

**OAKLAND POLICE DEPARTMENT**  
**Office of**  
**Internal Accountability**



**2022 Internal Investigation Outcome and**  
**Discipline Report**

**March 2023**

The Oakland Police Department (Department) is committed to ensuring investigation outcomes and discipline are fair and transparent. The Department has one of the highest sustained rates for complaints in the state.<sup>1</sup> As part of this process as required under Department General Order R-01, this report provides information on internal investigation cases that came to a finding in 2022.

The current analyses closely follow the Department's Working Methodology for Internal Affairs Discipline Disparity. This report includes findings by case. A "case" is defined as any number of allegations that fall under a single internal affairs case number for a sworn officer. Findings based on the outcomes of collision, pursuit, and force boards are excluded<sup>2</sup>. This report differs from prior reports in that it follows the new methodology and includes analyses of findings and discipline by gender and rank in addition to race and ethnicity.

The new methodology provided a clean and straightforward way to organize the data, but we were unable to conduct some of the statistical testing due to small sample sizes, particularly with discipline. Thus, while chi-square statistical tests were calculated for most of the sustained rates, they were not calculated for discipline. For the review of discipline, we report the numbers and then investigate further where we identified differences in the data.

The analyses of 2022 data uncovered some interesting findings. First, most sworn members receive one allegation per case. This occurs consistently across race, gender, and rank.

Additionally, by allegation type, there are similarities by gender and race, however by rank, there are differences, perhaps due to applicability of different Manual of Rules violations as applied to differing work responsibilities. By investigation type, there are no statistically significant differences in the sustained rate by race, gender, or rank for Division Level Investigations (DLIs) or for Internal Affairs (IA) investigations.

When looking at outcomes by complaint origination, white and male members are sustained more frequently for internally generated investigations than other races, though this is within a small sample size.

For discipline, numbers were too low to conduct statistical tests. There is an apparent difference in the severity of the discipline between white and Black members in cases involving only sustained Class II allegations. Within this group, discipline differences were found in the Manual of Rules violation for *Failure to Accept or Refer a Complaint – Unintentional*. Further examination revealed that for most Black members, it was their second instance of being sustained for that violation, while for most white members in the sample it was their first. This difference explains the different discipline as the severity of the discipline is raised when a violation is sustained for a second time.

The small number of cases may have limited the sophistication of the statistical analyses in this year's report, but what follows maintains the Risk Analysis Unit's continued commitment to providing an in-depth review of the data.

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<sup>1</sup> <https://calmatters.org/justice/2022/04/oakland-police-citizen-oversight/>

<sup>2</sup> Such cases typically do not include an IA component, and the findings are based on recommendations from a review board, not an IA investigator or field sergeant.

## Allegation Breakdown

The first step in these analyses was to review whether sworn members of other races or ethnicities received more allegations per case than white sworn members. In 2021, 63% of members received one allegation per case. In 2022, 61% of members received one allegation per case. Asian members were the most likely to receive one allegation while members that identified as “Other” or who had “Unknown” race were the most likely to receive more than one allegation, though their overall numbers were much smaller than other races. Overall, between white, Black, Hispanic, and Asian members, the number of allegations was fairly consistent across race. Table 1 displays this information.

**Table 1: Allegations per Case by Race or Ethnicity**

	White Sworn		Black Sworn		Hispanic Sworn		Asian Sworn		Other/Unk Sworn		Total	
	%	n	%	n	%	n	%	n	%	n	%	n
1	57%	185	61%	129	61%	192	66%	159	53%	20	61%	685
2	28%	89	26%	55	24%	75	21%	51	18%	7	25%	277
3	8%	25	6%	13	8%	25	6%	14	24%	9	8%	86
4	3%	11	4%	9	4%	14	4%	9	3%	1	4%	44
5	2%	5	1%	3	2%	6	2%	4	0%	0	2%	18
6	0%	1	0%	1	1%	3	1%	2	0%	0	1%	7
7	1%	3	0%	1	0%	1	0%	1	3%	1	1%	7
8	0%	0	0%	0	0%	1	0%	0	0%	0	0%	1
9	1%	2	0%	0	0%	0	0%	0	0%	0	0%	2
10	0%	1	0%	0	0%	0	0%	0	0%	0	0%	1
11	0%	1	0%	0	0%	0	0%	0	0%	0	0%	1
12	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0
13	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0
14	0%	0	0%	1	0%	0	0%	0	0%	0	0%	1
Total	100%	323	100%	212	100%	317	100%	240	100%	38	100%	1,130

Tables 2 and 3 provide the number of allegations by gender and by rank (officer and sergeant or above). Again, the percentages are consistent indicating that sworn members are not “overcharged” based on their race, gender, or rank.

**Table 2: Allegations per Case by Gender**

	Male Sworn		Female Sworn		Total	
	%	n	%	n	%	n
1	61%	582	60%	103	61%	685
2	25%	235	24%	42	25%	277
3	7%	71	9%	15	8%	86
4	4%	36	5%	8	4%	44
5	2%	15	2%	3	2%	18
6	1%	7	0%	0	1%	7
7	1%	7	1%	1	1%	8
8	0%	1	0%	0	0%	1

9	0%	1	1%	1	0%	2
10	0%	1	0%	0	0%	1
11	0%	1	0%	0	0%	1
12	0%	0	0%	0	0%	0
13	0%	0	0%	0	0%	0
14	0%	1	0%	0	0%	1
Total	100%	957	100%	173	100%	1,130

**Table 3: Allegations per Case by Rank**

	Officer		Sgt. or Above		Total	
	%	n	%	n	%	n
1	61%	635	62%	50	61%	685
2	25%	260	21%	17	25%	277
3	7%	77	11%	9	8%	86
4	4%	43	1%	1	4%	44
5	2%	17	1%	1	2%	18
6	1%	7	0%	0	1%	7
7	1%	7	0%	0	1%	7
8	0%	1	0%	0	0%	1
9	0%	1	1%	1	0%	2
10	0%	1	0%	0	0%	1
11	0%	0	1%	1	0%	1
12	0%	0	0%	0	0%	0
13	0%	0	0%	0	0%	0
14	0%	0	1%	1	0%	1
Total	100%	1,049	100%	81	100%	1,130

Next, allegations were reviewed by type to see if a particular race, gender, or rank received a disparate amount of a particular violation. Tables 4-6 display the information. By race and gender, the percentage breakdown of the top allegations is relatively consistent. By rank, there are differences, but this could be due to officers and supervisors having different job functions. For instance, sergeants are less involved in placing civilians under arrest than the officers under their command. As such, sergeants will be less exposed to allegations about false arrest. The same can be said for use of force related allegations. To the opposite, sergeants' responsibilities include interacting with civilians who are upset about various aspects of officer interaction on a more frequent basis and are therefore more likely to receive allegations of failing to accept or refer complaints.

