

CITY OF OAKLAND

## INTER OFFICE MEMORANDUM

**TO:** Office of Chief of Police

**FROM:** Clifford Wong  
Deputy Chief of Police  
Oakland Police Department

**SUBJECT:** Response to the RAU Disparity Study  
- 2019 DLIs  
- 2022 Survey  
- Jan-Jun Sustained Rate and Discipline

**DATE:** September 22, 2022

Chief of Police Approval

Date: September 22, 2022

The purpose of this memorandum is to respond to the recently completed Risk Analysis Unit (RAU) study on 2019 DLIs, 2022 survey, and Jan-Jun 2022 Sustained Rate and Discipline. The study identified areas the Department might consider addressing. The recommendations herein are intended to enhance the Department's processes for improving equity. The second portion of this memorandum provides an update on the recommendations from the April 2022 study.

SOURCE	AREAS TO ADDRESS	RESPONSE BY THE DEPARTMENT
2019 DLI Study	<b>Finding #1</b> There is potential for investigative discretion when determining whether a discovered action constitutes an added MOR violation. This may be an area of future risk requiring monitoring and evaluation.	The Department will identify MORs wherein there is room for investigator discretion. When so identified, the Department will provide additional guidance as to when and where to note instances of discovered actions, when and how to incorporate them into larger investigations, and how to document those decision points within the investigative report.
2022 Survey	<b>Finding #2</b> Female officers are less likely to feel respected by their supervisors and more likely to believe their gender influenced the investigative process. Females are underrepresented at the rank of lieutenant and above.	In the long term, the Department has committed to achieving the 30 x 30 initiative's goal (30% of sworn staff will be female by the year 2030). In the short term, the Department has already anonymized discipline and IAD sustained case hearings and employment packet reviews, freeing those three decision points from all gender or racial demographic identifiers. The Department will incorporate presentations from Women Leaders in Law Enforcement into future trainings. The Department has engaged the internal Race & Equity Team to follow up on perceived areas of the Department with pronounced gender imbalance. The Race & Equity Team will also explore ways to encourage female participation in the promotional

		testing process. Future disparity reports will include analyses by gender.
2022 Survey	<b>Finding #3</b> Officers expressed concerns with the investigation process being overly critical, inefficient, and opaque.	The Bureau of Risk Management is currently working to identify ways to streamline the process for certain investigations. The Department is already in the process of releasing the findings from sustained violations to improve transparency.
2022 Survey	<b>Finding #4</b> Professional staff would like to see a separate disciplinary process from sworn members.	The Department is currently in discussion with the City's Human Resources Department about revisions to the discipline matrix and process for non-sworn personnel. Further, the Department is hiring and training civilian investigators to handle non-sworn internal investigations only.
Bureau of Risk Management	<b>Finding #5</b> Employees do not have a formalized process for expressing their concerns other than an official grievance or going to IA. For concerns that do not rise to the level of misconduct, there should be an additional process that is less formal but goes beyond just speaking with a supervisor.	The Department has in place a couple forums for such feedback, including the comment card boxes for anonymity, and the <a href="mailto:OCOP@oaklandca.gov">OCOP@oaklandca.gov</a> email that was designed for the Chief to receive suggestions in an official, but not punitive, manner. Additionally, the internal Race & Equity Team will consider creating a council of employees, designed to identify, receive and relay concerns from the Department to the Executive Team. Likewise, the Executive Team can utilize the council to assist with Department messaging and education.

A status update on the April 2022 recommendations is provided below.

SOURCE	RECOMMENDATION	FOLLOW-UP	STATUS
IAD Study	<b>Recommendation #1</b> In the IAD Administration section of Vision, add three new "Investigation Types": collision board, pursuit board, and force board. This will make it easy to determine which investigations need to be pulled out or analyzed separately. The current process is done by hand and requires the researcher to make determinations that may be inaccurate.	This recommendation will require minimal modification to the Vision system. Therefore, the follow-up will be assigned to the Bureau of Services (BOS), Information Technology Unit (ITU). BOS and Internal Affairs Division (IAD) staff will work together to ensure the change does not affect the business practices of IAD.	Complete.
IAD Study	<b>Recommendation #2</b> In the Discipline section, consider adding an aggravating and mitigating factor count for each employee. While it is understood that not all factors are weighed equally, this may be the easiest way to	This first part of this recommendation, adding mitigating and aggravating factor counts, will require moderate modification to the Vision system and will be assigned to the Bureau of Services (BOS), Information Technology Unit (ITU). BOS and Internal Affairs Division (IAD) staff will work together to ensure the	Complete.

	capture additional variables that are considered when determining discipline. Another option would be to add into VISION some of the details from the Pre-Discipline Report. This would provide the specific mitigating and aggravating factors. Again, it is recognized that the financial cost of this recommendation may outweigh its benefit.	change does not affect the business practices of IAD. BOS and IAD must also work together on which details from the pre-discipline report shall be captured in Vision.	
IAD Study	<b>Recommendation #3</b> Consider creating a publicly releasable document that reports out on cases and discipline. Include information such as the allegation(s), findings, discipline, and appropriate demographic data. The LAPD's Professional Standards Bureau releases disciplinary penalty reports monthly and would be a good reference. The Department's report would not need to be released as frequently due to the lower number of sustained cases. This report would increase transparency not only for the public but for employees as well.	This recommendation requires the production of an annual report with aggregated data to protect the privacy rights of the involved employees. The report will be based on the disparity report from which this recommendation is derived. Therefore, the follow-up will be assigned to the Bureau of Risk Management (BRM), Risk Analysis Unit (RAU) for design and scheduling. RAU staff will work with Bureau of Services (BOS), Information Technology Unit (ITU) to have the report created in Vision so it is automated for future production.	Complete. The information will be included in future iterations of the IAD Information Bulletin on Training and Trends.
IAD Study	<b>Recommendation #4</b> Conduct additional analyses on DLIs that came to a finding in 2019 to try to identify the cause of any disparities.	As part of BRM, the Risk Analysis Unit will work with the Internal Affairs Division to conduct further analyses on DLI investigations that came to a finding in 2019.	Complete. Risk Analysis Unit conducted recommended analyses and findings were presented to stakeholders in September 2022.
Bureau of Risk Management	<b>Recommendation #5</b> In addition to repeating these analyses annually, the Department will commit to meeting with stakeholders to discuss outstanding questions and to identify additional areas for future research.	As part of the BRM, the Risk Analysis Unit is bound by policy to conduct an annual disparity analysis. RAU will collaborate with stakeholders to inform future research.	In effect. Meeting with stakeholders held on 6/22/2022. Analyses were conducted on Jan-Jun 2022 data. Data will be reanalyzed annually.

Bureau of Risk Management	<b>Recommendation #6</b> The Department should conduct, within three years of this recommendation, an audit on a specific area covered by these studies.	An audit will be scoped and conducted independently by the Department's Office of Inspector General so this recommendation will be assigned to the Bureau of Risk Management.	In effect. By, or within, 2025, the Office of Internal Accountability will conduct an audit.
Racial Disparity Working Group	<b>Recommendation #7</b> The Department should document, in an Informational Bulletin (IB), the practices implemented as a result of the recommendations and other related work.	The Racial Disparity Working Group will work with the Research and Planning Section under the Bureau of Services (BOS) so this recommendation will be assigned to BOS.	Complete. The Information Bulletin was distributed to OPD staff and included in the September 2022 report.
Bureau of Risk Management	<b>Recommendation #8</b> The Department should conduct an inspection of practices documented in the IB on Racial Disparities Work to ensure the practices continue to occur.	A point-by-point inspection will be conducted independently by the Department's Office of Inspector General so this recommendation will be assigned to the Bureau of Risk Management.	In effect. The OIA will conduct inspections annually to ensure such practices continue.
Bureau of Risk Management	<b>Recommendation #9</b> The Department should incorporate the practices, as documented in the IB on Racial Disparities Work, into future policy as policies are updated. This ensures the practices continue to take place and are codified in relevant policies.	The modification of policy is under the Research and Planning Section under the Bureau of Services (BOS) so this recommendation will be assigned to BOS.	In effect. The Research and Planning section tracks the progress of future policies and notes which ones might include Racial Equity tenets or procedures developed that might be of use.

Respectfully,

  
 \_\_\_\_\_  
 Clifford Wong  
 Deputy Chief of Police  
 Oakland Police Department



**Oakland Police Department  
Office of Internal Accountability  
Discipline Equity and Internal Procedural  
Justice Report**



**Collected Documents Reflecting the  
Department's Examination of Data and  
Information to Improve Equity in the Internal  
Investigation and Discipline Process,  
Academy and Field Training Programs,  
and Officer Diversity**

**September 2022**

## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY AND OVERVIEW .....</b>	<b>1</b>
<b>INFORMATION BULLETIN .....</b>	<b>5</b>
APPENDIX A: OPD RACE & EQUITY TEAM CHARTER .....	8
<b>FURTHER INSPECTION OF 2019 DIVISION LEVEL INVESTIGATION OUTCOMES AND OBSERVED RACIAL DISPARITY.....</b>	<b>10</b>
<b>WORKING METHODOLOGY TO IDENTIFY AND ADDRESS STATISTICALLY SIGNIFICANT DISPARITIES IN INTERNAL INVESTIGATION OUTCOMES OR DISCIPLINE.....</b>	<b>23</b>
<b>INTERNAL INVESTIGATIONS OUTCOME AND DISCIPLINE UPDATE: JANUARY- JUNE 2022.....</b>	<b>26</b>
APPENDIX 1: JANUARY–JUNE 2022 SUSTAINED IA CASES WITH DISCIPLINE.....	31
APPENDIX 2: JANUARY–JUNE 2022 SUSTAINED DLI CASES WITH DISCIPLINE.....	33
<b>VARIABILITY IN ACADEMY AND FIELD TRAINING PROGRAM OUTCOMES (AUGUST 2022 UPDATE).....</b>	<b>35</b>
<b>DEPARTMENT ATTRITION AND IMPACT ON DIVERSITY .....</b>	<b>42</b>
<b>2022 SURVEY RESULTS OF OPD MEMBERS’ PERCEPTIONS OF INTERNAL INVESTIGATIONS AND DISCIPLINE .....</b>	<b>46</b>
SWORN PERSONNEL RESPONSES.....	48
CHART: LIKERT SCALE RESPONSES FROM ALL SWORN MEMBERS .....	56
COMPARISON OF RESPONSES TO THE DEPARTMENT’S 2022 SURVEY AND THE 2019 HILLARD HEINTZE SURVEY .....	57
CHART: LIKERT SCALE RESPONSES FROM SWORN MEMBERS WHO WERE SUBJECTS OF IA INVESTIGATIONS .....	60
PROFESSIONAL STAFF RESPONSES.....	64
CHART: LIKERT SCALE RESPONSES FROM ALL PROFESSIONAL STAFF .....	69

CHART: LIKERT SCALE RESPONSES FROM PROFESSIONAL STAFF WHO WERE SUBJECTS OF IA INVESTIGATIONS .....	71
APPENDIX 1: BLANK SURVEY .....	75
APPENDIX 2: SWORN STAFF COMPLETE SURVEY RESPONSES.....	80
APPENDIX 3: PROFESSIONAL STAFF COMPLETE SURVEY RESPONSES.....	91
APPENDIX 4: ADDITIONAL CHARTS AND GRAPHS OF SURVEY RESULTS.....	101
SWORN STAFF ADDITIONAL CHARTS.....	101
PROFESSIONAL STAFF ADDITIONAL CHARTS.....	105

## EXECUTIVE SUMMARY AND OVERVIEW

The collection of documents presented herein showcases the Oakland Police Department's (Department's) work between April and September 2022 to promote internal procedural justice with a particular focus on its internal investigations and discipline process. Some of the items contained herein are responsive to feedback the Department received from the Court, Monitoring Team, and plaintiffs' counsel in *Allen v. City of Oakland* related to the Department's compliance with the Negotiated Settlement Agreement's (NSA) Task 45, Consistency of Discipline. All of the items contained herein are critically helpful to the Department in its ongoing endeavor to better understand and use its data to identify and eliminate existing racial, gender-based, and similar disparities, and to protect against such disparities in the future.

### ***Concern about Racial Disparity in Discipline and Strategies to Prevent Disparity and Promote Equity***

In May 2020, the Department released the *Oakland Police Department Police Discipline Disparity Study* completed by a consulting firm commissioned by the Department primarily to determine whether there was racial disparity in the Department's internal investigation and discipline process. See <https://www.oaklandca.gov/documents/oakland-police-discipline-disparity-study>. The study included survey results reporting sworn Department members' perceptions of fairness, transparency, and bias in internal investigations and discipline. The study also included recommendations aimed at reducing racial disparities in the Department's discipline process and its Academy and Field Training Programs.

The recommendations were identified in conjunction with the study's determination that between 2014-2018 the Department sustained Black officers at a higher rate than white officers. Unfortunately, it was subsequently determined the dataset used by the consulting firm contained duplicate entries and errors. The Department in collaboration with a Stanford University research team designed a methodology to pull a reliable dataset for evaluation. The Department's evaluation of the clean data did not reveal any racial disparities in investigation outcomes or discipline between 2014 and 2018. Nonetheless, the Department remained steadfast in its decision to implement measures to ensure fairness in its investigation and discipline process, and to protect against racial or gender-based disparity. The Department has made significant permanent changes designed to infuse fairness into its investigation and discipline process as well as its academy and field training programs. These changes are all documented in an Information Bulletin published by the Department and included herein to ensure ongoing implementation of these strategies. Some of the changes have already formally been captured in policy while the Department anticipates capturing the remaining measures in policy as the appropriate policies are revised. For example, the Department anticipates that many of these measures will become part of the Internal Affairs Policy and Procedure Manual (IA Manual) when it is next revised; the Manual was last revised and published in August 2021.

///



### ***Department's Data Analysis Uncovered Racial Disparity in 2019 Division Level Investigation Outcomes***

Between 2019 and 2021, the Department tested and implemented various measures designed to mitigate disparities. The Department also continued to examine its now reliable internal investigation outcomes and discipline dataset. In April 2022 the Department completed an analysis of its investigation and discipline data collected between 2014 and 2021. See <https://cao-94612.s3.amazonaws.com/documents/Analyses-of-Race-in-Internal-Investigation-Outcomes-and-Discipline.pdf>. The analysis revealed only one statistically significant disparity: in 2019 Division Level Investigations (DLIs) (internal investigations of lower level misconduct allegation conducted at the time by field sergeants). In 2019, Black officers were more likely than white officers to be sustained for misconduct in DLI investigations.

### ***Data Analysis and Inspection of 2019 Investigations Contributed to Department's Working Methodology to Ensure Consistent Future Data Analysis to Identify and Address Disparities***

The Department has since completed a further inspection of the 2019 DLI outcomes, contained herein, to ferret out factors that may have caused or contributed to the observed disparity. The Department's most significant finding was that Black officers appeared to have more discovered violations than white officers. Discovered violations are violations that are not part of the initial complaint allegations, but violations added by the investigator based on the investigators review of the evidence during the investigation. As a matter of commonsense, discovered violations are more likely to result in sustained findings. This is further supported by the lack of discovered violations in cases with other-than-sustained findings. As a result of these findings, the Department has now "hard coded" and included in Vision a field for discovered violations so that it can track and distinguish discovered violations. To the extent that violations that tend to be discovered with greater frequency may contain some level of discretion for an individual investigator to elect to add the potential violation, the Department will consider whether there are ways to reduce discretion or otherwise ensure discovered violations are addressed consistently by investigators.

Using the findings from its April 2022 study and its further inspection of 2019 DLIs, the Risk Analysis Unit has developed a Working Methodology it will use going forward to consistently examine its internal investigation outcome and discipline data to promptly identify and effectively address race and gender disparity. The Department notes that currently the Working Methodology is in an early format to capture its critical elements and describe the questions the Department now can answer and intends to consistently address. The Department will continue to develop the Working Methodology to ensure clear instruction and consistent application in its evaluation of data moving forward. While the Department has not identified any statistically significant disparities in its internal investigation or discipline data beyond the 2019 DLIs, its work has prepared the Department to identify, investigate, and effectively respond to disparities it may observe in the future.

The Department has continued to review its internal investigation outcome and discipline data into the first half of 2022. The data is contained in this report. While there are some differences in the data rates, the dataset remains too small at this point to determine whether these differences

are meaningful. The Department will complete an additional analysis once it has the entire dataset for 2022, as required by DGO R-01 *Risk Management Policy*, and review the aggregate data from past years to determine whether there are any statistically significant disparities in 2022 and any observed multi-year trends. See DGO R-01 at p.5.

### ***Focus on Internal Equity in Department's Academy and Field Training Programs, and Officer Attrition***

The Department also continues to monitor its academy demographics and academy graduation and field training completion for diversity and to identify potential inequities in the process which may contribute to police officer trainees from underrepresented groups (e.g., women or Black trainees) resigning from or failing to complete the academy or field training program. An update on the diversity of recruits and recent academy and field training completion rates are reflected in this report. Prior rates and analyses can be found at <https://cao-94612.s3.amazonaws.com/documents/Variability-in-Academy-and-Field-Training-Program-Outcomes.pdf>.

Beyond the academy and field training, the Department also conducts an ongoing quarterly assessment of sworn officer attrition. The Department has taken a closer look at attrition particularly in the past few years as the Department has lost more sworn members than in past years, reporting on those numbers quarterly to the City Administrator and the City Council's Public Safety Committee. The two most recent publicly available reports for the last quarter of 2021 and the first quarter of 2022 are published on the Department's website. See, e.g., Quarterly Staffing Memorandum 1st Quarter 2022 at <https://cao-94612.s3.amazonaws.com/documents/OPD-Qtrly-Staffing-Informational-Memo-1st-Quarter-2022.pdf>; and Quarterly Staffing Memorandum 4th Quarter 2021 at <https://cao-94612.s3.amazonaws.com/documents/Quarterly-Policy-Staffing-Report-Q4-2021.pdf>. More recent data on the attrition rate in the second quarter of 2022 is included in this report. Overall, attrition, particularly resignations, appears to have resulted in a reduction in the percentage of white officers and officers identifying as an undeclared race or other. The percentage of Black officers and female officers continues to trend upward despite the increase in overall attrition rate.

### ***Member Survey to Gauge Perception of Internal Investigation and Discipline Process***

Most recently, in August 2022 the Department completed a new survey to obtain an up to date measure of members' perceptions about fairness and transparency in the internal investigation and discipline process. Surveys can be a valuable tool to assess internal procedural justice. Internal procedural justice refers to members' perceptions that the Department's actions—particularly supervisors' actions—are fair and understandable, which demonstrates a critical level of respect. In this case, the Department's survey focused on internal procedural justice in the internal affairs investigation and discipline process. The Department intends to continue to conduct surveys to assess members' perceptions though the Department may consider changing the questions and/or breadth of the survey.

Among the most significant findings of the August 2022 survey, the Department found sworn members believed rank influences the investigation and discipline process more than race

or gender. This is similar to the responses received in the 2019 survey. In addition, sworn women tended to believe their gender influenced the investigation and discipline process and were least likely to feel respected by supervisors. In general, there was dissatisfaction with the investigation and disciplinary process, and the level of transparency. That dissatisfaction was fairly consistent across races, for females, and for supervisors. For non-sworn, professional staff, the most frequent request among respondents was for a disciplinary process separate and distinct from the process for sworn members.

### ***Conclusion***

Based on what the Department has learned by investigating these various areas of concern, it is currently working on developing a more formal and permanent Working Methodology for Department personnel to use to approach future review and analyses of internal investigation and discipline data. The Department will also continue to apply what it has learned to its quarterly and annual reports and examination of those reports, as required by Risk Management policy, as well as to its inspection of human resources, academy, and field training data to ensure equity in completion of academy and field training programs and planning its focus for recruitment events and outreach. The Department's ongoing attention to these matters reflect its deep commitment to internal equity and procedural justice.



# INFORMATION BULLETIN

OAKLAND POLICE DEPARTMENT

15 September 22

## Oakland Police Department Race and Equity Team Implemented Equity Interventions

The purpose of this informational bulletin is to document the Oakland Police Department's (OPD) currently employed strategies to promote racial equity and fairness in the internal investigation and discipline process, academy and training programs, and recruitment and hiring. Many of the Department's strategies originated from the 2020 Department-commissioned Hillard Heintze Study recommendations. These strategies were primarily designed to reduce the potential for racial bias in the disciplinary process but also aimed to infuse fairness in the Department's internal operations. The Department implemented each of the recommended practices. The Department has codified some of these practices into its written policies and protocols and anticipates similarly codifying the remaining practices during future policy revisions. The current practices are summarized in the table below.

### Implemented Equity Interventions

Change in Processes	Responsible Party	Policy Location	Description
<b>Anonymization of Sustained Cases to OCOP</b>	IAD, OCOP	IAD P&P Manual*	Subject employee name, race, and gender are anonymized during case presentation unless directly relevant to the violation. To mitigate potential bias, removing the race and gender of the subject employee from the presentation allows the evaluator to make determinations based only on the facts of the investigation.
<b>Anonymization of Discipline Recommendations to OCOP</b>	IAD, OCOP	IAD P&P Manual*	The subject employee's name, race, and gender are anonymized during discipline recommendation hearings unless directly relevant to the violation. The Discipline Matrix (Training Bulletin V-T) is utilized for each sustained MOR Violation.
<b>Anonymization of Sustained Cases to IAD Captain</b>	IAD	IAD P&P Manual*	In addition to presentations of sustained cases to the Chief of Police, cases initially presented to the IAD Commander are also anonymized, so the name, race, and gender of the subject member are not disclosed unless directly relevant to the violation.
<b>Track Aggravating &amp; Mitigating factors – Discipline Recommendation</b>	IAD, Risk Analysis Unit	IAD P&P Manual*	The subject member's chain of command has long prepared a report based on the member's unique disciplinary history when determining appropriate discipline. The Department remains committed and compliant with State law when reviewing the appropriate window of subject officer disciplinary history. Aggravating and

			mitigating factors informing the discipline recommendation are now also documented within the report and tracked within VISION for use in comparative analyses.
<b>Ensuring Consistent Discipline by Using Data Driven Reporting to Monitor Outcomes and Imposed Discipline</b>	IAD, Risk Analysis Unit	IAD P&P Manual*, General Order R-01	The Department's update to VISION to allow for tracking aggravating and mitigating factors within each discipline recommendation allows for deeper analysis within the Risk Analysis Unit's quarterly discipline outcome check. The Department remains committed to seeking evidence of disparity within findings or imposed discipline. The Risk Analysis Unit's reporting includes rates of complaint findings by various demographics as a way of identifying disparities and of forecasting areas of potential concern.
<b>Recruitment Plan – Focus on Diversity, Equity, and Inclusion</b>	OCOP, BOS Deputy Director	Strategic Plan (2021 – 2024)	OPD's 2021-2024 Strategic Plan expressed the objective to increase the number of qualified and diverse recruits for all positions within the Department. To assist with meeting this goal, the Recruiting and Background Unit has been recruiting largely within Oakland and at venues likely to have reach to Oakland residents or minority candidates.
<b>Whole Person Assessment</b>	Recruiting and Background Unit	General Order D-11	OPD documents the "whole person assessment" when making hiring decisions for the role of Police Officer Trainees (POTs) and discusses it in the "character review" meeting. The assessment requires investigators to consider all positive or negative information about the person's behavior and background to reach a determination. Demographic information of candidates is anonymized at the character review where possible.
<b>Mentoring and Student Improvement Program</b>	Training Section Commander, BRM Deputy Chief	Training Section P&P Manual*	The Training Division promotes a culture of motivation, training, and guidance where all instructors and FTOs understand the value of an officer succeeding. Aspects of the program include meeting with executive command and FTOs prior to graduation, being paired with a mentor for ongoing support, guest lectures on post-graduation topics, patrol ride-a-longs, and long-term tracking of trainee success in their careers in the Department.
<b>Quarterly Complaint and Discipline Outcome Report</b>	BRM Deputy Chief, IAD	General Order R-01	The Internal Affairs Division produces a quarterly Complaint and Discipline Outcome report which is included in the Internal Affairs Quarterly Information Bulletin on Training and Trends.

<b>Annual Complaint Outcome Report</b>	IAD Captain, All Bureau Chiefs	IAD P&P Manual* TF-3279	The presentation of the Complaint Outcome report from the IAD Commander is part of each Bureau Chief's annual personnel assessment meeting (PAS), which is documented on Department form TF-3279.
<b>Race &amp; Equity Training/Education</b>	Research & Planning, Training Section	Race & Equity P&P Manual*	The Department has engaged in ongoing training on race and equity issues, beginning with the Sergeant's Continuing Professional Training (CPT) in 2022, followed by Officer's CPT thereafter. The training covers Citywide Race and Equity work and policy, Hillard Heintze study recommendations, explicit and implicit bias concepts, and group activities engaging practical application of equity concepts in daily work.
<b>Project Reset Cultural Competency Training</b>	Training Section, Research & Planning, Stanford Researchers (SPARQ Team)	Race & Equity P&P Manual*	A training program developed by Stanford University researchers to address "police culture" for OPD. The training is ongoing and teaches officers about culture, empowering them to decide how to serve the Oakland community while offering a creative space to learn about and discuss the history of race and policing. The training invites participants to propose practice or policy changes in light of what they've learned.
<b>Race &amp; Equity Board</b>	Internal Race & Equity Team	Race & Equity P&P Manual*	The Chief will continue to support the internal Race and Equity Team by creating a formalized Race and Equity Board, to identify and focus on issues, education, training, and best practices as it relates to equity related matters.
<b>Equal Employment Opportunity, Anti-Discrimination, and Non-Harassment Policy</b>	OCOP	General Order D-20	DGO D-20 was published in April 2022, and outlines the Department's policy, standards, requirements, complaint procedures and disciplinary guidelines regarding inappropriate and unprofessional conduct that could rise to the level of discrimination or harassment. It also describes complaint procedures for those who believe they have been subjected to inappropriate workplace conduct.
<b>Administrative Instruction (AI) 580</b>	Department of Race & Equity	Required sign off in Power DMS	This Bulletin was published in March 2021, to inform OPD members about Race and Equity policies and procedures as established by the City of Oakland's Department of Race and Equity, effective June 14, 2021.

\* Denotes Anticipated Inclusion Upon Next Policy Revision



**APPENDIX A****Oakland Police Department Race and Equity Team Charter**

The Oakland Police Department's Race and Equity Team (the Team) reflects and supports the mission of the City of Oakland's effort to transform practices in City government. The goal of the Team is to promote inclusion and participation by a broad representation of Department employees and to end racial inequity in the community and in the workplace. The Team supports capacity building, analyzes the Department's race and equity outcomes, identifies issues that might benefit from application of a racial equity framework and otherwise applies equity tools across Departmental policies, procedures and strategies.

**I. Role of the Race and Equity Team**

*(Note: preparation training and technical support will be provided by the Race and Equity Core Team and Department of Race and Equity)*

1. Models commitment to developing race and equity competency by engaging in capacity building, training opportunities and community engagement.
2. Promotes activities and dialogue to build understanding of the racial equity framework and tools across the Department.
3. Works with Department members to identify opportunities to improve equitable outcomes by applying an equity framework and tools to Departmental Policies, Procedures, Protocols, and Strategies.
4. Provide support to Divisions, Sections, Units and members on equity activities and Equity Team members

**II. Responsibilities**

<b><u>Individual / Group</u></b>	<b><u>Responsibilities</u></b>
<b>Chief of Police</b>	<ol style="list-style-type: none"> <li>1. Authorizes Race and Equity Team Charter</li> <li>2. Support identification of Departmental Policies, Procedures, Policing Strategies, associated budget and other activities to be analyzed for racial equity impacts</li> <li>3. Track results to monitor progress for report out to Department and City Leadership</li> <li>4. Support Team Leads and continuity in team leadership</li> <li>5. Set up structures and interface for responding to and working with the Team</li> <li>6. Incorporate race and equity performance objectives into manager accountability agreements and hold managers accountable for implementation of Race and Equity processes.</li> <li>7. Establish expectations that managers build race and equity work into Team members' annual scope of work and support their success, including providing specific workload</li> </ol>

	<p>adjustments to accommodate race and equity activity as needed.</p> <ol style="list-style-type: none"> <li>Attend Race &amp; Equity Academy or comparable training to achieve race and equity leadership competency.</li> <li>Set expectations for Department leadership.</li> </ol>
<b>Team Managers / Supervisors</b>	<ol style="list-style-type: none"> <li>Manage workload for Team members performing duties as needed to support success.</li> <li>Model use of racial equity tools and encourage staff to participate in race and equity trainings.</li> <li>Achieve racial equity leadership competencies and set expectation that staff will achieve race and equity competencies</li> </ol>
<b>Race and Equity Team Co-leads</b>	<ol style="list-style-type: none"> <li>Convene and facilitate Team meetings</li> <li>Track Team progress</li> <li>Create reports to Department Director and Management as previously agreed</li> <li>Assess and support team members' leadership skill development</li> <li>Participate in teaching Race and Equity classes to build skill and capacity</li> <li>Develop skill set commensurate with Team Director for eventual succession planning.</li> </ol>
<b>All Race and Equity Team Members</b>	<ol style="list-style-type: none"> <li>Support department staff in their development and implementation of racial equity, and in their skill in applying racial equity tools</li> <li>Recruit and mentor new Team members</li> <li>Attend team/committee standing meetings, caucuses and trainings and take leadership on at least one Race and Equity Team action area.</li> <li>Achieve race and equity leadership competencies</li> <li>Assist with the identification of department activities and any associated budget and activities to be analyzed for racial equity impacts</li> </ol>

## **FURTHER INSPECTION OF 2019 DIVISION LEVEL INVESTIGATION OUTCOMES AND OBSERVED RACIAL DISPARITY**

The Department's April 2022 Analyses of Race in Internal Investigation Outcomes and Discipline revealed in 2019 Division Level Investigations<sup>1</sup> (DLIs), the Department sustained Black officers<sup>2</sup> for misconduct at a significantly higher rate than white officers. In 2019 DLIs, the Department sustained Black officers 17% of the time and white officers only 6% of the time.<sup>3</sup> A Chi-Square analysis confirmed the difference was statistically significant. Significant differences were not found in DLIs in 2018, 2020, or 2021, or in Internal Affairs (IA) investigations between 2018 and 2021. As a result of the racial disparity observed in sustained rates in 2019 DLIs, the Department conducted further investigation as detailed herein to uncover what may have caused this disparity or what factors may co-occur or correlate with this disparity. Identifying causal or correlative factors will allow the Department to include in ongoing monitoring those measures that are most likely to impact or reflect disparity, and ultimately help to identify areas where implementing strategies to mitigate disparity are likely to have the greatest impact.

### **Acknowledgment of Limited Applicability**

Since the release of the April 2020 Hillard Heintze report, the Department has implemented 14 recommended strategies to improve equity in the Department plus two additional interventions identified by the Department. See Information Bulletin, above; and <https://www.oaklandca.gov/documents/oakland-police-discipline-disparity-study>. Several interventions directly impact the DLI process:

- Have the lieutenant or command staff member who approved the sustained finding present the reasoning for the investigation's outcome to the Chief's disciplinary roundtable, rather than the investigator. The investigator should be available for questions.
- Explore the possibility of assigning an administrative sergeant within a division to assist with DLIs.
- Increase the number of DLI sergeants in the IAD to conduct more of the preliminary work related to a DLI and to aid field sergeants assigned to investigate complaints.
- Have field sergeants and IAD investigators provide additional training on internal investigation techniques, including report writing and guidance to ensure complainant, subject member, or witness statements are not written in the first person. Statements should be attributed properly to avoid a charge that the investigator is biased when choosing a perspective to believe. Training should also include guidance on how to incorporate procedural justice concepts into the internal investigation and discipline process.
- IA Case Presentations: when possible and appropriate, anonymize demographic information about the subject officer or professional staff to minimize potential bias based on race and gender of the subject officer.

