



## DEPARTMENTAL GENERAL ORDER

### **D-20: EQUAL EMPLOYMENT OPPORTUNITY, ANTI-DISCRIMINATION, AND NON-HARRASSMENT POLICY**

Effective Date: DD MMM YY

Coordinator: Office of Chief of Police

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#### **COMMAND INTENT**

The purpose of this General Order is: (1) to outline the Oakland Police Department's Policy, standards, requirements, complaint procedures and disciplinary guidelines regarding inappropriate and/or unprofessional conduct that could potentially rise to the level of discrimination and/or harassment; and (2) to set out complaint and investigation procedures for all members and job applicants who believe they have been subjected to inappropriate workplace conduct based on their protected status.

#### **A. POLICY AND APPLICABILITY**

##### **A - 1. Unlawful Discrimination, Harassment, or Other Inappropriate Conduct Based on Protected Status**

The Oakland Police Department (Department) is committed to equal employment opportunity and to ensuring that all members have a work environment free of conduct that could be considered discriminatory or harassing. The Department strictly prohibits any form of unlawful employment discrimination, harassment, and/or other inappropriate conduct based on protected status. Protected statuses include: race, color, ancestry, national origin (including immigration status, cultural or linguistic characteristics), religion, creed (including religious dress and grooming practices), age (over 40), disability (including both mental and physical), sex (including pregnancy or medical conditions related to pregnancy, childbirth or breastfeeding), sexual orientation, gender identity, gender expression, medical condition (including cancer and genetic characteristics), genetic information (including family medical history), marital status, military and veteran status, and other characteristic protected by law. The Department will not tolerate any harassing or discriminatory conduct on these bases, nor retaliation for opposing illegal discrimination or harassment related to one of these categories.

Additionally, the Department will not tolerate any inappropriate conduct that affects tangible job benefits, that unreasonably interferes with any individual's work performance, or that creates an intimidating, hostile, or offensive working environment. The Department does not allow anyone, including any Chief, Command Officer, director, manager, supervisor, co-worker, vendor, elected official, or commissioner, to unlawfully harass or discriminate against Department members or applicants for employment. Harassment and discrimination are also prohibited against any person providing services to or working with the Department pursuant to a contract. The Department will work with the City to take prompt and effective remedial action within its power upon discovery of such conduct.

**A - 2. Prohibition of Discrimination or Harassment Based on Membership or Association with a Protected Group**

The Department prohibits discrimination and/or harassment based on a perception that a person has any of the characteristics described in A-1, or that the person is associated with a person who has, or is perceived to have, any of the listed characteristics. Harassment and/or discrimination based on these characteristics (whether actual, perceived or by association) is prohibited.

**A - 3. Prohibition on Retaliation**

The Department prohibits retaliation against anyone who has expressed a good faith concern about unlawful discrimination or harassment or who has filed a complaint or participated in an investigation of any such complaint. The Department will not tolerate retaliatory conduct on these bases.

**B. POLICY APPLICABILITY**

**B - 1. Who the Policy Covers**

This Policy applies to all full-time Department members (both sworn and professional staff), part-time employees, temporary employees, and job applicants. The Policy also applies to any person providing services to or working with the Department pursuant to a contract. For the purpose of this Policy only, the term “members” also includes unpaid interns and volunteers including explorers and annuitants.

**B - 2. Where the Policy Applies**

This Policy applies to all Department and City locations, as well as to all employer-sponsored activities, such as training, social, or other events. This Policy also applies to non-City locations (including locations where no employer-sponsored activity is taking place) and off-duty conduct if a reasonable connection or impact to the workplace can be shown. For example, a Department member sending a racist email from home to another Department member violates this Policy. Such conduct does not fall outside of the Policy just because both members were not on-duty.

**B - 3. What the Policy Covers**

The Policy covers all terms and conditions of employment, including but not limited to: recruitment, hiring, promotion, termination, discipline, layoff, recall, transfer, leaves of absence, position / classification, training, compensation and benefits.

