



AGENDA REPORT

TO: Honorable Oakland
Police Commission

FROM: Charlotte Jones
Acting Inspector General

SUBJECT: Office of the Inspector General
Informational Report

DATE: September 26, 2024

PURPOSE

The purpose of this informational report is to provide the Oakland Police Commission (“Commission”) and members of the public with updates from the Office of the Inspector General (“OIG”), since the last presentation. In this document, the OIG provides a high-level outline of 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.

STAFFING

Internal Staffing

The Office of the Inspector General has no new internal staffing updates at this time. As we indicated previously, all open positions are currently frozen. As the Deputy Inspector General, I adhere to my responsibilities to maintain the internal operations of the office. I also continue to serve at the Acting Inspector General, handling the responsibilities of the IG, as this Commission seeks to hire a permanent Inspector General.

I look forward to continuing to serve the City of Oakland.

New Inspector General

The previous Inspector General resigned effective July 13, 2024. As the Commission is hiring an Inspector General, the office has appropriately not been involved in that process other than forwarding the applications and posting relevant notices on our social media. However, once the Commission has selected its candidate, the office will work to ensure that the onboarding process is handled smoothly, and that the new Inspector General receives all necessary equipment and documentation for a successful initiation into the IG role.

Police Commission Meeting
September 26, 2024

Police Performance Auditing Services

The OIG is tasked with auditing, evaluating and inspecting the operations and procedures of the Oakland Police Department, including the 52 tasks of the Negotiated Settlement Agreement, and the investigative processes and procedures of the Community Police Review Agency (CPRA). Without auditing staff those responsibilities were not being met. In order to maintain the operations of the OIG, in May 2024 the OIG submitted a Request For Proposals (RFP) for Police Performance Auditing Services. The scope of the work for the firm will be to conduct audits, evaluations, and reviews of OPD and CPRA compliance with policies, procedures, and laws. As the Deputy IG, I will be managing the services of the hired firm.

We indicated previously that four (4) firms submitted proposals. I, along with the OIG Policy Analyst and Director of Communications conducted thorough interviews of the four firms over the course of a week. After team consideration and discussion, I selected one of the firms to conduct the auditing services for the OIG. We are very excited about firm that has been selected as they have a large staff and many years of auditing experience. As we are in the contract process now, I won't go into more detail about the firm until the final contract is signed. Updates to follow.

OFFICE OF THE INSPECTOR GENERAL 2024 ANNUAL REPORT

The OIG is excited to announce that we have published our Annual Report for the 2024 fiscal year. The report showcases the OIG's work under our inaugural Inspector General, Michelle Phillips. Through her directive, we were able to publish several policy and case reviews with recommendations. You can find all the summaries in the report. The annual report also includes metrics related to the Department's in-service training for the fiscal year, as well as the OIG's strategic goals for the next four years, and the community engagement initiatives we have undertaken thus far.

The report is available online in English, Spanish, and Chinese. I also brought copies for each Commissioner and several others for members of the public to take home and read. We are proud of what we accomplished during our last fiscal year and are working to maintain the same quality of work as we move into the new fiscal year.

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

The OIG is required to audit, evaluate, and inspect the compliance of OPD with its policies and procedures. Some of these audits and evaluations are based on the requirements of the NSA which delineates policies and procedures that must be complied with by the OPD. Other policy audits and evaluations are based on issues observed while attending weekly IAD meetings, Risk Management meetings, Force Review Board and Executive Force Review Board meetings and through other observations. In addition, the OIG has the authority to audit and evaluate the compliance of the Community Police Review Agency with their policies and the law. In the upcoming future, the OIG plans to conduct:

Audit of NSA Section III: Internal Affairs Division (IAD) "inactive" (Tasks 3, 4, 7, 8, 9, 11, 13)

Policy Review of DGO B-08: Field Training Program (Task 32)

Audit of Vehicle Stops, Field Investigations and Detentions (Task 34)

Audit of closures of discrimination allegations

The OIG can make changes to planned audits based on changes in issues and priorities. The upcoming OIG Audit Work Plan for fiscal year 2025 will contain more specifics about each audit and review planned for the year.

CITY COUNCIL POLICY DIRECTIVE-OPD STAFFING STUDY

In consultation with City Administration, the OIG selected PFM Financial Advisors, LLC (“PFM Financial”) to conduct an OPD staffing study and resource analysis. The City Council unanimously approved the contract, which has been fully executed and is in its final stage of compliance review. The OIG meets bi-weekly with PFM Financial and OPD’s point of contacts to ensure timely communications and that we keep our timeline milestones, within reason.

The OIG in collaboration with OPD and the Information Technology Department (ITD) are regularly providing data on an ongoing basis as requested for comprehensive analysis. The PFM team conducted a site visit on May 15, 2024, and May 16, 2024. The work of this study is ongoing, with a proposed completion date of January 2025.

ADDITIONAL PROJECTS

The OIG is now prioritizing the OIG Audit Work Plan for fiscal year 2025, where we will indicate our audit and strategic goals for the year. For questions regarding this report, please contact the Office of the Inspector General, at OIG@oaklandca.gov.