---

<sup>1</sup> DLIs are generally conducted by field sergeants and typically contain less serious allegations. IA investigations involve the most serious allegations and are conducted by supervisors with more thorough investigative training.

<sup>2</sup> Officer is used to describe any sworn member of the Department regardless of rank.

<sup>3</sup> The analysis did not reveal any statistically significant disparity in internal affairs investigation outcomes.

These procedural changes in addition to changes in the membership of the Department’s Executive Team mean current practices and processes are substantially different than the practices in place in 2019. Therefore, studying 2019 DLIs has limited application to the Department’s current practices. For that reason, the Department did not conduct an in-depth review of all 2019 DLIs but instead, in consultation with the Stanford team, derived a plan that balanced Department resources and the likelihood of finding information to inform the Department in its equity analyses of internal investigations going forward. The Department conducted an in-depth review of all 2019 *sustained* DLIs for Black and white officers to determine whether any measures suggested Black officers may have been over disciplined during that time. The Department also conducted an in-depth review of a sampling of DLI cases with findings other than sustained for Black and white officers to determine whether any measures suggested white officers may have been under disciplined during that time. In addition to determining whether the findings in each reviewed case were appropriate, the review also aimed to find any trends in differences in the cases that may have contributed to the 2019 disparity.

## Methodology

The analyses use the same methodology as the April 2022 analyses; we removed collision board, force board, and pursuit board findings since those typically do not involve an internal affairs investigation. The data and analyses focus only on 2019 DLIs for white and Black officers to more closely understand the disparity observed.

### *Determination that “Case” Rather than “Allegation” is Appropriate Unit of Measurement*

The first few steps in the analyses required review of the overall case and allegation numbers to see if there were differences in the percentage of cases received by Black officers, the number of allegations, the types of allegations, and the findings. Table 1 shows the proportion of cases both white and Black officers received closely mirrored their representation in the Department. Officers identifying as Black comprised 17% of the Department and were subjects in 16% of DLI cases. Officers identifying as white comprised 36% of the Department and were subjects in 35% of DLI cases. For this chart, each officer in a case is counted once.

**Table 1: Share of DLI Cases Compared to Department Demographics**

	White Officers		Black Officers	
	%	n	%	n
2019 DLI Case/Officer Breakdown	35%	294	16%	138
Demographics of the Dept as of Sep 30, 2019	36%	270	17%	127

Looking at the number of allegations per case per officer, 62% of white officers and 59% of Black officers received only one allegation. Table 2 below details the number of allegations per officer per case. On average, white officers received 1.69 allegations per case and Black officers received 1.64 allegations per case.

**Table 2: Allegations Per Officer**

	White Officers		Black Officers		Total
	%	n	%	n	n
1	62%	182	59%	82	264
2	22%	66	28%	39	105
3	9%	27	7%	9	36
4	3%	8	1%	2	10
5	1%	4	3%	4	8
6	1%	4	1%	2	6
7	0%	1	0%	0	1
8	0%	0	0%	0	0
9	0%	1	0%	0	1
Total	100%	294	100%	138	432

After confirming in 2019 for DLIs that Black and white officers received, on average, nearly the same number of allegations, we then looked at the types of allegations. Table 3 provides a breakdown of the Manual of Rules (MOR) violations by type. Generally, the percent breakdown for the type of allegation is similar, however, we do see that Black officers have a higher percentage of Conduct Towards Others and Failure to Accept or Refer a Complaint (Unintentional) and white officers have a higher percentage of Performance of Duty and Use of Physical Force.

**Table 3: 2019 DLI Allegations by Type**

MOR Violation	White Officers		Black Officers		Total
	%	n	%	n	n
CONDUCT TOWARDS OTHERS	16%	79	19%	43	122
CUSTODY OF PRISONERS - TREATMENT	1%	3	0%	1	4
FAILURE TO ACCEPT OR REFER A COMPLAINT (UNINTENTIONAL)	3%	15	6%	14	29
GENERAL CONDUCT	1%	3	0%	0	3
NO MOR VIOLATION	0%	0	1%	2	2
NOTIFICATION - CIVIL	0%	0	0%	1	1
OBEDIENCE TO LAWS	1%	4	1%	3	7
PERFORMANCE OF DUTY	58%	286	53%	121	407
REFUSAL TO ACCEPT OR REFER COMPLAINT (INTENTIONAL)	1%	3	0%	1	4
REFUSAL TO PROVIDE NAME OR SERIAL NUMBER	2%	8	1%	3	11
REPORTS AND BOOKINGS	0%	1	0%	0	1
SECURITY OF DEPARTMENTAL BUSINESS	0%	1	0%	0	1
SERVICE COMPLAINT	0%	0	1%	2	2
SUPERVISORS - AUTHORITY AND RESPONSIBILITIES	0%	0	0%	1	1
USE OF PHYSICAL FORCE	19%	93	15%	35	128
Grand Total	100%	496	100%	227	723

Although the primary focus of these analyses is on the sustained cases, since the average number of allegations received per officer is similar, we next decided to look at the outcomes for all allegations. At the case level, we already know the sustained rate for Black officers is based on the April 2022 report, so it is no surprise that at the allegation level (Table 4), the sustained rate for Black officers is 11% compared to 4% for white officers. A chi-square test confirmed the difference in sustained rates for allegations is statistically significant.

**Table 4: Findings by Allegation**

	White Officers		Black Officers		Total
	%	n	%	N	n
Sustained	4%	20	11%	25	25
Informally Resolved	2%	10	4%	9	19
Not Sustained	5%	26	7%	16	42
Exonerated	49%	241	43%	97	338
Unfounded	39%	195	33%	74	269
Admin Closure	1%	4	3%	6	10
Total	100%	496	100%	227	723

While in this particular instance the number of allegations per case was similar for white officers and Black officers in 2019 DLIs, that is not always the case. Since we are concerned with the sustained rate by race, following discussions with our partners at Stanford University, we determined it was most appropriate to look at this data at the case level. Because the primary question is whether the race of an officer impacts the outcome of a case, analyzing the data at the allegation level would inflate the findings for cases with multiple allegations. That is, if an officer has a case that includes five allegations, analyzing at the allegation level would mean that officer's race would be counted five times in the data as opposed to another officer with a single-allegation case, who would only be counted once. Analyzing at the case and officer level means that officer information will only be counted once per case, avoiding the inflation caused by counting at the allegation level.

***Determination that Racial Disparity in 2019 DLIs was not the Result of a Small Number of Large Cases***

In 2019, the Department came to a finding in 420 DLI cases involving 840 officers of any race. Of the 840 officers, 81 were sustained for misconduct.<sup>4</sup> For the period reviewed, 93% of cases with at least one sustained officer had only one or two officers sustained. Four cases had between three and five officers sustained. This data reflects that a large or high-profile case

---

<sup>4</sup> While the April 2022 analyses included 24 2019 DLI sustained findings for Black officers, a closer inspection revealed one of these findings was a force board finding and should have been removed from all analyses. With the addition of new investigation types in the Internal Affairs section in Vision, this issue will not arise in the future. Numbers below have been adjusted accordingly, however the sustained percentage has not changed.



involving sustained findings for many officers did not cause or substantially impact the number of sustained DLIs in 2019. Therefore, we continued on to a further review of 2019 DLI cases.

### ***Sustained Case Review Methodology***

The review of the sustained cases involved pulling additional information from Vision and from each case file. The prior OIA lieutenant reviewed each case and pulled the data points of interest. The following data points were reviewed:

- Number of sustained cases per officer.
- Number of sustained allegations and type of allegation.
- Was the case internally generated or generated by a community member?
- Who was the investigator assigned to the case?
- What type of evidence supported the sustained allegation?
- Was the sustained allegation discovered during an investigation into another allegation?

### **Individual 2019 DLI Sustained Case Reviews by Experienced Commander**

Following the review of each case's Vision record, there was an additional analysis of each case file. The lieutenant in command of the Officer of Internal Accountability completed the review. Throughout his career he investigated, supervised, or reviewed over 70 criminal or DLI cases involving Department personnel. He additionally completed the three-day POST certified Internal Affairs Training course. Complete files for each case were provided to the lieutenant.

### **Review to Determine Whether Case Files Provided Justification for Sustained Finding**

The first portion of review involved determining whether the sustained finding appeared appropriate based on the documents included in the investigation file. Each sustained finding was appropriately supported by evidence which was clearly documented in each file. The commander did not find any sustained finding that appeared questionable.

### **Type and Quality of Evidence Relied Upon in Sustained Cases**

During the commander's review of the sustained cases, he also manually collected other information from each file to look for potential patterns. The type of evidence used to come to a finding in each case was documented.

### ***Other-than-Sustained Case Review Methodology***

The Department also reviewed 20 cases that did not include a sustained finding: ten cases involving a white officer and 10 cases involving a Black officer were randomly selected and assigned to sergeants and lieutenants for review. Each reviewer was assigned one case involving a white officer and one case involving a Black officer. Case files were uploaded and provided to each reviewer. Some cases were not in electronic format and because they were a few years old, they were placed in storage. Those cases were removed from the sample and another case was randomly selected. Reviewers were instructed to focus only the officer selected for review and concentrate on two main areas, the findings from the case and any discovered violations.

For the case findings, reviewers answered the following questions:

- Was the complainant found to be credible?
- Was the finding based on BWC evidence?
- If not BWC evidence, what was the finding based on?
- Upon review of the DLI report, did you identify any unanswered questions, have any comments or develop any concerns with the written investigation? If yes, what are the concerns?
- Do you agree with the listed allegations in the investigative report?
- Do you agree with the findings in this investigative report?

For discovered violations, the reviewers answered the following questions:

- Was there a discovered violation for this officer in this case?
- If there was, what was it for and what was the outcome?
- Upon re-review of BWC and any other evidence, did you identify any additional MOR violations that were not previously considered? If yes, what were they?

## Initial Observations in Data for Sustained 2019 DLIs

### *Black Officers Were More Likely to Have Multiple Sustained Cases*

The Department sustained misconduct against white officers in 19 DLIs in 2019. Only one white officer was the subject of more than one sustained DLI case; the officer had two cases resulting in sustained misconduct. The Department sustained misconduct against Black officers in 23 DLIs in 2019. Five Black officers were the subject of more than one sustained DLI case; four officers had two cases and one officer had three cases resulting in sustained misconduct. Table 5 displays this information.

**Table 5: Number of Officers with a Sustained DLI in 2019**

	1 Case Sustained		2 Cases Sustained		3 Cases Sustained		Total
	%	n	%	n	%	n	n
White Officers	94%	17	6%	1	0%	0	18
Black Officers	71%	12	24%	4	6%	1	17

This means the 2019 DLIs resulted in sustained findings for 18 different individual white officers and 17 different individual Black officers. This may indicate the race of officers with multiple sustained cases may have directly impacted or even caused the disparity ultimately reflected in the 2019 DLI sustained rates for Black and white officers. The fact that nearly one-third of the Black officers who had a sustained DLI case in 2019 had more than one sustained case in the same year – versus only a single white officer (6%) – may indicate that when a Black officer has one sustained case, they are more likely than a white officer to be sustained for additional cases investigated closely in time. A tendency to sustain an officer for an additional allegation of misconduct may be based on an officer's previous sustained misconduct which, depending on the type of conduct and whether it reflects a pattern may be relevant for an investigator to consider. But a tendency to sustain an officer for additional allegations of misconduct could also be the result of bias. We may never be able to untangle these possibilities but to further explore this observation

it is important to determine (1) whether the same investigators investigated the same officers in the cases that were sustained; and (2) whether investigators generally know the discipline history of subject officers they are investigating even if they themselves have not conducted the prior investigations.

Out of the five Black officers with more than one sustained case, only one had the same investigator sustain them more than once. The first case involved a discovered violation for failure to accept or refer a complaint. The initial allegation in that complaint was exonerated. The second case involved the complainant alleging the officer failed to properly investigate an assault that occurred. The investigation found the officer failed to take a statement from the victim and failed to list the victim correctly in the police report. For the white officer with more than one sustained case, the investigator was the same for both cases; the officer was sustained for Performance of Duty – General, and Conduct Towards Others – Demeanor. Although by and large the same investigators did not investigate the same officers in the officers’ multiple sustained cases, any investigator would most likely be aware of a subject officer’s other recent sustained cases for legitimate reasons. A recent sustained finding might impact whether an SNF is appropriate or reveal a pattern of similar conduct that may be relevant to an investigation or impact subject officer or witness credibility. Therefore, because there may be legitimate reasons for an investigator’s awareness of prior findings, it likely would not effectively mitigate racial disparities to have different investigators assigned to investigate officers who already have previously sustained cases.

***Most Officers Had Only One Allegation Sustained Per Case Regardless of Race***

While more Black officers than white officers had multiple sustained DLI cases in 2019, most officers only had one allegation sustained per case regardless of race (Table 6). Black officers were more often sustained for Failure to Accept or Refer a Complaint (Unintentional) while white officers were more often sustained for Performance of Duty – General (Table 7). Looking at the seriousness of the violation based on the potential consequences set forth in the Discipline Matrix did not reflect that officers of either race were sustained in 2019 DLIs more frequently for violations that would result in more serious discipline. That is not unexpected, however, because DLIs involve less serious allegations and therefore as a general matter have less potential to result in serious consequences.

**Table 6: Number of Officers with One or more Sustained Allegation per Case**

	1 Allegation Sustained		2 Allegations Sustained		Total
	%	n	%	N	n
White Officers	95%	18	5%	1	19
Black Officers	91%	21	9%	2	23

**Table 7: Sustained Allegations by Violation Type**

	White Officers		Black Officers		Discipline Matrix – First Offense
	%	n	%	n	
Conduct Towards Others – Demeanor	15%	3	19%	5	C-S3
Failure to Accept or Refer a Complaint (Unintentional)	15%	3	35%	9	C-S5
General Conduct	5%	1	0%	0	C-S3
Obedience to Laws – Misdemeanor/Infraction	5%	1	0%	0	C-S2
Performance of Duty – Care of Property	0%	0	4%	1	C-S2
Performance of Duty – General	50%	10	31%	8	C-S2
Performance of Duty – PDRD	5%	1	0%	0	WR-S5
Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	0%	0	4%	1	C-S3
Refusal to Accept or Refer a Complaint (Intentional)	5%	1	0%	0	S5-T
Refusal to Provide Name or Serial Number	0%	0	4%	1	S3-T
Total	100%	20	100%	25	

### *The Source of Initial Complaint Allegations was the Same Regardless of Race*

There was almost no difference in the origination of cases that resulted in sustained findings in 2019 DLIs for Black or white officers. About two-thirds of complaints originated from a community member. One-third were Department generated. Table 8 provides this breakdown.

**Table 8: Case Origin**

	Internal		External		Total
	%	n	%	N	n
White Officers	32%	6	68%	13	19
Black Officers	30%	7	70%	17	23

### *No Observable Correlation Between 2019 Disparity and Assigned Investigators*

Another area of potential concern was whether there were any investigators driving the number of sustained cases for a particular race. A review found most investigators had one sustained case for each race (Table 9). One investigator sustained four cases for white officers and three cases for Black officers (none of the officers were the same). A second investigator had three sustained cases for Black officers and one sustained case for white officers (two of the cases involving Black officers involved the same subject). This review did not find any one investigator had a substantially greater number of sustained cases for Black officers. As mentioned in the earlier section on officers with multiple sustained cases, for one white officer and one Black officer that each had more than one sustained DLI in 2019, the investigator was the same.

**Table 9: Number of Sustained Cases by Investigator**

	Number of Investigators with 1 Case Sustained		Number of Investigators with 2 Cases Sustained		Number of Investigators with 3 Cases Sustained		Number of Investigators with 4 Cases Sustained		Total # of Investigators
	%	n	%	n	%	n	%	N	n
White Officers	69%	9	23%	3	0%	0	8%	1	13
Black Officers	76%	13	12%	2	12%	2	0%	0	17

**Observations in In-Depth Sustained DLI Case Reviews**

Following the review of each case's Vision record, there was an additional analysis of each case file. The lieutenant in command of the Officer of Internal Accountability completed the review of each sustained 2019 DLI.

***All Sustained Findings Appeared Appropriate***

The reviewer first determined whether the sustained finding appeared appropriate based on the documents included in the investigation file. Each sustained finding was appropriately supported by evidence which was clearly documented in each file. The commander did not find any sustained finding that appeared questionable.

***The Type and Quality of Evidence Relied Upon in Sustained Cases Differed to Some Extent for White and Black Officers***

During the commander's review of the sustained cases, he also manually collected other information from each file to look for potential patterns. The type of evidence used to come to a finding in each case was documented.

Table 10 below focuses on the main types of evidence collected in each case. After the review, it was determined Black officers were more likely than white officers to admit to the violation (57% v 42%). The violation was also more likely to be captured on body cameras in cases involving Black officers (83% v 63%). Out of the 23 cases involving a Black officer, all but two (91%) had a self-admission or body camera evidence. One of the two without a self-admission or body camera footage involved a violation for a sergeant submitting a preliminary investigation a month late. The second case involved an officer not completing a police report for a missing persons call. For white officers, all but three (84%) involved a self-admission or body camera footage. One of the three included statements from a non-OPD witness as evidence. The final two cases involved two officers from the same investigation where the officers did not appropriately follow up on information about the suspect. After reviewing each case, the lieutenant determined the evidence in each case supported the sustained findings.

**Table 10: Evidence in Each Case**

	White Officers		Black Officers	
	Yes	No or N/A	Yes	No or N/A
Did the Officer Admit to the Violation?	42% (8)	58% (11)	57% (13)	43% (10)
Was there Body Camera Evidence?	63% (12)	37% (7)	83% (19)	17% (4)
Was there Other Video Evidence?	11% (2)	89% (17)	5% (1)	95% (22)
Were there OPD Witnesses?	53% (10)	47% (9)	52% (12)	48% (11)
Were there Non-OPD Witnesses?	5% (1)	95% (18)	17% (4)	83% (19)

***Black Officers Had More Discovered Violations in Sustained Cases***

During the commander's review of the sustained cases, he also recorded the number of cases that involved a sustained discovered violation. A discovered violation is an allegation that is added internally by an investigator during a complaint investigation. For example, a complainant calls Communications to complain that an officer used excessive force during an arrest. While reviewing the body camera footage of the arrest to investigate the complaint of excessive force, the investigator notices that an officer was being rude to the arrestee. The investigator adds a demeanor violation to the complaint allegations as a discovered violation and describes the evidence supporting the discovered violation. The excessive force complaint may be exonerated but the officer might be sustained for the discovered demeanor violation. Though we do not have data to determine the percentage of discovered violations that were sustained Department-wide, logically, we can assume the sustained rate is high, otherwise the investigator would not have added the discovered violation to the case in the first place.

Among the 2019 sustained DLI cases, Black officers were more likely to be sustained for a discovered violation than White officers. Twenty-six percent of sustained cases against Black officers involved a discovered violation while only 16% of sustained cases against white officers involved a discovered violation. Table 11 displays this information.

**Table 11: Discovered Violations**

	Yes		No		Total
	%	n	%	n	n
White Officers	16%	3	84%	16	19
Black Officers	26%	6	65%	15	23

Further review revealed 50% (3 of 6) of the discovered violations for Black officers were for Failure to Accept or Refer a Complaint (Unintentional). Per policy, discovered violations for Failure to Accept or Refer a Complaint (Unintentional) must be addressed through a MOR violation. One investigation involved sustained discovered violations for Failure to Accept/Refer a Complaint against two Black officers. Another investigation involved sustained discovered violations for Failure to Accept/Refer a Complaint against one white and one Black officer. Other discovered violations for Black officers were Refusal to Provide Name or Serial Number, Performance of Duty – General, and Conduct Towards Others – Demeanor. For the Refusal to Provide Name case, the Black officer was the only officer in the case. The Performance of Duty



violation involved a supervisor who was conducting a DLI and submitted his preliminary investigation 43 days late while policy requires submission within 14 days. The final discovered violation involved a sustained Conduct Towards Others violation. This case involved a white officer, a Black officer, and an Asian officer. The investigator discovered demeanor concerns with all three officers. Class II discovered violations can be handled via a Supervisory Note if there is no pattern of the behavior. For the white and Asian officers, a pattern of behavior was not discovered, and the violations were handled through additional training which was documented in a Supervisory Note. For the Black officer, the investigator noted a pattern of misconduct involving his demeanor and rudeness. It should be noted that this officer had another Conduct Towards Others – Demeanor complaint sustained in 2019 as well as a sustained Performance of Duty – General violation that was sustained in a third case.

Following this review, the Department’s concern is not that the sustained allegations were not legitimate, our review showed all had sufficient evidence for the sustained finding. Rather, our concern is that investigators or reviewers may be identifying more discovered violations for Black officers than white officers and thus white officers may be underdisciplined. We explore this hypothesis further in our review of other-than-sustained cases below where we looked to see if violations that should have been discovered were missed, particularly in investigations of white officers.

Because at this time a manual case by case review is the only way to determine whether a violation was part of an original complaint or discovered during the investigation, the Department recently recommended during its completion of this analysis that IAD add a yes/no field for each violation in Vision to indicate whether the violation was discovered. This addition was made to Vision on August 25, 2022, and will allow us to easily determine whether a violation was discovered without having to manually review each case.

## **Observations in Sampled Other-than-Sustained DLI Case Review**

### ***Sampled Cases Did Not Include Allegations that Should Have Been Sustained***

Of the 20 sample cases reviewed, the reviewers agreed with 95% (19/20) of the cases. For the one case where there was disagreement in the outcome, the reviewer concluded the finding for an allegation against a Black officer should have been “exonerated” rather than “not sustained.” In the 10 cases involving white officers and the 10 cases involving Black officers, reviewers did not find any instances where the finding for an allegation should have been sustained.

### ***Sampled Cases Included One Discovered Violation for a Black Officer in the Initial Investigation, and One Potentially Missed Discovered Violation for a White Officer***

Out of the 20 reviewed cases, there was one violation discovered during the initial investigation that was handled via SNF for a Black officer. None of the other cases included a discovered violation in the initial investigation. Sixty percent of the cases (12/20) relied on BWC evidence for the finding. For the other eight cases, investigators primarily relied on complainant, subject, and witness statements or legal documents to come to a finding.

Three of the 20 complainants (15%) were found not credible. The three cases relied on BWC footage to come to a finding. For those cases, the allegations against the reviewed officers were either unfounded or exonerated.

In 19 of the 20 sampled other-than-sustained cases (10 white officers and 10 Black officers), reviewers reported no instances where the original investigators missed what should have been added as discovered violations. In one case there was a single instance of conduct by a white female officer that *potentially* could have been added as a discovered violation but was not.

One reviewer identified an instance where a white female officer stated to other officers “Oh those motherf\*\*\*\*\* took it into the house” while conducting a yard search for a firearm. There was no evidence this comment was heard by community members. The comment was not addressed in the investigation and there was no Supervisory Note addressing the comment in her file. Because the profane statement was a derogatory statement about community members suspected of criminal activity, the profanity should have been at least identified and acknowledged in the investigation report. Depending on whether the officer had a pattern of such conduct, a Supervisory Note (SNF) may have been generated or, if a pattern of conduct was identified, a Manual of Rules violation should have been added to the case. The MOR, however, does not expressly prohibit profanity. For 314.07 Conduct Towards Others – Demeanor, employees are to avoid “rude, threatening, harsh, insulting, insolent, or demeaning language, and they shall maintain a professional bearing regardless of provocation to do otherwise.” See MOR, p. 20. Ultimately, however, all we can conclude here is that there was one instance where an investigator probably should have at least acknowledged and addressed the profanity in some way.

Even if for the purposes of our analyses we count this as a missed discovered violation, a single instance does not lead to a conclusion that white officers were necessarily underdisciplined in 2019 DLI investigations. Taken together with the information collected on sustained cases, however, the data suggests that discovered violations which occurred at higher rates for Black officers in both the sustained and the other-than-sustained cases that we reviewed in our analyses may have contributed to the 2019 DLI race disparity.

According to Table 8, above, Black officers were sustained at a higher rate than white officers for MOR sections 314.07 Conduct Towards Others – Demeanor, and 398.76-2 Failure to Accept or Refer a Complaint (Unintentional). In addition, Failure to Accept or Refer a Complaint (Unintentional) was the most frequent discovered violation for Black officers (see text associated with Table 12, above), and Demeanor (which often includes profanity or slang) was also a discovered violation for Black officers and the only potentially undiscovered violation noted in the review of other-than-sustained cases for white officers. Based on the language of MOR 314.07, for example, some profanity in some circumstances may be acceptable by some investigators and supervisors and not acceptable by others and, therefore, recognized by some but not all as misconduct or a rule violation. The subjectivity and discretion will likely result in some unequal application by investigators and supervisors and could result in disparate treatment of officers in internal investigations. Thus, the Department may want to consider whether there is some level of discretion in determining violations of these two MOR sections, or other sections identified as either frequently discovered violations or more frequently sustained violations, because discretion in frequently sustained MOR sections may contributed to the racial disparity in the 2019 DLIs. Put another way, finding a way to remove discretion inherent in finding code of conduct violations,

especially for the MOR sections violated by officers and/or sustained more frequently, may be an effective intervention to mitigate disparity.

## **Conclusion and Recommendations**

Overall, while we were not able to conclusively determine why the sustained rates significantly differed in DLIs for Black and white officers in 2019 we were able to identify key areas of focus going forward. We confirmed all sustained findings were legitimate and identified BWC footage and self-admissions as the most common evidence to support the findings. We identified (1) officers with multiple sustained cases, and (2) discovered violations as two key areas where disparities might arise, or where interventions to mitigate racial disparity may be more likely to be effective.

We also recommend two additional measures be “hard coded” in Vision for ease of ongoing immediate analysis: investigator information and whether allegations are discovered. These will assist the Department in its ongoing annual review of internal investigation and discipline by allowing it to quickly check to see whether a reflected disparity may be influenced by particular investigators and/or allegations where investigators tend to have more discretion.

Though the Department has not seen statistically significant differences across race in sustained case rates since 2019, the Department must have a plan in place in the event it again observes meaningful differences in investigation outcomes or discipline. The 2019 DLI analyses helped to identify further areas of focus to add to the Department’s Working Methodology. The current Working Methodology is contained in a separate memorandum.

## **WORKING METHODOLOGY TO IDENTIFY AND ADDRESS STATISTICALLY SIGNIFICANT DISPARITIES IN INTERNAL INVESTIGATION OUTCOMES OR DISCIPLINE**

The Department acknowledges this is a working methodology and the Department intends to continue to work with Stanford researchers to reevaluate and improve this methodology with the ultimate goal of creating a more comprehensive document which houses a step-by-step uniform and more formal working methodology to ensure consistency in future analyses.

### **Data Collection and Reporting**

Data collection and reporting of complaint data has significantly improved over the past year. The current report that can be extracted by complaint, intake, or finding date for every allegation includes the following fields that may be relevant for case review:

- Violation description and MOR number
- Finding
- Investigation type
- Synopsis
- Discipline
- Subject name, serial number, race, gender, rank, and assignment
- Investigator name and serial number
- Complainant information that can be used to determine whether the complaint was internally or externally generated

The following additions have been made to Vision based on the findings from our April 2022 analyses and this report which enable us to add the following fields to the reports we generate:

- Whether the violation was discovered during the investigation.
- Which violations are most frequently discovered violations.
- Which violations are most frequently sustained violations; and, if different, which violations are most frequently sustained against Black officers.
- Number of aggravating and mitigating factors used to assist in the determination of discipline for sustained cases.

### **Analyses of Sustained Rates and Discipline Data**

The Department spent a considerable amount of time working with Dr. Monin from Stanford University to identify the best way to analyze sustained rates and discipline. The methodology below focuses on sworn employees but can be utilized for any employee type.

The report used to extract the data is run based on the finding date and includes every

allegation. This ensures all included allegations have come to a finding and are considered closed. Every allegation includes a unique identifier called the “Allegation Key”. This key can be used to ensure no allegations are duplicated. If any duplicates appear, they should be removed.

Since the focus of these analyses are on sworn employees, employees that are professional staff or listed as “Unknown” should be removed. This can be done by serial number or through the “Civilian Indicator” or “Rank at Time of Complaint” fields. Additionally, because findings based on collision, pursuit, and force boards typically do not involve an internal affairs component, these allegations should also be removed. The Department has created Investigation Type categories in Vision to clearly identify these cases.

Although prior analyses on these data were conducted based on allegation, after discussions with Dr. Monin, it was decided the most appropriate level to analyze the data was at the case level. A case is defined as any number of allegations that fall under a single internal affairs case number for a sworn officer. This was done to ensure that cases involving multiple allegations do not overinflate the data. A case is considered sustained if at least one allegation in the case was sustained. A case is considered other than sustained if there were no sustained allegations for the officer.

Cases are additionally separated by investigation type. Most cases involve either a Division Level Investigation (DLI) or an Internal Affairs (IA) investigation. DLIs are generally conducted by field sergeants and typically contain less serious allegations. IA investigations involve the most serious allegations and are conducted by supervisors with more thorough investigative training. Each investigation type should also include Summary Findings. 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 based on the existing documentation, evidence, statements, and crime information data.

After separating by investigation type, sustained rates can be calculated by race, gender, rank, assignment, or tenure. If the sample size is large enough, a chi-square test can be run to determine whether any differences are statistically significant.

#### Investigation of Collected and Reported Data

Based on the data in these reports, if our ongoing review of the data results in observed disparities in the future, we will first conduct a review of the sustained cases to ensure each sustained finding was legitimate and appropriate. Following a review of the case documents, we will analyze the sustained cases and other than sustained cases based on the following data points:

- Investigator name – Do certain investigators have more sustained cases for a particular race or gender which could indicate a potential disparity?
- Allegation type – Are certain races, genders, or ranks sustained more frequently for certain MOR violations or for discovered violations?

- Number of sustained cases per officer – Do certain officers appear in the data multiple times due to multiple sustained cases in the period?
- Case origin – Are sustained cases and other than sustained cases more likely to be generated from an internal or external complaint? If it is the former and internal complaints are sustained more frequently than external complaints, then there may be an opportunity to address concerns about implicit/explicit biases from complainants.

After the data analyses, additional review can be conducted on cases that came to an other- than-sustained finding. An in-depth assessment of a sample of cases can be conducted (similar to what was completed with 2019 DLIs) where reviewers focus on ensuring the reported allegations and findings are appropriate based on the case evidence.

If a disparity is discovered in the discipline for sustained cases (as opposed to the outcome), the addition of the aggravating and mitigating factors will assist in determining whether the discipline was appropriate given the violation type, the offense number, the aggravating and mitigating factors, and the discipline matrix range. There is some subjectivity in discipline determinations, however, the anonymization process should ensure that any subjectivity does not have to do with race or gender unless relevant to the investigation.

Though these analyses may not be able to identify the exact cause of a disparity, they will help us to identify whether any one race/gender/rank is disproportionately represented in any of the data points.



## INTERNAL INVESTIGATION OUTCOME AND DISCIPLINE UPDATE: JANUARY-JUNE 2022

As part of the Department’s continued commitment to both ensuring investigation outcomes are fair and reporting investigation outcomes for transparency, this update provides data on case outcomes by race and rank for the first half of 2022. The current analyses also include a review of additional data to address questions and concerns raised following the Department’s April 2022 report.

