



COMMUNITY POLICE REVIEW AGENCY (CPRA)

ANNUAL REPORT FY 2023-2024

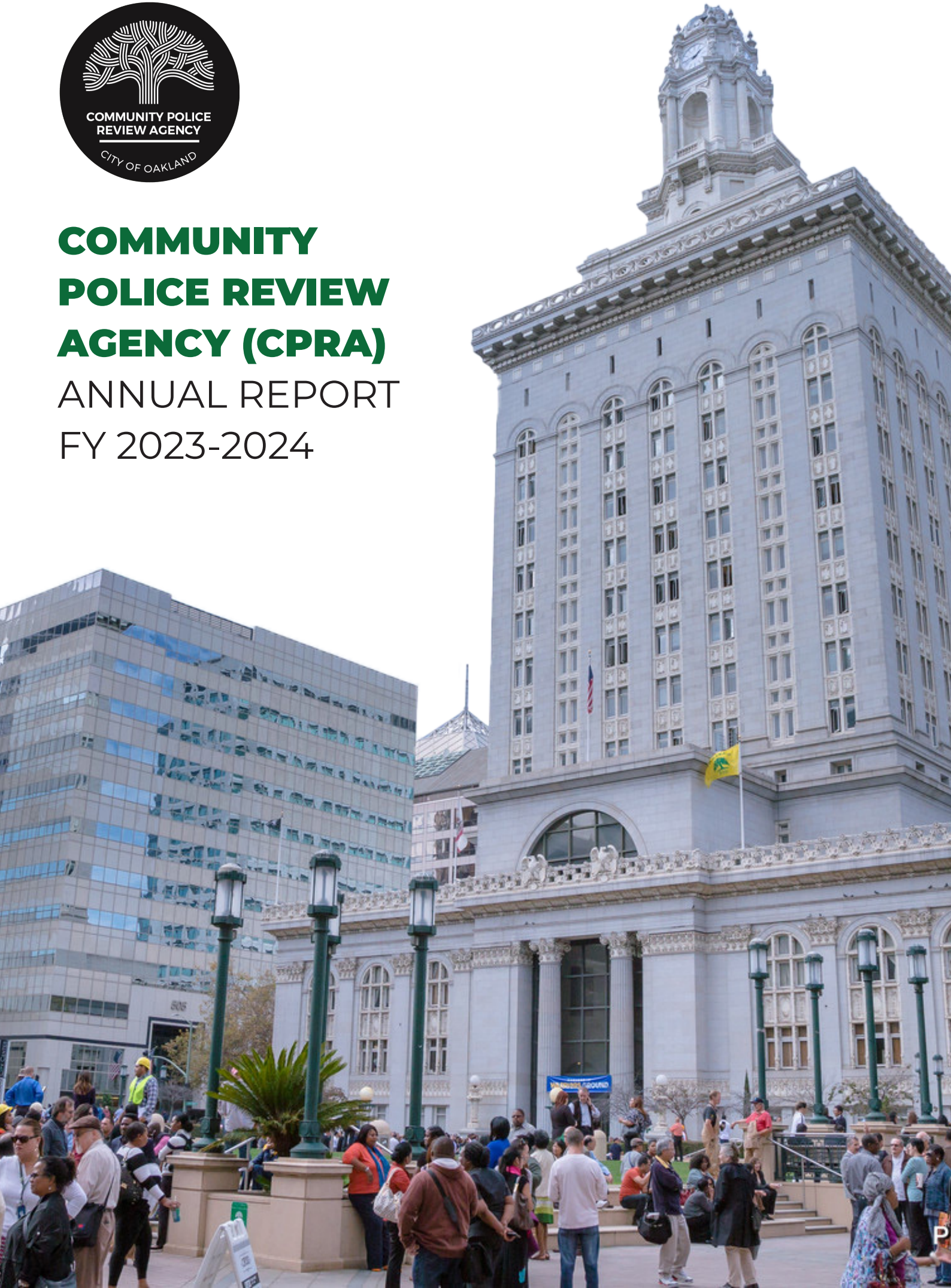




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EXECUTIVE SUMMARY

1. CPRA's Independent Investigative Process

CPRA is an investigative police oversight agency. Operating separately from OPD's Internal Affairs Division, CPRA investigates misconduct allegations in specific areas, including use of force, in-custody deaths, and profiling. In FY 23-24, CPRA sustained 65 allegations of misconduct, including allegations of force, truthfulness, and racial profiling. CPRA is committed to ethical oversight, adhering to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics, which emphasizes integrity, transparency, and community service.

2. The Case Triage Process: August 2023 – January 2024

Despite facing increased caseloads, which soared from 71 to over 220 cases from January 2022 to August 2023, CPRA successfully implemented a triage system to prioritize cases which presented a likelihood of misconduct. This initiative resulted in the closure of cases in which both CPRA and IAD found that misconduct was not present. During the same time period, CPRA Sustained or agreed to sustain 48 allegations. The agency's staff nearly doubled following the recruitment of new investigators, allowing for timely case assignments,

and improving the average closure time from 363 days to 206 days. The previously concerning ratio of three new cases for every one closed improved to nearly 1:1, indicating a stable investigative process.

3. Accomplishments

In Fiscal Year (FY) 2023-2024, CPRA achieved significant milestones, enhancing its operational capacity and community engagement across Oakland. The agency emphasized staff training through various programs, including internal affairs and trauma-informed interviewing, to enhance investigative effectiveness. CPRA also enhanced its operational capacity by hiring seven investigators, a Supervising Investigator, a Chief of Special Investigations and Training, and an in-house attorney, underscoring the agency's commitment to accountability and efficient case management. Additionally, CPRA established a street-level presence by expanding to a satellite location in Fruitvale Plaza and securing an accessible office space at 150 Frank Ogawa Plaza. Moreover, CPRA prepared to launch a mediation program with Community Boards, enabled by a \$240,000 grant from the JAMS Foundation, furthering compliance with the Oakland Municipal Code. With completed objectives, CPRA is poised to strengthen police accountability and constitutional policing in Oakland.



4. Challenges & Goals

CPRA is actively working towards several goals for FY 24-25. A transition of responsibilities from OPD's Internal Affairs Division will require process improvements, database upgrades, and increasing investigative capacity. Despite implementing some of the City Auditor's recommendations from 2020, several recommendations remain partially complete, and the agency is committed to addressing these areas while working towards better efficiency and transparency.

