FAILING THE TEST

Oakland's Police Complaint Process in Crisis

A Joint Report of
People United for a Better Oakland (PUEBLO)
and the
American Civil Liberties Union of Northern California (ACLU)

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I. Executive Summary

This report is based on two very simple premises--

1. Oakland police officers should be willing and able, when asked, to provide accurate information about the police department's complaint process.

2. If police officers consistently fail to provide this information to the public--either out of plain ignorance or malicious intent--the complaint system will be neither effective nor credible.

If someone is misled by a police officer about how their complaint can be filled, it is consequently less likely that the complaint will be filled. And, as this report will describe in detail, the people of Oakland are being misled by their own police department about the process for filing complaints.

Long concerned over the on-going accountability crisis in the Oakland Police Department, PUEBLO and the ACLU carefully designed and conducted a test over a nine-day period from November 11 to November 19, 1996. The test was designed to gauge the public's ability to easily obtain basic information about the police complaint process.

Most people have no reason to be experts on the complaint process until they have occasion to use it. Also, most people with a complaint against a police officer would reasonably turn to the police department with their inquiries about the process. Therefore, our test was specifically aimed at those police locations -- Internal Affairs, Eastmont Mall sub-station, the headquarters' front desk, etc. -- where potential complainants might turn for information.

The questions asked were exceedingly simple, but potentially crucial to individuals considering whether or not to file an official allegation of police misconduct. They were questions so simple that every Oakland police officer ought to be able to answer them -- particularly those officers whose assignments specifically require them to handle inquiries from the public.

In other words, it's difficult to imagine a test about the complaint process that could have been easier for these police officers to pass. Yet, in overwhelming numbers, Oakland police officers failed to accurately answer even the most basic three questions about the complaint process.

1. Does a complaint about a police officer have to be filed with the police department?

A staggering 95% failed to mention or acknowledge the existence of the independent Citizens' Police Review Board (CPRB) as an alternative body to receive a complaint in responding to this question.
2. Can a complaint be filed by phone?

    Only 36.8% of the officers correctly answered “yes” per the OPD’s official General Order M-3 governing the complaint process.

3. What is the phone number for the Internal Affairs section?

    Fully 37% of the officers could not or would not even provide this number when asked.

Like the first falling domino in a long line of dominoes stacked in a row, the failure to provide basic information about the complaint system has far-reaching ramifications for the Oakland Police Department and the people of Oakland.

    Neither Internal Affairs nor the civilian review board will be able to investigate officer conduct nor to consider possible policy or training flaws. Thus the ability to hold officers accountable is destroyed. As a result, public confidence in the department suffers and the ability to form community-policing partnerships deteriorates. The wedge driven between the community and the police undermines both public and officer safety. Finally, the taxpayers continue to face mounting liability costs for police misconduct while attempts to address the underlying problems are stymied.

    The ACLU and PUEBLO offer this report in the hope that it finally triggers prompt action to address what we have concluded is now an emergency. As the report details, this study was conducted as a “last resort” after repeated attempts to prompt action on related issues have failed. Mere words are no longer sufficient to address this crisis. Primary action steps to address this emergency must include:

1. The Chief of Police should immediately issue a written directive reminding officers that they must provide accurate information regarding the City of Oakland's complaint process.

2. The City of Oakland should design and implement a comprehensive, multilingual public education campaign designed to publicize the right to pursue complaints of police misconduct through the Internal Affairs and Citizens' Police Review Board processes.

3. The Chief of Police should immediately schedule a public meeting with PUEBLO members to discuss their concerns and the findings and recommendations contained in this report.
II. Introduction: The Need for This Report

For some time, Oakland police and public officials have insisted that the Oakland Police Department can be trusted with the primary responsibility of "policing" itself. Repeatedly, they have asked the people of Oakland to have faith in the Internal Affairs complaint process. This clearly requires the Oakland Police Department to give accurate information about residents' rights to file a complaint and about the process for doing so. For the reasons detailed in this report, People United for a Better Oakland (PUEBLO) and the American Civil Liberties Union of Northern California (ACLU) decided to put these claims to a test.

Recognizing that complaints that are never filed are never investigated, PUEBLO and the ACLU, in a carefully designed and controlled test, set out to determine whether or not Oakland police officers, when asked, could or would provide accurate information about accessing Oakland’s complaint processes.

The results of this study are alarming. The Oakland Police Department's failure to fulfill its own promises has frightening consequences for the people of Oakland.

As this report will document, when approached with simple questions from a member of the public about how one could pursue a complaint of police misconduct, the overwhelming percentage of police officers gave out false information regarding the rights of the public under the laws and policies of Oakland.

Whether or not false information was provided intentionally or because officers were truly ignorant about the most basic aspects of the complaint process, the results are the same - the public is being misled. The public is being denied access to a process which is critical to the necessary accountability between the Police Department and the people of Oakland. It is for this reason that PUEBLO and the ACLU must offer this sobering reminder of the urgency of the problem and the attending consequences for the residents of Oakland if immediate change does not occur.

For more than a year, PUEBLO, the ACLU and other community organizations have been repeatedly emphasizing the need for strong and effective civilian review of all complaints of police misconduct in Oakland. In July 1996, the Oakland City Council, in an attempt to appease the Oakland Police Officers' Association (OPOA), enacted a compromise proposal that slightly strengthens the Review Board but requires most complaints to be submitted first to the police Internal Affairs system.¹ By

¹City of Oakland Ordinance #11905
sealing this deal in a new contract, the Council guaranteed to the OPOA that this arrangement could not be altered for at least two years.²

Therefore, until at least mid-1998, the Oakland Police Department's Internal Affairs system will continue to act as the front-line accountability mechanism for most police misconduct complaints. Under the deal struck with the OPOA, only excessive force and bias complaints can be filed directly with the Review Board. All other complaints must be filed first with Internal Affairs and cannot be pursued though the Review Board until 90 days have passed.³

Less than a week later, after the City Council had, in effect, expressed a "vote of confidence" in favor of the police Internal Affairs process, PUEBLO sent an intern to the Internal Affairs office to determine whether or not he could easily obtain accurate information about the process. The intern openly identified himself and explained the nature of his visit. His report back succinctly summarized the problem--

"The internal affairs office have (sic) no information helping or guiding a complainant. There is no information about how to go about making a complaint either in person or over the phone. There were no fliers, no posters, no paperwork for interested people like myself. I suspect that people with complaints would simply not know what to do or where to go."⁴

Perhaps most disturbing was the inability of the Internal Affairs office to locate any written material describing the complaint process during our intern's visit. California law states that all law enforcement agencies "shall make a written description of the procedure available to the public."⁵ The fact that the Internal Affairs office later found a copy of the complaint system's brochure⁶ and mailed it to our intern did little to alleviate our alarm at his discoveries.

If an intern openly identifying his affiliation with the organization most involved in advocating for greater police accountability could not readily obtain accurate information about the complaint process at Internal Affairs, what might that mean for the average Oakland resident who might approach other officers or a police sub-station with a complaint? The study documented in this report was designed to answer that simple question.

