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OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2009 OCT -1 PM 2:56
Office of the City Administrator
Attn: Dan Lindheim
From: Police Department
Date: October 13, 2009

Re: **Annual Report from the Oakland Police Department's Internal Affairs Division**

SUMMARY

As requested by the Public Safety Committee, staff has prepared an annual report of Internal Affairs (IAD) activities which follows the same format as the Citizens' Police Review Board (CPRB) semi-annual report. Due to differences between the IAD and CPRB databases, reports, and procedures, staff was unable to provide some statistical information comparable to that presented by the CPRB. The information contained in this report covers the period January 1, 2008, through December 31, 2008.

FISCAL IMPACT

This is an informational report; therefore, no fiscal impacts have been included.

KEY ISSUES AND IMPACTS

Continued Increase in the Number of Complaints Received

The IAD received complaints concerning 1,757 incidents in 2008; these complaints included a total of 3,215 allegations¹, which represents a 28% increase in complaints from 2007, and more than doubles the number of complaints received when the Negotiated Settlement Agreement (NSA) began in 2003. As a result, two additional sergeants and two additional officers were transferred to the IAD to handle the increased workload. As of September 15, 2009, projections show that the IAD will receive 2,328 complaints in 2009.

Race and Gender of Complainants

The race of almost half of complainants (44%) is either unknown or not applicable because the complainant was an entity such as the OPD and did not have a race. Data shows that 39% of the complainants were African-American; this is comparable to the percentage of the African-American population of Oakland, which is 35.7%. However, the percentage of complaints from each of the other Census tracked categories was 7% or lower, percentages significantly lower than the respective percentage of the population of Oakland.

¹ Multiple allegations can occur in a single complaint.

Item: _____
Public Safety Comte.
October 13, 2009

Location of Complaints by Council District

The IAD is unable to report on the location of complaints by Council District as this is not tracked in the IAD database.

Complaints per Member/Employee

In 2008, over half (56%) of OPD members/employees were not the subject of a complaint in 2008. 253 members/employees (19%) were the subject of one complaint. 129 members/employees (10%) were the subject of two complaints. The remaining 200 members/employees (15%) were the subject of three or more complaints.

Findings from 2008 Allegations

- The majority of allegations were found to be *Unfounded* (37%) or *Exonerated* (20%). Approximately one quarter of the complaints were administratively closed (25%) for a variety of reasons including the lack of cooperation of a complainant or the failure of the complainant to articulate a violation of OPD's Manual of Rules (MOR);
- 10% of the complaints were resolved via an *Informal Complaint Resolution (ICR)*. In these cases the complainant agreed to a resolution other than a formal investigation.
- 7% of the allegations were *Sustained*;
- 4% came to a finding of *Not Sustained*; and
- 1% of the allegations were still open as of September 15, 2009.

Allegations by Manual of Rules Section

One quarter (25%) of the allegations made were either service in nature or did not amount to an MOR violation. Approximately another quarter (27%) were about less serious (Class II) *Performance of Duty* allegations. *Use of Force* allegations totaled 14%, broken down as follows:

- Level 1 (i.e., officer involved shooting) – 5%
- Level 2 (i.e., use of a baton) – 24%
- Level 3 (i.e., Taser, hand strikes, takedowns) – 32%
- Level 4 (i.e., control holds) – 39%.

Conduct Toward Others (Demeanor) accounted for 13% of the violations. Of the remaining 21% of complaints, 15% were about more serious (Class I) allegations such as *Truthfulness* (2%), *Reports and Bookings* (2%), or *Performance of Duty (Class I)*, 3%.

Additional statistical information is attached as a PowerPoint presentation.

PROGRAM DESCRIPTION

The primary function of IAD is to accept, process, and investigate complaints from any source alleging misconduct by Departmental personnel. Additionally, IAD investigates firearm discharges and certain critical incidents involving death and serious injury. The IAD identifies policy violations, training needs, and equipment failures, and makes recommendations for policy revisions.

IAD supports Departmental policies and procedures by:

- Receiving complaints and conducting background research;
- Creating case files and assigning investigations;
- Investigating complaints;
- Providing integrity testing;
- Managing records and records reporting;
- Coordinating and reviewing Division-level investigations;
- Managing legal claims, litigation and Pitchess motion inquiries involving Departmental personnel;
- Providing 24-hour callout response for critical incidents or investigations;
- Managing the IAD Complaint Hotline; and
- Collaborating with the Citizens' Police Review Board (CPRB), the Office of the City Attorney, outside consultants, and the Independent Monitoring Team (IMT).

RECOMMENDATIONS


There are no recommendations. This is an informational report only.

