

The background of the page features a large, semi-transparent badge of the Oakland Police Department. The badge is shield-shaped with a blue field and a yellow border. At the top, the words "OAKLAND POLICE" are written in yellow, arched letters. In the center is a yellow five-pointed star. Within the star is a circular emblem depicting a cityscape with a prominent building. The text "OAKLAND POLICE DEPARTMENT" is overlaid on the badge in a dark blue, serif font, with horizontal lines separating the words.

*OAKLAND POLICE DEPARTMENT*

*INTERNAL AFFAIRS DIVISION*

*ANNUAL REPORT – YEAR 2008*

*DEDICATED  
TO  
HONESTY, INTEGRITY  
AND  
FAIRNESS*

## FORWARD

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Nowhere in the Oakland Police Department is there a more critical function than that within the Internal Affairs Division. Tasked with maintaining the integrity and values of the Department, the Internal Affairs Division has a long-standing tradition of conducting fair and objective investigations of misconduct allegations and policy failures.

There is an absolute right for a citizen to voice a complaint when they feel wronged by a member, employee or policy of the Department. To deny this right serves only to pull the Department away from the citizens it serves and inflicts long-term damage to the Community/Department relationship. Every contact made in this division is an important opportunity for a member of our team. Indeed, these are opportunities to bridge gaps in communication; to explain a policy or procedure; to show the Department does care about citizen's concerns; or simply an opportunity to empathize with a person who has had a negative encounter involving their police department.

Of course, there are occasions when one will experience the other end of the spectrum; discovering errors or omissions in policy and procedure, or plain and simple misconduct. These will be the occasions to test our courage to stand for the principles found in the Law Enforcement Code of Ethics and the Departmental Core Values. These occasions should also be viewed as opportunities. While at times difficult, these occasions are opportunities to maintain the integrity and values of the Department; to identify policy failures, to save a career or even a life.

One cannot underestimate the positive impact a fair and objective, fact-finding investigation will have on all those involved, as well as the Department itself. While often a thankless assignment, Internal Affairs Division staff members have been given an opportunity to make a difference. Each time this opportunity arises, Internal Affairs Division staff will be choosing whether they will have a positive or a negative impact, both within the Department, as well as the Community. I encourage you to stand for those needing your help, both the accuser as well as the accused, and to do so with heartfelt enthusiasm with the knowledge that you are fulfilling an important function and maintaining the longstanding traditions of the Internal Affairs Division.

Sean Whent  
Acting Captain of Police  
Internal Affairs Division



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## **MISSION STATEMENT**

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The Internal Affairs Division of the Oakland Police Department is committed to protecting and defending the constitutional rights of all citizens. It is our mission to provide the highest quality of professional service to every member of the community by conducting thorough, impartial, and ethical investigations regarding allegations of misconduct and policy failures within the Department. In a continuing effort to foster and maintain mutual trust and confidence in the community in which we serve, we treat each citizen with fairness, dignity and respect at all times. It is through our commitment to honor and integrity that we uphold the core values of the Oakland Police Department.

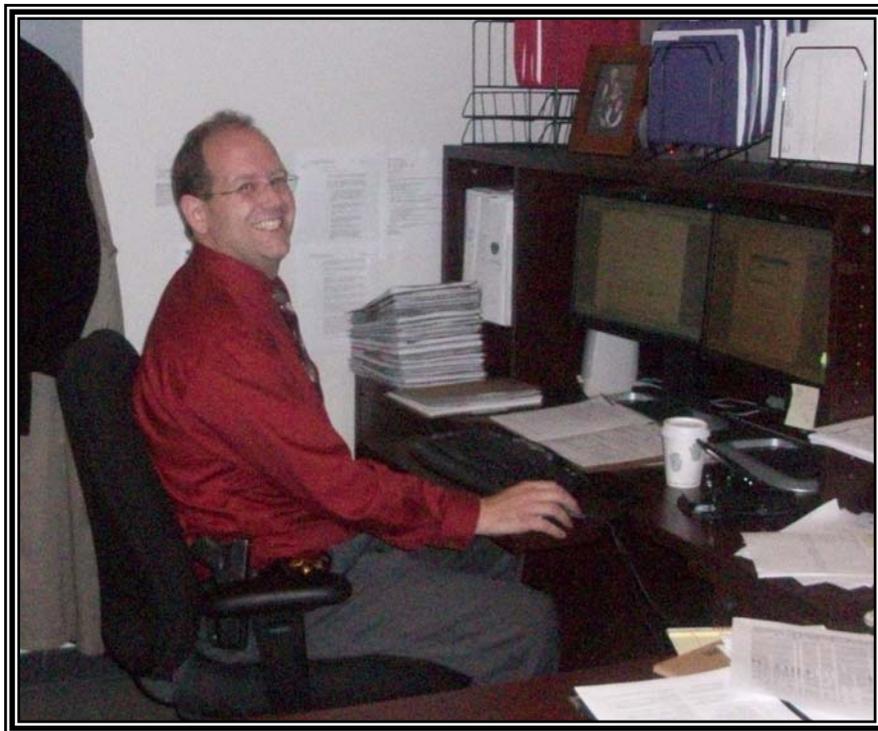
## INTRODUCTION

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During 2008, the Internal Affairs Division (IAD) continued to maintain a steadfast commitment to uphold the core values of the Oakland Police Department by conducting fair, objective and impartial investigations regarding allegations of misconduct and policy failures within our organization. The men and women of our Division, both sworn and civilian, have worked tirelessly in their effort to consistently provide both Department personnel and the community in which we serve a critical means of addressing, uncovering and resolving issues of concern.

