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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Sean Whent
Chief of Police

SUBJECT: Concealing or Suppressing
Investigations into Misconduct –
Supplemental Report

DATE: November 2, 2015

City Administrator Approval

Date:

11/18/15

RECOMMENDATION

Staff Recommends That The Public Safety Committee:

Receive An Informational Report And Possible Action Adopting Legislation To Eradicate The Persistent Widespread Custom Or Practice Of Concealing Or Suppressing Investigations Into Police Officer Misconduct. In Order For The Public To Be Safe We Must Break Down The "Blue Wall Code Of Silence" That Exists In Law Enforcement Agencies Throughout This Nation. Good Officers Must Not Defend Bad Officers Or Their Misconduct.

REASON FOR SUPPLEMENTAL

At the September 15, 2015 Public Safety Committee meeting, staff was asked to provide additional information concerning the reporting of misconduct by OPD personnel. This supplemental report is prepared in response to this request.

The initial agenda report provided information on policies and practices that mandate or otherwise encourage personnel to report misconduct that they have witnessed in fellow staff. These policies and practices include:

- Requiring personnel to report fellow staff who have violated laws, ordinances, rules of the Department, or disobeyed orders, to report specific types of misconduct (Level I or Level II as a pattern or threat to a person's rights or well-being or OPD reputation) to his or her supervisor within 24 hours.
- Allowing personnel to report misconduct confidentially.
- Allowing personnel to report misconduct anonymously.

This report provides data that corresponds to the above. This data is provided as **Attachment A** and includes the number of times that:

- Personnel have reported misconduct by fellow personnel.

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- A violation was sustained for failing to report misconduct by fellow personnel.
- A retaliation violation was sustained when misconduct was reported by fellow personnel.
- Misconduct was reported confidentially.
- Misconduct was reported anonymously.

This report also provides data that was requested of the Citizen Police Review Board (CPRB) by Public Safety Chair Desley Brooks. This data is provided as **Attachment B** and includes:

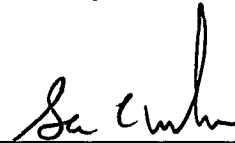
- Number of Complaints Reported to CPRB
- Details of CPRB Cases Resulting in Sustained Allegations 2015

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The Public Safety Committee Receive An Informational Report And Possible Action Adopting Legislation To Eradicate The Persistent Widespread Custom Or Practice Of Concealing Or Suppressing Investigations Into Police Officer Misconduct. In Order For The Public To Be Safe We Must Break Down The "Blue Wall Code Of Silence" That Exists In Law Enforcement Agencies Throughout This Nation. Good Officers Must Not Defend Bad Officers Or Their Misconduct.

For questions regarding this report, please contact Eric Lewis, Lieutenant of Police, at 510-238-3071 or Anthony Finell, CPRB Executive Director, at 510-238-7401.

Respectfully submitted,



SEAN WHENT

Chief of Police, Oakland Police Department

Prepared by:
Timothy Birch, Police Services Manager I
Research and Planning

Attachments (2):

- A: OPD Complaint Data
- B: CPRB Complaint Data

Attachment A

	2010	2011	2012	2013	2014	2015 YTD*
Number of Times OPD Personnel Reported Misconduct by Fellow Personnel	21	16	19	5	9	13
Number of Violations Sustained Against OPD Personnel for Failing to Report Misconduct by Fellow Personnel	0	6	0	0	0	1
Number of Violations Sustained Against OPD Personnel for Retaliating in Response to Misconduct Reported by Fellow Personnel	0	0	1	1	0	0
Number of Misconduct Violations Against OPD Personnel Reported Confidentially by Fellow Personnel	1	0	0	6	1	0
Number of Misconduct Violations Against OPD Personnel Reported Confidentially by Fellow Personnel: Sustained	0	0	0	0	0	0
Number of Misconduct Violations Against OPD Personnel Reported Anonymously by Fellow Personnel**	25	32	64	33	10	1
Number of Misconduct Violations Against OPD Personnel Reported Anonymously by Fellow Personnel: Sustained**	2	0	2	0	0	0
Informally Resolved Allegations	436	318	325	109	76	35
Retaliation Allegations Manual of Rule (MOR) 398.73. Also MOR violations 234, 285 for Commanding Officers Authority and Responsibilities & Supervisors Authority and Responsibilities	36	36	56	5	13	5
Retaliation Allegations Manual of Rule (MOR) 398.73. Also MOR violations 234, 285 for Commanding Officers Authority and Responsibilities & Supervisors Authority and Responsibilities: Sustained	10	8	13	0	10	0
Total Number of Complaints by Year	1,748	1,447	2,593	1,531	1,067	852

* Year to Date is through October 27, 2015

** Because the complainant is anonymous, OPD is unable to state definitively whether it was OPD personnel who made the complaint.

These figures are the total number of anonymous complaints.

Number of Complaints Filed with Citizen Police Review Board

2011	2012	2013	2014	2015 YTD*
66	67	53	47	100

* Year to Date is through September 30, 2015

Details of Citizen Police Review Board Cases Resulting in Sustained Allegations 2015

CPRB Meeting Date	Case Number	Allegation Number	Finding	Other Officers Present	Notes
1/8/2015	14-0067	2	Sustained – Overturned by CAO Unfounded	Yes	Complainant arrested without sufficient probable cause.
		3	Sustained – Overturned by CAO Unfounded	Yes	Sergeant failed to properly review facts justifying the arrest.
		5	Sustained – Overturned by CAO Unfounded	Yes	OPD failed to advise complainant of intent to arrest him, cause, and authority.
		6	Sustained	Yes	OPD ignored complainant's request for medical attention.
	13-0265		Administrative Closure: Sustained	Yes	Occupy Oakland protest; both officers no longer with OPD
1/22/2015	14-0066	3	Administrative Closure: Sustained	No	Improper use of force
6/25/2015	14-0662	5	Sustained – Overturned by CAO: Unfounded	Yes	Sergeant was rude to complainants.
		7	Sustained – Overturned by CAO: Unfounded	Yes	An improper search conducted.

CPRB Meeting Date	Case Number	Allegation Number	Finding	Other Officers Present	Notes
9/3/2015	14-0871	2	Sustained – Overturned by CAO Unfounded	Yes	Officer was improper and rude.
		3	Sustained – Overturned by CAO Unfounded	Yes	Officer gave attitude when asked a question.
		10	Sustained – Overturned by CAO: Exonerated	No	IAD Sergeant did not investigate the complaint thoroughly.
9/24/2015	15-0218	1	Sustained	No	Officer was discourteous and unprofessional.
		2	Sustained	Yes	Officer was insubordinate.
		5	Sustained	Yes	Sergeant improperly allowed officer to listen to complainant's IAD interview.