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

Attachment: PowerPoint Presentation

Respectfully submitted,


Howard A. Jordan
Acting Chief of Police

Prepared by:
Lieutenant Chris Shannon
Internal Affairs Division

Reviewed by:
Ms. Cynthia Perkins
Legislative Analyst
Oakland Police Department

Item: _____
Public Safety Comte.
October 13, 2009



Oakland Police Department

Internal Affairs Division

Annual Report – Year 2008

Command Staff



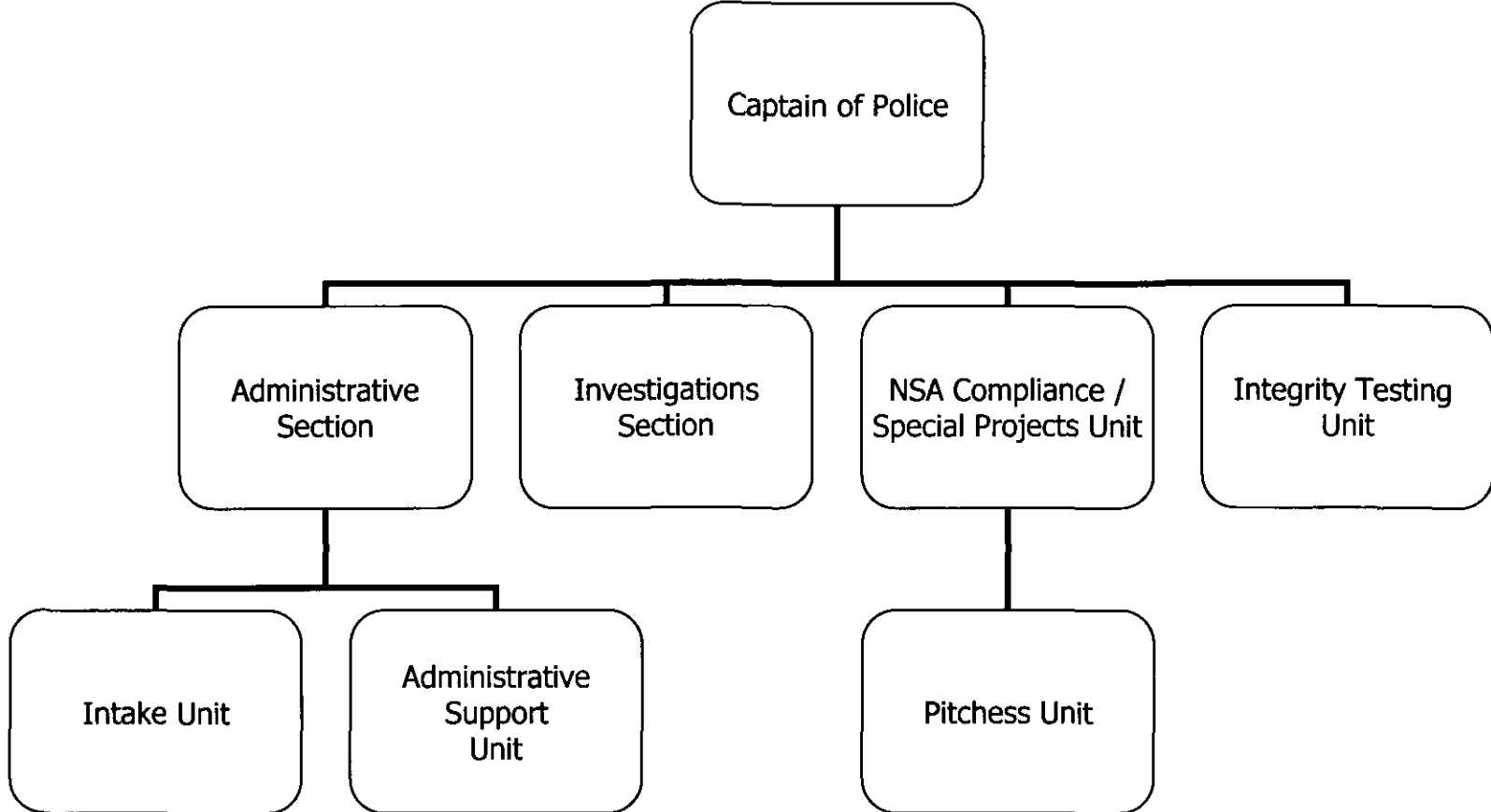
Current

Sean Whent	Acting Captain of Police
Christopher Shannon	Lieutenant of Police, Administration Section
Darren Allison	Lieutenant of Police, Investigations Section

2008 Command Staff

Benson Fairow	Captain of Police
Edward Poulson	Captain of Police (succeeded Fairow)
Sean Whent	Lieutenant of Police, Investigations Section
David Downing	Lieutenant of Police, Administration Section
Christopher Shannon	Lieutenant of Police, Administration Section (succeeded Downing)