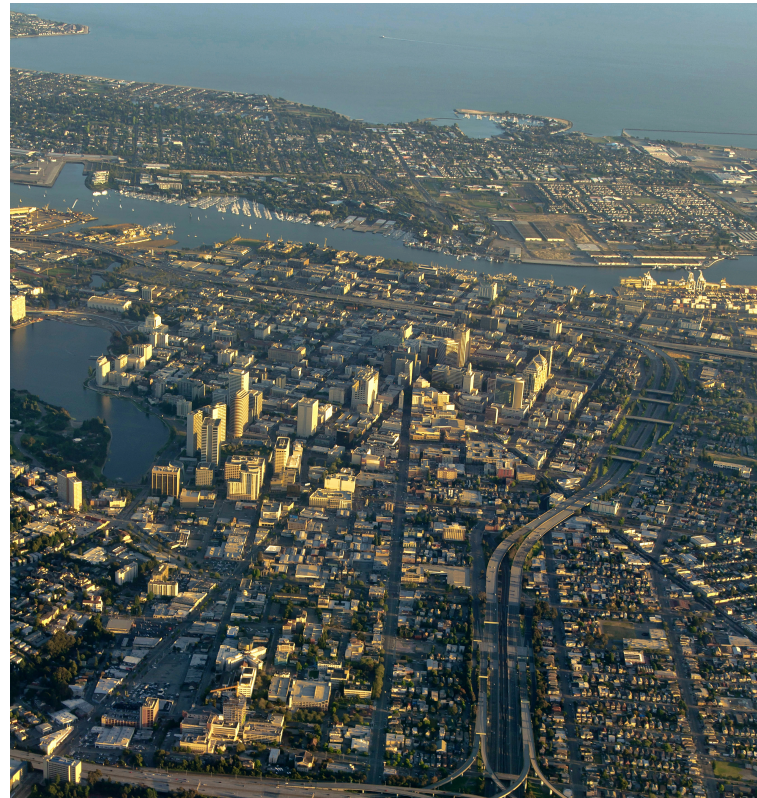
5. Working with the Police Commission

CPRA has supported the Police Commission by highlighting OPD policy issues, conducting Commissioner training, and providing monthly public reports on investigations. Three Discipline Committees were convened in FY 23-24 to address investigative disputes between the CPRA Executive Director and the Chief of Police.

6. Who We Are

CPRA staff bring extensive experience in oversight, law, and investigations. At the end of FY 23-24, CPRA had eight

Investigators, three Intake Technicians, a Supervising Investigator (Investigator III), an Administrative Analyst, an in-house CPRA Attorney, and a Chief of Special Investigations and Training. An additional attorney and at least one investigator are expected to join CPRA in Fall 2024.



CPRA HISTORY

In 2016, following a widely publicized sex scandal, 83.19 percent of Oakland voters passed Measure LL, which disbanded the Citizens' Police Review Board (CPRB), and created the far more powerful and independent CPRA.

In 2020, voters overwhelmingly supported the passage of Measure S1, which created the Office of the Inspector General and bolstered the powers of CPRA.

In 2021, Oakland's Reimagining Public Safety Task Force recommended that the City, "Reorganize OPDs internal structure to include transferring most of IAD to

the Community Police Review Agency," and that this recommendation "should be implemented immediately," with an estimated cost savings of \$1,000,000 to Oakland taxpayers.

In 2023, City Council approved a budget that included the addition of 13 new CPRA positions to facilitate this transfer of responsibilities. Due to budget constraints, CPRA's expansion for FY 24-25 was limited to three new positions.

As of August 2024, a team of consultants are evaluating the resources and measures needed to make this transfer a reality.



LETTER FROM THE EXECUTIVE DIRECTOR: A Community-Driven Agency

Less than four years after the murder of George Floyd and the national reckoning that came with it, some oversight entities around the country are shrinking, having their powers stripped down, or being outright abolished. This has not been the case in Oakland, a city whose people have an acute awareness of power, of who can give and who can take away, and the need to hold the powerful accountable. But in trying times, we may be asked whether civilian oversight of law enforcement is truly necessary.

This begs for a simple reminder – the police enforce the law. Our law: derived from the United States Constitution, guaranteeing that We the People have the right to freedom of speech, the right to be secure against unreasonable searches and seizures, the right to remain silent and to due process of law, the right to equal protection of the law. What is our country without these rights?

In Oakland, we quickly and painfully learn that these rights are not afforded to everyone. And whether it's from personal experience or a study on racial inequity or another daunting police scandal, we learn that absent considerable protection, our rights are liable to be stripped away.

At times the structure of American policing itself invites violations of these rights. Would it be easier to just break up the protest? Would it be simpler to enter without a search warrant? Would it be justifiable to shoot first and ask questions later, even if shooting isn't necessary? In some places, the answer is yes. In Oakland, the answer is no. Not just because our community knows we must hold law enforcement to a high standard, but because we have created a robust system of civilian oversight. Here the community shapes policing rules to reflect community expectations. Then, oversight entities hold officers accountable to those rules. CPRA extends its greatest gratitude to: first, the people of Oakland, who time and again have demanded accountability; and to the OPD officers who adhere to the laws, rules, and policies that govern policing in our community.

So why do we have civilian oversight of law enforcement? Simply put, in a city and country where constitutional rights have not been equitably granted, every safeguard to those rights is critical. Civilian oversight balances the power of the badge and the gun with a community's power to guide when and how they are used. Civilian oversight's work, our work, is to protect your rights.

This brings us to CPRA itself. First and foremost, CPRA is in a very different place than it was in late July 2023, a month after I joined the team as Executive Director. Then, as we set out the goal of building a national model for police oversight, the agency's circumstances were dire.

The time to close a case was 363 days and rising. No new cases had been assigned to an investigator since 2022. Three cases were being received for every one case closed. Ransomware had wreaked havoc on CPRA's database, and the agency would need to staff up very quickly to save critical cases from missing critical deadlines.



Those days are over.

Through the past year, short-handed CPRA staff worked tirelessly to comb through evidence, identify cases with a likelihood of misconduct, and complete investigations with sustained findings before the ever-imposing statute of limitations expired.

Their work revealed facts that advanced accountability and racial justice. In FY 23-24, CPRA sustained 65 allegations of misconduct, including allegations of force, truthfulness, and racial profiling.

This may seem like a lot of sustained findings. Rest assured, CPRA's investigators impartially and objectively gather the facts, adhering to the principles of the NACOLE Code of Ethics. The product of a truly excellent, independent, and impartial investigation is that at the end, when all the facts and rules are gathered and analyzed, the finding becomes apparent.

By the end of FY 23-24, the agency had grown from 8 to 16 employees, and a team of consultants had started to build a detailed roadmap for the eventual transition of investigative responsibilities from Internal Affairs to CPRA.

Our work would not be possible without the extraordinary commitment of the public servants at CPRA, who work long hours, adapt, grow, and above all, listen to the community. By design, the public has limited access to CPRA's sensitive work. But internally, the public interest drives us forward.

We are grateful to have the support of the Police Commission and the many City stakeholders that shape our work: the Inspector General, Mayor, City Administrator, City Attorney, City Council, City Auditor, and their staff members who share our deep commitment to the City of Oakland.

Police accountability is critical to strengthening public safety. With your support, we are confident that CPRA will further its mission to achieve fairness, impartiality, and timeliness in its investigations, to strengthen police accountability, and to ensure constitutional policing that respects the civil rights of the people of Oakland.

We thank you for your continued care and attention.

Best,

A handwritten signature in green ink that reads "Mac Muir". The signature is fluid and cursive.

CPRA Executive Director

MISSION STATEMENT

The Community Police Review Agency (CPRA) is a civilian-run, community-centered police oversight agency that independently investigates allegations of Oakland Police Department (OPD) misconduct. CPRA's mission is to achieve fairness, impartiality, and timeliness in its investigations, to strengthen police accountability, and to ensure constitutional policing that respects the civil rights of the people of Oakland.