The Policy covers communications sent on personal devices. For example, a Department member sending harassing text messages to another Department member violates the Policy even if the messages were sent and received on personal devices.

This Policy prohibits not only unlawful harassment, but also any conduct

that is unprofessional, disrespectful or inappropriate based on a protected status or characteristic, whether or not it rises to the level of legally prohibited harassment and whether or not the conduct is directed to a person in a protected category. **For example**, making racist statements to a group of members who are not members of that race still violates the Policy. It is the Department's goal to prevent the occurrence of harassing activity and to stop harassing conduct when it occurs and before it becomes a violation of law. This Policy therefore prohibits activities based on protected status that are inappropriate whether or not they are sufficiently severe, persistent, or pervasive to constitute unlawful harassment.

Additionally, the Department wishes to note that inappropriate behavior is workplace harassment only when it is based on membership in a protected category (e.g., race, sex/gender, etc.). For example, even though members may be offended when a supervisor, commander, or manager yells at them, yelling itself is not workplace harassment unless the yelling can be linked to a protected status (e.g., yelling racist names, only yelling at women, etc.). While such behavior may not violate this Policy, as it is not based on a protected characteristic, it is the responsibility of all Department members to behave in a professional and respectful manner pursuant to the Department's Manual of Rules.

This Policy will be interpreted in a manner that is consistent with federal and state laws regarding harassment, such as Title VII of the Civil Rights Act of 1964, California's Fair Employment and Housing Act, and the Americans with Disabilities Act. A determination as to whether a violation of this Policy has occurred will be evaluated on a case by case basis with consideration for the context and circumstances of the alleged conduct.

## DEFINITIONS AND APPLICATIONS

### C. HARASSING CONDUCT

#### C - 1. Definition

Prohibited behavior may include, but is not limited to: verbal, visual, physical, or any other type of conduct that denigrates, demeans, or shows hostility or aversion towards a member because of their membership in a protected group. Prohibited behavior also includes conduct directed towards a protected class. For example, saying, "That's gay," is prohibited behavior under the Policy, even if the phrase is not directed to a member of a protected class.

#### C - 2. Examples:

**Physical conduct:** Unwanted touching, gesturing, leering, prolonged staring, assault, violence, impeding or blocking movement, or any physical

interference with normal work or movement, as well as defacement of a person's property.

**Verbal conduct:** Epithets, slurs, derogatory or demeaning comments, even if not directed at a specific person or persons, innuendos, jokes or ridicule, hostile or more severe treatment based on a person's protected characteristic or status, threats of violence, or comments indicating stereotyping.

**Visual conduct:** Obscene, derogatory or demeaning posters, photos, text messages, cartoons, e-mail, screen savers, social media postings, or drawings.

**Audio Conduct:** Playing music with sexually degrading, racially or ethnically offensive or derogatory lyrics, for example, songs that include graphic references to certain parts of human anatomy or descriptions of various types of sexual conduct. Songs that involve hostile or abusive slang terms for members of certain genders, races or religions, including the "N-word" or "B-word."

Playing radio talk shows or other forms of media that have similar offensive or degrading content is also prohibited.

**Other conduct:** Hostility, harsh or less favorable treatment, or selection of assignments based on a person's protected status.

Making harassing telephone calls to a coworker, or sending harassing correspondence to any individual based on a person's protected status, by any means, including but not limited to: public or private mail, interoffice mail, facsimile, email, intranet or internet websites, social media, direct-messaging applications, or text messaging.

Posting, sharing, or uploading or downloading harassing, discriminatory, retaliatory, or other protected status-based content in any form, by any means, including but not limited to: public or private mail, interoffice mail, facsimile, email, intranet or internet websites, social media, direct messaging applications, or text messaging.

