



# **OFFICE OF THE INSPECTOR GENERAL**

## COMPLIANCE INSPECTION:

***NSA TASK 3 C: IAD (IAB) INTEGRITY TESTS***



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA

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June 6, 2025

To: Chief Floyd Mitchell  
Oakland Police Department  
[VIA EMAIL ONLY]

**Re: NSA Task 3 C: IAD (IAB) Integrity Tests Compliance Inspection**

Dear Chief Mitchell,

The Office of Inspector General (OIG) has completed its inspection of Task 3 of the Negotiated Settlement Agreement regarding Internal Affairs Bureau Integrity Tests within the Oakland Police Department (OPD).

Enclosed is the OIG final report, which includes:

- Detailed findings from the compliance inspection
- OIG recommendations for policy and procedural improvements
- OPD's Response to the OIG Inspection of IAD (IAB) Integrity Tests and Policy Update Plan

To ensure transparency and continued accountability, and in accordance with the OIG Standard Operating Procedures:

*The OIG should keep appropriate officials, and the public properly informed of the OIG's activities, findings, recommendations, and accomplishments consistent with the OIG's mission, legal authority, organizational placement, and confidentiality requirements.*

Should you have any questions, concerns, or require further clarification, please do not hesitate to contact the Office of Inspector General at (510) 238-2916.

Sincerely,

Zurvoyn A. Maloof, JD, CIG  
Inspector General  
Office of the Inspector General

CC: Commission Chair Ricardo Garcia-Acosta  
Vice Commission Chair Shawana Booker  
Assistant Chief James Beere  
Deputy Chief Angelica Mendoza  
Deputy Chief Lisa Ausmus  
Deputy IG Charlotte Jones  
Captain Bryan Hubbard  
COS Mykah Montgomery



# City of Oakland Office of Inspector General

## INSPECTIONS/EVALUATIONS COMPLIANCE REPORT

### INSPECTION/EVALUATION RESULTS



The OIG inspection has determined that OPD is **NON-COMPLIANT** with the Negotiated Settlement Agreement (NSA), Section III Task 3 C. IAD (IAB)<sup>1</sup> Integrity Tests

### WHY THIS POLICY MATTERS



OPD members with repeated allegations of misconduct that are not specifically monitored and remain unchecked, can erode public trust, create a culture of impunity within the Department, and have an increased risk of future misconduct. Integrity tests are not only NSA required, but also necessary assessment tools to monitor and establish that such members are not engaging in violations of OPD policies and procedures, and to serve as confirmation of OPD's commitment to accountability and constitutional policing.

### RELEVANT LAW & POLICY



- Charter of the City of Oakland, Section 604(f)5
- The Negotiated Settlement Agreement resulting from Delphine Allen, et al., v. City of Oakland, et al
- Departmental General Order (DGO) M-03.3

### RECOMMENDATIONS IN BRIEF

To Chief Mitchell; OPD Management:

- Recommendation I – Page 15
- Recommendation II – Page 16
- Recommendation III – Page 17
- Consideration I – Page 17

<sup>1</sup> OPD's Internal Affairs Division (IAD) was transitioned to the Internal Affairs Bureau (IAB) soon after a court order from September 6, 2024. However, the titles IAD and IAB will both be used throughout the report because language in the NSA and in policies still indicate IAD.

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**Acronym List**

Acronym	
DGO	Departmental General Order
IAB	Internal Affairs Bureau
IAD	Internal Affairs Division
IADITU	Internal Affairs Division Integrity Testing Unit
NSA	Negotiated Settlement Agreement
OIG	Office of Inspector General
OPD	Oakland Police Department
P & P	Policies and Publications Unit

## **Inspection / Evaluation Compliance Report**

### **Section I: Background**

In 2020, Measure S1 was passed to amend the City Charter and enhance Oakland's police reform efforts. Measure S1 established the independent civilian Office of the Inspector General (OIG), which is overseen by the Oakland Police Commission (Commission). The OIG is responsible for auditing and monitoring the Oakland Police Department's (OPD's) compliance with policies, procedures, and the fifty-two tasks outlined in the Negotiated Settlement Agreement (NSA), during federal oversight and after it ends.<sup>2</sup>

This inspection is a systemic and independent assessment of OPD's policies and procedures to determine efficacy, effectiveness, impact, and sustainability of operations, programs or policies, to enhance accountability and transparency, and provide recommendations for change when necessary. Inspections and evaluations<sup>3</sup> are important in that they:

- Provide factual and analytical information;
- Measure performance;
- Assess internal controls;
- Determine compliance with applicable law, regulation, and policy;
- Identify savings, funds put to better use, and questioned costs, and
- Share best practices and approaches

The OIG will gather, and report information in a fair, unbiased, and independent manner to support the resulting conclusions and recommendations.

This inspection complies with the standards of the *Council of the Inspectors General on Integrity and Efficiency Quality Standards for Inspection and Evaluation* ("Blue Book"); and the *Association of Inspectors General Principles and Standards for Offices of Inspector General Quality Standards for Inspections, Evaluations and Reviews*.

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<sup>2</sup> Charter of the City of Oakland, Section 604(f)5.

<sup>3</sup> *Council of Inspectors General on Integrity and Efficiency Quality Standards for Inspection and Evaluation* does not distinguish and considers an inspection and an evaluation as interchangeable (p1). The OIG considers an Inspection as a general examination of a policy, practice, or procedure to ascertain whether it adheres to legal standards and best practices, to determine compliance, and make recommendations for improvement. The OIG considers an Evaluation as a broader, more critical systemic and objective analysis of a policy, practice, or procedure, employing a more rigorous evaluation method to assess its effectiveness and inform decision making.

## **Section II: Inspection Plan**

### **OBJECTIVE**

The objective of this inspection is to determine OPD's implementation and compliance with Negotiated Settlement Agreement Section III Task 3 C. IAD (IAB) Integrity Tests; specifically, whether OPD has created or implemented a policy required in the task(s) set in the NSA, and OPD's compliance with that established policy.