**Table 4: Top Allegations by Race**

	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	34%	196	28%	100	35%	185	36%	136	29%	21	33%	638
Performance of Duty - General	18%	101	23%	81	23%	121	23%	88	19%	14	21%	405
Use of Force	13%	75	17%	62	16%	86	16%	61	17%	12	15%	296
Conduct Towards Others	10%	57	9%	31	8%	45	10%	36	11%	8	9%	177
Failure to Accept or Refer a Complaint - Unintentional	7%	38	6%	20	6%	32	5%	18	6%	4	6%	112

**Table 5: Top Allegations by Gender**

	Male Sworn		Female Sworn		Total	
	%	n	%	n	%	n
Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	33%	537	34%	101	33%	638
Performance of Duty - General	22%	349	19%	56	21%	405
Use of Force	16%	255	14%	41	15%	296
Conduct Towards Others	9%	150	9%	27	9%	177
Failure to Accept or Refer a Complaint - Unintentional	6%	90	7%	22	6%	112

**Table 6: Top Allegations by Rank**

	Officer		Sgt or Above		Total	
	%	n	%	n	%	n
Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	34%	603	23%	35	33%	638
Performance of Duty - General	22%	388	11%	17	21%	405
Use of Force	16%	285	7%	11	15%	296
Conduct Towards Others	9%	161	10%	16	9%	177
Failure to Accept or Refer a Complaint - Unintentional	5%	94	12%	18	6%	112

After reviewing the data by allegation, we were able to determine that the number of allegations received and type of allegation was consistent across race and gender. Differences by rank had a reasonable explanation.

Table 7 contains a demographic breakdown of the Department and a demographic breakdown of IAD cases for 2022. The breakdown of cases mirrors the breakdown of the Department by race and by gender. By rank, officers represent 77% of the Department but receive 93% of the complaints. Supervisors typically have many fewer interactions with the public. Since most of the case are generated by members of the public, it makes sense that officers, who have the most exposure, would therefore receive the majority of cases.

**Table 7: Demographic Breakdown of the Department and Cases**

	<b>% of Members in the Department (Total 678)*</b>	<b>% of Cases (Total 1,130)</b>
<b>By Race</b>		
<b>White</b>	29% (195)	29% (323)
<b>Black</b>	20% (137)	19% (212)
<b>Hispanic</b>	28% (193)	28% (317)
<b>Asian/Filipino</b>	19% (132)	21% (241)
<b>Other/Unknown</b>	3% (21)	3% (38)
<b>By Gender</b>		
<b>Male</b>	85% (575)	85% (957)
<b>Female</b>	15% (103)	15% (173)
<b>By Rank</b>		
<b>Officer</b>	77% (524)	93% (1049)
<b>Sgt or Above</b>	23% (154)	7% (81)

\* Source: 3<sup>rd</sup> Quarter 2022 Police Staff Report

## Sustained Rate Analyses

Following the review by allegation, the next step was to calculate the sustained rate. A case is identified as sustained if one or more allegation against an officer was sustained. Sustained rates were calculated for each independent variable (race, gender, rank) and for the moderating variables (investigation type and case origin). A chi-square test was used to determine whether any differences between sustained rates were statistically significant.

### Sustained Rate by Investigation Type

The first moderator variable was by investigation type. The data was split into three categories: All Investigations; Division Level Investigations (DLI) & DLI Summary Findings<sup>3</sup>; and Internal Affairs (IA) investigations & IA Summary Findings. DLIs are generally conducted by field sergeants and typically

<sup>3</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.

contain less serious allegations. IA investigations involve the most serious allegations and are conducted by supervisors with more thorough investigative training.

The sustained rates can be found in Tables 8-10 below. The chi-square test tables can be found in Appendix 1. By race, white sworn are used as the reference category, meaning it was the category of comparison for the other races.

Overall, the sustained rate for DLIs was 7% while for IA investigations it was 17%. For all independent variables, the sustained rate for IA investigations was higher than the sustained rate for DLIs. Sworn members who identified as “Other” or “Unknown” had the highest sustained rate although the number of cases was appreciably lower compared to other races, meaning that each case had a larger impact on the percentage.

**Table 8: Sustained Rate by Race**

	All Investigations	DLIs and DLI Summary Findings	IA Investigations and IA Summary Findings
<b>White</b>	11% (34/323)	9% (16/187)	15% (18/124)
<b>Black</b>	11% (23/212)	9% (13/147)	18% (10/55)
<b>Hispanic</b>	9% (30/317)	7% (15/213)	17% (15/90)
<b>Asian/Filipino</b>	7% (16/240)	4% (6/168)	15% (10/65)
<b>Other/Unknown</b>	18% (7/38)	10% (2/21)	31% (5/16)
<b>Total</b>	10% (110/1130)	7% (52/736)	17% (58/350)

**Table 9: Sustained Rate by Gender**

	All Investigations	DLIs and DLI Summary Findings	IA Investigations and IA Summary Findings
<b>Male</b>	10% (94/957)	7% (45/628)	17% (49/289)
<b>Female</b>	9% (16/173)	6% (7/108)	15% (9/61)
<b>Total</b>	10% (110/1130)	7% (52/736)	17% (58/350)

**Table 10: Sustained Rate by Rank**

	All Investigations	DLIs and DLI Summary Findings	IA Investigations and IA Summary Findings
<b>Officer</b>	9% (99/1049)	7% (50/699)	16% (49/307)
<b>Sgt or Above</b>	14% (11/81)	5% (2/37)	21% (9/43)
<b>Total</b>	10% (110/1130)	7% (52/736)	17% (58/350)

For the chi-square tests, none were statically significant at the 0.05 level (a *p* value of less than 0.05). The chi-square test for white sworn as compared to Asian sworn for DLIs approached significance with a *p* value of 0.052; Asian officers were sustained less frequently than white officers.

### **Sustained Rate by Complaint Origin**

The second moderator variable identified in the methodology was case origin. A case was categorized as internal if it was initiated by a member of the Department. A case was categorized as external if a member of the public or a member of another organization/department initiated the investigation. Overall, only about 5% of cases were initiated within OPD. However, it is important to note that while a complaint may

be initiated by a member of the public, investigators are able to add allegations to a case if additional misconduct is suspected or discovered.

Overall, internally generated cases had a 48% sustained rate compared to externally generated cases with an 8% sustained rate. Again, officers in the “Other/Unknown” category had the highest sustained rates with the lowest number of cases.

By gender, male sworn members appear to be sustained at rates much higher than females for internal cases and at similar rates for external cases.

Similarly, by rank, officers are sustained more frequently than sergeants or above for internal cases and at a similar rate for externally generated cases. Tables 11-13 display the sustained rates. Appendix 2 contains the chi-square tests for the tables.

**Table 11: Sustained Rate by Race**

	All Investigations	Internal Origin	External Origin
<b>White</b>	11% (34/323)	65% (13/20)	7% (21/303)
<b>Black</b>	11% (23/212)	30% (3/10)	10% (20/202)
<b>Hispanic</b>	9% (30/317)	36% (4/11)	8% (26/306)
<b>Asian/Filipino</b>	7% (16/240)	33% (3/9)	6% (13/231)
<b>Other/Unknown</b>	18% (7/38)	100% (2/2)	14% (5/36)
<b>Total</b>	10% (110/1130)	48% (25/52)	8% (85/1078)

**Table 12: Sustained Rate by Gender**

	All Investigations	Internal Origin	External Origin
<b>Male</b>	10% (94/957)	53% (23/43)	8% (71/914)
<b>Female</b>	9% (16/173)	22% (2/9)	9% (14/164)
<b>Total</b>	10% (110/1,130)	48% (25/52)	8% (85/1,078)

**Table 13: Sustained Rate by Rank**

	All Investigations	Internal Origin	External Origin
<b>Officer</b>	9% (99/1049)	51% (21/41)	8% (78/1,008)
<b>Sgt or Above</b>	14% (11/81)	36% (4/11)	10% (7/70)
<b>Total</b>	10% (110/1,130)	48% (25/52)	8% (85/1,078)

Due to the low number of sustained cases for internally generated complaints, chi-square tests could not be completed. For externally generated cases, none of the *p* values were less than 0.05. Although the usual chi-square test comparing white sworn members to members of each other race could not be completed due to low numbers, combining all other races created a number that was large enough to compute the chi-square. Table 14 displays the results and shows a *p* value of 0.053 which approaches significance but ultimately does not meet the standard below-0.05 threshold for significance.

