

OAKLAND POLICE DEPARTMENT

Office of Inspector General



REVIEW OF TASK 8.4

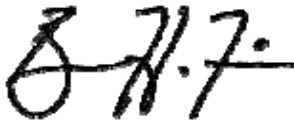
March 18, 2010

CITY OF OAKLAND

Memorandum

To: Chief Anthony W. Batts
From: Captain Benson Fairow, Inspector General
Date: March 18, 2010
Subject: **OIG Review of Task 8.4**

On February 1, 2010, the Audit and Inspections Unit of the Office of Inspector General initiated a review of Task 8 Classification of Citizen Complaints. This review focused specifically on Task 8.4 which requires that, unless otherwise directed by the Chief of Police, Class I investigations shall be investigated by Internal Affairs Division investigators. The purpose of the review was to assess the Department's progress towards achieving compliance with the requirements of Task 8.4 as set forth in the Negotiated Settlement Agreement.

A handwritten signature in black ink, appearing to read 'B. H. Fairow', with a stylized flourish at the end.

Benson H. Fairow
Captain of Police
Office of Inspector General

OFFICE OF INSPECTOR GENERAL
Audit and Inspections Unit



LEAD REVIEWER

Sergeant Joseph Carranza

CONTRIBUTORS

Officer William Bacon

Ms. Kristin Burgess

Table of Contents

EXECUTIVE SUMMARY	5
PURPOSE	6
BACKGROUND.....	6
OIG COMPLIANCE OVERVIEW.....	7
SCOPE AND POPULATION	7
<i>Reference Material</i>	7
AUDIT STEPS AND FINDINGS	7
CONCLUSION.....	8
APPENDIX	9

EXECUTIVE SUMMARY

On February 1, 2010, the Office of Inspector General (OIG) initiated a review of Task 8.4, which requires all allegations of Class I Manual of Rules (MoR) violations be investigated by Internal Affairs Division (IAD) investigators or assigned as Division-level investigations at the direction of the Chief of Police or his designee. The purpose of this review was to assess the Department's progress towards achieving compliance with its policy and the requirements set forth in the Negotiated Settlement Agreement (NSA).

The audit team reviewed 112 Class I investigations completed between November 1, 2009 and January 31, 2010 to determine if the investigations were assigned to IAD investigators or, if assigned to Division-level investigators, were done so at the direction of the Chief of Police or his designee.

The Department properly assigned 107 (95%) of 112 Class I investigations, exceeding the compliance standard of 90%. This is the second review in which the Department has achieved compliance with Task 8.4.

PURPOSE

On February 1, 2010, in accordance with the Negotiated Settlement Agreement (NSA), the Audit and Inspections Unit of the Office of Inspector General (OIG) initiated its second review of Task 8.4. The purpose of this review was to determine if the Oakland Police Department (OPD) is adhering to its policy and fulfilling the requirements of the NSA.

BACKGROUND

Independent Monitoring Team Audit

The Independent Monitoring Team (IMT) has completed two reviews of Task 8.4 Classification of Citizen Complaints - Chief of Police approval of Class I Division-level investigations.

The first IMT review found that 79% of Class I investigations were properly assigned. The IMT examined 19 Class I investigations in which four (21%) were assigned to Division-level investigators without any indication the assignments were directed by the Chief of Police. The report did not detail how many of the 19 investigations were Division-level investigations or were investigated by IAD. The results were published in the IMT “Fall 2006 IAD Review,” published January 2007.

The second IMT review found the Department in compliance, properly assigning 93% of Class I investigations. The IMT examined 29 Class I investigations in which only two (7%) were assigned to Division-level investigators without any indication this was directed by the Chief of Police. Of the 29 Class I investigations in the IMT dataset¹, 20 investigations were conducted by IAD and nine were assigned as Division-level investigations. The results were published in the IMT’s Task 8 Review, published April 2009.

Office of Inspector General

The first OIG review, published December 22, 2008, found that 87% of Class I investigations were properly assigned. The OIG examined 23 Class I investigations in which three (13%) were assigned to Division-level investigators without any indication the assignments were directed by the Chief of Police. Of the 23 Class I investigations in the OIG dataset², 13 investigations were conducted by IAD and 10 were assigned as Division-level investigations. The results were published in the OIG’s “Review of Tasks 5, 8 and 9 Receiving and Processing Complaints,” published December 22, 2008.

¹ Twenty-seven of the twenty-nine investigations in the IMT dataset were completed in 2007. Two were completed in early 2008.

² Thirteen of the twenty-three investigations in the OIG dataset were completed in 2007. Ten were completed in 2008. The three out of compliance investigations were completed in early to mid 2007 and were the oldest investigations in the dataset.