Integrity tests are selective or planned review assessments of OPD members/employees who are the subject of repeated allegations of misconduct, to verify compliance with Departmental policies, procedures, or laws. The Internal Affairs Division Integrity Testing Unit (IADITU) conducts these integrity tests. IADITU also conducts integrity tests based on current concerns or issues identified by unit Commanders or based on a determination made by the Chief of Police.

### **SCOPE**

The scope of this inspection is to determine OPD's compliance with NSA Task 3 for the following dates:

- January 1, 2024 through December 31, 2024

### **METHODOLOGY**

1. Conduct initial research and review consistent with the objectives of the policy and/or procedure
2. Request relevant policies, documentation, and samples from OPD related to the inspection
3. Conduct Entrance Conference with OPD for clarification, questions, and review
4. Review direct and related policies, documentation, samples, and information provided
5. Determine OPD compliance with policy implementation and performance based on the requirements in the NSA, the language in the policy, current updates in law, and best practices in law enforcement
6. Prepare an inspection report indicating compliance level and potentially recommendations/considerations
7. Provide an inspection report to the OPD for review and comment
8. Provide an inspection report to Oakland Police Commission, and post on OIG's website for the Oakland community

## CRITERIA

- ❖ Delphine Allen, et al., v City of Oakland, et al., Negotiated Settlement Agreement (NSA)
- ❖ Oakland Police Department Departmental General Orders, policies, and procedures
- ❖ With consideration of police best practices and procedures

## LIMITATIONS

- This is the first inspection of this task by the OIG, so no prior inspection is available to utilize for compliance comparison.
- The language of the NSA is the guiding factor in determining OPD compliance; however, the NSA was written in 2003, and updated in 2008. There might be systemic, legal, technical, or best practice changes that effect compliance that are not contained in the actual language of the NSA. The OIG must consider the language of the NSA as guidance but must also consider OPD's actual policies and procedures in effect at this time, which might differ in language and scope.

Section III: General Information

Inspection Title:	NSA Task 3 C. IAD (IAB) Integrity Tests
OPD Related Policy:	Departmental General Order M-03.3 Integrity Testing
Policy Created/Revised	December 24, 2010 / no revisions
Previous Inspection:	Unknown
Inspection Date/Range:	January 1, 2024, through December 31, 2024
Inspection Completed:	May 19, 2025
Inspector(s):	Deputy Inspector General Charlotte Jones
Department/Unit Inspected:	Internal Affairs Division Integrity Testing Unit (IADITU)
Inspection Type:	<div><div><input checked="" type="checkbox"/> Routine</div><div><input type="checkbox"/> Follow-up</div><div><input type="checkbox"/> Targeted/Complaint-Based</div><div><input type="checkbox"/> Random</div></div>

## Section IV: Compliance Checklist

The Office of Inspector General (OIG) used the following compliance definitions:

- Fully Compliant
  - Fully meets all required standards, regulations, or policies.
  - No violations or deficiencies exist.
- Substantially Compliant
  - Mostly meets requirements but has minor deficiencies that do not significantly affect overall adherence.
  - Improvements may be needed, but the entity is largely in compliance.
- Non-Compliant
  - Fails to meet key NSA or policy requirements.
  - Major deficiencies exist, which results in non-compliance with NSA or policies, improvements are needed.

COMPLIANCE INDICATORS	STATUS		COMMENTS/NOTES
❖ Policy requiring OPD conduct tests where members are subject of repeated misconduct allegations	[ X ]	Fully Compliant	DGO M-03.3 IV. E.
	[ ]	Substantially Compliant	
	[ ]	Non-Compliant	
❖ Policy containing frequency standards for conducting tests	[ ]	Fully Compliant	DGO M-03.3 does not indicate frequency standards
	[ ]	Substantially Compliant	
	[ X ]	Non-Compliant	
❖ Integrity Test Operations Request (TF-3346) to the Chief/Assistant Chief for final approval	[ X ]	Fully Compliant	Integrity Test Operations Request completed
	[ ]	Substantially Compliant	
	[ ]	Non-Compliant	
❖ Operations plans for field tests prepared, reviewed, and approved by the IAD Commander prior to implementation, if required	[ X ]	Fully Compliant	Operation plan (not required for non-field or administrative nature tests) appears to be the same as the objectives on the test
	[ ]	Substantially Compliant	
	[ ]	Non-Compliant	

COMPLIANCE INDICATORS	STATUS		COMMENTS/NOTES
❖ Recusal memorandum prepared by the Investigator	[ X ]	Fully Compliant	Recusal memo prepared
	[ ]	Substantially Compliant	
	[ ]	Non-Compliant	
❖ Chronological log of activities maintained	[ ]	Fully Compliant	No form TF-3461-1 or similar chronological log included
	[ ]	Substantially Compliant	
	[ X ]	Non-Compliant	
❖ Ensure the duration of the integrity test does not exceed 14 calendar days from the date of approval, without an extension	[ ]	Fully Compliant	No extension request for integrity test that started 34 days after approval and lasted 22 days
	[ ]	Substantially Compliant	
	[ X ]	Non-Compliant	
❖ After-action report prepared documenting results of the test, including any recommendations and whether other MOR violations were discovered	[ X ]	Fully Compliant	After-action report completed with required information.
	[ ]	Substantially Compliant	
	[ ]	Non-Compliant	
❖ After-action report reviewed and approved by the IAD Commander and the Chief or Assistant Chief of Police	[ X ]	Fully Compliant	After-action report approved by IAD Commander and Chief or Asst. Chief of Police
	[ ]	Substantially Compliant	
	[ ]	Non-Compliant	

## Section V: Documentation Review

DOCUMENT TYPE REVIEWED	ISSUES FOUND	SUMMARY OF ISSUES
❖ DGO M-03.3	No	Policy clearly indicates integrity test process
	Yes	No indication that policy reviewed for potential revision since 2010
	Yes	No frequency standards in the policy indicating when tests given
❖ IAD Integrity Test Operation Requests	No* <sup>4</sup>	Not using form TF-3346, however, request memos have same information as the form and are completed and signed as required.
❖ Internal Affairs Division Recusal Forms	No	Form completed and signed
❖ Integrity Test Chronological Activity Log	Yes	Form TF-3346-1 required by policy not completed
❖ Integrity Test After-Action Reports	No*	Not using form TF-3346-2, however, after-action report memos have the same information as the form.
	No	Summary of operation information contained in report
	Yes	Elements of process and actual conducting of integrity test are problematic
	No	1 integrity test with approval from the Chief / Asst. Chief as required

<sup>4</sup> An asterisk indicates that there was some variation from policy, but the necessary information was presented so as not to cause significant concern with the minor change.

