

# EXHIBIT 1

PUBLIC SAFETY

# Who's to blame for Oakland Police Chief Floyd Mitchell's resignation?

Some residents are speculating the Police Commission pushed Floyd Mitchell out. Others say the blame is misplaced and inaccurate.



by **Roselyn Romero**

Oct. 10, 2025, 1:41 p.m.



Floyd Mitchell introduces himself to reporters as the newly appointed chief of the Oakland Police Department on March 27, 2024. Credit: Katie Rodriguez for The Oaklandside

After 17 months on the job, Oakland Police Chief Floyd Mitchell [announced Wednesday](#) that he is resigning effective Dec. 5.

While the chief did not publicly state his reasons for stepping down, some community members are blaming the Police Commission and police reform advocates for, in their view, making it harder for the chief and his officers to do their jobs.

At the Police Commission meeting Thursday night, several residents speculated that Mitchell left because he was frustrated with the volunteer civilian-run oversight body. Most who were critical of the commission submitted their comments virtually and had their comments read out loud by the commission's chief of staff.

Mitchell did not attend the meeting.

“I do not blame the chief for leaving, because he’s been run out and obstructed by these activists who are off and on the case,” said District 4 resident Rajni Mandal during the public comment portion of the meeting. She blamed the commission, the [Coalition for Police Accountability](#), and the [Anti Police-Terror Project](#) for “plunging the city into chaos.”

“While our chief of police has not yet given reasons for his resignation, the number of obstacles driven by the commission and oversight to actually lead the force has to be a reason,” wrote resident Barbara Muir in her e-comment, read aloud by the commission’s chief of staff. “This is a no-win role under the current city structure.”

“While it’s too late for Chief Mitchell — unless, perhaps, the PC decides to disband — I hope you will have learned something from this nth cycle of wash, rinse, and discard chiefs,” resident Ben Ziegler wrote in his online comment.

Ricardo Garcia-Acosta, chair of the Police Commission, responded by saying he and his fellow commissioners worked in lockstep with Mitchell, helping him to change department policies and streamline the review process in officer investigations.

“Anybody who says that we’re against the chief ... what you are doing is undermining the integrity of the force that we have — a force that’s understaffed, a force that does their best on the streets — and blaming us for the structural problems that exist in our community,” Garcia-Acosta told the public.



Mitchell presents his proposed changes to OPD’s vehicle pursuit policy to the Police Commission on Sept. 25, 2025. Credit: Roselyn Romero/The Oaklandside

In an interview with The Oaklandside, Garcia-Acosta said he feels that the public’s attacks on the commission are misplaced.

“We’re going to hear the same tired narrative that oversight makes policing impossible, and once again, we ran another chief out of the city,” he said. “If accountability and transparency are so much of a threat to policing, then maybe policing itself is the problem,” he said.

"The vast majority of chiefs that we've gone through have gone through scandals," she said. "Oversight isn't the problem; it's that we have bad chiefs."

At Thursday's meeting, Lisa Ausmus, deputy chief of OPD's Bureau of Risk Management, said she didn't agree with all of the public's comments about the Police Commission.

"We have put in a lot of time together," Ausmus said. "We have worked diligently hand-in-hand."

Other residents, like Mariano Contreras with the African American-Latino Action Alliance, hoped to diffuse the tension at the meeting by thanking commissioners.

"You're here to make sure that Oakland Police Department does not go back to the 1990s, when they were running amok, planting evidence, beating people up, and a few years ago, raping a minor," Contreras told the commission, referring to the [2016 case](#) in which multiple OPD officers sexually exploited the daughter of a 911 dispatcher.

Millie Cleveland, steering committee chair for the [Coalition for Police Accountability](#), told The Oaklandside that while she didn't expect Mitchell to resign just 17 months into his post, she felt that he'd been unhappy with the job for some time. She pointed to Mitchell's comments from past Police Commission meetings in which he said the "weaponization of the disciplinary process" made officers fearful of making mistakes.

"Nobody saw this coming," Cleveland said. "There are people who say that he wasn't a good fit. And there are people thinking he would just wait until he got fired."

The Police Commission was actually instrumental in bringing Mitchell to Oakland. In February 2023, the board launched a nationwide search with help from an external recruiting firm, received guidance from the commission's police chief search ad hoc committee, and conducted multiple rounds of interviews with candidates, including Mitchell.

In April 2024, the commission [held a public forum](#) where four candidates, including Mitchell, discussed their plans for leading the department. Mitchell told commissioners and the public that he grew up in a city with a history of policing issues in Black and brown communities, which has informed his view of constitutional policing. He added that he had experience working with civilian oversight bodies from his time as a patrol officer in Kansas City.

"It has given me vast knowledge and experience in working through some issues that affect these particular neighborhoods," Mitchell said at the time.

During a September 2024 hearing as part of OPD's federal oversight program, Mitchell, meeting the federal judge for the first time, said he would prioritize "working with our counsel, our commission, our civilian review agency to develop a long-term strategic plan to address the issues facing Oakland and its police department."

Asked by the judge if anything had surprised him since being hired, Mitchell didn't mention the commission or the intensity of civilian oversight. He focused instead on OPD's staffing levels and how much work the department is asked to do with the low staffing relative to Oakland's crime rate.



Former OPD Chief LeRonne Armstrong's badge during a press conference on June 2, 2021. Credit: Amir Aziz/The Oaklandside

On Thursday, Loren Taylor, a former mayoral candidate and former District 6 councilmember, [published an article on Substack](#) calling for the reinstatement of former Chief LeRonne Armstrong.

Armstrong [was fired by former Mayor Sheng Thao](#) in 2023 after an investigation found that he failed to uphold OPD's disciplinary standards, allowing for major oversights in [a case involving a police sergeant](#) who committed a hit-and-run, and later, in a separate incident, fired his gun inside an OPD headquarters elevator and tried to hide evidence of the gun discharge. Later, Armstrong was found to have [committed a similar rules violation](#) by not ensuring the integrity of the disciplinary process in a case involving a homicide investigator who allegedly committed perjury and bribed witnesses, resulting in two men's prison sentences being overturned.

Armstrong is currently [suing the city](#), arguing that his firing was retaliatory because he blew the whistle on what he believes is corruption by the federal court monitor who oversees OPD's reform program.

"Now, with another resignation on our hands, we have the chance to correct the record and move forward with wisdom instead of incompetence and corruption," Taylor wrote in his post promoting Armstrong as a candidate.

The Black Action Alliance, a group that launched last year leading up to the mayoral election, [also voiced its support](#) for Armstrong's reinstatement.

"Appointing Former Chief Armstrong will enable OPD to continue its momentum in recruiting qualified officers and refining policies that best serve the public safety interests of the broader Oakland community," wrote Sinclair Ridley-Thomas, CEO of Black Action Alliance, in a statement.

Ausmus, the deputy chief, said during Thursday's Police Commission meeting that Mitchell is the 16th chief during her career at OPD.

"We, as the department, the leadership, the officers, and everybody else, are going to keep moving forward because that's the expectation," she said. "We've been here before."



# EXHIBIT 2

# **OAKLAND POLICE DEPARTMENT**

## **Office of Internal Accountability**



## **2024 Internal Investigation Outcome and Discipline Report**

**October 2025**

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## 1. Executive Summary

The Oakland Police Department (Department) is committed to ensuring that internal investigation outcomes and discipline are fair and transparent. To identify and remedy potential disparities, Department General Order R-01, *Risk Management*, requires the Department to conduct an annual inspection of internal investigation outcomes by race and prepare a report reflecting its findings. The current report covers internal investigation cases involving sworn personnel conducted at the division or Internal Affairs level<sup>1</sup> that came to a finding in 2024, and includes analyses of findings and discipline by race, gender, and rank. The complaint investigations included in the analysis were initiated between March 2022 and October 2024. The report excludes cases reviewed by pursuit, collision, or use-of-force boards. The analysis follows the *Department's Working Methodology for Internal Affairs Disparity Analyses* (See [2. Methodology](#)).

### Changes in Number of Cases and Sustained Rates (2023 to 2024)

In 2024, Department sworn members overall received fewer complaints and were sustained at a lower rate than in 2023, resulting in fewer sustained cases. This reduction is likely due at least in part to the recent change in how the Department processes Failure to Accept or Refer a Complaint (FTARC) allegations, as we document in section 4.7 (See [4.7. Did "Failure to Accept or Refer a Complaint" Allegations Affect Sustained Rates in 2024?](#)). One of the discoveries in last year's analysis of the 2023 data was the preponderance of FTARC among sustained allegations. In December 2023, the Department revised its policy, allowing FTARC allegations to be handled informally, outside of the IA process, if they are discovered during the normal course of supervision, an investigation or incident review and the conduct does not indicate a pattern of misconduct.<sup>2</sup>

Excluding cases that were reviewed by a board, there were 633 internal investigations approved in 2024 involving a sworn member. The 633 investigations, each of which could involve multiple officers with potentially multiple allegations, covered a total of 2,109 allegations of misconduct and resulted in 1,417 sworn member "cases." For the purposes of this analysis, a "case" means an investigation of a particular officer, potentially with multiple allegations. As we describe in Section [3. Breakdown of the Number of Allegations and Cases](#), between 2023 and 2024, the number of investigations involving a sworn member dropped by 8% (691 to 633). The number of allegations dropped by 21% (2,680 to 2,109), and the number of sworn member cases dropped by 14% (1,648 to 1,417). At the same time, the overall sustained rate fell from 8% in 2023 (129/1,648) to 5% in 2024 (64/1,417). As a result of both trends, the total number of sustained cases fell by 50% between 2023 and 2024, from 129 to 64. The change in processing of FTARC allegations explains roughly half of this 50% drop.

### Reversal in Sustained Rates between White and Black Members (2023 to 2024)

The most notable finding in this report is the substantial decrease in white sworn member sustained findings between 2023 and 2024 (See [4.1. Is One Group More Likely to be Sustained?](#)). Only 4 white sworn members were sustained in 2024, down from 37 in 2023, and far lower than the number of Black (23) and Hispanic (25) sworn members sustained in 2024. Table 1 shows sustained rates (at the case level) broken

<sup>1</sup> Cases investigated by staff assigned to the Internal Affairs Bureau (IAB) are categorized as Internal Affairs (IA) level cases. Division Level Investigations (DLI) are assigned to sergeants who work in divisions outside of IAB.

<sup>2</sup> Special Order 9213 (dated December 5, 2023), Revising Department General Order (DGO) M-03, *Complaints Against Department Personnel or Procedure*.

down by member race for both 2023 and 2024. In 2023, white sworn members had the highest overall sustained rate of all races (11%), and Black members had the lowest overall sustained rate (6%). The higher sustained rate for white members in 2023 seems to have been due in large part to the number of FTARC allegations levied against white members: when FTARC allegations were removed, the sustained rate for 2023 dropped to 6% for white officers and 5% for Black officers. This was less of a factor in 2024 because of the change in policy regarding FTARCs (none of the cases sustained against white officers in 2024 were solely for a FTARC allegation).

The sustained rates reversed in 2024: white sworn members had the lowest sustained rate (2%) (aside from Other/Unknown), and Black members had the highest rate (7%), followed by Hispanics (6%), and both of these rates were statistically higher than the rate for white members. Further analyses showed that the 4 cases sustained against white sworn personnel involved only members over 40 and with over 5 years of seniority. In other words, the sustained rate for junior white officers (less than 5 years seniority or younger than 40) was 0%. Because sustained rates for Black and Hispanic members remained relatively stable between 2023 and 2024, it is fair to say that the racial disparity in case outcomes observed in 2024 is primarily driven by the decrease in sustained findings against white members.

**Table 1: Sustained Rates by Race 2023 Versus 2024<sup>3</sup>**

	2023			2024		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>White</b>	<b>11%</b>	<b>37</b>	<b>348</b>	<b>2%</b>	<b>4</b>	<b>223</b>
<b>Black</b>	<b>6%</b>	<b>20</b>	<b>341</b>	<b>7%</b>	<b>23</b>	<b>351</b>
<b>Hispanic</b>	8%	40	512	<b>6%</b>	<b>25</b>	<b>425</b>
<b>Asian/Filipino</b>	7%	26	379	3%	11	342
<b>Other/Unknown</b>	9%	6	68	1%	1	76
<b>Total</b>	<b>8%</b>	<b>129</b>	<b>1648</b>	<b>5%</b>	<b>64</b>	<b>1417</b>

The unusually low number of sustained cases for white members in 2024 prompted additional analyses of sustained rates by race. To understand the difference between the sustained rate for white members and for Black and Hispanic members in 2024, we tried to identify where the difference was occurring by considering the type of investigation; how the case originated; the type of allegations; and the specific investigators. We also checked whether other variables such as age and tenure could explain the difference. These analyses are presented in more detail throughout the report.

### Disparity in Cases with an Internal Origin

Our report included a review of multiple variables to identify where the racial disparity was especially pronounced. We found that the greatest racial disparities arose in internally generated cases.<sup>4</sup> White

<sup>3</sup> Throughout this report, proportions in tables that were tested for significance using a 2 x 2 chi-square test are shaded in blue and any differences found to be statistically significant are marked in red (See 2. *Methodology*).

<sup>4</sup> Internally generated cases are initiated by department employees (i.e., supervisor, co-worker, self-report by employee, etc.), as opposed to externally generated cases which are initiated by someone who does not work for the Department (member of the public or member of a different department or agency). Some cases that are initially generated externally may have allegations added by department supervisors or investigators. The case would be categorized as externally generated, but the added allegation would be categorized as an “internally discovered violation.”

members had no sustained findings (0%) for internally generated cases, compared to Black and Hispanic members who had sustained rates of 47% and 24%, respectively. Furthermore, 50% (16/32) of the sustained allegations in internally generated cases for Black and Hispanic members were for Class I violations, the most serious violations, including *Truthfulness*, *Obedience to Laws*, *Unauthorized Use of Electronic Systems*, and *Interfering with Investigations*. Table 47 shows the allegation breakdown of sustained cases in internally generated cases (See [5.3 Analysis by Type of Sustained Violation for Fully Investigated Cases](#)).

We also assessed sustained rates for “internally discovered” allegations, which could only be calculated as an approximation due to incomplete data entry. The disparity in sustained rates was even larger when looking at “internally discovered” allegations (11% white members versus 67% Black members and 48% Hispanic members). Additionally, 62% (22/36) of Black sustained allegations were for internally discovered allegations, and 65% (30/46) for Hispanics, whereas it was only 40% for whites (2/5) (See [4.4. Do Cases with an External Origin Differ from Cases with an Internal Origin?](#)).

The analysis also revealed disparities in sustained rates by gender and rank for internally generated cases, even though these groups did not show a statistically significant difference in the overall sustained rate. For internally generated cases, female members were sustained at a much higher rate than male members (60% - 3/5 versus 21% - 9/43) and officers were sustained at a much higher rate than sergeants and above (30% - 11/37 versus 9% - 1/11).

During the review of 2022 cases, the Department found that the practice of adding “internally discovered” violations to existing cases could be a point at which disparities may arise. This was addressed by requiring notification to the IAB Commander within 24 hours when an allegation was added to a case (Training Bulletin V-T.1, *Internal Investigation Procedure Manual*, revised November 2023). While the new requirement was intended to mitigate disparity, due to the limited tracking of “internally discovered” allegations, we were unable to do a more complete analysis of these allegations.

### Long-Term (5-Year) Perspective

Because of the shifts in sustained rates between 2023 and 2024, we also looked at the last five years to check for longer-term trends and found that the combined sustained rate averaged across 2020-2024 was nearly the same for all race groups (8-9%) except for Asian/Filipinos, who had the lowest combined sustained rate (6%). Table 2 shows the sustained rates by year and race for 2020 to 2024. Except for Other/Unknown members, who have much lower numbers than other race groups, white members had the highest sustained rate for the combined five-year period (9%). The five-year comparison also shows that 2024 not only had the lowest sustained rate, but also the lowest number of sustained findings (64 sustained findings compared to 104 in 2020, the next lowest year). A preliminary review of sustained rates from January to June 2025 shows a general evening out across most race groups (4% to 6%), except for Hispanic members who had a higher rate (10%). (See [4.6. Do Year-to-Year Fluctuations in Sustained Rates Average Out Over Time?](#))

**Table 2: Sustained Rates by Race 2020 to 2025**

	2020		2021		2022		2023		2024		2020-2024	2025 Jan-Jun <sup>5</sup>
	Sust Rate	# Sust/ Total	Sust Rate	# Sust/ Total	Sust Rate	# Sust/ Total	Sust Rate	# Sust/ Total	Sust Rate	# Sust/ Total	Sust Rate	Sust Rate
<b>White</b>	8%	30/364	11%	51/457	11%	34/323	11%	37/348	2%	4/223	<b>9%</b>	6%
<b>Black</b>	10%	19/186	9%	19/213	11%	23/212	6%	20/341	7%	23/351	<b>8%</b>	6%
<b>Hispanic</b>	9%	35/ 386	9%	40/434	9%	30/317	8%	40/512	6%	25/425	<b>8%</b>	10%
<b>Asian/Filip</b>	8%	18/219	7%	18/251	7%	16/240	7%	26/379	3%	11/342	<b>6%</b>	4%
<b>Other/UNK</b>	4%	2/54	16%	9/57	18%	7/38	9%	6/68	1%	1/76	<b>9%</b>	6%
<b>Grand Total</b>	<b>9%</b>	<b>104/1209</b>	<b>9%</b>	<b>118/1345</b>	<b>9%</b>	<b>107/1136</b>	<b>8%</b>	<b>129/1648</b>	<b>5%</b>	<b>64/1417</b>	<b>8%</b>	<b>7%</b>

### Changes in Discipline (2023 to 2024)

In 2024, discipline was imposed in 62 cases.<sup>6</sup> Of those 62 sustained cases, 52% resulted in more severe discipline (suspension or termination), compared to 44% in 2023. Class I cases, involving more serious misconduct, usually result in discipline of suspension or termination, which was the case in 2024. All received a suspension or termination, except for the only white member who was sustained for a Class I case, who instead received counseling. There was a change in Class II discipline between 2023 and 2024. White members had the highest rate of suspensions (67%, 2 of 3) in 2024, a switch from 2023 when Black members had the highest rate (46%, 6 of 13). See [6. Discipline Analyses](#).

### Recommendations

Our analyses produced the recommendations below. See also [7. Recommendations](#).

1. **Keep better record of internally discovered allegations.** Analyzing cases with an internal origin was important in identifying where disparity was more prominent. Therefore, looking at the origin of individual allegations would allow for an even more targeted analysis. While the Department has a way to track internally discovered violations, the field was left blank for 33% of allegations in 2024. Furthermore, the only data point tracked is whether or not the allegation was internally discovered. To determine whether disparity differs for allegations that originate within the Department, the Department should ensure that the internally discovered violation field is complete for all allegations. Complete and accurate tracking of internally discovered allegations seems critical to understanding where disparity might be occurring, including:
  - who discovered the violation,
  - who approved adding the allegation to the case,
  - when the allegation was added, and
  - the cause/reason for adding the allegation.

<sup>5</sup> The data reviewed for January to June 2025 is subject to change as case closure dates are finalized and updated.

<sup>6</sup> Discipline was not imposed in two cases that were sustained in 2024 due to the investigation exceeding the timeline allowed by California Government Code 3304.

The Department needs to improve its data collection to better understand when internal allegations are made, by whom, at what stage, and to put in place clear criteria and protocols to ensure that excessive discretion does not allow racial disparities to arise in this process, it would be important to study not only when internal allegations are added for officers of color, but also to review whether similar behavior by white officers might fail to lead to the addition of a similar internal allegation.

2. **Keep checking whether recent fluctuations constitute a trend.** The Department should continue to monitor sustained rates quarterly to see if the disparity identified in 2024 persists (as we do with Jan-Jun '25 in Table 2). The Department should also revise its methodology to place yearly findings in the context of previous years whenever possible. As Table 2 demonstrates, this provides a useful context to evaluate the magnitude of observed differences.
3. **Focus future analysis on fully investigated cases.** For future analyses, the Department should focus on fully investigated cases when identifying disparity in sustained rates since Summary Findings and Informal Complaint Resolutions (ICRs) do not result in sustained findings and, therefore, cannot exhibit disparity in sustained rates. However, prior to such a focus on full investigations it is important to make sure that there are no disparities in the rates of Summary Findings and ICRs, as disparities could be overlooked if cases against one group were unevenly dismissed before they come to a full investigation.
4. **Balance statistical significance with observed disparity.** The current methodology requires that we compute chi-squares to test statistical differences in disparity. While this tool is helpful in providing guidelines and cutoff points used to determine whether the data supports or refutes a relationship between two categories of data, it is not a perfect solution. Its utility is limited both because of the small numbers and the ability to compare only two variables. Therefore, in addition to using the statistical tools, we have to rely on common sense to decide which disparities are large enough to deserve attention, while being mindful that percentages derived from small datasets can be easily swayed by even minor fluctuations in the data.
5. **Collect qualitative data from department personnel.** The Department should gather qualitative data via interviews and focus groups with representatives from across the Department, including all ranks and bureaus, and members from police officer associations and unions to help assess high-level themes about how the results of this report impact sworn staff.

## 2. Methodology

The current report covers internal investigation cases involving sworn personnel that came to a finding in 2024 and includes an analysis of findings and discipline by race, gender, and rank for sworn personnel. The analysis follows the *Department's Working Methodology for Internal Affairs Disparity Analyses*, which includes analyses of findings and discipline by race, gender, and rank, and moderating and mediating variables, including:

- Type of investigation (DLI versus IA),
- Case origin (externally versus internally generated),
- Case seriousness (Class I vs. Class II)
- Type of allegations,
- Seniority and Age of officer, and
- Identity of investigator.

**What counts as a “finding.”** For the purpose of the current analyses, we focused on findings for allegations made against sworn Department personnel that resulted from division-level investigations (DLI) or Internal Affairs Bureau investigations (IA). We therefore excluded findings based on the deliberations of collision, pursuit, and force boards because the findings for such cases are based on recommendations from a review board, not solely on the recommendations of an IA investigator or field sergeant. The investigative process for cases reviewed by a board is different than a typical internal investigation, involving more layers of review. Additionally, not all board findings are tracked by IAB. On-duty vehicle collisions, pursuits, and Level 2 uses of force that are found in compliance and have no parallel internal affairs investigation are not tracked by IAB, and therefore not included in our dataset. The only exception in the 2024 data is that we did include 4 cases involving an incident that was reviewed by a pursuit board, but where the IA investigation was for different, non-pursuit allegations.

**What counts as “2024.”** This report covers cases that were approved by the Chief or Internal Affairs Bureau Commander in 2024. Cases that were concurrently investigated by the Department and the Community Police Review Agency (CPRA)<sup>7</sup> were included in the population, and for those cases, the date concurrence was reached between the Department and CPRA was used as the approval date. Some CPRA concurrent cases were completed by the Department in 2023 but reached concurrence with the CPRA in 2024, or were notified by the CPRA in 2024 that they would not be investigating the case, and were therefore covered in this report. Cases approved in 2024 had complaint dates (date the complaint was received by the Department) going back to 2022.

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<sup>7</sup> The Community Police Review Agency (CPRA) is a civilian-run, community-centered police oversight agency that investigates allegations of misconduct by sworn officers. The CPRA generally investigates community complaints of serious misconduct. The CPRA is mandated by the City Charter to investigate public complaints about sworn officers involving police force, in-custody deaths, profiling based on a protected characteristic, untruthfulness, and First Amendment assemblies. All misconduct investigations conducted by the CPRA are also investigated by the Department. Findings and discipline for concurrently investigated cases are deliberated by IAB and the CPRA. In the event IAB and CPRA are unable to agree on a finding or the level of discipline, the case is presented to the Police Commission's Discipline Committee for a final decision. The findings included in this report are the final findings after agreement between IAB and CPRA, or review by the Discipline Committee.

**What counts as a “case.”** A “case” is defined as any number of allegations that fall under a single internal affairs case number for a single employee. A case is thus determined by removing additional allegations against the same member in a case so the member is only counted one time per case. The data in this report is analyzed at both the allegation level and the case level.

**What counts as “sustained.”** Internal investigations can be sustained, not sustained, exonerated, unfounded, informally resolved, or administratively closed. For purposes of this analysis, sustained findings are compared to all other findings (“sustained” versus “other than sustained”). An allegation of misconduct is sustained when the investigation discloses sufficient evidence to determine that the alleged conduct did occur and was in violation of law and/or Department rules, regulations or policies. A case is counted as “sustained” if any allegation against that particular officer in that case was sustained.

**What counts as a “fully investigated case.”** Fully investigated cases go through the complete investigative process and exclude cases resolved via Summary Finding and Informal Complaint Resolution, and are the only cases that can result in a “Sustained” finding. Summary Findings are abbreviated investigations for which a finding of “Unfounded” or “Exonerated” can be determined by the existing documentation, evidence, statements, and crime information, with no or minimal follow-up required. An informal complaint resolution is an investigative outcome used under certain circumstances for Class II allegations that don’t indicate a pattern of misconduct.

**What counts as “Class I versus Class II:”** Class I allegations of misconduct are the most serious allegations which, if sustained, can result in disciplinary action up to and including termination and may serve as the basis for criminal prosecution (e.g., unlawful force, untruthfulness, insubordination, and harassment). Class II allegations include all minor misconduct offenses.<sup>8</sup>

**What counts as “statistically significant.”** We relied on 2 x 2 chi-square tests to assess the statistical significance of differences between proportions where a large enough sample size allowed it. Throughout this report, proportions in tables that were tested for significance are shaded in blue and any differences found to be statistically significant are marked in red. A chi-square test is a statistical test comparing observed frequencies (i.e., cell counts in a table) with expected frequencies. We start with the hypothesis that any two variables of interest, for example race and whether a case is sustained or not, are *not* associated. This is referred to in statistics as the Null hypothesis. The chi-square test helps determine if any observed differences can reasonably be attributed to chance alone, or whether it’s more appropriate to reject the Null hypothesis that the two variables are not associated and conclude instead that there is a significant relationship between the two variables. Chi-square tests can therefore help identify if there is evidence of disparity in a sample above and beyond the normal differences that can be expected between any two sets of observed numbers – even if they were sampled from the exact same population. The *p* or probability value computed in a chi-square test is a number describing how likely it is that the obtained sample difference could have occurred in the absence of any actual difference in the population the samples are drawn from, i.e., by chance alone (the Null). The level of statistical significance is expressed as a p-value between 0 and 1. The smaller the p-value, the less likely the results occurred by random chance. For purposes of this analysis, the conventional p-value of less than 0.05 was considered statistically significant, indicating a likely association between variables.

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<sup>8</sup> Department General Order M-03, *Complaints Against Department Personnel*, II.E.

Note that because the simple 2x2 chi-square formula that we used only allows pair-wise comparisons between any two categories, tests of significance for proportions involving race always contrasted non-white ethnicities against whites for the purpose of testing significance. Also, the Yates correction was used, which subtracts 0.5 from the numerical difference between the observed and expected frequencies and is made to account for the upward bias for a 2 x 2 contingency table when using the chi-square test.

**What counts as a “disparity.”** Throughout this report, we use the word disparity to refer to differences in rates between groups, such as the difference in proportion of cases that came to a “Sustained” finding when comparing whites and Blacks. This only refers to a numerical difference between rates, and does not carry any assumption about the cause of the observed difference, or any aspersion about the personnel or structural processes involved in the production of those numbers. Additional work on moderators in our analysis (e.g., internal vs. external origin) casts some light on where disparities are the greatest and may give us some insight on causes, but the claim of a “disparity” is simply a numerical fact that is hopefully not controversial. Throughout this report, we will try to highlight noteworthy disparities when they arise.

### 3. Breakdown of the Number of Allegations and Cases

Excluding cases that were reviewed by a board (see 2. Methodology, What Counts as a Finding), there were 633 internal investigations approved in 2024 involving a sworn member. The 633 internal investigations had complaint dates (date the complaint was initially received by the Department) ranging between March 2022 and October 2024 – 14 in 2022, 332 in 2023, and 287 in 2024. The 633 investigations, each of which can involve multiple sworn members with potentially multiple allegations, covered a total of 2,109 allegations of misconduct, and resulted in 1,417 sworn member cases (See 2. Methodology, What Counts as a Sworn Member Case). These numbers represent a decrease from 2023. Between 2023 and 2024, the number of investigations involving a sworn member dropped by 8% (691 to 633). The number of allegations dropped by 21% (2680 to 2109) and number of sworn member cases dropped by 14% (1648 to 1417).

#### 3.1. Are Members of Any Group Being Investigated More Often?

Table 3 contains the demographic breakdown of the Department as of December 2024 for reference, and the number of allegations and IAD cases (some of which may contain multiple allegations against a specific officer) that came to a finding in 2024. As of December 2024, there were 676 sworn personnel employed by the Department. There was very little change in the sworn member demographic breakdown between December 2023 and December 2024. Hispanic members made up the largest percentage of sworn personnel at 29%, followed by White members at 25% and Black members at 22%. Asian members made up 20% of sworn personnel. Male members made up 86% of the Department and Officers made up 78%.

Since 86% (1,215 of 1,417) of sworn member cases were against members assigned to patrol at the time the complaint was initiated, we looked at the demographic breakdown of the 394 members assigned to patrol in December 2024. White members were slightly underrepresented in patrol compared to the entire Department. Black and Asian members were slightly overrepresented in patrol compared to the entire Department. Hispanic and Other/Unknown members were represented nearly the same in patrol as the entire Department. It is important to note that the demographics of members assigned to patrol may change throughout the year due to personnel movement in the Department. Table 3 contains the demographics of sworn personnel assigned to patrol as of December 2024.

**Table 3: Demographic Breakdown of Department Personnel, Allegations, and Cases**

	Sworn Personnel in the Department*	Sworn Personnel Assigned to Patrol*	Allegations against Sworn Personnel	Cases involving a Sworn Member	Sworn Members with one or more cases**
<b>By Race</b>					
<b>White</b>	25% (169)	21% (81)	15% (312)	16% (223)	21% (95)
<b>Black</b>	22% (145)	24% (95)	25% (537)	25% (351)	22% (103)
<b>Hispanic</b>	29% (197)	28% (112)	31% (649)	30% (425)	30% (139)
<b>Asian/Filipino</b>	20% (138)	23% (89)	23% (494)	24% (342)	22% (103)
<b>Other/Unknown</b>	4% (27)	4% (17)	6% (117)	5% (76)	5% (21)
<b>By Gender</b>					
<b>Male</b>	86% (578)	86% (337)	84% (1778)	83% (1183)	85% (391)

<b>Female</b>	14% (98)	14% (57)	16% (331)	17% (234)	15% (70)
	<b>By Rank</b>				
<b>Officer</b>	78% (527)	82% (323)	94% (1991)	94% (1331)	88% (406)
<b>Sgt or Above</b>	22% (149)	18% (71)	6% (118)	6% (86)	13% (58)
<b>TOTAL</b>	<b>676</b>	<b>394</b>	<b>2109</b>	<b>1417</b>	<b>461</b>

*\*Source: December 2024 Police Staff Report.*

*\*\*Some sworn members received complaints as a police officer and as a supervisor in 2024. This can happen if a member is promoted during the time-period of review. Therefore, when looking at Rank, the total number of members is slightly higher.*

To assess whether differences in the percentage of cases by race were related to Department demographics, we looked at the percentage of each group among allegations, among sworn member cases and among members who received one or more cases by race (see Table 3). When comparing sworn member cases to Department demographics, we found that white sworn members received a lower percentage of cases (16%) than their representation of Department sworn personnel (25%). All other races received a higher percentage of cases than their Department representation. However, when looking at the breakdown of members who received one or more cases in 2024 (thus counting each member only once as being investigated, regardless of the number of cases -- 461 members out of a total of 676 sworn personnel), the percentage of white members with one or more cases (21%) was more in line with their department representation. This suggests that the percentage of white members who received a complaint in 2024 was only slightly below Department representation, but white members received fewer separate complaints (giving cause for fewer multiple cases) per officer than other races. For all other races, their percentage of members with one or more cases was nearly the same as their department representation.

We wanted to get a sense of sworn personnel's experience of dealing with allegations, and whether it differed by group. Table 4 provides the number of sworn personnel in each group who were investigated in at least one case that came to a finding in 2024 as a function of the size of that group at three different time points covering the entire period (Dec 23, Aug 24, and Dec 24). While it may at first glance seem straightforward to divide this number by the total number of sworn personnel in each group, this would be misleading because these cases could have originated in different quarters or even years, and the demographic composition of the Department is constantly changing with hiring, retirement, departures, etc. Having said this, we think the ratio of number of officers of a certain group being investigated at any given time is an important statistic to capture the experience of members of that group (to capture their perception of being targeted more/less than other groups), so we present these ratios below, but with the caveat that they do not capture actual proportions at any given time. We use the number of sworn members with one or more cases that came to a finding in 2024 as the numerator in all ratios, but use 3 different snapshots as denominators: December 2023, August 2024, and December 2024.

**Table 4: Ratio of Investigated Sworn Personnel in 2024, by Race**

	Sworn Members with one or more cases closed during 2024	As a Ratio of the Number of Sworn Officers of that Group in...		
		Dec 23	Aug 24	Dec 24
By Race				
White	95	49% (of 194)	54% (of 175)	56% (of 169)
Black	103	66% (of 156)	70% (of 148)	71% (of 145)
Hispanic	139	64% (of 217)	70% (of 198)	71% (of 197)
Asian/Filipino	103	69% (of 149)	73% (of 142)	75% (of 138)
Other/Unknown	21	72% (of 29)	78% (of 27)	78% (of 27)
TOTAL	461	62% (of 745)	67% (of 690)	68% (of 676)

While we again caution readers against taking these “proportions” too literally, these numbers interpreted broadly give us some insight into the experience of sworn personnel from each group. Notably, we see that while non-white sworn personnel experienced between two-thirds and three-quarters of their same-race colleagues being investigated (between 64% and 78%, depending on the estimate), for white members that number is closer to only half (between 49% and 56%, depending on the estimate). Regardless of the outcome of these investigations, this may already contribute to a feeling of racial disparity in the frequency of investigation for non-white groups, as the discrepancy in relative frequencies is large enough to be likely picked up by the members themselves through casual observation.

We also analyzed members who had multiple cases in 2024. To see if members of a specific race had a disproportionate number of multiple cases, we compare in Table 5 the number of members who had only one case to those who had more than one case. There were 461 members who had at least one case in 2024 and 70% of them had multiple cases. In 2024, white members were the least likely to have multiple cases (57%) which was significantly lower than Black, Hispanic and Asian members (74%, 71% and 79%), confirming the impression we formed based on Table 3.

Throughout this report, variables tested (2x2 chi-square test) are shaded in blue in our tables and any differences found to be statistically significant (by column) are in red. By race, white sworn members are used as the reference category, meaning it was the category of comparison for other races. For example, in Table 5 below, the 57% for white members was tested against the 74% for Black members (as indicated by the blue shading), and it was found to be statistically significant (as indicated by the fact that the numbers were in red); white members were sustained at a significantly lower rate than black members,  $p < .05$ . By contrast, the 57% for white members was tested against the 67% of Other/Unknown members and found not to be statistically significant (as indicated by the fact that the numbers were left in black). The chi-square test tables can be found in Appendix 1.

Table 5: Cases per Sworn Member by Race 2024

Cases per Sworn Member	White Sworn		Black Sworn		Hispanic Sworn		Asian Sworn		Other/Unk Sworn		Total	
	%	n	%	n	%	n	%	n	%	n	%	n
13	0%	0	2%	2	0%	0	0%	0	0%	0	0.4%	2
12	0%	0	1%	1	0%	0	0%	0	0%	0	0.2%	1
10	1%	1	1%	1	0%	0	0%	0	5%	1	1%	3
9	0%	0	0%	0	1%	2	0%	0	10%	2	1%	4
8	0%	0	4%	4	3%	4	4%	4	0%	0	3%	12
7	3%	3	5%	5	4%	5	6%	6	5%	1	4%	20
6	4%	4	4%	4	7%	10	8%	8	5%	1	6%	27
5	4%	4	9%	9	8%	11	11%	11	0%	0	8%	35
4	6%	6	12%	12	12%	16	9%	9	19%	4	10%	47
3	12%	11	16%	16	14%	19	20%	21	10%	2	15%	69
2	26%	25	21%	22	23%	32	21%	22	14%	3	23%	104
1	43%	41	26%	27	29%	40	21%	22	33%	7	30%	137
<b>Total</b>	<b>100%</b>	<b>95</b>	<b>100%</b>	<b>103</b>	<b>100%</b>	<b>139</b>	<b>100%</b>	<b>103</b>	<b>100%</b>	<b>21</b>	<b>100%</b>	<b>461</b>
<b>More than One Case per Member</b>	<b>57%</b>	<b>54</b>	<b>74%</b>	<b>76</b>	<b>71%</b>	<b>99</b>	<b>79%</b>	<b>81</b>	67%	14	70%	324
<b>One Case per Member</b>	<b>43%</b>	<b>41</b>	<b>26%</b>	<b>27</b>	<b>29%</b>	<b>40</b>	<b>21%</b>	<b>22</b>	33%	7	30%	137

Additionally, we calculated the percentage of members by race who had five or more cases in 2024. Of the 461 sworn members who had at least one case in 2024, 104 of them had five or more cases; 12 white members, 26 Black members, 32 Hispanic members, 29 Asian/Filipino members and 5 Other/Unknown members. Only 13% of the white members who had at least one case had 5 or more cases, compared to between 23% and 28% for all other races.

### 3.2. Did Officers from Any Given Group Receive More Allegations Per Case?

Because the bulk of our analyses in this report focuses on the “case” level of analysis, we first wanted to check whether there were any differences in the number of allegations within any case depending on the subject’s race, gender and rank. Note that, contrary to an officer being involved in multiple cases (described above), which has no effect on sustained rates per case, having multiple allegations in a case is likely to affect sustained rates directly because with more allegations in the case, the greater the likelihood that at least one of them is found sustained, which is all we need to count a case as sustained. In fact, this proved true in the 2024 data, with the sustained rate increasing as the number of allegations per case increased. The sustained rate for one allegation per case was 2%, compared to 9% for more than one allegation per case.

Of the 2,109 allegations of misconduct and 1,417 sworn member cases in 2024, 68% contained only one allegation, while 21% contained two allegations and the remaining 11% contained between three and eight. These 32% of cases with more than one allegation in 2024 can be compared with 39% in 2022 and 2023 – and this drop in the proportion of multi-allegation cases is observable across groups.

Tables 6 to 8 display the number of allegations by race, by gender, and by rank (“officer” and “sergeant and above”). In 2024, no race group differed significantly from white members in the proportion of cases involving more than one allegation per case ( $p > 0.05$  in all chi-square tests performed, see our Methodology section for more details). By rank, officers did not differ significantly either in whether they received more than one allegation per case for sergeants and above. However, male sworn members did have a significantly higher percentage of cases with more than one allegation per case than female members ( $p < .05$ ). This contrasts with 2023, when female members had a higher percentage than males.

**Table 6: Number of Allegations per Case by Race or Ethnicity 2024**

# of Alleg Per Case	White Sworn		Black Sworn		Hispanic Sworn		Asian Sworn		Other/Unk Sworn		Total	
	%	n	%	n	%	n	%	n	%	n	%	n
1	71.3%	159	64.4%	226	68.2%	290	69.9%	239	67.1%	51	68.0%	965
2	22.0%	49	23.9%	84	18.6%	79	19.9%	68	19.7%	15	20.9%	295
3	4.0%	9	8.3%	29	8.7%	37	7.3%	25	9.2%	7	7.5%	107
4	1.3%	3	2.0%	7	2.6%	11	2.0%	7	1.3%	1	2.0%	29
5	0.9%	2	1.1%	4	0.9%	4	0.6%	2	1.3%	1	1.0%	13
6	0.4%	1	0.0%	0	0.7%	3	0.3%	1	1.3%	1	0.4%	6
7	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0
8	0.0%	0	0.3%	1	0.2%	1	0.0%	0	0.0%	0	0.1%	2
<b>Total</b>	<b>100%</b>	<b>223</b>	<b>100%</b>	<b>351</b>	<b>100%</b>	<b>425</b>	<b>100%</b>	<b>342</b>	<b>100%</b>	<b>76</b>	<b>100%</b>	<b>1417</b>
<b>1 Alleg per case</b>	71%	159	64%	226	68%	290	70%	239	67%	51	68%	965
<b>More than 1 Alleg per case</b>	29%	64	36%	125	32%	135	30%	103	33%	25	32%	452

Table 7: Allegations per Case by Gender 2024

# of Alleg Per Case	Male Sworn		Female Sworn		Total	
	%	n	%	n	%	n
1	67%	798	74%	167	68%	965
2	22%	261	15%	34	21%	295
3	7%	88	8%	19	8%	107
4	2%	26	1%	3	2%	29
5	1%	12	0%	1	1%	13
6	0.5%	6	0%	0	0.4%	6
7	0.0%	0	0.0%	0	0.0%	0
8	0.1%	1	0%	1	0.1%	2
<b>Total</b>	<b>100%</b>	<b>1192</b>	<b>100%</b>	<b>225</b>	<b>100%</b>	<b>1417</b>
<b>1 Alleg per case</b>	<b>67%</b>	<b>798</b>	<b>74%</b>	<b>167</b>	68%	965
<b>More than 1 Alleg per case</b>	<b>33%</b>	<b>394</b>	<b>26%</b>	<b>58</b>	32%	452

Table 8: Allegations per Case by Rank 2024

# of Alleg Per Case	Officer Sworn		Sgt and Above Sworn		Total	
	%	n	%	n	%	n
1	68%	900	76%	65	68%	965
2	21%	281	16%	14	21%	295
3	8%	104	3%	3	8%	107
4	2%	25	5%	4	2%	29
5	1%	13	0.0%	0	1%	13
6	0.5%	6	0.0%	0	0.4%	6
7	0.0%	0	0.0%	0	0.0%	0
8	0.2%	2	0.0%	0	0.1%	2
<b>Total</b>	<b>100%</b>	<b>1331</b>	<b>100%</b>	<b>86</b>	<b>100%</b>	<b>1417</b>
<b>1 Alleg per case</b>	68%	900	76%	65	68%	965
<b>More than 1 Alleg per case</b>	32%	431	24%	21	32%	452

### 3.3. Did the Type of Allegations Differ by Group?

Next, allegations were reviewed by type to see if a particular race, gender, or rank received a disparate proportion of a particular violation. The top allegations in 2024 aligned with the top allegations in 2023. For the 2024 analysis, we listed the top 10 allegations received, as opposed to the top 6 in 2023. The top four allegations in 2024 (comprising 88% of levied allegations) were the same as 2023: *Performance of Duty Unintentional/Improper Search, Seizure or Arrest*; *Performance of Duty General*; *Use of Force*; and *Conduct Toward Others*. *Performance of Duty - Care of Property* was the fifth highest allegation in 2024 compared to *Failure to Accept or Refer a Complaint* which was the fifth highest in 2023.

The percentage of allegation type was relatively consistent across race and gender. There were larger differences for rank, but this may be explained by the difference in job function. Officers make arrests more often than their superiors and are therefore more often the target of allegations related to improper search, seizure and arrest and use of force. Tables 9 to 11 display the breakdown of violation type by race, gender and rank.

**Table 9: Top Allegations by Race 2024**

Allegation	White Sworn		Black Sworn		Hispanic Sworn		Asian Sworn		Other/Unk Sworn		Total	
	%	n	%	n	%	n	%	n	%	n	%	n
Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	46%	142	41%	219	44%	286	41%	201	42%	49	42.5%	897
Performance of Duty – General	18%	56	19%	102	17%	113	21%	103	20%	23	18.8%	397
Use of Force	17%	54	18%	96	16%	106	19%	96	23%	27	18.0%	379
Conduct Towards Others	8%	25	9%	47	9%	58	9%	42	9%	10	8.6%	182
Performance of Duty – Care of Property	2%	7	4%	22	3%	17	5%	23	1%	1	3.3%	70
Failure to Accept or Refer a Complaint – Unintentional	3%	8	1%	6	1%	8	0%	2	0%	0	1.1%	24
Refusal to Provide Name or Serial Number	1%	3	1%	5	1%	4	1%	6	2%	2	1.0%	20
Performance of Duty – Miranda Violation	1%	2	1%	4	1%	6	1%	6	0%	0	0.9%	18
Performance of Duty – PDRD	0%	0	1%	5	0%	3	1%	4	3%	4	0.8%	16
Truthfulness	0%	1	1%	3	1%	7	0%	1	0%	0	0.6%	12

Table 10: Top Allegations by Gender 2024

Allegation	Male Sworn		Female Sworn		Total	
	%	n	%	n	%	n
Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	42%	747	45%	150	43%	897
Performance of Duty – General	19%	331	20%	66	19%	397
Use of Force	18%	323	17%	56	18%	379
Conduct Towards Others	9%	158	7%	24	9%	182
Performance of Duty – Care of Property	4%	64	2%	6	3%	70
Failure to Accept or Refer a Complaint – Unintentional	1%	19	2%	5	1%	24
Refusal to Provide Name or Serial Number	1%	15	2%	5	1%	20
Performance of Duty – Miranda Violation	1%	13	2%	5	1%	18
Performance of Duty – PDRD	1%	13	1%	3	1%	16
Truthfulness	1%	12	0%	0	1%	12

Table 11: Top Allegations by Rank 2024

Allegation	Officer Sworn		Sgt and Above Sworn		Total	
	%	n	%	n	%	n
Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	44%	871	22%	26	43%	897
Performance of Duty – General	19%	371	22%	26	19%	397
Use of Force	18%	364	13%	15	18%	379
Conduct Towards Others	8%	169	11%	13	9%	182
Performance of Duty – Care of Property	3%	63	6%	7	3%	70
Failure to Accept or Refer a Complaint – Unintentional	1%	16	7%	8	1%	24
Refusal to Provide Name or Serial Number	1%	20	0%	0	1%	20
Performance of Duty – Miranda Violation	1%	17	1%	1	1%	18
Performance of Duty – PDRD	1%	16	0%	0	1%	16
Truthfulness	1%	12	0%	0	1%	12

### 3.4. Did the Seriousness of the Allegation (Class I Versus Class II) Differ by Group?

We reviewed the seriousness of the allegations (Class I versus Class II) to see if a particular race, gender, or rank disproportionately received Class I or Class II allegations. Class I allegations are the most serious allegations that can result in discipline up to termination, while Class II allegations involve less serious misconduct. The breakdown of allegations by Class for race, gender and rank in 2024 was also compared to 2023 to see if any group saw a shift in the seriousness of the allegations they received.

The percentage of Class I and Class II allegations was relatively consistent across race, gender, and rank in 2024. The percentage of Class I allegations across all groups ranged between 23% and 26% and the percentage of Class II allegations ranged between 74% and 77%. When comparing 2023 and 2024 percentages, the breakdown changed very little for race and gender. For rank, the breakdown in 2023 differed from 2024. In 2024, officers and sergeants and above had the exact same percentage of Class I and Class II allegations. However, in 2023, sergeants and above had a higher percentage of Class I allegations (33%) than officers (23%). In 2024, there were no groups that had a disproportionately high percentage of Class I or Class II allegations. Tables 12 to 14 display the breakdown of allegation class by race, gender and rank.

**Table 12: Allegations – Allegation Class Percentages by Race 2023 Versus 2024**

	Class I Allegations 2023		Class II Allegations 2023		Class I Allegations 2024		Class II Allegations 2024	
	% Total	n	% Total	n	% Total	n	% Total	n
White	22%	124	77%	428	23%	71	77%	241
Black	24%	138	75%	427	25%	133	75%	404
Hispanic	24%	202	76%	629	25%	162	75%	487
Asian/Filipino	25%	152	75%	460	25%	123	75%	371
Other/Unknown	31%	36	69%	79	26%	31	74%	86
<b>Grand Total</b>	<b>24%</b>	<b>652</b>	<b>75%</b>	<b>2023</b>	<b>25%</b>	<b>520</b>	<b>75%</b>	<b>1589</b>

**Table 13: Allegations – Allegation Class Percentages by Gender 2023 Versus 2024**

	Class I Allegations 2023		Class II Allegations 2023		Class I Allegations 2024		Class II Allegations 2024	
	% Total	n	% Total	n	% Total	n	% Total	n
Male	24%	562	76%	1766	25%	444	75%	1334
Female	26%	90	73%	257	23%	76	77%	255
<b>Grand Total</b>	<b>24%</b>	<b>652</b>	<b>75%</b>	<b>2023</b>	<b>25%</b>	<b>520</b>	<b>75%</b>	<b>1589</b>

**Table 14: Allegations – Allegation Class Percentages by Rank 2023 Versus 2024**

	Class I Allegations 2023		Class II Allegations 2023		Class I Allegations 2024		Class II Allegations 2024	
	% Total	n	% Total	n	% Total	n	% Total	n
Officer	23%	568	76%	1849	25%	490	75%	1501
Sgt and Above	33%	84	67%	174	25%	30	75%	88
<b>Grand Total</b>	<b>24%</b>	<b>652</b>	<b>75%</b>	<b>2023</b>	<b>25%</b>	<b>520</b>	<b>75%</b>	<b>1589</b>

### 3.5. Did the Type of Investigation Differ by Group?

It is important to assess the breakdown in type of investigations before getting to the analysis of sustained rates because Summary Findings or Informally Resolved Cases can by definition never result in a “sustained” finding. Thus, before a full investigation is conducted, the decision to assign a case or allegation to a Summary Finding or an ICR is determinative of the finding (i.e., other than sustained). We therefore focus on this upstream breakdown here and return to the issue of type of investigation as a moderator when we conduct our analysis of sustained rates in Section 4. *Proportion of Cases with a “Sustained” Finding* and Section 5. *Focusing on Fully Investigated Cases*.

As described above (see 2. *Methodology*), fully investigated cases (352 of 1,417 cases in 2024, or 25%) go through the complete investigative process and exclude cases resolved via Summary Finding and ICR, and are the only cases that can result in a “Sustained” finding. Summary Findings are abbreviated investigations for which a finding of unfounded or exonerated can be determined by the existing documentation, evidence, statements, and crime information, with no or minimal follow-up required. An informal complaint resolution is an investigative outcome used under certain circumstances for Class II allegations that don’t indicate a pattern of misconduct.

