



AGENDA REPORT

TO: Oakland Police Commission

FROM: Michelle N. Phillips
Inspector General

SUBJECT: Office of the Inspector General (OIG)
Informational Report

DATE: January 11, 2024

PURPOSE

The purpose of this informational report is to provide the Police Commission and members of the public with updates from the Office of the Inspector General, since the Inspector General's last report out. In this document, the OIG details at a high level its prioritized projects and current activity. The OIG also attempts to address specific questions raised by Commissioners and community members at previous meetings. For additional context, the OIG has also included pertinent attachments that have been released since its last presentation. Through these reports the OIG seeks to fulfill its commitment to providing transparent civilian oversight.

CITY CHARTER AND NEGOTIATED SETTLEMENT AGREEMENT (NSA, MEASURE S1 OIG MANDATE)

Policy Review: DGO M-19: Prohibitions Regarding Racial Profiling and other Bias-Based Policing

From its review of IAD Cases 07-0538, 12-1062 and 16-0146 (commonly referred to as The Bey Matter), as well as active community concern, the OIG selected to review the Oakland Police Department's DGO M-19: *Prohibitions Regarding Racial Profiling and other Bias-Based Policing*.

Additionally, the OIG has reviewed OPD Special Order Nos. 9042 and 9101.¹ Special Order No. 9101 is a direct response to [Assembly Bill \(AB\) 953](#), the Racial and Identity Profiling Act of 2015, which requires local and state law enforcement agencies to collect stop data. The final report, with OIG's policy recommendations, should be submitted to the Police Commission and OPD by the end of January.

¹ Special Order 9042 was effective June 10, 2011, and revised sections of DGO M-19. Special Order 9101 was effective March 1, 2013, and revised additional sections of DGO M-19.

Policy Recommendation: Sexual Misconduct Departmental General Order

Given OPD's complex history of sexual misconduct, the OIG opted to review OPD's policies, Manual of Rules and other relevant documents to assess the sufficiency of its existing guidelines. Currently, OPD does not have a specific and centralized sexual misconduct DGO, which could improve officer behavior and action. To aid its review, the OIG consulted with Chicago's Civilian Office of Police Accountability as well as other subject matter experts in different jurisdictions.

On January 4, 2024, the OIG presented the Police Commission and OPD with a recommendation to create a sexual misconduct DGO. The OIG requested a response from both entities in 30 business days. A public report, with stakeholder responses will be released to members of the public in the near future.

Policy Review: DGO B-08: Field Training Program

The OIG's Policy Analyst and Inspector General are in the final review stages of DGO B-08: Field Training Program. This project has been slightly delayed due to the prioritization of other time-sensitive projects.

THE BEY MATTER (Review of IAD Cases as directed by the Police Commission)

In November of 2021, prior to the appointment of the current Inspector General, the Police Commission voted to refer The Bey Matter to the newly established OIG. The scope of this review, as provided to the Inspector General, was to review IAD cases 07-0538, 13-1062, and 16-0146 for relevant lessons learned and assess whether there were any policy gaps. The final draft of this report is going through the final quality assurance process.

THE CLARENCE, DYER & COHEN REVIEW

On July 13, 2023, the Oakland Police Commission directed the OIG to review the Clarence, Dyer & Cohen Report as it relates to IAD case 21-0862. The OIG was directed to review the report for any policy recommendations and to determine the appropriateness of discipline. The OIG will provide its final report to the Commission for review by January 24, 2024.

CITY COUNCIL POLICY DIRECTIVE-OPD STAFFING STUDY

In consultation with City Administration, the OIG selected an experienced vendor to conduct an OPD staffing study and resource analysis. The City Council unanimously approved the contract, which is in its final stage of compliance review. The OIG is hopeful this contract will be finalized by the end of January 2024.

Upon contract execution, the OIG will work with the City Attorney Office's to complete an addendum to include additional requests from the City Administrator by way of the City Council's November 2023 directives. The addendum will not delay the project start date.

