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# **Oakland Police Department**

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## **Internal Affairs Division**

### **Annual Report – Year 2007**

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## FORWARD

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Nowhere in the Oakland Police Department is there a more critical function than that within the Internal Affairs Division. Tasked with maintaining the integrity and values of the Department, the Internal Affairs Division has a long-standing tradition of conducting fair and objective investigations of misconduct allegations and policy failures.

There is an absolute right for a citizen to voice a complaint when they feel wronged by a member, employee or policy of the Department. To deny this right serves only to pull the Department away from the citizens it serves and inflicts long-term damage to the Community/Department relationship. Every contact made in this division is an important opportunity for a member of our team. Indeed, these are opportunities to bridge gaps in communication; to explain a policy or procedure; to show the Department does care about citizen's concerns; or simply an opportunity to empathize with a person who has had a negative encounter involving their police department.

Of course, there are occasions when one will experience the other end of the spectrum; discovering errors or omissions in policy and procedure, or plain and simple misconduct. These will be the occasions to test our courage to stand for the principles found in the Law Enforcement Code of Ethics and the Departmental Core Values. These occasions should also be viewed as opportunities. While at times difficult, these occasions are opportunities to maintain the integrity and values of the Department; to identify policy failures, to save a career or even a life.

One cannot underestimate the positive impact a fair and objective, fact-finding investigation will have on all those involved, as well as the Department itself. While often a thankless assignment, Internal Affairs Division staff members have been given an opportunity to make a difference. Each time this opportunity arises, Internal Affairs Division staff will be choosing whether they will have a positive or a negative impact, both within the Department, as well as the Community. I encourage you to stand for those needing your help, both the accuser as well as the accused, and to do so with heartfelt enthusiasm with the knowledge that you are fulfilling an important function and maintaining the longstanding traditions of the Internal Affairs Division.

Benson H. Fairrow  
Captain of Police  
Internal Affairs Division



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## MISSION STATEMENT

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The Internal Affairs Division of the Oakland Police Department is committed to protecting and defending the constitutional rights of all citizens. It is our mission to provide the highest quality of professional service to every member of the community by conducting thorough, impartial, and ethical investigations regarding allegations of misconduct and policy failures within the Department. In a continuing effort to foster and maintain mutual trust and confidence in the community in which we serve, we treat each citizen with fairness, dignity and respect at all times. It is through our commitment to honor and integrity that we uphold the core values of the Oakland Police Department.



*THE INTERNAL AFFAIRS DIVISION*

*Left to Right:; Benson H. Fairow, Curtis Filbert, Glen Rodriguez, Inez Ramirez, William Bacon, James Anderson, John Lois, Sophal Sem, Felicia Aisthorpe, Chris Bolton, Ray Backman, Joe Seale, Kiona Suttle, Nicole Elder, Danielle Bowman, Robyn Clark, Mitch Powell, Leticia Reyna, Chris Shannon, Sean Whent, Delores Brown, William Bodin, Jim Kelly, Apryl Belland-Smith, Curtis Worcester, Robert Chan*

## INTRODUCTION

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In 2007, the Internal Affairs Division continued the critical mission of maintaining the integrity and values of the Department by conducting fair and objective investigations of misconduct allegations and policy failures. The accomplishments and efforts put forth by the men and women of the Internal Affairs Division in 2007 were defined by the Department's Mission, Vision and Values. This provided guidance and direction for the division during its on-going efforts to achieve compliance with the Negotiated Settlement Agreement.

This annual report provides insight into the accomplishments and challenges faced by the Internal Affairs Division in 2007. Equally important to note is the fact this report provides the foundation upon which the division will continue building to successfully achieve compliance with the Negotiated Settlement Agreement over the next two years. The division's goal is not only to meet the spirit and intent of the Negotiated Settlement Agreement, but to achieve sustainable and lasting change.

Playing a key roll in achieving one of the four pillars defined in the Department's Strategic Plan, the Internal Affairs Division will continue its work to Improve Accountability and Achieve Organizational Excellence by:

- Meeting and complying with the provisions of the Negotiated Settlement Agreement;
- Not only meeting, but exceeding National standards to become the benchmark for "Best Practices";
- Remaining open to outside review and scrutiny; and
- Serving as part of the foundation upon which to build and support the framework of organizational excellence

The Internal Affairs Division is eagerly looking forward to increased success in 2008 and 2009. This Annual Report covers the period of January 1, 2007 through December 31, 2007 and will help to provide the focus and clarity required for our efforts in the years to come. The Report's contents and production are mandated by both the Negotiated Settlement Agreement and Departmental General Order A-7, *Annual Management and Departmental Report*.

## **ROLE OF THE INTERNAL AFFAIRS DIVISION**

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Under the command of Captain Benson H. Fairow, the primary function of the Internal Affairs Division (IAD) is to accept, process, and investigate complaints from any source alleging misconduct by Departmental personnel. Additionally, the IAD investigates firearm discharges and certain critical incidents involving death and serious injury. IAD investigations identify policy violations, training needs, equipment failures, and recommendations for policy revisions.

The Division supports and plays a key role in the implementation and enforcement of the Negotiated Settlement Agreement (NSA). Departmental Values and the Law Enforcement Code of Ethics serve as our guiding philosophy. The Departmental Strategic Plan serves as the roadmap to achieve these goals. The IAD is committed to creating a sustainable relationship based on trust and integrity with citizens in the community as well as the Oakland Police Department (OPD) and other City of Oakland personnel. The IAD receives and investigates complaints from the public and other sources about Department personnel and practices, interviews witnesses, and prepares an investigative report with recommended findings. Discipline recommendations are also prepared by the IAD. The Division responds to subpoenas and requests for records involving claims against the Department. Complaints received by the IAD are investigated, and the findings of these investigations are reported back to the complaining citizen or personnel as well as the accused employee(s). The Division also works collaboratively with the staff of the Citizen’s Police Review Board (CPRB) to provide necessary information for the completion of their investigations.