## **D. SEXUAL AND GENDER-BASED DISCRIMINATION OR HARASSMENT**

### **D - 1. Definition and Examples**

The Department incorporates in this Policy the Equal Employment Opportunity Commission's definitions of "sexual harassment" as they have been interpreted and supplemented by federal and state case law:

**Prohibited Conduct:** Unwelcome sexual advances, or visual, verbal, physical or other conduct of a sexual or gender-based nature, or which

creates an intimidating, hostile or offensive work environment, or which substantially interferes with any individual's work performance based on gender.

**Quid Pro Quo Harassment:** Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature that is made a term or condition of any individual's employment.

**Unlawful Sexual Favoritism:** A member in a work group who is not involved in a sexual relationship with a supervisor is denied employment opportunities by a supervisor who grants greater opportunities to a member who is involved in a sexual relationship with that supervisor.

**Examples:** Prohibited conduct based on sex or gender includes, but is not limited to:

1. Any display of sexually explicit pictures, greeting cards, articles, books, images, photos, art, cartoons, e-mails, text messages, calendars, screen savers, social media postings or other similar material;
2. Comments or displays of greeting cards, articles, books, images, photos, art, cartoons, emails, text messages, calendars, screen saver, social media postings or other similar material reflecting gender-based stereotypes;
3. Harsh or less favorable treatment based on gender;
4. Off-color language or jokes of a sexual nature. These jokes need not be directed to a member of a protected class. For example, making a sexually charged joke regarding women when no women are present is prohibited behavior pursuant to this Policy;
5. Sexual flirtation, touching or leering;
6. Sexually suggestive comments, propositions or advances;
7. Intrusive questions regarding another person's intimate relationships, dating, or sex life;
8. Slurs and other verbal, graphic or physical conduct relating to any individual's gender;
9. Sexually suggestive physical conduct such as pelvic thrusts, lip licking, kissing or sucking noises, groping one's own body, and other such gestures;
10. Making harassing telephone calls to a coworker, or sending harassing correspondence to any individual by any means including, but not limited to, public or private mail, interoffice mail, facsimile, email, through social media websites, direct-messaging websites or applications or text messaging based on sex or gender;

11. Posting, sending, uploading or downloading harassing or discriminatory content based on sex or gender, in any form, via public or private mail, facsimile, interoffice mail, email, intranet or internet websites, social media, direct messaging applications, or text messaging.

## **E. RACE, NATIONAL ORIGIN, COLOR, AND ANCESTRY DISCRIMINATION OR HARASSMENT**

### **E - 1. Definition and Examples**

**Prohibited Conduct:** Harassment based on race, ethnicity, color, national origin, or ancestry includes, but is not limited to: threats, physical conduct, pranks, vandalism, jokes, slurs, ridicule, verbal, graphic, or written materials, or hostility or less favorable treatment directed at a member because of their actual or perceived race, color, ancestry or national origin.

**Examples:** Inappropriate conduct based on race, color, ethnicity, ancestry or national origin includes, but is not limited to:

1. Assault, impeding or blocking movement, or any physical interference with normal work or movement because of race, color, national origin, ancestry, or ethnicity;
2. Defacement of a person's property, derogatory or demeaning posters, cartoons, emails, text messages, screen savers, drawings or other similar materials depicting racial or ethnic stereotypes;
3. Derogatory or demeaning racial or national origin-based comments even if not directed at a specific person or persons, including stereotyping or mimicry based on race, color, ancestry, immigration status or national origin;
4. Jokes or ridicule directed to a specific person or persons about their race, color, national origin or ethnicity, including demeaning comments or stereotyping concerning ancestry, ethnic food or customs, attire, appearance or other ethnic, tribal affiliation, cultural or linguistic characteristics, or national origin-based characteristics;
5. Racial or national origin-based epithets or slurs, or threats of deportation;
6. Threats of, or actual, violence based on race, color, national origin, ethnicity or immigration status.
7. Making harassing telephone calls to a coworker, or sending harassing correspondence to any individual by any means including, but not limited to, public or private mail, on social media accounts, direct-messaging websites and/or forums, interoffice mail, facsimile, email or text messaging because of race, color, national origin or ethnicity;
8. Posting, sending, uploading or downloading discriminatory or harassing content based on race, color, national origin or ethnicity, in any form, via

public or private mail, facsimile, interoffice mail, email, intranet or internet websites, social media, direct messaging applications, or text messaging.