**NATIONAL ASSOCIATION OF CIVILIAN OVERSIGHT OF LAW ENFORCEMENT
(NACOLE) CONFERENCE UPDATE**

From November 12-16, 2023, the Inspector General and OIG's Director of Communications & Engagement attended NACOLE's Annual Conference in Chicago, Illinois. The NACOLE Conference brought together civilian oversight practitioners, from across the country, to offer their subject matter expertise to the industry's new and seasoned professionals. Workshops were grouped into four tracts: Community in Oversight, Building Better Oversight, Jail and Prison Oversight, and Innovation and Collaboration. Of the workshops attended by the OIG, the insight shared showcased common challenges and best practices of this growing field.

Additionally, Inspector General Phillips spoke to the importance and responsibilities of the media partners, as a panelist for the *Journalist and Authors as Catalyst for Change* workshop. She was joined by Police Accountability Consultant, Barbara Attard, Freelance Investigative Reporter, Kelly Davis, San Diego County's Citizen Enforcement Review Board Executive Director Paul Parker, and The Riders Come Out At Night Author and Freelance Investigative Journalist, Ali Winston.

For questions regarding this report, please contact Michelle N. Phillips, Inspector General, at OIG@oaklandca.gov.

Respectfully submitted,



Michelle N. Phillips
Inspector General
Office of the Inspector General

Office of the Inspector General

Annual Audit Work Plan

Fiscal Year 2024 | December 11, 2023



Photo: Greg Linhares, City of Oakland



CITY OF OAKLAND
OFFICE OF THE INSPECTOR GENERAL
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Dear Oaklanders,

It brings me great joy to share with you the [Office of the Inspector General](#)'s (OIG) Annual Audit Work Plan for Fiscal Year 2024. As a department still in its infancy, we are proud to have established a civilian oversight agency that community members can trust and work daily to sustain our growing momentum. With only two years under our belt, we have learned greatly from the feedback of residents, community partners, elected and appointed officials, and fellow oversight practitioners. From this qualitative data, we have derived our Annual Audit Work Plan, which will serve as a roadmap for the projects we plan to accomplish over the fiscal year.

With 81% of Oakland voters approving [Measure S1](#), in 2020, the OIG was established to strengthen local police reform efforts. This overwhelming community support was engrained in 2020's national conversation around police practices and standards, following the tragic murder of George Floyd. Oakland itself has a rich history of police accountability, as the birthplace of the Black Panther Party, the location where Oscar Grant was killed by a Bay Area Rapid Transit Police Officer, and headquarters to one of the longest federally monitored law enforcement agencies, in the nation.

Stemming from the ruling of [Delphine Allen, et al. v. City of Oakland](#), more commonly known as the "Riders" case, the Oakland Police Department (OPD) has been under federal oversight for over 20 years. This ruling was a direct response to community members' complaints of mistreatment and civil rights violations at the hands of six veteran officers. Consequently, the corresponding and ongoing [Negotiated Settlement Agreement](#) (NSA) provided OPD fifty-two (52) tasks to address its policies, practices, and procedures, as well as discontinue what the court described in April 2023 as a "cultural rot."

As the auditing arm of Oakland's civilian oversight apparatus, which also includes the [Oakland Police Commission](#) and [Community Police Review Agency](#), it is our responsibility to oversee and make recommendations that optimize OPD's compliance with the NSA, departmental policies, and the law. Within the enclosed Audit Work Plan, you will find that the OIG aims to deliver on this mandate by conducting requested and proactive audits, evaluations, inspections, and policy reviews. Additionally, to enhance the quality of our work products, we will continue to observe relevant meetings for additional insight, highlight systemic social observations from the community, as well as utilize data-backed studies and reports. Through this multi-pronged and community-centered approach, I am confident that the OIG can and will help Oakland hold its police officers accountable.