OIG COMPLIANCE OVERVIEW

Task 8.4

Unless otherwise directed by the Chief of Police, Class I offenses shall be investigated by IAD investigators.

In Compliance

Compliance Requirement: 90%

Review Finding: 95%

SCOPE AND POPULATION

Audit Scope

The scope of the audit was an assessment of OPD internal investigations of complaints against personnel to determine if Class I allegations were being investigated by IAD investigators; or if not, the Chief of Police or his designee directed the Class I allegation be investigated outside of IAD as a Division-level investigation.

Audit Population

The population for this audit consisted of all Class I internal investigations (107), which were closed between November 1, 2009 and January 31, 2010.

Reference Material

Negotiated Settlement Agreement (Revised Dec 2008)

Department General Order M-3, *Receiving and Processing Complaints*

IMT Internal Investigations Review, Fall 2006 (updated January 2007)

IMT Review Task 8, April 2009

OIG Review of Tasks 5, 8 and 9 Processing Complaints December 2008

AUDIT STEPS AND FINDINGS

Task 8.4

Unless otherwise directed by the Chief of Police, Class I offenses shall be investigated by IAD investigators.

Audit Steps

The OIG reviewed Class I investigations to determine whether Class I offenses were investigated by IAD investigators unless otherwise directed by the Chief of Police or the Chief's designee (i.e., Acting Chief, Assistant Chief, or Deputy Chief) to be assigned as a Division-level investigation. A Class I investigation is any case that involves at least one Class I MoR allegation. A case was considered out of compliance with Task 8.4 if there was no written documentation that the Chief of Police or his designee authorized the

investigation of the Class I MoR allegation by someone other than an IAD investigator, at or near the time the investigation was assigned.

Findings

Ninety-five percent (107 of 112) of the Class I investigations met the standard for this task. Five investigations were found out of compliance.

Seventy-seven of the 112 Class I investigations were investigated by IAD investigators. Thirty-five of the 112 Class I investigations were assigned as Division-level investigations. Thirty (86%) of the 35 Division-level investigations contained documentation the Chief of Police or his designee directed the investigation be assigned as a Division-level investigation. The documentation for the 30 investigations that were properly assigned as Division-level investigations was very clear, consisting of either an entry in the Chronological Activity Log or an e-mail containing a summary of the case sent to the Chief of Police or his designee requesting permission. A response was sent with approval and a copy of the e-mail was placed in the file.

CONCLUSION

In the past three reviews of Task 8.4 by the OIG and the IMT, 154 (93%) of the 164 Class I investigations examined met the standard for this task³. Ten investigations were not in compliance. A total of 110 (67%) Class I investigations were completed by IAD investigators and 54 (33%) were completed by Division-level investigators.

The three most recent reviews demonstrate the Department has continued to improve, and has met and maintained the compliance standards of Task 8.4 for more than a year.

³ 2008 OIG Review 20/23 87%, 2009 IMT Review 27/29 (93%), and 2010 OIG Review 107/112 (95%)

APPENDIX

	Date Closed	Case Number	IAD or Division-level Investigation	In Compliance Yes / No
1	30-Jan-10	09-1906	IAD	Y
2	06-Jan-10	09-1985	IAD	Y
3	21-Jan-10	09-2012	IAD	Y
4	02-Jan-10	09-2014	IAD	Y
5	16-Dec-09	09-2018	IAD	Y
6	21-Jan-10	09-2039	IAD	Y
7	02-Jan-10	07-0553	IAD	Y
8	23-Nov-09	08-1337	IAD	Y
9	02-Dec-09	09-0011	IAD	Y
10	02-Dec-09	09-0067	DL	Y
11	07-Nov-09	09-0115	IAD	Y
12	07-Nov-09	09-0619	IAD	Y
13	17-Nov-09	09-0676	IAD	Y
14	04-Nov-09	09-0680	DL	N
15	12-Nov-09	09-0684	DL	Y
16	04-Jan-10	09-0730	DL	Y
17	03-Nov-09	09-0747	IAD	Y
18	04-Nov-09	09-0761	IAD	Y
19	07-Nov-09	09-0773	DL	Y
20	12-Jan-10	09-0856	IAD	Y
21	23-Nov-09	09-0865	DL	Y
22	17-Nov-09	09-0881	DL	Y
23	08-Dec-09	09-0943	IAD	Y
24	02-Dec-09	09-0981	DL	Y
25	04-Nov-09	09-0986	DL	Y
26	02-Dec-09	09-0994	DL	N
27	22-Dec-09	09-1007	DL	Y
28	04-Nov-09	09-1008	DL	Y
29	04-Nov-09	09-1035	DL	Y
30	04-Nov-09	09-1038	DL	Y
31	03-Dec-09	09-1040	IAD	Y
32	02-Dec-09	09-1044	IAD	Y
33	06-Jan-10	09-1062	IAD	Y
34	03-Dec-09	09-1066	IAD	Y
35	01-Dec-09	09-1069	DL	Y
36	01-Dec-09	09-1071	IAD	Y
37	01-Dec-09	09-1077	DL	Y
38	12-Dec-09	09-1111	IAD	Y
39	10-Dec-09	09-1120	IAD	Y
40	17-Nov-09	09-1132	DL	N
41	21-Dec-09	09-1134	IAD	Y
42	23-Nov-09	09-1141	DL	Y

