

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Delphine Allen, et al.,)
) No. 3:00-cv-04599-WHO
) Plaintiffs,)
))
) vs.)
))
City of Oakland, et al.,) Oakland, California
) July 10, 2025
) 3:33 p.m.
) Defendants.)
_____))

BEFORE: THE HONORABLE WILLIAM H. ORRICK, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

CASE MANAGEMENT CONFERENCE

Official Court Reporter:

Cathy J. Taylor, RMR, CRR, CRC (Reported Remotely)

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Proceedings Reported by Stenographic Court Reporter
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RAINS, LUCIA, STERN, ST. PHALLE & SILVER, PC

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Also Present:

Chief Floyd Mitchell

Acting Chief Bryan Hubbard

Chair, Oakland Police Commission, Ricardo Garcia-Acosta

Mayor Barbara Lee

City Attorney Brian Richardson

City Administrator Jestin Johnson

Inspector General Zurvohn Maloof

Community Police Review Agency Director Antonio Lawson

P R O C E E D I N G S

(Court was called to order by the courtroom deputy.)

(Proceedings commence at 3:32 p.m.)

THE COURTROOM DEPUTY: All rise. This Court is now in session, the Honorable William H. Orrick presiding.

THE COURT: Good afternoon, everybody. Please be seated.

THE COURTROOM DEPUTY: We are here in Case Number 00-4599, Allen, et al., vs. City of Oakland, et al.

Counsel, if would please come forward to the podium and state your appearance for the record.

MR. BURRIS: Good afternoon, Your Honor. John Burris for the plaintiffs.

THE COURT: Nice --

MR. BURRIS: Good afternoon.

THE COURT: Nice to see you.

MR. LUCIA: Good afternoon, Your Honor. Rockne Lucia for Intervenor Oakland POA.

MR. CHANIN: James Chanin for plaintiffs, Your Honor. Good morning -- good afternoon.

THE COURT: Okay.

MS. MARTIN: Good afternoon, Your Honor. Brigid Martin for Defendants City of Oakland. And I have with me City Attorney Brian Richardson and Mayor Barbara Lee, as well as Police Chief Floyd Mitchell and the City Administrator Jestin

1 Johnson, the Police Commission Chair Ricardo Garcia-Acosta, the
2 Inspector General Zurvohn Maloof, and the Community Police
3 Review Agency Director Antonio Lawson.

4 THE COURT: Great.

5 Good afternoon to you all.

6 So, Mayor Lee in particular, I want to welcome you to
7 this courtroom. I've admired your courage and your leadership
8 for at least the last 25 years. And I'm hopeful that your
9 commitment to constitutional policing in Oakland will bring
10 Court oversight of the Oakland Police Department to an end in
11 short order. I'm looking forward to your assessment of where
12 things stand at the end of the conference.

13 Let me frame for you all the issues as I see them. As
14 I've said before, the Police Department has come a long way
15 since the negotiated settlement agreement was first signed, and
16 there's reason to be proud of what's been accomplished. It's
17 developed and implemented policies that address critical areas
18 that needed change and employed intelligence-led stops to
19 dramatically reduce negative interactions with Oakland's
20 residents, particularly black residents. It's employed
21 state-of-the-art technology to improve police work across the
22 board. It's used that technology to focus attention and
23 supervision where it's most required. And all of these efforts
24 are still working today, but there are tasks that are still out
25 of compliance.

1 These are tasks that the parties agreed to at the
2 outset of the negotiated settlement agreement. They're
3 specific. I'm sure the parties expected them to be achieved
4 within a few years of signing the agreement. I know that
5 Judge Henderson expected the Police Department to reach full
6 compliance before he retired. And for several years now I've
7 been thinking about a final settlement conference status
8 conference that would celebrate the City's and OPD's success in
9 achieving full compliance, but we're not there yet. And for
10 some reason progress has stalled, seems to have stalled. It's
11 not because the goalposts have shifted. They're where they
12 were in 2003 with leadership, focus, and commitment. There's
13 no reason why they won't be achieved. We're now focused on
14 three principal tasks.

15 Regarding Task 2, which addresses investigative
16 timeliness, I agree with the plaintiffs' concern -- concerns
17 regarding OPD's, quote, "staggering number of excuses for not
18 being in compliance with Task 2."

19 The requirement that internal investigations be
20 completed within 180 days is consistent with national
21 practices. The 85 percent compliance standard is generous.
22 With respect to sworn personnel, there were 231 fewer cases in
23 2024 than there were in 2023's -- 2023, yet the timeline's have
24 regressed.

25 Regarding Task 5 which addresses investigative

1 quality, the City concedes that it's addressing persistent
2 cultural issues hindering compliance with Task 5. A
3 monitorship is not the best tool to address cultural issues,
4 which have been endemic since the initiation of Court
5 supervision. Leadership from the City and OPD is the key.

6 I'll be asking Acting Deputy Chief Hubbard about the
7 quality of the Department's implementation of my September 6th,
8 2024, order and the measure to which the new reporting
9 relationship between the leadership of IAB and the Chief is
10 improving the effectiveness of the Internal Affairs -- Affairs
11 function.

12 Regarding Task 45, which addresses consistency of
13 discipline, I'm not sure that a police department should be
14 bragging that it is sustaining fewer cases. I would think to
15 foster a culture of un- -- of accountability there'd be an
16 increase in the number of sustained findings, even if the
17 explanation is that the risk management practices and other
18 reforms implemented by the NSA have been successful. According
19 to the City's figures, in 2024 there were 1,417 total cases
20 involving sworn officers. Of those, 5 percent, 64, were
21 sustained. In 2023, 8 percent were sustained. And that's also
22 concerning that of the 64 cases that were sustained in 2024,
23 four were of white officers, and the remaining 60 were either
24 black, Latin -- Latino, Asian, or other.

25 I appreciate that the City indicates that the

1 Department is committed to searching for and eliminating
2 disparity in investigative outcomes and discipline. I should
3 just say with respect to this task and compliance with the NSA
4 in general, culture change requires strong leadership at all
5 levels. Executive leadership has to drive culture. The
6 culture cannot drive the leadership.

7 I'm going to make a couple more comments, and then I
8 have some questions for the Chief and the Internal Affairs
9 commander. And after that, I'd like to hear the perspectives
10 of the parties and the Police Commission.

11 I want to make clear that the focus of this Court is
12 on the City's compliance with the NSA. That scope is broad,
13 but it is fairly well defined. There are always going to be
14 significant issues that OPD has to face, but that doesn't mean
15 that the Court has a role in them unless it's mandated by the
16 NSA. And for that reason, issues regarding high-speed
17 pursuits, as important as they are, are not part of the NSA,
18 and I'm not going to weigh in on them. I am aware of other
19 matters of concern that may impact the ability of the City to
20 comply with the NSA, and the monitor does keep me advised of
21 any ongoing sensitive issues.

22 I know that the voters have given the Police
23 Commission an important role to play with respect to OPD. I
24 read with interest the report that addresses a possible future
25 transition of the IAB function to the CPRA. I commend the City

1 for its thoughtful approach to this potential paradigm shift.