During 2008, the number and scope of internal investigations increased from previous years, but through hard work, dedication and a commitment to fairness and integrity, our staff successfully met the demands of the challenges set before them. We have continued to perform quality investigations and reviews in accordance with professional standards in a timely manner, while at the same time increasing the level of efficiency and attention to detail given to each investigation being conducted.

This Annual Report covers the period of January 1, 2008, through December 31, 2008, and summarizes performance data for the Division by providing a clear look into the accomplishments and challenges faced by the IAD over the past year. The Report's contents and production are mandated by the Negotiated Settlement Agreement (NSA) and Departmental General Order A-7, *Annual Management and Departmental Report*.



*Lieutenant Christopher Shannon*

## **ROLE OF THE INTERNAL AFFAIRS DIVISION**

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

The Division supports and plays a key role in the implementation and enforcement of the NSA. Departmental Values and the Law Enforcement Code of Ethics serve as our guiding philosophy. The Departmental Strategic Plan serves as the roadmap to achieve these goals. The IAD is committed to creating a sustainable relationship based on trust and integrity with citizens in the community as well as the Oakland Police Department (OPD) and other City of Oakland personnel. The IAD receives and investigates complaints from the public and other sources about Departmental personnel and practices. Complaints received by the IAD are investigated, and the findings of these investigations are reported back to the complaining citizen or personnel as well as the accused employee(s). Discipline recommendations are also prepared by the IAD. The Division responds to subpoenas and requests for records involving claims against the Department. The Division also works collaboratively with the staff of the Citizen's Police Review Board (CPRB) to provide necessary information for the completion of their investigations.



*Sergeant Jordan Henderson and Sergeant Robert Chan*

## INTERNAL AFFAIRS DIVISION STAFFING

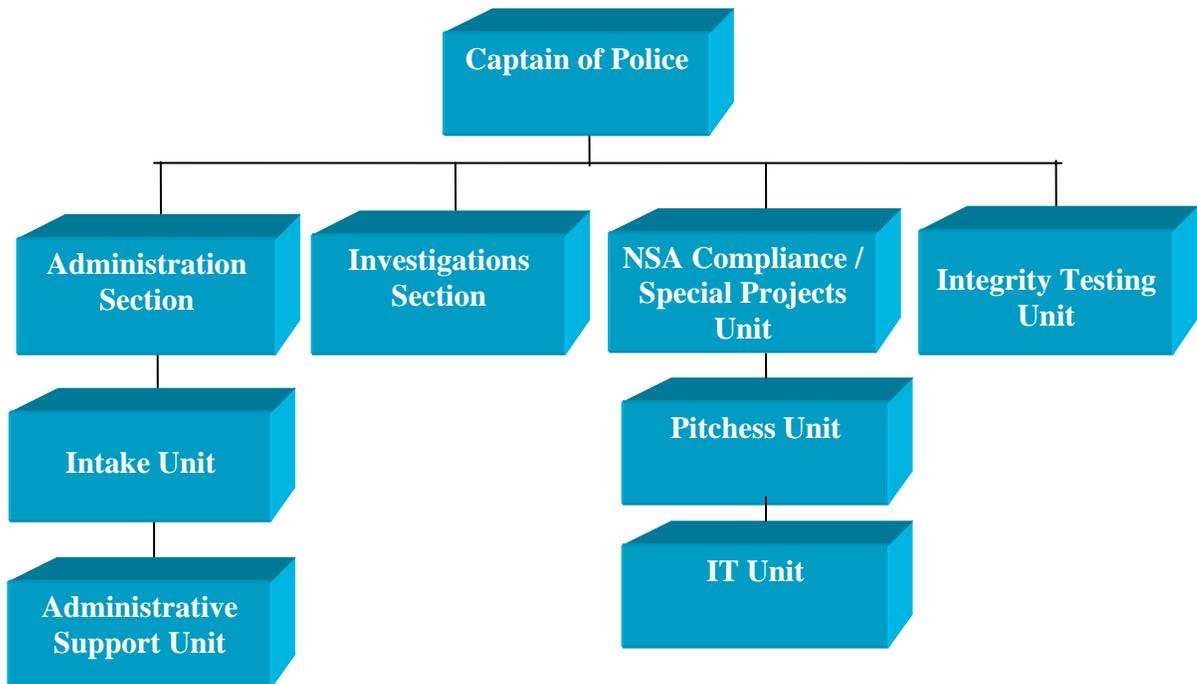
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### Organizational Structure

The Internal Affairs Division command staff has efficiently set into place an organized division of responsibilities. This division of labor enables the IAD to run efficient and diversified sections. The Division's responsibilities are divided among the Administration Section, Investigations Section, Compliance/Special Projects Unit, and Integrity Testing Unit as depicted below.

**Internal Affairs Division Organizational Chart  
Staffing for Year 2008**

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**Internal Affairs Division Staffing Data**

Throughout 2008, the staffing assignments depicted below were in place.

**Table 1**

**INTERNAL AFFAIRS DIVISION STAFFING ASSIGNMENTS FOR YEAR 2007**

<b>CLASSIFICATION</b>	<b>AUTHORIZED</b>	<b>FILLED</b>	<b>LOANED</b>	<b>VACANT</b>
Captain of Police	1	1	0	0
Lieutenant of Police	2	2	0	0
Sergeant of Police	10	15	5	0
Police Officers	8	14	6	0
Administrative Analyst II	1	0	0	1
Police Records Specialist*	3	3	0	0
Administrative Assistant II	1	1	0	0
<b>Totals</b>	<b>26</b>	<b>36</b>	<b>11</b>	<b>1</b>

\*One Police Records Specialist position is occupied with a contract service employee.