Table 15 Shows the percentage of each investigation type by race. Importantly, the percentage of cases yielding a summary finding (across IA and DLI) or an informal complaint resolution was similar for each race group, ranging from 73% for Black personnel to 76% for whites, not significant.

**Table 15: Member Cases - Type of Investigation Percentages by Race 2024**

	DLI Summary Finding		IAD Summary Finding		Informal Complaint Resolution		DLI Full Invest		Internal Affairs Full Invest	
	% Total	n	% Total	n	% Total	n	% Total	n	% Total	n
White	74%	164	1%	3	1%	2	17%	39	7%	15
Black	70%	244	1%	3	2%	6	23%	82	5%	16
Hispanic	70%	299	2%	10	2%	10	21%	88	4%	18
Asian/Filipino	74%	252	1%	2	3%	11	19%	65	4%	12
Other/Unknown	75%	57	1%	1	1%	1	21%	16	1%	1
<b>Grand Total</b>	<b>72%</b>	<b>1016</b>	<b>1%</b>	<b>19</b>	<b>2%</b>	<b>30</b>	<b>20%</b>	<b>290</b>	<b>4%</b>	<b>62</b>

Table 16 and 17 show similar breakdowns for gender and rank. We don't observe a sizeable gender difference in the use of summary findings (76% for women, vs. 72% for men), but rank is strongly correlated with the kind of investigation, with 51% of cases for Sgt and above being fully investigated, versus only 23% for rank-and-file officers, significant,  $p < .001$ .

**Table 16: Member Cases - Type of Investigation Percentages by Gender 2024**

	DLI Summary Finding		IAD Summary Finding		Informal Complaint Resolution		DLI Full Invest		Internal Affairs Full Invest	
	% Total	n	% Total	n	% Total	n	% Total	n	% Total	n
Female	74%	173	2%	4	1%	2	21%	48	3%	7
Male	71%	843	1%	15	2%	28	20%	242	5%	55
<b>Grand Total</b>	<b>72%</b>	<b>1016</b>	<b>1%</b>	<b>19</b>	<b>2%</b>	<b>30</b>	<b>20%</b>	<b>290</b>	<b>4%</b>	<b>62</b>

**Table 17: Member Cases - Type of Investigation Percentages by Rank 2024**

	DLI Summary Finding		IAD Summary Finding		Complaint Resolution		DLI Full Invest		Internal Affairs Full Invest	
	% Total	n	% Total	n	% Total	n	% Total	n	% Total	n
Police Officer	73%	975	1%	18	2%	30	20%	266	3%	42
Sgt and Above	48%	41	1%	1	0%	0	28%	24	23%	20
<b>Grand Total</b>	<b>72%</b>	<b>1016</b>	<b>1%</b>	<b>19</b>	<b>2%</b>	<b>30</b>	<b>20%</b>	<b>290</b>	<b>4%</b>	<b>62</b>

While not directly relevant to the disparity analysis in this report, we noted in the course of these Type of Investigation analyses that the number of cases investigated by IAB dropped dramatically from 297 in 2023 to only 81 in 2024<sup>9</sup>. By contrast, the number of DLI cases did not change much (1,314 versus 1,306 cases, respectively). There were 39 (25 Class I and 14 Class II) IA investigations in 2024, involving 81 sworn member cases and 166 allegations. In 2023, there were 87 (57 Class I and 30 Class II) IA investigations involving 297 sworn member cases and 624 allegations.

There was also an increase in DLI Summary Findings in 2024. In 2023, 63% of the 1314 DLIs were Summary Findings. In 2024, 78% of the 1306 DLIs were Summary Findings. The Summary Finding rate for IA investigations stayed the same (23%).

<sup>9</sup> The allegations which saw the biggest drop in IA investigations were: Performance of Duty – Unintentional/Improper Search, Seizure or Arrest (125 to 24); Use of Physical Force Comparable to Level 4 (84 to 14); Performance of Duty – General (80 to 27); Conduct Toward Others – Demeanor (42 to 6); Failure to Accept or Refer a Complaint Unintentional (31 to 6); Performance of Duty – Care of Property (30 to 8); General Conduct (24 to 4); Performance of Duty – PDRD (22 to 3); Reports and Bookings (17 to 3).

## 4. Proportion of Cases with a “Sustained” Finding

As specified in the Methodology, a case was considered sustained if any of the allegations targeted at the officer in question for this incident were sustained. Sustained rates were calculated for each independent variable (race, gender, rank) and broken down by moderating variables (investigation type and case origin). Chi-square tests were used to determine whether any differences between sustained rates were statistically significant.

### 4.1. Is One Group More Likely to be Sustained?

As presented in Table 1 (repeated below, *see 1. Executive Summary*), 5% of all cases (64 out of 1417) involving a sworn member were sustained in 2024, a drop from 8% in 2023. However, this drop was especially pronounced for white members, who went from an 11% sustained rate in 2023 to 2% in 2024. By contrast, the sustained rate for Black sworn members remained similar, from 6% to 7%. As a result, whereas white sworn members were significantly more likely to be sustained than Black sworn members in 2023, we observed the opposite in 2024, with both Black and Hispanic members significantly more likely to be sustained than white members. There was no significant difference between white members and their Asian/Filipino or Other Unknown colleagues.

**Table 1 (repeated from p. 4): Sustained Rates by Race 2023 Versus 2024**

	2023			2024		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>White</b>	<b>11%</b>	<b>37</b>	<b>348</b>	<b>2%</b>	<b>4</b>	<b>223</b>
<b>Black</b>	<b>6%</b>	<b>20</b>	<b>341</b>	<b>7%</b>	<b>23</b>	<b>351</b>
<b>Hispanic</b>	8%	40	512	<b>6%</b>	<b>25</b>	<b>425</b>
<b>Asian/Filipino</b>	7%	26	379	3%	11	342
<b>Other/Unknown</b>	9%	6	68	1%	1	76
<b>Total</b>	<b>8%</b>	<b>129</b>	<b>1648</b>	<b>5%</b>	<b>64</b>	<b>1417</b>

Cases involving male members were sustained at about the same rate (54 of 1183, or 5%) as cases involving female officers (10 of 234, or 4%). Cases involving sergeants or above were sustained 8% of the time (7 of 86), which was higher but not statistically different from the rate for officers, 4% (57 of 1274).

The most notable finding in this report is the unusually low number of white-member sustained cases in 2024 (4 for the whole year), far lower than Black (23) and Hispanic (25) sustained member cases. This was a huge shift from 2023, when white members had the second highest number of sustained cases (37) and the highest sustained rate (11%).

Note that the fact that white cases were sustained at a lower rate does not seem to be the result of white officers receiving fewer allegations per case (which is one possible pathway to disparity at the case level because more allegations per case increases the likelihood that at least one of them is sustained) since we found earlier that the percentage of white members with only one allegation per case did not differ significantly from other groups (See *3.2. Did Officers From Any Given Group Receive More Allegations Per Case?*). We did find that any investigated white officer was less likely to be the target of multiple investigations than members of other groups, but this has no bearing on the sustained rates computed here and therefore does not provide an explanation for it.

While it is difficult to identify patterns with so few sustained white-member cases, the low number of white-member sustained cases prompted additional analysis of sustained rates by race. The remainder of this report includes analysis of moderating and mediating variables to help identify where the difference was occurring and if any factors might be contributing to the disparity. The analysis is broken down by type of investigation; origination of case; type of allegations; and specific investigators. We also checked whether other variables such as age and tenure could explain the difference.

#### 4.2. Is It Because White Officers Are Older?

One explanation sometimes put forward to make sense of the disparity in sustained rates between races is that as a result of the Department's recent effort to diversify its workforce, non-white officers are over-represented among junior officers. If junior officers are more likely to receive sustained allegations because (1) they spend more time in the field and/or (2) they are more likely to make mistakes in applying policy and following rules, this logic goes, the fact that more junior officers are non-white would lead to a misleading impression of racial disparity that is simply the result of the demographics of the department and expectable differences due to seniority.

To test this interpretation, we break down the case sustained rates in Table 18 below by both ethnicity and time since sworn. These data do not support the "whites are just older" interpretation. First, we see that sustained rates are not particularly higher for rookie officers: at 5%, they are similar to the rates for cases against officers with 2-5 years seniority (5%) and even over 10 years (6%). Only in the 5-10 years range is the rate a little lower at 3%. And second, we see the race difference in sustained rates surface at every level of seniority: even among rookie officers, the rate for Blacks (6%) and Hispanics (7%) differs from the rate for whites (0%). So the explanation for the racial disparity does not seem to come from the fact that non-white officers are more junior.

**Table 18: Sustained Rates by Seniority**

Seniority	Race Clean	Sustained		Other than Sustained		Total
		%	n	%	n	
<b>Less than 2 yrs</b>	White	0%		100%	59	59
	Black	6%	9	94%	148	157
	Hispanic	7%	11	93%	141	152
	Asian/Filipino	4%	4	96%	95	99
	Other/Unk.	3%	1	97%	29	30
<b>&lt; 2 yrs Total</b>		5%	25	95%	472	497
<b>2-5 yrs</b>	White	0%		100%	25	25
	Black	9%	7	91%	74	81
	Hispanic	6%	8	94%	117	125
	Asian/Filipino	2%	2	98%	103	105
	Other/Unk.	0%		100%	15	15
<b>2-5 yrs Total</b>		5%	17	95%	334	351
<b>5-10 yrs</b>	White	3%	2	98%	78	80
	Black	5%	4	95%	70	74
	Hispanic	2%	2	98%	115	117

	Asian/Filipino	4%	4	96%	85	89
	Other/Unk.	0%		100%	30	30
<b>5-10 yrs Total</b>		3%	12	97%	378	390
<b>Over 10 yrs</b>	White	3%	2	97%	57	59
	Black	8%	3	92%	36	39
	Hispanic	13%	4	87%	27	31
	Asian/Filipino	2%	1	98%	48	49
	Other/Unk.	0%		100%	1	1
<b>&gt; 10 yrs Total</b>		6%	10	94%	169	179
<b>Grand Total</b>		5%	64	95%	1353	1417

As another test of this interpretation, Table 19 breaks down sustained rates by age of the officer and race. Again we see that there is no clear relationship between age and sustained rates, as the progression by age group is 6%, 3%, 5%, 4%, and 6%, hardly a linear trend. One thing that this analysis reveals is that the only 4 sustained cases against white sworn personnel were all for white male members older than 40 years of age, 2 sergeants who had served longer than 10 years, and 2 officers who had served between 5 and 10 years. But not a single white officer under the age of 40 (or, per the table above, with less than 5 years of seniority) was sustained.

**Table 19 – Sustained Cases by Age of Officer**

Age	Race Clean	Sustained		Other than Sustained		Total
		%	n	%	n	
<b>20-25</b>	White	0%		100%	17	17
	Black	0%		100%	25	25
	Hispanic	11%	5	89%	39	44
	Asian/Filipino	6%	1	94%	16	17
	Other/Unk.	0%		100%	5	5
<b>20-25 TOTAL</b>		6%	6	94%	102	108
<b>25-30</b>	White	0%		100%	33	33
	Black	4%	4	96%	102	106
	Hispanic	4%	5	96%	127	132
	Asian/Filipino	4%	3	96%	70	73
	Other/Unk.	3%	1	97%	29	30
<b>25-30 TOTAL</b>		3%	13	97%	361	374
<b>30-35</b>	White	0%		100%	49	49
	Black	7%	8	93%	102	110
	Hispanic	7%	8	93%	110	118
	Asian/Filipino	4%	4	96%	110	114
	Other/Unk.	0%		100%	20	20
<b>30-35 TOTAL</b>		5%	20	95%	391	411
<b>35-40</b>	White	0%		100%	47	47
	Black	15%	7	85%	40	47

	Hispanic	3%	2	97%	72	74
	Asian/Filipino	0%		100%	70	70
	Other/Unk.	0%		100%	16	16
<b>35-40 TOTAL</b>		4%	9	96%	245	254
<b>Over 40</b>	White	5%	4	95%	73	77
	Black	6%	4	94%	59	63
	Hispanic	9%	5	91%	52	57
	Asian/Filipino	4%	3	96%	65	68
	Other/Unk.	0%		100%	5	5
<b>Over 40 TOTAL</b>		6%	16	94%	254	270
<b>Grand Total</b>		<b>5%</b>	<b>64</b>	<b>95%</b>	<b>1353</b>	<b>1417</b>

These analyses clearly demonstrate that the racial disparity in sustained rates is not the result of non-white officers simply being younger or more junior in the job.

#### 4.3. Do Division-Level Investigations Differ from Internal Affairs Investigations?

The second moderator variable we looked at was by investigation type. The data (1,417 cases) was split into two categories: Division Level Investigations (DLI) together with DLI Summary Findings<sup>10</sup> on the one hand (1,306 cases); and Internal Affairs (IA) investigations together with IA Summary Findings on the other (81 cases). DLIs are generally conducted by field sergeants and typically contain less serious allegations. IA investigations involve the most serious allegations and are conducted by supervisors assigned to IAB. The purpose of looking at the investigative type is to determine if there are differences in sustained rates based on the entity conducting the investigation. Informally resolved<sup>11</sup> cases (30 of 1,417, or 2%) were not included in this analysis because they usually proceed through a different process, that does not usually involve a DLI or IA investigation.

Table 20 below presents sustained rates broken down by race and type of investigation. The overall sustained rate for DLIs was 4% (49 of 1306) versus 19% (15 of 81) for IA investigations. In 2024, Black members had the highest sustained rate for DLIs (6%), followed by Hispanic members (4%). Hispanic members had the highest sustained rate for IA investigations (29%), followed by Black members (26%). Aside from Other/Unknown, white members had the lowest sustained rate for both DLI (1%) and IA investigations (6%). As always, the percentages in red below differ significantly according to a chi-square analysis (see Appendix), with white members as the compared group. So, for example, the 7% for Black members is statistically different from the 2% for white members when looking at all investigations,  $p < .05$ . The number of cases investigated by IA was too low to allow for statistical testing, but a look at the numbers certainly does not suggest that the racial disparity is concentrated in DLI investigations, since IA cases involving whites (6% sustained with 1 sustained case) do not yield the high sustained rates observed for Black (26%) or Hispanic (29%) IA cases.

<sup>10</sup> A Summary Finding is an abbreviated internal investigation in which a finding can be reached without conducting a full formal internal investigation because the correct finding can be determined with no or minimal follow-up and be based on the existing documentation, evidence, statements, and crime information data.

<sup>11</sup> An informal complaint resolution is an investigative outcome used under certain circumstances for Class II allegations that don't indicate a pattern of misconduct.

**Table 20: Sustained Rate by Race 2024 (Full Investigations and Summary Findings)**

	All Investigations			DLIs and DLI Summary Findings			IA Investigations and IA Summary Findings		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>White</b>	<b>2%</b>	<b>4</b>	<b>223</b>	<b>1%</b>	<b>3</b>	<b>203</b>	6%	1	18
<b>Black</b>	<b>7%</b>	<b>23</b>	<b>351</b>	<b>6%</b>	<b>18</b>	<b>326</b>	26%	5	19
<b>Hispanic</b>	<b>6%</b>	<b>25</b>	<b>425</b>	4%	17	387	29%	8	28
<b>Asian/Filipino</b>	3%	11	342	3%	10	317	7%	1	14
<b>Other/Unknown</b>	1%	1	76	1%	1	73	0%	0	2
<b>Total</b>	<b>5%</b>	<b>64</b>	<b>1417</b>	<b>4%</b>	<b>49</b>	<b>1306</b>	<b>19%</b>	<b>15</b>	<b>81</b>

Note that, by contrast, in 2023, white members had among the highest sustained rates for both DLI and IA investigations and Black members had among the lowest. However, there was no statistically significant difference in sustained rates in 2023 between white members and other races for either DLIs or IA investigations.

Tables 21 and 22 below present similar breakdowns for gender and rank, and we observe no significant differences.

**Table 21: Sustained Rate by Gender 2024 (Full Investigations and Summary Findings)**

	All Investigations			DLIs and DLI Summary Findings			IA Investigations and IA Summary Findings		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>Male</b>	5%	54	1183	4%	41	1085	19%	13	70
<b>Female</b>	4%	10	234	4%	8	221	18%	2	11
<b>Total</b>	<b>5%</b>	<b>64</b>	<b>1417</b>	<b>4%</b>	<b>49</b>	<b>1306</b>	<b>19%</b>	<b>15</b>	<b>81</b>

**Table 22: Sustained Rate by Rank 2024 (Full Investigations and Summary Findings)**

	All Investigations			DLIs and DLI Summary Findings			IA Investigations and IA Summary Findings		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>Officer</b>	4%	57	1331	4%	46	1241	18%	11	60
<b>Sgt and Above</b>	8%	7	86	5%	3	65	19%	4	21
<b>Total</b>	<b>5%</b>	<b>64</b>	<b>1417</b>	<b>4%</b>	<b>49</b>	<b>1306</b>	<b>19%</b>	<b>15</b>	<b>81</b>

In summary, it does not seem that comparing sustained rates by race in DLI versus IA investigations gives us much insight into the factors leading to the observed racial disparity. Sustained rates were higher in IA than in DLIs overall, but white cases were less likely to be sustained in either case.

#### 4.4. Do Cases with an External Origin Differ from Cases with an Internal Origin?

We next wanted to determine if disparities in sustained rates would differ depending on who initiated the case. A case was categorized as internal if it was originally initiated by an allegation made by a member of the Department (48 of 1,417 cases, or 3%). A case was categorized as external if a member of the public or a member of another organization/department made the first allegation which initiated the

investigation (1,369 of 1,417 cases, or 97%). However, it is important to note that while a complaint may be initiated by a member of the public, investigators may add allegations to a case if additional misconduct is suspected or discovered during the investigation (e.g., while reviewing Body Worn Camera footage). In these circumstances, although the allegation would be internally discovered, the case would still be categorized as external. Allegations that are discovered and added during the course of the investigation are supposed to be labeled as “internally discovered” by investigators (which is a different designation from the “Internal/External” category which only refers to the origin of the original allegation) and tracked as such in the case record.<sup>12</sup> Because the “internally discovered” field was not consistently available, the analyses below focus primarily on whether the origin of the case was internal or external, regardless of whether later allegations were added internally (though see Table 26 below). Table 23 presents sustained rates at the case level broken down by ethnicity and origin of investigation.

**Table 23: Sustained Rate by Race 2024**

	All Investigations			Internal Origin			External Origin		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>White</b>	<b>2%</b>	<b>4</b>	<b>223</b>	0%	0	8	2%	4	215
<b>Black</b>	<b>7%</b>	<b>23</b>	<b>351</b>	47%	7	15	5%	16	336
<b>Hispanic</b>	<b>6%</b>	<b>25</b>	<b>425</b>	24%	4	17	5%	21	408
<b>Asian/Filipino</b>	3%	11	342	13%	1	8	3%	10	334
<b>Other/Unknown</b>	1%	1	76				1%	1	76
<b>Total</b>	<b>5%</b>	<b>64</b>	<b>1417</b>	<b>25%</b>	<b>12</b>	<b>48</b>	<b>4%</b>	<b>52</b>	<b>1369</b>

As we see in Table 23, internally generated cases had an overall 25% (12 of 48) sustained rate compared to 4% (52 of 1369) for externally generated cases. Among internally generated cases, there was a clear disparity between white members and members of other races. Not a single (0%) of the 8 internally generated case involving white personnel were sustained, compared to nearly half (47%, or 7 of 15) for Black members, and a quarter (24%, or 4 of 17) Hispanic members. In fact, when these cases were excluded and we only looked at cases with an external origin, there was still a gap between white and Black sustained rates (2% vs. 5%) and between whites and Hispanics (2% vs. 5%), but those gaps were reduced, and these differences were no longer significant as they were when we looked at all investigations. This suggests that cases that start with an internal complaint deserve special attention to understand racial disparities. Note that we are not able to compute a chi-square test for the internal origin cases because the numbers are so small.

There was also a clear disparity between male and female members, as shown by Table 24 below. Within internally generated cases, female members were sustained 60% of the time compared to their male counterparts at 21%. We don't see a similar gap within externally generated cases (3% versus 4%), so the difference disappears when the numbers are looked at as a whole (4% versus 5%).

<sup>12</sup> Although internally discovered allegations are tracked in the IA record, the completion of this field was inconsistent for 2024 data and was therefore not a reliable data point to use for this analysis.

**Table 24: Sustained Rate by Gender 2024**

	All Investigations			Internal Origin			External Origin		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>Male</b>	5%	54	1183	21%	9	43	4%	45	1140
<b>Female</b>	4%	10	234	60%	3	5	3%	7	229
<b>Total</b>	<b>5%</b>	<b>64</b>	<b>1417</b>	<b>25%</b>	<b>12</b>	<b>48</b>	<b>4%</b>	<b>52</b>	<b>1369</b>

Table 25 presents the same breakdown by rank. Within internally generated cases, officers were sustained three times as often (30%) as sergeants and above (9%). By contrast, sergeants and above were twice as likely to be sustained in externally generated cases (8%) than officers (4%). Because there were many more cases of external origin, when we don't break down the rank comparison by origin ("All investigations" below) it looks like supervisors are twice as likely to be sustained, but this table reveals that this is largely driven by externally originated complaints.

**Table 25: Sustained Rate by Rank 2024**

	All Investigations			Internal Origin			External Origin		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
Officer	4%	57	1331	30%	11	37	4%	46	1294
Sgt and Above	8%	7	86	9%	1	11	8%	6	75
<b>Total</b>	<b>5%</b>	<b>64</b>	<b>1417</b>	<b>25%</b>	<b>12</b>	<b>48</b>	<b>4%</b>	<b>52</b>	<b>1369</b>

As mentioned above, we coded an allegation as "internal" or "external" solely based on whether the case was *initiated* by an internal or external complainant. But since allegations can actually be added in the course of an investigation to a case that was externally generated, there is also a field in the IA record for coding each allegation either as "internally discovered" or not. This field was only completed for 67% of allegations in 2024. Due to the number of allegations that were left blank, the field was deemed not reliable. However, with some additional cleanup<sup>13</sup>, we were able to roughly assess sustained rates for allegations that were coded as being internally discovered compared to allegations that were externally generated. For these internally discovered allegations, there was disparity between white (11% sustained) and Black (67% sustained) members and white and Hispanic (48% sustained) members.

<sup>13</sup> Of the 2109 allegations in 2024, 703 (33%) were missing the "internally discovered allegation" field (field left blank). To clean the data, all blank fields where the case was coded as internally generated were assumed to be "internally discovered allegations" and changed as such. For blank fields where the case was coded as externally generated, a cursory review of the allegation synopsis was reviewed to determine if the allegation was "internally discovered." The cleaned data only allows for an estimate since blank fields were not thoroughly vetted.

**Table 26: Sustained Rates for Internally Discovered Allegations vs Externally Generated Allegations (Fully Investigated Allegations)**

	Internally Discovered Allegations			Externally Generated Allegations		
	Sust Rate	# Sust	Total	Sust Rate	# Sust	Total
White	11%	2	18	1%	3	294
Black	67%	22	33	3%	14	504
Hispanic	48%	30	63	3%	16	586
Asian/Filipino	21%	4	19	1%	7	475
Other/Unknown	0%		2	1%	1	115
<b>Grand Total</b>	<b>43%</b>	<b>58</b>	<b>135</b>	<b>2%</b>	<b>41</b>	<b>1974</b>

This analysis overlaps with the previous one but provides an even starker picture. With the caveat that the “internally discovered” field used here was only an approximation, these data suggest that the disparity is small among the 1974 externally generated allegations (1% whites vs. 3% Blacks and 3% for Hispanics) but gaping among the 135 internally discovered allegations (11% vs. 67% and 48%, respectively). Furthermore, it’s equally striking to note that if we just look at sustained allegations, 62% (22/36) of Black sustained allegations were for internally discovered allegations, and 65% (30/46) for Hispanics, whereas it’s only 40% for whites (2/5). These numbers are of course the result of the high sustained rate for internally discovered allegations (which makes sense), but it’s still informative to be reminded that for Black and Hispanic sworn personnel at least, the modal (most frequent) sustained allegation is one that was started or added on by someone in the department, not a member of the public. Overall, 94% of allegations are external (1974/2109), but 59% of sustained allegations were internally originated or discovered – at least according to our tentative coding of internally discovered allegations.

During the review of 2022 cases, the Department found that the practice of adding “internally discovered” violations to existing cases could be a point at which disparities may arise. This was addressed by requiring notification to the IAB Commander within 24 hours when an allegation was added to a case (Training Bulletin V-T.1, *Internal Investigation Procedure Manual*, revised November 2023). While the new requirement was intended to mitigate disparity, due to the limited tracking of “internally discovered” allegations, we were unable to do a more complete analysis of these allegations.

#### 4.5. Do Sustained Rates Differ Based on the Seriousness of the Allegation (Class I versus Class II)?

To determine if there was disparity in the seriousness of the allegations between groups, we assessed the sustained rates for Class I and Class II allegations for race, gender and rank. This analysis had to be done at the allegation level rather than the sworn member case level since some members may have multiple allegations in the same case that are different Classes (e.g., in the same case an officer may be investigated for Use of Force – Class I and FTARC – Class II). Above (See [3.4. Did the Seriousness of the Allegation \(Class I Versus Class II\) Differ by Group?](#)), we assessed whether a particular group was receiving a disproportionately higher percentage of Class I or Class II allegations and found that there was little difference across race, gender and rank.

Tables 27-29 present sustained rates at the Allegation Class level broken down by race, gender and rank. The overall sustained rates at the allegation level were nearly the same for race as they were at the sworn member case level, with white members sustained at a significantly lower rate than Black and Hispanic members. There was also disparity in sustained rates for Class I and Class II allegations. For Class I

allegations, the sustained rate for white members (1%) was much lower than Black members (11%) and Hispanic members (9%). For Class II allegations, white members were also sustained at a significantly lower rate than Black and Hispanic members.

Male and female members were sustained at about the same rate for Class II allegations (4% and 5% respectively). Male members, however, were sustained at a higher rate than female members in Class I allegations (7% and 3% respectively). Sergeants and above were sustained at higher rates for both Class I and Class II allegations.

**Table 27: Allegations - Sustained Rate for Allegation Class by Race 2024**

	All Allegations			Class I Allegations			Class II Allegations		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>White</b>	<b>2%</b>	<b>5</b>	<b>312</b>	1%	1	71	<b>2%</b>	<b>4</b>	<b>241</b>
<b>Black</b>	<b>7%</b>	<b>36</b>	<b>537</b>	11%	15	133	<b>5%</b>	<b>21</b>	<b>404</b>
<b>Hispanic</b>	<b>7%</b>	<b>46</b>	<b>649</b>	9%	15	162	<b>6%</b>	<b>31</b>	<b>487</b>
<b>Asian/Filipino</b>	2%	11	494	2%	3	123	2%	8	371
<b>Other/Unknown</b>	1%	1	117	0%	0	31	1%	1	86
<b>Total</b>	<b>5%</b>	<b>99</b>	<b>2109</b>	<b>7%</b>	<b>34</b>	<b>520</b>	<b>4%</b>	<b>65</b>	<b>1589</b>

**Table 28: Allegations - Sustained Rate for Allegation Class by Gender 2024**

	All Allegations			Class I Allegations			Class II Allegations		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>Male</b>	5%	85	1778	7%	32	444	4%	53	1334
<b>Female</b>	4%	14	331	3%	2	76	5%	12	255
<b>Total</b>	<b>5%</b>	<b>99</b>	<b>2109</b>	<b>7%</b>	<b>34</b>	<b>520</b>	<b>4%</b>	<b>65</b>	<b>1589</b>

**Table 29: Allegations - Sustained Rate for Allegation Class by Rank 2024**

	All Allegations			Class I Allegations			Class II Allegations		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>Officer</b>	<b>4%</b>	<b>88</b>	<b>1991</b>	6%	31	490	4%	57	1501
<b>Sgt and Above</b>	<b>9%</b>	<b>11</b>	<b>118</b>	10%	3	30	9%	8	88
<b>Total</b>	<b>5%</b>	<b>99</b>	<b>2109</b>	<b>7%</b>	<b>34</b>	<b>520</b>	<b>4%</b>	<b>65</b>	<b>1589</b>

We also compared the sustained rates at the allegation level by Class to those in 2023 to determine if there were changes between years. See [Appendix 4](#) for 2023 sustained rates at the allegation level. Black (5%) and Hispanic (6%) members were sustained at the same rate for Class II allegations in 2023 and 2024, while white members dropped from a sustained rate of 10% to 2%. Asian members and Other/Unknown members also had a big drop (8% to 2% and 9% to 1%, respectively). For Class I allegations, the sustained rate increased for Black (8% to 11%) and Hispanic members (4% to 9%) between 2023 and 2024. White, Asian, and Other/Unknown members all had a sizeable drop in Class I sustained rates.

There was disparity in the sustained rates for Class II allegations between white members and Black and Hispanic members in both 2023 and 2024, but the disparity changed direction from white members being sustained at a higher rate in 2023 to Black and Hispanic members being sustained at a higher rate in 2024. For Class I allegations, there was no disparity between white members and Black members in 2023 (9%

and 8% respectively), but there was disparity in 2024 (only one white member was sustained for a Class I allegation, 1% versus 15 Black members, 11%). The difference in Class I sustained rates between white and Hispanic members also increased between 2023 and 2024. The disparity in sustained rates by allegation was driven mostly by Class II allegations in 2023, but in 2024, both Class I and Class II sustained rates contributed to the disparity. FTARC allegations (Class II) may have impacted the changes between 2023 and 2024. There were far more sustained FTARC allegations in 2023 than in 2024, particularly of white members.

The sustained rates for Class II allegations didn't change much for male and female members between 2023 and 2024. Female members had a slightly higher sustained rate than male members for Class II allegations in 2024 (5% versus 4%), which was the opposite of 2023 (4% versus 7%). When assessing rank, although the sustained rates dropped for Class I and Class II allegations for officers and sergeants and above, sergeants and above were sustained at a higher level in both years.

#### 4.6. Do Year-to-Year Fluctuations in Sustained Rates Average Out Over Time?

We also looked at the last five years to check for longer-term trends and found that the combined sustained rate for 2020-2024 was nearly the same for all race groups (8-9%) except for Asian/Filipinos, who had the lowest combined sustained rate (6%) for 2020-2024. Except for Other/Unknown, who have much lower numbers than other race groups, white members had the highest sustained rate for the combined five-year period (9%). White and Asian members had a precipitous drop in sustained rates in 2024. The five-year comparison (Table 2, reproduced from the *1. Executive Summary*) also shows that 2024 not only had the lowest sustained rate, but also the lowest number of sustained findings (64 sustained findings compared to 104 in 2020, the next lowest year). A preliminary review of sustained rates from January to June 2025 shows a general evening out across most race groups, with the exception of Hispanic members.

**Table 2 (repeated from p. 6): Sustained Rates by Race 2020 to 2025**

	2020		2021		2022		2023		2024		2020-2024	2025
	Sust Rate	# Sust/ Total	Sust Rate	# Sust/ Total	Sust Rate	# Sust/ Total	Sust Rate	# Sust/ Total	Sust Rate	# Sust/ Total	Sust Rate	Sust Rate
<b>White</b>	8%	30/364	11%	51/457	11%	34/323	11%	37/348	2%	4/223	9%	6%
<b>Black</b>	10%	19/186	9%	19/213	11%	23/212	6%	20/341	7%	23/351	8%	6%
<b>Hispanic</b>	9%	35/ 386	9%	40/434	9%	30/317	8%	40/512	6%	25/425	8%	10%
<b>Asian/ Filip</b>	8%	18/219	7%	18/251	7%	16/240	7%	26/379	3%	11/342	6%	4%
<b>Other/ UNK</b>	4%	2/54	16%	9/57	18%	7/38	9%	6/68	1%	1/76	9%	6%
<b>Grand Total</b>	9%	104/ 1209	9%	118/ 1345	9%	107/ 1136	8%	129/ 1648	5%	64/ 1417	8%	7%

Looking at year-to-year changes in the five-year period, after three years (2021-2023) of among the highest sustained rate (11% in all 3 years), there was a drop for white members in 2024 (2%). The sustained rate for Black members was relatively consistent between 2020 and 2022 (9-11%), but dropped in 2023

<sup>14</sup> The data reviewed for January to June 2025 is subject to change as case closure dates are finalized and updated.

(6%) and remained about the same in 2024 (7%). The sustained rate for Hispanic members remained consistent between 2020 and 2023 (8-9%), with a small drop in 2024 (6%). Asian members also had a consistent sustained rate between 2020 and 2023 (7-8%), but they experienced a drop in 2024 (3%), similar to white members.

We also looked at the first six months of 2025 to see if sustained rates were changing. Based on preliminary results, there were 49 sustained member cases, putting the Department on track to exceed the 2024 sustained case count which was 64 for the entire year. The preliminary 2025 January to June sustained rate was 6% for White (7/109), Black (11/180), and Other/Unknown (2/33) members, and 4% (7/179) for Asian members. Hispanic members had a higher sustained rate of 10% (22/218); however, this difference compared to White members is not statistically significant ( $p > 0.05$ ). The overall sustained rate for the first six months of 2025 is more consistent with the five-year average (7% in 2025 compared to 8% five-year average).

When numbers fluctuate year-to-year but maintain a consistent five-year average across groups, it suggests that the fluctuations are not indicative of a long-term trend but rather variations around a stable baseline. Thus, while the data fluctuation between 2023 and 2024 was more extreme, fluctuations in the opposite direction in recent years result in a relatively consistent average across all races over a five-year period, with all races averaging a sustained rate between 6% and a 9% over that period. This indicates that the variation observed in 2024 may not be part of an ingrained trend of disparate treatment or a demonstration of cumulative disparate impact. The data in the first quarter of 2025 appears to support this hypothesis about the data fluctuations. The Department should, however, continue to track the data closely.

#### 4.7. Did “Failure to Accept or Refer a Complaint” Allegations Affect Sustained Rates in 2024?

Because of the impact Failure to Accept or Refer a Complaint (FTARC) allegations had on the sustained rates in 2023, we looked to see if they again had an impact on sustained rates in 2024. FTARC allegations had a big impact on sustained rates in 2023 and contributed to the higher sustained rate for white officers over Black officers. In part, as a result of the publication of these results, The Department amended its policies so that FTARC allegations can now be handled outside the IA process.<sup>15</sup> In 2024, FTARC allegations had little impact on the sustained rates because of the change in processing of this allegation type, resulting in far fewer investigated allegations of FTARC. We analyzed the data for both years with and without FTARC allegations included in the data set to see whether they accounted for the year-to-year change. The exclusion of FTARC allegations allowed for a more even comparison between 2023 and 2024 sustained rates. Table 31 shows the sustained rates by investigation type for 2023 and 2024 with FTARC allegations included and excluded and Table 32 shows the same for complaint origin.

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<sup>15</sup> In the analysis of 2022 data, FTARC allegations impacted disparity in discipline, with Black members receiving more severe discipline than white members for said allegation. This was another contributing factor for changing the process. <https://www.oaklandca.gov/files/assets/city/v/1/police/documents/opd-data/response-outcomes/2022-internal-investigation-outcome-and-discipline-report.pdf>

**Table 31: Allegations by Investigation Type with and without FTARC Allegations (2023 Versus 2024)**

	All Allegations		FTARC Allegations Excluded	
	2023	2024	2023	2024
<b>Overall Sustained Rate</b>	8%	5%	5%	4%
<b>DLI Sustained Rate</b>	6%	4%	4%	4%
<b>IA Investigation Sustained Rate</b>	15%	19%	12%	18%

The overall sustained rate dropped from 8% to 5% between 2023 and 2024, but when removing FTARC allegations from both data sets, the sustained rates were much closer (5% and 4%). The DLI sustained rate was higher in 2023 due to FTARC allegations. When excluding FTARC allegations, the DLI sustained rate for both years was the same (4%). For IA investigations, the sustained rate rose between 2023 and 2024 for all allegations (15% to 19%), as well as when excluding FTARC allegations, but the increase was larger when FTARC allegations were excluded (12% to 18%). Hence, removing FTARC allegations eliminated the difference in sustained rates for DLI investigations, but increased the difference in rates between 2023 and 2024.

**Table 32: Allegations by Complaint Origin with and without FTARC Allegations (2023 Versus 2024)**

	All Allegations		FTARC Allegations Excluded	
	2023	2024	2023	2024
<b>Overall Sustained Rate</b>	8%	5%	5%	4%
<b>Externally Generated Case Sustained Rate</b>	6%	4%	4%	4%
<b>Internally Generated Case Sustained Rate</b>	24%	25%	18%	26%

The externally generated case sustained rates mirrored that of DLI investigations. When removing FTARC allegations, the sustained rates for 2023 and 2024 were the same (4%). However, we didn't see the same pattern with internally generated cases. When analyzing all allegations (FTARC allegations included), the sustained rates for internally generated cases was nearly the same for 2023 and 2024. When excluding FTARC allegations, the sustained rate was higher in 2024 than 2023 (26% versus 18%). With a more even comparison by excluding FTARC allegations, the sustained rate for these allegations increased by 8% points between 2023 and 2024.

The 2023 analysis found that of the top six allegations received, FTARC allegations were sustained at the highest rate by far (42% of 125), having a disproportionate impact on the overall sustained rates. When FTARC allegations were removed from the 2023 dataset, the disparity between Black and white members nearly disappeared.

At the end of 2023, the Department changed the practice for adjudicating FTARC allegations. Per Department General Order M-03 (Complaints Against Departmental Personnel), Class II misconduct may be addressed through non-disciplinary corrective action if the misconduct is discovered by the Department and does not indicate a pattern of misconduct. Prior to December 2023, Class II FTARC allegations were the only exception: all FTARC allegations had to be investigated via the IA process. In

December 2023, policy<sup>16</sup> was updated to remove the exception and allow for FTARC allegations to be addressed in the same manner as other Class II misconduct.

In the 2024 dataset, there were only 24 allegations of FTARC, 4 of which were sustained (17%). This represents an 81% decrease in the number of FTARC allegations investigated.

- White members received 42 FTARC allegations in 2023 compared to only 8 in 2024, one of which was sustained.
- Black members received 16 FTARC allegations in 2023 and only 6 in 2024, one of which was sustained.
- Hispanic members received 37 FTARC allegations in 2023 and only 8 in 2024, two of which were sustained.
- Asian members received 25 FTARC allegations in 2023 and only 2 in 2024, none of which were sustained.

Additionally, in 2024, officers received 16 allegations of FTARC (1 sustained) compared to sergeants and above who received 8 allegations (3 sustained). Male members received 19 allegations of FTARC (4 sustained) compared to female members who received 5 allegations (none sustained).

In 2023 there were 129 sustained allegations, compared to only 64 in 2024, a 50% drop. When removing FTARC allegations from the data sets for both years, there were 82 sustained cases in 2023 and 63 sustained cases in 2024, a 23% drop. In 2023, there were 47 cases where sworn members were sustained solely for FTARC and in 2024 there was only one (in 3 of the 4 cases involving a sustained FTARC allegation in 2024, the case remains sustained because another allegation for the same officer in that same case was also sustained). While FTARC allegations don't account for the entire 50% drop in sustained allegations between 2023 and 2024, they account for nearly half of the drop (23%).

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<sup>16</sup> Special Order 9213 (dated December 5, 2023), Revising Department General Order (DGO) M-03, *Complaints Against Department Personnel or Procedure*.

## 5. Focusing on Fully Investigated Cases

### 5.1. Sustained Rates for Fully Investigated Cases

A finding of “sustained” can only occur as a result of a full investigation (whether DLI or IA), which comprise 25% of all cases overall (352 of 1,417). As discussed earlier (See [3.5. Did the Type of Investigation Differ by Group?](#)), a case can be closed without a full investigation through Informal Complaint Resolution (ICR) or by Summary Finding. We did not find compelling evidence of racial disparity in terms of the proportion of cases that were moved on to a full investigation (making them eligible for a “sustained” finding). As shown in Table 15 from Section 3.5, 24% of the cases involving a white member moved to full investigations whereas 76% resulted in Summary Findings or ICRs. The proportion of full investigations was 28% for cases involving a Black member, and 25% for cases involving a Hispanic member. This makes it likely that the disparities observed overall are largely driven by disparities observed within fully investigated cases or, in other words, that disparities start appearing only after a case is assigned to a full investigation.

**Table 15 (repeated from p. 20): Member Cases - Type of Investigation Percentages by Race 2024**

	DLI Summary Finding		IAD Summary Finding		Informal Complaint Resolution		DLI Full Invest		Internal Affairs Full Invest	
	% Total	n	% Total	n	% Total	n	% Total	n	% Total	n
White	74%	164	1%	3	1%	2	17%	39	7%	15
Black	70%	244	1%	3	2%	6	23%	82	5%	16
Hispanic	70%	299	2%	10	2%	10	21%	88	4%	18
Asian/Filipino	74%	252	1%	2	3%	11	19%	65	4%	12
Other/Unknown	75%	57	1%	1	1%	1	21%	16	1%	1
<b>Grand Total</b>	<b>72%</b>	<b>1016</b>	<b>1%</b>	<b>19</b>	<b>2%</b>	<b>30</b>	<b>20%</b>	<b>290</b>	<b>4%</b>	<b>62</b>

Indeed, Table 33 shows that the disparities in sustained rates are exacerbated when looking at fully investigated cases, with 7% for whites (4 of 54) versus 23% for Blacks (23 of 98) and 24% for Hispanics (25 of 106). Though the smaller numbers make it harder to test statistical significance, we also see that white/Black disparities are present in full investigations for both DLI (8% versus 22%) and IA (7% versus 31%), suggesting that neither type of investigation (DLI or IA) is solely responsible for the disparity, as already suggested above. See [4.2. Do Division-Level Investigations Differ from Internal Affairs Investigations?](#)

**Table 33: Sustained Rate by Race 2024 (Full Investigations Only\*)**

	Full DLI and IA Investigations			DLI Investigations			IA Investigations		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>White</b>	<b>7%</b>	<b>4</b>	<b>54</b>	8%	3	39	7%	1	15
<b>Black</b>	<b>23%</b>	<b>23</b>	<b>98</b>	22%	18	82	31%	5	16
<b>Hispanic</b>	<b>24%</b>	<b>25</b>	<b>106</b>	19%	17	88	44%	8	18
<b>Asian/Filipino</b>	14%	11	77	15%	10	65	8%	1	12
<b>Other/Unknown</b>	6%	1	17	6%	1	16	0%		1
<b>Total</b>	<b>18%</b>	<b>64</b>	<b>352</b>	<b>17%</b>	<b>49</b>	<b>290</b>	<b>24%</b>	<b>15</b>	<b>62</b>

*\*This excludes summary findings and informally resolved complaints.*

We don't observe similar disparities in fully investigated cases for gender (see Table 34 below) or rank (see Table 35 below).

**Table 34: Sustained Rate by Gender 2024 (Full Investigations Only\*)**

	Full DLI and IA Investigations			DLI Investigations			IA Investigations		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>Male</b>	18%	54	297	17%	41	242	24%	13	55
<b>Female</b>	18%	10	55	17%	8	48	29%	2	7
<b>Total</b>	<b>18%</b>	<b>64</b>	<b>352</b>	<b>17%</b>	<b>49</b>	<b>290</b>	<b>24%</b>	<b>15</b>	<b>62</b>

*\*This excludes summary findings and informally resolved complaints.*

**Table 35: Sustained Rate by Rank 2024 (Full Investigations Only\*)**

	Full DLI and IA Investigations			DLI Investigations			IA Investigations		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>Officer</b>	19%	57	308	17%	46	266	26%	11	42
<b>Sgt and Above</b>	16%	7	44	13%	3	24	20%	4	20
<b>Total</b>	<b>18%</b>	<b>64</b>	<b>352</b>	<b>17%</b>	<b>49</b>	<b>290</b>	<b>24%</b>	<b>15</b>	<b>62</b>

*\*This excludes summary findings and informally resolved complaints.*

When we further broke down these fully investigated cases into their origin in Table 36, it brought racial disparities into even sharper relief: whereas 64% of fully investigated internal cases against Black sworn personnel were sustained (7 of 11), not a single one (0%) of those against white sworn personnel was sustained (0 of 5). The Black/white disparity for cases of external origin was less pronounced, but still noticeable (18% vs. 8%).

**Table 36: Sustained Rate by Race 2024 (Full Investigations Only\*)**

	Full DLI and IA Investigations			Internal Origin			External Origin		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>White</b>	<b>7%</b>	<b>4</b>	<b>54</b>	0%	0	5	8%	4	49
<b>Black</b>	<b>23%</b>	<b>23</b>	<b>98</b>	64%	7	11	18%	16	87
<b>Hispanic</b>	<b>24%</b>	<b>25</b>	<b>106</b>	36%	4	11	22%	21	95
<b>Asian/Filipino</b>	14%	11	77	20%	1	5	14%	10	72
<b>Other/Unknown</b>	6%	1	17				6%	1	17
<b>Total</b>	<b>18%</b>	<b>64</b>	<b>352</b>	<b>38%</b>	<b>12</b>	<b>32</b>	<b>16%</b>	<b>52</b>	<b>320</b>

*\*This excludes summary findings and informally resolved complaints.*

An initial analysis of fully investigated cases by gender indicated no overall difference (18% for females and 18% for males). However, further examination revealed a higher prevalence for women in internal cases (75% versus 32% for males) and a lower prevalence in external cases (14% versus 17% for males). The small sample sizes, however, preclude a definitive assessment of statistical significance.

**Table 37: Sustained Rate by Gender 2024 (Full Investigations Only\*)**

	Full DLI and IA Investigations			Internal Origin			External Origin		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>Male</b>	18%	54	297	32%	9	28	17%	45	269
<b>Female</b>	18%	10	55	75%	3	4	14%	7	51
<b>Total</b>	<b>18%</b>	<b>64</b>	<b>352</b>	<b>38%</b>	<b>12</b>	<b>32</b>	<b>16%</b>	<b>52</b>	<b>320</b>

*\*This excludes summary findings and informally resolved complaints.*

For rank, again looking at origin reveals otherwise potentially overlooked disparities: whereas the overall sustained rate of fully investigated cases is similar for officers (19%) and those with ranks of sergeant or above (16%), when focusing solely on cases originated internally, fully investigated cases against officers have a 50% sustained rate (11 of 22), whereas those against supervisors (sergeant and above) are sustained much more rarely at 10% (1 of 10).

**Table 38: Sustained Rate by Rank 2024 (Full Investigations Only\*)**

	Full DLI and IA Investigations			Internal Origin			External Origin		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
Officer	19%	57	308	50%	11	22	16%	46	286
Sgt and Above	16%	7	44	10%	1	10	18%	6	34
<b>Total</b>	<b>18%</b>	<b>64</b>	<b>352</b>	<b>38%</b>	<b>12</b>	<b>32</b>	<b>16%</b>	<b>52</b>	<b>320</b>

*\*This excludes summary findings and informally resolved complaints.*

The analyses presented in this section cast light on the same disparities as documented earlier but further highlight that they arise primarily in fully investigated cases. We found here that racial disparities in sustained rates are observed in both DLI and IA investigations, and that they are especially pronounced for cases initiated internally.

## 5.2. Allegation-Level Analysis for Fully Investigated Cases

One of the reasons to focus on fully sustained cases is that, since they seem to be where disparity arises, it gives us a more manageable dataset to analyze, including looking more closely at the specifics of the cases, such as what types of allegations are involved. For example, we wanted to determine whether the reason that white members received a significantly lower proportion of sustained cases and allegations might be because they were being investigated for different types of allegations. Assuming that some allegations are more likely to yield a finding of “sustained,” it could constitute an upstream factor yielding the disparity, so it was important to make sure there were no disparities in the type of allegation by group.

Because the 1,417 cases often involve more than one (and different) allegation (for a total of 2,109), we need to get down to the allegation level for this analysis. Table 39 shows the breakdown for the 1,499 (71%) allegations that could yield a finding without a full investigation. Similar to what we observed at the case level, 69% of all allegations in 2024 were in summary findings cases, and 2% of allegations were categorized as informal complaint resolutions. Similar to member cases, the percentage of Summary Findings and ICRs did not differ markedly between races for allegations, ranging from 68% for Hispanic members to 72% for white members, and 70% for Black members.

**Table 39: Allegations that did Not Result in a Full Investigation, by Race**

	DLI Summary Finding		IAD Summary Finding		Informal Complaint Resolution		Total (Including Full Investigations, not shown in table)
	% Total	n	% Total	n	% Total	n	
White	70%	218	1%	3	1%	2	312
Black	67%	360	1%	5	2%	9	537
Hispanic	64%	418	2%	16	2%	11	649
Asian/Filipino	72%	356	1%	3	3%	14	494
Other/Unknown	69%	81	2%	2	1%	1	117
<b>Grand Total</b>	<b>68%</b>	<b>1,433</b>	<b>1%</b>	<b>29</b>	<b>2%</b>	<b>37</b>	<b>2109</b>

This leaves 610 (29%) allegations of misconduct that were fully investigated in 2024, corresponding to 352 sworn member cases (290 DLI and 62 IA). Allegations were categorized by investigative type and complaint origin and compared by race.

Black members had the highest percentage of allegations in internally generated cases for DLI cases (6%), while white, Hispanic and Asian members were about the same (3% and 4%). For IA cases, Black and Hispanic members had a much higher percentage of allegations in internally generated cases compared to white and Asian members (greater than 40% versus less than 20%). Table 40 Shows the breakdown of allegations by race and complaint origin for fully investigated cases.

**Table 40: Number of Allegations by Race and Complaint Origin for Fully Investigated Cases**

	Division Level Investigation			Internal Affairs Investigation		
	External	Internal	% Internal	External	Internal	% Internal
White	61	2	3%	22	4	15%
Black	123	8	6%	19	13	41%
Hispanic	140	5	3%	30	29	49%
Asian/Filipino	99	4	4%	15	3	17%
Other/Unknown	31		0%	2		0%
<b>Grand Total</b>	<b>454</b>	<b>19</b>	<b>4%</b>	<b>88</b>	<b>49</b>	<b>36%</b>

Overall, Hispanic and Black members had the highest rate of sustained allegations in 2024. As Table 41 below shows, the sustained rate for Black members was highest for full DLIs and IA investigations that were internally generated (50% and 77%, respectively), while not a single one of the few full investigations against white personnel resulting from an internal source resulted in a sustained finding (both 0%).

