



INTER OFFICE MEMORANDUM

TO: Office of Internal Accountability (OIA) **PREPARED BY:** A/Deputy Chief B. Hubbard
Oakland Police Department

SUBJECT: Response to OIA's 2023 **DATE:** June 14, 2024
Internal Investigation Outcome
and Discipline Study

Chief of Police Approval

Date:

The purpose of this memorandum is to respond to the recently published Office of Internal Accountability's (OIA) 2023 Internal Investigation Outcome and Discipline Study. The study covered internal investigations of sworn members that were approved in 2023. The most notable result was that white sworn members were sustained at a significantly higher rate than Black members.

The study used statistical tests to identify if there was evidence of disparity in race, gender, and rank. There was no evidence of disparity in most of the tests conducted, except for the difference in sustained rates between white and Black sworn members (white members sustained at a higher rate) and between officers and sergeants and commanders (sergeants and commanders sustained at a higher rate). The study found the allegation of Failure to Accept or Refer a Complaint (FTARC) was the primary factor for the difference in sustained rates between Black and white members. This allegation type was identified as contributing to higher suspension rates for Black members in last year's study (2022 data). While the Department had already revised policy to reduce the impact of FTARC allegations on IA outcomes and discipline, the changes were implemented in December 2023, which significantly impacted sustained findings. However, this year's study did find that Black members received fewer FTARC allegations than white officers and were sustained at a lower rate in 2023. The suspension rate for FTARC allegations in Class II cases was the same for Black and white members.

While there was no evidence of disparity in more than one allegation per case, Black members and female members had the highest percentage of cases with more than one allegation. The OIA determined that additional review of cases with more than one allegation may better explain why the differences occur. Additionally, Black members were found to have the highest percentage of suspensions in Class II cases, and the OIA recommended additional review.

I am pleased that the 2023 data analysis showed no statistical evidence of disparity in the treatment of non-white sworn members regarding allegations, sustained findings, and discipline. However, I agree that further inspection of the areas identified by OIA is a worthwhile additional step. This additional step will help the department better understand influencing factors and potential impact on decision-making. It may also highlight areas where policy or procedural changes could improve fairness and

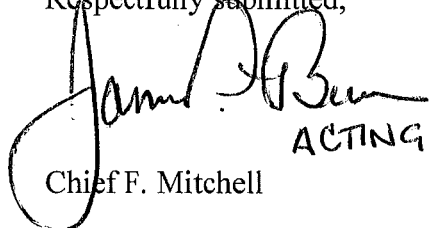
consistency. The Department will continue to review IA outcomes and discipline to determine concerning trends and ensure fair and consistent outcomes.

Furthermore, while gathering information for this year's study, OIA identified additional areas for further analysis that may impact training and operations, particularly Supervisory Notes Files (SNF). The Department acknowledges the need to improve the consistency of SNFs, and efforts led by the Bureau of Risk Management are already underway. Supervisory training is crucial for maintaining consistent SNFs, facilitating more efficient reviews, and making it easier to identify if potential disparity exists.


The Department also notes that the impact of FTARC allegations on discipline outcomes observed in the 2022 data was not reflected in the 2023 data. Consequently, the Department will continue to follow the recently revised FTARC policies and procedures (DGO M-03 and Special Order 9213, which allow an SNF where there is no pattern of misconduct). Ongoing training on these revisions and continuous SNF and discipline data monitoring will resolve the problem.

The Department looks forward to the OIA's supplemental report exploring the areas of interest identified in the report that, while not rising to the level of racial disparity, reflect areas that may provide insight to the Department about whether and how differences in discipline may be warranted or justified. The Department appreciates that this type of investigation allows it to understand better what factors may correlate in similar and different case outcomes and better understand where outcomes and discipline are impacted in the complex decision-making pipeline.

Respectfully submitted,


ACTING CHIEF OF POLICE
Chief F. Mitchell

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FM:bh