2 It's up to the City leaders to determine how best to proceed.

3 And I know that the Police Commission has been taking
4 a more active role in its interaction with the Police
5 Department, and I appreciate its work, along with the City, the
6 Department, the plaintiffs' attorneys, and the monitoring team
7 to develop policies and practices that enhance constitutional
8 policing in Oakland.

9 So those are my comments.

10 And, Chief Mitchell, could I ask you to come up to the
11 podium, please.

12 Good afternoon.

13 CHIEF MITCHELL: Good afternoon, sir.

14 THE COURT: So I'm interested in what you have been
15 doing to address the problems that the plaintiffs have
16 identified, particularly as it respects Task 2 and
17 investigative time limits.

18 CHIEF MITCHELL: Yes, sir. If it -- if you'll allow
19 me, I'm kind of hardwired to -- I write some of my thoughts
20 down and kind of put them in an opening statement --

21 THE COURT: That is --

22 CHIEF MITCHELL: -- that went to --

23 THE COURT: That is fine. And it's been ten months
24 since I've seen you, so I'm happy to hear whatever you have to
25 say.

1 CHIEF MITCHELL: Yes, sir. And -- and I will go
2 through kind of each of the tasks and kind of where we are and
3 some of the things that I've observed and what we're doing if
4 that's okay?

5 THE COURT: Okay.

6 CHIEF MITCHELL: All right.

7 Regarding Task 2, standards of IAB investigations, the
8 IMT has deemed the Department is not in compliance with this
9 task. I would like to provide the Court with the following
10 command assessment completed by IAB Deputy Chief Bryan Hubbard
11 after the restructuring that occurred on September 6th after
12 our last meeting and made the IAB its own bureau that reports
13 directly to the Chief of Police.

14 In February of 2023, the City of Oakland experienced a
15 devastating ransomware attack that fundamentally disrupted the
16 operations and particularly severe consequences for the Oakland
17 Police Department and its Internal Affairs Bureau. The attack
18 compromised our Vision case report management system, a
19 critical platform used for processing, tracking, and managing
20 misconduct complaints rendering it completely inoperable until
21 March 24th of 2023, this six-week system outage created
22 unprecedented backlog of Internal Affairs cases that could not
23 be processed during the shutdown period. And, again, this is
24 part of the assessment done after September 6th.

25 When the Vision system was finally restored, the

1 Department faced a surge of delayed case assignments requiring
2 immediate distribution and investigation. The sudden influx
3 overwhelmed existing personnel capacity triggering unplanned
4 overtime expenditures and created significant costs as
5 resources was averted from ongoing case investigations to
6 address the backlog of cases that were lost. This operation
7 was strained and extended far beyond the immediate technical
8 disruption of the ransomware attack. Delayed case assignments
9 compromised investigative timelines and created substantial
10 pressure on the statutory deadlines, particularly the 180-day
11 administrative deadline and the one-year Governmental Code
12 Section 3304 limitation period for a disciplinary action
13 deadline.

14 The cumulative effect of this systemwide direct
15 limitation in case management would persist for more than
16 18 months. Now, while the exact number of affected cases
17 remains difficult to quantify, the Department acknowledges that
18 at least two of the cases with sustained findings missed their
19 3304 deadline as a direct result of the system problems and
20 human administrative failures.

21 The broader impact extended across the entire Internal
22 Affairs system affecting case processing, investigative
23 timelines, and disciplinary procedures. And, accordingly, a
24 current ongoing Internal Affairs investigation with examining
25 command-level accountability failures -- failures to prevent

1 similar 3304 violations.

2 While the ransomware attack initially created
3 disruption, the extended administrative lapses, or failures,
4 particularly in cases where deadlines could have been met
5 through proper administrative oversight, have prompted several
6 comprehensive reviews. The -- I'm sorry -- reforms.

7 These reform measures: The Department has implemented
8 extensive reforms to address the systematic failures and
9 prevent future failures to include enhanced case management.
10 All cases are now distributed promptly without
11 ransomware-related delays. Weekly accountability track --
12 tracks both 180-day and 3304 deadlines. Realtime monitoring
13 systems prevent cases from entering any type of administrative
14 limbo status, improve inner-agency coordination. Biweekly case
15 management -- case status meetings with CPRA help ensure clear
16 communication and concurrent investigations -- on concurrent
17 investigations. Standardized communication protocols
18 immediately help resolve investigative gaps between agencies.
19 And the regular coordination meeting prevent misunderstandings
20 about case status and approaching deadlines.

21 Accountability and planning systems: Weekly Internal
22 Affairs reviews holds supervisors and commanders accountable
23 for deadline compliances. The preemptive planning protocol
24 engagement -- engaging commanders when cases approach critical
25 deadlines, forward-looking disciplinary planning meetings are

1 integrated into the case management review process.

2 Institutional strengthening: Work to expand the IAB
3 investigative workforce reduce strain on field personnel. We
4 continually work to keep IAB fully staffed. And it's very
5 difficult to do right now as we are attritioning down, losing
6 almost 5.5 officers a month. Regular IAB meetings and command
7 staff meetings maintain awareness of deadline requirements, and
8 culture emphasis on thorough unbiased investigation is
9 reinforced at every level of the Department.

10 The current status in moving forward: The Department
11 has successfully cleared the assignment -- cleared the
12 assignment backlog of cases related to the ransomware incident
13 and restored normal operational capacity. The circumstances
14 that previously undermined the Internal Affairs investigative
15 process, poor communication, inadequate deadline monitoring,
16 and insufficient inner-agency coordination are being
17 systematically addressed through these institution reforms.
18 While the Department cannot reverse the administrative failures
19 that occurred during the -- during and after the ransomware
20 attack, these comprehensive responses demonstrate a commitment
21 to accountability and continuous improvement.

22 The enhanced systems now in place provide greater
23 transparency, more responsive case management, and stronger
24 safeguards against future disruptions. It is my belief that
25 with the forms out- -- with the reforms outlined above, the

1 opportunity for one missed case will no longer push the
2 Department below the 85 percentile mark and result in us being
3 held in noncompliance by the IMT.

4 As it relates to Task 5, the complaint procedures in
5 regards to IAB: The IMT deemed the Department to not be in
6 compliance with this task. In IMT's tenth NSA sustainability
7 report, specifically beginning on page 7, the commentary
8 section, and continuing through page 7, the IMT meticulously
9 and clearly documents that the Department is in compliance with
10 each of the identified subtasks contained within their report,
11 yet the IMT found the Department that was -- the Department was
12 not in compliance with the task without providing any real
13 guidance on what the Department should be or could be working
14 on to gain compliance. The IMT in its conclusion on page 7 and
15 in the second paragraph discusses the steps taken over the last
16 two years by the Department to address the large-scale
17 executive failures that occurred in April of 2022 regarding the
18 Chung investigation and in August of 20 -- 20 -- 2022 involving
19 the Tran investigation.

20 I believe it's important for the Court to note that
21 the Department has taken enormous steps to prevent these type
22 of failures from occurring again and has fully documented and
23 published the lessons learned from these investigative failures
24 so they will never happen again.