Respectfully submitted,

Charlotte Jones
Acting Inspector General
Office of the Inspector General

2024 ANNUAL REPORT

CITY OF OAKLAND

OFFICE OF THE INSPECTOR GENERAL



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MESSAGE FROM THE INSPECTOR GENERAL

Dear Community Members,

I came to Oakland to serve the public as the Inspector General and build upon decades of community calls for police accountability. My vision was to establish an independent, transparent, and accountable civilian oversight office that ensures the City of Oakland has a constitutionally aligned and bias-free Oakland Police Department. As your inaugural Inspector General, I worked with a small but mighty team to complete impartial assessments and reviews. I am proud to publish the Office of the Inspector General's 2023-2024 Annual Report which includes summaries of the office's work throughout the last fiscal year.

The Office of the Inspector General's annual report highlights several recommendations focused on adherence to constitutional policing and enhanced community trust. The intent of these reviews and recommendations are to strengthen departmental policies and procedures and enhance compliance and accountability. This past year, we used the Annual Audit Work Plan as our compass, ensuring that we stayed focused on our mission and remained accountable and transparent to the community.

I believe the Office of the Inspector General has made great strides, strengthening internal controls that have allowed us to begin addressing the Oakland Police Department's structural issues and championing policy reform that will result in a better future for Oaklanders.

Although much work still needs to be done, I am proud of what has been accomplished. I have confidence that the office will continue to deliver on its mission, mandates, goals, and values for many years to come.

Best Regards,





MISSION

The Office of the Inspector General (OIG) is an independent civilian oversight agency that monitors and audits the Oakland Police Department's (OPD's) policies, practices and procedures. The mission of the OIG is to ensure accountability, enhance community trust, and increase transparency via fair and thorough assessments of OPD's compliance with the law and departmental policies.

VISION

The OIG's vision is to build an effective, independent, and civilian operated, police oversight body that maintains a culture of impartiality, transparency, and accountability in its work.

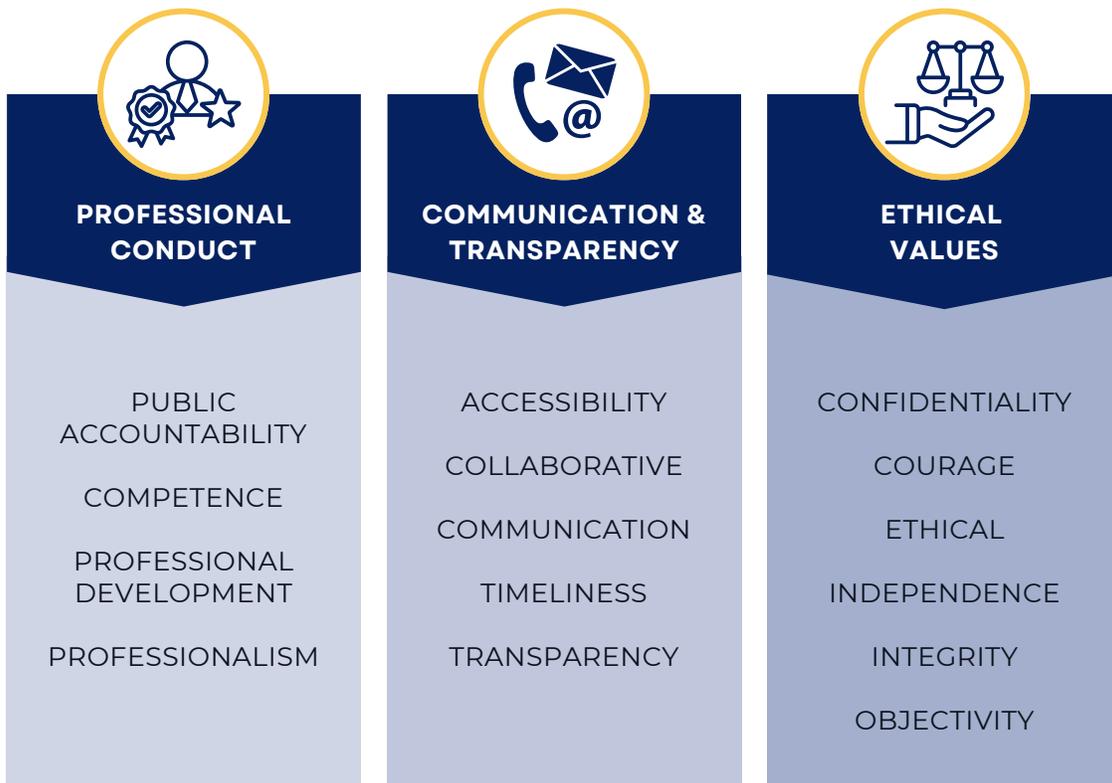
VALUES



PRINCIPLES & STANDARDS



The OIG operates under a clear set of principles. These principles guide every action, decision, and report we produce. The OIG upholds the professional standards set forth by the Association of the Inspectors General, and adheres to the National Association for Civilian Oversight of Law Enforcement Code of Ethics. The OIG classifies these standards and principles under the following categories:



The OIG practices these principles and standards in the following way:

- **Professional Conduct:** The OIG is committed to being honest, impartial, and accountable. We also recognize that it takes courage to do the right thing, even during difficult circumstances.
- **Communication & Transparency:** The OIG believes trust is built through transparency and accessibility.
- **Ethical Values:** Ethics and integrity are paramount for oversight practitioners. We review and present information objectively and independently without outside pressure.



