaints, and investigations, by, against, or involving the Department and the Agency, 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 Department. The OIG shall have access and authority to review Agency data, investigate records, personnel records, and staffing information for the purpose of conducting audits of the Agency.

Background

In order to monitor and assess the Department and the Agency's procedures in the discipline process, the OIG attends the Chief's weekly discipline meetings where investigations are reviewed, and discipline decisions are determined. In addition, the Inspector General attends[1] statutorily required Skelly hearings which is a type of appeals process provided to officers who receive punitive discipline.[2]

Other than maybe asking questions for clarification, the Inspector General does not participate in the discipline meetings or Skelly hearings, and instead only observes, focusing on whether there are systemic procedural or policy issues to be addressed. Consistent attendance at those meetings has led the Inspector General to a concern regarding the Department and the Agency's discipline procedure.

Pre-Discipline Report

When the Department and the Agency, who conduct separate misconduct investigations into a matter, agree that an officer is sustained of a violation, they attend the Chief's meeting to attempt to reach concurrence on the proposed discipline. To decide the proposed discipline, multiple factors are considered. The Department and the Agency prepare and submit their own separate Pre-Discipline Reports. In addition to other information, the reports list both the aggravating[3] and mitigating[4] factors that are considered when determining the penalty for the violation. The Department and the Agency discuss which factors they consider aggravating or mitigating from their individual list.

While the determined discipline does not exactly correspond to the number of factors that are selected, both the Department and the Agency do consider how many aggravating or mitigating factors they have selected. Since

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[1] Oakland Code of Ordinances, Title 2, Section 2.45.110 (E): "The Inspector General shall be permitted to attend, as an observer, Executive Force Review Board, Force Review Board, and, to the extent permitted by law, Skelly hearings if he or she chooses to do so."

[2] *Skelly v State Personnel Board*, 15 Cal. 3d 194

[3] For the discipline process, an aggravating factor means the action makes the conduct worse or more serious.

[4] For the discipline process, a mitigating factor means the action decreases the seriousness or severity of the conduct.

consideration is given to each factor, in a process where the two entities are attempting to reach concurrence, then it is reasonable that both entities should have the same factors to consider.

The Inspector General observed through preliminary evaluation that the factors considered on the Department's Pre-Discipline Reports are different than the factors on the Agency's Pre-Discipline Reports. Given the confidential nature of the form, the OIG will not specify the different factors but will note that the Agency's Pre-Discipline form has two aggravating and two mitigating factors that are not contained in the Department's form. The Agency can select what they deem to be an aggravating or mitigating factor and consider it in determining discipline. However, if those factors are not contained in the Department's form, the Department cannot refute or agree with those determinations.

True concurrence on a disciplinary finding is difficult to reach when different factors are being considered to make the decision.

Recommendation

The OPC oversees both the Department and the Agency, particularly around discipline matters.[5] The OIG recommends that the OPC direct the Department and the Agency to review their Pre-Discipline Report forms and revise them so that the language is congruent.

Sincerely,

Zurvohn A. Maloof

Zurvohn A. Maloof, Inspector General
Office of the Inspector General

Cc:

Commission Chair Ricardo Garcia-Acosta
Commission Vice Chair Shawanna Booker
Commission Chief of Staff Mykah Montgomery

[5] The Charter of the City of Oakland, Section 604 (g) Adjudication