

# Oakland Police Department Office of Internal Accountability

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An Inspection of the Oakland Police Department's Practices to  
Promote Racial Equity and Fairness in the Internal Investigation  
and Discipline Process, Academy and Training Programs, and  
Recruitment and Hiring

By Rebecca Johnson

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# CITY OF OAKLAND

## Memorandum

**To:** Chief Floyd Mitchell

**From:** Bureau of Risk Management

**Date:** May 23, 2025

**Subject:** **An Inspection of the Oakland Police Department's Strategies to Promote Racial Equity and Fairness in the Internal Investigation and Discipline Process, Academy, and Training Programs, and Recruitment and Hiring**

Over the past few years, the Oakland Police Department commissioned and conducted discipline disparity studies: the April 2020 Hillard Heintze Police Discipline Disparity Study, the April 2022 Analyses of Race in Internal Investigation Outcomes and Discipline, and the September 2022 Discipline Equity and Internal Procedural Justice Report. An *Information Bulletin* titled *Oakland Police Department Race and Equity Team Implemented Equity Interventions*, dated September 15, 2022, resulted from recommendations offered in the discipline disparity studies. The Department documented 15 implemented strategies to promote racial equity and fairness in the internal investigation and discipline process, academy and training programs, and recruitment and hiring.

The scope of this inspection was limited to inspecting whether the 15 implemented strategies were still in effect during the audit period of October 1, 2022, through December 31, 2023.

To conduct the inspection, OIA interviewed staff from the Internal Affairs Division, Training Division, Recruiting and Background Unit, Policy and Publication Unit, and Risk Analysis Unit. In addition, documentation was reviewed, and meetings were observed, as needed, to assist in determining the continuance of the strategies.

This inspection is part of OPD's ongoing efforts to continually improve through self-assessment of its systems, processes, and practices.

Respectfully,



Deputy Chief Lisa Ausmus  
Bureau of Risk Management  
Oakland Police Department

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# An Inspection of the Oakland Police Department's Strategies to Promote Racial Equity and Fairness in the Internal Investigation and Discipline Process, Academy and Training Programs, and Recruitment and Hiring

By Lead Auditor Rebecca Johnson

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## Objective

Inspect whether the strategies documented in the Information Bulletin titled *Oakland Police Department Race and Equity Team: Implemented Equity Interventions*, dated September 15, 2022, remained in effect during the audit period of October 1, 2022, through December 31, 2023.

## Key Finding(s)

- The Complaint and Discipline Outcome Report, as formatted in past IAD Quarterly Information Bulletins on Training and Trends, cannot be used as a strategy for promoting racial equity and fairness in OPD's internal investigation and discipline processes since the report does not include any information about race or racial disparities.
- The inspection of OPD's Mentoring and Student Improvement Program strategy found that the strategy was not in effect during the audit period because, in practice, the format of providing mentorship for Police Officer Trainees has changed. OPD uses five Recruit Training Officers to mentor its POTs.
- An inspection of the strategy of having Sergeants and Police Officers take an online Beyond Bias—Racial and Identity Profiling course as part of their respective Continued Professional Training found that although the strategy was still in effect, only 68

percent of OPD's Sergeants and 57 percent of its Police Officers completed the online course.

- An inspection of OPD's strategy of requiring its employees to complete the Citywide race and equity training found that although the strategy was still in effect during the audit period, OPD could not generate reports to verify completion of the required training by its employees, rendering the strategy impracticable.
- A review of OPD's Staffing Reports and Recruitment Plan found that none of the reports explicitly state which racial/ethnic groups OPD considers to be underrepresented in its workforce, the actions taken to increase the underrepresented groups' numbers in the applicant pools, and the outcome of those activities.
- An inspection of OPD's strategy of creating a formalized Race and Equity Board to identify and focus on issues, education, training, and best practices related to equity-related matters found that the strategy was not in effect during the audit period.

## Key Recommendation(s)

See the *Findings with Recommendations Section* on pages 45-49 for all recommendations.

## Introduction

In 2022, the Office of Internal Accountability Audit Unit was tasked with conducting annual inspections to ensure the Oakland Police Department continues to execute a set of recorded strategies to promote racial equity and fairness in its internal investigation and discipline processes, Academy and Training Programs, and recruitment and hiring.<sup>1</sup> On October 20, 2023,<sup>2</sup> OIA launched its first inspection of the strategies, which are documented in an Information Bulletin titled *Oakland Police Department Race and Equity Team Implemented Equity Interventions* and dated September 15, 2022. Therein are 15 strategies listed in a column labeled “Change in Processes.” This audit report details the status of OPD’s use of each strategy throughout the audit period of October 1, 2022, to December 31, 2023.

## Background

Over the last five years, the Oakland Police Department commissioned a study and reviewed its internal investigation, discipline, recruitment processes, and Academy and Training Programs. The objectives of the study and reviews were to ensure OPD’s processes and programs were fair and equitable for all races, ethnicities, and genders and, if not, provide recommendations to eliminate any identified disparities. Below are the most significant issues highlighted in the study and two of OPD’s reviews.

Beginning in March 2019, to identify racial and gender disparities in its internal officer discipline process, OPD engaged enterprise risk management consulting firm Hillard Heintze to study its processes.<sup>3</sup> The study results were compiled in a Hillard Heintze report titled [Oakland Police Department: Police Discipline Disparity Study Final Report](#), dated April 23, 2020. For the study, Hillard Heintze reviewed five years of data (2014 to 2018) related to [police officer misconduct] complaints and investigations, the Academy, and various policies, practices, and procedures (pg. 9). There were eight key findings (pgs. 10, 11), but Key Findings #2, #3, and #4 illuminated disparities in OPD’s investigation process and Academy and Field Training Programs.

- Key Finding #2: Allegations that result in a sustained finding are more likely for Black employees. After a complaint is sustained, race does not appear to affect disciplinary outcomes.
- Key Finding #3: Class II complaints [which are minor misconduct offenses] are more likely to be sustained than Class I. For Class I complaints, Black individuals are almost 39 percent more likely to have the complaint sustained while controlling for gender and years of service. For Class II complaints, the most significant predictor is the class itself, but Black individuals are still

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<sup>1</sup> [Oakland Police Department Office of Internal Accountability Discipline Equity and Internal Procedural Justice Report](#), Sep 2022, pg. 4 (Recommendations #7 and #8) and pgs. 12-14 (Information Bulletin).

<sup>2</sup> Although the audit was launched on October 20, 2023, due to the Auditor’s competing responsibilities (Acting Supervisor vs Police Performance Auditor) and OIA’s staffing shortages, the inspection was sporadically (only 18 days) worked on between October 20, 2023, and January 15, 2024, causing a delay in the completion and publishing of this audit report.

<sup>3</sup> City of Oakland Police Department, The Oakland Police Department’s Response to the Police Discipline Disparity Study, pg.1.

25 percent more likely to have a complaint sustained. (See **Appendix A** for the Class I and II offenses list.)

- Key Finding #4: Although our review revealed disparities based on race and gender regarding probationary releases from the Academy and Field Training Programs, the data is too limited to draw further conclusions. [Notably, the report stated that Black individuals were more likely to be released from the Academy as opposed to other individuals of another race, and on the surface level, the releases seemed to be appropriate (pg. 41). Also, the Field Training completion rates for Black and Asian trainees lagged behind those for Hispanic and White trainees. Asian trainees had the lowest completion rate and the highest rate of resignation (pg. 42).]

After the Hillard Heintze report was published, it was determined that the sustained findings data utilized in the Hillard Heintze report “contained thousands of records that were replicated based on the number of officers in each case.”<sup>4</sup> Nevertheless, OPD accepted the findings, and its Office of Internal Accountability Risk Analysis Unit conducted reviews to identify and mitigate racial and gender disparities regarding sustained misconduct investigations, discipline assessed, Academy graduation rates, and the completion of the Field Training Program.

In a review titled [\*Analyses of Race in Internal Investigation Outcomes and Discipline\*](#), dated April 2022, sustained misconduct investigation cases were reviewed for two periods, 2014 to 2017 and 2018 to 2021. Analysis of the 2018 to 2021 dataset found some racial disparities when sustaining cases, but no significant differences were found based on the discipline assessed (pg. 1). The disparities were:

- (a) Between White and Black officers when investigations were conducted by field sergeants (also known as division-level investigations or DLIs), with Black officers being sustained more frequently.<sup>5</sup>
- (b) Between White and Hispanic officers when investigations were conducted by sergeants in the Internal Affairs Division, with White officers being sustained more frequently.
- (c) Between White and Asian/Filipino officers when investigations were conducted by sergeants in the Internal Affairs Division, with White officers being sustained more frequently.

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<sup>4</sup> City of Oakland Police Department, *Analyses of Race in Internal Investigation Outcomes and Discipline*, Apr 2022, pg. 2. <https://cao-94612.s3.us-west-2.amazonaws.com/documents/Analyses-of-Race-in-Internal-Investigation-Outcomes-and-Discipline.pdf>.

<sup>5</sup> Further Chi-square testing was conducted on each year and determined that 2019 was the only year where significant differences between white and Black officers appeared. For 2018, 2020, and 2021, there were no significant differences in the sustained rate of DLIs for White and Black officers (pgs. 1, 2).

In a review titled [\*Variability in Academy and Field Training Program Outcomes\*](#), dated April 2022, the demographics of Police Officer Trainees who attended the 183rd through the 188th Academies were examined (pg. 2), and the results were:

- (a) The Academy Program is 24 weeks long and consists of 40 or more hours of instruction per week (pg.4). The 183rd through the 186th Academies were completed, and the graduation rate of POTs was 69%. The lowest rates were for males identifying as White (52%) or Other (50%) and Black females (57%; pg. 2).
- (b) POTs who successfully graduate from the Academy are placed into a 16-week Field Training Program (pg. 9). Only POTs from the 183rd, 184th, and 185th Academies had completed the Field Training Program. Overall, there was an 89% completion rate. Specifically, 74 POTs (62 males and 12 females) began the Field Training Program, and six did not complete it. All 12 of the female POTs completed the Field Training Program. Asian and Hispanic males had an 85% completion rate, while White and Other male officers had a 100% completion rate. Black officers had an 82% completion rate (pg. 3).

As a result of the disparities found in the Hillard Heintze study and OPD's subsequent reviews, numerous recommendations were made to improve equity within OPD's investigation process and Academy and Field Training Programs. Most of the recommendations are in a document titled [\*Oakland Police Department Office of Internal Accountability Discipline Equity and Internal Procedural Justice Report\*](#), dated September 2022 (pgs. 1-4 of the attached memorandum). The report showcases OPD's work between April and September 2022 to promote internal procedural justice with a particular focus on its internal investigation and discipline processes. It includes collected documents reflecting OPD's examination of data and information to improve equity in the internal investigation and discipline processes, Academy and Field Training Programs, and officer diversity (the title page and pg. 1 of the report).

In response to the Hillard Heintze study, OPD created a Racial Disparity Working Group to conduct a race and equity impact analysis on OPD's disciplinary process. The working group was composed by OPD's Race and Equity Team partnering with the City of Oakland's Department of Race and Equity.<sup>6</sup> The Racial Disparity Working Group recommended that OPD should document in an Information Bulletin the practices implemented due to the recommendations and other related work. OPD's Race and Equity Team implemented this recommendation, and the Information Bulletin titled *Oakland Police Department Race and Equity Team: Implemented Equity Interventions* (hereafter referred to as the Information Bulletin or IB), dated September 15, 2022, was distributed to OPD staff (Recommendation #7, pg. 4 of the attached memorandum).

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<sup>6</sup> City of Oakland Police Department, the Oakland Police Department's Response to the Police Discipline Disparity Study, 15 May 2020, pg.1. <https://cao-94612.s3.us-west-2.amazonaws.com/documents/OPD-Response-to-Disparity-Study-final-1500-hrs.pdf>

OPD's Bureau of Risk Management conducts data-based assessments of risk behavior, helps OPD mitigate risk by developing interventions and other strategies for individual officers, and promotes policies and procedures to reduce risk in OPD.<sup>7</sup> BRM recommended that OPD should inspect the practices documented in the Information Bulletin to ensure the practices continue to occur (Recommendation #8, pg. 4 of the attached memorandum). OPD agreed with the recommendation, and the Office of Internal Accountability was assigned to conduct annual inspections to ensure such practices continue. This audit report includes OIA's first inspection of the practices in the Information Bulletin (pgs. 5-9 of the report).

It is important to note that an Information Bulletin<sup>8</sup> is not an official policy. It is an OPD publication that provides Department personnel with information, notices, or announcements regarding topics of general interest. In this case, it was used to broadcast the strategies OPD implemented to promote racial equity and fairness in its internal investigation and discipline processes, Academy and Training Programs, and recruitment and hiring. The Information Bulletin is set to expire two (2) years from the effective date of September 15, 2022, unless revised, canceled, or superseded.

## Scope/Population/Limitations

This inspection focuses solely on whether the 15 strategies in the Information Bulletin were still in practice during the audit period of October 1, 2022, to December 31, 2023. The strategies were categorized and inspected accordingly:

- Seven strategies were used to promote racial equity and fairness in the internal investigation and discipline process.
  1. Anonymization of Sustained Cases to Office of the Chief of Police: Does OPD anonymize the subject employees' name, race, and gender during case presentations in the Office of the Chief of Police?
  2. Anonymization of Discipline Recommendations to Office of the Chief of Police: Does OPD anonymize the subject employees' name, race, and gender during discipline recommendation hearings in the Office of the Chief of Police? Was the Discipline Matrix utilized for each sustained violation of the Manual of Rules?
  3. Anonymization of Sustained Cases to IAD Captain: Does OPD anonymize the subject employees' name, race, and gender when initially presenting cases to the Internal Affairs Division Captain?
  4. Track Aggravating and Mitigating Factors: Do the subject employees' respective chains of command prepare reports based on the employees' disciplinary history when determining the appropriate discipline? Does OPD remain committed and compliant with State law when reviewing the appropriate window of a subject officer's disciplinary

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<sup>7</sup> [Departmental General Order R-1, Risk Management](#), effective 15 Apr 2022, pg. 1.

<sup>8</sup> Departmental General Order A-1, *Departmental Publications*, effective 28 Jul 08, pg. 3.



