

Oakland Police Oversight

Key Structures and Authorities

Overview of Presentation

1. Police Commission
2. Community Police Review Agency (CPRA)
3. Inspector General (IG)

1. Oakland Police Commission Authority

Created by Meas. LL in 2016; Expanded by Meas. S1 in 2020

- a. OPD Policy Creation and Approval;
- b. Hire/fire/appraise Chief of Police;
- c. Recommend OPD budgeting to City Council;
- d. Oversee CPRA;
- e. Oversee IG.

Composed of 3 Mayoral appointees, and 4 members appointed by a Selection Panel. The Selection Panel is picked by the Mayor and City Council.

a. Police Commission Policy Authority

Commission can propose new OPD policies.

Commission must approve OPD changes to Use of Force, Profiling, First Amendment issues, and any policy subject to the federal Negotiated Settlement Agreement.

Policy disagreements between OPD and Commission submitted to City Council, which can modify.

Commission has one staffer, plus IG, to assist. Also independent Counsel, separate from City Attorney.

b. Hire/Fire/Appraise Chief of Police

Commission creates a short list of candidates for Police Chief.

Mayor selects Chief from that list OR asks for new list.

Commission can fire the Chief for cause.

Mayor and Commission, acting together, can fire the Chief without cause.

Commission can give the Police Chief goals and performance expectations, and review his/her compliance with same.

c. Recommend OPD Budgeting to Council

Mayor develops OPD budget proposal, submits to Council.

Commission reviews that proposal, and makes recommendations to Council as to how that proposed budget does / does not meet community needs.

Council approves a final OPD budget.

d. Oversee CPRA

Commission hires and fires the CPRA Executive Director by itself.

CPRA investigates allegations of police misconduct with direction from Commission as to priorities.

Commission makes discipline decisions in select CPRA cases; that disciplinary decision is final and cannot be altered by the City Administrator.

Commission sets performance expectations for the CPRA Executive Director.

e. Oversee Inspector General

Commission hires and fires the Inspector General by itself.

*But termination can only be for cause.

IG examines patterns and practices within OPD, as opposed to specific allegations of misconduct.

IG is tasked with ensuring OPD complies with the expectations of Oakland's federal court oversight.

Commission sets performance expectations for the IG.

2. CPRA Authority

Created by Measure LL in 2016; Expanded by Measure S1 in 2020.

- Can investigate all public complaints of police misconduct; must investigate designated high-priority categories.
- Civilian investigative staff.
- Independent Counsel; not City Attorney.

How are CPRA Cases Adjudicated?

CPRA investigates cases in parallel to IAD investigation,
Including interviewing officers and adding allegations

CPRA ED and OPD Chief of Police compare outcomes.

- If they agree, that decision is binding on the City of Oakland
- If they disagree, a subcommittee of the Police Commission decides, and that decision is binding on the City of Oakland.

CPRA has access to all the records IAD can access.

Most CPRA records are personnel records of the police officers named in complaints, and are generally not publicly available.

3. IG Authority

Created by statute in 2016-2017; Clarified by Measure S1 in 2020.

- Performance Audit model, not investigative model.
- Checks overall OPD compliance with specific policies.
- Issues public reports, since these audits are not specific to individual officers.
- Designed to be successor to current Monitor appointed by federal court.