### **Administrative Support**

*Delores Brown, Apryl Belland-Smith, Kiona Suttle, Leticia Reyna*



### **Integrity Testing Unit**

*Benson H. Fairow, Robert Chan*

## IAD STAFFING

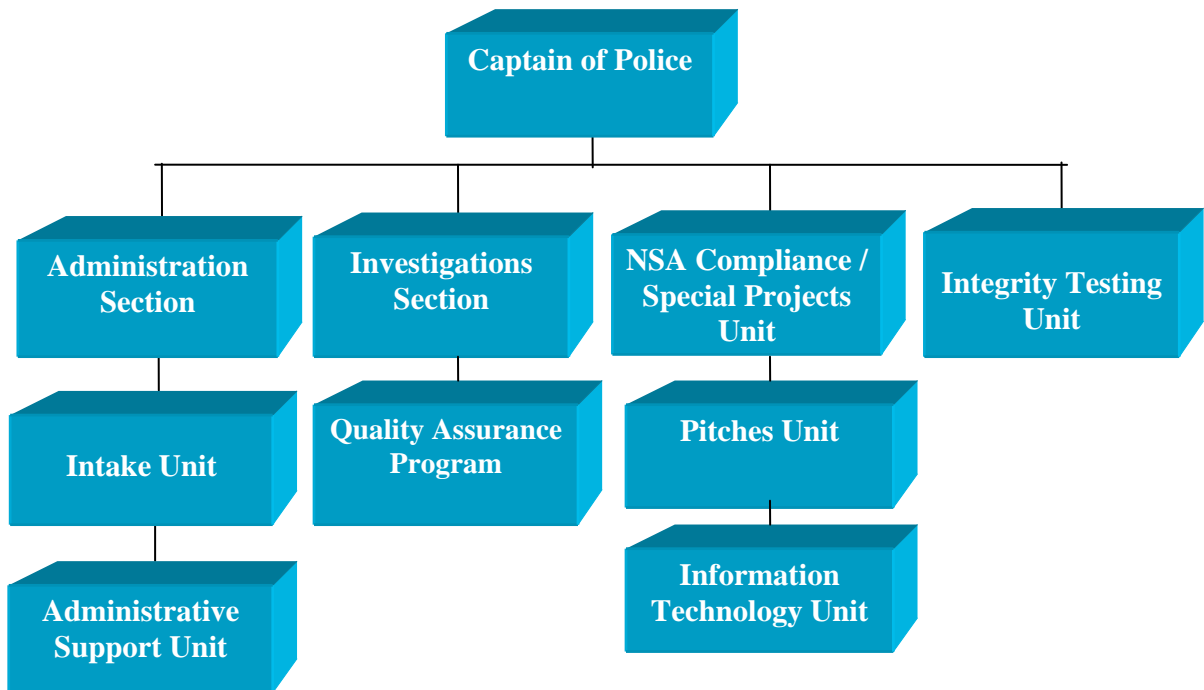
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### Organizational Structure

The IAD command staff has efficiently set into place an organized division of responsibilities. This division of labor enables the IAD to run efficient and diversified sections. The Division's responsibilities are divided among the Administration Section, Investigations Section, Compliance/Special Projects Unit, and Integrity Testing Unit as depicted below.

### Internal Affairs Division Organizational Chart Staffing for Year 2007

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**Internal Affairs Division Staffing Data**

The staffing assignments depicted below were in place throughout 2007.

**INTERNAL AFFAIRS DIVISION STAFFING ASSIGNMENTS FOR YEAR 2007**

<b>CLASSIFICATION</b>	<b>AUTHORIZED</b>	<b>FILLED</b>	<b>LOANED</b>	<b>VACANT</b>
Captain of Police	1	1	0	0
Lieutenant of Police	2	2	0	0
Sergeant of Police	12	13	1*	0
Police Officers	5	12	7*	0
Administrative Assistant I	1	1	0	0
Management Assistant	1	1	0	0
Police Records Specialist	2	2	0	0
<b>Totals</b>	<b>24</b>	<b>32</b>	<b>8*</b>	<b>0</b>

\* Became permanent positions at the beginning of the 07-08 Fiscal Year

**Staffing Challenges**

At the beginning of the 2007 calendar year, the IAD was not budgeted for the number of positions necessary to staff the Division sufficiently. A number of sworn staff, as well as administrative staff housed in the IAD, were on provisional assignments. The number of officers working in our Intake Unit, and the number of sergeants working in our Investigations Section was increased with the addition of these provisional positions. The Administrative Support Unit has also grown to support the increased output generated by the augmented sworn staffing. These new positions were changed from provisional assignments to permanent assignments at the beginning of the 2007 – 2008 Fiscal Year (FY). The IAD will campaign for more permanent staffing positions for the Intake Unit to reduce the large caseloads carried by officers in the Unit.

## Other Staffing Data

Long-term illness/absences: Chris Mufarrah  
Hugh Kidd

Temporary re-assignments: Allen Hall  
Nishant Joshi  
Carolyn Marsh

There were no hiring freezes during this reporting period. Promotional and retirement information, along with staffing transfers are detailed in footnotes and parenthesis on the following pages.