25 It has been over two years since these failures

1 occurred, and the IMT has not clearly indicated what activities
2 or actions the Department should be taking to -- should be
3 taking or current failures that continue to keep us not in
4 compliance with Task 5. As such, I would ask the Court to have
5 the IMT clearly identify to the Department what it can do to
6 help get into compliance with this task.

7 As it relates to Task 45, consistency of discipline,
8 the IMT has deemed the Department to be in partial compliance
9 with this task. The IMT -- in the IMT's tenth sustainability
10 report, specifically on page 7, the commentary section, the IMT
11 points out that the -- that the most recent completed analysis
12 using 2023 data did not identify statistically significant
13 disparities and outcomes and discipline of non-white members.
14 The IMT goes on to state while OPD has made progress with
15 Task 45, recent metrics that the Department displayed during
16 our most recent site visit gave pause for concern.

17 On page 33 of the joint case management statement to
18 the Court, Attorney Brigid Martin speaks to the 2024 data and
19 shows -- that shows an unusually low number of cases for white
20 officers in general and a low number of sustained cases.
21 However, when looking at the five-year review of case outcomes
22 data, Attorney Marlin -- Attorney Martin correctly identifies
23 that, and I quote, "Collectively, however, from 2020 to 2024,
24 officers across all races have similar five-year average
25 sustain rates with white officers average having a higher

1 sustain rate. When numbers fluctuate year to year but maintain
2 a stable five-year average, it suggests that the fluctuations
3 are not indicative of long-term trends but, rather, variations
4 around a stable baseline."

5 Attorney Martin continues later in that same paragraph
6 to say, quote, "This indicates that the variations observed in
7 2024 are not part of an engrained training of disparate
8 treatment or demonstrated" -- "or administration of
9 communicative disparate impact," end quote.

10 It is my observation that we will continue to see a
11 sawtooth effect when looking at disparate data on a
12 year-to-year basis. It's an important -- it's an important
13 metric that provides an early indication of potential problems
14 that we can address. The five-year average paints a clearer
15 picture that should guide the Department's long-term
16 initiatives and decision-making process as it relates to this
17 process -- this topic of addressing disparate impact. As such,
18 I would again ask the Court to have the IMT clearly identify
19 the steps they would like us to take to address this specific
20 task as we move forward looking at the data on a year-to-year
21 basis.

22 I am fully committed to helping this Department become
23 in compliance with all three of these actions. There are
24 certain things that we have to do better, and I believe right
25 now that we have the steps in place to help us get better in

1 all of these things. However, when you look at Task 5 and
2 Task 45, I would ask for some clarification as to exactly what
3 we should be doing to try to get there, because as indicated in
4 the IMT's report, all the tasks in Task 5 he has us in
5 compliance, yet he holds us out of that. And that is confusing
6 not only to me, but to our command staff.

7 THE COURT: So you meet with some regularity with the
8 IMT?

9 CHIEF MITCHELL: We speak on the phone. Yes, sir.

10 THE COURT: Uh-huh. And so I -- I agree that you --
11 that clarity is -- is very important and -- and communication
12 is very important. And so I -- I hope that in your next
13 conversation with the IMT you say exactly what you just said to
14 me. I will emphasize that as well.

15 But let me ask you a couple of -- of questions.

16 Is the -- do you think that the sustained rate of
17 5 percent is -- shows -- is -- is typical, in your experience,
18 of -- in police departments?

19 CHIEF MITCHELL: Well, when I look at the sustained
20 rate and whether it is -- it -- whether it's increasing or
21 dis- -- or decreasing, I think there's several factors to look
22 at.

23 We have been in the NSA and going through this process
24 for over two decades. When you look at it and you see that
25 it's going down, it doesn't mean that your investigations are

1 getting weaker or your command staff is -- is being
2 noncommittal to it. It could mean that the officers in the
3 Department have taken hold and the change in the culture has
4 taken hold, and we're finding less opportunity for us to
5 sustain officers for violations because they're not doing
6 those. The violations aren't occurring. They understand on
7 the front end.

8 If you see an increase in the specific type of
9 violation, and let's take the thing that happened a couple
10 years ago in regards to failure to accept -- or -- or refer a
11 complaint. The Department properly addressed that. They
12 addressed that with training. They addressed that through
13 policy and procedure. And you saw a reduction in the number of
14 those -- those specific complaints.

15 So to say that 5 percent is that sweet spot is -- it's
16 hard to say yes to that. There could be new technology that
17 comes out tomorrow that creates a whole 'nother level of
18 complaints that we miss, you know, that goes off the charts.
19 So I think you have to look at all of those things on a
20 case-by-case basis and determine that, hey, just because
21 they're going down -- and I must have missed it. I didn't see
22 where we were bragging about sustaining fewer complaints. I
23 sustain complaints based on the information that is provided to
24 me at that point in time, and that's -- I believe that's the
25 procedural injustice not that we expect our officers to show

1 the individuals on the street, but it's the procedural justice
2 that I need to show to the officers going through the
3 disciplinary process. I -- I look at the information that's --
4 that's presented to me, and I make the decisions based on the
5 facts presented to me at that time. Whether they're sustained
6 or not are based on those facts and not necessarily I have to
7 hit a certain number.

8 THE COURT: Okay. And let me ask you about the order
9 that -- that I made in September which required a direct
10 reporting relationship between the Deputy Chief overseeing IAB
11 and you.

12 I'll also asked that biweekly meetings for OPD to
13 update City -- City leadership about important IAB matters.
14 How's that working out?

15 CHIEF MITCHELL: Well, I'll tell you, in my
16 experience, and this is being my fourth department, there's
17 always been Internal Affairs would report directly, you know,
18 through the chain of command to the Chief of Police or directly
19 through the Chief of Police to the Chief of Staff. So making
20 that change is -- is -- it -- it's not anything foreign to me
21 from that standpoint.

22 What I've seen in regards to what I've experienced in
23 regards to it being here in Internal Affairs is it is working
24 because we are having the biweekly meetings, in 4.1 meetings,
25 the high-profile meetings. And we're following that up with

1 our NSA meetings that involve everyone involved.

2 One of the things that I -- that I think is really
3 good that comes out of that particular piece is everyone's
4 situational awareness is -- is really on point. We know --
5 and, again, this helps us with Tasks 5 and 45. Everyone in the
6 room knows what's going on in the police department because
7 we're getting updated on any new cases that come forward on a
8 biweekly basis. We had our -- our NSA meeting -- our biweekly
9 NSA meeting yesterday, I believe. And we're at the point now
10 to where we didn't have any new cases coming in, so we're
11 regurgitating all of the old cases. We are slowly starting to
12 catch up with our cases and getting to a point to where I
13 believe that -- my role in it right now is -- is very intense,
14 but I think at some point in time I won't have to spend so much
15 time reading the cases, because hopefully the number of cases
16 will reduce as we catch up with the ones that are backlogged.
17 I've seen cases dating back to 2019. So we're -- we're
18 catching up with some of those cases.

19 THE COURT: Okay. Good.

20 And I guess the last question that I have, last week I
21 got a letter from the Coalition of Police Accountability that's
22 on the docket, and it was -- it was kind of critical of you.
23 It said that you were dismissive of the need of reform, that
24 OPD and the CPRA are disagreeing far more frequently on
25 discipline, that OPD's not agreeing with discipline within the

1 discipline metrics notwithstanding compelling evidence.