The current analyses follow the same criteria as the Department’s April 2022 report. The 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>5</sup>. An officer’s case is considered sustained if at least one allegation for the officer is sustained. It is important to note the sample size—meaning the number of cases—is small enough that even a single sustained case greatly impacts percentage breakdowns. In other words, one cannot read too much into the significance of the percentages set forth below due to the small sample size.

### Allegation Breakdown

As an initial matter, we looked at whether minority officers received more allegations per case than white officers. The Department’s April 2022 analyses reflected that 63% of officers, regardless of race, received one allegation per case. For the current period, January – June 2022, 61% of officers received one allegation per case and that is fairly consistent across race. Moreover, the distribution of the remaining 39% of cases where officers received multiple allegations is also fairly consistent across race. Table 1 displays these findings.

**Table 1: Complaints for Sworn Employees by Number of Allegations per Case: Jan-Jun 2022**

# of Allegations	White		Black		Hispanic		Asian/ Filipino		Other/ Unknown		Total	
	%	n	%	n	%	n	%	N	%	n	%	n
1	61%	95	60%	60	61%	94	65%	85	52%	12	61%	346
2	25%	39	26%	26	23%	36	22%	28	17%	4	24%	133
3	8%	13	7%	7	6%	10	7%	9	22%	5	8%	44
4	4%	7	6%	6	5%	7	3%	4	4%	1	4%	25
5	1%	1	0%	0	3%	4	2%	2	0%	0	1%	7
6	1%	1	0%	0	1%	1	1%	1	0%	0	1%	3
7	0%	0	1%	1	1%	1	1%	1	4%	1	1%	4
8	0%	0	0%	0	1%	1	0%	0	0%	0	0%	1
Total	100%	156	100%	100	100%	154	100%	130	100%	23	100%	563

<sup>5</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.

The Department next reviewed whether there appeared to be racial disparity in the number of allegations sustained per case. Table 2 below, shows most officers have only one allegation sustained per case, however, Black officers are more likely to have more than one allegation sustained than any other race. Overall numbers for the first six months of the year are still low and we will continue to monitor this and reassess the data once the full year is complete.

**Table 2: Number of Sustained Allegations per Case for Sworn Employees: Jan-Jun 2022**

# Sustained Allegations	White		Black		Hispanic		Asian/ Filipino		Other/ Unknown		Total	
	%	n	%	n	%	n	%	n	%	n	%	n
1	90%	18	60%	6	77%	10	88%	7	75%	3	80%	44
2	10%	2	30%	3	8%	1	12%	1	0%	0	13%	7
3	0%	0	10%	1	0%	0	0%	0	25%	1	4%	2
4	0%	0	0%	0	8%	1	0%	0	0%	0	2%	1
8	0%	0	0%	0	8%	1	0%	0	0%	0	2%	1
Total	100%	20	100%	10	100%	13	100%	8	100%	4	100%	55

### Sustained Rates by Race

In order to determine the sustained rate, the data was separated by investigation type, division level investigation (DLI) and DLI summary findings<sup>6</sup> were combined as were Internal Affairs (IA) investigations and IA summary findings. DLIs are generally conducted by field sergeants and typically contain less serious allegations. IA investigations involve the most serious allegations and are conducted by supervisors with more thorough investigative training. Table 3 provides the sustained rate for both DLI and IA investigations. White officers had at least one sustained allegation 11% of the time for DLIs while Black and Hispanic officers had at least one sustained allegation 5% of the time. For IA cases, white and Hispanic officers were sustained in 18% of cases while Black officers were sustained in 21% of cases. It is important to keep in mind, however, the number of sustained cases is small since we are only considering the first half of the year and these sustained rates could significantly change with even a one-unit increase.

**Table 3: Sustained Rate for Internal Investigations**

	White		Black		Hispanic		Asian/ Filipino		Other/ Unknown		Total	
	%	n	%	n	%	n	%	n	%	n	%	n
<b>DLIs &amp; DLI Summary Findings (SF)</b>	11%	11	5%	3	5%	5	3%	3	15%	2	7%	24
<b>IA Investig. &amp; IA SFs</b>	18%	9	21%	7	18%	8	14%	5	20%	2	18%	31

<sup>6</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 based on the existing documentation, evidence, statements, and crime information data.

Tables 4 and 5 provide a breakdown of the discipline for cases that came to a finding in the first six months of 2022. As stated throughout this document, the low number of cases in each category means one additional case in any category has a large impact on the percentages. Additionally, it is important to keep in mind for every case (except in rare circumstances), the officers' commander completes a pre-discipline report that indicates whether there were aggravating or mitigating factors that should impact the severity of the discipline. This differs from the case findings where only the facts of the case have an impact on the outcome. Four DLI cases involving white officers (Table 4) has resigned listed as the discipline. This is due to the officer resigning before the discipline in their case could be determined. These four cases involved three officers. All three left the Department for other agencies. Had they received their discipline, the breakdown for white officers would look much different. If these officers elect to return to the Department, the Department will determine and impose appropriate discipline in each case. Table 4 reflects that in sustained DLIs, Black officers received suspension more often than other races and received counseling less often. Table 5 displays the discipline of IA investigations and shows almost all the Black officers received a suspension, and none received counseling. In contrast, one-third of white officers received counseling. While the 2022 numbers are too small to view these percentage breakdowns as significant, this is a difference that the Department and stakeholders have seen and remarked on in previous years' data and as such the Department remains alert to this exact issue and will continue to review this data as the number of cases (sample size) increase to determine whether this initial indication of disparity is an issue of concern or whether with additional cases we see the percentages even out.

**Table 4: Discipline for Sustained DLIs and DLI Summary Findings**

	White		Black		Hispanic		Asian/ Filipino		Other/ Unknown		Total	
	%	n	%	n	%	n	%	n	%	n	%	n
<b>Counseling</b>	55%	6	33%	1	100%	5	67%	2	100%	2	67%	16
<b>Written Reprimand</b>	0%	0	33%	1	0%	0	33%	1	0%	0	8%	2
<b>Suspension</b>	9%	1	33%	1	0%	0	0%	0	0%	0	8%	2
<b>Resignation</b>	36%	4	0%	0	0%	0	0%	0	0%	0	17%	4
<b>Total</b>	100%	11	100%	3	100%	5	100%	3	100%	2	100%	24

**Table 5: Discipline for Sustained IA Investigations and IA Summary Findings**

	White		Black		Hispanic		Asian/ Filipino		Other/ Unknown		Total	
	%	n	%	n	%	n	%	n	%	n	%	n
<b>Counseling</b>	33%	3	0%	0	38%	3	40%	2	0%	0	26%	8
<b>Written Reprimand</b>	11%	1	14%	1	13%	1	40%	2	0%	0	16%	5
<b>Suspension</b>	56%	5	86%	6	25%	2	20%	1	100%	2	52%	16
<b>Termination</b>	0%	0	0%	0	25%	2	0%	0	0%	0	6%	2
<b>Total</b>	100%	9	100%	7	100%	8	100%	5	100%	2	100%	31

To provide more insight into the discipline decisions, Appendix 1 (IA cases) and 2 (DLIs) provide a list of the sustained Manual of Rules (MOR) violations, the number of prior times the officer was sustained for that violation, the number of aggravating and mitigating factors from the Pre-Discipline Report, the Discipline Matrix range, and the discipline for all sworn employees with a sustained IA or DLI case for the first six months of the year. For the IA cases, of the six Black officers with suspensions, four officers had discipline that fell within the range of the matrix. Two officers received discipline that exceeded the matrix range. One of these officers had nine aggravating factors and one mitigating factor while the other officer had five aggravating factors and one mitigating factor. The number of aggravating and mitigating factors impact how much discipline an individual will receive. One white supervisor received discipline that exceeded the range listed in the matrix. This supervisor had five aggravating and zero mitigating factors. The Police Chief made the final discipline determination for each case.<sup>7</sup> As recommended in the Department's April 2022 analyses, Internal Affairs releases on at least an annual basis information similar to Appendix 1 for all sustained cases.

### **Sustained Rates by Rank**

The Department next looked at whether, among sworn members, supervisors were sustained less frequently than non-supervisors. This was a concern and belief reported by Department members in the 2019 survey conducted in conjunction with the 2020 Discipline Disparity Study commissioned by the Department. Since this is the first time the Department has conducted this specific analysis, the analysis included data from January 2018 to June 2022. Tables 6 and 7 show sworn employees who are sergeants or higher (supervisors) are typically sustained at rates higher than police officers (non-supervisory) for both DLIs and IA investigations.

**Table 6: Sustained Rates for DLIs and DLI Summary Findings for Sworn Employees by Rank**

	Police Officer		Sergeant and Above	
	%	n	%	n
2018	7%	42	7%	4
2019	9%	74	17%	9
2020	8%	69	16%	7
2021	7%	53	18%	9
Jan – Jun 2022	7%	24	0%	0

<sup>7</sup> While none of these cases involved CPRA, in cases where CPRA has a concurrent investigation and determines discipline in parallel with the Chief, if CPRA and the Chief concur, discipline is imposed as such. But if CPRA and the Chief disagree, then discipline is ultimately determined by a discipline committee formed by designated Police Commissioners.

**Table 7: Sustained Rates for IA Investigations and IA Summary Findings for Sworn Employees by Rank**

	Police Officer		Sergeant and Above	
	%	n	%	n
2018	22%	32	19%	10
2019	24%	31	22%	4
2020	13%	28	23%	9
2021	10%	39	18%	18
Jan – Jun 2022	17%	27	24%	4

## **Conclusion**

While data for 2022 is limited, there does not appear to be meaningful differences across race in the sustained rate for IA investigations or DLIs. We acknowledge for the first half of 2022 the data shows that white officers more often receive counseling as discipline in DLIs (typically lower-level violations), and Black officers more often receive suspensions in IA investigations (typically more serious violations). In the April 2022 report, the 2018-2021 analysis of discipline for white officers compared to Black officers did not reveal any statistically significant differences in the discipline for IA or DLI cases. However, Black officers were more likely to receive counseling and training than expected and less likely to receive a written reprimand. The data that reflected similar differences in previous years is something worth considering in conjunction with the 2022 data. But it is fair to say the Department is keeping a careful watch on the type of discipline imposed across race as the result of the data collected during the first half of this year.

Similarly, the Department will continue to review the number of sustained allegations per case for Black versus white officers. In the first half of 2022 white officers had one sustained allegation in 90% (18/20) of cases and two sustained allegations in 10% (2/20) of cases compared to Black officers who had one sustained allegation in only 60% (6/10) of cases and two or more sustained allegations in 40% (4/10) of cases.

Finally, it appears that between 2018-2022 supervisors are generally sustained at a higher rate than non-supervising officers for both IA investigations and DLIs.

Due to the low number of cases thus far in 2022 and the resulting small sample size, it is not possible for the Department to definitively determine at this time whether some of the differences in percentages noted herein reflect meaningful differences. When appropriate, the Department will aggregate data to create larger sample sizes that are not as susceptible to large percentage changes with the addition of a sustained case. Future review could also include an assessment of the sustained rate over time to identify whether there have been large shifts over time based on race or rank. As the Department adds cases and data it will assess the impact of the data on these percentages to determine whether these differences persist and require additional analysis and intervention.

## Appendix 1: January – June 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	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)
21-0252 Ofc 4	A	398.76-2a – Failure to Accept or Refer a Complaint - Unintentional	1 <sup>st</sup>	2/4	C-S5	Counseling and Training
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
21-0652 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 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 1	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 2	A	398.76-2a – Failure to Accept or Refer a Complaint - Unintentional	1 <sup>st</sup>	1/4	C-S5	Counseling and Training
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	W	398.76-2a – Failure to Accept or Refer a Complaint - Unintentional	1 <sup>st</sup>	1/7	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)
21-1112 Ofc 1	W	342.00-1c – Department Property and Equipment – Collision w/ Gross Negligence	1 <sup>st</sup>	7/1	C-T	Suspension (25) - <b>Resigned</b>
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) - <b>Resigned</b>
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
21-1507 Ofc 1	W	314.32-2b – Insubordination – Disrespect	1 <sup>st</sup>	4/5	C-S5	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)
22-0117 Ofc 1	B	314.03-2c – General Conduct	1 <sup>st</sup>	5/2	C-S3	Suspension (5)

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



## Appendix 2: January – June 2022 Sustained DLI Cases with Discipline

Case #	Race	Sustained MOR Violation	Offense #	Aggravating/ Mitigating	Discipline Matrix*	Discipline
21-0221 Ofc 1	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 2	Unk	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	2/6	C-S2	Counseling and Training
21-0221 Ofc 3	H	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	1/0	C-S2	Counseling and Training
21-0283 Ofc 1	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 2	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 3	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 4	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	1/6	C-S5	Counseling and Training
21-0283 Ofc 5	B	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	2/6	C-S5	Counseling and Training
21-0527 Ofc 1	B	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	0/5	C-S5	Written Reprimand
21-0527 Supervisor	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 2	W	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	1/5	C-S5	Counseling and Training
21-0746 Ofc 1	W	314.39-2f – Performance of Duty – General	3 <sup>rd</sup>	n/a	S3-S30	Resigned Prior to Discipline
21-0746 Ofc 2	W	314.39-2f – Performance of Duty – General	1 <sup>st</sup>	n/a	C-S2	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	O	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	3/7	C-S2	Counseling and Training
21-0829 Ofc 2	W	314.39-2g – Performance of Duty – Care of Property	1 <sup>st</sup>	3/0	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	A	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	1/7	C-S5	Counseling and Training
21-0881 Ofc 3	H	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	1 <sup>st</sup>	0/6	C-S5	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	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
21-1527 Ofc 1	B	398.76-2a – Failure to Accept or Refer a Complaint (Unintentional)	2 <sup>nd</sup>	4/5	S2-S5	Suspension (2)
22-0050 Ofc 1	W	314.39-2i – Performance of Duty – PDRD	1 <sup>st</sup>	n/a	WR-S5	Resigned Prior to Discipline

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

## **VARIABILITY IN ACADEMY AND FIELD TRAINING PROGRAM OUTCOMES (AUGUST 2022 UPDATE)**

Since the April 2022 report on academy and field training outcomes, two additional academy classes have graduated (187<sup>th</sup> and 188<sup>th</sup>) and two additional classes have started (189<sup>th</sup> and 190<sup>th</sup>). The 186<sup>th</sup> class has completed their field training component and the 187<sup>th</sup> is currently in the field training program. This update provides demographic data for academy attendees, graduates, and field training completion. It also provides updated information on recruits that did not graduate the academy or complete the field training program.

### **The OPD Academy**

The Department's Academy Program is 24 weeks long and consists of 40+ hours of instruction per week. In order to be eligible for the academy, applicants must pass written, physical, oral, psychological, background, and medical exams. While in the academy, trainees receive instruction on several topics including criminal law, firearms, arrest and control techniques, community relations, vehicle operations, and more. Trainees must also complete a mandatory physical training program during the academy. To be eligible for graduation, trainees must pass the physical training program and all POST mandated written, practical, and scenario exams.

The April 2022 study included the demographic information for the 183<sup>rd</sup> to the 188<sup>th</sup> academy. Table 1 provides this information and includes data from the 189<sup>th</sup> and 190<sup>th</sup> academies. Overall, the trends in the demographics of the 189<sup>th</sup> and 190<sup>th</sup> academies reflected the trends from the previously studied academy classes. Most attendees in the 189<sup>th</sup> and 190<sup>th</sup> academies are male. Additionally, for both male and female attendees, the most represented racial group is Hispanic. This is consistent for each of the academies included in the table.

Table 2 provides the graduation rate for the 187<sup>th</sup> and 188<sup>th</sup> academy classes. For females, the graduation rate was 55%, lower than the 66% in the 183<sup>rd</sup> – 186<sup>th</sup> academies. Black females had the highest graduation rate at 75% (3/4). For each of the five females that did not graduate from the 187<sup>th</sup> or 188<sup>th</sup> academies, the reason was for not achieving a standard on a POST objective. There was no concentration in terms of what POST objective was failed. None of the females thereafter resigned. All of them retained employment and are currently participating in either the 189<sup>th</sup> or 190<sup>th</sup> Academy.

For males, the graduation rate was 74%, higher than the 70% graduation rate in the 183<sup>rd</sup> – 186<sup>th</sup> classes. White males have the highest graduation rate at 89% (8/9) followed closely by Black males with 88% (14/16). For males, the most common reason for not graduating was resignation for personal reasons.

**Table 1: Gender and Race Breakdown of Academy Attendees**

	183		184		185		186		187		188		189		190		Total	
	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n
<b>Female</b>	<b>14%</b>	<b>6</b>	<b>26%</b>	<b>9</b>	<b>19%</b>	<b>7</b>	<b>22%</b>	<b>7</b>	<b>16%</b>	<b>6</b>	<b>13%</b>	<b>5</b>	<b>15%</b>	<b>4</b>	<b>16%</b>	<b>4</b>	<b>18%</b>	<b>48</b>
Asian	2%	1	9%	3	3%	1	0%	0	0%	0	0%	0	0%	0	0%	0	2%	5
Black	0%	0	6%	2	8%	3	6%	2	5%	2	5%	2	4%	1	4%	1	5%	13
Hispanic	10%	4	6%	2	8%	3	16%	5	11%	4	5%	2	12%	3	8%	2	9%	25
White	2%	1	6%	2	0%	0	0%	0	0%	0	3%	1	0%	0	4%	1	2%	5
<b>Male</b>	<b>86%</b>	<b>36</b>	<b>74%</b>	<b>25</b>	<b>81%</b>	<b>29</b>	<b>78%</b>	<b>25</b>	<b>84%</b>	<b>31</b>	<b>88%</b>	<b>35</b>	<b>85%</b>	<b>22</b>	<b>84%</b>	<b>21</b>	<b>82%</b>	<b>224</b>
Asian	19%	8	6%	2	19%	7	16%	5	11%	4	8%	3	15%	4	25%	5	14%	38
Black	24%	10	21%	7	25%	9	16%	5	22%	8	20%	8	31%	8	24%	6	23%	61
Hispanic	24%	10	24%	8	19%	7	38%	12	35%	13	40%	16	27%	7	12%	3	28%	76
Other	0%	0	9%	3	3%	1	0%	0	5%	2	8%	3	0%	0	12%	3	4%	12
White	19%	8	15%	5	14%	5	9%	3	11%	4	13%	5	12%	3	16%	4	14%	37
<b>Total</b>	<b>100%</b>	<b>42</b>	<b>100%</b>	<b>34</b>	<b>100%</b>	<b>36</b>	<b>100%</b>	<b>32</b>	<b>100%</b>	<b>37</b>	<b>100%</b>	<b>40</b>	<b>100%</b>	<b>26</b>	<b>100%</b>	<b>25</b>	<b>100%</b>	<b>272</b>

**Table 2: Graduation Rate of Academy Attendees for the 187<sup>th</sup> and 188<sup>th</sup> Classes**

	Yes		No		Total
	%	n	%	n	n
<b>Female</b>	<b>55%</b>	<b>6</b>	<b>45%</b>	<b>5</b>	<b>11</b>
Asian	0%	0	0%	0	0
Black	75%	3	25%	1	4
Hispanic	33%	2	77%	4	6
White	100%	1	0%	0	1
<b>Male</b>	<b>74%</b>	<b>49</b>	<b>26%</b>	<b>17</b>	<b>66</b>
Asian	71%	5	29%	2	7
Black	88%	14	12%	2	16
Hispanic	62%	18	38%	11	29
Other	80%	4	20%	1	5
White	89%	8	11%	1	9
<b>Grand Total</b>	<b>71%</b>	<b>55</b>	<b>29%</b>	<b>22</b>	<b>77</b>

For the 187<sup>th</sup> and 188<sup>th</sup> academies, no individuals were removed for misconduct or resigned with a termination pending. The prior study of the 183<sup>rd</sup> – 186<sup>th</sup> classes identified four individuals who were removed for Manual of Rules violations. Table 3 provides the reasons why individuals failed to graduate from the academy.

Those that did not graduate due to not achieving the standard for a POST objective or due to injury or illness were given the option to be placed in a subsequent academy class. All 10 of those individuals elected to return to a subsequent academy. Table 4 provides this breakdown.

Taking into consideration two individuals (one male and one female) who attended both the 187<sup>th</sup> and 188<sup>th</sup> academies, if everyone who was placed into a subsequent academy graduates, the unique attendee graduation rate for females will be 100% and the graduation rate for males will be 82%, which is higher on both accounts than the unique attendee graduation rates for the 183<sup>rd</sup> – 186<sup>th</sup> academy classes.

///

**Table 3: Reasons for Not Graduating the Academy: 187<sup>th</sup> – 188<sup>th</sup> Classes**

	Removed: MOR Violation		Removed: Failed Post Objective		COVID/Injury		Resigned: Personal Reasons		Total
	%	N	%	n	%	n	%	n	n
<b>Female</b>	<b>0%</b>	<b>0</b>	<b>100%</b>	<b>5</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>5</b>
Asian	0%	0	0%	0	0%	0	0%	0	0
Black	0%	0	100%	1	0%	0	0%	0	1
Hispanic	0%	0	100%	4	0%	0	0%	0	4
White	0%	0	0%	0	0%	0	0%	0	0
<b>Male</b>	<b>0%</b>	<b>0</b>	<b>24%</b>	<b>4</b>	<b>6%</b>	<b>1</b>	<b>71%</b>	<b>12</b>	<b>17</b>
Asian	0%	0	0%	0	0%	0	100%	2	2
Black	0%	0	50%	1	0%	0	50%	1	2
Hispanic	0%	0	27%	3	9%	1	64%	7	11
Other	0%	0	0%	0	0%	0	100%	1	1
White	0%	0	0%	0	0%	0	100%	1	1
<b>Grand Total</b>	<b>0%</b>	<b>0</b>	<b>41%</b>	<b>9</b>	<b>5%</b>	<b>1</b>	<b>55%</b>	<b>12</b>	<b>22</b>

**Table 4: Placed into a Subsequent Academy: 187<sup>th</sup>-188<sup>th</sup> Classes**

	Yes		Offered but Declined or Resigned for Personal Reasons		Not Eligible		Total
	%	n	%	n	%	n	n
<b>Female</b>	<b>100%</b>	<b>5</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>5</b>
Asian	0%	0	0%	0	0%	0	0
Black	100%	1	0%	0	0%	0	1
Hispanic	100%	4	0%	0	0%	0	4
White	0%	0	0%	0	0%	0	0
<b>Male</b>	<b>29%</b>	<b>5</b>	<b>71%</b>	<b>12</b>	<b>0%</b>	<b>0</b>	<b>17</b>
Asian	0%	0	100%	2	0%	0	2
Black	50%	1	50%	1	0%	0	2
Hispanic	36%	4	64%	7	0%	0	11
Other	0%	0	100%	1	0%	0	1
White	0%	0	100%	1	0%	0	1
<b>Grand Total</b>	<b>45%</b>	<b>10</b>	<b>55%</b>	<b>12</b>	<b>0%</b>	<b>0%</b>	<b>22</b>

## Field Training Program

Recruits who successfully graduate the from academy are placed into a 16-week Field Training Program<sup>8</sup> as a trainee officer. There are four phases that last four weeks each. During the first and last phase, trainee officers typically work with the same Field Training Officer (FTO). Trainee officers that are having trouble successfully completing the Field Training Program will be given a remedial training plan. These plans are initiated when FTOs identify consistent or repeated deficiencies in certain standardized evaluation guidelines. There are currently 35 evaluated guidelines in the Field Training Program. Trainee officers can also be kept in the Field Training Program for an extended period if they are making progress in their identified deficiencies. Extensions can last for up to three additional phases and trainee officers may be removed from the program if they have demonstrated an inability to overcome their identified deficiencies.

The report from April 2022 reviewed field training data from the 183<sup>rd</sup> to the 185<sup>th</sup> classes. Overall, 89% successfully completed the program with two additional trainee officers who had not started field training because of injuries. As of August 2022, those two officers have still not started field training.

The 186<sup>th</sup> academy class completed field training on May 13, 2022. Demographic information and completion rates are provided in Table 5. Of the 25 that started, 22 successfully completed field training. Two trainee officers were injured and as of August 2022 have not completed field training. One trainee officer resigned from the program because he was not enjoying the job and did not feel a connection to the citizens or city of Oakland. So far, the 186<sup>th</sup> class has a field training program completion rate of 88%. If the two currently injured trainees complete their Field Training, the 186<sup>th</sup> academy completion rate will increase to 96%.

///

---

<sup>8</sup> The General Order for the Field Training Program is B-08.

**Table 5: Field Training Program Completion Rate: 186<sup>th</sup> Class**

	Yes		No		Pending		Total
	%	n	%	n	%	n	n
<b>Female</b>	<b>100%</b>	<b>5</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>5</b>
Asian	0%	0	0%	0	0%	0	0
Black	100%	1	0%	0	0%	0	1
Hispanic	100%	4	0%	0	0%	0	4
White	0%	0	0%	0	0%	0	0
<b>Male</b>	<b>85%</b>	<b>17</b>	<b>5%</b>	<b>1</b>	<b>10%</b>	<b>2</b>	<b>20</b>
Asian	100%	5	0%	0	0%	0	5
Black	67%	4	17%	1	17%	1	6
Hispanic	88%	7	0%	0	12%	1	8
Other	100%	1	0%	0	0%	0	1
White	0%	0	0%	0	0%	0	0
<b>Grand Total</b>	<b>88%</b>	<b>22</b>	<b>4%</b>	<b>1</b>	<b>8%</b>	<b>2</b>	<b>25</b>

Out of the 22 trainee officers that completed field training, five were given remedial training plans to further improve their skills and performance. Each was successful in completing their training plan. Field training was extended for four out of the five trainees. Table 6 provides the demographic breakdown of these trainees.

**Table 6: Trainees that Received a Remedial Training Plan: 186<sup>th</sup> Class**

	# w/ Remedial Training Plan	Field Training Extended
<b>Female</b>	<b>1</b>	<b>0</b>
Asian	0	0
Black	0	0
Hispanic	1	0
White	0	0
<b>Male</b>	<b>4</b>	<b>4</b>
Asian	1	1
Black	1	1
Hispanic	2	2
Other	0	0
White	0	0

Since the 183<sup>rd</sup> academy class, field training completion rates have been between 83% and 93%. None of the trainees from the most recent field training class were removed for MOR violations; one individual voluntarily resigned during field training.



## **Conclusion**

The Oakland Police Department continues to graduate a high proportion of academy attendees. The majority of those that enter field training successfully complete the program. Though the overall number and percentage of females in the academy remains low, those that do attend the academy are more likely to commit to their position than males and are more likely to complete field training. For both males and females, academy attendees are more likely to identify as Black or Hispanic.

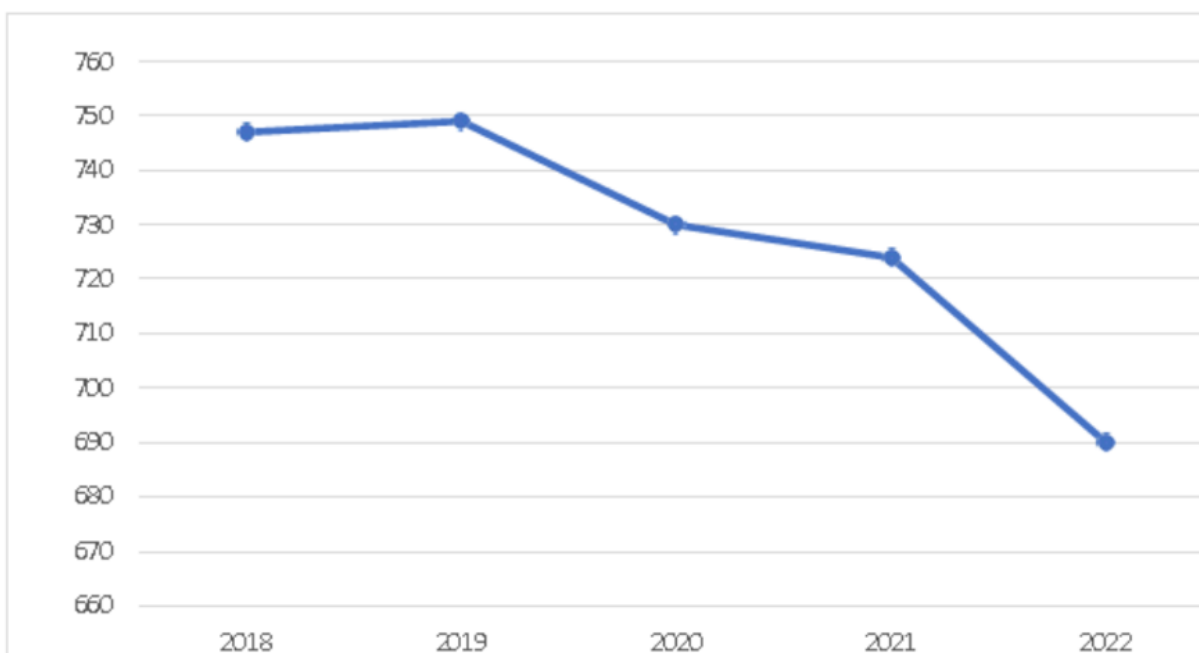
## DEPARTMENT ATTRITION AND IMPACT ON DIVERSITY

From 2016-2020, the Department maintained an average officer attrition rate of 5 per month. In the last few years, the attrition rate has nearly doubled. In 2021, the Department's average attrition rate rose to 7 officers per month. See Quarterly Staffing Memorandum 4th Quarter 2021, p. 12, available at <https://cao-94612.s3.amazonaws.com/documents/Quarterly-Policy-Staffing-Report-Q4-2021.pdf>. In the first two quarters of 2022, however, the average attrition rate rose to 9 officers per month. See also Quarterly Staffing Memorandum 1st Quarter 2022, p.12, available at <https://cao-94612.s3.amazonaws.com/documents/OPD-Qtrly-Staffing-Informational-Memo-1st-Quarter-2022.pdf>; and Quarterly Staffing Memorandum 2nd Quarter 2022 (forthcoming), p.12. This has resulted in a decline in sworn staffing.

**Table 1: Actual Staffing Levels on January 1 of Each Year: 2018-2022**

	2018	2019	2020	2021	2022
Sworn Staffing Levels as of January 1 <sup>st</sup> of each year	747	749	730	723	690

**Figure 1: Sworn Staffing on January 1, 2018 through January 1, 2022**



In 2021 and the first two quarters of 2022, more than half of the officers that separated from the Department voluntarily resigned (81 of 142).<sup>9</sup> Of the 81 officers that resigned, 54 left to join another law enforcement agency.

<sup>9</sup> Voluntary resignation is distinct from service retirement.

**Table 2: Sworn Attrition Data by Quarter 2021-June 2022<sup>10</sup>**

	1Q2021	2Q2021	3Q2021	4Q2021	1Q2022	2Q2022	Total
<b>Disability Retirement</b>	2	1	1	3	3	4	<b>14</b>
<b>Resignation (not during Field Training)</b>	5	2	5	3	7	5	<b>27</b>
<b>Resignation during Field Training</b>	0	0	0	0	1	0	<b>1</b>
<b>Resignation (to another agency)</b>	0	12	7	17	13	5	<b>54</b>
<b>Service Retirement</b>	2	5	4	7	3	8	<b>29</b>
<b>Discharged</b>	1	2	1	1	1	9	<b>15</b>
<b>Removed from Probation during Field Training</b>	1	1	0	0	0	0	<b>2</b>
<b>Deceased</b>	0	0	1	0	0	0	<b>1</b>
<b>Total</b>	<b>11</b>	<b>23</b>	<b>19</b>	<b>31</b>	<b>28</b>	<b>31</b>	<b>143</b>

In September 2021, Chief Armstrong mandated that all personnel who voluntarily separate from OPD (excluding service retirements)—in other words, all personnel who resign— participate in an exit interview with the Human Resources Manager or a member of the OPD Executive Team. The top four reasons for separation noted for officers who voluntarily resigned (not retired) between September and December 2021 were:

1. Dissatisfaction with OPD leadership
2. Lack of support from City leadership
3. Heavy discipline
4. Family

<sup>10</sup> Note that data in table differs slightly from data presented in Quarterly Staffing Reports from the 4th quarter of 2021 and the 1st and 2nd quarters of 2022. Updated Human Resources information shows that 54 officers (rather than 53) left for other agencies between January 2021 and June 2022.

