



CITY OF OAKLAND

Oakland Police Commission

Office of the Inspector General

# AGENDA REPORT

**TO:** Tyfahra Milele  
Chair, Oakland Police Commission

**FROM:** Michelle Phillips  
Inspector General

**SUBJECT:** Office of the Inspector General (OIG)  
Progress Report

**DATE:** June 9, 2022

## **PURPOSE**

The Inspector General reports to the Police Commission and members of the public as requested by the Commission. This report outlines updates from the OIG since the Inspector General reported to the Commission on May 12, 2022. The information compromised in this report is also intended to answer OIG specific questions raised at Police Commission meetings since the last OIG report.

## **NEGOTIATED SETTLEMENT AGREEMENT (NSA, MEASURE S1 MANDATE)**

### **Sustainability Period of One Year**

The sustainability period of one year was set by the Federal Court in an order modifying the monitoring plan in 2015 (Attachment 1).<sup>1</sup> The OIG will defer any questions regarding how and why the sustainability period of one year was mandated to the Court or the Oakland City Attorney's Office.

### **OIG monitoring of the Oakland Police Department**

In accordance with Measure S1's mandate, the OIG is finalizing its scope for the first OIG audit/review. Upon completion of that scope, the OIG will formally communicate what area will be audited. The OIG anticipates this initial audit/review to begin in July 2022.

### **OIG VISION access update**

As of May 18, 2022, the OIG has been granted the requested access to the VISION system utilized by the Oakland Police Department (OPD). The OIG completed the first three hours of training on May 26, 2022. There will be two additional training sessions to ensure all pertinent information and access is shared between the OIG and the OPD. Additionally, the OIG and Chair of the Commission have met with members of the public who are concerned with the transparency of police data. Those conversations will continue.

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<sup>1</sup> Court order can be found at [ORDER modifying monitoring plan. Signed by Judge Thelton E. Henderson on 05/21/15. \(tehlc3, COURT STAFF\) \(Filed on 5/21/2015\) \(justia.com\)](#)

## **THE BEY MATTER**

The OIG is actively reviewing the Bey Matter. The OIG has requested additional information from the Police Commission and the OPD during its review. Additionally, the OIG has communicated with relevant parties who were willing to provide supplemental information for the ongoing review. This review is active and ongoing therefore the OIG will not be able to provide any lessons learned or recommendations until the review is complete.

## **OIG STAFF UPDATE**

Thursday May 19, 2020, the OIG attended the Civil Service Board meeting regarding the Inspector General Performance Auditor and the Inspector General Policy Analyst positions.<sup>2</sup> Additionally, the OIG requested an exempt limited duration (ELDE) employee to assist the OIG with administrative work. The City Administrator approved the temporary position. The ELDE will be working as an executive assistant to the Inspector General and is scheduled to start June 25, 2022.

May 31, 2022, the City Administration presented their budget requests to the City Council. With that request the City Administration requested three additional staff for the OIG at the mid-cycle. In addition to the four positions already budgeted. Below are the original four positions:

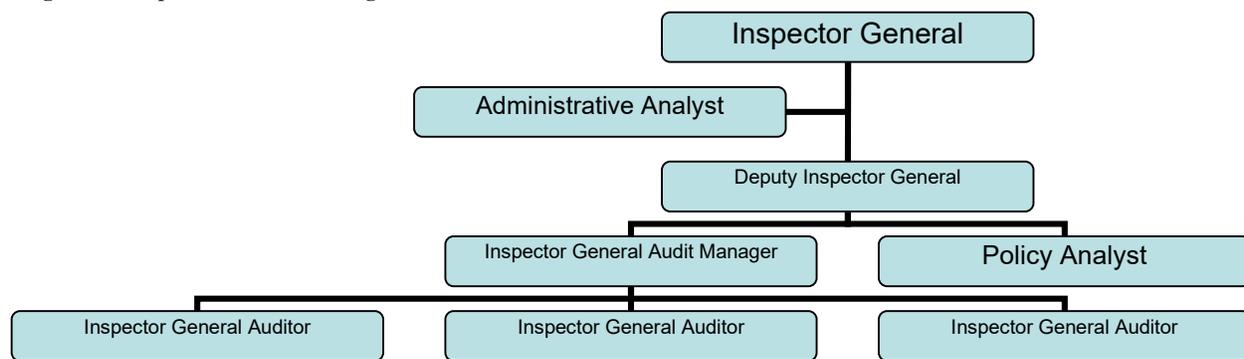
1. Inspector General (1)
2. Program and Performance Audit Supervisor (1)
3. Policy Analyst (1)
4. Police Performance Auditor (2)

The City Administration submitted for approval three additional positions:

1. Project Manager III (1)
2. Police Performance Auditor (1)
3. Administrative Analyst II (1)

If the City Council approves the additional staff, the OIG will have eight budgeted full-time positions. However, there will still be a delay in filling the full-time positions as there is a lengthy process for the creation of new job classifications and hiring. In the interim, the OIG will use the ELDE designation to hire temporary staff while the classification and hire process runs its course.

