

# Internal Affairs Division Year to Date 2015

(Reporting Period: 1 Jan 15 to 31 Dec 15)

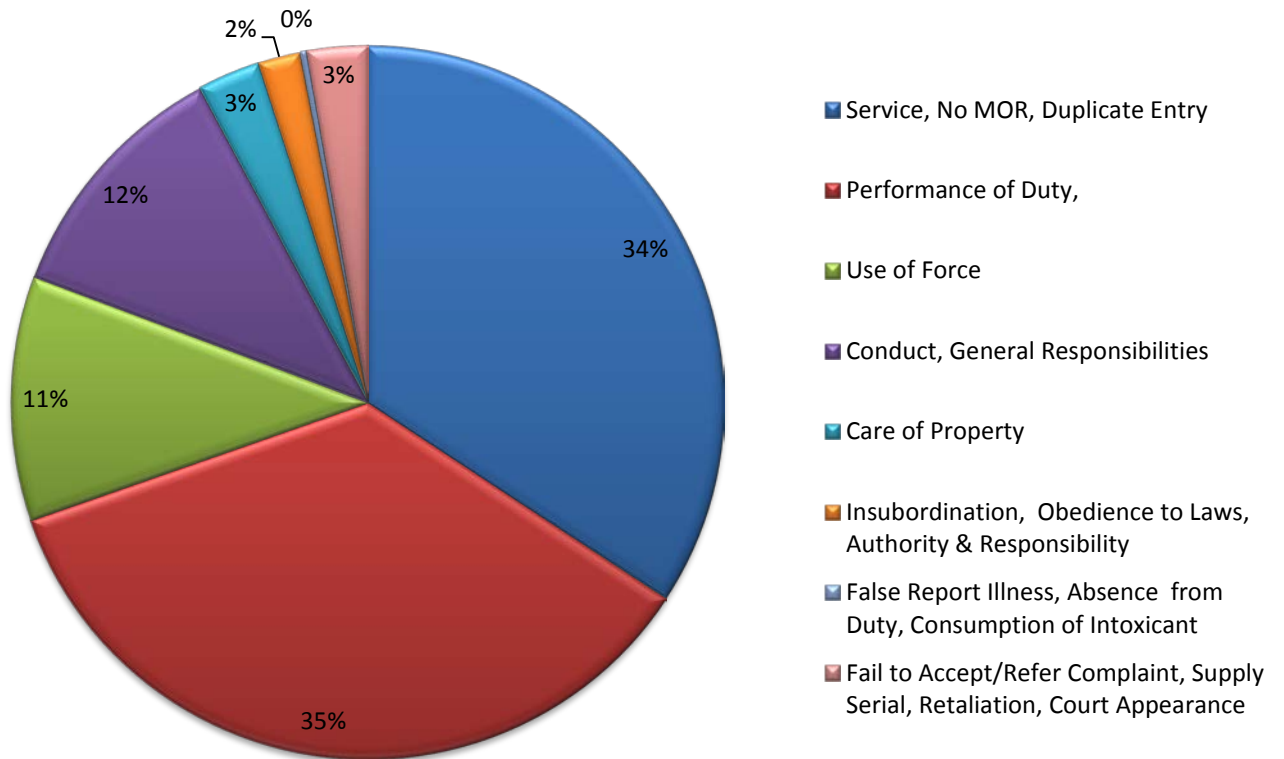
Cases	<b>1009</b>	
Allegations	<b>1942</b>	(The number of individual policy violations within each case)
<b>Cases Investigated</b>		
Division Level	304	(Division Level investigations are completed by a supervisor)
Internal Affairs(IA)	206	(Internal Affairs investigations are completed by an IA investigator)
Total # of Investigations	<b>510</b>	
<b>Allegations Reviewed and Administratively Closed</b>		
These complaints include but are not limited to: Outside Agency Complaints, Complaints of No Merit and Service Complaints*		
*Example of a Service Complaint: Community member alleges the officer took too long to respond to a complaint of dogs barking, however; the officer was sent to an in progress Domestic Violence call.		
Allegations Not Investigated	<b>665</b>	
<b>Discipline</b>		
Suspension(s)	11	
Counseling and/or Training	44	
Written Reprimand(s)	20	
Termination	1	
Total Sustained Findings	<b>76</b>	
<b>Commendations and Awards</b>		
Letter(s) of Appreciation	133	
Department Commendation(s)	538	
Total Commendation and Awards	<b>671</b>	
<b>Manual of Rules Violations (MOR)</b>		
MOR	Description	# of Allegations
000.01	Service Complaint (A police practice mandated by policy or law, such as towing a vehicle; or a delay in service, such as a long wait for an officer's presence due to call for service volume)	342
000.02	No Violation of OPD Manual of Rules and/or the Law.	312
000.03	Duplicate Entry	11
234.00	AUTHORITY AND RESPONSIBILITIES Subject to direction from higher command, a commanding officer has direct control over all members and employees within his/her command.	1
285.00	AUTHORITY AND RESPONSIBILITIES – In addition to the general and individual responsibilities of all members and employees, each supervisor is specifically responsible for the following: Supervision, Leadership, Direction, Enforcement of Rules, Inspection, Assisting Subordinates, and Grievance Resolution.	6
314.03	GENERAL CONDUCT – Members and employees shall conduct themselves at all times in such a manner as to reflect favorably upon themselves, the City, the Department and the police service. Whether on or off-duty, members and employees shall avoid any conduct that brings disrepute to the Department or impairs its efficient and effective operation.	11
314.04	CONDUCT TOWARD OTHERS – HARASSMENT AND DISCRIMINATION –Members and employees shall treat all persons with courtesy and respect. The Department has a zero tolerance policy for harassment and discrimination against members, employees and persons on the basis of race, religion, national origin, marital status, age, sex, sexual orientation, ancestry, physical or mental disability, or medical condition. The Department prohibits conduct that violates the specified City Administrative Instruction. Any member or employee who harasses or discriminates against another member, employee, or any person, or engages in any	48