Organizational Structure



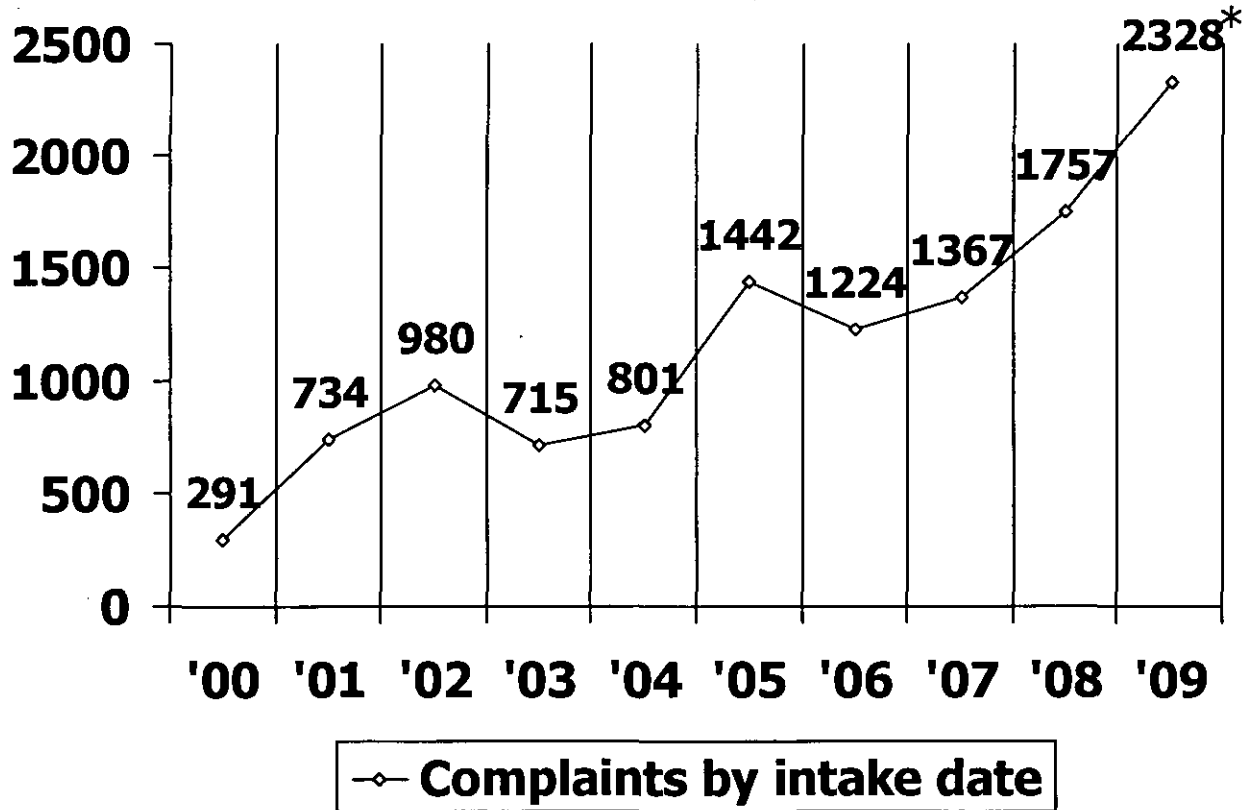
2008 Staffing



■ Staffing Data

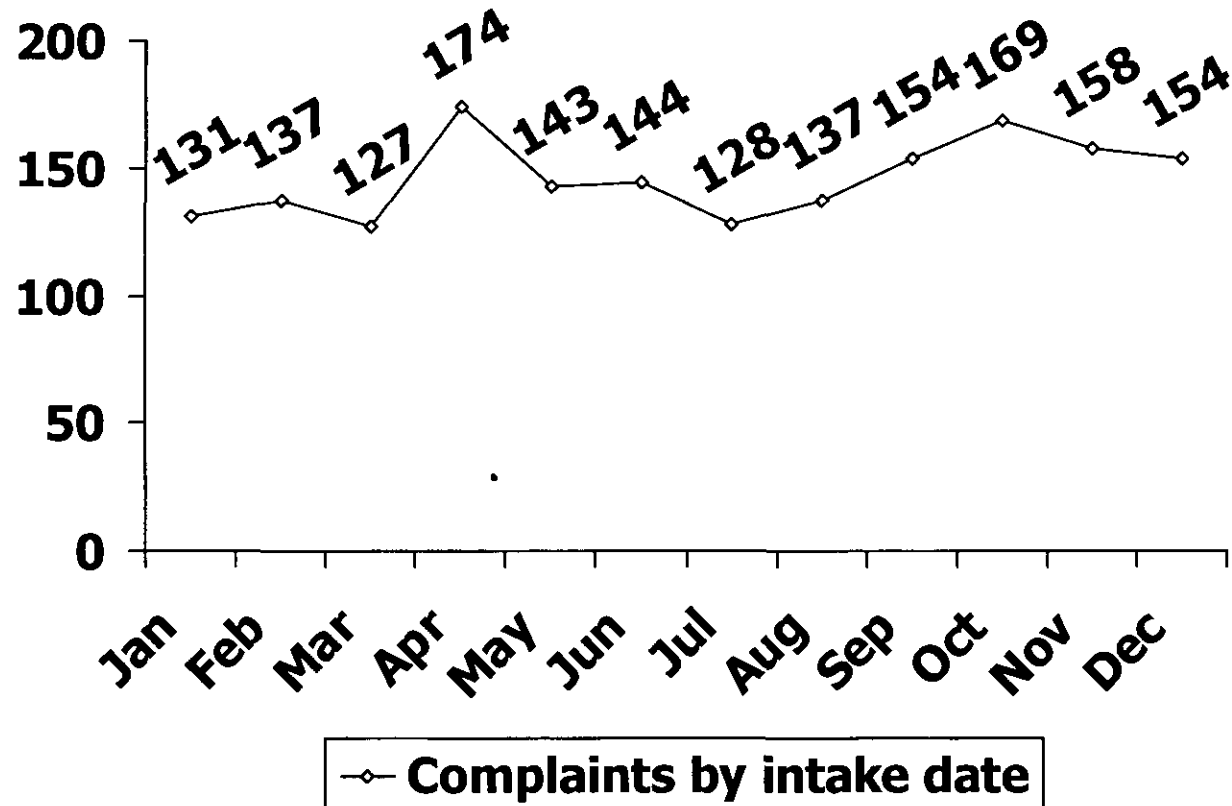
Classification	Authorized	Filled	Loaned	Vacant
Captain of Police	1	1	0	0
Lieutenant of Police	2	2	0	0
Sergeant of Police	10	15	5	0
Police Officers	8	14	6	0
Administrative Analyst II	1	0	0	1
Police Records Specialist	3	3	0	0
Administrative Assistant I	1	1	0	0
Totals	26	36	11	1

