File ID Number	13-0229
Introduction Date	2-13-2013
Enactment Number	—
Enactment Date	—

Memo

To	Board of Education
From	James Williams, Police Chief
Board Meeting Date	February 13, 2013
Subject	**Chief of Police Annual Report to the Board Under the District Police Department Complaints Process and Complaints Reports Policy**

Action Requested

Receipt and Discussion of the First Annual Report to the Board Under the District Police Department Complaints Process and Complaints Reports Policy

Background

In June 2012, the Board approved the Complaints Process and Complaints Reports Policy. The policy came about as the result of a collaborative effort by the Chief of Police, the General Counsel, the Black Organizing Project and Public Counsel. The parties met over a period of months to develop the complaint process. The report being submitted to the Board is the first annual report required by the 2012 approved policy.

Discussion

The Complaints Process and Complaints Reports Policy is Chapter 11 in the Police Policy Manual and was approved by the Board in June 2012. The annual report being submitted to the Board is required under the procedures.

Recommendation

Acceptance by the Board of the Annual Report Under the District Police Department Complaints Process and Complaints Reports Policy

Fiscal Impact

No direct funding implications

Attachments

- Chief of Police Annual Report to the Board of Education Under the District Police Department Complaints Process and Complaints Reports Policy

Oakland School Police Department

Memorandum

Legislative File No. 13-0229
Certified as presented to BOE 2/13/13.

Edgar Rakestraw, Jr., Secretary
Board of Education

TO: Board of Education
FROM: Chief James Williams, OPSD
DATE: 29 Jan 2013
RE: Summary of 2012 Internal Affairs Complaints

During calendar year 2012 the Police Department conducted four (4) Internal Affairs Investigations. The Department initiated two of the investigations, one was initiated by a former employee, and one by a citizen. The following is a brief summary of the Internal Affairs Complaints investigated in the 2012 calendar year:

1. **OSPD IAD # 12-001**

Complainant:

OSPD
Fremont HS Student

Subject:

School Security Officer ("SSO")

Background:

On February 9, 2012, at about 1115 hrs, a SSO was on duty inside the Fremont High School campus. At that time he encountered two students. One who was currently on suspension. According to the other student, the SSO was attempting to escort the suspended student to the main office. The SSO apparently placed a wrist "twist lock" on the second student's hands without provocation. The SSO also apparently pushed the second student against a locker. The student then used his fist to strike the SSO in his face in an effort to free him from the wrist lock. The altercation was subsequently broken up by other SSOs and the parties were separated. The student filed a police report alleging a battery by the SSO. Photographic evidence depicting a minor bruise on the student's shoulders was placed into evidence. The SSO denied striking the student or using force. A surveillance video depicting the incident counter to the SSO's statement was recovered as evidence. No charges were filed in the criminal complaint by the Alameda County District Attorney's Office.

An internal investigation was conduct by the department and the School Security Officer was found **SUSTAINED** for violating Board Policy 4218 (– Incompetence, Disgraceful

conduct, Carelessness, Abusive conduct, and Willful failure of good conduct tending to injure the lawful interests of the District.)

2. OSPD IAD # 12-002

Complainant:

OSPD
Castlemont HS Student

Subject:

School Security Officer ("SSO")

Background:

On November 16, 2012 at about 1305 hrs, a SSO was on duty at the Castlemont High School campus. At that time the SSO approached a student regarding his use of a skateboard on school grounds. The SSO asked the student to give him the skateboard. The student refused to do so. The student picked up the skateboard, and began to walk away from the SSO. A subsequent "tug of war" involving both parties erupted over control of the skateboard. An additional SSO arrived and they gained possession of the skateboard from the student. The student then allegedly "charged" and attempted to strike the SSO. The SSO responded by grabbing ahold of the student's arms. At that time both parties fell to the ground. When the student fell, he suffered an injury. The student continued to fight and throw punches while on the ground directing his anger towards the SSOs. Other SSOs responded and broke up the melee. Video surveillance depicting this incident was recovered as evidence. The video showed the SSO lifting the student up and slamming him to the ground.

An internal investigation was conduct by the department and the SSO was found **SUSTAINED** for violating Board Policy 4218 (– Incompetence, Disgraceful conduct, Carelessness, Abusive conduct, and Willful failure of good conduct tending to injure the lawful interests of the District.)

3. **OSPD IAD # 12-003**

Complainant:

Former OSPD Officer

Subject(s):

Four OSPD Officers

Background:

On May 29, 2012, a former OSPD Police Officer submitted an official "Level 1" complaint to the District Ombudsperson Gabriel Valenzuela. In the written complaint, the officer alleged that he was employed under "Hostile Work Environment" conditions while in training under Field Training Officers at OSPD. The officer alleged that his failures in training and his subsequent resignation from OSPD were due to internal issues. The Officer alleged that one of his Field Training Officers threatened him and treated him unfairly. The Officer also alleged that another Field Training Officer received a food gratuity from a local business. He alleged that a third Field Training Officer fell asleep on duty. The Officer alleged that there were incomplete evaluation forms in his training binder. The Officer further alleged that he was not trained properly.

An outside investigator was contracted to conduct the investigation. The outside investigators report concluded that there was not a hostile work environment, nor was the former officer threatened or treated discourteously. He did find two of the Officers **SUSTAINED** for accepting a gratuity and sleeping during duty hours. There were also issues discovered with the process of completing the evaluation forms during the Field Training process. This process has since been corrected.

4. **OSPD IAD # 12-004**

Complainant:

OSPD
Adult Complainant

Subject:

Former OSPD Officer

Background:

In June 2012, the Oakland Police Department informed OSPD that a female complainant had made a telephonic report alleging that a former OSPD officer sexually assaulted her. The attacked allegedly occurred during non-duty hours and in a neighboring city (i.e., not in Oakland). OSPD contacted the neighboring city's police department to inform them of the allegation. OSPD also started its own internal investigation by contracting an outside investigator to conduct the investigation. The complainant was not willing to cooperate any further with the outside agency's police department or the IA investigation into this matter. This matter is still pending.

Conclusion

Four complaints during the entire year is relatively low percentage based upon the large volume of contacts the Police Officer and School Security Officers have with students, staff, and the community. This demonstrates the professionalism and dedication that the men and women of the Oakland Unified Police Department exemplify on a daily basis.