**Staffing Challenges**

Although the Internal Affairs Division’s staffing was increased in the latter part of 2008, the Division still experienced staffing challenges. The IAD still had 11 sworn staff members that were on loan to the division. The caseload for the intake unit grew tremendously. For example, year ending 2007 the caseload was 1406 and year ending 2008 the amount of cases that were received by our intake unit surpassed 1,700. The investigative unit had to acquire two annuitants and a couple of seasoned officers to assist with complex and expansive cases. Also, the Administrative Support Unit received and processed over 2,100 Use of Force Reports as opposed to the previous year’s count of 1,800. This unit also processed 1000 Case Evaluation Reports that populated the Department’s Personnel Assessment System database. The Administrative Support Unit also lost a Management Assistant at the end of 2007 and in 2008 had to absorb those duties, and has not yet been able to attain additional staffing to support the augmented sworn staffing and the increased workload.

## Other Staffing Data

Long-term illness/absences: Sergeant James Morris

Temporary re-assignments: Management Assistant Carolyn Marsh

In September of 2008, Honorable Mayor Dellums recognized a budget crisis within the City of Oakland and laid groundwork that would relieve the deficit. This relief would come through a hiring freeze, mandatory shut down days and layoffs. These critical actions prevented the IAD from bringing on board a much needed administrative support staff member in 2008.

Promotional and retirement information, along with Staffing Transfers are detailed in footnotes and parenthesis on the following pages.

## IAD STAFF MEMBERS

### Command Staff

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Edward Poulson	Captain of Police, Internal Affairs Division (succeeded Capt. Benson H. Fairrow)**
Christopher Shannon	Lieutenant of Police, Administration Section (succeeded Lt. Downing)**
Sean Whent	Lieutenant of Police, Investigations Section

### Administration Section

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#### Raymond Backman

- James Anderson
- Curtis Worcester
- Michael Weisenberg
- William Bacon
- Robyn Clark
- Curtis Filbert
- Steven Bang
- Frank Gysin
- Donald Koch
- Erin Mausz
- Everett Peterson
- Keith Samuel
- Diane Ward
- Donald Sawyer
- Doria Neff
- Daniel Gil

#### Sergeant of Police

Police Officer  
Police Officer  
Police Officer\*  
Police Officer  
Police Officer  
Police Officer\*\*  
Police Officer  
Police Officer  
Police Officer\*\*  
Police Officer  
Police Officer  
Police Officer  
Police Officer  
Police Officer  
Police Officer\*\*



*Officer Donald Sawyer, Officer Curtis Worcester,  
Officer Robyn Clark, and Officer James Anderson.*

\* Promoted during the year

\*\*Transferred out of IAD during the year

\*\*\*Retired from the Division/Department during the year



## Investigations Section

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- William Bodin Sergeant of Police
- Danielle Bowman Sergeant of Police
- Nicole Elder Sergeant of Police\*\*
- David Elzey Sergeant of Police
- Donna Hoppenhauer Sergeant of Police\*
- Ed Juarez Sergeant of Police
- James Kelly Sergeant of Police
- Mitchell Powell Sergeant of Police\*\*
- Mark Rowley Sergeant of Police
- Joseph Seale Sergeant of Police
- Tim Shaver Sergeant of Police
- Robert Chan Sergeant of Police
- Diane Jim Sergeant of Police
- Henderson Jordan Sergeant of Police
- James Morris Sergeant of Police
- Christopher Shannon Sergeant of Police (Promoted to Lieutenant of Police and commands the Administration Section)
- Hugh Kidd Sergeant of Police (Annuitant)
- Sylvia Rodriguez Sergeant of Police (Annuitant)

\* Promoted during the year

\*\*Transferred out of IAD during the year

\*\*\*Retired from the Division/Department during the year



*Sergeant James Kelly*

## INTERNAL AFFAIRS DIVISION FISCAL MANAGEMENT REPORTS

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This *Annual Report* covers the calendar year of 2008. This Fiscal Management Report herein reflects the City's preceding FY period. For the purpose of this report, the fiscal period covered is FY '07 – '08, (July 1, 2007 to June 30, 2008). As a result, the numbers below in Table 2 reflect activity from a fiscal and not calendar-year period.

**Table 2**

### Fiscal Management of O & M and Grants Budget Appropriations and Expenditures from Preceding Fiscal Year

OPERATIONS & MAINTENANCE	FY 07/08 BUDGET APPROPRIATION	ENCUMBRANCE	FY 07/08 ACTUAL EXPENDITURES	VARIANCE
<b>Fund 1010</b>				
52211 – Stationary & Office	25,995.60	(5,396.99)	(20,598.61)	0
52212 – Minor Furniture & Office	29,639.25	(1,722.89)	(27,916.36)	0
52213 – Minor Computer Hardware	22,437.28	(9,199.53)	(13,237.75)	0
52919 – Miscellaneous Supplies	277.46	0	(281.59)	(4.13)
52888 – Fuel	184.43	0	(184.43)	0
53116 - Telephone	3,897.47	0	(3,897.47)	0
54211 – Data Processing	54.00	0	(54.00)	0
54515 - Records	626.75	0	(626.75)	0
53611 – Postage and Mailing	1,309.00	0	(1,309.00)	0
54620 – Maintenance and Security	150.00	0	(150.00)	0
54811 – Temporary Personnel Service	4,862.04	0	(4,862.00)	0
54919 – Services: Misc.	94,530.61	(63,108.41)	(31,422.20)	0
55112 – Commercial Transport	3,919.44	0	(3,919.44)	0
55113 – Meals	2,429.00	0	(2,429.00)	0
55114 – Per Diem Lodging	3,734.77	0	(3,734.77)	0
55212 – Registration and Tuition	4,162.79	0	(4,162.79)	0
57711 – Computer Equipment	35,931.00	(35,931.00)	0	0
<b>GRANTS</b>				
<b>Fund 2112: Creating Culture of Integrity</b>				
54919 – Services: Miscellaneous Contracts	33,081.37	(33,081.37)	0	0
<b>Fund 2912: Federal Asset Forfeiture Justice</b>				
54919 – Services: Miscellaneous Contracts	214,942.30	(214,942.34)	0	0
<b>Fund 2999: California Law Enforcement Equipment Program</b>				
54919 – Services: Miscellaneous Contracts	128,487.53	0	(128,487.53)	0
<b>TOTALS</b>	610,652.09	(363,382.53)	(247,273.69)	(4.13)