The top four reasons for separation noted for officers who voluntarily resigned between January and June 2022 were:

1. Heavy discipline
2. Insufficient staffing
3. Overtime
4. Negotiated Settlement Agreement (NSA) Oversight

***What are the Demographics of the Officers Who Resigned?***

Between January 2021 and June 2022, 81 officers resigned from the Department; 54 left for another law enforcement agency. The vast majority of officers who resigned were men (72 men and 9 women resigned). Similarly, the vast majority of the 54 officers who lateralled to another agency were men (50 male officers; 4 female officers—2 Hispanic, 1 Asian, 1 white). The average years of service for officers leaving for another agency was 5.4 years.

***Table 3: Race/Ethnicity of Officers Who Resigned Between January 2021 and June 2022***

<b>Race/Ethnicity</b>	<b>Number of Officers Resigned</b>
White	31
Hispanic	29
Asian	11
Black	7
Filipino	1
Native American	1
Undeclared/Other	1
<b>Total</b>	<b>81</b>

***Table 4: Race/Ethnicity of Officers Who Resigned Between January 2021 and June 2022 to Join Another Law Enforcement Agency***

<b>Race/Ethnicity</b>	<b>Number of Officers Resigned/Laterals to Other Agency</b>
White	20
Hispanic	16
Asian	10
Black	5
Filipino	1
Native American	1
Undeclared/Other	1
<b>Total</b>	<b>54</b>

### ***How Has Attrition Impacted Race, Ethnicity, and Gender Demographics of the Department?***

Representation within the Department of Asian, Black, and Hispanic officers has been trending upward since 2019. White officers, however, have decreased by more than 7% since 2019 with more than a 2% decrease occurring between 2021 and 2022. In contrast, Black officers have increased by more than 3% since 2019 with a 1.2% increase from 2021 to 2022. The number and percentage of women in the Department has increased since 2019 but remained about the same between 2021 and 2022. Significantly, the Department remains nearly 3% above the national average for female sworn members.

***Table 5: Race/Ethnicity\* by Year – OPD Sworn Staff as of June 30, 2022***

<b>Race/Ethnicity</b>	<b>US 2019 Census-Oakland Pop.</b>	<b>OPD 2019</b>	<b>OPD 2020</b>	<b>OPD 2021</b>	<b>OPD 2022</b>
Asian	15.7%	13.3%	18.1%	18.6%	19.5%
Black or African American	23.6%	16.8%	16.7%	18.7%	19.9%
Hispanic	26.9%	26.9%	28.2%	28.0%	28.1%
Other	0.6%	6.6%	3.0%	3.3%	3.5%
White	36.1%	36.4%	34.0%	31.5%	29.0%

\*Note: “Asian” includes Filipino, “Other” includes Native American and Undeclared

***Table 6: OPD Gender Percentages by Year Compared With 2019 National Percentage***

<b>Gender</b>	<b>National Percentage 2019</b>	<b>OPD 2019</b>	<b>OPD 2020</b>	<b>OPD 2021*</b>	<b>OPD 2022*</b>
Female	12.8%	13.9%	14.6%	15.7%	15.5%
Male	87.2%	86.1%	85.4%	84.4%	84.5%

\*Note: 2022 figures reflect OPD sworn staff as of June 30, 2022

### ***Conclusion***

While the Department has been deeply impacted by the increased attrition rate and resulting significant decrease in the number of its sworn members, the Department has seen an increase in representation of traditionally underrepresented groups, particularly Black officers, as well as an increase in officers of non-white race/ethnicity (excluding undeclared/other). While female officers had been increasing at a rate of roughly 1% per year since from 2019 through 2021, in 2022 that the percentage of female officers remained flat at roughly 15.5% of sworn officers.

## **2022 SURVEY RESULTS OF OPD MEMBERS' PERCEPTIONS OF INVESTIGATIONS AND DISCIPLINE**

In 2019 a consulting firm hired by the Oakland Police Department (Department) to assess possible disparity in discipline (Hillard Heintze), conducted a survey of Department employees on perceptions about the internal investigation process and discipline. Published in April 2020, its report<sup>11</sup> included the results of its survey, a comprehensive analysis of discipline data, and fourteen recommendations to improve the internal investigation and discipline process and infuse fairness into the academy and training programs. Since the publication of the Hillard Heintze report, OPD implemented the recommendations and engaged in an on-going assessment of internal investigation findings and discipline. The report herein provides the results from OPD's own follow-up survey, conducted in July 2022 of employee perceptions about the internal affairs process and discipline.

### **Methodology**

Distributed to all employees, Hillard Heintze's 22-question 2019 survey received 303 responses, 260 of which were sworn members. Its analysis focused solely on the responses from sworn members.<sup>12</sup> In 2022, the Department developed its own survey which was closely aligned with the one created by Hillard Heintze. Many of the survey questions matched Hillard Heintze questions to make it easier to compare change over time. Though the Department does not have Hillard Heintze's original survey, the following Likert<sup>13</sup> scale statements were pulled from the 2019 final report and were included in the 2022 survey:

- Oakland Police Department employees are treated with dignity and respect during internal investigations.
- The Oakland Police Department's disciplinary process is fair.
- The Oakland Police Department's disciplinary process is transparent and well understood by members of the Department.
- Race/gender/rank plays a factor in determining the outcome of an internal investigation.
- Race/gender/rank plays a factor in the Department's determination of discipline.
- Issues that concern race/gender are openly dealt with and resolved constructively in the Department.

The Office of Internal Accountability (OIA) and the Executive Team at OPD developed additional questions. The first draft of the survey was shared during a stakeholder meeting on June 22, 2022. Members of the Independent Monitoring Team, the plaintiff's attorneys, members of the City of Oakland's Office of Inspector General, Chair of the Oakland Police Commission, and the

---

<sup>11</sup> <https://cao-94612.s3.amazonaws.com/documents/Hillard-Heintze-Report-for-the-Oakland-Police-Department-04-23-20-1.pdf> (accessed on 8/5/2022)

<sup>12</sup> The raw data was not provided to the Department so comparisons could only be made to numbers that were included in their report.

<sup>13</sup> Likert scales are commonly used to measure attitudes, knowledge, perceptions, values, and behavioral changes. A Likert-type scale involves a series of statements that respondents may choose from to rate their responses (Vogt, 1999)

Director of the City's Department of Race and Equity attended the meeting. These stakeholders provided extensive feedback and questions were adjusted and reorganized based on suggestions.

One key suggestion that was incorporated into the 2022 study, and was a difference from the Hillard Heintze 2019 survey, was the addition of the response option "Neutral." The 2019 survey did not include the option. Rather, the only options for the 2019 study's Likert scale questions were "Strongly Agree," "Agree," "Disagree," or "Strongly Disagree." The Department included "Neutral" as an additional response option so employees with no strong feeling one way or the other would not feel as though they had to select "Agree"/"Disagree" or skip the question.

A blank copy of the final survey can be found in Appendix 1. The Department released the survey on July 6 through an email from Chief Armstrong. The email contained a link to the survey which was created using SurveyMonkey. OIA personnel sent out reminder emails to the Department's employees and attended line-ups to encourage participation. The Department provided paper copies and QR codes to those who wanted another method to take the survey. The survey closed on July 25, with 410 surveys completed by employees. Employees that identified as sworn completed 67% (276) of the surveys. The first portion of this report focuses on responses from sworn staff. The second portion of this report focuses on professional staff. An aggregate breakdown of survey responses from sworn members can be found in Appendix 2 and for professional staff in Appendix 3.

## **Limitations**

Although OPD's work with stakeholders allowed for improvements to the survey instrument, there were still limitations to the survey and to the findings that should be taken into account. Despite these limitations, the Department felt the survey provided much needed feedback on the internal investigation process.

First, to address concerns about anonymity, the Department avoided asking questions about specific rank and whether the individual had a "sustained" finding complaint in the past two years due to the low number of female supervisors<sup>14</sup> and low number of individuals with sustained complaints. Responses that included rank or sustained complaints coupled with other demographic data would render the survey not truly anonymous; many individuals would be easily identifiable.

Second, after having employees complete the survey, the Department discovered one-third did not provide information on their race or gender. The low response reduced the Department's opportunity to identify meaningful patterns by race or gender.

Finally, the inclusion of a "Neutral" response option made it more complicated to compare the results from the current survey to the results from the Hillard Heintze survey since it did not include that option. For many of the questions, neutral was the most common response. Ultimately,

---

<sup>14</sup> Due to the low number of women in command staff roles (lieutenant and higher), having an individual identify their rank or spitting the rank category into officer, sergeant/lieutenant, captain/deputy chief and including race would have made it possible to identify women and would remove the anonymity that was promised to survey respondents.

it appears using “neutral” caused a shift in the number of “agree” and “disagree” responses in the Hillard Heintze survey results into the “neutral” response category for these survey results. Therefor it may make more sense for us to compare the “strongly agree” and “strongly disagree” response numbers from the Hillard Heintze survey to the results of the 2022 survey to determine whether Department members’ perceptions have changed.

## **Sworn Personnel Responses**

### **Demographics**

The 2022 survey asked participants about their race, gender, and whether they were supervisors. The survey did not solicit more specific information such as rank, assignment, or years of service/age in order to safeguard against revealing specific individuals’ identities via responses to more specific questions. One-third (85) of respondents elected not to provide information on their race and 56 elected not to provide their gender identity.

Chart 1 and Graph 1 show the demographics of sworn survey respondents for the 2022 and 2019 surveys compared to the July 2022 Department sworn demographics. It is important to acknowledge the individuals responding to the 2019 and 2022 surveys are distinct, anonymous groups representing Department membership (even allowing for some possible overlap in some number of respondents). Thus, the responses in each instance capture a “snapshot” in time of Department members’ perceptions at the time each survey was conducted. Therefore, any differences in responses in 2022 and 2019 may not appropriately be assessed as “improvement” or “deterioration” in perceptions. The inclusion here of the demographics represented by each group of respondents is intended, however, to assist in understanding who, by demographics, responded to each survey.

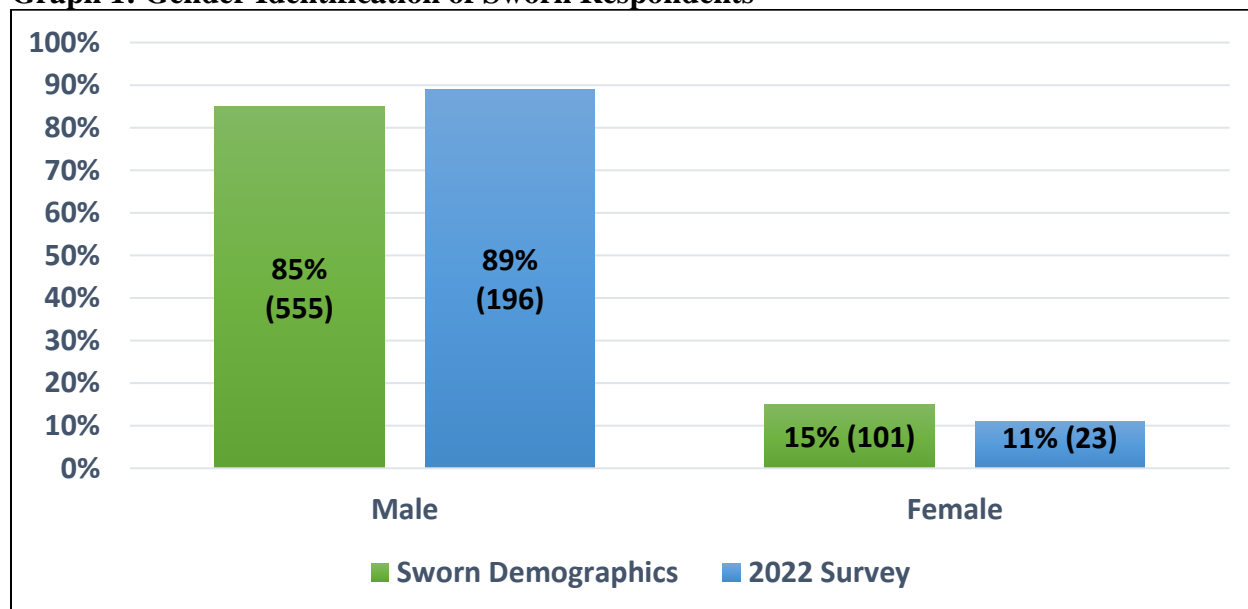
There are many more male than female respondents in the 2022 survey. Therefore, when reporting out on the demographic breakdown of responses for certain questions, an additional column is added to display responses from females. This allows us to view perceptions among female respondents by ensuring responses from female sworn members are not overwhelmed or masked by the larger number of responses from males.

///



**Chart 1: Race/Ethnicity of Sworn Respondents**

	2022 Sworn Dept Demographics	2022 Survey	2019 Hillard Heintze Survey
White	29% (190)	32% (61)	41% (70)
African American/Black	20% (131)	20% (39)	15% (26)
Hispanic/Latino	28% (184)	26% (50)	23% (40)
Asian	20% (128)	13% (25)	6% (10)
Other	3% (20)	8% (16)	N/A
Native Hawaiian or Other Pacific Islander	N/A	N/A	2% (4)
American Indian or Alaskan Native	0% (3)	N/A	1% (1)
Two or More Races	N/A	N/A	12% (20)
Total	656	191	171

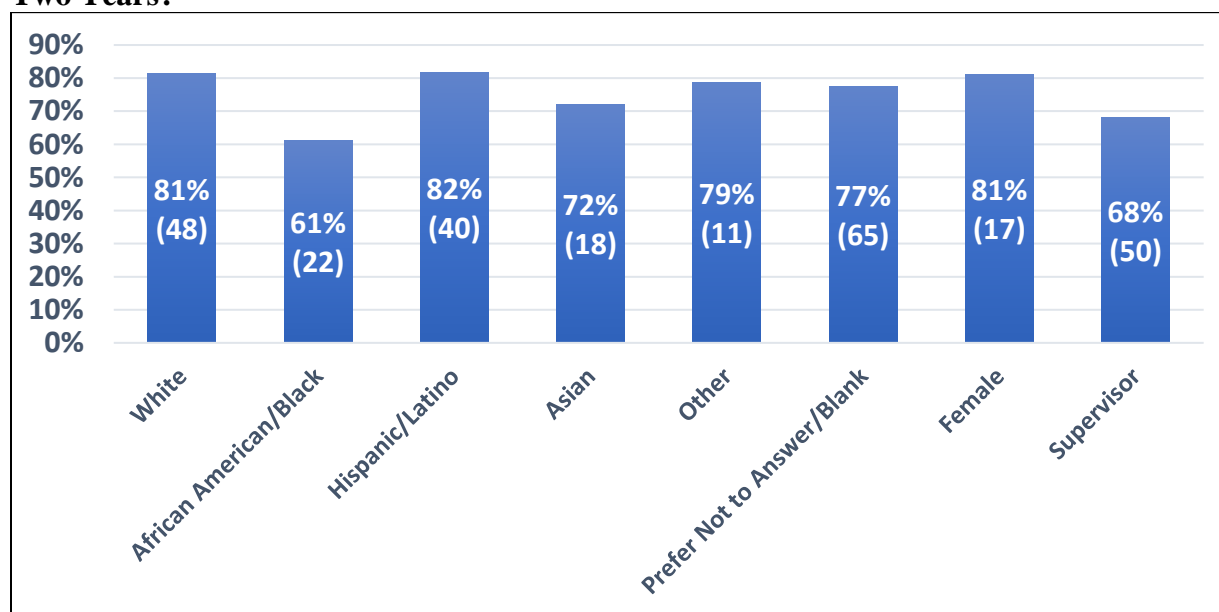
**Graph 1: Gender Identification of Sworn Respondents**

Based on the information included in both Chart 1 and Graph 1, it appears the demographics of respondents for the 2022 survey closely mirror the overall demographics of the Department. Compared to the 2019 survey, white sworn personnel comprise a smaller percentage of respondents in 2022. Approximately 22% of the Department holds the rank of sergeant or above. Of the survey respondents that answered the question, 28% (75/270) indicated they were supervisors or commanders. As with responses from female officers, our analysis will break out responses from supervisors. This will ensure responses from sworn supervisors are not

overwhelmed or masked by responses from non-supervisors since officers represent the majority of respondents.

In the past two years, 76% (204) of respondents indicated they were the subject of an OPD internal investigation. The 2019 survey found 90% of sworn respondents were the subject of an OPD internal investigation and 70% reported being disciplined by OPD although they did not specify a time frame. Graph 2 provides the breakdown by race and for females and supervisors. Hispanic sworn employees are the most likely to indicate they were the subject of an internal investigation in the past two years with 82% of respondents selecting “yes.” White employees and employees that identify as female have the next highest rate with 81%. Black officers were the least likely to have been the subject of an investigation, with 61%.

**Graph 2: Have You Been the Subject of an OPD Internal Affairs Investigation in the Past Two Years?**



For those that responded they were the subject of an OPD internal investigation, 59% (119/201) indicated their investigation involved a concurrent Civilian Complaint Review Agency (CPRA) investigation.

## Findings

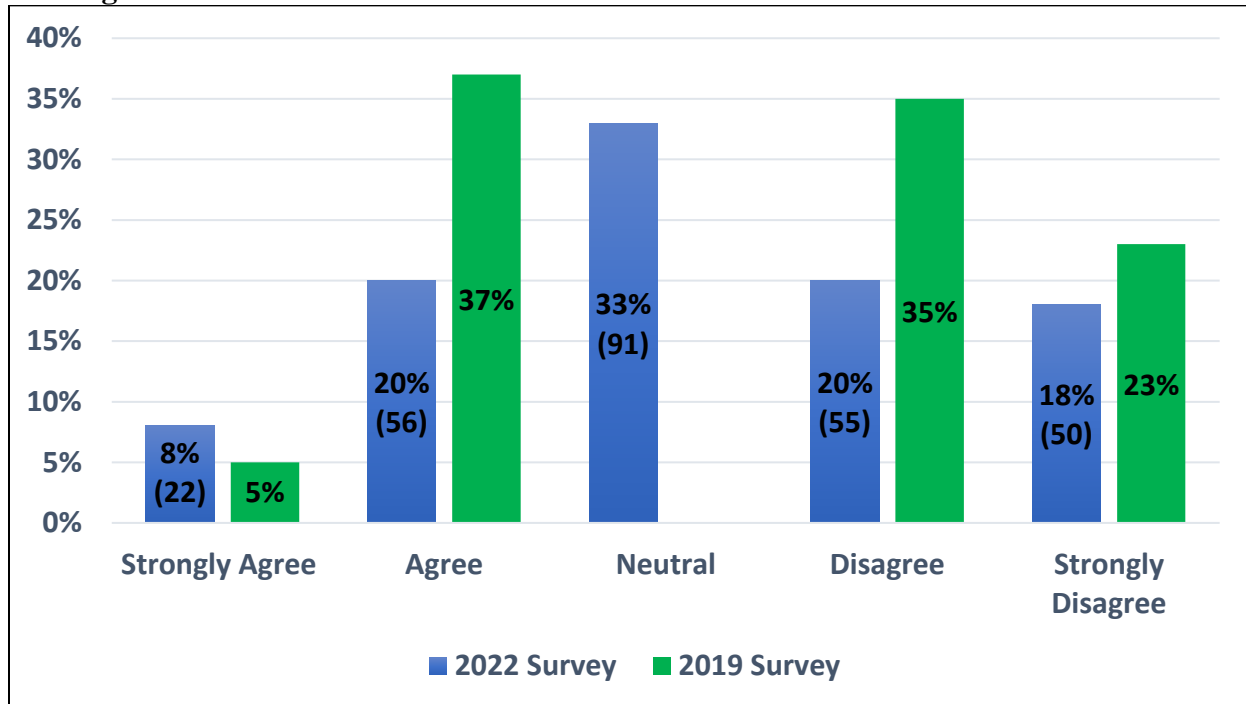
### Finding 1

**Compared to the 2019 survey, a higher percentage of employees strongly agree and a lower percentage of employees strongly disagree that employees are treated with dignity and respect during internal investigations and that the disciplinary process is fair.**

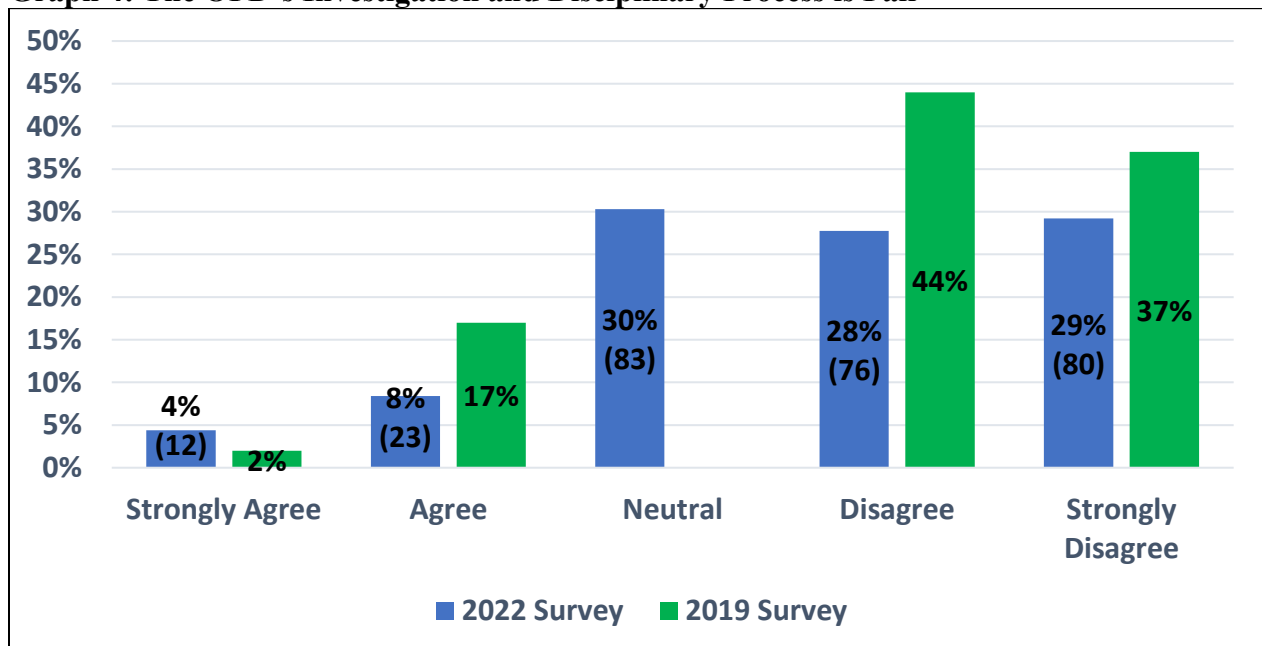
Graphs 3 and 4 below provide the responses to the statements “OPD employees are treated with dignity and respect during OPD internal investigations” and “the OPD’s disciplinary process is fair”. The graphs below include a comparison to the responses from the 2019 survey. The neutral response was the most common selection for both statements in the 2022 survey. In 2019, the majority of responses “disagreed” or “strongly disagreed” with the two statements. In 2022, while

perceptions still skewed toward the negative, they did so with a lower percentage selecting “strongly disagree” and a higher percentage selecting “strongly agree” for both statements.

**Graph 3: OPD Employees are Treated with Dignity and Respect During OPD Internal Investigations**



**Graph 4: The OPD’s Investigation and Disciplinary Process is Fair**



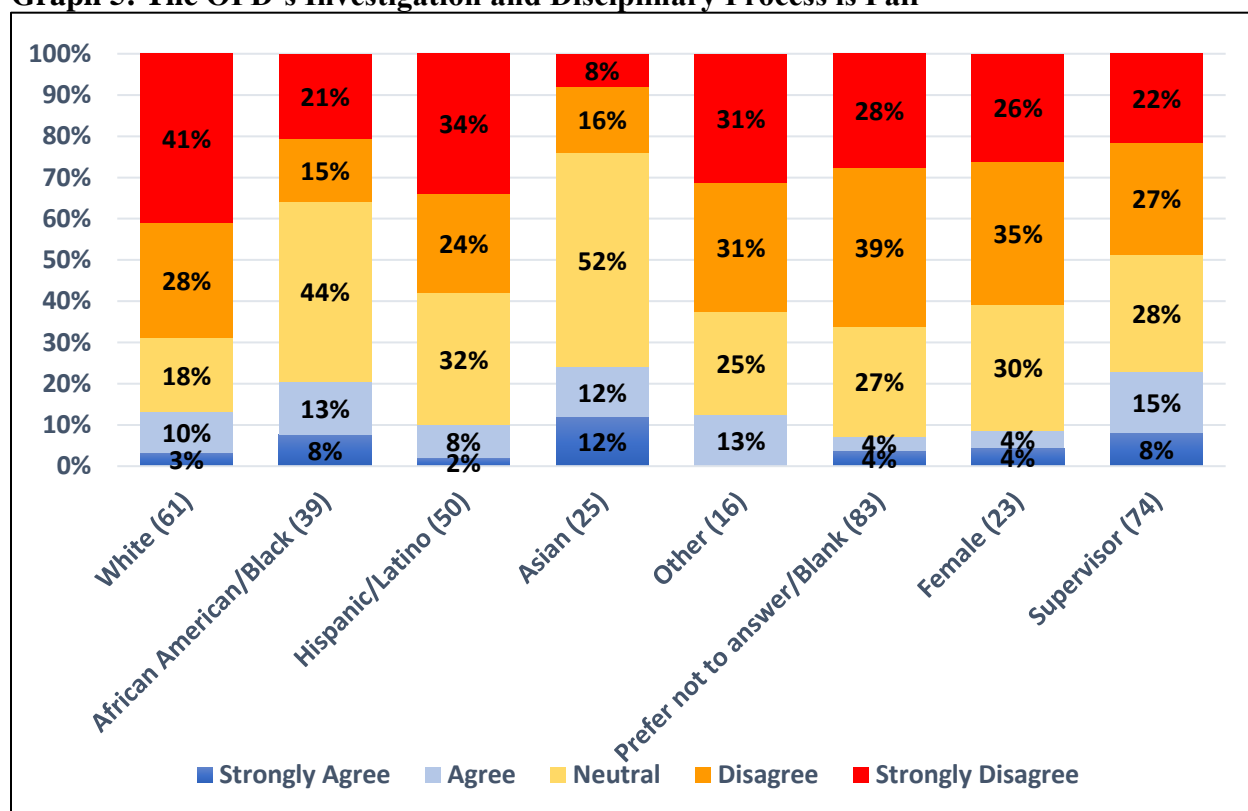
## **Finding 2**

**Supervisors, Asian, and Black sworn employees were most likely to believe the investigation and disciplinary process is fair. This remains true even after filtering to include only those who have had an internal investigation in the past two years. Though they have the highest agreement with the statement, the majority of respondents still disagree or were neutral that the process is fair.**

Broken down by race, and including responses for females and supervisors, supervisors were the mostly likely to feel the disciplinary process is fair with 23% agreeing or strongly agreeing with the statement. Asian and Black sworn employees followed with 24% and 21% respectively.

Responses from other races, those that elected not to select a race, and female employees all have over 50% rates of disagreement with the statement. White employees were the most likely to select “strongly disagree”. Graph 5 provides this breakdown.

**Graph 5: The OPD’s Investigation and Disciplinary Process is Fair**

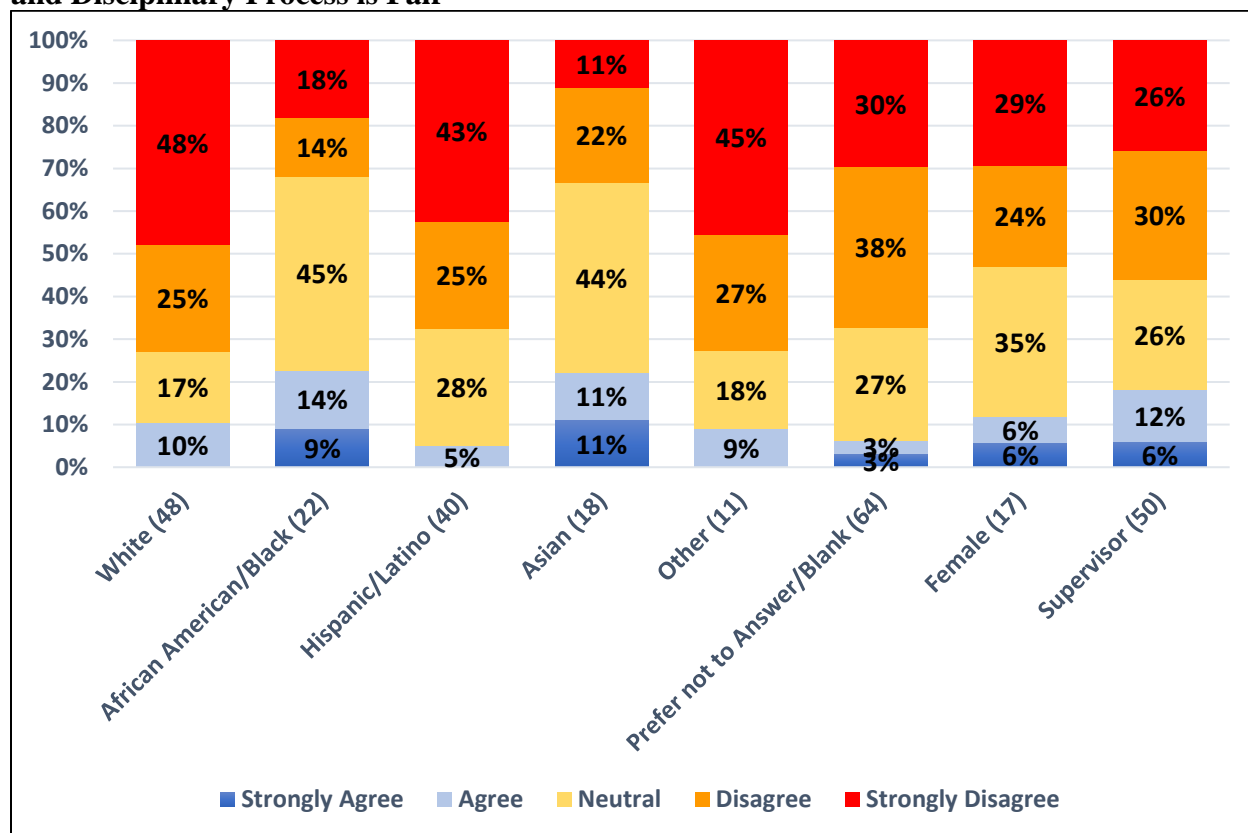


Filtering to include only those that were the subject of an OPD internal investigation in the past two years reveals similar results that skew more negative.

The Department noted the results from all respondents in Graph 5 were more negative than the respondents in Graph 6, which could mean some of the negative perceptions from those who have not been involved in the process were based on hearsay, anecdotes, or impressions.