Complaints Received 2000-2009



*Projected. 1652 complaints as of 9/15/09.

Complaints Received 2008



Statistical Information

- The IAD database does not contain fields comparable to the CPRB database including:
 - Allegation by sub-categories
 - City Council District of complaint

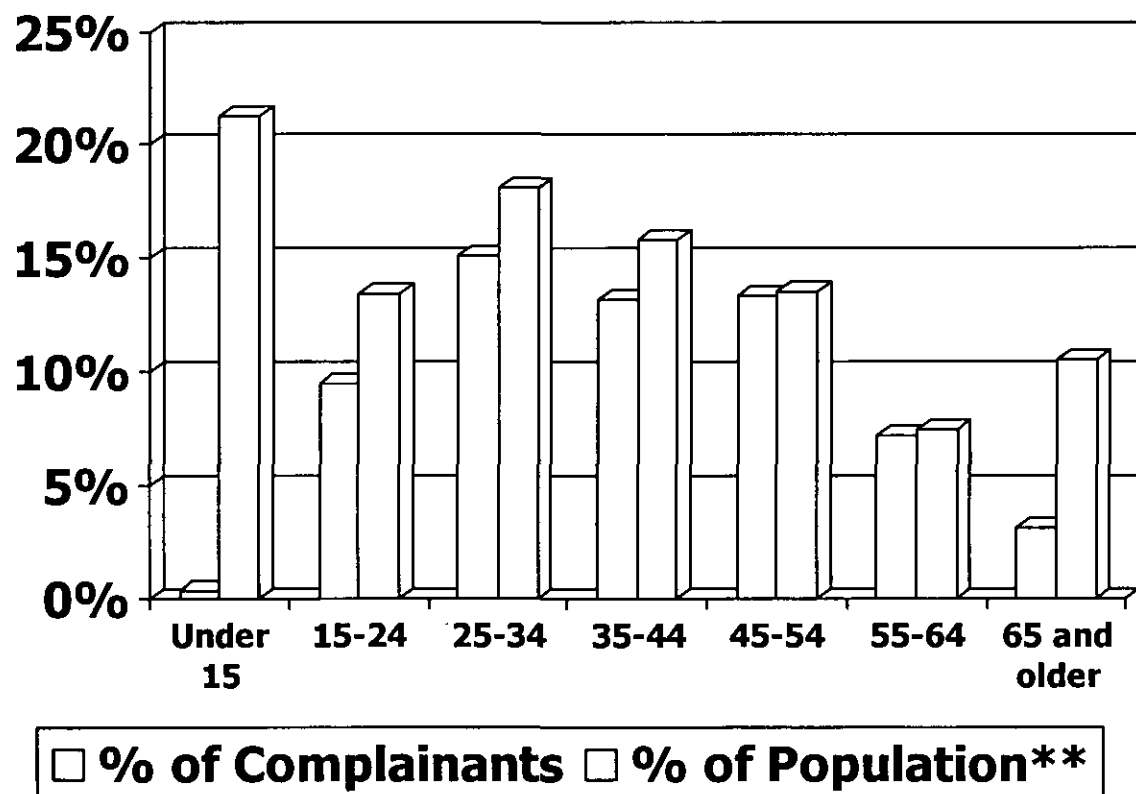
Statistical Accuracy

- The collection of some statistical information that is collected by the CPRB has not been a priority for the IAD. Hence, there are often a large number of unknowns for certain categories and the accuracy of existing information has not been vigorously verified due to the enormous volume of cases.

Race and Gender of Complainants

Race	Gender	No. of Complainants	Percentage of Complainants	Percentage of Oakland Population (2000 Census)
African-American	F	322	18%	35.7% (female and male)
African-American	M	381	21%	
Asian-American	F	17	1%	15.2% (female and male)
Asian-American	M	20	1%	
Caucasian	F	56	3%	31.3% (female and male)
Caucasian	M	57	3%	
Hispanic-American	F	46	3%	21.9% (female and male)
Hispanic-American	M	70	4%	
Other	F	15	1%	
Other	M	25	1%	
Unknown	F	229	12%	
Unknown	M	187	10%	
Unknown Race & Gender		413	22%	

