



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING AGENDA

May 27, 2021  
5:30 PM

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's (OPD) policies, practices, and customs to meet or exceed national standards of constitutional policing, and to oversee the Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.

**Pursuant to the Governor's Executive Order N-29-20, members of the Police Commission, as well as the Commission's Counsel and Community Police Review Agency staff, will participate via phone/video conference, and no physical teleconference locations are required.**



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### PUBLIC PARTICIPATION

The Oakland Police Commission encourages public participation in the online board meetings. The public may observe and/or participate in this meeting in several ways.

#### OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/84588362776> at the noticed meeting time. Instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage entitled “Joining a Meeting”
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

+1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592  
Webinar ID: 845 8836 2776

After calling any of these phone numbers, if you are asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting By Phone.”

**PROVIDE PUBLIC COMMENT:** There are three ways to make public comment within the time allotted for public comment on an eligible Agenda item.

- Comment in advance. To send your comment directly to the Commission and staff BEFORE the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to [clove@oaklandca.gov](mailto:clove@oaklandca.gov). Please note that e-Comment **submissions close at 4:30 pm**. All submitted public comment will be provided to the Commissioners prior to the meeting.
- By Video Conference. To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” are available at: <https://support.zoom.us/hc/en-us/articles/205566129>, which is a webpage entitled “Raise Hand In Webinar.”
- By Phone. To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing STAR-NINE (“\*9”) to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. Once it is your turn, you will be unmuted and allowed to make your comment. After the allotted time, you will be re-muted. Instructions on how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting by Phone.”

If you have any questions about these protocols, please e-mail [clove@oaklandca.gov](mailto:clove@oaklandca.gov).



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The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's (OPD) policies, practices, and customs to meet or exceed national standards of constitutional policing, and to oversee the Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.

### I. **Call to Order, Welcome, Roll Call and Determination of Quorum**

Chair Regina Jackson

*Roll Call: Vice Chair José Dorado; Commissioner Henry Gage, III; Commissioner Sergio Garcia; Commissioner Brenda Harbin-Forte; Chair Regina Jackson; Commissioner David Jordan; Commissioner Tyfahra Milele; Alternate Commissioner Jesse Hsieh; Alternate Commissioner Marsha Peterson*

Commissioners Excused: Sergio Garcia

### II. **Public Comment on Closed Session Items**

**THE OAKLAND POLICE COMMISSION WILL ADJOURN TO CLOSED SESSION AND WILL REPORT ON ANY FINAL DECISIONS DURING THE POLICE COMMISSION'S OPEN SESSION MEETING AGENDA.**

### III. **Closed Session**

PUBLIC EMPLOYEE EVALUATION – CPRA EXECUTIVE DIRECTOR

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
(Government Code Section 54957(b))

### IV. **Call to Order and Re-Determination of Quorum**

Chair Regina Jackson

### V. **Report out of Closed Session**

- a. The Commission will report on any actions taken during Closed Session, as required by law.

### VI. **Open Forum Part 1 (2 minutes per speaker, 15 minutes total)**

Scheduled to begin at 7 pm, given the Closed Session. If Closed Session is not finished by 7 pm, the Commission will pause closed session to take Open Forum comments at 7 pm, and then adjourn back to Closed Session if still needed. After ascertaining how many members of the public wish to speak, Chair Regina Jackson will invite the public to speak on any items not on the agenda but may be of interest to the public, and that are within the subject matter jurisdiction of the Commission. Comments on specific agenda items will not be heard during Open Forum but must be reserved until the agenda item is called. The Chair has the right to reduce speaking time to 1 minute if the number of speakers would cause this Open Forum to extend beyond 15 minutes. Any speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2, at the end of the agenda.

**VII. Welcome New Alternate Commissioner – Jesse Hsieh**

The Commission will welcome and introduce Jesse Hsieh as a member of the Police Commission.

***This is a new item.***

- a. Discussion
- b. Public Comment
- c. Action, if any

**VIII. Update from Police Chief**

OPD Chief Armstrong will provide an update on the Department. Topics discussed in the update may include crime statistics; a preview of topics which may be placed on a future agenda; responses to community member questions sent in advance to the Police Commission Chair; and specific topics requested in advance by Commissioners. ***This is a recurring item. (Attachment 8).***

- a. Discussion
- b. Public Comment
- c. Action, if any

**IX. Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing, and Recent Activities**

To the extent permitted by state and local law, Executive Director John Alden will report on the Agency's pending cases, completed investigations, staffing, and recent activities. ***This is a recurring item. (Attachment 9).***

- a. Discussion
- b. Public Comment
- c. Action, if any

**X. Formal Request for Commissioner Access to Personnel Information**

The Commission will consider approving a formal request for certain confidential personnel records. ***This item was discussed on 5.13.21. (Attachment 10).***

- a. Discussion
- b. Public Comment
- c. Action, if any

**XI. Police Commission Code of Conduct Policy**

The Commission will review, and may vote to approve, a new Code of Conduct presented by the Rules Committee. ***This item was discussed on 4.8.21 and is continued from 5.13.21. (Attachment 11).***

- a. Discussion
- b. Public Comment
- c. Action, if any

**XII. OPD Internal Affairs Division (IAD) Manual Draft Review**

The IAD Manual Ad Hoc Committee will present a draft of the IAD manual for the Commission to review. ***This is a new item. (Attachment 12).***

- a. Discussion
- b. Public Comment
- c. Action, if any

**XIII. Meeting Minutes Approval**

The Commission will vote to approve minutes from April 22 and May 13, 2021. *This is a recurring item.* ([Attachment 13](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

**XIV. Committee Reports**

Representatives from Standing and Ad Hoc Committees will provide updates on their work. *This is a recurring item.* ([Attachment 14](#)).

**Inspector General Search  
(Commissioners Gage, Jackson, Jordan)**

The Inspector General Search Ad Hoc Committee is tasked with conducting a nationwide search for a civilian Inspector General who will report to the Police Commission.

**Missing Persons Policy  
(Commissioners Jackson, Jordan)**

The Missing Persons Ad Hoc Committee is tasked with reviewing and updating the OPDs missing persons policy, to ensure that it is in line with the standards of constitutional policing and evolving community values. The resulting policy will be presented for review and approval to the full Police Commission, with the intent that it be formally adopted as the guiding policy for the investigations of missing persons by the OPD.

**OBOA Allegations Investigation  
(Commissioners Harbin-Forte, Jackson)**

The mission of the OBOA Allegations Investigation Ad Hoc Committee is to select an outside firm through the City's Request for Proposals process, to investigate allegations made by the Oakland Black Officers Association that the Oakland Police Department engages in racially discriminatory hiring and promotions.

**Police Chief Goals and Evaluation  
(Commissioners Garcia, Milele, Peterson)**

The mission of the Chief Goals ad hoc is to establish goals and objectives that determine the criteria upon which the Oakland Chief of Police will be evaluated by the Oakland Police Commission.

**White Supremacists and Other Extremist Groups  
(Commissioners Dorado, Harbin-Forte, Jackson)**

The purpose of the Oakland Police Commission Ad Hoc Committee on White Supremacy is to ensure the Commission's oversight of the Oakland Police Department and the Chief of Police is properly focused on identifying and eradicating white supremacist infiltration of local law enforcement agencies, including in Oakland.

The ad hoc's charge is to elevate the visibility of this issue, which is long overdue, and to ensure the Department is prepared, informed, and proactive about identifying and eradicating any links to white supremacy within our Department.

**Because a police department shapes a city's culture in countless ways, the ad hoc's long term goal is to root out the evil of White Supremacy in both our Police Department and all across our City for the safety of all Oakland residents and Police Officers.**

- a. Discussion
- b. Public Comment
- c. Action, if any

**XV. Open Forum Part 2 (2 minutes per speaker)**

Chair Regina Jackson will invite public speakers to speak on items that were not on the agenda, and that are within the subject matter jurisdiction of the Commission, with priority given to speakers who were unable to address the Commission during Open Forum at the beginning of the meeting. Speakers who made comments during Open Forum Part 1 will not be permitted to make comments during this Open Forum. Comments previously made during public comment on agenda items may not be repeated during this Open Forum. The Chair has the right to reduce speaking time to 1 minute for reasons the Chair will state on the record. ***This is a recurring item.***

**XVI. Agenda Setting and Prioritization of Upcoming Agenda Items**

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas. ***This is a recurring item.*** ([Attachment 16](#)).

- d. Discussion
- e. Public Comment
- f. Action, if any

**XVII. Adjournment**



# OAKLAND POLICE DEPARTMENT

455 7TH ST., OAKLAND, CA 94607 | OPDCRIMEANALYSIS@OAKLANDNET.COM

**CRIME ANALYSIS**

## Weekly Crime Report — Citywide 17 May – 23 May, 2021

<b>Part 1 Crimes</b> <i>All totals include attempts except homicides.</i>	<b>Weekly Total</b>	<b>YTD 2019</b>	<b>YTD 2020</b>	<b>YTD 2021</b>	<b>YTD % Change 2020 vs. 2021</b>	<b>3-Year YTD Average</b>	<b>YTD 2021 vs. 3-Year YTD Average</b>
<b>Violent Crime Index</b> (homicide, aggravated assault, rape, robbery)	109	2,181	2,228	2,562	15%	2,324	10%
<b>Homicide – 187(a)PC</b>	2	30	22	51	132%	34	49%
<b>Homicide – All Other *</b>	-	2	1	3	200%	2	50%
<b>Aggravated Assault</b>	75	1,051	1,132	1,387	23%	1,190	17%
Assault with a firearm – 245(a)(2)PC	9	103	131	237	81%	157	51%
<b>Subtotal - Homicides + Firearm Assault</b>	11	135	154	291	89%	193	51%
Shooting occupied home or vehicle – 246PC	16	99	121	229	89%	150	53%
Shooting unoccupied home or vehicle – 247(b)PC	2	49	57	112	96%	73	54%
Non-firearm aggravated assaults	48	800	823	809	-2%	811	0%
<b>Rape</b>	1	79	87	41	-53%	69	-41%
<b>Robbery</b>	31	1,021	987	1,083	10%	1,030	5%
Firearm	8	352	290	434	50%	359	21%
Knife	1	46	87	51	-41%	61	-17%
Strong-arm	18	463	458	338	-26%	420	-19%
Other dangerous weapon	-	33	27	28	4%	29	-5%
Residential robbery – 212.5(a)PC	1	40	39	38	-3%	39	-3%
Carjacking – 215(a) PC	3	87	86	194	126%	122	59%
<b>Burglary</b>	80	5,057	4,643	2,903	-37%	4,201	-31%
Auto	65	4,067	3,683	2,245	-39%	3,332	-33%
Residential	8	688	539	380	-29%	536	-29%
Commercial	1	243	323	186	-42%	251	-26%
Other (Includes boats, aircraft, and so on)	1	48	75	61	-19%	61	-1%
Unknown	5	11	23	31	35%	22	43%
<b>Motor Vehicle Theft</b>	91	2,552	3,308	3,338	1%	3,066	9%
<b>Larceny</b>	53	2,660	2,873	1,979	-31%	2,504	-21%
<b>Arson</b>	4	46	63	76	21%	62	23%
<b>Total</b>	<b>337</b>	<b>12,498</b>	<b>13,116</b>	<b>10,861</b>	<b>-17%</b>	<b>12,158</b>	<b>-11%</b>

THIS REPORT IS HIERARCHY BASED. CRIME TOTALS REFLECT ONE OFFENSE (THE MOST SEVERE) PER INCIDENT.

These statistics are drawn from the Oakland Police Dept. database. They are unaudited and not used to figure the crime numbers reported to the FBI's Uniform Crime Reporting (UCR) program. This report is run by the date the crimes occurred. Statistics can be affected by late reporting, the geocoding process, or the reclassification or unbounding of crimes. Because crime reporting and data entry can run behind, all crimes may not be recorded.

\* Justified, accidental, foetal, or manslaughter by negligence. Traffic collision fatalities are not included in this report.  
PNC = Percentage not calculated — [Percentage cannot be calculated.](#)  
All data extracted via Coplink Analytics.



# OAKLAND POLICE DEPARTMENT

455 7TH ST., OAKLAND, CA 94607 | OPDCRIMEANALYSIS@OAKLANDNET.COM

**CRIME ANALYSIS**

## 2021 Year-to-Date Recovered Guns

Recoveries through 23 May, 2021

**Grand Total 422**

Crime Recoveries	
Felony	226
Felony - Violent	87
Homicide	12
Infraction	
Misdemeanor	15
<b>Total</b>	<b>340</b>

Crime Gun Types	Felony	Felony - Violent	Homicide	Infraction	Misdemeanor	Total
Machine Gun		2				2
Other	1					1
Pistol	181	72	7		12	272
Revolver	7	4	2		1	14
Rifle	25	8	1		2	36
Sawed Off	3					3
Shotgun	8		1			9
Sub-Machinegun						0
Unknown/Unstated	1	1	1			3
<b>Total</b>	<b>226</b>	<b>87</b>	<b>12</b>	<b>0</b>	<b>15</b>	<b>340</b>

Non-Criminal Recoveries	
Death Investigation	11
Found Property	42
SafeKeeping	29
<b>Total</b>	<b>82</b>

Non-Criminal Gun Types	Death Investigation	Found Property	SafeKeeping	Total
Machine Gun				0
Other				0
Pistol	7	18	13	38
Revolver	3	6	9	18
Rifle		5	5	10
Sawed Off		1		1
Shotgun	1	6	2	9
Sub-Machinegun				0
Unknown/Unstated		6		6
<b>Total</b>	<b>11</b>	<b>42</b>	<b>29</b>	<b>82</b>



# OAKLAND POLICE DEPARTMENT

455 7TH ST., OAKLAND, CA 94607 | OPDCRIMEANALYSIS@OAKLANDNET.COM

**CRIME ANALYSIS**

**Week: 17 May to 23 May, 2021**

**Weekly Total 25**

Crime Recoveries	This Week	Last Week	+/- Change	% Change
Felony	17	8	9	113%
Felony - Violent	1	3	-2	-67%
Homicide	0	3	-3	-100%
Infraction	0	0	0	PNC
Misdemeanor	2	2	0	0%
<b>Total</b>	<b>20</b>	<b>16</b>	<b>4</b>	<b>25%</b>

Other Recoveries	This Week	Last Week	+/- Change	% Change
Death Investigation	0	0	0	PNC
Found Property	1	2	-1	-50%
Safekeeping	4	5	-1	-20%
<b>Total</b>	<b>5</b>	<b>7</b>	<b>-2</b>	<b>-29%</b>

PNC = Percentage not calculated

[Percentage cannot be calculated.](#)


**2021 vs. 2020 — Year-to-Date Recovered Guns**

Recoveries through 23 May

Gun Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
<b>Grand Total</b>	<b>425</b>	<b>422</b>	<b>-3</b>	<b>-1%</b>

Crime Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Felony	223	226	3	1%
Felony - Violent	89	87	-2	-2%
Homicide	7	12	5	71%
Infraction	0	0	0	PNC
Misdemeanor	16	15	-1	-6%
<b>Total</b>	<b>335</b>	<b>340</b>	<b>5</b>	<b>1%</b>

Non-Criminal Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Death Investigation	10	11	1	10%
Found Property	31	42	11	35%
SafeKeeping	49	29	-20	-41%
<b>Total</b>	<b>90</b>	<b>82</b>	<b>-8</b>	<b>-9%</b>

PNC = Percentage not calculated

[Percentage cannot be calculated.](#)

## **Eight Arrested, Two Dozen Tows After Sideshows in Oakland**

Date Posted: **May 17th, 2021 @ 4:00 PM**

Last Updated: **May 17th, 2021 @ 4:20 PM**

For Immediate Release: May 17, 2021

OPD NEWS:

The City of Oakland experienced two separate illegal Sideshows over the weekend. Starting on Saturday night, the Oakland Police Department (OPD) saw close to 200 vehicles traveling in and out of Oakland and nearby cities for six hours. The groups were attempting to take over intersections in Oakland to engage in illegal sideshow activity. Oakland Police Officers dedicated to sideshow enforcement were able to monitor the activity on the ground and in the air with the department's helicopter (ARGUS). Officers successfully deterred and disrupted this activity and towed one vehicle.

On Sunday night, officers worked sideshow enforcement for nearly eight hours. OPD received reports of illegal sideshow activity taking place in the area of 98th and Edes Avenues. Officers in ARGUS flew over the scene and spotted approximately 300 people watching 100 vehicles take part in the illegal activity. Officers on the ground responded to the area and were able to disrupt the activity by arresting eight people, towing 22 vehicles, one ATV and, writing 14 citations.

Oakland Police Chief LeRonne L. Armstrong said, "I appreciate our City Councilmembers for supporting and restoring funds for a dedicated sideshow detail. Without these additional resources, our city would've experienced significantly more destructive sideshow activity. These sideshow events are known to take over intersections and neighborhoods causing significant safety concerns in our community. It will take a combined effort of law enforcement and the community to address these dangerous sideshow events. Let's continue to work together towards making Oakland a city free of sideshows." Officers are following up on identifying additional vehicles that took part in

this illegal activity. Once identified, investigators will go to the homes where the vehicles are registered and tow those vehicles.

OPD continues to partner with community groups, regional law enforcement agencies, and other city departments for a long-term solution to address illegal seshows and violent crimes in Oakland.

If you have information about illegal seshows you can send OPD a tip at our non-emergency email, [sideshowtips@oaklandca.gov](mailto:sideshowtips@oaklandca.gov)



For Immediate Release: May 21, 2021

OPD NEWS:

## **OPD Welcomes Brigitte Cook as the Department's Victim's Specialist**



The Oakland Police Department (OPD) would like to welcome Brigitte Cook to the OPD family. Cook is our newest member of the Criminal Investigation Division (CID), serving as the Victim's Specialist. Cook will serve as an advocate for victims of violent crimes and their families.

Cook isn't new to the Oakland family; she served as the Chief of Staff and Director of Community Engagement for former Councilmember Lynette Gibson McElhaney. Cook is one of the co-founders of Violence Prevention Coalition, she also volunteers with the Family Support Advocacy Task Force, Soldiers Against Violence Everywhere, and the Oakland Frontline Healers.

Cook also holds a B.A. in Social Science from the University of California Berkeley.



For Immediate Release: May 18, 2021

OPD NEWS:

## Oakland Deputy Chief Nishant Joshi named Chief of Alameda PD



After more than two decades at the Oakland Police Department (OPD), Deputy Chief Nishant Joshi is saying goodbye to OPD. However, he's not going very far. On Monday, DC Joshi was announced as the next Police Chief for the City of Alameda.

"It is a proud day for the Oakland Police Department," says Chief LeRonne L. Armstrong. "Although we are losing a Deputy Chief and a friend, we are gaining a neighboring partner with inside knowledge of OPD. Losing a member of my executive staff is a positive reflection of the progressive and forward-thinking of the Oakland Police Department, as many cities look at Oakland for public safety leadership in their communities."

DC Joshi spent most of his adult life working for OPD, joining the department in 1998 as a Police Officer Trainee. DC Joshi has served the department in many capacities including a Crime Reduction Officer, Gang and Gun Task Force Sergeant, Human Resources and Training Division Captain, and most recently Deputy Chief of the Bureau of Field Operations Two.

"We wish DC Joshi well and he will always be a member of the OPD family," says Armstrong. DC Joshi's last day at OPD is June 8<sup>th</sup>.