For IA investigations that were externally generated, Black members had the lowest sustained rate (5%, versus 9% for whites), aside from other/unknown. Hispanic members had the highest sustained rate by a wide margin for IA investigations that were externally generated (37%, versus 9% for whites). Aside from other/unknown, white members had the lowest sustained rate for all categories except IA investigations that were externally generated.

Table 41 shows that the difference in sustained rates between white members and Black and Hispanic members was greatest for internally generated cases. This was the case for both investigations at the division level and IA investigations.

**Table 41: Sustained Rates by Race and Complaint Origin for Fully Investigated Cases (Allegation Level)**

	Division Level Investigation				Internal Affairs Investigation				Total
	External		Internal		External		Internal		
	n	% Sust	n	% Sust	n	% Sust	n	% Sust	% Sust
White	61	5%	2	0%	22	9%	4	0%	6%
Black	123	17%	8	50%	19	5%	13	77%	22%
Hispanic	140	12%	5	20%	30	37%	29	59%	23%
Asian/Filipino	99	9%	4	25%	15	7%	3	0%	9%
Other/Unknown	31	3%	0		2	0%	0		3%
<b>Grand Total</b>	<b>454</b>	<b>11%</b>	<b>19</b>	<b>32%</b>	<b>88</b>	<b>17%</b>	<b>49</b>	<b>55%</b>	<b>16%</b>

For allegations investigated by IA, female members had a higher percentage of internally generated cases than males. Table 42 Shows the breakdown of allegations by gender and complaint origin for fully investigated cases.

**Table 42: Number of Allegations by Gender and Complaint Origin for Fully Investigated Cases**

	Division Level Investigation			Internal Affairs Investigation		
	External	Internal	% Internal	External	Internal	% Internal
Male	381	17	4%	80	39	33%
Female	73	2	3%	8	10	56%
<b>Grand Total</b>	<b>454</b>	<b>19</b>	<b>4%</b>	<b>88</b>	<b>49</b>	<b>36%</b>

At the sworn member case level, male members were sustained at a higher rate than female members overall. However, female members had a much higher sustained rate for internally generated cases (75% versus 32% for fully investigated cases). At the allegation level, male members had a higher sustained rate in IA investigations that were both externally and internally generated. Female members had the highest sustained rate for DLIs that were internally generated (50% versus 29%), though there were only two allegations that fell into this category. Table 43 below shows sustained rates for male and female members broken down by investigation type and complaint origin.

**Table 43: Sustained Rates by Gender and Complaint Origin for Fully Investigated Cases (Allegation Level)**

	Division Level Investigation				Internal Affairs Investigation				Total % Sust
	External		Internal		External		Internal		
	n	% Sust	n	% Sust	n	% Sust	n	% Sust	
Male	381	11%	17	29%	80	19%	39	59%	16%
Female	73	12%	2	50%	8	0%	10	40%	15%
<b>Grand Total</b>	<b>454</b>	<b>11%</b>	<b>19</b>	<b>32%</b>	<b>88</b>	<b>17%</b>	<b>49</b>	<b>55%</b>	<b>16%</b>

Members holding the rank of sergeant and above had a higher percentage of internally generated allegations than officers in DLIs but had a lower percentage in IA investigations. Table 44 Shows the breakdown of allegations by rank and complaint origin for fully investigated cases.

**Table 44: Number of Allegations by Gender and Complaint Origin for Fully Investigated Cases**

	Division Level Investigation			Internal Affairs Investigation		
	External	Internal	% Internal	External	Internal	% Internal
Officer	429	15	3%	62	42	40%
Sgt and Above	25	4	14%	26	7	21%
<b>Grand Total</b>	<b>454</b>	<b>19</b>	<b>4%</b>	<b>88</b>	<b>49</b>	<b>36%</b>

At the allegation level, officers were sustained at a much higher rate than sergeants and above for internally generated allegations. Only one sergeant was sustained for an internally generated allegation in 2024 (1 of 11, 9%). The sustained rate for officers for internally generated allegations was 56% (32 of 57). Table 45 below shows sustained rates for rank broken down by investigation type and complaint origin.

**Table 45: Sustained Rates by Gender and Complaint Origin for Fully Investigated Cases (Allegation Level)**

	Division Level Investigation				Internal Affairs Investigation				Total % Sust
	External		Internal		External		Internal		
	n	% Sust	n	% Sust	n	% Sust	n	% Sust	
Officer	429	11%	15	40%	62	13%	42	62%	16%
Sgt and Above	25	12%	4	0%	26	27%	7	14%	15%
<b>Grand Total</b>	<b>454</b>	<b>11%</b>	<b>19</b>	<b>32%</b>	<b>88</b>	<b>17%</b>	<b>49</b>	<b>55%</b>	<b>16%</b>

### 5.3. Analysis by Type of Sustained Violation for Fully Investigated Cases

In an effort to understand racial disparities in sustained rates, we next looked at the type of allegations that different racial groups were being sustained for. While this analysis is only partial because it leaves out the allegations that were not sustained in each case, we hoped it would give us some insight into whether one group was being systematically saddled with a sustained finding for a specific type of allegation.

The top sustained allegations for all complaint categories in 2024 were *Performance of Duty – General* (27 allegations in 18 cases), *Conduct Toward Others* (15 allegations in 12 cases), *Truthfulness* (7 allegations in 6 cases), and *Custody of Prisoners – Treatment* (5 allegations in 1 case). Table 46 shows the breakdown of sustained allegations by race for fully investigated cases. As always, the numbers are too small for clear patterns to emerge, but there is not obvious evidence of different patterns.

**Table 46: Sustained Allegations by Race for Fully Investigated Cases**

Sustained Allegations	White	Black	Hispanic	Asian/ Filipino	Other/ Unknown	Grand Total
PERFORMANCE OF DUTY - GENERAL	2	11	11	3		27
CONDUCT TOWARD OTHERS	1	3	7	3	1	15
TRUTHFULNESS		3	4			7
CUSTODY OF PRISONERS - TREATMENT		3	1	1		5
PERFORMANCE OF DUTY - CARE OF PROPERTY		2	2			4
REFUSAL TO PROVIDE NAME OR SERIAL NUMBER		3		1		4
FAILURE TO ACCEPT OR REFER A COMPLAINT (UNINTENTIONAL)	1	1	2			4
PERFORMANCE OF DUTY - PDRD		2		1		3
OBEDIENCE TO LAWS - FELONY			3			3
GENERAL CONDUCT		1	2			3
OBEDIENCE TO LAWS - MISDEMEANOR/INFRACTION			3			3
USE OF FORCE	1			1		2
UNAUTHORIZED USE OF ELECTRONIC SYSTEMS			2			2

PERFORMANCE OF DUTY - UNINTENTIONAL/IMPROPER SEARCH, SEIZURE, OR ARREST			1	1		2
OBSTRUCTING THE INTERNAL AFFAIRS PROCESS		2				2
REPORTING VIOLATIONS OF LAWS, ORDINANCES, RULES OR ORDERS (CLASS I)			1			1
DAMAGED, INOPERATIVE PROPERTY OR EQUIPMENT			1			1
FALSE REPORTING OF ILLNESS OR INJURY		1				1
PERFORMANCE OF DUTY - MIRANDA VIOLATION			1			1
IMPROPER DISSEMINATION OF COMPUTER INFORMATION			1			1
INSUBORDINATION - FAILURE TO OBEY A LAWFUL ORDER		1				1
SUPERVISORS - AUTHORITY AND RESPONSIBILITIES Includes all of the 285.00 subsections except 285.90			1			1
INTERFERING WITH INVESTIGATIONS			1			1
ABSENCE FROM DUTY		1				1
PROHIBITED ACTIVITY ON DUTY		1				1
USE OF PRIVILEGED INFORMATION			1			1
REFUSAL TO ACCEPT OR REFER COMPLAINT (INTENTIONAL)		1				1
COMMANDING OFFICERS AUTHORITY AND RESPONSIBILITIES - COMMAND			1			1
<b>Grand Total</b>	<b>5</b>	<b>36</b>	<b>46</b>	<b>11</b>	<b>1</b>	<b>99</b>

It also seemed important to see what specific allegations were levied against various groups in cases that were originated internally, especially because we found a greater disparity in sustained rates in those categories. In 2024, allegations in internally generated cases were much more likely to be sustained than in externally generated cases. See [4.4. Do Cases with an External Origin Differ from Cases with an Internal Origin?](#) This makes sense because internally generated cases are often based on Department employees' observations of potential misconduct. When focusing on fully investigated cases, the overall sustained rate was 49% for allegations in internally generated cases compared to 12% for externally generated cases. Table 47 below shows that white members had no sustained allegations for internally generated complaints and Asian members only had one sustained allegation, which was for a Class II violation, *Performance of Duty - General* (officer failed to complete a report). Hispanic members had 18 sustained allegations (10 Class I and 8 Class II) and Black members had 14 sustained allegations (6 Class I and 8 Class II) for internally generated complaints. The top sustained allegations for Hispanic members were *Truthfulness*, *Obedience to Laws*, *General Conduct* and *Unauthorized Use of Electronic Systems*. The top sustained allegations for Black members were *Performance of Duty - General*, *Truthfulness*, and *Conduct Toward Others*.

The 33 sustained allegations for internally generated cases occurred in 11 cases involving 12 members. Four cases, involving four members, made up 67% of the allegations (22 of 33) – four Hispanic members and one Black member. Two of the Hispanic members (6 and 8 allegations each) were terminated for *Truthfulness* and one Hispanic member (3 allegations) received a 10-day suspension for allegations that included *Unauthorized Use of Electronic Systems* and *Obedience to Laws - Misdemeanor/Infraction*. The Black member (5 allegations) received a 35-day suspension for multiple sustained allegations, including *Conduct Toward Others - Workplace Violence*. There were also two Black members with two allegations each who were terminated, both for *Truthfulness*, and another Black member with two allegations that received a 5-day suspension for *Absence from Duty and Insubordination*.

**Table 47: Sustained allegations by Race for Internally Generated Cases**

<b>Allegation</b>	<b>Black</b>	<b>Hispanic</b>	<b>Asian/ Filipino</b>	<b>Grand Total</b>
PERFORMANCE OF DUTY - GENERAL	3	1	1	5
TRUTHFULNESS	2	3		5
CONDUCT TOWARD OTHERS	3	1		4
OBEDIENCE TO LAWS - MISDEMEANOR/INFRACTION		3		3
UNAUTHORIZED USE OF ELECTRONIC SYSTEMS		2		2
OBEDIENCE TO LAWS - FELONY		2		2
GENERAL CONDUCT		2		2
FALSE REPORTING OF ILLNESS OR INJURY	1			1
INSUBORDINATION - FAILURE TO OBEY A LAWFUL ORDER	1			1
INTERFERING WITH INVESTIGATIONS		1		1
IMPROPER DISSEMINATION OF COMPUTER INFORMATION		1		1
DAMAGED, INOPERATIVE PROPERTY OR EQUIPMENT		1		1
USE OF PRIVILEGED INFORMATION		1		1
ABSENCE FROM DUTY	1			1
PERFORMANCE OF DUTY - PDRD	1			1
FAILURE TO ACCEPT OR REFER A COMPLAINT (UNINTENTIONAL)	1			1
OBSTRUCTING THE INTERNAL AFFAIRS PROCESS	1			1
<b>Grand Total</b>	<b>14</b>	<b>18</b>	<b>1</b>	<b>33</b>

A review of sustained allegations for internally generated cases by gender (Table 48), showed that male members had 28 sustained allegations for internally generated cases in eight different cases involving nine members. Nineteen of the 28 allegations (68%) were for three different officers in three different cases. The top sustained allegations for male members were *Truthfulness* (5), *Conduct Toward Others* (4) and *Performance of Duty - General* (3).

Female members only had five sustained allegations for internally generated cases. There were three cases with three sworn employees. One female member was sustained for three allegations in the same case, one of which was a Class I allegation that resulted in a 10-day suspension. The other two cases involved two separate members and each were sustained for *Performance of Duty - General*.

**Table 48: Sustained allegations by Gender for Internally Generated Cases**

<b>Allegation</b>	<b>Male</b>	<b>Female</b>	<b>Grand Total</b>
PERFORMANCE OF DUTY - GENERAL	3	2	5
TRUTHFULNESS	5		5
CONDUCT TOWARD OTHERS	4		4
OBEDIENCE TO LAWS - MISDEMEANOR/INFRACTION	2	1	3
UNAUTHORIZED USE OF ELECTRONIC SYSTEMS	1	1	2
OBEDIENCE TO LAWS - FELONY	2		2
GENERAL CONDUCT	1	1	2
FALSE REPORTING OF ILLNESS OR INJURY	1		1
INSUBORDINATION - FAILURE TO OBEY A LAWFUL ORDER	1		1
INTERFERING WITH INVESTIGATIONS	1		1
IMPROPER DISSEMINATION OF COMPUTER INFORMATION	1		1
DAMAGED, INOPERATIVE PROPERTY OR EQUIPMENT	1		1
USE OF PRIVILEGED INFORMATION	1		1
ABSENCE FROM DUTY	1		1
PERFORMANCE OF DUTY - PDRD	1		1
FAILURE TO ACCEPT OR REFER A COMPLAINT (UNINTENTIONAL)	1		1
OBSTRUCTING THE INTERNAL AFFAIRS PROCESS	1		1
<b>Grand Total</b>	<b>28</b>	<b>5</b>	<b>33</b>

Finally, we looked at sustained allegations by rank for internally generated cases (Table 49). Only one sergeant was sustained for internally generated allegations (1 of 11 allegations), for *Performance of Duty - General*. Of the 11 allegations, 4 were for *Supervisor/Commander Authority and Responsibility*, unique to sergeants and above, and 3 were for reporting violations.

Officers, on the other hand, were sustained in 32 of 57 (56%) of internally generated allegations. The top three allegations were for *Truthfulness*, *Performance of Duty - General*, and *Obedience to Laws - Misdemeanor/Infraction*, and the sustained rate for these three allegations combined was 75%.

**Table 49: Sustained allegations by Rank for Internally Generated Cases**

<b>Allegation</b>	<b>Officer</b>	<b>Sgt and Above</b>	<b>Grand Total</b>
PERFORMANCE OF DUTY - GENERAL	4	1	5
TRUTHFULNESS	5		5
CONDUCT TOWARD OTHERS	4		4
OBEDIENCE TO LAWS - MISDEMEANOR/INFRACTION	3		3
UNAUTHORIZED USE OF ELECTRONIC SYSTEMS	2		2
OBEDIENCE TO LAWS - FELONY	2		2
GENERAL CONDUCT	2		2

FALSE REPORTING OF ILLNESS OR INJURY	1		1
INSUBORDINATION - FAILURE TO OBEY A LAWFUL ORDER	1		1
INTERFERING WITH INVESTIGATIONS	1		1
IMPROPER DISSEMINATION OF COMPUTER INFORMATION	1		1
DAMAGED, INOPERATIVE PROPERTY OR EQUIPMENT	1		1
USE OF PRIVILEGED INFORMATION	1		1
ABSENCE FROM DUTY	1		1
PERFORMANCE OF DUTY - PDRD	1		1
FAILURE TO ACCEPT OR REFER A COMPLAINT (UNINTENTIONAL)	1		1
OBSTRUCTING THE INTERNAL AFFAIRS PROCESS	1		1
<b>Grand Total</b>	<b>32</b>	<b>1</b>	<b>33</b>

The low numbers of sustained females and members holding the rank of sergeant and above made it difficult to assess patterns in violation types for gender and rank. When looking at race, 32 of the 33 sustained allegations in internally generated cases were for Black and Hispanic members. No white or Other/Unknown members and only one Asian member were sustained. No obvious patterns arose in the type of violations being sustained for Black and Hispanic members.

#### 5.4. Did Seniority Or Age Explain The Differences In Sustained Rates for Fully Investigated Allegations?

Due to the disparity in sustained rates between white members and Black and Hispanic members, we examined additional variables that might explain the disparity, including age and seniority. For seniority, we tested to see if the sustained percentage was disproportionately higher for members with less seniority (assuming rookie officers make more mistakes), since a higher percentage of Black and Hispanic members have less than 5 years of seniority compared to white members.

These analyses echo the age and seniority analyses we did above at the case level, looking at all 1,147 cases. See [4.2. Is It Because White Officers Are Older?](#) To be exhaustive, the analysis below (Table 50) covers the 610 allegations that were the subject of a full investigation, so this analysis overlaps but is not identical to the previous one. It enables us to verify that the patterns observed at the case level do not hide patterns at the allegation level since cases omit some allegations when a case includes multiple allegations.

Overall, the seniority group with the highest sustained rate was 2-5 years and the group with the lowest was 5-10 years. There was little difference in the sustained rates between the most junior members (less than 2 years – 19%) and the most senior members (over 10 years 15%), which indicates that seniority does not explain the disparity.

Also, noteworthy is that Black members were sustained at a higher rate than white members at every seniority level. No white members with less than five years of seniority were sustained (0 of 23 allegations sustained). Aside from the 5-10 year seniority level, Hispanic members were sustained at a higher rate than white members.

**Table 50: Sustained Rates by Seniority (Fully Investigated Allegations)**

Seniority	Race Clean	Sustained		Other than Sustained		Total	
		%	n	%	n	%	Total
Less than 2 yrs	White	0%		100%	17	100%	17
	Black	20%	15	80%	60	100%	75
	Hispanic	26%	21	74%	59	100%	80
	Asian/Filipino	11%	4	89%	31	100%	35
	Other/Unk.	13%	1	88%	7	100%	8
<b>Less than 2 yrs Total</b>		<b>19%</b>	<b>41</b>	<b>81%</b>	<b>174</b>	<b>100%</b>	<b>215</b>
2-5 yrs	White	0%		100%	6	100%	6
	Black	35%	13	65%	24	100%	37
	Hispanic	33%	16	67%	32	100%	48
	Asian/Filipino	10%	4	90%	36	100%	40
	Other/Unk.	0%		100%	8	100%	8
<b>2-5 yrs Total</b>		<b>24%</b>	<b>33</b>	<b>75%</b>	<b>106</b>	<b>100%</b>	<b>139</b>
5-10 yrs	White	6%	2	94%	30	100%	32
	Black	15%	5	85%	28	100%	33
	Hispanic	4%	2	96%	48	100%	50
	Asian/Filipino	7%	2	93%	28	100%	30
	Other/Unk.	0%		100%	17	100%	17
<b>5-10 yrs Total</b>		<b>7%</b>	<b>11</b>	<b>93%</b>	<b>151</b>	<b>100%</b>	<b>162</b>
Over 10 yrs	White	9%	3	91%	31	100%	34
	Black	17%	3	83%	15	100%	18
	Hispanic	27%	7	73%	19	100%	26
	Asian/Filipino	6%	1	94%	15	100%	16
<b>Over 10 yrs Total</b>		<b>15%</b>	<b>14</b>	<b>85%</b>	<b>80</b>	<b>100%</b>	<b>94</b>
<b>Grand Total</b>		<b>16%</b>	<b>99</b>	<b>84%</b>	<b>511</b>	<b>100%</b>	<b>610</b>

When looking at the age of members (Table 51), there was no particular pattern, for example, sustained rates decreasing with age. The age group with the lowest sustained rate was 25-30 (12%), while the group with the highest was 30-35 (20%). The youngest members (20-25) and the oldest members (over 40) had similar sustained rates.

**Table 51: Sustained Rates by Age**

Age categorized	Sustained		Other than Sustained		Total	
	%	n	%	n	%	n
20-25	17%	8	83%	40	100%	48
25-30	12%	18	88%	130	100%	148
30-35	20%	32	80%	125	100%	157
35-40	17%	21	83%	102	100%	123
Over 40	15%	20	85%	114	100%	134
<b>Grand Total</b>	<b>16%</b>	<b>99</b>	<b>84%</b>	<b>511</b>	<b>100%</b>	<b>610</b>

### 5.5. Do Specific Investigators Stand Out in Fully Investigated Cases?

We also looked at investigators to see if there were any patterns. There were 12 investigators who handled all of the 62 full investigations conducted by IA. Table 52 presents all their findings, ordered by decreasing number of cases. We note for example that Investigator 3 reviewed a total of 9 cases, and that the 3 cases he/she sustained all involved Black officers (out of the 5 Black cases reviewed), whereas none of their 3 cases involving white officers led to a sustained finding. Indeed, there was only 1 sustained case for a white officer in the 62 cases fully investigated by IA (out of 15 white cases). This investigator-level analysis can be misleading if one focuses too much on investigators who sustained a lot of cases involving Black officers, and on reviewing these cases to ensure they were in line with policy. But note that any investigator who does not sustain a case involving a white officer contributes just as much to the overall disparity. For example, in the table below, Investigators 6, 8, and even 12 also contribute to the overall Black-white disparity in outcomes, even though they investigated less than 5 cases each, and not a single one by a Black officer. This makes the interpretation of the investigator-level analysis difficult.

It is also important to point out that investigators do not control which cases they receive and there are several layers of review after they complete their investigative findings. In some cases, an investigator's findings may be changed during the chain of review, by the Chief of Police, the CPRA, or a Discipline Committee. Hence, the final finding used in this analysis may not have been the investigator's decision.

Three investigators (1, 2, and 3) accounted for half of the investigations (35 of 62, or 56%). To see if they might have had an outsized influence on overall disparities, we include at the bottom of Table 52 below the sustained rates per race across all 12 investigators, as well as leaving out the 3 investigators who handled half of the cases. We see that the Black/white disparity is particularly pronounced for these three investigators (30% versus 0%). As a result, we see that the Black/white disparity across all investigators (31% versus 7%) is reduced (to 33% versus 20%) when you remove these top investigators. As impressive as these numbers look, note that the change is largely in the rate of white cases, and that this is entirely driven by a single sustained white case, so this should be taken with caution. Without that single case, the disparity would be very similar in the top 3 investigators (30% versus 0%) and the rest (33% versus 0%).

**Table 52: Fully Investigated IA Cases by Investigator**

Inv	Inv Race	# of Sustained Member Cases	# of Member Cases Investigated	Overall Sustained Rate	Sustained Rates				
					White	Black	Hispanic	Asian	Other
1	Wh	1	15	7%	0/3	0/3	1/2	0/7	0/0
2	Wh		11	0%	0/4	0/2	0/4	0/1	0/0
3	Bl	3	9	33%	0/3	3/5	0/0	0/1	0/0
4	Bl	5	6	83%	1/1	1/2	3/3	0/0	0/0
5	As	3	6	50%	0/1	1/2	1/1	1/2	0/0
6	Wh		4	0%	0/1	0/0	0/2	0/0	0/1
7	Wh		3	0%	0/0	0/1	0/2	0/0	0/0
8*	Wh	1	3	33%	0/1	0/0	1/1	0/1	0/0
9	Wh		2	0%	0/0	0/1	0/1	0/0	0/0
10	As	1	1	100%	0/0	0/0	1/1	0/0	0/0
11	Wh	1	1	100%	0/0	0/0	1/1	0/0	0/0
12	As	1	1	0%	0/1	0/0	0/0	0/0	0/0

<b>TOTAL</b>	<b>15</b>	<b>62</b>	<b>24%</b>	<b>1/15</b>	<b>5/16</b>	<b>8/18</b>	<b>1/12</b>	<b>0/1</b>
				<b>7%</b>	<b>31%</b>	<b>44%</b>	<b>8%</b>	<b>0%</b>
<b>Top 3 Investigators (56% cases)</b>				0%	30%	17%	0%	0%
<b>Removing Top 3 Investigators (44% left)</b>				20%	33%	58%	33%	0%

\*There was one investigator (#8) who conducted both DLIs and IA investigations during the time-period of review.

Not surprisingly, there are many more investigators involved in DLI full investigations – a total of 68 investigating 290 cases: 29 investigated 1 or 2 cases, 23 investigated between 3 and 5, 11 between 6 and 10. As we see in Table 53 below, the remainder 72 full DLI investigations were apparently conducted by 5 investigators who each handled 12, 13, 13, 17, and 17 cases, accounting for exactly a third (25%) of all DLI fully investigated cases.

**Table 53: Fully Investigated DLI Cases by Investigator**

Inv	Inv Race	# of Sustained Member Cases	# of Member Cases Investigated	Overall Sustained Rate	Sustained Rates				
					White	Black	Hispanic	Asian	Other
13	As	2	17	12%	1/6	0/1	0/6	1/3	0/1
14	Wh	1	17	6%	0/2	1/4	0/7	0/2	0/2
15	Wh		13	0%	0/1	0/5	0/4	0/3	0/0
16	Hi		13	0%	0/3	0/2	0/4	0/3	0/1
17	Hi	5	12	42%	0/1	3/4	1/3	1/4	0/0
18	As	1	10	10%	1/3	0/5	0/1	0/1	0/0
19	As	2	8	25%	0/0	0/2	2/5	0/1	0/0
20	As		8	0%	0/0	0/3	0/4	0/1	0/0
21	Wh		8	0%	0/1	0/4	0/1	0/1	0/1
22	Hi	1	8	13%	0/2	0/1	1/3	0/2	0/0
23	As	3	7	43%	0/0	2/2	1/4	0/1	0/0
24	Bl	3	7	43%	1/1	0/2	2/2	0/1	0/1
25	Wh		7	0%	0/1	0/1	0/2	0/3	0/0
26	Wh	1	6	17%	0/0	0/2	0/1	1/2	0/1
27	Wh		6	0%	0/3	0/0	0/0	0/3	0/0
28	Hi	3	6	50%	0/0	2/4	1/1	0/1	0/0
29	Bl		5	0%	0/0	0/1	0/4	0/0	0/0
30	Wh		5	0%	0/1	0/1	0/1	0/2	0/0
31	Wh	2	5	40%	0/0	1/3	0/0	1/2	0/0
32	As	2	5	40%	0/0	0/0	1/1	1/3	0/1
33	Hi		5	0%	0/2	0/2	0/0	0/1	0/0
34	Wh		5	0%	0/1	0/1	0/1	0/2	0/0
35	Bl		5	0%	0/0	0/2	0/1	0/1	0/1
36	Wh		4	0%	0/0	0/0	0/3	0/1	0/0
37	Bl	1	4	25%	0/1	0/0	1/2	0/1	0/0
38	Bl		4	0%	0/0	0/0	0/3	0/1	0/0

39	Hi		4	0%	0/0	0/1	0/2	0/0	0/1
40	Wh	3	4	75%	0/0	2/2	0/1	1/1	0/0
41	Wh	1	4	25%	0/1	1/1	0/1	0/0	0/1
42	Hi		4	0%	0/2	0/1	0/0	0/1	0/0
43	As		3	0%	0/0	0/2	0/1	0/0	0/0
44	Hi		3	0%	0/0	0/0	0/0	0/2	0/1
45	Hi		3	0%	0/0	0/1	0/0	0/1	0/1
46	Hi	1	3	33%	0/1	0/0	1/2	0/0	0/0
8*	Wh	2	3	67%	0/0	1/1	1/2	0/0	0/0
47	Hi		3	0%	0/0	0/0	0/3	0/0	0/0
48	Bl	1	3	33%	0/1	0/0	0/1	1/1	0/0
49	Bl		3	0%	0/0	0/1	0/0	0/2	0/0
50	Wh	2	3	67%	0/0	1/1	0/1	0/0	1/1
51	As	2	2	100%	0/0	0/0	1/1	1/1	0/0
52	Hi	2	2	100%	0/0	0/0	1/1	1/1	0/0
53	Wh	2	2	100%	0/0	1/1	1/1	0/0	0/0
54	Bl		2	0%	0/0	0/1	0/0	0/1	0/0
55	Hi		2	0%	0/1	0/0	0/1	0/0	0/0
56	Wh		2	0%	0/0	0/1	0/1	0/0	0/0
57	Bl	2	2	100%	0/0	1/1	1/1	0/0	0/0
58	Wh		2	0%	0/0	0/1	0/0	0/1	0/0
59	As		2	0%	0/0	0/2	0/0	0/0	0/0
60	Bl		2	0%	0/0	0/2	0/0	0/0	0/0
61	Bl		2	0%	0/0	0/0	0/0	0/2	0/0
62	Hi		2	0%	0/0	0/1	0/0	0/1	0/0
63	Bl	1	2	50%	0/0	0/0	1/2	0/0	0/0
64	Wh	1	2	50%	0/1	1/1	0/0	0/0	0/0
65	Wh		2	0%	0/1	0/1	0/0	0/0	0/0
66	Wh		2	0%	0/0	0/2	0/0	0/0	0/0
67	Wh		2	0%	0/0	0/2	0/0	0/0	0/0
68	Wh	1	2	50%	0/1	0/0	0/0	1/1	0/0
69	Hi		1	0%	0/0	0/0	0/0	0/0	0/1
70	Wh		1	0%	0/0	0/0	0/1	0/0	0/0
71	As		1	0%	0/0	0/0	0/0	0/1	0/0
72	Wh		1	0%	0/0	0/0	0/0	0/1	0/0
73	Bl		1	0%	0/1	0/0	0/0	0/0	0/0
74	Bl		1	0%	0/0	0/0	0/1	0/0	0/0
75	Wh		1	0%	0/0	0/1	0/0	0/0	0/0
76	Wh	1	1	100%	0/0	1/1	0/0	0/0	0/0
77	Hi		1	0%	0/0	0/0	0/0	0/1	0/0
78	Bl		1	0%	0/0	0/1	0/0	0/0	0/0
79	Hi	2	1	0%	0/0	0/0	0/0	0/0	0/1
<b>TOTAL</b>		<b>49</b>	<b>290</b>	<b>17%</b>	<b>3/39</b>	<b>18/82</b>	<b>17/88</b>	<b>10/65</b>	<b>1/16</b>

				8%	22%	19%	15%	6%
<b>Only Top 5 Investigators (25% cases)</b>			11%	8%	25%	4%	13%	0%
<b>Removing Top 5 Investigators (75% left)</b>			19%	8%	21%	25%	16%	8%

*\*There was one investigator (#8) who conducted both DLIs and IA investigations during the time period of review.*

Again, the last row of the table drops the top investigators – in this case the first 5, which account for a quarter of all investigations. We see that the disparity remains roughly the same between white and Black cases (8% versus 22% with all, 8% versus 21% dropping the top 5), suggesting that the overall observed disparity in fully investigated DLI cases did not result simply from these 5 frequent investigators.

## 6. Discipline Analyses

This next section includes analyses of the discipline imposed for sustained cases. Discipline is determined based on the severity and number of sustained allegations, whether the member has been sustained for that allegation in the past, and the number of aggravating and mitigating factors. Commanders of each employee produce a Pre-Discipline Report<sup>17</sup> which includes the above information and a recommendation for discipline. The Department's Discipline Matrix<sup>18</sup> is the reference for determining a range for discipline. Discipline determinations are made during a pre-discipline conference, which is attended by members of the Executive Team. Final discipline is determined by the Chief of Police or their designee, or in some cases the Oakland Police Commission Discipline Committee. Appendix 5 contains discipline for each sustained case and includes race, aggravating/mitigating factors, offense number, discipline matrix recommendation, and rank (officer/supervisor).

### Discipline by Class

Following the *Department's Working Methodology for Internal Affairs Disparity Analyses*, cases were separated by Class before analyzing discipline. Class I allegations are typically more severe and generally result in more severe discipline. If at least one of the sustained allegations against a member was a Class I allegation, the case was coded as "Class I." If the case had only Class II sustained allegations, it was coded as "Class II."

The number of cases per category for Class I and Class II cases were too small to conduct a chi-square test, so we relied on numbers and percentages to identify differences of concern. Although there were 64 sustained sworn member cases, two of these cases resulted in no discipline because the investigation exceeded the timeline allowed by California Government Code 3304. One case involved a male Asian officer who was sustained for *Use of Force* (Class I). The other case involved a female Hispanic officer who was sustained for *Conduct Toward Others* (Class II). Hence, the discipline analysis included 62 cases (22 Class I and 40 Class II).

We first looked at the percentage of discipline cases that were Class I versus Class II. Table 56 shows that, while overall the number of discipline cases dropped between 2023 and 2024, the percentage of discipline cases that were Class I increased (24% to 35%) and Class II decreased (75% to 65%). Black members had the biggest increase in percentage of Class I discipline cases (35% to 52%) and the highest percentage compared to other race groups. This means that Black members were more often being disciplined for more serious misconduct. In 2024, Hispanic members had the second highest percentage of Class I discipline cases (29%), followed by white members (25%) and Asian members (20%).

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<sup>17</sup> TF 3340 Pre-Discipline Report. Revised: May 2015.

<sup>18</sup> Training Bulletin V-T Discipline Policy Appendix (Discipline Matrix). Effective Date: March 14, 2014.

**Table 56: Discipline by Class and Race 2023 Versus 2024**

	Class I Discipline Cases 2023		Class II Discipline Cases 2023		Class I Discipline Cases 2024		Class II Discipline Cases 2024	
	% Total	n	% Total	n	% Total	n	% Total	n
White	24%	9	76%	28	25%	1	75%	3
Black	35%	7	65%	13	52%	12	48%	11
Hispanic	20%	8	80%	32	29%	7	71%	17
Asian/Filipino	23%	6	77%	20	20%	2	80%	8
Other/Unknown	17%	1	83%	5	0%		100%	1
<b>Grand Total</b>	<b>24%</b>	<b>31</b>	<b>76%</b>	<b>98</b>	<b>35%</b>	<b>22</b>	<b>65%</b>	<b>40</b>

The percentage of Class I discipline cases for male and female members was about the same in 2023, but in 2024 the percentage increased for males (24% to 38%).

**Table 57: Allegations – Allegation Class Percentages by Gender 2023 Versus 2024**

	Class I Discipline Cases 2023		Class II Discipline Cases 2023		Class I Discipline Cases 2024		Class II Discipline Cases 2024	
	% Total	n	% Total	n	% Total	n	% Total	n
Male	24%	28	76%	88	38%	20	62%	33
Female	23%	3	77%	10	22%	2	78%	7
<b>Grand Total</b>	<b>24%</b>	<b>31</b>	<b>76%</b>	<b>98</b>	<b>35%</b>	<b>22</b>	<b>65%</b>	<b>40</b>

The percentage of Class I discipline cases for sergeants and above was higher than officers in both 2023 and 2024, and rose for both in 2024.

**Table 58: Allegations – Allegation Class Percentages by Rank 2023 Versus 2024**

	Class I Allegations 2023		Class II Allegations 2023		Class I Allegations 2024		Class II Allegations 2024	
	% Total	n	% Total	n	% Total	n	% Total	n
Officer	23%	24	77%	82	35%	19	65%	36
Sgt and Above	30%	7	70%	16	43%	3	57%	4
<b>Grand Total</b>	<b>24%</b>	<b>31</b>	<b>76%</b>	<b>98</b>	<b>35%</b>	<b>22</b>	<b>65%</b>	<b>40</b>

When looking at Class I discipline by race (Table 59), all but one Class I sustained cases resulted in suspension or termination. The only Class I case resulting in lower-level discipline was also for the only white member with a Class I sustained case. In this case, the CPRA added an allegation against a white sergeant for threatening to use force that would not have been compliant with policy should it have been used. All other members who received discipline for a sustained Class I violation were non-white, and all received a suspension or termination for their Sustained Class I cases.

White members had a significant drop in Class I sustained cases between 2023 and 2024 (9 to 1). This is reflective of the large drop in sustained cases against white members in 2024. In 2023, white members had the highest number of Class I cases compared to other race groups, and all but one resulted in

suspension or termination. The Class I cases rose between 2023 and 2024 for Black members (7 to 12) and dropped for Hispanic (8 to 7) and Asian (6 to 2) members.

There were two Black officers who were sustained for two Class I cases each in 2024. One was terminated in both cases and the other received a 35-day suspension for one case and a 20-day suspension for the other case.

**Table 59: Class I Discipline by Race 2024**

Class I Cases	Counseling	Written	Suspension	Termination	Total
White	1	0	0	0	1
Black	0	0	9	3	12
Hispanic	0	0	4	3	7
Asian	0	0	2	0	2
Other/Unknown	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>15</b>	<b>6</b>	<b>22</b>

Table 60 shows that Hispanic members had the highest number of sustained Class II cases with discipline compared to other race groups in 2024. This was a big drop from 2023 (32 to 17). White members had the biggest drop in sustained Class II cases (27 to 3). Sustained Class II cases for Asian members dropped from 20 to 8 and stayed about the same for Black members (13 to 11).

However, there was a shift in the seriousness of discipline in Class II cases between 2023 and 2024. In 2023, Black members had the highest suspension rate (as opposed to lower-level discipline – counseling and written reprimands) compared to white members (46% versus 33%). The opposite was true in 2024. White members received a higher level of discipline in 67% of cases compared to Black members in 36% of cases. There was one Black officer who was sustained in four Class II cases in 2024, three of which he received a suspension. This one officer increased the rate of suspensions for Black members.

**Table 60: Class II Discipline by Race 2024**

Class II Cases	Counseling		Written		Suspension		Demotion/ Termination		Total	
	%	#	%	#	%	#	%	#	%	#
White*	0%		33%	1	67%	2	0%	0	100%	3
Black	36%	4	27%	3	36%	4	0%	0	100%	11
Hispanic	65%	11	18%	3	18%	3	0%	0	100%	17
Asian	63%	5	13%	1	25%	2	0%	0	100%	8
Other/Unknown	0%		100%	1	0%		0%	0	100%	1
<b>Total</b>	<b>50%</b>	<b>20</b>	<b>23%</b>	<b>9</b>	<b>28%</b>	<b>11</b>	<b>0%</b>	<b>0</b>	<b>100%</b>	<b>40</b>

When looking at discipline for gender and rank, there were no significant changes between 2023 and 2024. Female members had very few Class I sustained cases and had a much lower suspension rate for Class II cases than male members in both years. Sergeants and above had a higher suspension rate than officers in both years. As stated earlier in this section, there was one sergeant who received counseling for a Class I case, while all other members received a suspension for their Class I cases. Tables 61 and 62 show discipline by gender and rank in 2024.

Table 61: Discipline by Gender 2024

Class I Cases	Counseling	Written	Suspension	Demotion/ Termination	Total
Male	1	0	13	6	20
Female		0	2		2
<b>Total</b>	<b>1</b>	<b>0</b>	<b>15</b>	<b>6</b>	<b>22</b>

Class II Cases	Counseling		Written		Suspension		Demotion/ Termination		Total	
	%	#	%	#	%	#	%	#	%	#
Male	45%	15	24%	8	30%	10	0%	0	100%	33
Female	71%	5	14%	1	14%	1	0%	0	100%	7
<b>Total</b>	<b>50%</b>	<b>20</b>	<b>23%</b>	<b>9</b>	<b>28%</b>	<b>11</b>	<b>0%</b>	<b>0</b>	<b>100%</b>	<b>40</b>

Table 62: Discipline by Rank 2024

Class I Cases	Counseling	Written	Suspension	Demotion/ Termination	Total
Officer	0	0	13	6	19
Sgt and Above	1	0	2		3
<b>Total</b>	<b>1</b>	<b>0</b>	<b>15</b>	<b>6</b>	<b>22</b>

Class II Cases	Counseling		Written		Suspension		Demotion/ Termination		Total	
	%	#	%	#	%	#	%	#	%	#
Officer	56%	20	22%	8	22%	8	0%	0	100%	36
Sgt and Above	0%		25%	1	75%	3	0%	0	100%	4
<b>Total</b>	<b>50%</b>	<b>20</b>	<b>23%</b>	<b>9</b>	<b>28%</b>	<b>11</b>	<b>0%</b>	<b>0</b>	<b>100%</b>	<b>40</b>

## 7. Recommendations

Our analyses produced the recommendations below.

1. **Keep better record of internally discovered allegations.** Analyzing cases with an internal origin was important in identifying where disparity was more prominent. Therefore, looking at the origin of individual allegations would allow for an even more targeted analysis. While the Department has a way to track internally discovered violations, the field was left blank for 33% of allegations in 2024. Furthermore, the only data point tracked is whether or not the allegation was internally discovered. To determine whether disparity differs for allegations that originate within the Department, the Department should ensure that the internally discovered violation field is complete for all allegations. Complete and accurate tracking of internally discovered allegations seems critical to understanding where disparity might be occurring, including:
  - a. who discovered the violation,
  - b. who approved adding the allegation to the case,
  - c. when the allegation was added, and
  - d. the cause/reason for adding the allegation.

The Department needs to improve its data collection to better understand when internal allegations are made, by whom, at what stage, and to put in place clear criteria and protocols to ensure that excessive discretion does not allow racial disparities to arise in this process, it would be important to study not only when internal allegations are added for officers of color, but also to review whether similar behavior by white officers might fail to lead to the addition of a similar internal allegation.

2. **Keep checking whether recent fluctuations constitute a trend.** The Department should continue to monitor sustained rates quarterly to see if the disparity identified in 2024 persists (as we do with Jan-Jun '25 in Table 2). The Department should also revise its methodology to place yearly findings in the context of previous years whenever possible. As Table 2 demonstrates, this provides a useful context to evaluate the magnitude of observed differences.
3. **Focus future analysis on fully investigated cases.** For future analyses, the Department should focus on fully investigated cases when identifying disparity in sustained rates since Summary Findings and Informal Complaint Resolutions (ICRs) do not result in sustained findings and, therefore, cannot exhibit disparity in sustained rates. However, prior to such a focus on full investigations it is important to make sure that there are no disparities in the rates of Summary Findings and ICRs, as disparities could be overlooked if cases against one group were unevenly dismissed before they come to a full investigation.
4. **Balance statistical significance with observed disparity.** The current methodology requires that we compute chi-squares to test statistical differences in disparity. While this tool is helpful in providing guidelines and cutoff points used to determine whether the data supports or refutes a relationship between two categories of data, it is not a perfect solution. Its utility is limited both because of the small numbers and the ability to compare only two variables. Therefore, in addition to using the statistical tools, we have to rely on common sense to decide which disparities are large enough to deserve attention, while being mindful that percentages derived from small datasets can be easily swayed by even minor fluctuations in the data.
5. **Collect qualitative data from department personnel.** The Department should gather qualitative data via interviews and focus groups with representatives from across the Department, including all ranks and bureaus, and members from police officer associations and unions to help assess high-level themes about how the results of this report impact sworn staff.

## Appendix 1: Chi-Square Tests Cases Per Member and Allegations Per Case

## Cases per Member

Table 1: Chi-Square Test by Cases per Member for White v Black Sworn Members

	One Case per Member		More than One Case per Member		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
White	43% (41)	33	57% (54)	62	5.563	0.018
Black	25% (27)	35	74% (76)	67		

Table 2: Chi-Square Test by Cases per Member for White v Hispanic Members

	One Case per Member		More than One Case per Member		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
White	43% (41)	33	57% (54)	62	4.540	0.033
Hispanic	29% (40)	48	71% (99)	91		

Table 3: Chi-Square Test by Cases per Member for White v Asian Members

	One Case per Member		More than One Case per Member		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
White	43% (41)	30	57% (54)	65	9.843	0.002
Asian	21% (22)	33	79% (81)	70		

Table 4: Chi-Square Test by Cases per Member for White v Other/Unknown Sworn Members

	One Case per Member		More than One Case per Member		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
White	43% (41)	39	57% (54)	56	0.339	0.560
Other/ Unknown	33% (7)	9	67% (14)	12		

## Allegations per Case

Table 1: Chi-Square Test by Allegations per Case for White v Black Sworn Members

	One Allegation per Case		More than One Allegation per Case		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
White	71% (159)	150	29% (64)	73	2.646	0.104
Black	64% (226)	235	36% (125)	116		

Table 2: Chi-Square Test by Allegations per Case for White v Hispanic Members

	One Allegation per Case		More than One Allegation per Case		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
White	71% (159)	155	29% (64)	68	0.510	0.475
Hispanic	68% (290)	294	32% (135)	131		

**Table 3: Chi-Square Test by Allegations per Case for White v Asian Members**

	One Allegation per Case		More than One Allegation per Case		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
White	71% (159)	157	29% (64)	66	0.071	0.790
Asian	70% (239)	241	30% (103)	101		

**Table 4: Chi-Square Test by Allegations per Case for White v Other/Unknown Sworn Members**

	One Allegation per Case		More than One Allegation per Case		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
White	71% (159)	157	29% (64)	66	0.300	0.585
Other/ Unknown	67% (51)	53	33% (25)	23		

**Table 5: Chi-Square Test by Allegations per Case for Male v Female**

	One Allegation per Case		More than One Allegation per Case		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
<b>Male</b>	<b>67% (798)</b>	<b>812</b>	<b>33% (394)</b>	<b>380</b>	<b>4.284</b>	<b>0.038</b>
<b>Female</b>	<b>74% (167)</b>	<b>153</b>	<b>26% (58)</b>	<b>72</b>		

**Table 6: Chi-Square Test by Allegations per Case for Officer v Sgt and Above**

	One Allegation per Case		More than One Allegation per Case		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
Officer	68% (900)	906	32% (431)	425	2.006	0.157
Sgt and Above	76% (65)	59	24% (21)	27		

## Appendix 2: Chi-Square Tests by Investigation Type

## All Investigations

Table 1: Chi-Square Test by Investigation Type for White v Black Sworn Members

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
<b>All Investigations</b>						
White	98% (219)	213	2% (4)	10	5.87	0.015
Black	93% (328)	334	7% (23)	17		
<b>DLIs and DLI Summary Findings</b>						
White	99% (200)	194	1% (3)	8	4.357	0.037
Black	94% (308)	313	6% (18)	13		
IA and IA Summary Findings						
White	Too few sustained cases to calculate a chi-square					
Black						

Table 2: Chi-Square Test by Investigation Type for White v Hispanic Sworn Members

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
<b>All Investigations</b>						
White	98% (219)	213	2% (4)	10	4.80	0.028
Hispanic	94% (400)	406	6% (25)	19		
<b>DLIs and DLI Summary Findings</b>						
White	99% (200)	196	1% (3)	7	2.621	0.105
Hispanic	96% (470)	374	4% (17)	13		
IA and IA Summary Findings						
White	Too few sustained cases to calculate a chi-square					
Hispanic						

Table 3: Chi-Square Test by Investigation Type for White v Asian Sworn Members

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
<b>All Investigations</b>						
White	98% (219)	217	2% (4)	6	0.578	0.447
Asian	97% (331)	333	3% (11)	9		
<b>DLIs and DLI Summary Findings</b>						
White	99% (200)	198	1% (3)	5	0.822	0.364
Asian	97% (307)	309	3% (10)	8		
IA and IA Summary Findings						
White	Too few sustained cases to calculate a chi-square					
Asian						

**Table 4: Chi-Square Test by Investigation Type for White v Other/Unknown Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>	
	Observed	Expected	Observed	Expected			
All Investigations							
White	Too few sustained cases to calculate a chi-square						
Other/Unknown							
DLIs and DLI Summary Findings							
White	Too few sustained cases to calculate a chi-square						
Other/Unknown							
IA and IA Summary Findings							
White	Too few sustained cases to calculate a chi-square						
Other/Unknown							

**Table 5: Chi-Square Test by Investigation Type for Male v Female Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>	
	Observed	Expected	Observed	Expected			
All Investigations							
Male	95% (1129)	1130	5% (54)	53	0.000	0.981	
Female	96% (224)	223	4% (10)	11			
DLIs and DLI Summary Findings							
Male	96% (1044)	1044	4% (41)	41	0.000	0.936	
Female	96% (213)	213	4% (8)	8			
IA and IA Summary Findings							
Male	Too few sustained cases to calculate a chi-square						
Female							

**Table 6: Chi-Square Test by Investigation Type for Officer v Sgt or Above Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>	
	Observed	Expected	Observed	Expected			
All Investigations							
Officer	96% (1274)	1271	4% (57)	60	1.964	0.161	
Sgt or Above	92% (79)	82	8% (7)	4			
DLIs and DLI Summary Findings							
Officer	Too few sustained cases to calculate a chi-square						
Sgt or Above							
IA and IA Summary Findings							
Officer	Too few sustained cases to calculate a chi-square						
Sgt or Above							

### Full Investigations Only (Summary Findings Excluded)

**Table 1: Chi-Square Test by Investigation Type for White v Black Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>	
	Observed	Expected	Observed	Expected			
<b>All Investigations</b>							
<b>White</b>	<b>93% (50)</b>	<b>44</b>	<b>7% (4)</b>	<b>10</b>	<b>5.098</b>	<b>0.024</b>	
<b>Black</b>	<b>77% (75)</b>	<b>81</b>	<b>23% (23)</b>	<b>17</b>			
DLIs							
White	92% (36)	32	8% (3)	7	2.818	0.093	
Black	78% (64)	68	22% (18)	14			
IA Investigations							
White	Too few sustained cases to calculate a chi-square						
Black							

**Table 2: Chi-Square Test by Investigation Type for White v Hispanic Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>	
	Observed	Expected	Observed	Expected			
<b>All Investigations</b>							
<b>White</b>	<b>93% (50)</b>	<b>44</b>	<b>7% (4)</b>	<b>10</b>	<b>5.266</b>	<b>0.022</b>	
<b>Hispanic</b>	<b>76% (81)</b>	<b>87</b>	<b>24% (25)</b>	<b>19</b>			
DLIs							
White	92% (36)	33	8% (3)	6	1.946	0.163	
Hispanic	81% (71)	74	19% (17)	14			
IA Investigations							
White	Too few sustained cases to calculate a chi-square						
Black							

**Table 3: Chi-Square Test by Investigation Type for White v Asian Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>	
	Observed	Expected	Observed	Expected			
All Investigations							
White	93% (50)	48	7% (4)	6	0.880	0.348	
Asian	88% (66)	68	14% (11)	9			
DLIs							
White	92% (36)	34	8% (3)	5	0.709	0.310	
Asian	85% (55)	57	15% (10)	8			
IA Investigations							
White	Too few sustained cases to calculate a chi-square						
Asian							

**Table 5: Chi-Square Test by Investigation Type for Male v Female Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
All Investigations						
Male	82% (243)	243	18% (54)	54	0.036	0.849

Female	82% (45)	45	18% (10)	10		
DLIs						
Male	83% (201)	201	17% (41)	41	0.027	0.870
Female	83% (40)	40	17% (8)	8		
IA Investigations						
Male	Too few sustained cases to calculate a chi-square					
Female						

**Table 6: Chi-Square Test by Investigation Type for Officer v Sgt or Above Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
All Investigations						
Officer	81% (251)	252	19% (57)	56	0.044	0.835
Sgt or Above	84% (37)	36	16% (7)	8		
DLIs						
Officer	83% (220)	221	17% (46)	45	0.010	0.752
Sgt or Above	83% (21)	20	13% (3)	4		
IA Investigations						
Officer	74% (31)	32	26% (11)	10	0.046	0.830
Sgt or Above	80% (16)	15	20% (4)	5		

## Appendix 3: Chi-Square Tests by Complaint Origin

## All Investigations

Table 1: Chi-Square Test by Complaint Origin for White v Black Sworn Members

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
<b>All Investigations</b>						
<b>White</b>	<b>98% (219)</b>	<b>213</b>	<b>2% (4)</b>	<b>10</b>	<b>5.87</b>	<b>0.015</b>
<b>Black</b>	<b>93% (328)</b>	<b>334</b>	<b>7% (23)</b>	<b>17</b>		
Internal Origin						
White	Too few sustained cases to calculate a chi-square					
Black						
External Origin						
White	98% (211)	207	2% (4)	8	2.380	0.123
Black	95% (320)	324	5% (16)	12		

Table 2: Chi-Square Test by Complaint Origin for White v Hispanic Sworn Members

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
<b>All Investigations</b>						
<b>White</b>	<b>98% (219)</b>	<b>213</b>	<b>2% (4)</b>	<b>10</b>	<b>4.802</b>	<b>0.028</b>
<b>Hispanic</b>	<b>94% (400)</b>	<b>406</b>	<b>6% (25)</b>	<b>19</b>		
Internal Origin						
White	Too few sustained cases to calculate a chi-square					
Hispanic						
External Origin						
White	98% (211)	206	2% (4)	9	3.141	0.076
Hispanic	95% (387)	392	5% (21)	16		

Table 3: Chi-Square Test by Complaint Origin for White v Asian Sworn Members

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
All Investigations						
White	98% (219)	217	2% (4)	6	0.580	0.447
Asian	97% (331)	333	3% (11)	9		
Internal Origin						
White	Too few sustained cases to calculate a chi-square					
Asian						
External Origin						
White	98% (211)	210	2% (4)	5	0.297	0.586
Asian	97% (324)	325	3% (10)	9		

**Table 4: Chi-Square Test by Complaint Origin for White v Other/Unknown Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>	
	Observed	Expected	Observed	Expected			
All Investigations							
White	Too few sustained cases to calculate a chi-square						
Other/Unknown							
Internal Origin							
White	Too few sustained cases to calculate a chi-square						
Other/Unknown							
External Origin							
White	Too few sustained cases to calculate a chi-square						
Other/Unknown							

**Table 5: Chi-Square Test by Complaint Origin for Male v Female Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>	
	Observed	Expected	Observed	Expected			
All Investigations							
Male	95% (1129)	1130	5% (54)	53	0.000	0.981	
Female	96% (224)	223	4% (10)	11			
Internal Origin							
Male	Too few sustained cases to calculate a chi-square						
Female							
External Origin							
Male	96% (1095)	1203	4% (45)	76	0.206	0.650	
Female	97% (222)	184	3% (7)	12			

**Table 6: Chi-Square Test by Complaint Origin for Officer v Sgt or Above Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>	
	Observed	Expected	Observed	Expected			
All Investigations							
Officer	96% (1274)	1271	4% (57)	60	1.964	0.161	
Sgt or Above	92% (79)	82	8% (7)	4			
Internal Origin							
Officer	Too few sustained cases to calculate a chi-square						
Sgt or Above							
External Origin							
Officer	Too few sustained cases to calculate a chi-square						
Sgt or Above							

**Full Investigations Only (Summary Findings Excluded)****Table 1: Chi-Square Test by Complaint Origin for White v Black Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>
	Observed	Expected	Observed	Expected		
<b>All Investigations</b>						
<b>White</b>	<b>93% (50)</b>	<b>44</b>	<b>7% (4)</b>	<b>10</b>	<b>5.098</b>	<b>0.024</b>

<b>Black</b>	<b>77% (75)</b>	<b>81</b>	<b>23% (23)</b>	<b>17</b>		
Internal Origin						
White	Too few sustained cases to calculate a chi-square					
Black						
External Origin						
White	92% (45)	42	8% (4)	7	1.862	0.172
Black	82% (71)	74	18% (16)	13		

**Table 2: Chi-Square Test by Complaint Origin for White v Hispanic Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	p
	Observed	Expected	Observed	Expected		
<b>All Investigations</b>						
<b>White</b>	<b>93% (50)</b>	<b>44</b>	<b>7% (4)</b>	<b>10</b>	<b>5.266</b>	<b>0.022</b>
<b>Hispanic</b>	<b>76% (81)</b>	<b>87</b>	<b>24% (25)</b>	<b>19</b>		
Internal Origin						
White	Too few sustained cases to calculate a chi-square					
Hispanic						
External Origin						
White	92% (45)	40	8% (4)	9	3.462	0.063
Hispanic	78% (74)	79	22% (21)	16		

**Table 3: Chi-Square Test by Complaint Origin for White v Asian Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	p
	Observed	Expected	Observed	Expected		
<b>All Investigations</b>						
<b>White</b>	<b>93% (50)</b>	<b>48</b>	<b>7% (4)</b>	<b>6</b>	0.880	0.348
<b>Asian</b>	<b>88% (66)</b>	<b>68</b>	<b>14% (11)</b>	<b>9</b>		
Internal Origin						
White	Too few sustained cases to calculate a chi-square					
Asian						
External Origin						
White	92% (45)	43	8% (4)	6	0.458	0.498
Asian	86% (62)	64	14% (10)	8		

**Table 5: Chi-Square Test by Complaint Origin for Male v Female Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	p
	Observed	Expected	Observed	Expected		
<b>All Investigations</b>						
<b>Male</b>	<b>82% (243)</b>	<b>243</b>	<b>18% (54)</b>	<b>54</b>	0.036	0.849
<b>Female</b>	<b>82% (45)</b>	<b>45</b>	<b>18% (10)</b>	<b>10</b>		
Internal Origin						
Male	Too few sustained cases to calculate a chi-square					
Female						
External Origin						
Male	83% (224)	225	17% (45)	44	0.106	0.744
Female	86% (44)	43	14% (7)	8		

**Table 6: Chi-Square Test by Complaint Origin for Officer v Sgt or Above Sworn Members**

	Other than Sustained		Sustained		Chi-Square Value	<i>p</i>	
	Observed	Expected	Observed	Expected			
All Investigations							
Officer	81% (251)	252	19% (57)	56	0.044	0.835	
Sgt or Above	84% (37)	36	16% (7)	8			
Internal Origin							
Officer	Too few sustained cases to calculate a chi-square						
Sgt or Above							
External Origin							
Officer	84% (240)	240	16% (46)	46	0.000	0.990	
Sgt or Above	82% (28)	28	18% (6)	6			

## Appendix 4: 2023 Sustained Rates for Allegation Class

The analysis of sustained rates for allegation class was not performed in the 2023 analysis and we are therefore including the 2023 sustained rates for comparison.