The public's very access to the Citizens' Police Review Board, in most cases, depends on being able to file a complaint first with Internal Affairs.

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³City of Oakland Ordinance #11905, Section 5.A.
⁴ Report of intern John Furstenthal on a visit to Internal Affairs office on August 5, 1996.
⁵ Penal Code Section 832.5(a)
⁶ "How the Oakland Police Department Complaint Process Works," see Attachment D.
Consequently, if a police officer -- through neglect or malice -- in any way deters a complainant from pursuing their allegation, it can undermine the entire oversight mechanism.

For example, if someone is misled into believing their complaint can only be handled by the police department investigating one of its own -- if they are not told that eventually their case can be pursued through an independent civilian review process -- they may never file their complaint. Thus the officer who would have been the subject of the complaint escapes the scrutiny of not only Internal Affairs but the Citizens’ Police Review Board as well.

The failure of officers to provide accurate information about the complaint process is even more ominous in light of the improvements in the civilian review process enacted by the City Council in July. For the first time under the Review Board legislation, officers can be forced to testify in all hearings before the Board. But of course, if a complaint is never filed because inaccurate information is provided by a police officer, there will be no Review Board hearing where an officer can be legally mandated to appear and answer questions from civilians.

Ultimately, the failure to provide reasonable access to the complaint system not only undermines the civilian review mechanism, it undermines police-community relations and contributes to skyrocketing liability costs for police misconduct borne by Oakland taxpayers. In the last four years alone, Oakland taxpayers have had to pay out more than $5.4 million dollars in settlements and awards for misconduct by Oakland police officers. This is an increase of 400% compared with the previous four-year period. It is not possible to effectively address the liability problem if the police department does not encourage citizens to file complaints. Moreover, these complaints cannot be utilized as a basis for detecting "problem officers" and instituting an early-warning system for such aberrant behaviors.

In a similar fashion, the City's long-delayed attempts to fully implement community-policing programs will be doomed by the police department's on-going inattention to accountability issues documented in this report.

Policies have long been in place that make clear officers' obligations towards the public.

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7City of Oakland Ordinance #11905 Section 6.G.2. Previously officers could legally boycott Review Board hearings up to 40% of the time.
"As public servants, we respect the rights of all persons; therefore, your complaint is important to us."

- Official OPD Complaint Brochure

"All members and employees shall courteously receive any complaint that may be lodged against the Department or any personnel"

- OPD General Order

The problem is that too often the actions of Oakland police officers do not match the words of their leaders and the requirements of policy.

In our view, the entire Internal Affairs process is in desperate need of a complete overhaul. The department's 17 year-old Internal Affairs policy is out-dated and inadequate and, as of this writing, it has been "under review" for the last several months. The ACLU has submitted voluminous recommendations as part of this review.

However, the issues addressed in this report should not be affected by the on-going changes in the complaint process. Quite simply, there is never an excuse for a police officer failing to accurately answer the basic questions posed in our test.

People in Oakland do have the right to be told of the existence of an independent civilian review board. They do have a right to know if they can file their complaints by phone. And, it's not too much to expect that, when they ask a police officer, they will get the correct phone number for the Internal Affairs office—all the time.

PUEBLO and the ACLU regret that it has become necessary to conduct this study and to call attention to our findings through this report. We have tried diligently over the last few years to convince public officials to take stronger action to address the accountability crisis within the Oakland Police Department.

Repeated attempts to convince the department to pursue the most basic reforms in its Internal Affairs process in a timely fashion have been unsuccessful. PUEBLO, through a police misconduct hotline (510-452-2010) used by residents to call and report police abuse, received repeated reports that Oakland police officers were allegedly either preventing or making it

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8"How the Oakland Police Department Complaint Process Works," see Attachment D.
9Section I.C.
10In a November 3, 1995 “Management Study” of the OPD, the Police Executive Research Forum also recommended a number of reforms in the Internal Affairs Section.
very difficult for individuals to file official police misconduct complaints. The Chief of Police has, to date, refused to even meet with members of PUEBLO to discuss these complaints or to consider proposals on this issue submitted by the organization more than a year ago. (For a full chronology of PUEBLO's efforts in this area, see Attachment F.)

This report, is offered in the hope that our findings and research will help shake public officials out of their state of denial regarding this problem. With all due respect, at this point "trust us" would be a wholly inadequate response to the findings in this report and the crisis at hand. It is time for action.

At the conclusion of this report, PUEBLO and the ACLU present six specific action steps that we believe must be implemented to address the disturbing findings documented in this report. These recommendations are not being proposed lightly. They involve significant steps that we believe are proportional and appropriate in light of the profound problems uncovered and documented by our organizations.

PUEBLO and the ACLU invite everyone concerned about police accountability in Oakland -- but especially the Oakland Police Department -- to carefully review this report, examine our assumptions, scrutinize the design and methodology of our test, and consider our conclusions in light of the evidence we have obtained. We encourage anyone to contact us with any concerns or questions they may have about the report.

We look forward to learning the City of Oakland's response to our recommendations.

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11PUEBLO is not the only recipient of these disturbing reports. At the November 19, 1996, meeting of the City Council's Public Safety Committee, Council member John Russo claimed that he too had, "...gotten a few reports of the Professional Standards Section (being) not willing to take complaints."
III. Design, Methodology, and Findings of the Study

In early November, 1996, People United for a Better Oakland (PUEBLO) formed a research team consisting of a Research Coordinator, an ACLU attorney, the Lead Organizer of PUEBLO's ongoing police accountability campaign, and four independent researchers. The researchers were chosen based upon their ability to record events in an accurate and detailed manner, as well as upon their representation of the racial and gender diversity of Oakland. All researchers were briefed on Oakland Police Department (OPD) internal complaint procedures, as well as given accurate information regarding the responsibilities of each division and substation involved in the study. Each researcher was informed of the roles that both Internal Affairs and the Citizens' Police Review Board (CPRB) play in the OPD internal complaint process, and were given detailed instruction as to the parameters and methodology of this study.

Parameters

This study sought to assess how accurately and willingly OPD personnel provide the most basic public information regarding internal complaint procedures when called on the telephone or visited at the station. Each researcher was instructed to ask only the most rudimentary questions about the citizen complaint system and the process by which to access it. Without giving information regarding the specific nature of the incident, the researchers were encouraged to represent the average Oakland resident with little or no knowledge of the civilian complaint process. They took detailed notes, and identified quotes indicative of the officers' sentiments regarding the internal complaint process.

Methodology

The selected models used to gain accurate information were telephone calls and visits made by researchers to specific divisions and substations chosen for the one or more of the following three reasons: A) the office of the division was particularly accessible to the public and therefore known to the average resident of Oakland and likely to be approached regarding a citizen complaint; B) the title of the division would reasonably warrant consideration as a good place to call regarding a complaint if a resident were looking through the phone book, and; C) the

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12 PUEBLO and the ACLU of Northern California gratefully acknowledge Reform Delayed -- Five Years After the Christopher Commission, ACLU of Southern California, July 9, 1996, regarding the LAPD Citizen Complaint procedure. The format of the design and methodology of this report were informed by the ACLU-SC report.