DOCUMENT TYPE REVIEWED	ISSUES FOUND	SUMMARY OF ISSUES
❖ DGO I-19	No	Electronic Communications Devices policy requires quarterly “audit” of no less than two randomly selected OPD cell phones by IADITU.
❖ DGO E-3.1	No	Department Notification Compliance Verification policy requires quarterly compliance checks of 4 random members (ex: law enforcement agency records, DMV...).

## **Section VI: Personnel Interviews / Communications**

OPD staff interviews/communications are conducted at the initiation of the inspections, and if there is additional need regarding documentation, policy understanding, and application.

<b>Communication Type:</b>	Virtual Meeting
<b>Communication Date:</b>	March 14, 2015
<b>Summary of Discussion:</b>	Entrance conference to discuss requested information. Member indicated that IAB would comply with requests regarding this inspection but did note that there were previous leaders in administration in IAB (then IAD) and could not say for certain the way that they maintained records/documents.

<b>Communication Type:</b>	Email
<b>Communication Date:</b>	May 7, 2025
<b>Summary of Discussion:</b>	Emailed follow-up questions on information provided for the inspections request for documentation. Response indicated: 1) DGO M-03.3 is scheduled for mandatory review and potential revision every 3 years, 2) There are no frequency standards prescribed for conducting integrity tests and stated the basis for conducting tests as indicated in policy, 3) DGO M-03.3 does not contain language about frequency standards, 4) Audits and inspections required by DGO I-19, and verification of compliance with notification requirements required by DGO E-3.1, are different oversight mechanisms from the integrity tests, with different purposes, procedures and triggering events, 5) There is no documentation from the Independent Monitoring Program that audits or verifications under DGO I-19 and DGO E-3.1, can be used as substitutes for the integrity tests described in DGO M-03.3, 6) There are no known failed integrity tests in recent history, and, 7) “If only 2 of 19 After-Action reports received the required approval signatures, this appears to represent a procedural compliance issue with the policy requirements.”

<b>Communication Type:</b>	Email
<b>Communication Date:</b>	May 8, 2025
<b>Summary of Discussion:</b>	Emailed follow-up questions based on emailed information received. Response indicated, 1) directed to Policy and Publication (P & P) regarding potential reviews for revision of DGO M-03.3, 2) Will follow up with his Integrity Unit for response to additional questions

<b>Communication Type:</b>	Email
<b>Communication Date:</b>	May 13, 2025
<b>Summary of Discussion:</b>	Emailed request for dates of policy reviews for DGO M-03.3. No documentation of any review for this policy provided. A tracker with some DGO policies previously being review by P & P was provided. Response indicated, 1) DGO M-03.3 is not slated for review at this time, 2) “It may take some time to get the review of policies back up and running” 3) the P & P personnel were transferred to other units due to the Department’s needs, and there are no resources to replace them.

<b>Communication Type:</b>	Email
<b>Communication Date:</b>	May 14, 2025
<b>Summary of Discussion:</b>	As follow up to additional questions, response indicated, 1) “The process for identifying members with repeated allegations of misconduct involves a “high flier” audit conducted by ITU sergeants” (*no evidence of the audits were provided), 2) in 2024 there were personnel transitions, and operational challenges, which “explains why formal documentation of the identification process for 2024 is limited”, 3) there was only 1 formal integrity test conducted in 2024, the staffing and operational challenges provide context for this limitation, and steps are being taken to address the limitations

## **Section VIII: Findings and Assessment**

[ ] Fully Compliant

[ ] Substantially Compliant

[ X ] Non-Compliant

### **SUMMARY OF KEY FINDINGS**

- OPD could not provide documentation to show that DGO M-03.3 has been reviewed every three years as required by the policy or that it has been reviewed at all since created. OPD indicated there is no scheduled review of this policy.
- DGO M-03.3 does not include a frequency standard to designate what intervals, time frames or other frequencies will be utilized to determine when integrity tests will be performed. As a result, only one 1 integrity test was conducted for the year in 2024.
- OPD did not provide documentation to show the method/procedure they utilized to determine which members with repeated allegations of misconduct are selected for integrity tests.
- The request for all 2024 integrity tests resulted in OPD providing 19 After-Action reports. Upon review, only one (1) report was actually an integrity test. Eighteen (18) of the reports were inspections/audits required by DGO I-19 or notification compliance verifications required by DGO E-3.1. OPD clarified that those reports are not integrity tests as required by DGO M-03.3. However, concerning is the fact that OPD submitted those reports to the OIG as integrity tests. The reports are written in the same format and with the same information as an integrity test. Additionally, the reports indicate on the first line, “This is an after-action report for an IADITU *Planned Integrity Test*”, or “This is an after-action report for the IADITU *Planned Integrity Test* per DGO I-19 Electronic Communication Devices”. The fact that these reports are produced on after-action reports and are titled “integrity tests” makes it appear that OPD conducted a significant number of integrity tests in 2024, when they only completed 1.
- The integrity test report did not have a form TF-3360-1 or any similar chronological log attached.
- The Operation Request to initiate the integrity test was approved on January 29, 2024. Policy directs that “the duration of the integrity test does not exceed 14 calendar days from the date of approval.” The test did not start until March 3, 2024 - 34 days after the approval. The integrity test operation lasted until March 24, 2024 - for 22 days. There was no extension request submitted or approved as required by policy.
- There is significant concern regarding the integrity test operation, specifically in the surveillance which occurred during the process. The concerns are with the “set” surveillance days, the “set” timeframes, and the members performance during the process as discussed below in Recommendation II.

