



CITY OF OAKLAND

Office of the City Auditor



Serving Oakland With Integrity

NEW REPORT RELEASED

Performance Audit on the Oakland Police Commission and the Community Police Review Agency

Today my Office issued a Performance Audit of the Oakland Police Commission and the Community Police Review Agency. The purpose of the audit was to determine whether the Commission has provided effective oversight of the Oakland Police Department and the Agency and whether both the Commission and the Agency complied with the requirements of the City Charter and the Oakland Municipal Code Sections 2.45 and 2.46. The audit includes 5 findings and 41 recommendations.

As my Office releases this report, I think it is important to acknowledge that our City, and cities across our nation are reeling from the recent deaths of Ahmaud Arbery, Breonna Taylor and George Floyd. Police violently took the lives of Mr. Floyd and Ms. Taylor. These tragedies illustrate the enormous power law enforcement officers are capable of wielding against our residents, who in many cases are unable to resist an officer's illegitimate use of power. Their deaths yet again, remind the leaders and residents of Oakland, about the need for effective police oversight to eliminate racial bias, profiling, and the illegitimate use of power.

Oakland and its residents have long had a sense of urgency when it comes to police accountability. Oakland must get it right. We acknowledge the Commission has a heavy lift, much responsibility to shoulder and the challenges they face as a new Commission are many. While this report shines a bright light on the areas in which the Commission and Agency fall short, they now have a roadmap from which to operate. It is my hope the Commission and the Agency embraces this report to deliver what our residents envisioned in passing Measure LL, endeavor to dive deeper into the policies and practices that are holding OPD back from meeting the Negotiated Settlement Agreement, and to realize a Police Department modeling the best in police accountability and transparency, while keeping all our residents safe.

To read the full report, click [here](#).

NEWS RELEASE

**Office of the City Auditor
City of Oakland**

FOR IMMEDIATE RELEASE:

AUDIT REVEALS OAKLAND'S POLICE COMMISSION AND COMMUNITY POLICE REVIEW AGENCY, WITH HIGH EXPECTATIONS FROM THE COMMUNITY, HAS ROCKY START

Lack of planning, administrative obstacles, and a need for the Commission to better understand its role and responsibilities as a public oversight body has impeded the Commission and the Community Police Review Agency's progress

OAKLAND, Calif. (June 1, 2020): Today, Oakland City Auditor Courtney Ruby released a performance audit of the Oakland Police Commission and the Community Police Review Agency. "As I release this report," City Auditor Ruby stated, "I want to acknowledge the overwhelming heartbreak and outrage going on in our City and the county, as a result of the recent deaths of Ahmaud Arbery, Breonna Taylor and George Floyd and all the others that have lost their lives as a result of racism and police brutality. Their deaths yet again, remind the leaders and residents of Oakland, about the need for effective police oversight to eliminate racial bias, profiling, and the illegitimate use of power."

This report examines the effectiveness of Oakland Police Commission's oversight of the Oakland Police Department and the sufficiency of the Agency's investigation process to ensure timely and comprehensive investigations as prescribed by the Oakland City Charter and Oakland Municipal Code.

Measure LL, a civilian-initiated ballot measure, was passed by 83 percent of the Oakland voters in November 2016 and created the Oakland Police Commission (Commission) -- a volunteer civilian oversight board to oversee the Oakland Police Department's (OPD) policies and procedures, and the Oakland Community Police Review Agency (Agency) -- an investigative body, to investigate complaints of misconduct against OPD. The passage of Measure LL, indicated the community's desire for a more transparent and credible system of holding OPD accountable after decades of high profile scandals that resulted in a Negotiated Settlement Agreement (NSA), a federal monitoring team overseeing the NSA, multiple police chiefs, and a police department in a constant state of flux.

Measure LL requires the City Auditor to evaluate the Commission and the Agency's progress in meeting their mandates no later than two years after the City Council confirmed the first set of Police Commissioners which occurred in October 2017. The audit found that the Commission's work in its first two years resulted in two changes to OPD policies. And, it has not fully implemented 13 key requirements and 23 additional requirements in the City Charter and Municipal Code including hiring an Inspector General, requesting annual reports from the Police Chief or semi-annual reports from the City Attorney, completing required training, establishing a process to evaluate the performance of the Chief of Police or the Agency Director, consistently complying with the California Brown Act, and formally reviewing OPD's budget.