Compared to the results in Graph 5, Graph 6 shows white, Hispanic, and officers that selected “Other” as a race were less likely to agree or strongly agree that the investigation or discipline process was fair. Compared to all respondents, Black, Asian, prefer not to answer, female, and supervisor sworn employees who were the subject of an OPD investigation all have more negative feelings about the fairness of the process.

**Graph 6: For Those That Have Been the Subject of an OPD Investigation: The Investigation and Disciplinary Process is Fair**

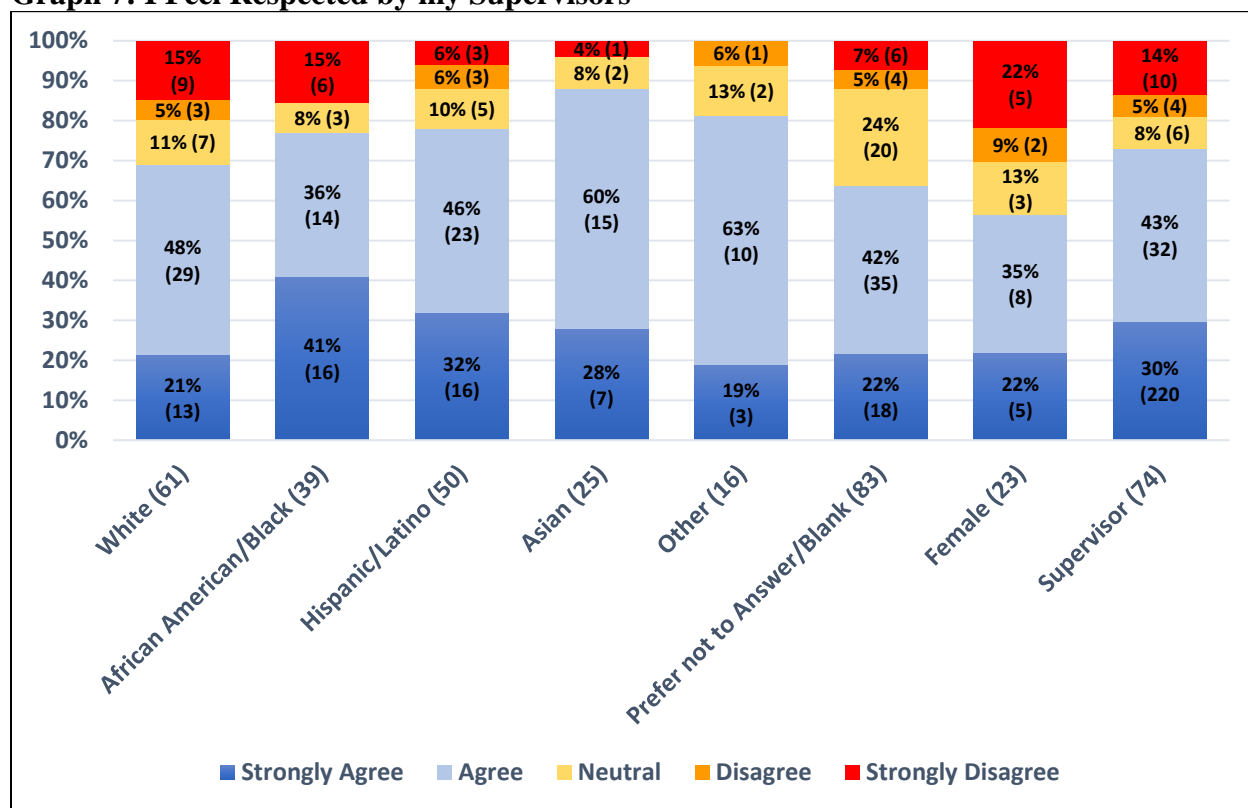


### **Finding 3**

**Overall, 73% of survey respondents feel respected by their supervisors. Asian sworn employees were the most likely to feel respected and female sworn employees were the least likely.**

New for the 2022 survey was the statement, “I feel respected by my supervisors.” This statement provided a baseline as to whether the Department is perceived to have good internal procedural justice overall. The Hillard Heintze survey identified cliques and groups as a perceived issue related to fairness. The response to the newly developed statement helped understand whether that was a perceived issue generally, or strictly tied to the complaint and/or discipline process. Graph 7 provides the responses to this statement.

**Graph 7: I Feel Respected by my Supervisors**



Overall, 73% of respondents agreed or strongly agreed that they felt respected by their supervisors. By race, Asian employees were the most likely to feel respected, with 88% agreeing or strongly agreeing with the statement. Employees that selected “Prefer not to answer,” or did not select a race, were least likely to feel respected with 64% agreeing or strongly agreeing with the statements. Only 57% of female respondents agreed or strongly agreed. Female employees were also the most likely to strongly disagree with the statement.

#### **Finding 4**

**Taken as a whole, over half of respondents disagree or strongly disagree that gender identity or sexual orientation play a role in the investigation and discipline process. Over half of respondents agree or strongly agree that rank plays a role. Responses about race were more dispersed and the 50% threshold was not reached for either agree/strongly agree or disagree/strongly disagree.**

Chart 2 below provides the responses for the first set of Likert scale statements (survey question 1). To focus on current practices and procedures, we asked respondents to focus on the past two years. Responses in the chart are highlighted if 50% or more of the responses lean positive, negative, or neutral. Overall, more than half of respondents agree with the statements:

- I feel respected by my supervisors.
- The Community Police Review Agency (CPRA) influences investigations and discipline.
- Rank plays a factor in generating a complain
- Rank plays a factor in the outcome of an investigation

- Rank plays a factor in the determination of discipline.
- External politics and media attention influence investigations and discipline.

Only two statements in the survey elicited responses with strongly agree being selected more than 50% of the time. Fifty-two percent of officers selected strongly agree and 28% of officers selected agree when responding to the statement “the CPRA influences investigations and discipline.” For “external politics and media attention influence investigations and discipline,” 57% of officers strongly agreed with the statement and 21% of officers agreed with the statement.

Respondents were neutral about the statement, “Issues that concern gender are openly dealt with and resolved constructively at OPD”. Over half of respondents disagree or strongly disagree with the following statements:

- The OPD's investigation and disciplinary process is transparent and well understood by members of the Department.
- The OPD's investigation and disciplinary process is fair.
- The CPRA role in the investigation and disciplinary process is transparent and well understood by members of the Department.
- Gender identity plays a factor in whether a complaint is generated by OPD
- Gender identity plays a factor in the Department’s determination of discipline
- Sexual orientation plays a factor in whether a complaint is generated by OPD
- Sexual orientation plays a factor in determining the outcome of an OPD investigation
- Sexual orientation plays a factor in the Department’s determination of discipline

Many of the concerns about consistency of discipline focus on whether gender identity, sexual orientation, race, or rank play a role in the investigative process. As stated above, respondents feel rank plays a role throughout the entire process. Respondents overall disagree or strongly disagree that gender identity and sexual orientation play a role in whether a complaint is generated or in the determination of discipline. Respondents also disagree that sexual orientation is a factor in determining the outcome of an investigation. The 50% threshold was not met for “gender identity plays a factor in determining the outcome of an OPD investigation,” or in any of the statements that include race. For the three statements that include race, “Neutral” was the most common response.

**Chart 2: Thinking about the past two years, please indicate how you feel about the following statements:**

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total
I feel respected by my supervisors.	27% (73)	46% (126)	14% (39)	4% (11)	9% (25)	274
OPD employees are treated with dignity and respect during OPD internal investigations.	8% (22)	20% (56)	33% (91)	20% (55)	18% (50)	274
The OPD's investigation and disciplinary process is transparent and well understood by members of the Department.	6% (17)	12% (34)	23% (63)	31% (85)	28% (76)	275
The OPD's investigation and disciplinary process is fair.	4% (12)	8% (23)	30% (83)	28% (76)	29% (80)	274
The Community Police Review Agency's (CPRA) role in the investigation and disciplinary process is transparent and well understood by members of the Department.	3% (7)	4% (10)	17% (48)	28% (77)	48% (133)	275
The CPRA influences investigations and discipline.	52% (142)	28% (77)	15% (41)	3% (7)	3% (8)	275
Gender identity plays a factor in whether a complaint is generated by OPD.	7% (19)	9% (24)	35% (95)	23% (62)	27% (74)	274
Gender identity plays a factor in determining the outcome of an OPD investigation.	9% (24)	9% (25)	33% (91)	21% (59)	28% (76)	275
Gender identity plays a factor in the Department's determination of discipline.	9% (24)	8% (22)	33% (91)	23% (62)	27% (74)	273
Sexual orientation plays a factor in whether a complaint is generated by OPD.	6% (17)	6% (16)	31% (84)	26% (71)	31% (85)	273
Sexual orientation plays a factor in determining the outcome of an OPD investigation.	6% (16)	6% (16)	31% (85)	27% (74)	30% (82)	273
Sexual orientation plays a factor in the Department's determination of discipline.	6% (16)	6% (16)	31% (86)	28% (76)	29% (80)	274
Race plays a factor in whether a complaint is generated by OPD.	16% (44)	18% (50)	25% (67)	18% (48)	23% (64)	273
Race plays a factor in determining the outcome of an OPD investigation.	20% (55)	20% (55)	24% (65)	16% (43)	20% (56)	274
Race plays a factor in the Department's determination of discipline.	22% (61)	19% (53)	22% (61)	15% (42)	21% (56)	273
Rank plays a factor in whether a complaint is generated by OPD.	31% (85)	21% (58)	24% (66)	11% (30)	13% (35)	274
Rank plays a factor in determining the outcome of an OPD investigation.	37% (102)	22% (59)	23% (62)	7% (19)	12% (32)	274
Rank plays a factor in the Department's determination of discipline.	38% (104)	23% (63)	20% (55)	8% (23)	11% (29)	274
The OPD discipline matrix is consistently applied during the OPD discipline process.	4% (11)	14% (38)	39% (107)	22% (60)	21% (58)	274
Issues that concern race are openly dealt with and resolved constructively in OPD.	6% (17)	18% (48)	40% (110)	18% (50)	18% (49)	274
Issues that concern gender are openly dealt with and resolved constructively in OPD.	8% (21)	18% (50)	53% (146)	9% (25)	12% (32)	274
External politics and media attention influence investigations and discipline.	57% (157)	21% (57)	17% (47)	2% (5)	3% (8)	274

\* Cells highlighted if Strongly Agree/Agree, Neutral, or Strongly Disagree/Disagree total 50% or higher.



### *Comparison of Responses to the Department's 2022 Survey the 2019 Hillard Heintze Survey*

Because the individuals responding to the 2022 survey and the 2019 survey are distinct, anonymous groups of respondents (even allowing for some overlap in respondents), comparison between responses in the two surveys is of limited significance. The responses in each instance capture a “snapshot” of Department members’ perceptions at the time each survey was conducted. Therefore, we must be careful not to assess differences in responses in 2022 and 2019 as “improvements” or “deterioration” in perceptions.

Compared to the 2019 survey, a lower percentage of 2022 respondents perceived that gender plays a role in the investigation, outcome, or discipline process. In 2022, 20% of women and 17% of men believed gender played a role. In 2019, 41% of women and 32% of men believed gender played a role in the process.<sup>15</sup>

Compared to the 2019 survey, a lower percentage of 2022 respondents perceived that race plays a role in investigation outcome, but a higher percentage perceived that race plays a role in discipline imposed. Thirty-four percent of 2022 respondents agree/strongly agree that race plays a role in determining the outcome of an internal investigation, compared to 36% in 2019—a 2% decrease. Forty-one percent of 2022 respondents agree/strongly agree that race plays a role in the determination of discipline, compared to 37% in 2019—a 4% increase.

In the 2022 survey, white and Hispanic respondents agreed more often than 2019 respondents of those races that race plays a role; while Black and Asian respondents agreed less often than 2019 respondents that race plays a role. In 2019 25% of white respondents, 35% of Black respondents, 44% of Hispanic respondents, and 40% of Asian respondents agreed or strongly agreed that race plays a factor in the outcome of investigations or discipline imposed.<sup>16</sup> On average for those two statements combined in the 2022 survey, we found that 44% of white respondents, 26% of Black respondents, 63% of Hispanic, and 16% of Asian respondents agree or strongly agree that race plays a role.

The addition of a “Neutral” category in the 2022 survey appears to have reduced the overall robustness of expressed opinions. For example, for the statement “race plays a factor in determining the outcome of an internal investigation,” in 2019 the most frequent response was “disagree” (40%). In the 2022 survey, however, the most common response was “Neutral” (24%). Respondents selected agree, strongly agree, and strongly disagree at the rate of roughly 20% each while roughly 15% of respondents selected disagree.

---

<sup>15</sup> The Hillard Heintze survey question asked respondents whether gender played a role in investigation outcomes and discipline. The 2022 survey asked separate questions about the two distinct parts of the process to distinguish perceptions about investigation outcomes and discipline imposed—(1) whether gender plays a role in investigation outcomes, and (2) whether gender plays a role in discipline imposed.

<sup>16</sup> As similarly noted in footnote 5, above, the 2019 survey asked whether race plays a role in outcomes and discipline in a single question; the 2022 survey asked separate questions to distinguish outcomes and discipline.

Regarding rank, in the 2022 survey, 60% of respondents agreed that rank plays a role in the investigation, outcome, and discipline process. In 2019, approximately 80% of respondents felt rank played a role in the process. For the statement, “the OPD’s investigation and disciplinary process is transparent and well understood by members of the Department,” 59% of the 2022 respondents disagreed or strongly disagreed with the statement. Only 18% agreed or strongly agreed the process is transparent and well understood. In the 2019 survey, roughly the same percentage (17.94%) agreed or strongly agreed. By gender, a lower percentage of women responding to the 2022 survey (13%) agreed the process was transparent; in the 2019 survey 27% of women responding believed the process was transparent. Once again, however, “Neutral” drew a significant number of 2022 responses (23%).

Each of the two surveys asked respondents whether issues concerning race and gender being openly dealt with and resolved constructively at OPD. In 2019, 41% of respondents agreed or strongly agreed these issues are dealt with openly and resolved constructively; there was no significant differences among race or gender. In the 2022 survey, the Department separately asked about issues involving race and issues involving gender. Respondents overall disagreed more frequently than agreed that issues concerning race are dealt with openly and resolved constructively—36% of respondents disagreed or strongly disagreed while only 24% agreed or strongly agreed (40% were neutral). For gender, respondents overall agreed more frequently than disagreed that issues concerning gender are dealt with openly and resolved constructively—26% agreed or strongly agreed while only 21% disagreed or strongly disagreed (53% were neutral).

### **Finding 5**

**For those that indicated they were the subject of an OPD internal affairs investigation in the last two years, less than 25% believe their gender, race, or rank had any role in the process. About 25% were neutral about the statements and 50% disagreed or strongly disagreed with the statements.**

As indicated earlier in this report, 76% of survey respondents were the subject of an OPD internal affairs investigation in the past two years. The second set of statements in the survey focused on how individuals felt about their own internal investigations. Filtering to include only those that responded yes to the question, Chart 3 displays the breakdown of responses. Overall, respondents did not feel like their gender identity or race influenced the generation of a complaint, the outcome of the investigation, or the determination of discipline. Over 50% of respondents for each question selected disagree or strongly disagree. The statements about rank almost hit the 50% threshold. On average, only about 20% of respondents strongly agreed or agreed that gender, race, or rank influenced the internal investigation process for their cases.

Appendix 4 provides responses to some of the statements broken down by race, gender, and rank. Sworn personnel identifying as Hispanic or white were the most likely to feel their race impacts the investigation process. Asian personnel were the least likely to believe their race impacts the process.

By gender, female sworn personnel were more likely than males to feel their gender impacts the investigation; however, 79% of females strongly disagree, disagree, or were neutral about the statements. By rank, those that do not identify as a supervisor were more likely to feel that their rank impacted the investigation process. Overall, most respondents strongly disagree,

disagree or were neutral about their race, gender, or rank impacting the internal investigation process.

**Chart 3: If you have been the subject of an OPD IA investigation in the past two years, please indicate how you feel about the following statements\***

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total
I feel that my gender identity influenced OPD generating a complaint against me.	6% (12)	8% (14)	24% (44)	31% (58)	31% (57)	185
I feel that my gender identity influenced the outcome of an OPD internal investigation.	6% (11)	7% (12)	27% (49)	30% (56)	30% (56)	184
I feel that my gender identity influenced the Department's determination of discipline for an OPD internal investigation	6% (11)	7% (13)	27% (48)	32% (58)	28% (51)	181
I feel that my race influenced OPD generating a complaint against me.	11% (21)	13% (23)	19% (35)	30% (56)	27% (49)	184
I feel that my race influenced the outcome of an OPD internal investigation.	11% (20)	10% (18)	23% (42)	30% (56)	26% (48)	184
I feel that my race influenced the Department's determination of discipline for an OPD internal investigation	13% (23)	9% (17)	26% (47)	27% (50)	26% (47)	184
I feel that my rank influenced OPD generating a complaint against me.	14% (25)	10% (17)	29% (50)	27% (46)	20% (35)	173
I feel that my rank influenced the outcome of an OPD internal investigation.	12% (21)	10% (18)	29% (51)	28% (49)	20% (35)	174
I feel that my rank influenced the Department's determination of discipline for an OPD internal investigation	12% (20)	11% (19)	29% (49)	28% (47)	20% (33)	168

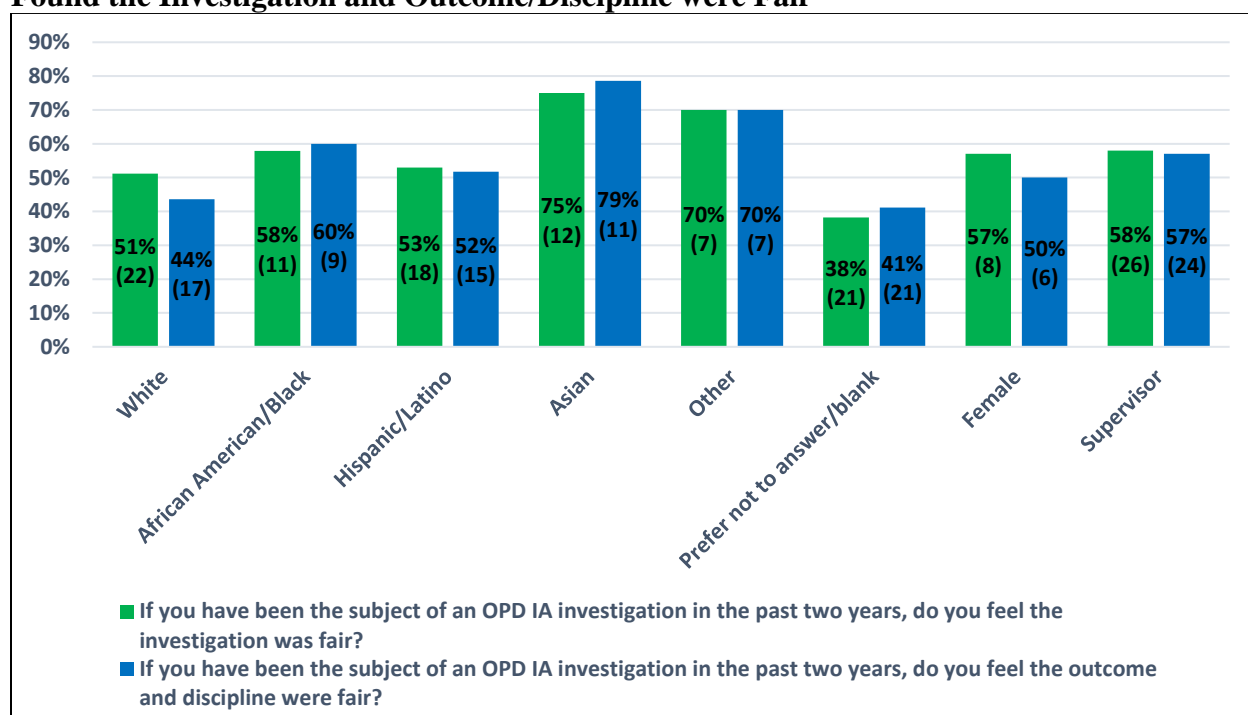
\* Filtered to include only those who selected they have been the subject of an IA investigation in the past two years. Those who selected N/A were also removed.

### **Finding 6**

**For those that indicated they were the subject of an OPD internal affairs investigation in the last two years, over half of respondents felt the investigation and outcome/discipline were fair.**

For those that indicated they were the subject of an internal investigation, about over agreed the investigation and the outcome/discipline was fair. Graph 8 provides the responses by race, for females and for supervisors. Overall, Asian officers and officers that identified as “Other” felt investigations and outcomes were fair at the highest percentage. Officers who preferred not to identify their race and white officers were the least likely to feel the investigations and outcomes were fair.

**Graph 8: Percent of Respondents Who Have Been the Subject of an IA Investigation and Found the Investigation and Outcome/Discipline were Fair**



\*Filtered to include only those who selected they were the subject of an IA investigation in the past two years. Those who selected N/A were also removed.

### **Finding 7**

**The responses to the open-ended question did not focus on race or gender and focused to a lesser extent on rank. Most responses focused on streamlining the process for closing out unfounded complaints, changing how the Department accepts complaints, and limiting the scope of investigations.**

The final question in the survey asked, “What changes would you make to the Department’s complaint, investigation, and discipline processes?” Many officers took the time to answer this question and provided detailed feedback on what changes they would make. Each response was read and coded for themes.

The top themes identified were:

- A streamlined, or shorter, process for closing out complaints proven to be unfounded through BWC footage or documentation (ex. false arrest complaints for warrants/mandatory arrests).
- Changing the process for how complaints are accepted.
- Holding command and supervisors more accountable for their actions or the actions of their officers.
- Limiting the scope of investigations as much as possible.
- Repercussions for false complaints, primarily, repeated false complaints by the same individual.
- Increased transparency for the IA process and outcomes.

Although this survey primarily focused on identifying whether personnel feel that race, gender, and rank play a role in the internal investigation process, most responses to the open-ended question focused on other areas. Over half of the sworn personnel that responded to the survey, responded to the open-ended question.

Modifying the way the Department handles false arrest complaints made by individuals with a warrant, who were being arrested for domestic violence, or another mandatory arrest category was the most common response. Complete investigations can be more than 100 pages and summary findings take supervisors a considerable amount of time. For complaints that fit into a specific category such as these, sworn personnel suggested administratively closing the cases immediately if BWC footage or other documentation proved the complaint unfounded.

**“We have to figure out a way to triage complaints. Full investigations for every little thing is a huge waste of resources. There must be a way to force ICR or just get these things handled without the enormous strain of the DLI. Right now you have people swimming in work doing all these ridiculous DLIs. Please check other city's policies and procedures - there has to be a way to resolve these things and still hold people accountable.” – Male, Other, Supervisor**

A second frequently cited change was to adjust the process for how the Department accepts external complaints. Suggested changes involve implementing a cooling off period for complainants, not accepting anonymous complaints, and removing field sergeants from the process, having complainants work directly with Internal Affairs. Sworn personnel also expressed concerns about receiving Failure to Accept or Refer a Complaint (Unintentional) MOR violations and voiced their frustration that they need to explicitly ask unhappy subjects (especially those being arrested) if they would like to make a complaint. A suggested solution is to provide every subject with an information business card (IBC) which includes the officer's name and serial number plus phone numbers for Internal Affairs and the Citizen's Police Review Board.

**“We are constantly trained and directed to solicit complaints from the most unhappy members of the public, in a subjective manner, in which real discipline can result from not pushing hard enough for that complaint. We subject line level employees with the responsibility of conducting what amounts to a**

**customer satisfaction survey where the interpretation of the results are not as clear cut as a policy maker may expect.” –Male, Supervisor**

Another common comment was to hold supervisors and commanders accountable. Included in the section of this report on the 2022 sustained rate is a breakdown of the complaint sustained rate for officers and supervisors. The data shows for each year since 2018, supervisors were sustained at a higher rate than officers. Based on the survey responses, it appears the respondents concern has less to do with the sustained rate and more to do with holding supervisors and commanders accountable in the first place.

**“Command staff accountability is still lacking severely. There is no established way to hold command staff accountable for their most common misconduct: failure to command or act. It always skates by or any responsibility is pushed down into supervisors and officers.” -Male, Officer**

**“Officers are always blamed and looked upon as the problem in this department. No one has ever looked at who's giving the officer's the orders to enforce their behavior or actions. And nothing ever happens to the commanders giving the orders.” – Male, Black, Officer**

A third proposed process change is to limit the scope of investigations to include only the original complaint. Sworn personnel feel the current process goes too far beyond the initial complaint. They feel if the complainant was not upset with the officer’s demeanor for example, then a demeanor complaint should not be internally generated.

**“Investigations should not be a fishing expedition. Generally, the scope should be limited to the original complaint and not be used as an excuse to find a "gotcha" violation of policy. Obviously, exceptions should be made for serious (class 1) offenses discovered.” -Male, white, Officer**

Officers were also frustrated that individuals were not held accountable when they make false complaints. More than one officer cited a California Court of Appeals case that prohibits the city of Los Angeles from accepting complaints against a police officer unless the complainant reads and signs the advisory that filing a false complaint of officer misconduct may result in criminal prosecution (PC148.6).

**“Begin with complying with the law and requiring people to acknowledge that filing a false complaint is illegal and requiring them to sign. The worst part about the complaint system is just how many complaints OPD officers get compared to any other agency. The vast majority of these complaints are false. Then, from these false complaints, officers are sustained for minor policy violations unrelated to the main point of the complaint allegations. Each complaint notification always creates a lot of stress, regardless of how baseless the complaint is.” – Male, Officer**

Finally, sworn personnel requested the internal affairs process and case outcomes become more transparent. Respondents noted there needed to be more training for new officers on what the IAD investigation process entails and IAD should provide more information to those under investigation, and especially to those who were sustained. Some officers recommended providing information on all sustained cases to Department personnel. The same recommendation was made in the April 2022 report, and at the time of the survey, OPD's Internal Affairs Division was in the process of creating a releasable report on data for sustained cases for the first two quarters of the 2022.

**“More transparency and/or education on the process, especially for new officers. An opportunity to explain this can be during the 1 month post academy training. Much of my current knowledge of IA and investigations process is second-hand from senior officers.” – Male, Black, Officer**

## **Professional Staff Responses**

### **Demographics**

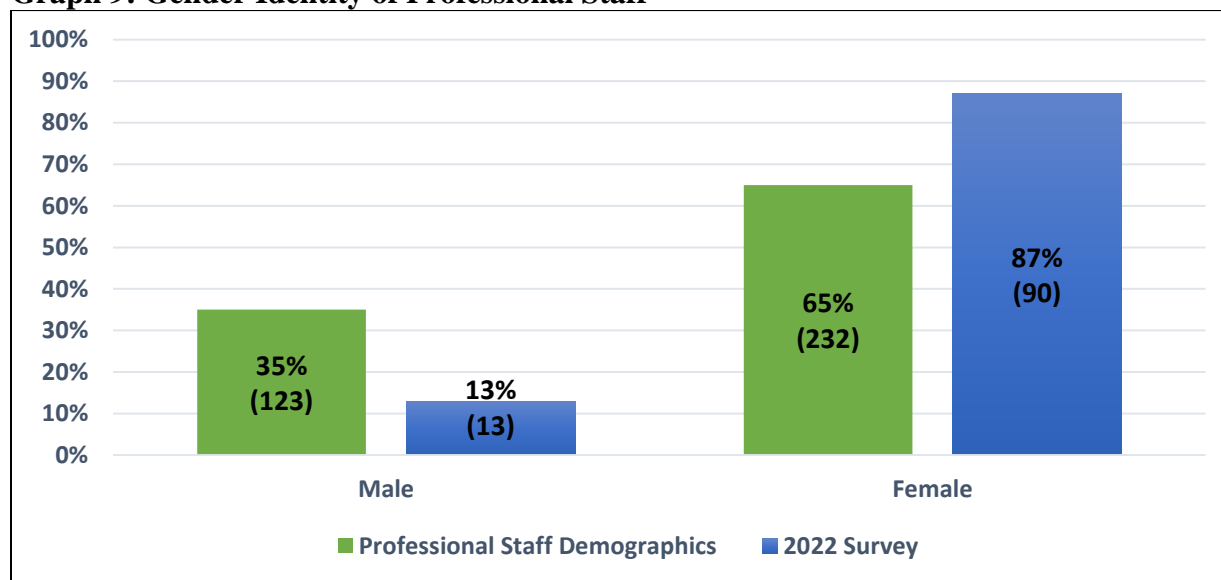
While the initial Hillard Heintze study did not report out on the responses from professional staff, the Department felt their responses and concerns warranted a discussion in this report. A total of 127 professional staff responded to the survey. Like the sworn responses, 28% (36/127) of professional staff did not provide a race and 19% (24/127) did not provide their gender identity. Chart 4 and Graph 9 provide this information for those that elected to respond and also includes the racial breakdown of those that responded to the Hillard Heintze survey. As mentioned previously, Hillard Heintze did not report out on the gender breakdown for sworn/professional staff, only for overall responses. Over one-third of respondents identified as African American or Black and 87% of respondents identified as female. Eighteen percent (23/124) of professional staff identified as a supervisor or manager. Because the percentage of female respondents is far larger than the percentage of male respondents, the graphs that focus on race also display results for males, so their responses were not masked by the substantially larger percentage of female respondents. Responses from supervisors were also distinct for the same reason.

///



**Chart 4: Race/Ethnicity of Professional Staff**

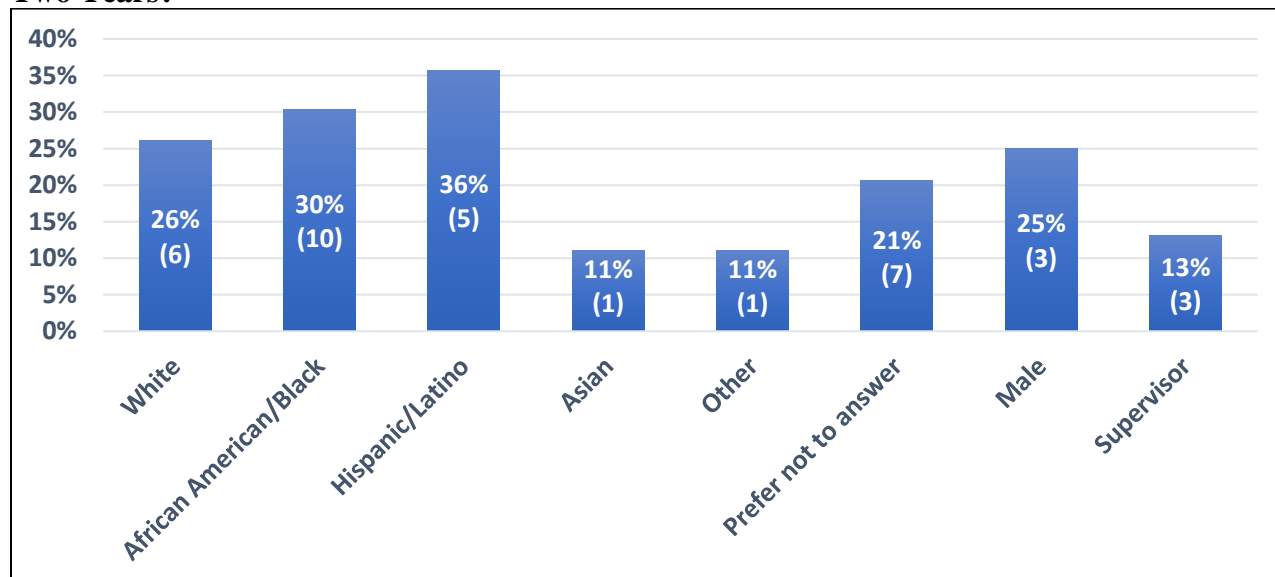
	2022 Professional Staff Demographics	2022 Survey	2019 Hillard Heintze Survey
White	20% (72)	25% (23)	7% (3)
African American/Black	38% (136)	37% (34)	40% (17)
Hispanic/Latino	21% (75)	18% (16)	7% (3)
Asian	17% (61)	10% (9)	26% (11)
Other	3% (9)	10% (9)	0% (0)
Native Hawaiian or Other Pacific Islander	0% (0)	N/A	2% (1)
American Indian or Alaskan Native	0.6% (2)	N/A	0% (0)
Two or More Races	N/A	N/A	12% (5)
Total	100% 355	100% (91)	100% (43)

**Graph 9: Gender Identity of Professional Staff**

Three-fourths of professional staff indicated they have not been the subject of an OPD IA investigation in the past two years. Hispanic staff members were the most likely to have an investigation with 36% of respondents indicating they were the subject of an investigation in the last two years. It is important to note, however, this represents only five individuals. Numerically, white staff members had the most involvement with the internal investigation process with 10 individuals (30%) indicating they were involved. Only two staff members indicated they were the

subject of an OPD investigation that involved a concurrent CPRA investigation in the past two years.

