



News from: Office of the Mayor Libby Schaaf

FOR IMMEDIATE RELEASE

September 7, 2016

Mayor Libby Schaaf and City Administrator Sabrina Landreth Announce Conclusion of Administrative Investigation into Alleged Oakland Police Sexual Misconduct

The City of Oakland has concluded its administrative investigation into allegations of misconduct by members of the Oakland Police Department related to a sexual misconduct case involving “Celeste Guap.”

“I want to thank the residents of Oakland and the dedicated men and women of Police Department for their patience as we’ve conducted this investigation,” said Oakland Mayor Libby Schaaf. “We care deeply about this community and its officers and believe that the outcomes in this case will root out misconduct, encourage a culture of transparency and continue the work of restoring trust.”

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RECOMMENDED DISCIPLINE AND FINDINGS

Today, the City of Oakland issued notices of intent to **terminate four members of the Oakland Police Department** as a result of sustained findings of misconduct related to this sexual misconduct investigation. To the extent some of these individuals may have already left the department, these findings will nonetheless be placed in their permanent personnel files. Each individual was found to have committed one or more of the following offenses:

- Attempted sexual assault
- Engaging in lewd conduct in public
- Assisting in the crime of prostitution
- Assisting in the evading arrest for the crime of prostitution
- Accessing law enforcement databases for personal gain
- Being untruthful to investigators
- Failing to report a violation of law, or rules by not reporting allegations of a minor having/had sexual contact with Oakland Police Officers
- Bringing disrepute to the Oakland Police Department

The City of Oakland issued notices of intent to **suspend seven members of the Oakland Police Department without pay** for committing one or more of the following offenses:

- Failing to report a violation of law, or rules by not reporting allegations of a minor having/had sexual contact with Oakland Police Officers
- Accessing law enforcement databases for personal gain
- Bringing disrepute to the Oakland Police Department

The City of Oakland issued a notice of intent to **provide counseling and training to one member of the Oakland Police Department** for the following offense:

- Bringing disrepute to the Oakland Police Department

All of these discipline decisions will now be subject to due process and grievance procedures.

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RIGOROUS SCOPE OF THE INVESTIGATION

This year-long administrative investigation was concluded after hundreds of hours of interviews were conducted with 50 witnesses beginning in September of 2015, including 11 different OPD interviews with Celeste Guap. OPD reviewed over 78,000 pages of social media postings and 28,000 text messages as part of the investigative process. Five members of the Oakland Police Department Internal Affairs Unit and two members of the City Attorney's Office led the investigation.

It's important to note that this investigation evaluated not only whether officers engaged in misconduct, but also whether there was any evidence that any member, especially supervisors or commanders, knew or should have known about misconduct and failed to report it. All the involved officers' supervisors were evaluated for any evidence or patterns that implied knowledge and/or failure to take action.

To ensure the integrity of the City's investigatory process, Mayor Schaaf and City Administrator Sabrina Landreth engaged Morin Jacob of Liebert, Cassidy and Whitmore to conduct an independent review of how this administrative investigation was handled. That separate and independent review is ongoing, as is the parallel and separate investigation into whether any criminal conduct took place. The Alameda County District Attorney's Office is reviewing alleged criminal matters at Mayor Schaaf's request.

During this investigation, in every instance where a link was found to members of another law enforcement agency, OPD made the appropriate contact with those entities.

TRAINING AND POLICY RECOMMENDATIONS TO PREVENT FUTURE MISCONDUCT

Stronger Support for Ending Sexual Exploitation and Abuse

This investigation revealed that several officers discovered that "Celeste Guap" was a sex worker, but did not provide her formal resources. This investigation identified the need for additional training that would assist officers in identifying victims of sexual exploitation and abuse and providing the appropriate aid.

On July 7, 2016, the Special Victims Unit and BAWAR (Bay Area Women Against Rape) provided training to inform officers about the various approaches, criminal or otherwise, they can take when confronted with a trafficking-related offense and/or victim. We provide an overview of common offenses, reviewing applicable statutes to:

1. Explore how they may present as dispatched calls for service and
2. Suggest various proactive enforcement options available at the patrol level including detentions, arrests, and referrals to the prostitution tip-line and/or a service provider partner.

BAWAR is introduced as a service provider partner accessible 24/7 to assist OPD in stabilizing victims for immediate and long-term cooperation with the investigation/prosecution process. This includes necessary emotional and material support such as crisis counseling, short-term housing, and, occasionally, relocation. Officers are encouraged to utilize the SVS Intake Desk for guidance. BAWAR explains the victimology regarding Commercial Sexually Exploitation of Children (CSEC) girls.

Tighter Controls on Accessing Criminal Databases

This investigation uncovered misuse of criminal databases, revealing the need for tighter review of officers' use of the LEAP Network – a nationwide law enforcement information platform. This is especially true as certain intelligence roles give officers cause to use LEAP frequently, even at home, as access to criminal databases has expanded to smartphone portable access 24/7. These factors and the misuse uncovered as part of this investigation make it even more vital that the department ensures that its members do not abuse or take advantage of these new systems. This investigation recommends that the Officer of Inspector General and intelligence-related units be notified of this pattern of misconduct and develop an internal audit plan to prevent future patterns of misconduct or discover any new patterns of database abuse.

Social Media Policy and Training

This investigation revealed and highlighted the necessity of a social media/internet policy which the Oakland Police Department currently does not have. In addition to a specific policy, this investigation also highlights the need for designated training starting in the academy. Officers need to understand that their social media posts are public and any links to the police department creates a nexus between their private life and their professional career.

DISCLOSURE LIMITATIONS UNDER THE LAW

In keeping with our commitment to transparency and accountability to the public, the City of Oakland is providing as much information regarding the outcome of this investigation as we are allowed to share by law. The City is constrained from releasing additional details related to this confidential personnel matter by state law (Penal Code section 832.7) which prohibits the disclosure of peace officers' identities associated with personnel investigations as well as disciplinary actions taken against peace officers and other confidential details related to personnel investigations.

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Watch a video of the press conference at <http://bit.ly/2cJDjQl>.