



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: November 10, 2022

PURPOSE

The Inspector General reports to the Police Commission and members of the public. This report outlines updates from the OIG since the Inspector General reported to the Police Commission on September 8, 2022. The information comprised in this report is also intended to answer OIG-specific questions raised at the last Police Commission meeting.

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

Office of the Inspector General authority City Charter Section 604 [a] [11]:

- (1) Send the Chairperson of the Commission, the Agency Director, and/or the Inspector General or their designees to serve as a-non-voting members of any level one Oakland Police Force Review Board, as permitted by law.
 - The OIG attends Force Review Boards as scheduling permits.

Office of the Inspector General authority City Charter Section 604[f] [5]:

- (1) 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 COO-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.
 - Currently working on task 42 audit.
- (2) The OIG **may** review legal claims, lawsuits, settlements, complaints, and investigations, by, against, or involving the Department and the Agency, to ensure that all allegations of police officer misconduct are thoroughly investigated, and to identify any systemic issues regarding Department and Agency practices and policies.
 - Currently working on the Bey Matter
- (3) The OIG **shall** have access and authority to review Department data, investigative records, personnel records, and staffing information, as permitted by law, for the purpose of conducting audits of the Department.
 - Requirement fulfilled at this time however other access may be requested in the future.

Police Commission Meeting
November 10, 2022

- (4) The OIG **shall** have access and authority to review Agency data, investigative records, personnel records, and staffing information for the purpose of conducting audits of the Agency. The OIG's access to personnel records for non-sworn employees shall be limited to training records.
 - The OIG has yet to gain access to Agency databases.
- (5) OIG **shall** provide written reports of the results of its audits to the Commission and the City Council, and, upon request, shall publicly report on the results of any audits to the Commission and/or the City Council in a manner consistent with all applicable confidentiality requirements.
 - Ongoing requirement.
- (6) The Inspector General **shall** receive orientation and training as required by Ordinance, including but not limited to orientation and training in the areas of Department operations, policies, and procedures, including discipline procedures for police officer misconduct and failure to act. Procedural Justice, conflict resolution, national standards of constitutional policing, best practices for conducting investigations, and labor rights and laws.
 - Completed.

Compliance Tools

The OIG has received the compliance tools used by the independent monitoring team (IMT) over the years. The OIG is in the process of reviewing these tools and editing them where necessary to use during its compliance reviews and audits.

Task 42 Audit Review

The Field Training Officer (FTO) program, outlined in Task 42, is an important area for review for the OIG. The FTO program review is of significance as it presents new officers the first opportunity to work in the field, post-academy.¹ It is also a critical aspect of training for new officers in department culture, community interactions, and job execution. The OIG informed OPD in July of the intent to review the FTO program. The OIG has since completed the Entrance/Engagement Conference and interviewed the primary personnel tasked with overseeing and executing the program. During the interviews, OIG staff communicated the proposed scope and methodology to solicit feedback and ensure the review captures all salient information. In September, OIG staff completed initial interviews with OPD personnel and planned data collection and program observations. To date, OIG has collected a substantial portion of the data to be assessed, began initial data analysis, observed one of two planned program observations, and scheduled the final data collection. Currently, the Task 42 Audit Review is active and on-track.

THE BEY MATTER

Prior to the appointment of the Inspector General, the Oakland Police Commission voted in November of 2021 to refer the Bey matter to the newly created OIG to review specific records and report to the Commission with any policy recommendations for changes to procedures and practices going forward. 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. There are no additional updates on this matter currently.

¹ Negotiated Settlement Agreement with stipulations regarding pattern and practice claims revised December 2008 can be found at <https://oaklandca.s3.us-west-1.amazonaws.com/government/o/OPD/a/publicreports/oak060142.pdf>

CITY COUNCIL AUDIT

This item priority has been deferred for the time being with the support of the City Administer and City Council President. The deferral allows the OIG the opportunity to prioritize more time on NSA task audit mandates. This audit remains important, and the OIG has met with David Muhammad, Executive Director of the National Institute of Criminal Justice Reform (NICJR) regarding their work with the City of Oakland in this matter. Most recently the OIG had a meeting with NICJR regarding methodology and data accessibility used prior work of this nature with the City of Oakland.