	Date Closed	Case Number	IAD or Division-level Investigation	In Compliance Yes / No
43	12-Jan-10	09-1153	IAD	Y
44	12-Dec-09	09-1156	IAD	Y
45	27-Jan-10	09-1164	DL	Y
46	18-Nov-09	09-1168	IAD	Y
47	10-Dec-09	09-1180	IAD	Y
48	14-Jan-10	09-1183	IAD	Y
49	18-Nov-09	09-1196	IAD	Y
50	12-Nov-09	09-1199	IAD	Y
51	08-Jan-10	09-1206	IAD	Y
52	20-Jan-10	09-1208	IAD	Y
53	07-Dec-09	09-1237	DL	N
54	14-Jan-10	09-1246	IAD	Y
55	23-Nov-09	09-1250	DL	Y
56	08-Dec-09	09-1252	DL	Y
57	17-Dec-09	09-1280	DL	Y
58	09-Jan-10	09-1284	IAD	Y
59	17-Dec-09	09-1286	DL	Y
60	27-Jan-10	09-1291	IAD	Y
61	27-Jan-10	09-1302	DL	Y
62	19-Nov-09	09-1304	IAD	Y
63	20-Nov-09	09-1307	IAD	Y
64	06-Jan-10	09-1308	DL	Y
65	18-Nov-09	09-1309	IAD	Y
66	12-Jan-10	09-1325	IAD	Y
67	06-Jan-10	09-1336	DL	Y
68	12-Dec-09	09-1348	IAD	Y
69	06-Jan-10	09-1360	DL	Y
70	07-Jan-10	09-1378	IAD	Y
71	14-Jan-10	09-1379	DL	Y
72	14-Jan-10	09-1382	IAD	Y
73	04-Nov-09	09-1387	IAD	Y
74	06-Jan-10	09-1388	IAD	Y
75	06-Jan-10	09-1392	IAD	Y
76	09-Jan-10	09-1394	DL	Y
77	20-Jan-10	09-1409	DL	Y
78	18-Nov-09	09-1419	IAD	Y
79	03-Nov-09	09-1424	IAD	Y
80	04-Jan-10	09-1429	IAD	Y
81	12-Nov-09	09-1437	IAD	Y
82	30-Jan-10	09-1456	IAD	Y
83	14-Jan-10	09-1457	DL	Y
84	08-Dec-09	09-1473	DL	Y
85	02-Nov-09	09-1478	IAD	Y
86	18-Nov-09	09-1480	IAD	Y
87	07-Jan-10	09-1489	IAD	Y

	Date Closed	Case Number	IAD or Division-level Investigation	In Compliance Yes / No
88	10-Dec-09	09-1501	IAD	Y
89	27-Jan-10	09-1509	DL	Y
90	18-Nov-09	09-1538	IAD	Y
91	20-Jan-10	09-1574	DL	N
92	17-Dec-09	09-1577	IAD	Y
93	19-Jan-10	09-1581	IAD	Y
94	06-Jan-10	09-1583	IAD	Y
95	14-Jan-10	09-1591	IAD	Y
96	14-Jan-10	09-1598	IAD	Y
97	03-Nov-09	09-1599	IAD	Y
98	21-Jan-10	09-1602	IAD	Y
99	06-Jan-10	09-1623	IAD	Y
100	20-Nov-09	09-1653	IAD	Y
101	25-Jan-10	09-1664	IAD	Y
102	03-Nov-09	09-1726	IAD	Y
103	26-Jan-10	09-1745	IAD	Y
104	17-Dec-09	09-1765	IAD	Y
105	05-Jan-10	09-1775	IAD	Y
106	16-Dec-09	09-1800	IAD	Y
107	11-Dec-09	09-1817	IAD	Y
108	14-Jan-10	09-1845	IAD	Y
109	19-Jan-10	09-1866	IAD	Y
110	27-Jan-10	09-1868	IAD	Y
111	14-Jan-10	09-1869	IAD	Y
112	01-Dec-09	09-1871	IAD	Y