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Recently Completed Investigations*  
*(Allegations in bold were discovered by CPRA investigators)*

4/23/21  
**Page 1 of 14**  
 (Total Completed = 36)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
AL	20-1071	4/28/20	5/6/21	8/18/21	Subject Officer 1	Use of Force (Level 4)	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 2	Use of Force (Level 4)	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>
ED	20-0646	5/31/20	5/13/21	6/1/21	Subject Officer 1	Use of Force (Level 1)	<i>Sustained</i>
						Refusal to Provide Name or Serial Number	<i>Sustained</i>
						<b>Supervisors – Authority and Responsibilities</b>	<b><i>Sustained</i></b>



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Recently Completed Investigations*  
*(Allegations in bold were discovered by CPRA investigators)*

4/23/21  
**Page 2 of 14**  
 (Total Completed = 36)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Truthfulness	<i>Not Sustained</i>
						Compromising Criminal Cases	<i>Not Sustained</i>
					Subject Officer 2	<b>Supervisors – Authorities and Responsibilities</b>	<b><i>Sustained</i></b>
						<b>Performance of Duty – Miranda</b>	<b><i>Sustained</i></b>
						<b>Insubordination – Failure or Refusal to Obey a Lawful Order</b>	<b><i>Not Sustained</i></b>
						Truthfulness	<i>Not Sustained</i>
					Subject Officer 3	Performance of Duty – Miranda	<i>Sustained</i>
						Custody of Prisoners – Treatment and Maintaining Control	<i>Sustained</i>
					Subject Officer 4	Performance of Duty – Miranda	<i>Sustained</i>
					Subject Officer 5	Custody of Prisoners – Treatment and Maintaining Control	<i>Sustained</i>
					Subject Officer 6	<b>Performance of Duty – General</b>	<b><i>Sustained</i></b>
						<b>Interfering with Investigations</b>	<b><i>Not Sustained</i></b>
						Truthfulness	<i>Not Sustained</i>



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Recently Completed Investigations*  
 (Allegations in bold were discovered by CPRA investigators)

4/23/21  
**Page 3 of 14**  
 (Total Completed = 36)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						<b>Performance of Duty – PDRD</b>	<b><i>Not Sustained</i></b>
					Subject Officer 7	<b>Performance of Duty – General</b>	<b><i>Sustained</i></b>
						Truthfulness	<i>Not Sustained</i>
						<b>Interfering with Investigations</b>	<b><i>Not Sustained</i></b>
					Subject Officer 8	General Conduct	<i>Not Sustained</i>
					Subject Officer 9	General Conduct	<i>Not Sustained</i>
KT	20-0638	5/29/20	4/25/21	5/29/21	Subject Officer 1	Failure to Accept or Refer a Complaint	<i>Unfounded</i>
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>
						Performance of Duty – General	<i>Unfounded</i>
						Failure to Accept or Refer a Complaint	<i>Unfounded</i>
						Refusal to Provide Name or Serial Number	<i>Unfounded</i>
					Subject Officer 3	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>



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*Recently Completed Investigations*  
*(Allegations in bold were discovered by CPRA investigators)*

4/23/21  
**Page 4 of 14**  
 (Total Completed = 36)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty – General	<i>Unfounded</i>
						Performance of Duty – General	<i>Exonerated</i>
						Performance of Duty – Care of Property	<i>Not Sustained</i>
						Use of Force	<i>Unfounded</i>
						Failure to Accept or Refer a Complaint	<i>Unfounded</i>
					Subject Officer 4	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>
						Performance of Duty – Care of Property	<i>Not Sustained</i>
						Use of Force	<i>Unfounded</i>
						Failure to Accept or Refer a Complaint	<i>Unfounded</i>
						Failure to Accept or Refer a Complaint	<i>Not Sustained</i>
					Subject Officer 5	Use of Force (Level 4)	<i>Unfounded</i>



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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Care of Property	<i>Unfounded</i>
						Failure to Accept or Refer a Complaint	<i>Unfounded</i>
					Subject Officer 6	Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 7	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>
						Performance of Duty – Care of Property	<i>Not Sustained</i>
						Failure to Accept or Refer a Complaint	<i>Unfounded</i>
						Failure to Accept or Refer a Complaint	<i>Sustained</i>
					Subject Officer 8	Failure to Accept or Refer a Complaint	<i>Sustained</i>
KT	20-1178	5/30/20	5/14/21	9/14/21	Subject Officer 1	Use of Force (Level 3)	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 2	Conduct Toward Others – Demeanor	<i>Sustained</i>



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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 3	Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 4	Performance of Duty – General	<i>Not Sustained</i>
AN	20-0045	1/29/19	4/25/21	1/28/20 (tolled)	Subject Officer 1	<b>Performance of Duty – General</b>	<b><i>Sustained</i></b>
						<b>Failure to Accept or Refer Complaint</b>	<b><i>Sustained</i></b>
						<b>Truthfulness</b>	<b><i>Not Sustained</i></b>
MB	21-0250	3/5/21	5/13/21	3/3/22	Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>
					Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>



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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
FC	21-0458	4/27/21	5/6/21	4/26/22	Subject Officer 1	Conduct Toward Others – Demeanor	<i>Complaint Withdrawn</i>
MB	21-0245	3/3/21	5/6/21	3/3/22	Subject Officer 1	Performance of Duty – General	<i>Exonerated</i>
MB	21-0251	2/26/21	5/4/21	2/25/22	Unknown Officer	Conduct Toward Others – Harassment and Discrimination (Race)	<i>Complaint Withdrawn</i>
						No Duty/No MOR Violation	<i>Complaint Withdrawn</i>
RM	20-1252	9/25/20	4/30/21	9/24/21	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination (Race)	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Unfounded</i>
						Performance of Duty – General	<i>Retraining</i>
					Subject Officer 2	Performance of Duty – General	<i>Retraining</i>
					Subject Officer 3	Conduct Toward Others – Harassment and Discrimination (Race)	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Unfounded</i>
Subject Officer 4	Performance of Duty – General	<i>Retraining</i>					



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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
MB	21-0145	2/5/21	4/30/21	2/4/22	Unknown Officer	Use of Force	<i>No Jurisdiction</i>
						No Duty/No MOR Violation	<i>No Jurisdiction</i>
						No Duty/No MOR Violation	<i>No Jurisdiction</i>
						No Duty/No MOR Violation	<i>No Jurisdiction</i>
MB	21-0221	2/6/21	4/23/21	2/6/22	Subject Officer 1	Performance of Duty – Care of Property	<i>Not Mandated</i>
						Use of Force	<i>Unfounded</i>
MB	21-0193	2/17/21	4/22/21	2/16/22	No Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>
					Subject Officer 1	Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Exonerated</i>
MB	21-0167	2/9/21	4/16/21	2/8/22	Subject Officer 1	Use of Force	<i>Unfounded</i>
						No Duty/No MOR Violation	<i>No MOR Violation</i>
						No Duty/No MOR Violation	<i>No MOR Violation</i>
KT	20-0645	5/31/20	5/7/21	5/31/21	Subject Officer 1	Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Care of Property	<i>Sustained</i>



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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 2	Performance of Duty – General	<i>Not Sustained</i>
						Performance of Duty – Care of Property	<i>Sustained</i>
					Subject Officer 3	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						<b>Commanding Officers – Authority and Responsibilities</b>	<b><i>Sustained</i></b>
					Subject Officer 4	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 5	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 6	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 7	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 8	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>



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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 9	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
KT	20-0957	6/1/20	4/25/21	6/1/21	Unknown Officer	Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 2)	<i>Unfounded</i>
						General Conduct	<i>Unfounded</i>
KT	20-0959	6/1/20	4/25/21	6/1/21	Unknown Officer	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
						Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 1	Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
KT	20-0960	6/1/20	4/25/21	6/1/21	Officer Unknown	Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 2	Use of Force (Level 4)	<i>Exonerated</i>



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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 3	Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 4	Use of Force (Level 4)	<i>Exonerated</i>
KT	20-1554	6/1/20	4/25/21	6/1/21	Unknown Officer	Performance of Duty – General	<i>Exonerated</i>
						Use of Force (Level 2)	<i>Unfounded</i>
					Subject Officer 1	Use of Force (Level 2)	<i>Unfounded</i>
					Subject Officer 2	Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 3	Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 4	Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 5	Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 6	Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 7	Performance of Duty – General	<i>Unfounded</i>
KT	20-0639	5/31/20	5/7/21	5/30/21	Unknown Officer	Use of Force	<i>Exonerated</i>
KT	20-0640	5/30/20	5/7/21	5/29/21	Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>



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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
KT	20-0641	5/29/20	5/7/21	5/28/21	Unknown Officer	Service Complaint	<i>Service Related</i>
						Service Complaint	<i>Service Related</i>
						Service Complaint	<i>Service Related</i>
KT	20-0642	5/31/20	5/7/21	5/30/21	Unknown Officer	Use of Force	<i>Exonerated</i>
KT	20-0659	6/1/20	5/7/21	5/31/21	Unknown Officer	Service Complaint	<i>Service Related</i>
KT	20-0668	6/1/20	5/7/21	6/1/21	Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>
KT	20-0669	6/1/20	5/7/21	6/1/21	Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>
KT	20-0670	5/30/20	5/7/21	5/29/21	Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>
KT	20-0675	6/3/20	5/7/21	6/2/21	Unknown Officer	Service Complaint	<i>Service Related</i>
KT	20-0677	6/2/20	5/7/21	6/2/21	Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>
						No Duty/No MOR Violation	<i>No MOR Violation</i>
						No Duty/No MOR Violation	<i>No MOR Violation</i>
KT	20-0683	5/30/20	5/7/21	5/29/21	Unknown Officer	Service Complaint	<i>Service Related</i>



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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
KT	20-0686	6/7/20	5/7/21	6/6/21	Unknown Officer	Obedience to Laws – Misdemeanor/Infraction	<i>No Officer</i>
KT	20-0711	5/29/20	5/7/21	6/10/21	Unknown Officer	Use of Force	<i>No Officer</i>
KT	20-1086	5/29/20	5/7/21	5/29/21	Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>
						No Duty/No MOR Violation	<i>No MOR Violation</i>
KT	20-1099	5/30/20	5/7/21	6/7/21	Unknown Officer	Use of Force	<i>Unfounded</i>
KT	20-0962	6/1/20	5/4/21	6/3/21	Unknown Officer	Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 1	Use of Force (Level 4)	<i>Exonerated</i>
						Use of Force (Level 1)	<i>Unfounded</i>
						Use of Force (Level 4)	<i>Unfounded</i>
						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 2	Use of Force (Level 4)	<i>Exonerated</i>
						Use of Force (Level 1)	<i>Unfounded</i>
						Use of Force (Level 4)	<i>Unfounded</i>



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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty – General	<i>Exonerated</i>
KT	20-0682	5/29/20	5/23/21	6/4/21	Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>

**CPRA Made the following Training Recommendations with Respect to Investigations in this Report**

Training Recommendation(s) The CPRA recommends that two officers receive training related to involvement in use of force investigations

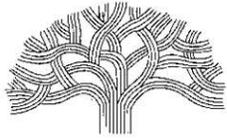
The CPRA recommends that future operations plans clarify the procedures for reporting and investigating use of force during Mobile Field Force operations, and that briefings/line-ups before operations go over those procedures.

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Pending Cases Associated with Public Demonstrations 5/29/20 – 6/1/20 (3 Cases Total)

Case #	Incident Date	Assigned Staff	180-day Goal	1-year Goal	Type* (604(f)(1) or Other)	Allegation(s)
20-0938	5/29/2020	JW	11/25/2020	5/28/2021	Use of Force, 1 <sup>st</sup> Amendment Assembly	Use of Force, Performance of Duty, Service Related
20-0958	6/1/2020	N/A	11/28/2020	5/29/2021	Use of Force, 1 <sup>st</sup> Amendment Assembly	Use of Force
20-1323	6/1/2020	N/A	4/14/21	10/13/21	1 <sup>st</sup> Amendment Assembly, Profiling	Profiling, Failure to Accept or Refer Complaint

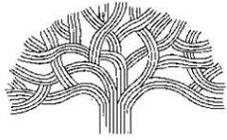
\* The Type (604(f) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly or Other.



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*Pending Cases (Sorted by 1-Year Goal)*

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
20-0800	6/27/20	7/1/20	6/28/20	Investigator	ED	12/28/20	6/27/21	Use of Force	1	4	4	Use of Force
20-0799	6/28/20	7/1/20	6/28/20	Investigator	JS	12/28/20	6/27/21	Other	1	1	2	Conduct towards others
20-0880	7/11/20	7/21/20	7/11/20	Investigator	JS	1/11/21	7/10/21	Other	2	1	1	Demeanor
20-0879	7/11/20	7/15/20	7/11/20	Investigator	MM	1/11/21	7/10/21	Use of Force	1	2	3	Performance of Duty, Use of Force; Improper/Unlawful Search & Seizure
20-0971	7/29/20	8/30/20	7/29/20	Investigator	ED	2/26/21	7/28/21	Use of Force, Profiling/Discrimination	1	5	11	Discrimination, Use of Physical Force
20-0978	7/30/20	8/5/20	7/30/20	Investigator	MM	1/26/21	7/30/21	Profiling/Discrimination	1	2	6	Profiling/Discrimination, Performance of Duty, Unlawful Search & Seizure
20-1000	8/4/20	8/6/20	8/4/20	Investigator	AL	2/2/21	8/3/21	Use of Force	1	2	3	Use of Force, Performance of Duty
20-1005	8/5/20	8/7/20	8/5/20	Investigator	JS	1/30/21	8/4/21	Discrimination/Unlawful arrest	1	3	6	Discrimination and Unlawful Arrest
20-1058	8/15/20	8/19/20	8/15/20	Investigator	AL	2/15/21	8/14/21	Use of Force	1	3	8	Use of Force, Service Complaint
20-1083	8/20/20	8/26/20	8/20/20	Investigator	ED	2/22/21	8/19/21	Use of Force	1	1	2	Use of Force, Demeanor
20-1085	8/20/20	8/26/20	8/20/20	Investigator	ED	2/16/21	8/20/21	Profiling/Discrimination	1	2	6	Profiling/discrimination; unlawful Search; false arrest
20-1092	8/21/20	8/26/20	8/21/20	Investigator	MM	2/22/21	8/20/21	Use of Force	1	1	1	Use of Force
20-1113	8/28/20	9/2/20	8/28/20	Investigator	JS	3/1/21	8/28/21	Use of Force	1	3	6	Use of Force, unlawful arrest
20-1116	8/29/20	9/2/20	8/29/20	Investigator	MM	3/1/21	8/28/21	Use of Force	1	8	19	Use of Force
20-1129	9/1/2020	9/2/2020	9/1/2020	Investigator	AL	3/1/2021	8/31/2021	Use of Force, Performance of Duty	2	12	23	Other, Unintentional/Improper Search, Use of Force, Failure to Accept, Performance of Duty
20-1147	9/6/20	9/9/20	9/6/20	Investigator	JS	3/8/21	9/5/21	Use of Force	1	1	1	Use of Force
20-1164	9/6/20	9/16/20	9/10/20	Investigator	AL	3/15/21	9/9/21	Use of Force	1	2	5	Use of Force; Performance of Duty;
20-1282	9/28/20	10/8/20	10/6/20	Investigator	AN	3/27/21	9/28/21	Other	2	10	10	Demeanor, Unintentional/Improper Search
20-1283	10/6/20	10/8/20	10/6/20	Investigator	JS	4/6/21	10/5/21	Racial Discrimination/Demeanor	1	3	6	Conduct Toward Others
20-1417	11/1/20	11/2/20	11/1/20	Investigator	JS	5/1/21	10/31/21	Other	1	1	1	Preventable Collision
20-1441	11/10/20	11/13/20	11/10/20	Investigator	JS	5/12/21	11/9/21	Other	1	2	2	Profiling
20-1484	11/20/20	1/22/21	11/20/20	Investigator	JS	7/20/21	11/20/21	Racial Discrimination	1	3	8	Racial Discrimination, Performance of Duty,
20-1524	11/28/20	12/2/20	11/2/20	Investigator	ED	5/31/21	11/30/21	Profiling/Discrimination	1	2	5	Profiling/Discrimination, Performance of Duty, Conduct Toward Others, Performance of Duty
20-1542	11/15/20	12/9/20	12/6/20	Investigator	AN	6/7/21	12/5/21	Use of Force	1	3	7	Use of Force, Unlawful Arrest
20-1551	12/7/20	12/16/20	12/16/20	Investigator	JS	6/14/21	12/15/21	Use of Force	1	2	3	Performance of Duty, Use of Force, Care of Property
20-1578	10/31/20	5/18/21	12/17/20	Investigator	ED	6/15/21	12/17/21	Other	1	2	4	General Conduct, Obedience to Laws
21-0025	1/7/21	1/7/21		Investigator	MM	7/6/21	1/6/22	Performance of Duty; Racial Discrimination	1	3	3	Performance of Duty
21-0028	1/8/21	1/14/21	1/8/21	Investigator	MM	7/13/22	1/7/22	Performance of Duty	1	2	1	Performance of Duty
21-0070	1/1/21	1/21/21	1/19/21	Investigator	ED	7/20/21	1/19/22	Use of Force	1	1	1	Use of Force
21-0117	1/29/21	1/29/21		Investigator	MM	7/28/21	1/28/22	Performance of Duty	2		1	Performance of Duty
21-0128	2/1/21	2/3/21	2/1/21	Intake	RM	8/2/21	1/31/22	Use of Force	1	1	1	Use of Force
21-0138	2/4/21	2/10/21	2/4/21	Intake	RM	8/9/21	2/3/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0151	2/6/21	2/10/21	2/6/21	Intake	RM	8/9/21	2/5/22	Use of Force	1	2	2	Use of Force
21-0164	2/7/21	2/10/21	2/8/21	Intake	RM	8/9/21	2/7/22	Racial Discrimination	1	11	11	Racial Discrimination
21-0161	1/4/21	2/10/21	2/8/21	Intake	MB	8/9/21	2/8/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0179	2/15/21	2/17/21	2/15/21	Intake	RM	8/16/21	2/14/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0188	2/16/21	2/18/21	2/16/21	Investigator	AL	8/17/21	2/16/22	Use of Force	1	4	6	Use of Force
21-0215	2/22/21	1/1/21	2/22/21	Intake	MB	6/30/21	2/22/22	Racial Discrimination	1	1	2	Racial Discrimination
21-0217	2/23/21	3/4/21	3/4/21	Investigator	AL	8/22/21	2/23/22	Use of Force	1	2	2	Use of Force
21-0233	2/27/21	3/3/21	2/27/21	Intake	RM	8/30/21	2/26/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0238	3/2/21	3/2/21	3/2/21	Investigator	AN	8/29/21	3/2/22	Use of Force	1	1	2	Use of Force
21-0248	3/3/21	3/5/21	3/3/21	Intake	MB	9/1/21	3/3/22	Force	1	3	3	Performance of Duty
21-0252	3/1/21	3/11/21	3/5/21	Investigator	AL	9/7/21	3/4/22	Use of Force	1	5	13	Use of Force, Performance of Duty, Demeanor, Refusal to Accept or Refer a Complaint
21-0254	3/2/21	3/11/21	3/5/21	Intake	MB	9/7/21	3/5/22	Other	2	1	5	Performance of Duty
21-0262	3/6/21	3/11/21	3/6/21	Intake	RM	9/7/21	3/6/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0270	3/7/21	3/8/21	3/8/21	Investigator	AN	9/4/21	3/7/22	Racial Discrimination, Use of Force	1	4	8	Racial Discrimination, Conduct toward others, Performance of Duty, Use of Force
21-0291	3/12/21	3/17/21	3/12/21	Intake	MB	9/13/21	3/13/22	Force	1	1	2	Use of Force
21-0292	3/14/21	3/17/21	3/14/21	Intake	MB	9/13/21	3/14/22	Other	2	1	3	Performance of Duty
21-0310	1/7/21	3/24/21	3/19/21	Intake	MB	9/20/21	3/18/22	Other	1	1	4	Custody of Prisoners
21-0337	5/3/13	3/30/21	3/27/21	Intake	MB	9/26/21	3/27/22	Force	1	8	8	Force
21-0350	1/5/21	4/1/21	4/1/21	Intake	MB	10/27/21	3/31/22	Force	1	4	4	Force
21-0353	4/1/21	4/7/21	4/1/21	Intake	RM	10/4/21	3/31/22	Use of Force	1	2	2	Use of Force
21-0358	4/2/21	4/7/21	4/2/21	Intake	MB	10/4/21	4/1/22	Force	1	1	2	Force
21-0366	4/5/21	4/7/21	4/5/21	Intake	MB	10/4/21	4/4/22	Force	1	4	8	Force
21-0354	4/1/21	4/7/21	4/7/21	Intake	RM	10/4/21	4/6/22	Other	1	2	4	Performance of Duty/Miranda Violation
21-0402	4/13/21	4/15/21	4/13/21	Intake	MB	10/12/21	4/13/22	Force	1	1	1	Force
21-0422	4/18/21	4/20/21	4/18/21	Intake	FC	10/17/21	4/17/22	Other	1	2	4	Refusal to Provide Name or Serial Number
21-0430	4/20/21	4/21/21	4/20/21	Intake	RM	10/18/21	4/19/22	Use of Force	1	2	4	Performance of Duty, Use of Force; Improper/Unlawful Search & Seizure
21-0433	2/20/21	4/21/21	4/21/21	Intake	FC	10/18/21	4/20/22	Other	2	2	3	Demeanor
21-0439	4/22/21	4/27/21	4/22/21	Intake	FC	10/24/21	4/21/22	Other	1	1	4	Improper Search/Seizure, Demeanor, Performance of Duty
21-0465	2/6/16	4/29/21	4/28/21	Intake	FC	10/26/21	4/29/22	Other	1	1	1	Performance of Duty
21-0469	4/30/21	5/4/21	4/30/21	Intake	FC	10/31/21	4/29/22	Racial Discrimination/Demeanor	1	4	4	Racial Discrimination
21-0479	5/1/21	5/1/21	5/1/21	Intake	FC	10/28/21	4/30/22	Use of Force	1	2	4	Use of Force, No Duty
21-0497	5/5/21	5/7/21	5/5/21	Intake	FC	11/3/21	5/4/22	Other	2	1	2	COVID Protocol Violation