Though it is clear white sworn members were sustained at a higher rate, the difference is not statistically significant. Despite this, we investigated the internally generated sustained cases for white members to further examine the apparent difference.

**Table 14: Chi-Square Test of Internal Investigations for White v All Other Races**

	Other than Sustained		Sustained		Chi-Square Value	p
	Observed	Expected	Observed	Expected		
Internal Investigations						
White	35% (7)	50% (10)	65% (13)	50% (10)	3.73	0.053
All Other Races	62% (20)	53% (17)	38% (12)	47% (15)		

### Internally Generated Case Examination

Each of the 13 internally generated sustained cases against white sworn members involved a male. Three of the cases involved sergeants. One officer accounted for three of the 13 sustained cases. This was the only white individual with more than one sustained internally generated case.

For this officer, the first case involved a sustained allegation for being rude, harsh, and using demeaning language to a member of the public. This case was generated during the course of another complaint investigation. Typically, when this occurs, an allegation is added to the original complaint as a “discovered allegation.” For this case, however, a new case was generated to create a new due date for the new allegations. The officer was not sustained for any allegation from the original complaint. Therefore, the creation of the new case for the discovered allegation did not create an additional sustained case for the officer. For the second case, it was alleged the officer was insubordinate during an Internal Affairs interview. The officer was sustained for this violation. The third case was generated during the review of a Level 2 use of force investigation. It was alleged the officer used unprofessional language toward the suspect and failed to wear a face mask during the interaction. While the use of force was determined to be in compliance, the officer was sustained for the other allegations.

Two internally generated cases against white officers involved allegations of driving under the influence of alcohol and one involved failing to report a vehicle collision. Two other officers were sustained for violating Administrative Instruction 71 which is the City’s anti-discrimination and non-harassment policy.

For officers of races/ethnicities other than white, there was only one officer with two sustained internally generated complaints. One complaint involved failing to properly activate their body worn camera and the other involved leaving evidence (suspected drugs) in their patrol car following their shift.

Two members of races/ethnicities other than white were sustained for violations involving being arrested while off duty. One of these members was a sergeant. This sergeant was the only individual of that rank or higher with a sustained internal investigation.

During our first review of the data with stakeholders, a concern was raised that the difference in sustained rates for internal cases could be due to more frivolous cases against minority officers.

It can be a varied matter of opinion as to whether an individual case is truly frivolous, but we were able to identify a few articulable factors that may be relevant. Cases with only unfounded findings might be more likely to be frivolous since the investigators determined the alleged conduct did not occur. Another potential proxy to determine whether a particular race was being targeted was to identify whether sworn members of other races were also involved in the case as subjects. Cases involving potential off-duty misconduct were also identified because there is little discretion when it comes to generating these cases and it is not necessarily another member alleging the misconduct.

The below chart provides a breakdown by race for all internally generated cases that did not have at least one sustained allegation. The number of other-than-sustained cases is consistent across race which makes comparisons a bit easier. However, it is important to note that low numbers prevent us from drawing firm conclusions.

Hispanic members were the most likely to have cases with only unfounded findings. For white, Black, and Hispanic officers, most of the cases also involved members of other races, which may indicate that a particular race or person was not being targeted. Additionally, there were a few cases that involved an officer’s off-duty activities.

**Table 15: Other than Sustained Internally Generated Case Information**

	White	Black	Hispanic	Asian
# of other than sustained cases	7	7	7	6
# of cases with only unfounded allegations	2	3	4	3
# of cases with only exonerated allegations	0	2	0	1
# of cases with a not sustained/admin closed/informally resolved allegation	5	2	1	2
# of cases that also involved sworn of other races	4	5	5	2
# of cases that involved an officer’s conduct off duty	1	2	1	0

One sergeant whose race was listed as black was identified as having three internally generated cases, with none coming to a sustained finding. Two of the cases appear to have been generated due to alleged misconduct by a group of individuals the sergeant was supervising. The sergeant was not the main subject in these investigations, however, because the Department was investigating the sergeant’s supervision of the subordinates who committed misconduct within these two cases, the sergeant was included. In the third case, a complaint was generated following the review of an interview between the sergeant and an officer. The complainant felt the demeanor of both were inappropriate. The allegation against the officer was sustained and the allegation against the sergeant was exonerated, however there were training recommendations made for the sergeant.

## Discipline Analyses

This next section includes analyses of discipline imposed for sustained cases. Discipline is determined based on the severity and number of the sustained allegations, whether the member has been sustained for that allegation in the past, and the aggravating and mitigating factors. Supervisors of each employee produce a Pre-Discipline Report<sup>4</sup> which includes the above information and a recommendation for discipline. Supervisors refer to the Discipline Matrix<sup>5</sup> to help determine 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. Appendices 2 and 3 contain discipline by investigation type and includes race, aggravating/mitigating factors, offense number, discipline matrix recommendation, and rank (officer/supervisor).

<sup>4</sup> TF 3340 Pre-Discipline Report. Revised: May 2015.

<sup>5</sup> Training Bulletin V-T Discipline Policy Appendix. Effective Date: March 14, 2014.

## Discipline by Class

Following the methodology, cases were separated by Class. Class I allegations are typically more severe and should result in more severe discipline. If at least one of the sustained allegations against an officer 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 first step in this review was to determine whether certain races were disproportionately sustained in relation to their makeup of the Department. Table 16 displays this information in three ways: any sustained case, Class I sustained cases, and Class II sustained cases.

For Table 16, members were counted only once per category even if they were sustained in multiple cases. For example, an officer with one sustained Class I case and three sustained Class II cases would be counted once in the any sustained case category, once in the Class I category, and once in the Class II category. Table 16 includes this information and provides the percentage of members with a sustained case based on employee demographics from the 3<sup>rd</sup> quarter 2022 Quarterly Police Staffing Report.

**Table 16: Sworn Members with a Sustained Case in 2022 by Race**

	# of Members in the Dept	Any Sustained Case	Class I Sustained Case	Class II Sustained Case
<b>White</b>	29% (195)	29% (27)	20% (4)	32% (24)
<b>Black</b>	20% (137)	20% (19)	20% (4)	20% (15)
<b>Hispanic</b>	28% (193)	28% (26)	40% (8)	25% (19)
<b>Asian/Filipino</b>	19% (132)	16% (15)	20% (2)	17% (13)
<b>Other/Unknown</b>	3% (21)	10% (6)	20% (2)	5% (4)
<b>Total</b>	100% (678)	100% (93)	100% (20)	100% (75)

The table above reveals the proportion of members who had a sustained case in 2022 was generally consistent with the demographics of the Department. It is important to note the number of employees in the Other category is much smaller than any other category.