**Graph 10: Have You Been the Subject of an OPD Internal Affairs Investigation in the Past Two Years?**



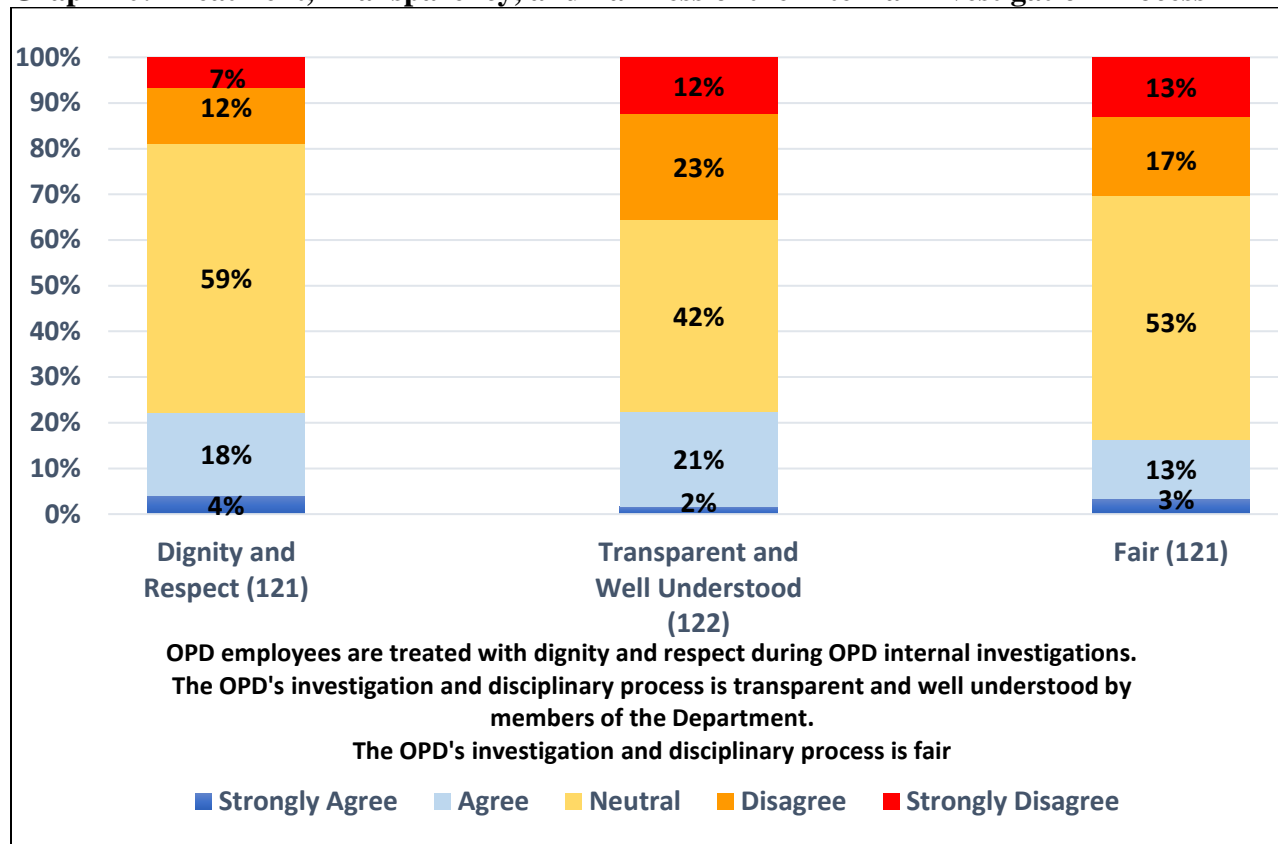
### **Finding 1**

**Despite most respondents having no personal involvement as the subject of an investigation in the last two years, most respondents have neutral or negative views regarding the treatment of employees, the transparency of the process, and the fairness of the process.**

Graph 10 displays the responses to the statements regarding the treatment, transparency, and fairness of the internal investigation process. Most professional staff appear to have neutral or negative views in each area. Supervisors were the most likely to agree that employees were treated with dignity and respect followed by male employees, and employees that identify as other. Hispanic employees were equally as likely to agree/strongly agree or disagree/strongly disagree with the statement and were also the most likely to believe the investigative process is transparent and well understood. Black employees and employees that did not identify their race were the least likely to believe the process is fair. The graph detailing this information can be found in Appendix 4.

///

**Graph 10: Treatment, Transparency, and Fairness of the Internal Investigation Process**



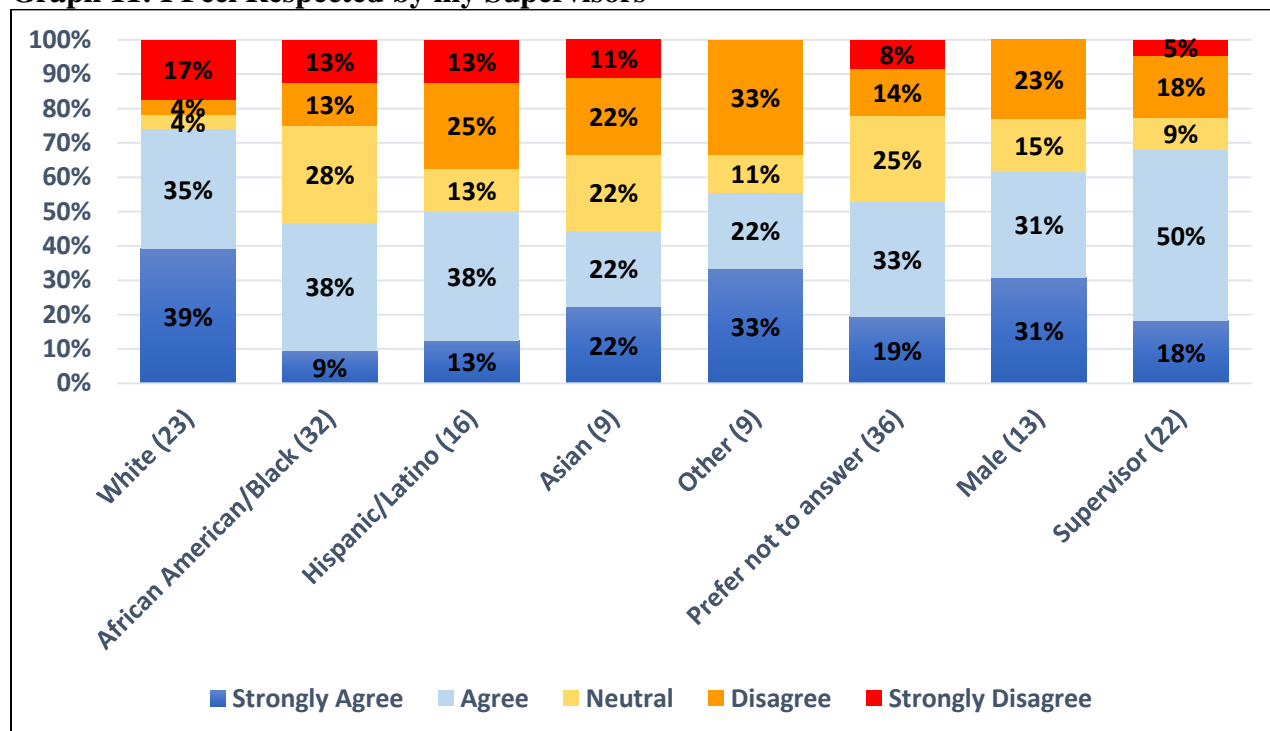
### **Finding 2**

**Three-fourths of professional staff strongly agree, agree, or were neutral regarding feeling respected by their supervisors.**

Overall, 74% of professional staff have a positive or neutral response to feeling respected by their supervisors. Asian staff members were the least likely to agree or strongly agree with the statement. White employees and supervisors were the most likely to agree or strongly agree. Graph 11 displays the results by race and includes responses by males and supervisors.

///

**Graph 11: I Feel Respected by my Supervisors**



### **Finding 3**

**Over half of respondents feel neutral about sexual orientation or gender identity impacting the internal investigation process. For race and rank, most respondents selected “Neutral”. Respondents were also more likely to strongly agree or agree that race or rank impact the internal investigation process than sexual orientation or gender identity.**

Chart 5 displays the responses to the first question of the survey that asks respondents how much they agree or disagree with the listed statements. Compared to sworn personnel, professional staff feel more neutral about most of the statements. For every statement other than “I feel respected by my supervisors,” neutral was the most common response. Only a small number of respondents feel sexual orientation or gender identity play a role in generating a complaint, the outcome of the complaint, and discipline. Respondents were more likely to agree race or rank plays a role in the process though the most common response for all statements regarding race or rank was “neutral” though it did not surpass 50%.

Reviewing the data by race, Hispanic professional staff members were the most likely to agree or strongly agree that race plays a factor in whether a complaint is generated by OPD. For the outcome of an investigation and for the determination of discipline, about 30% of Black, Asian, and Hispanic professional staff members believe race plays a role. Charts that break down the data by race, gender, and rank can be found in Appendix 4.

**Chart 5: Thinking about the past two years, please indicate how you feel about the following statements:**

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total
I feel respected by my supervisors.	21% (26)	34% (42)	19% (24)	15% (19)	11% (14)	125
OPD employees are treated with dignity and respect during OPD internal investigations.	4% (5)	18% (22)	59% (71)	12% (15)	7% (8)	121
The OPD's investigation and disciplinary process is transparent and well understood by members of the Department.	2% (2)	21% (25)	42% (51)	23% (28)	12% (15)	121
The OPD's investigation and disciplinary process is fair.	3% (4)	13% (16)	53% (65)	17% (21)	13% (16)	122
The Community Police Review Agency's (CPRA) role in the investigation and disciplinary process is transparent and well understood by members of the Department.	1% (1)	6% (7)	52% (64)	25% (30)	16% (20)	122
The CPRA influences investigations and discipline.	13% (16)	18% (22)	63% (76)	3% (4)	2% (2)	120
Gender identity plays a factor in whether a complaint is generated by OPD.	3% (3)	6% (7)	52% (62)	20% (24)	19% (23)	119
Gender identity plays a factor in determining the outcome of an OPD investigation.	2% (3)	4% (5)	50% (61)	22% (27)	21% (25)	121
Gender identity plays a factor in the Department's determination of discipline.	2% (3)	5% (6)	51% (62)	22% (27)	19% (23)	121
Sexual orientation plays a factor in whether a complaint is generated by OPD.	2% (2)	2% (3)	51% (62)	26% (31)	19% (23)	121
Sexual orientation plays a factor in determining the outcome of an OPD investigation.	2% (2)	2% (3)	50% (61)	25% (30)	21% (25)	121
Sexual orientation plays a factor in the Department's determination of discipline.	2% (2)	3% (4)	50% (60)	25% (30)	20% (24)	120
Race plays a factor in whether a complaint is generated by OPD.	9% (11)	18% (21)	43% (51)	20% (24)	10% (12)	119
Race plays a factor in determining the outcome of an OPD investigation.	11% (13)	15% (18)	45% (54)	17% (20)	13% (15)	120
Race plays a factor in the Department's determination of discipline.	10% (12)	16% (19)	45% (55)	19% (23)	10% (12)	121
Rank plays a factor in whether a complaint is generated by OPD.	17% (21)	18% (22)	45% (55)	13% (16)	6% (7)	121
Rank plays a factor in determining the outcome of an OPD investigation.	19% (23)	16% (19)	47% (57)	10% (12)	8% (10)	121
Rank plays a factor in the Department's determination of discipline.	17% (21)	18% (22)	46% (56)	12% (14)	7% (8)	121
The OPD discipline matrix is consistently applied during the OPD discipline process.	5% (6)	7% (8)	60% (73)	17% (21)	11% (13)	121
Issues that concern race are openly dealt with and resolved constructively in OPD.	3% (4)	9% (11)	55% (66)	22% (26)	11% (13)	120
Issues that concern gender are openly dealt with and resolved constructively in OPD.	3% (4)	8% (10)	73% (88)	9% (11)	7% (8)	121
External politics and media attention influence investigations and discipline.	26% (32)	22% (27)	42% (51)	8% (10)	1% (1)	121

\* Cells highlighted if Strongly Agree/Agree, Neutral, or Strongly Disagree/Disagree total 50% or higher.

#### **Finding 4**

**For those professional staff members that have been the subject of an OPD internal investigation in the past two years, over half disagreed or strongly disagreed that their gender identity played a role in the process. Most respondents either disagreed or felt neutral about the role of race or rank in the process.**

Chart 6 provides responses to statements from individuals who have been the subject of an OPD internal investigation in the past two years. The data in the chart was filtered to only include responses from those who also selected “yes” to the specific question about being the subject of an investigation in the last two years. Overall, between 23 and 26 individuals responded to the statements. Over half of respondents disagree or strongly disagree that gender identity plays a role in the investigative process. Most respondents disagree or feel neutral about the role of race and rank in the process. Due to the low number of responses, these data were not disaggregated by race.

For those that have been the subject of an investigation, 48% (11/23) believe the investigation was fair and 69% (11/16) believe the outcome and discipline was fair. Due to the low number of responses, these data were not disaggregated by race.

///

**Chart 6: If you have been the subject of an OPD IA investigation in the past two years, please indicate how you feel about the following statements\***

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>Total</b>
I feel that my gender identity influenced OPD generating a complaint against me.	4% (1)	4% (1)	38% (9)	38% (9)	17% (4)	24
I feel that my gender identity influenced the outcome of an OPD internal investigation.	0% (0)	0% (0)	42% (10)	42% (10)	17% (4)	24
I feel that my gender identity influenced the Department's determination of discipline for an OPD internal investigation	0% (0)	0% (0)	42% (10)	42% (10)	17% (4)	24
I feel that my race influenced OPD generating a complaint against me.	23% (6)	12% (3)	35% (9)	19% (5)	12% (3)	26
I feel that my race influenced the outcome of an OPD internal investigation.	12% (3)	12% (3)	32% (8)	28% (7)	16% (4)	25
I feel that my race influenced the Department's determination of discipline for an OPD internal investigation	8% (2)	16% (4)	32% (8)	28% (7)	16% (4)	25
I feel that my rank influenced OPD generating a complaint against me.	17% (4)	17% (4)	26% (6)	30% (7)	9% (2)	23
I feel that my rank influenced the outcome of an OPD internal investigation.	17% (4)	9% (2)	30% (7)	30% (7)	13% (3)	23
I feel that my rank influenced the Department's determination of discipline for an OPD internal investigation	17% (4)	9% (2)	30% (7)	30% (7)	13% (3)	23

\* Filtered to include only those who selected they have been the subject of an IA investigation in the past two years. Those who selected N/A were also removed.

### **Finding 5**

**The open-ended question “What changes would you make to the Department’s complaint, investigation, and discipline process?” elicited responses about separating the process for sworn and professional staff and ensuring fair treatment and transparency.**

Out of the 127 professional staff members that responded to the survey, 34% provided a response to the open-ended question “What changes would you make to the Department’s complaint, investigation, and discipline process?” Responses varied but the most common theme was that there should be a different process and discipline matrix for professional staff and sworn employees. Though the respondents indicated the process should be separated, they did not provide detail as to why it should be separated or how processes should be different.

**“Professional staff need standards that are germane to our work function, not only sworn. If investigations remain only in IA (and not separated into IA for sworn and Employee Relations for professional staff), IA cases that are filed for professional staff should be treated similarly to sworn investigations, not made inferior. As an example, charges of insubordination are equally important whether the employee is sworn or professional. In my experience, sworn personnel investigating professional misconduct in the context of IA tend to not understand the similar importance of holding staff accountable. This undermines the process and has staff lose faith in using the disciplinary process.” – Female, white, Supervisor**

Similar to sworn staff, professional staff members would like more clarity and transparency in the internal investigation process. This could come in the form of increased training for staff members, more information for those involved in the process, and transparency in the outcomes of cases. Professional staff members were also concerned about consistency regardless of rank. The quote below from a supervisor provides a representative overview of how both professional staff and sworn members feel about the complaint process.

**“The ‘complaint’ process is misnamed and misinterpreted and misused based on its erroneous naming. The process should be called the "Allegation of Employee Misconduct" process. Humans by nature want to talk to another human to complain, share their feelings, and be heard. Far fewer individuals are intending or alleging actual ‘Allegation of Employee Misconduct’ when they call Internal Affairs or ask to speak to a supervisor. Please rename the process to reflect the true issue we should be addressing which is Allegations of Employee Misconduct. The manner in which individuals under investigation are treated and the amount of investigations employees are subjected to is procedurally unjust. Individuals under investigation are universally treated guilty until proven innocent beyond all reasonable doubt and sometimes beyond that by all involved including Command, Internal Affairs, CPRA, Police Commission, City Council, and the media. Whereas in the justice system, individuals are treated innocent until proven guilty. This treatment has grown worse in the past few years and both sworn and non-sworn employees are leaving this agency at a far greater pace than other agencies in California. This Department is also no longer able to recruit new**



qualified employees because of this treatment and the common knowledge around the region of these conditions. This trend will continue unless changes are implemented around the complaint, investigation and discipline process and the manner employees are treated.” – Prefer not to respond, Supervisor

## Conclusion

The 2022 survey responses provided important insights that will help the Department improve its processes, ensuring consistent, fair, and equitable treatment for everyone in the Department. After extensive review, the results from this survey allowed the Department to draw some key conclusions:

- Sworn female employees were more likely to believe their gender influenced the entire internal investigation process and were the least likely to feel respected by their supervisors.
- By race, white employees (both officers and professional staff) were less likely than Black employees to feel respected by supervisors and more likely to feel their race played a role in the complaint process for investigations wherein they were the subject.
- Consistent with the 2019 Hillard Heintze survey, sworn employees were more likely to agree that rank more so plays a role in the internal investigation process over race or gender.
- In general, there was dissatisfaction with the investigation and disciplinary process. That dissatisfaction was fairly consistent across races, for females, and for supervisors.
- Sworn employees expressed concern with the IAD process being overly critical, inefficient, and opaque.
- Open ended responses revealed concern with supervisors and commanders not being held accountable for their actions, or lack thereof.
- For professional staff, the most cited change they would like to see is a separate disciplinary process from that which sworn members currently experience.

The 2022 survey highlighted how few females are at the rank of sergeant and above. While females comprise 15% of sworn employees, they make up only 12% of sergeants and 8% of those at the rank of lieutenant and above. There is one female lieutenant, zero female captains, and two female deputy chiefs. Having few females at higher ranks may contribute to female officers' not feeling respected and believing gender influences the investigative process. The Department should consider ways to encourage and support female officers in promoting into supervisory roles.

The Department acknowledged and appreciated its personnel for providing the valuable feedback discussed herein and recognized there remains work to do to increase transparency into the IAD investigative and subsequent disciplinary processes, to mitigate continued perceptions of disparity (especially within the rank demographic), and to continue to seek opportunities to improve various processes and policies in order to safeguard the trust given by its employees.

## Appendix 1: Blank Survey



### OPD MEMBERS' PERCEPTIONS OF INTERNAL AFFAIRS INVESTIGATIONS AND DISCIPLINE

Some of the questions in this survey were originally asked in August 2019 to members of the Department. We are asking these questions again to determine whether there has been a shift in employee perceptions of internal affairs investigations and discipline over the last couple of years. Additional questions have been added. This survey is anonymous, and your answers cannot be linked back to you. We appreciate your thoughtful response to each question. The survey should take approximately seven minutes to complete. The aggregate results from this survey will be released.

If there are any questions, please reach out to Dr. Leigh Grossman in the Risk Analysis Unit at [lgrossman@oaklandca.gov](mailto:lgrossman@oaklandca.gov) or (510) 238-6093.

Thank you for your participation.

1. Thinking about the **past two years**, please indicate how you feel about the following statements:

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I feel respected by my supervisors.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
OPD employees are treated with dignity and respect during OPD internal investigations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The OPD's investigation and disciplinary process is transparent and well understood by members of the Department.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The OPD's investigation and disciplinary process is fair.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Community Police Review Agency (CPRA) role in the investigation and disciplinary process is transparent and well understood by members of the Department.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The CPRA influences investigations and discipline.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gender identity plays a factor in whether a complaint is generated by OPD.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gender identity plays a factor in determining the outcome of an OPD investigation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Gender identity plays a factor in the Department's determination of discipline.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual orientation plays a factor in whether a complaint is generated by OPD.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual orientation plays a factor in determining the outcome of an OPD investigation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual orientation plays a factor in the Department's determination of discipline.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Race plays a factor in whether a complaint is generated by OPD.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Race plays a factor in determining the outcome of an OPD investigation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Race plays a factor in the Department's determination of discipline.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rank plays a factor in whether a complaint is generated by OPD.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rank plays a factor in determining the outcome of an OPD investigation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rank plays a factor in the Department's determination of discipline.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The OPD discipline matrix is consistently applied during the OPD discipline process.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Issues that concern race are openly dealt with and resolved constructively in OPD.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Issues that concern gender are openly dealt with and resolved constructively in OPD.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
External politics and media attention influence investigations and discipline.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. For supervisors and above: I have received thorough training on how to properly conduct an internal investigation.
- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ N/A
3. Have you been the subject of an OPD Internal Affairs (IA) investigation in the **past two years**?
- ☐ Yes
- ☐ No
4. Have you been the subject of an OPD IA investigation that involved a concurrent CPRA investigation in the **past two years**?
- ☐ Yes
- ☐ No
5. If you have been the subject of an OPD IA investigation in the past two years, please indicate how you feel about the following statements:

	N/A	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I feel that my gender identity influenced OPD generating a complaint against me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel that my gender identity influenced the outcome of an OPD internal investigation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel that my gender identity influenced the Department's determination of discipline for an OPD internal investigation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel that my race influenced OPD generating a complaint against me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel that my race influenced the outcome of an OPD internal investigation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel that my race influenced the Department's determination of discipline for an OPD internal investigation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel that my rank influenced OPD generating a complaint against me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. If you have been the subject of an OPD IA investigation in the **past two years**, do you feel the outcome and discipline were fair?

- ☐ N/A  
☐ Yes  
☐ No

Why or why not?

8. Please select your employee type:

- ☐ Sworn  
☐ Professional Staff

9. Please select your gender:

- ☐ Male  
☐ Female  
☐ Prefer not to answer

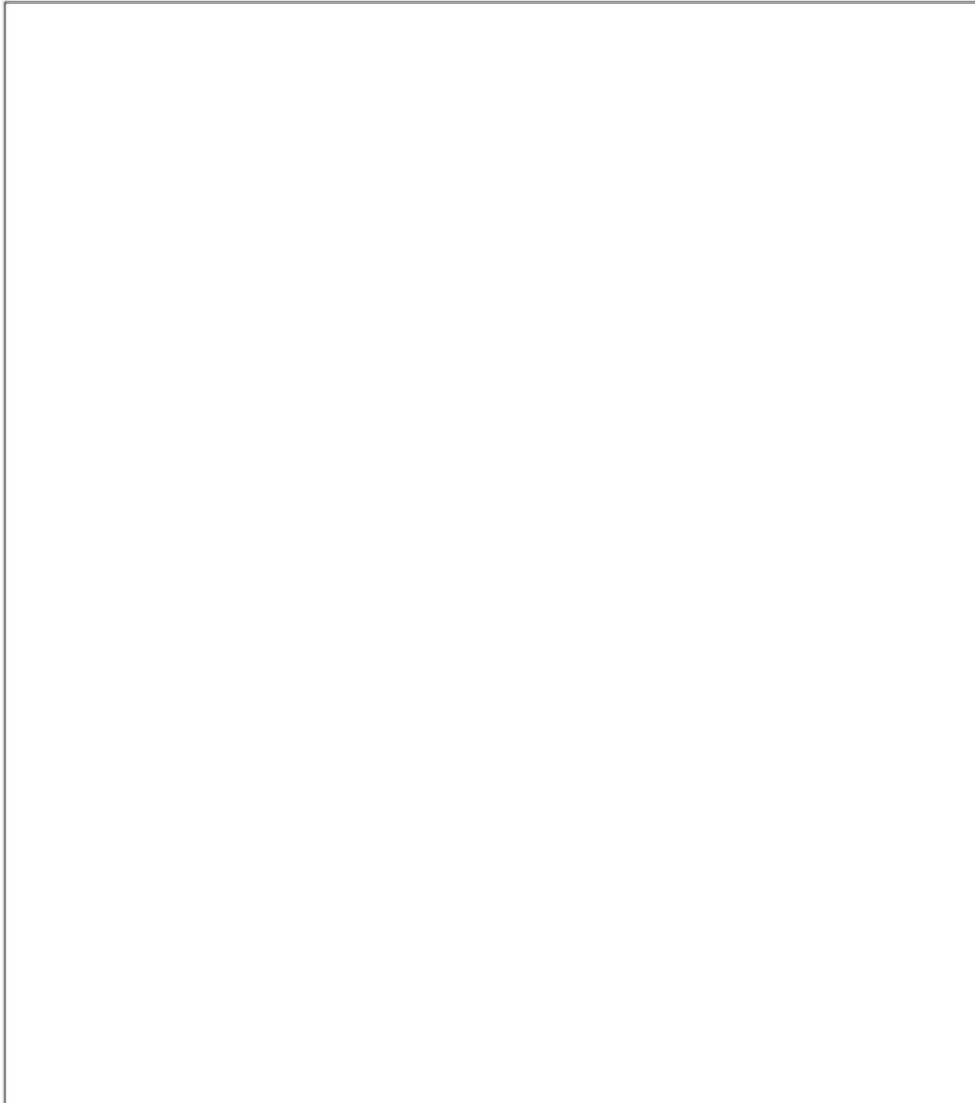
10. Please select the race you most closely identify with:

- ☐ African American/Black  
☐ Asian  
☐ Hispanic/Latino  
☐ White  
☐ Other  
☐ Prefer not to answer

11. Are you a supervisor/manager or hold the rank of sergeant or above?

- ☐ Yes  
☐ No

12. What changes would you like to make to the Department's complaint, investigation, and discipline processes?



## Appendix 2: Sworn Staff Survey Responses

**Q1: Thinking about the past two years, please indicate how you feel about the following statements:**

Answered: 275

Skipped: 1

	<b>STRONGLY AGREE</b>	<b>AGREE</b>	<b>NEUTRAL</b>	<b>DISAGREE</b>	<b>STRONGLY DISAGREE</b>	<b>TOTAL</b>
I feel respected by my supervisors.	26.64% 73	45.99% 126	14.23% 39	4.01% 11	9.12% 25	274
OPD employees are treated with dignity and respect during OPD internal investigations.	8.03% 22	20.44% 56	33.21% 91	20.07% 55	18.25% 50	274
The OPD's investigation and disciplinary process is transparent and well understood by members of the Department.	6.18% 17	12.36% 34	22.91% 63	30.91% 85	27.64% 76	275
The OPD's investigation and disciplinary process is fair.	4.38% 12	8.39% 23	30.29% 83	27.74% 76	29.20% 80	274
The Community Police Review Agency's (CPRA) role in the investigation and	2.55% 7	3.64% 10	17.45% 48	28.00% 77	48.36% 133	275



disciplinary process is transparent and well understood by members of the Department.						
The CPRA influences investigations and discipline.	51.64% 142	28.00% 77	14.91% 41	2.55% 7	2.91% 8	275
Gender identity plays a factor in whether a complaint is generated by OPD.	6.93% 19	8.76% 24	34.67% 95	22.63% 62	27.01% 74	274
Gender identity plays a factor in determining the outcome of an OPD investigation.	8.73% 24	9.09% 25	33.09% 91	21.45% 59	27.64% 76	275
Gender identity plays a factor in the Department's determination of discipline.	8.79% 24	8.06% 22	33.33% 91	22.71% 62	27.11% 74	273
Sexual orientation plays a factor in whether a complaint is generated by OPD.	6.23% 17	5.86% 16	30.77% 84	26.01% 71	31.14% 85	273
Sexual orientation plays a factor	5.86% 16	5.86% 16	31.14% 85	27.11% 74	30.04% 82	273

in determining the outcome of an OPD investigation.						
Sexual orientation plays a factor in the Department's determination of discipline.	5.84% 16	5.84% 16	31.39% 86	27.74% 76	29.20% 80	274
Race plays a factor in whether a complaint is generated by OPD.	16.12% 44	18.32% 50	24.54% 67	17.58% 48	23.44% 64	273
Race plays a factor in determining the outcome of an OPD investigation.	20.07% 55	20.07% 55	23.72% 65	15.69% 43	20.44% 56	274
Race plays a factor in the Department's determination of discipline.	22.34% 61	19.41% 53	22.34% 61	15.38% 42	20.51% 56	273
Rank plays a factor in whether a complaint is generated by OPD.	31.02% 85	21.17% 58	24.09% 66	10.95% 30	12.77% 35	274
Rank plays a factor in determining the outcome of an OPD investigation.	37.23% 102	21.53% 59	22.63% 62	6.93% 19	11.68% 32	274