INDEPENDENT INVESTIGATIONS

CPRA is an investigative police oversight agency. Our investigations are independent of OPD's Internal Affairs Division (IAD), which also conducts investigations into OPD misconduct. Sometimes CPRA and IAD investigations come to the same conclusions. Sometimes the investigations reach different conclusions. In either instance, investigative findings are presented to the Chief of Police.

What makes CPRA stand out among police oversight agencies is that when the CPRA Executive Director and Chief of Police disagree on investigative findings or proposed discipline, the case is appealed to the Police Commission in the form of a Discipline Committee. A Discipline Committee resolves this disagreement.

Below is an outline of the CPRA investigative process from beginning to end.

A Complaint is Submitted

Community members can submit complaints with CPRA online, by phone, or in-person. Complaints can be submitted anonymously. CPRA also receives all public complaints that have been submitted with OPD, including complaints submitted directly to OPD during an incident. When a complaint is initially received, CPRA staff may reach out to the community member to request additional information to help clarify the allegation(s) and/or identify the officer(s), incident location(s), or other involved parties. Under California Government Code Section 3304, investigations must usually be completed within one year, with some exceptions.





Jurisdiction

After CPRA receives a complaint, staff reviews that complaint to determine whether it falls within CPRA's required or "mandated" jurisdiction. These are the categories of public complaints that CPRA must investigate under City Charter Section 604(f)1:

If allegations fall within these five categories, a CPRA case will be opened at the intake stage for a full review. Some cases, such as in-custody death investigations, may bypass the intake stage for direct assignment to an investigator.

If allegations do not fall within these five categories, but there is evidence that the case may need additional review to determine jurisdiction, intake staff are tasked with assessing the allegations more thoroughly.



Complaints that CPRA Automatically Investigates:

- Force
- In-Custody Death
- Profiling
- False Statements
- First Amendment Assemblies

As resources permit, CPRA also conducts investigations in a limited number of non-mandated cases that involve allegations such as sexual misconduct, interference with investigations, and unlawful search or seizure.

Resources permitting, CPRA's Executive Director has discretion to open investigations into additional categories of alleged misconduct that may serve the public interest to be independently investigated by CPRA. For example, CPRA may open investigations into allegations of sexual misconduct, interference with investigations, or unlawful search or seizure.

These "non-mandated" allegations are assessed on a case-by-case basis, weighing the potentially negative impact additional casework may have on active investigations.

CPRA also conducts investigations as directed by the Commission.

Intake Technicians: Gathering and Reviewing Evidence

Usually, when CPRA determines an investigation will proceed, the case is assigned to an Intake Technician. Every case is different, so intake steps may slightly vary depending on existing evidence. But Intake Technicians generally take steps including but not limited to: reviewing the complaint, following up with the community member who filed the complaint, gathering and reviewing body-worn camera (BWC) footage, requesting and reviewing police documentation, obtaining other relevant evidence, and identifying alleged violations of laws, regulations, and OPD policy. This includes identifying potential violations that the community member may not have expressed (e.g., officers searching someone's home when they are handcuffed in a police vehicle, and thus cannot see that the search is occurring).

Intake Technicians create an initial summary of the evidence. The timeframe for a case remaining at the intake stage depends on a series of variables, including:

- The time needed to review (and often re-review) BWC footage;
- The number of documents to be requested;
- Timing of OPD response to document requests;
- Consultation with Supervision and Counsel;
- Existing workload

When an Intake Technician completes their summary of evidence, this document is submitted to the Complaint Investigator III (Intake Supervisor).



Note: In July 2023, informal CPRA staff polling and partial data analysis indicated that it was taking approximately seven months, on average, for a case to proceed from the intake stage to supervisory review. With the same standard of analysis, as of May 2024, this time had been cut at least in half. By August 30, 2024, the oldest case at the intake stage was 64 days old, and the average case at the intake stage was 36 days old.

The Intake Supervisor: Assessing Complaints from Intake

When an Intake Technician completes their initial case summary, they will have watched and summarized BWC footage (when applicable), identified and summarized key documents, and provided an initial summary of the evidence. The Intake Supervisor then reviews the intake summary, watches BWC footage (when applicable), and determines next steps.

In consultation with the CPRA Executive Director and Counsel, the Intake Supervisor may:

- Recommend assignment to an investigator to proceed with officer interviews;
- Recommend additional steps by Intake Technician;
- Recommend that findings should be reached based on existing evidence via a Directed Supervisory Investigation
 - o Example: a community member alleges excessive force but thorough review of BWC footage capturing the entire incident reveals that no force was used. In this instance, the Intake Supervisor would recommend that the allegation be Unfounded via a Directed Supervisory Investigation. After approval from the Executive Director, the case would be closed.

The Intake Supervisor submits a recommendation regarding next steps to the CPRA Executive Director, who makes a final decision. If a case is closed at this stage, the Intake Supervisor completes the investigation by documenting the rules, analyses, and conclusions that lead to their final recommendation.





Investigators: Assessing, Planning, and Interviewing

When an investigator receives a case, they review initial evidence and consult with supervision to discuss next steps. After conducting any necessary follow up with the community member who filed the complaint, the investigator forms an investigative plan.

Investigations often require interviews of the officers involved (subject officers), witness officers, and sometimes additional community members. CPRA investigators may interview OPD training officers on matters relevant to the investigation.

Officers have due process rights and must be notified of the allegations against them. During interviews, they have a right to union or legal representation. They are required to answer all questions truthfully. If an investigation determines that an officer was not truthful during their interview, that officer will be cited for a "Truthfulness" allegation. As set forth in the OPD Discipline Matrix, the presumptive penalty for a sustained Truthfulness allegation is termination.

The time to complete an investigation depends on a complex series of variables, including but not limited to:

- The time needed to review evidence, including BWC footage;
- The time needed to research relevant laws, rules, and policies;
- Consultation with supervisors and/or legal counsel;
- The time needed to interview officers and community members;
- The time needed for officers to obtain counsel and agree to be interviewed;
- The time needed to interview officers (and then review transcripts of those interviews);
- Existing workload;
- The time spent writing and editing the Report of Investigation





Finalizing Investigations: The Report of Investigation (ROI)

An ROI is a written document summarizing the facts the investigation related upon, the relevant rules, policies and laws, the investigator's analysis of whether the facts constituted misconduct, and investigative conclusions.

An ROI ranges in length depending on the complexity of the incident and the number of allegations. An ROI for a single allegation with a single officer and a single complainant might span two pages. An ROI with many officers, complainants, and allegations might span over 100 pages.

Findings are determined by a "preponderance of the evidence" standard. This standard of evidence has been articulated in many different ways, with essentially the same meaning. The Code of Federal Regulations defines a preponderance of the evidence as:

The degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue.

In *Bichai v. DaVita, Inc.*, the Fifth District Court of Appeals of California stated that the preponderance of the evidence standard simply requires the trier of fact to believe that the existence of a fact is more probable than its nonexistence.

In *Union Pacific Railroad Co. v. State Board of Equalization*, the First District Court of Appeals of California described the preponderance of the evidence standard as the weight of the evidence, meaning more than 50 percent proof. Therefore, under this standard, the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true.



The IAD General Operating Procedures states that:

The standard of proof in internal investigations is “preponderance of evidence” rather than the criminal standard of “beyond a reasonable doubt”. Preponderance of the evidence has been described as a “slight tipping of the scales of justice” or “more than 50 percent” or “more likely than not.”