OIG STAFF UPDATE

The OIG is currently working with the Human Resource Department to create job announcements for the Inspector General Performance Auditor and Inspector General Policy Analyst positions. Human Resources is transitioning to a new process so there are some additional delays. Unfortunately, the three auditor positions and one policy analyst position will not be filled until next year. The OIG job specification for the Deputy Inspector General position has been presented to Human Resources for review, approval, and next steps. This process has also been delayed.

OIG STAFF RETREAT

On October 12, 2022, the OIG had a staff retreat and strategic planning session. The retreat was facilitated by the Oakland Human Resources Department. All OIG staff were in attendance. The OIG provided a report on the retreat which is attached. Strategic planning and budget drafts for FY 2024 are still in progress currently.

OIG POLICY AD HOC

The OIG appreciates the OIG Policy Ad Hoc (Vice Chair Peterson, Commissioner Harbin-Forte, and Commissioner Jackson) for the time, attention, feedback, and guidance provided during the OIG policy review process. During the process, the OIG drafted standard operating procedures that will govern internal operations. However, the OIG requests the Commission vote to continue the ad hoc and rename it to OIG ad hoc. This will allow the ad hoc to provide guidance and feedback regarding the OIG additional policies and other Commission-requested deliverables.

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
STAFF RETREAT
OCTOBER 12, 2022**

Police Commission
Office of the Inspector General
Staff Retreat Agenda

DATE: Wednesday October 12, 2022

TIME: 9am-4pm

LOCATION:

150 Frank H. Ogawa Plaza, 2nd Floor, Uptown Conference Room

Oakland Museum of CA - 1000 Oak St, Oakland, CA 94607

TIME BLOCK	ACTIVITY / TOPIC	NOTES / DETAILS
9:00am-9:15am	Arrive Check in Breakfast Icebreaker	Andrea
9:15am-9:30am	Opening / Welcome Remarks from Director	Andrea Michelle
9:30am-10:00am	Goals and Visioning	Michelle
10:00am-11:30am	Strategic Plan Workgroup	Michelle
11:30am-12:00pm	Commute to OMCA	Team
12:00pm-1:00pm	Lunch at TOWN FARE	Team
1:00pm-2:30pm	Explore the Museum Museum Scavenger Hunt	Team
2:30pm-3:00pm	Relationship Building Activity	Andrea
3:00pm-3:30pm	Audit Schedule Discussion	Michelle
3:30pm-4:00pm	Discussion about future projects Next steps Closing	Michelle