**Table 91: Allegations - Sustained Rate for Allegation Class by Race 2023**

	All Allegations			Class I Allegations			Class II Allegations		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>White</b>	<b>10%</b>	<b>53</b>	<b>553</b>	9%	11	124	<b>10%</b>	<b>42</b>	<b>428</b>
<b>Black</b>	<b>5%</b>	<b>31</b>	<b>567</b>	8%	11	138	<b>5%</b>	<b>20</b>	<b>427</b>
<b>Hispanic</b>	<b>6%</b>	<b>48</b>	<b>833</b>	4%	9	202	<b>6%</b>	<b>39</b>	<b>629</b>
<b>Asian/Filipino</b>	8%	47	612	8%	12	152	8%	35	460
<b>Other/Unknown</b>	10%	12	115	14%	5	36	9%	7	79
<b>Total</b>	<b>7%</b>	<b>191</b>	<b>2680</b>	<b>7%</b>	<b>48</b>	<b>652</b>	<b>7%</b>	<b>143</b>	<b>2023</b>

**Table 92: Allegations - Sustained Rate for Allegation Class by Gender 2023**

	All Allegations			Class I Allegations			Class II Allegations		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>Male</b>	<b>8%</b>	<b>177</b>	<b>2329</b>	8%	45	562	7%	132	1766
<b>Female</b>	<b>4%</b>	<b>14</b>	<b>351</b>	3%	3	90	4%	11	257
<b>Total</b>	<b>7%</b>	<b>191</b>	<b>2680</b>	<b>7%</b>	<b>48</b>	<b>652</b>	<b>7%</b>	<b>143</b>	<b>2023</b>

**Table 93: Allegations - Sustained Rate for Allegation Class by Rank 2023**

	All Allegations			Class I Allegations			Class II Allegations		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>Officer</b>	<b>6%</b>	<b>147</b>	<b>2422</b>	<b>5%</b>	<b>30</b>	<b>568</b>	<b>6%</b>	<b>117</b>	<b>1849</b>
<b>Sgt and Above</b>	<b>17%</b>	<b>44</b>	<b>258</b>	<b>21%</b>	<b>18</b>	<b>84</b>	<b>15%</b>	<b>26</b>	<b>174</b>
<b>Total</b>	<b>7%</b>	<b>191</b>	<b>2680</b>	<b>7%</b>	<b>48</b>	<b>652</b>	<b>7%</b>	<b>143</b>	<b>2023</b>

## Appendix 5: 2024 Sustained IA Cases with Discipline

\* C – Counseling, WR – Written Reprimand, S – Suspension, T – Termination

Case #	Rank at Time of Complaint	Race	Gender	Violation	Violation Descp	Violation Class	Offense (1st, 2nd etc.)	Aggr Factors	Mitig Factors	Disc Matrix	Disc	Susp Days
Case 1	Officer	Hi	F	314.03-2c	GENERAL CONDUCT	Class II	1st	5	2	C-S3	S	10
Case 1	Officer	Hi	F	314.42-2g	OBEDIENCE TO LAWS - MISDEMEANOR/INFRACTION	Class II	1st	5	2	C-S2	S	10
Case 1	Officer	Hi	F	356.90-1b	UNAUTHORIZED USE OF ELECTRONIC SYSTEMS	Class I	1st	5	2	C-T	S	10
Case 2	Officer	Hi	M	314.42-1e	OBEDIENCE TO LAWS - FELONY	Class I	1st	11	0	S2-T	T	
Case 2	Officer	Hi	M	398.80-1a	TRUTHFULNESS	Class I	1st	11	0	T	T	
Case 3	Officer	Hi	M	398.70-1b	INTERFERING WITH INVESTIGATIONS	Class I	1st	11	0	T	T	
Case 3	Officer	Hi	M	314.42-1e	OBEDIENCE TO LAWS - FELONY	Class I	1st	11	0	S2-T	T	
Case 3	Officer	Hi	M	314.42-1e	OBEDIENCE TO LAWS - FELONY	Class I	1st	11	0	S2-T	T	
Case 3	Officer	Hi	M	314.42-2g	OBEDIENCE TO LAWS - MISDEMEANOR/INFRACTION	Class II	1st	11	0	C-S2	T	
Case 3	Officer	Hi	M	398.80-1a	TRUTHFULNESS	Class I	1st	11	0	T	T	
Case 3	Officer	Hi	M	398.80-1a	TRUTHFULNESS	Class I	1st	11	0	T	T	
Case 4	Officer	Hi	M	314.08-2a	CONDUCT TOWARD OTHERS - RELATIONSHIPS	Class II	1st	10	0	S2-S5	T	
Case 4	Officer	Hi	M	314.03-2c	GENERAL CONDUCT	Class II	1st	10	0	C-S3	T	
Case 4	Officer	Hi	M	356.89-1b	IMPROPER DISSEMINATION OF COMPUTER INFORMATION	Class I	1st	10	0	C-T	T	
Case 4	Officer	Hi	M	314.42-2g	OBEDIENCE TO LAWS - MISDEMEANOR/INFRACTION	Class II	1st	10	0	C-S2	T	
Case 4	Officer	Hi	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	10	0	C-S2	T	
Case 4	Officer	Hi	M	398.80-1a	TRUTHFULNESS	Class I	1st	10	0	T	T	
Case 4	Officer	Hi	M	356.90-1b	UNAUTHORIZED USE OF ELECTRONIC SYSTEMS	Class I	1st	10	0	C-T	T	

Case 4	Officer	Hi	M	314.70-1b	USE OF PRIVILEGED INFORMATION	Class I	1st	10	0	S10-T	T	
Case 5	Sgt and above	Bl	F	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	4	1	C-S2	S	2
Case 6	Officer	Bl	M	314.39-2g	PERFORMANCE OF DUTY - CARE OF PROPERTY	Class II	1st	4	2	C-S2	WR	
Case 7	Officer	As	M	398.77-1a	REFUSAL TO PROVIDE NAME OR SERIAL NUMBER	Class I	1st	1	3	S3-T	S	5
Case 8	Officer 1	Bl	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	3	6	C-S2	C	
Case 8	Officer 2	As	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	4	4	C-S2	C	
Case 8	Officer 3	Hi	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	4	4	C-S2	S	2
Case 8	Officer 3	Hi	M	314.39-1e	PERFORMANCE OF DUTY - MIRANDA VIOLATION	Class I	1st	4	4	S2-T	S	2
Case 9	Officer	Bl	M	314.07-2b	CONDUCT TOWARD OTHERS - DEMEANOR	Class II	3rd	9	1	S5-S30	S	35
Case 9	Officer	Bl	M	314.05-1b	CONDUCT TOWARD OTHERS - WORKPLACE VIOLENCE	Class I	1st	9	1	S5-T	S	35
Case 9	Officer	Bl	M	314.04-2a	CONDUCT TOWARDS OTHERS - Unprofessional Conduct in Violation of AI 71	Class II	1st	9	1	C-S30	S	35
Case 9	Officer	Bl	M	398.76-2a	FAILURE TO ACCEPT OR REFER A COMPLAINT (UNINTENTIONAL)	Class II	1st	9	1	C-S5	S	35
Case 9	Officer	Bl	M	314.39-2i	PERFORMANCE OF DUTY - PDRD	Class II	1st	9	1	WR-S5	S	35
Case 10	Officer	Hi	M	314.07-2b	CONDUCT TOWARD OTHERS - DEMEANOR	Class II	1st	6	3	C-S3	S	3
Case 10	Officer	Hi	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	6	3	C-S2	S	3
Case 11	Officer	Hi	M	314.39-2g	PERFORMANCE OF DUTY - CARE OF PROPERTY	Class II	1st	3	5	C-S2	C	
Case 12	Sgt and above	Wh	M	370.27-1l	USE OF PHYSICAL FORCE - Non-Reportable Use of Force	Class I	1st	3	3	C-T	C	
Case 13	Officer	Bl	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	3	5	C-S2	WR	
Case 13	Officer	Bl	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	3	5	C-S2	WR	

Case 14	Officer	As	M	314.07-2b	CONDUCT TOWARD OTHERS - DEMEANOR	Class II	1st	2	2	C-S3	C	
Case 15	Officer	As	M	314.07-2b	CONDUCT TOWARD OTHERS - DEMEANOR	Class II	1st	1	3	C-S3	C	
Case 16	Officer	Hi	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	2	1	C-S2	WR	
Case 17	Officer 1	Wh	M	314.07-2b	CONDUCT TOWARD OTHERS - DEMEANOR	Class II	3rd	2	4	S5-S30	S	17
Case 17	Officer 2	As	M	314.39-2i	PERFORMANCE OF DUTY - PDRD	Class II	1st	2	6	WR-S5	WR	
Case 18	Officer	Hi	F	314.07-2b	CONDUCT TOWARD OTHERS - DEMEANOR	Class II	1st			C-S3	Missed 3304	
Case 19	Officer 1	Wh	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	4	2	C-S2	WR	
Case 19	Officer 2	Hi	F	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	2	5	C-S2	C	
Case 20	Officer 1	Hi	F	314.39-2g	PERFORMANCE OF DUTY - CARE OF PROPERTY	Class II	1st	1	4	C-S2	C	
Case 20	Officer 2	Bl	M	314.39-2g	PERFORMANCE OF DUTY - CARE OF PROPERTY	Class II	1st	4	1	C-S2	C	
Case 21	Sgt and above	Bl	M	398.76-1a	REFUSAL TO ACCEPT OR REFER COMPLAINT (INTENTIONAL)	Class I	1st	3	2	S5-T	S	5
Case 22	Officer	Bl	M	398.77-1a	REFUSAL TO PROVIDE NAME OR SERIAL NUMBER	Class I	1st	6	2	S3-T	S	20
Case 23	Officer	As	M	370.27-1f	USE OF PHYSICAL FORCE COMPARABLE TO LEVEL 1	Class I	1st	7	0	C-T	Missed 3304	
Case 24	Officer	Bl	M	328.53-1b	FALSE REPORTING OF ILLNESS OR INJURY	Class I	1st	10	0	S30-T	T	
Case 24	Officer	Bl	M	398.80-1a	TRUTHFULNESS	Class I	1st	10	0	T	T	
Case 25	Officer	Bl	M	314.38-1c	OBSTRUCTING THE INTERNAL AFFAIRS PROCESS	Class I	1st	7	0	C-T	T	
Case 25	Officer	Bl	M	398.80-1a	TRUTHFULNESS	Class I	1st	7	0	T	T	
Case 26	Officer 1	Hi	M	314.39-2e	PERFORMANCE OF DUTY - UNINTENTIONAL/IMPROPER SEARCH, SEIZURE, OR ARREST	Class II	1st	3	6	C-S3	C	
Case 26	Officer 2	As	M	314.39-2e	PERFORMANCE OF DUTY - UNINTENTIONAL/IMPROPER	Class II	1st	3	6	C-S3	C	

					SEARCH, SEIZURE, OR ARREST							
Case 27	Officer	Bl	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	3	3	C-S2	WR	
Case 28	Officer 1	Bl	M	370.36-1b	CUSTODY OF PRISONERS - TREATMENT	Class I				C-T	S	6
Case 28	Officer 2	Bl	M	370.36-1b	CUSTODY OF PRISONERS - TREATMENT	Class I				C-T	S	10
Case 28	Officer 3	As	M	370.36-1b	CUSTODY OF PRISONERS - TREATMENT	Class I				C-T	S	4
Case 28	Officer 4	Hi	M	370.36-1b	CUSTODY OF PRISONERS - TREATMENT	Class I				C-T	S	6
Case 28	Officer 5	Bl	M	370.36-1b	CUSTODY OF PRISONERS - TREATMENT	Class I				C-T	S	6
Case 29	Officer	Hi	M	314.07-2b	CONDUCT TOWARD OTHERS - DEMEANOR	Class II	1st	4	5	C-S3	C	
Case 30	Officer	Bl	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	2nd	3	3	WR-S5	S	1
Case 31	Officer	Hi	M	314.07-2b	CONDUCT TOWARD OTHERS - DEMEANOR	Class II	1st	4	5	C-S3	C	
Case 32	Officer 1	As	M	314.07-2b	CONDUCT TOWARD OTHERS - DEMEANOR	Class II					S	18
Case 32	Officer 2	Hi	F	314.04-2a	CONDUCT TOWARDS OTHERS - Unprofessional Conduct in Violation of AI 71	Class II					C	
Case 33	Officer	Hi	F	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	3	7	C-S2	C	
Case 33	Officer	Hi	F	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	3	7	C-S2	C	
Case 34	Officer	Hi	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	2	6	C-S2	C	
Case 35	Officer	Bl	M	314.03-2c	GENERAL CONDUCT	Class II	1st	8	0	C-S3	T	
Case 35	Officer	Bl	M	314.38-1c	OBSTRUCTING THE INTERNAL AFFAIRS PROCESS	Class I	1st	8	0	C-T	T	
Case 35	Officer	Bl	M	328.07-2c	PROHIBITED ACTIVITY ON DUTY	Class II	1st	8	0	C-S2	T	
Case 35	Officer	Bl	M	398.80-1a	TRUTHFULNESS	Class I	1st	8	0	T	T	
Case 36	Officer	Bl	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	4	2	C-S2	S	2
Case 36	Officer	Bl	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	4	2	C-S2	S	2

Case 37	Sgt and above	Hi	M	285.00-2b	SUPERVISORS - AUTHORITY AND RESPONSIBILITIES Includes all of the 285.00 subsections except 285.90	Class II	1st	2	2	C-S5	WR	
Case 37	Officer	Bl	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	4	2	C-S2	S	5
Case 38	Officer	Hi	M	314.07-2b	CONDUCT TOWARD OTHERS - DEMEANOR	Class II	1st	4	4	C-S3	WR	
Case 39	Officer 1	Bl	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	3	5	C-S2	C	
Case 39	Officer 2	As	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	6	1	C-S2	S	2
Case 40	Officer	Bl	M	328.49-2b	ABSENCE FROM DUTY	Class II	1st	5	5	C-S2	S	5
Case 40	Officer	Bl	M	314.30-1c	INSUBORDINATION - FAILURE TO OBEY A LAWFUL ORDER	Class I	1st	5	5	S3-T	S	5
Case 41	Officer	Unk	F	314.07-2b	CONDUCT TOWARD OTHERS - DEMEANOR	Class II	1st	5	1	C-S3	WR	
Case 42	Officer	Bl	M	398.77-1a	REFUSAL TO PROVIDE NAME OR SERIAL NUMBER	Class I	1st	4	3	S3-T	S	10
Case 43	Officer 1	Hi	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	1	6	C-S2	C	
Case 43	Officer 2	As	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	1	6	C-S2	C	
Case 44	Officer	Bl	F	314.39-2i	PERFORMANCE OF DUTY - PDRD	Class II	1st	4	4	WR-S5	S	3
Case 44	Officer	Bl	F	398.77-1a	REFUSAL TO PROVIDE NAME OR SERIAL NUMBER	Class I	1st	4	4	S3-T	S	3
Case 45	Officer	Hi	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	1	3	C-S2	C (Retired)	
Case 46	Officer	Hi	M	342.19-2b	DAMAGED, INOPERATIVE PROPERTY OR EQUIPMENT	Class II	1st	3	1	C-S2	S	1
Case 47	Officer	Bl	F	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	4	4	C-S2	C	
Case 48	Sgt and above 1	Hi	M	234.12-2b	COMMANDING OFFICERS AUTHORITY AND RESPONSIBILITIES - COMMAND	Class II	1st	6	0	C-S5	S	15
Case 48	Sgt and above 1	Hi	M	398.76-2a	FAILURE TO ACCEPT OR REFER A COMPLAINT (UNINTENTIONAL)	Class II	1st	6	0	C-S5	S	15

Case 48	Sgt and above 1	Hi	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	6	0	C-S2	S	15
Case 48	Sgt and above 1	Hi	M	314.48-1b	REPORTING VIOLATIONS OF LAWS, ORDINANCES, RULES OR ORDERS (CLASS I)	Class I	1st	6	0	C-T	S	15
Case 48	Sgt and above 2	Hi	M	398.76-2a	FAILURE TO ACCEPT OR REFER A COMPLAINT (UNINTENTIONAL)	Class II	3rd	6	0	S5-S30	S	10
Case 48	Sgt and above 3	Wh	M	398.76-2a	FAILURE TO ACCEPT OR REFER A COMPLAINT (UNINTENTIONAL)	Class II	2nd	6	0	S2-S5	S	4
Case 48	Sgt and above 3	Wh	M	314.39-2f	PERFORMANCE OF DUTY - GENERAL	Class II	1st	6	0	C-S2	S	4

**Note: Case 28 and Case 32 are missing offense number and aggravating and mitigating factors. For both cases, discipline was determined by the Oakland Police Commission's Discipline Committee and the missing fields were not captured in the Committee's report.**

# **EXHIBIT 2-A**



**INTER OFFICE MEMORANDUM**

**TO:** Office of Internal Accountability      **PREPARED BY:** Lisa Ausmus  
 Deputy Chief of Police

**SUBJECT:** Department Response to the 2024 IAB Outcome and Discipline Report      **DATE:** November 7, 2025

**PURPOSE**

The Oakland Police Department (the Department) has reviewed the *2024 Internal Affairs Bureau (IAB) Outcome and Discipline Report* to ensure that investigative and disciplinary processes continue to reflect the Department’s commitment to fairness, transparency, and accountability. The purpose of this memorandum is to address the report’s recommendations and outline the actions the Department will take in response to observed and reported disparities.

**ACKNOWLEDGMENT OF FINDINGS**

The Department acknowledges the report’s comprehensive analysis of investigative outcomes across race, gender, and rank. The report encompasses all misconduct cases involving sworn personnel that were closed in 2024, excluding those reviewed by administrative boards (Use of Force, Pursuit, and Collision Boards). The findings highlight areas of concern that require a higher level of monitoring.

The 2024 data revealed a significant decrease in sustained findings among white sworn members, 2% compared to 11% in 2023. Only four white sworn members were sustained in 2024. The sustained rate for white members was also significantly lower than that of Black members, at 7%, and Hispanic members, at 6%. The 2024 results were a shift from 2023, when white members were sustained at the highest rate.

**Sustained Rates by Race 2023 Versus 2024**

	2023			2024		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>White</b>	11%	37	348	2%	4	223
<b>Black</b>	6%	20	341	7%	23	351
<b>Hispanic</b>	8%	40	512	6%	25	425
<b>Asian/Filipino</b>	7%	26	379	3%	11	342
<b>Other/Unknown</b>	9%	6	68	1%	1	76
<b>Total</b>	<b>8%</b>	<b>129</b>	<b>1648</b>	<b>5%</b>	<b>64</b>	<b>1417</b>

A particularly notable finding involves internally generated cases. Internally generated cases are initiated by OPD employees rather than members of the public or other agencies. Internally generated cases represented 3% of the total investigations but showed the largest disparities:

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### Sustained Rate by Race 2024

	All Investigations			Internally Generated			Externally Generated		
	% Sust	# Sust	Tot	% Sust	# Sust	Tot	% Sust	# Sust	Tot
<b>White</b>	2%	4	223	<b>0%</b>	0	8	2%	4	215
<b>Black</b>	7%	23	351	<b>47%</b>	7	15	5%	16	336
<b>Hispanic</b>	6%	25	425	<b>24%</b>	4	17	5%	21	408
<b>Asian/Filipino</b>	3%	11	342	<b>13%</b>	1	8	3%	10	334
<b>Other/Unknown</b>	1%	1	76				1%	1	76
<b>Total</b>	<b>5%</b>	<b>64</b>	<b>1417</b>	<b>25%</b>	<b>12</b>	<b>48</b>	<b>4%</b>	<b>52</b>	<b>1369</b>

These disparities were even greater for “internally discovered” allegations, where sustained rates were 11% for white members, 67% for Black members, and 48% for Hispanic members. Internally discovered allegations are allegations identified and added to the case by supervisors or investigators. Although the dataset for internally discovered allegations was incomplete due to gaps in data entry, these outcomes suggest that internally generated cases and additional allegations identified by the investigator warrant continued review and oversight.

The analysis of gender yielded a noteworthy outcome. While overall sustained rates for male (5%) and female (4%) members were comparable, female members had a significantly higher sustained rate (60%) in internally generated cases, compared to 21% for male members. This disparity did not appear in externally generated cases, where sustained cases were nearly identical (3% and 4%). Additionally, in fully investigated cases, female members were more than twice as likely to have sustained findings as male members (75% vs. 32%) when the case was internally generated. A fully investigated case is a formal investigation conducted by OPD’s Internal Affairs Bureau (IAD) into allegations of officer misconduct, completed in accordance with department policy, state law, and oversight requirements (such as those from the Community Police Review Agency or Civilian Police Commission). Though small sample sizes limit definitive conclusions, these patterns require further review.

Disparities by rank were observed in internally generated cases, with officers being sustained 30% of the time, compared to 9% for sergeants and higher ranks. While the sample size was limited, these figures may influence perceptions of equity and accountability across ranks.

A five-year comparative analysis (2020–2024) indicates that overall sustained rates have remained relatively stable across racial groups, averaging 8-9% for all except Asian/Filipino members, who averaged 6%. This suggests that the 2024 findings are atypical but warrant attention, nonetheless. Preliminary 2025 data indicate that sustained rates across most racial groups appear to be evening out.

The Department acknowledges these findings and will use this opportunity to strengthen impartial investigative practices, rooted in equity, accountability, and fairness. While recognizing the limits of small datasets, the Department acknowledges that the disparities identified in the 2024 report, especially in internally generated cases and additional allegations discovered by the investigator, underscore the need for improved data integrity, consistent documentation, and ongoing oversight. The Department agrees with the recommendation on improved data collection. More comprehensive and complete data collection for internally identified violations will enable the Department to

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monitor potential disparities more frequently and efficiently, as well as to investigate their underlying causes.

The Department updated Training Bulletin V-T.1, Internal Investigation Procedural Manual, in November of 2023 to require IAB Commander notification when an allegation is added to a case. This requirement was intended to mitigate disparities by having an additional review of these allegations. Since this Training Bulletin was updated at the end of 2023, cases included in the 2024 report that were investigated during 2023 may not have received the additional review and approval for internally discovered allegations. The IAB approval requirement may have a more significant impact on the 2025 data.

Although the five-year review suggests that 2024 represents an outlier rather than a trend, the Department remains committed to transparency, fairness, and continuous improvement. The Department understands that perceived disparities, whether based on statistics or experience, can damage morale, confidence, and public trust.

Key findings include:

- Four white sworn members were sustained in 2024, representing a 2% sustained rate.
- Black and Hispanic sworn members were sustained at significantly higher rates (7% and 6%, respectively).

## **SUMMARY OF RECOMMENDATIONS AND DEPARTMENT RESPONSES**

The Department has reviewed and concurs with the recommendations outlined in *the 2024 IAB Outcome and Discipline Report*. The following responses reflect the Department's ongoing commitment to accountability, fairness, and compliance with Task 5 (Complaint Procedures for IAB) and Task 45 (Consistency of Discipline) of the Negotiated Settlement Agreement (NSA).

### **1. Keep a better record of internally discovered allegations**

The Department agrees, and IAB will document all internally discovered allegations in a standardized format, capturing the origin, approval authority, and the rationale. This information will be captured through the VISION-IAB database. This will allow the Department to monitor internally discovered allegations and assess any potential disparities.

### **2. Keep checking whether recent fluctuations constitute a trend**

The Department agrees that the Bureau of Risk Management (BRM) will track investigative outcomes quarterly and monitor trends over time to observe changes in case outcomes, identify emerging patterns, and maintain fairness. These quarterly reviews help command staff recognize patterns early and maintain fairness in investigations.

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**3. Focus on fully investigated cases**

The Department agrees. The BRM will refine its working methodology to include analysis of fully investigated cases, recognizing that sustained-rate comparisons may be more meaningful for cases that are fully investigated, rather than cases that are resolved informally or via summary finding (abbreviated investigation for which a finding of “Unfounded” or “Exonerated” can be determined by the existing documentation, evidence, statements, and crime information, with no or minimal follow-up required). Prior to the analysis of fully investigated cases, disparity in cases resolved informally or via summary findings should be ruled out. This will ensure that future analyses are statistically valid and consistent with best practices.

**4. Balance statistical significance with observed disparity**

The Department agrees. The BRM will change its working methodology to integrate observed disparities along with statistical testing. When sample sizes are small, both data trends and professional judgment will guide findings. This approach will help ensure neither underestimation nor overstatement of disparities.

**5. Conduct a qualitative study on equity and accountability**

In partnership with the City’s Race and Equity Director, the Department has re-established its Race and Equity Team. Working together with the Department, Union, and City leaders, including members of the Police Commission, the team has formed a working group to conduct a comprehensive qualitative study guided by BRM professional staff. The study will involve staff interviews across all ranks, including both professional and sworn personnel, to gather diverse perspectives and experiences.

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**IMPLEMENTATION TIMELINE**

<b>Recommendation</b>	<b>Department Response</b>	<b>Plan of Action</b>	<b>Responsible Bureau</b>	<b>Completion Date</b>
<b>Keep a better record of internally discovered allegations</b>	Department agrees.	Implement mandatory data entry for all internally discovered allegations, including origin, approval, and rationale.	Internal Affairs Bureau Deputy Chief	Q1 2026
<b>Keep checking whether recent fluctuations constitute a trend</b>	Department agrees.	Develop a five-year rolling trend analysis and publish quarterly updates to the command staff.	Bureau of Risk Management Deputy Chief	Q4 2025
<b>Focus on Fully Investigated Cases</b>	Department agrees.	Update working methodology to include analysis of fully investigated cases, while ensuring no disparities exist in cases closed informally or via summary finding.	Bureau of Risk Management Deputy Chief	Q2 2026
<b>Balance statistical significance with observed disparity.</b>	Department agrees	Combine statistical testing with qualitative review to spot trends. Use professional judgment when working with small samples to ensure balanced and accurate interpretation.	Bureau of Risk Management Deputy Chief	Q1 2026
<b>Qualitative Study on Equity and Accountability</b>	Department agrees.	Establish a working group to conduct a qualitative study, including staff interviews (all ranks and levels).	Bureau of Risk Management Deputy Chief	Begin Q4 2025 and a Final Report goal of Q2 2026

**ADDITIONAL DEPARTMENT INITIATIVES**

The Department remains committed to transparency, accountability, and continuous learning. In addition to implementing the recommendations outlined in this report, the Department has completed its survey to assess employee perceptions of the Internal Affairs (IA) process. This survey provides meaningful insight into how members perceive fairness, consistency, and transparency in the IA process and disciplinary outcomes. By examining perceptions across rank and demographic groups, the survey helps identify areas where communication, oversight, or policy implementation may inadvertently contribute to disparities. The survey results, along with the results from the upcoming qualitative study, will support targeted improvements in training, supervision, and policy clarity.

In October 2024, the Department completed a major structural reorganization, establishing an independent Internal Affairs Bureau (IAB) led by a Deputy Chief of Police and reporting directly to the Chief of Police. The Court directed this after the September 2024 Case Management Conference (CMC). As part of the Court's direction, IAB now convenes regular meetings with the Chief of Police, the Mayor's Office, the City Administrator's Office, the Office of Inspector General, the

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Community Police Review Agency, the City Attorney, and the Oakland Police Commission to review high-priority cases. Collectively, these structural changes have strengthened oversight, enhanced independence, and increased transparency in internal investigations.

The Department will launch implicit bias training for all sworn and professional members, starting with the January 2026 command Retreat. Developed in partnership with the City's Race and Equity Director and the Department's Race and Equity Team, this training will directly address one of the key drivers of disparity, unconscious bias in discretionary decision-making. This course will be similar in idea to previous implicit bias training, but we are developing the class to focus on the Internal Affairs investigation and discipline process. By equipping personnel with strategies to recognize and mitigate bias, the initiative promotes greater consistency in the evaluation of conduct, investigations, and discipline.

In 2026, the Department will expand these efforts by introducing advanced race and equity courses for command staff during the quarterly command retreats at least once a year. These sessions will focus on culturally competent leadership and data-informed accountability, enhancing leaders' ability to interpret equity indicators and address potential disparities proactively through supervision, rather than reactively through audits. These courses will be given during the quarterly command retreats.

Additionally, implicit bias and advanced race and equity training will be incorporated into the Department's Continuing Professional Training (CPT) program for sergeants. Through the IAB quarterly reports and the Annual IAB Outcome and Discipline Study, the Department will be able to monitor changes in IA outcomes and discipline and adjust its training needs accordingly based on any trends identified in these reports.

Embedding this instruction within the CPT cycle and during command retreats institutionalizes equity as a core professional competency, reinforcing a culture of continuous improvement, data-driven leadership, and organizational trust. Together, these initiatives represent an integrated strategy to identify, address, and mitigate disparities. The survey highlights perception gaps, which the training aims to address by building the necessary skills. The leadership coursework embeds equity in its decision-making process. Collectively, these efforts demonstrate the Department's ongoing commitment to fairness, learning, and lasting cultural transformation in alignment with the core principles of the Negotiated Settlement Agreement.

## **CONCLUSION**

The Department takes the findings of the *2024 IAB Outcome and Discipline Report* seriously and remains firmly committed to transparency, accountability, and cultural transformation. While the 2024 disparity in sustained findings for white officers appears to be an outlier compared with the five-year trend, it serves as a reminder of the importance of continuous oversight, reflection, and improvement.

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Through enhanced data accuracy, consistent reporting, and inclusive dialogue supported by the Race and Equity Team, the Union, and City leaders, the Department is working to ensure that accountability remains equitable, transparent, and trusted at every level. This enhanced data collection will allow for a more timely review of internally discovered violations and those involved in recommending and approving them. These efforts are part of a larger strategy to strengthen trust with members of the Department and the public and embed fairness as a core principle in every aspect of departmental operations.

Respectfully submitted,



Floyd Mitchell  
Chief of Police

Prepared by:



Lisa Ausmus  
Deputy Chief of Police  
Bureau of Risk Management

# EXHIBIT 3

# Oakland Police Department

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## Office of Internal Accountability

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## 2022 Analyses of Race in Internal Investigation Outcomes and Discipline: Supplemental Report Examining Failure to Accept or Refer Complaints

**Oakland Police Department**  
**Office of Internal Accountability**  
455 7<sup>th</sup> Street, 9<sup>th</sup> Floor | Oakland, CA 94607 | Phone: (510) 238-3868

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## I. Background

The 2022 Internal Investigation Outcome and Discipline Report discovered differences, albeit among a small sample size, in the discipline between white and Black officers for the allegation of a Manual of Rules Violation for Failure to Accept or Refer a Complaint (FTARC). This follow up inspection focuses on the internal application of that specific area of identified difference.

From the OPD Manual of Rules (MOR):

*398.76 REFUSAL TO ACCEPT OR REFER COMPLAINT – Members and employees shall not refuse to accept a citizen complaint, fail to refer a citizen to the IAD (when the citizen can be reasonably understood to want to make a citizen’s complaint), fail to forward a complaint to the IAD, discourage a person from filing a complaint, and/or knowingly provide false, inaccurate, or incomplete information about the IAD process. Members and employees shall not fail to follow any of the procedures for accepting, referring, or forwarding a complaint.*

From the OPD Discipline Matrix:

- 398.76 - Class 1                      REFUSAL TO ACCEPT OR REFER A COMPLAINT      (INTENTIONAL)  
     Discipline:                      1<sup>st</sup> Offense: S5-T                      2<sup>nd</sup> Offense: T
  
- 398.76 - Class 2                      FAILURE TO ACCEPT OR REFER A COMPLAINT      (UNINTENTIONAL)  
     Discipline:                      1<sup>st</sup> Offense: C-S5                      2<sup>nd</sup> Offense: S2-S5                      3<sup>rd</sup> Offense: S5-S30

In 2022 there were 112 allegations of FTARC investigated. 45 of those allegations were Sustained. The remainder were other than sustained (Exonerated, Not Sustained, or Unfounded). The 45 Sustained allegations emanated from 19 overall investigations.

## II. Summary of Findings and Recommendations

This follow-up inspection of FTARC allegations was an analysis of various aspects of the administrative investigation which may have led to the identified disparity. The mandate was to locate areas of discretion within the Internal Affairs processes for findings and discipline and to suggest solutions for limiting the opportunity for such discretion to result in biased outcomes.

What follows is the OIA's understanding of various reasons for how the infrastructure around FTARC could have allowed for disparate outcomes, and the offering of recommendations to address the issues within the process.

Findings 1 and 2 address issues of policy and training. Findings 3 and 4 address issues of an individual investigator and of a unit within Internal Affairs having an outsized influence upon the process.

### Finding 1

[\(Section IV\)](#)<sup>1</sup>

Many determinations of finding for FTARC require, by current policy, an assessment of whether the subject was "unsure" if someone wanted to make a complaint and therefore should have asked "clarifying questions." This standard assigns the investigator the unenviable task of having to judge the subject's certainty about a situation at the time it occurred, but through the lens of hindsight. This is an area of opinion and discretionary judgement, which may lead to biased outcomes.

#### Recommendation 1

Section III.A.7 of Department General Order M-03 ("unsure" and clarifying questions") should be revisited and addressed in order to limit the opportunity for judgement, discretion and bias to play as central a role as it has done in 2022.

### Finding 2

[\(Section IV, Section V\)](#)

Eleven of the nineteen cases resulting in at least one of the 45 FTARC Sustained findings were sustained while relying on subjective argumentation, some of which included language not otherwise standardized via training or policy. Some investigations declared a subject "should have" comported themselves in a particular manner, perhaps not one prescribed by policy, but one which seemed reasonable in the investigator's estimation.

#### Recommendation 2

The Department should consider quality control training for commanders reviewing IAD investigations or DLIs to ensure consistent quality, content, and lack of subjective argumentation unless specifically called for.

### Finding 3

[\(Section VI\)](#)

There are inconsistent Sustained Rates for FTARC between those investigated as DLIs and those investigated as IAD investigations, a dynamic that is complicated by the role and actions of the DLI Coordinator Unit within the Internal Affairs Division.

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<sup>1</sup> Follow hyperlink to go straight to relevant section.

#### Recommendation 3

The Department should consider requiring the DLI Coordinator Unit show their work, documenting recommendations or changes to investigations emanating from the Unit in a transparent manner, whether via chron log or other means.

#### Finding 4

##### [\(Section V.4\)](#)

A single Sergeant of Police investigated 49% of all FTARC allegations in the Department in 2022 (55/112). The same sergeant was the most prolific accuser<sup>2</sup> of internally generated allegations of FTARC against other employees in 2022.

#### Recommendation 4

The Department should consider the manner in which allegations of FTARC are added to investigations and explore a checks and balances approach to adding such allegations on any given case to any given subject member.

#### Finding 5

##### [\(Section VII\)](#)

Differing recommended findings or recommended discipline by investigators, the chain of command, CPRA, and others are not currently tracked by the Department in an analyzable manner. This area is one wherein discussion, negotiation, and compromise may occur and one wherein judgement by a singular deciding figure (the Chief of Police) often holds as final. It is an important facet of any future analysis of internal affairs matters.

#### Recommendation 5

The Department should consider tracking differing recommended findings and differing recommended disciplines between investigators, the chain of command, CPRA, and others in an accessible and analyzable manner, perhaps via VISION.

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<sup>2</sup> Within this report, “accuser” refers to the person who identified FTARC as an allegation against a subject and motivated the adding of said allegation to the list of Manual of Rules violations to be investigated.

### III. Overview of Sustained 2022 FTARC Allegations

In 2022, there were 112 allegations for FTARC. Table 1 provides the breakdown by race and compares it to the percentage breakdown of the Department. It also includes the breakdown of sustained allegations. Compared to their representation in the Department, white sworn members are over-represented in the number of allegations received but under-represented in the number of sustained allegations.

- Black sworn members are under-represented in the number of allegations received and over-represented in the sustained allegations.

#### Breakdown of FTARC Allegations Compared to the Demographics of the Department

2022	% of Members in the Dept	% Allegations Received	% Sustained Allegations
Asian/Filipino	19%	16% (18)	18% (8)
Black	20%	18% (20)	27% (12)
Hispanic	28%	29% (32)	31% (14)
Other/Unknown	3%	4% (4)	12% (1)
White	29%	34% (38)	22% (10)
Total	100%	100% (112)	100% (45)

Since Black sworn members are under-represented in the number of allegations received, and over-represented in the number of sustained allegations, their sustained rate would be higher than the sustained rate of white sworn members.

#### Sustained Rate of FTARC Allegations

2022	Sustained Rate
Asian/Filipino	44% (8/18)
Black	60% (12/20)
Hispanic	43% (14/32)
Other/Unknown	25% (1/4)
White	26% (10/38)
Total	40% (45/112)

- White sworn members had a sustained rate of 26% while Black sworn members had a sustained rate of 60%, a statistically significant difference.

## IV. Themes for Findings

Themes were identified that captured the reason for the sustained finding. For the 45 sustained allegations, 68 reasons for the sustained finding were identified. In some instances, multiple reasons for the sustained allegation were identified. From these 68 reasons, four themes were developed. Note that because some allegations engage with multiple themes, the percentages below need not sum up to 100%.

62% of the sustained allegations involved the asking of clarifying questions. DGO M-03 articulates what members are required to do regarding complaints. If a member is unsure if an individual would like to file a complaint, they shall ask clarifying questions.

Within Department General Order M-03, the following language can be found (emphasis added):

7. *If a member or employee is **unsure** whether a citizen wishes to make a complaint, he/she shall:*
  - a. *Not discourage or deter citizens from exercising their right to complain to the Department or the CPRB;*
  - b. *Ask **clarifying questions**, including but not limited to:*
    - 1) *Would you like to speak to a supervisor?*
    - 2) *Do you want to make a complaint?*
  - c. *Provide the citizen with an OPD Informational Business Card and/or Complaint Form (TF-3208) with his/her name, serial number and CAD Incident Number;*
  - d. *Enter a CAD notation to the call;*
  - e. *Use the Radio Disposition Code of "IBC" (Informational Business Card); and*
  - f. *Call the Communications Section Supervisor with the date of the referral, incident number and brief description of the incident to be added to the Complaint Referral Log (TF3367) within 24 hours of the referral.*

The next most common theme (identified in 47% of sustained allegations) involved not notifying or not properly notifying a supervisor the individual wanted to make a complaint.

The third most common theme (33%) was not providing or not following the Information Business Card (IBC) process. DGO M-03 Complaints Against Departmental Personnel states that if an employee receives a complaint, they shall provide the complainant an IBC. They shall additionally enter a CAD notation, use the Radio Disposition Code of "IBC", and call the Communications Supervisor so the information can be added to the Complaint Referral Log. Additionally, if a member is unsure if a citizen wishes to make a complaint, they are to provide an IBC.

Finally, in four instances, the sworn member did not recognize an allegation of misconduct was being made. Three of the four members were sergeants, and one was an officer.

## FTARC Allegation Themes

Theme	% of Allegations with this Theme
<b>Sustained</b>	
Did not ask clarifying questions.	62%
Did not properly advise the supervisor.	47%
Did not provide or follow the IBC card process.	33%
Did not recognize that a complaint was being made.	9%
<b>Other Than Sustained</b>	
Could not prove the subject heard an allegation of misconduct.	51%
Subject was not in a position to hear an allegation of misconduct being made.	22%
Subject accepted or referred the complaint in accordance with policy.	15%
No allegation of misconduct was made to, or in front of, the subject.	12%

\* Total may be greater than 100% because some allegations had more than one theme identified.

73% of the other than sustained findings involved *assessing the officer's proximity to the complainant* when allegations were made. Individual investigators used different perspectives and evidence to come to findings regarding proximity, but all noted whether it *seemed reasonable* for any given officer on any given scene to have heard the allegations and been therefore required to have either asked clarifying questions, or to have summoned a Sergeant to the scene to accept a complaint.

## Themes for Sustained by Race

2022	ASIAN	BLACK	HISPANIC	WHITE	OTHER	Total
Did not ask clarifying questions.	<b>75% (6)</b>	<b>46% (7)</b>	31% (8)	<b>40% (6)</b>	<b>100% (1)</b>	<b>43% (28)</b>
Did not properly advise the supervisor.	25% (2)	27% (4)	<b>38% (10)</b>	27% (4)		31% (20)
Did not provide or follow the IBC card process.		27% (4)	27% (7)	27% (4)		23% (15)
Did not recognize that a complaint was being made.			4% (1)	1% (1)		3% (2)
Total	100% (8)	100% (15)	100% (26)	100% (15)	100% (1)	100% (65)

\* Total may not equal 100% because some allegations had more than one theme identified.

- The most common theme used to recommend a Sustained finding for Asian, Black, White and Other race groups was "Did not ask clarifying questions."

## Themes for Other Than Sustained Findings By Race

2022	ASIAN	BLACK	HISPANIC	WHITE	OTHER	Total
Can't prove officer heard	60% (6)	38% (3)	50% (9)	54% (15)	33% (1)	51% (34)
Did not hear	30% (3)	0%	39% (7)	14% (4)	33% (1)	22% (15)
No misconduct allegations made	10% (1)	38% (3)	6% (1)	11% (3)	0%	12% (8)
Subject fulfilled their duty	0%	25% (2)	6% (1)	21% (6)	33% (1)	15% (10)
Total	100.00% (10)	100% (8)	100% (18)	100% (28)	100% (3)	100% (67)

The theme “cannot prove the officer heard” (and therefore cannot prove the officer was obligated by policy to have taken any action to accept or refer a complaint) is akin to a “Not Sustained” finding. Thus, it follows that those allegations were likely appropriately added, as the question remained unresolved even at the end of the investigation.

The theme “did not hear” is akin to an “Exonerated” finding, in that it acknowledges a misconduct allegation may have been made, but that the subject officer did not hear it and was therefore not obligated by policy to have taken any action to accept or refer a complaint.

Within internally generated allegations, if the theme “No allegations of misconduct made” is akin to saying, the complainant made no allegations of misconduct against an officer, so the officer was under no policy obligation to take any action to accept or refer a complaint. Why was FTARC alleged at all?

Similarly, if the officer fulfilled their duty and accepted or referred a complaint, was the FTARC allegation added prematurely, without examining all the evidence first?

The theme “No allegation of misconduct” appeared in 12% of the “other than sustained” cases. The theme “Subject fulfilled their duty” appeared in 15% of the cases. Combined, these two small shares of the themes accounted for 27% of the total.

To investigate these two themes further, we focused on internally generated allegations, ostensibly by members who are familiar with the MOR and the parameters surrounding compliance with said MOR.

## Other Than Sustained by Theme and Race (Internally Generated Allegations Only)

2022	ASIAN	BLACK	HISPANIC	OTHER	WHITE	Grand Total
Can't prove officer heard	5	3	7	1	13	29
Did not hear	1		7		4	12
No allegations made	1	2	1		2	6
Subject fulfilled their duty		1	1	1	3	6
Grand Total	7	6	16	2	22	53

12 of the 53 (23%) other than sustained, internally generated, allegations used themes of “No misconduct allegations made” or “Subject fulfilled their duty.”

Yet, 50% (3 of 6) of the other than sustained allegations against Black members relied on themes of “No allegations made” or “Subject fulfilled their duty.” This was the largest rate for those two themes out of any race group, except for Other. (Asian: 1/7, Hispanic: 2/16, Other: ½, White: 5/13)

If the themes “No misconduct allegations made” and “Subject fulfilled their duty” are indicative of unnecessary allegations against officers, then Black subjects received a higher percentage per capita of such allegations than other races.