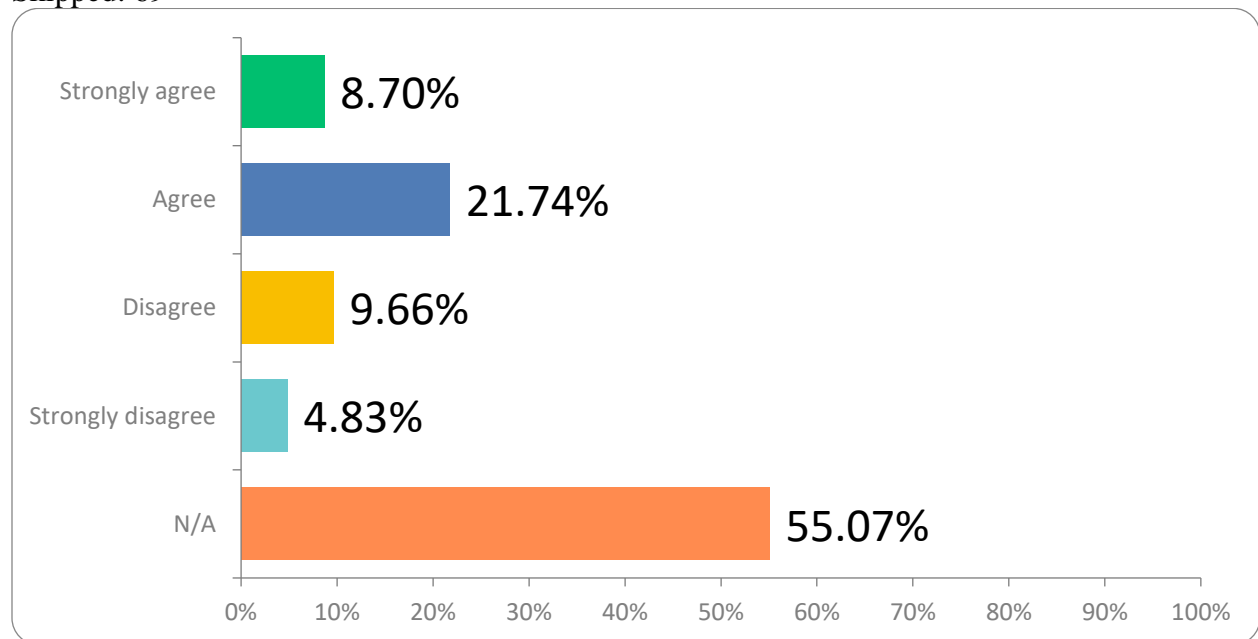
Rank plays a factor in the Department's determination of discipline.	37.96% 104	22.99% 63	20.07% 55	8.39% 23	10.58% 29	274
The OPD discipline matrix is consistently applied during the OPD discipline process.	4.01% 11	13.87% 38	39.05% 107	21.90% 60	21.17% 58	274
Issues that concern race are openly dealt with and resolved constructively in OPD.	6.20% 17	17.52% 48	40.15% 110	18.25% 50	17.88% 49	274
Issues that concern gender are openly dealt with and resolved constructively in OPD.	7.66% 21	18.25% 50	53.28% 146	9.12% 25	11.68% 32	274
External politics and media attention influence investigations and discipline.	57.30% 157	20.80% 57	17.15% 47	1.82% 5	2.92% 8	274

///

**Q2: For supervisors and above: I have received thorough training on how to properly conduct an internal investigation.**

Answered: 207

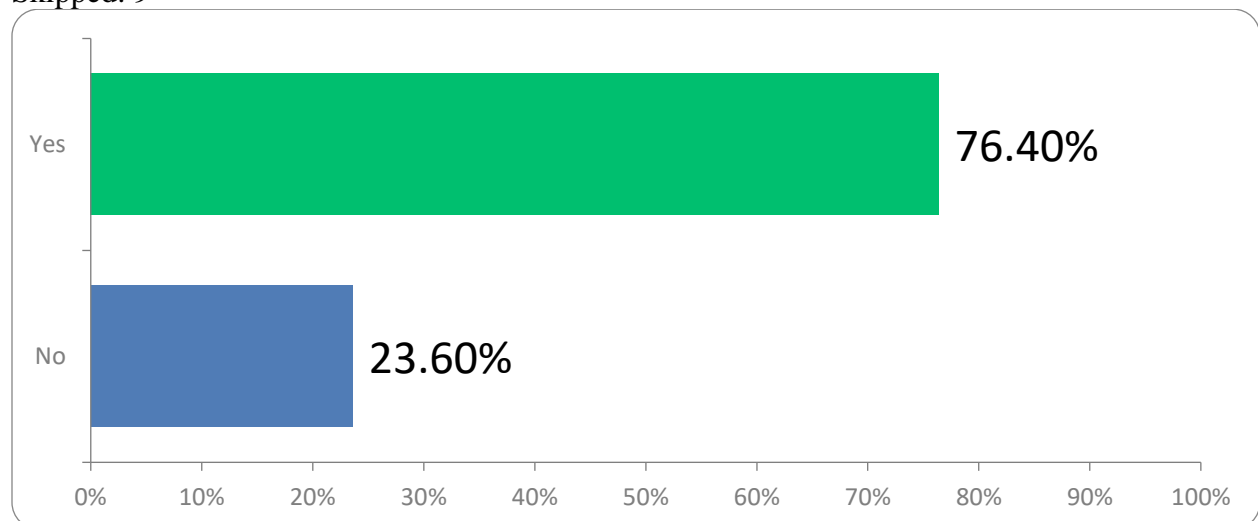
Skipped: 69



**Q3: Have you been the subject of an OPD Internal Affairs (IA) investigation in the past two years?**

Answered: 267

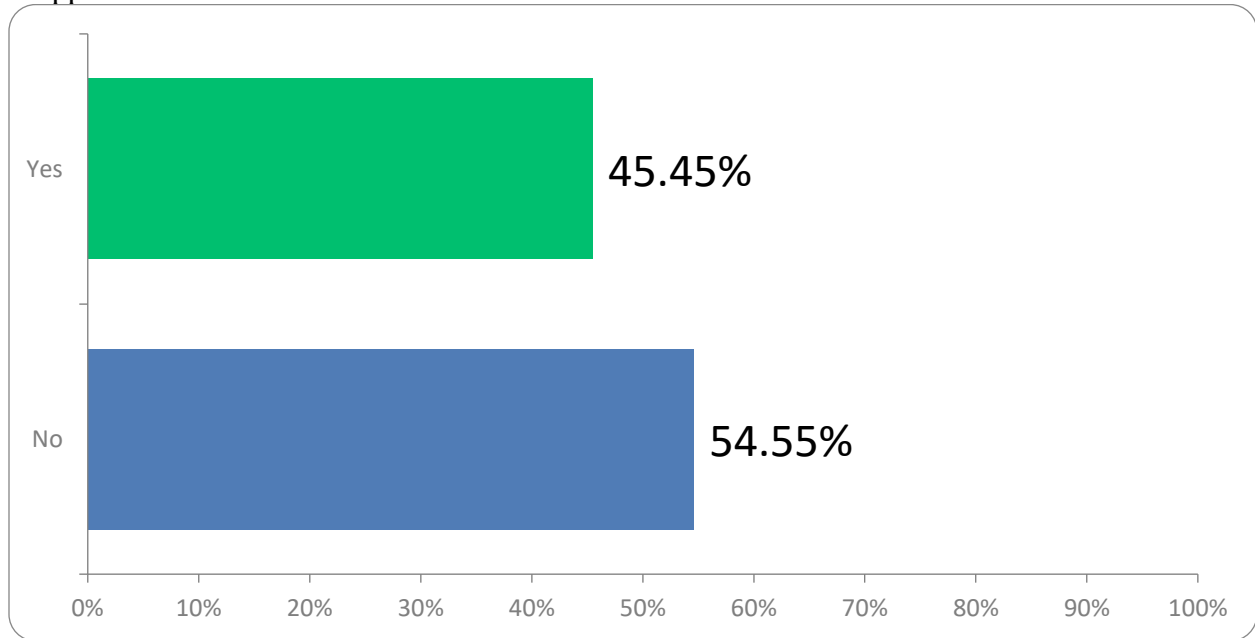
Skipped: 9



**Q4: Have you been the subject of an OPD IA investigation that involved a concurrent CPRA investigation in the past two years?**

Answered: 264

Skipped: 12



///

**Q5: If you have been the subject of an OPD IA investigation in the past two years, please indicate how you feel about the following statements:**

Answered: 247

Skipped: 29

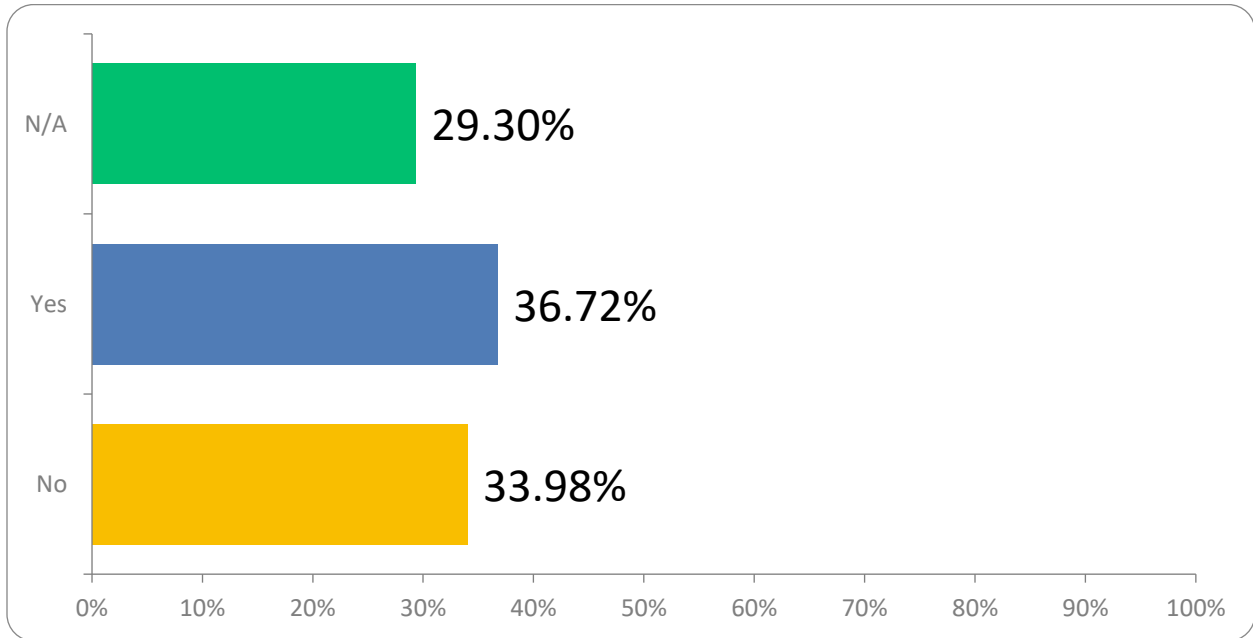
	N/A	STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE	TOTAL
I feel that my gender identity influenced OPD generating a complaint against me.	21.95% 54	4.88% 12	5.69% 14	19.11% 47	23.58% 58	24.80% 61	246
I feel that my gender identity influenced the outcome of an OPD internal investigation.	22.04% 54	4.49% 11	4.90% 12	21.22% 52	22.86% 56	24.49% 60	245
I feel that my gender identity influenced the Department's determination of discipline for an OPD internal investigation	23.58% 58	4.47% 11	5.69% 14	20.33% 50	24.39% 60	21.54% 53	246
I feel that my race influenced OPD generating a complaint against me.	23.08% 57	8.50% 21	9.31% 23	15.38% 38	23.08% 57	20.65% 51	247
I feel that my race influenced the outcome of an OPD	23.08% 57	8.10% 20	7.29% 18	18.62% 46	22.67% 56	20.24% 50	247

internal investigation.							
I feel that my race influenced the Department's determination of discipline for an OPD internal investigation	23.08% 57	9.31% 23	6.88% 17	20.65% 51	20.24% 50	19.84% 49	247
I feel that my rank influenced OPD generating a complaint against me.	27.94% 69	10.12% 25	7.29% 18	21.46% 53	18.62% 46	14.57% 36	247
I feel that my rank influenced the outcome of an OPD internal investigation.	26.94% 66	8.57% 21	7.35% 18	22.45% 55	20.0% 49	14.69% 36	245
I feel that my rank influenced the Department's determination of discipline for an OPD internal investigation	28.69% 70	8.61% 21	7.79% 19	21.72% 53	19.26% 47	13.93% 34	244

**Q6: If you have been the subject of an OPD IA investigation in the past two years, do you feel the investigation was fair?**

Answered: 256

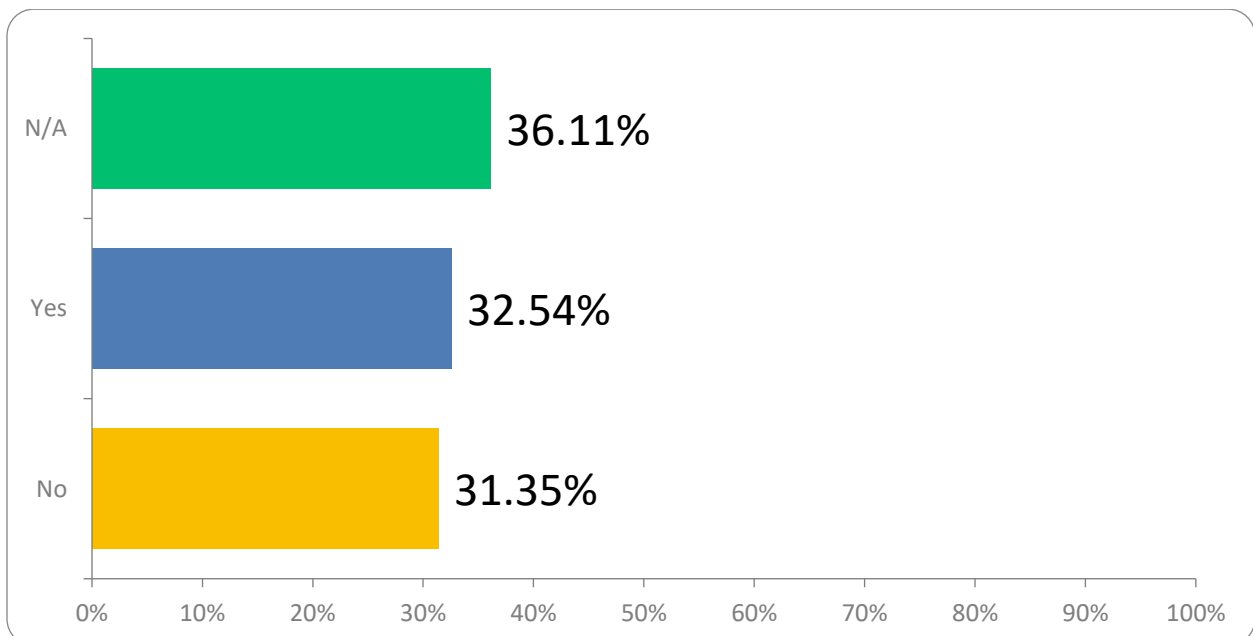
Skipped: 20



**Q7: If you have been the subject of an OPD IA investigation in the past two years, do you feel the outcome and discipline were fair?**

Answered: 252

Skipped: 24

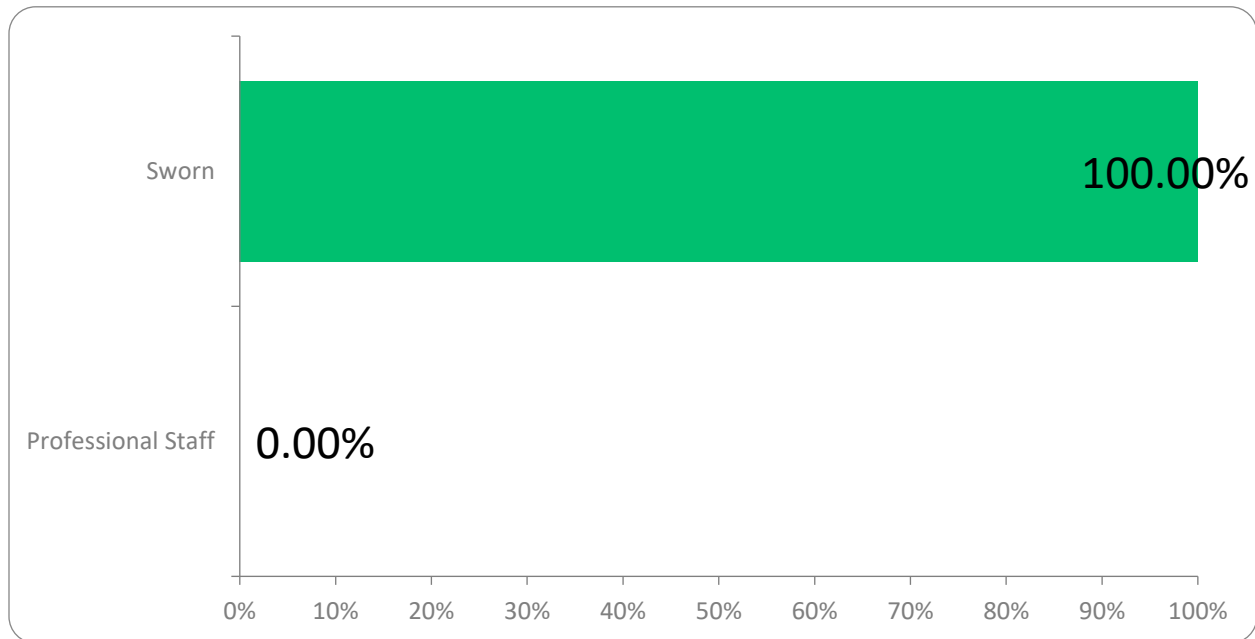




**Q8: Please select your employee type:** (All responses in this document filtered for sworn)

Answered: 276

Skipped: 0



**Q9: Please select your gender:**

Answered: 275

Skipped: 1

ANSWER CHOICES	RESPONSES	TOTAL
Male	71.27%	196
Female	8.36%	23
Prefer not to answer	20.36%	56
TOTAL		275

**Q10: Please select the race you most closely identify with:**

Answered: 272

Skipped: 4

ANSWER CHOICES	RESPONSES	TOTAL
African American/Black	14.34%	39
Asian	9.19%	25
Hispanic/Latino	18.38%	50
White	22.43%	61
Other	5.88%	16
Prefer not to answer	29.78%	81
TOTAL		272

**Q11: Are you a supervisor/manager or hold the rank of sergeant or above?**

Answered: 269

Skipped: 7

ANSWER CHOICES	RESPONSES	TOTAL
Yes	27.51%	74
No	72.49%	195
TOTAL		269

### Appendix 3: Professional Staff Survey Responses

**Q1: Thinking about the past two years, please indicate how you feel about the following statements:**

Answered: 125

Skipped: 2

	<b>STRONGLY AGREE</b>	<b>AGREE</b>	<b>NEUTRAL</b>	<b>DISAGREE</b>	<b>STRONGLY DISAGREE</b>	<b>TOTAL</b>
I feel respected by my supervisors.	20.80% 26	33.60% 42	19.20% 24	15.20% 19	11.20% 14	125
OPD employees are treated with dignity and respect during OPD internal investigations.	4.13% 5	18.18% 22	58.68% 71	12.40% 15	6.61% 8	121
The OPD's investigation and disciplinary process is transparent and well understood by members of the Department.	1.65% 2	20.66% 25	42.15% 51	23.14% 28	12.40% 15	121
The OPD's investigation and disciplinary process is fair.	3.28% 4	13.11% 16	53.28% 65	17.21% 21	13.11% 16	122
The Community Police Review Agency's (CPRA) role in the investigation and disciplinary process is transparent and well	0.82% 1	5.74% 7	52.46% 64	24.59% 30	16.39% 20	122

understood by members of the Department.						
The CPRA influences investigations and discipline.	13.33% 16	18.33% 22	63.33% 76	3.33% 4	1.67% 2	120
Gender identity plays a factor in whether a complaint is generated by OPD.	2.52% 3	5.88% 7	52.10% 62	20.17% 24	19.33% 23	119
Gender identity plays a factor in determining the outcome of an OPD investigation.	2.48% 3	4.13% 5	50.41% 61	22.31% 27	20.66% 25	121
Gender identity plays a factor in the Department's determination of discipline.	2.48% 3	4.96% 6	51.24% 62	22.31% 27	19.01% 23	121
Sexual orientation plays a factor in whether a complaint is generated by OPD.	1.65% 2	2.48% 3	51.24% 62	25.62% 31	19.01% 23	121
Sexual orientation plays a factor in determining the outcome of an OPD investigation.	1.65% 2	2.48% 3	50.41% 61	24.79% 30	20.66% 25	121
Sexual orientation plays a factor in the Department's determination of discipline.	1.67% 2	3.33% 4	50.0% 60	25.00% 30	20.0% 24	120

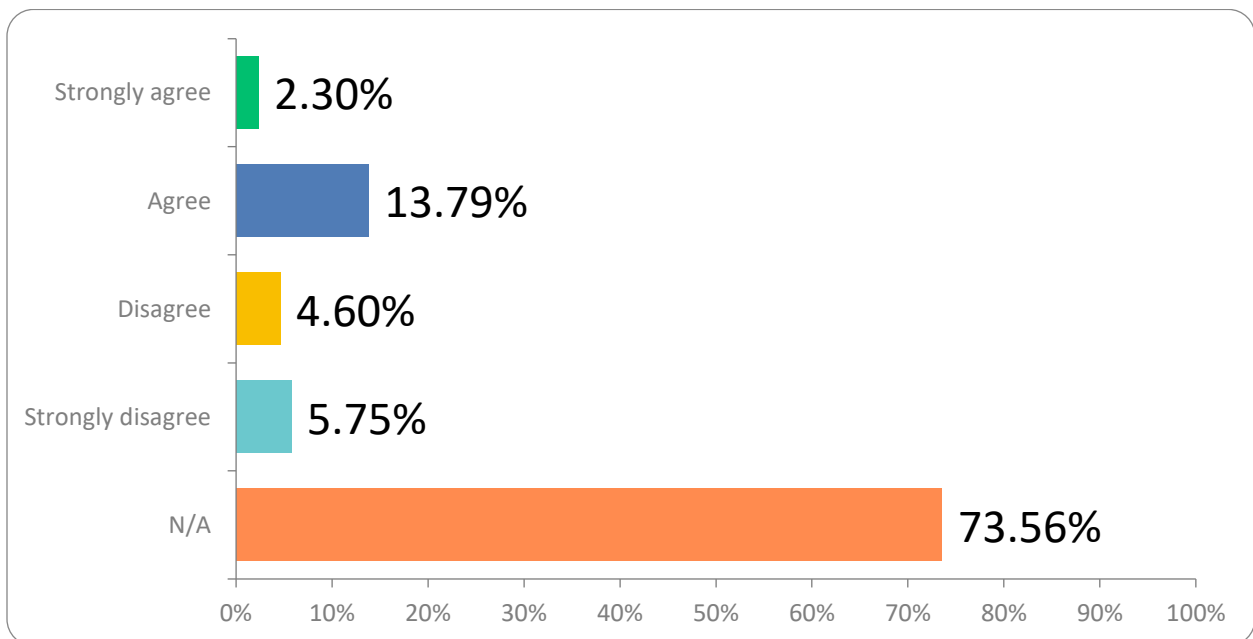
Race plays a factor in whether a complaint is generated by OPD.	9.24% 11	17.65% 21	42.86% 51	20.17% 24	10.08% 12	119
Race plays a factor in determining the outcome of an OPD investigation.	10.83% 13	15.00% 18	45.00% 54	16.67% 20	12.50% 15	120
Race plays a factor in the Department's determination of discipline.	9.92% 12	15.70% 19	45.45% 55	19.01% 23	9.92% 12	121
Rank plays a factor in whether a complaint is generated by OPD.	17.36% 21	18.18% 22	45.45% 55	13.22% 16	5.79% 7	121
Rank plays a factor in determining the outcome of an OPD investigation.	19.01% 23	15.70% 19	47.11% 57	9.92% 12	8.26% 10	121
Rank plays a factor in the Department's determination of discipline.	17.36% 21	18.18% 22	46.28% 56	11.57% 14	6.61% 8	121
The OPD discipline matrix is consistently applied during the OPD discipline process.	4.96% 6	6.61% 8	60.33% 73	17.36% 21	10.74% 13	121
Issues that concern race are openly dealt with and	3.33% 4	9.17% 11	55.00% 66	21.67% 26	10.83% 13	120

resolved constructively in OPD.						
Issues that concern gender are openly dealt with and resolved constructively in OPD.	3.31% 4	8.26% 10	72.73% 88	9.09% 11	6.61% 8	121
External politics and media attention influence investigations and discipline.	26.45% 32	22.31% 27	42.15% 51	8.26% 10	0.83% 1	121

**Q2: For supervisors and above: I have received thorough training on how to properly conduct an internal investigation.**

Answered: 87

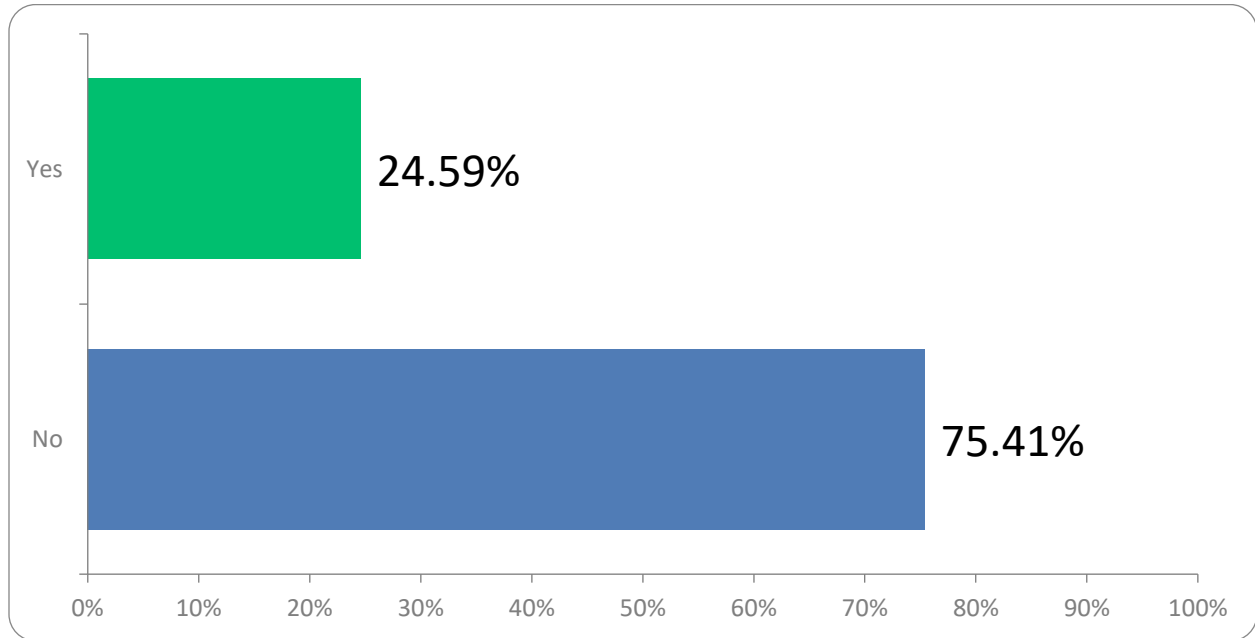
Skipped: 40



**Q3: Have you been the subject of an OPD Internal Affairs (IA) investigation in the past two years?**

Answered: 122

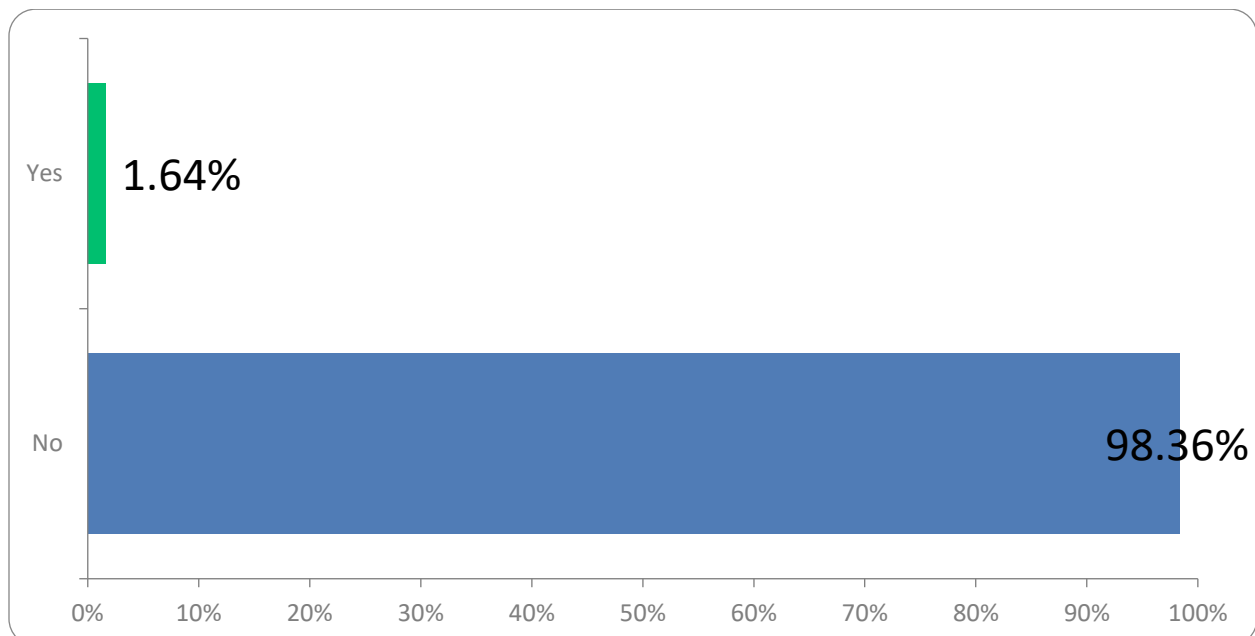
Skipped: 5



**Q4: Have you been the subject of an OPD IA investigation that involved a concurrent CPRA investigation in the past two years?**

Answered: 122

Skipped: 5



**Q5: If you have been the subject of an OPD IA investigation in the past two years, please indicate how you feel about the following statements:**

Answered: 72

Skipped: 55

	N/A	STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE	TOTAL
I feel that my gender identity influenced OPD generating a complaint against me.	59.72% 43	1.39% 1	1.39% 1	15.28% 11	16.67% 12	5.56% 4	72
I feel that my gender identity influenced the outcome of an OPD internal investigation.	59.72% 43	0% 0	0% 0	16.67% 12	18.06% 13	5.56% 4	72
I feel that my gender identity influenced the Department's determination of discipline for an OPD internal investigation	59.72% 43	0% 0	0% 0	16.67% 12	18.06% 13	5.56% 4	72
I feel that my race influenced OPD generating a complaint against me.	56.94% 41	8.33% 6	4.17% 3	16.67% 12	9.72% 7	4.17% 3	72
I feel that my race influenced the outcome of an OPD internal investigation.	57.75% 41	4.23% 3	4.23% 3	15.49% 11	12.68% 9	5.63% 4	71