After the overview by Class, we separated the discipline by all discipline types. The number of cases per category in most instances fell below the five-case threshold needed for the chi-square statistical test. Additionally, the low number of cases make displaying percentages not meaningful for Class I cases. While we are unable to identify trends in the discipline data, some differences did stand out and these will be explored in more depth. Charts 17-19 display discipline broken down by Class and type.

**Table 17: Discipline by Race**

Class I Cases	Counseling	Written	Suspension	Termination	Total
White	0	1	3	0	4
Black	0	1	3	0	4
Hispanic	0	4	3	2	9
Asian/Filipino	0	0	2	0	2
Other/Unknown	0	0	2	0	2
<b>Total</b>	0	6	13	2	21

Class II Cases	Counseling	Written	Suspension	Termination	Total
White	60% (18)	7% (2)	33% (10)	0% (0)	100% (30)
Black	26% (5)	25% (5)	47% (9)	0% (0)	100% (19)
Hispanic	67% (14)	5% (1)	29% (6)	0% (0)	100% (21)
Asian/Filipino	57% (8)	29% (4)	14% (2)	0% (0)	100% (14)
Other/Unknown	40% (2)	0% (0)	60% (3)	0% (0)	100% (5)
<b>Total</b>	53% (47)	13% (12)	34% (30)	0% (0)	100% (89)

**Table 18: Discipline by Gender**

Class I Cases	Counseling	Written	Suspension	Termination	Total
Male	0	4	12	2	18
Female	0	2	1	0	3
<b>Total</b>	0	6	13	2	21

Class II Cases	Counseling	Written	Suspension	Termination	Total
Male	50% (38)	16% (12)	34% (26)	0% (0)	100% (76)
Female	69% (9)	0% (0)	31% (4)	0% (0)	100% (13)
<b>Total</b>	53% (47)	13% (12)	34% (30)	0% (0)	100% (89)

**Table 19: Discipline by Rank**

Class I Cases	Counseling	Written	Suspension	Termination	Total
Officer	0	6	12	2	20
Sgt or Above	0	0	1	0	1
<b>Total</b>	0	6	13	2	21

Class II Cases	Counseling	Written	Suspension	Termination	Total
Officer	57% (45)	13% (10)	30% (24)	0% (0)	100% (79)
Sgt or Above	20% (2)	20% (2)	60% (6)	0% (0)	100% (10)
<b>Total</b>	53% (47)	13% (12)	34% (30)	0% (0)	100% (89)

For Class I cases, the number of cases is so low per category that no trends could be identified. For Class II cases, by gender, males and females received similar discipline. By rank, supervisors appear to be disciplined more harshly compared to officers. By race, for Class II cases, Black sworn members appear to receive more severe discipline compared to members of other races. While these are apparent differences, because the numbers are so low, we cannot employ the chi-square test to determine whether

these differences are meaningful (i.e., statistically significant). Therefore, we conducted a further examination of these cases to learn whether there were other explanations for the apparent differences.

### Class II Discipline Review

The first review of Class II discipline by race included adding the number of aggravating and mitigating factors to the discipline chart to see if each race had similar averages. Table 20 includes this information and generally shows that sworn members have a similar number of aggravating and mitigating factors per case (keeping in mind there is a small number of cases).

**Table 20: Class II Case Discipline Average Number of Aggravating and Mitigating Factors**

	Counseling		Written		Suspension	
	Aggravating	Mitigating	Aggravating	Mitigating	Aggravating	Mitigating
<b>White</b>	2.1	4.4	2.0	4.0	4.6	2.8
<b>Black</b>	1.6	4.4	1.8	4.2	4.8	3.6
<b>Hispanic</b>	1.6	4.4	2.0	3.0	2.5	4.5
<b>Asian/Filipino</b>	1.8	4.9	3.3	5.5	4.5	3.5
<b>Other/Unknown</b>	2.5	6.5	0	0	4.3	3.0

Another way to look at the discipline data is to review the data by violation type. It is important, however, to keep in mind that discipline is calculated for the whole case, not for each violation. While most were sustained for only one violation, there were a few members that had larger cases. For simplicity, the next couple tables only compare white and Black sworn members. In Table 21, one can see the biggest difference in discipline is for Failure to Accept or Refer a Complaint (Unintentional). Black members very clearly experience more severe discipline.

**Table 21: Class II Discipline by Violation for White and Black Sworn Members**

	Counseling		Written		Suspension		Total	
	White	Black	White	Black	White	Black	White	Black
<b>Conduct Towards Others- Demeanor</b>					100% (6)	100% (3)	6	3
<b>Conduct Towards Others- Unprofessional Conduct in Violation of AI 71</b>					100% (2)		2	0
<b>Damaged, Inoperative Property or Equipment</b>					100% (1)		1	0
<b>Failure to Accept or Refer a Complaint (Unintentional)</b>	90% (9)	25% (3)		17% (2)	10% (1)	58% (7)	10	12
<b>General Conduct</b>	100% (1)					100% (3)	1	3
<b>Insubordination – Disrespect</b>					100% (1)		1	0
<b>Obedience to Laws – Misdemeanor/Infraction</b>						100% (1)	0	1

<b>Performance of Duty – Care of Property</b>	100% (3)	100% (1)					3	1
<b>Performance of Duty – General</b>	50% (5)	20% (1)	10% (1)	60% (3)	40% (4)	20% (1)	10	5
<b>Performance of Duty - PDRD</b>					100% (1)	100% (1)	1	1
<b>Prohibited Activity on Duty</b>						100% (1)	0	1
<b>Supervisors – Authority and Responsibilities</b>			100% (1)				1	0

Table 22 focuses on Failure to Accept or Refer a Complaint (Unintentional) allegations and the associated discipline. For members that received counseling, the average number of aggravating and mitigating factors is very similar and for all, this was their first offense. Only one member received a written reprimand so a comparison could not be made for that discipline type.

For sworn members that received suspensions, for the majority this was their second or subsequent violation of this type. The one white member that received a suspension for their first violation for failure to accept or refer a complaint had two other sustained allegations for misconduct in that case. For the one Black member who was sustained for their first offense, they had two other sustained allegations in that same case which elevated the discipline. Additionally, there were four Black sergeants and one white sergeant sustained for this allegation. Three of the Black sergeants received suspensions as it was their second offense. The fourth sergeant received a written reprimand and had four aggravating and five mitigating factors. The one white sergeant received counseling and had one aggravating and four mitigating factors.

**Table 22: Class II Discipline for Failure to Accept or Refer a Complaint (Unintentional)**

<b>Failure to Accept or Refer a Complaint (Unintentional)</b>	<b>Counseling</b>			<b>Written</b>			<b>Suspension</b>		
	<b>Average Aggravating /Mitigating</b>	<b>1<sup>st</sup> Off</b>	<b>2<sup>nd</sup> Off</b>	<b>Average Aggravating/ Mitigating</b>	<b>1<sup>st</sup> Off</b>	<b>2<sup>nd</sup> Off</b>	<b>Average Aggravating/ Mitigating</b>	<b>1<sup>st</sup> Off</b>	<b>2<sup>nd</sup> Off</b>
<b>White</b>	1.9/4.1	9	0	n/a	0	0	6/1	1	0
<b>Black</b>	2.0/4.0	3	0	2.0/5.0	1	1	3.6/4.3	1	6

Overall, it appears the biggest difference in discipline is whether it is a member’s first or second offense. The examination into Failure to Accept or Refer a Complaint (Unintentional) allegations shows that for Black members, it was more likely to be their second offense compared to white members.