#### IV.1 Externally Generated

One of the early surprises in examining the data was the higher Sustained rate for externally generated allegations versus internally generated. An examination of the 8 Sustained Externally generated allegations revealed they emanated from 4 investigations.

The following themes emerged in reviewing justifications used for sustaining the personnel. The themes were consistent with those identified from the examination of all Sustained findings in 2022. The majority of sustained allegations were Sustained over some failure surrounding the asking of “clarifying questions.”

#### Themes use for Sustained finding in Externally Generated FTARC Allegations

Theme	Allegations	Cases
Did not ask clarifying questions	6	2
Did not properly advise the supervisor.	1	1
Did not recognize that a complaint was being made.	1	1
Total	8	4

However, this is a specific area of the policy with which a non-employee would not be familiar. Thus, while the allegation was generated externally, the reasons offered for the Sustained finding were based on a reading of policy and processes surrounding said policy, a very *internal* arena.

- There was no instance wherein a complainant specifically alleged that a subject had failed to ask two specific clarifying questions of them, yet that was the dominant theme and the foundation for 75% of the sustained externally generated allegations.

The disconnect between what the public complained about and the Sustained findings of sometimes only the FTARC allegation is further indication of the room for discretion and interpretation in the application of the policy requirements to the MOR and then against the facts of a case.

#### IV.2 When Other Parties Recommend Different Findings

An investigator's recommended finding is not the only factor in the final decision-making process. There are other parties and intervenors who may present their own opinion of the allegations for consideration by the Chief of Police. Such intervenors include the Community Police Review Agency (CPRA), the Division Level Investigation (DLI) Coordinators, as well as any link in the reviewing Chain of Command who disagree with an investigator's recommendation.

There were 19 cases with at least 1 Sustained FTARC finding in 2022, accounting for 45 Sustained FTARC allegations. Different recommendations were offered in 11 (24%) of the 45 total allegations which ended up being Sustained in 2022, addressed within five separate investigations.

#### 2022 Different Recommendations Resulting in Sustained Findings

Sustained Case #	Race of Subject Member(s)	Investigator Recommendation	Alternate Recommendation by	Alternate Recommendation
2	1 White	Exonerated	Second Investigator (different patrol supervisor)	Sustained
3	1 Black, 2 White	Unfounded	DLI Coordinator	Sustained
5	2 Black, 1 Hispanic, 1 Asian, 1 White	Unfounded	CPRA	Sustained
11	1 Hispanic	Unfounded	CPRA	Sustained
13	1 Black	Unfounded	DLI Coordinator	Sustained

When a different recommendation existed, the recommendation therein was always to Sustain. The different recommendation of Sustained was affirmed as the final finding 100% of the time.

- The different recommendations were based on a different framing of the analysis of the same facts by the addendum author.
  - 40% (2) of the different recommendations emanated from the DLI Coordinators.
  - 40% (2) of the different recommendations emanated from the CPRA.
  - 20% (1) of the different recommendations emanated from a secondary investigator.
- Four Black subject members were Sustained as a result of different recommendations, which was 40% of the total Sustained FTARC allegations against Black members in 2022.
- Four White subject members were Sustained as a result of different recommendations, which was 44% of the total Sustained FTARC allegations against White members in 2022.

- Two Hispanic subject members were Sustained as a result of different recommendations, which was 20% of the total Sustained FTARC allegations against Hispanic members in 2022.
- One Asian subject member was Sustained as a result of different recommendations, which was 17% of the total Sustained FTARC allegations against Asian members in 2022.
- 

Themes from the Different Recommendations fell into at least one, but sometimes more, of the below categories.

#### Different Recommendation - Sustained FTARC Themes

2022	Asian	Black	Hispanic	White	Grand Total
Did not ask clarifying questions.		1			1
Did not ask clarifying questions. Did not log IBC card		1		2	3
Did not notify the Sgt. Did not follow IBC card policy.				1	1
Did not properly advise the Sgt.	1	1	1	1	4
Did not recognize the comments as a complaint.			1		1
Sgt should have taken the complaint.		1			1
<b>Grand Total</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>11</b>

- The theme “did not ask both clarifying questions” accounted for 50% of the different recommendations for Sustained against Black and White subject members.

### IV.3 Case Review for Different Recommendations with Theme “Did not Ask Both Clarifying Questions”

#### *Table 8 Case #3 Review (1 Black subject & 2 White subjects Sustained)*

The initial investigator was a sergeant assigned to a field duty. In 2017, during a car stop, verbal complaining were made by the complainant about racial motivations for “the police” (not the officers in specific) stopping him regularly. The officers asked if the complainant wanted to speak to a supervisor. The complainant stated he did not and added that he wasn't trying to give anyone a hard time, he was just frustrated. The officers provided the complainant their business cards (IBC).

5 years later, during the filing of a separate complaint, the complainant confirmed he had not wanted to in 2017, and still did not want to, file a complaint against the officers for the 2017 conduct. The DLI Coordinator recommended Sustained, citing a section within the policy relevant to circumstances wherein an officer was “unsure” and was therefore required to ask, “clarifying questions,” but made no analysis nor offered any evidence of the officer’s certainty (“sureness”) before recommending Sustained.

#### *Table 15 Case #5 Review (1 Black subject)*

A complainant called OPD to file a complaint against officers for conduct. During the phone conversation with a field supervisor who was assigned to accept the complaint, the complainant expressed frustration with the manner in which the supervisor interrupted her. The supervisor accepted the initial complaint against the officers but did not inquire as to whether the complainant wanted to file a complaint against the supervisor themselves. During subsequent review of that recorded phone conversation in the IAD intake phase, the allegation of FTARC was added against the supervisor.

The assigned investigating Sergeant re-contacted the complainant and specifically inquired as to whether the complainant wanted to then file a complaint against the subject supervisor about the nature of the subject's phone conversation. The complainant affirmed they did. The initial investigator accepted the complaint and conducted the investigation. The investigating sergeant recommended Unfounded.

Left unanswered was whether the complainant had wanted to file a complaint against the supervisor on the phone during the initial phone call, *in that moment, while on the phone with the subject supervisor* and was otherwise thwarted or denied in doing so.

The addendum was authored by a DLI Coordinator. Language in the addendum seemed to offer a standard not listed in policy or training documents in OPD:

*Knowledge that a complainant is upset with a member should **reasonably** trigger the above two questions which DGO M-3 states shall be asked.*

The two questions referred to are the "clarifying questions", which are relevant, per policy, when a member is "unsure" as to whether someone wants to make a complaint. "Upset" is not a standard that's been trained internally or legislated in policy.

The word "reasonably" is indicative of a subjective assessment. The subject was specifically asked about their certainty and stated they were "sure" the complainant didn't want to file a complaint at the time.

In the addendum, the DLI coordinator relied on the fact the complainant later advised the investigating sergeant they did indeed want to file complaint against the subject supervisor. There was no analysis or clarification as to whether the complainant had wanted to file a complaint against the subject in the initial interaction, or only later, once asked about it directly by the investigating sergeant in the subsequent interview.

The DLI coordinator goes further in alleging the investigating sergeant and their chain of command should receive supervisory notes in their personnel file for having come to the "incorrect" conclusion.

#### IV.4 Case Reviews of Different Recommendations Confirm Subjectivity

The review of two cases wherein "clarifying questions" were intrinsic to the Alternate Recommendation revealed areas of discretion and judgement which were subjective. Any judgement as to another person's "certainty" (whether or not an officer was "unsure" and therefore subject to policy requirements to clarify said uncertainty) is difficult to standardize.

Recommended Sustained findings for Black subjects come from various investigating entities. Different recommendations than those offered by the investigator prevailed as the final finding from the Chief of Police. Different recommendations accounted for 40% of the Sustained findings against Black members in 2022. The themes used to Sustain said Black members via different recommendations were subjective and open for varying viewpoints and analysis.

## V. Sergeants and their Role in Investigations

### V.1 Rank as a Factor

Rank is an area of difference between personnel, and one that has previously been identified as a believed source of disparity in findings and discipline, as found in 2022's Discipline and Internal Procedural Justice Report.<sup>3</sup> All of the sustained allegations against personnel in 2022 were investigated by investigators holding the rank of Sergeant. This is consistent with common practice at the Department.

#### Allegation Findings by Rank and Race

Rank	Unfounded	Exonerated	Not Sustained	Sustained	Grand Total
<b>Lieutenant of Police</b>	<b>0%</b>	<b>0%</b>	<b>100% (1)</b>	<b>0%</b>	<b>100% (1)</b>
White	0%	0%	100% (1)	0%	100% (1)
<b>Sergeant of Police</b>	<b>47%</b>	<b>6% (1)</b>	<b>18% (3)</b>	<b>29%</b>	<b>100% (17)</b>
Black	0%	17% (1)	17% (1)	67% (4)	100% (6)
Hispanic	50% (1)	0%	0%	50% (1)	100% (2)
White	78% (7)	0%	22% (2)	0%	100% (9)
<b>Police Officer</b>	<b>29% (27)</b>	<b>1% (1)</b>	<b>28% (26)</b>	<b>43% (40)</b>	<b>100% (94)</b>
Asian	22% (4)	0%	33% (6)	44% (8)	100% (18)
Black	21% (3)	0%	21% (3)	57% (8)	100% (14)
Hispanic	33% (10)	0%	23% (7)	43% (13)	100% (30)
Other	50% (2)	0%	25% (1)	25% (1)	100% (4)
White	29% (8)	4% (1)	32% (9)	36% (10)	100% (28)
<b>Grand Total (Allegations)</b>	<b>31% (35)</b>	<b>2% (2)</b>	<b>27% (30)</b>	<b>(45)</b>	<b>100% (112)</b>

In 2022, Officers received the highest percentage (84%) of the FTARC allegations in 2022 and were Sustained at the highest rate (43%).

Sergeants received 15% of the FTARC allegations in 2022 and were Sustained 29% of the time.

Lieutenants received <1% of the FTARC allegations in 2022 and were Sustained 0% of the time.

Incorporating race, the Sustained rate for:

- Black Officers was the highest of any officer race group. (57%)
- Black Sergeants was the highest of any Sergeant race group. (67%)
- White Sergeants was the lowest of any Sergeant race group. (0%)

### V.2 By Origin of Allegation

Sergeants serve as the investigator on most IAD and DLI investigations, recommending findings at the conclusion of their investigation. However, the investigating sergeant may or may not be the same one

<sup>3</sup> <https://cao-94612.s3.amazonaws.com/documents/Dept-Response-and-OIA-Discipline-Equity-and-Internal-Proc-Justice-Report-Sept-2022.pdf>

to have initiated an allegation of FTARC against a subject. Before examining the results of investigations, we will examine the origins of FTARC allegations in 2022.

*Externally Generated Allegation:* One that emanates directly from a non-OPD employee. For example, a FTARC allegation would be labeled externally generated if a citizen complainant specifically stated an officer had not taken steps to accept or refer a complaint responsive to the citizen’s voiced concern about misconduct on the part of an OPD employee.

*Internally Generated Allegation:* One that emanates from an OPD employee. A FTARC allegation would be labeled internally generated if an OPD employee identified potential misconduct by another employee in the course of their own duty – for example as a result of investigating another complaint and reviewing the case.

There are three phases of an investigation wherein allegations of any MOR can be added. At each phase, a human is responsible for making such assessments, whether they be the accuser, the receiver, the investigator or the reviewers. There are opportunities for different understandings of how to apply the MOR framework to the facts. Each phase is reliant on the interpretation of the facts of a case and the application of the Manual of Rules to the policy and then the analysis of both to the facts of the case.

1. The Intake Phase
  - a. Allegation may be added by the complainant. (Externally generated)
  - b. Allegation may be added by the supervisor within any Division who accepted a complaint and authored the initial memorandum (referred to as a Preliminary Inquiry, or “P.I.”).
  - c. Internal Affairs Intake technicians and officers may identify and add allegations as they process the P.I. and compile the case file.
  - d. Internal Affairs Intake Section supervisors or commanders may similarly identify and add allegations during the course of their Intake review.
2. The Investigative Phase
  - a. An assigned investigator may add the allegation at any time during their investigative process.
3. The Review Phase
  - a. A reviewing supervisor or commander (to include the DLI Coordinators a Chain of Command up through the Chief of Police when applicable, may add the allegation.)

➤ 89% (100 of the 112) of the 2022 FTARC allegations were generated internally.

Rates of FTARC Findings, Internally Generated vs Externally Generated

2022	Sustained	Other Than Sustained
<b>Internally</b> Generated	38% (37/100)	62% (63/100)
<b>Externally</b> Generated	66% (8/12)	34% (4/12)

The low Sustained rate for internally generated allegations was unexpected. Internal accusers of FTARC (OPD members who identify a possible violation) appear to have added the allegation to investigations at an early juncture in the process. A larger number of final other-than-sustained findings implies a lack of evidence was unearthed via subsequent investigation. Thus, the standard for adding an allegation to a subject was lower than the standard to subsequently Sustain the same subject.

➤ Internal allegations of FTARC appear to have been added more liberally than only when the accuser had an affirmative indication the MOR violation had occurred.

An examination of the eight externally generated Sustained allegations revealed they emanated from just four investigations. The following themes emerged in reviewing justifications used for sustaining the personnel.

Theme use for Sustained finding in Externally Generated FTARC Allegations (2022)

Theme	Allegations	Cases
A complainant's demand for Officer names and serial numbers should have triggered further steps be taken to accept or refer a complaint.	4	1
An officer asked if a complainant wanted to speak with their supervisor but did not specifically ask if the complainant wanted to file a complaint.	2	1
Officer did not summon their Sergeant upon specific request from a complainant.	1	1
Complainant alleged generalized racial motivation for actions taken by police officers. The complaint lacked specific, articulable actions taken that were alleged to have been racially motivated. The Sergeant provided an Information Business Card (IBC), but did not open the complaint for further investigation.	1	1
<b>Total</b>	<b>8</b>	<b>4</b>

In 2022, the number of internal accusers per race group was as follows:

Number of Accusers by Race

Race of Accuser	Number of Accusers	Number of Personnel <sup>4</sup>	% Accusers of Total Personnel
Asian	2	197	1%
Black	1	281	.4%
Hispanic	1	272	.4%
Other	0	35	0%
White	12	259	5%

- White Members were the most likely to add allegations of FTARC in 2022.

The following table provides this information per FTARC allegations by race of accuser and race of subject member.

Internally Generated FTARC Allegations by Race of Accuser

2022	Asian Subject	Black Subject	Hispanic Subject	Other Subject	White Subject	Total

<sup>4</sup> Total combined sworn and professional staff, as of 31 Dec 22. Any employee may make an allegation of FTARC against another.

Race of Accuser	<u>Sustained</u>	<u>Other Than Sustained</u>	<u>Sustained</u>	<u>Other Than Sustained</u>	<u>Sustained</u>	<u>Other Than Sustained</u>	<u>Sustained</u>	<u>Other Than Sustained</u>	<u>Sustained</u>	<u>Other Than Sustained</u>	<u>Sustained</u>	<u>Other Than Sustained</u>
Asian			1	1		1				2	1	4
Black			1							1	1	1
Hispanic	1			1	1	2				1	2	4
White	7	10	7	6	9	14	1	3	9	21	33	54
Total	8	10	9	8	10	17	1	3	9	25	37	63
Total as %	44%	56%	53%	47%	37%	63%	25%	75%	26%	74%	37%	63%

White internal accusers accounted for 87 of the 100 internally generated FTARC allegations against all races in 2022.

- Black subjects were the only group for whom a majority of internally generated FTARC allegations were sustained (53%).

The following table explores the Sustained Rate per Race of the accuser.

Internally Generated Sustained Rate by Race of Accuser, Count of Allegations

Race of Accuser	Sustained	Other Than Sustained	Total	Sustained Rate
Asian	1	4	5	20%
Black	1	1	2	50%
Hispanic	2	4	6	33%
White	33	54	87	38%
Total	37	63	100	37%

White accusers accounted for 87% of the internally generated allegations for the year. The White accuser group's data weighed heavily upon the whole, as reflected in consistency between the 38% Sustained Rate from White accusers and the 37% Total Sustained rate. Between the other accuser race groups rates of Sustained vary widely, which may be attributed to the small sample size within those accuser groups.

- Two White IAD Sergeants accounted for the bulk of the internally generated Sustained allegations by white accusers (15/33 (45.45%)).

## Assignment of Internal Accusers

Race of Accuser	Assignment of Accuser	Number of Allegations
Asian	IAD	5
Black	IAD	2
Hispanic	BFO	6
White	BFO	17
	IAD	56
	OCOP	14
Total		100

BFO had 10 separate accusers, accounting for 23 allegations. IAD had 11 separate accusers, accounting for 63 allegations (63%) of the total allegations levied against subjects. The 7 White accusers assigned to IAD accounted for 56% (56/100) of the year's total internally generated allegations.

## Who are the Internal White Accusers?

Identifier	Rank	Gender	Assignment	Time at OPD (Yrs.)	Time in Rank (Yrs.)	Total FTARC Allegations	Sustained Rate for Allegations	Sustained FTARC Allegations against Black Subjects
A	Sgt	M	IAD Inv.	23	12	34	29% (10)	1
B	Ofc	M	IAD Intake	25	25	3	100% (3)	1
C	Sgt	M	Patrol	23	9	1	100% (1)	1
D	Lt	M	SOD	15	3	2	100% (2)	0
E	Sgt	M	IAD Inv.	16	7	6	83% (5)	1
F	Ofc	M	IAD Intake	26	26	7	71% (5)	2
G	OCOP	OCOP	OCOP			5	100% (5)	0
H	Sgt	M	Patrol	15	2	2	50% (1)	0
J	Sgt	F	Patrol	23	2	1	50% (1)	1
K	Sgt	M	IAD Inv.	9	1	4	0% (0)	0
L	Ofc	M	IAD Intake	9	9	1	0% (0)	0
M	Sg	M	IAD Inv.	23	7	1	0% (0)	0

The two White officers who levied Sustained FTARC allegations against Black members (B and F) both worked within IAD – Intake during the period and added the allegations during the Intake phase.

The White lieutenant (D) accounted for 2 allegations. The lieutenant added the allegation during the review phase and returned the file for the investigating sergeant to assess.

Only one White female sergeant (J) internally generated an allegation of FTARC which led to a Sustained finding (11%). Eight male sergeants internally generated an allegation of FTARC which led to a Sustained finding (89%).

The average time as an OPD member for the White accusers was 18.81 years. The average time in rank for the White accusers was 9.36 years.

### V.3 By Investigator

An allegation of FTARC cannot be resolved via Class II supervisory note in lieu of a finding. The recommendation as to finding offered by the investigator is taken into consideration during the review process and may ultimately be agreed with by the Chief of Police (final decider for finding).

All sergeants in the Department are capable and available to investigate allegations of misconduct. There are 121 Sergeants at the Department.

- 25 different sergeants investigated at least one FTARC allegation in 2022.

This section will look at whether there was a racial imbalance between those assigned to investigate FTARC allegations as compared to the body of sergeants as a whole. The assignments for the 25 FTARC investigators and distribution of sergeants throughout the Department was as follows:

#### Findings by Investigator Assignment and Race

Assignment	# of FTARC Investigators in 2022					# of Sergeants Per Division in 2022				
	Asian	Black	Hispanic	White	Total	Asian	Black	Hispanic	White	Total
BFO	3	1	3	8	60% (15)	6	9	16	37	75% (68)
IAD	3			4	28% (7)	6	2		7	17% (15)
Ceasefire		1		1	8% (2)	1	1	1	1	4% (4)
BRM				1	4% (1)	2	1		1	4% (4)
Total	24% (6)	8% (2)	12% (3)	56% (14)	100% (25)	16% (15)	14% (13)	19% (17)	51% (46)	100% (91)

Some sergeants did not investigate FTARC allegations in 2022 and some of them were assigned to other Bureaus or Divisions that are therefore not represented in the above table, including Bureau of Investigations and Bureau of Services. The Sergeants who investigated FTARC allegations in 2022 came from a pool of 91, representing BFO, IAD, Ceasefire, and BRM<sup>5</sup>.

15% (2/13) of Black sergeants from these represented divisions investigated an allegation of FTARC.

30% (14/46) of White sergeants from these represented divisions investigated an allegation of FTARC.

Within the four listed Divisions, White sergeants were twice as likely to investigate an allegation of FTARC in 2022 than Black sergeants.

22% (15/68) of BFO sergeants investigated FTARC allegations. 47% of IAD sergeants investigated FTARC allegations. IAD sergeants were twice as likely to investigate an allegation of FTARC in 2022 than BFO sergeants.

<sup>5</sup> IAD falls under the Bureau of Risk Management umbrella, but was separated here due to the specific, relevant nature of the Division's function in investigating IAD cases, as contrasted with other sections of BRM (including the Training Section and the Office of Internal Accountability.)

## Recommended Findings per FTARC Investigator

Inv #	Inv. Race	Assign.	Black Subject		Non-Black Subject	
			<u>Sustained</u>	<u>Other Than Sustained</u>	<u>Sustained</u>	<u>Other Than Sustained</u>
1	W	BFO	100% (1)		100% (4)	
2	W	BFO	100% (1)			
6	H	BFO			50% (2)	50% (2)
7	H	BFO	100% (1)			
8	A	BFO				100% (2)
9	W	BFO				100% (1)
10	A	BFO				100% (1)
11	B	BFO				100% (1)
12	W	BFO		100% (1)		100% (3)
18	W	BFO				100% (1)
H	W	BFO			50% (1)	50% (1)
20	H	BFO			100% (2)	
22	W	BFO				100% (3)
23	W	BFO	50%(2)	50% (2)		100% (1)
24	A	BFO	100% (1)		100% (3)	
5	W	BRM				100% (1)
16	B	CF		100% (1)		100% (2)
21	W	CF			100% (2)	
3	W	IAD				100% (1)
A	W	IAD	34% (2)	66% (4)	35% (17)	65% (32)
13	A	IAD		100% (2)		100% (2)
14	A	IAD	100% (1)			100% (2)
15	A	IAD				100% (1)
E	W	IAD		100% (1)		
25	W	IAD				100% (4)

\*Note: The sergeants in the prior table represented by a letter (A, E, H) are the same sergeants represented by the same letter in the prior table entitled "Who Are the White Accusers?"

There were only two Sergeants who recommended Sustained findings for more than one FTARC allegation against a Black Subject member in 2022: Sergeant A and Sergeant 23.

#### *Sergeant 23*

Sergeant 23 generated no internal allegations of FTARC. Sergeant 23 was assigned investigations involving five different FTARC allegations.

Sergeant 23 was assigned to investigate two separate FTARC allegations against the same Black subject member. In one instance, Sergeant 23 recommended Sustained. In the other instance, Sergeant 23 recommended other than sustained.

The other than sustained recommendation was overruled by the then Chief of Police and the Black subject member received their second of two Sustained violations for FTARC in the space of one month.

#### V.4 Sergeant A

The inspection also sought to investigate aberrations within the data which might lead to a person, or particular unit, in the Department contributing to the disparate outcomes. When outliers were identified (such as with Sergeant A), a deeper, qualitative review was conducted.

The review of Sergeant A revealed that a source of deviation within their data was the number of internally generated FTARC allegations he levied and the Sustained Rate outcomes of those cases. While Sergeant A did not appear to be “over-sustaining”<sup>6</sup> any particular race group, there was an area<sup>7</sup> wherein the question arose whether Sergeant A was “under-sustaining”<sup>8</sup> the white race group. To inspect that, we conducted a qualitative review of Sergeant A’s investigative reports.

In examining the relevant cases, among other observations contained later in this section, we also found that just one of Sergeant A’s cases, containing eleven allegations against white members, was responsible for 52% of the sergeant’s findings against White members. The findings for those 11 members were other than sustained.

Had this single case been assigned to a different investigator, Sergeant A’s sustained rate for White members would have been more closely aligned with other races and the sergeant would not necessarily have been an outlier for Sustained Rates. Additionally, exploring the hypothetical further, had Sergeant A not been assigned the single case, would another assigned investigator have identified FTARC as an allegation needing to be added to all the subjects and would they have investigated it in the same manner?

There are a number of moderating and mediating factors which intertwine to affect the body of data that comprised 2022’s FTARC allegation investigations: the assignment of field personnel, which personnel responded to any given scene, what sergeant investigated the case, what member added an allegation of FTARC to the complaint, what evidence was available, the list goes on and on. There is discretion wielded in nearly every phase of the process.

Still, it was striking that one white Sergeant (Sergeant A) accounted for 34 of the 100 internally generated FTARC allegations in 2022, the most internally generated allegations by a single member, by far. Only two of the 34 (6%) FTARC allegations added by Sergeant A were against Black members, one of which was sustained. Sergeant A added the most allegations against White and Hispanic members (71%). None of the allegations added by Sergeant A against White members were sustained. Sergeant A has worked in IAD in different capacities over his career, totaling approximately 4 years and 8 months out of 23 years total. (20.36% of his career.)

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<sup>6</sup> Recommending a higher rate of sustained findings against one particular race group versus another.

<sup>7</sup> The area being FTARC allegations internally generated by Sergeant A and investigated by Sergeant A.

<sup>8</sup> Recommending a lower rate of sustained findings for one particular race group versus all others.

## Sergeant A's Internally Generated vs Assigned Allegations

2022		Unfounded	Exonerated	Not Sustained	Sustained	Total	Sustained Rate
Asian	Generated	1	0	1	4	6	67%
	Assigned	0	0	2	3	5	60%
Black	Generated	0	0	1	1	2	50%
	Assigned	1	0	1	2	4	50%
Hispanic	Generated	2	0	4	4	10	40%
	Assigned	4	0	0	0	4	0%
Other	Generated	1	0	0	1	2	50%
	Assigned	1	0	0	0	1	0%
White	Generated	3	0	11	0	14	0%
	Assigned	2	0	1	4	7	57%
<b>Grand Total</b>		15	0	21	19	55	35%

You'll recall from the prior section; Sergeant A was the most prolific *accuser* of FTARC allegations (34). In the table above, you can also see Sergeant A was the most prolific *investigator* of FTARC allegations across all races (55). Sergeant A recommended a Sustained finding for Black members for FTARC allegations 34% of the time and for other-than-Black members 35% of the time. However, in the above table, having broken apart the other-than-black member group into its components, you'll note Sergeant A's Sustained finding rate for White members was 0% when Sergeant A added the allegation, and 57% when the case was assigned to Sergeant A with the allegation already present. Sergeant A levied 14 allegations against White subjects, then found 11 Not Sustained and 3 Unfounded.

For no other race group did Sergeant A generate an allegation of FTARC and then other-than-sustain all of them as he did within the White group. The noticeable gap between Sergeant A's recommended findings per allegation origin was explored further via case review.

Case Review - Sergeant A's Other Than Sustained Findings for White Subjects

Case #	Notes	Recommended Findings
1	This case is discussed in a later table, entitled "Sustained Cases with Areas of Concern." The area of concern would have affected the white subject sergeant, who was Unfounded, but within the report there was left open an unanalyzed concern, emanating from the subject sergeant's own statement and which may call into question the Unfounded finding.	1 Hispanic Officer: Sustained 1 Black Officer: Sustained 1 Other Officer: Sustained 1 Hispanic Officer: Not Sustained 1 White Sergeant: Unfounded
24	The justification for the Sergeant being Not Sustained cited external factors which could have blocked the Sergeant's hearing of the request to speak with a Sergeant. By contrast, it seemed the two officers heard the complainant make an allegation of misconduct but took no further action. The allegations emanated during a conversation, which had been an easy back and forth between the complainant and officers during the booking process at jail. At the allegation to the officers that they'd "fucked over my rights," the officers became momentarily silent toward the complainant. In their statements the officers denied recollection of hearing the allegations. There is not a substantive analysis of proximity or external factors that could have obscured the officers' hearing of the allegation. Instead, the Investigator opined, "This investigation finds that this one comment should not be viewed as an allegation of misconduct by (complainant)." The "one comment" standard does not appear elsewhere in 2022 FTARC cases.	1 White Officer: Not Sustained 1 Hispanic Officer: Not Sustained 1 White Sergeant: Not Sustained
9	No concerns identified.	1 White Sergeant: Not Sustained, 1 Black Sergeant: Not Sustained, 2 Asian Officer: Not Sustained, 3 Hispanic Officers: Unfounded 2 White Officers: Unfounded, 2 Asian Officers: Sustained, 3 White Officers: Sustained
11	The Chief overruled the Unfounded finding recommendation for the Hispanic Sergeant with a Sustained.	1 Hispanic Sergeant: Unfounded 1 Hispanic Officer: Sustained 1 Asian Officer: Not Sustained 1 Hispanic Officer: Not Sustained 1 White Sergeant: Not Sustained 1 White Sergeant: Unfounded 1 White Officer: Unfounded 1 White Lieutenant: Not Sustained 7 White Officers: Not Sustained

All 17 of Sergeant A's other than sustained recommended findings emanated from just 4 cases, each containing multiple subject officers of varying ranks and racial group membership.

Further, Case #11 accounted for 11 of Sergeant A's 17 (65%) other than sustained FTARC recommendations against White subjects in 2022. With one case containing so many allegations, and predominantly against White subjects, the weighting of such a case within Sergeant A's FTARC allegation portfolio was outsized as compared to its weight as a single case. Removing Case #11 from the mix would leave Sergeant A's sustained rate against White subjects for internally generated FTARC allegations at 0/6 (still 0%) rather than 0/14 (the current 0%).

More impactfully, with Case #11 accounting for 11 other-than-sustained findings for White members, a hypothetical removal of this case from the set would have fundamentally changed the outcome of apparent disparity for the whole years' worth of data. The overall Sustained Rate for White subjects was 26% in 2022. The hypothetical offered would have changed the White subject Sustained Rate to 37%, still lower than the 60% Sustained Rate for Black subjects, but an 11% swing from the Table 2 data. The lower numbers involved in a year's worth of data can lead to one investigation with multiple officers on the scene having an outsized effect upon the whole.

The two cases above (#1 and #24) wherein there seemed to be a question as to the justification for the findings serve as further evidence of the varied manner in which the assessment of FTARC occurs, sometimes even between cases conducted by the same investigator. Case #24's Unfounded recommendation for the White sergeant seemed logical and appropriate. The "one comment" argument was an outlier in this review and served to Not Sustain 1 Hispanic and 1 White officer. Hypothetically, if the investigation had found the two officers Sustained, the result would have delivered the following Sustained rate for Sergeant A's internally generated FTARC allegations:

- Hispanic: 50% (5/10), up 10%.
- White: 7% (1/14), up 7%.

Due to low numbers in the sample size, one allegation's hypothetical swing to a Sustained finding results in a 7% and 10% corresponding movement. The percentages reveal areas of concern but should be considered in the context of the small sample size serving as the foundation.

Sergeant A alone investigated 49% of all FTARC allegations in the Department in 2022 (55/112). Removing Sergeant A's own internally generated allegations, Sergeant A would have investigated 19% (21/112) of the total 2022 FTARC allegations.

To attempt to better understand how such a concentrated impact could have landed with a single investigator, the author inquired with the Internal Affairs Chain of Command. (Sergeant A was assigned to the Internal Affairs Division during 2022.) The Chain of Command responded with the following statement,

*(Sergeant A) is a trusted and efficient investigator. His judgement is valued, respected, and well-articulated. He routinely carries a case-load twice the size of other investigators in the Section and is capable of deep analysis while still adhering to timelines for investigations. His additions of (FTARC) allegations during 2022 was a product of being sensitive to the nature of the (FTARC) MOR, noting potential violations of it, and adding it to the case for all potential subject officers prior to*

*interviewing subject officers such that questioning about (FTARC) could be done in accordance with Government Code 3300 et. seq.*

The dominating number and percentage of all FTARC allegations investigated by Sergeant A may provide us the answer as to why White sergeants investigated FTARC allegations at a higher rate than other races.

Simply put, with 49% of all allegations being investigated by one Sergeant (who is White), cases which might have otherwise been disseminated across other investigators, belonging to different race groups instead remained with Sergeant A.

## VI. Division Level Investigations (DLI) v Internal Affairs Division Investigations (IAD)

Investigations into misconduct take two forms within the Department. After being processed through the IAD Intake Section, a case file may either be assigned to a sergeant investigator in the Internal Affairs Investigations Section (referred to as Internal Affairs Investigations), or to a sergeant assigned to another part of the Department (referred to as Division Level Investigations).

Division Level Investigations (DLI) are, as prescribed by policy, contain largely Class II (lower level) offenses.<sup>9</sup> Internal Affairs Investigations (IAD) contain largely Class I (higher level) offenses. The packaging and assignment of a case as either a DLI or IAD investigation is the responsibility of the Internal Affairs Division - Intake Section, headed by a Lieutenant of Police, working for the IAD Commander (Captain). The assignment of cases may not always follow the strict delineations of policy, as the Lieutenant in charge of IAD Investigations Section may request some Class I cases be sent out as DLI when the caseload of the IAD Section has become untenable.

Once a case has been designated as a DLI, it is packaged into a case file and distributed via the Bureau of Field Operations – Administrative Section. Two Sergeants are currently assigned to this unit, working to disseminate, track, and retrieve numerous DLI case files as they are funneled back to the chain of command overseeing the subject officer. The Captain(s) and Lieutenant(s) overseeing the subject officer's chain of command may assign the DLI back to the subject officer's own Sergeant. If work load or operational concerns intervene, however, then the Captains and Lieutenants may choose to assign the DLI to a different Sergeant to investigate it.

Further, units other than those assigned to the Bureau of Field Operations may be assigned DLI to investigate and review when workloads overwhelm the field personnel. In these instances, the investigating and reviewing chain of command may have no regular supervisory responsibility over the subject officer.

The Internal Affairs Investigations Section sergeants' only role is to investigate allegations of misconduct. Sergeants assigned to other areas of the Department handle Division Level Investigations in addition to their normal duties. There are 121 sergeants in the Department, 8 of whom are assigned as Internal Affairs Investigators. There are therefore potentially 113 sergeants available to investigate Division Level Investigations ancillary to their regular assignment.<sup>10</sup>

In 2022, 25 sergeants investigated at least one allegation of FTARC. 18 of the 25 sergeants investigated said allegations as Division Level Investigations. 7 of the 25 sergeants investigated said allegations as Internal Affairs Investigations.

The following table displays the distribution of 2022 cases investigated as either DLI or IAD and how each type's findings were distributed.

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<sup>9</sup> DGO M-03 Complaints Against Departmental Personnel or Procedures, VI. A.: *Class I offenses shall be investigated by IAD and Class II offenses shall be investigated or resolved at the division-level unless otherwise directed by the COP, Assistant Chief of Police, Acting Chief of Police, or Deputy Chief of the Bureau of Risk Management.*

<sup>10</sup> 113 being the ceiling, as there are some Sergeants on Administrative or Medical leave, as well as some assigned to the Homicide Section, who are not additionally burdened with DLI assignment. Further, while no personnel other than sergeants investigated FTARC allegations in 2022, any supervisor or commander may assume responsibility as primary investigator.

## Type of Investigation and Findings

2022	Sustained	Exonerated	Not Sustained	Unfounded	Grand Total
Division Level Investigation	56% (24)	2% (1)	14% (6)	28% (12)	100% (43)
Internal Affairs Investigation	30% (21)	1% (1)	35% (24)	33% (23)	100% (69)
Grand Total	40%	2%	27%	31%	100%

Relatively few Sergeants, (eight) investigated 62% (69) of the total FTARC allegations, as Internal Affairs Investigations. The findings resultant from Internal Affairs Investigations were evenly distributed across Not Sustained, Sustained, and Unfounded, all in the low to mid 30% range.

By contrast, 18 Sergeants investigated the remaining 38% (43) of FTARC allegations as Division Level Investigations. The findings resultant from Division Level Investigations revealed a wider range between findings, with ~14% Not Sustained, ~28% Unfounded, and ~56% Sustained.

- The sustained rate for FTARC allegations investigated as DLIs was higher than those investigated within IAD Investigations.

Most of the difference seems to result from the lower usage of Not Sustained as a finding within DLIs, about a 1/3 of IAD. The larger number of sergeants investigating DLI FTARC allegations indicates the DLI investigating sergeants each worked on fewer FTARC per investigator than those sergeants assigned to IAD. This is consistent with normal practice in BFO wherein commanders are careful to not assign more than two DLI to a field supervisor at any given time. There is no policy prohibition against assigning more, but the added burden of a third DLI would overwhelm the sergeant's normal operational duties.

The wider range in use of findings may be indicative of the varied chains of command and locations from which DLIs matriculate through the investigative process as opposed to the IAD Investigations' more contained, controlled, City Attorney accessible, and less extraneously burdened process. IAD Investigators' only job function is to investigate misconduct allegations. IAD investigators work as part of a small unit with routine interactions with Executive Command and lawyers from the City Attorney's Office to help inform opinion and finding.

In contrast, DLIs are investigated by a wider swath of sergeants and reviewed by a wider swath of supervisors, all of whom are tasked with participating in the DLI process over and above their primary assignment functions. It is little wonder that whatever ethos informed the IAD Investigations' findings may not have scaled and represented in the same extent within the array of DLIs, thus accounting for an 80% difference in Sustained rates, and a threefold difference in non-sustained rates.

However, a moderating variable (the DLI Coordinator Unit (1 Acting Lieutenant, White, and 2 Sergeants, 1 White, 1 Asian)) is housed within IAD. The DLI Coordinators are intended to act as quality control for DLI investigations, reviewing content for appropriateness of findings, correcting formatting and grammatical errors, and preparing cases for presentation to the IAD Commander or Chief of Police. The DLI Coordinators may serve as advisors to Investigators, recommending findings or further investigative steps for an investigator to carry out.

- A DLI Coordinator’s work and influence is largely invisible within any given investigative file.

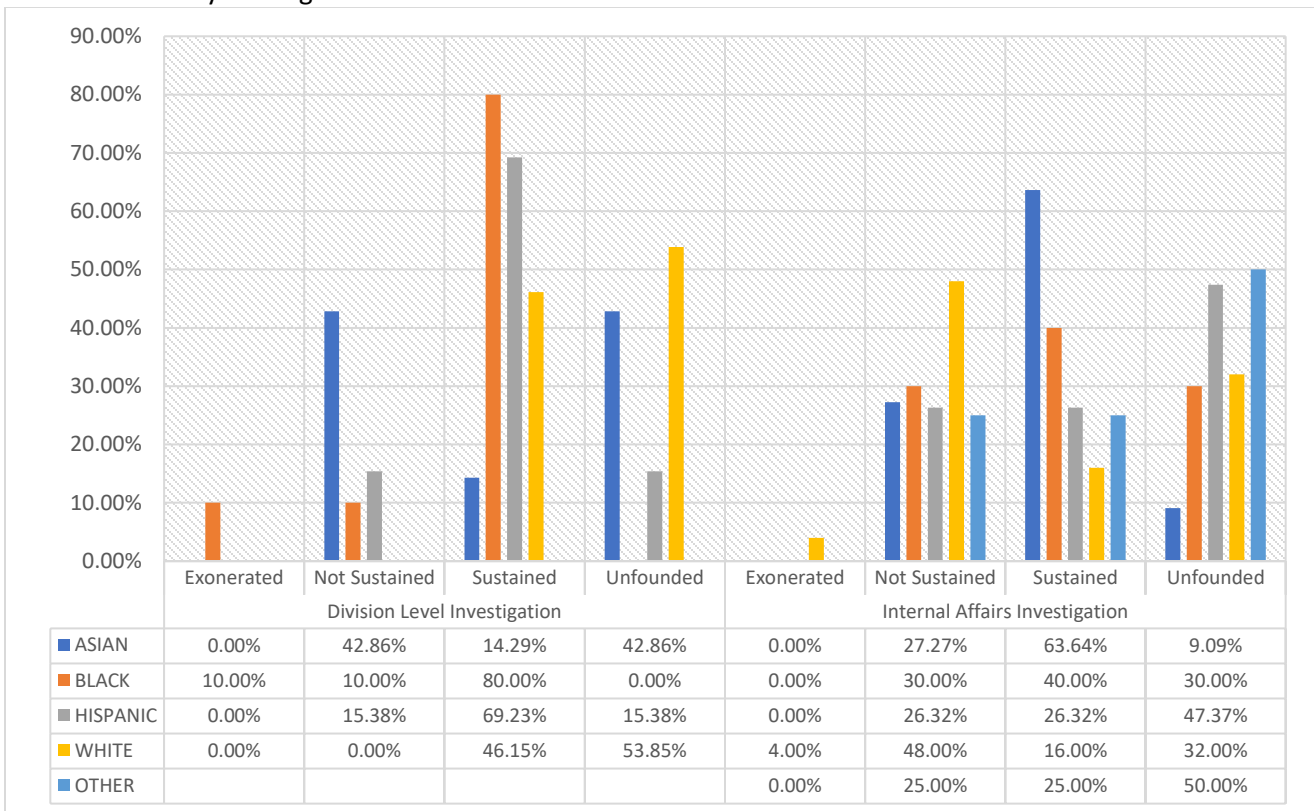
For instance, a final finding may be shown within the DLI Report of Investigation (ROI) as Sustained, but without an accompanying trail to show what the DLI-level Investigator’s initial recommended finding was, and what suggestions were offered, or pressure exerted, to change said finding, if any, by the DLI Coordinator.

The name of the DLI Coordinator shepherding any given case through the DLI investigative process may not appear anywhere in the file. In two instances in 2022, a DLI Coordinator authored an addendum (See Alternate Recommendations section for further) when they disagreed with a finding offered in a DLI investigation. The DLI Coordinators’ addenda only recommended Sustained findings in place of other-than-sustained findings.

Though a small sample, the addenda may be indicative of a different mindset towards using the Sustained finding with regard to FTARC allegations, resulting in the higher Sustained rate in DLI investigations than in IAD Investigations. A deeper look at addenda can be found later in this report.

Re-examining the DLI vs IAD allegations, with race of the subject officer as a factor, resulted in the following table.

DLI v IAD by Finding and Race



- The large difference in Sustained rates between races evident in the 2022 data, combined with the invisible nature in which the DLI Coordinator unit appears to operate within any given case file is of concern.

## VII. Discipline by Race

Having explored aspects of findings, we turn now to discipline disparity within the FTARC allegation.

The Department's Executive Command has stated to the Court that anonymization protocols instituted in 2022 during IAD Findings and Discipline Meetings were designed to eliminate the opportunity for bias to affect decision-making. The effects of the anonymization were not immediately auditable, as the Department has not initiated quantification of when anonymization protocol were strictly adhered to throughout a case presentation, or when it was undercut via BWC review, accidental mentioning of the subject's identity, or an instance wherein the Chief of Police had already been briefed on the matter.

### VII.1 Who is Recommending Discipline?

Within OPD, discipline recommendations emanate from a Captain or Lieutenant, but most often the Captain overseeing the Division within which the Sustained subject currently works. The discipline recommendation occurs after the determination of finding by the Chief, usually at a different meeting on another date. The recommender is provided recent Performance Appraisals, the IAD investigative report, and a pre-discipline report (standardized OPD form) to fill out, ensuring they account for mitigating and aggravating factors when ascertaining appropriate discipline recommendations. The OPD Discipline Matrix provides parameters per MOR violation and per count (1<sup>st</sup> Offense, 2<sup>nd</sup> Offense etc.) The recommender may hold a discipline conference with direct supervisors of the sustained subject officer to solicit feedback and recommendations.

The Captain presents their recommendation to the Executive Command Team (Deputy Chiefs, Assistant Chief and Chief of Police). The Community Police Review Agency may also present discipline recommendations at that time.

The Chief of Police determines final discipline. The pre-discipline report, with the final determination of discipline as authorized and signed by the Chief, is included in the IAD file.

Discipline recommendations were offered by 16 different individuals during 2022. There was no Asian or Other race discipline recommender in 2022.

- White recommenders accounted for 56% of the discipline recommendations in 2022.

FTARC Number of Discipline Recommendations by Race of Recommender

Race of Recommender	# of Discipline Recommendations 2022
Black	11
Hispanic	1
N/A	8
White	25
Grand Total	45

Not Applicable (N/A) was used when no Discipline Recommendation was offered. In these instances, the Chief was asked to ascertain discipline directly. This may occur in instances where the sustained subject has since resigned from the Department and has no direct chain of command. In one case, a Discipline Recommendation form was filled out by a white Lieutenant, but the recommendation was explicitly that there was no recommendation from the Chain of Command.

In 2022, the then-Chief of Police determined final discipline in 44 of the 45 sustained allegations. A Deputy Chief (who was Acting Chief briefly in 2022) determined final discipline in the remaining case.

## VII.2 Elevation / Lowering / Confirming of Recommended Discipline

Upon receiving recommended discipline, the Chief may elevate the level of discipline, lower it, or confirm the recommendation as final discipline. "N/A" in the below table indicates instances wherein there the Chief ascertained discipline without a discipline recommendation.

Sustained FTARC Allegation Recommended Discipline v Final Discipline and Race

<b>Movement from Recommended to Final Discipline</b>	<b>OTHER</b>	<b>ASIAN</b>	<b>BLACK</b>	<b>HISPANIC</b>	<b>WHITE</b>	<b>Grand Total</b>
Confirmed	1	5	6	7	5	24
Elevated			5			5
Lowered		1	1	4	1	7
N/A		2		3	4	9
Grand Total	1	8	12	14	10	45

- The only race group to receive elevated discipline by the Chief from the recommended discipline was Black subjects.

S(#) = Number of Days Suspension  
 WR = Written Reprimand  
 C&T = Counseling and Training

## 2022 Discipline for FTARC Sustained Black Subjects

Case #	Recommended Discipline (RD)	RD within the Matrix?	Elevated (E)/ Lowered (L) / Confirmed (C)	Final Discipline	Final Discipline within the Matrix?	CPRA Parallel Investigation?	Notes
1	S1	Yes	C	S1	Yes	Yes	
2	C&T	Yes	C	C&T	Yes	No	
3	C&T	No (below)	E	WR	No (still below)	Yes	Subject had 1 prior offense for same. 2 other officers on same case received C&T and had no priors for same.
4	C&T	Yes	E	WR	Yes	Yes	No explanation documented.
5a	S5	Yes	E	S8	Yes	Yes	Subject had 1 prior offense for same and was sustained for other MOR violation on this case.
5b	S2	Yes	E	S3	Yes	Yes	Subject had 1 prior for same MOR.
10	WR	No (below)	E	S2	Yes	No	Subject had 1 prior for same MOR.
13	S2	Yes	C	S2	Yes	No	Subject had 1 prior for same MOR.
14	S2	Yes	C	S2	Yes	No	
15	S3	Yes	C	S3	Yes	No	
17	WR	Yes	L	C&T	Yes	No	No explanation documented.
18	C&T	Yes	C	C&T	Yes	No	

No discipline recommendations were received for discipline above the matrix range.

Two discipline recommendations were received for discipline below the matrix range. The subject officers in both cases had 1 prior offense for FTARC, which were subject to 2<sup>nd</sup> Offense ranges of discipline pursuant to the Department's progressive discipline practice.

Both below-matrix recommendations were offered by white male commanders (one Lieutenant and one Captain). One below-matrix discipline recommendation was elevated by the then-Chief to within the matrix for a second offense. The other was elevated, but to a Written Reprimand, still below the matrix for a second offense, but one rung more severe than the two other sustained subjects on the same case, neither of whom had prior offenses for FTARC.

One discipline recommendation was lowered, from within the matrix to still within the matrix. The recommendation was offered by a white male commander (Lieutenant). The discipline was lowered by a Deputy Chief serving in an Acting Chief role during the discipline meeting. The final discipline was consistent with what other officers received for their first offense of FTARC.

- There were 5 Sustained allegations receiving elevated discipline from the recommendation. Four of the five (80%) allegations were also investigated by CPRA. There appeared to be correlation between CPRA's involvement in the discipline recommendation and the final decision for discipline being elevated from the OPD recommendation.

In one of the cases (#4) the sustained subject had no prior offenses yet was elevated from the recommended C&T to WR, which was still within the matrix. The elevation appeared inconsistent with how other discipline was meted out for first offenses for FTARC. The subject was a Sergeant in this case, which may have weighed more heavily in the decision-making process. For comparison, another Sergeant (Hispanic) was sustained for their first offense of FTARC in 2022 and also received a Written Reprimand from the then Chief.

- The common reasons Black subjects received elevated discipline from the recommended discipline was for either:
  - having a prior offense for the same MOR violation (4/5) or
  - being a Supervisor (1/5).

However, the mere presence of a first offense in the record cannot retroactively ensure said first offense was equitably processed at the time. The occurrence of a second offense within a Black subject's IAD record may be further indication of a longer period of discipline disparity evidenced against those individuals, much as current first offenses may one day serve as but the first data point in an individual's discipline disparity trajectory if the Department does not remain vigilant in pro-actively locating and addressing such issues. A qualitative review follows.

### VIII. Qualitative Analysis of 2022 FTARC Allegations

As the first offenses for most of the 2022 sustained Black subjects occurred in various years’ past, under different chains of command, with different IAD procedures in place, it was an imperfect comparison when we attempted to delve into those cases and draw parallels to 2022 case evaluations. Instead, to assess OPD’s current procedures, findings and discipline integrity, the assessors undertook a qualitative analysis of all 112 investigated allegations of FTARC in 2022.

In 2022 there were 112 allegations of FTARC. Of those 112 allegations, 45 of them were found Sustained. The 45 Sustained allegations emanated from 19 investigations.

The following are notes on the 19 Sustained cases. Wherein opportunity for differing opinions, discretion, or bias was identified, it is noted.