**O & M and Grants Expenditures' Summary**

As noted in the table above, the IAD was able to operate within the budget appropriated for operations and maintenance largely due to grants provided by the state and federal government.

**Table 3**

**Fiscal Management of Personnel (non-OT) and Overtime  
Budget Appropriations and Expenditures from Preceding Fiscal Year**

	<b>FY '06/07 BUDGET APPROPRIATION</b>	<b>FY '06/07 ACTUAL EXPENDITURES</b>	<b>VARIANCE</b>
<b>PERSONNEL – Fund 1010</b>			
51111 – Civilian Regular	215,628.00	(201,044.30)	14583.70
51112 – Sworn Regular	1,527,828.00	(2,217,966.00)	(690,138.00)
51122 – Temporary: Regular Part-time	0	(16,908.26)	(16,908.26)
51132 – Sworn Modified Duty Worked	0	(3,352.80)	(3,352.80)
51133 – Administrative Leave	0	(3,042.63)	(3,042.63)
51312 – Meal Allowance	0	(8,016.00)	(8,016.00)
51321 – Compensatory Time Excess: Payout	0	(3,865.88)	(3,865.88)
51411 – Shift Pay	0	(5,795.09)	(5795.09)
51412 – Acting Pay	0	(1,457.16)	(1,457.16)
51413 – Sworn: Standby Pay	0	(11,877.79)	(11,877.79)
51414 – Sworn: Education	60,198.00	(67,802.08)	(7,604.08)
51418 – Sworn: Longevity	30,864.00	(35,250.00)	(4,386.00)
51423 – Incentive Bonus and Living		(3,750.00)	(3,750.00)
51428 – Premium: Bilingual	3,240.00	(5,038.00)	(1,798.00)
51429 – Premium: Notary Public	684.00	(647.03)	36.97
51511 – Civilian: Paid Leave	60,552.00	(44,989.58)	15,562.42
51512 – Sworn: Paid Leave	605,130.00	(552,047.10)	53,082.90
51611 – Civilian: Retirement	68,784.00	(62,634.86)	6,149.14
51612 – Sworn: Retirement Accrual	790,452.00	(1,171,116.00)	(380,664.00)
51613 – Civilian: Fringe Benefits	118,674.00	(84,832.95)	33,841.05
51614 – Sworn: Fringe Benefits	665,880.00	(966,698.50)	(300,818.50)
51627 – Retirement Contributions	0	(660.53)	(660.53)
51911 – Adjustments Miscellaneous	0	(258,163.40)	(258,163.40)
51912 – Adjustments Miscellaneous	0	(74,825.46)	(74,825.46)
<b>SUBTOTALS</b>	<b>4,147,914.00</b>	<b>(5,496,568)</b>	<b>(1,348,654)</b>

**Table 3 – continued**

**Overtime Expenditures**

	<b>FY '06/07 BUDGET APPROPRIATION</b>	<b>FY '06/07 ACTUAL EXPENDITURES</b>	<b>VARIANCE</b>
<b>OVERTIME – Fund 1010</b>			
51211 – Civilian Holiday OT	5,064.00	3,298.20	1,765.80
51212 – Civilian: Other OT	2,000.00	20,844.82	(18,844.82)
51213 – Sworn Holiday OT	22,710.00	0	(22,710.00)
51214 – Sworn Overtime	29,495.00	(506,101.59)	(476,606.59)
51223 – Sworn: Deferred OT	0	(2,089.04)	(2,089.04)
51225 – Sworn – Comp Time Earned	0	(44,879.18)	(44,879.18)
51228 – Sworn – Canine Handlers		(84.00)	(84.00)
51212 – Civilian Other Overtime	2000.00	(20,844.82)	(18,844.82)
51231 – Civilian: Comp Time Earned	0	(642.39)	(642.39)
51232 – Sworn – Comp Time Court	0	(870.37)	(870.37)
51236 – Sworn Comp Time Holiday	0	(31,748.36)	(31,748.36)
51242 – Comp Day Award	5,046.00	4,380.03	665.97
<b>TOTAL</b>	<b>84,674.95</b>	<b>444,541.96</b>	<b>(359,867.01)</b>

**Overtime Expenditures Summary**

This fiscal year the IAD received additional staffing through conditional assignments. These assignments, along with the heavy workload, created conditions that resulted in increased overtime and labor expenditures, which exceeded the budgeted amount. It has been difficult to keep up with the high volume of complaints, and accommodations were made by allowing staff to work overtime.