13 "How the Oakland Police Department Complaint Process Works," see Attachment D.

14 See “Testing Report Form,” Attachment B.
division has significant interaction with the public. Offices were called during regular business hours and during evening shifts, when appropriate, to test the diversity of knowledge and attitudes within the OPD with regard to the internal complaint process. Between November 11 and November 19, 1996, sixteen telephone calls and five visits were made to the selected divisions and substations.

**Telephone Calls & Station Visits**

Each researcher was investigating under a common scenario of getting information on the complaint process for a male family member or friend. If the contact was with a unit involved in enforcement activities (Vice Division, Gang Division, etc.) the scenario involved a complaint about an officer from the particular division or substation. The questions were purposely kept simple, chosen from the most basic elements of a sixteen-year-old departmental policy. The calls were documented with standardized report forms which were completed by the researcher and reviewed by the Research Coordinator immediately following the encounter.\(^{15}\) The goal was to elicit what the average community resident would receive as information if they were in a similar situation. Calls and visits were kept brief, ranging from twenty seconds to four minutes so as not to unreasonably disrupt the daily routine of the department's employees.

Researchers asked a series of standardized questions all based on specific legal and OPD policy commitments:

**Question 1:** Is there another entity which can handle complaints other than Oakland Police's Internal Affairs?\(^{16}\)

**Correct Answer:** Yes, the Citizens' Police Review Board.

**Source For Answer:** Citizens' Police Review Board Ordinance,\(^{17}\) and -

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\(^{15}\) See, "Instructions to Testers," Attachment A.

\(^{16}\) Researchers were instructed to ask, "If his (friend, brother, father, etc.) complaint is against the police, does he have to file his complaint with the police department?" It was felt this was the most logical way a potential complainant would phrase the concern. This question clearly should have prompted officers to mention the existence of the civilian review process.

\(^{17}\) Ordinance # 11905, revised July 30, 1996. A civilian review process has existed in Oakland pursuant to prior ordinances since 1980.
"The Citizens' Police Review Board is comprised of Oakland citizens who have been appointed by the mayor to review complaints."

- "How the Oakland Police Department Process Works," Official OPD Complaint System Brochure.\(^\text{18}\)

**Question 2:** Can a complaint be filed over the phone?

**Correct Answer:** Yes.

**Source For Answer:** "The Internal Affairs Section shall accept complaints against personnel by mail, **by telephone**, or made in person by complainants."

- --Oakland Police Department General Order M-3, "Complaints Against Departmental Personnel or Procedures."\(^\text{19}\)

**Question 3:** What is the correct phone number for filing a complaint or for obtaining more information?

**Correct Answer:** (510) 238-3161, Internal Affairs Section.\(^\text{20}\)

**Source For Answer:** *How the Oakland Police Department Complaint Process Works*, Official OPD Complaint System Brochure.

**Question 4:** May I get a copy of the complaint form?

**Correct Answer:** Yes.

**Source For Answer:** "Any member of the community may make a complaint with the Oakland Police Department. This can be done in any of the following ways: Telephone the Professional Standards Section at (510) 238-3161, and request to have a complaint form mailed to you....If you

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\(^{18}\)Attached as Attachment D State law (Penal Code Section 832.5) requires all police agencies to make written descriptions of their complaint systems available to the public. This brochure fulfills this legal mandate for the OPD. In a November 3, 1995 "Management Study" of the OPD, the Police Executive Research Forum labeled this "An Excellent Brochure," (page 85.) It is currently under revision to reflect certain changes in the process. Again, however, the CPRB as been part of the complaint process since 1980.

\(^{19}\)Section III.B.1., emphasis added. Again, this 17-year-old order is currently under revision. The right to file complaints via phone has not been (and to our knowledge will not be) rescinded.

\(^{20}\)Also known as Professional Standards Section.
select to complete the Citizen Complaint Form...be sure to include as much specific detail as possible.”

-How the Oakland Police Department Complaint Process Works, Official OPD Complaint System Brochure

Data Summaries

The following are data summaries of all sixteen (16) telephone calls and five (5) personal visits made by the four (4) independent researchers. It is important to note that many of the officers did not respond directly to the questions asked, gave partial answers or plainly stated that they did not know the correct answer. This inability and/or unwillingness to answer simple questions reflects either a clear lack of knowledge or an intentional refusal to provide even the most basic facts regarding complaint procedures.

**Question 1. Is there another entity which can handle complaints other than Oakland Police’s Internal Affairs?** Only one (1) officer or 4.8% of those asked answered correctly that there was another entity to take a complaint and provided the name of the Citizens’ Police Review Board. 95.2% or twenty (20) officers incorrectly answered that there was no other place to file a complaint or refused to answer the question, including an Internal Affairs officer.

**Question 2. Can a complaint be filed over the phone?** Only seven (7) of the officers asked or 36.8% percent answered correctly that complaints can be filed by phone. Six (6) officers or 31.6% specifically stated that complaints cannot be filed by phone and six (6) or 31.6% were unsure or unwilling to respond, including an Internal Affairs officer.

**Question 3. What is the correct phone number for filing a complaint or for obtaining more information?** Twelve (12) of the officers or 63.2% provided the correct information, giving the name and phone number of Professional Standards Section/Internal Affairs. 36.8% or seven (7) officers did not provide the researcher with the name and/or phone number.

**Question 4: May I get a copy of the complaint form?** Two Internal Affairs officers were asked for copies of the complaint form. Contrary to the OPD Complaint Brochure, both denied such a form existed.

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21 Other complaint filing options omitted. See Complaint Form attached as Attachment E
22 For two contacts, researchers did not ask the specific question, and therefore for the sake of accuracy, those contacts were left out of the statistical analysis.
23 This question was only relevant to the one visit made to Internal Affairs and the phone call (where it was asked if a form could be sent). Though Internal Affairs is apparently the only location, according to present policy, where complaint forms are mandated to be available (to be picked up, filled out there or sent through the mail) it is worth noting that
IV. Narrative Accounts

Throughout the research process, researchers maintained thorough and detailed notes regarding each of their encounters. Though quantitative analysis gives us beneficial hard data regarding the responsiveness of the officers, narrative accounts can also be illuminating.

Certain policy obligations cannot be subjected to quantitative review. For example, perhaps the cornerstone of the OPD's official complaint policy is the simple reminder--

"All members and employees shall courteously receive any complaint that may be lodged against the department or any personnel."

Significantly, a number of our researchers reported that, after having made their questions clear, they were ignored, laughed at, or disconnected.

Researchers were also instructed that to ask officers for a brief description of the complaint process. Only one officer provided any significant detail beyond the barest description that the process involved "speaking with Internal Affairs." The following partial reports provide a sample of officers' replies to this inquiry.