## NOTES/COMMENTS

OPD is considered “Non-Compliant” with the requirements of policy DGO M-03.3, and therefore “Non-Compliant with NSA Task 3 on Integrity Tests. OPD is considered “Non-Compliant” based on:

- DGO M-03.3 indicates that integrity tests will be conducted when members have repeated allegations of misconduct, however, the policy does not indicate the *frequency* within which those members will be identified and tested. Without a set frequency for testing, there is no determination for when or if the tests will occur at all.
- DGO M-03.3 does not describe a “high-flier audit”<sup>5</sup> or indicate any method or procedure utilized to identify members with repeated allegations of misconduct that should be subject to integrity testing.
- The one (1) integrity test that was completed in 2024 did not have an attached form 3346.1 or other chronological log attached.
- The one (1) integrity test that was completed in 2024 did not start until 34 days after the signed approval, although it was supposed to be completed by 14 days from the approval.
- The one (1) integrity test that was completed in 2024, once it was started, lasted for 22 days, instead of the required 14 days without an included extension request.

While OPD has the required policy for Task 3, (DGO M-03.3) that addresses process around integrity testing and the resulting reports, OPD has *major* gaps in the policy, and *major* gaps in compliance with the policy.

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<sup>5</sup> “High-flier” audit is the term provided by OPD to explain the method used to determine who to conduct an integrity test on; however, the methodology or procedure around such an audit is not included in the policy.

## **Section IX: Recommendations and/or Considerations**

### **RECOMMENDATIONS:**

- I. The OIG recommends that OPD revise DGO M-03.3 to include frequency standards, and delineate the method utilized to determine which members with repeated allegations of misconduct will be tested.

DGO M-03.3 Integrity Testing was created in December 2010, after the NSA had been in effect for about seven years; therefore, when the policy was created it should have succinctly included the requirements of the NSA. The task indicates:

Task 3 (Section III)

#### C. IAD Integrity Tests

IAD shall be proactive as well as reactive.

1. IAD shall conduct integrity tests in situations where members/employees are the subject of repeated allegations of misconduct.
2. IAD shall have frequency standards, among other parameters, for such integrity tests.

DGO M-03.3 language indicates that IAD will be “reactive” toward integrity concerns, by not only testing members who are the subjects of repeated allegations of misconduct, but also conducting tests when there are concerns by unit commanders and if there is a determination by the Chief of Police. However, the policy does not indicate how IAD will be “proactive” in their processes. Without a frequency standard in policy that provides some framed guideline as to when integrity tests will be performed, be it monthly or quarterly, on a needed and a proactive basis, the policy is not substantial. A policy without substantial direction as to when the process will occur, leads to results such as what occurred in 2024, specifically an entire year with only 1 integrity test conducted.

In addition to frequency standards, the NSA indicates that OPD should also have “other parameters” for integrity tests. One parameter that will provide necessary information for the effective initiation of integrity tests is to include in policy the method that is utilized to determine which officers with repeated allegations of misconduct will be tested. IAB indicated that the process to determine which subject members to test involves a “high-flier” audit conducted by ITU sergeants. Even considering IAB’s explanation that personnel transitions and operational challenges have negatively affected their ability to maintain documentation and process implementation, external knowledge about the policies, procedures, reports, and approval of a “high-flier” audit, or any other method utilized by the ITU, is imperative for transparency and should be incorporated in the integrity testing policy.

The OIG agrees with OPD’s preface in DGO M-03.3, “A failure to adequately address repeated or singularly severe allegation against a member or employee of the Department will rapidly lead to an erosion of community trust and Departmental morale.” OPD should update the policy to attempt to prevent such failures.

II. The OIG recommends that IAB and/or ITU commanders document monitoring of integrity test operations during the process so that the test is conducted to reach findings that support compliance or non-compliance with OPD policies, procedures, or laws.

There was only 1 integrity test completed by ITU in 2024, so the OIG does not want to make a generalization based on one sample. Also, the OIG does not want to give any personal indication about the subject member, or the incident involved. However, there are significant concerns with the process for the one integrity test, specifically in the surveillance portion, that lead to this recommendation. While the policy requires supervisory approval when the report is submitted, the OIG recommends that the process be monitored throughout the testing so that the results of the test are supported.

Surveillance<sup>6</sup> in this integrity test occurred five times during the operation. One concern is that the surveillance occurred on the same two days for 2 ½ weeks, which leaves five days in the weeks when the incident could occur without detection. There was no variation in the days to conduct the surveillance. Additionally, the surveillance started around the same hour and ended on or before 8:00 pm each time, which of course leaves any time after that for the incident to occur. There was no significant variation in times of surveillance. For comparison, if a member is accused of shooting at flying birds, and OPD wanted to determine if that were true, then it would make sense to surveil the member on various days and times that birds might be flying. It is not reasonable to pick the same two days every week and surveil the member only at night when most birds are sleeping.

In addition to concerns around the set days, and set times, the surveillance was not conducted in a consistent manner. Of the five dates of surveillance, on one date, the surveillance only lasted 20 minutes. On another date, the surveillance crew saw the member, but lost sight of the member for 30 minutes, then located the member, but after an hour and 40 minutes, lost sight of the member again with no further observations before ending the operation. On another date the surveillance crew followed the member for 1 ½ hour to a location but indicated that based on the route that was taken, and how the vehicle was parked, the surveillance was terminated for the day about 18 minutes later. It should be noted that the members indicated that overtime was utilized to complete surveillance for this operation.

The entire test operation ultimately resulted in a finding that there was “no evidence” that the member engaged in the concerning behavior. The test was a “Pass”, with no indication of violation of OPD policies, procedures, or law. According to IAB, there is “no known history” of any person failing an integrity test.

While the OIG is not making a generalization about all integrity tests, there was no documentation that this test was monitored during the process. If OPD intends to support the findings of compliance or non-compliance, the integrity testing operation should have documented monitoring by IAB / ITU command staff during the process.