#### Sustained Cases with Areas of Concern

Sustained Case # <sup>11</sup>	Notes	Results
1	A 5150 WI detainee made numerous verbal allegations while being detained by Officers. No one relayed the allegations to the sergeant. The detainee was gone from scene by ambulance at the time the sergeant arrived. The sergeant had no cause to follow detainee or indication the detainee made allegations of misconduct. The sergeant had no duty to review UoF video (pursuant to policy at the time), but stated they actually did review snippets and clips and didn't notice any allegations. The allegation against the sergeant was deemed Unfounded for FTARC.  Yet, if the sergeant did review the video as claimed, how did they miss the screaming of allegations by the detainee?	Sustained: 1 Black, 1 Other, 1 Hispanic, 1 Asian Officers  Unfounded: 1 White Sergeant  Not Sustained: 1 Hispanic Officer
2	This case was reviewed previously in this report. Officers on scene were Sustained, but the sergeant was listed as a witness in the case and culpability was not assessed.	Sustained: 3 Hispanic, 1 White, 1 Black Officers  Witness Only: 1 White Sergeant
3	This case was reviewed previously in this report. The complainant did not want to file a complaint in 2017, nor in 2022, yet the officers were sustained for asking one but not a secondary clarifying question.	Sustained: 1 Black and 2 white Officers
4	No area of concern identified.	
5	Investigator produced an addendum to their own report, changing allegations for 4 subject officers (1 Black, 1 White, 1 Asian, 1 Hispanic) from Unfounded to Sustained. Officers assumed the on-scene sergeant, who was speaking directly with the complainant, would obtain relevant information for any complaints the complainant may have had. The sergeant received the same allegations the officers received, so their assumption was correct. The sergeant’s failure to open the complaint, armed with the same information the officers had, trickled down to each officer that failed to personally debrief the sergeant with their own personal observations.	Sustained: 1 Hispanic, 1 Asian, 1 Black, 1 White Officers; 1 Black Sergeant

<sup>11</sup> These case numbers are not reflective of the actual identifying IAD case file numbers but are used only for differentiation within this report.

	<p>The addendum referred to the changes in findings as “it was decided,” implying something less than agreement by the investigator.</p> <p>The CPRA’s Sustained recommendation hinges on a reading of a portion of DGO M-03 which states officers shall “notify and provide his/her supervisor with all information obtained from the complainant as soon as practical.” The same CPRA investigation applied this standard differently to other subjects in the same case, exonerating two officers for knowing affirmatively that all the same allegations they’d heard had been told to sergeant by the complainant, while sustaining the others for not knowing the same, even when the Sustained officers had seen the sergeant speaking directly with the complainant.</p>	
6	No area of concern identified.	
7	No area of concern identified.	
8	No area of concern identified.	
9	The subject officer stated they didn't hear allegations at the time. The Investigator argued the officer "should have" heard them. The sergeant, who was on scene alongside the subject officer, was Not Sustained with the same argument, having stated the same thing.	<p>Sustained: 2 Asian, 3 White Officers</p> <p>Not Sustained: 1 White Sergeant, 1 Black Sergeant, 2 Asian Officers</p>
10	No area of concern identified.	
11	<p>Investigator produced addendum to their own report, changing allegations for the sergeant subject (Hispanic) from Unfounded to Sustained. Per the addendum, "it was decided" by the Chief and the investigator was ordered to change the findings.</p> <p>The CPRA investigation relied upon a section of DGO K-04 (Reporting and Investigating Force) that says "If any force investigation <i>indicates</i> misconduct..." The CPRA applied that standard to an allegation from a citizen. It is debatable whether a mere allegation of misconduct is equivalent to an investigation which produces actual evidence indicating misconduct had occurred. This may have been a misapplication of policy during the analysis.</p>	<p>Sustained: 1 Hispanic Sergeant</p> <p>Unfounded: 1 White Officer, 1 White Sergeant</p> <p>Not Sustained: 1 Asian, 1 Hispanic, 7 White Officers, 1 White Sergeant, 1 White Lieutenant</p>
12	No area of concern identified.	
13	Addendum by DLI Coordinator, overruling investigating sergeant’s finding. Sets a new standard that's not listed in policy or training: "Knowledge that a complaint is upset with a member should reasonably trigger the above two questions which DGO M-3 states shall be asked." "Upset" is not a standard that's found in OPD training or policy. The two questions referred to are "clarifying questions", which are appropriate when a member is "unsure" as to whether someone wants to make a complaint. The subject was specifically asked about this and he stated he was "sure." During the subsequent investigation, the investigator spoke with the complainant again, who said she did want to file a complaint against the subject for tone and demeanor. The DLI coordinator used the later affirmation of wanting to file a complaint against the subject for not previously asking "clarifying questions" of the complainant in the initial interaction. There is no analysis or clarification as to whether the complainant had wanted to file a complaint against the subject during the	Sustained: 1 Black Sergeant

	initial interaction, or only later, once asked about it directly by the investigator. The DLI coordinator alleged the investigating sergeant as well as the Lieutenant and Captain all came to the "incorrect" conclusion and should receive negative notes in their files.	
14	No area of concern identified.	
15	Officers attempted to arrest DV suspect who refused to exit residence. Officers left the apartment complex without making the arrest. As they left suspect shouted at them for their names and badge numbers. The officers said they'd give them to him if he came down (a ruse to make the arrest). The suspect said never mind, he'd get their car numbers. Officers did not leave IBC information in front of the suspect's house. There is no training or policy for how or where officers should leave IBC information for someone who is refusing personal contact with them.	Sustained: 3 Hispanic, 1 Black Officers
16	No area of concern identified.	
17	The officer "should" have asked clarifying questions to the complainant to see if she wanted to speak with a supervisor or file a complaint. The complainant, while speaking with the subject officer, did not say or express to him that she wanted to file a complaint, however the allegations of misconduct that she was "inferring" required him to ask clarifying questions. Reliance in the analysis of interpreting the complainant's inferences and what the subject should have picked up on is subjective.	Sustained: 1 Black Officer
18	Only Officer 1 was sustained for FTARC. The analysis leading to the allegation against the sergeant being Unfounded doesn't include the fact that Officer 2 had indicated to the sergeant the complainant was making allegations. The analysis relies only on Officer 1 telling the sergeant that everything was ok and he didn't need to speak with the complainant. The sergeant didn't deconflict the differing statements between Officer 1 and 2 and a complaint was not accepted or referred.	Sustained: 1 Black Officer  Unfounded: 1 White Sergeant
19	A complaint was accepted by the sergeant on scene. As the officers drove the complainant (an arrestee) to jail, the complainant added additional allegations. The officers knew a complaint had already been accepted and did not re-summon or update the sergeant with additional allegations. There is no training or policy covering how many times, or under what circumstances additional allegations need to be advised to the sergeant when a complaint has already been opened. The analysis cited the 'unsure' / 'clarifying questions' section of DGO M-03, which was not applicable.	Sustained: 1 Hispanic, 1 White Officers

Out of the 19 Sustained cases in 2022, the qualitative assessment identified areas of concern, including inconsistency, discretion, or subjective judgement in 58% (11/19).

Within these 11 cases were the following Sustained allegations against subjects, by race.

Sustained Allegations Within Cases Containing Areas of Concern

Race of Sustained	Number of Allegations Sustained within 11 Cases with Areas of Concern	Total Allegations 2022	Rate of Sustained (with Analyses Containing Areas of Concern)
Asian	4	18	22%
Black	9	20	45%
Hispanic	10	32	31%
Other / Unknown	1	4	25%
White	8	38	21%

- 45% of all the 2022 FTARC allegations against Black subjects came to a Sustained finding within investigative reports that relied on inconsistent, subjective, or discretionary analysis. This next highest race group percentage was Hispanic, at 31%.

Qualitative analysis revealed areas of concern (inconsistency, discretion, subjective judgement) in 11 of the 19 sustained FTARC cases in 2022.

- Common themes from the cases containing areas of concern included:
  - Reliance on “unsure” and “clarifying questions” sections of DGO M-03, whether the subject was “sure” or otherwise.
  - Sergeants speaking with complainants but receiving different information from complainant than what the complainant had stated previously to officer(s); the officer(s) being held responsible for those differences.
  - Sergeants were not assessed as subjects or were found “other-than-sustained.”

## Appendix A

## Chi-Square Calculation for Sustained Rate of FTARC Allegations

White sworn members had a sustained rate of 26% while Black sworn members had a sustained rate of 60%, a statistically significant difference.

	Other than Sustained			Sustained			Chi-Square	<i>p</i>
	Observed	Expected		Observed	Expected		Value	
White	28	23.6	1.06	10	14.4	0.65	4.97	0.026
Black	8	12.4	2.02	12	7.6	1.23		

## Sustained Rate of FTARC Allegations

2022	Sustained Rate
Asian/Filipino	44% (8/18)
Black	60% (12/20)
Hispanic	43% (14/32)
Other/Unknown	25% (1/4)
White	26% (10/38)
Total	40% (45/112)

## FTARC As Stand-Alone Sustained Allegation

There were 19 cases in 2022 wherein at least one allegation of FTARC was found Sustained, covering 45 separate allegations.

## Cases Where Subjects Were Sustained for FTARC vs Other Allegations

Case #	FTARC Allegations Sustained	Other Allegations Sustained in the same Case	Cases Where at Least One Subject Was Black
1	4	4	✓
2	5	0	✓
3	3	0	✓
4	1	0	✓
5	5	1	✓
6	2	1	
7	1	2	
8	1	0	
9	5	2	
10	1	0	✓
11	2	0	
12	2	3	

13	1	1	✓
14	1	N/A (only allegation was for FTARC)	✓
15	4	4	✓
16	3	2	
17	1	0	✓
18	1	0	✓
19	2	0	
<b>TOTAL</b>	<b>45</b>	<b>20</b>	<b>11</b>

Within 9 of the 19 cases there were allegations for other MOR violations, but FTARC was the *only* allegation sustained. The nine cases accounted for 17 (38%) of the 45 Sustained allegations for year.

In 11 (58%) of the 19 cases at least one subject member was Black. A Black member was Sustained in 6 (67%) out of 9 of the cases where FTARC was the *only* allegation Sustained.

Put another way, 38% of the time wherein a subject of any race was Sustained for FTARC MOR violations they were other-than-sustained (exonerated, unfounded or not sustained) for the underlying conduct they may have unintentionally failed to accept or refer.

*Table 28 Case #2 Review*

In case #2, which resulted in a Sustained finding for one Black subject and three Hispanic subjects, and one White subject, FTARC was the only Sustained allegation, one for each. The other allegations under investigation included four allegations of improper search, seizure, or arrest, all of which were found Exonerated.

Officer 1 called their sergeant to the scene due to verbal allegations made by an arrestee. The sergeant interrupted the officer during the phone call, saying he was already in route. Once on scene the sergeant did not speak with Officer 1, who was guarding the arrestee. The Sergeant spoke with Officers 2 and 3. The Sergeant deferred investigative tactics and decisions to Officers 2 and 3 and asked no questions about complaints or force. The officers volunteered they had used low level force (Level 4 Type 32) to restrain the arrestee in handcuffs.

The arrestee's attitude evolved during the interaction and became compliant and friendly. Officer 1 later testified that he believed Officers 2 and 3 had updated the sergeant as to the initial allegation while the sergeant was on scene and later, as the arrestee's attitude changed, Officer 1 became sure the arrestee no longer wanted to make a complaint.

All officers were Sustained for FTARC for not informing the sergeant of the nature of the verbalized allegations at the early portion of the interaction. Officer 4 and 5, who were not directly involved in the calling of the sergeant or of meeting with the sergeant, but who were on scene and assisting, were deemed Sustained as well.

The investigation's analysis did not take into account that it was not Officer 1, 4 or 5's fault that Officers 2 and 3 failed to describe the allegations to the sergeant, nor does it allow for it to have been reasonable for those officers to have assumed Officers 2 and 3 would cover the relevant information with the sergeant.

The implication from the investigation was that, upon arrival on any scene where any allegation has been lodged, each officer is equally responsible for personally informing the sergeant of any perceived allegation, regardless of whether any individual officer who was likewise aware of the allegation, had already briefed the sergeant. Further, the analysis makes no assessment as to the sergeant's own responsibility to check with Officer 1, who called him to the scene for a reason.

In this case, Officer 4 was black, was on scene to assist Officer 1, 2 and 3, knew Officer 1 had called the sergeant to the scene, and knew Officers 2 and 3 had spoken with the sergeant. Officer 4 had an attenuated level of responsibility to ensure the sergeant was properly informed of the allegations made by the arrestee. This was not articulated or offered as mitigation in the analysis. The sergeant was white. His own culpability was not assessed as he was never a subject of the investigation but was rather labeled and interviewed as a witness. If the failure to accept or refer a complaint from the arrestee was one, it was a team failure, and the lack of opportunity to assess the sergeant's own involvement in the matter may be seen as a deficiency.

- The choice to label the sergeant as a witness and not assess their participation in the failure to accept or refer a complaint while on scene may be attributed to investigator's discretion. Yet, the same case was reviewed through multiple layers of chain of command, and the deficiency remained, thus diffusing responsibility for said deficiency across a number of personnel. This case serves as another example of the systemic problem of confusion, assumptions, and opportunities for discretion inherent in assessing FTARC allegations.

# **EXHIBIT 4**

# Oakland Police Department

## POLICE DISCIPLINE DISPARITY STUDY

Final Report

April 23, 2020

*Confidential and Proprietary*



Protecting What Matters®



April 23, 2020

Darren Allison  
Acting Chief of Police  
Oakland Police Department  
455 7th Street  
Oakland, California 94607

Dear Acting Chief Allison:

Please find attached our final report on police discipline disparities in the Oakland Police Department (OPD). Our report reflects a thorough and independent assessment of the OPD's internal investigations and discipline processes, including a review of recruits released from probation while at the police academy or in the field training program. It also includes a statistical analysis of the OPD's internal investigations and disciplinary outcomes for sworn employees from 2014 to 2018. We provide recommendations to improve the internal affairs and discipline process to help ensure fair and consistent investigation and discipline.

This revision is a result of the OPD's staff and stakeholders' reviews. One of the most significant aspects of this revision is limiting the statistical analysis to sworn Department employees. It should be noted that the overall disparity among sworn employees varied little from the analysis of the disparity among all employees.

We commend the commitment of the City and the OPD for opening the department to an independent assessment. We know that you have already made great strides in improving many aspects of the OPD and believe that this assessment and our associated recommendations can help you to continue that progress.

This report is a confidential and proprietary work document between Hillard Heintze and the Oakland Police Department.

Sincerely,  
HILLARD HEINTZE LLC

A handwritten signature in black ink that reads "Arnette Heintze". The signature is written in a cursive, flowing style.

Arnette F. Heintze  
President, Jensen Hughes Global Security  
Founder, Hillard Heintze



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## Executive Summary

### **STRATEGIC CONTEXT: THE NEED TO CONDUCT THIS ASSESSMENT**

The Oakland Police Department (OPD) has been operating under a Negotiated Settlement Agreement (NSA) since 2003, which was intended to resolve allegations of police misconduct by plaintiffs in a civil lawsuit. The NSA called for reforms in several areas, including internal affairs and training. To date, the OPD has addressed many of the tasks outlined in the NSA, but it continues to be subject to some of its provisions including those related to internal investigations.

Amid concerns the public voiced about potential racial disparities in the OPD's disciplinary process, Chief Anne Kirkpatrick and the OPD command staff sought an independent review of the data to determine whether the perception of disparity was accurate. They stated that if a disparity existed, they wanted to determine why it is occurring and how to prevent it in the future. Their stated goal was to ensure that the Department's disciplinary systems are legitimate and recognized as such.

### **ASSIGNMENT: WHAT YOU ASKED US TO DO**

The City of Oakland contracted Hillard Heintze to conduct a comprehensive study to determine if a racial and/or gender bias existed in the OPD administrative discipline process, including in resignations and removals of recruits from the Oakland Police Academy and the Field Training Program. The City asked Hillard Heintze to focus the study on five years of data taken from administrative investigations of sworn personnel and police officer trainees in the Oakland Police Academy and its Field Training Program. As part of the study, Hillard Heintze conducted reviews of the following.

- Existing Department policies, procedures and practices regarding misconduct investigations and discipline
- The Department's historical data on misconduct investigations and discipline to determine if the data shows patterns of disparity in the treatment of minority officers and/or in relation to an officer's gender
- The Department's data on attrition from the academy and field training programs to see if the data shows patterns of disparity in the treatment of minority recruits and/or in relation to a recruit's gender.



## **METHODOLOGY AND APPROACH: A HIGHLY INTEGRATED PROCESS**

### **Six Key Principles**

Emerging from our experiences as leaders in a variety of law enforcement-related fields, the Hillard Heintze methodology is based on the following six strategic principles.

- 1 Independent and objective analysis
- 2 Solicitation of multiple perspectives and viewpoints
- 3 An acute focus on collaboration and partnership
- 4 An information-driven, decision-making mindset
- 5 A structured and highly disciplined engagement approach
- 6 Clear and open lines of communication.

### **An Intensive Approach**

During this engagement, the Hillard Heintze assessment team performed the following tasks.

- Conducted interviews with the following individuals.
  - OPD Chief and command staff members
  - Internal Affairs Department (IAD) Captain and staff, including investigators
  - Sergeants responsible for division-level Investigations
  - Training section staff
  - Department stakeholders including representatives from the Oakland Black Officers' Association, the Oakland Asian Police Officers' Association and the Oakland Police Officers' Association
- Observed a meeting of the Independent Monitoring Team
- Conducted file reviews of a random selection of Internal Affairs files back to 2014
- Completed an analysis of OPD investigation and discipline data
- Observed a meeting of the Discipline Review Board
- Administered a Department-wide survey to measure member perception of bias in internal investigations and discipline.



### **ABOUT HILLARD HEINTZE: THE ASSESSMENT TEAM**

Hillard Heintze is one of this nation's foremost strategic advisory firms specializing in independent ethics, integrity and oversight services – with a special focus on federal, state and local law enforcement agencies, including police departments, sheriff's departments and internal affairs bureaus. We provide strategic thought leadership, trusted counsel and implementation services that help leading organizations target and achieve strategic and transformational levels of excellence in law enforcement, security and investigations. Many of our team members have been responsible for leading the significant transformation of many major city police departments and law enforcement agencies.

#### **Rob Davis, Senior Vice President, Law Enforcement Consulting, Project Oversight**



Robert Davis is a highly regarded and innovative national leader in policing and public safety with extensive experience assessing federal, state and local law enforcement agencies across the U.S. Rob served in a variety of capacities during his 30 years' career with the San Jose Police Department, including as the Chief of Police for seven years.

During his time as chief, Rob also served as the President of the Major Cities Chiefs Association. He provided consulting services for the U.S. State Department, traveling on numerous occasions to Central and South America to provide training in community policing methods addressing gang prevention, intervention and suppression. Since retiring from San Jose, Rob has been involved in numerous assessments of police departments across the nation, including serving as the Project Director for Hillard Heintze's U.S. Department of Justice Collaborative Reform Initiative for Technical Assistance contract.

#### **Robert Boehmer, Esq., Vice President, Law Enforcement Consulting**



Robert Boehmer is an experienced facilitator, trainer and public speaker, with expertise in collaborative problem solving, community policing, partnership development and information sharing. For the past several years, he has been facilitating sessions for the Department of Homeland Security's Building Communities of Trust Initiative, focusing on developing trust among law enforcement, fusion centers and the communities they serve.

As a Vice President in the Law Enforcement Consulting practice at Hillard Heintze, Robert manages complex law enforcement assessments and helps police agencies transform their organizations and adopt national best practices and industry standards central to improving accountability, transparency and community trust.

#### **Dr. Alexander Weiss, Lead Researcher**



Dr. Alexander Weiss (Ph.D., Northwestern University) has over 30 years' experience as a public safety practitioner, researcher, trainer, and consultant. For nine years he was director of the Northwestern University Center for Public Safety and Professor of Management and Strategy at the J.L. Kellogg Graduate School of Management at Northwestern. He currently is adjunct professor of criminal justice at Michigan State University. Prior to his appointment at Northwestern, Alex was a member of the faculty of the department of criminal justice at Indiana University, Bloomington. During that time, he also served as a senior advisor to the Indianapolis Police Department. Dr. Weiss has 12 years of experience with law enforcement agencies in Colorado. During his



tenure with the Colorado Springs Police Department, he served as a field supervisor and directed the then newly created operations analysis unit. Weiss earned a Doctorate in Political Science from Northwestern University in 1992, a Master of Public Administration from the University of Colorado in 1984 and a Bachelor of Arts from Colorado Technical College in 1978.

**Michael Dirden, Esq., Subject Matter Expert**



Michael Dirden joined Hillard Heintze following a long and successful career with the Houston Police Department. As the Executive Assistant Chief of Police, Michael provided leadership and oversight for the department's Investigative, Strategic and Field Operations, including accountability for Patrol Operations, Traffic Enforcement, the Mental Health Division, Apartment Enforcement and Differential Police. Michael's body of work in law enforcement highlights an enduring commitment to advancing the profession through community engagement. He has served on numerous national committees focused on use of force, internal affairs and community building with trust. Within the Houston Police Department, Michael developed a strong understanding of the collective bargaining practices used by departments to maximize efficiencies. Working through the department ranks, he rose from Sergeant, Organizational Development Unit, where he helped review and redesign the department's core processes and structure, to the role of Assistant Chief of Police, where he was instrumental in providing Professional Standards and Criminal Investigations oversight.

**Marcia K. Thompson, Esq., Vice President, Law Enforcement Consulting**



Marcia K. Thompson is an attorney and law enforcement practitioner with over 20 years working in the criminal justice field. As a Vice President within our Law Enforcement Consulting practice, she provides oversight, management and technical assistance on various law enforcement assessments, trainings and reviews. Marcia has served as a law enforcement administrator within the Department of Safety at the University of Chicago Police Department, where she oversaw professional standards, accreditation, compliance, training, records management, recruitment, field training, in-service training, leadership development, succession planning, community engagement, youth outreach and the community advisory committee in support of the universities transparency and inclusion initiative. Marcia is a Virginia Supreme Court certified mediator as well as a collaborative problem-solver, change management facilitator, and equal employment opportunity (EEO) and civil rights professional. For many years, Marcia has served as a federal fact finder, EEO counselor, trained EEO investigator and hearing officer, providing neutral hearings and drafting administrative appellate determinations.



## OVERVIEW OF OUR ASSESSMENT: WHAT WE DISCOVERED

Our review of internal affairs processes included reviewing data for the last five years from 2014 to 2018, including complaints, investigations, academy files and various policies, practices and procedures. The OPD has experienced large leadership turnover within the last three years, which inherently affects the continuity of progress and the OPD's changing culture. Much of that turnover may be the result of high-profile incidents in 2015 and 2016 that put the OPD in the public spotlight regarding how personnel handled allegations made against officers and their ability to properly investigate those allegations.

However, during our current review of the cases, policies, procedures and the current leadership structure, we observed how the OPD has improved in areas that directly impact the ability to create a more consistent and fairer internal affairs process. We specifically reviewed the current policies largely implemented since 2016 regarding Internal Affairs investigations of Department members involved in misconduct and other interrelated policies. We are mindful that as recently as 2017, the Swanson report<sup>1</sup> and other outside investigations noted significant deficiencies in classifying, investigating and reporting serious allegations made against officers, which ultimately resulted in various terminations.

Those findings, investigations and court filings resulted in several recommendations to help improve the way internal investigations and disciplining Department members are handled. They specifically recommended that the OPD improve policies regarding the internal affairs process, procedures and how coordination occurs with the Criminal Investigation Division (CID). As noted above, OPD personnel amended many of these policies by the end of 2017 and changed some of the Internal Affairs Division processes.

We provide this historical context to emphasize the improvements OPD personnel have made since 2013 in embracing best practices in handling internal affairs cases and employee discipline. However, the investigative deficiencies in 2015 and 2016 highlighted a larger-scale problem within the Department. Our review of the processes and our findings reflect that the current checks and balances for investigations may not have existed and/or been strictly adhered to prior to 2017. This was noted based on our review and analysis of five years of recent data.

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<sup>1</sup> At the request of the Independent Monitoring Team overseeing the Negotiated Settlement Agreement, the City hired an independent investigator to consider the quality and sufficiency of the OPD's investigation of potential officer sexual misconduct. This report has been referred to as the Swanson Report.



## Key Findings

**Key Finding #1: The OPD's current directives regarding how it conducts internal affairs investigations, makes disciplinary determinations and ensures fairness in its recruit training efforts are generally consistent with quality practices.**

For example, the disciplinary review panel includes individuals from across the Department, which is a best practice. These individuals meet to provide input to the Chief to assist her in determining the proper level of discipline. This practice is consistent with promising practices widely recognized for agencies similar in size to the OPD.

We also commend OPD leadership's dedication to its trainees. The practice of allowing trainees struggling with the Police Academy program to join a later academy class is an accepted practice and reflects the OPD's commitment to providing trainees with opportunities to succeed.

Additionally, the Field Training Program's practice of rotating officers and trainees helps to prevent biased-based decision making by providing a variety of perspectives on the trainee's performance. The OPD's Field Training Program is consistent with quality practices in law enforcement.

**Key Finding #2: Allegations that result in a sustained finding are more likely for black employees. After a complaint is sustained, race does not appear to affect disciplinary outcomes.**

In our data analyses, we determined that race and outcome are statistically dependent for each year since 2014. Even after controlling for other factors — such as age, gender and years of service — black sworn employees were more likely to have their allegations result in a sustained finding than other employees. Over the five-year time period, black employees were 37 percent more likely to have an allegation against them result in a sustained finding.

Based on our assessment, we determined employee race and type of discipline are independent. Once a complaint is sustained, race does not appear to be a factor in disciplinary outcomes.

**Key Finding #3: Class Two complaints are more likely to be sustained than Class One complaints. For Class One complaints, black individuals are almost 39 percent more likely to have the complaint sustained, while controlling for gender and years of service. For Class Two complaints, the biggest predictor is the class itself, but black individuals are still 25 percent more likely to have a complaint sustained.**

Class Two complaints being more likely to be sustained could have several explanations. For example, these cases are less complex, and the evidence may be more readily attainable, or that since the consequences are less severe, the agency may be more inclined to sustain the complaint. Interestingly, even while controlling with the effects of MOR Class, black officers are still 25 percent more likely to have a complaint sustained.



**Key Finding #4: Although our review revealed disparities based on race and gender in regard to probationary releases from the Academy and Field Training Programs, the data is too limited to draw further conclusions.**

Our review of data and available documents regarding the probationary releases of recruits from the Academy and the Field Training Program indicated some disparities based on race and gender. The data was too limited, however, to permit any meaningful conclusions.

**Key Finding #5: The IAD's policy that allows sergeants to be 'fact finders' and adjudicators has the potential to lessen an investigator's neutrality.**

The OPD's IAD processes allow the sergeant investigating a misconduct complaint (also known as the 'fact finder') to determine, as the adjudicator, whether the case should be sustained. Though higher-level supervisors review and approve these findings, this practice is more common in smaller agencies and is not consistent with promising practices used in departments similar in size to Oakland.

This practice raises questions of investigator neutrality. Specifically, it could potentially contribute to biased decision making and the perception of investigator bias, as the investigators may pursue evidence that supports their theory of a case while ignoring evidence that does not support or fit the theory. In recent years, the IAD program has evolved, and the Department has created more checks and balances in this area to help minimize the perception. However, this practice of allowing sergeants to be 'fact finders' and adjudicators at the same time is still not aligned with best practices.

**Key Finding #6: The inclusion of an employee's disciplinary history in IAD case files beyond the past five years could have a negative impact on OPD's ability to eliminate bias and enhance consistency in progressive discipline.**

The OPD case file for an investigation includes the accused Department member's disciplinary history, such as sustained allegations and other investigations, that occurred prior to five years ago. According to a Department policy, cases greater than five years old should not be considered in determining discipline and should not be included in the case file used to determine discipline.

Though we did not see any indications that these records were used to determine discipline, including the Department member's entire history, whether cases are sustained or not, leaves the Department vulnerable, in that this older history could potentially be considered inappropriately when imposing corrective action or discipline.



**Key Finding #7: More training is needed for field sergeants assigned to division-level investigations (DLIs). Additional training could allow DLI supervisors to conduct investigations more effectively and enhance the supervision they provide their officers in the field.**

The OPD provides limited training on how to conduct internal investigations for field sergeants assigned to DLIs. This training is important to ensure that investigations are conducted thoroughly without violating OPD members' rights. The absence of comprehensive training can also contribute to inconsistent outcomes.

Supervisors conducting DLIs feel overburdened with the investigations and would benefit from greater support and training from IAD representatives. This is especially important because these supervisors also have a responsibility to engage with their officers proactively in the field while conducting these investigations.

**Key Finding #8: The DLI Unit is understaffed for the size of its caseload.**

The personnel in the IAD DLI Unit appear to be diligent but are managing a large caseload. The IAD previously had a lieutenant and a civilian manager overseeing the DLI process, but the previous civilian manager left, and the position has not been filled. This has resulted in a reduced level of supervision. Proper leadership and oversight are necessary to ensure a proper review of investigations and assessment of potential bias in investigations occurs.



## Stakeholder Input

As part of our assessment, we conducted several interviews of Department personnel, including command staff members and members of the Oakland Police Officer's Association (OPOA), the Oakland Black Officer's Association (OBOA) and Oakland Asian Police Officers Association (OAPOA). These interviews helped us learn more about the OPD process and provided important additional context. The following summary reflects the higher-level themes gathered from the interviews and does not necessarily represent the views of all persons interviewed.

### INTERVIEW SUMMARIES

During these interviews, members shared that the culture at the OPD contributes to the perception of internal unfair treatment in Department operations and that several factors beyond race contribute to this perception. Race was not ruled out as a factor, but the majority of those interviewed noted how power, cliques and the lack of accountability within the OPD structure affect the ability to stop, observe or avoid behaviors that reduce the fairness in discipline.

For example, "favored groups" consisting of individuals in specialty positions may receive different treatment in some administrative actions. Individuals considered to have good reputations — such as the "great street cop" or "good dope guy" — are reportedly favored over those in the investigation and disciplinary process. Friendships, past affiliations and belonging to specialized units such as Special Weapons and Tactics (SWAT) were also cited as impacting how a person would be treated in the disciplinary process. Many others believed that rank was a factor in determining whether a member should be investigated, whether a finding is sustained and how much discipline is imposed.

Many interviewees also indicated that they believe that the OPD receives few formal complaints about the disciplinary process because those who complain may be ostracized or not receive desired assignments.

Generally, the interviewees noted that while the perception of disparity exists, they were not sure as to whether the disparity was real or just a belief. They all expressed support for looking at the data and determining whether the system is fair for everyone. They said that if evidence of disparate treatment is found, they wanted to identify ways to stop it.

### ANALYSIS OF STAKEHOLDER INPUT

The Equal Employment Opportunity Commission (EEOC) created a task force and conducted a study in 2016 on harassment in the workplace. The findings described the risk factors organizations should evaluate when trying to impede discriminatory behaviors.

In our interviews with stakeholders, we noted several of these risk factors when the interviewees explained the OPD's culture, processes and how the "favored group," "top producers" or "go-get-them" officers would be allowed to misbehave and not be held accountable nor receive the same level of discipline as those not involved in cliques.



Some of the top risk factors that may be present at OPD include the following.

- Workplaces with “high-value employees” [i.e., SWAT team members or other favored groups]
- Workplaces with significant power disparities (i.e., organizational hierarchy overriding investigations or direction of investigations)
- Workplaces that are Isolated or decentralized (i.e., DLI investigations and autonomous divisions handling bulk of IAD cases inconsistently)
- Workplaces where some employees do not conform to workplace norms (i.e., various scandals involving poorly handled investigations such as those identified in the Swanson findings and other independent reviews)

In addition to determining whether bias based on race and/or gender exists, we attempted to holistically address bias and determine contributing factors to the overall perceptions of bias and whether these risk factors contribute to any disparities. Many of those we interviewed shared that leadership played a big role in allowing the culture to continue and not holding certain groups accountable for their behavior, which leads to perceptions of favoritism and perceived bias in the outcomes of investigations.

As with any police organization, accountability and values have to resonate from the top, and each level of supervision has to be held accountable to ensure the core values of the organization are being implemented fairly at every level with appropriate checks and balances, particularly regarding investigations, discipline and hiring.



## Survey Results of OPD Members' Perceptions of Investigation and Discipline

We surveyed Department members to understand their perceptions of IAD investigations and disciplinary outcomes. The 22-question survey focused on internal procedural justice concepts addressing transparency and fairness. We asked specific questions about whether the respondents thought that race, gender or rank impacted the results of investigations and/or disciplinary determinations. We administered the survey, but we had the OPD's training division send the introduction and the survey link to its department-wide email list. The survey opened on August 6, 2019 and closed on August 15, 2019.

When reviewing the following survey results, it is important to keep the following caveats in mind.

- Because it was important to protect the identities of the respondents, we did not track the identity of the respondents. As a result, OPD employees could potentially respond more than once, which could impact the results.
- Ninety percent of the respondents indicated that they had been the subject of an internal investigation by the OPD and 70 percent of the respondents reported that they have been disciplined. While it is important to reflect the opinions of those who have experienced the investigative and disciplinary process, the results do not necessarily reflect the perceptions of those who have not been involved in the process.
- Though the results of the survey are not necessarily statistically significant and may not represent the opinions of all stakeholders, they still provide valuable insight into some stakeholders' perceptions of the OPD process and supplement the information already received from stakeholder interviews and our data analysis.

Below are the demographics of the 303 Department members who responded to the survey.

Race	Percent of Respondents	Number of Respondents
White	24.09	73
Black or African American	14.19	43
Latino or Hispanic	14.19	43
Asian	6.93	21
Native Hawaiian or Other Pacific Islander	1.65	5
American Indian or Alaskan Native	0.33	1
Two or more races	8.25	25
Prefer not to answer	30.36	92
<b>Total</b>	<b>100</b>	<b>303</b>

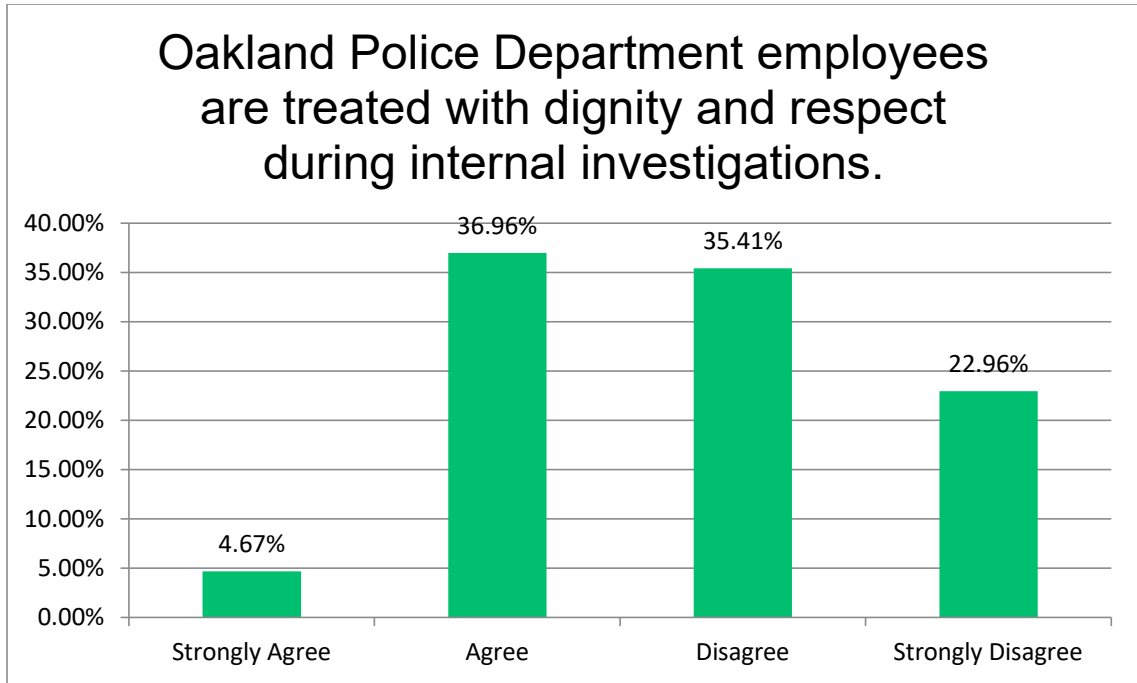


Of the survey respondents, 68.9 percent identified themselves as men, 25.75 percent identified as women and 5.35 percent identified as “other.” Over half of the respondents are assigned to field operations and slightly less than 20 percent are civilian staff. Almost 47 percent of the respondents are patrol officers. Of the respondents, 86.5 percent have been the subject of an IAD investigation, while the Department disciplined 65.5 percent.

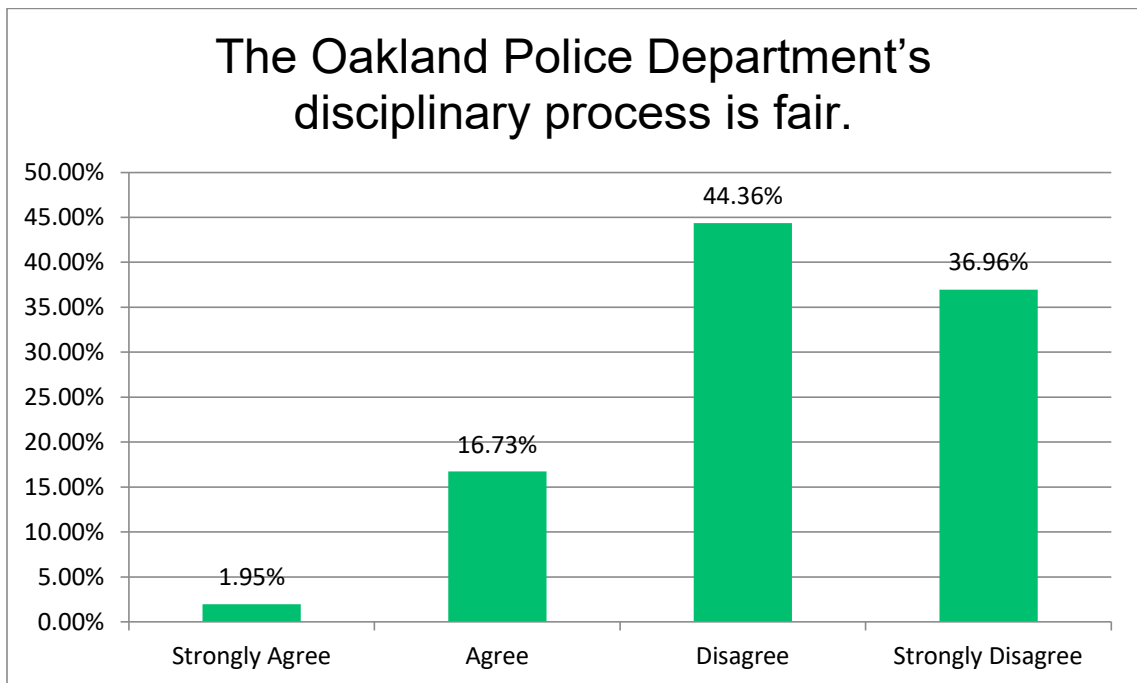
As the focus of this report is discipline among the sworn officers of the department, we analyzed the overall results to focus on the 260 sworn members of the Department who responded to the survey.

Race	Percent of Respondents	Number of Respondents
White	26.92	70
Black or African American	10.00	26
Latino or Hispanic	15.38	40
Asian	3.85	10
Native Hawaiian or Other Pacific Islander	1.54	4
American Indian or Alaskan Native	0.38	1
Two or more races	7.69	20
Prefer not to answer	34.23	89
<b>Total</b>	<b>100</b>	<b>260</b>

Ninety percent of the sworn respondents have been the subject of an OPD internal investigation and 70 percent reported that the OPD has disciplined them. As indicated below, overall, 41.63 percent of the sworn respondents agreed or strongly agreed that the OPD treats employees with dignity and respect during internal investigations.

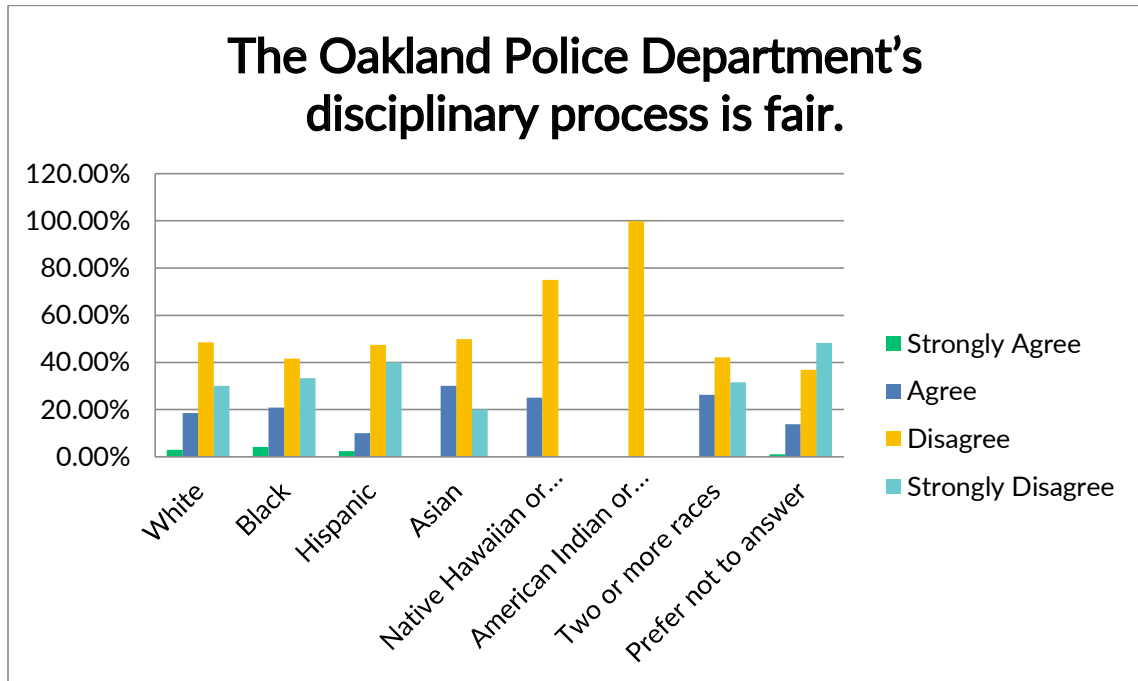


Only 18.68 percent of the sworn respondents agreed or strongly agreed that the disciplinary process is fair.



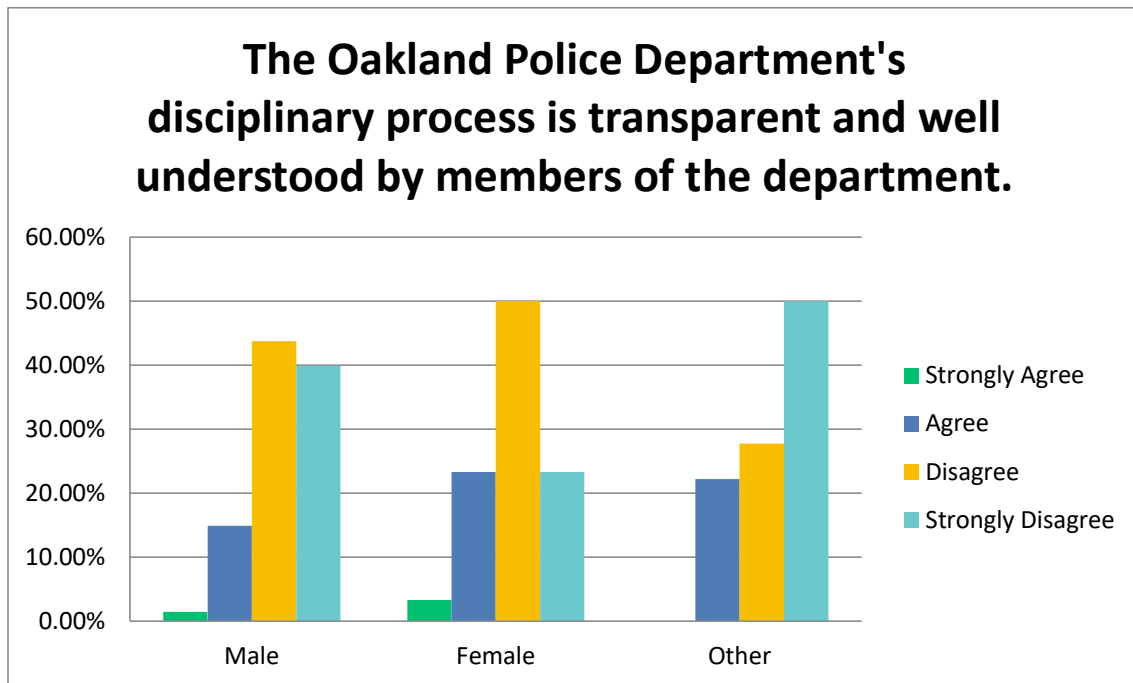


Only 12.50 percent of Hispanic respondents strongly agreed or agreed that the disciplinary process is fair as opposed to 30 percent of Asian respondents, 25 percent of black respondents, 25 percent of Native Americans and Pacific Islanders and 21.43 percent of white respondents.



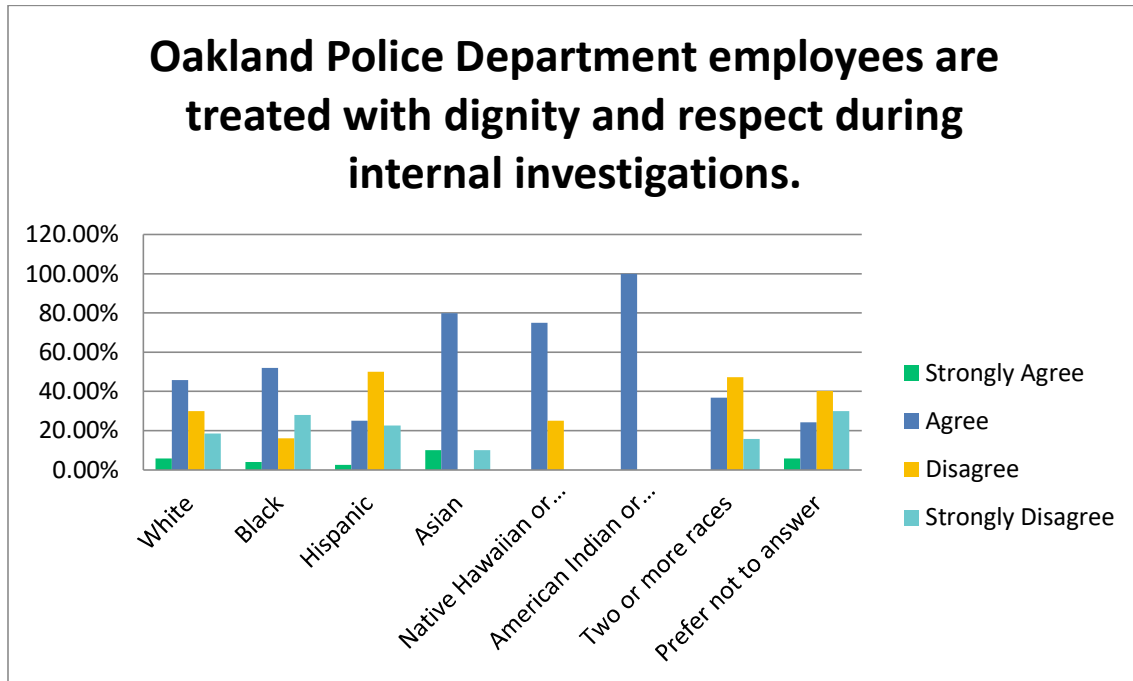


Only 17.94 percent of the sworn respondents felt that the disciplinary process is transparent and that Department members understand it well. Though gender did not account for a significant difference for many of the questions, 26.6 percent of female sworn respondents answered that the Department’s disciplinary process was transparent and well understood, while only 16.34 percent of men agreed or strongly agreed with that statement.

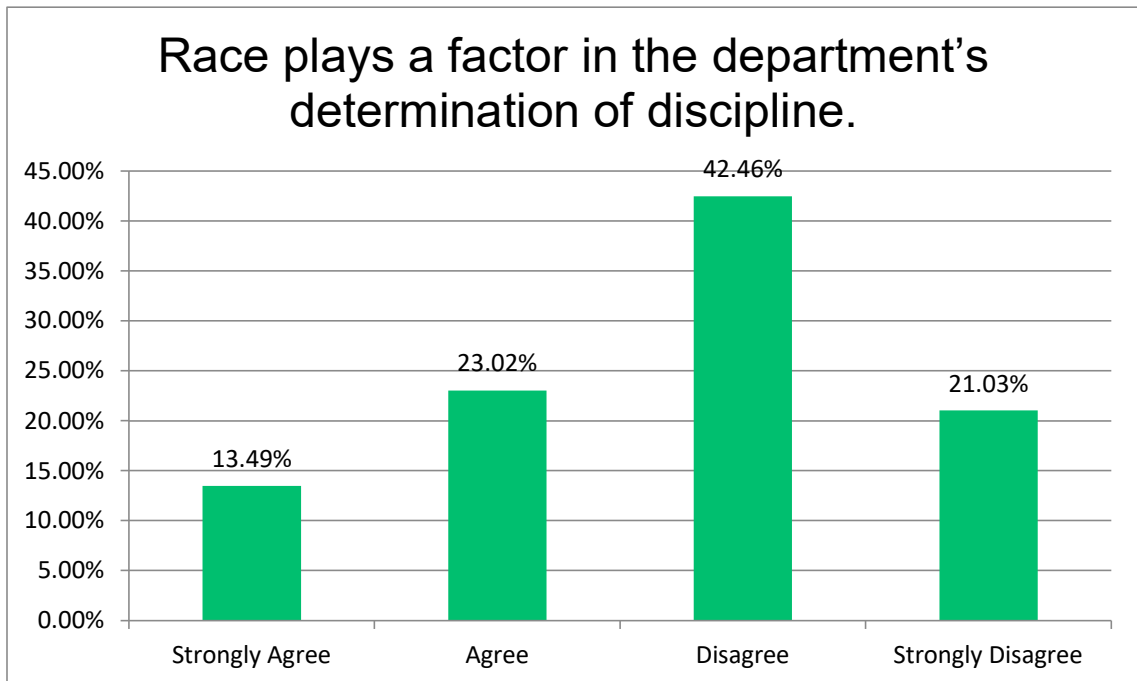
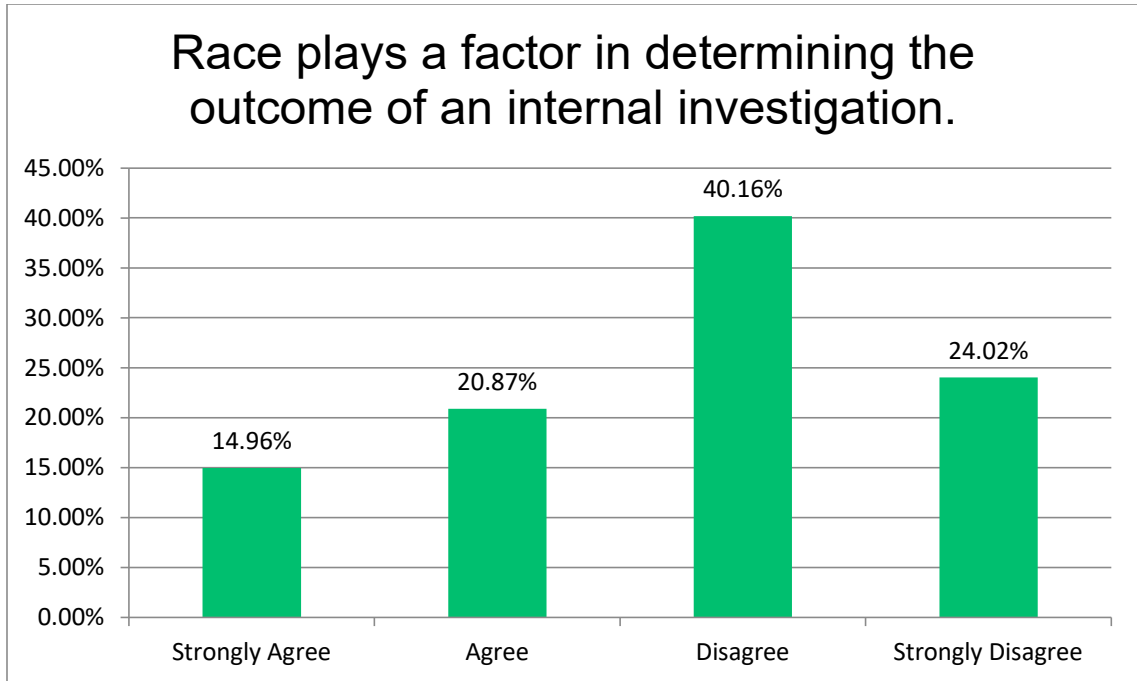




Responses to these questions were also analyzed based on race. Only 27.50 percent of Latino or Hispanic respondents agreed or strongly agreed that employees are treated with dignity and respect during IAD investigations, compared to 56 percent of black and 51.42 percent of white respondents.