2 And I wondered how you would respond to that, those
3 criticisms.

4 CHIEF MITCHELL: Yes, sir. I -- I read that letter as
5 well.

6 First -- first off, I would say that I am far from
7 dismissive of the NSA. I live in the NSA each and every day.
8 Everything that comes across my plate has -- has something to
9 do with the NSA.

10 One of the things that I think is -- is important for
11 this Court and this community to understand, that when I speak
12 on behalf of the Police Department and as a representative of
13 the leader of the Police Department, I'm going to speak from
14 the position of truth. I'm going to tell them exactly what I
15 see going on within the Police Department and how it's
16 affecting the overall organization.

17 And the NSA is meant to address specific things, but
18 it's not a perfect -- a perfect document. And there's going to
19 have to be adjustments for unintended consequences that come
20 up. What I am bringing up and voicing to whether it be the
21 Commission, the City Administrator, or the community are things
22 that I see that are affecting the operation of the Department,
23 not -- not outside of the NSA. These are things that come up
24 that have specifically to do with things that are going on in
25 the NSA.

1 I believe some of the comments they're talking about
2 are -- are specific to the decision to reopen and look at the
3 pursuit policy. They're not happy about that. And some of
4 those comments about, you know, officers taking a -- a hard
5 look at whether or not to initiate a pursuit are -- are part of
6 their concern. Like officers do not want to put themselves in
7 a situation to where we know the car is going over 50 miles an
8 hour right now, so why even initiate that pursuit? When you
9 look at the 19 risk factors, they fall into that, and there's
10 no need for them to initiate the pursuit. It is having an
11 effect on our day-to-day operations.

12 So I go back to how I started this conversation. I'm
13 going to come to you with the truth. The truth may not be what
14 you want to hear, but that is the truth. And it's affecting
15 the operation and the safety of this community, and it's my
16 responsibility, whether you like to hear it or not, to tell you
17 what the truth is.

18 THE COURT: So is that the issue that's been going on
19 on the disciplinary matters, the difference between OPD's
20 position --

21 CHIEF MITCHELL: No, no, no, no.

22 THE COURT: Okay. So tell me about that.

23 CHIEF MITCHELL: I apologize.

24 From -- from the disciplinary matter standpoint, CPRA
25 and I, we more than -- more than not agree on the sustain and

1 not sustains. But where we sometimes disagree are where they
2 may see the increase in disagreement is on the level of
3 discipline that goes with that.

4 When you look at progressive discipline -- and when I
5 look at discipline, I look at it from the standpoint of can I
6 change behavior, and what can I do to change behavior with the
7 minimal -- minimal impact on the Department. And how I go
8 about that is if -- if I am looking at a failure to -- or a --
9 a failure to accept or refer a complaint or delayed body-worn
10 activation or something even bigger than that, I may look at it
11 from a five-day standpoint, and CPRA is looking at it from a
12 15-day standpoint or a 14-day standpoint or 13-day standpoint.

13 I've had these conversations in our meetings with
14 everyone in the room, and -- and I look at it as how can I
15 change behavior starting from progressive behavior moving my
16 way up.

17 And we don't always meet in the middle. And that's
18 what the Disciplinary Commission -- or the -- the Disciplinary
19 Commander -- Panel is for. And we go there, but more than not
20 we agree on whether or not it's sustained or not. There are
21 times where we disagree, and -- and I think that's part of this
22 process, is -- is understanding: Okay. You see it from this
23 standpoint. I see it from this standpoint. How can we come
24 together?

25 And one of the -- I'll tell you one of the ones that

1 come up, has come up quite often, is *Miranda* violations.
2 Whether the officer's chasing the guy and he sees him throw
3 something or thinks he sees him throw something and once he
4 catches up to him: What did you -- what did you throw?

5 The officer is saying that, hey, I -- you know, I'm
6 asking that question from a public safety standpoint. But we
7 only have one violation. We have a Class 1 violation for that.

8 And when you look at some of the -- the different
9 scenarios that pop up, where's the person in a position to
10 where you're trying to, you know, ask him questions that would
11 incriminate that person, or -- or are they trying to do
12 something that from a public safety standpoint they threw a
13 gun, and I need to know where that gun is. So we're -- we're
14 having conversations of can we identify or possibly initiate a
15 Class 2 violation for that.

16 So when we disagree, it's things like that that occur.
17 And they're going to continue to occur to where they will see
18 it through one lens, and I might see it through another. There
19 are several people in the room. And we generally go around the
20 room and ask: How are you seeing these -- these -- these types
21 of things?

22 So I don't know that the process or the system -- it
23 doesn't appear to me that the system was meant that we're
24 supposed to be a rubber stamp for each other, and we're not.
25 They take their stances on things, and I take my stance on

1 others. And evidently that's being communicated to the -- the
2 CPA, and they're taking issue with us having disagreements.

3 THE COURT: Okay. All right. Thank you. I
4 appreciate it. Appreciate your time.

5 Let me ask Acting Deputy Chief Hubbard. Good
6 afternoon.

7 DEPUTY CHIEF HUBBARD: Good afternoon, Your Honor.

8 THE COURT: So you heard me ask the Chief about some
9 of the work that you're doing, so let me get your perspective.

10 Can you talk about how the more direct, if -- if it is
11 more direct communication, how that's working and affecting the
12 processes of IAB.

13 DEPUTY CHIEF HUBBARD: Yeah. I appreciate, first,
14 creating a Deputy Chief position for IA. It's -- actually,
15 when I came to IA late last year, I was surprised of how -- how
16 much work a captain does there, so I think a Deputy Chief
17 really softened that. Also, direct access to the Chief has
18 been very helpful. But I would say the most helpful thing,
19 Your Honor, is the biweekly NSA updates that we do with all the
20 stakeholders.

21 So just to educate those in the room, we have a
22 spreadsheet that has all the high-profile cases, and the Chief
23 selects the high-profile cases that he would like Internal
24 Affairs to present. And then what I do is I go through each
25 case top to bottom. I use our Vision system and also the case

1 itself to understand the -- the -- the background of the
2 complaint, the investigative steps thus far.

3 So it's a healthy exercise for me to do that. But,
4 moreover, when I'm actually presented it, it is a very detailed
5 presentation. There's no anonymity. Everything is out -- out
6 in the open. I really appreciate the stakeholders and the
7 questions that they ask, because it allows me to have an
8 understanding of what they're looking at, where I can go back,
9 then, to the investigator and say: This is what we can do
10 better.

11 Also, with that is we've -- since the last court
12 hearing, we have gone through all the high-profile cases, and
13 now we're actually going back and addressing them again. So
14 there are no high-profile cases that the Chief, nor the
15 stakeholders, are not aware of.

16 THE COURT: Great. And so what issues do you think
17 still need to be addressed within Internal Affairs?

18 DEPUTY CHIEF HUBBARD: Yes, Your Honor. I --
19 timeline's certainly a priority for me, Task 2. To combat
20 that, we've created a system where if there is anticipated
21 discipline, we have already coordinated with the -- the
22 member's captain. So there's no delay there. So if there --
23 if the officer or the employee is on leave, then we can work
24 that in advance. So we have that already set in place.
25 There's a feedback loop to go with it.