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<sup>6</sup> Surveillance is close observation, of a member of OPD, which can include undercover following and monitoring. The purpose of the surveillance is to determine if the member, without knowledge of the monitoring, engages in the concerned behavior or actions in violation of OPD policies, procedures or law.

- III. The OIG recommends that OPD regularly conducts the 3-year “automatic revision cycle” review as required by DGO M-03.3 to determine if revision is necessary.

OPD explained to the OIG that a 3-year automatic revision cycle requires that OPD review the policy every 3 years to determine if any revision is necessary. The policy was created in December 2010. By December 2024, the policy should have been reviewed five (5) times. The OIG requested documentation that this review has been conducted. Command staff from the Policies and Publications Unit (P & P) did not provide any documentation that the policy was ever reviewed, and indicated the policy is not slated for review at this time.

P & P reasonably explained that OPD has personnel and resource issues that affects the review for revision process. The OIG understands resources are a significant concern. However, integrity testing is not only a requirement of the NSA but is vital to building and maintaining trust in OPD’s ability to monitor legal and compliance issues within the Department. The OIG request that even limited staff be assigned to reviewing significant policies, so that OPD can regularly determine if there are potential updates or revisions in language consistent with systemic, procedural, or technical changes, or related best practices.

## CONSIDERATIONS

- I. The OIG submits for consideration re-training members and supervisors who conduct and approve OPD integrity tests to comply with the requirements and purpose of the DGO M-03.3.

The one integrity test completed in 2024, limited the surveillance time to specific days and time frames, was missing a required chronological log, and did not request an extension for lasting longer than the required 14-day period. With the issues described above, the “Pass” finding is not supported.

The members conducting the test missed key elements of the testing process, but so did the supervisors who approved the resulting after-action report. The integrity testing process is included in the policy, not only as a requirement of the NSA, but to work toward building trust between the community and OPD. It is difficult to discern OPD’s capability around integrity tests with only one sample, however, if this one is an example of what has been occurring, re-training on various levels appears necessary. In addition, conducting the test in this manner cost the City of Oakland regular and overtime pay at a time when there were reported budget and finance issues.

**Section X: Sign-Off**

- Inspector Name: Deputy Inspector General Charlotte Jones
- Inspector Signature: *Charlotte Jones*
- Date: June 6, 2025
  
- Supervisor Name: Inspector General Zurvehn A. Maloof
- Supervisor Approval (if applicable): *Zurvehn A. Maloof*
- Date: June 6, 2025

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**OIG REPORTING REQUIREMENT & DISCLOSURE PRACTICES**

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We are providing this report to comply with Oakland Ordinance §2.45.100 and City Charter §604(f)(5), which requires that we keep OPD Command Staff, the Police Commissioners, and the public informed of our findings and recommendations from audits, inspections, evaluations, and analysis of OPD's policies and procedures.

The OIG does not provide the names of those being audited or evaluated. This avoids violating privacy and confidentiality rights granted by law. This practice does not prevent individuals from requesting documents under the California Public Records Act (CPRA). However, such disclosures may be restricted or limited by law.

## OPD MANAGEMENT RESPONSE

RECOMMENDATIONS AND/OR CONSIDERATIONS		
1.	<b>Recommendation:</b>	Revise DGO M-03.3 to include frequency standards, and delineate the method utilized to determine which members with repeated allegations of misconduct will be tested
	<b>Implementation Date:</b>	
	<b>Notes / Comments:</b>	See attached response.
2.	<b>Recommendation:</b>	IAB or ITU commanders document monitoring integrity test operations during the process so that the test is conducted to reach findings that support compliance or non-compliance with OPD policies, procedures or laws
	<b>Implementation Date:</b>	
	<b>Notes / Comments:</b>	See attached response.
3.	<b>Recommendation:</b>	OPD regularly conducts the 3-year “automatic revision cycle” review of DGO M-03.3 to determine necessary revisions
	<b>Implementation Date:</b>	
	<b>Notes / Comments:</b>	See attached response.
4.	<b>Consideration:</b>	Consider re-training members and supervisors who conduct and approve integrity tests to comply with the purpose and requirements of DGO M-03.3
	<b>Implementation Date:</b>	
	<b>Notes / Comments:</b>	See attached response.

# APPENDIX



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA

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**January 22, 2025**

**To:** Floyd Mitchell  
Chief of Police  
[FMitchell@oaklandca.gov](mailto:FMitchell@oaklandca.gov)  
[VIA EMAIL ONLY]

**Re: Office of the Inspector General Inspections of NSA Section III Tasks-Entrance Conference Request**

Dear Chief Mitchell:

This letter is to inform you that the Office of the Inspector General will conduct inspections of the following Negotiated Settlement Agreement (NSA) Tasks:

Task 3: IAD Integrity Tests (now IAB)	Task 4: Complaint Control System for IAD
Task 7: Methods for Receiving Citizen Complaints	Task 8: Classification of Citizen Complaints
Task 9: Contact of Citizen Complainant	Task 11: Summary of Citizen Complaints Provided to OPD Personnel
Task 13: Documentation of Pitchess Responses	

The Independent Monitoring Team (IMT) has determined the Oakland Police Department (OPD) has been compliant with these tasks for several years and deemed them inactive for regular review. The objective of these inspections is to ensure the policies and procedures created for these tasks are currently active, consistent and remain in continued compliance.

**Background**

Since 2003, the City of Oakland has been under federal oversight, with tasks outlined in the NSA being reviewed, audited, and inspected by the IMT. In 2016 and 2020, Oakland voters passed Measures LL and S1 respectively, to establish Civilian Oversight entities. Although the IMT remains in Oakland, the responsibility to audit and review NSA tasks is required by the Office of the Inspector General (OIG). Section 604(f)5 of the Enabling Ordinance indicates:

*The OIG shall audit the Department's compliance with the fifty-two (52) tasks described in the Settlement Agreement in United States District Court case number 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 expires.*



The selected tasks for this review are from Section III of the NSA and are related to the Internal Affairs Bureau (IAB) of the OPD. The Oakland community benefits from OPD having effective, efficient, and transparent policies and procedures in the departmental investigative process. Additionally, continued compliance with the tasks is necessary for OPD to remain in alliance with the NSA.