**Internal Affairs Section - business hours call - 11/13/96**

The officer said there was no form to fill out and that complainant must come in to the station to file a complaint. Officer then asked how old the "cousin" was and when told that he was eighteen (18) suggested that this researcher not come with him because the officers prefer to talk to "suspects" alone. (The OPD's official complaint brochure states, "If you wish, you may bring a family member, friend or other representative with you when the complaint is filed.") When asked if a form could be sent to her "cousin" through the mail, the officer responded no, there was no form. When asked about alternative filing locations, the officer stated she "didn't have all day to talk on the phone," repeated that the complainant must come down to the office and hung up the phone.

**Patrol Division - business hours call - 11/11/96**

The officer said there was no complaint form that the complainant could fill out and said to bring her "brother" to the station to talk to an officer or go to the "eighth floor." When asked what the eighth floor was, the officer simply repeated "the eighth floor of the police station." When

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many of the researchers asked other divisions if they could get a form or if one could be mailed to them and were uniformly told there was no such form.

24OPD General Order M-3.
asked about another place to file a complaint, the officer asked the researcher to hold and disconnected the line.

**Vice Unit - business hours call - 11/14/96**

The officer said there was no complaint form, but told the researcher to take the complaint to Professional Standards and they would "handle it." He could not furnish a phone number, but told the researcher to go to the eighth floor. He stated there was no other alternative place to file. When asked about sending a form through the mail or complaining over the phone, the officer said, "If you're so sure an officer was wrong, he shouldn't be worried about talking in person, right?" The officer then hung up.

**Gang Unit - business hours call - 11/14/96**

When the researcher explained the situation and asked about complaint procedure, the officer responded that "Internal Affairs is the procedure." When she asked what Internal Affairs was the officer told her that most people just come down to the office and deal with a supervisor. The researcher then asked if a complaint could be filed by phone and the officer asked why the complainant didn't want to come into the office. When she told him it was because he was nervous, the officer laughed. The researcher then asked if she could come pick up a form and the officer told her that she wasn't listening and restated that he must come in or get a lawyer and talk to Internal Affairs. "But I think he's better off in here," the officer told the researcher.

**Eastmont Mall Substation - business hours call - 11/13/96**

The officer informed the researcher that if the complaint was about the conduct of an officer, his friend should just call his supervisor. "Just like Taco Bell or any place, you complain to the supervisor about employee conduct."

**Headquarters/Front Desk - evening hours visit - 11/18/96**

"A woman officer was at the desk...I explained...that my brother wanted to file a complaint against an officer and I wanted to know what he had to do. She asked me what happened and I told her I didn't know and I really just wanted to pick up a form and find out the process...She told me, 'If he really had a problem don't you think he would come in himself?' I shrugged and asked again for a form...she said, 'Oh, I don't know about those. You should call Professional Standards.' I asked for the number which she didn't have...When I asked if my brother could file over the phone, she said she wasn't sure and when I asked if there was another place he could file she said, 'I've never really been in trouble here, so I don't know how it works.'"
"There was a woman police officer at the front desk. She said, 'Can I help you?' I responded that my father had an incident with a police officer a couple of days ago and wanted to file a complaint...Police officer said, 'They had a problem with a police officer?' I said, 'Yes,' she said 'Is the person male or female?' I said I did not know the specifics of the incident. The officer said, 'No, I mean the person wanting to file the complaint?' I said, it was my father again. She then said, 'He can contact the supervisor of the specific officer or call Internal Affairs'. I asked her, Could he file somewhere else?' She said, 'No.' I said, 'OK,' and asked if there was a form I could take to him. She said, 'No.'"
V. Recommendations

The test documented in this report was not conducted in a vacuum. It was conducted during a time of peak public interest in police accountability issues in Oakland. 1996 has produced more public hearings, meetings, negotiations, and press coverage locally over this issue than during any other year in the previous two decades. The attention over the issue has produced repeated commitments from Oakland's police and other public officials that concerns over accountability were being adequately addressed.

In short, if there was ever a time period during which it would be reasonable for the people of Oakland to expect that their police officers would be willing and able to provide accurate answers to simple questions about the police department's complaint process, now is the time. That is why in the wake of all of the attention to this issue over the last year, the results of this test are all the more shocking. There are only two plausible explanations for this:

1. The officers were simply ignorant about how their obligations under department policies governing the complaint system; and/or,

2. The officers knew the correct answers to the questions that were asked but intentionally provided inaccurate information with the goal of obstructing the process.

Either explanation is inexcusable.

Regardless of the reasons for the results of this test, the need for an immediate and effective response is obvious. Consequently, PUEBLO and the ACLU call on the City of Oakland to take following steps in response to our findings.

1. The Chief of Police should immediately issue a written directive reminding officers that they must provide accurate information regarding the City of Oakland's complaint process.

Officers who fail to provide this information must be subject to disciplinary action. Officers must confirm that complaints may be filed by phone. Officers must not falsely claim that potential complainants must talk to the accused officer's supervisor before they will be permitted to file a complaint. Most importantly, they must be familiar enough with the independent civilian review process to inform members of the public that all excessive force and bias allegations may be filed directly with the Citizens' Police Review Board and that all other complaints may be filed with the Board 90 days after they are lodged at Internal Affairs.

When confronted with a similar study performed by the ACLU of Southern California earlier this year, Los Angeles' Chief of Police, Willie L.
Williams, responded immediately -- within hours -- by issuing a directive insisting that accurate information about the LAPD's complaint process be provided to the public. The people of Oakland should expect no less from their Chief of Police.

2. **The City of Oakland should design and implement a comprehensive, multilingual public education campaign designed to publicize the right to pursue complaints of police misconduct through the Internal Affairs and Citizens' Police Review Board processes.**

If police officers are unable or refuse to inform the public about how they can exercise their right to pursue complaints, the City of Oakland must ensure that the public can readily obtain accurate information about the process from other sources. Updated brochures in English, Spanish, Cantonese and Vietnamese (at least), on the Internal Affairs and Review Board processes must be produced in large quantities and placed in readily accessible locations throughout the City. All government offices accessible to the public should be asked to display these brochures along with other neighborhood and community centers. Complaint forms as well as these brochures should be available at police headquarters and all substations. "Public Service Announcements" describing the complaint process should be broadcast regularly on the City of Oakland's television station, KTOP, and offered for broadcast on local radio and television outlets. An advertising campaign consisting of billboards and bus placards should be launched as well.

3. **All Oakland police officers should be issued business cards showing their name, badge number and rank. The reverse side of these cards should provide the telephone numbers for Internal Affairs and the Review Board. All officers should be required to issue these cards upon request.**

Oakland police officers must realize they are accountable to all the people of Oakland all the time. Department policy already requires officers to identify themselves upon request. These cards will make complying with this obligation much easier for all concerned. By showing that valid complaints are welcome, these cards can also boost both the effectiveness of the complaint system and public confidence in the department as well. The OPD should also ensure that its non-undercover officers are always readily identifiable to members of the public. For example, OPD jackets should be printed with the name and badge number of the wearer clearly visible from a distance.