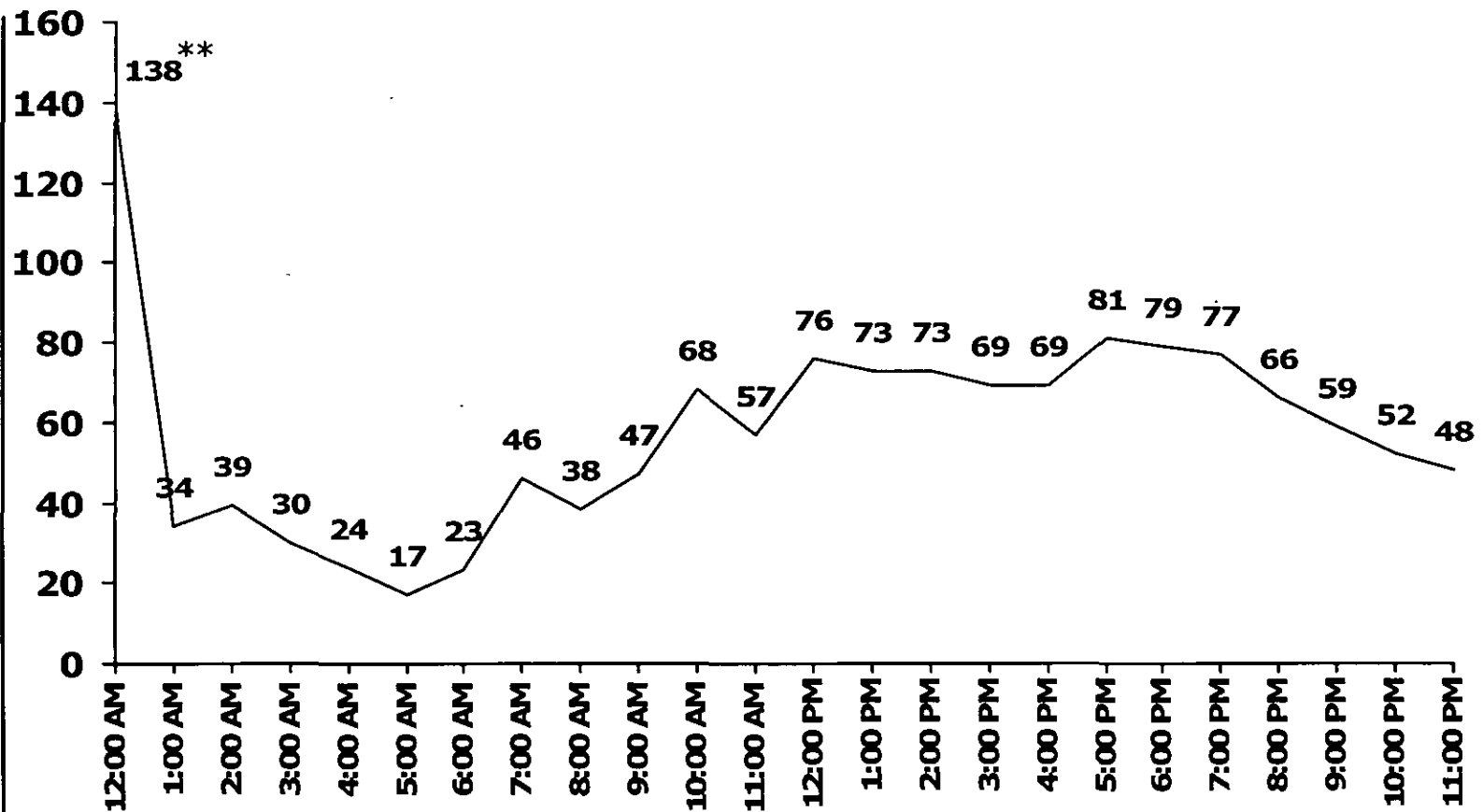
Complainant Age*



* When known. Approximately 700 complaints did not have an age noted. This number includes OPD generated complaints.

** As compared to US Census Bureau statistics for 2000.

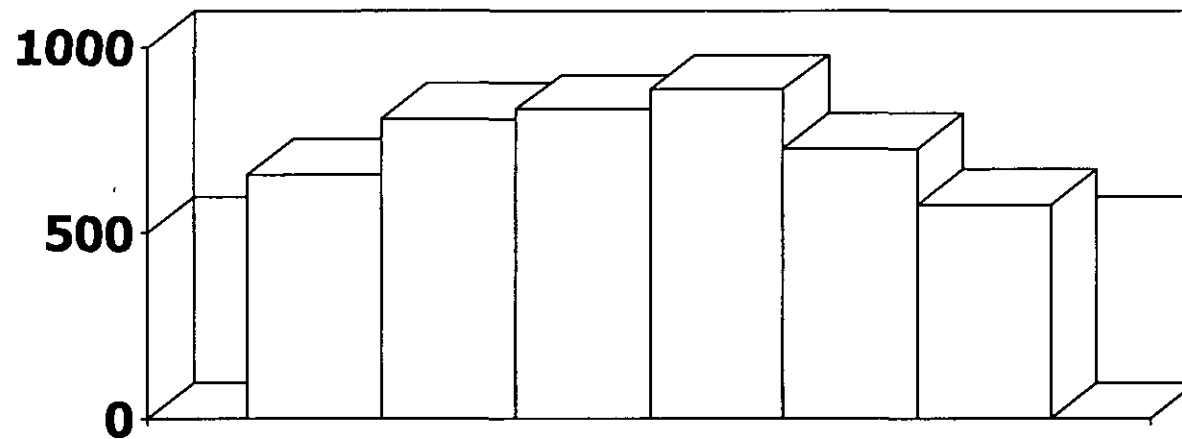
Time of Incidents*



*When known.