- history? Are aggravating and mitigating factors documented and tracked for use in comparative analysis?
5. Quarterly Complaint and Discipline Outcome Report: Did the Internal Affairs Division produce quarterly Complaint and Discipline Outcome Reports?
  6. Annual Complaint and Discipline Outcome Report: Is the Complaint and Discipline Outcome Report from the Internal Affairs Division Captain part of each Bureau Chief's/Director's annual Personnel Assessment System Meeting?
  7. Ensuring Consistent Discipline by Using Data-Driven Reporting to Monitor Outcomes and Imposed Discipline: When the Risk Analysis Unit conducts a quarterly discipline outcome check, are aggravating and mitigating factors included in the analysis? If so, how do they impact the analysis? Is the Risk Analysis Unit creating reports that include rates of complaint findings by various demographics to identify disparities and forecast areas of potential concern?
- Three strategies were used to promote racial equity and fairness in the Academy and Training Programs.
    1. Mentoring and Student Improvement Program: While in the Academy, are Police Officer Trainees meeting with Executive Command and Field Training Officers before graduation, being paired with a mentor for ongoing support, and going on patrol ride-alongs? Are there guest lecturers who speak to the POTs about post-graduation topics? Is there long-term tracking of the POTs' success in their careers in OPD?
    2. Race and Equity Training/Education: Is race and equity training included in the Sergeants' and Police Officers' respective Continued Professional Training? Is there additional training given to officers that includes Citywide race and equity work and policy, Hillard Heintze study recommendations, explicit and implicit bias concepts, and group activities engaging the practical application of equity concepts in daily work?
    3. Project Reset Cultural Competency Training: Is this training ongoing? If so, does it teach officers about culture and serving the Oakland community? Does it include a discussion about the history of race and policing? Are training participants invited to propose practice and policy changes in light of what they have learned?
  - Two strategies were used to promote racial equity and fairness in recruitment and hiring.
    1. Recruitment Plan with a Focus on Diversity, Equity, and Inclusion: To assist in increasing the number of qualified and diverse recruits for all positions within OPD, is the Recruiting and Background Unit recruiting largely within Oakland and at venues likely to have reach to Oakland residents or minority candidates?
    2. Whole Person Assessment: When making hiring decisions for the role of Police Officer Trainee, does OPD document the "whole person assessment," which is an assessment that includes positive and negative information about the candidate's behavior and background to reach a determination? Is the assessment discussed at a Character

Review Board meeting? Is the candidate's demographic information anonymized during the Character Review Board meeting?

- Two strategies are used to train employees on OPD's and the City of Oakland's racial equity and fairness policies.
  1. Departmental General Order D-20, *Equal Employment Opportunity, Anti-Discrimination, and Non-Harassment Policy*: Did OPD employees acknowledge receipt of this policy?
  2. Administrative Instruction 580, *City Race and Equity*: This is a City of Oakland race and equity policy. Did OPD employees acknowledge receipt of this policy?
- One strategy related to the Race and Equity Board.
  1. Race and Equity Board: Is there a formalized Race and Equity Board that identifies and focuses on issues, education, training, and best practices related to equity?

### **Population**

For this inspection, the populations varied and consisted of empirical observations or sufficient and adequate documentation to prove that the strategies were in effect during the audit period of October 1, 2022, to December 31, 2023. The findings for each strategy include the meetings observed or the documentation reviewed.

### **Limitations**

Currently, OPD does not have a staffed Race and Equity Team. The Deputy Chiefs who had oversight of the team retired. Also, being a team member is considered an ancillary assignment, and former members have moved on to other assignments. The Auditor was unable to determine the names of former team members or locate any documentation (i.e., policies, procedures, minutes from meetings, Information Bulletins, etc.) that would indicate OPD's Race and Equity Team was active during the audit period (see Finding #14 for additional information). As a result, this inspection was conducted without the benefit of interviewing Race and Equity Team members, which would have provided valuable information regarding why each race and equity strategy was chosen, whether each unit/division/office/bureau agreed to support each strategy that affected it, whether the Race and Equity Team was responsible for monitoring compliance with the strategies, the Team's expected outcome for each strategy, etc.

## **Methodology**

To determine whether the strategies documented in the Information Bulletin titled *Oakland Police Department Race and Equity Team: Implemented Equity Interventions*, dated September 15, 2022, were still in effect during the audit period of October 1, 2022, through December 31, 2023, various steps were taken.

For the seven strategies used to promote racial equity and fairness in the internal investigation and discipline processes, the Auditor:

- Reviewed policies and procedures related to the Internal Affairs Division operations and the Risk Analysis Unit.
- Interviewed two members of the Internal Affairs Division: the Intake Section Lieutenant and the Division Level Investigation Section Lieutenant.
- Attended a weekly Internal Affairs Division meeting in the Office of the Chief of Police and observed a sustained employee misconduct investigation case presentation and four employee discipline recommendation hearings.
- Reviewed Pre-Discipline Reports (TF-3340).
- Reviewed the Deputy Chiefs' and Deputy Director's 2022 and 2023 PAS Command Review Annual Meeting Reports (TF-3279).
- Interviewed the Risk Analysis Unit Acting Data Manager.
- Reviewed reports about racial disparities in employee investigation and discipline produced by the Risk Analysis Unit.

For the three strategies used to promote racial equity and fairness in the Academy and Training Programs, the Auditor:

- Reviewed policies and procedures related to the Training Division operations.
- Interviewed three members of the Training Division: the Commander (a Lieutenant), the In-Service Coordinator (a Sergeant), and the Recruit Training Unit Coordinator (a Sergeant).
- Reviewed employee race and equity training documents.
- Reviewed Project Reset Cultural Competency Training documents.

For the two strategies used to promote racial equity and fairness in recruitment and hiring, the Auditor:

- Reviewed policies and procedures related to the Recruiting and Background Unit operations.
- Interviewed two Recruiting and Background Unit members: the Sergeant and the Police Personnel Operations Specialist.
- Interviewed two members of the Human Resources Section: the Police Services Manager and the Administrative Analyst II.
- Reviewed 2022 and 2023 OPD Quarterly Staffing Reports.
- Reviewed the OPD 2023-2024 Recruiting Strategic Plan.
- Attended a Character Review Board Meeting and observed the discussion of the "whole person assessment" for five candidates being considered for the position of Police Officer Trainee.
- Reviewed the documented "Whole Person Assessment" forms for the five candidates.

For the two strategies used to train employees on OPD's and the City of Oakland's racial equity and fairness policies, the Auditor:

- Interviewed two Policy and Publication Unit members: the Policy and Publication Sergeant and Police Officer.

- Reviewed the list of employees who acknowledged receipt of Departmental General Order D-20, *Equal Employment Opportunity, Anti-Discrimination, and Non-Harassment Policy*, effective April 25, 2022.
- Reviewed the list of employees who acknowledged receipt of Administrative Instruction 580, *City Race and Equity*, effective June 14, 2021.

For the one strategy used to promote racial equity and fairness in OPD's operations, the Auditor sought evidence of a formalized Race and Equity Board.

## References

- City of Oakland, Administrative Instruction 580, **City Race and Equity**, dated June 14, 2021
- City of Oakland Police Department, *Analyses of Race in Internal Investigation Outcomes and Discipline*, dated April 2022
- City of Oakland Police Department, Information Bulletin, *Race and Equity Team Implemented Equity Interventions*, dated September 15, 2022
- City of Oakland Police Department, Office of Internal Accountability, *Discipline Equity and Internal Procedural Justice Report*, dated September 2022
- City of Oakland Police Department, *Quarterly Police Staffing Report 2022: First Quarter*, dated April 15, 2022
- City of Oakland Police Department, *Quarterly Police Staffing Report: 2nd Quarter*, dated September 23, 2022
- City of Oakland Police Department, *Quarterly Police Staffing Report: 3rd Quarter*, dated November 7, 2022
- City of Oakland Police Department, *Quarterly Police Staffing Report: 4th Quarter*, dated February 28, 2023
- City of Oakland Police Department, *Quarterly Police Staffing Report: 1st Quarter*, dated May 2, 2023
- City of Oakland Police Department, *2023-2024 Recruiting Strategic Plan: Recruiting and Background Unit Strategic Hiring Plan*
- City of Oakland Police Department, *Biannual Staffing Report*, dated December 4, 2023
- City of Oakland Police Department, *Variability in Academy and Field Training Program Outcomes*, dated April 2022
- City of Oakland Police Department, *2022 Internal Investigation Outcome and Discipline Report*, dated March 2023
- City of Oakland Police Department, *2022 Analyses of Race in Internal Investigation Outcomes and Discipline: Supplement Report Examining Failure to Accept or Refer Complaints* (no date but completed in 2023)
- 2023 Internal Investigation Outcome and Discipline Report, dated June 2024
- Departmental General Order A-1, *Department Publications*, effective July 28, 2008
- Departmental General Order D-20, *Equal Employment Opportunity, Anti-Discrimination, and Non-Harassment Policy*, dated April 25, 2022
- Departmental General Order R-1, *Risk Management*, effective April 15, 2022
- Hillard Heintze, *Oakland Police Department: Police Discipline Disparity Study Final Report*, April 23, 2020

- Oakland Police Department *Academy Policy Manual*, Revised December 2021
- Oakland Police Department *Manual of Rules*, dated September 30, 2010
- Oakland Police Department Strategic Plan 2021-2024
- Oakland Police Management Association Memorandum of Understanding, effective December 18, 2018
- Policy 23-01, *Internal Affairs Policy and Procedure Manual*, effective November 30, 2023
- Training Bulletin V-T, *Departmental Discipline Policy*, effective December 22, 2017
- U. S. Equal Employment Opportunity Commission, *Promising Practices for Preventing Harassment*, issued on November 21, 2017

## Findings

### **Racial Equity and Fairness in Internal Investigation and Discipline Processes**

The Information Bulletin includes seven strategies (shown as “Change in Processes” in the IB) to promote racial equity and fairness in OPD’s internal investigation and discipline processes. In this section, the inspection of each strategy’s existence during the audit period of October 1, 2022, to December 31, 2023, is expressed as:

1. Anonymization of Sustained Cases to OCOP (Finding #1).
2. Anonymization of Discipline Recommendations to OCOP (Finding #1).
3. Anonymization of Sustained Cases to IAD Captain (Finding #2).
4. Track Aggravating and Mitigating Factors—Discipline Recommendation (Finding #3 and Finding #4).
5. Quarterly Complaint and Discipline Outcome Report (Finding #5 and Finding 6).
6. Annual Complaint Outcome Report (Finding #7).
7. Ensuring Consistent Discipline by Using Data-Driven Reporting to Monitor Outcomes and Imposed Discipline (Finding #8).

#### **Finding #1**

**An inspection of the anonymization of subject employees’ names, races, and genders during case presentations and discipline recommendation hearings found that these practices were still in effect during the audit period. The inspection also found that the Discipline Matrix was utilized during the discipline recommendation hearings.**

Table 1.1 describes two strategies: the Anonymization of Sustained Cases and Discipline Recommendations to the Office of the Chief of Police.

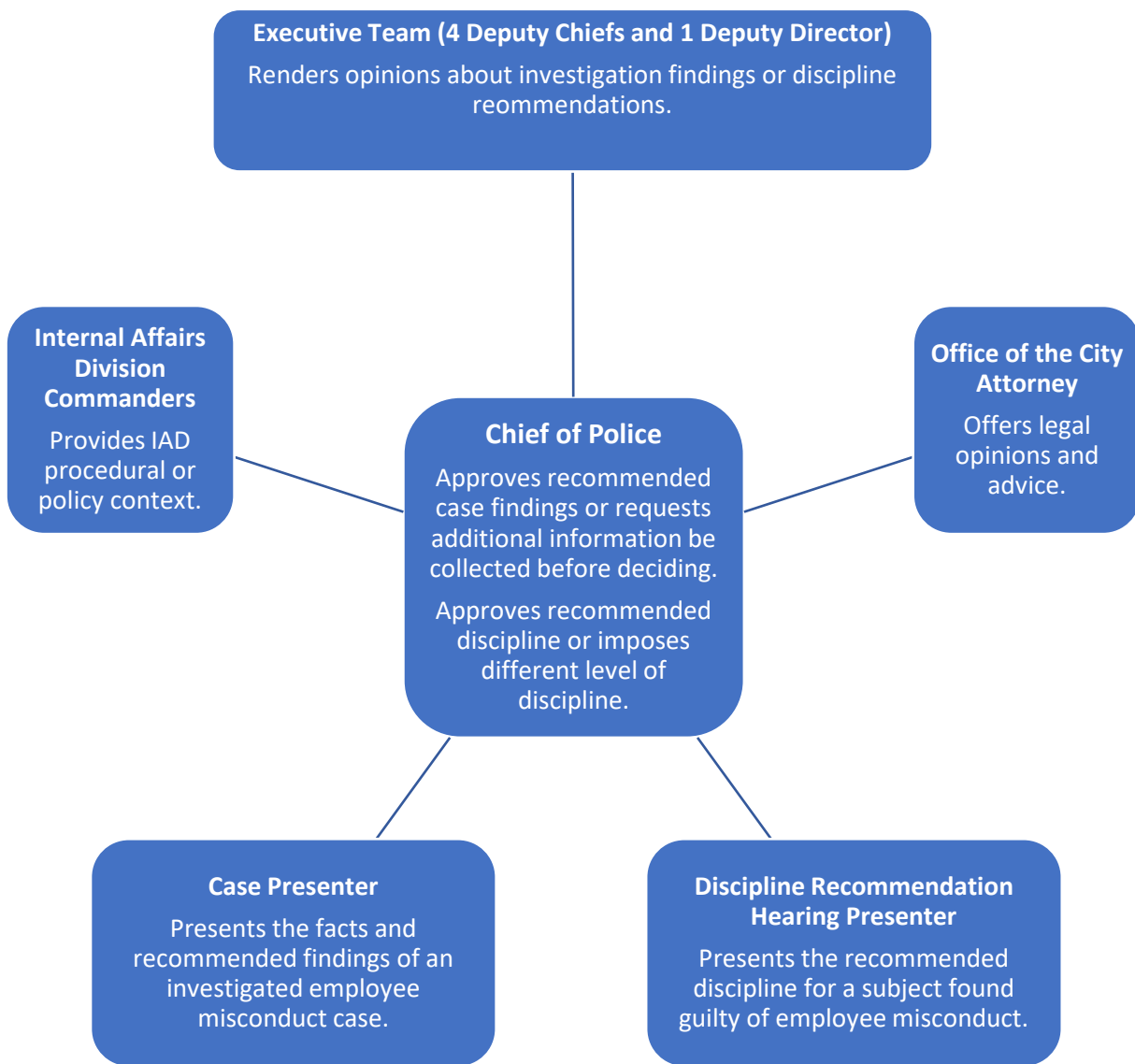
**Table 1.1—Anonymization of Sustained Cases and Discipline Recommendations to OCOP**

No.	Change in Processes [The Strategies]	Description
1	<b>Anonymization of Sustained Cases to Office of the Chief of Police</b>	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.
2A	<b>Anonymization of Discipline Recommendations to Office of the Chief of Police</b>	The subject employee's name, race, and gender are anonymized during discipline recommendation hearings unless directly relevant to the violation.
2B		The Discipline Matrix (Training Bulletin V-T) is utilized for each sustained Manual of Rules violation.