\* The Type (604(f) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly or Other

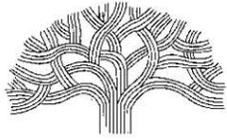


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases (Sorted by 1-Year Goal)*

**Attachment 9**  
**5/20/2021**  
**Page 2 of 2**  
 (Total Pending = 70)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
21-0488	5/5/21	5/6/21	5/5/21	Intake	RM	11/2/21	5/4/22	Racial Discrimination	1	3	6	Racial Discrimination, Performance of Duty
21-0524	5/12/21	5/13/20	5/12/20	Intake	FC	11/13/21	5/11/22	Racial Discrimination/Demeanor	1	2	3	Racial Discrimination
21-0530	5/12/21	5/13/21	5/12/21	Intake	FC	11/9/21	5/11/22	Racial Discrimination/Demeanor	1	1	1	Racial Discrimination
20-1406	11/3/20	11/3/20	11/3/20	Investigator	AN	5/2/21	Tolled	Use of Force	1	2	2	Use of Force
20-1561	4/16/20	4/16/20	4/16/20	Investigator	AN	10/13/20	Tolled	Use of Force	1	22	31	Use of Force (Level 1, Level 4), Performance of Duty
19-1169	10/17/19	10/22/19	10/17/19	Investigator	ED	4/19/20	Tolled	Use of Force, Profiling/Discrimination	1	2	7	Bifurcated - use of force, false arrest, discrimination

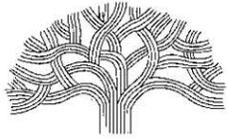
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CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases (Sorted by Assigned Staff)*

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
20-1000	8/4/20	8/6/20	8/4/20	Investigator	AL	2/2/21	8/3/21	Use of Force	1	2	3	Use of Force, Performance of Duty
20-1058	8/15/20	8/19/20	8/15/20	Investigator	AL	2/15/21	8/14/21	Use of Force	1	3	8	Use of Force, Service Complaint
20-1129	9/1/2020	9/2/2020	9/1/2020	Investigator	AL	3/1/2021	8/31/2021	Use of Force, Performance of Duty	2	12	23	Other, Unintentional/Improper Search, Use of Force, Failure to Accept, Performance of Duty
20-1164	9/6/20	9/16/20	9/10/20	Investigator	AL	3/15/21	9/9/21	Use of Force	1	2	5	Use of Force; Performance of Duty;
21-0188	2/16/21	2/18/21	2/16/21	Investigator	AL	8/17/21	2/16/22	Use of Force	1	4	6	Use of Force
21-0217	2/23/21	3/4/21	3/4/21	Investigator	AL	8/22/21	2/23/22	Use of Force	1	2	2	Use of Force
21-0252	3/1/21	3/11/21	3/5/21	Investigator	AL	9/7/21	3/4/22	Use of Force	1	5	13	Use of Force, Performance of Duty, Misdemeanor, Refusal to Accept or Refer a Complaint
20-1282	9/28/20	10/8/20	10/6/20	Investigator	AN	3/27/21	9/28/21	Other	2	10	10	Misdemeanor, Unintentional/Improper Search
20-1406	11/3/20	11/3/20	11/3/20	Investigator	AN	5/2/21	Tolled	Use of Force	1	2	2	Use of Force
20-1542	11/15/20	12/9/20	12/6/20	Investigator	AN	6/7/21	12/5/21	Use of Force	1	3	7	Use of Force, Unlawful Arrest
20-1561	4/16/20	4/16/20	4/16/20	Investigator	AN	10/13/20	Tolled	Use of Force	1	22	31	Use of Force (Level 1, Level 4), Performance of Duty
21-0238	3/2/21	3/2/21	3/2/21	Investigator	AN	8/29/21	3/2/22	Use of Force	1	1	2	Use of Force
21-0270	3/7/21	3/8/21	3/8/21	Investigator	AN	9/4/21	3/7/22	Racial Discrimination, Use of Force	1	4	8	Racial Discrimination, Conduct toward others, Performance of Duty, Use of Force
19-1169	10/17/19	10/22/19	10/17/19	Investigator	ED	4/19/20	Tolled	Use of Force, Profiling/Discrimination	1	2	7	Bifurcated - use of force, false arrest, discrimination
20-0800	6/27/20	7/1/20	6/28/20	Investigator	ED	12/28/20	6/27/21	Use of Force	1	4	4	Use of Force
20-0971	7/29/20	8/30/20	7/29/20	Investigator	ED	2/26/21	7/28/21	Use of Force, Profiling/Discrimination	1	5	11	Discrimination, Use of Physical Force
20-1083	8/20/20	8/26/20	8/20/20	Investigator	ED	2/22/21	8/19/21	Use of Force	1	1	2	Use of Force, Misdemeanor
20-1085	8/20/20	8/26/20	8/20/20	Investigator	ED	2/16/21	8/20/21	Profiling/Discrimination	1	2	6	Profiling/discrimination; unlawful Search; false arrest
20-1524	11/28/20	12/2/20	12/1/20	Investigator	ED	5/31/21	11/30/21	Profiling/Discrimination	1	2	5	Profiling/Discrimination, Performance of Duty, Conduct Toward Others, Performance of Duty
20-1578	10/31/20	5/18/21	12/17/20	Investigator	ED	6/15/21	12/17/21	Other	1	2	4	General Conduct, Obedience to Laws
21-0070	1/1/21	1/21/21	1/19/21	Investigator	ED	7/20/21	1/19/22	Use of Force	1	1	1	Use of Force
20-0799	6/28/20	7/1/20	6/28/20	Investigator	JS	12/28/20	6/27/21	Other	1	1	2	Conduct towards others
20-0880	7/11/20	7/21/20	7/11/20	Investigator	JS	1/11/21	7/10/21	Other	2	1	1	Misdemeanor
20-1005	8/5/20	8/7/20	8/5/20	Investigator	JS	1/30/21	8/4/21	Discrimination/Unlawful arrest	1	3	6	Discrimination and Unlawful Arrest
20-1113	8/28/20	9/2/20	8/28/20	Investigator	JS	3/1/21	8/28/21	Use of Force	1	3	6	Use of Force, unlawful arrest
20-1147	9/6/20	9/9/20	9/6/20	Investigator	JS	3/8/21	9/5/21	Use of Force	1	1	1	Use of Force
20-1283	10/6/20	10/8/20	10/6/20	Investigator	JS	4/6/21	10/5/21	Racial Discrimination/Misdemeanor	1	3	6	Conduct Toward Others
20-1417	11/1/20	11/2/20	11/1/20	Investigator	JS	5/1/21	10/31/21	Other	1	1	1	Preventable Collision
20-1441	11/10/20	11/13/20	11/10/20	Investigator	JS	5/12/21	11/9/21	Other	1	2	2	Profiling
20-1484	11/20/20	1/22/21	11/20/20	Investigator	JS	7/20/21	11/20/21	Racial Discrimination	1	3	8	Racial Discrimination, Performance of Duty,
20-1551	12/7/20	12/16/20	12/16/20	Investigator	JS	6/14/21	12/15/21	Use of Force	1	2	3	Performance of Duty, Use of Force, Care of Property
20-0879	7/11/20	7/15/20	7/11/20	Investigator	MM	1/11/21	7/10/21	Use of Force	1	2	3	Performance of Duty, Use of Force; Improper/Unlawful Search & Seizure
20-0978	7/30/20	8/5/20	7/30/20	Investigator	MM	1/26/21	7/30/21	Profiling/Discrimination	1	2	6	Profiling/Discrimination, Performance of Duty, Unlawful Search & Seizure
20-1092	8/21/20	8/26/20	8/21/20	Investigator	MM	2/22/21	8/20/21	Use of Force	1	1	1	Use of Force
20-1116	8/29/20	9/2/20	8/29/20	Investigator	MM	3/1/21	8/28/21	Use of Force	1	8	19	Use of Force
21-0025	1/7/21	1/7/21		Investigator	MM	7/6/21	1/6/22	Performance of Duty; Racial Discrimination	1	3	3	Performance of Duty
21-0028	1/8/21	1/14/21	1/8/21	Investigator	MM	7/13/22	1/7/22	Performance of Duty	1	2	1	Performance of Duty
21-0117	1/29/21	1/29/21		Investigator	MM	7/28/21	1/28/22	Performance of Duty	2		1	Performance of Duty
21-0422	4/18/21	4/20/21	4/18/21	Intake	FC	10/17/21	4/17/22	Other	1	2	4	Refusal to Provide Name or Serial Number
21-0433	2/20/21	4/21/21	4/21/21	Intake	FC	10/18/21	4/20/22	Other	2	2	3	Misdemeanor
21-0439	4/22/21	4/27/21	4/22/21	Intake	FC	10/24/21	4/21/22	Other	1	1	4	Improper Search/Seizure, Misdemeanor, Performance of Duty
21-0465	2/6/21	4/29/21	4/28/21	Intake	FC	10/26/21	4/29/22	Other	1	1	1	Performance of Duty
21-0469	4/30/21	5/4/21	4/30/21	Intake	FC	10/31/21	4/29/22	Racial Discrimination/Misdemeanor	1	4	4	Racial Discrimination
21-0479	5/1/21	5/1/21	5/1/21	Intake	FC	10/28/21	4/30/22	Use of Force	1	2	4	Use of Force, No Duty
21-0497	5/5/21	5/7/21	5/5/21	Intake	FC	11/3/21	5/4/22	Other	2	1	2	COVID Protocol Violation
21-0524	5/12/21	5/13/20	5/12/20	Intake	FC	11/13/21	5/11/22	Racial Discrimination/Misdemeanor	1	2	3	Racial Discrimination
21-0530	5/12/21	5/13/21	5/12/21	Intake	FC	11/9/21	5/11/22	Racial Discrimination/Misdemeanor	1	1	1	Racial Discrimination
21-0161	1/4/21	2/10/21	2/8/21	Intake	MB	8/9/21	2/8/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0215	2/22/21	1/1/21	2/22/21	Intake	MB	6/30/21	2/22/22	Racial Discrimination	1	1	2	Racial Discrimination
21-0248	3/3/21	3/5/21	3/3/21	Intake	MB	9/1/21	3/3/22	Force	1	3	3	Performance of Duty
21-0254	3/2/21	3/11/21	3/5/21	Intake	MB	9/7/21	3/5/22	Other	2	1	5	Performance of Duty
21-0291	3/12/21	3/17/21	3/12/21	Intake	MB	9/13/21	3/13/22	Force	1	1	2	Use of Force
21-0292	3/14/21	3/17/21	3/14/21	Intake	MB	9/13/21	3/14/22	Other	2	1	3	Performance of Duty
21-0310	1/7/21	3/24/21	3/19/21	Intake	MB	9/20/21	3/18/22	Other	1	1	4	Custody of Prisoners
21-0337	5/3/21	3/30/21	3/27/21	Intake	MB	9/26/21	3/27/22	Force	1	8	8	Force
21-0350	1/5/21	4/1/21	4/1/21	Intake	MB	10/27/21	3/31/22	Force	1	4	4	Force
21-0358	4/2/21	4/7/21	4/2/21	Intake	MB	10/4/21	4/1/22	Force	1	1	2	Force
21-0366	4/5/21	4/7/21	4/5/21	Intake	MB	10/4/21	4/4/22	Force	1	4	8	Force
21-0402	4/13/21	4/15/21	4/13/21	Intake	MB	10/12/21	4/13/22	Force	1	1	1	Force
21-0128	2/1/21	2/3/21	2/1/21	Intake	RM	8/2/21	1/31/22	Use of Force	1	1	1	Use of Force
21-0138	2/4/21	2/10/21	2/4/21	Intake	RM	8/9/21	2/3/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0151	2/6/21	2/10/21	2/6/21	Intake	RM	8/9/21	2/5/22	Use of Force	1	2	2	Use of Force

\* The Type (604(f) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly or Other



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases (Sorted by Assigned Staff)*

**Attachment 9**  
**5/20/2021**  
**Page 2 of 2**  
 (Total Pending = 70)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
21-0164	2/7/21	2/10/21	2/8/21	Intake	RM	8/9/21	2/7/22	Racial Discrimination	1	11	11	Racial Discrimination
21-0179	2/15/21	2/17/21	2/15/21	Intake	RM	8/16/21	2/14/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0233	2/27/21	3/3/21	2/27/21	Intake	RM	8/30/21	2/28/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0262	3/6/21	3/11/21	3/6/21	Intake	RM	9/7/21	3/6/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0353	4/1/21	4/7/21	4/1/21	Intake	RM	10/4/21	3/31/22	Use of Force	1	2	2	Use of Force
21-0354	4/1/21	4/2/21	4/7/21	Intake	RM	10/4/21	4/6/22	Other	1	2	4	Performance of Duty/Miranda Violation
21-0430	4/20/21	4/21/21	4/20/21	Intake	RM	10/18/21	4/19/22	Use of Force	1	2	4	Performance of Duty, Use of Force; Improper/Unlawful Search & Seizure
21-0488	5/5/21	5/6/21	5/5/21	Intake	RM	11/2/21	5/4/22	Racial Discrimination	1	3	6	Racial Discrimination, Performance of Duty

\* The Type (604(f) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly or Other



CITY HALL • 250 FRANK H. OGAWA PLAZA, SUITE 6302 • OAKLAND, CA 94612

Police Commission

May 28, 2021

Oakland Police Department  
Office of the City Attorney, City of Oakland  
Oakland, California 94612

**RE: Request for Access to Certain Personnel Records for Oakland Police Commission Chair Jackson, Vice Chair Dorado, and Commission Milele.**

To the Oakland Police Department:

Per Oakland City Charter (“Charter”) § 604 (f)(2), this formal request was approved by the Oakland Police Commission (“Commission”) at its regular meeting on Thursday, May 27, 2021. The Commission requests that the following three members of the Racial Profiling Ad Hoc be granted secure access to the attached list of personnel records: Chair Jackson, Vice Chair Dorado, and Commissioner Milele.

The Commission requests this access pursuant to its functions and duties codified in Section 604(b) of the Oakland City Charter (“Charter”). The three recipients of the information will solely use the information requested to inform their work on Department policy changes related to “profiling based on any of the protected characteristics identified by federal, state, or local law,” per Sections 604(b)(4), (5) of the Charter.

Thank you for your time and attention.

Sincerely,

Regina Jackson  
Chair  
Oakland Police Commission

Attachment (List of Records)

**ATTACHMENT 1: LIST OF RECORDS BEING SOUGHT**

The following records are requested for the Oakland Police Commission (“Commission”)

Racial Profiling Ad Hoc Members: Commissioners Jackson, Milele, and Dorado.

1. All Documents and Communications related to IAD Complaint Nos. 07-0538, 07-0553, and 13-1062.
2. All Documents and Communications related to Background on Bey.
3. All Agreements, Communications, and Documents related to Bey v. Oakland.
4. All discovery produced by OPD in Bey v. Oakland.

For purposes of this subpoena, the following definitions apply:

- **“Agreements”** means any Contracts between OPD and outside law enforcement, private corporations, investigation firms, and/or federal and state agencies.
- **“Background”** means OPD logs, footage, and notes related to background searches, queries, and surveillance conducted.
- **“Bey”** means Ali Saleem Bey.
- **“Bey v. Oakland”** means to *Bey v. City Of Oakland* (3:14-cv-01626)
- **“CPRA”** means the Community Police Review Agency and its predecessor Community Police Review Board
- **“Communications”** means OPD, including IAD, and CPRA’s electronic and written communications, including text messages and/or emails.
- **“Documents”** means OPD, including IAD, and CPRA’s electronic or written memoranda, interview transcripts, notes, reports, and meeting attendance logs and minutes.
- **“IAD”** means Oakland Police Department’s Internal Affairs Division
- **“OPD”** means Oakland Police Department

**ORIGINAL VERSION ADOPTED 5/24/2018  
AMENDED 5/13/2021**

**CITY OF OAKLAND  
POLICE COMMISSION**

**Resolution Adopting a Code of Conduct for  
the Oakland Police Commission**

**Introduced by Oakland Police Commission Ad Hoc Rules Committee  
(Members: Commissioner Henry Gage III, Co-Chair, Commissioner Brenda  
Harbin-Forte, Co-Chair, and Commissioner Sergio Garcia)**

**WHEREAS**, Police Commissioners are public officials and have a responsibility to conduct themselves with the highest integrity and leadership; and

**WHEREAS**, Police Commissioners are responsible to all of the people of the City of Oakland, and not to any particular segment or group; and

**WHEREAS**, Police Commissioners must act in the public interest, not their private interests or any special interests; and

**WHEREAS**, Police Commissioners must strictly adhere to the legal and ethical requirements of office and avoid all situations where prejudice, bias or conflicts of interest could influence their decisions; and

**WHEREAS**, accountability for and between members of the Police Commission is promoted by the adoption of agreed-upon standards of behavior; and

**WHEREAS**, Rule 7.1 of the Oakland Police Commission's Rules of Order calls for the adoption of a Code of Conduct to which Commissioners are to be held accountable; now therefore be it

**RESOLVED**, that the Commission adopts this Code of Conduct in its entirety; and

**FURTHER RESOLVED**, that in accordance with the Oakland City Charter, the Oakland Municipal Code, and the Oakland Police Commission's Rules of Order, the following is established as the Code of Conduct for the Oakland Police Commission.