### **Scope**

There are seven (7) Tasks included in this compilation of Inspections. Although these tasks all relate to OPD's IAB, they all have slightly different scopes. The purpose of these inspections is to:

1. Confirm that IAB has an active policy for each task as required by the NSA
2. Determine, if IAB has codified procedures in place to ensure policies are implemented consistently.
3. Determine, if IAB is following their policy and procedures as outlined

### **Information Request**

These inspections will focus on the individual aspects of each task related to IAB. The information requested is needed to determine whether OPD has the requisite policies and procedures to benefit the community as ensure continued compliance with the NSA.

During the week of March 3, 2025, Charlotte Jones, the Deputy Inspector General for the OIG, will contact your office to schedule an entrance briefing. At that briefing, Deputy IG Jones will explain the scope of the inspections, answer questions, and discuss any concerns you might have. In addition, Deputy IG Jones will solicit your opinions about the tasks being inspected and your suggestions regarding potential areas of concern if any.

These inspections will focus on the following key objectives from NSA Section III. In support of the inspections, please provide Deputy IG Jones with the following information by **April 7, 2025**:

#### **Task 3: IAB Integrity Tests**

Provide all policies associated with:

- IAB integrity tests process
- The frequency standards and procedures used to administer integrity tests

Also provide:

- All IAB integrity tests and supporting documents, completed from January 1, 2024 through December 31, 2024
  - All supporting documents and evidence to justify finding of the integrity test
- Any other documentation or information that will assist this task inspection



#### **Task 4: Complaint Control System for IAB**

Provide all policies associated with:

- The informal complaint resolution process, to include implementation process, notification, and resolution documentation
- The central control system for complaints and department requests to open investigations,
  - to include receipt, case number assignment, and notification process.
- Criteria that must be met to move investigations from “open” to “closed”
- Any other documentation or information that will assist this task inspection

#### **Task 7: Methods for Receiving Complaints**

Provide all policies on:

- The recordable toll-free complaint phone line, to include staffing, receipt, and process of complaints, and advisory of recording to caller
- Posting of guidelines for filing a citizen complaint
- Informational brochures, including availability locations
- Acceptance of anonymous complaints
- Informational brochures in police vehicles, to include distribution requirements
- Address of IAB location
- Translation of complaint forms and informational brochures
- Processing of complaint forms

Also provide:

- Telephone number to the recordable toll-free line
- Samples of all informational brochures issued by IAB and included in police vehicles
- Samples of all translated (non-English) informational brochures
- Sample of physical complaint form
- Any other documentation or information you believe will assist this task inspection

#### **Task 8: Classifications of Citizen Complaints**

Provide all policies on:

- Class I offenses, *to include* definitions of Class I offenses
- Who investigates Class I offenses
- Tape recording of Class I offenses
- Processing of Class I offenses
- Class II offenses, *to include* definitions of Class II offenses
- Who investigates Class II offenses
- Tape recording of Class II offenses
- Referral process
- Processing of Class II offenses



Also provide:

- Information on how recorded and where tapes are stored
  - Length of retention of tapes
- Any other documentation or information you believe will assist this task inspection

### **Task 9: Contact of Citizen Complainant**

Provide all policies on:

- Contact of complainants by IAB or investigators assigned to the investigation
- Determining the nature, scope, and severity of the complaint, identifying witnesses, and obtaining evidence

Also provide:

- All contact letters to complainants by assigned IAB investigators from January 2024 through December 2024
- Any other documentation or information that will assist this task inspection

### **Task 11: Summary of Citizen Complaints Provided to OPD Personnel**

Provide all policies on:

- Investigator providing member/employee with a brief synopsis of complaint against them
- Notification of supervisor and commander when member/employee has complaint filed against them
- Access by the member/employee to underlying data of report at issuance of final IAB report

Also provide:

- All written brief synopses of complaints to members/employees from January 2024 through December 2024
- Sample documentation of how supervisors and commanders are notified of complaints filed against a member/employee
- Sample documentation of how a member/employee requests access to underlying data of an IAB report
- Any other documentation or information that will assist this task inspection

### **Task 13: Documentation of Pitchess Responses**

Provide all policies on:

- Additional check on responses to Pitchess discovery motion responses

Also provide:



- Documentation to confirm Pitchess motions were checked and responded to by the Department, from January 2024 through December 2024
- Any other documentation or information that will assist this task inspection

Please provide Deputy IG Jones with the name and telephone number of the person who will serve as our primary point of contact at OPD for these inspections. Deputy IG Jones can be reached at (510) 954-2875 or [cjones@oaklandca.gov](mailto:cjones@oaklandca.gov). Deputy IG Jones will contact this individual to schedule the entrance briefing. Please provide written acknowledgement of receipt of this document to Deputy IG Jones and the OIG at [OIG@oaklandca.gov](mailto:OIG@oaklandca.gov).

Thank you in advance for your cooperation, and we look forward to working with OPD in our joint efforts to improve the quality of public safety services provided to residents and other stakeholders of the City of Oakland.

Sincerely,

**Zurvohn Maloof Inspector General**  
City of Oakland, Office of the Inspector General

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

DELPHINE ALLEN, et al.,  
  
Plaintiffs,  
  
v.  
  
CITY OF OAKLAND, et al.,  
  
Defendants.

Master Case No. C00-4599 TEH (JL)  
  
**SETTLEMENT AGREEMENT**  
**RE: PATTERN AND PRACTICE CLAIMS**

### **TASK 3 (Section III)**

#### **C. IAD Integrity Tests**

IAD shall be proactive as well as reactive.

1. IAD shall conduct integrity tests in situations where members/employees are the subject of repeated allegations of misconduct.