AUTHORITY & JURISDICTION

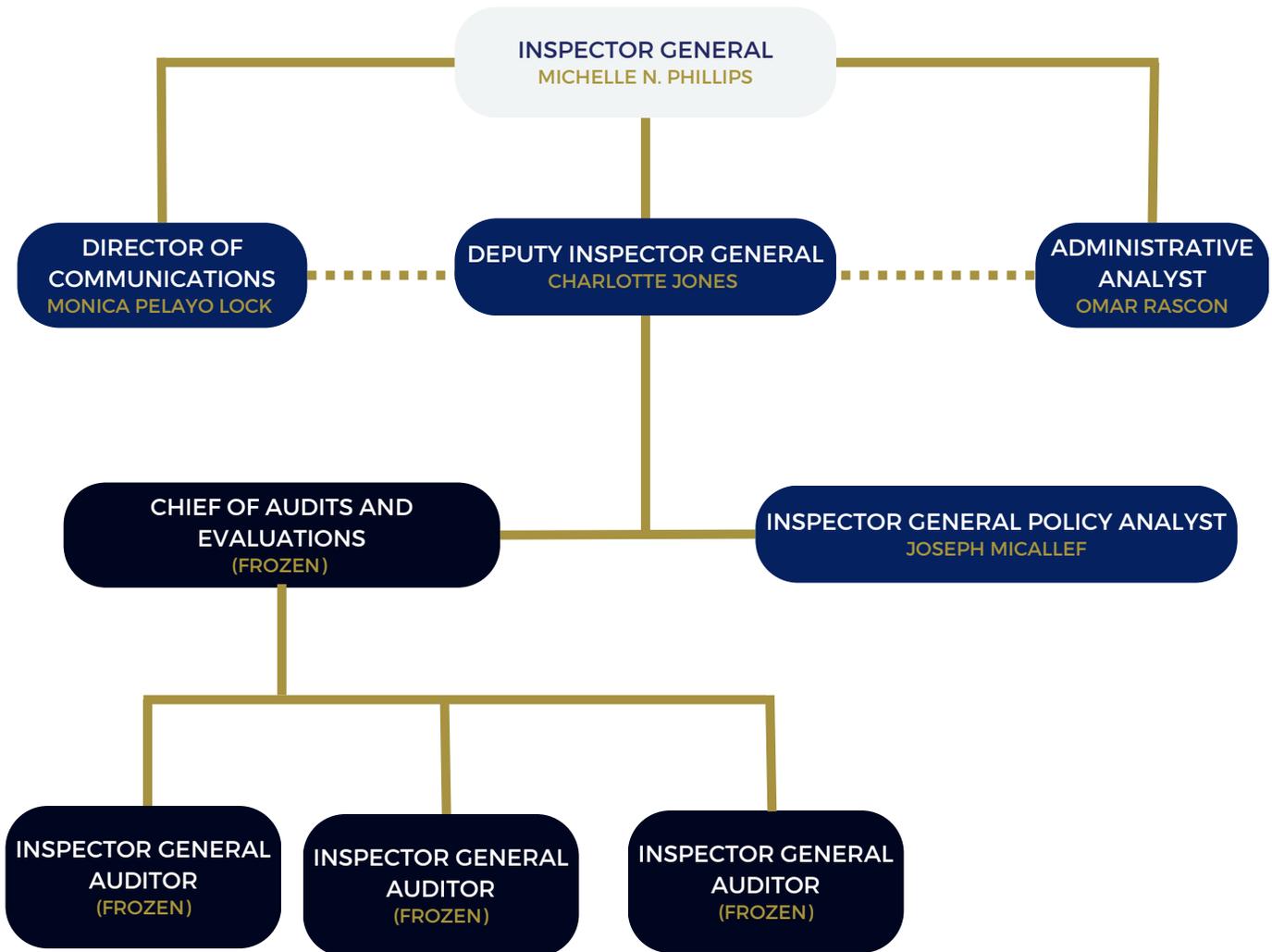
As noted, in 2020, Measure S1 was passed to strengthen the City of Oakland's police reform efforts. Measure S1 also established the Office of the Inspector General (OIG), tasking it with monitoring the Oakland Police Department's compliance with policies, procedures, and laws, particularly those stemming from the Negotiated Settlement Agreement (NSA). Oakland City Charter Section 604(f)(5) specifically outlines the following jurisdiction and authority for the OIG:

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- Audit the Department's compliance with the fifty-two (52) tasks described in the Settlement Agreement in United States District Court case number COO-4599, Delphine Allen, et al., v. City of Oakland, et al.
- Make recommendations to the Department, the Commission, and the City Council based on its audit(s), even after the Settlement Agreement expires.
- Review legal claims, lawsuits, settlements, complaints, and investigations, by, against, or involving the Department and the Agency.
- Review Department data, investigative records, personnel records, and staffing information, as permitted by law.