**OAKLAND POLICE COMMISSION****CODE OF CONDUCT**

**A. Responsibilities of All Commissioners.** Serving on the Commission is an honor. All Commissioners shall conduct themselves in a manner that demonstrates civility, courtesy, honesty, integrity, decorum, and respect in all discussions, debates, and interactions with the public, fellow Commissioners, and City of Oakland representatives and staff. Commissioners shall observe the letter and the spirit of all state and federal laws, the Charter of the City of Oakland, the Oakland Municipal Code, Commission Rules of Order, and this Code of Conduct. To promote these ideals and to ensure the credibility of the Commission, all Commissioners shall:

1. Prepare in advance for, attend, and fully participate in all Commission meetings, unless excused by the Chair;
2. Actively engage in assigned Commission committees and meet applicable deadlines;
3. Be respectful of time constraints during public meetings by raising only appropriate points that advance the decision-making process;
4. Foster a collaborative working relationship with other Commissioners and engage in discussions with them in a manner that shows respect and appreciation for their varied backgrounds, skills and interests, so that Commission business can be discussed openly and comfortably;
5. Respect differing opinions, and refrain from belligerent comments or personal attacks, shouting, or any other actions that could be construed as threatening or intimidating;
6. Take the time to comprehend, and then actively and diligently support and implement final action taken by the Commission as a whole, even when the Commissioner did not vote with the majority on such action;
7. Maintain the confidentiality of all confidential information disclosed to Commissioners, unless expressly authorized by the Chair, the Commission's legal advisor, or court order to disclose such information;
8. When appearing before or corresponding with another governmental agency, a non-governmental organization, or the public, clearly articulate whether they are acting or speaking on behalf of the Commission, on behalf of a Commission Committee, or in their personal or individual capacity;
9. When speaking as a representative of the Commission, state the Commission's official position on the issue, as reflected by a Commission vote. If a Commissioner who did not vote with the majority on the issue wishes to speak to the reasons for the Commissioner's individual vote, the

Commissioner should do so in a way that respectfully recognizes the vote of the majority;

10. Avoid any explicit or implicit promises on behalf of the Commission as to a certain outcome related to any Commission action. Commissioners may appropriately give a brief factual overview of Commission policy, but should refer questions to the Chair, Vice Chair, or Commission staff to provide further information.
11. Treat all staff as professionals and engage in clear, honest communication that respects the abilities, experience and dignity of each individual; and
12. Participate in the ongoing review and improvement of Commission procedures, such as this Code of Conduct.

**B. Responsibilities of the Chair.** It is a privilege to serve as the Commission's leader. With that privilege comes the responsibility to treat other Commissioners as equals, and in a manner that demonstrates appreciation and respect for their hard work and commitment. To promote these ideals, the Chair (or other Presiding Officer), in addition to complying with the responsibilities of all Commissioners as stated above shall:

1. Welcome input and suggestions from other Commissioners on how to improve the operations of the Commission;
2. Take the time to comprehend and then diligently comply with all of the Commission's rules of procedure and any other authorities governing the Commission's work;
3. Maintain order and decorum at meetings by applying the Commission's rules and other governing authorities in a consistent fashion to ensure the fair and equal treatment of all speakers;
4. Keep discussion and questions at the meetings focused on the specific agenda item under consideration, and ensure that discussion of related items advances deliberation of that agenda item; and
5. Seek advice from the Commission's Legal Counsel as necessary to ensure compliance with the Commission's rules and other statutes or authorities governing the Commission's work.

**C. Social Media.** Commissioners are strictly accountable for their conduct at all times, whether in public or private, in person or through social media outlets. Of course Commissioners may engage in activity that is protected by the First Amendment. However, Commissioners who maintain personal social media accounts and publicly disseminate information related to the Commission’s work must understand that their social media posts may discredit, undermine, or otherwise negatively impact the Commission, the City of Oakland, or the Oakland Police Department. For these reasons, Commissioners should exercise good judgment when posting content on social media platforms, and should refrain from using social media to attack, retaliate against, or harass other Commissioners, the Commission itself, the Oakland Police Department, and City staff.

**COMMISSIONER’S ACKNOWLEDGMENT:**

I hereby acknowledge receipt of this Oakland Police Commission Code of Conduct on the date stated below and agree to abide by all of its terms.

\_\_\_\_\_  
Commissioner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Commissioner Printed Name

~~VERSION THREE (ORIGINAL VERSION 5/24/18)  
AUTHORED BY COMMISSIONER EDWIN PRATHER~~

~~CITY OF OAKLAND  
POLICE COMMISSION~~

~~CODE OF CONDUCT~~

~~It is of the utmost importance to conduct Police Commission business in a responsible way that reflects the highest ideals of public service. This Code of Conduct reflects the collective view of this Commission about how Commissioners and Commissioner Alternates will conduct themselves as public servants.~~

~~**B. Commissioner Conduct**—Commissioners and Commissioner Alternates should conduct themselves in a manner that demonstrates respect for the public, for fellow Commissioners, Commissioner Alternates and for Commission staff. Commissioners and Commissioner Alternates should remain committed to observing the letter and the spirit of the law, Commission rules and procedures and act in a manner that upholds the credibility of the Commission while practicing civility, integrity and decorum in discussions. To promote these ideals between the Commission and the public, among Commissioners and Commissioner Alternates, between the Commission and staff members of the Citizens' Police Review Agency, the Office of the Inspector General, the City of Oakland and the Oakland Police Department, all Commissioners shall:~~

~~[1] Attend Commission meetings, except for absences excused by the Chair for illness, personal emergency, work emergency, a death in the family, maternity leave or religious observance;~~

~~[2] Fully participate in Commission meetings and other public forums attended by Commissioners or Commissioner Alternates, while demonstrating respect, consideration and courtesy to others;~~

~~[3] Prepare in advance of Commission meetings and familiarize themselves with issues on the agenda;~~

~~[4] Actively engage in Commission committees to which they are assigned and endeavor to meet applicable deadlines;~~

~~[5] Be respectful of the time of others by staying focused and working efficiently during public meetings, while asking well-founded questions or raising appropriate points that advance the dialog and decision-making process;~~

~~[6] Serve as a model of leadership and civility to the public and demonstrate honesty and integrity in every action and statement; and~~

~~[7] Participate in scheduled activities to review and increase the effectiveness of Commission procedures, such as this Code of Conduct.~~

~~C. Responsibilities of the Chair during Commission Meetings – Commission meetings should be opportunities for a full and respectful exchange of ideas and the responsible execution of Commission duties. During meetings, the Chair (or the Vice Chair in the Chair's absence) will be responsible for:~~

~~[1] Maintaining order and decorum and ensuring the fair treatment of all speakers;~~

~~[2] Keeping discussion and questions focused on the specific agenda item under consideration and ensuring that discussion of related items advance deliberation of the agenda item;~~

~~[3] Managing the meetings in a manner that complies with all statutory and policy requirements, and seek advice from the Commission's Legal Advisor as necessary to ensure that compliance; and~~

~~[4] Ensuring all agenda items are given the opportunity to be discussed and voted on by Commissioners in a manner that is fair, unbiased and reflects the positions of all of the Commissioners.~~

~~D. Interactions During Meetings – Serving on the Commission is an honor and its members and staff should treat their colleagues with respect for the varied backgrounds, skills and interests that each one brings. In interactions with the public, Commissioners and Commissioner Alternates should:~~

~~[1] Practice civility and decorum in discussions and debate. Differences of opinion and debate are to be expected, but Commissioners should refrain from belligerent comments, shouting or actions that could be construed as threatening or intimidating;~~

~~[2] Engage other Commissioners in a manner that promotes a respectful dialogue and avoids personal comments;~~

~~[3] Demonstrate effective problem-solving approaches; and~~

~~[4] Respect the actions of the Commission. Differing viewpoints are healthy in the decision-making process. Once the Commission takes action, Commission members should commit to implement said action in accordance with their responsibilities as public officials.~~

**E. Interactions with the Public**—In public and private, Commissioners and Commissioner Alternates must:

[1] Be clear about whether they are acting or speaking in their capacity as a Commissioner or Commissioner Alternate or in their individual capacity.

If a Commissioner appears before or corresponds with another governmental agency or organization or the public, the Commissioner should indicate: whether his or her statement reflects personal opinion or is the official stance of the Commission; and whether this is the majority or minority opinion of the Commission. If a Commissioner is representing the Commission, the Commissioner should indicate the official Commission position on an issue, as reflected in a Commission vote on an issue. If a Commissioner who did not vote with the majority on a matter wishes to speak to the reasons for his or her vote, the Commissioner should do so in a way that respectfully recognizes Commissioner deliberation and the vote of the majority;

[2] Members of the media frequently contact Commissioners seeking background information or quotes. It is preferred that any direct contacts be channeled through Commission staff to the Chair or Vice Chair;

[3] Continue respectful behavior in private. The same level of respect and consideration of differing points of view appropriate for public discussions should be maintained in private conversations;

[4] Commissioners must make no promises on behalf of the Commission to parties or members of the public. Commissioners will frequently be asked to explain a Commission action or opine issues as they interact with the public. It is appropriate to give a brief overview of Commission policy and to refer questions to the Chair, Vice Chair, or Commission staff for further information. It is inappropriate to promise a certain outcome from Commission action, overtly, or implicitly; and

[5] Commissioners should treat all staff as professional and engage in clear, honest communication that respects the abilities, experience and dignity of each individual. Commissioners should develop a working relationship with the Chair, Vice Chair, and Secretary so that current issues, concerns, and Commission business can be discussed comfortably and openly.

**F. Social Media**—Commissioners and Commissioner Alternates are reminded that they are strictly accountable for their conduct at all times, whether in public or private, in person or through social media outlets. Commissioners and Commissioner Alternates who maintain personal social media accounts and disseminate information related to the Commission must understand that their social media posts may discredit and

~~negatively impact the Commission, the City of Oakland or the Oakland Police Department.~~

~~Commissioners and Commissioner Alternates should refrain from attacking, retaliating against, or harassing any other Commissioner or Commissioner Alternate, the Oakland Police Department, or the Commission itself, as such statements, even personal opinion, undermine the efforts of the Commission.~~

~~The Code of Conduct in its entirety shall apply to Commissioners and Commissioner Alternates' use of social media. Commissioners and Commissioner Alternates are prohibited from any personal use of social media that violates any local, state or federal statute or regulation. This statement regarding social media is not intended to prohibit activity by Commissioners and Commissioner Alternates that is protected by the First Amendment.~~

\_\_\_\_\_  
Commissioner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Commissioner Printed Name

**Oakland Police Department  
Internal Affairs Division**

**Policy XX-XX (Formerly 10-01)**

**Effective Date:  
xx XXX 20**

**Internal Affairs Policy and Procedure Manual**

**NSA Tasks: 1, 2, 3, 4, 7, 10, 13, 45**

**Index as: IAD General Operating Procedures**

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**OAKLAND POLICE DEPARTMENT  
INTERNAL AFFAIRS DIVISION**

**Internal Affairs Division Mission Statement**

The Internal Affairs Division (IAD) performs a critical function within the Oakland Police Department (OPD). Its job is to maintain the integrity and values of the OPD by conducting fair, impartial, and objective investigations of all allegations that an OPD employee has committed misconduct or that OPD policies or procedures themselves are flawed.

There is an absolute right for any community member to file a complaint if he/she feels wronged by an employee or policy of the OPD. The complaint may be written or oral, with or without use of the official IAD complaint form, which is available on the OPD website. There is no time limit to file a complaint. The IAD commits to handling all complaints fairly through procedures that are clear and transparent to all involved.

By doing its job properly, the IAD intends to build trust and respect between its two constituencies – the community and the police. Where a complaint leads to officer discipline or correction of a defective OPD policy, both the community and the police benefit. Reform, narrow or far-reaching, may occur. Even where no actual change results from a complaint, the IAD process may give the OPD insight into how it is perceived by the public and may provide an important opportunity to reach out to the community, explain a policy, bridge gaps in communication, or – at a minimum – demonstrate empathy with someone who has had a negative encounter with the OPD.

Police work is often difficult and complex. To the staff of the Internal Affairs Division, the OPD encourages you to assist those needing your help with heartfelt enthusiasm, knowing that you are fulfilling the mandate of the IAD.

## INTERNAL AFFAIRS DIVISION

### INTERNAL AFFAIRS DIVISION COMMANDER

<b>Rank:</b>	Captain of Police
<b>Immediate Supervisor:</b>	Chief of Police
<b>Immediate Subordinates:</b>	Intake and Administrative Section Commander, Division Level Investigations Section Commander/Manager, and Investigations Section Commander
<b>Primary Responsibilities:</b>	Manage all aspects of the Internal Affairs Division; to include Investigations of all complaints against OPD personnel; Manage the Force Investigations Section

### *AUTHORITIES*

- **Acceptance or Rejection of Advice from the OCA**

The IAD Commander is the sole authority within the Division who may decline or reject legal advice or advice regarding investigative sufficiency from the Office of the City Attorney (OCA). The IAD Commander is the sole authority within the Division who may adjust the time period for review of reports of investigation by the OCA, based on the nature, scope, complexity of the investigation, and availability and necessity of IAD and OCA staff, as set forth in TB V-T.1 subject to the time requirements under government code 3304. Internal Investigations Procedures. The IAD Commander shall confirm any adjustments for review in writing.

- **Authorize the viewing of Body Worn Camera (BWC) video**

The IAD commander or his designee have the authority to authorize a subject member to view their BWC video, provided it will not adversely affect the investigation, pursuant to the provisions of DGO I-15.1. The IAD Commander/designee may consult with the CPRA in its evaluation of whether allowing a subject member to review their BWC video may adversely affect the investigation. Authorization shall be documented in the Chronological Activity Log of the current database system.

- **Authorize the completion of an investigation with a summary finding**

The IAD Commander or his/her designee has the authority to authorize an IAD investigation to be completed as a summary finding, or other investigative format as enumerated in DGO M-3. The authorization shall be documented in current database system.

- **Authority to administratively close an IAD investigation.** The IAD Commander has the authority to administratively close an IAD investigation in accordance with DGO M-03. This shall be documented in the current database system.

## ***DUTIES AND RESPONSIBILITIES***

- **Administer the Division**

The IAD Commander's administrative duties and responsibilities include, but may not be limited to, the following:

- Oversee the daily operation of the Division and ensure all complaints are received, processed, investigated, and reviewed in accordance with controlling state laws and Departmental policy.
- Ensure the Division's workload is monitored.
- Notify the Chief of Police of instances where complaints and/or workloads exceed staffing capability and discuss recommendations for mitigating the issue.
- Approve and monitor the Division budget, overtime, purchases, and contracts.
- Prepare, administer and forward annual performance appraisals for section commanders of the Division in accordance with the provisions of DGO B-06, Performance Appraisals; and Quarterly Personnel Assessment System (PAS) Meetings in accordance with DGO D-17, PAS Reports.
- Ensure mandated training and cross-training for IAD personnel is conducted and documented.
- Ensure all existing and new members to the IAD comply with DGO E-3.1.
- Ensure Annual Report for IAD is completed for inclusion in the Departmental Annual Report.

- **Oversee Case Intake and Processing**

The IAD Commander ensures that cases are accepted, processed, and assigned a disposition properly by doing the following:

- Approve any DLI or IAD investigation which has been administratively closed.
- Ensure all voluntarily withdrawn cases are reviewed by the IAD Section Commander assigned to the case at the time it is withdrawn.
- Review tracking reports of all open cases, including tolled investigations.
- Review the Daily Intake Report.
- In accordance with DGO M-03, notify the Chief of Police, Assistant Chief of Police, City Administrator, and Monitoring Team of a complaint in intake that is high-profile. Examples of high-profile incidents include, but are not limited to: the arrest of any OPD member; a complaint of a serious nature as to require some form of immediate action (e.g. emergency suspension, administrative leave, temporary reassignment, etc.); any Class 1 MOR allegation against a professional staff manager or sworn commander; or misconduct likely to generate unusual public interest (e.g. alleged criminal conduct, serious injury, death, etc.).

- **Oversee and Review Internal Investigations**

The IAD Commander exercises oversight and command over Internal Investigations by doing the following. Additional duties and responsibilities regarding this aspect of the IAD Commander's responsibilities may arise.

- Participate directly in an internal investigation if directed by the Chief of Police.
- Review and approve/deny requests to downgrade a subject officer to a witness officer. Any such actions must be documented in the case's chronological log.
- Review all completed IAD and DLI investigations, including administrative dispositions, for appropriateness. Reviews should ensure impartiality, fairness, and thoroughness by examining, among other things, adherence to Training Bulletin V-T.1, quality of and adherence to investigative plans, correct application of the standard of proof, credibility assessments, promptness and quality of interviews (e.g., avoiding leading questions and resolving inconsistencies), and analysis of the evidence.
- Review and approve/deny requests for a Summary Finding.
- Review and approve/deny request to view Body Worn Camera footage pursuant to DGO I-15.1.
- Review and approve/deny request to remove, amend or change allegations during an investigation.
- Ensure that investigative timelines are adhered to pursuant to DGO M-03.
- Ensure that Skelly packets are assigned to Skelly Officer's in a timely fashion.
- Coordinate with Community Police Review Agency (CPRA) Executive Director for any independent parallel investigation that goes to the Skelly process to ensure concurrences are memorialized.
- Respond to OIS/Level 1 investigations and coordinate IAD investigation.
- During Level 1 Investigation callouts, communicate with the Chief of Police, Assistant Chief of Police and Monitoring Team.
- For IAD callouts, initiate IAD Callout Team and notify CPRA Executive Director, and, when applicable, ensure Peer Support responds to the scene per DGO B-17 Crisis Intervention Team.
- Prepare Administrative Leave Letterhead and ensure the appropriate Commander/Manager serves notice.

- **Confer with Other Department and City Personnel Regarding IAD Activities**

The IAD Commander is the ultimate point of contact for other bodies within the City regarding the activities of the IAD. While it is impossible to delineate all the different communications the IAD Commander may have with internal staff, the following must be completed:

- Meet daily for Executive Staff meeting facilitated by the Chief of Police.

