

### **AGENDA REPORT**

TO: Police Commission FROM: John Alden

**CPRA Executive Director** 

**SUBJECT:** Report on and Review of CPRA

Pending Cases, Completed Investigations, Staffing, and

**Recent Activities** 

**DATE:** February 18, 2022

#### **EXECUTIVE SUMMARY**

In short, Oakland Police Department (OPD) data strongly confirms community concern that the thousands of times that OPD officers use force, that force is used disproportionately against Blacks. CPRA's cases, which only cover a tiny percentage of these incidents, cannot be used as an accurate measure of the clearly racially disproportionate use of force because they are so few in number. CPRA's monthly pending and closed case reports are therefore <u>not</u> a tool for measuring racial discrimination in use of force, but rather narrowly tailored reports required by local ordinance to check timeliness of case closures only. This Commission can, however, direct OPD's Inspector General to provide more detailed information on this issue, including breakdowns of how OPD's Use of Force Boards assess these many uses of force.

In addition, CPRA asks the Police Commission for only one action item in this report: please direct the Police Department to collect demographic data from complainants when they make complaints directly to OPD.

#### **Racially Disproportionate Use of Force**

Some recent Police Commission meetings point to community concern that police use of force effects Black Oaklanders disproportionately. This is absolutely true.

OPD's own data shows that its officers used force against the public over 1,600 times in 2021, and that <u>65%</u> of those upon whom force was used were Black. In 2020, OPD reports that its officers used force against the public over 2,400 times, and that <u>64%</u> of those upon whom force was used were Black. Given that the U.S. Census Bureau reported Oakland to be 24% Black in 2021, this makes Black Oaklanders <u>2.7 times</u> as likely to experience police use of force as Oaklanders in general.

At CPRA, all of our staff are deeply concerned about these statistics. But of these literally thousands of uses of force against Black Oaklanders in 2020 to 2021, CPRA has received complaints in only about 100 cases annually. While we are deeply

Subject: Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing,

and Recent Activities

Date: February 18, 2022 Page 2

invested in thoroughly examining each complaint, this very small number of complaints simply cannot be read as either confirming or denying the clear truth that force is used disproportionately against Blacks in Oakland.

That said, getting to the bottom of what appears to be systemically racist application of force requires different tools than those CPRA possesses. CPRA does not have the access to data, tools, or expertise to systematically assess large-scale patterns like these. We are well-suited to deeply investigate single incidents, not finding patterns in systems. Fortunately, the City of Oakland has been building those tools for systemic analysis, including:

- OPD's existing sworn Inspector General, which has the expertise, staffing, and data to dive deep into the causes of this disproportionate use of force across the board;
- OPD's existing Use of Force Review Boards, which can study individual uses of force <u>without</u> a complaint. The Police Commission Chair and the Police Commission's new Inspector General have access to the work of these Force Boards under Measure S1 (Charter Section 604(b)(11)).
- The Police Commission's Inspector General, once fully staffed, will have the expertise, staffing, and data to dive deep into the causes of this disproportionate use of force across the board

To address racially disproportionate use of force in Oakland, CPRA recommends that the Commission consider asking the Police Department to report on:

- Trends from Use of Force Board hearings, such as the demographics of those upon whom force is used, and findings that those Uses of Force were or were not in policy by race;
- More detailed trends in Use of Force by OPD by race by level of force, to see if higher levels of force are used even more disproportionately

Similar direction could be given to the Commission's new Inspector General once that office is fully staffed.

#### **Changes to Adjudication System**

On January 14, 2021, this Commission discussed the adjudication system for CPRA cases as dictated by the City Charter. Attached is a presentation from that period explaining that system, with some typographical edits.

As discussed at that time, the law requires that each complaint has to be addressed individually based on its own facts. Those facts are not under the control of OPD nor CPRA. As a result, there is no way to assess the performance of the Internal Affairs Division (IAD), CPRA, or any other police oversight agency quantitatively, that is, based

Subject: Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing,

and Recent Activities

Date: February 18, 2022 Page 3

on the number of cases sustained. But the <u>quality</u> of each report can be assessed by third parties.

Following this January 2021 presentation about the adjudication process, the Commission implemented several changes to ensure that the <u>quality</u> of CPRA and IAD investigations would be assessed:

- 1. CPRA final investigative reports were copied to the Chair of the Police Commission, so that the Chair could assess the quality of those investigations. This process improvement was created by Measure S1, which became effective in January 2021, and thus implemented in January 2021;
- 2. The Chair of the Police Commission was invited to meetings between the Chief of Police and CPRA to reach final adjudication of cases so that the Chair could assess the final stages of adjudication;
- 3. The Commission and the CPRA Executive Director expedited the selection and on-boarding of an Inspector General, who could also assess the quality of the reports of CPRA and IAD, as well as attend meetings between the Chief of Police and CPRA to reach final adjudication of cases. The new Inspector General, Michelle Phillips, started work in January, 2022.

More recently, as discussed at the Commission meetings of October 14, 2021, December 9, 2021, and January 13, 2022, the Commission will begin to set regularly-scheduled Discipline Committee meetings to ensure the availability of Discipline Committees in the adjudication process. The first such meeting is not yet scheduled.

This month, a new improvement was also added. Specifically, the Charter requires IAD to notify CPRA when they have completed their investigation into a complaint, and the allegations and findings reached in such cases. Typically, IAD also has transmitted a report with that notification, which is not explicitly required by the Charter. In January 2022, the new Inspector General noted IAD (given its higher level of resources than CPRA), would often complete cases earlier than CPRA. IG Phillips suggested, and the Commission Chair directed, that IAD <u>not</u> provide its report to CPRA until CPRA has also finished its report. Only then would the two reports be exchanged, so that the CPRA Executive Director and Chief could complete the adjudication process.