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25"LAPD Reform Falls Short, Study Says, "Los Angeles Times, July 10, 1996, see Attachment H. (Reform Delayed -- Five Years After the Christopher Commission, ACLU of Southern California, July 9, 1996, Recommendation #2, pg. 11.)

26"Professional Conduct and Responsibilities -- Conduct Toward Others", §314.06, Oakland Police Department Manual of Rules.
4. The Chief of Police should no longer use a "reduction in citizens complaints" as a management objective in evaluating the performance of captains and other supervisors.

Earlier this year, Chief Samuels announced that he would begin meeting on a monthly basis with his captains and deputy chiefs. According to the Oakland Tribune, "Samuels said areas of accountability emphasized will include crime control and crime prevention, cost containment, and just as important, 'reduction in citizens complaints and improved community relations'." The goal should be improved police conduct -- not a reduction in complaints filed. As this report should make obvious, a reduction in complaint-filed is not necessarily a reliable indicator of improved police behavior.

Articulating a "reduction in complaints" as a performance goal increases the chances that officers and supervisors will make filing a complaint more difficult in order to achieve that goal. Complaint trends should be closely monitored but police administrators must be careful to avoid creating any incentives that might make it more difficult for the public to exercise their right to file complaints.

5. The Chief of Police should immediately schedule a public meeting with PUEBLO members to discuss their concerns and the findings and recommendations contained in this report. Subsequent to this meeting, the Chief should regularly meet with PUEBLO on an agreed-upon schedule to discuss the department's progress (or lack thereof) in addressing accountability issues.

For the last three years, PUEBLO has painstakingly researched the accountability problem in Oakland. PUEBLO's membership has volunteered countless hours in an effort to better understand the problem, to document its ramifications, and to craft well-thought out recommendations for improvement. Yet, the Chief of Police refuses to meet with PUEBLO's membership to discuss their concerns (see Attachment F for a chronology.)

It is simply unfathomable for the leader of a police agency that claims to be attempting to implement a philosophy of "community policing" to refuse meet with the leading community group raising concerns about accountability issues. Effective "community policing" must include a willingness to discuss community concerns. "Community policing" must include at least an openness to discuss criticism of the police department and attempt to work out solutions.

The Chief's continued unwillingness to schedule a meeting with PUEBLO members sends a dangerous message to his police officers about

what "community policing" means in Oakland. This message must be changed.

6. **The City Council should enact legislation requiring that all settlements and awards resulting from misconduct of Oakland police officers should be paid out of the Oakland Police Department's budget rather than out of the City's General Fund.**

   It has become increasingly clear that the Oakland Police Department has not taken seriously enough its obligation to manage the taxpayers' risk of liability from misconduct by its police officers. The results of this test are another sign that apparently some police officials do not "care" about the fiscal consequences of failing to hold officers accountable unless they feel the fiscal "pain." It would seem probable that by laying budgetary responsibility for police misconduct at its source, more responsible accountability practices will result.
Acknowledgments

This report is a joint project of the Campaign for Community Safety and Police Accountability of People United for a Better Oakland (PUEBLO) and the Police Practices Project of the American Civil Liberties Union of Northern California. Principal contributors include Daniel HoSang, Sarah Xochitl Bervera, Rashidah Grinage, Malkia Cyril, Trina Olivo-Porter, Zak Sinclair, and John Crew.

People United for a Better Oakland (PUEBLO), a direct-action community-based organization with 600 member families, has organized Oakland residents around police accountability issues for three years and operates a police misconduct hotline.

The American Civil Liberties Union of Northern California (ACLU) is the local affiliate of the nationwide civic liberties and civil rights organization. The ACLU's Police Practices Project uses public policy reform and public education strategies to combat persistent problems of police abuse. For the last 11 years, the Project has specialized in law enforcement accountability mechanisms.
Attachments

A. Instructions to Testers
B. Testing form
C. Table of All Calls and Visits
E. Official Oakland Police Department Internal Affairs Complaint Form.
F. Chronology of Events
G. Correspondence from PUEBLO to Police Chief Joseph Samuels.
Oakland Police Department Complaint Procedures

We are conducting a series of "tests" to see how readily the Oakland Police Department provides basic public information about filing a complaint with Internal Affairs or with the Citizens' Police Review Board to the average inquiring citizen. Our intent is not to trick or trap the officers, but to see how informed the officers and departments are regarding their own complaint procedures and whether or not they comply with laws and regulations regarding them.

Testers: Five men and women of roughly the same age who will use the PUEBLO office as a base and thoroughly report back after each contact. They will ask about PROCEDURES for a "friend" or "family member," who has had an incident with the police and is wondering about the complaint process. They will give no details about the incident and strictly ask about procedure.

Calls: 1 call to Internal Affairs
1 call to Vice Unit
1 call to Gang Unit
1 call to Personnel
1 call to Chinatown Substation
1 call to Community Services
3 calls to Patrol Division
3 calls to Eastmont Mall Substation
3 calls to the non-emergency police number
1 call to the Neighborhood Service Coordinator

Visits: 1 visit to internal affairs
1 visit to Chinatown Substation
2 visits to Headquarters Front Desk and Lobby
2 visits to Eastmont Mall Substation

Questions asked: 1. Can my friend file his complaint by phone? If so what number should he call?
(Correct answer: yes - 238-3161)
2. How does the complaint process work?
3. Since his complaint is against the police, does he have to file his complaint with the police department?
(Correct answer: no, for some cases he may contact the CPRB)
If they refer to CPRB, ask for phone # and how the CPRB process works.
Testers

You are requesting information about the complaint procedure for your brother who had a conflict with the police. You have no information about the incident and just want to know about the process. You MUST stick to the 3 basic questions - resist the temptation to repeat any question that was not answered unless you actually think the officer did not understand or hear you. The goal is not to illicit the "right" answer, it is to see what the "average" person would receive as information if they were in this position - will OPD be able and/or willing to provide answers to a once asked question. AS SOON as you are done with the call/visit return to the PUEBLO office and write down as thoroughly and as accurately as possible everything that was said (and not said). Note anything that happened in the office while you were there, and bring back any papers, brochures that you are given. Note if the first officer you approached (or the one that answered the phone) can answer your questions or if s/he refers you to someone else. If you are referred to someone else and are asked to wait for that person, only stay what you would consider a reasonable amount of time (how long the average person would wait before getting frustrated and leaving or hanging up). When calling, take specific notes, ideally with quotes. When calling or appearing in person, note if the officer identifies his/herself and/or his/her rank - note this in your report. During ALL VISITS, ask for a complaint form. When calling Internal Affairs, ask if complaint forms can be sent through the mail - phrase this question in such a way as to not get stuck in a position where you will be asked for an address (i.e. "If he wanted one, can you send the forms through the mail?"). When visiting Internal Affairs, look for and note any display, sign or readily available forms or brochures about complaint process or CPRB. Note similar materials for commendations and compliments.