**OAKLAND INSPECTOR GENERAL
STAFF RETREAT
OCTOBER 12, 2022**



CITY OF OAKLAND

Oakland Police Commission

Office of the Inspector General

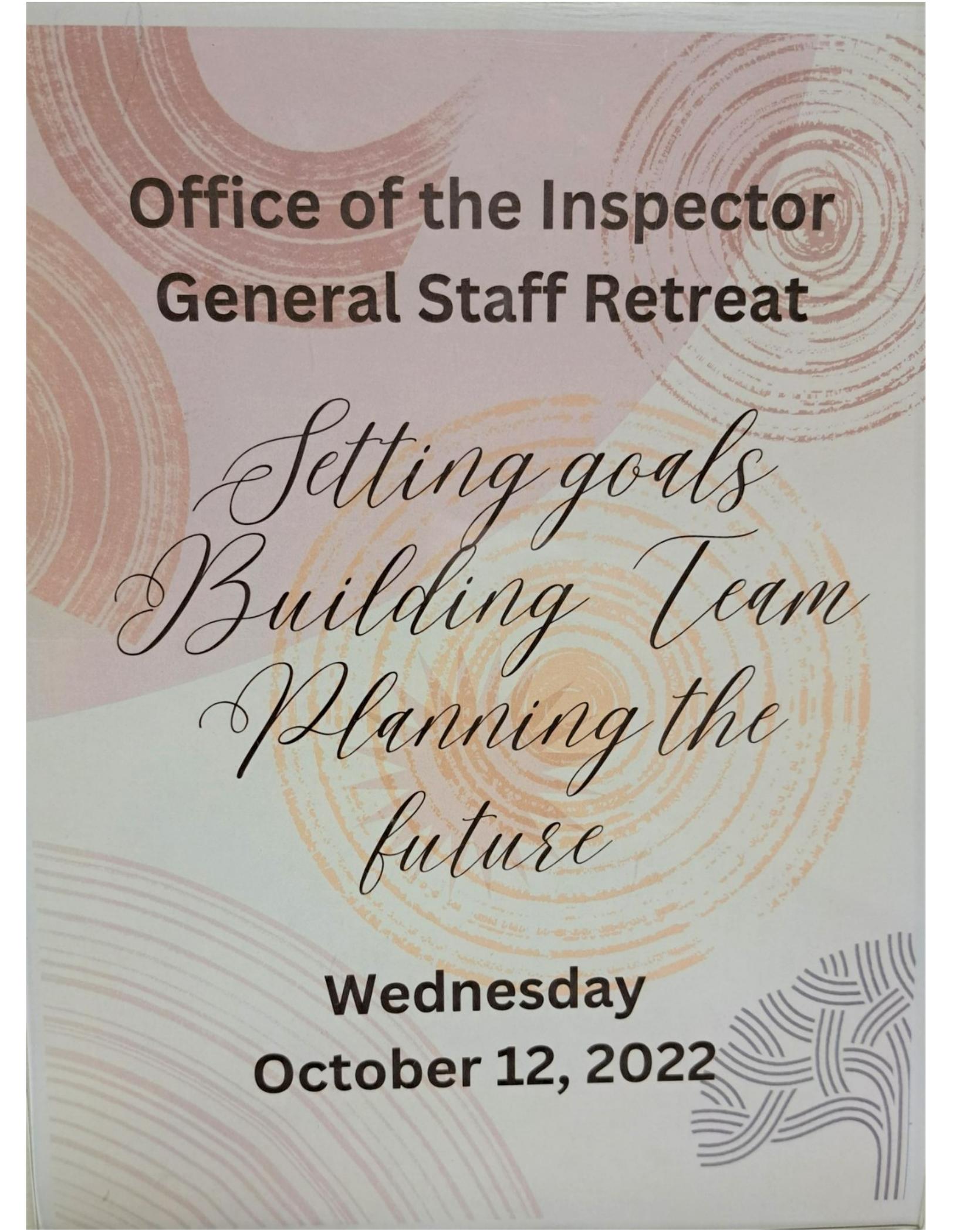
**Locations: 150 Frank H. Ogawa Plaza, 2nd Floor, Uptown Conference Room
Oakland Museum of CA - 1000 Oak St, Oakland, CA 94607**

OFFICE OF THE INSPECTOR GENERAL STAFF RETREAT OCTOBER 12, 2022

Retreat Objectives

The Office of the Inspector General conducted a one-day planning retreat with the assistance of the City of Oakland Training and Staff Development department of Human Resources. The retreat objectives consisted of: (1) Future Goals, Vision and Deliverables; (2) Strategic Planning for Fiscal Year 2024 to 2026; and (3) Team Building and Professional Development.

Retreat Objectives	PROJECT OUTPUTS/OUTCOMES
<ul style="list-style-type: none"> Future Goals, Vision and Deliverables Discussion Session 	<p>The OIG Staff identified individual professional and agency goals for the short term (3-6 months) and long-term (12-18 months)</p> <p>Short term Goals: Complete existing projects that are in progress and finalize reports Finalize project priorities for the next 6 months Fill the current OIG vacancies with skilled individuals Complete a proposed audit schedule Establish role specific internal guidelines for staff Complete a strategic plan for fiscal year 2024 to 2026 Complete biannual OIG budget for fiscal year 2024/2025 Complete first OIG annual report</p> <p>Long term Goals: Stabilize the OIG function once all vacancies are filled Assess the need for additional staffing and IT infrastructure Establish community engagement schedule outside of Police Commission meetings</p>
<ul style="list-style-type: none"> Strategic Planning 	<p>OIG staff reviewed the current strategic plan and other documents to include (1) Measure LL, Measure S1 and the Oakland Municipal Code to ensure we remain focused on the duties and the mission; (2) Review of the monitor/compliance reports and compliance tools; (3) Review of previous Police Commission Meetings; (4) Review of other Oversight Agencies; and (5) Review of published articles on the Oakland Police Commission, Community Police Review Agency and Oakland Police Commission prior meetings</p>
<ul style="list-style-type: none"> Team Building and Professional Development 	<p>OIG Staff discussed their oversight experience and individual areas of expertise (1) Policy (2) Audits and Reviews (3) Inspections and Evaluations (4) Investigations Discussed professional development and trainings options for the future for (1) Association of Inspectors General (2) National Association for Civilian Oversight of Law Enforcement</p>