#### **CPRA Pending Case List**

CPRA's obligation to submit a pending case list, and the kinds of information contained in that list, are set by City of Oakland Ordinance 2.46.040, which requires:

"D. Reporting to the Commission once a month regarding the Agency's pending cases. The following information shall be included in the Agency Director's monthly written report:

Date: February 18, 2022 Page 4

- 1. The case number;
- 2. The name of the complainant;
- 3. The initials of the investigator assigned to investigate the complaint;
- 4. The date the complaint was filed with the Agency and the date the complaint was filed with the Department's Internal Affairs Division;
- 5. The date by which the investigation must be completed if the Agency is to meet the one-hundred-and-eighty-day (180) goal specified by City Charter section 604(f)(3);
- 6. The deadline by which the investigation must be completed, as specified by California Government Code section 3304;
- 7. The date of the incident that is the subject of the complaint; and
- 8. If City Charter section 604(f)(1) requires the Agency to investigate the complaint, whether the complaint involves uses of force, in-custody deaths, profiling based on any of the protected characteristics identified by federal, state, or local law, and First Amendment assemblies. If City Charter section 604(f)(1) does not require the Agency to investigate the complaint, a brief, general description of the type of complaint. This brief, general description must be similar in length and generality to the description of the types of complaints the Agency is required to investigate, as stated in City Charter section 604(f)(1)..."

Oakland Municipal Code section 2.45.045 also <u>prohibits</u> the release of any other "personnel information," which state law defines to include information regarding CPRA's investigations into police officer misconduct. That ordinance reads as follows:

"The Commission, the Agency, the OIG and their staff shall maintain the confidentiality of Department sworn employee personnel records (as defined by California Penal Code section 832.7) as required by state and local law. Failure to maintain the confidentiality of Department sworn employee personnel records, whether or not intentional, may subject Commission, Agency and OIG staff to discipline, up to and including termination of employment."

Thus, the current pending list is required by law, and its contents are also set by law. Expanding the contents of that list risks subjecting both Police Commissioners and CPRA staff to removal from office under City of Oakland ordinance 2.45.045.

Subject: Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing,

and Recent Activities

Date: February 18, 2022 Page 5

Without question, the current information conveyed in these reports provides only generalized, fragmentary information to the public. This Commission has, in the past, discussed asking the City Council to amend these ordinances to allow for more or different information on pending cases to be disseminated to the public. CPRA stands ready to assist in that task once the Police Commission is ready.

That said, one can see certain trends in these reports:

#### A. Pending Cases

2022 pending cases are now half that of 2019. Despite the George Floyd protest cases dramatically increasing caseload from the summer of 2020 to the summer of 2021, caseloads have dramatically dropped. Overall total cases in year, however, have remained fairly stable other than the protest cases. This shows that CPRA has significantly increased productivity and efficiency in the last two years, such that it can clear larger numbers of cases in any given year as compared to prior years.

#### B. 250-Day Limit Compliance

Measure S1, approved by voters in November, 2020, and effective January, 2021, requires CPRA to complete cases within 250 days after the receipt of complaint absent exceptional circumstances. When the City Council approved Measure S1 for the ballot, testimony before the Council from authors and proponents of S1 described at least two such exceptional circumstances: short staffing and the tolling (extension) of the one-year statute of limitations under the California Government Code.

Ever since the implementation of Measure S1, CPRA has had vacancies in the investigator classes, one of the recognized exceptional circumstances. At times in 2021, that short-staffing was as high as three positions, but is currently down to two positions, and will be short only one position in March. CPRA hopes to hire another investigator by April 2022, such that all budgeted positions would be filled.

The CPRA statistical report of January 2021, just as Measure S1 came into effect, showed 13 CPRA cases were past the 250-day limit. Two of those were subject to tolling under the California Government Code, leaving 11 cases past 250 days solely because of short staffing.

Today, the CPRA statistical report of January 2022 still shows 13 CPRA cases past the 250-day limit, with seven of those subject to tolling. This leaves six cases past 250 days solely because of short staffing. While this is a very small number cases, and nearly half that of the prior year, it is still shy of the limit of <u>all</u> non-tolled cases being completed within 250 days.

Subject: Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing,

and Recent Activities

Date: February 18, 2022 Page 6

Given this experience over the last year, it is clear that past staffing levels have been insufficient to meet the 250 day limit on all non-tolled cases. CPRA will be seeking an increase in staffing in the next fiscal year to address this issue.

#### C. 180-Day Goal Progress

The Charter sets as a goal, but not as a limit or requirement, that CPRA attempt to complete all cases by 180 days after the receipt of the complaint. Recall, too, that IAD has a goal of completing only 85% of cases by 180 days of receipt.

The CPRA statistical report of January 2021 showed 34 CPRA cases were past the 180 day goal. Two of those were subject to tolling under the California Government Code, leaving 32 past the 180 day goal without the benefit of statute of limitations tolling.

Today, the CPRA statistical report of January 2022 shows only 19 CPRA cases past the 180 day goal, with seven of those subject to tolling. This leaves twelve cases past the 180 day goal days without the benefit of statute of limitations tolling. While this is a very small number cases, and nearly a third that of the prior year, it is still shy of the goal of all non-tolled cases being completed within 180 days.

Again, CPRA will seek increased staffing to ensure CPRA can meet this goal.

#### **CPRA Completed Investigations List**

Current City of Oakland Ordinances do not speak directly to CPRA providing a <u>closed</u> cases report. However, two ordinances – 2.45.070 and 2.46.030 – permit reporting of the closure of IAD cases to the Commission and the closure of CPRA cases to the City Council, including the types of allegations and findings. While these ordinances do not explicitly direct closed case reports from CPRA to the Commission, it appears logically implied by these two ordinances that a closed CPRA cases report to the Commission is at least permissible.

The Police Commission has thus had for some time a tradition of receiving a closed cases report from CPRA containing the kinds of information listed in 2.45.070 and 2.46.030, but no more. Again, CPRA shares the concern that these reports provide insufficient transparency to the public, and stands ready to assist the Commission in approaching the City Council to expand these ordinances.

That said, it should be noted that monthly closed case reports are <u>not</u> a measure of overall police officer conduct in Oakland. Nor should sustained rates be read as an indicator of overall police behavior one way or the other. Simply put, the total number of complaints is a tiny faction of the overall contact the public has with the Oakland Police

Police Commission

Subject: Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing,

and Recent Activities

Date: February 18, 2022 Page 7

Department, such that complaints cannot logically be extrapolated to officer conduct in general.