Ultimately, the Office of Inspector General aims to enhance the effectiveness of the Oakland Police Department and Community Police Review Agency by submitting recommendations to stakeholders for consideration and implementation. The OIG presents its recommendations to its primary stakeholder, the Oakland Police Commission for consideration and action. The Commission and other stakeholders will procedurally determine what they will do with any recommendations derived from OIG reports. Even though the OIG is not the enforcement body or action holder for these recommendations, it can provide follow-ups to verify implementation.

OIG ORGANIZATIONAL CHART



The Office of Inspector General has worked with the City Administration to identify the appropriate level of staffing to serve Oaklanders. With the support of the City of Oakland, the OIG was budgeted nine full time positions. At its inception, the budget restraints and lengthy hiring process led the office to operate with temporary staff members and freeze critical positions.

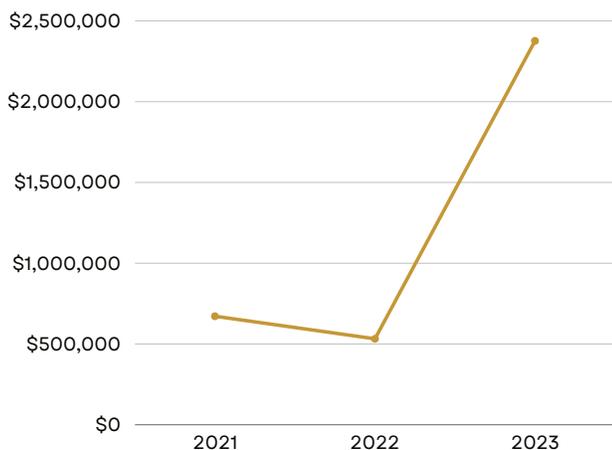
In 2023, the OIG began recruiting for permanent staff. The OIG is dedicated to filling all positions with full time permanent staff members in the next year if the budget allows, to support the work and stabilize the office.



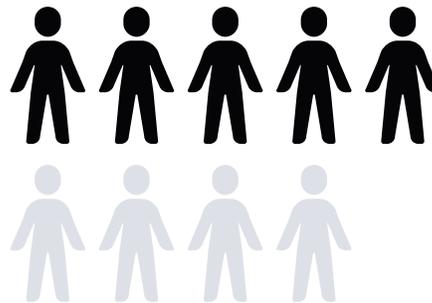
OVERVIEW

Oakland City Charter Section 604(e) states, "The City shall allocate a sufficient budget for the Commission, including [CPRA] and the OIG, to perform its functions and duties as set forth in this Charter section 604, including budgeting." Since its inception, the OIG has evolved significantly, increasing its budget and resources. The budget covers salaries, materials, supplies, and equipment. The OIG remains committed to a productive and cost effective agency that does not waste economic resources.

OIG BUDGET



STAFFING

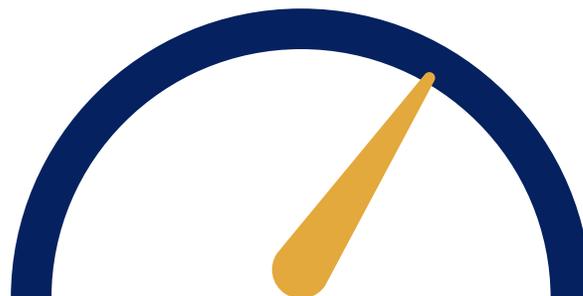


FY 2024

Of the nine budgeted staff positions, five positions are filled with permanent full time staff.

The Inspector General has advocated to increase OIG's budgeted staffing positions in order to conduct more timely audits, reviews, evaluations, and inspections. From 2022 to 2024, the OIG grew from one staff to five and has the additional resources allocated to employ up to nine total permanent staff.

PUBLISHED REPORTS



In spite of limited resources and staffing, the OIG has published **6 public reports** which are all available on the OIG website.