Sincerely,

Inspector General Michelle N. Phillips
City of Oakland, Office of the Inspector General

I | Mission and Vision

The Office of the Inspector General (OIG) is an independent, non-partisan oversight agency that increases community trust and ensures accountability in the Oakland Police Department (OPD). In its administration of duties, the OIG works to implement a fair, thorough, and autonomous system of civilian oversight of law enforcement. The OIG does this by conducting independent and objective audits, evaluations, inspections, and reviews of the OPD and the Community Police Review Agency (CPRA). These methods promote constitutional, community-based policing, as well as a transparent, accessible, and fair system for police accountability. The office has welcomed community and agency engagement, to assist in identifying long-term, and systemic reform opportunities. The OIG also plans to establish an interactive dashboard that will promptly share relevant data and information with members of the public. This technology will optimize police services delivered to all the City of Oakland neighborhoods.

II | The Office of the Inspector General's Work

The OIG's primary functions are to conduct performance audits, evaluations, inspections, and reviews; provide independent and objective analysis to the public; and make recommendations to the action holders including those responsible for governance and oversight. In some cases, the OIG may also review legal claims, lawsuits, settlements, complaints, and investigations by, against, or involving OPD and CPRA. This effort ensures allegations of officer misconduct are thoroughly investigated and provides an opportunity to identify systemic issues within OPD or CPRA's practices and policies. The OIG seeks to not only hold OPD accountable but to have community impact and public trust.

The OIG conducts its audits in compliance with the [Government Auditing Standards](#) set forth by the Government Accountability Office under the U.S. Comptroller General; as well as its evaluations, inspections, and reviews, under the [Principles and Standards for Offices of Inspector General](#) (Greenbook) set forth by the Association of Inspectors General.

In addition to audits, evaluations, inspections, and reviews, the OIG completes the following:

- **Annual Reports:** Per the Municipal Code, the OIG must prepare and issue an annual report that summarizes the OIG's activities and work performed during the Fiscal Year (FY) 2024.
- **Compliance and Monitoring:** The OIG periodically follows up on recommendations made to OPD, CPRA, and the Oakland Police Commission.
- **Special Projects:** The OIG may conduct audits, reviews, evaluations, inspections, and other projects under its purview, as requested by the Police Commission and City Council.

III | Strategic Priorities

The OIG’s authority, duties, and responsibilities are outlined in Section 604 of the Oakland City Charter and Chapter 2.45 of the Oakland Municipal Code. The OIG shall audit OPD’s compliance with the fifty-two (52) tasks described in the Negotiated Settlement Agreement (NSA) *Delphine Allen, et al., v. City of Oakland, et al.*, case number COO-4599, and make recommendations to OPD, the Police Commission, and City Council, even after the NSA expires.

The purpose of the OIG's strategic priorities is to articulate long-term goals, derived from the office's mission, vision, operations, and community stakeholders. The strategic priorities encompass the OIG values and goals, which include, but are not limited to the following:

Values	Goals
Prudence	Sustainable Relationships
Integrity	Excellence
Impartiality	Transparency
Community	Innovation

Additionally, the OIG’s strategic priorities are informed by a combination of jurisdictional requirements (outlined in the City Charter, Municipal Code, NSA), shareholder feedback, members of the public, as well as institutional knowledge of OPD’s Departmental General Orders (DGOs), patterns and practices. The OIG identified three (3) strategic priorities:

1. Acquire a baseline of OPD staffing and resources to optimize their patrol, investigative, and administrative functions.
2. Sustain compliance of inactive Internal Affairs Division (IAD) related NSA tasks.
3. Assist with upholding Oakland residents’ civil rights and civil liberties, as outlined in the Constitution, when interacting with OPD.

IV | Projects

The proposed projects for FY 2024, were determined by the OIG's multisource observations, research, and analysis. As the environment of local policing shifts over time, the OIG may prioritize other projects not listed in this document. If circumstances (staff capacity, internal/external prioritization, etc.) change, this audit work plan may be amended to include, remove, delay, or move up corresponding projects.

In August 2023, the OIG surveyed community members' feedback on OIG's potential project priorities for FY 2024.

OPD Resourcing and Service Impact

OPD Compliance Review of Vehicle Stops, Field Investigations, and Detentions (Task 34)

Task 34 of the NSA requires OPD officers to include specific data/information within their reports on vehicle stops, field investigations, and detentions. Per the NSA, This information must also be stored in an accessible and searchable database for authorized personnel. The objective of this audit will be to evaluate OPD's compliance with the Task 34 requirements and its associated DGOs.