9. Harassing or discriminatory treatment based on hair texture and protective hairstyles. Protective hairstyles include, but are not limited to, afros, braids, locks, and twists.

## **F. PHYSICAL AND/OR MENTAL DISABILITY DISCRIMINATION AND DISABILITY-BASED HARASSMENT**

### **F - 1. Definition and Examples**

The Department incorporates into this Policy the definition of disability found in state and federal laws. The Department prohibits disability-based discrimination and harassment.

**Prohibited Conduct:** Verbal, physical, visual or other harassing conduct described above, or more severe or less favorable treatment based on disability. Additional examples include, but are not limited to: comments, expressions of resentment, jokes, slurs, visual displays, behavior that derides the abilities of any individual with a disability or portrays any individual with a disability as someone to be disdained or feared, mimicry or attempts to imitate any individual's disability, comments or other conduct evidencing stereotyping of individuals with disabilities.

**Examples:** Inappropriate conduct or harassment based on disability-based discrimination includes, but is not limited to: derogatory or demeaning comments, epithets or slurs, mimicry or gestures, visual displays, comments or conduct evidencing stereotyping based on disability, comments implying a lack of ability because of a disability, comments that denigrate or disparage on the basis of disability, contempt, condemnation, laughter, hostility or disgust at a person's disability or perceived disability.

Inappropriate conduct or harassment also includes making harassing telephone calls to a coworker, or sending harassing correspondence to any individual by any means including, but not limited to, public or private mail, on social media accounts, direct-messaging websites and/or forums, interoffice mail, facsimile, email or text messaging because of physical or mental disability or posting, sending, uploading or downloading discriminatory or harassing content based on physical or mental disability, in any form, via public or private mail, facsimile, interoffice mail, email, intranet or internet websites, social media, direct messaging applications, or text messaging.

Members who are qualified individuals with disabilities protected by the

California Fair Employment and Housing Act and/or the Americans with Disabilities Act are entitled to reasonable accommodation for their disabilities. For information regarding the City's Interactive Process "IAP" and requests for Reasonable Accommodation under the ADA/FEHA, see Administrative Instruction 139, *Procedures for Complying with Employment Aspects of the ADA/FEHA*.

The complaint procedure for persons reporting allegations of discrimination/harassment based on disability are the same as that for reporting other forms of prohibited discrimination/harassment.

## **G. DISCRIMINATION AND/OR HARASSMENT BASED ON SEXUAL ORIENTATION**

### **G - 1. Definitions and Examples**

**Prohibited Conduct:** Verbal, physical, visual or other harassing conduct described above, including but not limited to: threats, assaults, pranks, vandalism, jokes, slurs; verbal, graphic, or written materials; hostility or less favorable treatment directed at a member because of their sexual orientation or perceived sexual orientation.

**Examples:** Inappropriate conduct or harassment based on sexual orientation includes, but is not limited to: derogatory or demeaning comments, epithets or slurs, mimicry or gestures, visual displays, comments or conduct evidencing stereotyping based on sexual orientation, comments implying a lack of masculinity or femininity or stereotypically appropriate male or female behavior, comments that denigrate or disparage on the basis of sexual orientation, contempt, condemnation, hostility or disgust at a person's sexual orientation or openness regarding sexual orientation.