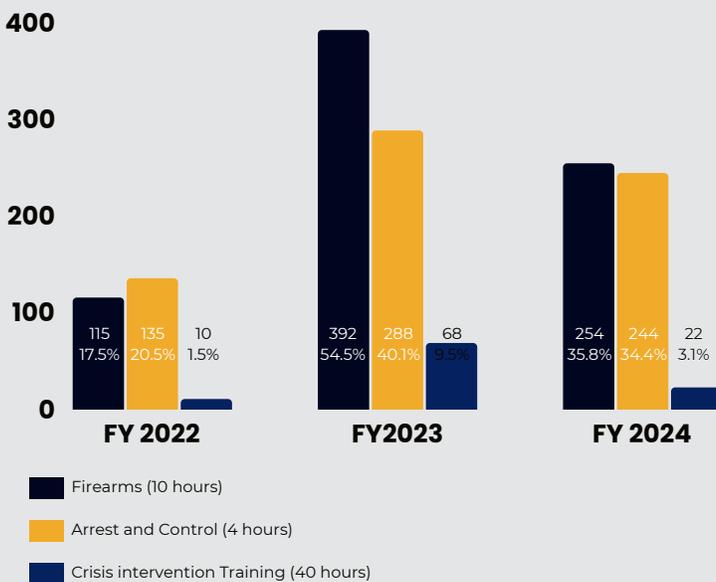
ENABLING ORDINANCE REQUIREMENTS AND ADDITIONAL POLICE DEPARTMENT TRAINING

According to the City of Oakland’s Enabling Ordinance Section 2.45.120(B), the Office of Inspector General is tasked with monitoring the number and percentage of sworn officers receiving in-service training in profiling and implicit bias, procedural justice, de-escalation, situational problem-solving, diplomacy, and work-related stress management. The Negotiated Settlement Agreement requires sworn officers take up to 40 hours of in-service training every 18 months.

DE-ESCALATION & SITUATIONAL-PROBLEM SOLVING

OAKLAND POLICE DEPARTMENT

The Department teaches these subjects in courses related to Firearms, Arrest and Control, and Crisis Intervention Training.



PROFILING AND IMPLICIT BIAS

OAKLAND POLICE DEPARTMENT

The Department has not offered courses in Implicit Bias and Procedural Justice since 2018. It is in the process of reinstating the Procedural Justice class, augmenting it with new work in the area of Reconciliation. Officers who have not taken the course before will be required to take an eight-hour course while a two-hour online refresher course will be offered to officers in Summer 2024.

DIPLOMACY

OAKLAND POLICE DEPARTMENT

The Department teaches Diplomacy in its “Policing in the Community” (30 hours) and “Leadership, Professionalism, & Ethics” (14 hours) units at the Academy. No other data related to in-service training was given to the Office of Inspector General.

WORK-RELATED STRESS MANAGEMENT

OAKLAND POLICE DEPARTMENT

The Department offers an “Emotional Intelligence, Mental Health, Substance Abuse, Financial Wellness, and Resiliency” course (8 hours), which was last offered in 2021.

POLICE OVERSIGHT TRAINING FOR NEW OFFICERS

Police officers who have just completed the academy must attend additional training specific to the Oakland Police Department and the City of Oakland. OIG leads a section on civilian oversight.