**High number of complaints at midnight is likely due to default setting in database.

Incidents by Shift*



- A Shift starts at 5 a.m. and ends at 5 p.m.
- B Shift starts at 8 a.m. and ends at 8 p.m.
- C Shift starts at 11 a.m. and ends at 11 p.m.
- D Shift starts at 1 p.m. and ends at 1 a.m.
- E Shift starts at 5 p.m. and ends at 5 a.m.
- F Shift starts at 8 p.m. and ends at 8 a.m.

Attachment A
Page 12 of 19

* Most complaints are counted multiple times on graph due to overlapping shifts.

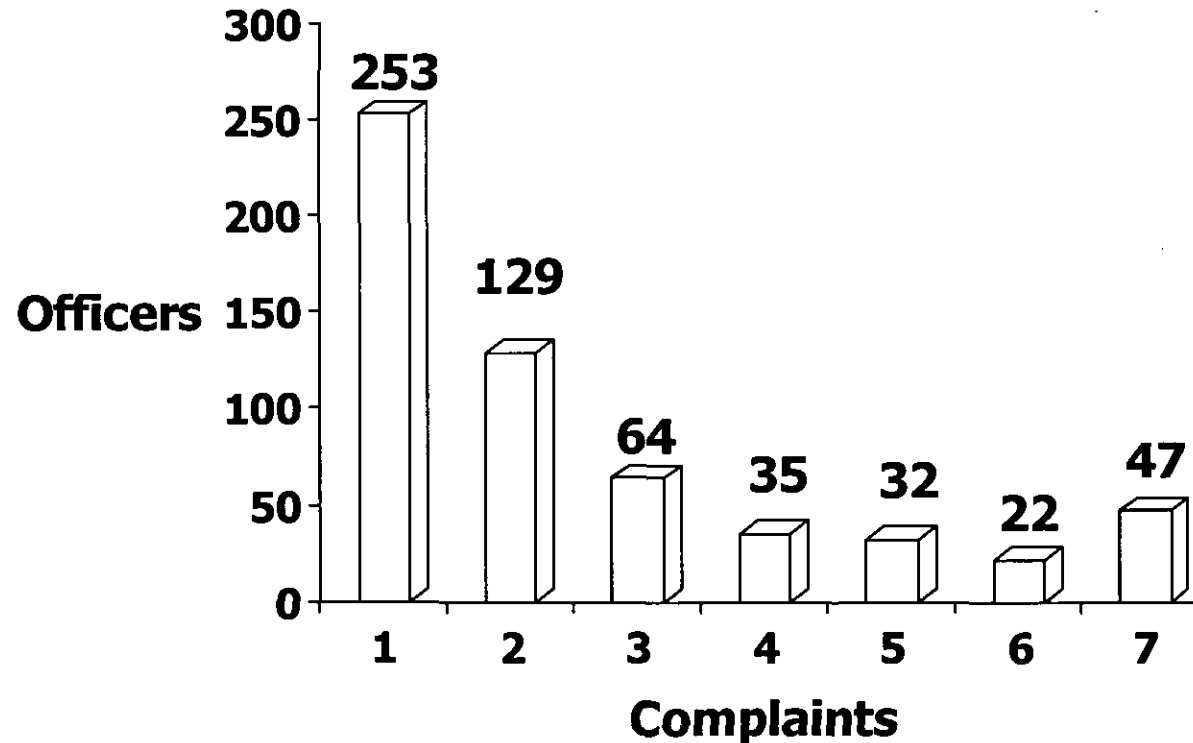
Resolved Complaints

- All complaints received at IAD are fully investigated until a preponderance of evidence is obtained or investigative leads have been exhausted. No cases are filed and uninvestigated due to a lack of resources. Complaints that lack specificity or investigative leads are only closed via administrative closure after due diligence to contact the complainant. This includes a certified letter, phone calls, and a site visit.