Policy 21-01, *Internal Affairs Policy and Procedure Manual*, effective August 17, 2021, states, in part, that one of the Internal Affairs Division Captain's duties is to meet weekly with the Chief of Police, Executive Staff, and a representative from the Office of the City Attorney to discuss completed investigations, matters of discipline, and recommendations (pg. 6).

On October 25, 2023, the Auditor observed an Internal Affairs Division meeting in the Office of the Chief of Police. On the agenda was one case presentation and four discipline recommendation hearings. The meeting was convened for the Chief of Police, with input from the Executive Staff (4 Deputy Chiefs and 1 Deputy Director), Internal Affairs Division Commanders, and representatives from the Office of the City Attorney, to hear and approve the facts and recommended findings of the sustained case and to approve recommended discipline for subject employees whose sustained case findings were previously heard and approved by the Chief of Police. Diagram 1.1 on the next page illustrates how the Chief decides cases and employee discipline.

**Diagram 1.1—How the Chief of Police Decides on Cases and Employee Discipline**



As reflected in the diagram, although the Chief of Police ultimately decides on cases and discipline, as part of the process, the Chief receives advice and opinions from other evaluators before deciding.

The meeting lasted approximately three hours, and an inspection of OPD’s process of anonymizing the subject employees’ names, races, and genders during case presentations and discipline recommendation hearings found that the strategies were still in effect during the audit period. Below are some of the Auditor’s observations:

- At the beginning of the meeting, the Acting IAD Captain made an announcement, reminding everyone to refrain from using the subjects' [and witnesses'] names, races, and genders.
- On a few occasions, a participant (presenter or evaluator) mentioned the name or gender of a subject employee, and the participant apologized and corrected themselves, or the Acting IAD Captain cautioned everyone, again, against using the name, race, and gender of all subjects.
- For the most part, when discussing cases or discipline, nouns such as subject, subject officer, subject sergeant', complainant, reporting party, supervisor, Officer Subject 1, or Officer Subject 2 were used.
- During the case presentation, to elucidate specific activities between a complainant and subject officers during an incident, at the request of the Chief of Police, a clip of a subject officer's body-worn camera footage (part of the evidence in the investigation) was shown, and all meeting attendees were able to see the gender of one subject officer and the nameplate of the other subject officer. At that point, anonymity was compromised, but the meeting continued with participants refraining from using the names, races, or genders of the subjects, nonetheless.

The former Office of Internal Accountability Commander (currently serving in IAD) also attended the meeting and sent the Auditor an email with a list of all attendees and their roles. In that email, the Commander stated, "As the final decisionmaker, the Chief has [received] and read the investigative report prior to the case presentation." The Auditor confirmed that the subjects' names, races, or genders in the Chief's report are not anonymous or redacted.

Although the subject employees' names, races, and genders are known to the Chief of Police, the anonymization is beneficial because it increases the likelihood that other evaluators, without knowing the demographics of the subject employees, will provide unbiased opinions or advice to the Chief before the Chief decides whether to approve or disapprove of the presented case facts and recommended findings or amount of discipline an employee should receive.

According to Training Bulletin V-T, [Departmental Discipline Policy](#), effective December 22, 2017, even though the Chief of Police retains the right to impose any level of discipline they deem appropriate for an offense(s), the [Discipline Matrix](#) was created to provide a guideline for disciplinary recommendations and serve as notice to OPD of possible discipline ranges for sustained findings of [Manual of Rules](#) (MOR) violations. The Discipline Matrix aims to ensure fair and consistent implementation of discipline within OPD. The Matrix includes types of misconduct, sorted by a MOR section; class of offense (Class I or Class II, with Class I being the most serious offenses), and penalty ranges for first, second, and third offenses for each type of misconduct (pgs. 10-11).



During the four discipline recommendation hearings, an inspection of OPD's process of utilizing the Discipline Matrix for each sustained MOR violation found that the strategy was still in effect during the audit period. The Auditor observed that when assessing discipline, OPD utilized the Discipline Matrix for each sustained Manual of Rules violation. Specifically, the Auditor noted that the subject employee's supervisor or the designee presented recommended discipline for the subject employee's sustained MOR violation(s). Before agreeing with the recommendation or assessing some other discipline, the Chief verified that the discipline fell within the range documented in the Discipline Matrix for the sustained MOR offense(s). The verification was done by an evaluator, who retrieved the online policy and read the range for the offense in question verbatim or stated that the range was correct.

### **Additional Observation**

**Anonymizing the subject employees' names, races, or genders during case presentations or discipline recommendation hearings is not in policy.**

The Auditor searched for the anonymization of subject employees' names, races, or genders during case presentations or discipline recommendation hearings in two policies, Policy 21-01, *Internal Affairs Policy and Procedure Manual*, effective August 17, 2021, and the revised version, [Policy 23-01, Internal Affairs Policy and Procedure Manual, effective November 30, 2023](#). In the end, there was no mention of the process, even though the Information Bulletin states that the process was anticipated to be included upon the next policy revision (pgs. 1-2), which would have been Policy 23-01.

The anonymization of subject employees' names, races, or genders during case presentations or discipline recommendation hearings helps to reinforce racial equity and fairness when deciding to sustain a case and assess employee discipline. As stated above, although the subject employees' names, races, and genders are known to the Chief of Police, the anonymization is beneficial because it increases the likelihood that other evaluators, without knowing the demographics of the subject employees, will provide unbiased opinions or advice to the Chief before the Chief decides whether to approve or disapprove of the presented case facts and recommended findings or amount of discipline an employee should receive. OPD should ensure these processes are included in Policy 23-01.

### **Finding #2**

**Policy 23-01, Internal Affairs Policy and Procedure Manual, requires the IAD Captain to manage all investigations, from intake to completion, and because of this responsibility, subject employees' names, races, and genders cannot – and should not-- be anonymous to the Captain. With that being said, the inspection of OPD's process of anonymizing the subject employees' names, races, and genders when cases are initially presented to the Internal Affairs Division Captain found that the strategy was ineffective and therefore needless.**

Table 2.1 describes the strategy of Anonymization of Sustained Cases to the Internal Affairs Division Captain.

**Table 2.1—Anonymization of Sustained Cases to the Internal Affairs Division Captain**

No.	Change in Process [The Strategy]	Description
3	<b>Anonymization of Sustained Cases to Internal Affairs Division Captain</b>	In addition to presentations of sustained cases to the Chief of Police, cases initially presented to the IAD Commander [a Captain in rank] are also anonymized, so the name, race, and gender of the subject member are not disclosed unless directly relevant to the violation.

[Policy 23-01, Internal Affairs Policy and Procedure Manual, effective November 30, 2023,](#) states, in part:

“The Internal Affairs Division Captain is responsible for managing all aspects of the Internal Affairs Division, including investigations of all complaints against OPD personnel. The Captain is required to oversee the daily operation of the Division and ensure all complaints are received, processed, investigated, and reviewed in accordance with controlling state laws and Departmental policy. The Captain must also review all completed IAD and Division-Level Investigations for appropriateness. These reviews should ensure impartiality, fairness, and thoroughness by examining, among other things, adherence to Training Bulletin V-T.1 [*Part III: Internal Investigation Procedure Manual*, effective November 30, 2023], quality of and adherence to investigative plans, correct application of the standard of proof, credibility assessments, promptness and quality of interviews, (e.g., avoiding leading questions and resolving inconsistencies, and analysis of evidence (pgs. 3, 5).”

On April 23, 2024, the Auditor met with the Division-Level Investigation Section Commander and, through questioning, they stated, “The names, races, and genders of subject employees are not anonymous because the IAD Captain has access to the complaint database and can review the progress of cases at any time. Nevertheless, when we present our completed cases to the Captain, we only state the facts and no names, genders, or races. The Captain receives a copy of the Reports of Investigation on the same day we present but before the presentation. The ROIs are not redacted.”

An inspection of OPD’s process of anonymizing the subject employees’ names, races, and genders when cases are initially presented to the Internal Affairs Division Captain found that the strategy was ineffective and therefore needless. Policy 23-01 requires the IAD Captain to manage all investigations, from intake to completion, and because of this responsibility, subject employees’ names, races, and genders cannot – and should not-- be anonymous to the Captain. Furthermore, suppose the Captain is properly overseeing investigations, including monitoring the progress of investigations in the complaint database and ensuring they are being conducted fairly and impartially at the time of or before a presentation. In that case, the Captain should know the particulars of a case, including the demographics of subject employees, rendering the anonymization of the subjects’ names, races, and

genders during case presentations pointless. OPD should discontinue anonymizing subject employees' names, races, and genders when presenting cases to the IAD Captain.

While outside of the inspection period, It is important to mention that at the September 4, 2024, Case Management Conference<sup>9</sup> regarding Delphine Allen, et al., Plaintiffs, v. City of Oakland, et al., Defendants, also known as the Negotiated Settlement Agreement, United States District Judge William H. Orrick ordered the City of Oakland to restructure its organizational chart of the Oakland Police Department. Specifically, the Honorable Judge Orrick ordered that the Internal Affairs Division of the Oakland Police Department shall be a “direct report” to the Chief of Police, and the Chief of Police shall, on a daily basis, bear final and full responsibility for the activities of the Internal Affairs Division. Judge Orrick also ordered that the Commander of the Internal Affairs Division shall be an individual who holds the rank of Deputy Chief of Police. Judge Orrick made the order because of the “ongoing failure of the Oakland Police Department to police itself,” as demonstrated by OPD’s mishandling of two, separate employee misconduct investigations.

As a response to the order, on September 24, 2024, via email, the newly assigned Commander of the Internal Affairs Division advised OPD personnel (i.e., commanders, managers, and sergeant) that the Internal Affairs Division’s name changed to the Internal Affairs Bureau and that IAB is a direct report to the Chief of Police.

### Finding #3

**Inspecting OPD’s strategy of tracking aggravating and mitigating factors considered in discipline recommendations found that the strategy was still in effect during the audit period.**

Table 3.1 describes the strategy of Tracking Aggravating and Mitigating Factors – Discipline Recommendation.

**Table 3.1—Track Aggravating and Mitigating Factors – Discipline Recommendation**

No.	Change in Process [The Strategy]	Description
4A	<b>Track Aggravating and Mitigating Factors – Discipline Recommendation</b>	The subject member’s chain of command has long prepared a report based on the member’s unique disciplinary history when determining appropriate discipline.
4B		The Department remains committed and compliant with State law when reviewing the appropriate window of subject officer disciplinary history.

<sup>9</sup> Case 3:00-cv-0-4599-WHO, Document 1666, Filed 09/06/24.

4C		Aggravating and mitigating factors informing the discipline recommendation are now also documented within the report and tracked within Vision for use in comparative analyses.
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[Policy 23-01, Internal Affairs Policy and Procedure Manual, effective November 30, 2023](#), states, in part:

“Upon approval of a sustained finding in an internal investigation, unless the Chief has waived the process, the IAD shall provide a printed copy of the subject’s five (5) year disciplinary history, [the subject’s] two most recent performance evaluations, the Complaint Investigation Report and the Report of Investigation for the current case. The documents shall be forwarded to the sustained member’s Captain [or Manager]. Since the chain of command is more familiar with the conduct of subordinate personnel, they can provide the Chief of Police with input regarding any mitigating and/or aggravating circumstances that are germane, along with a discipline recommendation to ensure a better-informed decision is made in determining the appropriate discipline. The sustained member’s Captain [or Manager] shall prepare the appropriate Pre-Discipline Report (PDR) for each sustained case, and the Chief of Police or designee shall utilize the PDR in determining the appropriate discipline. **NOTE:** The Chief of Police can bypass the chain of command and impose discipline without a Pre-Discipline Report (pg. 57).”

In addition to completing the PDR, a discipline conference must be convened to ensure discipline is imposed fairly and consistently. Internal investigations that result in a sustained finding are submitted to the Discipline Officer [Captain or Manager] for a disciplinary recommendation. The Discipline Officer convenes a meeting with the Deputy Chief or designee in the affected chain of command for a confidential discussion of the misconduct, including the mitigating and aggravating factors and the employee’s overall performance. The Chief of Police may direct the Discipline Officer to prepare a Discipline Recommendation without convening a Discipline Conference (pg. 38).

As stated in Finding #1, the Auditor observed four discipline recommendation hearings on October 25, 2023. The Auditor requested and received copies of the Pre-Discipline Reports (TF-3340) completed for the four subject employees in the hearings from the IAD Division Level Investigations Section Commander.

The PDR is a four-page form, and the Auditor reviewed each form and noted the information documented in the sections below:

- IAD Case Number.
- Date of sustained finding.
- Subject Member/Employee and Serial No.
- Date of Hire.

- Date of Promotion (if applicable).
- The member mentioned above/employee was sustained for the following Manual of Rules (MOR) violations.
- Discipline conference date and time.
- Discipline conference members.
- Provide a brief synopsis of the misconduct.
- The following aggravating factors shall be considered when determining a penalty.
- The following mitigating factors shall be considered when determining a penalty.
- The sustained MOR violations and the associated penalty range.
- Subject employee's 5-year disciplinary history from the date of the incident for the current sustained finding.
- Division Commander/Manager discipline recommendation.
- Division Commander/Manager signature and date signed.

Inspecting OPD's strategy of tracking aggravating and mitigating factors considered in discipline recommendations found that the strategy was still in effect during the audit period. Pre-Discipline Reports were completed for the four subject employees in question in the observed discipline recommendation hearings. The reports included the subject employee's five-year disciplinary history and documented aggravating and mitigating factors, if applicable. In addition, while observing the discipline recommendation hearings, the Auditor noticed that each subject employee's Captain, Manager, or designee read aloud the sustained Manual of Rules violations, aggravating and mitigating factors, the subject employee's five-year disciplinary history, and the recommended discipline for the current sustained MOR violations. The Auditor also noticed that the Deputy Chief or the Deputy Director in the subject employee's chain of command immediately followed up by giving their argument for the recommended discipline before the other Deputy Chiefs and/or Deputy Director gave their opinions about the level of discipline that should be imposed and the Chief's final decision. The actions of all parties demonstrated that the subject employee's chain of command prepared a report based on the subject member's unique disciplinary history.

#### **Additional Observation**

**There is no State law that governs the length of a subject officer's disciplinary history that should be reviewed when recommending discipline.**

The Auditor could not find a State law that governs the length of a subject officer's disciplinary history that should be reviewed or considered when recommending discipline. OPD's Special Counsel confirmed that there is no State law on this subject. Therefore, OPD should remove the sentence stating, "The Department remains committed and compliant with State law when reviewing the appropriate window of subject officer disciplinary history" from the strategy in the Information Bulletin titled *Oakland Police Department Race and Equity Team: Implemented Equity Interventions*.