Unlike most Class II discovered violations, Failure to Accept or Refer a Complaint (Unintentional) cannot be documented in a Supervisory Notes File (SNF) if no prior pattern existed. They must be documented as an allegation in the case. This makes it easier for us to determine how many of these allegations originated with the community and how many were discovered during the investigation into other misconduct.

For white sworn members, there were 10 sustained allegations from seven cases. Out of those seven cases, 43% (three) involved the allegation being discovered during the course of the investigation by the investigator. For Black sworn members, there were 12 sustained allegations from 11 cases. Out of those

11 cases, 36% (four) involved discovered allegations. The initial allegations in all cases for both races were externally generated. Though these numbers, again, are too small to conduct any meaningful statistical analysis, we note that the rate of discovered violations for failure to accept or refer a complaint (unintentional) are relatively proportional for white and Black officers, which does not suggest that either race is being disproportionately identified as violating this MOR by IAD investigators.

## Conclusions

While the low number of cases prevented some further statistical analysis when we broke down outcomes or discipline into smaller subcategories, we are able to make a number of statements about what we found, summarized as follows based on the above analyses:

- As in prior years, there is no evidence that certain groups are being “over-charged.” That is, there are only small differences in the number of allegations received by race, gender, and rank.
- By race and by gender, the breakdown of allegations by type is similar.
  - Differences by rank could be due to different job responsibilities.
- By investigation type, there are no statistically significant differences by race, gender, or rank.
- By complaint origin,
  - For external cases, there were no statistically significant differences by race, gender or rank.
  - For internal cases, though statistical testing could not be completed due to low numbers, white members were sustained more frequently than members of other races.
    - A deeper dive was conducted into the cases to identify any trends.
    - A review was also conducted to identify whether internal cases could be considered “frivolous”.
- Statistical testing could not be conducted for discipline because the number of cases we had to compare at each level of discipline were too small.
- For cases with a sustained Class I allegation,
  - There did not appear to be large differences by race, gender, or rank in discipline.
  - Most received a suspension.
- For cases with a sustained Class II allegation, there were some apparent differences by race (though we cannot say they are statistically meaningful) with,
  - Black sworn members receiving more severe discipline.
    - Further review found the number of aggravating and mitigating factors for each race by discipline was similar.
    - The allegation that stood out the most was Failure to Accept or Refer a Complaint (Unintentional).
      - For most Black members, it was their second sustained allegation for this violation which policy dictates warrants more severe discipline.
      - There did not appear to be difference in the percent of these allegations that were discovered during the course of the investigation. That is, internal allegations were not disproportionately added for Black officers versus white officers.

The Department determined that while Black members received Written Reprimand-level discipline for sustained Failure to Accept or Refer a Complaint (Unintentional) more often than white members (who more often received Counseling and Training-level discipline), the difference was explained by an apparent non-race-based reason: members who received Written Reprimand had more than a single

sustained violation for this particular conduct. However, the question remains: are Black members more likely than members of other races to have allegations lodged against them for failing to accept or refer a complaint. And conversely, are white officers less likely to have allegations lodged against them for failing to accept or refer a complaint. The Department recognizes both that these are important questions to ask, and difficult questions to answer. Therefore, in the next quarter the Department will conduct some additional analyses and case review to further provide more insight into these issues. While the Department is not certain at this time where the analyses may lead, the Department's next steps include a review of investigating sergeants' sustained rates by race for failure to accept or refer a complaint.

The current report reaffirms the Department's commitment to equity and fair treatment during the internal investigation process. Though this report is completed on an annual basis, other internal investigation metrics are reported out in the Monthly Risk Analysis Report, the quarterly IAD trends report, and during Risk Management Meetings.

## Appendix 1: Chi-Square Tests by Investigation Type

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

	Other than Sustained		Sustained		Chi-Square Value	p
	Observed	Expected	Observed	Expected		
All Investigations						
White	89% (289)	89% (289)	11% (34)	11% (34)	0.01	0.906
Black	89% (189)	89% (189)	11% (23)	11% (23)		
DLIs and DLI Summary Findings						
White	91% (171)	91% (171)	9% (16)	9% (16)	0.01	0.906
Black	91% (134)	91% (134)	9% (13)	9% (13)		
IA and IA Summary Findings						
White	85% (106)	85% (105)	15% (18)	15% (19)	0.39	0.533
Black	82% (45)	84% (46)	18% (10)	16% (9)		

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

	Other than Sustained		Sustained		Chi-Square Value	p
	Observed	Expected	Observed	Expected		
All Investigations						
White	89% (289)	90% (291)	11% (34)	10% (32)	0.20	0.654
Hispanic	91% (287)	90% (285)	9% (30)	10% (32)		
DLIs and DLI Summary Findings						
White	91% (171)	93% (173)	9% (16)	7% (14)	0.32	0.572
Hispanic	93% (198)	92% (196)	7% (15)	8% (17)		
IA and IA Summary Findings						
White	85% (106)	85% (105)	15% (18)	15% (19)	0.18	0.667
Hispanic	83% (75)	84% (76)	17% (15)	16% (14)		

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

	Other than Sustained		Sustained		Chi-Square Value	p
	Observed	Expected	Observed	Expected		
All Investigations						
White	89% (289)	91% (294)	11% (34)	9% (29)	2.53	0.111
Asian	93% (224)	91% (219)	7% (16)	9% (21)		
DLIs and DLI Summary Findings						
White	91% (171)	94% (175)	9% (16)	6% (12)	3.78	0.052
Asian	96% (162)	94% (158)	4% (6)	6% (10)		
IA and IA Summary Findings						
White	85% (106)	85% (106)	15% (18)	15% (18)	0.03	0.873
Asian	85% (55)	85% (55)	15% (10)	15% (10)		

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

	Other than Sustained		Sustained		Chi-Square Value	p
	Observed	Expected	Observed	Expected		
All Investigations						
White	89% (289)	91% (295)	11% (34)	9% (37)	2.32	0.128

Other/Unknown	82% (31)	90% (34)	18% (7)	10% (4)		
DLIs and DLI Summary Findings						
White	Too few sustained cases to calculate a chi-square					
Other/Unknown						
IA and IA Summary Findings						
White	85% (106)	84% (104)	15% (18)	16% (20)	2.89	0.089
Other/Unknown	69% (11)	81% (13)	31% (5)	19% (3)		

**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	90% (863)	90% (864)	10% (94)	10% (93)	0.05	0.815
Female	91% (157)	90% (156)	9% (16)	10% (17)		
DLIs and DLI Summary Findings						
Male	93% (583)	93% (584)	7% (45)	7% (44)	0.07	0.798
Female	94% (101)	93% (100)	6% (7)	7% (8)		
IA and IA Summary Findings						
Male	83% (240)	83% (241)	17% (49)	17% (48)	0.18	0.674
Female	85% (52)	84% (51)	15% (9)	16% (10)		