- Meet on a weekly basis with the Chief of Police, Executive Staff and a representative of the OCA to, at minimum, discuss the following:
  - Ongoing and completed investigations;
  - Matters of discipline and recommendations;
  - Emerging legal issues that impact internal investigations;
  - §3304 Government Code tolling cases; and
  - Other cases or issues identified by the IAD Commander;
- Create an agenda for the above weekly meetings and file these agendas to memorialize the meetings.
- Brief, at minimum, the Chief of Police, and the Assistant Chief of Police and/or the appropriate Deputy Chief(s), on complaint trends, risk management and personnel issues as well as any actions taken.
- Review all completed cases which have a Sustained finding, along with any other cases identified by the IAD Commander with the Chief of Police for final disposition and approval.
- Notify the Chief of Police, Assistant Chief, City Administrator, Deputy Chief(s)/Deputy Director, OPOA President, Personnel Manager, Human Resources and Monitoring Team if a member is placed on Administrative Leave.
- Notify the Chief of Police or Assistant Chief of Police whenever a member receives a Sustained finding for a Manual of Rules violation which may constitute *Brady*<sup>i</sup> information;
- Confer with the Bureau of Investigations Deputy Chief regarding the referral of complaints to or from the Criminal Investigation Division (CID) in accordance with DGO M-4.1. Referrals of criminal investigations from CID to IAD require a briefing of, and approval from, either the Chief or Assistant Chief of Police.
- Provide a monthly brief to the City Administrator and Monitoring Team about issues pertinent to the IAD, including but not limited to active investigations of serious misconduct and pending discipline.
- Coordinate with the CPRA Executive Director on all cases which involve an independent parallel investigation.
- Attend and participate in the quarterly Alameda County Internal Affairs
- Notify the Chief of Police and the Executive Director of the CPRA as soon as possible pursuant to the provisions of DGO M-03 and Oakland Municipal Code 2.45.075 for serious incidents.

## INVESTIGATIONS SECTION

### INVESTIGATIONS SECTION COMMANDER

**Rank:** Lieutenant of Police

**Immediate Supervisor:** Internal Affairs Division Commander

**Immediate Subordinates:** Investigators (Sergeant of Police); Administrative Support (Administrative Assistant II)

**Primary Responsibilities:** Manage all cases that are investigated within IAD; Coordinate with the Office of the City Attorney (OCA) and the Community Police Review Agency (CPRA); Manage the Force Investigations Section (FIS).

### *DUTIES AND RESPONSIBILITIES*

#### Manage all IAD Investigations:

The Investigations Section Commander is responsible for managing the investigations conducted within IAD. Effective management of IAD investigations requires taking an active role at various points in the investigation, and close supervision of the assigned IAD Investigator. Some of the duties include, but are not limited to, the following:

- Conduct an initial review of all cases received from the IAD Intake and Administrative Section Commander.
- Review investigative plans, interview questions, and interviews of witnesses with investigative staff, as needed, and in every investigation that includes the following “Serious Allegations”:
  - Allegations for which the minimum presumed discipline for a first offense is a 30-day suspension, demotion, and/or termination.
  - Allegations that require some form of immediate personnel action, such as emergency suspension, administrative leave, or temporary reassignment.
  - An allegation that an OPD employee or member committed a felony or misdemeanor.
  - An allegation involving retaliation, discrimination, or harassment in violation of Administrative Instruction 71.
  - An allegation that an OPD employee or member used his/her position for personal gain.
  - An allegation involving misconduct likely to generate unusual public interest.
  - Any other allegation that, at the discretion of the IAD Commander or Investigative Section Commander overseeing the investigation, warrants consultation with the Office of the City Attorney (OCA) prior to investigative interviews.

Ensure that the OCA is notified and involved in strategic discussions prior to all subject and witness officer interviews involving investigations of serious allegations, as defined above. See next section for guidance on consultation with OCA.

- Conduct a review of completed IAD investigations, direct appropriate revisions, and forward reviewed investigations to the IAD Commander.
- Reviews should ensure impartiality, fairness, and thoroughness by examining, among other things, adherence to Training Bulletin V-T.1, quality of and adherence to investigative plans, correct application of the standard of proof, credibility assessments, promptness and quality of interviews (e.g., avoiding leading questions and resolving inconsistencies), and analysis of the evidence.
- Consult with the IAD Investigator and advise the IAD Commander when a subject officer should be downgraded to a witness officer. The IAD Commander retains sole authority to downgrade a subject officer to a witness, and any such action taken shall be documented in writing in the Chronological Activity Log (CAL).
- In cases where the CPRA is conducting a parallel investigation, IAD needs to coordinate with the CPRA Director prior to the case presentation with the Chief or the closure of an investigation with no sustained findings to ensure that CPRA and OPD are in concurrence on the final findings.
- In cases where the complainant has voluntarily withdrawn their complaint, review the circumstances of the withdrawal to ensure Departmental policy and procedures were followed. This action shall be documented in the CAL.
- Advise the IAD Commander of any unusual incidents or other complaints likely to generate unusual public interest.
- Along with the IAD Commander, provide updates of any IAD investigations to the City Administrator as directed, including representing Internal Affairs during meetings with the CPRA.
- Review and approve in writing all requests to view BWC by members related to IAD Investigations, and forward to the IAD Commander for final approval per DGO I-15.1 Receive, review, and, if endorsed, forward requests for Summary Finding to the IAD Commander for approval.
- Review and approve/deny requests to amend or change allegation during an investigation (only the IAD Commander has the authority to remove an allegation).

### **Office of the City Attorney (OCA) Coordination**

Due to the nature of the cases investigated by the IAD Investigations Section, and pursuant to TB V-T.1, consultation with OCA is required in investigations involving serious allegations, at the direction of the IAD Commander, or in instances where legal counsel is needed. Consultation activities include, but are not limited to, the following:

- Sending investigative plans, witness and subject questions, and a completed draft (investigated with a recommended finding) of the Report of Investigation (ROI) to the Office of the City Attorney (OCA) for legal review. Investigations will be submitted for

the attorney's review at least 30 calendar days before the date on which IAD intends to present the case to the Chief of Police or his/her designee for approval. The IAD Commander has the discretion to shorten the review period based on the nature, scope, or complexity of the investigation, or the availability of IAD and OCA staff. Any authorization to reduce OCA review time must be done in writing. In either instance, IAD shall provide the OCA with an expected date for case presentation to the Chief of Police. OCA's internal policy is to complete their review within 10 calendar days of receipt.

- Ensure that substantive comments and feedback analysis from OCA are addressed, and that they remain in the draft of the Report of Investigation for review and discussion with the IAD Investigator and IAD Commander.

### **Community Police Review Agency (CPRA) Coordination:**

Pursuant to The Charter of the City of Oakland, Section 604(g), in any public complaint that is investigated by both agencies, agreement or disagreement with the findings must be established between the Chief of Police and Executive Director prior to adjudication.

- In instances where the IAD Investigator and CPRA Investigator come to the same finding(s), and where those findings are other than Sustained, the IAD Investigation can be closed and processed upon receipt of written concurrence with the findings from the CPRA Executive Director.
- In instances where the IAD Investigator and CPRA Investigator come to the same finding(s), and where one or more of those findings are Sustained, the case can be scheduled for presentation to the Chief of Police upon receipt of written concurrence with the findings from the CPRA Executive Director.
  - The CPRA Executive Director and the CPRA Investigator are permitted – but not required – to attend the case presentation to the Chief of Police.
  - When the case is later presented to the Chief of Police for a discipline determination, the Executive Director's presence at that meeting shall be requested. Whether at the meeting or in some manner consistent with the Charter, agreement or disagreement between the Executive Director and the Chief of Police on the proposed discipline must be established.
- In instances where the IAD Investigator and CPRA Investigator come to different findings, the case shall be scheduled for presentation to the Chief of Police to establish agreement or disagreement between the Executive Director and the Chief of Police on the finding(s).
  - The CPRA Executive Director and the CPRA Investigator should be present at the case presentation to the Chief of Police to present their finding(s).
  - The IAD Investigator and the Investigations Section Commander shall attend the meeting to present their finding(s) to the Chief of Police.
- If, after presentation and discussion between the Chief of Police and the Executive Director, there is disagreement on either the finding(s) or proposed discipline, the case shall be submitted to a Discipline Committee pursuant to The Charter of the City of Oakland, Section 604(g)(2).

DRAFT

**INTERNAL AFFAIRS INVESTIGATOR**

<b>Rank:</b>	Sergeant of Police
<b>Immediate Supervisor:</b>	Investigations Section Commander
<b>Immediate Subordinates:</b>	None
<b>Primary Responsibilities:</b>	Investigate allegations of misconduct; Complete Reports of Investigation (ROI); Coordinate with the Office of the City Attorney (OCA) and the Community Police Review Agency (CPRA)

***DUTIES AND RESPONSIBILITIES***

Internal Affairs Investigators are responsible for completing investigations assigned to the Internal Affairs Division. The nature, scope, and investigative steps can vary between cases. However, there are tasks that are consistent throughout most investigations. These tasks include, but are not limited to, the following:

**Investigate Allegations of Misconduct**

Investigators shall follow the investigative procedures enumerated in Training Bulletin V-T.1, which provides more specific details on how to conduct an Internal Affairs investigation, IAD Investigators should complete the following tasks to ensure a fair, impartial, thorough, and timely investigation:

- Upon being assigned an investigation, determine if there are any conflicts that necessitate a recusal from the investigation.
- Review all materials contained in both the case file and the electronic file in the current database system.
- Ensure all allegations of misconduct are accurately identified.
- Identify evidence at risk of spoiling, potential witnesses, potential physical evidence, relevant policies, and any additional potential Manual of Rules (MOR) violations pursuant to Training Bulletin V-T.1.
- Develop an investigative plan and discuss the plan with the Investigations Section Commander and, when needed, the Office of the City Attorney (OCA).
- Prepare for and promptly conduct fact-finding witness and subject interviews. When preparing for an interview, Investigators should determine relevant polices, practices, and trainings associated with the misconduct; key questions that need to be answered; and any gaps in timelines.
- In conducting interviews, resolve any inconsistencies and avoid exculpatory leading questions.

**Complete a Report of Investigation (ROI)**

Once all interviews have been conducted and available evidence has been gathered, the Investigator shall prepare a Report of Investigation (ROI) for inclusion in the case file. The ROI shall follow the most recent version of the ROI template (TF-3507) or the ROI Summary Finding template (TF-3508), and shall minimally include the following:

- The issue in question (i.e. the alleged misconduct)

- The policy, procedure, or law that the alleged misconduct violated
- An analysis of the evidence
- An assessment of the credibility of all witnesses and subjects
- A finding based on the preponderance of evidence
- Compilation of all documents and evidence relevant to the investigation along with administrative materials, including, but not limited to, a Complaint Investigation Report (CIR) with findings and a closeout letter.

Barring extenuating circumstances or extensive investigations, reasonable efforts shall be made to complete investigations within 180 days pursuant to DGO M-3.

### **Office of the City Attorney (OCA) Coordination**

Due to the nature of the cases investigated by the IAD Investigations Section, consultation with OCA is required in investigations involving allegations enumerated in Training Bulletin V-T.1, at the direction of the IAD Commander, or in instances where legal counsel is needed. Consultation activities include, but are not limited to, the following:

- Sending investigative plans, witness and subject questions, and a completed draft (investigated with a recommended finding) of the Report of Investigation (ROI) to the Office of the City Attorney (OCA) for legal review. Investigations will be submitted for the attorney's review at least 30 calendar days before the date on which IAD intends to present the case to the Chief of Police or his/her designee for approval. OCA's internal policy is to complete their review within 10 calendar days of receipt.
- Ensure that substantive comments and feedback analysis from OCA are addressed, and that they remain in the draft of the Report of Investigation for review and discussion with the IAD Investigator and IAD Commander.

### **Community Police Review Agency (CPRA) Coordination:**

Pursuant to The Charter of the City of Oakland, Section 604(f)(2), the CPRA has the same access to all Department files and records as the Internal Affairs Division, and the Department shall make every reasonable effort to respond to the CPRA's requests for files and records within ten (10) days and the transfer of any materials to CPRA shall be documented in the Chronological Activity Log in the current case management database. When OPD and CPRA are conducting parallel investigations, coordination with CPRA should include, but is not limited to, the following:

- Provide all evidentiary materials, including recorded interviews, as requested.
- Submit or accept interview questions, depending on which agency is conducting the interview.
- Notify CPRA investigator of proposed timing for interviews and, upon request, coordinate joint agency interviews.
- Notify CPRA of any proposal to add or remove allegations and/or subject officers.

DRAFT

**INVESTIGATIONS SECTION ADMINISTRATIVE SERGEANT/ANALYST**

**Rank:** Sergeant of Police/Admin Analyst II  
**Immediate Supervisor:** Internal Affairs Investigations Commander  
**Immediate Subordinates:** None  
**Primary Responsibilities:** Responsible for supporting the Investigations Section

***DUTIES AND RESPONSIBILITIES***

The Investigations Section Administrative Sergeant/Analyst serves as support mechanism for the daily operations in the Investigations Section. The duties are varied and include, but are not limited to, the following:

**Case Tracking**

- Maintain a tracking document for all cases assigned to the Investigations Section.
- Cross reference the Community Police Review Agency (CPRA) case list and identify cases assigned to the Investigations Section that have parallel investigations with CPRA.
- Coordinate with IAD Administrative Section and retrieve all new cases assigned to the Investigations Section.

**Weekly IAD Meeting Preparations**

- No later than two-days prior to the IAD meeting with the Chief of Police, prepare an agenda for the meeting, to include all cases being presented at the meeting. Distribute an electronic copy of the agenda to the appropriate stakeholders and upload a final version of agenda to the IAD server.
- No later than two-days prior to the meeting, send out an email reminder to all presenters with the meeting date, time, and location.
- Ensure all attendees sign an Attendance Roster and upload the signed roster to the IAD server.
- Serve as notetaker for the meeting, and send out the notes to the IAD Commander, Investigations Section Commander, DLI Section Commander/Manager, and the Intake and Administrative Section Commander.

**Case Closures**

- Review closed case files to ensure all required documents are signed and in case file (e.g. CIR, ROI, Closeout Letter, etc.). Ensure that investigator has uploaded all recorded statements to the server prior to final closure.
- For cases with Sustained findings, create the pre-discipline documents. Forward the completed pre-discipline folder to the IAD Commander for signatures and distribution. Pre-discipline documents include the following:
  - Copy of signed ROI
  - Copy of signed CIR
  - Copy of CIR Index for the sustained officer

- Last two (2) years of performance appraisals for the sustained officer
- Memo from IAD Commander directing the pre-discipline to be completed by a specified date, typically two weeks after the sustained finding by the Chief of Police.
- Complete intent to discipline paperwork from returned pre-discipline conference. Forward completed paperwork to the IAD Commander for signatures. Task the recipient of the intent to discipline paperwork in the tasking/database system.
- For cases that qualify for a Skelly Hearing (Refer to TB V-T.04 Due Process Hearings for further information), update the IAD Skelly Tracking sheet after the IAD Chief meeting. Ensure all new Skelly-eligible cases are assigned a Skelly officer. Forward a copy of the tracking sheet to the IAD Commander, the Investigations Section Commander, and the Administrative Section Supervisor.
- Prepare Skelly Packets for qualifying cases that originate in the Investigation Section and, upon completion, forward to the Administrative Section Supervisor for review.

**Additional duties, as needed**

- Coordinate with the UOF coordinator on FRB/EFRB cases that are being investigated by IAD; and when there is a parallel CPRA investigation, also coordinate with CPRA.
- Submit requests for transcripts for investigators and monitor status of transcripts.
- Handle document requests for IAD Investigations section. All CPRA document requests shall be completed within 10 days of request. If there is a circumstance preventing the request from being completed notify the Investigations Commander of the delay.
- Complete special projects for the IAD Commander and Investigations Section Commander, as needed.
- Review the Arbitration update received by the City Attorney's Office. Update any changes on the weekly agenda.
- Complete the retaliation report and send to OCA representative for review.
- Update the Callout Schedule as needed and ensure that schedule is sent to the Patrol Desk.
- Monthly, complete a Vehicle Inspection Checklist for all Department vehicles assigned to the Investigations Section.

**FORCE INVESTIGATION SECTION**

**Rank:** Sergeant of Police  
**Immediate Supervisor:** Investigations Section Commander  
**Immediate Subordinates:** None  
**Primary Responsibilities:** Investigation of all Level 1 force incidents, Level 1 vehicle pursuit incidents, and other incidents as directed by the IAD Commander or Chief of Police.

***TRAINING, SELECTION, AND ADMINISTRATION*****Selection:**

The IAD Commander and the Investigations Section Commander are responsible for selecting the investigators for the Force Investigation Section (FIS). FIS investigators must be a Sergeant of Police and have prior IAD investigations experience. The following qualifications are desirable, but not required:

- At least one-year IAD investigative experience.
- Prior Criminal Investigation Division experience (preferably Homicide).
- Proficient in PowerPoint, MS Word and Adobe PDF.
- Experience completing Level 2 Use of Force investigations
- Strong working knowledge of Graham v Connor and Departmental policies associated with force.

**Training:**

New FIS investigators will be assigned a secondary investigator to act as a training investigator. The secondary investigator will be a senior member of the FIS team and will assist the new investigator with their investigation(s). All new investigators assigned to the FIS shall complete training in the following areas prior to or within six months of their assignment:

- Human behavior in high stress and deadly force encounters (e.g. Force Science Institute's certification course).
- Interviewing (e.g. Behavior Analysis Training Institute's Cognitive Interview and Statement Analysis course).
- Officer-involved shootings (e.g. courses certified by California Commission on Peace Officer Standards and Training).
- Ongoing training provided by the Office of the City Attorney (OCA).
- Any training that will enhance the effectiveness of the investigators. This training is subject to the approval of the IAD Commander.

**Standby Status of FIS Investigators**

Personnel assigned to the FIS are "standby" investigators who are entitled to "standby pay" in accordance with the provisions of the current MOU. FIS investigators are assigned a Department

take-home vehicle to use to respond to all call outs. If an investigator is going to be unavailable for callout for more than four consecutive days, their vehicle shall be returned to the Investigations Section Commander for reassignment until the investigator returns to “standby” status. Personnel from the Investigations Section may be used as “standby” investigators to supplement existing FIS personnel, or to cover for the absences of FIS personnel. The decision on case assignment will be the responsibility of an IAD Commander.

### **Call-Out Procedures**

Upon notification of an incident designated for investigation by the FIS, the Investigations Section Commander shall contact the FIS investigators to initiate the FIS callout. All FIS members shall respond to the location designated by the Investigations Section Commander within one and a half hours from the time they are notified of the callout. The Investigations Section Commander shall determine if additional IAD Investigators are to be called out based on the incident circumstances.

### ***ROLES AND RESPONSIBILITIES***

#### **Scene Responsibilities:**

Scene management of a FIS investigation is of the utmost importance. The coordination between CID, Patrol, and CPRA is required to ensure a thorough investigation is conducted. Below are the responsibilities for the members of the FIS while on scene of an FIS investigation.

- The Investigations Section Commander shall respond to the scene and take command of the administrative investigation, and shall ensure the following:
  - Notify and brief the IAD Commander;
  - Notify and brief the Executive Director of the CPRA. Coordinate with the CPRA Director in the response of the CPRA investigator.
  - Coordinate with the CID Commander assigned to the investigation of the incident to include, but not limited to:
    - Ensure all subject and witness members are separated and sequestered
    - Conduct walkthrough of scene
    - Ensure all witnesses are identified
    - Ensure that all BWC videos have been locked down by CID or the Technology Department.
    - When appropriate, coordinate with IT unit to ensure that Field Based Reporting (FBR) reports are locked down with restricted access.
    - Ensure all subject(s) are interviewed. If there is a disagreement between the FIS and CID on which subjects should be interviewed the Assistant Chief will have the final decision.
    - The FIS Lieutenant will ensure that subject officers’ Departmental phones be taken for investigative review in conjunction with the Criminal Investigations Division (CID) commander.
  - Assess the need for additional FIS investigators to be called out.