**Office of the Inspector
General Staff Retreat**

*Setting goals
Building Team
Planning the
future*

**Wednesday
October 12, 2022**



**OFFICE OF THE INSPECTOR GENERAL
BROCHURE**

City of Oakland Office of the Inspector General



CONTACT US

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[www.oaklandca.gov/departments/
inspector-general](http://www.oaklandca.gov/departments/inspector-general)

Our Mission

The Office of the Inspector General is an independent, non-partisan oversight agency that will assist with increasing community trust and ensuring accountability in the Oakland Police Department. In its administration of duties, the Office of the Inspector General will implement a fair, thorough, and autonomous system of civilian oversight and accountability of law enforcement. The Office of the Inspector General will drive best practices by recommending improvements to policies and trainings as well as engaging in collaborative initiatives that promote systemic advancements.



CITY OF OAKLAND
Oakland Police Commission
Office of the Inspector General

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Oakland Police
Commission



Office of the
Inspector General



@OaklandOIG

83.19% Voter
Approval of Measure
LL (2016)

81.27% Voter
Approval of Measure
S1 (2020)

Our Vision

The Office of the Inspector General's vision is to build trust in civilian oversight of policing through encouraging, implementing, and preserving a culture of impartiality, transparency, and accountability.

The Oakland Office of the Inspector General

The Office of the Inspector General is the monitoring and auditing arm of the Oakland Police Commission. The Office of the Inspector General is responsible for monitoring the Oakland Police Department's compliance with policies, procedures, and laws. This effort is intended to further strengthen the City's ability to decrease instances of police misconduct. This oversight also includes but is not limited to auditing and reviewing the Community Police Review Agency investigative performance and compliance with the City Charter and Municipal Code.

The Office of the Inspector General's oversight model is the auditor/monitor model. The auditor/monitor model focuses on examining broad patterns in complaint investigations including patterns in the quality of investigations, findings, and discipline rendered. This model seeks to promote broad organizational change by conducting systematic reviews of police policies, practices or training, and making recommendations for improvement.



Accountability

History and Authority

The Inspector General Act of 1978, as amended, defines the primary responsibilities of the Office of Inspector General. Further, the City of Oakland Charter Measure S1 (passed with a resounding majority 81% of the vote), adopted in 2020 and Municipal Code defines the OIG duties for the City of Oakland.

The Office of the Inspector General's primary charge is overseeing the city's compliance with the negotiated settlement agreement during federal oversight and after it ends. The presence of the OIG is intended to further strengthen the City's ability to identify systemic issues within the Oakland Police Department and decrease instances of police misconduct, through accountability measures. Project priorities are set by the Inspector General, but they may change based on Police Commission guidance.