Standard of Proof

CPRA uses a “preponderance of the evidence” standard of proof in its investigations. If CPRA sustains an allegation, this means that it was more likely than not that the alleged misconduct occurred

CPRA's four main investigative findings are as follows:

Finding	Description
Sustained	The investigation revealed a preponderance of evidence that the alleged conduct did occur and was in violation of law and/or Oakland Police Department rules, regulations, or policies.
Not Sustained	The investigations revealed evidence that can neither prove nor disprove by a preponderance of evidence that the alleged conduct occurred and was in violation of law and/or Oakland Police Department rules, regulations, or policies.
Exonerated/Within OPD Policy	The investigation revealed a preponderance of evidence that the alleged conduct did occur and was in accordance with the law and Oakland Police Department rules, regulations, or policies.
Unfounded	The investigation revealed a preponderance of evidence that the alleged conduct did not occur.

When an investigator submits their ROI to the Executive Director, CPRA leadership reviews the ROI. Investigators receive feedback on each ROI, ranging from verbal consultation to line editing to instructions for additional investigation. When ROI feedback is complete, the CPRA Executive Director signs the ROI and sends it directly to the OPD Chief of Police.

In cases with sustained findings, CPRA makes a disciplinary recommendation, applying OPD's policies as reflected in the [OPD Discipline Matrix](#), which assigns a discipline range for various categories of misconduct.

CPRA considers both aggravating and mitigating factors in going up or down the discipline range. Under Measure S1, all CPRA investigators have access to officers' past disciplinary history, which aids in their assessment of the appropriate discipline as they examine an officer's prior disciplinary history. Among other factors, CPRA also considers an officer's past discipline history when assessing potential discipline.

In FY 23-24, CPRA agreed to sustain 65 allegations of misconduct.



Sustained Findings and Adjudication of Discipline

When CPRA comes to sustained findings, CPRA and OPD leadership meet. The investigators from CPRA and IAD present the findings from their independent investigations and recommend discipline to the Chief of Police.

If the Chief of Police agrees with the CPRA Executive Director as to the findings and discipline, then the subject officer is issued a notice of intent to impose discipline.

In several instances in FY 23-24, CPRA and IAD investigations recommended different findings to the Chief of Police. Sometimes, the Chief agreed with CPRA's findings. When the Chief of Police and CPRA Executive Director could not come to an agreement, the CPRA Executive Director notified the Police Commission Chair, who then convened a Discipline Committee. Three Discipline Committees were convened in FY 23-24 to address investigative disputes between the CPRA Executive Director and the Chief of Police.

Police Commission Discipline Committees

When the CPRA Director and Chief of Police disagree on the findings or discipline relating

to an investigation, the case is referred to a Discipline Committee. A Discipline Committee is convened by the Police Commission Chair and comprised of three Police Commissioners on a rotating basis.

Once a Discipline Committee is convened, CPRA and OPD submit their findings. After reviewing both submissions, the Discipline Committee resolves any dispute between the CPRA Executive Director and the Chief of Police. The Discipline Committee notifies the Chief of their decision. If the Discipline Committee comes to a sustained finding, then the Chief notifies the subject officer.

The Discipline Committee may also require additional investigation. In FY 23-24, Discipline Committees decided on three cases.

Appeals

Officers are afforded their due process and statutory rights. They may appeal disciplinary decisions and have an independent officer conduct a "Skelly" meeting, in which the officer can respond by refuting the allegations or proposing an alternate remedy or discipline. Officers may have additional venues for appeal, including arbitration, depending on factors including but not limited to MOU provisions and the level of discipline imposed.

Protections

OPD Manual of Rules Section 398.70 explicitly prohibits officers from interfering with CPRA or IAD investigations:

Members and employees are prohibited from contacting any witnesses, complainants, or subjects... for the purpose of discussing or influencing their testimony or persuading them to withdraw complaints. When routine contact with such persons is unavoidable, members and employees shall refrain from any discussion of complaints against Department personnel or testimony relating to those complaints.

Further, OPD Manual of Rules Section 398.73 prohibits retaliation for engaging in protected activity.

CPRA may investigate allegations of interference with investigations and/or retaliation. If an officer is sustained for either of those allegations, the [OPD Discipline Matrix](#) assigns termination as the presumptive penalty.

Further, OPD Manual of Rules Section 398.73 prohibits retaliation for engaging in protected activity.

CPRA may investigate allegations of interference with investigations and/or retaliation. If an officer is sustained for either of those allegations, the OPD Discipline Matrix assigns termination as the presumptive penalty.



Concerns?

Any community member concerned that they may face interference or retaliation for filing a complaint may call CPRA at (510) 238-3159 or email us at cpra@oaklandca.gov to receive additional information about the complaint process and the protections that come with it.