2. IAD shall have frequency standards, among other parameters, for such integrity tests.

Full copy of the Negotiated Settlement Agreement:

<https://oaklandca.s3.us-west-1.amazonaws.com/government/o/OPD/a/publicreports/oak060142.pdf>



DEPARTMENTAL  
GENERAL  
ORDER

Index as:

Integrity Testing

Effective Date:  
24 Dec 10

Evaluation Coordinator:  
IAD Commander

Evaluation Due Date:  
24 Jun 11

Automatic Revision Cycle:  
3 Years

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## INTEGRITY TESTING

The purpose of this order is to establish Departmental policy and procedures to provide guidance to organizational units outside of the Internal Affairs Division conducting integrity tests to ensure compliance with Departmental directives.

Integrity testing is a specialized tool designed to evaluate general compliance with Departmental policy or in circumstances when normal investigative techniques fail or are likely to fail to provide the preponderance of evidence needed to reach an investigative conclusion.

### I. BACKGROUND

Allegations of misconduct must be thoroughly investigated to maintain the integrity of the Department and the confidence of the community. A failure to adequately address repeated or a singularly severe allegation against a member or employee of the Department will rapidly lead to an erosion of community trust and Departmental morale.

### II. POLICY

- A. All integrity tests shall be conducted in accordance with prevailing federal, state, and local laws.
- B. Integrity tests shall be deemed confidential.
- C. Integrity Test Control Files shall not be removed from the IADITU Office without prior approval from the IAD Commander.

### **III. INTEGRITY TESTING PROCESS**

- A. The use of an integrity test is based on current concerns or issues identified by unit commanders or as determined by the Chief of Police. Integrity tests are specific in length and scope. Such tests are used to verify compliance with Departmental policies, procedures or laws.
- B. The unit commander shall prepare and submit an Integrity Test Operations Request (TF-3346) through the Internal Affairs Division Integrity Testing Unit (IADITU) to the Chief of Police or Assistant Chief of Police for final approval.
- C. Upon approval, the unit commander shall assign a subordinate member/employee, within the unit, as the investigator to conduct the integrity test.
- D. Implement the integrity test.
- E. Upon completion, the assigned investigator shall complete and forward an Integrity Test After-Action Report (TF-3346-2) for review and endorsement to the unit commander.
- F. The unit commander shall forward the endorsed report through the IADITU to the Chief of Police or Assistant Chief of Police for final approval.
- G. The unit commander shall implement the approved recommendations as directed by the Chief of Police or Assistant Chief of Police.

### **IV. INTEGRITY TESTING**

Integrity tests may include, but are not limited to:

- A. Theft;
- B. Unauthorized information release;
- C. Perjury or false affidavits;
- D. Planting or fabrication of evidence; and
- E. Situations where members/employees are the subject of repeated allegation of misconduct.

## **V. INTEGRITY TEST PROCEDURES**

- A. The first step in conducting an integrity test is for the unit commander to determine:
  - 1. What the current concern or issue is;
  - 2. What the overall objective of the test; and
  - 3. What the implementation strategies and guidelines will be.
- B. The unit commander shall develop an implementation strategy which includes addressing the following:
  - 1. Identify the subject(s) or total population;
  - 2. Determine the objective(s);
  - 3. Describe the test parameters/methodology (synopsis of how the integrity test is to be conducted).
  - 4. Identify the resources required and fiscal impact, if any; and
  - 5. Consider legal considerations
    - a. Integrity tests shall be developed to avoid entrapment or the appearance of entrapment. The test must provide the tested subject with a set of circumstances that are not biased in any direction so as to influence the subject into a particular course of action.
    - b. Investigators may confer with the Office of the City Attorney and/or District Attorney's Office for clarification of any legal issues.
- C. Prepare and forward an Integrity Test Operation Request through the Internal Affairs Division Integrity Testing Unit (IADITU) and IAD Commander to the Chief of Police or Assistant Chief of Police for final approval.
- D. Upon approval, the assigned investigator shall, when appropriate, develop an Operations Plan in accordance with the provisions of RWM O-1. The Operation Plan shall be reviewed and approved by the appropriate authority prior to implementation.

**NOTE:** Operation plans are not required for non-field tests or tests of an administrative nature.

- E.      The assigned investigator shall:
1.      Complete a recusal memorandum in accordance with DGO M-3;
  2.      Make the correct notifications in the event of the discovery of a criminal offense.
  3.      Maintain an Integrity Test Chronological Activity Log (TF-3346-1) of all investigative activities; and
  4.      Ensure the duration of the integrity test does not exceed 14 calendar days from the date of approval. A request for an extension shall be submitted directly to the IAD Commander for approval.

## **VI.    DISPOSITION**

Upon completion of the integrity test, an analysis of the operation shall be conducted and one of the following dispositions shall be made and documented in the Integrity Test After-Action Report:

A.      Pass

The subject's actions during the integrity test were proper and consistent with existing Department directives, and in accordance with local, State and Federal law.

B.      Fail - Criminal

Criminal violations have occurred and the matter shall be handled in accordance with the provisions of DGO M-4.1.

C.      Fail - Administrative

The conduct exhibited by the subject was not criminal but violated the *Manual of Rules*, and the matter shall be handled in accordance with the provisions of DGO M-3.

D.      Inconclusive

The integrity test failed to provide sufficient evidence to support a disposition.

## VII. INTEGRITY TEST AFTER-ACTION REPORT

- A. The assigned investigator shall prepare and submit an Integrity Test After-Action Report to include the following topics:
1. Background;
  2. Summary of operation;
  3. Evidence collected;
  4. Total fiscal impact of operation;
  5. Investigative analysis to include, but not limited to:
    - a. Policy issues;
    - b. Training issues;
    - c. Risk management; and
    - d. Discovery of any *Manual of Rules* violations.
  6. Disposition;
  7. Recommendations to include, but not be limited to the following:
    - a. No further action;
    - b. Additional testing;
    - c. Conduct unit training or refer Departmental training issues to the Training Section; and/or
    - d. Ensure notification has been made to the CID if a criminal offense was discovered.
- B. The assigned investigator shall forward the completed Integrity Test After-Action Report for review and endorsement to the unit commander.
- C. The unit commander shall forward the endorsed report through the IADITU to the IAD Commander for endorsement.