## THE INVESTIGATIONS SECTION



*Left to Right: Benson H. Fairow, Joseph Seale, Nicole Elder, Danielle Bowman, Mitchell Powell, Ed Juarez, Christopher Shannon, Sean Whent, William Bodin, and James Kelly*

## IAD STAFF MEMBERS

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### Command Staff

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Benson H. Fairrow	Captain of Police, Internal Affairs Division
Chris Mufarreh	Lieutenant of Police, Administration Section**
Anthony Toribio	Lieutenant of Police, Investigations Section**
Sean Whent	Lieutenant of Police, Investigations Section (succeeded Mufarreh and Toribio)
David Downing	Lieutenant of Police, Administration Section (succeeded Whent)

### Administration Section

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Phillip Freeman	Sergeant of Police, Intake Unit**
Raymond Backman	Sergeant of Police (succeeded Freeman)
• James Anderson	Police Officer
• Christopher Bolton	Police Officer
• Allen Hall	Police Officer**
• Eric Huesman	Police Officer**
• Nishant Joshi	Police Officer**
• Curtis Worcester	Police Officer
• Michael Weisenberg	Police Officer
• William Bacon	Police Officer
• Robyn Clark	Police Officer
• Curtis Filbert	Police Officer

**Intake Unit**



### Administrative Support Unit

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Carolyn Marsh	Management Assistant**
Apryl Belland-Smith	Acting Management Assistant (succeeded Marsh)
• Kiona Suttle	Police Records Specialist
• Leticia Reyna	Administrative Assistant I
• Shawn Thibeaux-Ford	Administrative Assistant I**
• Delores Brown	Administrative Assistant I**
• Sharon Tasby	Senior Public Service Representative ***
• Chanel Del Rosario	Cadet**
• Nicolas Man	Cadet**
• Chris Li	Cadet

\* Denotes personnel promotions

\*\*Denotes transfer from IAD

\*\*\*Denotes 35 year service retirement from the Department

### **Compliance/Special Projects Unit**

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Glen Rodriguez	Sergeant of Police
• Felicia Aisthrope	Police Officer
• John Lois	Sergeant of Police*
• Inez Ramirez	Police Officer
• Sophal Sem	Police Officer (Transferred from Intake Unit)

### **Integrity Testing Unit**

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Peter Lau	Sergeant of Police**
Robert Chan	Sergeant of Police (Transferred from Investigations Section)

### **Investigations Section**

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• Williams Bodin	Sergeant of police
• Danielle Bowman	Sergeant of Police
• Oliver Cunningham	Sergeant of Police**
• Nicole Elder	Sergeant of Police
• David Elzey	Sergeant of Police**
• Ed Juarez	Sergeant of Police
• James Kelly	Sergeant of Police
• Hugh Kidd	Sergeant of Police****
• Rayomand Sethna	Sergeant of Police**
• Christopher Shannon	Sergeant of Police
• Mark Rowley	Sergeant of Police
• Donna Hoppenhauer	Sergeant of Police
• Tim Shaver	Sergeant of Police
• Mitchell Powell	Sergeant of Police

\* Denotes personnel promotions

\*\*Denotes transfer from IAD

\*\*\*\*Denotes medical retirement from the Department after 17 years of service.

## IAD FISCAL MANAGEMENT REPORTS

This Annual Report covers the calendar year of 2007. This Fiscal Management Report herein reflects the City's preceding FY period. For the purpose of this report, the fiscal period covered is the 2006 – 2007 FY (July 1, 2006 to June 30, 2007). As a result, the numbers below in Table 2 reflect activity from a fiscal and not calendar-year period.

### Budget Appropriations and Expenditures from Preceding Fiscal Year

#### Fiscal Management of O & M and Grants

OPERATIONS & MAINTENANCE	FY 06/07 BUDGET APPROPRIATION	ENCUMBRANCE	FY 06/07 ACTUAL EXPENDITURES	VARIANCE
<b>Fund 1010</b>				
52211 – Stationary & Office	17,403.89	3,741.33	13,662.56	0
52212 – Minor Furniture & Office	29,057.63	26,110.08	2,947.55	0
52213 – Minor Computer Hardware	61,413.43	1,916.40	59,497.03	0
52888 – Fuel	184.43	0	184.43	0
52919 – Supplies/Miscellaneous	1,078.85	0	1,078.85	0
53116 – Telephone	80.00	0	80.00	
53214 – Leased: Vehicles for City use	8,213.41	226.08	7,987.33	0
54515 – Records	626.75	0	626.75	0
53611 – Postage and Mailing	1,309.00	0	1,309.00	0
54620 – Maintenance and Security	84.60	0	84.60	0
54811 – Temporary Personnel Service	28,778.84	431.74	32,977.62	(4,630.52)
54919 – Services: Misc.	183,726.36	64,099.44	119,626.92	0
55112 – Commercial Transport	209.89	0	209.89	0
55113 – Meals	360.00	0	312.00	48.00
55119 - Miscellaneous Travel Expense	3.00		3.00	
55212 – Registration and Tuition	1,717.00	0	1,367.00	350.00
55311– Memberships: Employee Ass.	100.00	0	100.00	0
<b>GRANTS</b>				
<b>Fund 2158: State COPS Grant</b>				
52212 – Minor Furniture and Office	30,000.00	3,882.15	10,615.74	26,117.85
<b>Fund 2112: Dept. of Justice</b>				
54919 – Services: Miscellaneous	66,519.58	33,081.37		33,438.21
<b>TOTALS</b>	<b>430,866.06</b>	<b>133,488.59</b>	<b>252,670.27</b>	<b>44,707.20</b>

#### O & M and Grants Expenditures Summary

Only one operating and maintenance line item was over-spent this fiscal year. Again, this over expenditure is related to staffing.