- Monitor the follow-up investigation and ensure it is handled in accordance with this policy and other relevant policies (e.g. DGO K-4).
- The assigned FIS investigator(s) shall respond to the incident scene and conduct the appropriate investigation, which shall include but is not limited the following:
  - Confer with the Criminal Investigations Division (CID) Commander and/or CID investigators regarding:
    - Scene security;
    - Crime scene processing plan;
    - Canvass for additional witnesses, as necessary;
    - Ensure that a 3D scan is completed of the incident scene; and
    - The completion of all other necessary investigative steps as outlined in DGO K-4, DGO J-4 and any other relevant policy.
  - Participate in a briefing and walk-through with the CID Commander and/or CID investigators.
  - Conduct a thorough review of all documents to be included in the Use of Force, Pursuit, or In-Custody Death Report packet to ensure completeness, accuracy, and quality.
  - Ensure the appropriate Offense or Supplemental Report contains the following minimum information regarding the use of force incident:
    - The original reason for police presence on the scene;
    - The circumstances that resulted in the use of force;
    - The precipitating act(s) leading to the use of force; and
    - A detailed description of the force used.
    - How or if it was deescalated/resolved
  - Obtain additional details or clarification when incomplete or inadequate reports are discovered.
  - Coordinate with the assigned Deputy District Attorney and other investigator(s), as appropriate, such as Coroner's Office.
  - Interviews
    - Monitor or review interviews of involved member(s) and witnesses by the CID investigators. IAD investigators shall not participate in the CID interviews of involved personnel.
  - Investigators shall consult with the CID Commander prior to interviewing a suspect in a homicide or serious violent felony as it relates to an administrative investigation.
  - Complete the Level 1 Incident Checklist.

**Follow-up Investigation:**

- The Investigations Section Commander shall:
  - Ensure the IAD Commander and Chief of Police are updated on the status of all FIS investigations on a weekly basis, or as deemed necessary by the IAD Commander.
  - Review all summaries of CID interviews of witnesses and coordinate with investigators to determine if a follow-up interview is required. Ensure interview summaries are forwarded to OCA for review.
  - Review witness and subject member questions. Ensure questions are forwarded to OCA for review.
  - Ensure that in the case of a subject interview of a Command level member that an equal rank Commander from IAD is the second on the interview.
  - Review pertinent witness interviews and all subject interviews for thoroughness and investigative sufficiency.
  - In the event where a Command Officer is a subject in the investigation the FIS Lieutenant or the IAD Commander shall conduct the analysis to determine a finding.
- The OCA, in conjunction with the Investigations Section Commander, will provide counsel and advice on matters involving case planning and interview schedules, and conduct legal review of FIS reports.
- The FIS Investigator shall:
  - Within the first business day after the incident, the FIS investigator shall meet with the IAD commander, Investigations Section Commander, and the OCA to conduct a briefing on the following:
    - The circumstances of the incident;
    - Use of Force/In-Custody Death Report preparation; and
    - Any concerns or issues that were observed.
  - Within 72 hours, prepare a briefing for the Chief of Police to include the following:
    - Summary of the incident
    - Identified subject members
    - Investigative timeline
    - Potential issues
  - Follow-up investigative steps
    - Establish a weekly meeting with the OCA for investigation updates.
    - Establish an investigative timeline and task tracking sheet for investigation.
    - Update the tracking sheet on a weekly basis and provide it to the Investigations Section Commander, the IAD Commander, and OCA.

- Review all interviews conducted by CID and provide a summary to the Investigations Section Commander and OCA representative for review to determine if a follow-up interview is needed.
- Draft questions for witness/subject interviews and forward for review to the Investigations Section Commander and OCA.
- Conduct interviews of all witnesses and subjects.
- Conduct a canvass of incident location.
- Coordinate with CID investigator on the status of the CID investigation and ensure that all CID investigative material are delivered to IAD.
- If required, consult with OCA on obtaining an administrative subpoena for any evidence.
- The FIS investigator shall contact the CPRA investigator assigned to the investigation to facilitate requests for the following on a regular basis:
  - Documents
  - Evidence
  - Witness/Subject questions
  - Coordination of interviews

All requests from the CPRA shall be completed within 10 Calendar days, and the transfer of any materials to CPRA shall be documented in the Chronological Activity Log in the current case management database.

### Report Preparation and Review:

- The assigned FIS investigator shall:
  - Prepare the appropriate Level 1 Use of Force (UOF) or In-Custody Death (ICD) report specifically designated for use by the FIS investigator.
  - Assemble the appropriate report packet to contain:
    - A **copy** of the CID Follow-Up Investigation Report (336-201), if completed; **AND**
    - Items identified in the Level 1 Incident Checklist (TF-967f);
    - A printed Chronological Activity Log as entered in the IAD database;
    - The appropriate investigative checklist;
    - A **copy** of the appropriate Offense Report, if prepared; and
    - **Copies** of ancillary documents, if available (e.g., statements, Details, CAD purge, CAD audio, available medical information obtained, and photographs).
  - Ensure that required information is reported to personnel responsible for the UOF database **within 24 hours of the incident.**

- Ensure all recorded statements from involved personnel, witnesses, and the subject of the use of force, taken by IAD investigators, in a UOF/ICD investigation are included in the investigative file.
- Submit the UOF/ICD Report packet for review through the IAD chain-of-command to the IAD Commander and the OCA **within 60 days of the incident**, unless extended by the IAD Commander.
- FIS Command Review: The Investigations Section Commander shall review the UOF/ICD Report packet **within 15 calendar days** of the completion of the investigation. This includes the following:
  - Review report packet for completeness, accuracy, and quality, and return any reports that are incomplete or inadequate;
  - Ensure the report evaluates and documents, when appropriate, whether the use of force was in compliance with Departmental policy.
  - Ensure the report evaluates and documents any training, tactical, supervision, and other risk management issues; and
  - Order further investigation or additional investigative resources when necessary;
- OCA Review
  - Upon completion of the review and endorsement of the investigation by the Investigations Section Commander, forward to the OCA representative assigned to the case at least 30 days prior to the date the case is planned for presentation to the Chief or submission to an FRB or EFRB, as applicable. OCA's internal policy is generally to complete the review within 10 calendar days, or provide written notice to IAD regarding any extensions of the review time-period.
- IAD Commander Review: The IAD commander shall review the UOF/ICD Report packet within 10 calendar days of the completion of the OCA review. This included, but is not limited to, the following:
  - Ensure the report evaluates and documents, when appropriate, whether the use of force was in compliance with Departmental policy.
  - Ensure the report evaluates and documents any training, tactical, supervision, and other risk management issues; and
  - Order further investigation or additional investigative resources when necessary;
  - The IAD Commander shall notify the CPRA Executive Director of the completion of the investigation.

**Executive Force Review Board Participation:**

- The Investigations Section Commander shall:
  - Designate a presenter of the IAD UOF/ICD Report investigation and coordinate the EFRB presentation with the CID.
  - Ensure the UOF/ICD Report packet is provided to the EFRB in accordance with DGO K-4.1, Force Review Boards.
  - Ensure Officer Involved Shooting is reported to the California Department of Justice URSUS<sup>1</sup> reporting system. URSUS website link: <https://portal.doj.ca.gov/>

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<sup>1</sup> California Department of Justice Use of Force Incident Reporting (CA Assembly Bill (AB) 71 ), requires every law enforcement agency in the State of California to report all incidents of police shootings and occurrences where an officer or civilian is seriously injured or dies as a result of a use of force. (Effective January 2016).

## INTAKE AND ADMINISTRATIVE SECTION

### INTAKE AND ADMINISTRATIVE SECTION COMMANDER

<b>Rank:</b>	Lieutenant of Police
<b>Immediate Supervisor:</b>	Internal Affairs Division Commander
<b>Immediate Subordinates:</b>	Intake Supervisor (Sergeant of Police); Administrative Support Supervisor (Police Records Supervisor)
<b>Primary Responsibilities:</b>	Administer the Intake and Administrative Sections; Manage and review the intake of all complaints against OPD personnel; Manage all records and reporting related to IAD investigations; Manage the discipline process for all IAD investigations

### *DUTIES AND RESPONSIBILITIES:*

#### Administration of the Intake and Administrative Sections

The Intake and Administrative Section Commander is responsible for the day-to-day function of the section. This includes, but is not limited to, the following:

- Supervising section personnel.
- Managing the section's workload.
- Overseeing work assignments throughout the Section.

#### Manage and Review All Complaints:

The Oakland Police Department accepts all complaints regardless of their origin, and each complaint is processed through the Intake Section. Regardless of the final disposition of a complaint, it must be reviewed by the Intake and Administrative Section Commander. The process includes, but is not limited to::

- The Intake Officer/Technician processes the complaint and makes a disposition recommendation.
- The case is then reviewed by the Intake Supervisor, who also makes a disposition recommendation and forwards it to the Intake and Administrative Section Commander for review.
- The Intake and Administrative Section Commander then reviews the case and makes the final decision of the disposition of the case, taking into consideration the following:
  - Administrative Closure: ensure that the circumstances comply with policy criteria for administrative closure, including but not limited to: service complaints, withdrawn complaints, chronic complainants, and no MOR violations.
  - Open Investigation: review the details of the complaint to ensure all allegations of misconduct are identified; assess the seriousness of the allegations and complexity of the investigation and route the case in one of two directions:

- Investigations Section: Cases involving a Class I allegation, or cases involving Class II allegations with multiple subject officers (typically more than 5), or cases that are high-profile in nature are forwarded to the Investigations Section Commander for review and assignment.
- Division Level Investigation: Cases that are not sent to the Investigations Section Commander are distributed as a Division Level Investigation (DLI).

Once the Intake and Administrative Section Commander completes their review, the Control Files are forwarded to an IAD Police Records Specialist for processing.

- This process should reasonably occur within forty-five calendar days.

### **Records Management and Statistical Reporting:**

The Internal Affairs Division is the Custodian of Record for all IAD investigations. Additionally, IAD regularly generates reports – both standardized and ad hoc – for a variety of stakeholders including the IAD Commander, Chief of Police, Office of Inspector General (OIG), and the Monitoring Team.

- Records Management: Although this is the primary responsibility of the Administrative Support Supervisor, the Intake and Administrative Commander must ensure that records are maintained in accordance with policy and statutes. This includes, but is not limited to, on-site records, off-site records, and digital records.
- Statistical Reporting: In conjunction with the Administrative Support Supervisor, produce the following reports:
  - Biweekly Compliance Reports: On a biweekly basis, forward a standardized report to OIG with information on complaints and sustained cases during the reporting period, as well as YTD comparisons of the same. Cases that missed the 180-days timeline are also reported.
    - On a rotating schedule, the Biweekly Compliance Report contains the results of audits based on IAD-related NSA Tasks.
  - Yearly Report: Standardized report for inclusion in the yearly OPD Annual Report
  - Ad Hoc Reports: Periodic requests are made for reports based on IAD data.

### **Discipline Process Management:**

The Administration Section is responsible for producing most documents related to the discipline process. Pre-Discipline files, Notices of Intent to discipline, and Skelly files, as well as the tracking for all discipline cases, are under the purview of the Intake and Administrative Section Commander. Most of these tasks are completed by Internal Affairs Police Records Specialists and the Administrative Support Supervisor.

**INTAKE SUPERVISOR**

<b>Rank:</b>	Sergeant of Police
<b>Immediate Supervisor</b>	Intake and Administrative Section Commander
<b>Immediate Subordinates:</b>	Police Intake Technicians; Intake Officers (Sworn); Pitchess Officer (Sworn)
<b>Primary Responsibilities:</b>	Review all new complaints processed by IAD; handle urgent matters coming from the OCOP and the field; coordinate resources for special projects by the IAD Commander; manage work schedules for Police Intake Technician and Officers

***DUTIES AND RESPONSIBILITIES*****Reviewing Incoming Complaints:**

- The case is reviewed by the Intake Supervisor for accuracy of allegations, relevant documents and evidence. Ensure subject members are notified of the complaint.
- The Intake Officer/Technician processes the complaint and makes a disposition recommendation before forwarding to the Intake Supervisor.
- During case review the Intake Supervisor reviews for the following:
  - Informal Complaint Resolution (ICR): If the complainant elected to resolve the complaint via ICR, check the subject member's supervisory note file entries and their CIR Index to ensure the case is eligible for ICR before submitting the case to the IAD Commander. If a case is ineligible for ICR, return the case to the Intake Officer or Technician to prepare the case for Open Investigation.
  - Open Investigation: Review the complainant's statement to ensure all allegations are identified; ensure evidence and relevant policies are included. Return cases to the Intake Officer or Intake Technician for additional work if needed.
  - Administrative Closure: Review the complainant's statement to ensure there are no missed allegations of misconduct. Return cases to the Intake Officer or Intake Technician for additional work if needed.

**Additional Duties:**

- Review IAD Communications Daily Incident Log and IAD Communications Complaint Referral Logs (aka IBC Logs) to ensure there are no issues that need addressing (high profile, serious allegations, self-reported off duty).
- Review the IAD Communications Complaint Referral Logs to ensure entries are appropriate.
- Notify City Human Resources of any allegations in violation of Administrative Instruction (AI) 71.
- Manage cases in Intake by completing a weekly Intake Unit Report. The report is submitted to the IAD Commander.

- Ensure staffing coverage for the next week's Intake is in place.
- Ensure any upcoming Complaint Unit activations are staffed and confirmed.

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**INTAKE ADMINISTRATIVE OFFICER**

<b>Rank:</b>	Police Officer
<b>Immediate Supervisor:</b>	Intake Supervisor
<b>Immediate Subordinates:</b>	None
<b>Primary Responsibilities:</b>	Manage the tracking and listing of several different databases where administrative benchmarks are documented

***DUTIES AND RESPONSIBILITIES:***

Ongoing duties include, but are not limited to, the following:

- **Track City Vehicle Collisions:** The Intake Administrative Officer (IAO) tracks City vehicle collisions involving Departmental personnel. A sustained finding is added to all city-vehicle collisions which have been determined to be preventable. The file is forwarded directly to the IAD Intake/Administrative Commander for review and pre-discipline.
- **Maintain a Chronic Complaint List:** The IAO maintains a list of persons who continually make frivolous or plainly unsubstantiated complaints.
- **Process Out of Compliance Pursuits and Uses of Force:** The IAO receives a Vehicle Pursuit packet or Use of Force packet which have been determined by the Training Division/Department Safety Committee or Force Review Board as Out of Compliance. Process the case and adds a sustained finding before forwarding to the IAD Commander for review.
- **Audit the Daily Intake Report:** The IAO audits the IAD Daily Intake Report for any external citizen complaints made against sworn members and forwards the Complaint Investigation Report (CIR) for each complaint to the Community Police Review Agency (CPRA) within one business day pursuant to the City Charter.
  - The IAO reconciles the IAD Communications Daily Incident Log with the IAD Daily Intake Report to ensure each complaint is assigned a case number and tasked to an Intake Officer or Intake Technician as a deliverable.
- **Forward Certain Complaints to CPRA:** The IAO forwards certain complaints to the CPRA as required by the City Charter.
- **Process Legal Claims forwarded by OCA:** The IAO receives copies of legal claims forwarded by the Office of the City Attorney (OCA). Legal claims are reviewed for alleged MOR violations and the IAO conducts a preliminary inquiry. Ensures data is entered in to the IAD case record.
- **Handle Special Projects as Directed:** The IAO is tasked with handling special projects by the IAD Commander, to include, but not limited to: generating reports of statistics, auditing specific IBC log entries as directed by the Intake Supervisor or Commander, or any other task directed by the IAD Commander.
- **Closing Error Records:** The IAO checks the IAD database and closes any case record opened in error.

- **Complete After-Action Reports:** The IAO completes the after-action report for any Complaint Unit activations.
- **Assist Intake Staffers:** Meet with each Intake Staffer to go over any case issues, problems, and goals.

**Monthly:**

- Audit Open Intakes for IA Admin Report.
- Ensure every case in Intake listed (without a “Date in Review”) is in the possession of the Intake staffer.
- Ensure no cases are missing from the report.
- Ensure each case in Intake listed as “In Review” is either with the Intake Sergeant or Lieutenant.
- Ensure IAD Communications Daily Incident Log Audit is up to date and properly maintained.
- Ensure Complaint Unit Activations Folder is up to date and maintained.
- Ensure Chronic Complainant Log is up to date and maintained.
- Save the Complaint Line Transfer Log to the server file.

**INTAKE OFFICER/POLICE INTAKE TECHNICIAN**

**Rank:** Police Officer/Police Intake Technician (PIT)  
**Immediate Supervisor:** Intake Supervisor  
**Immediate Subordinates:** None  
**Primary Responsibilities:** Assist with the function of the Physical IAD Offices; Receive and process complaints received directly through IAD; process complaints received by field personnel; prepare preliminary inquiries to be sent out for investigation.

***DUTIES AND RESPONSIBILITIES:*****Assist with the Function of the Physical IAD Offices:**

- Perform opening duties:
  - Review the IAD Communications Daily Incident Log.
  - Check for duplicate complaints before opening a new case.
  - Distribute the IAD Communications Daily Incident Log and IBC logs to other members of IAD Intake and the IAD Commander.
  - Transfer the 24-hour IAD Hotline from Communications Division back to IAD.
- Perform closing duties:
  - Complete the IAD Daily Intake Report and distribute to IAD Intake personnel.
  - Transfer the 24-hour IAD Hotline to Communications Division and document it on the transfer log.

**Receive and Process Complaints:**

- Intake new complaints (via in-person, telephone, email, written correspondence, or any other source) and complete Preliminary Inquiries (PI) within timeline and by priority.
  - Interview the complainant(s)
  - Attempt to associate the complaint to an incident.
  - Attempt to identify the subject member(s) and witnesses.
  - Obtain all reports and documents associated to the incident.
  - Obtain all relevant recordings.
  - Ensure all allegations of misconduct are accurately identified.
  - Make a case file recommendation prior to submitting to the Intake Supervisor for review.

**Process Complaints Received by Field Personnel:**

- Ensure Field Preliminary Inquiries are received in 21 days and document in CAL, with notification to Intake Sergeant if not.

**Prepare Preliminary Inquiries for Assignment:**

- Review PI for accuracy and completeness. Include evidence or policies missing from the PI packet. Make a case file recommendation before submitting the case to the Intake Supervisor for review.
- Complete additional tasks if returned by the Intake Supervisor for more work.
- Ensure that all case material is kept in the control file, saved to the server and never left in other areas or the workspace.

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**PITCHESS OFFICER**

<b>Rank:</b>	Police Officer
<b>Immediate Supervisor:</b>	Intake Supervisor
<b>Immediate Subordinates:</b>	None
<b>Primary Responsibilities:</b>	Respond to Pitchess motion subpoenas, Brady requests, and Giglio inquiries as appropriate; ensure IAD complaint forms are available at specified locations; assist with the Intake process of complaints and completion of Skelly Packets

***DUTIES AND RESPONSIBILITIES:*****Responding to Pitchess Motion Subpoenas:**

Prepare court documents related to Pitchess motion subpoenas and appear in court. Pitchess Officer reviews the complaint history for all officers listed on the subpoena and determines which complaints apply, based on the categories outlined within the subpoena. If a motion is granted by the presiding judge, the documents are presented in chambers by the Pitchess Officer.