**Independent
from the
Oakland Police
Department**

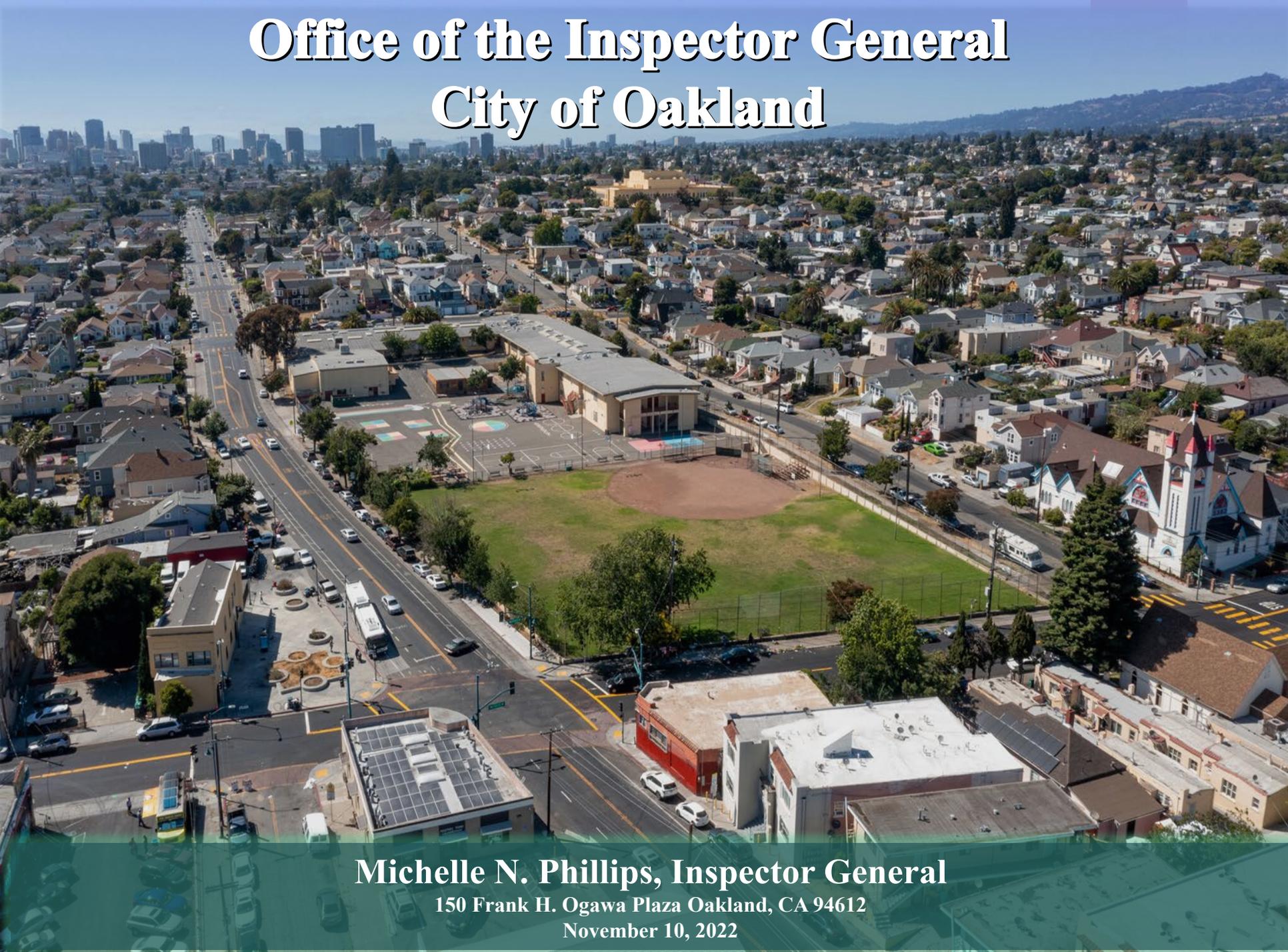
Scope

The Office of the Inspector General conducts audits, inspections, reviews, and evaluations of the Oakland Police Department and Community Police Review Agency programs and operations. This will help to evaluate compliance, operational efficiency and effectiveness. The Office of the Inspector General does not conduct investigations.

The Office of the Inspector General provides reports and recommendations based on its findings to the Oakland Police Commission, Oakland City Council, other City Government agencies and members of the public. The Office of the Inspector General executes its responsibilities in a neutral, nonpolitical environment free from interference from any person, group, or organization. The Office of the Inspector General is administratively, physically, and operationally independent from Oakland Police Department and Community Police Review Agency.

**The Inspector
General reports to
the Police
Commission**

Office of the Inspector General City of Oakland



Michelle N. Phillips, Inspector General

150 Frank H. Ogawa Plaza Oakland, CA 94612

November 10, 2022

Agenda

- City Charter Authority
- Negotiated Settlement Agreement OIG Updates
- Staffing Updates
- Staff Retreat Review

City Charter 604(a)(11)

Police Commission Authority

- ▶ Send the Chairperson of the Commission, the Agency Director, and/or the Inspector General or their designees to serve as a-non-voting members of any level one Oakland Police Force Review Board, as permitted by law.