*Officer William Bacon*



*Officer Felicia Aisthorpe*

## IAD TRAINING RECEIVED AND/OR PROVIDED

In an ongoing effort to support the professional development of all IAD personnel, members and employees collectively received hundreds of hours of training during 2008. The following is a list of training related to Internal Affairs and NSA-related matters:

### IAD Training Received

Course Name	# of Hours	# of Students	Total Hours
IB- IAD Notification-MOR314.28	.5	34	17
IB-Use of Force Preparation Format	.5	15	7.5
IB-Reporting Complaints	.5	39	19.5
IB- Clarifying the Complaint Process	.5	31	15.5
IAD 05-01-IAD General Operating Procedures	.5	43	21.5
IAD 05-02-IAD Investigation Process	.5	43	21.5
IAD 07-02-Pitchess Motion Process	.5	17	8.5
IAD 07-07-Office Security	.5	17	8.5
(OLD) SO8934-Informal Complaint Resolution	.5	35	17.5
SO8924-Complaints Against Dept	.5	35	17.5
SO 8553- Term DGO M-3 & TB V-T.1- Internal Invest Proc Manual	.5	8	4
TB V-T.1-Internal Investigation Manual	.5	38	19
DGO M-3-Complaints Manual	1	31	31
DGO M-3.1-ICR Process	.5	35	17.5
(Old) DGO M-3.1- Informal Complaint Resolution Process	.5	31	15.5
Use of Force Preparation Format	.5	2	1
K-4- Use of Force Review UPD	1	14	14
Division Level Investigation- SGT/CPT	1	14	14
Internal Affairs Investigation	24	11	264
IMT Audit Review- Task 7.3- Anonymous Complaints	.5	3	1.5
DLI- Division Level Investigation	5	7	35
Behavior Analysis Interview & Interrogation Techniques	40	13	520
Command Retreat- NSA	8	2	16
<b>TOTAL HOURS OF TRAINING</b>			<b>1,107</b>

In addition to the training outlined in the above chart, IAD personnel has also collectively received hundreds of hours of training on various issues related to Departmental policies and procedures as well as POST mandated requirements. Although these trainings were not specific to the IAD, they were relevant to all members and employees of the Department.

The following training is on-going and continues to be provided to IAD personnel:

- A training program implemented and designed for internal affairs investigators sponsored by San Jose State University is attended by the all members in the investigative and intake units;
- All of the Administrative Section's Intake Unit personnel attend the Behavioral Analysis Training Institute (BATI) course. BATI was founded in 1984 by seasoned law enforcement investigators. The 40 hour course is the highest acclaimed POST certified course of its type in California. Students learn the most effective and scientifically sound methods to detect deception and elicit information from victims, witnesses and suspects.

The IAD developed a one-day course on the proper method for receiving complaints and conducting a preliminary investigation. Commanders and supervisors from the IAD taught this course numerous times over several months. This course was offered to all supervising sergeants, acting sergeants, and civilian supervisors.

## **SIGNIFICANT INTERNAL AFFAIRS DIVISION ACCOMPLISHMENTS**

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The year 2008 has been a prosperous year of accomplishments, many of which are identified below:

- The IAD maintained a collaborative relationship with the offices of The City Attorney, the Independent Monitoring Team (IMT) and the Citizen Police Review Board (CPRB), which continue to benefit the Division, the Department, and the City.
- Continuous modifications and improvements to the IAD database facilitated compliance with NSA reporting requirements. Also, these updates have created opportunities for management and supervisors to be better informed regarding the status of investigations, investigators' workloads and IAD performance statistics.
- The Intake Unit greatly increased the number of investigations completed in the IAD. This increase reduced the burden on supervisors outside the IAD to complete division level investigations. For example, by the end of the year only 20 to 25 cases per month were assigned as division level investigations as opposed to over 40 per month being assigned mid year 2008. Due to increased staffing and expertise, the unit was able to resolve a majority of the cases in Internal Affairs.

- Additionally, the Intake Unit consistently completed intake of new case within 45 days, which provided ample time for the investigation and review process to be completed within the deadline of 180 days.
- The Compliance Unit changed the informal complaint resolution policy procedure (G.O. M-3.1) and NSA stipulation requiring specific documentation for each ICR, and to make it possible for the IAD commander to authorize the use of an ICR even when the complainant and/or officer does not agree. By doing so, the unit provided the gateway for significant progress to satisfy the ICR portion of Task 4 of the NSA. The IMT found that in 97% of cases reviewed, they were able to confirm that OPD initiated the formal complaint process as required when the ICR process did not resolve the complaint.
- The Compliance Unit also completed an Information Bulletin that was distributed throughout the department to clarifying the complaint process, updated Training Bulletin V-T 1.1 to include updated Lybarger information, updated the recusal process and form, and wrote stipulations to the NSA that were approved by the court.
- Again, the Compliance Unit conducted numerous case reviews and document requests. The unit conducted reviews of Task 1 (IAD Staff and Resources), Task 5 (Complaint Procedures for IAD), Task 6 (Refusal to Accept or Refer Citizen Complaints), Task 7 (Method for Receiving Citizen Complaints), Task 9 (Contact of Citizen Complainants), Task 14 (Investigation of Allegations of MOR Violations Resulting from Lawsuits and Legal Claims), Task 37 (Internal Investigations-Retaliation Against Witnesses), and reviewed IAD Daily Incident Logs and Use of Force Logs.
- Lastly, the Compliance Unit modified the Use of Force database to allow its use by IAD as well as BFO to assist with data entry and tracking, and obtained in-car video in IAD to expedite obtaining this evidence for internal affairs investigations.
- This year the IAD Investigative Section was able to complete 249 Class 1 investigations. This is a great accomplishment considering staffing levels related to workload and the level of scrutiny given to IAD investigations.
- On-going review and revisions to the IAD Policy and Procedures and related General Orders to ensure policy and procedures are reflective of the Department and the citizens of Oakland we serve.
- Although the Administrative Support Unit was not fully staffed, it worked tirelessly at maintaining high quality and professional work product. The staff prepared 48 Skelly documents for review by a Skelly hearing officer. It prepared, distributed and tracked 1,445 investigative files for division level and internal investigation, processed over 600 requests for information from the OCA, IMT, CPRB, the Department and other units with the IAD. Also, the unit

processed over 2,100 use of force reports, and mailed approximately 1,800 letters informing the citizens of Oakland of the outcome of their complaints.