- The Pitchess Officer maintains a running log of subpoenas that have been served to IAD with details and results of the Pitchess motion court hearing.
- The Pitchess Officer notifies the officers of the motion that has been filed.
- The Pitchess Officer responds to court subpoenas in Alameda County, as well as other counties.
- The Pitchess Officer prepares and provides material ordered by the presiding judge to defense attorneys.

**Responding to Brady Inquiries/Requests:**

The Pitchess Officer receives Brady inquiries from District Attorney offices requesting exculpatory information that may or may not exist within an officer's personnel folders.

- The Pitchess Officer researches the officer's complaint history and responds to the Brady requests, verifying whether exculpatory evidence exists.
- The Pitchess Officer maintains a log of Brady requests that have been received for each fiscal year.

**Responding to Giglio Inquiries:**

The Pitchess Officer receives Giglio inquiries from the United States Attorney's Office requesting exculpatory and impeachment information that may or may not exist within an officer's personnel file.

- The Pitchess Officer researches the officer's complaint history and responds to the Giglio inquiry, verifying whether or not responsive information exists.
- The Pitchess Officer maintains a log of Giglio requests that have been received for each fiscal year.

**Additional Duties:**

- The Pitchess Officer is responsible for ensuring the availability of IAD complaint forms at specific locations throughout the City of Oakland that include:
  - Police Administration Building
  - Eastmont Precinct
  - High Street and Fruitvale Police substations
  - Department of Human Resources
  - CPRA Office
  - City Clerk's Officer
  - 237 East 18<sup>th</sup> Street
  - 388 9<sup>th</sup> Street
- The Pitchess officer assists with the Intake process and preliminary investigations of complaints filed as outlined in Intake Officer/Police Intake Technician responsibilities.
- The Pitchess officer assists with the preparation of Skelly packets for officers receiving discipline. The Pitchess Officer redacts certain information from the investigative complaint process of certain cases that involve a Skelly packet.
- The Pitchess Officer assists with the duties of the IAD Intake Administrative Officer when the Administrative Officer is on leave.

**ADMINISTRATIVE SUPPORT SUPERVISOR**

<b>Rank:</b>	Police Records Supervisor
<b>Immediate Supervisor:</b>	Intake and Administrative Section Commander
<b>Immediate Subordinates:</b>	Police Records Specialists
<b>Primary Responsibilities:</b>	<p>Custodian of Record for all Internal Affairs records; IAD Database and Server Administrator</p> <p>Schedule, assign, supervise and evaluate assigned staff; Interpret policies and regulations regarding release of documents</p> <p>Oversee maintenance of various files, logs and reports for compliance with departmental and legal requirements</p> <p>Train Police Records Specialists in correct procedures, rules and regulations to comply with state and federal laws</p> <p>Compile bi-weekly, monthly, quarterly, annual statistical reports, Manage Discipline notifications, Public Records Requests, and other work performed</p> <p>Interpret data and prepare additional reports as required. Assist in preparation of a section budget; control expenditures</p>

***DUTIES AND RESPONSIBILITIES:*****Manage and Train IAD Administrative Staff:**

- Schedule, assign, supervise and evaluate assigned staff.
- Direct staff in providing information to the public and Department personnel on the discipline process.
- Oversee data entry and removal of data from the IAD database.
- Interpret policies and regulations regarding release of documents.
- Monitor staff's maintenance of various files, logs, and reports for compliance with departmental and legal requirements.
- Train Police Records Staff in correct procedures, rules and regulations to comply with state and federal laws.
- IAD staff must be familiar with policies and regulations regarding release of documents.

**Compilation and Preparation of Reports:**

- Prepare and analyze complex reports. Conduct statistical analysis of complaints by and against the Oakland Police Department; develop graphs and charts and other special reports as needed.

- **Biweekly Compliance Reports**

On a biweekly basis, forward a standardized report to OIG with information on complaints and sustained cases during the reporting period, as well as YTD comparisons of the same. Cases that missed the 180-days timeline are also reported.

- On a rotating schedule, the Biweekly Compliance Report contains the results of audits based on IAD-related Negotiated Settlement Agreement (NSA) Tasks.

- **Annual Management Report for Internal Affairs Division**

This annual report is included in the yearly OPD Annual Report. The report contains the role and function of the unit, an Organizational Chart, the number authorized positions and the number of filled positions, significant accomplishments, challenges encountered, number of civil suits filed, arrests of agency members, number of restraining orders filed against agency members.

- **IAD Case Summary Report**

This monthly report is forwarded to the Office of Inspector General (OIG). This report is a summary of all complaints with an approved finding within the period requested.

- **Subject Employee Report**

This monthly report is forwarded to the Office of Inspector General (OIG). It includes all Subject Employee Information, the status of the case, violation, all findings for discipline, and the synopsis of the complaint.

- **State of California Annual Report of Citizens' Complaints Against Peace Officers**

This report is completed annually and is forwarded to the State of California, Criminal Justice Statistics Center. The report for total complaints, non-criminal misdemeanor, felony, total racial and identifying complaints by type; race or ethnicity, nationality, gender, age, religion, gender identity or expression, sexual orientation, mental disability, and physical disability.

- **Department of Justice Fiscal Year Annual Report**

The annual report is forwarded to the Manager of the OPD Research and Planning Training Division and contains the number of instances an approved written notice was given to a peace officer within 1 year of discovery, that they may face disciplinary action after an investigation. The number of instances written notice was given to a peace officer that the department had imposed discipline. The number of times OPD provided the citizen written disclosure of the investigative results within 30 days of disposition.

- **Termination Report**

Monthly report is forwarded to the IAD Captain and is an analysis of race, job classification for individuals that have been terminated or the discipline recommendation is termination.

- **Comparison Report**

Monthly report, this eight-year comparison report chronicles complaints, the number of complaints received year to date, percentage of complaints received by quarter, number of allegations by performance of duty, Use of Force, Conduct Towards others, Department Property and Equipment, all others, Disposition of individual allegations, and discipline for sustained cases.

- **Discipline Tracking Sheet**  
Weekly report, forwarded to key stakeholders including the Chief of Police, IAD Command staff and tracks individual cases in the following:
  - **Skelly Process**  
A Skelly hearing is offered to employees when the recommended discipline is dismissal, demotion, fine, or suspension. (Refer to TB V-T.04 Due Process Hearings for further information.) The duties involved in facilitating the Skelly process include, but are not limited to, the following:
    - Oversee the distribution of Skelly Hearing Material.
    - Discipline – Monitoring imposed discipline.
    - Direct the preparation of various disciplinary documents, including agreements, contracts and correspondence; prepare and coordinate the preparation of documents for court filings.
    - Compile and disseminate new rules and changes in the laws related to assigned work.
- **CPRA Division/Departmental Liaison**  
Requests for documents throughout the agency. (e.g. request for surveillance videos that were collected and logged as evidence, Crime Reports, photos etc.)
- **Hiring Manager**  
Work with human resources to fill open positions
- Assist in the development of IAD case management system and applications.
  - Establish business processes and rules
    - Workflow
    - Data validation
    - User acceptance

### **Manage Division and Section Fiscal Operations:**

- Payroll
- Accounts payable and receivable
- Purchase orders
- Review and development of fiscal policies and procedures and handling of funds.
- Review and approve invoice payment from vendors.
- Assist in preparation of a section budget; control expenditures.
- Direct the development of goals, objectives, policies and procedures; the implementation of goals, objectives, policies, procedures and work standards.
- Respond to inquiries and resolve complaints related to division matters; interpret and explain laws and procedures.
- Assign/monitor work and re-allocate work as needed.

**INTERNAL AFFAIRS POLICE RECORDS SPECIALISTS**

**Rank:** Police Records Specialist  
**Immediate Supervisor:** Administrative Support Supervisor  
**Immediate Subordinates:** None  
**Primary Responsibilities:** Process all IAD files, to include scanning to the server, building investigative files, and closed case processes; track discipline; compile Skelly materials; reception duties during business hours

***DUTIES AND RESPONSIBILITIES:*****Processing IAD Files:**

- Close cases in database.
  - Combine investigative file and the control file.
  - Update IAD database.
- Send CIR notifications to subject employees.
  - When a case comes to a finding other than sustained, advise the employee of the findings.

**Additional Duties:**

- Complete documents requests from Community Police Review Agency and the Office of the City Attorney.
- Division payroll coordinator.
  - Ensure time and attendance policies are followed.
- Field Training Officers Open & Closed IAD cases report.
  - Monthly report to FTO Unit. Updates FTO coordinator of any pending IAD cases associated with Field Training Officers, both open and closed cases.
- Complete and forward vehicle inspections report to fleet coordinator.
- Store, order, and issue supplies.
- Create Requisitions and Purchase Orders.
- Scan case files and uploading CD's to server.
- Complete Public Records Requests.
- Create investigative files
  - Upon receipt of the control file copy content place in investigative folder and distribute to IAD Investigative Unit or out as a Division Level Investigation.
- Coordinate the retrieval and storage of case files with off-site storage facility.
- Perform reception duties:
  - Answer and direct telephone calls.

- Greet visitors.
- Distribute informational material and explain the complaint process to the public.
- Respond to phone requests.
- Distribute incoming mail/complaint memos/returned mail.
- Receive cases from various bureaus.
  - Note in the IAD database the case was received.
  - Forward to the IAD Administrative Assistant II.
- Contact for copy machine maintenance and statistical data requests.
- Locate and correct errors in internal data systems.
- Draft Close-Out Letters:
  - Type disclosure of the investigative results and forward to the Complainant.
- Create Pre-Discipline report folder.
  - Gather all appropriate documents and forward to the subjects Captain.
- Create City Vehicle Collision Cases file.
  - Gather all appropriate documents and forward to the subjects Captain.
- Log Recusal forms.
- Retrieve/file case files.
- Create folders for background checks.
  - Background investigators from outside agencies come to the IAD to review an individual's personnel file. IAD makes the IAD files available.
- Process certified mail/confirmation receipts.
  - **Discipline Documents**  
Send to the representative union of the disciplined member, persons no longer employed with the City, and to the disciplined member's attorneys via certified mail.
- Update Discipline Tracking Sheet.
  - **Discipline Tracking Sheet**  
Weekly report, forwarded to key stakeholders including the Chief of Police, IAD Command staff and tracks individual cases in the:
    - Skelly Process - A Skelly hearing is offered to employees when the recommended discipline is dismissal, demotions, fine, or suspension. This meeting affords the employee their due process right to pre-disciplinary discovery of the materials upon which the discipline is based. A *Skelly* hearing ensures that an employee is informed of the allegations, has an opportunity to refute the allegations, and has an opportunity to mitigate the

allegations or rehabilitate their standing with the employer prior to the imposition of any actual disciplinary action.

- Discipline Conference – To ensure that discipline is imposed in a fair and consistent manner. Internal investigations which result in a sustained finding are submitted to the Discipline Officer for a disciplinary recommendation. The Discipline Officer convenes a meeting with the Deputy Chief or designee in the affected chain-of-command for a confidential discussion of the misconduct, including the mitigating and aggravating factors and the employee’s overall performance. The COP may direct the Discipline Officer to prepare a Discipline Recommendation without convening a Discipline Conference.
- Prepare and forward correspondence including, Discipline Letters, Administrative Leave Letters, Skelly results, regarding discipline.
- Schedule Skelly hearings.
- Respond to questions from employees about the Skelly process.
- Copy and send Skelly CDs to all required individuals.
- Review Skelly Hearing Summary Reports for final discipline.
- Process:
  - Settlement agreements
  - Grievances and arbitration results
  - Sustained results from Executive Force Review Board and Force Review Board hearings

## **DIVISION LEVEL INVESTIGATIONS SECTION**

### **DIVISION LEVEL INVESTIGATIONS (DLI) SECTION COMMANDER/MANAGER**

<b>Rank:</b>	Lieutenant of Police/Police Services Manager
<b>Immediate Supervisor:</b>	Internal Affairs Division Commander
<b>Immediate Subordinates:</b>	Division Level Investigations (DLI) Coordinators; Division Level Investigations Section Analyst
<b>Primary Responsibilities:</b>	Review, Approve, and Forward Division Level Investigations; Coordinate the presentation of DLIs to the Chief of Police; Liaison with the CPRA Executive Director on the closure of DLIs; Monitor DLI timeline compliance

#### ***DUTIES AND RESPONSIBILITIES:***

##### **Review, Approve, and Forward Division Level Investigations**

The primary task for the DLI Section Commander/Manager is to review, approve, and forward to the Captain of IAD all DLIs. Key tasks include but are not limited to:

- Ensure that the DLI Coordinator has reviewed each Report of Investigation (ROI) for content, clarity, and investigative sufficiency.
- Ensure all allegations of misconduct are accurately identified and any additional potential Manual of Rules (MOR) violations.
- Reviews should ensure impartiality, fairness, and thoroughness by examining, among other things, adherence to Training Bulletin V-T.1, quality of and adherence to investigative plans, correct application of the standard of proof, credibility assessments, promptness and quality of interviews (e.g., avoiding leading questions and resolving inconsistencies), and analysis of the evidence.
- Review and approve/deny requests to amend or change allegation during an investigation (only the IAD Commander has the authority to remove an allegation).
- Ensure that each ROI contains findings that are supported by evidence and analysis.
- Once reviewed, sign each ROI memorializing approval of the findings.
- Present the findings in each ROI to the IAD Commander for approval.
  - For cases with findings other than Sustained, forward the case to the DLI Section Analyst for processing to closure.
  - For cases with Sustained findings, coordinate the presentation of the case to the Chief of Police for review and approval (see below for further).
  - For cases that are also being investigated by the Community Police Review Agency (CPRA), regardless of findings, liaison with the CPRA Executive Director for concurrence and closure (see below for further).

##### **Coordinate the Presentation of DLIs to the Chief of Police**

DLIs that involve a Sustained finding must be presented to the Chief of Police for approval. Key tasks include but are not limited to:

- Schedule the case for presentation at the weekly IAD Meeting with the Chief of Police. This includes notifying the Investigations Section Administrative Sergeant/Analyst to include the case on the meeting agenda.
- When scheduling the case for presentation, consideration should be given to the following:
  - The 180 date
  - The 3304 date
  - The DLI Investigator's availability
  - The CPRA Executive Director and Investigator's availability (when applicable).
- Ensure the DLI Investigator is notified and available on the date and time of the meeting to present the case.
  - In instances where the DLI Investigator is not available, the reviewing DLI Coordinator should be assigned to present the case to the Chief of Police.
  - In instances where the DLI Investigator has not previously presented a case to the Chief of Police, provide or facilitate training on the meeting format and best practices for presentation.
- In advance of the meeting, ensure the Internal Affairs Police Records Specialist has prepared a Pre-discipline packet.
- During the meeting, provide the Chief of Police with information or clarity related to the case, and support to the DLI Investigator, when needed.
- Upon approval of the findings, ensure the Chief of Police signs all required documents.

#### **Liaison with the CPRA Executive Director on the Closure of DLIs**

Pursuant to The Charter of the City of Oakland, Section 604(g), in any public complaint that is investigated by both agencies, agreement or disagreement with the findings must be established between the Chief of Police and Executive Director prior to adjudication.

- In instances where the DLI Investigator and CPRA Investigator come to the same finding(s), and where those findings are other than Sustained, the DLI can be closed and processed upon receipt of written concurrence with the findings from the CPRA Executive Director.
- In instances where the DLI Investigator and CPRA Investigator come to the same finding(s), and where one or more of those findings are Sustained, the case can be scheduled for presentation to the Chief of Police upon receipt of written concurrence with the findings from the CPRA Executive Director.

- The CPRA Executive Director and the CPRA Investigator are permitted – but not required – to attend the case presentation to the Chief of Police.
- When the case is later presented to the Chief of Police for a discipline determination, the Executive Director’s presence at that meeting is required to establish if there is agreement or disagreement between the Executive Director and the Chief of Police on the proposed discipline.
- In instances where the DLI Investigator and CPRA Investigator come to different findings, the case shall be scheduled for presentation to the Chief of Police to establish agreement or disagreement between the Executive Director and the Chief of Police on the finding(s).
  - The CPRA Executive Director and the CPRA Investigator should be present at the case presentation to the Chief of Police to present their finding(s).
  - The DLI Investigator (or a DLI Coordinator) shall attend the meeting to present their finding(s) to the Chief of Police.
- If, after presentation and discussion between the Chief of Police and the Executive director, there is disagreement on either the finding(s) or proposed discipline, the case shall be submitted to a Discipline Committee pursuant to The Charter of the City of Oakland, Section 604(g)(2).

**Monitor DLI Timeline Compliance**

DGO M-3 requires that 85% of investigations be completed within 180 days of complaint. Strategies for ensuring compliance with the 180-day timeline include, but are not limited to:

- Coordination with BFO Administration to ensure that timelines and due dates are accurately documented and communicated to the chain of command responsible for the DLI.
- Maintenance of a tracking mechanism, independent of the current database system.
- Establishing an IAD due date for cases prior to the 180-day date to allow sufficient time for review, and coordination with CPRA and presentation to the Chief of Police when needed.

**DIVISION LEVEL INVESTIGATIONS (DLI) COORDINATOR**

**Rank:** Sergeant of Police  
**Immediate Supervisor** Division Level Investigations Section Commander **Immediate**  
**Subordinates:** None  
**Primary Responsibilities:** Review Division Level Investigations; Case presentation; Liaison between DLI Investigators and IAD; Liaison between CPRA Investigators and DLI Investigators and/or IAD

***DUTIES AND RESPONSIBILITIES:*****Review Division Level Investigations**

The primary responsibility for the DLI Coordinator is to review/edit DLI's from the field. The key tasks for reviewing a DLI are as follows:

- Upon receiving a DLI for review, check the 180 date and 3304 date and determine the urgency based on those dates. From there, start your review by completing a DLI checklist to ensure all the necessary documents are present in the case file. If they are not present, contact the DLI Investigator and acquire the documents for the file and put a hard copy in the case file. After the checklist is complete, ensure that the CIR in the case file matches the CIR in the database, and make sure the allegations investigated in the ROI/Summary Finding match the CIR in the database. If they don't match, determine why they don't match (check the Chronological Activity Log) and determine what needs to be done to make them match.
- Upon initial review of the DLI, ensure that the subject members and MOR violations are accurately reflected in the Complaint Investigation Report (CIR).
- The DLI Coordinator shall identify areas of concern, provide the Investigator with guidance on how to reach investigative sufficiency, and return it to the Investigator via their chain of command.
- Reviews should ensure impartiality, fairness, and thoroughness by examining, among other things, adherence to Training Bulletin V-T.1, quality of and adherence to investigative plans, correct application of the standard of proof, credibility assessments, promptness and quality of interviews (e.g., avoiding leading questions and resolving inconsistencies), and analysis of the evidence.
- Review and Edit the Report of Investigation (ROI) for content and clarity. Minor changes including formatting errors, writing/spelling errors, and small content deficiencies should be handled by the DLI Coordinator, who will then ensure that the Investigator concurs with the changes. DLIs requiring more substantive edits or additional investigation should be sent back to the DLI Investigator to complete. The DLI Coordinator shall identify areas of concern, ensure any additional potential MOR violations, provide the Investigator with guidance on how to reach investigative sufficiency, and return it to the Investigator via their chain of command.