**Figure 1: Proposed Draft OIG Organizational Chart**



<sup>2</sup> The agenda for the Civil Service Board can be located at this website: [Civil-Service-Board-Regular-Meeting-Agenda-Packet-May-19-2022.pdf](https://cao-94612.s3.amazonaws.com/Civil-Service-Board-Regular-Meeting-Agenda-Packet-May-19-2022.pdf) (cao-94612.s3.amazonaws.com)

### **OIG Internal Policy Ad Hoc**

The OIG Internal Policy Review Ad Hoc has been selected to advise the OIG of the Police Commission's priorities and the functions and duties the Police Commission has established for the OIG. The Ad Hoc would provide the OIG with additional expectations, should there be any, which are not outlined in the City Charter and Enabling Ordinance. The Ad Hoc will work collaboratively with the OIG to establish procedures to govern OIG general processes, auditing, review, inspection and evaluation processes. The OIG has outlined its objects for the ad hoc which is outlined in attachment 2.

### **OIG COMMUNITY MEETINGS AND OUTREACH**

The OIG has been invited to meet with a few community leaders, business owners and nonprofits that represent and/or service several different communities in Oakland. The OIG attended a meeting in District 7 with owners and operators who had concerns about crime in their area and the OPD's response to their concerns. Councilmember Reid, OPD, CPRA and members of the Mayoral administration were in attendance as well. The OIG was specifically invited to this meeting.

The OIG also met with Jonathan Jones of the Oakland post/African American Sports & Entertainment Group, John Jones III a community leader/ African American Sports & Entertainment Group, Richard Johnson of the Formally Incarcerated Given Back and Paul Redd of F.I.R.E.<sup>3</sup> The gentleman requested a meeting with the OIG to share their concerns about OPD oversight, how certain communities do not believe they are equitably served by the police and a belief that certain communities are not heard. The community conversations will continue.

Finally, the OIG was joined by Commissioner Rudy Howell and an employee of CPRA to participate in a community clean up and feed the homeless event with the Heart for People organization. These community opportunities allowed the OIG the opportunity to meet residents of Oakland in a different milieu, one where they were comfortable and spoke freely about their expectations of the OIG. If there are any community members or organizations that wish to schedule a meeting with the OIG as it pertains to the OIG's function in civilian oversight. Please feel free to contact the OIG at [OIG@oaklandca.gov](mailto:OIG@oaklandca.gov).

For questions regarding this report, please contact Michelle Phillips, Inspector General, at [OIG@oaklandca.gov](mailto:OIG@oaklandca.gov).

Respectfully submitted,



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Michelle N. Phillips  
Inspector General  
Office of the Inspector General

#### Attachments

1. United States District Court for Northern California DELPHINE ALLEN, et al., Plaintiffs, v. CITY OF OAKLAND, et al., Defendants Case No. 00-cv-04599-TEH Order Modifying Monitoring Plan
2. OIG Internal Policy objectives memo presented to the Ad Hoc

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<sup>3</sup> Names of community members that are outlined in this report have been authorized by each individual member.

# POLICE OVERSIGHT

Office of the Inspector  
General Report

**Michelle N. Phillips, Inspector General**

**Oakland Police Commission Meeting**

**June 9, 2022**

# Negotiated Settlement Agreement- One year Sustainability

NEGOTIATING SETTLEMENTS

United States District Court  
Northern District of California

12 Similarly, Defendants' efforts to curb bias-based policing, which gave rise to many of the  
13 original complaints in this case, continue to be a work in progress.

14 It also remains unclear whether the City can sustain the reforms it has achieved thus  
15 far. Indeed, some of the NSA tasks have only been in compliance for a short time, and  
16 some have gone in and out of compliance over the past several years. As this Court has  
17 repeatedly stated, compliance must be sustainable before this case can end. This requires a  
18 one-year period of demonstrated substantial compliance, as agreed to by the parties in their  
19 MOU and AMOU, as well as evidence that reforms have become so institutionalized that  
20 the absence of oversight will not result in a return to practices that fail to protect  
21 constitutional rights.

# Monitoring Updates of OPD by the OIG

## OIG Audit

- **Selection of Task**
  - Different from the IMT
- **Finalization of Audit Scope**
- **Formal Letter of Intent to Audit**
- **Anticipated time frame for Audit-  
July 2022**

## OIG Vision Access

- **Access has been granted to the  
OIG**
- **Training of application is  
underway**

# Bey Matters Update and Timeline

OIG received subpoenaed documents

Jan. 2022

OIG received OPD relevant policies during the time the Beys initiated

Feb. 2022

OIG received documents, forms and emails that guide the CPRA investigative process currently and at the time of one of the Beys complaints. The OIG also received the policies that were used under the CPRB.

May 2022

Considering the OIGs continued review of the documents and interviews provided by the Commission and others. The OIG requested to review the Knox and Ross reports.