	<p>inappropriate workplace conduct that violates City Administrative Instruction 71 shall be subject to severe disciplinary action, including discharge from the City service.</p> <p>Any member or employee who has knowledge that another member or employee has engaged in harassment or discrimination or inappropriate conduct that violates the specific City Administrative Instruction is strictly charged with the responsibility for reporting that conduct in accordance with the provisions of Manual of Rules Section 314.48 (Reporting Violations of Laws, Ordinances, Rules or Orders). Any member or employee who harasses or discriminates against another member, employee, or any person, or engages in any inappropriate workplace conduct that violates City Administrative Instruction 71 shall be subject to severe disciplinary action, including discharge from the City service. Any member or employee who has knowledge that another member or employee has engaged in harassment or discrimination or inappropriate conduct that violates the specific City Administrative Instruction is strictly charged with the responsibility for reporting that conduct in accordance with the provisions of Manual of Rules Section 314.48 (Reporting Violations of Laws, Ordinances, Rules or Orders).</p>	
314.05	<p>CONDUCT TOWARD OTHERS – WORKPLACE VIOLENCE – In order to provide a safe and appropriate work environment, the Department has zero tolerance for acts and threats of violence. Employees and members shall report threats or acts of violence or intimidation between members and/or employees to their supervisor.</p>	1
314.07	<p>CONDUCT TOWARD OTHERS – Demeanor – Members and employees shall perform their duties attentively and courteously, avoiding rude, threatening, harsh, insulting, profane, insolent or demeaning language, and they shall maintain a professional bearing regardless of provocation to do otherwise.</p> <ul style="list-style-type: none"> <li>- Members and employees shall treat superior officers, subordinates, and peers with respect. They shall be courteous and civil at all times in their relationships with one another and shall avoid any inappropriate conduct.</li> <li>- All persons, except the very youthful and those known personally by the member or employee, shall at all times be addressed by their appropriate title followed by their last name. When on duty and in the presence of others, superior officers shall be referred to by rank title.</li> <li>- Members and employees shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the Department.</li> <li>- Orders from superior to subordinate members and employees shall be given in a civil manner, without the use of profane or derogatory language.</li> </ul>	160
314.08	<p>CONDUCT TOWARD OTHERS – RELATIONSHIPS – Members and employees shall not inappropriately convert or attempt to convert an on-duty contact to an intimate relationship.</p>	1
314.15	<p>ASSISTANCE – All members are required to take appropriate police action to aid another law enforcement officer in danger.</p>	1
314.18	<p>MEMBERS' GENERAL RESPONSIBILITIES – Members shall, at all times, respond to lawful orders of superior officers, communications dispatchers, and other proper authorities, as well as to calls for police assistance. Proper police action shall be taken whenever it is required.</p> <p>Within the City of Oakland, while on duty, members shall at all times take appropriate action to protect life and property; preserve the peace; prevent crime; detect and arrest violators of the law; and enforce Federal, State, and City laws and ordinances within Departmental jurisdiction.</p>	1
314.30	<p>INSUBORDINATION-DISOBEDIENCE TO ORDERS – Failure of any member or employee to obey a lawful order given by a superior officer constitutes insubordination.</p>	4
314.32	<p>INSUBORDINATION-DISRESPECT – The act of ridiculing or treating with disrespect a superior officer or his/her orders whether in or out of his/her presence.</p>	2
314.38	<p>OBSTRUCTING THE INTERNAL AFFAIRS PROCESS – No member and employee shall obstruct, impede, delay, or undermine the internal investigation process in either words or actions.</p>	1