Administrative Closures in 2008

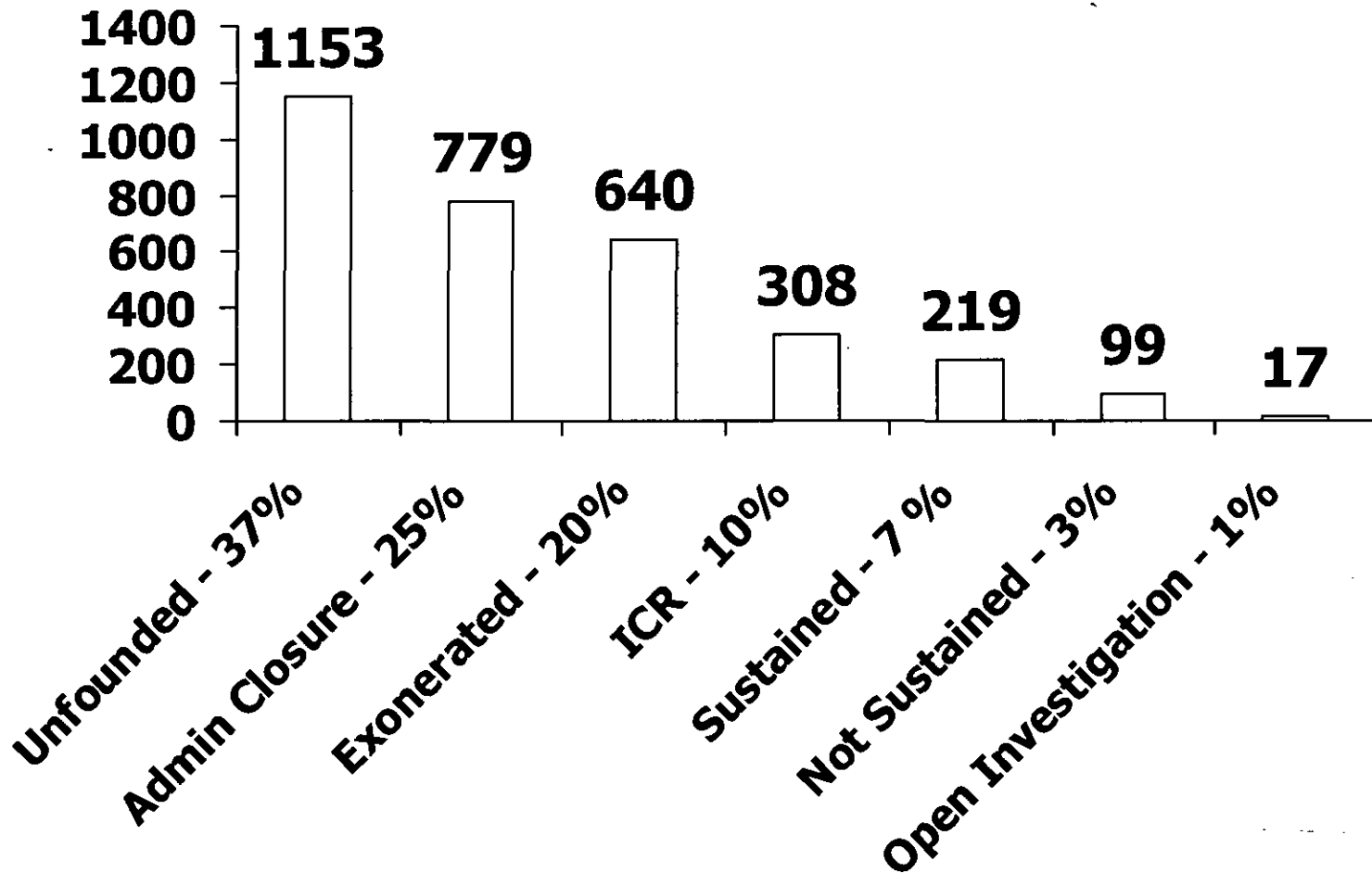
- 745 of 3246 allegations were closed via Administrative Closure.
- The IAD database does not contain fields that differentiate the reason.
- All Administrative Closures are done in accordance with DGO M-3 and justifications include:
 - Complaint withdrawn
 - Complaint lacks specificity
 - Subject is not a member/employee of OPD
 - Subject is no longer a member/employee of OPD
 - Complaint does not articulate an MOR violation
 - Complaints limited to vehicle code citations and tows