Sample Script

"Hi, I was calling (I came in) because my brother had a problem with one of your officers last week and he asked me to find out some information. Can he call on the phone to make a complaint? IF SO, what phone number should he call? (write it down!) So, how does the complaint process work, anyway? (Take notes!) Since his complaint is against the police does he have to file it with the police - is that the only place? If they mention CPRB here or before, How does the CPRB work? Can I have that phone number? If visiting, do you have a copy of a complaint form I can take with me? If calling IA, if he wanted, would you send him a complaint form in the mail?"

Remember to give no details about the "incident" just say you don't know anything about it, if they wont give you the information without the details, report that back.
ATTACHMENT B: Testing Report From

PUEBLO
Oakland Police Department
Testing Report Form

To be completed immediately after call/visit

Tester Name

Date and time of call/visit

Office name and number dialed/address visited

Officer name and title if given

How long did call/visit last?

Write a detailed description of the entire visit/conversation including everything you and the officer(s) said and did. Use quotes wherever you can with certainty. Be as specific as possible. Use back of page if you need more room.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
ATTACHMENT B: Testing Report From

According to the officer you spoke with:

Can my brother file his complaint via phone? Yes  No  No answer

If yes, what is the number? ________________________________

How does the complaint process work?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Since his complaint is against the police does he have to file it with the police?  Yes  No  No answer

If no, where?

________________________________________________________________________
If CPRB, how does that process work? ________________________________

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

What is that phone number? ________________________________

The above information is true and accurate to the best of my knowledge.

________________________________________________________________________
signature date

Please attach any and all materials picked up at the office/station including complaint brochures and forms in all languages, any information regarding the CPRB and all commendation/compliment forms.
<table>
<thead>
<tr>
<th></th>
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Key to Questions for Data Table

Q.1. Was the Citizens’ Police Review Board mentioned?
Q.2. Was the caller/visitor told that they can file a complaint over the telephone?
Q.3. Was the caller/visitor given the correct phone number to Internal Affairs?
Q.4. Was the caller/visitor provided with a complaint form to fill out?
THE INVESTIGATION

Your complaint will be assigned to a trained investigator who will interview the witnesses and collect evidence. The investigator will then complete a detailed report of the investigation that will be personally reviewed by a Deputy Chief of Police. In cases where disciplinary action is appropriate, the supervisor of the involved employee will provide the Chief of Police with a recommendation for discipline. Members and employees of the police department who act inappropriately may receive counselling, training, be reprimanded, suspended, fined, demoted, or terminated, based on the seriousness of the matter. In all cases, the Chief of Police has final authority over the imposition of discipline.

YOUR RIGHTS AFTER THE INVESTIGATION

After the investigation is completed and evaluated and approved by the Chief of Police, you will be notified in writing of the finding and, if appropriate, whether discipline was imposed. If you have any questions regarding the finding you may call (510) 238-3160. If you are dissatisfied with the results of the investigation, you may appeal the finding to the Citizen's Police Review Board. The Citizen's Police Review Board (CPRB) is comprised of Oakland citizens who have been appointed by the mayor to review complaints. You may contact the CPRB by telephoning (510) 238-3159 for more information regarding their procedures.

WHAT DOES THE LAW SAY?

Section 148.6 of the California Penal Code states that you have the right to make a complaint against a police officer for any improper police conduct. California law requires this agency to have a procedure to investigate citizen's complaints. You have a right to a written description of this procedure. This agency may find after investigation that there is not enough evidence to warrant action on your complaint; even if that is the case, you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. Citizen complaints must be retained by this agency for at least five years.

It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing that it is false, you can be prosecuted on a misdemeanor charge.

Translation services are available upon request.

Servicios de traducción disponible con solicitation.

Assistance for the hearing impaired is also available.
WHAT WILL HAPPEN

Your complaint will be heard or reviewed by a trained intake officer or supervisor. If the complaint cannot be resolved to your satisfaction it will be given to a trained investigator who will interview witnesses and examine any available evidence. Copies of all police reports and related documents will also be obtained.

The investigator will make a detailed report of his/her findings and this report is personally reviewed by the Chief of Police. The Chief will make the final decision regarding any disciplinary or training action to be taken. Police Department employees may be reprimanded, suspended, or terminated if they act improperly.

Persons making a complaint to the Police Department will receive a report telling of the final disposition of the case. Appeals of Police Department findings may be received by the Citizens Complaint Board.

THE OAKLAND POLICE DEPARTMENT'S CITIZEN COMPLAINT PROCEDURE HELPS YOU, THE COMMUNITY, AND THE POLICE.

The Internal Affairs Section is responsible for investigating any complaint concerning the way the Police Department does its job.

Internal Affairs investigations accomplish the following:

PROTECT YOUR RIGHTS You have a right to expect fair and impartial law enforcement. Therefore, any police misconduct must be reported and corrected as quickly as possible.

PROTECT THE POLICE DEPARTMENT People often judge the quality of their Police Department by the performance of the officers they meet. The organization as a whole should not suffer for the misconduct of a single employee. Likewise, officers who perform their duties properly should be protected from unjust accusations.

CORRECT PROCEDURAL PROBLEMS The Oakland Police Department is always seeking ways to do a better job for the community. Citizen complaints sometimes reveal a policy or procedure that needs to be changed. Without citizen participation, the problems may go undetected.

WHAT DOES THE LAW SAY?

California law requires every police department to have a means for investigating citizen complaints, and to give a written description of the procedure that is available. (Penal Code Section 832.5)

Internal investigation records are confidential and may not be revealed during any civil or criminal proceeding except by court order. (Penal Code Section 832.7)

TRANSLATION SERVICES AVAILABLE UPON REQUEST

Servicios de traducción disponibles con solicitud.

Translation service for the deaf also available.
Attachment E: Official Oakland Police Department Internal Affairs Complaint Form.

**COMPLAINT INVESTIGATION REPORT**

**OAKLAND POLICE DEPARTMENT**

<table>
<thead>
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<table>
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**SUMMARY OF COMPLAINT**

**TENTATIVE IDENTIFICATION OF INVOLVED PERSONNEL**

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**CASE FILED: RESOLVED TO APPARENT SATISFACTION OF COMPLAINANT**

CASE FILED FOR REASONS NOTED BELOW

CASE ASSIGNED FOR DIVISION LEVEL INVESTIGATION

CASE ASSIGNED TO IA INVESTIGATOR

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**INVESTIGATOR'S RECOMMENDED FINDINGS**

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**REVIEW**

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**ACTION TAKEN:**

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This is not the first attempt by PUEBLO, the ACLU and others to
convince the Oakland Police Department to address problems in its internal
affairs system. This chronology briefly summarizes some of the efforts on
this issue over the last 15 months.

On September 19, 1995, three dozen PUEBLO members and
supporters filled Chief Samuels' office to demand that he address concerns
that the Internal Affairs process was failing to adequately investigate and
discipline abusive officers. The Chief refused to meet with the group.