1 Also, we -- we have a very healthy close relationship
2 with the CPRA. We also meet biweekly, which was never done in
3 the past, and we go over these cases. And they're also -- they
4 also highly value timelines, and we make sure that those are
5 met.

6 Lastly, the last two quarterly command retreats with
7 all the commanders, and there's another one coming up in a
8 couple weeks, I make it a point to talk about Task 2 and
9 Task 5. Surprisingly, there are a lot of commanders who don't
10 know the intricacies of Task 2 and Task 5, so I go over each
11 one top to bottom. And there's accountability loop with that.

12 If a sergeant falls shorts -- short on timeline,
13 Internal Affairs quickly responds to their chain of command and
14 say: We first want you to be aware of this, number 1, but also
15 provide mentorship and training, maybe intervention and
16 monitoring for our pass, and then, finally, if necessary, an
17 Internal Affairs Investigation.

18 THE COURT: So are you satisfied, then, at this point
19 that every -- everything -- all the processes are in place and
20 that you're in a place to be able to be in full compliance with
21 Task 2 and Task 5 in the very near future?

22 DEPUTY CHIEF HUBBARD: I am, Your Honor.

23 THE COURT: Okay. Glad to hear that. Thank you.

24 DEPUTY CHIEF HUBBARD: Thank you.

25 THE COURT: All right. Let's go to counsel. So let's

1 start with the plaintiffs.

2 MR. CHANIN: On -- Your Honor, I have a couple of
3 things to say about what the Chief had to say. He mentioned
4 ransomware attack, which was two years ago. And I had never
5 heard that the ransomware attack was in any way responsible for
6 missing deadlines. It's not mentioned in the defendants'
7 brief.

8 And I just want to say that if -- I didn't -- this is
9 news to me. But let's say for the sake of discussion that it
10 had had an effect. So what would -- what would you do if you
11 were head of the Department or close to it?

12 Well, I would write down every single case in IA and
13 what the 3304 was and that -- and then I would go off of that,
14 even if it had to be rewritten by hand, because it just doesn't
15 take that much time, and then I would just say: Well, gee, we
16 have a problem here, here, and here.

17 And that -- that was not done. It just wasn't. It
18 just didn't happen. And I -- I -- I didn't even know that the
19 ransomware attack was a problem in terms of 3304 and 180 days.
20 But even if it had been a problem, it was a curable problem in
21 terms of blowing deadlines. It just was. Sorry.

22 But -- and then, Your Honor, your order of
23 September 6th, 2024, was violated by the Chief and by the City
24 Attorney and by the City of Oakland. There's not one thing you
25 asked for. You asked for compliance with Task 2. It didn't

1 happen. You asked for compliance with Task 5. It didn't
2 happen. Your entire order was about Task 2 and 5, and we're
3 here today largely because the Department did not comply with
4 Task 2 or 5. So to give some reason why they -- they didn't
5 understand your order or they -- they're not in compliance
6 is -- is -- is not good enough. They have to give a reason,
7 and then they have to do something about it.

8 I -- I am very pleased with the performance of Deputy
9 Chief Hubbard, and there's going to be training on the matters
10 that he's identified in his memos on IA. That's coming up very
11 shortly. And we're looking forward to participating -- you
12 know, not participating, but just knowing what's going on in
13 the training so I don't come here a year from now and complain
14 that this wasn't done and that wasn't done, because I don't
15 want to be here doing that a year from now. It -- no one --
16 you know, I just don't.

17 And, you know, so I -- I don't see that your order was
18 followed at all, Your Honor. I just don't see it. And they
19 have lots of people in this Department. I know we -- I live in
20 Oakland. I've lived here 45 years, or there, and I know they
21 have a big problem with crime. I myself have been a victim.
22 My wife has been a victim. But that's not -- that's not a
23 reasonable answer to why they can't do constitutional policing.

24 THE COURT: Right. You're -- you're referring to
25 the -- the end game, the -- you're not saying that procedurally

1 as a result of my order they didn't change the reporting
2 obligations and the meetings with the City and so forth.
3 You're just saying: Why didn't it work?

4 MR. CHANIN: Exactly.

5 THE COURT: Yeah, okay. So -- so that's -- we've been
6 here before on that, so I -- I hear you.

7 What -- what more would you tell me, Mr. Chanin?

8 MR. CHANIN: Nothing.

9 THE COURT: Perfect.

10 MR. CHANIN: Thank you, Your Honor.

11 THE COURT: Okay. Thank you very much.

12 Mr. Burris.

13 MR. BURRIS: Your Honor, there are areas that have
14 taken place, and I think the Court has mentioned them as well,
15 that I'm truly quite pleased about as well. The stop data and
16 the profiling issues, as the Court knows, have been issues that
17 are paramount to me, and -- and to see those numbers
18 consistently going down really makes me feel that a sense of
19 accomplishment for the process that has taken place. And --
20 and I'd give a lot of credit to those officers and people who
21 was involved in that process, because I look at these
22 processes, it's for -- it's for the people unborn or unseen who
23 are getting the benefit of this.

24 And when you see those numbers go down like that, it
25 makes me feel great about those people out there who have no

1 idea the progress that has been made, but we know there has
2 been. So that part is extraordinarily important.

3 I'm not as offended by the consistency of discipline
4 issues. I think that my initial reaction was that this is not
5 good. When I saw that no whites were -- had a discipline
6 matter in small numbers and the blacks had high numbers, and
7 that is alarming, but maybe less so if you take the five-year
8 period and look at the context of it. And that -- that means
9 something to look forward to, but, you know -- you don't know.
10 You got to look at the numbers and -- and we'll see.

11 And maybe that is a bit of a warning as well that for
12 those officers who have to make these judgments and evaluations
13 of the individual officers have to go along. And maybe just
14 knowing that those numbers are there and potentially could get
15 out of whack could have a deterrent effect. And hopefully
16 that's true.

17 Although I'm not as -- as sanguine as the Chief about
18 the facts that the sustained number has gone down, because that
19 doesn't sit particularly right in terms of my own view of the
20 world, in terms of my looking at cases around the country and
21 seeing what the sustain rate looks like. I mean, it really is
22 a 70 to 80 -- 70 to 80 percent number that traditionally is out
23 there. For it to go down at this rate, as the Chief suggests,
24 might be a numbers factor. Maybe we have to see next time
25 whether or not that's true or not. But I am -- I'm not as

1 willing to accept that as -- as a fact that things are
2 hunky-dory and they're all great.

3 But I will tell you this, and I will say this to the
4 Chief: I'm not impressed at all by this notion that -- that
5 the monitor has to tell them what to do. I mean, these are --
6 these are professional people, all of them. The Chief has been
7 the Chief for a long time. These are hearings that -- that
8 from a reasonable point of view should be able to see and
9 assess. And if a problem's there before, and there's a problem
10 there the next day, why that problem can't be fixed without
11 someone telling you how to fix it?