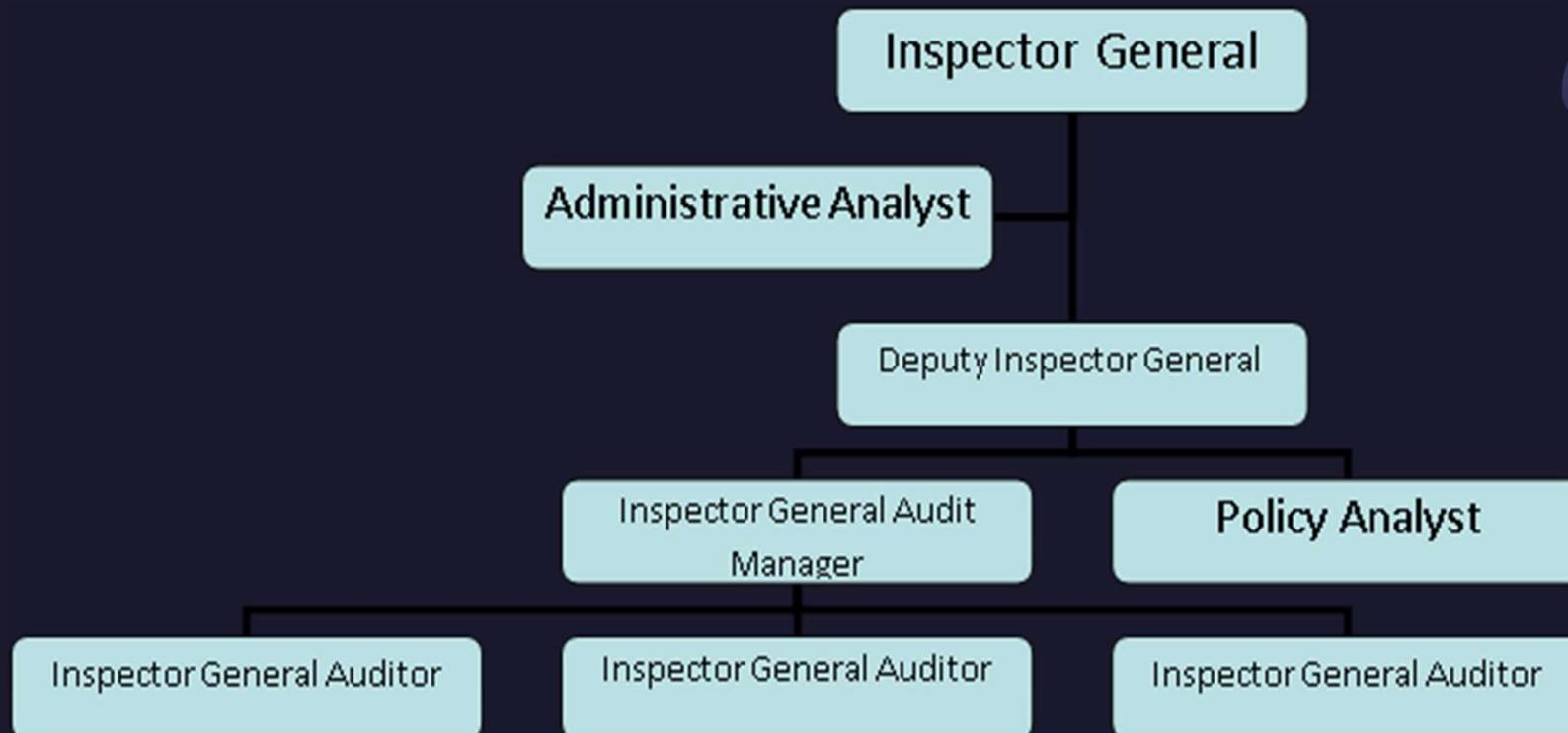
May 2022

The OIG was granted access to review the Knox and Ross report by the Commission.

June 2022

# OIG Staffing Update

## PROPOSED ORGANIZATIONAL CHART



# OIG Internal Policy Ad Hoc

**The OIG Internal Policy Review Ad Hoc has been selected to advise the OIG of the Police Commission's priorities and the functions and duties the Police Commission has established for the OIG.**

**The Ad Hoc would provide the OIG with additional expectations, should there be any, which are not outlined in the City Charter and Enabling Ordinance. The Ad Hoc will work collaboratively with the OIG to establish procedures to govern OIG general processes, auditing, review, inspection and evaluation processes.**



# Community Engagement Update



The OIG has met with nonprofit organizations, business owners and community members in an effort to receive information from the public regarding their perceptions of policing in Oakland. These opportunities allow the OIG different platforms to inform members of the public about the OIG role in Police Civilian Oversight and establish community Partnerships. The OIG will continue these efforts as mandated.

Contact the Office  
of the Inspector  
General

[OIG@Oaklandca.gov](mailto:OIG@Oaklandca.gov)