On November 3, 1995, the Police Executive Research Forum (PERF)
presented the City of Oakland with a comprehensive, 257 page
"Management Study" of the Oakland Police Department. Among PERF's
findings were the conclusions that --

Especially when there is community concern about the
accountability of police officers, the responsibility for this
function must be given the highest priority...

The department must take additional steps to convey the
fairness and objectivity of the internal investigation process to
the citizens of Oakland...(T)here is considerable distrust among
certain segments in the community with regard to the
department's efforts to hold officers accountable for their
actions.¹

Less than three weeks later, in a meeting with the Chief of Police,
three PUEBLO members presented a list of five proposals to make the
Internal Affairs process more responsive to Oakland residents.² The Chief
promised a response within one month. A month later, he requested an
extension of one month so he could more fully consider PUEBLO's
requests.³

More than eight months later in August 1996, having still received no
response, PUEBLO wrote the Chief again requesting that he meet with its
members to fulfill his prior commitment and to discuss the proposals.⁴ The
Chief replied by declining to meet with PUEBLO and by amazingly claiming
that he felt the earlier changes in the Citizens Police Review Board made
responding to PUEBLO's proposals on the Internal Affairs process
unnecessary. He promised to send PUEBLO a copy of changes in the
Internal Affairs procedures after they were completed.⁵

¹ PERF report, pg. 86-87, Recommendations #1 and #11, emphasis added.
² November 21, 1995, PUEBLO letter to Chief Samuels, hand delivered, attached.
³ December 20, 1995, letter from Chief Samuels to PUEBLO.
⁴ August 8, 1996, letter from PUEBLO to Chief Samuels.
⁵ August 14, 1996, letter from Chief Samuels to PUEBLO.
In reply, PUEBLO suggested to the Chief that community input regarding revisions to the Internal Affairs process should be considered before those revisions were complete. PUEBLO again asked for a meeting and suggested the Chief simply pick a date agreeable to him. More than three months later, PUEBLO has still received no response to this final letter.

In a November 19, 1996, written report to the City Council's Public Safety Committee, the Chief claimed that the department had "completed" implementation of the 1995 PERF recommendation calling for the Internal Affairs office to be organizationally re-located to the Office of the Chief and "be given the highest priority." The report revealed that of ten other recommendations related to the "high priority" Internal Affairs operations, only two had been implemented a full year after the release of the PERF study. Per the request of the ACLU, the Public Safety Committee directed the department to report back during its January 7, 1997 meeting on its failure to implement five of the "key" Internal Affairs recommendations in the PERF report.

---

6 August 27, 1996, PUEBLO letter to Chief Samuels.
7 November 19, 1996, OPD summary of PERF recommendations, page 3.
8 Public Safety Committee meeting of December 3, 1996, see also November 21, 1996, ACLU letter to Public Safety Committee.
November 21, 1995

Chief Joseph Samuels
Oakland Police Department
455 7th Street
Oakland, CA 94607

Dear Chief Samuels:

In the interests of improving community-police relations, and after months of discussions with Oakland residents who have filed complaints with the Professional Standards section (PSS), People United for a Better Oakland (PUEBLO), proposes the following:

1. The recent Police Executive Research Forum (PERF) report stated that "the community's lack of trust in [the treatment of complainants] will be a major obstacle to effective community policing. Citizens are unlikely to participate in relationship building with officers who are perceived as not being held accountable for their actions."

We are confused as to why you would not allow police oversight to be discussed by the community policing task force.

   a. Will you provide a verbal and written statement to our organization explaining why police oversight or police accountability is not a part of the formal discussions and planning about community policing, and why you said it should not be discussed by the community policing task force?

2. Many of our members complain that when they try to file a complaint with the PSS, the intake officers often refuse to accept their complaints.

Will you agree to post a multi-lingual sign in the internal affairs office which states:

   a. Professional Standards officers must receive and record the statement of any person who wishes to file a complaint with this office.
   b. All complaints will be responded to within forty-five (45) days unless the case is unusually complex, when a longer investigation may be required.

3. The PERF report also says that the police department doesn't do a good enough job of letting people know that a fair oversight process exists.
a. Will you create a plan that provides for multi-lingual publicity of the internal affairs process?

b. Will you place brochures and other materials in libraries, recreation centers, health clinics, and other locations in the community?

4. Will you give us the police department's report for the last five years (1989 to 1994) which tells us:

   a. The total number of complaints filed with the PSS
   b. The types of complaints filed
   c. The number of complaints sustained by the department
   d. Any other summary information the police department tracks regarding complaints filed.

5. We have members who literally wait years for the results of investigation into their complaints. Others get no response at all.

   a. Will you agree to notify any complainant within forty-five (45) days about the disposition of their complaint, even if the investigation is not complete?
   b. Will you add to your list of yearly summary statistics the mean and median amount of time investigations took to complete?

6. Many of our members find following-up on their complaints to be difficult and confusing.

   a. Will you create an intake form which has a pull-off complaint number attached to it which the complainant can refer to when following up?

Our organization has waited to meet with you for two months regarding these matters. We expect to have your written response by December 21, 1995.

Thank you for your time. We look forward to hearing from you soon.

Sincerely,

Joyce Taylor
Phat Thai
Gwen Hardy
August 8, 1996

Chief Joseph Samuels
Oakland Police Department
455 7th Street
Oakland, CA 94607

Dear Chief Samuels:

At a meeting on November 21, 1995, our organization presented you with a set of proposals, contained in a letter, in an effort to address significant gaps in the effectiveness and procedures of the Professional Standards Section. In your letter of December 15, 1995, you promised us a response by January 10, 1996. To this date, we have received no response from your office.

It is unfortunate that the experiences of many of our members who have waited inordinate lengths of time for a response from you regarding their complaints (ie. Ms. Grinage's 30 month-old case) has been repeated in your interaction with PUEBLO. It is clear that you do not understand or value the critical importance of honoring your promises and communicating in a timely fashion: two critical factors in establishing trust and mutual respect.

Given the length of time we have waited for a response, the moderate nature of our proposals, and the central role of Professional Standards within the new CPRB process, we expect you to meet with us immediately about our concerns.

We would like to meet with you on Wednesday, September 4 at 7 pm at our administrative office at 1218 East 21st Street in Oakland. Please respond to us in writing no later than Wednesday August 14, 1996 to confirm your attendance.

Sincerely,

Joyce Taylor
PUEBLO
August 27, 1996

Chief Joseph Samuels
Oakland Police Department
455 7th Street
Oakland, CA 94607

Dear Chief Samuels:

We received your letter dated August 14, 1996 in which you declined to meet with us on September 4 but did not suggest an alternate date that would fit your schedule. In your letter, you explained that you had felt it was unnecessary to honor your commitment to respond to us by January 10, 1996 because the City has been "making changes in the Citizen's Police Review Board and developing...a budget...which further institutionalizes community policing in Oakland." Yet the requests we made to you in November, 1995 (such as providing complainants with a tear off number to reference their complaint) deal exclusively with desperately needed changes in Internal Affairs, and have nothing to do with pending reforms in community policing or the CPRB.