**Fiscal Management of Personnel (non-overtime) and Overtime  
Budget Appropriations and Expenditures from Preceding Fiscal Year**

	FY '06/07 BUDGET APPROPRIATION	FY '06/07 ACTUAL EXPENDITURES	VARIANCE
<b>PERSONNEL – Fund 1010</b>			
51111 – Civilian Regular	145,235.72	172,074.16	(26,838.44)
51112 – Sworn Regular	903,744.00	2,244,802.81	(1,341,058.81)
51122 – Temporary: Regular Part-time	0	11,339.41	(11,339.41)
51132 – Sworn Modified Duty Worked	0	34,615.92	(34,615.92)
51312 – Meal Allowance	0	8,330.75	(8,330.75)
51317 – Allowance Uniforms – non-sworn	252.00	0	252.00
51321 – Compensatory Time Excess: Payout	4,223.78	0	(4,223.78)
51411 – Shift Pay	37,836.00	0	37,836.00
51412 – Acting Pay	0	2,073.88	(2,073.88)
51413 – Sworn: Standby Pay	0	12,309.75	(12,309.75)
51414 – Sworn: Education	40,356.00	48,002.68	(7,646.68)
51415 – Sworn: Training	0	319.40	(319.40)
51417 – Sworn: Motorcycle	7,080.00		7,080.00
51418 – Sworn: Longevity	10,320.00	17,625.00	(7,305.00)
51423 – Incentive Bonus and Living		600.00	(600.00)
51428 – Premium: Bilingual	1,296.00	3,250.00	(1,954.00)
51429 – Premium: Notary Public	0	683.80	(683.80)
51511 – Civilian: Paid Leave	41,284.55	40,347.67	936.88
51512 – Sworn: Paid Leave	330,702.00	634,445.55	(303,743.55)
51611 – Civilian: Retirement	55,649.85	49,786.04	5,863.81
51612 – Sworn: Retirement Accrual	409,344.00	1,139,408.62	(730,064.62)
51613 – Civilian: Fringe Benefits	53,942.08	61,914.92	(7,972.84)
51614 – Sworn: Fringe Benefits	354,648.00	915,136.21	(560,488.21)
51627 – Retirement Contributions	0	480.20	(480.20)
51911 – Adjustments Miscellaneous	0	3,236.87	(3,236.87)
51912 – Adjustments Miscellaneous	0	476.00	(476.00)
<b>TOTALS</b>	2,395,913.98	5,401,259.64	(3,005,345.66)
<b>PERSONNEL – Fund 1250</b>			
61122 – Civilian: Vacation Leave Recovered		(16,990.55)	16,990.55
61123 – Civilian: Sick Leave Recovered		(9,794.25)	9,794.25
61124 – Compensatory Time Recovered		(87,985.34)	87,985.34
61125 – Other Paid Leave Recovered		(368,406.43)	368,406.43
61132 – Sworn: Vacation Leave Recovered		(193,209.23)	193,209.23
61133 – Sworn: Sick Leave Recovered		(86,392.76)	86,392.76
61222 – Civilian & Sworn Vacation		215,812.50	(215,812.50)
61223 – Civilian & Sworn Sick		51,379.96	(51,379.96)
61224 – Civilian Sworn Compensatory		91,823.37	(91,823.37)
<b>TOTALS</b>	0	(403,762.73)	(403,762.73)

### Overtime Expenditures

	FY '06/07 BUDGET APPROPRIATION	FY '06/07 ACTUAL EXPENDITURES	VARIANCE
<b>OVERTIME – Fund 1010</b>			
51211 – Civilian Holiday OT	0	3,562.28	(3,562.28)
51212 – Civilian: Other OT	2,000.00	38,821.53	(36,821.53)
51213 – Sworn Holiday OT	46,248.00	0	46,248.00
51214 – Sworn Overtime	31,380.95	313,840.15	(282,459.20)
51222 – Sworn: Court OT	0	251.46	(251.46)
51223 – Sworn: Deferred OT	0	362.66	(362.66)
51225 – Sworn – Comp Time Earned	0	37,507.95	(37,507.95)
51231 – Civilian: Comp Time Earned	0	501.05	(501.05)
51232 – Sworn – Comp Time Court	0	597.21	(597.21)
51236 – Sworn Comp Time Holiday	0	44,717.64	(44,717.64)
51242 – Comp Day Award	5,046.00	4,380.03	665.97
Total of All	84,674.95	444,541.96	(359,867.01)

#### Overtime Expenditures Summary

This fiscal year the IAD received additional staffing through conditional assignments. These assignments, along with the heavy workload, created conditions that resulted in both overtime and labor expenditures which exceeded the budgeted amount. With training of new staff, it has been difficult to keep the heavy workload uninterrupted, and as a result, the IAD staff has had to make accommodations for timelines and high volumes of complaints by working overtime.

In the 2007 – 2008 FY, the IAD was approved and funded for additional positions. The provisional assignments are now permanent assignments and will reduce the overtime expenditures for next year.