The audit also revealed the Commission has not provided guidance to the Agency on how to prioritize its cases, at a time when the Agency lacked consistent leadership or adequate staff to meet its caseload, nor has it established a process for reviewing and approving administrative closures or dismissals of Agency investigations, established a mediation program or developed written procedures to ensure compliance with OPD procedures for the release of audio and video tapes of Class I alleged offenses. Class I offenses include use of force, in-custody deaths, and profiling based on any of the protected classes.

The audit cites numerous factors impeding the Commission's progress -- both self-limiting factors as well as obstacles posed by the City Administration and conflicting language between the City Charter and the Oakland Municipal Code.

Another significant concern raised by the report relates to the Commission understanding its roles and responsibilities as a public oversight body. This lack of understanding has led to the

Commission inappropriately directing staff, involving itself in the contracting process, making disparaging remarks to other Commissioners, the Commission's own legal counsel, the public and city staff, and taking action on matters that are outside its authority or addressing instances of perceived racial bias on a case-by-case basis instead of focusing on the larger systemic issues of racial profiling facing our residents. City Auditor Ruby stated, "Oakland and its residents have long had a sense of urgency when it comes to police accountability. I acknowledge the Commission has a heavy lift with much responsibility to shoulder and the challenges they face as a new Commission are many, yet I also acknowledge Oakland must get this right—the lives of our residents depend upon it."

On the positive side, the Commission had undertaken various activities related to its mission such as hiring a new Agency Executive Director, holding meetings twice a month and meeting quorum consistently, attending mandated training, annually holding a meeting outside of City Hall, holding a retreat in September 2019, initiating work in 2019 to overhaul OPD's use of force policy in 2020, and attending special meetings on legal rights of residents when dealing with police and OPD's practices of policing the homeless community.

The audit also found significant deficiencies in the Agency's investigation processes. Specifically, the Agency has not completed investigations in compliance with timeframes outlined in the City Charter and State Law, has not always videotaped interviews of officers who allegedly committed Class I offenses, and has not always received requested information from IAD and other OPD departments within the Charter mandated timeframes. Additionally, the audit found the Agency lacks a formal process for conducting investigations. Consequently, staff are not adequately trained, and investigations are not conducted timely, and in accordance with best practices. The good news is the Agency has embraced the audit recommendations with a sense of urgency and purpose and has already implemented more than half of the recommendations.

Ruby stated, "This report shines a bright light on the areas in which the Commission and Agency fall short, they now have a roadmap from which to operate. It is my hope the Commission and the Agency embrace this report to deliver what our residents envisioned in passing Measure LL, endeavor to dive deeper into the policies and practices that are holding OPD back from meeting the Negotiated Settlement Agreement, and to realize a Police Department modeling the best in police accountability and transparency, while keeping all our residents safe."

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A LOOK AHEAD

In the next several months, my office will release the following audits:

- **Homeless Services:** This audit will 1) assess the dimensions and characteristic of Oakland's homeless encampments, including assessing the quality of conditions and data around the City's encampment program, 2) evaluate Oakland's current policies, goals and objectives for serving the unsheltered population, including an assessment of the City's responsiveness to complaints, and 3) evaluate Oakland's capacity to deal with homelessness, including its organizational capacity, coordination and performance of government and nonprofit service providers, processes, training and technologies.
- **Oakland Fire Department - Inspections:** This audit will assess whether the Oakland Fire Department's Fire Prevention Bureau (Bureau) is meeting its inspection requirements for schools, places of assembly, high-rises, apartments, and other occupancy types. The audit will also assess whether the Bureau is taking appropriate actions to ensure that identified violations of the Fire Code are corrected in an appropriate and timely manner.
- **Measures D & Q:** These are mandated audits. Measures D and Q are two voter-approved parcel taxes to supplement the City's funding for the Library. The audit objectives are to determine whether the Library was in compliance with the respective Measure's objectives,

including assessing whether expenditures were in accordance with the requirements of these Measures. The scope of the audit includes Measures D and Q funds spent in Fiscal Years 2017-18 and 2018-19.

- **Measure D:** This is a mandated audit of the Kids First! Oakland Fund for Children and Youth Act, for Fiscal Years 2016-17 and 2017-18. This is a voter approved measure, that directs the City to dedicate a portion of its annual budget, through the City's unrestricted General Purpose Fund, to programs benefiting children and youth. The Measure requires the City Auditor to perform audits of Measure D monies, which includes verifying that the correct 'set aside' amount was allocated to the Kids First! Fund and confirming the annual 'baseline spending' requirement was met.

Committed to serving you with the utmost integrity,



Courtney A. Ruby, CPA, CFE
City Auditor

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