Inappropriate conduct or harassment also includes making harassing telephone calls to a coworker, or sending harassing correspondence to any individual by any means including, but not limited to, public or private mail, on social media accounts, direct-messaging websites and/or forums, interoffice mail, facsimile, email or text messaging because of sexual orientation or posting, sending, uploading or downloading discriminatory or harassing content based on sexual orientation, in any form, via public or private mail, facsimile, interoffice mail, email, intranet or internet websites, social media, direct messaging applications, or text messaging.

## **H. DISCRIMINATION AND/OR HARASSMENT BASED ON GENDER IDENTITY OR EXPRESSION**

### **H - 1. Definition and Examples**

**Prohibited Conduct:** Verbal, physical, visual or other harassing conduct

described above, including but not limited to: threats, assaults, pranks, vandalism, jokes, slurs; verbal, graphic or written materials; hostility or less favorable treatment directed at a member because of their transgender status or actual or perceived gender identity.

**Examples:** Inappropriate conduct or harassment based on transgender status or actual or perceived gender identity includes, but is not limited to: derogatory or demeaning comments; epithets or slurs; mimicry or gestures; intentionally using names or pronouns a person does not identify with; comments, visual displays, or conduct evidencing stereotyping based on a person's transgender status or actual or perceived gender identity; comments implying a lack of masculinity or femininity or of stereotypically appropriate male or female behavior or dress; comments that denigrate or disparage on the basis of transgender status or actual or perceived gender identity; contempt, condemnation, hostility or disgust at a person's transgender status or actual or perceived gender identity or openness regarding transgender status or gender identity.

Inappropriate conduct or harassment also includes making harassing telephone calls to a coworker, or sending harassing correspondence to any individual by any means including, but not limited to, public or private mail, on social media accounts, direct-messaging websites and/or forums, interoffice mail, facsimile, email or text messaging because of gender identity or expression or posting, sending, uploading or downloading discriminatory or harassing content based on gender identity or expression, in any form, via public or private mail, facsimile, interoffice mail, email, intranet or internet websites, social media, direct messaging applications, or text messaging.

Pursuant to state law, individuals who identify as transgender have the right to use a restroom or locker room that corresponds with the individual's gender identity, regardless of the individual's assigned sex at birth.

## I. DISCRIMINATION AND/OR HARASSMENT BASED ON RELIGION

### I - 1. Definition and Examples

**Prohibited Conduct:** Verbal, physical, visual or other harassing conduct described above, including but not limited to: threats, assaults, pranks, vandalism, jokes, slurs; verbal, graphic or written materials; hostility or less favorable treatment directed at a member because of their religious beliefs or practices, or lack of religion or religious beliefs.

**Examples:** Inappropriate conduct or harassment based on religion includes, but is not limited to: derogatory or demeaning comments; epithets, slurs or gestures; comments, visual displays, or conduct implying the superiority of one religion over another; hostility or less favorable treatment based on a

member's religion or religious beliefs or lack thereof; stereotyping based on religion, religious practices, religious beliefs, or lack thereof; unwanted invitations to participate in religious activities or practices.

Inappropriate conduct or harassment also includes making harassing telephone calls to a coworker, or sending harassing correspondence to any individual by any means including, but not limited to, public or private mail, on social media accounts, direct-messaging websites and/or forums, interoffice mail, facsimile, email or text messaging because of religion or posting, sending, uploading or downloading discriminatory or harassing content based on religion, in any form, via public or private mail, facsimile, interoffice mail, email, intranet or internet websites, social media, direct messaging applications, or text messaging.

Members have a right to reasonable accommodation of religious observance, practice and belief that does not constitute an undue burden on the Department.

## **J. DISCRIMINATION AND/OR HARASSMENT BASED ON AGE**

### **J - 1. Definitions and Examples**

**Prohibited Conduct:** Verbal, physical, visual or other harassing conduct described above, including but not limited to: threats, assaults, pranks, vandalism, jokes, slurs; verbal, graphic or written materials; hostility or less favorable treatment directed at a member because of their being at least 40 years of age or older.

