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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14

15 DELPHINE ALLEN, et al., ) **MASTER FILE: No. C-00-4599-TEH**  
16 )  
16 Plaintiffs, ) **CITY OF OAKLAND’S MARCH 2012**  
17 ) **QUARTERLY REPORT IN COMPLIANCE**  
17 vs. ) **WITH THE COURT’S ORDER DATED**  
18 ) **OCTOBER 8, 2010 RE: INVESTIGATION**  
18 CITY OF OAKLAND, et al., ) **OF CERTAIN RETALIATION CLAIMS**  
19 )  
20 Defendants. )  
21 )  
22 )  
23 )

24  
25 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

26 The CITY OF OAKLAND files the attached Exhibit A, which is a redacted Memorandum  
27 prepared by Captain Paul Figueroa, Internal Affairs Division, Oakland Police Dept., reporting to the  
28 Court on the status and progress of actions taken regarding certain retaliation claims dated March 31,



**EXHIBIT A**

**CITY OF OAKLAND'S MARCH 2012  
QUARTERLY PROGRESS REPORT AND  
ACTIONS TAKEN REGARDING RETALIATION  
CASES PREPARED BY  
CAPTAIN OF POLICE PAUL FIGUEROA  
IN RESPONSE TO THE COURT'S ORDER DATED  
OCTOBER 8, 2010 RE: INVESTIGATION OF  
CLAIMS OF RETALIATION**

**TWO PAGES**

**THE ORIGINAL MEMORANDUM CONTAINING  
NAMES AND OTHER CONFIDENTIAL  
INFORMATION IS BEING EFILED UNDER SEAL  
AS PRIVILEGED AND CONFIDENTIAL**

CITY OF OAKLAND

Memorandum

**TO:** Police Performance Solutions  
**FROM:** Oakland Police Department  
**DATE:** 31 Mar 12

**RE:** Quarterly Progress Report and Actions Taken Regarding Retaliation Cases

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***Introduction:***

This report informs the Court of the status of current Oakland Police Department investigations of allegations of retaliation for the period 1 Jan 12 through 31 Mar 12. This report covers six (6) cases.

**11-0709:** The complainant is an OPD Police Evidence Technician and union steward. His proximity card which allowed him access to the Police Administration Building was deactivated. Complainant attended a status conference in court in the Allen/NSA case and he subsequently alleged that an unknown OPD member/employee deactivated his card in retaliation for him attending the court hearing.

**Action Taken:** The investigation has been completed and no retaliation was found. The complainant's proximity card was one of a large number of access cards deactivated to increase the security of the Police Administration Building. On 13 Jan 12, Chief Jordan approved an Unfounded finding.

**11-0909:** The complainant is an OPD employee. The complainant made her complaint to IAD in person. She alleged that a co-worker retaliated against her by making false complaints about her to a manager. The complainant believes the co-worker has retaliated against her because the complainant had previously given a statement to IAD on another complaint, which was in support for another employee's IAD complaint.

**Action Taken:** The case is currently being investigated by an Internal Affairs investigator. The investigator completed the first draft investigative report and it has been reviewed by the IAD Investigations Section Commander. An additional witness officer interview needs to be conducted in order to complete the investigation. The identified witness officer is currently off work on an approved leave. Due to the officer's unavailability for an interview, the case was tolled effective 24 Feb 12.

**11-1031:** The complainant filed a complaint against an OPD member in 2010, and the complainant alleges the OPD member subsequently retaliated against her by ordering officers to

respond to a call and placing the complainant on an emergency psychiatric detention/hold to strengthen the OPD members defense in the complainant's December 2010 Internal Affairs complaint.

**Action Taken:** The investigation has been completed. The complainant was placed on an emergency psychiatric detention/hold by officers due to statements the complainant made about taking an overdose of insulin, and it was determined the officers' actions were not at the direction of an OPD member in retaliation against the complainant. The OPD member had no involvement or knowledge of the psychiatric detention for the complainant. On 16 Mar 12, Chief Jordan approved an Unfounded finding.

**11-1098:** The complainant alleged that an officer arrested him in retaliation for him previously making a complaint against the officer. The officer arrested the complainant four days after the complainant filed a complaint against the officer; the complainant was arrested for Loitering in a Public Place for Illegal Drug Activity and a Probation Violation. The complainant believes the officer was aware of the previous complaint he filed against him and that the officer's action (arrest) was retaliatory.

**Action Taken:** The case has been assigned to an Internal Affairs investigator and is currently being investigated.

**11-1270:** The complainant is an OPD employee. The complainant, through her Union Representative, alleged that a supervisor retaliated against the complainant because the complainant filed a work grievance against the supervisor. On a date after the grievance was filed, the supervisor initiated an "Administrative Investigation" against the complainant for truthfulness related to a work matter. The complainant and her union representative believe the supervisor's administrative investigation was retaliatory.

**Action Taken:** The case has been assigned to an Internal Affairs investigator and is currently being investigated.

**12-0201:** Complainant, an OPD member, made a sexual harassment complaint against another OPD member which has been investigated and closed by Internal Affairs. The complainant alleges retaliation by an assigned IAD investigator for the filing of the sexual harassment complaint against an OPD member. The complainant alleged the IAD investigator subjected them to an adversarial interview, did not allow for a person of support to be present during the interview, and ordered the complainant to answer questions in the interview under the threat of insubordination.

**Action Taken:** The case has been assigned to a Deputy Chief of Police and is currently being investigated.

Paul Figueroa  
Captain of Police  
Internal Affairs Division