It should be noted that OPD's current policy requires that upon approval of a sustained finding in an internal investigation, unless the Chief of Police has waived the process, IAD is required to provide a printed copy of the subject's five (5) year disciplinary history.<sup>10</sup>

#### **Finding #4**

##### **The Pre-Discipline Report should be updated.**

When reviewing the four Pre-Discipline Reports, there were three issues. First, on two forms, the Auditor was unable to decipher the name of the "Division Commander/Manager" signee and, therefore, was unable to conclude that a Captain or Manager signed the form as required. OPD should update the form by adding a box for the Captain or Manager to enter their serial number, which is unique to every employee and traceable to the employee's name.

Secondly, on top of the form, the instructions state, in part, "The Division Commander/Manager of the subject member/employee shall complete and forward this report to the Bureau Deputy Chief or Assistant Chief of Police for units under the Office of Chief of Police." A subject employee's chain of command includes the Assistant Chief, Deputy Chief, or Deputy Director. The form does not include a "signature and date signed" box for the Assistant Chief, Deputy Chief, or Deputy Director to acknowledge their receipt of the form; therefore, the Auditor was unable to determine whether the form was "forwarded" to the subject employee's Assistant Chief, Deputy Chief, or Deputy Director in their chain of command. OPD should include a box requiring an Assistant Chief, Deputy Chief, or Deputy Director to sign their name, date, and serial number.

Thirdly, in the "Discipline Conference Members" box, on three forms, the name of an Assistant Chief, Deputy Chief, or Deputy Director was not documented; therefore, there was no documented evidence indicating that an Assistant Chief, Deputy Chief, or Deputy Director, in the subject employee's respective chain-of-command was in attendance during the discussion of the subject employee's misconduct, mitigating and aggravating factors, and the subject employee's overall performance as required in Policy 23-01. OPD should revise the box's name to "Name and Rank of Discipline Conference Members up to the Assistant Chief, Deputy Chief, or Deputy Director."

#### **Finding #5**

##### **During the audit period, the strategy of IAD producing quarterly Complaint and Discipline Outcome Reports, which are included in the IAD Quarterly Training and Trends Reports, was halted mainly due to the ransomware attack on the City of Oakland on February 8, 2023.**

Table 5.1 describes the strategy of the Internal Affairs Division producing a Quarterly Complaint and Discipline Outcome Report.

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<sup>10</sup> Policy 23-01, *Internal Affairs Policy and Procedure Manual*, 30 Nov 2023, pg. 57.

**Table 5.1—Quarterly and Annual Complaint and Discipline Outcome Reports**

No.	Change in Process [The Strategy]	Description
5	<b>Quarterly Complaint and Discipline Outcome Report</b>	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.

OPD stores all departmental publications in [PowerDMS](#), a policy and compliance management platform that allows the Department to create, edit, organize, and distribute content. The Auditor accessed PowerDMS to retrieve published *Quarterly Information Bulletins on Training and Trends*, beginning with the fourth quarterly report of 2022 and ending with the fourth quarterly report of 2023, but the reports were not found in the system. The most current report in PowerDMS was an Information Bulletin titled *IAD 3rd Quarterly Training and Trends Report—2022*, dated December 7, 2022.

Because the Complaint and Outcome Reports, from the fourth quarterly report of 2022 through the fourth quarterly report of 2023, were not in PowerDMS, the Auditor sought to determine whether IAD had the data to produce the reports. Departmental General Order R-1, *Risk Management*, effective April 15, 2022, states that OPD’s Risk Analysis Unit produces quarterly reports for the IAD Commander and a yearly report for the annual PAS meeting regarding internal investigation outcomes by race. Copies of these reports must be sent to the Office of the Chief of Police, the IAD Captain, all Bureau Deputy Chiefs, the Chair of the Police Commission, and the Police Commission’s Inspector General (pg. 5).

On February 6, 2024, and June 26, 2024, the Auditor interviewed the Risk Analysis Unit Acting Data Manager to ensure the quarterly complaint and discipline outcome data (data for the fourth quarter of 2022 and data for the first, second, third, and fourth quarter of 2023) for the IAD Commander were produced. Through questioning, the following information was provided:

“The Risk Analysis Unit prepares the IAD investigation outcome and discipline data for the quarterly reports. The data we prepare aligns with the quarters in a calendar year, meaning the first quarterly report includes internal investigation outcomes by race, covering IAD cases closed from January to March, the second quarterly includes cases closed from April to June, and so forth.

It can take about a month, sometimes more, to prepare the quarterly data for IAD. At the end of each quarter, the investigation outcomes by race data are retrieved from OPD’s Vision system for analysis. The data is generally pulled about two weeks after the close of the quarter to ensure records have been updated. It usually takes an additional two weeks for the RAU to review and clean the data and format the table before forwarding to IAD.



There were significant delays in retrieving IAD sustained findings information in 2023, which was due to the ransomware attack on the City of Oakland on February 8, 2023. The ransomware attack took Vision [an electronic system OPD uses to input and track employee data, including employee misconduct investigations and discipline] offline until April 21, 2023. While no IAD data was lost, the reports allowing the RAU to retrieve data from Vision were lost. As a result, the Police Department and the City of Oakland Information Technology Department had to recreate and validate Vision reports, including the employee misconduct investigations and discipline data. Consequently, we were unable to produce quarterly data for the IAD Captain in a timely manner.

The RAU was testing reports throughout 2023 and was able to prepare investigative outcome and discipline data in October 2023. At the end of October, we sent IAD the data for the 2022 fourth quarterly report and the first three quarterly reports in 2023. In late January, we sent IAD the 2023 fourth quarterly data."

The Auditor reviewed the emails the Data Manager sent to the IAD Captain regarding the quarterly complaint and discipline outcome data and noted that on October 30, 2023, the Manager forwarded the fourth quarter data of 2022 and the first, second, and third quarter data of 2023. On January 25, 2024, the Manager forwarded the fourth quarter data to IAD. However, IAD has not published any additional Complaint and Discipline Outcome Reports to date.

An inspection of OPD's strategy to produce an IAD quarterly Complaint and Discipline Outcome Report found that the strategy was halted during the audit period. Due to the ransomware attack, the data needed to produce four quarterly reports (4th quarterly report of 2022 through 3rd quarterly report of 2023) were not produced by the Risk Analysis Unit and forwarded to the IAD Captain until October 2023. Even though the fourth quarter data was sent to IAD in January 2024, IAD has not produced another report. See Finding #6 for additional information about the Discipline Outcome Reports and a recommendation.

#### **Finding #6**

**The Complaint and Discipline Outcome Report, as formatted in past IAD *Quarterly Information Bulletins on Training and Trends*, cannot be used as a strategy for promoting racial equity and fairness in OPD's internal investigation and discipline processes since the report does not include any information about race or racial disparities.**

The Auditor reviewed the Complaint and Discipline Outcome Report in the Information Bulletin titled *IAD 3rd Quarterly Training and Trends Report – 2022*, dated December 7, 2022, and race was not mentioned in this report. Table 6.1 is an example of the type of information captured in each column. Note that other than the violation number in the "Sustained Manual of Rules Violations" column and the range of discipline that can be assessed in the "Discipline Matrix" column, all other information in the table is fictitious.



**Table 6.1—Complaint and Discipline Outcome Report**

Row #	Officer Number	Sustained Manual of Rules Violations	Offense Number	Aggravating/ Mitigating Factors	Discipline Matrix Range	Discipline Assessed
1	Case 1 Ofc 1	314.39-2 – Performance of Duty – Body Worn Camera	1 <sup>st</sup>	2/5	W-55	Suspension 1
2	Case 1 Ofc 2	314.07-2b – Conduct Towards Others - Demeanor	1st	6/1	C-53	Suspension 15
3	Case 1 Ofc 3	314.39-2f – Performance of Duty – General	1st	6/1	C-52	Counseling
4	Case 2 Supervisor 1	342.00.2o — Department Property and Equipment – Preventable Collision	2nd	5/2	WR-53	Suspension 10
5	Case 3 Officer	398.76-2a – Failure to Accept or Refer A Complaint (unintentional)	1st	3/4	C-55	Suspension 8

In the example, Rows 1, 2, and 3 show that there were three different Police Officers involved in the incident and were sustained for various MOR violations. It also shows the number of aggravating and mitigating factors and the range of discipline (a **Warning**, **Written Reprimand**, or **Counseling** to a specified **number of days** of suspension) considered when assessing the officers' discipline. The last column shows the actual imposed discipline for each officer. Columns 4 and 5 show the same information, but in each respective case, there was only one Supervisor and one Police Officer involved.

In the *IAD 3rd Quarterly Training and Trends Report – 2022*, the Complaint and Discipline Outcome Report was approximately two- and one-half pages in length and documented the discipline imposed

upon 38 Police Officers, 6 Supervisors, 1 Police Communications Dispatcher, 1 Police Records Specialist, and 1 Police Service Technician for 59 sustained MOR violations in 29 cases. However, the reader of the report cannot determine whether there were any racial disparities regarding, at minimum, sustained cases and the discipline assessed because the subject employees' races are not included in the report. Nor is there any commentary about the existence or nonexistence of racial disparities based on the data used to produce the respective quarterly report. Are Black officers still being sustained more frequently than Whites when investigations were conducted by field sergeants (also known as division-level investigations or DLIs)? Are White officers being sustained more frequently than Hispanic officers when investigations were conducted by sergeants in IAD? Are White officers being sustained more frequently than Asian/Filipino officers when investigations were conducted by sergeants in IAD? Are there still no racial disparities related to the discipline assessed? Without including the subject employees' races and a commentary about the existence or nonexistence of racial disparities, the Complaint and Discipline Outcome Report cannot be used to promote racial equity and fairness in OPD's internal investigation and discipline processes.

Although outside of the audit period, the Auditor reviewed the *IAD Quarterly Training and Trend Reports* for the first and second quarters of 2022. The first quarterly report did not include a Complaint and Discipline Outcome Report, and the second quarterly report included the Complaint and Discipline Outcome Report but, just as the third quarterly report, it did not include the subject employees' races or any commentary about the existence or nonexistence of racial disparities. If OPD wants to use the Complaint and Discipline Outcome Report in the *IAD Quarterly Training and Trends Report* as a strategy to promote racial equity and fairness in its internal investigation and discipline processes, the Department should ensure the Complaint and Discipline Outcome Report includes the subject employees' races and some type of commentary about the existence or nonexistence of racial disparities based on the data used to produce the respective report. Otherwise, OPD should remove the Quarterly Complaint and Discipline Outcome Report from its list of strategies to promote racial equity and fairness in the internal investigation and discipline process since the report does not include race but continue to produce the Complaint and Discipline Outcome Report section in the *IAD Quarterly Training and Trends Report* since it does provide, for the organization and its members, some level of transparency of the types of Manual of Rules violations that are sustained and the discipline assessed based on whether it is the subject employee's first, second, or third offense in kind and any aggravating and mitigating factors.

It should be noted that during the Auditor's June 26, 2024, interview of the Risk Analysis Unit Acting Data Manager, the Manager stated that race has been added to the data the RAU sends to the IAD Commander each quarter, beginning with the reports that were sent to IAD in October 2023 (see Finding #5). The Auditor reviewed the reports and confirmed the change. However, to date, IAD has not published any additional *IAD Quarterly Training and Trends Reports*.

### Finding #7

Aside from the issues with the Complaint and Discipline Outcome Report, identified in Finding #6, an inspection of OPD's strategy of having its Bureau Chiefs/Director present the Complaint and Discipline Outcome Report from the IAD Commander in an annual Personnel Assessment System Meeting and document the presentation on Form TF-3279 found that the strategy was still in effect during the audit period, but OPD has no documented internal controls in place to ensure it achieves this objective.

Table 7.1 describes the strategy of presenting the Annual Complaint Outcome Report from the Internal Affairs Division Commander [a Captain in rank] in the Bureau Chief's annual Personnel Assessment [System] meeting.

**Table 7.1—Quarterly and Annual Complaint and Discipline Outcome Reports**

No.	Change in Process [The Strategy]	Description
6	<b>Annual Complaint [and Discipline] Outcome Report</b>	The presentation of the Complaint [and Discipline] Outcome Report from the IAD Commander is part of each Bureau Chief's annual Personnel Assessment System (PAS) Meeting, which is documented on Department Form TF-3279.

The Auditor sought OPD's policy that directed Bureau Chiefs to complete Command Review Annual Meeting Reports (TF-3279), and once completed, where to forward the reports, but no directive was found. The only policy found regarding the completion of the reports was in Departmental General Order D-17, *Personnel Assessment System*, effective November 20, 2013, and the highest ranks required to complete the reports were Division Commanders, Area Captains, and Division Managers. In the PAS Command Review Meetings section of the policy, it states, Division Commanders/Area Captains/Division Managers shall ensure minutes of the meetings are documented on a PAS Command Review Meeting Report (TF-3279) and forwarded and signed through the chain of command to the Assistant Chief of Police, Deputy Chief or Deputy Director. The signed original shall be forwarded to the Personnel Assessment Unit (PAU) and retained for at least five years (pg.14).

Additionally, the policy does not direct Bureau Chiefs to conduct an annual meeting and present the Complaint and Discipline Outcome Report from the IAD Commander. Instead, DGO D-17 directs Division Commanders/Area Captains/Division managers to meet at least annually with their respective Assistant Chief of Police, Deputy Chief, or Deputy Director to discuss the state of their commands and any exceptional performance, potential, or actual performance problems or other potential patterns of at-risk behavior within the unit (pg. 14).

OPD's Form TF-3279 (revised January 2023) is titled *PAS Command Review Meeting Report*, and it is a two-page document. Below is some of the information on the form:

- Page 1—Boxes for checking "Quarterly Meeting" or "Annual Meeting."

- A section (Part 1) with instructions informing the Bureau Chiefs (Deputy Chiefs and the Deputy Director) of their responsibilities regarding annual meetings: “Deputy Chiefs and the Deputy Director shall conduct and document an annual PAS Command Review Meeting with subordinate commanders/managers AND the IAD Commander AND the Risk Analysis Unit Manager.” Before January 2023, the form (revised March 2012) read, “Deputy Chiefs and the Deputy Director shall conduct and document an annual PAS Command Review Meeting with subordinate commanders/managers AND the IAD Commander.”
- A section (Part 2) to list the meeting attendees.
- Page 2—The minutes of the meeting are documented in a “Summary” section (Part 3).

Two issues related to the form were identified. First, it is not stated on the form that the Complaint and Discipline Outcome Report from the IAD Commander must be presented during the annual meeting, and the presentation thereof is to be documented on the form. But more than that, according to [Departmental General Order A-1, Department Publications](#), effective July 28, 2008, there are eight types of departmental directives, and a form is not one of them (pgs. 1-3). Therefore, using “shall” on a form does not necessarily constitute a policy. To be a directive, the directive must be published in one of the following publications:

- Departmental General Order.
- Manual of Rules.
- Departmental Training Bulletin.
- Report Writing Manual.
- Special Order of the Chief of Police.
- Training Order.
- Memorandum of the Chief of Police.
- Personnel Order.