## IAD TRAINING RECEIVED AND/OR PROVIDED

During 2007, members and employees assigned to the IAD collectively received hundreds of hours of training in the following areas pertaining to Internal Affairs and NSA-related matters:

### IAD Training Received

Course Name	# of Hours	# of Students	Total Hours
Use of Force/IAD/Homicide UPD	4	2	8
DGO K-3/4/4.1 Use of Force Policy Handbook	.5	33	16.5
IAD 07-01- Integrity Testing Unit	.5	10	5
IAD 07-02- Pitchess Motion Process	.5	35	17.5
Use of Force Update	3	3	9
DGO M-3- Complaint Manual	2	14	28
SO 8565- Revision of DGO M-3	.5	35	17.5
COMM C-2- Complaints Against Personnel	.5	22	11
IAD 07-07- Office Security	.5	32	16
SO 8552- Term TB V-T.1 Internal Invest Proc Manual	.5	35	17.5
SO 8553- Term DGO M-3 & TB V-T.1- Internal Invest Proc Manual	.5	35	17.5
AELE- Lethal & Less Lethal Force	24	5	120
Internal Affairs Investigation	24	6	144
IAD Interview Class	4	11	44
Officer Involved Shooting – Supv/Mgmt	24	2	48
M-3 & TB V-T.1- Internal Invest Proc Manual	.5	1	0.5
Protected Activity Investigation	3	15	45
Officer Involved Shooting/Invest	36	2	72
Interview & Interrogation	40	3	120
IAD PP 07-05 Skelly Process	.5	12	6
STC- Division Level Investigations	3	4	12
STC- Supervising Use of Force Investigations	4	4	16
Officer Involved Shooting- OPD Invest	.5	1	0.5
Audit & Compliance Training	4	3	12
<b>TOTAL OF ALL</b>	<b>180.5</b>	<b>325</b>	<b>803.5</b>

In addition to the training outlined in the above chart, IAD personnel has also collectively received hundreds of hours of training on various issues related to Departmental policies and procedures as well as California Commission on Peace Officer Standards and Training (POST) mandated requirements. Although these trainings were not specific to the IAD, they were relevant to all members and employees of the Department.

The following trainings are on-going and continue to be provided to IAD personnel:

- New training for IAD investigators from both experienced homicide detectives within the Department as well as outside special instructors teaching innovative investigative techniques.
- A training program implemented for new staff members (i.e., training for new intake officers) is still in effect.
- A POST certified course in behavioral analysis.

## **SIGNIFICANT IAD ACCOMPLISHMENTS**

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The year 2007 has been a prosperous year of accomplishments, many of which are identified below:

- The IAD maintained a collaborative relationship with the offices of: The City Attorney, the Independent Monitoring Team (IMT) and the CPRB, which continue to benefit the Division, the Department, and the City.
- Continuous modifications and improvements to the IAD database facilitated compliance with NSA reporting requirements. Also, these updates have created opportunities for management and supervisors to be better informed regarding the status of investigations, investigators' workloads and IAD performance statistics.
- The IAD Intake Manual was published on June 8, 2007
- Half the Administration Section has participated in the Behavioral Analysis Training Institute (BATI). BATI was founded in 1984 by seasoned law enforcement investigators. The 40 hour course is the highest acclaimed POST certified course of its type in California. Students learn the most effective and scientifically sound methods to detect deception and elicit information from victims, witnesses and suspects.
- The IAD sent members to Americans for Effective Law Enforcement (AELE) training to expand their expertise in officer involved shooting investigations. The AELE was founded in 1966 and is a research driven educational organization that produces and disseminates legal information through traditional seminars, via electronic media and direct contact. AELE conducts seminars and workshops for law enforcement officials to apprise them as to what the police can and cannot lawfully do in the performance of their law enforcement functions. IAD was able to grasp the concept of police recommendations contemporary legal procedures and investigative strategies. Also, the IAD was able to use information regarding internal vs. review board vs. criminal investigations and legal implications. Investigators were able to take advantage of the latest application of research to investigate officer involved shootings.
- The IAD Investigations Section was able to reduce the average time spent completing Class 1 investigations from 214 days in 2006 to 174 days in 2007. Contributing factors for this reduction were improved training and the dedication found in IAD personnel.
- This year the IAD Investigations Section was able to complete 100 Class 1 investigations. This is a great accomplishment considering staffing levels related to workload and the level of scrutiny given to IAD investigations.

- On-going review and revisions to the IAD Policy and Procedures and General Orders to ensure appropriate policy and procedures that are reflective of the Department and the citizens of Oakland we serve.
- The IAD has continued to work toward complying with the mandates of the NSA and audit findings identified by the IMT and Office of Inspector General. These efforts and results have included, but are not limited to:
  - The addition of several sergeants, officers, and support staff positions to the Division. These additions have provided the division the opportunity to operate at improved levels of performance.
  - This year the IAD was able to revise its Discipline Policy and Discipline Matrix based on concerns that, as originally crafted, it was overly punitive. These changes were reviewed and approved by the Department and IMT.
  - The IAD was granted partial compliance with *Task 3, IAD Integrity Test*. The IMT was impressed by the commitment of IAD staff and by its decision to conduct a particular test for the express purpose of detecting retaliatory conduct.
  - The IMT is also impressed with and routinely attends weekly meetings held by the IAD. These meetings usually occur on Friday afternoons and include the Chief of Police and /or the Assistant Chief of Police. IAD cases are presented, reviewed and decisions are made on findings and discipline.
  - The IAD published *Policy and Procedure 07-07, Office Security*, stating procedures that facilitate the integrity of the investigative process by requiring that IAD offices and investigative files are maintained in a secure and confidential manner.
  - One of the most beneficial improvements observed by the IMT is how quickly IAD contacts complainants to learn the details of the complaint, and to begin the investigative process. The greatly improved quality of OPD internal investigations is in large part due to the quick contact of complainants by the IAD Intake Unit.

