



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** LeRonne L. Armstrong  
Chief of Police

**SUBJECT:** Informational Report on OPD Instagram  
Investigation

**DATE:** September 29, 2021

City Administrator  
Approval

Date

Sep 29, 2021

## **RECOMMENDATION**

**Staff Recommends That The City Council Receive An Informational Report Regarding The “Order Re: Conclusions And Recommendations Stemming From Internal Affairs Case No. 21-0028 The Instagram Investigation,” Which Was Ordered In The United States District Court Of Northern California On September 20, 2021 By Judge William H. Orrick.**

## **EXECUTIVE SUMMARY**

This report and corresponding attachments provide information regarding the investigation and findings from the use of an Instagram account by current and former Oakland Police Department (OPD) officers. The Instagram account hosted deeply offensive content that was sexist, racist, and unacceptable to OPD policies and the standards of the Oakland community. In early 2021, Mayor Libby Schaaf and City Administrator Edward D. Reiskin ordered a third-party independent investigation regarding the Instagram account. The law firm, Clarence Dyer & Cohen LLP, conducted the investigation and provided conclusions and recommendations. The investigators produced a document of conclusions and recommendations after their six-month investigation. This report contains OPD’s responses to their conclusions and recommendations.

## **BACKGROUND AND LEGISLATIVE HISTORY**

In December 2020, OPD leadership became aware of an Instagram account that hosted sexist and racist content such as hate speech and harmful memes. OPD’s mission is to keep all community members safe and to enforce laws. Its mission is in direct opposition to such content and any types of racist and sexist behavior, speech, or actions. The creator of the account, who was a former OPD officer, was familiar with the department, and specifically the crime reduction teams, or CRTs. Since current and past officers were involved, OPD leadership swiftly moved to assign a unit for its own internal investigation and participated fully in the external investigation.

## **ANALYSIS AND POLICY ALTERNATIVES**

OPD’s investigation began with every officer who served in CRT units, individuals located in specialized units, and every officer in patrol and investigative units who intersected with those

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officers. In January 2021 the Intel unit handed over any relevant materials to IAD. Investigators confiscated more than 140 phones including phones which belonged to officers who followed the account, officers in the CRT units, and officers from any related units.

Concurrently, Mayor Libby Schaaf and City Administrator Edward D. Reiskin took immediate action to hire a third-party independent investigator. At the direction of the Court, investigators from an independent law firm led a six-month long thorough investigation. This included reviewing email correspondence and cell phone data belonging to any officer who followed the account or was in the CRT unit. They also interviewed 43 subjects and witnesses.

The press release issued by the Office of the Mayor on September 17, 2021, reflects the City's and OPD's response to the independent investigator's findings and recommendations (see **Attachment A**).

The press release (**Attachment A**) further explains that "[t]he final investigation report was submitted to the federal court overseeing *Allen v. City of Oakland*. The Court will determine which parts of the investigation, if any, may become publicly available." After that time, the Court issued the Conclusions and Recommendations publicly. The Court Order Re Conclusions and Recommendations Stemming from Internal Affairs Case No. 21-0028 The "Instagram Investigation," (**Attachment B**) as well as the third-party investigator Clarence Dyer & Cohen LLP's September 5, 2021 "Conclusions and Recommendations" (**Attachment C**) documents are attached to this report.

OPD has a plan in place to respond to the conclusions and recommendations of the third-party investigation.

The recommendations are as follows:

- OPD should adopt a Department-specific antidiscrimination policy that incorporates key concepts from AI 71.
- OPD should devise and implement an effective social media policy.
- OPD should implement clear rules and regulations concerning the use of personal devices, private text communications, and ephemeral media in the conduct of police work.

OPD accepts and agrees with the recommendations, and plans to take the following actions in response:

- 1) Antidiscrimination policy update
  - a. To be implemented in completion by 2<sup>nd</sup> quarter 2022: Update work and cell phone device and technological policy for all OPD personnel
  - b. To be implemented by November 2021: All cell phone and computer tablets issued by OPD will have new prohibitions:
    1. No personal social media accounts
    2. No personal inappropriate or sexist content including photos or videos
  - c. To be implemented by 2<sup>nd</sup> quarter 2022: Creation of OPD social media policy: Oakland Police Commission created an ad hoc committee to work with OPD on the creation of this policy.

- 2) OPD Chief Armstrong will issue an internal Memorandum to all OPD personnel regarding “Notice to All Personnel of Zero Tolerance for Racist Actions or Affiliations” (**Attachment D**).  
To be implemented October 2021: This will serve as a reminder that City of Oakland is a zero-tolerance employer in respect to racist practices and actions. OPD is dedicated to a safe and inclusive workplace. Anyone, who exhibits behaviors and actions in violation of AI 71 and DGO M-19, will be subject to discipline up to termination of employment. All sworn officers and professional staff will receive the training.
- 3) OPD Training
  - a. To be implemented 1<sup>st</sup> quarter 2022: OPD will hire outside training group to provide sexual harassment and workplace harassment training.
  - b. To be implemented October 2021: All OPD personnel will receive cultural competency training. The course will be taught by Stanford University experts and researchers of racial, equity, and bias work.

### **PUBLIC OUTREACH / INTEREST**

The press release attached to this report was issued widely to the media and the Oakland community.

### **COORDINATION**

There was no outside agency coordination in the production of this report.

### **FISCAL IMPACT**

This item is for informational purposes only and does not have a direct fiscal impact or cost.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** There are no economic opportunities associated with this report.

**Environmental:** There are no environmental opportunities associated with this report.

**Race and Social Equity:** The Instagram account contained racist and sexist content. OPD is dedicated to zero tolerance of racist and sexist behaviors and actions. OPD is actively implementing measures to maintain a safe and respectful work environment for all personnel. Moreover, OPD is committed to numerous policy and procedural actions related to the appropriate and respectful use of technology and social media as seen in press release (**Attachment A**) and its response to third party investigators’ recommendations.

**ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE**

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Respectfully submitted,



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Chief of Police  
Oakland Police Department

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OPD, Bureau of Risk Management

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**Attachments (4):**

- A:** Statement Regarding the Findings of an Investigation into the Use of Social Media Accounts by Oakland Police Officers
- B:** The Court order re: Conclusions and Recommendations Stemming from Internal Affairs Case No. 21-0028 The “Instagram Investigation”
- C:** Clarence, Dyer, and Cohen LLP third-party investigators “Conclusions and Recommendations”
- D:** Memorandum from OPD Chief LeRonne L. Armstrong to all OPD personnel regarding “Notice to All Personnel of Zero Tolerance for Racist Actions or Affiliations”