- During 2008, the IAD investigated ten officer-involved shootings, and two other level one use of force incidents. The improved quality of comprehensive investigation demonstrated by the Investigations Unit in these incidents has been a direct result of the additional trainings received by the Unit.
- The IAD has continued to work toward complying with the mandates of the NSA and audit findings identified by the Independent Monitoring Team and Office of Inspector General. These efforts and results have included, but are not limited to:
  - The OPD is not yet in compliance with task 3, the IAD integrity testing, but the IMT was impressed by the commitment of the IAD staff, and by its decision to conduct a particular test for the express purpose of detecting retaliatory conduct even though the unit lacked sufficient resources in 2008.
  - OPD is not yet in full compliance with task 7, method of receiving or referring citizen complaints, but the IMT again noted that the Department has made its complaint system more accessible by housing the IAD office offsite from the Police Department, and tasking the IAD with ensuring that citizen complaint forms are replenished at all sites and translated into Spanish, Chinese and Vietnamese.
  - Again this year the IMT reported that they routinely attend weekly meetings held by the IAD for the Chief of Police and/or the Assistant Chief of Police. At these meetings, IAD cases are presented and reviewed. Decisions are made on findings and discipline, as well as policy and training needs.
  - Again the IMT is impressed with how quickly IAD contacts complainants to learn the details of the complaint, and to begin the investigative process. The greatly improved quality of OPD internal investigations is in large part due to the quick contact of complainants by the IAD Intake Unit.
  - The IMT found one of the core improvements of the Department was its FTO program. The IAD's Administrative Support Unit was able to assist with this program by providing monthly reports to the Training Division with results of any outstanding cases of the 116 FTO's.
  - The IMT's observation and analysis revealed that OPD's system for investigating complaints of misconduct had vastly improved, although OPD was not yet in compliance with most of the NSA's tasks. The IAD continues to improve in assessing hundreds of internal investigation files, interviewing complainants, and listening to interviews.

## **Other Data – Awards to Individual Staff Members**

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- Lieutenant Sean Whent: *Letter of Appreciation* Presented March 2008
- Officer Erin Mausz: *Letter of Appreciation* Presented March 2008
- Apryl Belland-Smith: *Good Conduct Bar and Outstanding Performance Evaluation Bar* Presented January 2008; *Office of the Chief of Police, Bureau Professional of the Year* presented December 2008

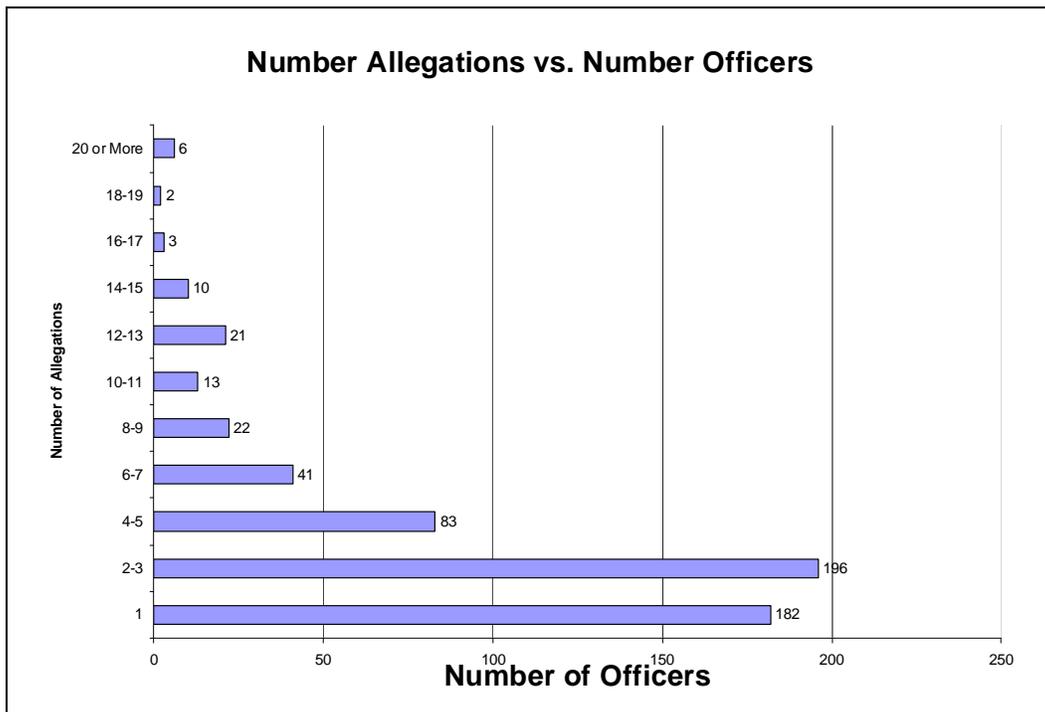
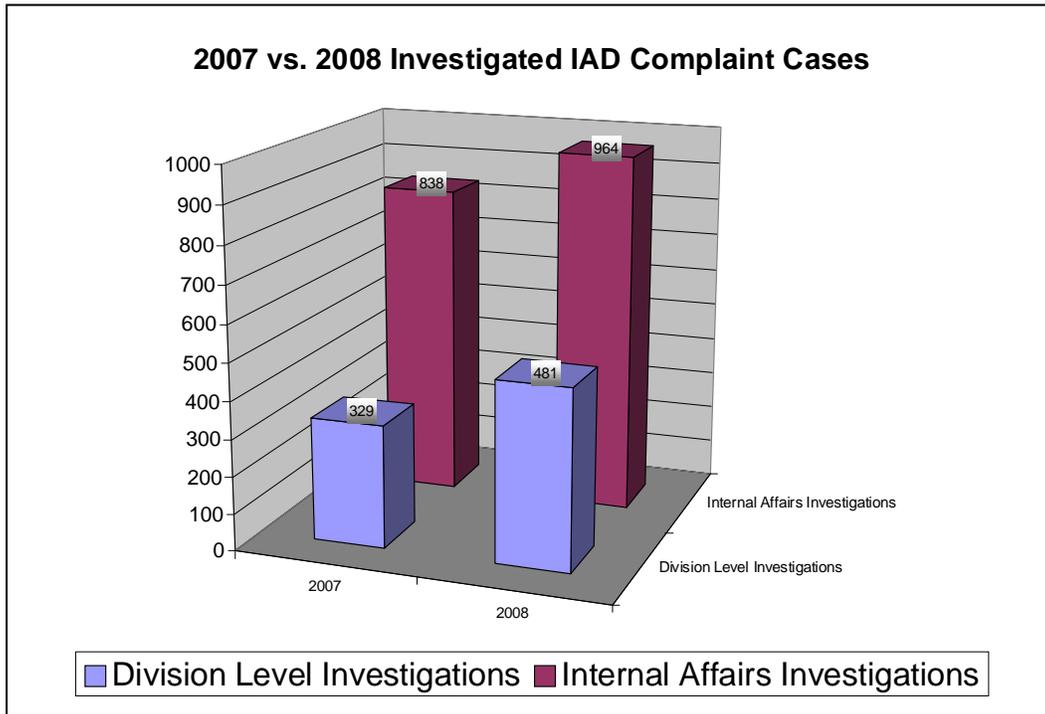
## **INTERNAL AFFAIRS DIVISION PRODUCTIVITY PERFORMANCE DATA**