During 2007, the IAD investigated twelve officer-involved shootings, two other Level 1 uses of force, one vehicle pursuit which resulted in death or serious injury, and one in-custody death. The improved quality of comprehensive investigation demonstrated by the Investigations Section in these incidents has been a direct result of the additional trainings received by the Section.

## **OTHER DATA - AWARDS TO INDIVIDUAL STAFF MEMBERS**

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- James Anderson : Good Conduct Bar and Outstanding Performance *Presented January 2007*
- Christopher Bolton: Good Conduct Bar and Outstanding Performance *Presented January 2007*
- Curtis Worcester: Unit Citation Award *Presented December 2007*
- Curtis Filbert: Unit Citation Award *Presented December 2007*
- Inez Ramirez: Certificate of Commendation *Presented April 2007*
- Danielle Bowman: Good Conduct Bar *Presented January 2007*
- Nicole Elder: Good Conduct Bar *Presented February 2007*
- David Elzey: Good Conduct Bar *Presented February 2007*

## **IAD PRODUCTIVITY PERFORMANCE DATA**

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In support of Departmental policies and procedures, the work product outputs of the IAD include, but are not limited to:

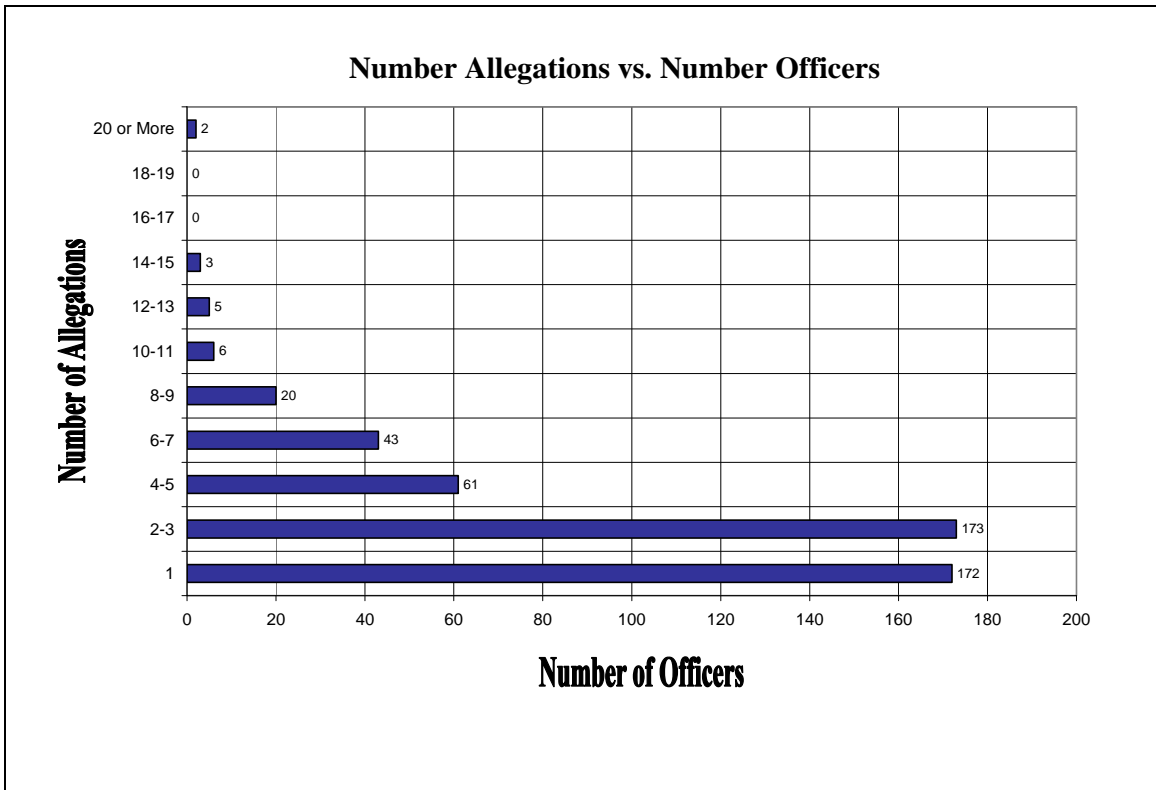
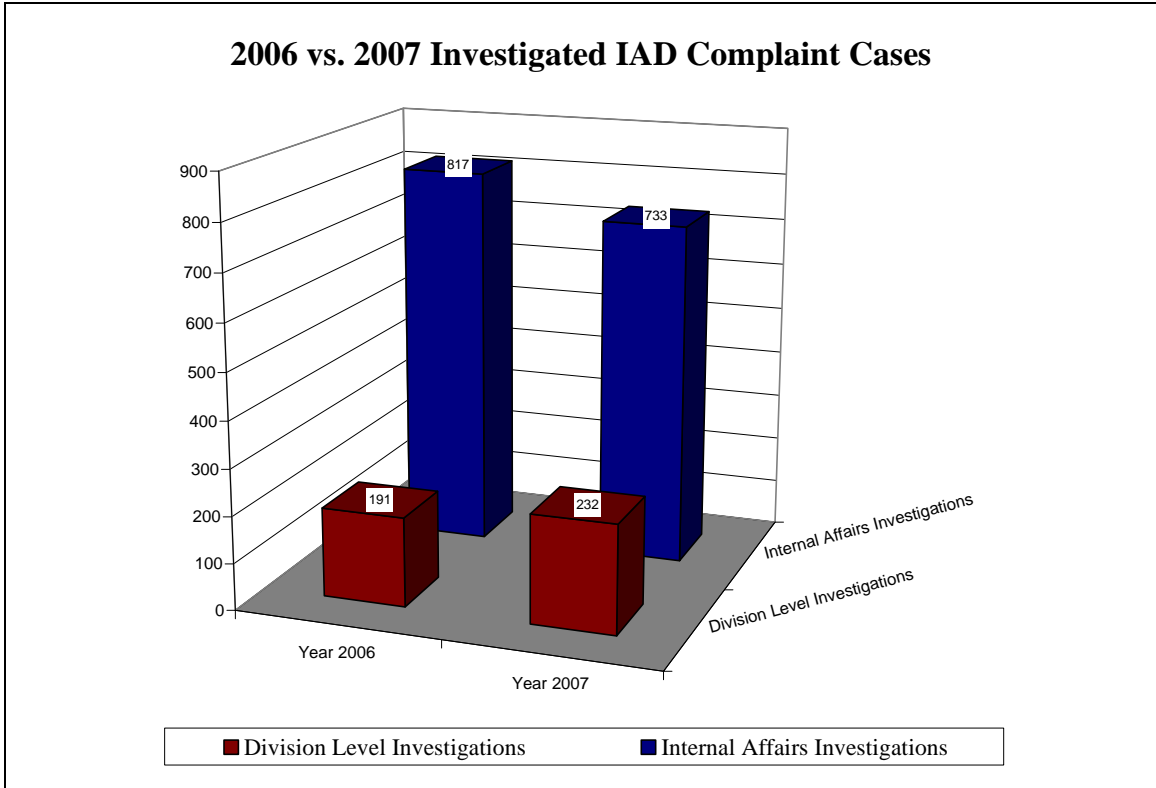
- Receiving complaints and conducting background research;
- Creation of case files and assignment of investigations;
- Investigation of complaints;
- Coordination and review of Division-level investigations;
- Management of legal claims, litigation and pitches motion inquiries involving Departmental personnel;
- Records management and reporting;
- 24-hour callout response for certain critical incidents or investigations,
- Integrity testing;
- Management of the IAD Complaint Hotline; and
- Collaboration with the CPRB and the Office of the City Attorney;