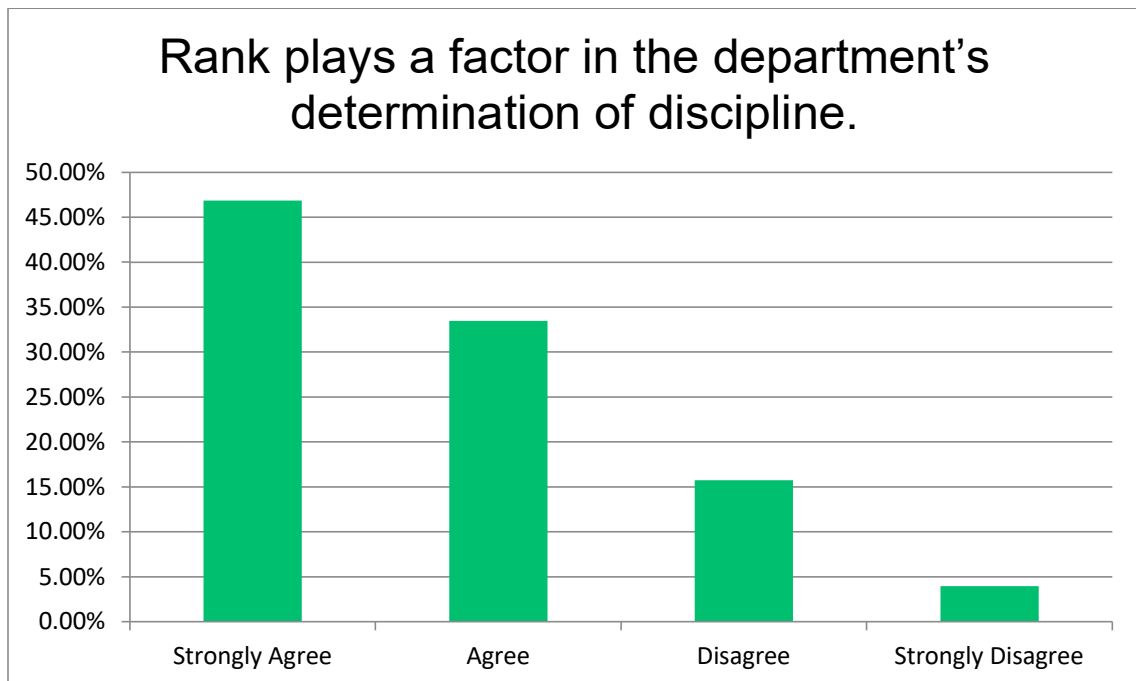
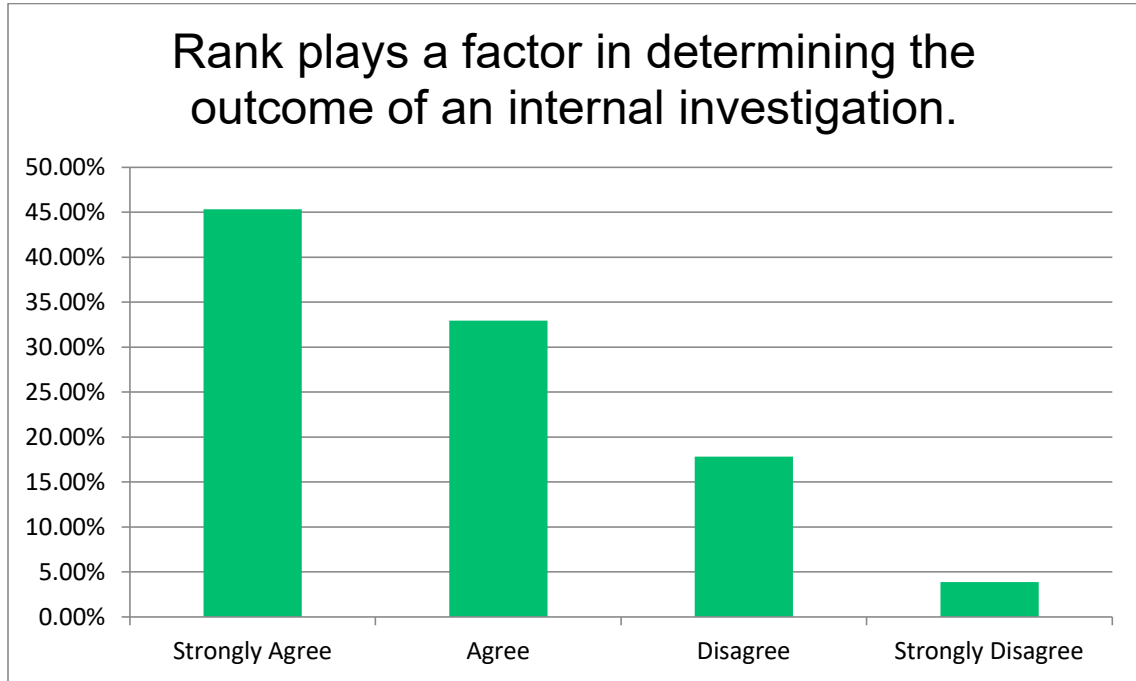


The survey asked a series of questions about whether the respondents thought that race, gender or rank played a factor in the outcome of investigations or the discipline imposed. Almost 36 percent of respondents said that race and gender are a factor in internal investigations and discipline. Responses varied based on the race of the respondent. For example, though around 25 percent of white respondents agreed or strongly agreed that race plays a factor, 35 percent of black respondents, 44 percent of Hispanics and 40 percent of Asian respondents agreed or strongly agreed that race plays a factor in the outcome of investigations or discipline imposed. Women (41 percent) were somewhat more likely to agree or strongly agree with the statement that gender played a role in investigations and discipline than men (32 percent).





Nearly 80 percent of respondents agreed or strongly agreed that rank plays a factor in determining the outcome of an internal investigation and the determination of discipline.





The survey also asked members if issues that concern race and gender are openly dealt with and resolved constructively in the OPD. Overall, 40.73 percent agreed or strongly agreed with that statement. We did not note significant differences based on race or gender of the respondent.

### Summary of Survey Results

- Almost three-fifths of the sworn respondents believe that OPD employees are not treated with dignity and respect during internal investigations. Hispanics (72.5 percent) were more likely to report that employees are not treated with dignity and respect as compared to white (48.5 percent), black (44 percent) or Asian (10 percent) respondents.
- 83.2 percent of respondents reported that they believe that the disciplinary process is not fair. This response varied somewhat based on race, with 87.5 percent of Hispanics, 78.5 percent of white respondents, 75 percent of black respondents and 70 percent of Asian respondents responding that the disciplinary process was not fair.
- Around 75 percent of white respondents, 63 percent of black respondents, 60 percent of Asian respondents and 56 percent of Hispanics responded that race is not a factor in the outcome of an internal investigation or the determination of discipline.
- Women (41 percent) were somewhat more likely to agree or strongly agree with the statement that gender played a role in investigations and discipline than men (32 percent).
- Nearly 80 percent of respondents agreed or strongly agreed that rank plays a factor in determining the outcome of an internal investigation and the determination of discipline.

The survey also asked an open-ended question: "Is there anything else that you would like to tell us about the Oakland Police Department's internal investigations and discipline process?" We received 151 responses to the question. These responses included specific instances of perceived mistreatment, general positive and negative comments about the fairness of the process, and specific policy suggestions, as summarized below.

- Several respondents indicated that under the current Chief, efforts have been made to improve the fairness and transparency of the process.
- Many were concerned that external politics and media attention impact investigations and discipline. Respondents noted that they felt public opinion and political ramifications heavily sway internal investigations for high-profile or emotional incidents.
- Like what we heard in our interviews, respondents said that who you know, and to which cliques you belong influence whether an investigation will be sustained and what level of discipline will be administered.
- Respondents reported that although improvement have been made, the IAD and disciplinary processes are not transparent.
- Some respondents indicated that too much time is spent on minor violations and that some of these minor violations should be addressed at the supervisory level rather than in the IAD process.



## Analysis of a Sample of Complaint Investigations

### Methodology

To gain a greater understanding of the OPD's internal affairs investigations process and to review cases for potential indicators of bias, we selected two sets of random samples of cases to review. The first set included five percent (45) of 2017 to 2018 DLIs, five percent (10) of 2017 to 2018 cases handled by internal affairs investigators and five percent (33) of sustained cases from 2014 to 2018, some of which had multiple allegations.

The second set of file reviews focused on cases that resulted in discipline. While we sought to sample five percent of all those cases, in instances where the number of cases for a type of discipline was smaller than 10, we sampled all those cases. The process resulted in sampling the following number of cases.

Type of Discipline	Number of Cases Reviewed
No Discipline	2
Counseling and Training	17
Held in Abeyance	3
Written Reprimand	12
Last Chance Agreement	1
Suspension	7
Released from Probation	7
Termination	5

We reviewed the cases to observe the processes used to investigate the cases in relation to demographic factors and attempted to identify any areas that could contribute to bias-based decision making. Based on our review, we made the following observations.

### Improvement in Internal Investigations

Internal investigations have noticeably improved over the past two years. We observed additional documented layers of review and clear indications in the chronology logs and notes that DLI sergeants, as well as captains, are reviewing investigations and providing appropriate input, rather than simply signing off on investigations with minimal review. This is consistent with the Independent Monitoring Team (IMT) observation in its November 2018 report that "with respect to DLIs, chain of command reviews as well as reviews of these cases by IAD personnel are becoming more thorough" and "notes contained in these files indicate that cases are being returned to the initial investigator with greater frequency."



### **Internal Investigators Serving as Both Fact Finders and Adjudicators**

Internal investigators act as both fact finders and adjudicators, in that they conduct the investigation and determine whether the complaint should be sustained. Though supervisors and command staff review this determination, this practice is inconsistent with recommended practices. In the current era of policing, leaders must be cognizant not only of concerns of external legitimacy, but internal legitimacy as well. Questions regarding objectivity and neutrality may be heightened when an investigator serves as both fact finder and adjudicator. Despite the availability of supervisory and command channel review, perceptions of bias may be attributable to the role given to investigators in the current internal investigation process.

### **Inclusion of a Complete Disciplinary History in Case Files**

For cases that result in discipline, supervisors are required to review the accused Department member's history of sustained cases for the past five years. However, file review indicated that the index for the accused Department member's entire disciplinary history is included in the file. Keeping the entire history in the file creates the possibility that conduct outside of the past five years could be at least subconsciously considered in meting out corrective action or discipline.

### **Signatures for Approvals of Investigations and Disciplinary Recommendations**

Approvals of investigations and disciplinary recommendations include signatures of approving officers; however, the signatures are often difficult to read. These signatures were often missing the reviewers' serial numbers, preventing subsequent reviewers from determining who reviewed and approved the investigations and/or discipline. Required signatures are a visible representation of review by all members of the chain of command. They provide additional evidence of unbiased decision-making that is consistent with procedural justice. It should be noted that the PRIME database does include a log of everyone touching and approving each case file.

### **Training for Assessing Credibility**

We reviewed credibility assessments of accused Department members, witness officers and complainants. We noted that in almost all the cases, the officers were deemed credible. While that finding is not unusual, we have questions regarding the level of training investigators receive in assessing credibility. Assessing credibility is one area where bias can arise if investigators are not trained properly. This is particularly a concern when the person is known to the investigator.

Officer, complainant and witness statements were frequently written in the first person. Statements should be attributed properly to avoid charges that the investigator is biased and choosing a perspective to believe.



## Policies and Procedures for Handling Complaints and Discipline

We reviewed OPD's internal affairs practices and policies to (1) understand the processes in greater detail, (2) compare these practices and policies to best and promising practices with other similarly sized police agencies and (3) determine existing areas where disparities can arise.

### **COMPARISON OF OPD POLICIES AND PROCEDURES TO BEST PRACTICES**

The OPD practices governing internal investigations are established in the Department's internal directives, which primarily included the following.

- Department General Order M-03 Complaints Against Departmental Personnel or Procedures
- Department General Order M-3.1 Informal Complaint Resolution Process
- M-04.1: Criminal Investigation of Department Members and Outside Sworn Agency Personnel

DGO M-03 provides the basis for complaint processing and administration from inception to conclusion. Like policies in similarly sized agencies, the OPD policy includes directives that describe the following functions: intaking and receiving complaints; classifying complaints; determining complaint categories; and conducting preliminary inquiry and investigation of complaints.

Intake procedures are described in Section III Receiving and Processing Complaints. Importantly, this section establishes the Department's prevailing philosophy of accepting all complaints of violation of the Manual of Rules, including anonymous complaints. In addition, Department members are required to report instances of misconduct that come to their attention and follow the provided detailed instructions when a complaint is received. Employees are subject to discipline or corrective action for not ensuring such complaints are handled in accordance with policy.

Like comparably sized departments, complaints are classified as Class I or Class II depending on the nature of the alleged misconduct and categorized as misconduct or service complaint.

**Section E of Oakland Department General Order DGO M-03  
Complaints Against Department Personnel**

- 1 Complaints against Departmental personnel shall be categorized as Class I or Class II offenses. Class I offenses are the most serious allegations of misconduct and, if sustained, shall result in disciplinary action up to and including dismissal and may serve as the basis for criminal prosecution.

The Class I offenses include but are not limited to:

- a Use of excessive, unnecessary and/or unlawful force;
  - b Fabrication or destruction of evidence, including the planting of inculpatory evidence or the omission or destruction of exculpatory evidence;
  - c Untruthfulness, including perjury;
  - d Knowingly and intentionally filing a false police report or other work related documentation as specified in Manual of Rules (MOR) section 370.45. This includes but is not limited to video, photographs, diagrams, roster, etc., as well as the intentional omission of pertinent information or facts;
  - e Insubordination;
  - f Commission of a felony or serious misdemeanor;
  - g Bias or harassment, actions of a retaliatory nature, or failure to take reasonable steps to prevent retaliation;
  - h Solicitation or acceptance of gifts or gratuities as specified in MOR section 314.69;
  - i Use of position for personal gain;
  - j Knowingly or should have reasonably known that he/she made a false arrest or illegal detention;
  - k Failure to report others, in accordance with MOR section 314.48, who commit any Class I offense or a Class II offense that indicates a pattern of misconduct or threatens the rights of private persons and/or the well-being and reputation of Department personnel and/or the Department;
  - l Failure of a supervisor/manager to detect a pattern of misconduct;
  - m Failure of a supervisor/manager to properly supervise, and/or take corrective action for misconduct that he/she knew or reasonably should have known about;
  - n Failure to properly identify self, including refusing to provide name, deliberate concealment of a badge or name plate;
  - o Knowingly and intentionally obstructing the Internal Affairs investigation process in any manner; and
  - p Driving under the influence
- 2 II offenses shall include all minor misconduct offenses.



The guidance regarding preliminary inquiry and investigation of complaints is consistent with other similar policies at other departments. However, given the current perception of bias in the investigation and discipline of employees of color, the Department may consider providing stronger oversight of the preliminary inquiry process, since it is in this stage where personnel are determining whether the complaint is investigated, and if so, how the complaint is classified.

Upon conducting a preliminary inquiry, a supervisor and IAD intake personnel may make any of the following recommendations for handling a case

- **Conduct Further Investigation:** The complaint requires further investigation beyond steps already completed in the Preliminary Inquiry
- **Handle at the Supervisory Level:** The alleged offense is a Class II offense, which does not indicate a pattern of misconduct, was discovered during the Preliminary Inquiry, and the complainant is agreeable to the informal complaint resolution process.
- **Administrative Closure:** This occurs when a complaint is a service complaint that does not involve a violation of the Manual of Rules and was resolved without an Information Complaint Resolution; if personnel determined that the investigation cannot continue for a normal investigative conclusion; or under circumstances such as the complainant withdrawing the complaint or the subject is no longer employed by the Department.
- **Summary Finding:** This is an abbreviated form of internal investigation in which a finding can be reached without conducting a formal internal investigation as it can be determined with no or minimal follow-up based on the existing documentation, evidence, statements and crime data.

The Department appears to have adequate structure and processes for ensuring preliminary inquiry determinations are in accordance with policy; however, inadequate training and insufficient staffing may result in inadequate review, creating circumstances where favoritism may exist. Importantly, Department personnel indicated that being involved in the right clique, one's rank, or having favorable relations with a supervisor are key indicators of perceived bias, so training reviewers to recognize, understand and avoid these potential biases is important to help ensure a fair preliminary review.

The OPD policy providing detailed instructions for the proper handling of allegations of criminal misconduct is an example of a promising practice. Department General Order M-04.1 Criminal Investigation of Department Members and Outside Sworn Law Enforcement Personnel provides guidelines for notification of and handling of complaints based on articulable, reasonable suspicion. Pursuant to DGO M-03, an employee is subject to discipline for not reporting reasonable suspicion of criminal misconduct coming to their attention. If a decision to investigate is made, the Bureau of Investigation, Criminal Investigations Division conducts the investigation. Importantly, the policy contains appropriate oversight responsibilities and includes appropriate cautions regarding the use of information derived from a concurrent or tolled IAD investigation.

Departmental General Order M-3.1 is another policy that is consistent with recommended practices. Pursuant to this policy, service complaints or Class II misconduct allegations that do not indicate a pattern of misconduct may be resolved informally. While this policy illustrates a recommended practice, the practice should be closely monitored as it is potentially an area where favoritism or bias may occur. The OPD is among a growing number of departments subject to outside review of internal investigations.



Unlike most agencies that imbed guidelines within their internal investigations general order, OPD has promulgated a specific, standalone policy governing Department member interaction with those conducting external reviews and the responsibility to cooperate with independent reviewers of internal affairs investigations.

The Citizens' Police Review Board (CPRB), which was active during a portion of our data review period, was an independent body with the authority to accept, investigate and review complaints regarding the conduct of Department members. While the Department exercises no authority over the CPRB, Department General Order M-3.2 Citizens' Police Review Board sets forth the Department's expectations regarding employee and citizen interaction with the CPRB by "encouraging private citizens to bring forward allegations of misconduct or inadequate police service" to the CPRB and by requiring Department members to "fully cooperate" with the CPRB whether providing assistance in processing or investigation of complaints or responding to civil processes.

As a result of a 2016 ballot initiative, the CPRB was disbanded and replaced by the Community Police Review Agency (CPRA), which the Oakland Police Commission oversees. In this assessment, we did not examine the activities of the CPRA or Oakland Police Commission.

#### **INTERNAL AFFAIRS ORGANIZATIONAL STRUCTURE**

The IAD is led by a Captain of Police, who has two lieutenants as direct reports: one for administration and one for investigations. The lieutenant in charge of administration oversees the Administrative Support Unit, Intake/Pitchess Unit and DLI Compliance. These units include a mix of sworn and civilian staff, including two sergeants assigned to the DLI Compliance Unit to monitor internal investigations conducted by field supervisors. The Lieutenant in charge of investigations oversees the Force Investigation Section while the Captain oversees the Integrity Unit.. These units are staffed primarily by sworn personnel.

#### **INTERNAL AFFAIRS AND DIVISION-LEVEL INVESTIGATIONS**

The OPD's general order Complaints about Department Personnel (DGO M-03) informs "all employees and the public of procedures for accepting, processing and investigating complaints concerning allegations of member employee misconduct."

While this is the primary policy guiding complaint investigations, several other policies are applicable, including Informal Complaint Resolution (DGO M-3.1), Criminal Investigation of Department Members Outside Sworn Law Enforcement Personnel (DGO M-4.1) and the Department's discipline policy.

#### **Pitchess Motion**

Pitchess Motion Contents of internal investigations are generally confidential by law. However, *California, Pitchess v. Superior Court 11 Cal.3d 531, 537, 538, 113 Cal.Rptr.897* provides that when a criminal defendant seeks information from a peace officer's personnel records concerning prior complaints, a motion showing good cause must be submitted to the court.



The Department's policy is to accept all complaints about employee misconduct to determine the validity of allegations and to impose disciplinary actions that are justified in a timely and consistent manner. Complaints alleging employee misconduct can be brought to the Department in a number of ways, including:

- Generated in the field – i.e., a call to a supervisor
- Calling the complaint phone number
- A transfer from one of the external review bodies, such as the CPRA
- Internally generated through a supervisory review of video or otherwise

Allegations of employee misconduct are categorized in the following ways.

- **Class I** offenses are the most serious allegations of misconduct and, if sustained, result in disciplinary action up to and including termination and may serve as the basis for criminal prosecution
- **Class II** allegations and Class I allegations approved by the IAD commander are assigned for DLIs

Most complaints are taken in the field, such as by a supervisor on a scene where a person makes an allegation of misconduct by a Department member. In these instances, the supervisor is required to complete preliminary work to take the complainant's statement, determine the nature of the violation and gather additional relevant information from the scene.

IAD personnel conduct a review of call logs every morning to determine whether any complaints have been filed. Generally, all cases start with review by the intake staff (three civilian and two sworn individuals, whom have taken the mandatory internal affairs course after they were assigned to the unit) and one sergeant. The Unit is in the process of adding an additional intake person.

Whether a complaint is initiated in the field or through the IAD intake process, a Preliminary Inquiry (PI) is completed on all complaints upon receipt by a supervisor or IAD intake personnel. The purpose of the PI is for the assigned investigator to do a preliminary investigation within 14 calendar days of receiving the complaint.

Minimum steps to be taken in a PI include, but are not limited to,:

- Obtain a briefing by directly involved members and employees
- Interview the complainant to determine the nature of the complaint
- Take a recorded statement from the complainant
- Visit the scene of the incident, if feasible, to look for evidence and canvass for potential witnesses
- Interview witnesses, if any, and take recorded statements, if appropriate
- Explain relevant policy, procedure and governing laws to the complainant, if applicable
- Review Portable Digital Recording Device (PDRD) recordings
- Confer with first-level commander/manager regarding recommendations and best course of action



After the PI, the supervisor or IAD intake personnel completes a Complaint Memorandum which minimally includes:

- Summary of complaint.
- Investigative steps taken
- Case file recommendation

The first-level commander or manager ensures the completed and reviewed Complaint Memorandum (including any dissenting memoranda) is hand-delivered to the IAD within seven calendar days.

This 21-day Preliminary Inquiry/Complaint Memorandum process does not constitute an internal investigation.

Complaints can be informally resolved if they are service complaints or Class II allegations and the Department member has not demonstrated a pattern of similar misconduct in the past. Informal resolutions may not be used if the complainant does not consent. A resolution involving the informal complaint resolution (ICR) process is not an admission of guilt or wrongdoing and cannot be used as a factor in determining progressive discipline but is not considered a sustained finding and is incorporated into the employee's complaint history. The ICR process also does not limit a supervisor from providing training or taking non-disciplinary corrective action (see DGO M-3.1).

Most investigations are DLIs, as they are related to Class II allegations. DLI sergeants and the intake staff assigned to internal affairs try to complete some of the initial work to get the investigation started. DLIs are assigned from IAD to the captain of the division where the alleged misconduct occurred or where the accused Department member is assigned. IAD typically provides the file associated with the case to the captain. This file typically contains the complaint paperwork, any associated police reports, the Department member's CIR index, references to the employee's PDRD footage if applicable and other information. Generally, IAD personnel attempt to assign cases to the field within 45 days of receipt

The commander, often through their lieutenant, assigns the investigation to a field supervisor, who is tasked with completing the investigation within 30 days. Captains report that they generally assign the investigation to the accused Department member's supervisor but remain aware of DLI caseloads for each supervisor to ensure that no supervisor is overloaded. These timeframes are important because according to California law, allegations of misconduct against a police officer must be adjudicated with one year of the discovery of the allegation.<sup>2</sup>

Once the field supervisor completes the investigation, they forward the DLI to a field lieutenant for review. The lieutenant may send the investigation back to the supervisor for corrections or further investigation. Once the lieutenant approves the investigation, the investigation is sent to the captain or commander for further review and approval. Once the captain or commander approves, the entire investigation, including the recommendation as to the finding, is returned to one of the DLI sergeants in the IAD, who then reviews the entire file.

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<sup>2</sup> California Government Code Section 3304



The IAD is staffed with DLI sergeants who serve as liaisons to a division-level investigator, providing quality control at the back end of the process when the case is completed in the field. These sergeants review the investigations to make sure the field supervisor has conducted a thorough investigation. The sergeant looks for documents that need to be in the file and uses a checklist to make sure all the items are included.

If the DLI sergeant does not think the investigation is thorough, they may send it back to the field supervisor for corrections or clarifications before final approval. The DLI sergeants can serve as a resource to field supervisors if they have any questions about the investigative process. Our review of selected internal affairs case files indicated that DLI sergeants take an active role in reviewing investigations and are returning files for corrections and/or additional investigation.

The field sergeant conducting the investigation makes the initial recommendation regarding the findings of the investigation. As noted above, the captain must approve the finding prior to returning the investigation to the IAD. The potential findings are as follows.

- **Unfounded:** The investigation disclosed sufficient evidence to determine that the alleged conduct did not occur. This finding also applies when individuals named in the complaint were not involved in the alleged act.
- **Exonerated:** The investigation disclosed sufficient evidence to determine that the alleged conduct occurred but was in accordance with law and with all OPD rules, regulations or policies.
- **Not Sustained:** The investigation did not disclose sufficient evidence to determine whether the alleged conduct occurred.
- **Sustained:** The investigation disclosed sufficient evidence to determine that the alleged conduct occurred and was in violation of law and/or OPD rules, regulations or policies.

If the case results in a finding of exonerated or not sustained, the IAD captain reviews the case and can approve a final determination. Sustained investigations are approved by the IAD lieutenant and passed through the chain of command to the Chief for approval. In determining whether to approve a sustained finding, the chief convenes a roundtable of command staff and the field investigator to review the investigation, ask questions and decide the disciplinary outcome. If the Chief approves the sustained finding, the Chief sends the case back through the chain of command to the accused Department member's commander for recommendations to the Chief for the level of discipline appropriate for the case.

IAD investigators conduct Class I investigations. Internal guidelines provide that the investigator must complete the investigation within 180 days. IAD investigators develop an investigative plan and are assisted by their lieutenant, and, if required, a City attorney assigned to the Unit. All cases undergo command channel review and, if sustained, review by the Chief for concurrence with the findings of the case. Consistent with practices in most large police agencies, the IAD captain is the final reviewer on cases that are adjudicated as not sustained, unfounded or exonerated.



### **CORRECTIVE ACTION AND DISCIPLINE**

The principle of progressive discipline guides corrective action or discipline in the Department, which is supported by a disciplinary matrix outlining the range of discipline for Manual of Rule violations. The matrix provides guidelines for disciplinary recommendations and includes the type of misconduct, the class of offense and penalty ranges for first, second and third sustained allegations of Manual of Rule violations.

The accused member's captain makes the initial recommendation of discipline after reviewing the Pre-Disciplinary Report (PDR) the first-line supervisor completed and after conferring with the subject member's supervisor and lieutenant. The captain considers the nature of the misconduct, prior discipline and aggravating and/or mitigating circumstances when determining recommended discipline or corrective action necessary to remediate behavior. The PDR includes:

- Subject's five-year disciplinary history<sup>3</sup>
- The two most recent performance evaluations
- The Complaint Investigation Report (CIR)
- The Report of Investigation (ROI)
- An analysis of aggravating and mitigating factors

The subject's immediate supervisor generally completes the PDR, which is subject to command channel review. The PDR requires the review of aggravating and mitigating circumstances in applying the disciplinary matrix and determining the proper level of discipline. In administering the matrix, most supervisors reported it is the practice within the Department to start at the middle range of penalties for the offense and then adjust based on aggravating or mitigating circumstances.

The division captain convenes a pre-disciplinary conference with the sergeant and lieutenant to listen to their input on the discipline recommendation. Once the captain approves the PDR, they send the file through the chain of command for ultimate review and approval by the Chief or designee. For sustained preventable accidents, the captain sends the PDR to the Assistant Chief for approval of appropriate discipline. A discipline determination of counseling and/or training or a written reprimand may be approved by the Assistant Chief of Police for minor misconduct discovered at the division level, while other discipline requires the approval of the Chief.

Prior to imposing discipline, the Chief convenes a weekly roundtable of command staff, the City attorney and others to review and approve disciplinary recommendations. The captain who approved the initial recommendation generally present the factors behind their determination and is available to answer questions. Based on the presentation and group discussion, if any, the Chief then approves the discipline recommendation or changes the discipline. The practice of convening a cross-section of staff to advise the Chief on disciplinary decisions is consistent with promising practices widely recognized for agencies similar in size to the OPD.

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<sup>3</sup> We noted that files routinely included the Department member's entire disciplinary history. Even though we did not observe any PDRs that specifically cited discipline beyond the five-year period as a factor in the recommendation, a more appropriate practice would be to limit the disciplinary history to five years in the file so that the reviewer does not have access to that older information.



The following are the levels of discipline that can be imposed.

- **Counseling and training**

Informal corrective action provided by supervisors for observed conduct is deemed not disciplinary and is not considered in progressive discipline for a sustained finding.

- **Written reprimand**

- **Salary reduction**

- **Fine**

- **Suspension**

The Chief of Police or his or her designee must approve suspensions from duty up to 10 days. The City administrator, upon recommendation of the Chief, approves suspensions that exceed 10 days.

- **Demotion**

The City administrator administers a reduction in rank, upon recommendation of the Chief, when a sustained finding for an offense compromises or prevents a member or employee from functioning in a supervisory capacity.

- **Termination**

The City administrator administers termination upon the recommendation of the Chief.



### INTERNAL INVESTIGATIONS AND DUE PROCESS CONSIDERATIONS.

Every sworn member of the Department is entitled to a *Skelly* “due process” hearing when the Chief has provisionally approved discipline higher than a written reprimand. A *Skelly* hearing is conducted by an impartial and non-involved reviewer who determines whether reasonable grounds exist for the proposed discipline.

#### *Skelly* Hearings

A *Skelly* hearing is not a full trial-type hearing. The member has no right to representation by counsel to confront or cross-examine witnesses. A member may instead choose to respond in writing and forgo a hearing.

In determining whether reasonable grounds exist for proposed discipline, the *Skelly* Officer needs to consider the following:

- Did the Department adequately warn the member or employee of the consequences of their conduct?
- Did the Department investigate the allegation before administering discipline?
- Was the investigation complete, fair and objective?
- Did the investigation establish a preponderance of evidence to support the finding?
- Were the rules, orders, and penalties applied without bias?
- Is the proposed discipline just, considering the member or employee’s past disciplinary record?

While an at-will or probationary employee has no property interest in employment, they have a right to a *Lubey* hearing if they are terminated for reasons that could result in imposing stigma or limit future employment opportunities. *Lubey* hearings are conducted in the same manner as *Skelly* hearings.

Finally, pursuant to California Government Code Section 3304 (d), “no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency’s discovery by a person authorized to initiate an investigation of the allegation of an act, omission, or other misconduct and the subject is notified of any proposed disciplinary action.” OPD policy requires the investigation to be completed, reviewed and approved within 180 days.



## **OBSERVATIONS FROM INTERVIEWS**

### **Supervisors' Role in Internal Investigations**

Field sergeants are responsible for most internal investigations. These investigations are conducted during their work hours while they also have responsibility for their duties of overseeing officers and providing guidance. Some field sergeants expressed concern about being burdened with many investigations and being taken away from active supervision in the field. This is especially important given the short turnaround time expected.

However, involving supervisors in investigations has shown to improve supervision. Supervisors who handle complaint investigations have a better understanding of misconduct issues in the field and are in a position to mitigate the problems in the future as their awareness of potential issues increases.

### **Training for DLIs**

Field sergeants receive very little training on how to conduct DLIs. The 2019 Sergeant Transition Course included only two hours of training from IAD regarding DLIs. Supervisors are also required to attend an 80-hour Peace Officer Standards and Training (POST) Sergeant's course, but it reportedly spends very little time on internal affairs and is not Oakland-specific. Given that most of the internal investigations are DLIs assigned to field sergeants, it is important that the field sergeants be sufficiently trained. Limited training and time to conduct investigations can lead to inconsistency, delay and inadequate investigations.

### **Tracking System**

Field sergeants, lieutenants and captains do not appear to have a uniform tracking system for tracking timelines for submitting completed investigations, which may lead to requests for extensions beyond the statutorily required timelines.

### **Checks and Balances**

The OPD's practice of conducting multiple levels or review of investigations and disciplinary decisions creates some checks and balances in the system and is a good practice to assist in ensuring that investigations are thorough and unbiased.

### **Sharing IAD Data**

The Department does not share overall IAD data with its employees to help address the perception of fairness, which the Department's leadership may want to reconsider. Many departments have mechanisms to share key data, without revealing the identity of disciplined personnel, to help educate employees on the disciplinary process and to make the process more transparent.

### **Disciplinary Matrix**

OPD captains and command staff consistently use a disciplinary matrix, which is a best practice and can be helpful to ensure that consistency and fairness in discipline. However, we noted that not everyone using the matrix uses it the same way (i.e., while some reported that they start in the middle and work up or down while others may start at the bottom and go up). This autonomy also could increase perceptions of bias regarding disciplinary outcomes.



### **Disparities in Discipline**

Interviewees expressed concern about disparities in discipline but more often cited cliques or groups as a factor, rather than race or gender. While favoring individuals of a clique may not be an overt sign of bias based on race or gender, the impact may still result in a disparate impact on certain races and genders depending on the makeup of the cliques.



## Probationary Releases from the OPD’s Academy and Field Training Programs

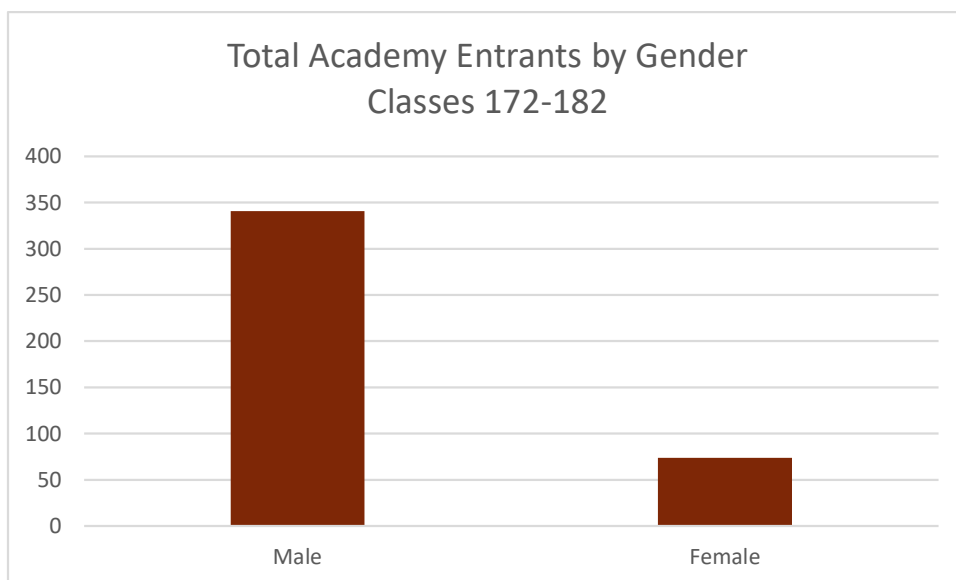
While the OPD provided us with data regarding attrition from the Academy and the Field Training Programs, our review focused on those individuals who were released from probation from the Academy for some type of misconduct as well as those individuals who did not successfully complete the Field Training Program. The data should be reviewed with caution and also requires a thorough understanding of the Department’s recruitment efforts and the backgrounds of those that apply for the police officer position. In some instances, the data may show that those of a certain gender or race have increased rates of release from probation from the academy or lower rates of FTO program success. We describe some of the data here, but our focus is on the procedural aspects related to resignation or removal from the academy or FTO programs.

### THE ACADEMY

The OPD’s academy program is 26 weeks long, covering 1,100 hours of instruction, which is greater than the 664 hours required by the California Commission on POST. The course is divided into 43 individual learning domains, which must be passed in order to graduate from the academy.

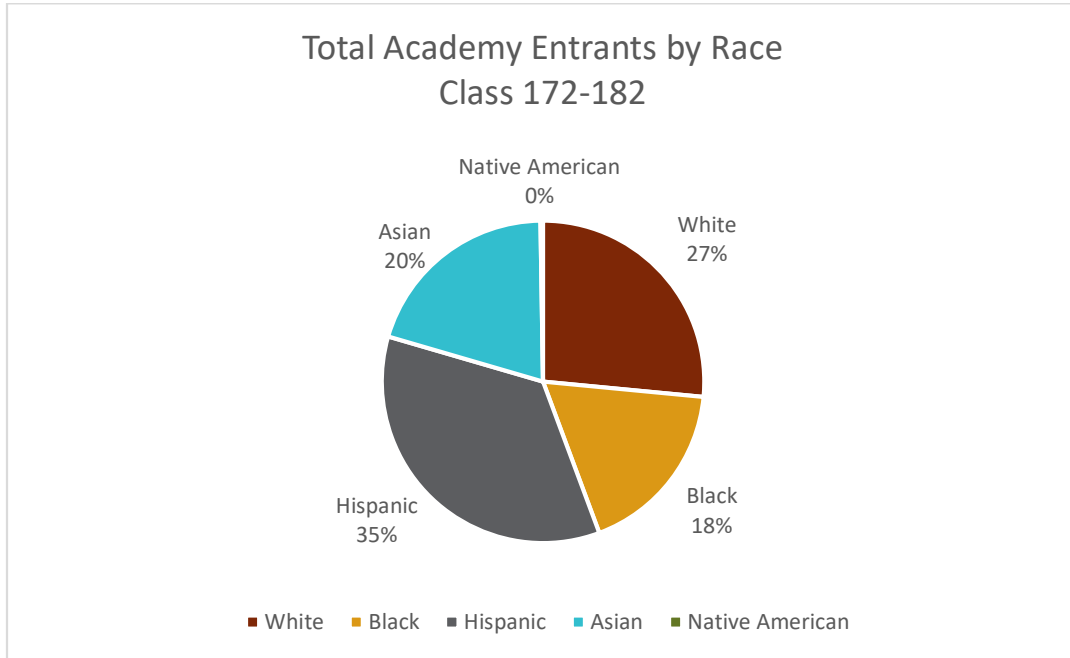
The OPD provided us its Academy Attrition Master list. The list includes data from Academy 172 (2015) to Academy 182 (2019). The list included the academy number, gender and race of the trainee, as well as information about whether the person graduated and a reason for not completing.

After cleaning the data and removing duplicates, the data showed that of the 415 individuals entering the Academy, the overwhelming number of persons entering the academy during that time period were male (341). The following charts show the number of people entering the Academy broken down by gender and race.





Hispanics (35 percent) were the highest percentage of academy entries, followed by white (27 percent), Asian (20 percent) and black (18 percent) respondents, as demonstrated below.





We further broke down the academy entries by race and gender together as follows:

Race	Male	Female
White	92	18
Black	63	11
Hispanic	108	38
Asian	87	6
Native American	1	None

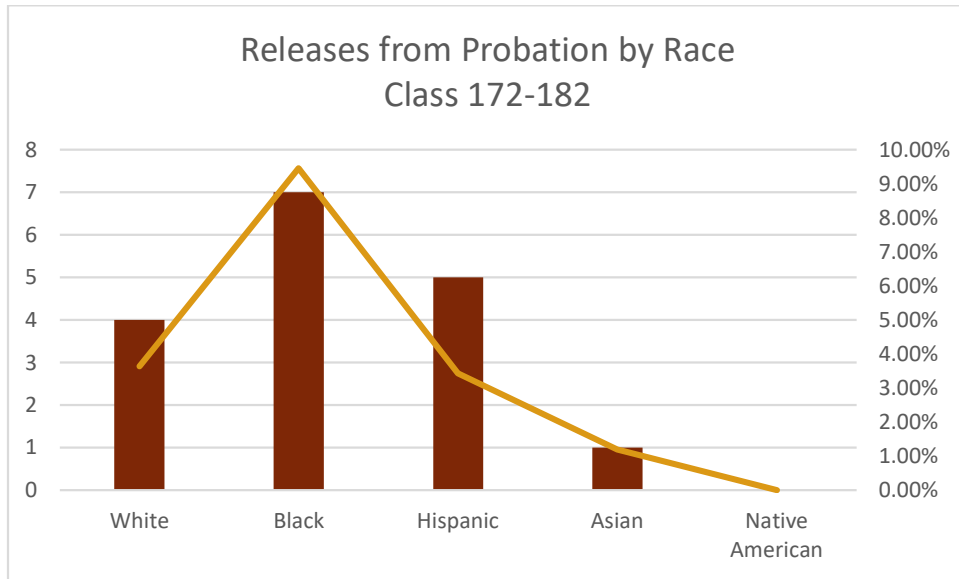
As the focus on this analysis was releases from probation from the academy based on some type of behavioral issue, we reviewed cases where an individual in the academy was released or resigned with a termination pending. For the academy classes 172 through 182 (roughly between 2014 and 2018), 17 individuals were released prior to completing the academy. The racial breakdown for those individuals is contained in the following table.

Race	Number Released from Probation
White	4
Black	7
Hispanic	5
Asian	1
Native American	None

Thirteen of the released individuals were men and four were women. Of the four females released, two were black and two were Hispanic.



Finally, we looked at releases from probation from the academy by race as compared to the total population of persons of that race entering the academy. The following chart shows that black individuals were more likely to be released as opposed to other individuals of another race.



As detailed above, 9.46 percent percent of black employees were released from the Academy during that time period as opposed to 3.64 percent of white, 3.42 percent of Hispanic and 1.19 percent of Asian individuals. It is important to note that most of these releases were during the 2017 177<sup>th</sup> Academy class with nine individuals released from that class. Five of these nine were male black recruits. The remaining were a white man, an Asian man, a Hispanic man and a Hispanic woman. The data we received did not indicate that releases from probation occurred after the 180<sup>th</sup> Class.

The next step in our analysis was to review the reasons for release from probation from the academy and supporting documents. The reasons varied and included integrity issues, truthfulness, cheating, failure to disclose Class-1 misconduct, safety violations, general demeanor, using offensive and derogatory language and arrests by outside agencies. These releases were well documented with memos to the Chief of Police and containing the release recommendation and supporting information.

We reviewed available files documenting the reasons for release from probation from the academy and observed the following.

- While twice as many black trainees were released than white or Hispanic trainees, our review of the files associated with the releases indicated that on a surface level, the releases seemed to be appropriate.
- In some instances, we noted that some release from probation justifications included peer review and associated comments to support release. At the recommendation of the OPD's Office of Inspector General, OPD leadership codified the practice of using academy peer evaluations into written policies to be used as both a risk management tool and a hiring and performance training metric. While peer



reviews can be helpful to identify potential performance issues, the academy coordinator should be cautious in the use of these peer reviews as they could be problematic and present an opportunity where bias can exist.

### **FIELD TRAINING PROGRAM**

The OPD's Field Training Program consists of 16 weeks of in-car instruction between a trainee officer and a series of FTOs. The FTO, the FTO's patrol sergeant and the Field Training Program Coordinator monitors their progress. Trainees complete four, four-week rotations with three different FTOs. The first and fourth rotations are generally with the same FTO.

The training program includes daily evaluations, which are documented by the FTO in the Daily Observation Reports (DORs). Trainees are evaluated on 35 different categories of performance. Trainees also are expected to meet weekly with the patrol sergeant and FTO to discuss the recruits' overall progress and discuss their strengths or weaknesses.

Two senior FTOs serve as field training coordinators. These field training coordinators are responsible for monitoring the progress of a group of trainees and developing remedial plans to assist the trainee as required. Field training coordinators are expected to meet every four weeks with the FTOs and patrol sergeants to discuss the recruit's performance and address any special training needs.

The field training coordinators are required to conduct a personal interview with each trainee prior to the trainee being assigned to a new FTO.

If trainees are not deemed successful during the 16-week program, they can be offered remedial plans to assist them in completing the program. A trainee can receive several extensions as long as they demonstrate responsiveness to training. The extensions mirror Phase 4 of the Field Training Program.

When a decision is made to remove an unsuccessful trainee, the lieutenant in charge of the FTO program meets with the FTO coordinators to discuss the decision to terminate. Ultimately, Human Resources and the Chief must approve the decision to terminate.

We reviewed FTO completion rates by race and gender to look for any significant disparities. The table below shows completion rates for black and Asian trainees lagged behind those for Hispanic and white trainees. Asian trainees had the lowest completion rate based on rate. We also note that they also had the highest rate of resignation.



RACE	# Complete	% Complete	# Removed	% Removed	# Resigned	% Resigned
Asian	59	74.7	5	6.3	14	17.7
Black	56	80.0	5	7.1	9	12.9
Hispanic	120	84.5	5	3.5	13	9.2
White	120	87.0	2	1.4	15	10.9
Other	2	100.0	0	0	0	0
Unknown	17	85.0	1	5.0	2	10.0
<b>Overall Total</b>	<b>374</b>	<b>82.9</b>	<b>18</b>	<b>4.0</b>	<b>53</b>	<b>11.8</b>

Importantly, of the 60 women who entered the field training program, 57 completed it successfully, while two resigned and one was removed for poor performance.

Our review of complaint records, as well as interviews with various staff, indicated that concerns had been raised that FTOs were attempting to convince trainees to resign, rather than face the prospect of being removed from the academy. The OPD informed us that it recently clarified the policy to FTOs that they should not discuss potential resignations with the trainees.

### Observations

- Prohibiting FTOs from discussing resignation with a recruit who is struggling in the training program is an appropriate practice. It may be appropriate for supervisors to conduct such discussions if they are provided training and guidance to assist in avoiding the appearance of impropriety and bias. The prior practice could have led to concerns and perception of bias towards groups who may have felt that they were being unduly pressured to resign when they were struggling.
- Ensuring that a trainee works with different FTOs is a good practice in that it provides checks and balances to ensure that decisions are not made because of bias or other issues.
- Once a trainee has successfully completed the field training program, the Training Division does not track them; however, supervisors and chain of command still track officers. Additionally, the Department's PRIME database tracks performance for all employees. Because the Training Division does not track officers during their probationary periods in the field, the Department loses the opportunity to measure efficiently how well individuals who complete the program perform in the field, especially those who have been provided additional chances to pass. This information can provide valuable input to the OPD to modify its training to ensure the long-term success of its officers.
- The Training Unit has begun to invite candidates' families to see the academy and participate in social events. This provides an opportunity to create a support group for the trainees and their families.
- The OPD is developing a mentoring program that pairs a trainee with a mentor who is not their FTO. This is a good practice that OPD should consider expanding to include individuals in the training academy and those who have completed the Field Training Program.



## Review of Complaint and Discipline Data from 2014 to 2018

### OVERVIEW

In this section of the report, we examine the factors that influence whether a complaint against a sworn member of the OPD was sustained after investigation. Our analysis is based on data obtained from the IAD records system. The system includes complaints received since 2014.

This section includes a technical detailed analysis of complaints, outcomes and the race and gender of the involved members. It is important to include the detailed analyses in this section so that a reader familiar with research methods can understand how we were able to reach certain conclusions. Those conclusions are summarized at the end of this section.

The data is arranged so that each separate allegation receives a unique system identifier. That is, each allegation lodged against an employee represents a record in the file. As a result, one incident can result in many records. For example, if a complaint is lodged alleging that officer X was rude and used excessive force during the same incident, that would result in a single case number but two unique records in the file. Moreover, if the same complaint was filed against two officers (e.g., two-officer police unit), the file would have four unique records (2X2). Importantly, each allegation has a finding, and that is the unit of analysis for our inquiry.

We eliminated two categories of cases from the file. First, we discounted the cases in which the subject of the complaint was listed as “unknown.” Second, we eliminated cases in which the investigation was not yet complete. As a result, each of our cases has a named employee and a finding. After this reduction, our data set consisted of 26,333 records. These represent employee allegation cases. In this data set, we identified 741 unique sworn members.

### SUMMARY DATA

First, we examine the summary data. Table 1 illustrates the distribution by gender and Table 2 shows the distribution by race.<sup>4</sup> About 58 percent of complaints are lodged against sworn members who identify as a minority.