Policy Review: DGO M-19 – Prohibitions Regarding Racial Profiling and Other Bias-Based Policing

DGO M-19: *Prohibitions Regarding Racial Profiling and Other Bias-Based Policing*, Report Writing Manual Inserts R-2: *Completing the Stop Data Collection Form*, N-1: *Notice to Appear (Misdemeanor Citations)*, and N-2: *Notice to Appear (Traffic Citations)* all incorporate Task 34 requirements. Compliance with DGO M-19 is of paramount importance, as it intersects with several areas of OPD's service impact. Given its significance, the OIG plans to prioritize the review and analysis of DGO M-19, which hasn't been updated since 2004.

Policy Review: DGO B-08 – Field Training Program

DGO B-08: *Field Training Program* policy has not been updated, in its totality, since 2014. The OIG completed a compliance evaluation in September 2023, which identified some areas of concern that required additional review. With the field training program serving as new officers' first opportunity to witness the culture of OPD, this policy review was prioritized.

Transparency, Accuracy and Accountability in “Inactive” IAD-Related NSA Tasks

The NSA outlines reforms that mandate that OPD must be in *sustained* compliance with the included 52 tasks and subtasks to be in full compliance with the NSA. The OIG reviewed Section III: Internal Affairs Division of the NSA and identified several tasks that were formerly deemed in compliance. Consequently, these tasks are no longer being monitored and are categorized as “inactive.” The OIG has elected to conduct an updated inspection on the following seven tasks, established under section III, to ensure continued compliance:

- 1. IAD Integrity Tests (Task 3)**
- 2. Complaint Control System for IAD (Task 4)**
- 3. Methods for Receiving Citizen Complaints (Task 7)**
- 4. Classification of Citizen Complaints (Task 8)**
- 5. Contact of Citizen Complainant (Task 9)**
- 6. Summary of Citizen Complaints Provided to OPD Personnel (Task 11)**
- 7. Documentation of Pitchess Responses (Task 13)**

Special Projects: City Council or Police Commission

OPD Staffing Study and Resource Analysis (City Council)

Via an Oakland City Council policy directive, the City Administrator, or their designee (OIG) was directed to conduct a **staffing study and resource analysis of OPD**. The study’s objectives would be to:

- a. Identify current resources.
- b. Determine the number of officers needed in a particular geographic area.
- c. Decide how staffing and operational resources should be allocated

Identifying OPD service impact through a call for service audit and resource allocation review is best when tied to a staffing study. To determine whether police are responding to calls for service efficiently, it is critical to establish a baseline of the number of available officers, target timeframes, and how to maximize alternative responses. The OIG will oversee this study from inception to completion, including its bid process, vendor deliverables, stakeholder updates, and public transparency.

Case Review of IAD Cases 21-0862 22-0858 (Police Commission)

In July 2021, IAD conducted an internal misconduct investigation into a Sergeant's actions in case 21-0862. The disputed findings in that investigation, brought to light by the Sergeant's subsequent actions, resulted in an external investigation. Further discovery noted that the case involved and implicated, other officers, supervisors, and command staff, including the former Chief of Police. The external investigation resulted in several recommendations to change OPD policies, which the Court ordered OPD to implement. In July 2023, the Police Commission directed the OIG to review this external investigation, case 22-0858, for additional policy recommendations.

Case Review of IAD Cases 07-0538, 13-1062 and 16-0146 (Police Commission)

For more than 15 years, Oakland's Bey family has filed complaints against OPD, and their corresponding civilian oversight agencies for alleged misconduct. Although those complaints have all been subsequently closed, the Bey family has continued to call for additional review or action. In November 2021, before the inaugural Inspector General took office, the Police Commission voted to direct the Inspector General to review the above listed closed IAD cases (also referred to as the Bey Matter) for potential policy recommendations. The purpose of this review is to identify lessons learned, and provide recommendations for clear, sound OPD policies that address certain community concerns.