12 So I don't think it's appropriate -- I don't think
13 it's a response to say that -- that -- that the monitor has to
14 tell us what to do. And that, to me, is the responsibility of
15 the Chief and his staff to fix it. We've been here for 20-some
16 years, and this is not -- these are not new issues. This is
17 not something that's first come up. And it's been a problem
18 consistently.

19 So I don't think we should be saying that -- throwing
20 shade on the monitor for not having telling them. The shade is
21 on the Police Chief and his staff for not getting it done. And
22 I don't think that there's a reason to suggest in any way that
23 it can't get done by them, and I don't think we leave here
24 until it gets done by them.

25 Now, my last point is I've read this Coalition for

1 Police Accountability. And I know the Court has gone through
2 it -- some of it. Some of these things have been said about
3 the Chief. I would hope they're not true, but they're quite
4 disturbing, and -- and it's something that should be dealt
5 with, particularly when statements are made to the effect
6 that -- that the -- the reforms themselves are hindering
7 them -- hindering police work, affecting police. That is a
8 tired whole statement that has been made, and it just cannot be
9 true. But it is being said by these -- it's being interpreted
10 by this group as a statement that's being made. And if that's
11 being a position, then that's true.

12 Now, I have heard it's a problem. Now, I surely have
13 heard on more than one occasion that there's this real sense
14 that the pursuit policy itself is calling officers not to do
15 their job, that they're unwilling to do it. That, to me, is
16 inexcusable. That's a Chief problem. That's a leadership
17 problem. That there should be no justification for not doing
18 your job because there's rules in effect that you don't like or
19 you don't -- therefore, it seems, to me, that those -- those
20 are not justifications for it.

21 But the pursuit policy, the Court -- our position --
22 generally our position has been clearly stated, and it is one
23 that I feel very strongly about, that you shouldn't have speed
24 limits over 50 miles an hour going into the City of Oakland on
25 the streets. I've been involved in more than five cases down

1 through the years where people have been killed unnecessarily
2 so by high-speed chases. We just had one more recently in
3 Oakland when CHP caused one with a young man 40 years old,
4 killed. And if you look at the -- so the national data out
5 there, and there's plenty of it that's been reported, that
6 high-speed chases is not a positive event for any community.
7 Bad things happen to people. And sometimes these speed chases
8 take place on some minor traffic offense that does not in
9 anyway justify a high-speed chase through a community.

10 And I'm certainly willing to concede, and I've said
11 this, there are circumstances where you may have to engage in
12 speed chases, but it ought not be arbitrary, it not ought be at
13 the whim of a 25-year-old, 22-year-old, 23-year-old officer
14 making a decision without some real monitoring taking place
15 from above by -- by command people.

16 So I am concerned and we have not resolved these
17 particular issues. I think they have to be. But any kind of
18 justification and rationalization that it's the community's
19 fault or it's the NSA's fault while accomplishments have to
20 take place, it's not acceptable and should not be in any way --
21 and we will not accept it, Jim and I.

22 And so it may or may not be totally accurate as what's
23 being said here, but it's alarming, because if it is true,
24 partially true, that means that the Department is not being run
25 in such a way that it's committed to constitutional policing

1 and excuses and justifications are being made for
2 rationalizations. And that's just unacceptable at this stage
3 of the game.

4 So I just want to make it clear that -- that I am
5 concerned about some of these issues. A lot of positive things
6 have taken place, of which I have said and readily appear.

7 And I will say this to the Court so the Court knows,
8 and others will know as well, that I've been involved in a
9 similar case in the area, and much of the policy that we've
10 developed here I have transferred and utilized those in
11 developing policy in the other city. So I love the policies.
12 And so it's not the policies that's the problem. It's the
13 implications of the policies. And that's where we still are
14 here. So the future is one that can get done, but I don't
15 think rationalization and scapegoating is the way to go.

16 Thank you.

17 THE COURT: All right. Thank you, Mr. Burris.

18 Mr. Lucia.

19 MR. LUCIA: Your Honor, unless you have some questions
20 or concerns that relate to the OPOA, we really have nothing to
21 add at this point.

22 THE COURT: Got nothing for you.

23 MR. LUCIA: Thank you.

24 THE COURT: Thank you.

25 MR. LUCIA: Okay. That sounds good to me.

1 THE COURT: All right. And is there someone who was
2 going to speak on behalf of the Police Commission?

3 MR. GARCIA-ACOSTA: Good afternoon, Your Honor.

4 THE COURT: Good afternoon.

5 THE COURT REPORTER: Could I get a name, please.

6 THE COURT: The -- the vacant voice is the court
7 reporter asking for your name.

8 MR. GARCIA-ACOSTA: There you go. Yes, indeed. So
9 thank you.

10 So on behalf of the Oakland Police Commission, I am
11 Chair Garcia-Acosta serving in my role for the majority of this
12 past year at this current capacity. In my professional life,
13 I'm a dedicated community advocate, thought leader, with over
14 25 years of experience in community violence prevention and
15 intervention strategies here in the Bay area. My passion for
16 collective healing and accountability within the community work
17 that I lead has carried over directly of how I have been
18 recently leading this wonderful group of professionals that
19 make up the Oakland Police Commission.

20 The Court has received the Commission's written
21 submission, which is worth the Court's time to fully consider.
22 But rather than summarizing each of my written points in our
23 filing, I want to use my time today to urge the Court to more
24 formally integrate the Police Commission's work into the
25 oversight process. The Commission's perspective is that reform

1 would be strengthened by explicit Court guidance to the City
2 and to the monitor to embrace the Commission's role.

3 Last year we presented ideas to the Court on areas the
4 Commission would like to focus on to do our part to develop the
5 proactive measures that we felt would help OPD lead to
6 long-term cultural change and sustainability. These
7 suggestions included developing an educational campaign,
8 assessing the effectiveness of disciplinary actions, and
9 collaborating with stakeholders to form the NSA ad hoc to name
10 a few. The Commission has made progress in certain areas and
11 identified additional policies and practices where its unique
12 perspective and position can further contribute to the
13 advancement of sustained culture change within the Department.
14 However, there's still challenges addressing certain
15 perspectives, and often we find ourselves on the outside
16 looking in.

17 An undervalued and unappreciated resource in a city
18 where resources are finite just doesn't make any sense. So
19 directing the City to formally embrace the work of OPC would
20 compliment the current director -- Compliance Director's
21 efforts. And in addition to collaboration with IAG -- with our
22 OIG -- excuse me -- we assure the Department integrates OPC's
23 work and our unique perspective within a safe 52 tasks as we
24 integrate that into our cultural identity of the Department.

25 We also have examples of KPIs that we're working on to

1 address achieve -- to address achieving compliance, and we
2 would really welcome both the Court and the monitor's
3 perspective in finalizing what those involve.

4 This kind of cooperative and informed oversight
5 strengthens the City's ability to meet NSA benchmarks or build
6 the capacity of OPC and the internal accountability
7 mechanism -- mechanisms that will en- -- ensure that OPC
8 sustains their progress beyond just the federal monitoring.