Office of the Inspector General

- ▶ Completed trainings to attend (E)FRBs as outlined in Municipal Code 2.45.110 E
- ▶ Attended 3 (E)FRB
- ▶ Access to review (E)FRB

Oakland City Charter 604(f)(5)

Office of the Inspector General Jurisdiction

- ▶ 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 COO-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. **(Task 42)**
- ▶ The OIG **may** review legal claims, lawsuits, settlements, complaints, and investigations, by, against, or involving the Department and the Agency, to ensure that all allegations of police officer misconduct are thoroughly investigated, and to identify any systemic issues regarding Department and Agency practices and policies. **(The Bey Matters)**
- ▶ The OIG **shall** have access and authority to review Department data, investigative records, personnel records, and staffing information, as permitted by law, for the purpose of conducting audits of the Department. **(Completed, future requests)**
- ▶ The OIG **shall** have access and authority to review Agency data, investigative records, personnel records, and staffing information for the purpose of conducting audits of the Agency. The OIG's access to personnel records for non-sworn employees shall be limited to training records. **(OIG does not have access, was not prioritized)**

Negotiated Settlement Agreement: OIG Updates

NSA Compliance Tools Creations and Revisions

- ▶ The OIG has received the compliance tools used by the independent monitoring team (IMT) over the years. The OIG is in the process of reviewing these tools and editing them where necessary to use during its compliance reviews and audits. The OIG is also working on establishing new tools that may supplement the compliance work

NSA Task Update: Task 42 FTO Program

- ▶ Field training is a critical aspect of training for new officers in department culture, community interactions, and job execution.
- ▶ In September, OIG staff completed initial interviews with OPD personnel and planned data collection and program observations.
- ▶ Program observations have been completed
- ▶ To date, OIG has collected the required data to be assessed
- ▶ Task 42 Audit Review is active and on-track

Staffing Updates: OIG Anticipated Hiring Timeline

NOV 2022

DEC 2022

JAN 2023

FEB 2023

MARCH 2023

Job Analysis and
Finalization of Job
Announcement

Job posting
anticipated open
date November 21,
2022

Candidate rating
exams

Job posting
anticipated closure
date January 3,
2023

Creation of
eligibility list

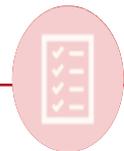
Department
interviews

Conditional offers of
employment
extended to
candidates

Background checks
and administrative
paperwork

March 27, 2023,
new hire start date

OIG Staff Retreat Review



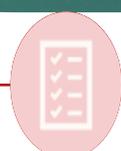
OIG SHORT TERM GOALS

Complete existing projects
Fill current vacancies
Strategic Plan
FY 24-25 Budget



OIG LONG TERM GOALS

Stabilize the OIG function
Assess need for additional staff
Community Service Schedule



STRATEGIC PLANNING

Identification of possible Strategic Pillars for Strategic Plan FY 24-26



TEAM BUILDING

Foster holistically team cohesiveness
Understanding each others' strengths



TRAINING AND DEVELOPMENT

Identification of areas of growth for staff
Professional certifications

Requests of the Police Commission

- ▶ Municipal Code 2.45.040-Bylaws and Rules
- ▶ The Commission may prepare its own bylaws to govern its operation. Any such bylaws shall be approved by a vote of not less than five (5) affirmative votes. To the extent required by law, the City will provide the employee unions with notice of such proposed bylaws prior to implementation
- ▶ The Inspector General is requesting that the Police Commission, through the appropriate process, modify its current bylaws to include procedures that govern how the Police Commission supervises the Inspector General
 - ▶ IG Ad Hoc
 - ▶ Periodic Closed Sessions
 - ▶ Standard meetings with the Chair and Vice Chair



CITY OF OAKLAND

Oakland Police Commission
Office of the Inspector General

OIG Contact Information



Oakland Police
Commission Office of
the Inspector General

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<https://www.oaklandca.gov/departments/inspector-general>

All Social Platforms continue to be a work in progress