Without an official policy, OPD has no internal controls to achieve its objective of having its Bureau Chiefs present the Complaint and Discipline Outcome Report from the IAD Commander in an annual Personnel Assessment System Meeting and document the presentation on Form TF-3279.

The Auditor requested from the PAU copies of the Bureau Chiefs’ (four Deputy Chiefs and one Deputy Director) 2022 and 2023 PAS Command Review Annual Meeting Reports. Only five of the ten requested reports were received. Subsequently, the Auditor followed up with the respective Bureau Chiefs to attain the missing reports and received three additional reports, which brought the total to eight. One Bureau Chief did not complete an annual report for either 2022 or 2023 because they were unaware that they needed to conduct the meetings and were not trained by the former Bureau Chief.

Nonetheless, the Auditor reviewed the four Bureau Chiefs’ 2022 and 2023 annual reports, seeking documented evidence that the Complaint and Discipline Outcome Report or racial disparity information was presented. The results are shown in Table 7.2.

**Table 7.2—Bureau Chiefs Documentation of Presentation of Complain and Discipline Outcome Report or Racial Disparity Discussion**

Year	2022 PAS Command Review Annual Meeting Report		2023 PAS Command Review Annual Meeting Report	
Documented in Report?	Presentation of the Complaint and Discipline Outcome Report	Racial Disparity Topic Discussed	Presentation of the Complaint and Discipline Outcome Report	Racial Disparity Topic Discussed
Bureau Chief 1	N	N	N	N
Bureau Chief 2	Y	Y	Y	Y
Bureau Chief 3	Y	N	N	N
Bureau Chief 4	Y	Y	Y	N

The table shows that for 2022, three of the four Bureau Chiefs who completed Form TF-3279 documented the Complaint and Discipline Outcome Report presentation, and two documented that their meetings also included a discussion regarding racial disparities.

For 2023, the table shows that two of the Bureau Chiefs documented the presentation of the report, and only one of them documented that their meeting also included a discussion regarding racial disparities.

Based on the reviews of the aforementioned policies and the Bureau Chiefs’ completed PAS Command Review Annual Meeting Reports, the inspection of OPD’s strategy of having its Bureau Chiefs present the Complaint and Discipline Outcome Report from the IAD Commander in an annual Personnel Assessment System Meeting and document the presentation on Form TF-3279 found that the strategy was still in effect during the audit period, but OPD has no documented internal controls in place to ensure it achieves this objective. If OPD’s goal is to have its Bureau Chiefs/Director conduct an annual Personnel Assessment Meeting that includes their subordinates, the IAD Commander, and the Risk Analysis Unit Manager and, in that meeting, present the Complaint and Discipline Outcome Report and document it on the PAS Command Review Meeting Report (Form TF-3279), OPD should update DGO D-17 to include this directive.

#### **Finding #8**

**Inspecting OPD’s strategy of ensuring consistent discipline by using data-driven reporting to monitor outcomes and imposed discipline, the Auditor found that the strategy was still in effect during the audit period.**

Table 8.1 describes the strategy for ensuring consistent discipline by using data-driven reporting to monitor [investigation] outcomes and imposed discipline, the last of the seven strategies OPD implemented to promote racial equity and fairness in its internal investigation and discipline processes.

**Table 8.1—Data Driven Reporting to Monitor Investigation Outcomes and Imposed Discipline**

No.	Change in Process [The Strategy]	Description
7A	<b>Ensuring Consistent Discipline by Using Data Driven Reporting to Monitor Outcomes and Imposed Discipline</b>	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.
7B		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.

On June 26, 2024, the Auditor interviewed the Acting Data Manager in the Risk Analysis Unit, and through questioning, they provided the following information:

“When creating the quarterly reports for the Internal Affairs Division Commander regarding internal investigation discipline outcomes by race, the number of aggravating and mitigating factors are useful because they are analyzed in conjunction with other factors (e.g., How many sustained findings did the employee receive in the case? Is it the employee’s first, second, or third offense?) to help explain the level of discipline an employee receives. All other factors being equal, the aggravating and mitigating factors can help explain differences in discipline between employees.

Also, we do publish works related to identifying disparities and forecasting areas of potential concern. In 2023, we published two reports, the [2022 Internal Investigation Outcome and Discipline Report](#). We followed up with the [2022 Analyses of Race in Internal Investigation Outcomes and Discipline: Supplement Report Examining Failure to Accept or Refer Complaints](#). We recently (June 2024) published the [2023 Internal Investigation Outcome and Discipline Report](#).”

Inspecting OPD’s strategy of ensuring consistent discipline by using data-driven reporting to monitor investigation outcomes and imposed discipline, the Auditor found that the strategy was still in effect during the audit period. During the interview, the Data Manager demonstrated how the number of aggravating and mitigating factors are analyzed in conjunction with other factors to help explain the level of discipline an employee receives. The Auditor also reviewed the said reports produced by the Risk Analysis Unit and found that they include rates of sustained findings and levels of discipline by various demographics to identify disparities and forecast areas of potential concern.

## The Promotion of Racial Equity and Fairness in the Academy and Training Programs

In the Information Bulletin, OPD documents three strategies to promote racial equity and fairness in its Academy and Training programs. In this section, the inspection of each strategy's existence during the audit period of October 1, 2022, to December 31, 2023, is expressed as:

1. Mentoring and Student Improvement Program (Finding #9).
2. Race and Equity Training/Education (Finding #10).
3. Project Reset Cultural Competency (Finding #10).

### Finding #9

The inspection of OPD's Mentoring and Student Improvement Program strategy found that the strategy was not in effect during the audit period because, in practice, the format of providing mentorship for Police Officer Trainees has changed. OPD uses five Recruit Training Officers to mentor its POTs.

Table 9.1 describes OPD's strategy of Mentoring and Student Improvement Program.

**Table 9.1—Quarterly and Annual Complaint and Discipline Outcome Reports**

No.	Change in Process [The Strategy]	Description
1	<b>Mentoring and Student Improvement Program</b>	The Training Division promotes a culture of motivation, training, and guidance where all instructors and Field Training Officers 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 lecturers on post-graduation topics, patrol ride-alongs, and long-term tracking of trainee success in their careers in the Department.

The language in the [Oakland Police Department Academy Policy Manual](#), Revised December 2021, Section 18, *Mentoring Program*, mirrors most of the language in the Mentoring and Student Improvement Program description in the Information Bulletin. The Manual states that OPD's mentoring program for Police Officer Trainees consists of four elements (pg. 64):

1. During the first week of the Academy, the executive command staff will greet the trainees, provide their expectations, and allow the trainees to introduce themselves.
2. Trainees will be provided with a list of sworn members, including Field Training Officers. The members will provide guidance and support throughout the Academy and Field Training Program. The trainees will select their mentor based on the profile submitted by the mentor.

3. Throughout the Academy, the Training Staff will invite guest lecturers from the command staff and field training officers to meet the trainees and provide topics and scenarios they will experience when they graduate.
4. The Training Staff will coordinate patrol ride-alongs throughout the Academy to introduce the trainees to Patrol and field training officers.

The Auditor, via email, requested from the Training Division documentation to substantiate that the Mentoring and Student Improvement Program strategy was still in effect during the last two academies (the 191st and the 192nd)<sup>11</sup> in the audit period. On July 17, 2024, the Training Division Commander responded, via email, and stated:

“While the implementation of an additional support layer for trainees in the academy appears positive in theory, the logistics involved in implementing and maintaining such a program isn’t sustainable and can potentially have some unintended [negative] impacts. With the addition of another officer to mentor/advise a trainee, meetings between the trainees and officers can have the effect of being viewed as an additional obligatory responsibility. In addition to training and studying, trainees will have the requirement of additional meetings with their mentors. Mentors, similarly, would need to complete mandatory meetings either while on duty (likely coming off a field assignment), or on a day off. Because trainee/mentor schedules are unlikely to match, the meetings may unfortunately inconvenience either party.

Trainees presently have direct lines of support not only through their peers, but also through their Recruit Training Officers (RTO). In addition to having their primary and secondary RTOs, additional RTOs are on staff to advise, guide, and mentor trainees as observed by the RTOs, or as requested by trainees.”

On the same day, July 17, 2024, the Auditor spoke to the Training Division Commander, via telephone, inquiring about what happened to Mentorship Program, and the Commander reiterated much of the information in the email but also stated, “The Mentorship Program, as stated in the Academy Policy Manual, does not work for OPD. We now emphasize to the POTs the importance of working with a team for guidance. We tell them, ‘Create a support system. You are not going to make it through by yourself. Your Academy mates are your support system. Use the peer support system and look to your peers for answers.’ In addition to their peers, POTs have access to five RTOs – a primary and secondary RTO and three other RTOs who are on hand to mentor the POTs.”

Based on the email from and conversation with the Training Division Commander, the inspection of OPD’s Mentoring and Student Improvement Program strategy, as described in the Information Bulletin, and mirrored in the Academy Policy Manual, found that the strategy was no longer in existence during the audit period. In particular, POTs are no longer provided with a list of sworn members to select as

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<sup>11</sup> The 191st Academy commenced on May 16, 2023, and the 192nd Academy commenced on December 11, 2023.



mentors to provide guidance and support throughout the Academy and Field Training program. The Training Staff no longer coordinates patrol ride-along throughout the Academy to introduce the POTs to Patrol and Field Training Officers.

Because the format of providing mentorship for POTs has changed, in practice, OPD should ensure the Oakland Police Department Academy Policy Manual and the Information Bulletin reflect the change.

#### Finding #10

An inspection of the strategy of having Sergeants and Police Officers take an online Beyond Bias—Racial and Identity Profiling course as part of their respective Continued Professional Training found that although the strategy was still in effect, only 68 percent of OPD’s Sergeants and 57 percent of its Police Officers completed the online course. An inspection of OPD’s strategy of requiring its employees to complete the Citywide race and equity training found that although the strategy was still in effect during the audit period, OPD could not generate reports to verify completion of the required training by its employees, rendering the strategy impracticable. Conversely, an inspection of OPD’s strategy of administering Project Reset Cultural Competency Training to its police officers found that it was still in effect during the audit period and attendance was documented.

Table 10.1 describes two strategies: Race and Equity Training and Education and Project Reset cultural competency training.

**Table 10.1—Race and Equity Training/Education and Project Reset Cultural Competency Training**

No.	Change in Process [The Strategy]	Description
2A	<b>Race &amp; Equity Training/Education</b>	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 [Police] Officers’ CPT thereafter.
2B		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.
3	<b>Project Reset Cultural Competency Training</b>	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.
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On December 15, 2023, the Auditor interviewed the Training Division Commander (a Lieutenant in rank), Recruit Training Coordinator (a Sergeant in rank), and In-Service Training Coordinator (a Sergeant in Rank), and through questioning, the following information was provided:

“Sergeants and Police Officers receive training on race and equity issues in their Continued Professional Training. They take a course titled Beyond Bias—Racial and Identity Profiling through the POST<sup>12</sup> Learning Portal. It is an online, self-paced course.

Sergeants and Police Officers also receive additional race and equity training, which consists of the Citywide race and equity work. However, over time we stopped teaching the Hillard-Heintze study and explicit and implicit bias concepts and updated the race and equity curriculum for OPD employees with the mandated Citywide race and equity courses.

We still administer training to address police culture, and {Police} Officers, Sergeants, and Commanders receive training. Every Friday, classes are held for Police Officers and Sergeants. Commanders receive the training in the Command Retreat. The training does include topics related to serving the Oakland community and the history of race and policing, and participants propose practice or policy changes in light of what they have learned in the training.”

In the 2023 First Quarterly Police Staffing Report, dated May 2, 2023, OPD reported that there were 556 Police Officers as of March 31, 2023 (pg. 7) and in the 2022 First Quarterly Police Staffing Report, dated April 15, 2022, reported that there were 115 Sergeants as of March 31, 2022 (pg. 5). The Auditor requested and received from the Training Division the number and names of the of Sergeants and Police Officers who completed the Beyond Bias—Racial and Identity Profiling course as part of the 2022 Continued Professional Training (which ran from 2022-2023) and the dates of completion.

An inspection of the strategy of having Sergeants and Police Officers take an online Beyond Bias—Racial and Identity Profiling course as part of their respective Continued Professional Training found that although the strategy was still in effect, only 68 percent of OPD’s Sergeants and 57 percent of its Police Officers completed the online course. The data showed that from May 9, 2022, to February 6, 2023, 318 Police Officers completed the course, and from January 31, 2022, to April 25, 2022, 78 Sergeants completed the course. Because of the relatively low completion ratings, OPD should ensure that if its

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<sup>12</sup> POST stands for the State of California Commission on Peace Officer Standards and Training, which was established by the Legislature in 1959 to set minimum selection and training standards for California law enforcement. Retrieved at <https://post.ca.gov/About-Us> on 10 Jun 2024.

employees are required to take a course as part of their training, there are adequate supervision and accountability mechanisms in place to ensure employees comply.

### **Department Response**

On July 17, 2024, via email, the Training Division Commander stated, “We agree with this finding and recommendation. We are presently discussing means of ensuring accountability for self-paced, online requirements that are designated as part of the CPT curriculum. We plan on meeting with our Police Records Specialist to discuss possible options on generating compliance reports for mandated training through the POST Portal. We believe we can present a potential solution by September 2024.”

The City of Oakland uses [NEOGOV](#) to distribute its policies to all employees. According to the former Training Division Commander, OPD employees in nonsupervisory positions were required to take nine race and equity courses in the City of Oakland’s online NEOGOV training system, and employees in supervisory positions were required to take 10 of them. Table 10.2 lists the City of Oakland’s Race and Equity Courses that OPD required its employees to take online:

**Table 10.2—Citywide Race and Equity Training**

<b>No.</b>	<b>Training</b>	<b>Duration</b>
1	SB 1343 Anti-Harassment (Training for all non-supervisors)	1 hour
2	AB 1825 Anti-Harassment (Training for supervisors and managers)	2 hours
3	Administrative Instruction #71 for Supervisors Equal Employment Opportunity, Anti-Harassment, and Non-Harassment Policy and Complaint Procedure	2 hours
4	Reducing Bias and Cultivating Workplace Inclusion (all employees)	2.5 hours
5	Gender Inclusion and Inclusive Language Training (all employees)	1.5 hours
6	Focusing on the Customer (all employees)	30 minutes
7	AI #71 Equal Employment Opportunity, Anti-Discrimination, and Non-Harassment Policy and Complaint Procedure (all employees)	20 minutes
8	AI #73 Gender Inclusion Policy (all employees)	15 minutes
9	AI #404 Lactation Accommodation (all employees)	30 minutes
10	AI #544 Managing Violence in the Workplace (all employees)	30 minutes

11	AI #580 City Race and Equity (all employees)	30 minutes
	<b>Non-Supervisors Total Time</b>	<b>7 hours, 35 minutes</b>
	<b>Supervisors and Managers Total Time</b>	<b>10 hours, 35 minutes</b>

In a meeting on December 15, 2023, with the Training Division staff, it was determined that while OPD mandates all employees complete the Citywide Race and Equity courses, the Training Division lacks direct access to the City of Oakland's NEOGOV system. NEOGOV, a web-based platform managed by the City of Oakland Employee Relations Department, oversees compliance for all city departments, not exclusively the OPD. Consequently, the Training Division could not generate reports to verify completion of the required training by OPD employees or provide the Auditor with the names and numbers of those who had completed it during the audit period.