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OIG's Annual Audit Work Plan Fiscal Year 2024

Learn more about the office's current and upcoming projects:

OPD Staffing Study & Resource Analysis

The City Council requested the OIG oversee the study and analysis of OPD's current resources. This information will be critical to OIG's subsequent calls for service audit.



Policy Review of DGO M-19

Last updated in 2004, the OIG is conducting a review of Departmental General Order M-19: Prohibitions Regarding Racial Profiling and Other Biased-Based Policing.



IAD Cases 07-0538, 13-1062 & 16-0146 Review

The Police Commission directed the OIG to review cases related to several complaints against OPD & the Community Police Review Board.



Policy Review of DGO B-08

As follow-up to its compliance evaluation, the OIG is doing a policy review of Departmental General Order B-08: Field Training Program.



Inspection of Inactive IAD-Related NSA Tasks

The OIG has elected to inspect seven Internal Affairs Division related Negotiated Settlement Agreement Tasks that were previously deemed compliant.



Compliance Review of Vehicle Stops, Detentions & Field Investigations

The OIG is completing a compliance review of Negotiated Settlement Agreement Task 34, which requires certain information within stop, detention and investigative reports.



IAD Cases 21-0862 & 22-0858 Review

The Police Commission directed the OIG to review the policy recommendations derived from an external investigation of OPD misconduct.



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[TINYURL.COM/OIGAUDIT24](https://tinyurl.com/OIGAUDIT24) FOR
THE FULL AUDIT WORK PLAN.





Office of the Inspector General

Inspector General Michelle N. Phillips

January 11, 2024

Agenda



01. City Charter & NSA Mandated Projects

02. Council & Commission Projects

03. Staffing Update

04. NACOLE Conference Recap

Key takeaways from the NACOLE Conference by Kiana Gums, Director of Comms.

05. Thank You! Questions?

Ways to stay engaged with Oakland OIG.

City Charter & NSA Mandated Projects

Policy Review: DGO M-19

- Prompted by community concern and review of IAD Cases 07-0538, 12-1062 & 16-0146 (also known as The Bey Matter)
- The final report of OIG's review of DGO M-19 should be submitted to the Police Commission and OPD by the end of January 2024.

Sexual Misconduct DGO

- Initiated due to OPD's unfortunate and complex history of sexual misconduct
- On January 4, the OIG presented the Police Commission and OPD a recommendation to create a sexual misconduct DGO. A response was requested by February 16, 2024

Policy Review: DGO B-08

- Follow-up to OIG's Compliance Evaluation of OPD's Field Training Program
- The OIG is in its final stages of reviewing DGO B-08. This project has been slightly delayed due to the prioritization of other time-sensitive projects.

Council & Commission Requested Projects

The Bey Matter (Commission)

- A review of IAD Cases 07-0538, 13-1062 & 16-0146, stemming from complaints of police misconduct
- The final report is currently going through its quality assurance process.