**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	91% (950)	90% (947)	9% (99)	10% (102)	1.47	0.226
Sgt or Above	86% (70)	86% (70)	14% (11)	14% (8)		
DLIs and DLI Summary Findings						
Officer	Too few sustained cases to calculate a chi-square					
Sgt or Above						
IA and IA Summary Findings						
Officer	84% (258)	83% (256)	16% (49)	17% (51)	0.67	0.412
Sgt or Above	79% (34)	84% (36)	21% (9)	16% (7)		

## Appendix 2: Chi-Square Tests by Complaint Origin

**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			
All Investigations							
White	89% (289)	89% (289)	11% (34)	11% (34)	0.01	0.906	
Black	89% (189)	89% (189)	11% (23)	11% (23)			
Internal Origin							
White	Too few sustained cases to calculate a chi-square						
Black							
External Origin							
White	93% (282)	92% (278)	7% (21)	8% (25)	1.43	0.231	
Black	90% (182)	92% (186)	10% (20)	8% (16)			

**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			
All Investigations							
White	89% (289)	90% (291)	11% (34)	10% (32)	0.20	0.654	
Hispanic	91% (287)	90% (285)	9% (30)	10% (32)			
Internal Origin							
White	Too few sustained cases to calculate a chi-square						
Hispanic							
External Origin							
White	93% (282)	92% (280)	7% (21)	8% (23)	0.52	0.469	
Hispanic	92% (280)	92% (282)	8% (26)	8% (24)			

**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	89% (289)	91% (294)	11% (34)	9% (29)	2.53	0.111	
Asian	93% (224)	91% (219)	7% (16)	9% (21)			
Internal Origin							
White	Too few sustained cases to calculate a chi-square						
Asian							
External Origin							
White	93% (282)	94% (284)	7% (21)	6% (19)	0.37	0.541	
Asian	94% (218)	94% (216)	6% (13)	6% (15)			

**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	89% (289)	91% (295)	11% (34)	9% (37)	2.32	0.128

Other/Unknown	82% (31)	90% (34)	18% (7)	10% (4)		
Internal Origin						
White	Too few sustained cases to calculate a chi-square					
Other/Unknown						
External Origin						
White	93% (282)	(280)	7% (21)	(23)	2.20	0.138
Other/Unknown	86% (31)	92% (33)	14% (5)	8% (3)		

**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	90% (863)	90% (864)	10% (94)	10% (93)	0.05	0.815
Female	91% (157)	90% (156)	9% (16)	10% (17)		
Internal Origin						
Male	Too few sustained cases to calculate a chi-square					
Female						
External Origin						
Male	92% (843)	92% (842)	8% (71)	8% (72)	0.11	0.737
Female	91% (150)	92% (151)	9% (14)	8% (13)		

**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	91% (950)	90% (947)	9% (99)	10% (102)	1.47	0.226
Sgt or Above	86% (70)	86% (70)	14% (11)	14% (8)		
Internal Origin						
Officer	Too few sustained cases to calculate a chi-square					
Sgt or Above						
External Origin						
Officer	92% (930)	92% (929)	8% (78)	8% (79)	0.46	0.497
Sgt or Above	90% (63)	91% (64)	10% (7)	9% (6)		

### Appendix 3: 2022 Sustained IA Cases with Discipline

Case #	Race	Sustained MOR Violation	Offense #	Aggravating/Mitigating	Discipline Matrix*	Discipline
19-1169 Ofc 1	A	314.39-1e – Performance of Duty – Miranda Violation	1 <sup>st</sup>	2/4	S2-T	Suspension (2)
20-0174 Ofc 1	H	314.03-2c – General Conduct 314.28-2b – Notification Civil 314.38-1c – Obstructing the Internal Affairs Process 314.39-2i – Performance of Duty – PDRD 314.42-1e – Obedience to Laws – Felony 370.63-1b – Security of Departmental Business 370.72-1d – Compromising Criminal Cases 398.80-1a – Truthfulness	1 <sup>st</sup> 1 <sup>st</sup> 1 <sup>st</sup> 1 <sup>st</sup> 1 <sup>st</sup> 1 <sup>st</sup> 1 <sup>st</sup> 1 <sup>st</sup>	11/0	C-S3 C-S2 C-T WR-S5 S2-T C-T T T	Termination
20-1578 Ofc 1	H	314.03-2c – General Conduct 314.42-2g – Obedience to laws – Misdemeanor/Infraction 314.42-2g – Obedience to laws – Misdemeanor/Infraction 398.70-1b – Interfering with Investigations	1 <sup>st</sup> 1 <sup>st</sup> 1 <sup>st</sup> 1 <sup>st</sup>	11/0	C-S3 C-S2 C-S2 T	Termination
21-0252 Ofc 1	B	3314.07-2b – Conduct Toward Others - Demeanor 3314.07-2b – Conduct Toward Others - Demeanor 398.76-2a – Failure to Accept or Refer a Complaint - Unintentional	1 <sup>st</sup> 1 <sup>st</sup> 1 <sup>st</sup>	5/2	C-S3 C-S3 C-S3	Suspension (1)
21-0252 Ofc 2	A	398.76-2a – Failure to Accept or Refer a Complaint - Unintentional	1 <sup>st</sup>	3/8	C-S5	Written Reprimand
21-0252 Ofc 3	A	398.76-2a – Failure to Accept or Refer a Complaint - Unintentional	1 <sup>st</sup>	2/4	C-S5	Counseling and Training
21-0252 Ofc 4	O	314.07-2b – Conduct Toward Others - Demeanor 314.39-2f – Performance of Duty – General 398.76-2a – Failure to Accept or Refer a Complaint - Unintentional	1 <sup>st</sup> 1 <sup>st</sup> 1 <sup>st</sup>	2/6	C-S3 C-S2 C-S5	Suspension (1)
21-0324 Ofc 1	B	314.42-2g – Obedience to Laws – Misdemeanor/Infraction 314.03-2c – General Conduct	1 <sup>st</sup> 1 <sup>st</sup>	9/3	C-S3 C-S3	Suspension (2)
21-0354 Ofc 1	B	314.39-1e – Performance of Duty – Miranda Violation 314.39-2f – Performance of Duty – General	1 <sup>st</sup> 1 <sup>st</sup>	2/6	S2-T C-S2	Suspension (4)
21-0358 Ofc 1	H	370.27-1i – Use of Physical Force Comparable to Level 3	1 <sup>st</sup>	1/5	C-T	Written Reprimand