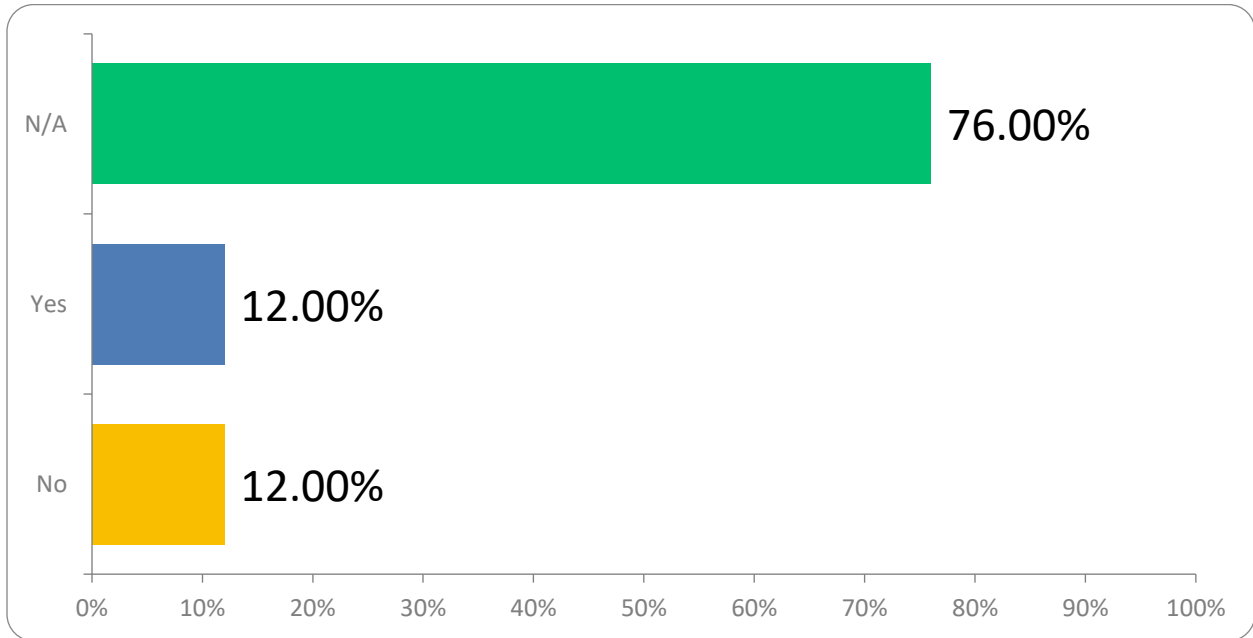


I feel that my race influenced the Department's determination of discipline for an OPD internal investigation	58.33% 42	2.78% 2	5.56% 4	15.28% 11	12.50% 9	5.56% 4	72
I feel that my rank influenced OPD generating a complaint against me.	61.11% 44	5.56% 4	5.56% 4	12.50% 9	12.50% 9	2.78% 2	72
I feel that my rank influenced the outcome of an OPD internal investigation.	61.11% 44	5.56% 4	2.78% 2	13.89% 10	12.50% 9	4.17% 3	72
I feel that my rank influenced the Department's determination of discipline for an OPD internal investigation	61.11% 44	5.56% 4	2.78% 2	13.89% 10	12.50% 9	4.17% 3	72

**Q6: If you have been the subject of an OPD IA investigation in the past two years, do you feel the investigation was fair?**

Answered: 100

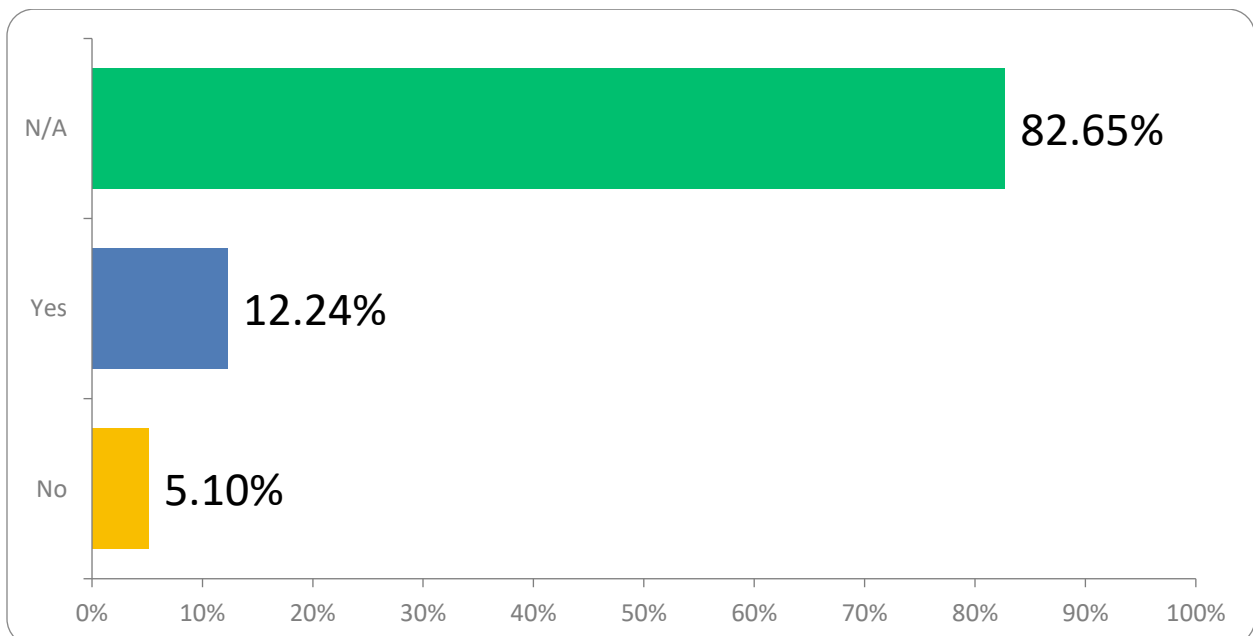
Skipped: 27



**Q7: If you have been the subject of an OPD IA investigation in the past two years, do you feel the outcome and discipline were fair?**

Answered: 98

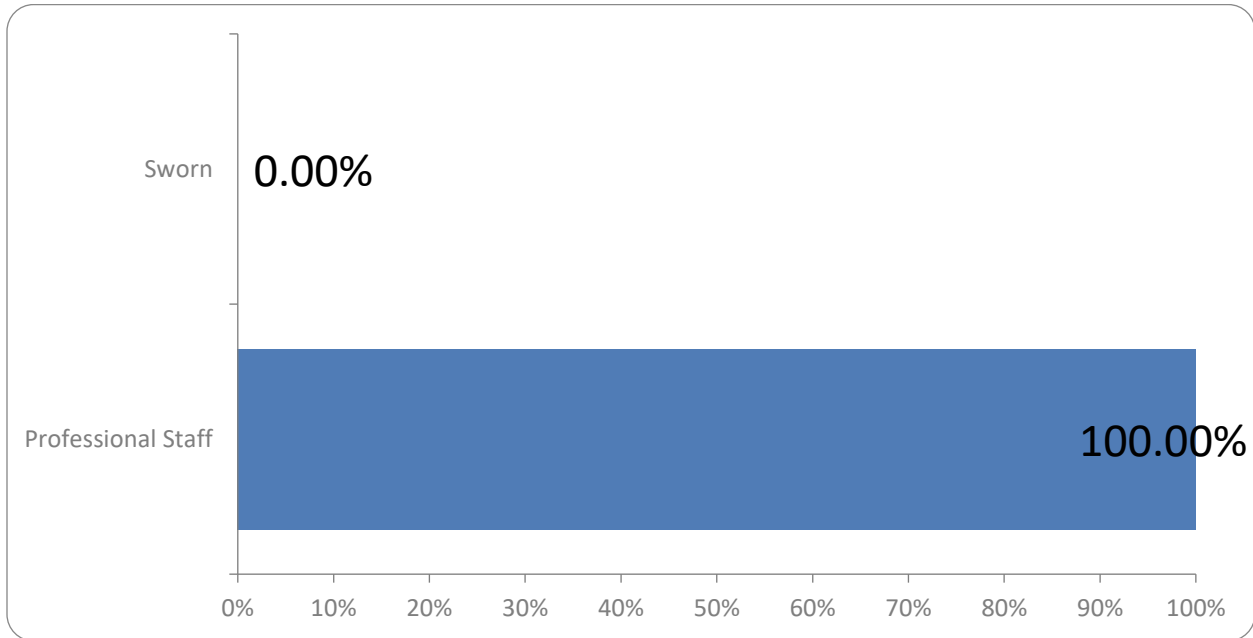
Skipped: 29



**Q8: Please select your employee type:** (All responses in this document filtered for professional staff)

Answered: 127

Skipped: 0



**Q9: Please select your gender:**

Answered: 127

Skipped: 0

ANSWER CHOICES	RESPONSES	TOTAL
Male	10.24%	13
Female	70.87%	90
Prefer not to answer	18.90%	24
TOTAL		127

**Q10: Please select the race you most closely identify with:**

Answered: 127

Skipped: 0

ANSWER CHOICES	RESPONSES	TOTAL
African American/Black	26.77%	34
Asian	7.09%	9
Hispanic/Latino	12.60%	16
White	18.11%	23
Other	7.09%	9
Prefer not to answer	28.35%	36
TOTAL		127

**Q11: Are you a supervisor/manager or hold the rank of sergeant or above?**

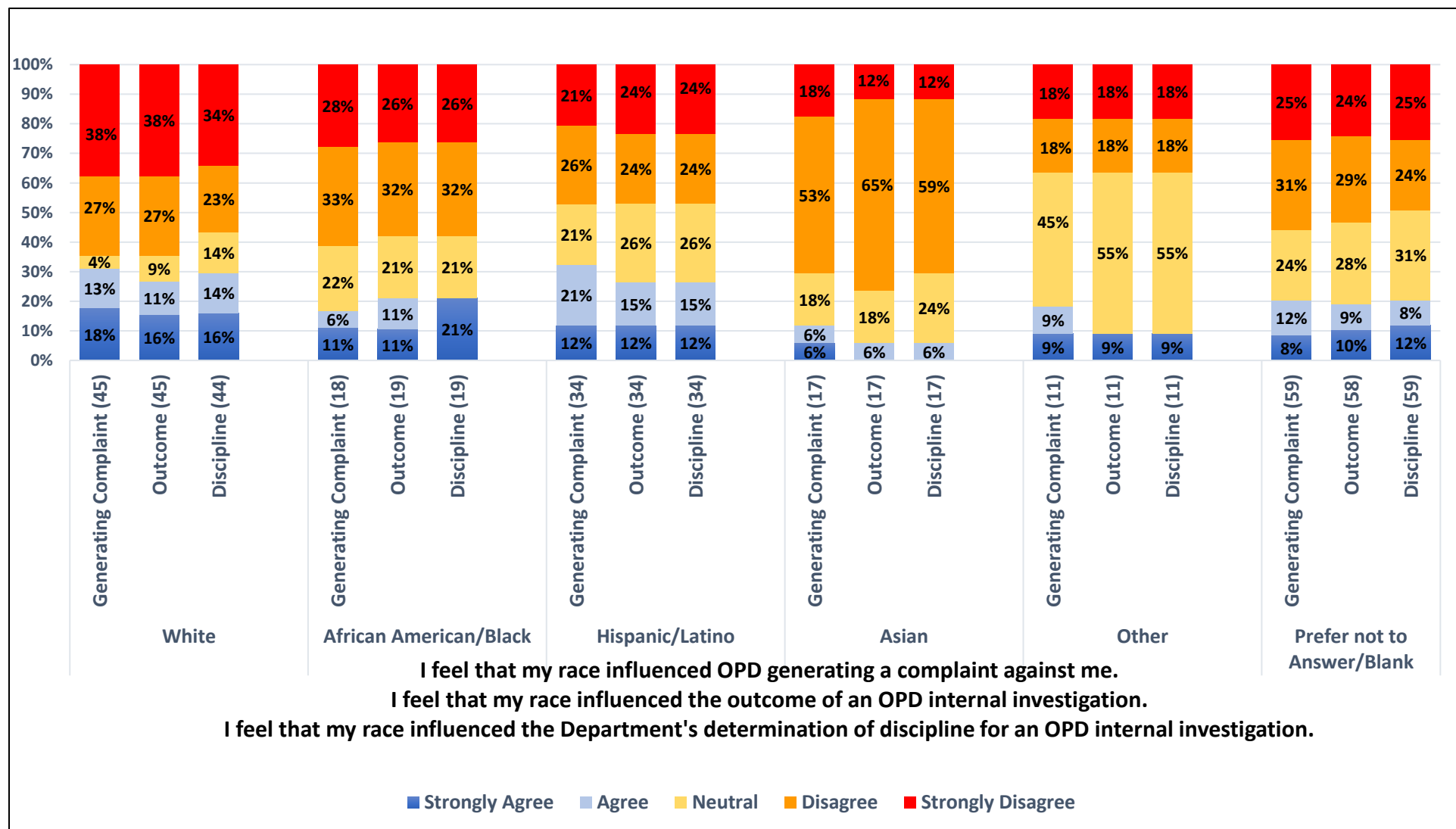
Answered: 124

Skipped: 3

ANSWER CHOICES	RESPONSES	TOTAL
Yes	18.55%	23
No	81.45%	101
TOTAL		124

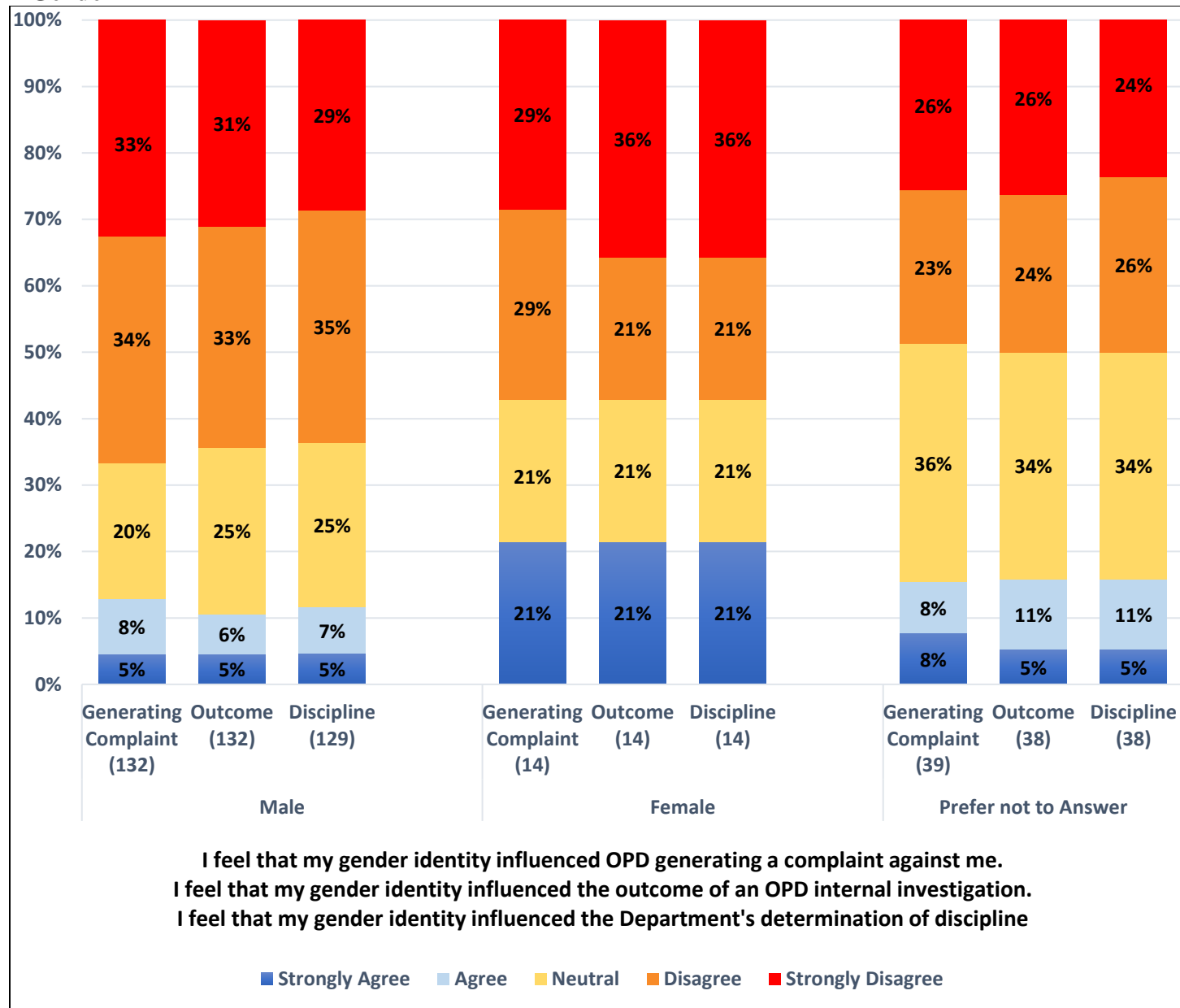
## Appendix 4: Additional Charts and Graphs

**Graph 1: If you have been the subject of an OPD IA investigation in the past two years, please indicate how you feel about the following statements: Sworn Race\***



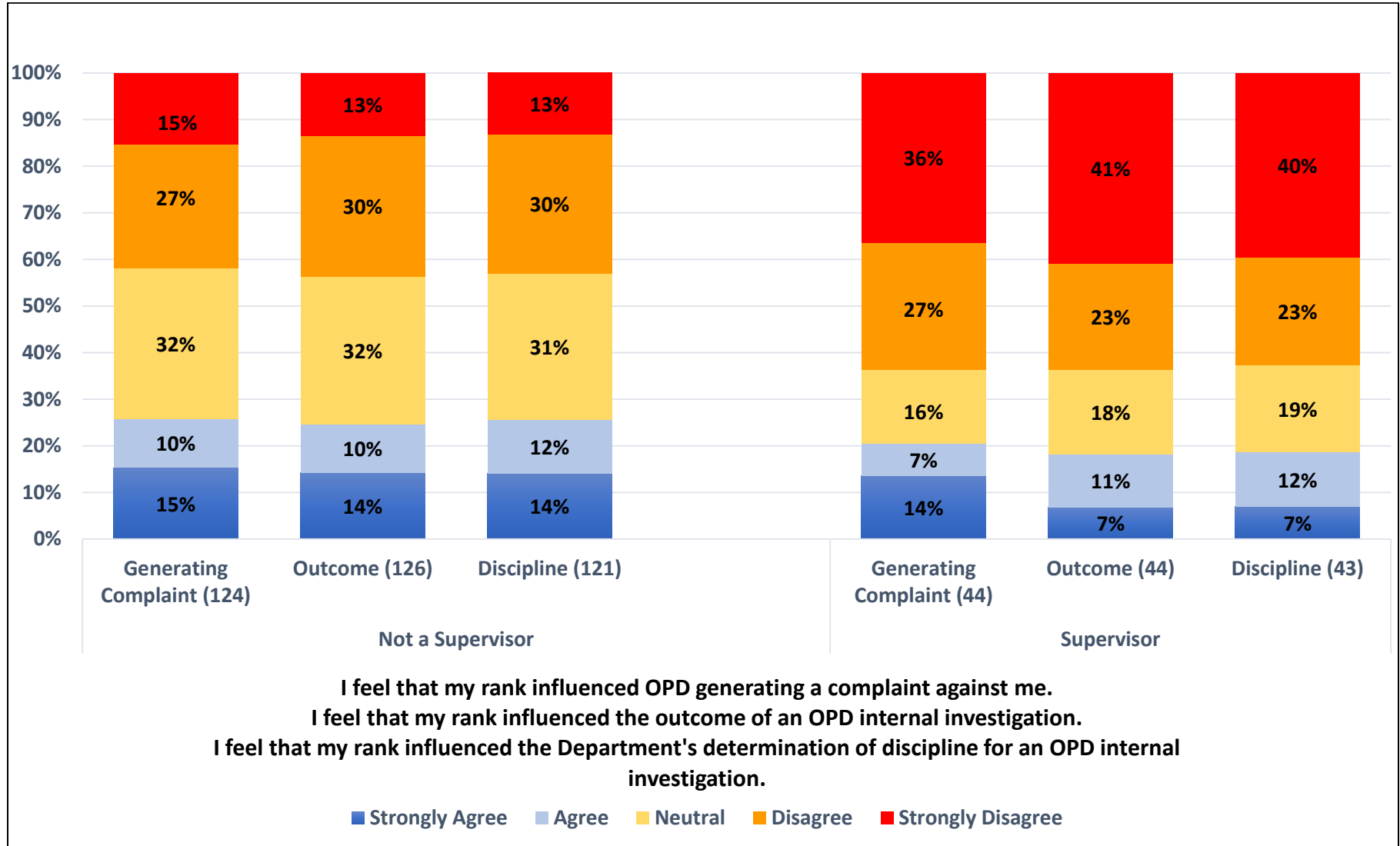
\* Filtered to include only those who selected they have been the subject of an IA investigation in the past two years. Those who selected N/A were also removed.

**Graph 2: If you have been the subject of an OPD IA investigation in the past two years, please indicate how you feel about the following statements: Sworn Gender\***



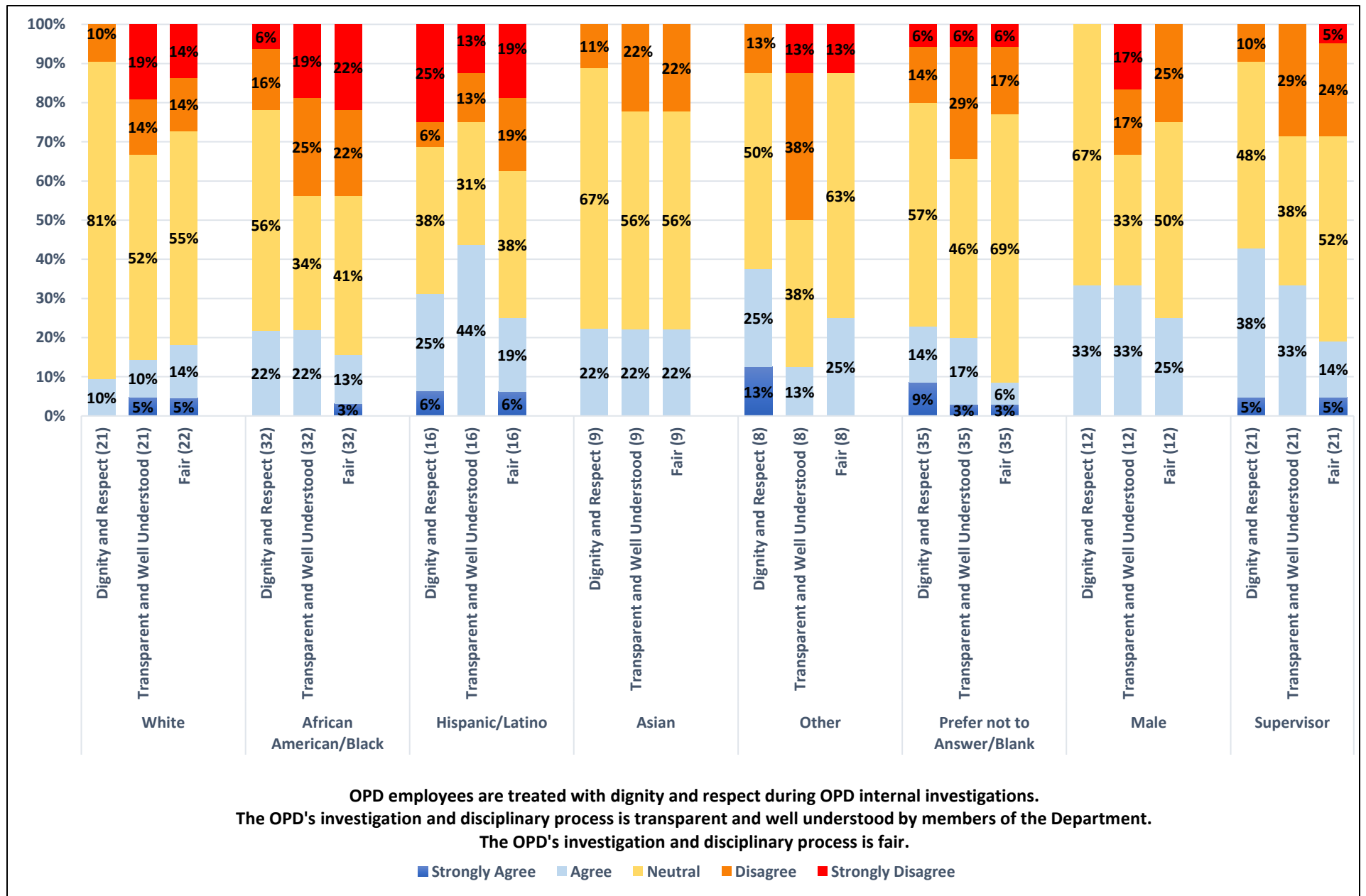
\* Filtered to include only those who selected they have been the subject of an IA investigation in the past two years. Those who selected N/A were also removed.

**Graph 3: If you have been the subject of an OPD IA investigation in the past two years, please indicate how you feel about the following statements: Sworn Rank\***



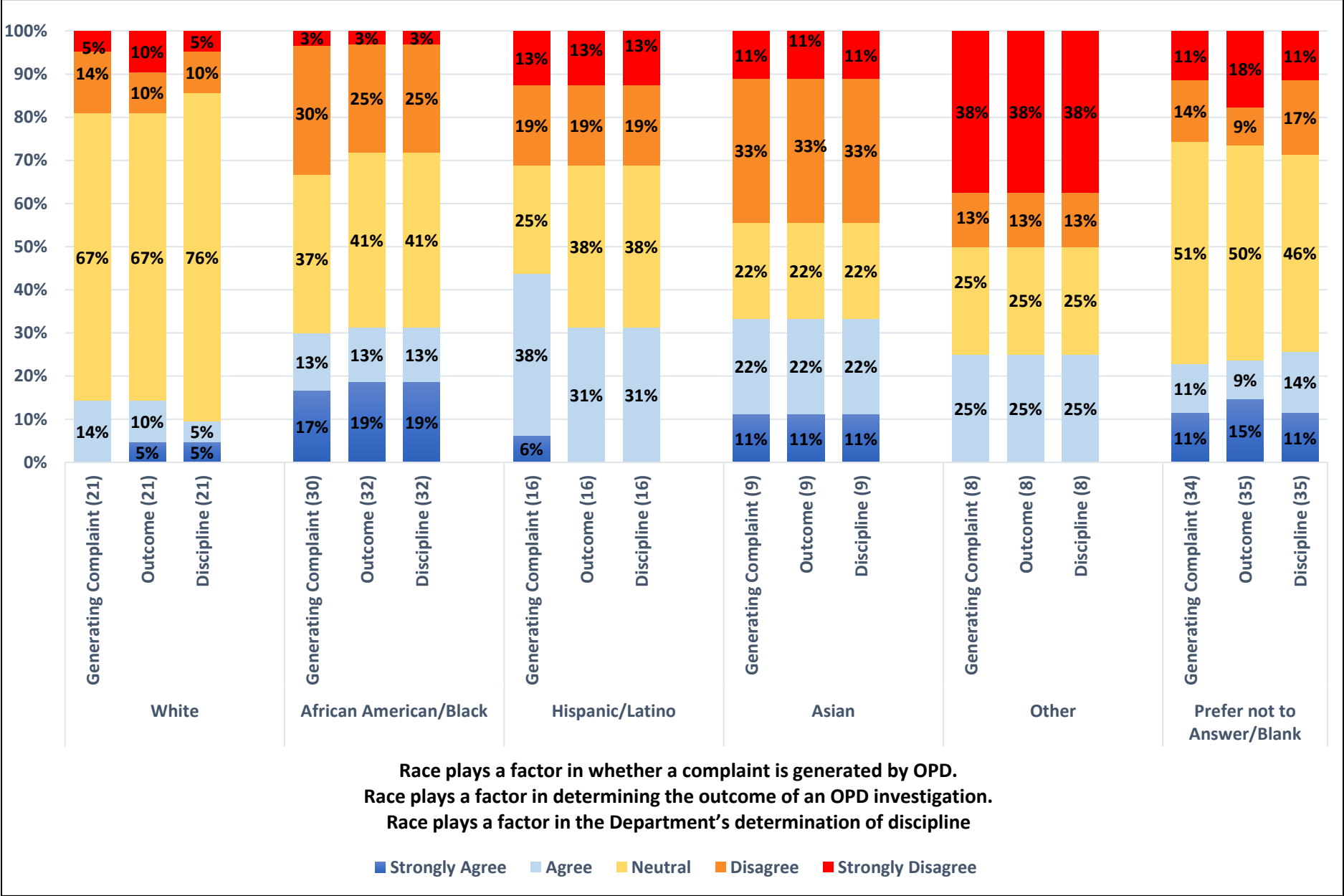
\* Filtered to include only those who selected they have been the subject of an IA investigation in the past two years. Those who selected N/A were also removed.

**Graph 4: OPD Employees are Treated with Dignity and Respect, the Process is Transparent and Well Understood, and the Process is Fair:**

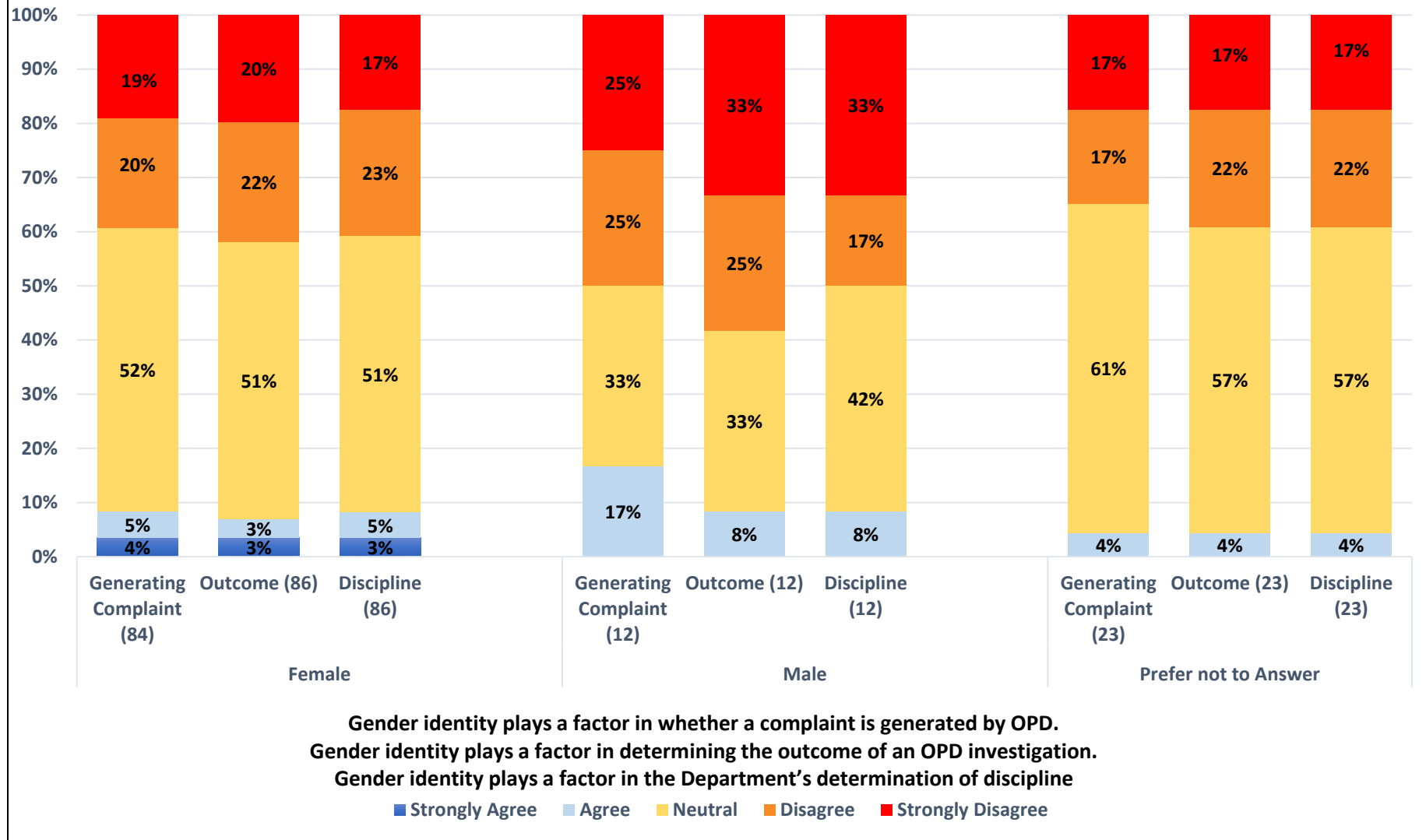




Graph 5: Race’s Role in the Investigative Process: Professional Staff



**Graph 6: Gender Identity's Role in the Investigative Process: Professional Staff**



**Graph 7: Rank’s Role in the Investigative Process: Professional Staff**