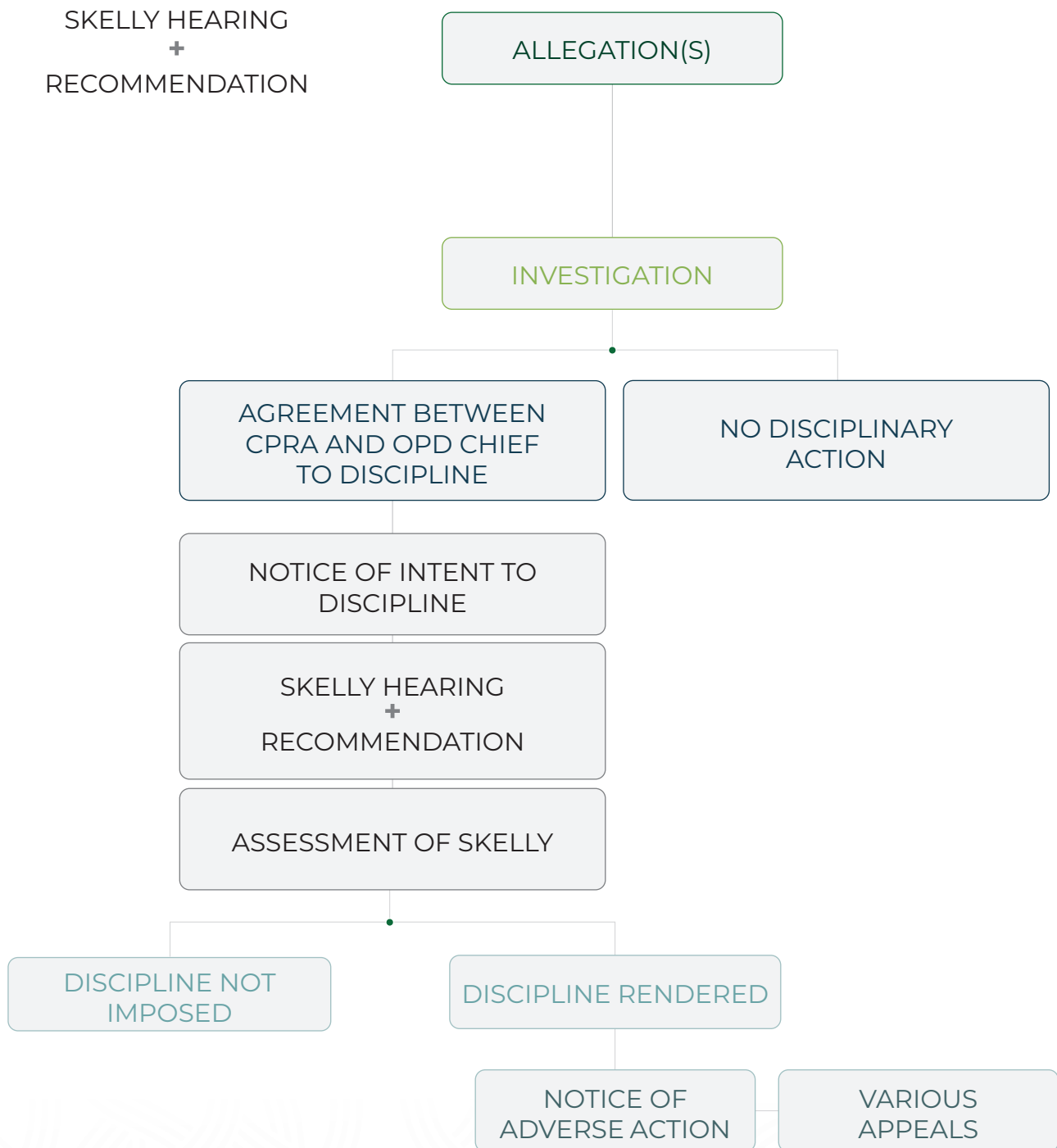
NACOLE Code of Ethics

CPRA staff adhere to the [National Association for Civilian Oversight of Law Enforcement \(NACOLE\) Code of Ethics](#). The pillars of the NACOLE Code of Ethics are listed below:

- Personal Integrity
- Independent and Thorough Oversight
- Transparency and Confidentiality
- Respectful and Unbiased Treatment
- Outreach and Relationships with Stakeholders
- Agency Examination and Commitment to Policy Review
- Professional Excellence
- Primary Obligation to the Community



CPRA PROCESS



*This chart is intended to provide a general overview of the CPRA process, but does not represent every possible outcome and/or disciplinary path.



THE AUGUST 2023 – JANUARY 2024 CASE TRIAGE PROCESS

On July 27, 2023, thirty days after being hired, CPRA Executive Director Muir presented the Police Commission with an update regarding the state of the agency. It included the following:

- Caseloads increased from 71 cases in January 2022, to over of 220 cases in July 2023.
- In Fiscal Year (FY) 21-22, CPRA closed 183 investigations and sustained 73 allegations.
- In FY 22-23, CPRA closed 65 cases and sustained 12 allegations.
- As of July 2023:
 - 64 cases (approximately 30%) were assigned to employees who no longer worked for CPRA.
 - The average time for a case to close had risen 363 days. That number was rising.
 - 135 cases (approximately 63%) had not been assigned to investigators.
 - No new cases had been assigned to investigators since 2022.
- CPRA was receiving three cases for every one it was closing.
- The February 2023 ransomware attack has significantly impacted CPRA data collection.
- The investigative staff (Complaint Investigator IIs) had dropped from six to three. Two of the remaining investigators had been with CPRA for a little more than six months and needed training.

In response to these challenging circumstances, CPRA implemented a triage system, designed to ensure accountability

by prioritizing cases with a likelihood of misconduct. CPRA promised to fully investigate shootings and deaths in custody, to evaluate each case on an individual basis, and to establish an internal process for review.

CPRA kept its promise. Every case was reviewed by an Intake Technician, Supervising Investigator, and the Executive Director. Some cases were flagged as containing a likelihood of misconduct and were assigned to an investigator. Many of those cases, through thorough and objective investigation, led to sustained findings of misconduct.

Cases in which layers of review found a likelihood that misconduct did not occur – i.e., the conduct would likely lead to Unfounded, Exonerated, or Not Sustained findings, were reported out as “Unable to Fully Investigate.”

In each of these “Unable to Fully Investigate” cases, IAD had also come to the determination that no misconduct occurred. CPRA had the option to agree with IAD’s findings, but the CPRA team determined that it would be more transparent, in line with CPRA’s values, to reflect precisely what occurred. CPRA carefully reviewed the evidence in each case, but did not conduct a full, independent investigation due to limited time and staffing. These were partial investigations, not full ones. Hence the label of “Unable to Fully Investigate.”

This painful but necessary process began in August 2023 and continued through January 2024. Over that time, the agency faced severe challenges. For a stretch of September, for various reasons there were zero (0) investigators available. In October and November, CPRA’s Executive Director needed to serve dually as the Police Commission’s Chief of Staff. Still Intake Technicians, investigators, and the Supervising Investigator worked extraordinary hours to ensure that every case received thorough professional attention.



224 in August

190 in September

176 in October

161 in November

142 in December

110 in January

101 by February

One month at a time, CPRA's total number of cases dropped, from a high 224 in August, to 190 in September, 176 in October, 161 in November, 142 in December, 110 in January, and 101 by February, when the triage process was complete.

The benefits of the triage system quickly became clear. By focusing CPRA's resources on those cases with a likelihood of misconduct, it was able to conduct thorough investigations where accountability was on the line. From August 2023 to mid-January 2024 CPRA agreed to sustain 48 allegations, 36 more than had been sustained in all of FY 22-23.

CPRA has worked to build a stable investigative process that will prevent future backlogs from occurring. In October and November, five new investigators joined CPRA's ranks. By December, every CPRA case was assigned to a staff member. In January, CPRA hired a part-time Supervising Investigator. In February, CPRA hired the first in-house attorney (CPRA Attorney) and the first Chief of Special Investigations and Training.

The contrast between July 2023 and June 2024 shows that CPRA has taken significant strides forward. In July 2023, the average time to close a case was 363 days. In June 2024, the average time to close a case was 206 days. In July 2023, 135 cases (63%) of cases were at the intake stage of the investigative process. By June 2024, 45 cases (36%) were at the intake stage. In July 2023, no cases received in 2023 had been assigned to investigators. By June 2024, the oldest case in intake had been received in mid-March 2024, and all 2023 cases, along with 39 cases received in 2024, were assigned to investigators.

Where in July 2023, there had once been a ratio of three cases received for every one closed, by Spring 2024, the ratio of cases had leveled to nearly 1:1, a strong indicator of a stable investigative process. In filling existing vacancies and capitalizing on salary savings from earlier in the year, CPRA's staff nearly doubled.

Now, with the case triage process complete, CPRA's offices are bustling and continuing to grow. Calls are being answered live by Intake Technicians, and significant progress is being made not only to ensure accountability in existing cases, but to prepare for the long-awaited transition of responsibilities from CPRA to IAD.



ACCOMPLISHMENTS:

FY 2023-2024

Having outlined CPRA's triage process that led to today, below is a collection of accomplishments achieved in the past year.

Key Agency Accomplishments	Status
Accessible Ground Floor Space	Complete
Begin Mediation Program Design	Complete
Begin Sending Personalized Case Closure Letters	Complete
Build Sustainable Investigative Process	Complete
Fully Staffed Agency	Complete
Hire Training Director	Complete
Hire CPRA Attorney	Complete
Racial Bias Investigations Training	Complete
Return to Answering Live Calls	Complete
Trauma-Informed Staff Training	Complete
Triage CPRA Case Backlog	Complete
Obtain Funding for Additional CPRA Attorney	Complete
Obtain Funding for Two Additional Investigators	Complete



Expanding CPRA's Footprint in Oakland

Over the past year, CPRA staff have sought to expand the agency's presence in Oakland. Below are several examples of this work.