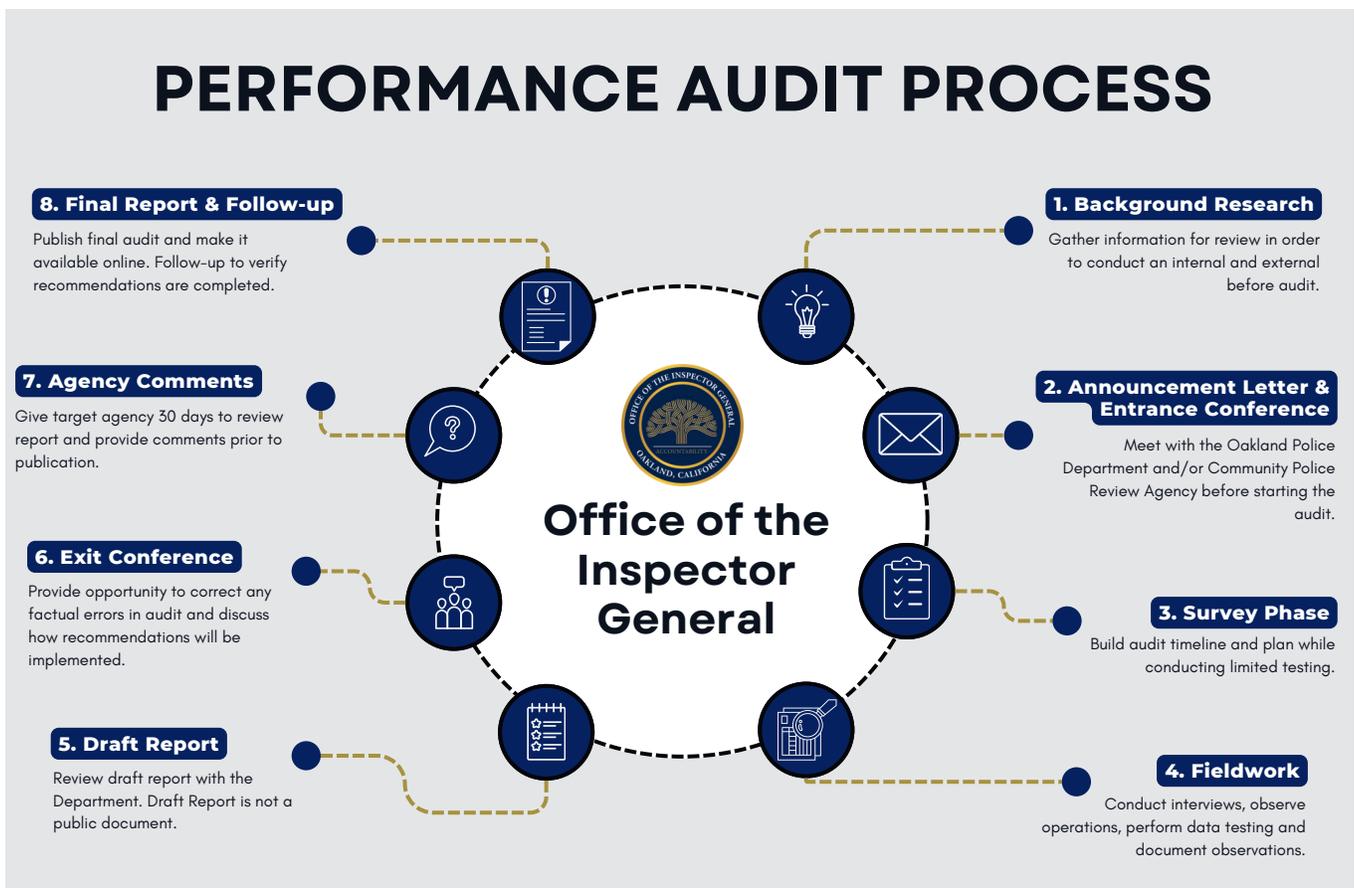


AUDITS, EVALUATIONS, INSPECTIONS & REVIEWS

The Office of the Inspector General conducts performance audits, evaluations, inspections, and reviews of the Oakland Police Department and Community Police Review Agency. Following its analysis, the OIG will provide findings and recommendations, if any to assist with improvements in policies, procedures, and practices.

Performance audits help determine if the Department or Agency are in compliance with policies, procedures, rules and the law. The OIG's audit priorities are set by legislative requirements, the Negotiated Settlement Agreement, developing trends, and identified issues embedded within the Department or the Agency.

Additionally, community concern with current police practices may induce an audit. As required, the Audit Section will assess whether the Department or Agency personnel are complying with existing policies and procedures, derive at findings and recommendations, if applicable to strengthen compliance and decrease risk. OIG reports are presented to the appropriate action holder for their review and subsequent action.



PUBLISHED REPORTS

INTRODUCTION

The Office of Inspector General uses performance audits, inspections, evaluations as tools to assess the Department and the Agency's compliance and hold them accountable. Following an assessment, the OIG may propose changes to existing policies or the creation of new policies. If applicable, OIG will use information derived from an audit, review, inspection, or evaluation to inform its recommendations. Reviews can also be initiated and informed by a community concern with a Department or Agency policy, procedure, or practice.

COMPLIANCE EVALUATION OF THE DEPARTMENT'S GENERAL ORDER B-08: FIELD TRAINING PROGRAM

Released September 7, 2023



The OIG conducted a review into the Department's Field Training program to determine if it remained in compliance with Task 42 of the Negotiated Settlement Agreement. The compliance evaluation had two primary objectives:

1. Determine if the Field Training Unit (FTU) interviews each trainee and ensures that the trainee completes a Personal Interview Questionnaire (PIQ) before they rotate Field Training Officers.
2. Determine if the FTU had been conducting three Focus Group Sessions (FGSs) and holding consistent Quarterly Panel Reviews (QPR).

The evaluation determined that while the Department was generally compliant with the requirements of Task 42, the Quarterly Panel Reviews (QPR) have not been conducted consistently. To alleviate this issue the OIG recommended the Department streamline the QPR process to ensure that the QPRs both have value to the Department and are conducted on a consistent basis.

RECOMMENDATION TO ESTABLISH A DEPARTMENT SEXUAL MISCONDUCT POLICY

Released January 18, 2024

The OIG self-initiated a review of the Department policies regarding sexual misconduct. This policy review was prioritized as a result of sexual misconduct committed by officers over the years in Oakland. From the review the OIG found that while policies discouraging sexual misconduct existed, these policies failed to singularly identify sexual misconduct as a unique action. Within the Manual of Rules sexual activity was placed within “Prohibited Conduct on Duty” alongside actions like gambling and sleeping on the job and the term sexual misconduct is entirely absent.



The behaviors referenced in one section, create a great deal of ambiguity about the seriousness of sexual misconduct.

The OIG recommended the Department create a dedicated policy for sexual misconduct based in part on the policy within the Chicago Police Department. A dedicated policy would re-affirm the Department’s commitment to eliminating sexual misconduct within their ranks and provide more transparency about the frequency of sexual misconduct within the Department and the matrix used to hold officers who face allegations of sexual misconduct accountable.



REPORT ON THE STATE OF DEPARTMENT NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) COMPLIANCE

Released March 14, 2024

The OIG conducted a review into the Department's current federal crime reporting standards. Each police department in the country reports crime data to the FBI on a regular basis as a part of the Uniform Crime Reporting (UCR) program. Up until 2016 this reporting was done almost exclusively via the Summary Reporting System (SRS).