For example, OPD reports that OPD officers stopped over 22,000 people in 2020, and over 14,000 in 2021. The attached closed cases report covers 26 incidents in 2021, or roughly 0.19% of all stops in Oakland in 2021. This sample size is so small compared to the overall police activity in Oakland in 2021 that it simply is not a valid measure of community experience in Oakland. It is, instead, exactly what it is meant to be: and update to the Commission of the results of a month's worth of complaint investigations, and no more.

That said, in the interest of transparency, we continue to work with the Commission Chair and Vice Chair, as well as the Department of Information Technology, to improve to reporting of the cases we investigate. For example, we are seeking assistance, and more staff in the upcoming budget process, to strengthen our ability to run reports from our CPRA database. We are also looking for better graphical representations for our data. We aim to bring to the Commission a list of additional data about Use of Force we might capture, and seeking Commission input on what other information we should gather.

In this regard, one of our biggest data challenges is that OPD does <u>not</u> track the race or other demographics of complainants. We do at CPRA, but only 15% of complainants come directly to CPRA. The other 85% report to OPD directly, often in the field when events occur, but their demographics are not captured. CPRA often cannot find those complainants later, and of course we risk re-traumatization by quizzing complainants well after their complaint was made as to their race. In 2021, we noted this issue to the City Administrator, and were of the understanding that OPD would start tracking this information. To date, we have not seen it.

CPRA therefore asks the Commission to direct OPD to collect this data from complainants (if they are willing to provide it) at the time of the complaint, and then to share this data with CPRA.

	Respectfully submitted,
	JOHN ALDEN Executive Director, CPRA
sobmonto (1):	

Attachments (4):

- 1. OPD Use of Force Statistics;
- 2. Adjudication System Powerpoint;
- 3. CPRA Pending Case List;
- 4. CPRA Completed Investigations List.



# Monthly Risk Analysis Report – Citywide Through December 31, 2021

Based on Officer Assignment at time of the event	Jun-Nov 2021 Avg	Dec 2021	% Change	YTD 2020	YTD 2021	% Change
Stops	, ,					
Dispatch Stops	690.0	585	-15%	10,153	8,218	-19%
Non-Dispatch Stops	499.5	357	-29%	11,930	6,035	-49%
% Intel Led	43%	45%	+2%	37%	42%	+5%
% Non-Intel Led African American	44%	41%	-3%	47%	43%	-4%
% Non-Intel Led Hispanic	33%	42%	+9%	29%	34%	+5%
% Non-Intel Led Traffic Stops	80%	76%	-4%	80%	81%	+1%
Total Stops	1,189.5	942	-21%	22,083	14,253	-35%
Use of Force (all force by every officer and every s	ubject, exclu	des May/J	une 2020 p	orotest inci	dents and T	ype 32s)
Level 1	0.8	1	+25%	7	7	0%
Level 2	1.3	1	-23%	23	15	-35%
Level 3	3.3	1	-70%	70	52	-26%
Level 4 (Excluding Type 32)	141.2	78	-45%	2,325	1,608	-31%
Total	146.7	82	-44%	2,425	1,682	-31%
% African American (each subj counted once)	64%	63%	-1%	64%	65%	+1%
% Hispanic (each subj counted once)	24%	23%	-1%	23%	22%	-1%
Officer Involved Shootings						
# of Incidents	0.5	1	+100%	2	4	+100%
# of Officers that Discharged Their Firearm	0.8	1	+25%	6	6	0%
Canine Deployment	•					
Actual Deployments	5.2	2	-62%	77	53	-31%
Bites	0	0	0%	2	2	0%
Complaints (by complaint date)						
Service Complaint Allegations	70.8	58	-18%	940	762	-19%
Total Allegations	315.7	188	-40%	4427	3,518	-21%
Total Cases	140.0	113	-19%	1620	1,554	-4%
Pursuits						
# of Incidents	8.5	8	-6%	68	94	+38%
# Units Involved		13		146	155	+6%
Ave # of Units per Pursuit	1.5	1.6	+7%	2.1	1.6	-24%
Collisions						
# of Incidents w/ Sworn Employees	11.2	5	-55%	91	112	+23%
# of Incidents w/ Civilian Employees	1.0	0	-100%	7	8	+14%
Other Officer Activity Data						
# of Incident Reports	6,470	4,480	-31%	73,724	72,847	-1%
# of Armored Vehicle Deployments	19.0	18	-5%	118	210	+78%

<sup>\*</sup>Numbers are preliminary and subject to change\*



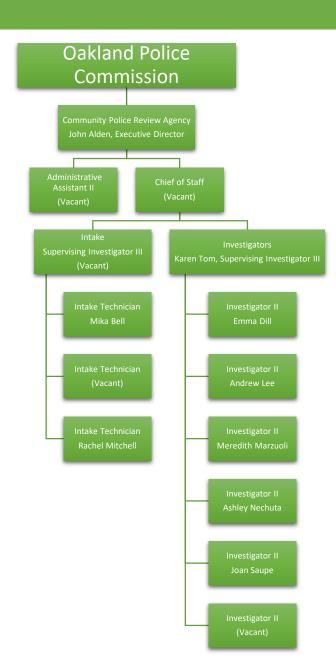


CPRA-OPD
Adjudication Process



The Community Police Review Agency (CPRA) is the civilian investigative arm for allegations against sworn members of the Oakland Police Department.

The Agency was created for this role by the passage of Measure LL in 2016, now encoded as Section 604 of the Oakland City Charter. The Adjudication process was also created by Measure LL.





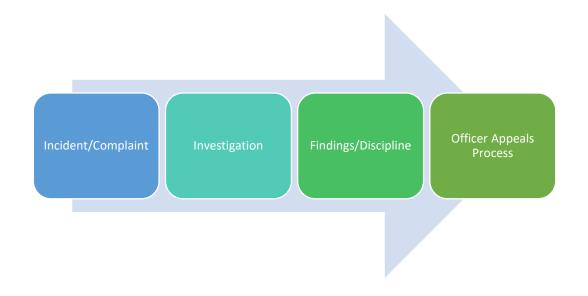
# What is the Adjudication Process?

ADJUDICATION is a Charter-mandated process in which OPD and CPRA compare: FINDINGS (whether an officer violated policy) and DISCIPLINE (the penalty for violating policy) in specific discipline cases against OPD officers.