Table 1: Distribution by gender

Gender	Count
Female	2,710
Male	23,623
<b>Total</b>	<b>26,333</b>

<sup>4</sup> For some individuals in the data set, we received their name but no information about their race.



Table 2: Distribution by race

Race	Count
Asian	3,535
Black	4,315
Filipino	949
Hispanic	6,250
Native American	142
White	11,142
<b>Total</b>	<b>26,333</b>

Table 3 illustrates the job classification for the members.<sup>5</sup> Of this group, 3,295 complaints (13 percent) have been lodged against supervisory or command personnel.

Table 3: Job classifications

Race	Count
Captain of Police (PERS)	51
Deputy Chief of Police (PERS)	20
Lieutenant of Police (PERS)	303
Lieutenant of Police-84 (PERS)	11
Police Officer (PERS)	20,953
Police Officer-84 (PERS)	2,085
Sergeant of Police (PERS)	2,765
Sergeant of Police-84 (PERS)	145
<b>Total</b>	<b>26,333</b>

<sup>5</sup> This analysis only includes complaints lodged against sworn personnel of all ranks. We sometimes use the word officer to describe this group of employees.



In Table 4, we observe the nature of Manual of Rules (MOR) violations for the 26,333 cases.

Table 4: Manual of Rules (MOR) violations

MOR Description	Count
<b>Absence From Duty</b>	3
<b>Accessing, Viewing, Downloading, Providing, Sharing Inappropriate Material</b>	1
<b>Assisting Criminals</b>	222
<b>Commanding Officers - Authority And Responsibilities (Gross Dereliction Of Duty) Includes All Of The 234.00 Subsections</b>	4
<b>Commanding Officers - Authority And Responsibilities Includes All Of The 234.00 Subsections</b>	155
<b>Compromising Criminal Cases</b>	2
<b>Conduct Toward Others Demeanor</b>	1,762
<b>Conduct Toward Others Harassment And Discrimination</b>	1,196
<b>Conduct Toward Others Identity Profiling By Gender</b>	9
<b>Conduct Toward Others Identity Profiling By Mental Disability</b>	3
<b>Conduct Toward Others Identity Profiling By Race Or Ethnicity</b>	458
<b>Conduct Toward Others Identity Profiling By Religion</b>	4
<b>Conduct Toward Others Identity Profiling By Sexual Orientation</b>	6
<b>Conduct Toward Others Relationships</b>	1
<b>Conduct Toward Others Workplace Violence</b>	2
<b>Conduct Towards Others - Unprofessional Conduct In Violation Of Ai 71</b>	29
<b>Consumption Of Intoxicants</b>	24
<b>Court Appearances</b>	2
<b>Custody Of Prisoners - Treatment</b>	454
<b>Custody Of Prisoners - Treatment And Maintaining Control</b>	8



MOR Description	Count
Damaged, Inoperative Property Or Equipment	7
Department Property And Equipment - Collision W/ Gross Negligence	2
Department Property And Equipment - Improper Use/Care/Failure To Carry	1
Department Property And Equipment - Loss/Damage	4
Department Property And Equipment - Misappropriation/Misuse	10
Department Property And Equipment - Preventable Collision	315
Department Property And Equipment - Securing Weapon	2
Endorsements And Referrals No Fee Is Exchanged	2
Failure To Accept Or Refer A Complaint (Unintentional)	699
General Conduct	367
Gifts, Gratuities Soliciting Or Accepting	20
Identification As Police Officer	4
Improper Dissemination Of Computer Information	4
Insubordination – Disrespect	7
Insubordination - Failure To Obey A Lawful Order	6
Insubordination - Refusal To Obey A Lawful Order	2
Interfering With Investigations	18
Intoxicants On Departmental Premises	1
No Mor Violation	29
Notification – Criminal	3
Notification Of Subpoena To Testify For The Defense	1
Obedience To Laws Driving Under The Influence	42
Obedience To Laws Felony	381



MOR Description	Count
<b>Obedience To Laws Misdemeanor/Infraction</b>	140
<b>Obstructing The Internal Affairs Process</b>	7
<b>Other Terminology/Direction - Rules/Regulations</b>	6
<b>Other Terminology/Direction - Rules/Regulations</b>	1
<b>Performance Of Duty – General</b>	4,321
<b>Performance Of Duty Care Of Property</b>	3,861
<b>Performance Of Duty Intentional Search, Seizure, Or Arrest</b>	158
<b>Performance Of Duty Miranda Violation</b>	106
<b>Performance Of Duty Pdrd</b>	395
<b>Performance Of Duty Planting Evidence</b>	27
<b>Performance Of Duty Unintentional/Improper Search, Seizure, Or Arrest</b>	5,413
<b>Prevention Of Harassment, Discrimination And Retaliation</b>	4
<b>Prohibited Activity On Duty</b>	11
<b>Refusal To Accept Or Refer Complaint (Intentional)</b>	63
<b>Refusal To Provide Name Or Serial Number</b>	428
<b>Reporting Violations Of Laws, Ordinances, Rules Or Orders (Class I)</b>	173
<b>Reports And Bookings</b>	74
<b>Retaliation</b>	32
<b>Security Of Departmental Business</b>	12
<b>Service Complaint</b>	4
<b>Supervisors - Authority And Responsibilities (Gross Dereliction Of Duty) Includes All Of The 285.00 Subsections Except 285.90</b>	9
<b>Supervisors - Authority And Responsibilities Includes All Of The 285.00 Subsections Except 285.90</b>	143



MOR Description	Count
Truthfulness	86
Use Of Physical Force – Any	519
Use Of Physical Force - Non-Reportable Use Of Force	127
Use Of Physical Force - Unintentional Discharge Of Firearm	2
Use Of Physical Force Comparable To Level 1	132
Use Of Physical Force Comparable To Level 2	568
Use Of Physical Force Comparable To Level 3	766
Use Of Physical Force Comparable To Level 4	2,394
Use Of Privileged Information	77
Use Of Tobacco Products While On Duty	2
<b>Total</b>	<b>26,333</b>

As indicated above, more than 54 percent of the complaints are related to performance of duty and just over 15 percent are related to use of force.

Table 5 illustrates the classification of allegation by seriousness. Class One are the more serious offenses.

Table 5: MOR code classifications

MOR Code	Count
0	33
1	8,634
2	17,666
<b>Total</b>	<b>26,333</b>



In Table 6, we observe the outcomes of the investigations. As we can see, 2,065 (about 8 percent) investigations resulted in a sustained finding.

Table 6: Distribution of outcomes

Findings	Count
Admin Closure	229
Exonerated	7,113
Informally Resolved	681
Not Sustained	1,592
Sustained	2,065
Unfounded	14,653
<b>Total</b>	<b>26,333</b>

#### RELATIONSHIP BETWEEN RACE AND FINDING

Our first analysis looks at the relationship between the race of the employee who has received a complaint and whether that complaint resulted in a sustained finding. Our approach consists of a contingency table and a Chi-Square Test. In this type of analysis, we compare the actual distribution of outcome by race and whether an investigation resulted in a sustained finding.<sup>6</sup>

Table 7 shows our observed data. In the first column, we see the employee race. The following four columns demonstrate observed versus expected numbers for other than sustained and sustained cases. The bottom row and last column that illustrate the column and row totals.

So, for example, a total of 6,250 complaints involved Hispanic officers. Of that number, 467 (7.4 percent) were sustained. White officers received, 11,142 complaints, of which 797 (7.2 percent) were sustained. This data reflects what is **observed**.

As for the **expected** data, we calculated the expected values for each cell we use the following formula.

$$\text{EXPECTED: } \frac{\text{Row Total X Column Total}}{\text{Total Cases}}$$

<sup>6</sup> The OPD has a separate category of outcome called "not sustained." We use the term "other than sustained" to describe all dispositions other than sustained.



For example, if we want to find the expected value for Asians and sustained complaints, we would multiply 3,817 (officer total) X 2,432 (sustained total) and divide that product by 29,248 (total cases). The result is 317.39.

Table 7: Observed versus expected data sets and number of complaints sustained

RACE	OTHER THAN SUSTAINED Observed	OTHER THAN SUSTAINED Expected	SUSTAINED Observed	SUSTAINED Expected	TOTAL By Race
Asian	3,257	3,257.79	278	277.21	3,535
Black	3,874	3,976.62	441	338.38	4,315
Filipino	873	874.58	76	74.42	949
Hispanic	5,783	5,759.88	467	490.12	6,250
Native American	136	130.86	6	11.14	142
White	10,345	10,268.26	797	873.74	11,142
<b>TOTAL By Result<sup>7</sup></b>		24,268		2,065	26,333

One way to think about Table 7 is to consider that if race is not a factor in the finding, the observed values would be equal to the expected values, given that all other things being equal. However, for example, we observe that complaints against black officers were sustained 441 times, but we would expect that they would be sustained 338 times.

We can actually conduct a statistical test to determine whether the differences between the two tables are large enough to suggest an effect of race. It is called the Chi-Square Test of Independence.

In this test, we construct null and alternative hypotheses. The null hypothesis H0 states there is no difference between employee race and the case finding — that they are independent. The alternative hypothesis H1 suggests that they are not independent.

We conduct a statistical test and the results are illustrated below.

<sup>7</sup> We rounded these totals up due to negligible percentage differences.



Table 8: Results of Chi-Square Test

Chi Square Test for Independence	
<b>H0</b>	Race and Findings are Independent
<b>H1</b>	Race and Findings are Dependent
<b>Degrees of Freedom</b>	5
<b>Chi Square (Table Value .05 Significance)</b>	11.07
<b>Chi Square (Calculated)</b>	44.88
<b>P value is Less than .05 We can reject H0</b>	

In this case, we reject the null hypothesis. As a result, we can argue that race and case findings are not independent. We are assuming that the two variables are related to one other, that they covary, that the dependent variable is influenced by the independent variable – that the finding you get *does* depend on your race.

#### RELATIONSHIP BETWEEN GENDER AND FINDINGS

Next, we look at the relationship between finding and gender. We can see the observed and expected values in Table 9.

Table 9: Observed versus expected data sets for gender and sustained cases

GENDER	OTHER THAN SUSTAINED Observed	OTHER THAN SUSTAINED Expected	SUSTAINED Observed	SUSTAINED Expected	TOTAL By Gender
Female	2,538	2,497.49	172	212.51	2,710
Male	21,730	21,770.51	1,893	1,852.49	23,623
<b>TOTAL By Result</b>		24,268		2,065	26,333

This analysis indicates that complaints against female sworn employees are sustained less than would be expected, while complaints against male sworn employees are sustained more than would be expected.



We also provide the Chi-Square Test results and, like the analysis of race and finding, gender and finding are also dependent.

Table 10: Chi Square Results for Gender

Chi Square Test for Independence	
<b>H0</b>	Gender and Findings are Independent
<b>H1</b>	Gender and Findings are Dependent
<b>Degrees of Freedom</b>	2
<b>Chi Square (Table Value .05 Significance)</b>	3.84
<b>Chi Square (Calculated)</b>	9.34
<b>P value is Less than .05 We can reject H0</b>	

#### LOGISTICAL REGRESSION FOR OTHER FACTORS

Thus far, we have only examined the unique relationship between employee race, gender and finding. Next, we want to find out the extent, if at all, other factors might influence the finding.

The usual approach for this type of analysis is multiple regression. This allows the researcher to identify the effects of one or more independent variables on a dependent variable. Importantly, because independent variables often contribute jointly to a finding (e.g., parent's education and child's education often both contribute to the child's annual salary) multiple regression allows you to identify the effect on a single variable while holding the others constant.

In our case, we need to use a special form of regression analysis: logistic regression. This is because our dependent variable (finding) is binary (sustained versus other than sustained).

In order to conduct this analysis, we construct what are commonly called "dummy variables." For example, our data set has a variable called employee race. We transformed that variable into six dummy variables. That is, we created a new variable called "Hispanic." For that variable, if a person was Hispanic, they would be coded as 1, if not zero. We did that for all of the racial categories and for gender. We also included a variable for years of service. Finding is coded 1 for sustained and 0 for other than sustained.



We conducted this analysis in two stages. In the first analysis, we included race, gender and years of service. The results of this logistic regression analysis appear below.

Table 11: Results of logistic regression

Characteristic	Coefficients	Odds
<b>Intercept</b>	-0.0546	0.9468
<b>Male</b>	-0.0269	0.9735
<b>Female</b>	-0.3067	0.7359
<b>Years of Service</b>	0.0071	1.0072
<b>Asian</b>	0.0352	1.0358
<b>black</b>	0.3191	1.3759
<b>Filipino</b>	0.0160	1.0161
<b>Hispanic</b>	-0.0173	0.9828
<b>Native American</b>	-0.4472	0.6394
<b>White</b>	-0.0532	0.9482

When a logistic regression is calculated, the regression coefficient is the estimated increase in the log odds of the outcome per unit increase in the value of the independent variable.

In the column for Coefficients, we observe the effect of the independent variable on the finding while controlling for the other variables. Other than Sustained is coded zero, so that a variable with a negative coefficient indicates that it would more likely lead to an “Other than Sustained” finding.

The odds ratio is more informative. Odds ratios are used to compare the relative odds of the occurrence of the outcome given exposure to the variable of interest. The odds ratio can also be used to determine whether a particular exposure is a factor for a particular outcome, and to compare the magnitude of various risk factors for that outcome.<sup>8</sup>

- OR=1 Exposure does not affect odds of outcome
- OR>1 Exposure associated with higher odds of outcome
- OR<1 Exposure associated with lower odds of outcome.

In our case, many of the odds ratios are less than one, suggesting that they would be less likely to result in a sustained finding. By contrast, for black officers, the odds ratio is 1.37, suggesting that even after controlling

<sup>8</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2938757/>



for other factors, those members are 37 percent more likely to have their allegation result in a sustained finding.

For the second analysis, we have added the MOR class to the equation. Recall that Class One offenses are more serious than Class Two. The table below shows the percentage of allegations sustained based on the MOR Code. MOR Code 0 was reflected in the dataset, but these cases refer to allegations that were determined to not be violations of the Department's rules.

Table 12: Percentage of allegations sustained based on the MOR Code

MOR Code	Other Than Sustained	Sustained	Total	Percentage Sustained
0	33	0	33	N/A
1	8,303	331	8,634	3.83
2	15,932	1,734	17,666	9.82
<b>Total</b>	<b>24,268</b>	<b>2,065</b>	<b>26,333</b>	<b>8.51</b>

In order to do the logistic regression, we constructed two dummy variables. "MOR 1" is coded 1 if it is a Class One offense and 0 if not. MOR 2 is coded 1 if it is a Class Two Offense and 0 if not. Table 13 illustrates the analysis that includes the MOR 1 variable.

Table 13: Logistic regression results including MOR Code 1

Characteristic	Coefficients	Odds
<b>Intercept</b>	-0.089	0.915
<b>Male</b>	0.241	1.272
<b>Female</b>	-0.040	0.961
<b>Years of Service</b>	0.007	1.007
<b>Asian</b>	0.092	1.097
<b>Black</b>	0.327	1.387
<b>Filipino</b>	0.023	1.023
<b>Hispanic</b>	0.027	1.027
<b>Native American</b>	-0.403	0.668
<b>White</b>	-0.058	0.944
<b>MOR Code 1</b>	-1.004	0.367



When we add the MOR Class, we observe some interesting findings. First, we observe that the likelihood of obtaining a sustained finding is very small for MOR Code 1 complaints (odds ratio is .367). Next, the odds for a black individual is unchanged from the earlier analysis.

The following table shows the results when we include the MOR 2 variable.

Table 14: Logistic regression with MOR Code 2 variable

Characteristic	Coefficients	Odds
<b>Intercept</b>	-0.481	0.618
<b>Male</b>	-0.275	0.759
<b>Female</b>	-0.556	0.574
<b>Years of Service</b>	0.007	1.007
<b>Asian</b>	-0.009	0.991
<b>Black</b>	0.227	1.255
<b>Filipino</b>	-0.079	0.924
<b>Hispanic</b>	-0.074	0.928
<b>Native American</b>	-0.505	0.604
<b>White</b>	-0.159	0.853
<b>MOR Code 2</b>	1.010	2.744

Note the significant change when we look at the MOR 2 cases. As we can see, the strongest predictor of whether a Class Two case is sustained is that it is a Class Two and not a Class One. That is, Class Two offenses are much more likely to be sustained than Class One offenses.

This could be explained in a variety of ways. For example, these cases are less complex and the evidence may be more readily attainable, or that because the consequences are less severe, the agency may be more inclined to sustain the complaint. Interestingly, even while controlling with the effects of MOR Class, black officers are still 25 percent more likely to have a complaint sustained.

#### **RELATIONSHIP BETWEEN RACE, GENDER AND DISCIPLINE**

We now turn our attention to the relationship between race, gender and discipline. Our study is based on 606 cases in which an officer was disciplined. We use the same contingency table approach. The following tables demonstrate the observed versus expected data for race and discipline.



Table 15: Observed values for race and discipline

DISCIPLINE DESCRIPTION	ASIAN	BLACK	FILIPINO	HISPANIC	N.A.	WHITE	TOTAL By Discipline
Assoc. Other Cases	0	1	0	0	0	0	1
C - Counseling & Training	29	50	11	70	3	111	274
Held in Abeyance	0	0	0	1	0	0	1
L - Last Chance Agreement	0	0	0	1	0	0	1
N - No Discipline	0	0	0	1	0	1	2
P - Released from Probation	0	0	0	1	0	1	2
R - Resigned	1	0	0	1	0	0	2
Refer to Log	0	0	0	1	0	0	1
Retired	0	0	0	0	0	1	1
S - Suspension	14	23	1	30	1	44	113
T - Termination	2	2	0	1	0	6	11
W - Written Reprimand	24	38	4	51	1	79	197
<b>TOTAL By Race</b>	<b>70</b>	<b>114</b>	<b>16</b>	<b>158</b>	<b>5</b>	<b>243</b>	<b>606</b>

Table 16: Expected values for race and discipline

DISCIPLINE DESCRIPTION	ASIAN	BLACK	FILIPINO	HISPANIC	N.A.	WHITE	TOTAL By Discipline
Assoc. Other Cases	0.12	0.19	0.03	0.26	0.01	0.40	1
C - Counseling & Training	31.65	51.54	7.23	71.44	2.26	109.87	274
Held in Abeyance	0.12	0.19	0.03	0.26	0.01	0.40	1
L - Last Chance Agreement	0.12	0.19	0.03	0.26	0.01	0.40	1
N - No Discipline	0.23	0.38	0.05	0.52	0.02	0.80	2
P - Released from Probation	0.23	0.38	0.05	0.52	0.02	0.80	2
R - Resigned	0.23	0.38	0.05	0.52	0.02	0.80	2
Refer to Log	0.12	0.19	0.03	0.26	0.01	0.40	1
Retired	0.12	0.19	0.03	0.26	0.01	0.40	1
S - Suspension	13.05	21.26	2.98	29.46	0.93	45.31	113
T - Termination	1.27	2.07	0.29	2.87	0.09	4.41	11
W - Written Reprimand	22.76	37.06	5.20	51.36	1.63	79.00	197
<b>TOTAL By Race</b>	<b>70</b>	<b>114</b>	<b>16</b>	<b>158</b>	<b>5</b>	<b>243</b>	<b>606</b>



Below, we illustrate the Chi-Square test of independence for race and discipline.

Table 17: Results of Chi-Square Test of Independence

Chi Square Test for Independence	
<b>H0</b>	Discipline and Race are Independent
<b>H1</b>	Discipline and Race are Dependent
<b>Degrees of Freedom</b>	55
<b>Chi Square (Table Value .05 Significance)</b>	73.31
<b>Chi Square (Calculated)</b>	28.18907366
<b>P value is More than .05 We cannot reject H0</b>	

As shown above, the observed values are very close to the expected values.

Next, we examine the contingency table analysis for gender and discipline. The table shows the observed and expected values.

Table 18: Observed versus expected values for gender

DISCIPLINE DESCRIPTION	FEMALE Observed	FEMALE Expected	MALE Observed	MALE Expected	TOTAL By Discipline
Assoc. Other Cases	1	0.125	0	0.875	1
C - Counseling & Training	42	34.363	232	239.637	274
Held in Abeyance	0	0.125	1	0.875	1
L - Last Chance Agreement	0	0.125	1	0.875	1
N - No Discipline	0	0.251	2	1.749	2
P - Released from Probation	0	0.251	2	1.749	2
R - Resigned	0	0.251	2	1.749	2
Refer to Log	0	0.125	1	0.875	1
Retired	0	0.125	1	0.875	1
S - Suspension	14	14.172	99	98.828	113
T - Termination	0	1.380	11	9.620	11
W - Written Reprimand	19	24.706	178	172.294	197
<b>TOTAL by Gender</b>		<b>76</b>		<b>530</b>	<b>606</b>



Table 19 shows the results of the Chi-Square test of independence. In this, the type of discipline administered is affected by gender. For example, that female officers are more likely than male officers to receive counseling and training for discipline than expected.

Table 19: Chi-Square results for gender and discipline

Chi Square Test for Independence	
<b>H0</b>	Discipline and Gender are Independent
<b>H1</b>	Discipline and Gender are Dependent
<b>Degrees of Freedom</b>	11
<b>Chi Square (Table Value .05 Significance)</b>	19.68
<b>Chi Square (Calculated)</b>	14.87
<b>P value is Less than .05 We cannot reject H0</b>	

## SUMMARY<sup>9</sup>

Our key findings include the following.

- An officer's race and gender affect whether an allegation lodged against them is sustained.
- For all complaints, black individuals are 37 percent more likely to have their complaints sustained while controlling for gender and years of service.
- Complaints classified as Class Two are much more likely to be sustained than Class One complaints.
- For Class One complaints, black individuals are almost 39 percent more likely to have the complaint sustained, while controlling for gender and years of service.
- For Class Two complaints, the biggest predictor is the class itself, but black individuals are still 25 percent more likely to have a complaint sustained.
- Complaints against female sworn employees are sustained less than would be expected, while complaints against male sworn employees are sustained more than would be expected.
- An officer's race does not affect the type of discipline administered, but their gender does. For example, female officers are more likely than male officers to receive counseling and training for discipline than expected.

<sup>9</sup> We used the following sources to inform our data analysis.

"Examining racial disparity in the police discipline process" Jeff Rojek, Scott Decker. Police Quarterly Volume 12:4, 2009  
Statistics for Criminology and Criminal Justice Fourth Edition. Ronet D. Bachman, Raymond Paternoster. Sage: 2016  
Statistics in Criminal Justice. Weisburd, David, Britt, Chester. Springer 2014



## Recommendations

Recommendations	
1	Regularly audit and spot check processes and monitor data regarding <b>internal investigation outcomes and discipline</b> to measure progress in eliminating disparities based on race.
2	Exercise caution in using the IAD investigator as both <b>fact finder and adjudicator</b> , as this raises challenges to principles of investigative neutrality and may contribute to perceptions of investigator bias. The fact finder for an internal investigation should not be the same individual who makes the determination of the finding. At a minimum, the next-level supervisor should read the investigative report and decide as to the finding of the complaint.
3	Have the lieutenant or command staff member who approved the sustained finding present the <b>reasoning for the investigation's outcome</b> to the Chief's disciplinary roundtable, rather than the investigator. The investigator should be available for questions.
4	Explore the possibility of assigning an <b>administrative sergeant</b> within a division to assist with DLIs.
5	Increase the number of <b>DLI sergeants</b> in the IAD to conduct more of the preliminary work related to a DLI and to aid field sergeants assigned to investigate complaints.
6	Have field sergeants and IAD investigators provide <b>additional training</b> on internal investigation techniques, including report writing and guidance to ensure that complainant, subject member or witness statements are not written in the first person. Statements should be attributed properly to avoid a charge that the investigator is biased when choosing a perspective to believe. Training should also include guidance on how to incorporate procedural justice concepts into the internal investigation and discipline process.
7	Increase the <b>transparency</b> of internal investigation and disciplinary outcomes by distributing quarterly summaries of open cases, cases closed with a finding, and disciplinary outcomes. While protecting the identity of accused Department members, the summaries should include brief fact patterns and reference the number of prior sustained findings when discussing case outcomes.
8	Ensure that PDRs only include disciplinary history of sustained cases within the <b>five year period</b> .
9	Have the academy integrate opportunities for <b>FTOs</b> to engage with the candidates before they are formally released to the Field Training Program to establish some familiarity and rapport. This could be accomplished through guest lecture opportunities or meet-and-greets on topics and scenarios to expect when the recruits enter the FTO stage.
10	Ensure that command staff have some consistent <b>visibility</b> at the academy to provide new officers with a familiarity of their command structure prior to graduation.
11	Start the OPD's mentoring program for trainees at the beginning of the academy and continue through the Field Training Program to provide additional assistance or mentoring as the trainees move through various stages of the process.



- 12** Expand the practice of conducting focus groups of trainees in the Field Training Program to include additional **feedback mechanisms** such as pre- and post-surveys and listening sessions. Continue to conduct **confidential exit interviews** with trainees who did not successfully complete the academy or field training program.
- 13** Develop a policy that states that once a decision is made to release a trainee from probation during the Field Training Program, the trainee should be placed on **administrative leave** or in an assignment that does not involve public contact until all appropriate paperwork is completed.
- 14** Expand the **tracking of trainees** after completion of their training program so that leadership can gain additional feedback about the success rate of individuals who leave the program, especially those who have been provided additional chances to meet training standards. This expands upon the recommendation of the OPD's Inspector General to prioritize an electronic system of record keeping allowing for a quick and comprehensive review of all trainees and academy performance.



## Conclusions and Next Steps

Current IAD and OPD leadership genuinely appear to be attempting to improve and change policies and practices regarding investigating complaints and disciplining officers. As mentioned earlier in our report, the OPD has undergone significant modifications to policies and procedures in the last two years as a result of the NSA and other significant deficiencies in how investigations were being handled. Even with a significant backlog in investigations and shortages in staff, the IAD was able to temporarily add staff to address it.

The IAD should continue to coordinate with all relevant units to ensure efficient processing of complaints and ensure training is provided to all the parties involved in the process. If the Department has provided procedural justice training to everyone or is still in the process of doing so, it should ensure that IAD staff and first-line and command staff receive that training as it relates to internal procedural and organizational justice.

The perceptions of distrust and bias in the disciplinary process and in the academy will continue to perpetuate if leadership are not modeling what is being taught at the academy and being required by the NSA and the most recent court actions.

Our statistical analyses indicated that over the five-year study period, black officers were more likely to have an investigative case sustained against them than officers of other races. Additionally, once a case was sustained, we found no disparities in disciplinary outcomes based on race.

Although we could not identify specific reasons that caused the disparity in investigative outcomes, we highlighted that those who shared their concerns perceived that the system is unfair, and this remains a primary concern for many OPD officers and staff. The OPD must remain vigilant to identify areas of subjectivity in the processing of complaints and ensure all complaints are documented, including those of high-profile, high-ranking or favored groups.

# EXHIBIT 5

Task	Task Name	NSA Task Owner	Current Assigned Chief or Director	Notes
1	IAD Staffing & Resources	Internal Affairs Bureau	DC Aaron Smith	
10	IAD Manual	Internal Affairs Bureau	DC Aaron Smith	
11	Summary of Citizen Complaints Provided to OPD Personnel	Internal Affairs Bureau	DC Aaron Smith	
12	Disclosure of Possible Investigator Bias	Internal Affairs Bureau	DC Aaron Smith	
13	Documentation of Pitchess Responses	Internal Affairs Bureau	DC Aaron Smith	
14	Investigation of Allegations on MOR Violations	Internal Affairs Bureau	DC Aaron Smith	
15	Reviewing Findings & Disciplinary Responses	Internal Affairs Bureau	DC Aaron Smith	
16	Support IAD Process- Supervisor/ Managerial Accountability	Internal Affairs Bureau	DC Aaron Smith	
17	Audit, Review, and Evaluation of IAD Functions	Internal Affairs Bureau	DC Aaron Smith	
18	Arrest Approval and Report Review	Bureau Field Operations I	DC Anthony Tedesco	
19	Unity of Command	Bureau of Services	DD Kiona Suttle	
2	Timeliness Standards & Compliance w/IAD Investigations	Internal Affairs Bureau	DC Aaron Smith	
20	Span of Control for Supervisors	Bureau Field Operations II	DC Angelica Mendoza	Covered A/ DC Frank Rojas
21	Members, Employees & Supervisors Performance Reviews	Bureau of Services	DD Kiona Suttle	
22	Management Level Liaison	Bureau of Investigations	A/DC Omar Daza- Quiroz	
23	Command Staff Rotation	Bureau of Services	DD Kiona Suttle	
24	Use of Force Reporting Policy	Bureau Field Operations I	DC Anthony Tedesco	
25	Use of Force Investigation and Report Responsibilities	Bureau Field Operations I	DC Anthony Tedesco	
26	Force Review Board	Bureau of Risk Management	DC Lisa Ausmus	
27	OC Log and Check-out Procedures	Bureau of Investigations	A/DC Omar Daza- Quiroz	
28	Use of Force – Investigation of Criminal Misconduct	Bureau of Investigations	A/DC Omar Daza- Quiroz	
29	IAD Investigation Priority	Internal Affairs Bureau	DC Aaron Smith	
3	IAD Integrity Tests	Internal Affairs Bureau	DC Aaron Smith	
30	Executive Force Review Board	Bureau of Risk Management	DC Lisa Ausmus	
31	Officer-Involved Shooting Investigation	Bureau of Investigations	A/DC Omar Daza- Quiroz	
32	Use of Camcorders	Not Applicable	Not Applicable	
33	Reporting Procedures for Misconduct	Internal Affairs Bureau	DC Aaron Smith	
34	Vehicle Stops, Field Investigation and Detentions	Bureau Field Operations II	DC Angelica Mendoza	Covered A/ DC Frank Rojas
35	Use of Force Witness Identification	Bureau Field Operations I	DC Anthony Tedesco	
36	Transporting Detainees and Citizens	Bureau Field Operations I	DC Anthony Tedesco	
37	Internal Investigations Retaliation Against Witnesses	Internal Affairs Bureau	DC Aaron Smith	
38	Citizens Signing Statements	Bureau Field Operations I	DC Anthony Tedesco	
39	Personnel Arrested, Sued, or Served	Internal Affairs Bureau	DC Aaron Smith	
4	Complaint Control System for IAD	Internal Affairs Bureau	DC Aaron Smith	
40	PAS Purpose	Bureau of Risk Management	DC Lisa Ausmus	
41	Use of PAS	Bureau of Risk Management	DC Lisa Ausmus	
42	Field Training Program	Bureau of Risk Management	DC Lisa Ausmus	
43	Academy Training Program	Bureau of Risk Management	DC Lisa Ausmus	
44	Personnel Practices	Bureau of Services	DD Kiona Suttle	
45	Consistency of Discipline	Office of the Chief of Police	Chief James Beere/ AC Casey Johnson	
46	Promotional Consideration Review	Bureau of Services	DD Kiona Suttle	
47	Community Policing	Bureau Field Operations I	DC Anthony Tedesco	
48	Departmental Annual Management Reports	Office of the Chief of Police	AC Casey Johnson	
49	Monitor Selection/Compensation	Office of the Chief of Police	Chief James Beere	
5	Complaint Procedures for IAD	Internal Affairs Bureau	DC Aaron Smith	
50	Compliance Unit Liaison Policy	Office of the Chief of Police	Chief James Beere/ AC Casey Johnson	
51	Compliance Audits and Integrity Tests	Office of the Chief of Police	Chief James Beere/ AC Casey Johnson	
6	Refusal to Accept or Refer Citizen Complaints	Internal Affairs Bureau	DC Aaron Smith	
7	Methods for Receiving Citizen Complaints	Internal Affairs Bureau	DC Aaron Smith	
8	Classification of Citizen Complaint	Internal Affairs Bureau	DC Aaron Smith	
9	Contact of Citizen Complaint	Internal Affairs Bureau	DC Aaron Smith	
CD 1	Resolve/Reduce incidents that may involve unjustified force, OIS, or pointing of firearms	Bureau Field Operations I	DC Anthony Tedesco	
CD2	Resolve/Reduce incidents that may involve racial profiling and bias-based policing	Bureau Field Operations II	DC Angelica Mendoza	Covered A/ DC Frank Rojas
CD3	Resolve/Reduce Citizen Complaints	Internal Affairs Bureau	DC Aaron Smith	
CD4	Resolve/Reduce high-speed pursuits	Bureau of Risk Management	DC Lisa Ausmus	

Tasks still being monitored by IMT - Not in compliance (Task 2 and 5) and partial compliance (Task 45).

# EXHIBIT 6

1 **STATEMENT OF THE OAKLAND POLICE COMMISSION**

2 **I. Introduction**

3 At its last Case Management Conference (CMC), this Court emphasized that compliance  
4 with the terms of the Negotiated Settlement Agreement (NSA) will necessitate a change in the  
5 culture of the Oakland Police Department (OPD or the Department). According to the Court, this  
6 “culture change [will] require [] strong leadership at all levels. Executive leadership has to drive  
7 culture. The culture cannot drive the leadership.” (CMC Transcript at 7:3-6 (July 11, 2025)). The  
8 Court’s words are important now more than ever. The Oakland Police Commission has begun the  
9 process of finding a permanent OPD Chief and is excited to continue its work with future  
10 leadership, key stakeholders, and the local community on the task of repairing a decades-long  
11 culture that, when faced with officer misconduct, often wrongly labels corrective disciplinary action  
12 as weaponization and punishment. As this Statement confirms, collaboration places the  
13 Department’s feet on the path to culture change and demonstrates that an independent oversight  
14 body is a benefit, rather than a hindrance, to the goal of effective and constitutional policing.

15 Oakland voters overwhelmingly approved Measure LL which established the Oakland  
16 Police Commission (the Commission or OPC) to serve as an engine of Department reform .  
17 Composed of three parts – a governing body of Commissioners, the Community Police Review  
18 Agency (CPRA or the Agency), and the Office of the Inspector General (OIG) (which was created  
19 via Measure S1) (collectively the Commission) – the Commission was created, not only to ensure  
20 effective *external* review of the OPD’s disciplinary process, but to step in and function as the  
21 primary oversight vehicle once the Department reaches compliance with – and exits from – the  
22 NSA. The Commission is therefore committed to an enduring change in Department culture which  
23 will extend beyond the lifetime of the NSA. Three factors are critical to accomplishing this goal: (1)  
24 the Commission’s continued effective and productive relationships with key City and community  
25 stakeholders, including the Oakland Police Department and an independent OIG; (2) beginning the  
26 transfer of certain Internal Affairs Bureau (IAB) investigations to CPRA and further standardizing  
27 the disciplinary process; and (3) the City’s commitment to the long-term fiscal stability of the  
28 OPC’s independent civilian oversight structure (including restoration of funding for the OIG and

1 OPC’s administrative functions to allow completion of their charter mandates) that will cement  
2 constitutional policing within the core of the Department.

## 3 **II. Constructive Independent Oversight in Action**

4 In recent months, the Commission’s role in overseeing the Department’s policies and  
5 procedures has been spotlighted in Oakland. Amidst recent criticism of certain OPD proposals and  
6 the Commission/Department relationship, the Commission has worked diligently with the  
7 Department to review, revise, and prepare to implement a number of OPD policies. At an October  
8 2025 Commission meeting, the Department’s liaison to the Commission described how – even in  
9 the face of disagreements – both bodies had worked hand-in-hand in the previous year to refine  
10 policies and resolve challenges. As an example, the Commission consulted with the Department on  
11 a proposal to revise OPD Special Order 9214 (Use of Force Investigation Timelines). According to  
12 OPD, the policy (as it stood), resulted in an administrative burden for Captains and Sergeants. Via  
13 efforts mostly invisible to the public, this consultation brought forth an OPD request for policy  
14 modification that received unanimous Commission approval. The newly revised policy is reported  
15 to have helped tremendously in reducing officer requests for extensions and in eliminating  
16 duplicative reporting - which in turn put more officers on the street while lowering the need for  
17 overtime. This policy revision exemplifies how the Commission collaborates with the Department  
18 to alleviate unnecessary restrictions while ameliorating effective policing.

19 Despite public concerns that OPD policing practices targeted residents of certain races,  
20 until recently, Department policy addressing racial profiling was severely outdated, having  
21 sat untouched for well over a decade. As part of its Charter authority, the Commission’s  
22 independent Office of the Inspector General (OIG) reviewed Department General Order M-19  
23 (Prohibition Regarding Racial Profiling and Other Race-Based Policing) to identify gaps in the  
24 primary document outlining the Department’s commitment to fair, equitable, and unbiased service.  
25 Upon examination, the OIG offered six substantive recommendations for improvement (along with  
26 three additional consideration points).<sup>1</sup> The Commission’s Racial Profiling Ad Hoc Committee  
27

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28 <sup>1</sup> The Commission is profoundly concerned that the City’s budget does not fully fund the OIG, leaving  
the IG understaffed and unable to fully perform these kinds of critical duties.

1 (made up of Commissioners, OPD staff, and a member of the public) accepted the Inspector  
2 General’s report, then crafted both a policy update for the Department’s Manual of Rules and a  
3 Cultural Accountability Statement that acknowledged OPD’s documented link between modern  
4 policing and profiling/ harassment of people of color. Endorsed by the full Commission, the policy  
5 update was recently approved by the Chief. The revised policy demonstrates how the independent  
6 OIG, the Commission’s governing body, and OPD can coordinate to align Department policy with  
7 national standards for constitutional policing; improve consistency of policy implementation; and  
8 increase accountability for officer actions – all of which will advance OPD’s compliance with the  
9 NSA.

10 As the Court is aware, soon after former Chief Mitchell assumed his post, the  
11 City Council referred the OPD’s General Order J-4 Policy on Vehicle Pursuits (commonly known  
12 as the OPD Pursuit Policy) to the Commission for review and recommendation. Once the  
13 Commission recommended no changes to the Policy, Chief Mitchell, elected officials, and the  
14 Oakland community became more involved in the process, resulting in the Chief himself proposing  
15 specific modifications to the Pursuit Policy. After discussion with the Chief and the receipt of  
16 significant community input, the Commission reached agreement with the Department and voted to  
17 approve the Chief’s modifications to the Pursuit Policy. Despite efforts to describe the Department  
18 and the Commission as foes, the Commission’s unanimous vote demonstrates that the Commission  
19 and OPD can cooperate to reach resolution on controversial and pivotal matters.

20 At its first meeting of 2026, the Commission also reviewed and unanimously accepted the  
21 Department’s revisions to Department General Order (DGO) M-04.1 – Criminal Investigation of  
22 Department Members and Outside Sworn Law Enforcement Personnel. As part of its retrospective  
23 on the revelations involved in the criminal investigation of Detective Phong Tran, the Department  
24 recommended a revision of its DGO M-04.1. Among other things, the amended policy updates the  
25 Criminal Investigation Division’s responsibilities, timelines, investigative procedures, and decision-  
26 making and disposition requirements when confronted with an officer arrested for, or otherwise  
27

28 \_\_\_\_\_

1 suspected to have committed, criminal misconduct. Requirements include clarifying that an officer  
2 arrested by a non-OPD law enforcement agency must notify the OPD chain of command (even if  
3 the outside law enforcement agency does not itself notify the Department) and that the Department  
4 affirmatively document all investigative steps and Command decisions in such criminal  
5 investigations of its officers. The modified policy details are intended not only to prevent a repeat of  
6 the situation with Mr. Tran, but to improve NSA compliance, particularly with Task 2.

7 In establishing relationships with key stakeholders, the Commission's efforts extend beyond  
8 collaborations with the Chief. Commission leadership has attended officer line-ups to advise that  
9 the Commission supports the Department, to ensure officers that OPD command staff convey  
10 officer concerns to the Commission, and to dispel misconceptions (such as that the Commission is  
11 against or "out to get" officers) that instill mistrust of the Commission in OPD officers. Fostering  
12 connections with officers enables them to see that Commission oversight is not anti-law  
13 enforcement and to embrace the practices associated with cultural change. The Commission also  
14 has engaged in improved coordination with City leadership, such as attending twice-monthly Core  
15 NSA Group meetings. These recurring meetings permit members to discuss and coordinate around  
16 outstanding NSA Tasks, strengthening communication about the Department in general and the  
17 status of NSA Tasks in particular. Commission leadership's participation in Independent Monitor  
18 Team site visits similarly provide insight into the specific areas in which the OPD can fine-tune its  
19 work to comply with the remaining NSA Tasks. The City's Municipal Code gives the  
20 Commission's Inspector General (IG) a corresponding opportunity to evaluate OPD's disciplinary  
21 process. As part of the OIG's oversight responsibilities, Chapter 2.45.110(E) authorizes the IG to  
22 attend OPD's Skelly hearings<sup>2</sup> – the proceeding by which a sworn officer may contest proposed  
23 discipline before it takes effect. The Inspector General has observed one such hearing to evaluate  
24 the proceeding's fairness, consistency, and adherence to Departmental policies and procedures.  
25 Building on this initial observation, the IG intends to continue to attend Skelly hearings to assess the

26 \_\_\_\_\_  
27 <sup>2</sup> In the last 17 months, after consistent inquiry by the Commission about the number of officers on  
28 administrative leave while awaiting Skelly hearings, OPD has expanded the list of persons who can  
serve as Skelly officers – resulting in an increase in the number of discipline cases moving forward  
to hearing.

1 Department's disciplinary process; reinforce accountability and transparency; and safeguard  
 2 officers' due process rights. All of these Commission efforts advance the Department toward the  
 3 goals of cultural change, NSA termination, and sustained compliance post-federal oversight.

4 Finally, the Commission's most significant partnership with Mayor Barbara Lee is its role in  
 5 appointing an Interim Chief and hiring a new permanent OPD Chief. James Beere, a 28-year  
 6 veteran OPD officer, was named Interim Oakland Police Chief in the wake of former Chief Floyd  
 7 Mitchell's resignation.<sup>3</sup> With Beere installed as Interim Chief, the Commission is now moving  
 8 purposefully to once again mount a recruitment of exceptionally qualified applicants to interview  
 9 for the permanent Oakland Police Chief position. Once the applicants are reviewed, the  
 10 Commission will present the most capable candidates to Mayor Lee for her ultimate consideration.  
 11 In coordination with the Mayor, the Commission intends its search to yield a Chief with the  
 12 commitment to improve OPD culture and the dedication to compliance necessary for long-term  
 13 success in a post-NSA environment.

14 For additional information on the Commission's recent accomplishments, the Court is  
 15 encouraged to review the Annual Reports linked below:

16 OPC Annual Report

17 <https://simplebooklet.com/2024opcannualreportfinalfin1#page=1>

18 CPRA Annual Report

19 [https://drive.google.com/file/d/1aTgy9bol\\_c\\_qZpCTYJcIBYBNH0ihmBCn/view?usp=drive\\_link](https://drive.google.com/file/d/1aTgy9bol_c_qZpCTYJcIBYBNH0ihmBCn/view?usp=drive_link)

20 OIG Annual Report

21 [https://drive.google.com/file/d/1ChoOJ3yv5bt4vLsOo35jFVp26Tw69MSG/view?usp=drive\\_link](https://drive.google.com/file/d/1ChoOJ3yv5bt4vLsOo35jFVp26Tw69MSG/view?usp=drive_link)

### 22 **III. The Work of CPRA, the Investigative Agency That Polices the Police**

23 The Community Police Review Agency (CPRA or the Agency) investigates citizens'  
 24 allegations of misconduct against sworn OPD officers. As an impartial body outside OPD, CPRA's  
 25 determinations are independent of Department influence. CPRA is Oakland's go-to agency to guard  
 26 against the unmistakable conflict of interest associated with having the Department police itself.

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<sup>3</sup> Beere served as Acting Chief until former Chief Mitchell's formal departure on December 5, 2025.

1 CPRA investigates allegations of misconduct by sworn OPD officers involving uses of force, in-  
2 custody deaths, profiling, and First Amendment assemblies. CPRA continues to tackle issues  
3 designed to enhance its ability to hold accountable any officer or Department leader that engages in  
4 or conceals misconduct.

5 At the time of the Summer 2025 Case Management Conference before the Court, CPRA was  
6 led by Interim Director Antonio Lawson. Since then, Mr. Lawson accepted the Commission's offer  
7 to service as permanent CPRA Director. Director Lawson brings to the office over 20 years of  
8 investigation and monitoring class action litigation and settlements. An accomplished attorney,  
9 Director Lawson has deep experience with police oversight, having served for a decade as  
10 independent counsel to both CPRA and Oakland's Citizens' Police Review Board (the predecessor  
11 to the Oakland Police Commission). Installing Director Lawson in this permanent role allows the  
12 Commission to retain a talented leader with deep institutional knowledge while ensuring that there  
13 is no interruption in CPRA duties during this critical time for the Agency and the Commission.

14 Adopted in 2018, Oakland's City Ordinance No. 13498 (Municipal Code Chapter 2.45.070)  
15 requires the Commission, in coordination with CPRA and the Chief of Police, to establish a  
16 mediation program. After overcoming numerous obstacles and delays, on September 25, 2025,  
17 CPRA presented a mediation plan to the Commission, which unanimously approved the Mediation  
18 Policies and Procedures. The Mediation Program will offer community members and police officers  
19 the option to mediate complaints *for which officer discipline is not a potential outcome*. Founded on  
20 restorative justice principles and administered by CPRA, the program's goal is to further improve  
21 communication and cooperation by providing citizens the opportunity to meet with OPD officers  
22 and discuss individual complaints in an open, non-confrontational environment.

23 In addition, CPRA remains focused on collaborating with OPD on the transfer of certain of  
24 OPD's Internal Affairs Bureau (IAB) investigative duties to the Agency. In April 2025, an  
25 independent consultant completed its report on the transition. Transferring certain IAB investigative  
26 duties to CPRA will reduce costs to the City while enhancing the independence of the investigative  
27 and disciplinary processes. CPRA's additional objectives include improving the efficiency and  
28 effectiveness of the OPD discipline process (including a reduction in time for the completion of

1 Skelly hearings); developing strategies for compliance with NSA Task 2 (Timeliness in IAB  
2 Investigations); resolving inconsistencies in discipline within the Department (NSA Task 45); and  
3 increasing the quality of investigations. Each of these goals is crucial to instilling long-term  
4 confidence in the City's ability to manage the investigative process and to impose appropriate  
5 discipline (where necessary) both now and once the Department is no longer subject to judicial  
6 oversight.

7         Along these lines, CPRA and the Commission have cooperated with the City to build  
8 the internal capacity necessary for the transfer of additional IAB obligations. Full CPRA staffing  
9 requires no fewer than 17 permanent employees of which (according to the City Charter) at least  
10 seven must be investigators. In the second quarter of 2025, CPRA staff consisted of just seven  
11 permanent employees and three contract employees with only three investigators. This shortfall  
12 remained even after Interim CPRA Director Lawson agreed to cut the position from which he had  
13 been elevated to Interim Director in order to forestall further cuts to investigative staff. The new  
14 mayoral administration has, however, more than doubled CPRA's budget, allowing the Agency to  
15 begin recruiting and hiring new staff. These include a Project Manager to assume IAB transition  
16 tasks, manage the new Mediation Program, and to decrease the time for the completion of OPD's  
17 Skelly review process for officers on administrative leave. A fully staffed CPRA can be the most  
18 effective in providing accountability and independent, unbiased investigations of alleged police  
19 misconduct.

#### 20 **IV. Ensuring Commission Stability**

21         In the realm of Oakland administrative bodies, the OPC is a fairly new commission. In its  
22 eight years of operation, the all-volunteer Commission has successfully set up new systems despite  
23 an ever-decreasing support staff and repeated slashes to its budget. Building upon a foundation  
24 established by prior Commissioners and members of the public, the current Commission has shown  
25 itself to be one of the most effective to-date. Under current OPC leadership, Commissioners have  
26 solidified their positive working relationships internally with CPRA and the OIG and extending  
27 outward to the Chief of Police and the Department. As previously noted, the Commission has begun  
28 the essential process of recruiting a qualified applicant pool for interviewing and presentation of

1 select Chief candidates to Mayor Lee. These duties include coordination with the City  
2 Administrator’s office to identify a search firm and to set expectations and timelines. Any  
3 disturbance in Commission-functioning risks disruption of, not only the task of identifying a  
4 successor Chief of Police, but the greater goal of implementing effective and sustained independent  
5 oversight. Now more than ever, the Commission’s stability is fundamental to that project. The  
6 City’s commitment to uplift Oakland’s designated independent police oversight governing body is  
7 the only way to ensure the Commission’s continued success and to avoid any risk of decreased  
8 compliance with the NSA (or a short-lived exit from the agreement), post-federal oversight.

9 **V. Conclusion**

10 The Commission’s primary goal is to transform OPD culture by promoting accountability  
11 and fairness through appropriate Department policies and equitable disciplinary actions. Through its  
12 ad hoc committee efforts and its CPRA and independent OIG branches, the Commission has made  
13 significant headway in working with the Department to revise OPD policies to make constitutional  
14 policing an efficient, real, and manageable daily practice. Therefore, neither the City nor the  
15 Department should be distrustful of civilian investigative oversight or any discipline due to officer  
16 misbehavior. Yet, within OPD and parts of City government, the fallacy persists that officer  
17 accountability for misconduct is punitive and anti-law enforcement, rather than a welcome  
18 demonstration of transparency and a desire for improvement. Despite significant challenges, the  
19 Commission remains intent on the mission set before it by the Oakland community: to serve as the  
20 standard-bearer for advancing constitutional policies and practices within Oakland law enforcement.  
21 The Commission looks forward to locating a Chief of Police who is committed to continued  
22 partnership and further improving Department culture to accomplish that goal.

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Respectfully Submitted,

Ricardo Garcia-Acosta  
Chair, Oakland Police Commission

Omar Farmer  
Chair, NSA Ad Hoc Committee  
Alternate Commissioner, Oakland Police Commission

NSA Ad Hoc Committee Members:  
Shawana Booker, Vice Chair, Oakland Police Commission  
Antonio Lawson, Executive Director, Community Police Review Agency,  
Oakland Police Commission  
Zurvohn Maloof, Inspector General, Oakland Police Commission  
Mariano Contreras, African American-Latino Action Alliance