2.46.020

Oakland Municipal Code (OMC) § 2.46.020 states:

It is in the public interest to facilitate the Agency's receipt of public complaints regarding alleged misconduct. Thus, some of the Agency staff should be located in a street-level or ground-floor, visible office that is accessible by public transportation.

Although this code was ratified in 2018, until recently CPRA was out of compliance. Beginning in Spring 2024, CPRA committed to two avenues to fulfil this OMC requirement.

First, CPRA staff began working from the Department of Violence Prevention's satellite location at 3411 East 12th Street in Fruitvale Plaza. This street-level location is readily accessible to the public and has provided an excellent opportunity for CPRA staff to discuss CPRA's work with community members. Following a leaseholder change, CPRA staff have continued to work from the Fruitvale Plaza location each Monday.

Second, CPRA secured a four-year lease on the ground floor of 150 Frank Ogawa Plaza. Plans for renovations to this location are on hold due to budget constraints, but in the future CPRA will be able to use this location to receive complaints and hold community events. The development of this location will be critical, as CPRA's current office at 250 Frank Ogawa Plaza is nearing capacity.

CPRA expanded its footprint in other ways. To improve the quality of investigations, CPRA staff members increasingly conducted fieldwork. To an extent greater than ever before, investigators canvassed for video footage and potential witnesses across Oakland.

To expand public awareness of the agency, CPRA staff attended community events and outreach opportunities throughout

the year. In September, for example, staff members conducted daylong outreach at AfroComicCon/Art & Soul Oakland 2023. In October, staff conducted daylong outreach at the Fruitvale Dia de los Muertos parade. Throughout the year, CPRA frequently consulted with community stakeholders to ensure that its vision and strategy aligned with community values, and CPRA investigators regularly attended Police Commission meetings, including meetings held in Fruitvale and East Oakland, to ensure that community members could submit complaints on-demand. Going forward, CPRA looks forward to conducting increased outreach to ensure that the people of Oakland know what CPRA does, and how it can protect their rights.

In addition to community outreach, in FY 23-24 the CPRA Executive Director reported to the scene both times an OPD officer shot and killed a person in Oakland, bolstering transparency in the investigative process.



Thoughts?

Do you want to provide input about CPRA's vision, values, and strategy? Email us at cpra@oaklandca.gov. We always value community feedback.

Training

In addition to CPRA's trainings provided by legal counsel and the vast array of mandatory trainings for City of Oakland employees, CPRA staff attend trainings on a range of subjects to ensure that investigations are bolstered by state-of-the-art investigative techniques.

- In August 2023, investigators attended Internal Affairs training hosted by The Third Degree Communications. This training provided instructions on conducting administrative investigations, including investigating misconduct complaints, use of force cases, officer involved shootings, in custody death investigations, officer criminal conduct investigations and department-initiated investigations.
- Throughout Fall 2023, CPRA staff attended Chicago's Civilian Office of Police Accountability (COPA) People's Academy, a six-week version of COPA's Training academy which focuses on police oversight, investigative and legal concepts, and the role of COPA's Policy, Research and Analyses Division. Each course was taught by a COPA Subject Matter Expert.
- In November 2023, four staff members attended The National Association for Civilian Oversight of Law Enforcement (NACOLE) annual conference in Chicago, attending a wide range for civilian oversight events and panels, including *Changing Police Culture: The Importance of Supervisory Practices in Police Reform*, *When Police Officers are Accused of Sexual Misconduct: A Victim Centered Approach to Sex Misconduct Investigations*, and *Evidence-Informed Assessments of Law Enforcement Agencies*.
- In December 2023, staff attended trainings hosted by NACOLE, including *Practical Analysis of Body Worn Camera Footage: Compliance and Procedural Justice in Everyday Police*, *Investigating Biased Policing: Early Lessons and Special Topics*, and *Racial Bias, Vehicular Stops, and the Fourth Amendment*.

In February 2024, CPRA staff attended a three-day in-person training in Forensic Experiential Trauma Interviewing (FETI). FETI is a science and practice-based interviewing methodology informed by the latest research on the neurobiology of trauma and memory. FETI provides interviewers with a science-informed interviewing framework that maximizes opportunities for information collection and accurately documents the participant's experience in a neutral, equitable, and fair manner.

- In February 2024, investigators attended the NACOLE-hosted training Firearms 101, hosted by firearms expert Doc Whetstone and provided basic information on firearms for non-shooter oversight professionals.

Going forward, CPRA's Director of Special Investigations and Training will conduct recurring training to further each staff member's professional development, and to ensure CPRA practices are consistent with best practice.



Manual Creation

In February 2023, CPRA welcomed its new Chief of Special Investigations and Training (CSI). From the outset, the CSI's main responsibility was to draft a CPRA Manual of Operations. This manual, currently in draft form, will provide staff with procedures to streamline the investigative process and ensure investigations reflect best practice. The Manual of Operations is expected to be finalized in Fall 2024.

The CSI will continue to host staff trainings and update the manual to reflect improvement to practice or changes in law, ensuring that staff receive hands-on guidance regarding complex investigative tasks.

Mediation Program

2.46.060

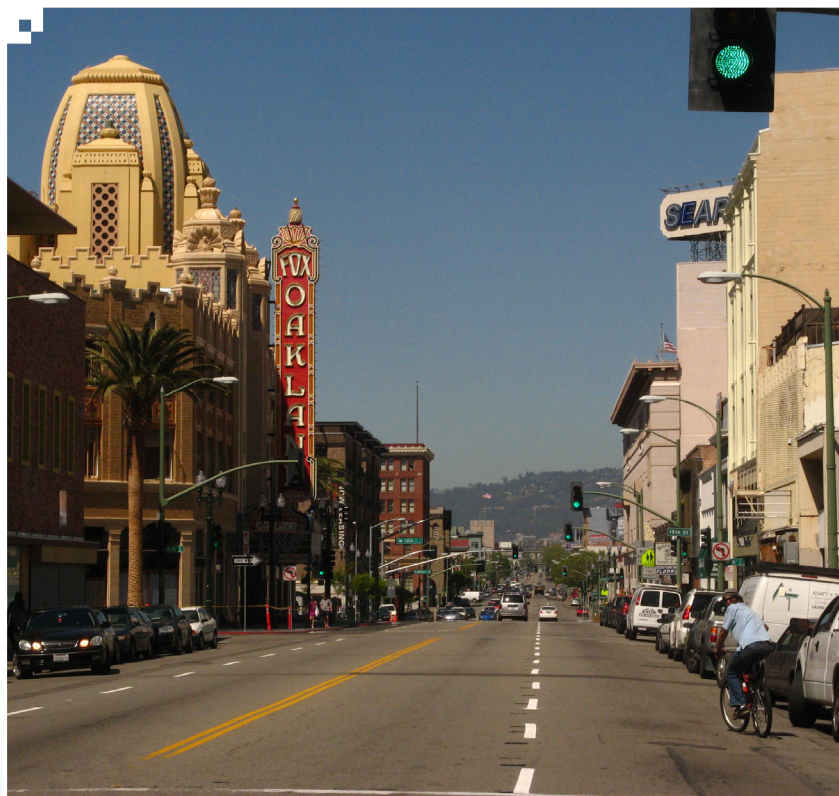
Oakland Municipal Code (OMC) § 2.46.060 states:

Upon the agreement of the Chief, the Agency Director, the complainant(s) and the subject officer(s), the Agency Director shall appoint a qualified mediator with at least five (5) years of experience in mediating employment or other relevant disputes, from a conflict resolution company or association that employs mediators, to mediate a final resolution of the complaint in accordance with the Commission's established rules and procedures.