**Examples:** Inappropriate conduct or harassment based on age includes, but is not limited to: derogatory or demeaning comments, epithets, slurs, jokes, ridicule or gestures; comments, visual displays, treatment or conduct implying inferiority or inability based on age; hostility or less favorable treatment based on any individual's age; and stereotyping based on age.

Inappropriate conduct or harassment also includes making harassing telephone calls to a coworker, or sending harassing correspondence to any individual by any means including, but not limited to, public or private mail, on social media accounts, direct-messaging websites and/or forums, interoffice mail, facsimile, email or text messaging because of age over 40 or posting, sending, uploading or downloading discriminatory or harassing content based on age over 40, in any form, via public or private mail, facsimile, interoffice mail, email, intranet or internet websites, social media, direct messaging applications, or text messaging.

## **K. DISCRIMINATION AND/OR HARASSMENT BASED ON MEDICAL CONDITION**

#### K - 1. Definition and Examples

**Prohibited Conduct:** Verbal, physical, visual or other harassing conduct described above, including but not limited to: threats, assaults, pranks, vandalism, jokes, slurs; or verbal, graphic or written materials directed at a member because of their medical condition. Discrimination and/or harassment based on medical condition includes, but is not limited to, harassment because of a health impairment related to or associated with a medical condition such as cancer, HIV/AIDS, or gender dysphoria.

**Examples:** Inappropriate conduct or harassment based on medical condition includes, but is not limited to, derogatory or demeaning comments, epithets, slurs, jokes, ridicule or gestures; comments, visual displays, treatment or conduct implying inferiority or inability based on medical condition; hostility or less favorable treatment based on any individual's medical condition, stereotyping and negative comments about any individual taking job-protected medical leave.

Inappropriate conduct or harassment also includes making harassing telephone calls to a coworker, or sending harassing correspondence to any individual by any means including, but not limited to, public or private mail, on social media accounts, direct-messaging websites and/or forums, interoffice mail, facsimile, email or text messaging because of medical conditions or posting, sending, uploading or downloading discriminatory or harassing content based on medical conditions, in any form, via public or private mail, facsimile, interoffice mail, email, intranet or internet websites, social media, direct messaging applications, or text messaging.

Disclosing medical-related information outside a need-to-know basis, or gossiping about a member's medical condition is also prohibited.

#### L. DISCRIMINATION AND/OR HARASSMENT BASED ON MARITAL STATUS OR PREGNANCY

##### L - 1. Definition and Examples

**Prohibited Conduct:** Verbal, physical, visual or other harassing conduct described above, including but not limited to: threats, assaults, pranks, vandalism, jokes, slurs; or verbal, graphic or written materials directed at any individual or individuals because of their marital status and/or pregnancy.

**Examples:** Inappropriate conduct or harassment based on marital status and/or pregnancy includes, but is not limited to: derogatory or demeaning comments, epithets, slurs, jokes, ridicule or gestures; comments, treatment or conduct related to any individual's marital status, pregnancy, childbirth or medical conditions and/or use of medical leave related to pregnancy or childbirth; or unfavorable treatment on such bases.

Inappropriate conduct or harassment also includes making harassing telephone calls to a coworker, or sending harassing correspondence to any individual by any means including, but not limited to, public or private mail, on social media accounts, direct-messaging websites and/or forums, interoffice mail, facsimile, email or text messaging because of marital status or pregnancy or posting, sending, uploading or downloading discriminatory or harassing content based on marital status or pregnancy, in any form, via public or private mail, facsimile, interoffice mail, email, intranet or internet websites, social media, direct messaging applications, or text messaging.