## **Other Performance Data**

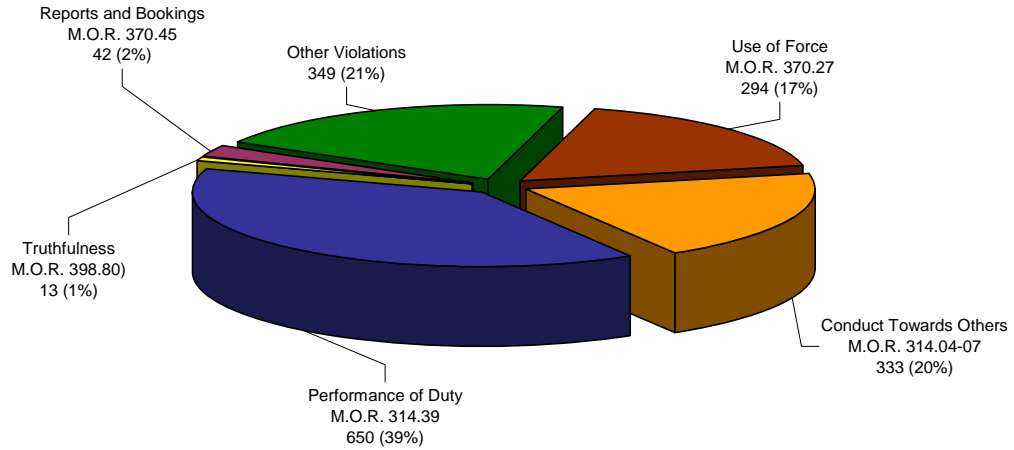
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During 2007, Internal Affairs Division Staff received the following positive and negative incidents:

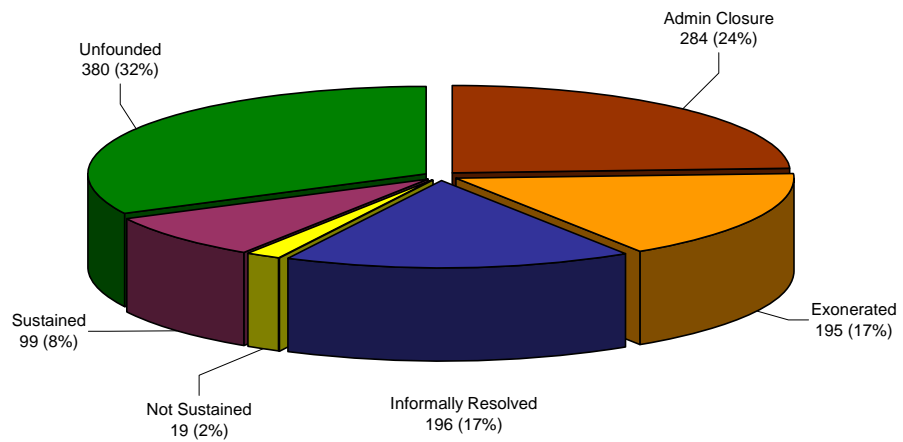
<b>Category</b>	<b>2007</b>
Personnel Complaints	10
Vehicle Collisions	2
Use of Force	16
Letters of Appreciation	11
IPAS Issues	0



### 2007 IAD M.O.R. Violation Allegations



### IAD Cases Closed and Findings 2007



## Uses of Force

### Reported, Complaints Filed, Investigations Conducted and Sustained Findings

YEAR	REPORTED USES OF FORCE	ALLEGATIONS OF USE OF FORCE VIOLATIONS (MOR 370.27)	IAD USE OF FORCE INVESTIGATIONS CONDUCTED (MOR 370.27)	IAD INVESTIGATIONS – USE OF FORCE; WITH SUSTAINED FINDINGS (MOR 370.27)
2003	97	167	139	5
2004	152	238	226	6
2005	120	356	356	0
2006	1376**	247	247	0
2007	1858	302	299	1

\*\*Year 2006: The significant increase in Reported Uses of Force is a result of the changes to the Department’s Use of Force Policy (K-4). The Department’s modified Force policy reflects expanded reporting procedures and levels of force.