Complaints per Member/Employee

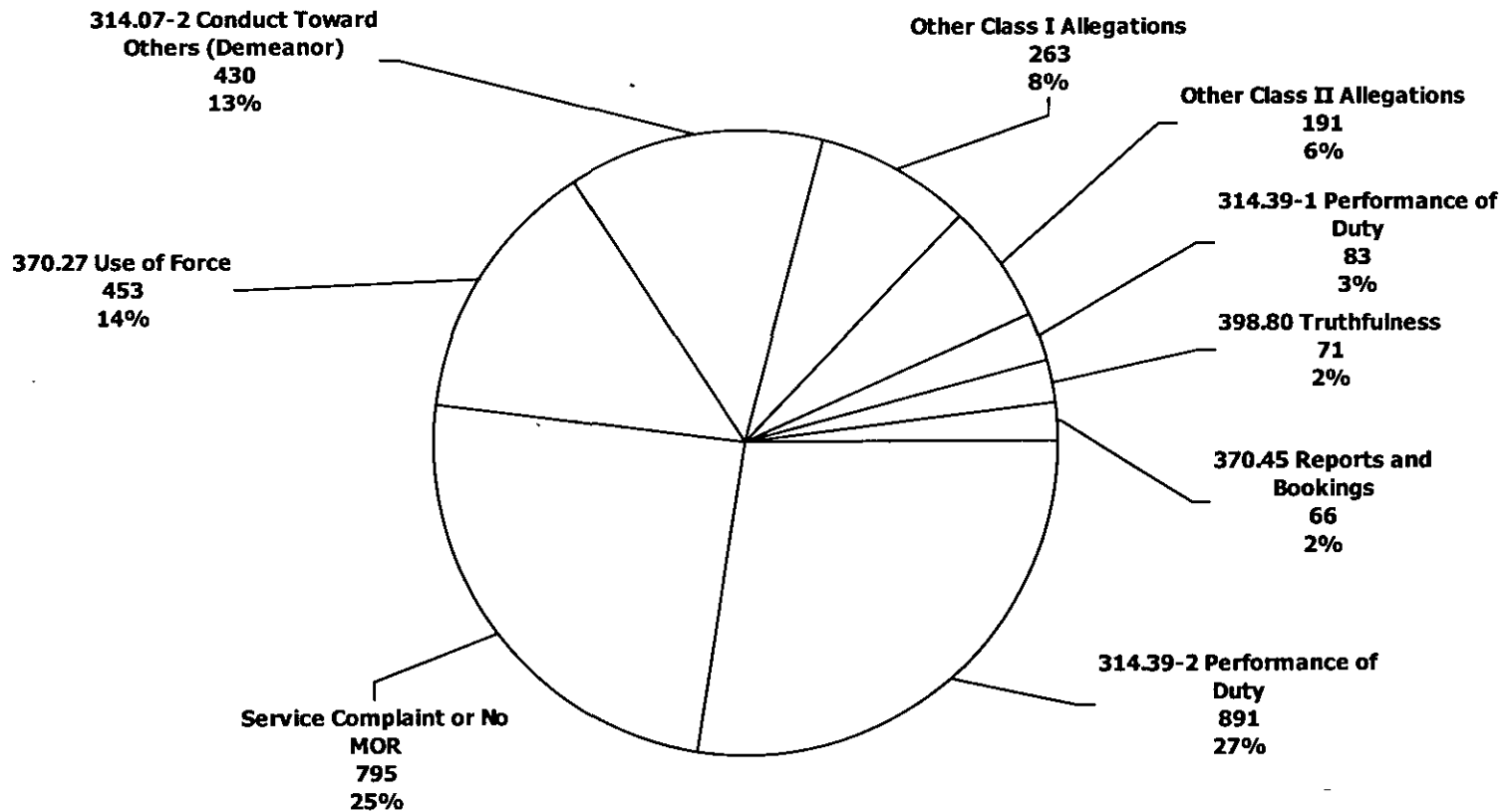


* Approximately 750 of 1325 members/employees had 0 complaints.

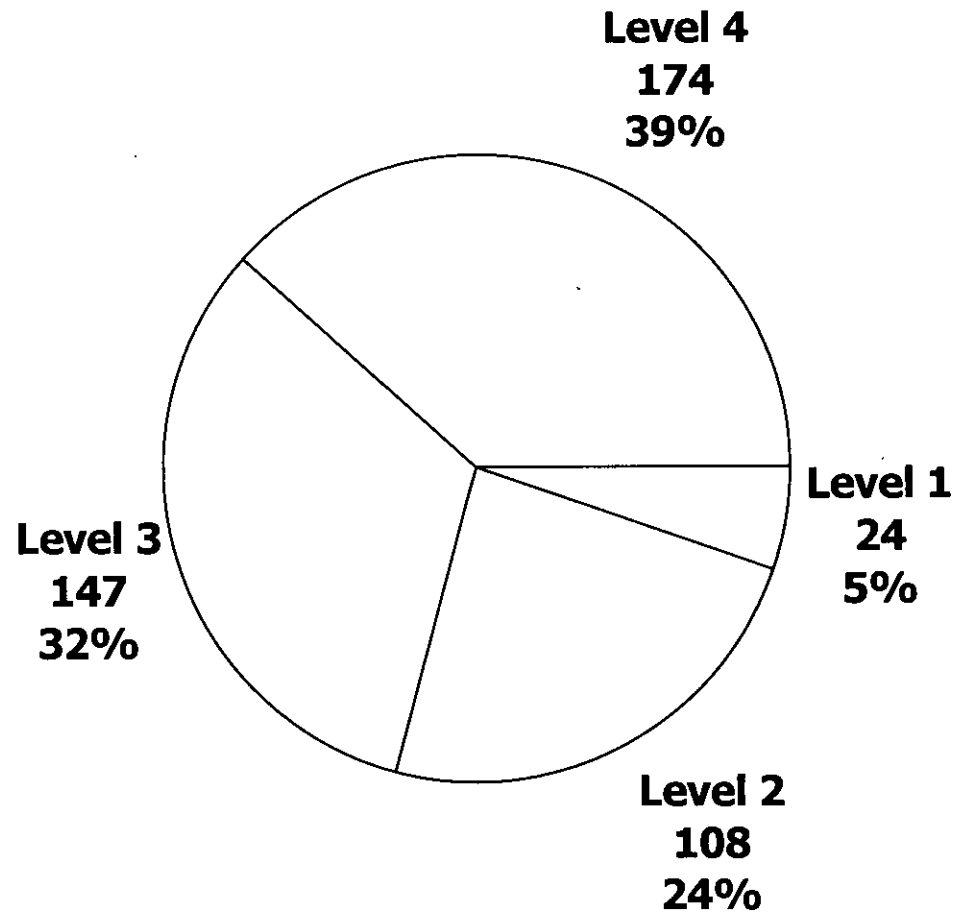
Findings from 2008 Allegations



2008 Allegations by Manual of Rules Section



2008 Use of Force Allegations





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Report Contributors:

Ms. Shanda Wright (PAS Administration)