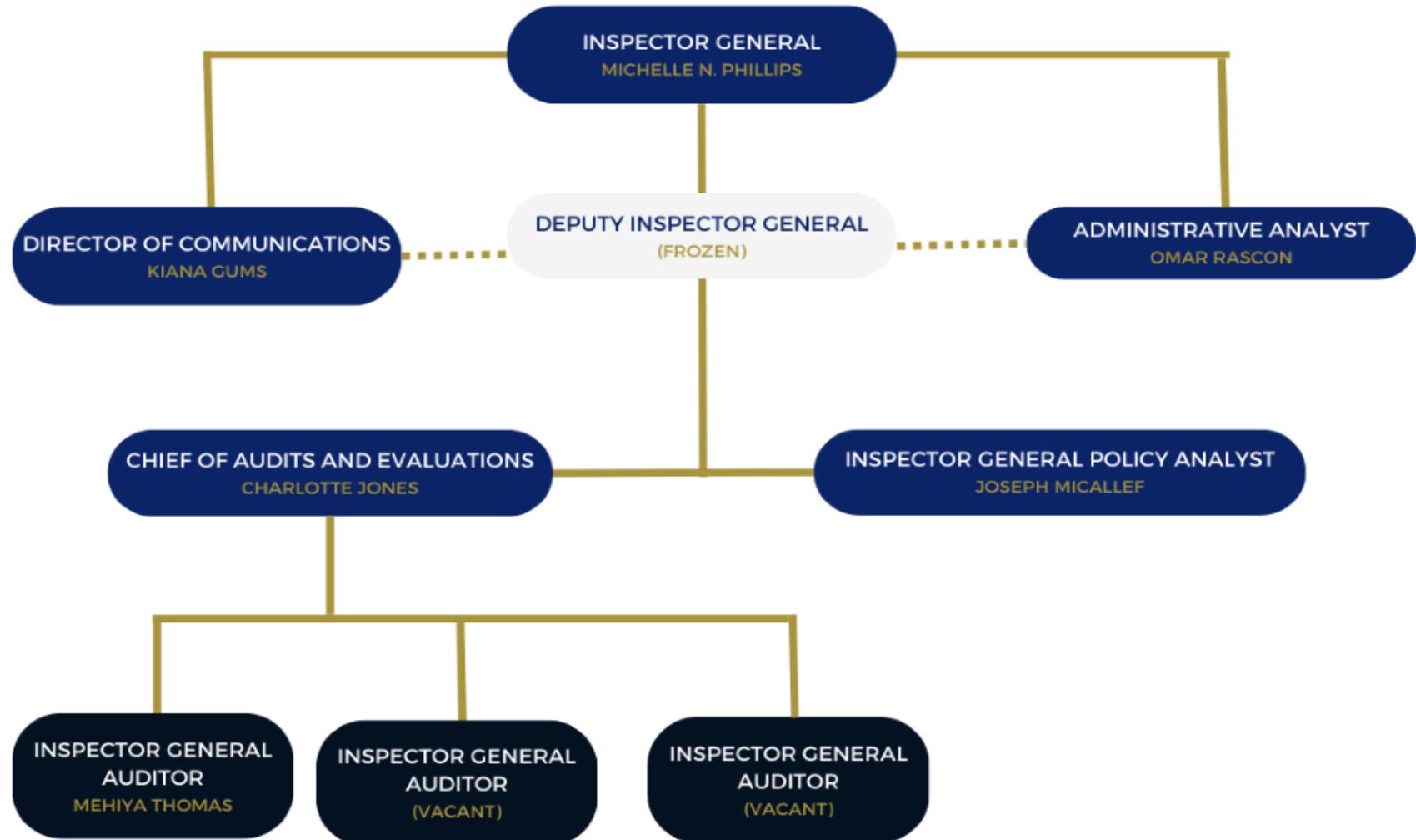
The Clarence Dyer & Cohen Review (Commission)

- On July 13, 2023, the Police Commission directed the OIG to review an external investigation of IAD Case 21-0862.
- The OIG will provide its final report to the Commission for review by January 24, 2024.

OPD Staffing Study & Resource Analysis (Council)

- In November 2023, the City Council requested the City Administrator or a designee (OIG) to conduct an OPD staffing study
- A vendor was selected with the expected contract to be finalized by the end of January 2024.

Staffing Update



NACOLE Conference Recap

The NACOLE Network

The National Association for Civilian Oversight of Law Enforcement is comprised of hundred of agencies, and thousands of new and seasoned practitioners.

Different Jurisdictions, Same Challenges

Across the United States, agencies are experiencing similar hurdles in providing effective and efficient civilian oversight.

Subject Matter Experts & National Best Practices

As Oakland's police accountability structure continues to evolve, it is pivotal that the City relies on subject matter experts, while adopting national best practices.

The Language of Civilian Oversight

To ensure shared understanding, all stakeholders (practitioners, media partners, elected and appointed officials) must learn the language of civilian oversight.

The Power & Influence of Oakland

Oakland remains a highly-visible and critical case study for America's implementation of civilian oversight of law enforcement.



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Thank you

The OIG is happy to answer any additional questions via email at oig@oaklandca.gov.

For more information, visit the office's website at [https://tinyurl.com/OaklandOIG!](https://tinyurl.com/OaklandOIG)