Therefore, an inspection of OPD's strategy of requiring its employees to complete the Citywide race and equity training found that although the strategy was still in effect during the audit period, OPD could not generate reports to verify completion of the required training by OPD employees, rendering the strategy impracticable.

Not being able to generate reports to ensure employees are completing the required Citywide race and equity training illustrates that OPD's internal control system for providing the training to employees is deficient due to weak control activities and monitoring. Although it is OPD's practice to have employees complete the Citywide race and equity training, OPD has not established a policy or procedure that shows the actions that are to be taken to achieve the objective and respond to risks in the internal control system. OPD has not established the activities that should be done to assess the quality of their employees' performance over time (in this case, the rate of completion of the Citywide race and equity training in NEOGOV) in order to promptly resolve the findings of their audits and other reviews.<sup>13</sup> OPD should ensure its Training Division staff has access to the City of Oakland's training system, NEOGOV.com, to monitor its employees' completion of the required training and to run reports. OPD should also establish a policy or procedure that informs Training Division supervisors/managers of their responsibilities (e.g., accessing City of Oakland systems, monitoring employee compliance, etc.) when employees are required to take training administered by the City of Oakland.

#### **Department Response**

On July 17, 2024, via email, the Training Division Commander stated, "We agree with this finding and recommendation. Upon examination of the NEOGOV site, the "Dashboard" module lists both upcoming courses that need to be completed, as well as courses that are overdue. We have elected to draft a "How To" document to distribute to both supervisors and officers. The document will show officers how to utilize the NEOGOV dashboard to view required courses that need completion or are overdue. It will further show supervisors how to view their subordinates' outstanding tasks and track compliance with

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<sup>13</sup> United States Government Accountability Office, [Standards for Internal Control in the Federal Government](#), Sep 2014, pg. 8.

mandated training. A reminder to supervisors will also be sent on a monthly basis, emphasizing the need for officers to be given time either at the start of their shift or during report review to complete mandatory City/NEOGOV training. We believe our “How To” guide and initial NEOGOV reminder emails can begin next month (August 2024).”

The Auditor requested and received from the Training Division’s Police Records Specialist the number and names of officers who attended the Project Reset Cultural Competency Training course during the audit period. As shown in Table 10.3, 342 officers attended the training.

**Table 10.3 – Number of Officers Who Attended the Project Reset Cultural Competency Training**

Month/Year	# of Officers Who Attended Training	Month/Year	# of Officers Who Attended Training
December 2022	21	July 2023	34
January 2023	1	August 2023	37
February 2023	13	September 2023	36
March 2023	16	October 2023	39
April 2023	19	November 2023	28
May 2023	12	December 2023	54
June 2023	32		

Table 10.3 shows that the training was ongoing during the audit period.

To determine the learning objectives of the Project Reset Cultural Competency Training course, the Auditor requested and received from the In-Service Training Coordinator the “Facilitator Guide” for the course. A review of the guide found that the course is divided into four modules. Workshop 1 is titled The Science of Culture: Owning Policing Culture and Returning to Your Values. In this module, the training centers around “What is culture?” Workshop 2 is titled Who We Want To Be, and in this module, the objective is to have officers take control of who they want to be as peace officers and how they want to serve the community. Workshop 3 is titled History of Policing, and in this module, there is a discussion of race and policing specific to the Oakland Police Department. Workshop 4 is titled Road to High-Performance Culture, and in this module, participants propose practice and policy changes.

Based on the number of attendees and the training objectives, an inspection of OPD’s strategy of administering Project Reset Cultural Competency Training to its police officers found that the strategy was still in effect during the audit period.

### **The Promotion of Racial Equity and Fairness in Recruitment and Hiring**

In the Information Bulletin, OPD documents two strategies to promote racial equity and fairness in its recruitment and hiring. In this section, the inspection of each strategy’s existence during the audit period of October 1, 2022, to December 31, 2023, is expressed as:

1. Recruitment Plan—Focus on Diversity, Equity, and Inclusion (Finding #11, Finding #12)
2. Whole Person Assessment (Finding #11)

#### Finding #11

An inspection of OPD’s Recruitment Plan and “Whole Person Assessment” strategies found that the practices were still in effect during the audit period.

Table 11.1 describes two strategies: a recruitment plan that focuses on diversity, equity, and inclusion and a Whole-Person Assessment process for selecting candidates to become Police Officer Trainees.

**Table 11.1—Recruitment Plan and Whole Person Assessment**

No.	Change in Process [The Strategy]	Description
1	<b>Recruitment Plan— Focus on Diversity, Equity, and Inclusion</b>	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.
2A	<b>Whole Person Assessment</b>	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.
2B		The assessment requires investigators to consider all positive or negative information about the person’s behavior and background to reach a determination.
2C		Demographic information of candidates is anonymized at the character review where possible.

The Oakland Police Department [Strategic Plan 2021-2024](#) details OPD’s strategies for “embracing diversity” in its recruitment activities as a way to drive diversity in its hiring (pgs. 11-13):

1. Taking steps to ensure the workforce, both sworn and civilian, reflects the diversity of the Community we serve.
2. Partnered with Eastbay Works, Oakland Rising, and Oakland LGBTQ Community Center to help increase the diversity in our candidate pool.

3. As a way of targeting local candidates, there are outreach programs at Oakland Unified School District and Community Colleges (i.e., Laney College, Chabot College, College of Alameda, and Merritt College).
4. Partnering with Historically Black Colleges and Universities, including Spellman College, Morehouse College, and Clark Atlanta University.

On December 11, 2023, the Auditor interviewed the Recruiting and Background Unit Sergeant and the Police Personnel Operations Specialist, and through questioning, they provided the following information about the Unit:

“Our main purpose is to recruit Police Officer Trainees. However, at job fairs, we recruit for all positions at the Oakland Police Department. The recruitment process for professional staff is handled by the Human Resources Section.

It is still OPD’s objective to increase the number of qualified and diverse recruits for POTs. The Department measures its success by the diversity in the Academies. If we have multiple, diverse ethnic groups, then we are successful. To help increase the diversity in the POT candidate pool, we continue to partner with Eastbay Works, Oakland Rising, the Oakland LGBTQ Community Center, Spellman College, Morehouse College, and Clark Atlanta University. To ensure we target local candidates, we continue our [Recruitment] Outreach Programs with the Oakland Unified School District, Laney College, Chabot College, College of Alameda, and Merritt College.”

The Auditor asked whether OPD maintains any documents showing its recruitment outreach, and the Police Personnel Operations Specialist stated, “The official staffing report, the Quarterly Police Staffing Report, is produced by the Human Resources Section, and Recruiting and Background contributes to that report. It shows our recruiting efforts, such as our participation in the 30 by 30,<sup>14</sup> job fairs, etc.”

On December 13, 2023, the Auditor interviewed OPD’s Human Resources Section Manager and, through questioning, determined that the Human Resources Section has limited responsibilities in the promotion of racial equity and fairness in OPD’s recruitment and hiring. The Manager stated, “We do not do any recruiting. Downtown Human Resources Management and Recruiting and Background does the recruiting. However, it is still OPD’s objective to increase the number of qualified, diverse recruits for all positions within the Department. Most of the information we have about diversity is produced in the Staffing Report. The reports were quarterly but will now be produced twice a year.” Subsequently, the Auditor requested and received from the Human Resources Section the 2022 and 2023 Staffing Reports.<sup>15</sup>

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<sup>14</sup> OPD is working towards having a police officer workforce that is comprised of 30 percent female Police Officers by the year 2030.

<sup>15</sup> City of Oakland Police Department, 1st Quarterly Police Staffing Report, 15 Apr 2022, pg. 1, “In 2009, the Oakland City Council requested a report on staffing levels from OPD to address current staffing for sworn and

The Auditor reviewed the Current Recruitment—Outreach and Media Activity section in the 2022 and 2023 Staffing Reports, and the documentation showed that the Recruiting and Background Unit hosted recruitment outreach events or attended them. Altogether there were 70 recruitment outreach events in 2022, and 39 (56%) of them were in Oakland. There were 77 recruitment outreach events in 2023, and 40 (52%) of them were in Oakland. **See Appendices B and C** for detailed information about the 2022 and 2023 recruitment outreach events.

Based on the 2022 and 2023 recruitment outreach data, the inspection of the recruitment plan strategy of having the Recruiting and Background Unit continue to recruit largely within Oakland and at venues likely to have reached Oakland residents or minority candidates found that the strategy was still in effect during the audit period.

During the interview with the Recruiting and Background Unit staff, through questioning, they provided the following information about the “Whole Person Assessment”:

“OPD documents the Whole Person Assessment in a memorandum addressed to the Bureau of Services Deputy Director whether or not an applicant is selected to go forward in the hiring process for Police Officer Trainees. However, the only applicants whose Whole Person Assessments are discussed at the Character Review Board are those who were selected by Background Investigators to continue in the process based on the results of the applicants’ background investigations. During the Character Review Board, the applicants’ demographic information is anonymized. No names or race other than he/she is allowed. Also, we can say whether a person speaks multiple languages.”

On February 8, 2024, the Auditor observed online, via Teams, a Character Review Board meeting in which Whole Person Assessments were discussed for five applicants selected by Background Investigators to go forth in the hiring process. On the day of the meeting, the Auditor, after signing a confidentiality agreement and before the meeting started, was emailed copies of the applicants’ Whole Person Assessments. All documents were formatted the same and included areas for the respective Background Investigator to document positive and negative behavior indicators. In addition to other information on the assessments, these behavior indicators for each applicant were discussed by the Board during the meeting, with the ultimate goal of determining whether the applicant will become a Police Officer Trainee. The Board was comprised of the Chief of Police, the Bureau of Risk Management Deputy Chief, the Bureau of Investigations Deputy Chief, the Bureau of Services Deputy Director, the Special Counsel, the Recruiting and Background Unit Sergeant, and the Recruiting and Background Unit Police Personnel Operations Specialist, which comports with Departmental General Order D-11, *Recruiting and Background Investigation Policy and Procedures*, revised June 29, 2022 (pg. 7).

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professional staff, and as a result the Quarterly Police Staffing Report (now called the OPD Biannual Staffing Report) was produced.”



Based on the Auditor’s observations during the Character Review Board and the documents reviewed, an inspection of the Whole Person Assessment strategy found that the strategy was still in effect during the audit period.

## Finding #12

**A review of OPD’s Staffing Reports and Recruitment Plan found that none of the reports explicitly state which racial/ethnic groups OPD considers to be underrepresented in its workforce, the actions taken to increase the underrepresented groups’ numbers in the applicant pools, and the outcome of those activities.**

Using data collected from the U.S. Census Bureau<sup>16</sup> and the OPD Biannual Staffing Report<sup>17</sup> which includes the staffing levels as of September 30, 2023, the OPD workforce racial/ethnic composition was compared to the city of Oakland population racial/ethnic composition. The results are shown in Table 12.1 (Sworn Officers) and Table 12.2 (Professional Staff).

**Table 12.1—Sworn Officers**

As of 9/30/23						
Race/Ethnicity	OPD Counts		Census		over/ <u>under</u> represented	
Asian	140	19.64%	15.5%	111	29	27%
Black or African American	150	21.04%	21.1%	150	0	0%
Hispanic or Latino	207	29.03%	28.9%	206	1	0%
Native American	3	0.42%	1.2%	9	-6	-65%
Other	25	3.51%	5.4%	39	-14	-35%
White or Caucasian	188	26.37%	27.9%	199	-11	-5%
<b>Total</b>	713	100%	100%	713		

The data in Table 12.1 reflects that based on the staffing levels OPD reported as of September 30, 2023, for its sworn staff, the groups of officers who identified as Native American, Other (i.e., Native Hawaiian, Pacific Islander, etc., and officers who did not declare any race/ethnicity), and White or Caucasian were underrepresented in the workforce.

**Table 12.2—Professional Staff**

As of 9/30/23						
Race/Ethnicity	OPD Counts		Census		over/ <u>under</u> represented	
Asian	45	16.98%	15.5%	41	4	10%
Black or African American	108	40.75%	21.1%	56	52	93%
Hispanic or Latino	54	20.38%	28.9%	77	-23	-29%
Native American	0	0%	1.2%	3	-3	-100%

<sup>16</sup> United States Census Bureau, QuickFacts Oakland city, California, Population Estimates, July 1, 2023, (V2023), retrieved at [www.census.gov](http://www.census.gov) on 18 Dec 2024.

<sup>17</sup> City of Oakland, Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council on 19 Dec 23, [Agenda Item #9](#), OPD Biannual Staffing Report, 29 Nov 23, pg. 14.

<b>Other</b>	7	2.64%	5.4%	14	<b>-7</b>	<b>-51%</b>
<b>White or Caucasian</b>	51	19.25%	27.9%	74	<b>-23</b>	<b>-31%</b>
<b>Total</b>	265	100%	100%	265		

The data in Table 12.2 shows that based on the staffing levels OPD reported as of September 30, 2023, for its professional staff, the groups of employees who identified as Hispanic or Latino, Native American, Other (i.e., Native Hawaiian, Pacific Islander, etc., and employees who did not declare any race/ethnicity), and White or Caucasian were underrepresented in the workforce.

As stated in Finding #11, the Recruiting and Background Unit recruits predominantly for Police Officer Trainees, while the City of Oakland’s main Human Resources Management Department recruits for all OPD staff.

To understand OPD’s diversity goals, the Auditor requested recruitment plans for the years 2022 and 2023 from OPD’s Human Resources Section and Recruiting and Background Unit. The Human Resources Section does not produce a recruitment plan but does produce Staffing Reports, and HRS forwarded copies of the 2022 and 2023 Staffing Reports to OIA. The Recruiting and Background Unit produced a recruitment plan for recruiting Police Officer Trainees and forwarded a copy of the 2023-2024 recruitment plan to OIA.