**IF** CPRA and OPD agree on the FINDINGS and also DISCIPLINE, that agreement becomes the position of the City of Oakland.

**IF** CPRA and OPD disagree on either FINDINGS or DISCIPLINE, then the matter goes to a Discipline Committee at the Police Commission. The Commission's decision then becomes the decision of the City of Oakland in the matter.





### Lifecycle of an Investigation

### 1) Incident/Complaint

The public can make a *complaint* about any *incident* in which a member of the public believes that a sworn member of the Oakland Police Department has engaged in misconduct. Each *incident* can have multiple **allegations** of misconduct.

### 2) Investigation

CPRA staff interview witnesses and review evidence about the complaint. They memorialize that work in an **investigation**.

# 3) Findings/Discipline

After the **investigation** is done, the Agency issues its **findings** as to every **allegation**. These findings are sent to the Chief of Police, and the Chief and Agency Director meet to agree on findings and proposed officer **Discipline**.

### 4) Officer Appeals Process

Once noticed that they are the subject to disciplinary action for a sustained finding of officer misconduct, a sworn member of the OPD may invoke their employee rights through the **Officer Appeals Process**, which may include a hearing by a Skelly Officer or an appeal to outside arbitration.



nvestigation

Findings/Report of Investigation (ROI)

# **Findings**

For a given allegation against a sworn member of the OPD, the Agency may come to one of the following findings:

- Sustained: The act(s) alleged by the complainant occurred and constituted misconduct.
- **Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.
- Unfounded: The act(s) alleged by the complainant did not occur.
- **Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Only Sustained allegations allow Discipline to be imposed.





# How does the Charter <u>Require</u> CPRA and OPD to communicate about cases?

- 1. Exchanging complaints at intake.
- 2. IAD must notify CPRA when they have reached findings in a case, and before imposing discipline. IAD cannot close the case until CPRA concurs.
- 3. CPRA ED and Chief of Police are required to exchange their **Findings** and **Discipline** to see if they concur.





# What do CPRA and OPD do to facilitate that communication?

- a) CPRA staff check IAD records to see what issues IAD flagged early.
- b) IAD, as a matter of policy and NSA compliance, will reach findings on every allegation CPRA investigates, including new allegations CPRA raises on its own.
- c) The Santa Ana decision sometimes requires joint interviews.
- d) When both IAD and CPRA are finished, they share each other's completed reports. Neither side normally changes its position at this stage, simply completes a ministerial comparison of positions.
- e) Discipline Conference between the CPRA ED and the OPD Chief of Police.



Findings/Discipline

# **OPD IAD Weekly Meeting / Discipline Conference**

Prior to Measure LL, OPD Chiefs of Police met with Command Staff and also the staff of IAD to hear presentations from IAD about cases that IAD recommended be sustained. The Chief of Police would then reach his or her decision about whether to sustain that case at that meeting.

Since Measure LL created adjudication, the CPRA Executive Director and other staff have appeared at these same meetings to explain CPRA's position on the matter to the Chief of Police.



# OPD IAD Weekly Meeting / Discipline Conference

### **ADVANTAGES**

- Clear Communication
- Command Staff Training and Buy-In
- Candid Exchange of Views
- Consistent Legal Advice
- Investigator Training

# **DISADVANTAGES**

- Sometimes Contentious
- CPRA ED Has to be Assertive
- Time Consuming
  - 71 allegations Sustained by CPRA in 2019

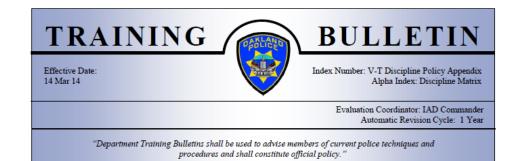


Findings/Discipline

# **Progressive Discipline**

Discipline Matrix sets ranges for discipline.

Aggravating and Mitigating factors set the discipline within those ranges.



#### DISCIPLINE POLICY APPENDIX

#### DISCIPLINE MATRIX

The Department discipline policy and this accompanying discipline matrix represent the Department's values and current industry standards. The matrix is designed to set the highest penalties on those actions most afoul of our values.

The objective of the Discipline Matrix is to ensure fair and consistent implementation of discipline within the Oakland Police Department. In addition, the Discipline Matrix, associated policies and resulting disciplinary decisions shall reflect contemporary industry standards for progressive discipline.





Type of Misconduct	Offense 1 LL-MP-UL	Offense 2 LL-MP-UL	Offense 3 LL-MP-UL
DFFICERS - AUTHORITY AND RESPONSIBILITIES of duty) 234.00 subsections	S5-T	\$30-T	т
DFFICERS - AUTHORITY AND RESPONSIBILITIES  234.00 subsections	C-\$5	\$2-D	\$2-T
- AUTHORITY AND RESPONSIBILITIES of duty) - 285.00 subsections except 285.90	S5-T	\$30-T	т
- AUTHORITY AND RESPONSIBILITIES - 285.00 subsections except 285.90	C-\$5	\$2-D	\$2-T
DUCT	C-S3	WR-S5	S5-S30
ARD OTHERS - HARASSMENT AND DISCRIMINATION	S30-T	Т	
ARD OTHERS - UNPROFESSIONAL CONDUCT IN VIOLATION OF	C-\$30	WR-S30	\$30-T
ARD OTHERS - WORKPLACE VIOLENCE	S5-T	Т	
ARD OTHERS - DEMEANOR	C-S3	WR-S5	S5-S30
ARD OTHERS-RELATIONSHIPS	\$2-\$5	S3-S10	S10-S30

# Discipline

**Discipline** is imposed five ways:

**Counselling/Training**: Guidance on how to do better next time.

**Written Reprimand**: A letter in the personnel file. Can impair promotional and assignment opportunities.

**Suspension**: No pay for a period of 1-30 days.

**Demotion**: Reduction in Rank. Very significant career blow.

**Termination**: Separation from employment.



Findings/Discipline

Discipline Committee of the Oakland Police Commission

If CPRA and OPD disagree on **Findings** or **Discipline** in the **Adjudication** process, then the Commission resolves the dispute with a Discipline Committee. That requires:

- Commissioner Training
- Several Days of Closed Session Hearings
- Enough Time Before the 3304 Deadline





# **Officer Appeals**

AFTER adjudication or the Discipline Committee, the officer can appeal. Steps Include:

- 1. Skelly Conference
- 2. Arbitration(or Grievance for Reprimands)

#### **COMMUNITY POLICE REVIEW AGENCY**

# Pending Cases as of January 2022 (Sorted by One-Year Goal)

Page 1 of 2 (Total Pending = 70)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
21-0358	4/2/2021	4/7/2021	4/2/2021 Investigator	AL	10/4/2021	4/1/2022 Use of Force	1	1	2	Use of Force; Performance of Duty
21-0354	4/1/2021	4/7/2021	4/2/2021 Investigator	AN	9/29/2021	4/1/2022 Other	1	2	5	Performance of Duty/ Miranda Violation
21-0366	4/5/2021	4/7/2021	4/5/2021 Investigator	MM	10/4/2021	4/4/2022 Use of Force	1	4	8	Use of Force
20-1578	10/31/2020	5/18/2021	12/17/2020 Investigator	AN	6/15/2021	4/11/2022 Other	1	1	5	General Conduct, Obedience to Laws (Felony + Misdemeanor), Obstructing/Interfering with Investigations, Failure to Report
21-0527	6/20/2017	5/18/2021	4/16/2021 Investigator	JS	10/15/2021	4/15/2022 Other	1	3	17	Search and seizure; discrimination; demeanor; report writing
21-0430	4/20/2021	4/21/2021	4/20/2021 Investigator	JS	10/19/2021	4/19/2022 Use of Force	1	2	5	Performance of Duty, Use of Force; Improper/ Unlawful Search & Seizure
21-0555	11/26/2020	5/19/2021	5/18/2021 Investigator	AN	11/15/2021	5/18/2022 Other	2	8	15	Performance of Duty, Demeanor
21-0621	6/3/2021	6/8/2021	6/3/2021 Investigator	AL	12/5/2021	6/4/2022 Racial Discrimination	1	2	2	Racial Discrimination
21-0652	6/2/2021	6/10/2021	6/10/2021 Investigator	MM	12/7/2021	6/9/2022 Racial Discrimination	1	2	4	Racial Discrimination, Performance of Duty
20-0174	3/1/2019	6/29/2021	2/13/2020 Investigator	AN	12/20/2021	6/20/2022 Other	1	1	8	Obedience to Laws
21-0863	7/2/2021	8/2/2021	7/28/2021 Investigator	JS	1/2/2022	7/27/2022 Use of Force	1	3	4	Use of Force (Taser); false arrest; demeanor
21-0868	7/29/2021	8/9/2021	7/29/2021 Investigator	MM	1/25/2022	7/28/2022 Racial Discrimination	1	1	4	General Conduct, POD - General, Compromising Criminal Cases, Racial Bias
21-1024	8/31/2021	9/2/2021	9/1/2021 Intake	FC	2/28/2022	8/31/2022 Racial Discrimination	1	1	3	Racial Discrimination, Conduct toward others, Performance of Duty
21-1010	8/31/2021	9/1/2021	8/31/2021 Investigator	JS	2/28/2022	8/31/2022 Use of Force, Discrimination	1	4	11	Use of Force and Racial Discrimination
21-1047	9/3/2021	9/8/2021	9/3/2021 Investigator	AN	3/7/2022	9/4/2022 Use of Force	1	4	6	Use of Force
21-1055	9/7/2021	9/9/2021	9/7/2021 Investigator	JS	3/8/2022	9/7/2022 Racial Discrimination	1	1	2	Racial Discrimination, Improper/Unlawful Search & Seizure
21-1089	9/16/2021	9/17/2021	9/16/2021 Investigator	MM	3/16/2022	9/16/2022 Use of Force	1	1	3	Use of Force; Demeanor; failure to report
21-1099	9/19/2021	9/23/2021	9/19/2021 Investigator	AL	3/22/2022	9/20/2022 Racial Discrimination	1	2	3	Racial Discrimination, Demeanor
21-1114	9/22/2021	9/22/2021	9/22/2021 Investigator	JS	3/22/2022	9/21/2022 Use of Force	1	4	3	Use of Force
21-1139	9/23/2021	9/23/2021	9/23/2021 Intake	FC	3/22/2022	9/22/2022 Discrimination	1	1	2	Discrimination Race/Gender
21-1123	3/14/2021	9/14/2021	9/23/2021 Intake	MB	3/13/2022	9/23/2022 Use of Force	1	1	2	Use of Force
21-1161	9/28/2021	9/29/2021	9/28/2021 Intake	MB	3/28/2022	9/27/2022 Use of Force	1	1	1	Use of Force
21-1168	9/27/2021	9/29/2021	9/29/2021 Intake	FC	3/28/2022	9/28/2022 Use of Force	1	1	2	Performance of Duty, Use of Force
21-1178	10/2/2021	10/8/2021	10/2/2021 Intake	MB	4/6/2022	10/2/2022 Use of Force, Racial Discrimination	1	1	2	Use of Force; Racial Discrimination
21-1203	9/8/2021	10/7/2021	10/7/2021 Investigator	MM	4/5/2022	10/6/2022 Other	2	1	1	Performance of Duty
21-1206	9/24/2021	10/13/2021	10/8/2021 Intake	MB	4/11/2022	10/8/2022 Use of Force	11	1	8	Use of Force
21-1275	10/13/2021	10/26/2021	10/20/2021 Investigator	AL	4/24/2022	10/20/2022 Use of Force	1	1	8	Use of Force Racial Discrimination, Performance of
21-1278	10/22/2021	10/26/2021	10/26/2021 Intake	FC	4/24/2022	10/25/2022 Discrimination	1	1	3	Duty
21-1395	10/9/2021	11/18/2021	10/28/2021 Intake	MB	5/17/2022	10/28/2022 Racial Discrimination	1	5	5	Racial Discrimination
21-1319	10/30/2021	11/2/2021	11/1/2021 Intake	MB	5/1/2022	11/1/2022 Other	2	1	5	Performance of Duty
21-1330	11/2/2021	11/3/2021	11/2/2021 Intake	MB	5/2/2022	11/2/2022 Other	2	3	3	Performance of Duty
21-1341	11/8/2021	11/9/2021	11/8/2021 Intake	FC	5/7/2022	11/7/2022 Other	2	11	3	Demeanor, Performance of Duty
21-1354	11/5/2021	11/9/2021	11/5/2021 Intake	MB	5/8/2022	11/7/2022 Use of Force	1	2	2	Use of Force
21-1357	11/9/2021	11/12/2021	11/9/2021 Intake	FC	5/8/2022	11/8/2022 Use of Force, Truthfulness	1	1	2	Use of Force, Truthfulness
21-1387	11/10/2021	11/17/2021	11/10/2021 Intake	FC FC	5/9/2022	11/9/2022 Discrimination, Use of Force	1	4	8	Profiling, Use of Force
21-1367	11/12/2021	11/16/2021	11/12/2021 Intake	MB	5/11/2022	11/11/2022 Use of Force		1	1 1	Use of Force
21-1361 21-1391	5/27/2021 11/17/2021	11/16/2021 11/18/2021	11/11/2021 Intake 11/17/2021 Intake	FC	5/15/2022 5/16/2022	11/11/2022 Other 11/16/2022 Discrimination	1	1	2	Harrassment Discrimination, Demeanor
21-1391	11/18/2021	11/23/2021	11/17/2021 Intake	FC	5/17/2022	11/17/2022 Use of Force	1	1	1	Use of Force
21-1403	11/16/2021	11/18/2021	11/17/2021 Intake	MB	5/17/2022	11/17/2022 Use of Porce	1	2	2	Harrassment
21-1393	11/19/2021	11/23/2021	11/19/2021 Intake	FC	5/18/2022	11/18/2022 Use of Force	1	1	1	Use of Force
21-1413	11/19/2021	11/23/2021	11/19/2021 Intake	FC	5/18/2022	11/18/2022 Use of Porce	1	2	4	Truthfulness, Conduct
21-1426	11/22/2021	12/21/2021	11/22/2021 Investigator	AL	5/21/2022	11/21/2022 Use of Force	1	4	6	Use of Force
21-0816	7/17/2020	7/29/2021	7/14/2021 Investigator	AN	1/25/2022	11/23/2022 Other	1	1	2	Reports and Bookings, Performance of
21-1437	11/26/2021	12/1/2021	11/26/2021 Intake	FC	5/25/2022	11/25/2022 Discrimination	1	2	2	Duty Discrimination
21-1450	11/29/2021	12/1/2021	11/29/2021 Intake	FC	5/28/2022	11/28/2022 Discrimination	1	2	4	Discrimination, Performance of Duty
21-1461	12/1/2021	12/7/2021	12/1/2021 Intake	FC	5/30/2022	11/30/2022 Other	2	2	2	Performance of Duty
21-1488	12/4/2021	12/6/2021	12/6/2021 Intake	FC	6/4/2022	12/5/2022 Other	2	1	3	Service, Performance of Duty
21-1478	12/6/2021	12/7/2021	12/6/2021 Intake	MB	6/4/2022	12/6/2022 Use of Force	1	1	3	Use of Force