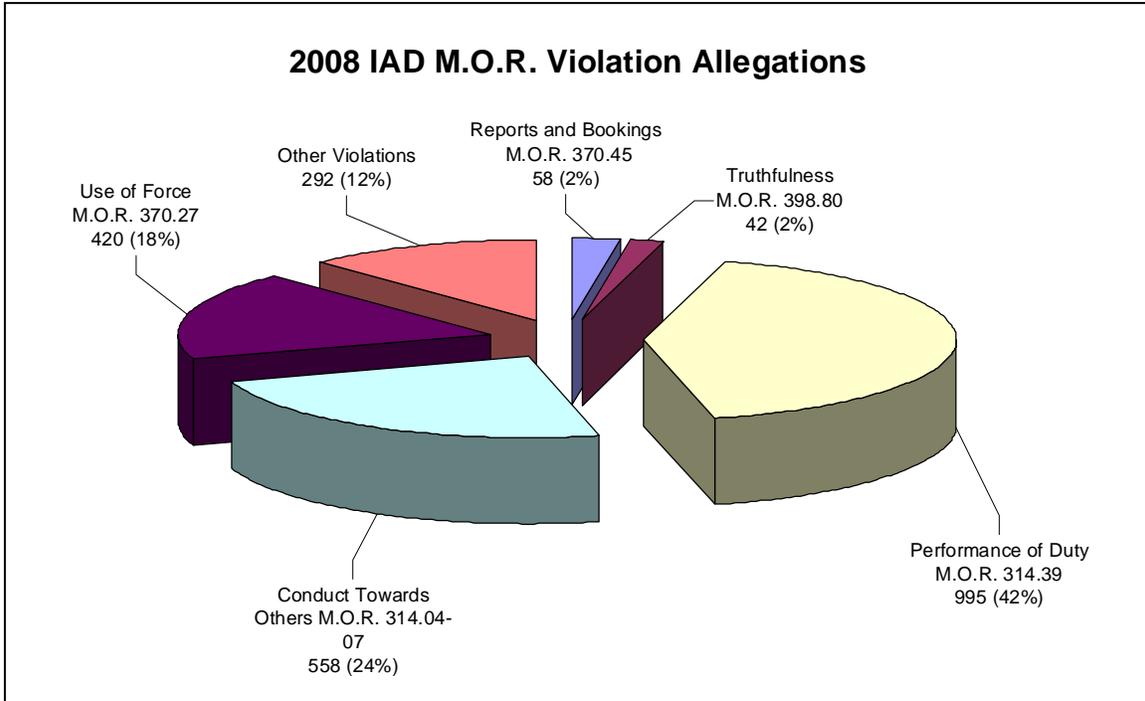
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In support of Departmental policies and procedures, the work product outputs of the Internal Affairs Division include, but are not limited to:

- Receiving complaints and conducting background research;
- Creation of case files and assignment of investigations;
- Investigation of complaints;
- Coordination and review of Division-level investigations;
- Management of legal claims, litigation and Pitchess motion inquiries involving Departmental personnel;
- Records management and reporting;
- 24-hour callout response for certain critical incidents or investigations,
- Integrity testing;
- Management of the IAD Complaint Hotline; and
- Collaboration with the Citizen’s Police Review Board, the Office of the City Attorney, outside consultants, and the Independent Monitoring Team.

The following charts and graphs depict additional Division-related output statistics.