21-0411 Supervisor	W	314.42-1e – Obedience to Laws – Driving Under the Influence 328.63-1b – Consumption of Intoxicants	1 <sup>st</sup> 1 <sup>st</sup>	6/5	S10-T S2-T	Suspension (12)
21-0652 Ofc 1	B	398.76-2a – Failure to Accept or Refer a Complaint – Unintentional	1 <sup>st</sup>	4/5	C-S5	Written Reprimand
21-0816 Ofc 1	H	314.39-2f – Performance of Duty – General	1 <sup>st</sup>	2/6	C-S2	Suspension (1)
21-0863 Ofc 1	W	398.76-2a – Failure to Accept or Refer a Complaint - Unintentional	1 <sup>st</sup>	1/7	C-S5	Counseling and Training
21-0863 Supervisor	B	398.76-2a – Failure to Accept or Refer a Complaint - Unintentional	2 <sup>nd</sup>	4/5	S2-S5	Suspension (3)
21-0863 Ofc 2	B	370.27-1i – Use of Physical Force Comparable to Level 3 398.76-2a – Failure to Accept or Refer a Complaint - Unintentional	1 <sup>st</sup> 2 <sup>nd</sup>	3/4	C-T S2-S5	Suspension (8)
21-0863 Ofc 3	H	398.76-2a – Failure to Accept or Refer a Complaint - Unintentional	1 <sup>st</sup>	0/4	C-S5	Counseling and Training
21-0863 Ofc 4	A	398.76-2a – Failure to Accept or Refer a Complaint - Unintentional	1 <sup>st</sup>	1/4	C-S5	Counseling and Training
21-0939 Ofc 1	H	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	1/6	C-S2	Counseling and Training
21-0939 Ofc 2	H	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	1/6	C-S2	Counseling and Training
21-0949 Ofc 1	A	314.39-2f – Performance of Duty – General 398.76-2a – Failure to Accept or Refer a Complaint - Unintentional	1 <sup>st</sup> 1 <sup>st</sup>	2/4	C-S2 C-S5	Written Reprimand
21-0949 Ofc 2	O	314.39-2f – Performance of Duty – General	1 <sup>st</sup>	8/0	C-S2	Suspension (1)
21-1076 Ofc 1	W	314.07-2b – Conduct Towards Others – Demeanor 314.39-2f – Performance of Duty – General	2 <sup>nd</sup> 2 <sup>nd</sup>	5/5	WR-S5 WR-S5	Suspension (2)
21-1089 Ofc 1	W	314.07-2b – Conduct Towards Others – Demeanor 370.27-1j – Use of Physical Force Comparable to Level 4	2 <sup>nd</sup> 1 <sup>st</sup>	7/4	WR-S5 C-T	Suspension (6)
21-1267 Supervisor	W	342.19-2b – Damaged, Inoperative Property or Equipment	1 <sup>st</sup>	5/0	C-S2	Suspension (5)
21-1275 Ofc 1	W	314.03-2c – General Conduct	1 <sup>st</sup>	1/5	C-S3	Counseling and Training
21-1275 Ofc 2	H	314.03-2c – General Conduct 314.38-1c – Obstructing the Internal Affairs Process	1 <sup>st</sup> 1 <sup>st</sup>	4/2	C-S3 C-T	Suspension (20) - Resigned

21-1309 Supervisor	W	285.00-2b – Supervisors – Authority and Responsibilities	1 <sup>st</sup>	2/4	C-S5	Written Reprimand
21-1425 Ofc 1	W	314.39-2f – Performance of Duty – General	1 <sup>st</sup>	2/8	C-S2	Counseling and Training
21-1476 Supervisor	H	314.03-2 – General Conduct	1 <sup>st</sup>	4/5	C-S3	Suspension (3)
21-1498 Ofc 1	W	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	2/4	C-S5	Counseling and Training
21-1498 Supervisor	W	314.39-2f – Performance of Duty – General	1 <sup>st</sup>	3/5	C-S2	Counseling and Training
21-1498 Ofc 2	W	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	4/2	C-S5	Counseling and Training
21-1498 Supervisor	W	314.39-2f – Performance of Duty – General	1 <sup>st</sup>	4/3	C-S2	Counseling and Training
21-1498 Ofc 3	W	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	4/5	C-S5	Counseling and Training
21-1498 Ofc 4	A	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	2/5	C-S5	Counseling and Training
21-1498 Ofc 5	A	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	4/5	C-S5	Counseling and Training
21-1502 Ofc 1	A	356.89-1 – Improper Dissemination of Information 328.07-2 – Prohibited Activity on Duty	1 <sup>st</sup> 1 <sup>st</sup>	8/2	C-T C-S2	Suspension (10)
21-1502 Ofc 2	Unk	356.89-1 – Improper Dissemination of Information	1 <sup>st</sup>	6/2	C-T	Suspension (5)
21-1507 Ofc 1	W	314.32-2b – Insubordination – Disrespect	1 <sup>st</sup>	4/5	C-S5	Suspension (5)
21-1569 Ofc 1	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	2/3	C-S5	Written Reprimand
21-1569 Supervisor	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	2 <sup>nd</sup>	2/4	S2-S5	Suspension (1)
22-0061 Ofc 1	W	314.04-2a – Conduct Towards Others – Unprofessional Conduct in Violation of AI-71 314-07-2b – Conduct Towards Others – Demeanor	1 <sup>st</sup> 1 <sup>st</sup>	5/4	C-S30 C-S3	Suspension (17)
22-0061	W	314-07-2b – Conduct Towards Others – Demeanor	2 <sup>nd</sup>	3/4	WR-S5	Suspension (20)

Ofc 2		314.04-2a – Conduct Towards Others – Unprofessional Conduct in Violation of AI-71	1 <sup>st</sup>		C-S30	
22-0061 Ofc 3	H	314.48-1b – Reporting Violations of Laws, Ordinances, Rules or Orders	1 <sup>st</sup>	4/4	C-T	Suspension (3)
22-0061 Ofc 4	A	314.04-2a – Conduct Towards Others – Unprofessional Conduct in Violation of AI-71	1 <sup>st</sup>	7/2	C-S30	Suspension (15)
22-0061 Ofc 5	Unk	314-07-2b – Conduct Towards Others – Demeanor 314.04-2a – Conduct Towards Others – Unprofessional Conduct in Violation of AI-71	2 <sup>nd</sup> 1 <sup>st</sup>	3/3	WR-S5 C-S30	Suspension (20)
22-0117 Ofc 1	B	314.03-2c – General Conduct	1 <sup>st</sup>	5/2	C-S3	Suspension (5)
22-0117 Ofc 2	B	314.03-2c – General Conduct 328.07-2c – Prohibited Activity on Duty	1 <sup>st</sup> 1 <sup>st</sup>	8/1	C-S3 C-S2	Suspension (15)
22-0306 Ofc 1	W	314.42-1 – Obedience to Laws – Driving Under the Influence	1 <sup>st</sup>	6/5	S10-T	Suspension (15)
22-0311 Ofc 1	H	314.39-2f – Performance of Duty – General	1 <sup>st</sup>	3/4	C-S2	Suspension (2)
22-0311 Ofc 2	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	1/7	C-S5	Counseling and Training
22-0311 Ofc 3	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	2 <sup>nd</sup>	3/2	S2-S5	Suspension (4) - Resigned
22-0311 Ofc 4	A	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional) 314.39-2f – Performance of Duty – General	1 <sup>st</sup> 1 <sup>st</sup>	3/4	C-S5 C-S2	Written Reprimand
22-0347 Ofc 1	W	370.27-1i – Use of Physical Force Comparable to Level 3	1 <sup>st</sup>	2/5	C-T	Written Reprimand
22-0452 Ofc 1	B	314.39-2f – Performance of Duty – General	2 <sup>nd</sup>	1/4	WR-S5	Written Reprimand
22-0856 Ofc 1	Unk	314.42-1e – Obedience to Laws – Felony 314.42-2g – Obedience to Laws – Misdemeanor/Infraction 342.00-2s – Department Property and Equipment – Securing Weapon	1 <sup>st</sup> 1 <sup>st</sup> 1 <sup>st</sup>	5/6	S2-T C-S2 C-S3	Suspension (15)
22-1124 Ofc 1	B	370.27-1i – Use of Physical Force Comparable to Level 3	1 <sup>st</sup>	4/8	C-T	Written Reprimand