Note: In prior years (2003 – 2004), the “violations” column does not equal the “investigations conducted” column. For Years 2005 – to current year, these columns have the same numbers. In past years IAD did not investigate all allegations of Uses of Force. Since the year 2005, this practice has changed and all allegations are now investigated.

Data Source: OPD, IAD’s Use of Force Database (Use of Force.mdb and IAD Case Tracking System).

## OTHER IAD PERFORMANCE DATA/AREAS OF CONCERN

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The IAD continues to work toward achieving sustainable compliance with the NSA, improving performance by developing solutions, revising policy and procedures, and presenting training. While areas of concern remain, movement has been continuously in a forward direction.

- Complaint Volume vs. Investigative Quality

2007 showed similar numbers of complaints compared with the prior year. Many of the quality related issues experienced in the IAD are attributable to heavy case loads experienced in the Intake Unit. The division must not sacrifice the quality of its investigations and will continue to train its members and monitor the processes in place to ensure there are no lapses in quality. Ultimately, some consideration must be given to other avenues to address an overly burdensome caseload other than increasing staffing levels of the Division.

- Integrity Testing Unit Effectiveness

The Integrity Testing Unit (ITU) was not funded in the last budget cycle. The unit remains staffed by one sergeant, responsible for conducting integrity checks, along with a substantial responsibility for completing administrative assignments. To offset this issue, other members of the division are frequently called upon to assist in operations and in policy development. This collaborative effort on the part of the division's staff members has been successful to date in meeting deadlines and goals. However, the recent policy development and implementation of administrative tasks related to the requirements of task 39 of the NSA threaten to slow the ITU's capability to conduct an adequate number of integrity tests.

## STATE OF THE UNIT

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One of the most critical units in the OPD is the IAD. The IAD is dedicated to the preservation of integrity and morale in the OPD in support of its core values. The Division continues to provide fair and impartial administrative investigations; while fostering public trust, confidence in law enforcement and ensuring accountability at all levels of the Department. The Division also plays a critical role in gaining compliance with the requirements of the NSA.

The division changed very little in staffing levels during 2007 and it is hoped there will be no further need for staffing increases over the next two years. The IAD continues to meet the daily challenges of conducting administrative investigations while endeavoring to achieve compliance with the requirements of the NSA. The IAD is responsible for 21 of 45 NSA tasks:

- Task 01: IAD Staffing and Resources
- Task 02: Timeliness Standards and Compliance with IAD Investigations
- Task 03: IAD Integrity Tests
- Task 04: Compliant Control System for IAD
- Task 05: Compliant Procedures for IAD
- Task 06: Refusal to Accept or Refer Citizen Complaints
- Task 07: Methods for Receiving of Citizen Complaints
- Task 08: Classifications of Citizen Complaints
- Task 09: Contact of Citizen Complainant
- Task 11: Summary of Citizen Complaints Provided to OPD Personnel
- Task 12: Disclosure of Possible Investigator Bias
- Task 13: Documentation of Pitches Responses
- Task 14: Investigation of Allegations of Manual of Rules Violations Resulting from Lawsuits and Legal Claims
- Task 15: Reviewing Findings and Disciplinary Recommendations
- Task 16: Supporting IAD Process – Supervisor/Managerial Accountability
- Task 29: IAD Investigation Priority
- Task 31: Officer-Involved Shooting Investigation
- Task 33: Misconduct
- Task 37: Internal Investigations – Retaliation Against Witnesses
- Task 39: Personnel Arrested, Sued and/or Served with Administrative Process
- Task 45: Consistency of Discipline Police

These tasks represent 41 percent of the NSA requirements and are further defined in 85 sub-tasks and 111 detailed methodologies under which compliance will be determined. While these numbers provide clarity as to the daunting task of achieving and maintaining compliance, the staff of the IAD remains committed to meeting this goal. 2008 will see added challenges to the IAD as the Department embarks upon the first year of practice compliance in the NSA.

## **IAD Plans and Goals for Year 2008**

The IAD's focus in 2008 will continue in this direction, intent upon the following challenges and goals:

- Meet NSA goals and achieve compliance mandates
- Complete all investigations in accordance with Government Code 3304(d) and Departmental deadlines
- Continue to re-evaluate and update policies and procedures
- Provide the Department with a clear sense of priority and direction regarding IAD compliance with policy and procedures by staffing the Quality Assurance Program to standardize investigation practices
- Perform quality investigations and reviews in accordance with professional standards and in a timely manner
- Promote and develop employee potential to encourage and promote individual growth and development
- Provide an exceptional work environment with motivational incentives for people to be productive
- Provide excellent customer service
- Maintain on-going training needs assessments of IAD personnel
- Continuously provide cutting edge technological and innovative ideas for smart ways to work
- Research work practices at other agencies to learn and implement smart work practices that are efficient and increase productivity and quality
- Continue development of the ITU, tasked with the proactive investigation of Departmental personnel who may be engaging in criminal or Departmental violations.

*This Report was prepared by:*

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Ms. Kiona Suttle

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