A review of OPD’s First Quarterly Police Staffing Report dated May 2, 2023, and Biannual<sup>18</sup> Staffing Report dated November 29, 2023, found that these reports serve as informational reports for the City Council. The first page of each report reads, in part, “In 2009, the City Council requested a report on staffing levels from OPD to address current staffing for sworn and professional staff. This report covers recruitment activities and assignments for both categories.” In the reports, OPD documents the race/ethnicity and gender percentage of its workforce and also documents the race/ethnicity percentages of its sworn staff in relation to the US Census population for the city of Oakland over a four-year period (2020, 2021, 2022, and 2023), but there are no documented statements or analyses from OPD about the meaning of the percentages and how these percentages affect the organization’s recruiting efforts.

The 2023-2024 Recruiting Strategic Plan: Recruiting and Background Unit Strategic Hiring Plan is a plan to attract and recruit Police Officers (pg.3) by identifying and implementing recruiting strategies that will attract qualified local candidates, improve the diversity of the candidate pool to specifically increase the number of women and people of color to ensure that the Department mirrors the community it serves (pg. 4). Within the plan, there are 26 recruiting strategies (pgs. 5-7), but there are no documented statements, analyses, or metrics advising the reader of their necessity and how they will “improve the diversity of the candidate pool.” There is no data about the current workforce’s racial/ethnic composition at the time the plan was written, the specific racial/ethnic groups that the Department would like to see increased in its workforce and by what percentage, the specific recruitment strategies

<sup>18</sup>After the 2023 First Quarterly Police Staffing Report, the frequency of producing the reports changed to biannual.

for increasing the percentages of these groups in the applicant pool, and the expected percentage increase in the applicant pool for the groups after implementing the recruitment strategies. The plan lacks quantifiable data, measures of performance.

Tables 12.1 and 12.2 show that there are underrepresented racial/ethnic groups in OPD's workforce and based on the documents from the Recruiting and Background Unit and the Human Resources Section, none of the reports explicitly state which racial/ethnic groups OPD considers to be underrepresented in its workforce and the specific actions OPD plans to take to increase their numbers in the applicant pools. Having documented evidence to show that OPD acknowledges there are underrepresented groups in its workforce, the actions taken to increase the underrepresented groups' numbers in the applicant pools, and the outcome of those activities can mitigate liability in potential discrimination claims.

In the City of Oakland Administrative Instruction Number 580, *City Race and Equity*, effective June 14, 2021, equity is defined as just and fair inclusion, including increasing benefits and reducing burdens for those most impacted by racial disparities. AI 580 further states that an equitable society is one in which all participate and prosper. The goals of equity action are to create conditions that allow all to reach their full potential. Equity requires system change that removes barriers to opportunity (pg. 6). In collaboration with the City of Oakland's Department of Race and Equity, Human Resource Management Department, and Special Counsel from the Office of the City Attorney, OPD should institute an initiative to assess the root causes of hiring inequity and identify strategies to remove unnecessary barriers to hiring. OPD should also ensure that the work that is done as a result of the initiative is recorded and memorialized in the organization's recruitment plans.

A good model to follow to create an initiative can be found on the U. S. Equal Employment Opportunity Commission's website: [Hiring Initiative to Reimagine Equity \(HIRE\) | U.S. Equal Employment Opportunity Commission](#).

In this case, the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) joined together to reimagine hiring and recruitment practices in ways that advance equal employment opportunity and help provide access to good jobs for workers. Together they instituted Hiring Initiative to Reimagine Equity (HIRE).

HIRE is a multi-year collaborative effort that engages a broad array of stakeholders to expand access to good jobs for workers from underrepresented communities and help address key hiring and recruit challenges by taking the following steps:

- Hosting convenings to examine organizational policy and practices to reimagine equity and expand opportunity in hiring.
- Identifying strategies to remove unnecessary barriers to hiring and to promote effective, job-related hiring and recruitment practices to cultivate a diverse pool of qualified workers.
- Promoting equity in the use of tech-based hiring systems.

- Developing resources to promote adoption of innovative and evidence-based recruiting and hiring practices that advance equity.

### Training Employees on Racial Equity and Fairness Policies

In the Information Bulletin, OPD documents two strategies used to train its employees on racial equity and fairness policies. In this section, the inspection of each strategy's existence during the audit period of October 1, 2022, to December 31, 2023, is expressed as:

1. Equal Employment Opportunity, Anti-Discrimination, and Non-Harassment Policy (Finding #13).
2. Administrative Instruction 580 (Finding #13).

#### Finding #13

**An inspection of OPD's strategies to train employees on the Department's *Equal Employment Opportunity, Anti-Discrimination, and Non-Harassment Policy* and the City of Oakland's *Administrative Instruction 580, Race and Equity Policy*, found that the strategies were still in effect during the audit period, but only 85 percent of its employees acknowledged receipt of the policies.**

Table 13.1 describes two strategies related to employee training: Equal Employment Opportunity, Anti-Discrimination, and Non-Harassment Policy training and the City of Oakland's Administrative Instruction 580, Race and Equity Policy training.

**Table 13.1—Equal Employment Opportunity, Anti-Discrimination, and Non-Harassment Policy and Administrative Instruction 580**

No.	Change in Process [The Strategy]	Description
5	<b>Equal Employment Opportunity, Anti-Discrimination, and Non-Harassment Policy</b>	Departmental General Order 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.
6	<b>Administrative Instruction (AI) 580</b>	This [Instruction] 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.

The Policy and Publication Unit drafts many of OPD’s policies and other written communication and administers electronic document repositories,<sup>19</sup> and as mentioned in Finding #4, OPD stores all departmental publications in [PowerDMS](#), a [electronic] policy and compliance management platform that allows the Department to create, edit, organize, and distribute content. The Auditor requested and received from the Policy and Publication Unit the number of employees (both sworn and professional staff) who acknowledged receipt of the DGO D-20 and AI 580 policies and the number of employees who have not acknowledged receipt of the policies.

In PowerDMS, DGO D-20 was published on April 26, 2022, and AI 580 was published on March 24, 2022. Based on the data received from the Policy and Publication Unit on January 22, 2024, an inspection of OPD’s strategies to train employees on the Department’s Equal Employment Opportunity, Anti-Discrimination, and Non-Harassment Policy and the City of Oakland’s Administrative Instruction 580, Race and Equity Policy, found that the strategies were still in effect during the audit period, but only 85 percent of its employees acknowledged receipt of the policies. Table 13.2 provides a breakdown of sworn and professional staff employees who acknowledged receipt of the training:

**Table 13.2—Employees Who Acknowledged Receipt of Policy Trainings**

Policy	Number of Employees		Acknowledged Receipt of Training	%	Did Not Acknowledge Receipt of Training	%
AI 580	Sworn	734	639	87%	95	13%
	Professional Staff	227	180	79%	47	21%
	Combined	961	819	85%	142	15%
DGO D-20	Sworn	734	638	87%	96	13%
	Professional Staff	227	182	80%	45	20%
	Combined	961	820	85%	141	15%

According to the U. S. Equal Employment Opportunity Commission, in their technical assistance document titled [Promising Practices for Preventing Harassment](#), issued on November 21, 2017, “The cornerstone of a successful harassment prevention strategy is the consistent and demonstrated commitment of senior leaders to create and maintain a culture in which harassment is not tolerated. This commitment may be demonstrated by, among other things, clearly, frequently, and unequivocally stating that harassment is prohibited. It is recommended that senior leaders ensure that their organizations have a harassment policy that is comprehensive, easy to understand, and regularly communicated to all employees.” OPD’s issuance of Departmental General Order D-20, [Equal Employment Opportunity, Anti-Discrimination, and Non-Harassment Policy](#), dated April 25, 2022, to its employees is the Department’s method of messaging that harassment is prohibited and not tolerated.

<sup>19</sup> [Oakland Police Department 2022 Annual Report](#), pg. 98.

Regarding Administrative Instruction AI 580, *City Race and Equity*, dated June 14, 2021, the Oakland City Council established the Department of Race and Equity with the mission to intentionally integrate on a Citywide basis the principle of “fair and just” (pg. 1) The policy is about race and equity and includes valuable information such as City government’s responsibility to eliminate systemic racism in government, promote inclusion and full participation for all residents, and reduce race-based disparities in the City’s communities.

Departmental General Order A-1, Department Publications, dated July 28, 2008, states, in part, “Personnel shall acknowledge receipt, review, and understanding of issued Departmental directives in accordance with the provisions of this order and Manual of Rules Section 175.07, *Departmental Online Publications Library*. Unit commanders and supervisors shall ensure subordinates comply with the requirements for acknowledgment of receipt, review, and understanding of issued Departmental publications (pg. 7).” OPD should ensure all its employees acknowledge receipt of DGO D-20 and AI 580, and because of the importance of these documents, OPD should ensure that they are redistributed biennially.

### **Creation of A Race and Equity Board**

In the Information Bulletin, OPD documents one strategy used to show support of the Race and Equity Team, the creation of a formalized Race and Equity Board. In this section, the inspection of the strategy’s existence during the audit period of October 1, 2022, to December 31, 2023, is expressed as:

1. Race and Equity Board (Finding #14).

#### **Finding #14**

**An inspection of OPD’s strategy of creating a formalized Race and Equity Board to identify and focus on issues, education, training, and best practices related to equity-related matters found that the strategy was not in effect during the audit period.**

Table 15.1 describes the strategy to create a Race and Equity Board.

**Table 14.1—Creation of a Race and Equity Board**

No.	Change in Process [The Strategy]	Description
1	<b>Race and Equity Board</b>	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.

Administrative Instruction 580, *City Race and Equity*, dated June 14, 2021, requires all departments in the City of Oakland to have a dedicated Race and Equity Team. The policy states, in part:

**Department Directors will** support furthering a shared vision of racial equity through their leadership and action, including:

- Standing up a Department Equity Team and setting up mechanisms to interface and work with the Equity Team to advance racial equity in their line of business.
- Supporting identification of department activities/services and budget/resource allocation to be analyzed for racial equity impacts and tracking results/progress toward equity outcomes.
- Incorporating race and equity into department managers' performance objectives, including attending Advancing Racial Equity Academy (AREA) training, active support and facilitation of department equity activity, and staff support for participation in Race and Equity Team and AREA training.
- Establishing expectations that Race and Equity Team participation, including attending AREA training and other work-related equity activity, will be treated as any other departmental work in terms of access to needed time and resources.
- Assuring that findings of racial equity impact analysis and inclusive engagement outcomes are included in City Council Agenda Reports.

**Department Equity Teams will** lead, support, and expand the development of department capacity for equity action using the theory of change and methods supported by the Department of Race and Equity, including but not limited to:

- Modeling commitment to developing race and equity competency by engaging in capacity building/training opportunities.
- Communicating and facilitating activities and dialogue to build support and understanding of the Department's racial equity framework and tools.
- Working with Department leaders and staff to identify opportunities to improve equity outcomes by applying an equity framework and tools to department activities and developing strategies for implementation.
- Providing technical support to workgroups and individuals in the Department undertaking equity activities.

Currently, OPD does not have a staffed Race and Equity Team. The Deputy Chiefs who had oversight of the team retired. Also, being a team member is considered an ancillary assignment, and former members have moved on to other assignments. The Auditor was unable to determine the names of former team members or locate any documentation (i.e., policies, procedures, minutes from meetings, Information Bulletins, etc.) that would indicate OPD's Race and Equity Team was active during the audit period.

Hence, an inspection of OPD's strategy of creating a formalized Race and Equity Board to identify and focus on issues, education, training, and best practices related to equity-related matters found that the

strategy was not in effect during the audit period. OPD should appoint new members to its Race and Equity Team and formalize it in practice and policy as a Race and Equity Board. Additionally, OPD should ensure the Board is required to convene an annual meeting to present its equity strategies to Command Staff and include the City of Oakland's Director of the Department of Race and Equity so that they can review the strategies and present ideas to evaluate and update the strategies, if necessary.

## Findings with Recommendations

OIA Findings	OIG Recommendations
<b><u>Finding #1 (Additional Observation)</u></b> Anonymizing the subject employees' names, race, or gender during case presentations or discipline recommendation hearings is not in policy.	<b><u>Recommendation #1</u></b> OPD should ensure these processes are included in Policy 23-01, <i>Internal Affairs Policy and Procedure Manual</i> .
<b><u>Finding #2</u></b> The inspection of OPD's process of anonymizing the subject employees' names, races, and genders when cases are initially presented to the Internal Affairs Division Captain found that the strategy was ineffective and therefore needless.	<b><u>Recommendation #2</u></b> OPD should discontinue anonymizing subject employees' names, races, and genders when presenting cases to the IAD Captain.
<b><u>Finding #3 (Additional Observation)</u></b> There is no State law that governs the length of a subject officer's disciplinary history that should be reviewed when recommending discipline.	<b><u>Recommendation #3</u></b> OPD should remove the sentence stating "The Department remains committed and compliant with State law when reviewing the appropriate window of the subject officer disciplinary history" from the strategy in the Information Bulletin titled <i>Oakland Police Department Race and Equity Team: Implemented Equity Interventions</i> .
<b><u>Finding #4</u></b> The Pre-Discipline Report (TF-3340) should be updated.	<b><u>Recommendation #4</u></b> Because some signatures were illegible, OPD should update the form by adding a box for the Captain or Manager to enter their serial number, which is unique to every employee and traceable to the employee's name.  <b><u>Recommendation #5</u></b> Because it was unknown whether the form was forwarded to an Assistant Chief, Deputy Chief,



OIA Findings	OIG Recommendations
	<p>or Deputy Director, as required, OPD should include a box that requires an Assistant Chief, Deputy Chief, or Deputy Director to sign their name, the date, and their serial number.</p> <p><b><u>Recommendation #6</u></b> Because there was no documented evidence indicating that an Assistant Chief, Deputy Chief, or Deputy Director attended the discipline conference, OPD should revise the name of the box to “Name and Rank of Discipline Conference Members up to the Assistant Chief, Deputy Chief, or Deputy Director.”</p>
<p><b><u>Finding #6</u></b> The Complaint and Discipline Outcome Report, as formatted in past <i>IAD Quarterly Training and Trends Reports</i>, cannot be used as a strategy for promoting racial equity and fairness in OPD’s internal investigation and discipline processes since the report does not include any information about race or racial disparities.</p>	<p><b><u>Recommendation #7</u></b> If OPD wants to use the Complaint and Discipline Outcome Report in the <i>IAD Quarterly Training and Trends Report</i> as a strategy to promote racial equity and fairness in its internal investigation and discipline processes, the Department should ensure the Complaint and Discipline Outcome Report includes the subject employees’ races and some type of commentary about the existence or nonexistence of racial disparities based on the data used to produce the respective report.</p> <p><b><u>Recommendation #8</u></b> Otherwise, OPD should remove the Quarterly Complaint and Discipline Outcome Report from its list of strategies to promote racial equity and fairness in the internal investigation and discipline process since the report does not include race but continue to produce the Complaint and Discipline Outcome Report section in the <i>IAD Quarterly Training and Trends Report</i> since it does provide, for the organization and its members, some level of transparency of the types of Manual of Rules</p>