The IAD Commander shall:

1. In the event the disposition of the integrity test results in a “Fail-Administrative” or “Inconclusive” finding, the IAD Commander shall if necessary and/or when appropriate:
  - a. Direct the assigned investigator to conduct additional testing;

- b. Initiate an internal investigation when a Class I violation is discovered; or
    - c. Determine the best course of action (e.g., ICR, non-disciplinary corrective action documented in the SNF, or a formal internal investigation) when a Class II violation is discovered.
  - 2. Forward the endorsed Integrity Test After-Action Report to the Chief of Police or Assistant Chief of Police for review and final approval.
- D. The IADITU Supervisor shall review the approved Integrity Test After-Action Report and determine whether information in the report may jeopardize current or future integrity tests prior to forwarding to the following units:
- 1. After-Action recommendation(s) regarding training/tactical issues to the Training Section; and/or
  - 2. Pertinent information to the IAD Intake for inclusion in an open internal investigation.

By Order of

Anthony W. Batts  
Chief of Police

Date Signed: \_\_\_\_\_

## City of Oakland

### MEMORANDUM

**To:** Office of the Inspector General

**From:** Chief Floyd Mitchell

**Date:** 26 May 25

**Subject:** Response to OIG Inspection of IAD (IAB) Integrity Tests and Policy Update Plan

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#### Summary of Findings

The Office of Inspector General (OIG) inspection determined that the Oakland Police Department (OPD) is **NON-COMPLIANT** with the Negotiated Settlement Agreement (NSA) Section III Task 3 C: IAD (IAB) Integrity Tests.

#### Key findings include:

- **Policy Review Lapse:** DGO M-03.3 has not been reviewed since 2010, despite the policy's required 3-year review cycle.
- **No Frequency Standards:** The policy lacks required frequency standards for integrity tests.
- **Unclear Identification Methodology:** No documentation in policy for the method used to identify officers with repeated misconduct allegations ("high-flier audit").
- **2024 Integrity Test Procedural Deficiencies:**
  - Only one test conducted, with no chronological activity log
  - Test began 34 days post-approval (policy requires completion within 14 days)
  - Test lasted 22 days, with no documented extension
  - Surveillance occurred only on specific days/times, reducing effectiveness
- **Misclassification of Reports:** 18 reports were submitted as integrity tests but were actually audits under other policies.

#### Response Required

To address the OIG's findings and fulfill our obligations under DGO M-03.3 and the NSA, OPD will:

1. Revise DGO M-03.3 to include clear frequency standards and a documented methodology for "high-flier" audits.

2. Implement robust monitoring and documentation of integrity test operations, with emphasis on timelines and quality of surveillance.
3. Establish a formal review cycle for DGO M-03.3 and track compliance.
4. Provide comprehensive training for all IAB staff and supervisors involved in integrity testing.
5. Make immediate operational improvements to ensure accurate classification and procedural compliance.

## **Responses to OIG Recommendations**

### **Recommendation I – Revise DGO M-03.3**

We concur with this recommendation. The policy will be revised with clear frequency standards for integrity testing and a transparent “high-flier” audit methodology. Given current staffing (two full-time sergeants responsible for nearly 1,000 members), the policy will establish realistic annual testing targets based on data-driven risk analysis and operational feasibility.

*Implementation target: 31 Oct 25*

### **Recommendation II – Document Monitoring**

We concur. Effective immediately, IAB command staff will review and document oversight of all integrity test operations at key milestones (initiation, midpoint, and conclusion) rather than weekly, to match current staffing and caseload. Documentation will include operational planning, surveillance strategy, and written approval of any operational changes.

*Implementation target: 31 Oct 25*

### **Recommendation III – Regular Policy Review**

We concur. The Bureau of Risk Management will track DGO M-03.3 reviews and ensure the 3-year cycle is honored. The next policy review will be scheduled for completion by October 31, 2025.

### **Consideration I – Training**

We accept. A new training curriculum will be developed, focusing on:

- Documentation and chronological log requirements
- Adherence to test timelines
- Surveillance best practices
- Correct completion and classification of reports

*Implementation target: 31 Oct 25*

### **Additional Operational Improvements**

**To further address the identified deficiencies, OPD will implement the following realistic and policy-aligned measures:**

1. **Documentation Compliance:** All integrity tests will require a completed chronological activity log and after-action report, using standardized forms/templates provided by IAB.
2. **Operational Planning:** An operational plan will be prepared for any field-based integrity test, consistent with existing policy. For administrative/non-field tests, a summary plan will suffice.
3. **Case Tracking:** IAB will maintain a simple, centralized tracking log (e.g., Excel spreadsheet) of all integrity tests to monitor compliance with timelines and procedural requirements.
4. **Milestone Check-Ins:** Supervisors will review integrity test progress at key milestones (initiation, mid-point, conclusion) to ensure effective monitoring and documentation—weekly meetings are not required.
5. **Candidate Identification:** IAB will regularly (at least annually) analyze complaints data to identify potential integrity test candidates, documenting the rationale for any selections.
6. **Correct Reporting:** Only tests meeting the criteria of an integrity test under DGO M-03.3 will be reported as such. Audits or inspections conducted under other policies will be properly classified.

**Note:** While we strive for proactive and frequent testing, our revised policy will set targets that are feasible with available staffing and will prioritize high-risk cases for maximum impact.

### **Commitment to Improvement**

These actions and policy revisions demonstrate OPD's commitment to transparency, accountability, and sustained compliance with the NSA Task 3. We will provide progress reports to OIG and the Police Commission as improvements are implemented.

Floyd Mitchell  
Chief of Police

FM:bh



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## Providing Independent Civilian Oversight of the Oakland Police Department

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Report What You See  
to the OIG



[oig@oaklandca.gov](mailto:oig@oaklandca.gov)



510-238-2916

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- **@Oakland OIG** on Instagram & X (Twitter)
- **“City of Oakland, Office of Inspector General”** on LinkedIn & Facebook

### REPORTS

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<https://www.oaklandca.gov/documents/published-reports>