314.39	<p>PERFORMANCE OF DUTY – All members and employees shall perform their assigned duties and responsibilities as required or directed by law, Departmental rule, policy, or order by a competent authority. Each member and employee is accountable for the exercise of delegated authority, and shall not conceal, divert or mitigate their true culpability. Violations of performance of duty include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>- Intentional illegal search, seizure, or arrest;</li> <li>- Unintentional or improper search, seizure, or arrest;</li> <li>- Planting of evidence;</li> <li>- Failure to perform duties as required or directed by law, Departmental rule, policy, or order;</li> <li>- Improper care of the property of persons; and</li> <li>- Changing a work assignment without authority.</li> </ul>	684
314.42	<p>OBEDIENCE TO LAWS – Members and employees shall observe and obey all laws and ordinances. A violation of this section may include, but is not limited to the following: Felony and serious misdemeanor crimes; Other misdemeanor crimes; or Driver’s license status.</p>	20
314.48	<p>REPORTING VIOLATIONS OF LAWS, ORDINANCES, RULES OR ORDERS – Members and employees who become aware that other members or employees violated laws, ordinances, rules of the Department, or disobeyed orders, of a Class I violation or any Class II violation which indicates a pattern of misconduct of which they are aware, shall within 24 hours or sooner, if practical, report the offense, orally or in writing, to his/her supervisor or the Internal Affairs Division.</p>	2
314.69	<p>GIFTS, GRATUITIES – SOLICITING OR ACCEPTING – Members and employees shall not use their authority or position, whether for him/herself or another, and not otherwise available to them as a private person</p>	1
328.14	<p>LOITERING – On-duty members and employees, and off-duty members and employees in uniform shall not enter bars, taverns or theaters except to perform a police task. Loitering and unnecessary conversation in such locations is forbidden. Eating in establishments where the primary purpose is the service of alcoholic beverages rather than food is discouraged, although not forbidden.</p>	1
328.49	<p>ABSENCE FROM DUTY – Every member or employee who fails to appear for duty at the date, time and place specified without the consent of competent authority is "absent without leave." Absences without leave in excess of one day shall be reported in writing to the Chief of Police.</p>	2
328.53	<p>FALSE REPORTING OF ILLNESS OR INJURY- Members and employees shall not feign illness or injury, falsely report themselves ill, or otherwise attempt to deceive the Department as to the condition of their health.</p>	1
328.63	<p>CONSUMPTION OF INTOXICANTS – Members and employees shall not at any time:</p> <ul style="list-style-type: none"> <li>- Be under the influence of any intoxicating substance while on duty;</li> <li>- Carry any firearm while consuming or under the influence of any intoxicating substance;</li> <li>- Consume any intoxicating substance while off duty to the extent that when reporting for his/her duty assignment the ability to perform their duty is impaired; or</li> <li>- Consume any intoxicating substance while on duty unless necessary in the performance of a police task and then only with the specific permission of a commanding officer and never in uniform.</li> </ul>	3
342.00	<p>DEPARTMENT PROPERTY AND EQUIPMENT – Preventable Collision</p>	56
370.27	<p>PHYSICAL FORCE, USE OF – The use of physical force (Level 1-4) shall be restricted to circumstances specified by Departmental policies and law.</p>	215
370.36	<p>CUSTODY OF PRISONERS – Arrestees and/or detainees shall be reasonably controlled in order to prevent their escape. They shall be treated humanely and shall not be subjected to unnecessary restraint.</p>	1
398.16	<p>Court Appearances</p>	1

398.70	SUBVERSIVE ORGANIZATION – No member or employee shall knowingly become a member or affiliate of any subversive organization, with the specific intent to foster its unlawful objectives, except when necessary in the performance of duty and with the prior authorization of the Chief of Police.	1
398.73	<p>RETALIATION – Under no circumstances shall members or employees retaliate against any other member, employee, or any other person for engaging in a protected activity. Members and employees shall not engage in any adverse action that:</p> <ul style="list-style-type: none"> <li>- Would cause a reasonable member, employee, or any other person to be deterred from engaging in a protected activity; or</li> <li>- Is based on a retaliatory motive arising out of a member, employee, or any other person engaging in a protected activity.</li> </ul> <p>Any member or employee who becomes aware of such conduct shall immediately report the misconduct to a commander/manager, and/or directly to the Internal Affairs Division. The presumptive penalty for violation of this section shall be termination.</p>	4
398.76	REFUSAL TO ACCEPT OR REFER COMPLAINT – Members and employees shall not refuse to accept a citizen complaint, fail to refer a citizen to the IAD (when the citizen can be reasonably understood to want to make a citizen’s complaint), fail to forward a complaint to the IAD, discourage a person from filing a complaint, and/or knowingly provide false, inaccurate, or incomplete information about the IAD process. Members and employees shall not fail to follow any of the procedures for accepting, referring, or forwarding a complaint.	21
398.77	REFUSAL TO SUPPLY NAME AND SERIAL NUMBER – Upon request, members and employees shall supply their names and serial numbers to any person who seeks such identification.	26
398.80	TRUTHFULNESS – Members and employees are required to be truthful at all times whether under oath or not, except when necessary in the performance of official duties.	1

# IAD Allegations



Updated: 1/13/16