\* C – Counseling, S – Suspension (# of days), T - Termination

### Appendix 4: 2022 Sustained DLI Cases with Discipline

Case #	Race	Sustained MOR Violation	Offense #	Aggravating/Mitigating	Discipline Matrix*	Discipline
21-0221 Ofc 1	H	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	1/0	C-S2	Counseling and Training
21-0221 Ofc 2	A	314.39-2e – Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	1 <sup>st</sup>	2/5	C-S3	Counseling and Training
21-0221 Ofc 3	Unk	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	2/6	C-S2	Counseling and Training
21-0283 Ofc 1	W	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	1/2	C-S5	Counseling and Training
21-0283 Ofc 2	B	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	2/6	C-S5	Counseling and Training
21-0283 Ofc 3	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	3/5	C-S5	Counseling and Training
21-0283 Ofc 4	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	3/6	C-S5	Counseling and Training
21-0283 Ofc 5	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	2/5	C-S5	Counseling and Training
21-0527 Ofc 1	W	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	1/5	C-S5	Counseling and Training
21-0527 Ofc 2	W	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	1/4	C-S5	Counseling and Training
21-0527 Ofc 3	B	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	0/5	C-S5	Written Reprimand
21-0746 Ofc 1	W	314.39-2f – Performance of Duty - General	3 <sup>rd</sup>	n/a	S3-S30	Suspension estimated – Resigned Prior to Discipline
21-0746 Ofc 2	W	314.39-2f – Performance of Duty - General	1 <sup>st</sup>	n/a	C-S2	Written Reprimand Estimated- Resigned Prior to Discipline
21-0746 Ofc 3	W	314.39-2f – Performance of Duty - General	2 <sup>nd</sup>	4/2	WR-S5	Suspension (2)

21-0829 Ofc 1	W	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	3/0	C-S2	Counseling and Training
21-0829 Ofc 2	Unk	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	3/7	C-S2	Counseling and Training
21-0881 Ofc 1	W	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	1/5	C-S2	Counseling and Training
21-0881 Ofc 2	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	0/6	C-S5	Counseling and Training
21-0881 Ofc 3	A	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	1/7	C-S5	Counseling and Training
21-1010 Ofc 1	W	370.27-1i – Use of Physical Force Comparable to Level 3	1 <sup>st</sup>	2/4	C-T	Counseling and Training
21-1166 Ofc 1	W	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	n/a	C-S5	Counseling Estimated - Resigned Prior to Discipline
21-1360 Ofc 1	W	314.39-2f – Performance of Duty - General	1 <sup>st</sup>	4/5	C-S2	Counseling and Training
21-1375 Ofc 1	A	314.07-2b – Conduct Towards Others – Demeanor	1 <sup>st</sup>	5/6	C-S3	Written Reprimand
21-1478 Ofc 1	W	398.77-1 – Refusal to Provide Name or Serial Number	1 <sup>st</sup>	4/1	S3-T	Suspension (6)
21-1527 Ofc 1	B	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	2 <sup>nd</sup>	4/5	S2-S5	Suspension (2)
22-0015 Ofc 1	A	314.39-2i – Performance of Duty – PDRD	1 <sup>st</sup>	2/5	WR-S5	Suspension (1)
22-0035 Ofc 1	W	314.07-2b – Conduct Towards Others – Demeanor 314.39-2f – Performance of Duty – General 398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	3 <sup>rd</sup> 3 <sup>rd</sup> 1 <sup>st</sup>	6/1	S3-S30 S5-S30 C-S5	Suspension (20)
22-0035 Ofc 2	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional) 314.39-2f – Performance of Duty – General	1 <sup>st</sup> 1 <sup>st</sup>	3/2	C-S5 C-S2	Counseling and Training – Resigned
22-0048 Supervisor	B	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional) 314.07-2b – Conduct Towards Others – Demeanor	2 <sup>nd</sup> 1 <sup>st</sup>	3/6	S2-S5 C-S3	Suspension (2)

22-0050 Ofc 1	W	314.39-2i – Performance of Duty – PDRD	1 <sup>st</sup>	n/a	WR-S5	Suspension Estimated - Resigned Prior to Discipline
22-0105 Ofc 1	A	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	1/5	C-S2	Counseling and Training
22-0140 Supervisor	B	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	2 <sup>nd</sup>	3/4	S2-S5	Suspension (2)
22-0169 Ofc 1	B	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional) 398.77-1a – Refusal to Provide Name or Serial Number	2 <sup>nd</sup> 1 <sup>st</sup>	3/4	S2-S5 S3-T	Suspension (3)
22-0169 Ofc 2	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional) 398.77-1a – Refusal to Provide Name or Serial Number	1 <sup>st</sup> 1 <sup>st</sup>	2/4	C-S5 S3-T	Written Reprimand
22-0169 Ofc 3	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional) 398.77-1a – Refusal to Provide Name or Serial Number	1 <sup>st</sup> 1 <sup>st</sup>	3/4	C-S5 S3-T	Written Reprimand
22-0169 Ofc 4	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional) 398.77-1a – Refusal to Provide Name or Serial Number	1 <sup>st</sup> 1 <sup>st</sup>	2/4	C-S5 S3-T	Written Reprimand
22-0229 Ofc 1	B	314.39-2i – Performance of Duty – BWC 314.39-2f – Performance of Duty – General	1 <sup>st</sup> 1 <sup>st</sup>	2/4	WR-S5 C-S2	Suspension (1)
22-0369 Ofc 1	B	314.39-2f – Performance of Duty – General	1 <sup>st</sup>	2/3	C-S2	Written Reprimand
22-0420 Ofc 1	B	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	2/4	C-S5	Counseling and Training
22-0447 Ofc 1	B	314.39-2f – Performance of Duty – General	1 <sup>st</sup>	2/4	C-S2	Written Reprimand
22-0509 Ofc 1	B	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	2/2	C-S5	Counseling and Training
22-0570 Ofc 1	W	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	1/4	C-S5	Counseling and Training
22-0570 Ofc 2	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	1/4	C-S5	Counseling and Training
22-0599 Ofc 1	W	314.07-2b – Conduct Towards Others – Demeanor	4 <sup>th</sup>	5/1	S5-S30	Suspension (15)
22-0620 Ofc 1	H	314.39-2f – Performance of Duty – General	1 <sup>st</sup>	2/3	C-S2	Counseling and Training
22-0620 Ofc 2	H	314.39-2f – Performance of Duty – General	1 <sup>st</sup>	2/3	C-S2	Counseling and Training

22-0726 Ofc 1	B	314.39-2f – Performance of Duty – General	1 <sup>st</sup>	1/4	C-S2	Counseling and Training
22-0726 Ofc 2	A	314.39-2f – Performance of Duty – General	1 <sup>st</sup>	1/4	C-S2	Counseling and Training
22-0747 Ofc 1	H	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	3/5	C-S2	Counseling and Training
22-0795 Ofc 1	W	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	1/6	C-S2	Counseling and Training
22-0795 Ofc 2	B	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	1/6	C-S2	Counseling and Training
22-0813 Ofc 1	H	314.07-2b – Conduct Towards Others – Demeanor	1 <sup>st</sup>	1/4	C-S3	Suspension (1)

\* C – Counseling, S – Suspension (# of days), T - Termination