<sup>\*</sup>Type (604(f) or Other) column indicates the allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). "Other" indicates the case does not include any such allegations.

#### **COMMUNITY POLICE REVIEW AGENCY**

# Page 2 of 2 (Total Pending = 70)

# Pending Cases as of January 2022 (Sorted by One-Year Goal)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
21-1505	12/8/2021	12/10/2021	12/9/2021 Intake	MB	6/8/2022	12/9/2022 Racial Discrimination	1	1	3	Racial Discrimination
21-1541	12/17/2021	12/21/2021	12/17/2021 Intake	FC	6/15/2022	12/16/2022 Use of Force	1	1	1	Use of Force
21-1547	12/20/2021	12/22/2021	12/20/2021 Intake	FC	6/18/2022	12/19/2022 Use of Force	1	1	1	Use of Force
21-1537	12/19/2021	12/21/2021	12/19/2021 Intake	MB	6/17/2022	12/19/2022 Racial Discrimination	1	1	2	Racial Discrimination
21-1560	12/26/2021	12/28/2021	12/26/2021 Intake	MB	6/24/2022	12/27/2022 Use of Force	1	1	1	Use of Force
21-1568	6/12/2021	1/5/2022	12/28/2021 Intake	MB	6/26/2022	12/27/2022 Other	2	1	1	Performance of Duty
21-1574	12/29/2021	1/4/2022	12/29/2021 Intake	MB	6/27/2022	12/30/2022 Harassment	1	1	1	Harrassment
22-0001	1/1/2022	1/4/2022	1/2/2022 Intake	FC	7/1/2022	1/1/2023 Use of Force	1	1	1	Use of Force
22-0018	1/8/2022	1/11/2022	1/8/2022 Intake	FC	7/7/2022	1/7/2023 Use of Force	1	4	4	Use of Force
22-0027	1/11/2022	1/13/2022	1/11/2022 Intake	FC	7/10/2022	1/10/2023 Performance of Duty	2	1	1	Performance of Duty
22-0031	1/11/2022	1/13/2022	1/11/2022 Intake	FC	7/10/2022	1/10/2023 Discrimination	1	3	3	Discrimination
22-0040	1/15/2022	1/18/2021	1/15/2022 Investigator	AL	7/14/2022	1/14/2023 Use of Force	1	1	1	Use of Force
22-0065	1/21/2022	1/25/2022	1/21/2022 Intake	FC	7/20/2022	1/20/2023 Use of Force	1	1	1	Use of Force
20-0438	4/16/2020	4/16/2020	4/16/2020 Investigator	AN	10/13/2020	Tolled Use of Force	1	21	30	Use of Force (Level 1, Level 4), Performance of Duty
20-1406	11/3/2020	11/3/2020	11/3/2020 Investigator	AN	5/2/2021	Tolled Use of Force	1	2	2	Use of Force
21-0238	3/2/2021	3/2/2021	3/2/2021 Investigator	AN	8/29/2021	Tolled Use of Force	1	5	7	Use of Force, Supervisory
21-1410	11/20/2021	11/20/2021	11/20/2021 Investigator	AN	5/19/2022	Tolled Use of Force	1	2	2	Use of Force
21-1558	12/24/2021	12/24/2021	12/24/2021 Investigator	AN	6/22/2022	Tolled Use of Force	1	1	1	Use of Force
21-1140	9/26/2021	9/26/2021	9/26/2021 Investigator	AN	3/25/2022	Tolled Other	1	4	4	Performance of Duty