Although this code was ratified in 2018, until recently CPRA was out of compliance.

Beginning in Summer 2023, CPRA worked with Community Boards, the longest-running nonprofit conflict resolution and restorative justice center in the United States, with a plan to build a CPRA mediation program. In February 2024, the Oakland City Council authorized the program, and in March 2024, Community Boards was awarded a \$240,000 grant from the JAMS Foundation for development and implementation. CPRA has continued to work with Community Boards to finalize a program, with implementation scheduled for Fall 2024.

CPRA staff is thrilled to work with Community Boards staff to ensure that this program provides a valuable and equitable service to the people of Oakland.





Past and Future Hiring

From October 2023 to June 2024, CPRA hired three permanent investigators, five limited-duration investigators, a Supervising Investigator, a CPRA Attorney, and a Chief of Special Investigations and Training. One Intake Technician transitioned from temporary employment to a full-time civil service role. The CPRA Executive Director also hired a Chief of Staff for the Police Commission, who reports to the CPRA Executive Director. CPRA is thrilled to welcome these new employees.

Hiring many new investigators was essential to ensuring that CPRA's investigative backlog was cleared, allowing CPRA to effectively prepare for the transition of responsibilities from IAD to CPRA. Hiring a CPRA Attorney and Chief of Special Investigations and Training has allowed CPRA to strengthen the quality and timeliness of its investigations.

In Fall 2024, CPRA expects to welcome an additional attorney and an additional investigator.

CPRA is committed to diversity, equity, and inclusion in its hiring process. In practice, this has meant removing barriers to entry by creating a Complaint Investigator I position and focusing on candidates based on their civil service tested skills above resume or pedigree.



CPRA Jobs Wanted?

Do you or your organization want to receive CPRA job postings? Email us at cpra@oaklandca.gov.





Investigative Outcomes

Although challenges in FY 23-24 forced CPRA to prioritize, investigations did reveal facts that advanced accountability and racial justice. In FY 23-24, CPRA and the Chief of Police agreed to sustain no fewer than 65 allegations of misconduct. In February 2024, CPRA sustained an allegation of racial profiling for the first time in agency history. Other sustained findings ranged from use of force to failure to supervise to unlawful search/seizure and more.

Below is a list of sustained findings CPRA agreed to in FY 23-24:

Commanding Officers – Authorities and Responsibilities	4
Compromising Criminal Cases	2
Conduct Toward Others - Harassment and Discrimination (Racial Profiling)	1
Conduct Toward Others - Demeanor	7
Department Property and Equipment	1
Failure to Accept or Refer a Complaint	4
General Conduct	3
Insubordination	1
Interfering with Investigations	4
Obedience to Laws - Felony	1
Obstructing the Internal Affairs Process	4
Performance of Duty – Care of Property	2
Performance of Duty - General	6
Performance of Duty – Miranda Violation	1
Performance of Duty – PDRD (Body-Worn Camera)	3
Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	2
Prohibited Activity on Duty – Sexual Activity	1
Refusal to Provide Name or Serial Number	3
Refusal to Testify	1
Reporting Violations of Laws, Ordinance, Rules or Orders	2
Reports and Bookings	5
Supervisors – Authority and Responsibilities	2
Truthfulness	4
Use of Force	1
Total	65

25 sustained allegations were based upon the CPRA investigation's findings. 40 sustained allegations were closed via the City Charter section 604(g)3 provision, in which the OPD Chief presented evidence and proposed discipline which merited CPRA closing its own investigation in order to allow final discipline to proceed.

CPRA safeguards police accountability other ways, too. In addition to its central outcome – ensuring officers are directly held accountable for misconduct, then adjudicating discipline – below are additional ways that CPRA impacts accountability:

- **Discovering Issues:** In some cases, CPRA identifies allegations that a complainant may not have been aware of, or that IAD did not identify. For example,

complainants usually will not know if an officer failed to activate their body-worn camera, or whether an officer accurately reported a use of force.

- **Impacting Outcomes:** In several cases over the past year, CPRA recommended sustaining findings in cases where IAD disagreed. In these cases, CPRA and IAD presented their cases to the Chief of Police. In all cases in which this type of disagreement arose except for one, either the Chief sided with CPRA, or the case was sent to a Discipline Committee.
- **Strengthening Investigations:** CPRA and IAD investigators know that their work may be presented together, and that any discrepancies may be highlighted.

CHALLENGES AND GOALS

Having outlined CPRA's accomplishments in FY 23-24, below are present challenges and future goals.

Key Agency Goals	Status	
Acquire Updates to CPRA Database	In Progress	In Contracting Stage
Average 180 days to Close Investigations	In Progress	Monthly Goal
Create Investigator I Job Specifications	In Progress	Pending Civil Service Board Approval
Update Investigator II Job Specifications	In Progress	Pending Civil Service Board Approval
Implement Mediation Program	In Progress	Community Boards Assignment
Receive Transition of IAD Responsibilities	In Progress	In January 2024, CPRA Began Investigating Select Internally Generated Complaints
Complete CPRA Manual	In Progress	Manual Drafted - Chief of Special Investigations and Training Assigned

Caseloads

In FY 22-23, staffing levels were too low and caseloads were too high. The case backlog was so severe that nearly every CPRA case was at risk of missing the one-year statute of limitations. On several occasions, cases were closed on the final day before that deadline passed.

CPRA was forced to triage cases, and it is a decision we hope never has to be made again.

Data and Case Management

As with many police oversight agencies, the vast majority of CPRA's work is confidential. This highlights the critical need for data to be effectively stored and managed so CPRA can transparently share the impact of its work. A high functioning investigative agency can quickly and effectively use data to measure equity, trends, outcomes, independence, community trust (via surveys), the impact of appeals processes, consistency of discipline, and more.

Prior to the ransomware attack of February 2023, CPRA's internal database partially served this function. It was able to provide limited information regarding the timeliness of cases, and limited data regarding complainant demographics. Following ransomware, CPRA's database was incapacitated for months, and large gaps in data limited its reporting capabilities.

CPRA is currently in the process of hiring a workflow consultant to update its database. This update will ensure that CPRA data is housed in an investigator-friendly digital environment serving as both a repository for data and a case-management tool to ensure that cases can be investigated in a timely fashion with clear automated benchmarks. Acquiring upgrades to CPRA's database is a top priority in the upcoming fiscal year.

Further, to measure CPRA's impact on addressing racial equity in Oakland, quality data management will be essential as the agency takes on responsibilities from IAD.

Hiring Needs

CPRA's budget has been finalized for FY 24-25. However, in future budget considerations, CPRA will need staffing in four critical areas:



Data and Policy: A critical measure of a police oversight's impact on public safety is its impact on racial equity. Without a staff member dedicated to efficiently collecting, aggregating, and presenting CPRA data, the agency is severely limited in its ability to not only show its impact on racial equity, but to draw from the data to inform OPD, Police Commission, and City Council policymaking.