9 Your Honor, over the long term, the Commission would
10 diligently prepare and will continue to resume and take on
11 additional responsibilities. We're now almost fully staffed.
12 We have changed the culture and the overall ability engagement
13 of our commissioners, and we believe that our proposal to the
14 Court represents a significant step in that direction. OPC
15 through the IG and CPRA offices see the day-to-day functions of
16 OPD, and we know the trends and the practices. And it's
17 through these lenses that we have the ability to change the
18 culture.

19 Our focus should -- today should be on why Oakland has
20 not reached sustained compliance with the NSA and how OPC,
21 along with our key partners, can serve as an additional tool
22 that will assist the City of Oakland to reach and maintain
23 sustained compliance, which is difficult to achieve without
24 day-to-day daily on-site oversight of OPD. We have the reach,
25 the lens, the proximity to be able to -- to carry out this task

1 and really answer the questions that we've heard from the
2 public in some of these Court filings. We have the ability to
3 look at allegations of misconduct by category and frequency at
4 all levels within OPD. We have the ability to look sustained
5 findings of misconduct and the factors that contribute to that
6 conduct and the disagreements between OPD and CPRA and what are
7 the root causes of that. And OPD's reporting on issues not
8 only monitored by the NSA, but other contributing factors to
9 OPD's inability to meet the NSA objectives, we also have
10 insight and close proximity to that.

11 And with this increased understanding of the
12 day-to-day operations of OPD, the Oakland Police Commission can
13 work with the Compliance Director to create the culture and
14 practices that have mirrored the OPD in 20-plus years of
15 judicial oversight. At this point we can't -- we cannot expect
16 compliance without changes in the interventions themselves.

17 Lastly, I also want to emphasize that we are also here
18 to listen, learn, and embrace the feedback provided by all the
19 multiple state -- state quarters and parties about what we can
20 do to compel the Court that now is the right time to embrace
21 this new vision of constitutional policing in Oakland and
22 allowing us to lean in on our charter mandates.

23 Thank you.

24 THE COURT: Great.

25 MR. GARCIA-ACOSTA: Thank you.

1 THE COURT: Thank you very much, Mr. Acosta.
2 Appreciate it.

3 Ms. Martin.

4 MS. MARTIN: Thank you, Your Honor.

5 Well, it's been nine months since the Internal Affairs
6 Division has restructured as its own bureau, it's been more
7 than a year since Chief Mitchell has begun leading this Police
8 Department, and it's been more than two years since the
9 investigatory failures in Tran occurred. And during that more
10 than two-year period, the City and the Department have taken
11 action. They've taken action, and they've identified and
12 prevented similar investigatory failures. And that's important
13 to say "identified" and "prevented" 1 similar actions from
14 occurring.

15 And what's important is that the City and that the
16 Department are not sitting by waiting for time to pass with
17 their fingers crossed hoping that there's not another
18 investigatory failure. The City and the Department are taking
19 action to make sure that there's not a similar failure and that
20 that doesn't happen again.

21 The City and the Department actions prove that NSA
22 compliance is a priority. Their actions prove that changing
23 the lingering culture issues in the Department is a priority.
24 And actions speak louder than words. Words can be
25 misinterpreted sometimes or misunderstood. And while words and

1 messaging are important, actions are more important.

2 And I would like to share some of the actions that the
3 City and that the Department have undertaken since the last
4 court hearing that didn't make it into the monitor's reports
5 and that maybe the public is not aware of but that are all very
6 important and that all positively impact the culture of the
7 Department and work toward that change. And there's many, and
8 I want to list a lot of them. I won't list all of them, but
9 some of the more important actions that have been taken on,
10 because I -- I want us to all consider those as well.

11 The Chief extended the contract with Stanford for
12 technical assistance.

13 The Chief went to City Council and got approval for a
14 new five-year agreement for data sharing between the City of
15 Oakland Police Department and Stanford University so Stanford
16 could continue its groundbreaking research using Oakland's data
17 and directly helping Oakland change its culture.

18 The Chief directed the Bureau of Risk Management to
19 reinitiate inspections on all NSA tasks, not only the tasks
20 that are still under affirmative review.

21 The Court -- City Administrator, with the CPRA
22 Director and the Police Commission, presented the report from
23 the consultant on transferring responsibility from IAB to the
24 CPRA.

25 The Mayor and the City Administrator very purposefully

1 worked together to recruit and rehire Minneapolis's Director of
2 Civil Rights, Michelle Phillips, who used to be the City's
3 Inspector General. She'll be coming back and joining the City
4 in Oakland and working on special projects related to NSA
5 compliance and cultural change.

6 THE COURT: And I meant to say that's a -- I'm
7 delighted with that.

8 MS. MARTIN: And the Mayor's only been here one month,
9 Your Honor, but taking action.

10 The Inspector General began an audit of several tasks
11 that implicated Internal Affairs procedures that haven't been
12 reviewed by the monitor in years.

13 The Department's Office of Internal Accountability
14 completed an audit of the race and equity measures that the
15 Department has to see if they -- if those are continuing and
16 whether they're effective. As a result, the Department has now
17 reestablished its race and equity team.

18 The Office of Internal Accountability also just
19 recently sent out its biannual survey to understand members'
20 perceptions of Internal Affairs investigations and processes.
21 And that same office is just about finished up with its 2024
22 internal investigations outcomes and discipline report, so that
23 should be published soon.

24 We have our assist -- Acting Assistant Chief Tedesco
25 continuing to lead the command review of force and force

1 investigations that has proven to be so effective.

2 Our risk management program is continuing.

3 As we've discussed a bit, Acting Deputy Chief Hubbard
4 led an analysis of lessons learned from the Tran investigation
5 and made sure that that was provided to the entire Department
6 and to the public so that everyone can understand what went
7 wrong and we can prevent it from happening again.

8 All of these accomplishments are in addition, of
9 course, to the Court-mandated biweekly meetings, which we've
10 also heard have made a difference and have really improved
11 communication across City leadership and the Department.

12 And all of these things positively impact the culture
13 of the Department, particularly have an impact on Tasks 5 and
14 45. And the City is very hopeful that through its continued
15 action, that by the next court hearing, we will have a
16 compliance endorsement from the monitor and the plaintiffs'
17 counsel. Not because it's been more than two years because of
18 a failure in the Tran case, and not because the City of
19 Oakland's charter mandates NSA compliance and auditing even
20 after Court oversight is gone, but because the City and the
21 Department have taken specific actions to allow the Court and
22 the community to have confidence that the City and the
23 Department will continue substantial compliance with the NSA
24 even after Court oversight is -- has ended.

25 THE COURT: Thank you.

1 MS. MARTIN: Thank you.

2 THE COURT: So, Mayor Lee, I would love to hear your
3 assessment of where things stand and where things are going to
4 go forward.

5 MAYOR LEE: Yes. Well, good afternoon, Your Honor.

6 First of all, yes, my name is Barbara Lee, Mayor of
7 Oakland, California. It's really a privilege to be here with
8 you representing the people of Oakland. Now, I was sworn in as
9 the Mayor of Oakland May 20th. This is my -- I believe my 51st
10 day. And I just want to tell you a large portion of my work
11 has been supporting NSA compliance. This is truly a priority
12 for me.