#### COMMUNITY POLICE REVIEW AGENCY

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 1 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
MB	21-1135	7/20/14	1/12/22	9/23/22	Subject Officer 1	Use of Force	Not Sustained
						Performance of Duty – Intentional Search Seizure or Arrest	Not Sustained
						Performance of Duty – Intentional Search Seizure or Arrest	Not Sustained
					Unknown Officer	Reporting Violations – Failure to Report Misconduct When Required	Not Sustained
						Performance of Duty – Intentional Search Seizure or Arrest	Not Sustained
FC	21-1121	7/12/18	1/26/22	9/12/22	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Not Mandated
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Not Mandated
					Subject Officer 3	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Not Mandated
					Subject Officer 4	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Not Mandated

#### **Definitions:**

**Sustained**: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

No Jurisdiction: The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



# CITY OF OAKLAND COMMUNITY POLICE REVIEW AGENCY

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 2 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
AN	21-0816	7/17/20	1/7/22	11/23/22	Subject Officer 1	Reports and Bookings	Unfounded
						Performance of Duty – General	Sustained
MB	21-0050	1/9/21	1/17/22	1/13/22	Subject Officer 1	Performance of Duty – General	Exonerated
						Performance of Duty – General	Unfounded
						Use of Force	Unfounded
						Conduct Toward Others – Harassment and Discrimination/Race	Unfounded
					Subject Officer 2	Performance of Duty – General	Unfounded
						Use of Force	Unfounded
JS	21-0151	2/6/21	1/18/22	2/5/22	Subject Officer 1	Use of Force (Level 3)	Exonerated

#### **Definitions:**

**Sustained**: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

**No Jurisdiction:** The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



#### **COMMUNITY POLICE REVIEW AGENCY**

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 3 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Use of Force (Level 3)	Not Sustained
						Use of Force (Level 2)	Unfounded
MB	21-1480	2/23/21	1/7/22	2/22/22	Subject Officer 1	Use of Force (Level 4)	Unfounded
					Subject Officer 2	Use of Force (Level 4)	Unfounded
					Subject Officer 3	Use of Force (Level 4)	Unfounded
					Subject Officer 4	Use of Force (Level 4)	Unfounded
AL	21-0252	3/1/21	1/22/22	3/4/22	Subject Officer 1	Refusal to Accept or Refer a Complaint (Intentional)	Sustained
						Conduct Toward Others – Demeanor	Sustained
						Conduct Toward Others – Demeanor	Sustained

#### **Definitions:**

**Sustained**: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

**No Jurisdiction:** The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



#### COMMUNITY POLICE REVIEW AGENCY

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 4 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Use of Force (Level 4)	Exonerated
					Subject Officer 2	Refusal to Accept or Refer a Complaint (Intentional)	Sustained
						Conduct Toward Others – Demeanor	Sustained
						Performance of Duty – General	Sustained
						Use of Force (Level 4)	Exonerated
					Subject Officer 3	Refusal to Accept or Refer a Complaint (Intentional)	Sustained
						Use of Force (Level 4)	Exonerated
					Subject Officer 4	Refusal to Accept or Refer a Complaint (Intentional)	Sustained
						Use of Force (Level 4)	Exonerated

#### **Definitions:**

**Sustained**: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

**No Jurisdiction:** The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



#### **COMMUNITY POLICE REVIEW AGENCY**

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 5 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 5	Refusal to Accept or Refer a Complaint (Intentional)	Unfounded
					Subject Officer 6	Refusal to Accept or Refer a Complaint (Intentional)	Not Sustained
						Conduct Toward Others – Demeanor	Unfounded
AL	21-0803	7/9/21	1/24/22	7/14/22	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Not Sustained
						Use of Force (Level 4)	Unfounded
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Unfounded
FC	21-0795	7/10/21	1/12/22	7/9/22	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Unfounded
						Use of Force (Level 4)	Unfounded
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Unfounded

#### **Definitions:**

**Sustained**: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

**No Jurisdiction:** The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



#### **COMMUNITY POLICE REVIEW AGENCY**

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 6 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Use of Force (Level 4)	Unfounded
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Unfounded
						Use of Force (Level 4)	Unfounded
					Subject Officer 3	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Unfounded
						Use of Force (Level 4)	Unfounded
MB	21-0871	7/26/21	1/13/22	7/29/22	Subject Officer 1	Conduct Toward Others - Harassment and Discrimination / Race	Unfounded
					Subject Officer 2	Conduct Toward Others - Harassment and Discrimination / Race	Unfounded
					Subject Officer 3	Conduct Toward Others - Harassment and Discrimination / Race	Unfounded

#### **Definitions:**

**Sustained**: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

**No Jurisdiction:** The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



#### **COMMUNITY POLICE REVIEW AGENCY**

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 7 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Unknown Officer	Conduct Toward Others - Harassment and Discrimination / Race	Not Sustained
						Performance of Duty - General	Not Sustained
						Performance of Duty - General	Not Sustained
MM	21-0868	7/28/21	1/25/22	7/28/22	Subject Officer 1	General Conduct	Exonerated
						General Conduct	Not Sustained
						Obedience to Laws – Misdemeanor/ Infraction	Not Sustained
						Department Property and Equipment  - Securing Weapon	Not Sustained
FC	21-0898	7/30/21	1/18/22	8/4/22	Subject Officer 1	Performance of Duty – General	Unfounded

#### **Definitions:**

**Sustained**: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

**No Jurisdiction:** The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



#### COMMUNITY POLICE REVIEW AGENCY

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 8 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
МВ	21-0899	8/5/21	1/28/22	8/4/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/ Race	Unfounded
						Conduct Toward Others – Demeanor	Unfounded
AL	21-1046	8/5/21	1/20/22	8/4/22	Subject Officer 1	Use of Force (Level 3)	Exonerated
						Use of Force (Level 2)	Unfounded
						Use of Force (Level 2)	Unfounded
						Use of Force (Level 3)	Unfounded
						Use of Force (Level 3)	Unfounded
					Subject Officer 2	Use of Force (Level 3)	Unfounded
						Use of Force (Level 2)	Unfounded