OIA Findings	OIG Recommendations
	violations that are sustained and the discipline assessed based on whether it is the subject employee's first, second, or third offense in kind and any aggravating and mitigating factors.
<p><b><u>Finding #7</u></b></p> <p>Aside from the issues with the Complaint and Discipline Outcome Report, identified in Finding #6, an inspection of OPD's strategy of having its Bureau Chiefs/Director present the Complaint and Discipline Outcome Report from the IAD Commander in an annual Personnel Assessment System Meeting and document the presentation on Form TF-3279 found that the strategy was still in effect during the audit period, but OPD has no documented internal controls in place to ensure it achieves this objective.</p>	<p><b><u>Recommendation #9</u></b></p> <p>If OPD's goal is to have its Bureau Chiefs/Director conduct an annual Personnel Assessment Meeting that includes their subordinates, the IAD Commander, and the Risk Analysis Unit Manager and, in that meeting, present the Complaint and Discipline Outcome Report, and document it on the PAS Command Review Meeting Report (Form TF-3279), OPD should update DGO D-17 to include this directive.</p>
<p><b><u>Finding #9</u></b></p> <p>The inspection of OPD's Mentoring and Student Improvement Program strategy found that the strategy was not in effect during the audit period because, in practice, the format of providing mentorship for Police Officer Trainees has changed. OPD uses five Recruit Training Officers to mentor its POTs.</p>	<p><b><u>Recommendation #10</u></b></p> <p>Because the format of providing mentorship for POTs has changed, in practice, OPD should ensure the Oakland Police Department Academy Policy Manual and the Information Bulletin reflect the change.</p>
<p><b><u>Finding #10 (1 of 2)</u></b></p> <p>An inspection of the strategy of having Sergeants and Police Officers take an online Beyond Bias—Racial and Identity Profiling course as part of their respective Continued Professional Training found that although the strategy was still in effect, only 68 percent of OPD's Sergeants and 57 percent of its Police Officers completed the online course.</p>	<p><b><u>Recommendation #11</u></b></p> <p>OPD should ensure that if its employees are required to take a course as part of their training, there is adequate supervision (i.e., supervisors or managers) and accountability mechanisms in place to ensure employees comply.</p>
<p><b><u>Finding #10 (2 of 2)</u></b></p>	<p><b><u>Recommendation #12</u></b></p>

OIA Findings	OIG Recommendations
<p>An inspection of OPD's strategy of requiring its employees to complete the Citywide race and equity training found that although the strategy was still in effect during the audit period, OPD could not generate reports to verify completion of the required training by its employees, rendering the strategy impracticable.</p>	<p>OPD should ensure its Training Division staff has access to the City of Oakland's training system, NEOGOV.com, to monitor its employees' completion of the required training and to run reports.</p> <p><b><u>Recommendation #13</u></b> OPD should establish a policy or procedure that informs Training Division supervisors/managers of their responsibilities (e.g., accessing City of Oakland systems, monitoring employee compliance, etc.) when employees are required to take training administered by the City of Oakland.</p>
<p><b><u>Finding #12</u></b> A review of OPD's Staffing Reports and Recruitment Plan found that none of the reports explicitly state which racial/ethnic groups OPD considers to be underrepresented in its workforce, the actions taken to increase the underrepresented groups' numbers in the applicant pools, and the outcome of those activities.</p>	<p><b><u>Recommendation #14</u></b> In collaboration with the City of Oakland's Department of Race and Equity, Human Resource Management Department, and Special Counsel from the Office of the City Attorney, OPD should institute an initiative to assess the root causes of hiring inequity and identify strategies to remove unnecessary barriers to hiring.</p> <p><b><u>Recommendation #15</u></b> OPD should also ensure that the work that is done as a result of the initiative is recorded and memorialized in the organization's recruitment plans.</p>
<p><b><u>Finding #13</u></b> An inspection of OPD's strategies to train employees on the Department's Equal Employment Opportunity, Anti-Discrimination, and Non-Harassment Policy and the City of Oakland's Administrative Instruction 580, Race and Equity Policy, found that the strategies were</p>	<p><b><u>Recommendation #16</u></b> OPD should ensure all its employees acknowledge receipt of DGO D-20 and AI 580.</p> <p><b><u>Recommendation #17</u></b></p>

OIA Findings	OIG Recommendations
still in effect during the audit period, but only 85 percent of its employees acknowledged receipt of the policies.	Because of the importance of these documents, DGO D-20 and AI 580, OPD should ensure that they are redistributed biennially.
<p><b><u>Finding #14</u></b></p> <p>An inspection of OPD’s strategy of creating a formalized Race and Equity Board to identify and focus on issues, education, training, and best practices related to equity-related matters found that the strategy was not in effect during the audit period.</p>	<p><b><u>Recommendation #18</u></b></p> <p>OPD should appoint new members to its Race and Equity Team and formalize it in practice and policy as a Race and Equity Board.</p> <p><b><u>Recommendation #19</u></b></p> <p>Additionally, OPD should ensure the Board is required to convene an annual meeting to present its equity strategies to Command Staff and include the City of Oakland’s Director of the Department of Race and Equity so that they can review the strategies and present ideas to evaluate and update the strategies, if necessary.</p>

## APPENDIX A

### **Class I and Class II Offenses**

Departmental General Order M-3, *Complaints Against Departmental Personnel or Procedures*, effective December 22, 2017, states that complaints against OPD personnel shall be categorized as Class I or Class II offenses.

#### **Class I Offenses**

These offenses are the most serious allegations of misconduct and, if sustained, shall result in disciplinary action up to and including dismissal and may serve as the basis for criminal prosecution. The Class I offenses include but are not limited to:

- a. Use of excessive, unnecessary, and/or unlawful force.
- b. Fabrication or destruction of evidence, including the planting of inculpatory evidence or the omission or destruction of exculpatory evidence.
- c. Untruthfulness, including perjury.
- d. Knowingly and intentionally filing a false police report or other work-related documentation as specified in Manual of Rules (MOR) section 370.45. This includes but is not limited to video, photographs, diagrams, roster, etc., as well as the intentional omission of pertinent information or facts.
- e. Insubordination.
- f. Commission of a felony or serious misdemeanor.
- g. Bias or harassment, actions of a retaliatory nature, or failure to take reasonable steps to prevent retaliation.
- h. Solicitation or acceptance of gifts or gratuities as specified in MOR section 314.69.
- i. Use of position for personal gain.
- j. Knowingly or should have reasonably known that he/she made a false arrest or illegal detention.
- k. Failure to report others, in accordance with MOR section 314.48, who commit any Class I offense or a Class II offense that indicates a pattern of misconduct or threatens the rights of private persons and/or the well-being and reputation of Department personnel and/or the Department.
- l. Failure of a supervisor/manager to detect a pattern of misconduct.
- m. Failure of a supervisor/manager to properly supervise and/or take corrective action for misconduct that he/she knew or reasonably should have known about.
- n. Failure to properly identify self, including refusing to provide name, deliberate concealment of a badge or nameplate.
- o. Knowingly and intentionally obstructing the Internal Affairs investigation process in any manner.
- p. Driving under the influence.

#### **Class II Offenses**

These offenses shall include all minor misconduct offenses.

## APPENDIX B

### Recruiting and Background Unit Recruitment Outreach Activity in 2022

In 2022, to assist in increasing the number of qualified and diverse recruits for all positions within OPD, the Recruiting and Background Unit hosted recruitment outreach events or they attended them. Altogether there were 70 events at 33 different venues (shown below). Thirty-nine (56%) of the events were held within Oakland.

2022 Events	# of Occasions	Venue	City	State
Visit	1	Coast Guard Island	Alameda	CA
Open House	1	In Shape Fitness	Antioch	CA
Clark, Morehouse, and Spelman	1	Morehouse Bookstore	Atlanta	GA
Visit	3	Travis Air Force Base	Fairfield	CA
Transitional Assistance Program	1	Travis Air Force Base	Fairfield	CA
Career Event	1	Travis Air Force Base	Fairfield	CA
Criminal Justice Career Fair	1	California State University East Bay	Hayward	CA
Bill Pickett Invitational Rodeo (2-day event)	2	Rowell Ranch Rodeo	Hayward	CA
Black College Expo	1	NRG Park	Houston	TX
Lowrider Super Show	1	Convention Center	Las Vegas	NV
Conversation with an OPD Police Academy Recruit (Zoom)	1	Online	N/A	N/A
OPD Recruiting Zoom Webinar	7	Online	N/A	N/A
National College Resource Foundation	1	Online	N/A	N/A
University of Phoenix Career with a Cop	1	Online	N/A	N/A
Physical Training Workshop	6	6th and Jefferson Street	Oakland	CA
Greek Festival (a 3-day event)	3	Ascension Greek Orthodox Cathedral	Oakland	CA
Chinatown Street Fest (a 2-day event)	2	Chinese Community Streets	Oakland	CA
Chinatown Improvement Council Winter Festival (2-day event)	2	Chinese Community Streets	Oakland	CA
Oakland Private Industry Council	1	Fruitvale Transit Village	Oakland	CA
Career Fair	1	Holy Names	Oakland	CA
Laurel Street Fair	1	Laurel District Streets	Oakland	CA
Visit	1	LGBTQ Community Center	Oakland	CA
Asian Cultural Fair	1	Lincoln Square Recreation Center	Oakland	CA
Black College Expo	2	Mariott	Oakland	CA
OPD Practice Physical Ability Test	6	Merritt College	Oakland	CA
100 Black Men of the Bay Area	1	Merritt College	Oakland	CA
Axon Roadshow	1	Middle Harbor Shoreline Park	Oakland	CA
Recruiting	1	New Hope Baptist Church	Oakland	CA
Oaktober Fest (a 2-day event)	2	Peet's Coffee	Oakland	CA
OPD Oral Board Workshop	2	Police Administration Building	Oakland	CA
OPD Toys for the Town Giveaway	1	Police Administration Building	Oakland	CA
OPD Block Party	1	San Antonio Park	Oakland	CA
Day of Action	1	Streets blocked off	Oakland	CA
Community Tour Block Party	1	Verdesse Carter Park	Oakland	CA
OPD Halloween Trunk or Treat	1	Verdesse Carter Park	Oakland	CA
Little Saigon Festival	1	Vietnamese Community Streets	Oakland	CA
Visit	1	Diablo Valley College	Pleasant Hill	CA
Public Safety Expo and Job Fair	1	Diablo Valley College	Pleasant Hill	CA
Scottish Highland Gathering and Games (2-day event)	2	Alameda Fairgrounds	Pleasanton	CA
Black College Expo	1	Sacramento State University	Sacramento	CA
Recruit Military Event	1	Scottish Rite Center	San Diego	CA
Career Fair	1	City College of SFO	San Francisco	CA
Recruiting	1	Crossfit Gym	San Ramon	CA
Total Recruitment Outreach Events	70			

## APPENDIX C

### Recruiting and Background Unit Recruitment Outreach Activity in 2023

In 2023, to assist in increasing the number of qualified and diverse recruits for all positions within OPD, the Recruiting and Background Unit hosted recruitment outreach events or they attended them.

Altogether there were 77 events at 35 different venues (shown below). Forty (52%) of the events were held within Oakland.

2023 Events	# of Occasions	Venue	City	State
Business and Public Service Career & Internship Fair	1	UC Berkeley	Berkeley	CA
OPD Recruiting Event	1	The Veranda	Concord	CA
Crunch Fitness Event	1	Crunch Fitness	Fairfield	CA
Recruiting	6	Travis Air Force Base	Fairfield	CA
Career Event	8	Travis Air Force Base	Fairfield	CA
Bill Pickett Invitational Rodeo (2-day event)	2	Rowell Ranch Rodeo	Hayward	CA
Black College Expo	1	Convention Center	Los Angeles	CA
California Capital Airshow (2-day event)	2	Sacramento Mather Airport	Mather	CA
OPD Recruiting Zoom Webinar	4	Online	N/A	N/A
Interview Now Police Cadet Career Fair	1	Online	N/A	N/A
Diversity Employment Career Fair	1	Online	N/A	N/A
OPD Zoom Workshop: Life in the Academy	1	Online	N/A	N/A
OPD Eggstravaganza	1	Arroyo Viejo Park	Oakland	CA
Let's Build Career Fest	1	Aspire Golden State Preparatory High School	Oakland	CA
Oakland Summer Jobs for Youth	1	Castlemont High School	Oakland	CA
Chinatown Street Fest (2-day event)	2	Chinatown	Oakland	CA
OPD Community Tour	1	DeFremery Park	Oakland	CA
Town Nights	2	Elmhurst Park	Oakland	CA
Diversity Employment Career Fair	1	Executive Inn & Suites	Oakland	CA
Greek Festival (3-day event)	3	Greek Orthodox Cathedral	Oakland	CA
Black Women Thrive Summit	1	Jack London Square	Oakland	CA
Open House and Career Expo	1	Laney College	Oakland	CA
Town Nights	1	Lincoln Square Recreation Center	Oakland	CA
Black College Expo	1	Marriott City Center	Oakland	CA
Practice Physical Ability Test	9	Merritt College	Oakland	CA
Criminal Justice Career Fair	1	Merritt College	Oakland	CA
HBCU Family Day	1	Middle Harbor Shoreline	Oakland	CA
Career Event	1	Native American Health Center	Oakland	CA
Oakland Chinatown Bazaar Festival (2-day event)	2	Oakland Chinatown Council	Oakland	CA
Art & Soul Afro ComicCon 2023	1	Oakland City Hall Plaza	Oakland	CA
Women's Physical Training Workshop	1	Parking Lot	Oakland	CA
Oral Board Exam Workshop	6	Police Administration Building	Oakland	CA
OPD Community Event	1	Police Administration Building	Oakland	CA
OPD Community Tour	1	Verdesse Carter Park	Oakland	CA
Marine Corps Base Recruit Military Job Fair	1	Camp Pendleton Pacific Views Event Center	Oceanside	CA
Scottish Highland Gathering and Games (2-day event)	2	Alameda County Fairgrounds	Pleasanton	CA
Diversity Employment Career Fair	1	Lions Gate Hotel	Sacramento	CA
OPD Recruiting Event	1	Naval Base San Diego	San Diego	CA
NAPOA Training Symposium & Exhibition	1	San Diego Marriott	San Diego	CA
San Francisco State Fall 2023 Career & Internship Fair	1	San Francisco State University	San Francisco	CA
Fit Exposition	1	Santa Clara Convention Center	Santa Clara	CA
Total Recruitment Outreach Events	77			