13 I want to start by saying how much I appreciate all of
14 the work that so many people have already put into achieving
15 real progress under the NSA. So I want to sincerely thank the
16 Court, Chief Warshaw, and the monitoring team -- monitoring
17 team, and our plaintiffs' counsel, Mr. Burris, who I've known
18 for a long, long, long time, and Mr. Chan- -- Chanin,
19 Mr. Lucia, and the Oakland Police Officers Association, and, of
20 course, Chief Mitchell and his executive team. Of course, our
21 oversight bodies, the Police Commission, Inspector General,
22 CPRA, as well as the City Attorney's Office, and all of our
23 community members who are engaged with these issues.

24 I am very grateful that you understand, hopefully,
25 that a lot has been accomplished under the NSA thus far, but I

1 look forward also to working with this incredible team to
2 finally achieve full compliance with the NSA. I must also
3 acknowledge and I'd like to take a minute to acknowledge the
4 men and women of the Police Department, the true heart of the
5 organization. The overall success of our public safety depends
6 on them.

7 While we work to set the tone of organizational
8 professionalism and accountability and to model the behavior
9 and organizational culture that we expect, we expect each
10 member of the Department to uphold this. We must remain
11 attentive also to the physical and the well-being and the
12 mental wellness of the public servants who have chosen this
13 challenging profession. But constitutional policing, yes, is
14 at the core of this important profession.

15 Now, after more than 20 years -- and I remember very
16 clearly when this began. Over 20 years Court oversight.
17 There's some urgency to get these remaining tasks completed. A
18 lot of urgency. Oaklanders, we deserve results. We are very
19 aware that the community wants a functioning and a fair police
20 department, a department that we see as part of our community
21 and that sees itself as part of our community and that truly
22 shares our community values.

23 Your Honor -- Your Honor, I understand, however, that
24 Court oversight, it cannot end until there is full compliance.
25 And I want -- I want you to know that I am committed to getting

1 there. I'm committed to fulfilling the promise the City's made
2 to this community when it agreed to the NSA. I appreciate that
3 the belief and the respect for the mission and the policies has
4 to be felt and communicated from the top; from the Mayor, from
5 the City Administrator, and from the Police Chief. This is
6 about true cultural change, I understand that, and the Police
7 Department as an organization and how we view our relationship
8 with and our responsibility to our community.

9 Your Honor, I recognize that what is keeping the City
10 from attaining full compliance on the remaining NSA tasks is a
11 fundamental culture issue in the Department pertaining to
12 internal investigations and discipline. To effect the culture
13 change necessary, I must make it extremely clear that as Mayor
14 of the City, what I expect from this Chief and from the
15 Department. And what I expect is integrity and courage not
16 only in policing, but in accountability. This is a tough job
17 in investigating allegations of officer misconduct, holding
18 officers accountable when they violate our community trust, and
19 making sure that accountability is fair, consistent, and
20 prompt.

21 As the Mayor, it's up to me to send the message from
22 the top to the Police Chief and all the way to the newest
23 employee -- employee of the Department that part, also, of that
24 message is that the integrity of the work of the Internal
25 Affairs Bureau is pivotal. And I mean it's pivotal, as you

1 know, and we all know, to the Department -- Department's
2 mission.

3 So ultimately, Your Honor, I know that to achieve the
4 culture change that we need to sustain compliance we need more
5 than words. We need action, and we need a plan. One of the
6 things that I have done in my short time, and it's been pretty
7 short, is to work with the City Administrator to recruit with
8 purpose and with intention and a system City Administrator with
9 the background, the knowledge, and the ability to help me
10 communicate my vision, our City's vision, and values to the
11 Department and to help me understand on a day-to-day basis,
12 mind you, day to day, the progress that we're making and where
13 we are still falling short.

14 As mentioned earlier, I'm excited to share, again,
15 that Michelle Phillips, who previously served as the City's
16 first Inspector General, and who is here with us today in the
17 courtroom, she will rejoin the City on August 30th as an
18 Assistant City Administrator. Ms. Phillips' most important
19 assignment will be to work directly for and with me and my
20 office on the special project of the NSA compliance and culture
21 change within the Police Department. A crucial part of
22 Ms. Phillips' work will be to engage with the Police Chief,
23 with Chief Warshaw and his team. And I look forward to
24 continuing to have the monitor serve in his current role as we
25 continue forward.

1 Under my leadership, the City will focus not only on
2 NSA compliance, Your Honor, but what comes after compliance --
3 after -- excuse me -- Court oversight ends. Ends. We will
4 remain attentive to the long term and the perpetual task of
5 maintaining a culture in the Police Department that mirrors the
6 culture of the community that it serves and that brings the
7 Department into the fold. As you said, it takes leadership, it
8 takes focus, and it takes commitment.

9 Your Honor, we are making progress. And let me tell
10 you I want this done under my watch as quickly as possible but
11 in full compliance. And I want to assure you, Your Honor, that
12 it's all hands on deck. I intend to make sure of that.

13 Thank you again.

14 THE COURT: Thank you very much, Mayor Lee. And so I
15 have to tell you, first of all, I share your goal more than you
16 know. It is time for -- for the Court's oversight to end and
17 for -- for the City and the Department to go forth without
18 Court oversight but with full compliance with every element of
19 constitutional policing.

20 I've delayed -- we haven't had a -- a hearing for
21 nine months in part, and there have been a couple of longer
22 gaps over the last few years because of the lack of leadership
23 that was in place. There is leadership in place, and I want to
24 move rapidly, and I want to see the City move rapidly to -- to
25 full compliance.

1 So this is what I want to do: First, the -- with
2 respect to the -- for the monitor and the Compliance Director,
3 in any way that you think the team can be of more benefit to
4 you, call on them. And they have -- they know that my desire
5 is that every resource that they have that would be useful to
6 you should be made available to you in order to -- to get this
7 done.

8 I'm going to set the next case management conference
9 in December, on December 9th, at 3:30. And I'm going to ask
10 for either in status reports from Ms. Martin or the City on
11 August -- by August 26th and October 21st updating me on the
12 efforts, the ongoing efforts and -- and -- and any new efforts
13 to achieve compliance. So -- so I want to be working hand in
14 glove with every effort you make in order to -- to complete
15 satisfaction of the -- the NSA.

16 MAYOR LEE: Thank you, Your Honor. We're very serious
17 about this project we intend to make. And with Ms. Phillips,
18 myself, our Police Department, and with our community
19 organizations, our partners, with the entire team in Oakland,
20 we want to make this work, and we want to be in full
21 compliance.

22 THE COURT: It is great. And there is no doubt from
23 the -- the comments that I have received from the public the
24 entire community wants to make this happen. They may have
25 different ideas about how it ought to happen, but using all of

1 their talents in the best way that you are perfectly poised to
2 make that happen. So I hope you do.

3 MAYOR LEE: Thank you, Your Honor, very much.

4 THE COURT: All right. Thank you. Thank you all.

5 (Proceedings conclude at 4:43 p.m.)

6 ---oOo---

C E R T I F I C A T E

I, CATHY J. TAYLOR, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED this 18h day of July, 2025.

/s/Cathy J. Taylor

Cathy J. Taylor, RMR, CRR, CRC

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