In addition, you state that you are "revising the Department General Order...and it would have been premature to respond to our proposals before this process is complete." As a proponent of community policing, we would expect you to invite community input before these revisions are complete. Otherwise, the much touted community-police partnership you seek to establish will continue to be nominal, and real decision-making will continue to be unilateral.

Finally, it has been almost one year now since dozens of PUEBLO members visited your office demanding an open community meeting to discuss Internal Affairs policies and procedures. Since you meet regularly with other groups of Oakland residents to discuss public safety problems, we are frustrated by your refusal to meet with our organization.

We invite you again to meet with us on September 17 at 7 PM at our administrative office at 1218 East 21st Street in Oakland. If you cannot meet on that evening, please provide us an alternate weekday evening between September 30 and October 11, when you will meet with us.

Please respond to us in writing no later than Wednesday September 4, 1996 to confirm your attendance, or to provide an alternate date on which to meet. We are attempting to be as flexible as possible in finding a time meet with you; we hope you will take advantage of this opportunity.

Sincerely,

Joyce Taylor & members of PUEBLO

cc. Mayor Elihu Harris
LAPD Reform Falls Short, Study Says

Police: Leaders of community groups charge that department has failed to meet Christopher Commission mandate. They zero in on citizen complaint process.

By Jim Newton Times Staff Writer

Five years to the day after the Christopher Commission permanently altered the landscape of Los Angeles law enforcement, leaders of a broad-based community coalition said Tuesday that the LAPD has fallen far short of its reform mandate, failing to deliver on promises made in the early 1990s and managing its civilian complaint process.

"Five years is long enough," said Anthony Thigpen, a leader of the recently formed Communities United for Police Reform. "We're out of patience."

Thigpen and other representatives of nearly a dozen Los Angeles organizations gathered in front of police headquarters Tuesday morning to express disappointment with the Police Department. And they released a study concluding that a key aspect of the department's complaint process remains woefully inadequate five years after the police beating of Rodney G. King and the reform movement that sparked.

According to the ACLU report, some officers responded to questions from the ACLU interns by saying that complaints could not be made over the phone—even though LAPD policy specifically states that they can. Others, the study said, indicated that a person's immigration status or gang affiliation might influence the handling of a complaint, suggesting that might dissuade potential complainants from pressing the issue.

Only six of the LAPD's 20 police stations displayed complaint forms in their lobbies, and only one of those was fully stocked, the ACLU report said.

Moreover, it said, even among stations that had complaint forms available—sometimes underneath a counter or otherwise out of public view—disturbing patterns emerged. In the Devonshire Division, a heavily white area, complaint forms were only available in Spanish, Korean, and Cantonese; in the Southeast Division, a majority Latino area, the forms were offered only in English.

Only four of the city's police stations had forms available in all four languages, the report concluded.

Mike Parachini, a spokesman for the ACLU, called the complaint system "a major area of disappointment and one that's needed reform immediately."

Leaders of various groups pointed to area after area of disappointment and sounded a common theme: Reform is taking too long at the LAPD, and residents are growing impatient.

"In five years," he said, "the LAPD has advanced probably from a grade of F to a grade of D-minus."

In fact, the results reported by the reform groups Tuesday mirror earlier studies, including one conducted by the Los Angeles Police Commission in 1994. Auditing the department's complaint process that year, commission staffers reported that many stations did not have forms readily available and did not have them in all four languages.

Art Mattos, acting president of the Police Commission, said he was disturbed by the ACLU findings: "I find it extremely troublesome that some of the problems we pointed out in December 1994 are still there," Mattos said, adding that he intends to bring the ACLU report to the attention of his commission colleagues. "We plan on addressing it."

Katherine Mader, the Police Commission's new inspector general, said she intends to examine the LAPD's complaint process and push for improvements.
The problems with the department's complaint intake system represent the latest criticism of its commitment to reform, and they raise questions about the LAPD's assertions that it has made significant progress in improving the behavior of its officers. LAPD officials often cite the decline in civilian complaints as evidence that the department has improved its relations with various communities in Los Angeles, but leaders of some civil rights organizations say they are receiving just as many complaints as ever.

Those officials suggest that the Police Department makes it too difficult to report misconduct that residents are reluctant to pursue complaints. If so, the decline in complaints could reflect fear and frustration with the department -- not satisfaction with its officers.

"If you do everything you can to discourage people from complaining, it's no surprise that you have very few complaints," Parachoni said.

Although the A.C.L.U. report was the highlight of the community organizations' news conference, leaders of various groups pointed to areas of disappointment and sounded a common theme: Reform is taking too long at the LAPD, and residents are growing impatient.

According to the representatives who spoke Tuesday, hiring and retention of women and minorities remains far too low, treatment of minority citizens remains far too cavalier and community involvement in police affairs remains far too shallow.

Constance Rice, the western regional counsel for the NAACP Legal Defense and Educational Fund, said widespread bias against minorities and women has hampered diversity efforts at the LAPD. And though the department is more diverse than it was in 1991, when the Christopher Commission examined it, Rice said recent figures show that the LAPD has scaled back its hiring of African Americans.

At the same time, she added, female officers are being driven out of the Police Academy and the department "at an extraordinary rate."

Other speakers, including former Portland, Ore., Police Chief Penney Harrington, echoed those concerns about the LAPD's diversity efforts, particularly with respect to women.

The wide community disappointment with the LAPD's reform efforts calls attention to a growing problem for Williams, who came to Los Angeles from Philadelphia as a champion of police reform. Many of the activists who attended the press conference Tuesday hailed Williams' appointment in 1992, but they are far more tepid in their assessment of him five years later.

Georgia Hayes, executive director of the Los Angeles chapter of the Southern Christian Leadership Conference, called it "foolish and naive" not to understand the degree to which city politics have hampered reform efforts. But she defended the Police Department's performance as "ultimately the responsibility of Willie Williams."

Similarly, Parachoni said the department's entire chain of command had failed to tackle the problems in handling citizen complaints.

"The buck stops in the chief's office," Parachoni added.

City Councilman Mark Ridley-Thomas did not attend Tuesday's news conference, but he too has raised questions about the pace of police reform. In an interview, he said he believes part of the problem has been the shifting from Mayor Tom Bradley, who championed reform to Mayor Richard Riordan, who stresses department expansion.

"This is not the reformist administration," said Ridley-Thomas, an influential council member and frequent critic of the mayor. "This is the expansionist administration."

For the reform backers who gathered Tuesday, the issue is not so much Williams or Riordan as it is the need for speedier progress on the array of issues facing the LAPD. No matter who heads the department or who champions reform, they say, the process needs to move more quickly if the LAPD is ever to achieve genuine partnership with the communities it is pledged to protect and serve.

"Five years is too long," said Joe Harke, executive director of the Multi-Cultural Collaborative. "The time is now."