**Table 6**

**Uses of Force**

**Reported, Complaints Filed, Investigations Conducted and Sustained Findings**

<b>YEAR</b>	<b>REPORTED USES OF FORCE</b>	<b>ALLEGATIONS OF USE OF FORCE VIOLATIONS (MOR 370.27)</b>	<b>IAD USE OF FORCE INVESTIGATIONS CONDUCTED (MOR 370.27)</b>	<b>IAD INVESTIGATIONS – USE OF FORCE; WITH SUSTAINED FINDINGS (MOR 370.27)</b>
2004	152	238	226	6
2005	120	356	356	0
2006	1376**	247	247	0
2007	1858	302	299	1
2008	2173	238	237	2

Note: In the prior year (2004), the “violations” column does not equal the “investigations conducted” column. For Years 2005 – to current year, these columns have the same numbers. In past years IAD did not investigate all allegations of Uses of Force. Since the year 2005, this practice has changed and all allegations are now investigated.

Data Source: Oakland Police Department, Internal Affairs Division’s Use of Force Database (Use of Force.mdb and IAD Case Tracking System).

## **OTHER INTERNAL AFFAIRS DIVISION PERFORMANCE DATA**

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### **Areas of Concern and IAD Measures to Address these Matters**

The IAD continues to work toward achieving sustainable compliance with the NSA, improving performance by developing solutions, revising policy and procedures, and presenting training. While areas of concern remain, movement has been continuously in a forward direction.

- Complaint Volume vs. Investigative Quality
  - 2008 showed an increase in the number of complaints compared with the prior year. Many of the quality related issues experienced in the IAD are attributable to heavy caseloads experienced in the Intake Unit. The division must not sacrifice the quality of its investigations and will continue to train its members and monitor the processes in place to ensure there are no lapses in quality. Ultimately, some consideration must be given to other avenues to address an overly burdensome caseload other than increasing staffing levels of the Division.
- Integrity Testing Unit Effectiveness
  - The Integrity Testing Unit (ITU) was not funded in the last budget cycle. The unit remains staffed by one sergeant, responsible for conducting integrity checks, along with a substantial responsibility for completing administrative assignments. To offset this issue, other members of the division are frequently called upon to assist in operations and in policy development. This collaborative effort on the part of the division's staff members has been successful to date in meeting deadlines and goals. However, the recent policy development and implementation of administrative tasks related to the requirements of task 39 of the NSA threaten to slow the ITU's capability to conduct an adequate number of integrity tests.
- Corrective Actions
  - The IAD evaluated its personnel through bi-monthly meetings, quarterly iPAS reviews, and annual ratings. Corrective action was taken with individuals as necessary, but no trends regarding uses of force, discharging of firearms, personnel complaints, vehicle pursuits, or preventable collisions were identified.

## STATE OF THE UNIT

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One of the most critical units in the Oakland Police Department is the Internal Affairs Division. The IAD is dedicated to the preservation of integrity and morale in the Oakland Police Department in support of its core values. The Division continues to provide fair and impartial administrative investigations; while fostering public trust, confidence in law enforcement and ensuring accountability at all levels of the Department. The Division also plays a critical role in gaining compliance with the requirements of the NSA.

The IAD continues to meet the daily challenges of conducting administrative investigations while endeavoring to achieve compliance with the requirements of the NSA. The IAD is responsible for 21 of 45 NSA tasks:

- Task 01: IAD Staffing and Resources
- Task 02: Timeliness Standards and Compliance with IAD Investigations
- Task 03: IAD Integrity Tests
- Task 04: Compliant Control System for IAD
- Task 05: Compliant Procedures for IAD
- Task 06: Refusal to Accept or Refer Citizen Complaints
- Task 07: Methods for Receiving of Citizen Complaints
- Task 08: Classifications of Citizen Complaints
- Task 09: Contact of Citizen Complainant
- Task 11: Summary of Citizen Complaints Provided to OPD Personnel
- Task 12: Disclosure of Possible Investigator Bias
- Task 13: Documentation of Pitches Responses
- Task 14: Investigation of Allegations of Manual of Rules Violations Resulting from Lawsuits and Legal Claims
- Task 15: Reviewing Findings and Disciplinary Recommendations
- Task 16: Supporting IAD Process – Supervisor/Managerial Accountability
- Task 29: Internal Affairs Division Investigation Priority
- Task 31: Officer-Involved Shooting Investigation
- Task 33: Misconduct
- Task 37: Internal Investigations – Retaliation Against Witnesses
- Task 39: Personnel Arrested, Sued and/or Served with Administrative Process
- Task 45: Consistency of Discipline Police

These tasks represent 41 percent of the NSA requirements and are further defined in 81 sub-tasks and 111 detailed methodologies under which compliance will be determined. While these numbers provide clarity as to the daunting task of achieving and maintaining compliance, the staff of the IAD remains committed to meeting this goal.

The IAD's focus in 2009 will continue in this direction, intent upon the following challenges and goals:

- Meet NSA goals and achieve compliance mandates;
- Complete all investigations in accordance with Government Code 3304(d) and Departmental deadlines;
- Continue to re-evaluate and update policies and procedures;
- Provide the Department with a clear sense of priority and direction regarding Internal Affairs Division compliance with policy and procedures by establishing a Quality Assurance Unit to standardize investigation practices;
- Perform quality investigations and reviews in accordance with professional standards and in a timely manner;
- Promote and develop employee potential to encourage and promote individual growth and development;
- Provide an exceptional work environment with motivational incentives for people to be productive;
- Provide excellent customer service;
- Maintain on-going training needs assessments of Internal Affairs Division personnel;
- Continuously provide cutting edge technological and innovative ideas for smart ways to work;
- Research work practices at other agencies to learn and implement smart work practices that are efficient and increase productivity and quality;
- Continue development of the Integrity Unit, tasked with the proactive investigation of Departmental personnel who may be engaging in criminal or Departmental violations.



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