However, since then the FBI has been heavily encouraging departments to switch over to the more detailed National Incident-Based Reporting System. The FBI's 2021 data collection excluded SRS data, leaving a number of cities including Oakland without standardized crime data for 2021. The FBI returned to allowing SRS reporting in 2022, however it is possible that in the future SRS reporting will be once again rejected.

From this review the OIG found that while the Department has repeatedly expressed a desire to reach NIBRS compliance, they have yet to submit any NIBRS data or discuss the transition with the Police Commission. In both the 2020 and 2021 Annual Reports the Department listed full NIBRS compliance as an expected outcome for the following year, yet as of 2024 no NIBRS data has been reported. Additionally, the Department has received virtually no dedicated funding for NIBRS transition despite cities throughout California receiving hundreds of thousands of dollars from grantees to fund the transition.

The OIG recommended that the Department provide the Police Commission regular updates on the state of the NIBRS transition along with explanations behind any delays the Department may face. Given that NIBRS is a significantly more detailed dataset than the SRS and this level of detail comes with high transitional costs the OIG further recommended that the Department reach out to the Federal Bureau of Justice Statistics and the State Department of Justice, among others, to seek additional funding if necessary.

POLICY REVIEW OF DEPARTMENTAL GENERAL ORDER M-19: PROHIBITIONS REGARDING RACIAL PROFILING AND OTHER BIAS-BASED POLICING

Released April 2, 2024

The OIG reviewed the Departmental General Order M-19 (DGO M-19): *Prohibitions Regarding Racial Profiling and Other Bias-Based Policing*. Originally established in 2004 in the wake of the Riders case, DGO M-19 is designed to help address concerns of racial profiling of members of the community and bias-based policing activities.

After a review of DGO M-19, the OIG found the policy to be outdated and lack specificity in several areas. One example is the lack of definitions or timelines that could impact an investigator's ability to effectively hold someone accountability for misconduct.

The OIG proposed the following six recommendations:

Recommendation 1

The Department confirm DGO M-19's language is consistent with California Penal Code Section 13519.4 (PEN § 13519.4).

Recommendation 3

The Department create a glossary that defines each protected category or characteristic.

Recommendation 5

The Department clarify the timeline for the supervisory audits, as required by Section XI – Supervisory Responsibilities.



Recommendation 2

The Department insert color, gender identity or expression, as well as mental or physical disabilities, as protected characteristics, or categories.

Recommendation 4

The Department set clear timelines reporting incidents of profiling, with accountability measures in place for missed deadlines.

Recommendation 6

The Department verify all DGO M-19 requirements align with current OPD operating procedures.