## **M. DISCRIMINATION AND/OR HARASSMENT BASED ON MILITARY OR VETERAN STATUS**

### **M - 1. Definition and Examples**

**Prohibited Conduct:** Verbal, physical, visual or other harassing conduct described above, including but not limited to: threats, assaults, pranks, vandalism, jokes, slurs; or verbal, graphic or written materials directed at any individual or individuals because of their service or former service in any branch of the armed services and/or National Guard.

**Examples:** Inappropriate conduct or harassment based on military/veteran status includes, but is not limited to: derogatory or demeaning comments, epithets, slurs, jokes, ridicule or gestures, comments, treatment or conduct relating to any individual's military or veteran status.

Inappropriate conduct or harassment also includes making harassing telephone calls to a coworker, or sending harassing correspondence to any individual by any means including, but not limited to, public or private mail, on social media accounts, direct-messaging websites and/or forums, interoffice mail, facsimile, email or text messaging because of military or veteran status or posting, sending, uploading or downloading discriminatory or harassing content based on military or veteran status, in any form, via public or private mail, facsimile, interoffice mail, email, intranet or internet websites, social media, direct messaging applications, or text messaging.

## **N. CONFIDENTIALITY**

### **N - 1. Limitation on Dissemination of Information**

The Department cannot guarantee absolute confidentiality with respect to complaints and/or investigations. Dissemination of information will be limited to those individuals who must be contacted in order to fulfill the Department and City's obligations to investigate and resolve the complaint.

### **N - 2. Confidentiality Requirements**

To the extent allowable by law, the Department requires that all involved parties maintain confidentiality regarding the existence of complaints made and investigations conducted under this Policy.

## O. RETALIATION

### O - 1. Definition

Retaliation is defined as any adverse action, including but not limited to denial of promotion, denial of preferred assignment, discharge, discipline, demotion, transfer or reassignment of a member, based on their expressed concern about unlawful or against-policy discrimination or harassment or for having filed a complaint or participated in a discrimination or harassment investigation.

### O - 2. Prohibition Against Retaliation

The Department strictly prohibits any retaliation against a member who has filed a complaint of discrimination, harassment or retaliation based on a protected status, or has participated in an investigation or proceeding related to such a complaint. The Department also strictly prohibits retaliation against a member who has opposed any practice or conduct that violates this Policy.

## P. COMPLAINT AND REPORTING PROCEDURE

### P - 1. Oakland Police Department Complaint and Reporting

Any member who believes they have experienced or witnessed conduct that may violate this Policy shall also report the conduct to the Department's Internal Affairs Division per the procedures set up in [General Order M-03](#). This includes:

1. If the member or job applicant reasonably believes they were subject to conduct which violates this policy;
2. If the member or job applicant reasonably believes they have been treated in an unlawful, discriminatory, or retaliatory manner; or
3. If the member or job applicant witnesses, observes, or otherwise becomes aware of conduct by Department members that may violate this policy.

### P - 2. City of Oakland Complaint and Reporting

It is the responsibility of any member or job applicant who believes they have experienced or witnessed conduct that may violate this Policy to report the conduct promptly. This includes:

1. If the member or job applicant reasonably believes they were subject to conduct which violates this policy;
2. If the member or job applicant reasonably believes they have been treated in an unlawful, discriminatory, or retaliatory manner; or
3. If the member or job applicant witnesses, observes, or otherwise becomes aware of conduct by Department members that may violate this policy.

The City of Oakland maintains a complaint and reporting procedure that is separate from the Police Department; reference [Administrative Instruction 71](#) for the complete procedure.

**P - 3. Complaints and Reporting to the Equal Employment Opportunity Commission (EEOC) and California Department of Fair Employment and Housing (DFEH)**

Any member or job applicant may also complain directly to the [Equal Employment Opportunity Commission \(EEOC\)](#) or the [California Department of Fair Employment and Housing \(DFEH\)](#) in accordance with the agency's procedures.

By order of

LeRonne L. Armstrong  
Chief of Police

Date Signed: \_\_\_\_\_