#### **Definitions:**

**Sustained**: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

No Jurisdiction: The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



#### COMMUNITY POLICE REVIEW AGENCY

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 9 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer Allegation		Finding
						Use of Force (Level 2)	Unfounded
						Use of Force (Level 3)	Unfounded
						Use of Force (Level 3)	Unfounded
FC	21-0961	8/18/21	8/27/21	8/17/22	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Unfounded
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Unfounded
						Use of Force (Level 4)	Unfounded
					Unknown Officer	Conduct Toward Others – Harassment and Discrimination/ Race	Unfounded
RM	21-0977	8/21/21	1/7/22	8/20/22	Subject Officer 1	Use of Force (Level 4)	Exonerated

#### **Definitions:**

**Sustained**: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

**No Jurisdiction:** The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



#### COMMUNITY POLICE REVIEW AGENCY

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 10 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 2	Use of Force (Level 4)	Exonerated
					Subject Officer 3	Use of Force (Level 4)	Exonerated
					Subject Officer 4	Use of Force (Level 4)	Exonerated
					Subject Officer 5	Use of Force (Level 4)	Exonerated
					Subject Officer 6	Use of Force (Level 4)	Not Sustained
					Subject Officer 7	Use of Force (Level 4)	Not Sustained
FC	21-1057	9/8/21	1/21/22	9/7/22	Subject Officer 1	Conduct Toward Others – Demeanor	Unfounded
						Use of Force	Unfounded
						No Duty/No MOR Violation	No MOR Violation

#### **Definitions:**

**Sustained**: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

**No Jurisdiction:** The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



#### **COMMUNITY POLICE REVIEW AGENCY**

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 11 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer Allegation		Finding
					Subject Officer 2	Use of Force	Unfounded
FC	21-1236	9/17/21	1/26/22	10/12/22	Subject Officer 1	Conduct Toward Others - Harassment and Discrimination / Race	Unfounded
						Conduct Toward Others - Harassment and Discrimination / Race	Not Sustained
FC	21-1118	9/21/21	1/25/22	9/20/22	Subject Officer 1	Use of Force	Unfounded
					Subject Officer 2	Use of Force	Unfounded
					Unknown Officer	Use of Force	Exonerated
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Exonerated
						Performance of Duty – Miranda Violation	Exonerated

#### **Definitions:**

**Sustained**: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

**No Jurisdiction:** The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



#### **COMMUNITY POLICE REVIEW AGENCY**

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 12 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer Allegation		Finding
						Performance of Duty – Intentional Search Seizure or Arrest	No Jurisdiction
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Exonerated
						Performance of Duty – Care of Property	No Jurisdiction
						Use of Force	No Jurisdiction
FC	21-1177	10/3/21	1/26/22	10/2/22	Unknown Officer	Conduct Toward Others - Harassment and Discrimination / Race	Unfounded
						Conduct Toward Others – Demeanor	Unfounded
MB	21-1209	10/10/21	1/26/22	10/9/22	Subject Officer 1	Conduct Toward Others - Harassment and Discrimination / Race	Unfounded
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Unfounded

#### **Definitions:**

**Sustained**: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

No Jurisdiction: The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



# CITY OF OAKLAND COMMUNITY POLICE REVIEW AGENCY

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 13 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Officer Allegation	
MB	21-1218	10/11/21	1/26/22	10/11/22	Subject Officer 1	Use of Force	Unfounded
					Subject Officer 2	Use of Force	Unfounded
МВ	21-1263	10/13/21	1/19/22	10/19/22	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Not Sustained
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Not Sustained
						Use of Force	Not Sustained
						Use of Force	Unfounded
FC	21-1231	10/13/21	1/18/22	10/12/22	Subject Officer 1	1 Use of Force Exonera	
MB	21-1330	11/2/21	1/26/22	11/2/22	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Unfounded
						Conduct Toward Others – Demeanor	Unfounded

#### **Definitions:**

**Sustained**: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

**No Jurisdiction:** The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



#### **COMMUNITY POLICE REVIEW AGENCY**

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 14 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty - General	Exonerated
						Conduct Toward Others - Harassment and Discrimination / Race	Unfounded
					Subject Officer 2	Conduct Toward Others - Harassment and Discrimination / Race	Unfounded
						Performance of Duty - General	Unfounded
					Subject Officer 3	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	Unfounded
					Subject Officer 4	Conduct Toward Others – Demeanor	Unfounded
					Subject Officer 5	Performance of Duty - General	Exonerated
						Conduct Toward Others - Harassment and Discrimination / Race	Unfounded

#### **Definitions:**

**Sustained**: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

**No Jurisdiction:** The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



# CITY OF OAKLAND COMMUNITY POLICE REVIEW AGENCY

Investigations Completed in January 2022 (Allegations in bold were discovered by CPRA investigators)

Page 15 of 15 (Total Completed = 26)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
MB	21-1362	11/11/21	1/13/22	11/10/22	Unknown Officer	General Conduct	No Jurisdiction
						General Conduct	No Jurisdiction
						General Conduct	No Jurisdiction

#### CPRA Made the following Policy Recommendations with Respect to Investigations in this Report

- 1. The CPRA recommended training for officers regarding waiting for backup or making a plan to avoid a chaotic or violent situation; commands; effectuating detentions; situational awareness; de-escalation; issuing audible warnings prior to using a Taser; writing accurate reports; reporting uses of force; mocking detainees; encouraging persons at the scene to strike a suspect; and mocking a suspect.
- 2. The CPRA recommended training for an officer regarding documenting property for safekeeping.
- 3. The CPRA recommended training regarding officers' proper PDRD activation.
- 4. The CPRA recommended training for an officer regarding proper documentation of use of force.

#### **Definitions:**

Sustained: The act(s) alleged by the complainant occurred and constituted misconduct.

**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

No Jurisdiction: The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.