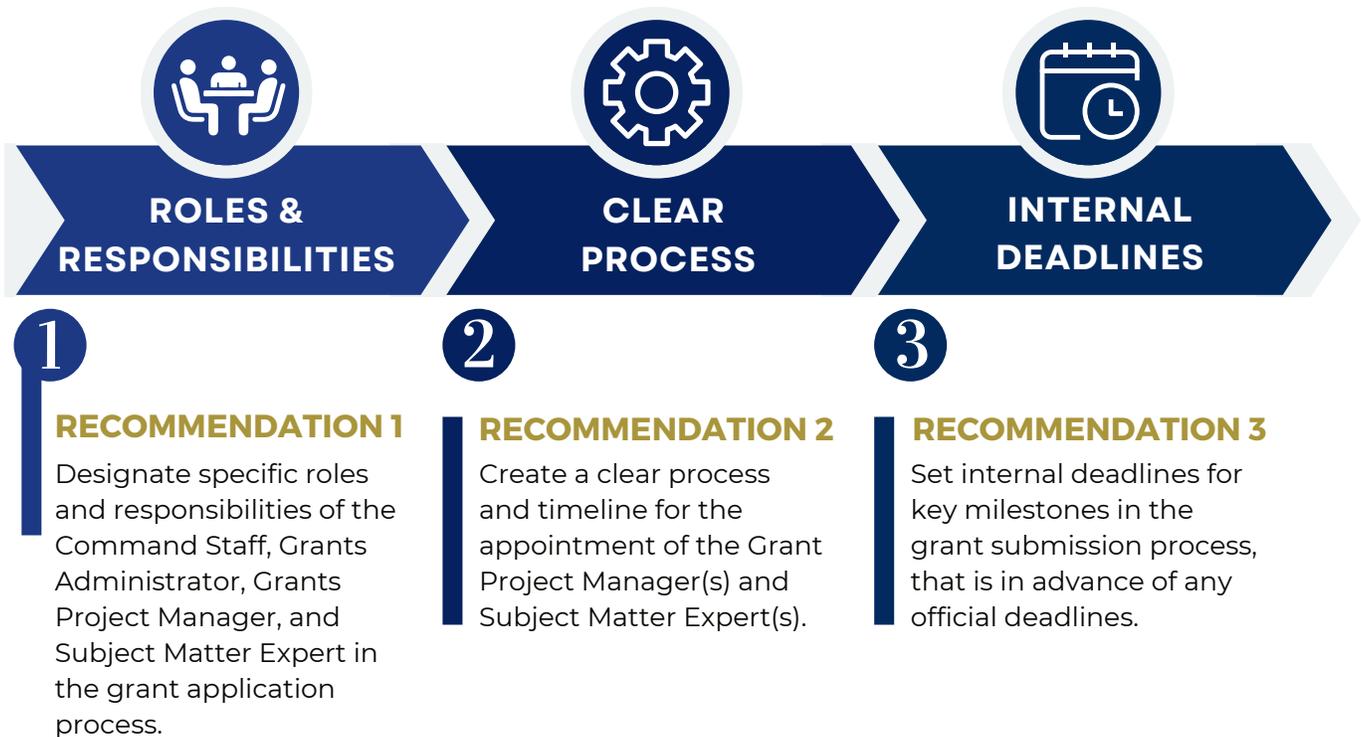
POLICY REVIEW OF THE DEPARTMENT'S GENERAL ORDER N-04: POLICE GRANTS

Released May 7, 2024

The Office of Inspector General analyzed the Department's grants management policy, DGO N-09: *Police Grants*. This review was self-initiated following the City's failure to apply for the California Organized Retail Theft Prevention Grant.

The OIG found the Department policy lacked specificity for grants management guidance. The lack of clarity in the policy created barriers during the process and led to a lack of decisiveness and multiple delays. A lack of defined roles and responsibilities led to an inability to determine the purpose of the funding. The grant was highly competitive – with only a third of applicants receiving any funding – and the purpose was the most highly weighted section of the grant application. However, this indecision served as a significant barrier to application completion and foreclosed all possibility of the Department receiving funding.

The OIG in turn recommended the Department establish a Grants Management Policies and Procedures (P&P) Manual that includes the following:



REVIEW OF INTERNAL AFFAIRS DIVISION CASES 07-0538, 13-1062, AND 16-0146: POLICY RECOMMENDATIONS DERIVED FROM THE BEY MATTER

Released May 17, 2024

The OIG conducted a review into three Internal Affairs Division (IAD) cases collectively referred to as the Bey Matters. The cases span over several years from 2007 to 2016. This review was requested by the Oakland Police Commission prior to the appointment of the Inspector General.

The goal of the review was to determine policy deficiencies, note lessons learned, and provide recommendations where appropriate. The analysis revealed deficiencies in several policies, with the OIG ultimately recommending changes to the following:

01

Criminal Investigation Division Policy 15-01: Homicide Unit Call-Out Criteria and Unit Investigations

02

Criminal Investigation Division Policy 13-03: Felony Assault Unit Call-Out Criteria and Unit Investigations

03

Departmental General Order M-3: Complaints Against Departmental Personnel or Procedures

04

Departmental General Order M-3.1: Informal Complaint Resolution

05

Departmental General Order M-19: Prohibitions Against Racial Profiling and Other Bias-Based Policing

06

Codified policy section that requires IAD provide complaint closure documentation to the Community Police Review Agency for review prior to official closure to ensure agreement.

COMMUNITY OUTREACH

The Office of Inspector General is committed to serving Oakland through community outreach and education efforts. The OIG regularly participates in local engagement activities, professional development workshops, cultural celebrations, and community meetings. Our goal is to ensure that the OIG is an agency people can trust. To aid in our educational and engagement goals, we maintain an active presence on Instagram, Twitter (X), and LinkedIn, continuing our #FAQFridays campaign and launching the #DidYouKnow campaign to keep the community informed of the Department's policies and procedures. When a new report is published, we issue press releases and build social media campaigns with links to the OIG website. These mechanisms ensure transparency and allow OIG to reach audiences most impacted by police misconduct.



Love Life Healing Summit
Oakland, CA
October 20, 2023



NACOLE Conference
Chicago, IL
November 12, 2023



Metro Chamber of Commerce Leadership Workshop
Oakland, CA
January 12, 2024



MLK Day of Service
Oakland, CA
January 15, 2024



National Forum for Black Public Administrators
Baltimore, MD
April 3, 2024



Municipal Management Association Northern CA Women's Leadership Summit
Oakland, CA
May 4, 2024



CONCLUSION

The Office of Inspector General will continue to deliver on its mandate to work towards ensuring the City of Oakland has effective and efficient constitutional policing. Through impartial, transparent and prudent assessments, the OIG will remain mission focused and community centered.

We are thankful for the partnerships we have cultivated across Oakland and look forward to continuing our work of civilian oversight with key stakeholders, building a stronger public safety accountability ecosystem.

STRATEGIC GOALS

This year the Office of the Inspector General crafted a strategic plan, identifying four goals that align with its mission, values, and desired service outcomes. These goals will be used as a guide to create a solid and sustainable oversight foundation for the Office, over the next four years.

01. Sustainable Relationships

Foster an environment that promotes authentic relationships.

02. Excellence

Invest in continuous capability and process development.

03. Transparency

Maintain accountability and clear communication both internally and externally.

04. Innovation

Establish Office of the Inspector General Data Management practices.



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