Administration: Every police oversight agency has one thing in common – bureaucracy. Presently, IAD has significant administrative staffing aimed to ensure that records are well organized, and that due process is afforded to officers in a timely fashion. For CPRA to take over responsibilities from IAD, it will need to be provided with comparable administrative staffing.



Investigations: For CPRA to take on the responsibilities of IAD, it will simply need more investigators.



Outreach: Many police oversight agencies rely on outreach staffing to spread community knowledge and trust. To expand community awareness of CPRA's work, budget will need to be dedicated to outreach staffing.



City Auditor Recommendations

In 2020, the City Auditor conducted a Citywide performance audit which included 17 recommendations for CPRA. As per the March 2024 [Audit Recommendation Follow-Up](#), nine remained partially implemented. Below are key points from the City Auditor's report.

Key City Auditor Recommendations	Status	CPRA Update
Ensure All Interviews Regarding Class I Misconduct are Video Recorded	Implemented	Implemented
Establish Criteria for Definition for "Administrative Closure"	Implemented	Implemented
Ensure Hiring Lists Are Up to Date	Partially Implemented	New Hiring Lists Pending HR Approval
Develop Written Policies and Procedures for Investigative Process	Partially Implemented	Manual Drafted - Assigned to Chief of Special Investigations and Training
Develop and Implement Formal Training for CPRA Staff	Partially Implemented	Manual Drafted - Assigned to Chief of Special Investigations and Training
Acquire a Case Management System	Partially Implemented	Workflow and Data Consultant Contract Pending
Develop Outreach Plan	Partially Implemented	Outreach is being intermittently conducted, but creating a full outreach plan is a priority for FY 24-25.

CPRA aims to complete all City Auditor recommendations by the end of FY 24-25.

WORKING WITH THE POLICE COMMISSION

CPRA staff serve the Police Commission by highlighting issues in OPD policy and conducting training for Commissioners. CPRA also regularly provides the Commission with information about CPRA investigations to the extent permissible by law. CPRA further provides the Commission with monthly statistical reports on pending cases and cases that closed in the prior month. These monthly reports are made public and are regularly attached to the Police Commission's agenda.

The CPRA Executive Director attends Police Commission meetings and makes monthly

presentations on a range of issues, nearly all of which are summarized in this report. He also participates in the CPRA Manual of Operations Ad Hoc and Enabling Ordinance Ad Hoc, and from October to November 2023, served dually as the Police Commission's Chief of Staff amidst a vacancy.

In FY 23-24, the Police Commission Chair convened three Discipline Committees to resolve investigative disputes between the CPRA Executive Director and the Chief of Police.

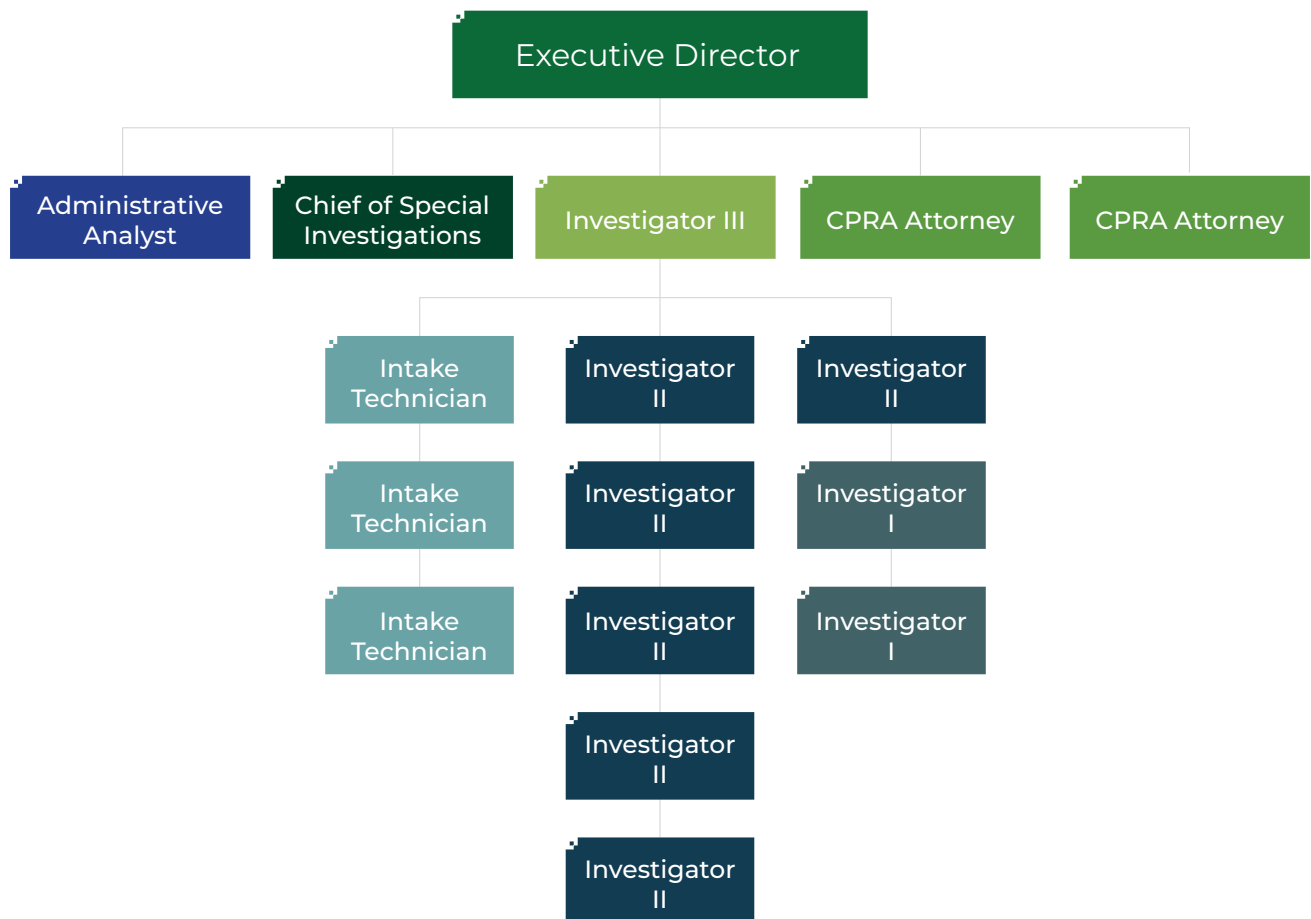


WHO WE ARE

CPRA staff bring extensive experience in oversight, law, and investigations. At the end of FY 23-24, CPRA had eight Investigators, three Intake Technicians, a Supervising Investigator (Investigator III), an Administrative Analyst, an in-house CPRA Attorney, and a Chief of Special Investigations and Training. An additional attorney and at least one investigator are expected to join CPRA in Fall 2024.

Below is CPRA's Organizational Chart as of August 2024.

CPRA Organization Chart






REFERENCES

File a Complaint with CPRA

CPRA Public Reports
Available in Monthly Police
Commission Agendas

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Visit Our Website for More Information
and Frequently Asked Questions.