**Case Presentation:****Lieutenant presentation**

- Once a case has been reviewed/and or edited and approved by the DLI Investigator if it was edited, the case is brought to the IAD Administrative Lieutenant for presentation. The DLI Coordinator presents the case and discusses each allegation of misconduct along with the relevant evidence that led to the recommended findings. Be prepared to answer questions regarding investigative sufficiency, evidence, and credibility assessments. If the Lieutenant agrees with the recommended findings, the Lieutenant will sign both the printed copy of the ROI/Summary Finding, and the CIR and the case is ready for Captain presentation.

**Captain Presentation**

- Once a case has been presented to and approved by the IAD Administrative Lieutenant, the DLI Coordinator will present the case to the IAD Captain. The presentation should be the same as the presentation to the Lieutenant. If the IAD Captain agrees with the recommended findings, he/she will sign the printed copy of the ROI/Summary Finding and the CIR. If the Captain disagrees with the findings, discuss strategy to resolve disagreement.
  - For cases involving a finding other than Sustained, this is the conclusion of the presentation process and the case is ready to be closed.
  - For cases involving a sustained finding. Coordinate a Chief's presentation date with the IAD Administrative Lieutenant and the DLI Investigator for the DLI Investigator to present the case to the Chief of Police.

**Chief's Presentation**

- Occasionally the DLI Investigator will not be available for the case presentation of a sustained finding to the Chief. When this occurs, the DLI Coordinator who reviewed the file will present the case to the Chief.

**Liaison between DLI Investigators and IAD**

This primarily consists of answering questions and providing guidance to DLI Investigators while they are working on the investigation. However, it may include: facilitating requests to add, remove, or amend allegations or subject members; noticing subject members of allegations; and acting as a liaison between the DLI Investigator and the Office of the City Attorney (OCA), or the Community Police Review Agency (CPRA).

**Liaison between DLI Investigators and CPRA Investigators**

Division Level Investigations can also be under investigation by the CPRA. The DLI Coordinator may need to act as a liaison between the two agencies and/or provide information in accordance with current statutes. Pursuant to the Charter of the City of Oakland, Section 604(f)(2), the CPRA has the same access to all Department files and records as the Internal Affairs Division, and the Department shall make every reasonable effort to respond to the CPRA's requests for files and records within ten (10) days, and the transfer of any materials to CPRA shall be documented in the Chronological Activity Log in the current case management database. Coordination with CPRA may include, but is not limited to, providing all evidentiary materials as requested, including recorded interviews.

**DIVISION LEVEL INVESTIGATIONS SECTION ANALYST**

**Rank:** Administrative Analyst II  
**Immediate Supervisor:** Division Level Investigations Section Commander  
**Immediate Subordinates:** None  
**Primary Responsibilities:** Track all open investigations and timelines; maintain all tolling cases; monitor DLI Section caseload

***DUTIES AND RESPONSIBILITIES:*****Track open investigations and timelines:**

The primary responsibility for the Administrative Analyst II is to track the timeliness of DLI case submissions and reviews by sending reminders to investigators and warnings to BFO and IAD commanders so the latter can intervene or assist when necessary to ensure a case is submitted on time to meet 180 date and 3304 deadlines.

- Track progress of all DLI cases including opening of cases, assignments to BFO personnel for investigation, due dates, tolled cases, case review, and closure of cases.
  - Crosscheck data with data in the current database system. Coordinate data with BFO 1 and 2 Administrative Sergeants. Track opening and closing of cases in IAD Investigations Section. Coordinate case details with CPRA investigators.
  - Track receipt of cases from investigators.
  - Manage DLI coordinators caseloads by assigning cases for review and noting which cases are sent back to the investigator for additional work.
  - Send reminders to investigators and their chain of command notifying them of upcoming due dates, missed due dates, missing documents, etc.
  - Produce a weekly report on DLI cases past the 180 date detailing which are tolled, which are being reviewed by the DLI coordinators, and which are still out in the field.
  - Manage tolled cases. Track commencement of tolling required paperwork, extensions, work restrictions, and conclusion of tolled cases. Query CID Captain and Medical Unit for updates on criminal case investigations and employee conditions causing cases to toll. Notify investigators when they may resume their investigations. Notify CPRA when tolling is completed.
  - Close cases in the current database system including ensuring proper CIR signatures and notification to the IAD command if the case was a CPRA case. Complete data entry in Tracking section, Chronological Log, and Tasks.
  - Occasional research for Internal Affairs Division Commanders.

**ADDITIONAL REFERENCES****IAD Flow Charts**

Investigation Flow Chart w/CPRA: Page 45  
 Disciplinary Process Flow Chart w/CPRA: Page 46-47

<b>Policies:</b>	<b>Names:</b>
<u>DGO K-3,</u>	Use of Force
<u>DGO K-4,</u>	Reporting and Investigating the Use of Force.
<u>DGO J-4,</u>	Pursuit Driving
<u>DGO K-4.1,</u>	Force Review Boards
<u>TB V-T.1,</u>	Internal Investigation Manual
<u>RWM U-1,</u>	Use of Force Report
CID P&P	Criminal Investigation Unit
<u>DGO M-03</u>	Complaints Against Departmental Personnel or Procedures
<u>DGO M-03.1,</u>	Informal Complaint Resolution Process
<u>DGO M-03.2,</u>	Community Police Review Agency (CPRA)
<u>DGO M-03.3</u>	Integrity Testing
<u>TB V-T,</u>	Departmental Discipline Policy w/ Discipline Matrix Appendix
<u>TB V-T.01,</u>	Internal Investigation Manual
<u>TB V-T.02,</u>	Internal Investigation and Discipline Appendices
<u>TB V-T.03,</u>	Reporting Misconduct
<u>TB V-T.04</u>	Due Process Hearings
<u>DGO B-02</u>	Voluntary Termination, Discharge, Unpaid Leave, Mandatory Leave
<u>DGO E-01,</u>	Department Subpoena Service
<u>DGO E-02,</u>	Warrant Service on Department Personnel
<u>DGO E-03,</u>	Civil Action Proceedings
<u>DGO M-04,</u>	Coordination of Criminal Investigations
<u>DGO M-04.1,</u>	Criminal Investigations Involving Active Law Enforcement, or a Member or Employee of the Department
Oakland City Charter, Article VI	
Oakland City Ordinance CMS (Measure LL)	
Department Manual of Rules	
IAD Policy and Procedures 05-01 thru 05-04	
Communications Division Policy and Procedure C-1	
OPOA MOU	
City of Oakland MOU (Local 21 & 790)	

**Forms and Booklets:**

Police Officer's Bill of Rights (POBR)

AI 71 Equal Opportunity/Anti-Discrimination/Non-Harassment Policy

City of Oakland Ethics Resource Guide

City of Oakland Whistleblower Ordinance

Your Guide to Filing a Complaint Against the Police (TF-3208)

Acknowledgement of Rights and Obligations Pursuant to Penal Code Section 148.6 and Notice and Releases (TF 3039a)

Complaint Form (TF-3039b)

Informal Complaint Resolution and Agreement (TF-3132)

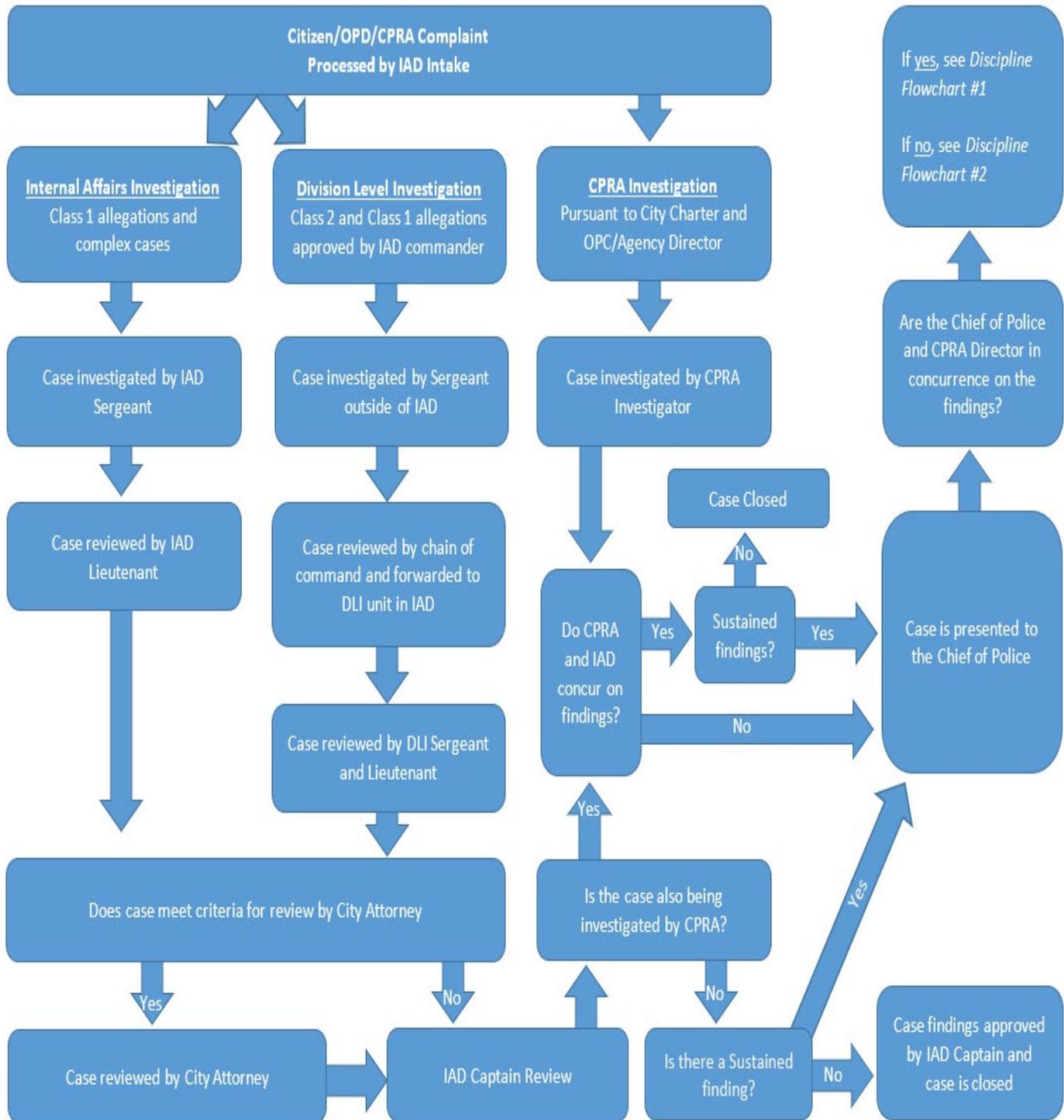
Acknowledgement of Rights and Obligations (TF-722)

Skelly Recommendation Template (TF 3412)

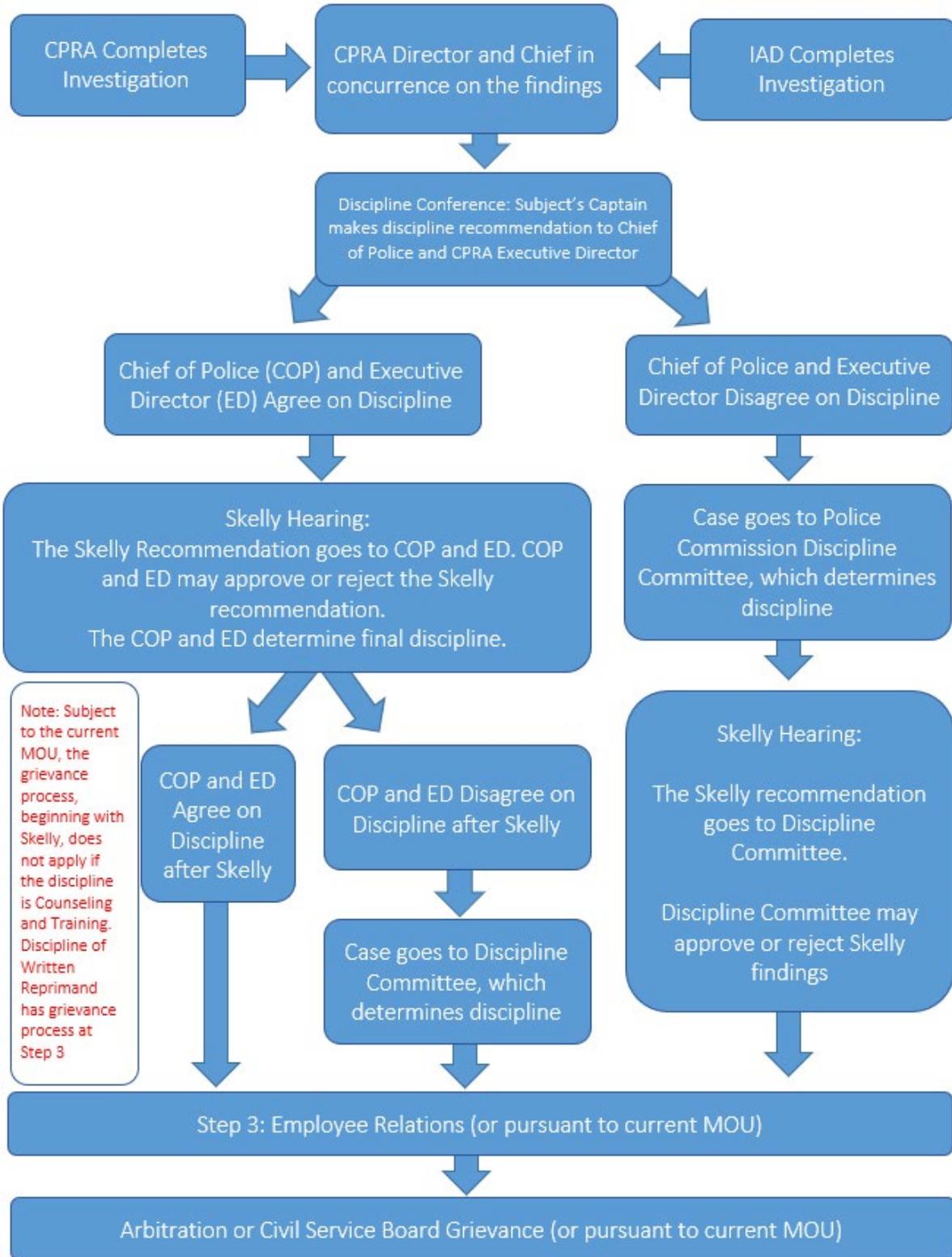
Swanson Report (1&2)

DRAFT

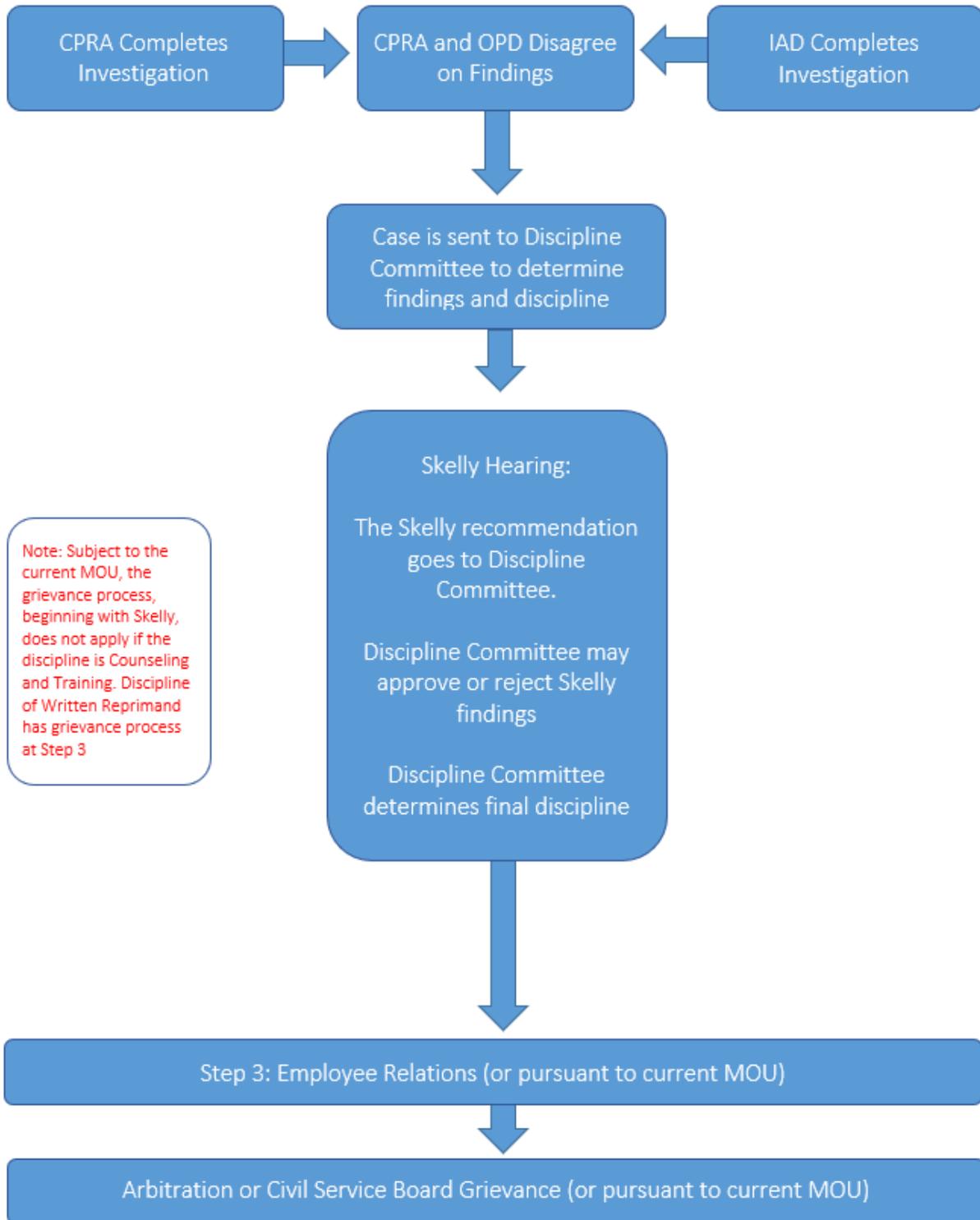
### IAD INVESTIGATIONS WORKFLOW



Discipline Flowchart #1 – OPD and CPRA Agree on Findings



### Discipline Flowchart #2 – OPD and CPRA Disagree on Findings



**GLOSSARY:**

<p><b>180 Date:</b> Investigations shall be completed, reviewed, and approved by the IAD commander within 180 days of the IAD Intake Date.</p>
<p><b>3304 Date:</b> Refers to Section 3304 of the Public Safety Officers Procedural Bill of Rights Act, which states that “no punitive action...shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency’s discovery by a person authorized to initiate an investigation...”. For OPD, the “3304 Start Date” for internal investigations begins on the date of the complaint, or the date a member of the Department authorized to initiate an investigation became aware – or reasonably should have been aware – of any act, omission, or other allegation of misconduct, whichever is earlier. The “3304 End Date” occurs 364 calendar days after the 3304 Start Date.</p>
<p><b>Administrative Closure:</b> An administrative disposition indicating that an investigation or allegation cannot come to a normal investigative conclusion (finding). Reasons for Administrative Closure include, but are not limited to: allegations that do not rise to the level of an MOR violation; the complaint lacks specificity and the complainant is unwilling or unable to provide further clarification necessary to investigate the complaint; the subject is not employed by OPD at the time of the incident; or the complaint is limited to a California Vehicle Code citation and/or tow. Refer to DGO M-03 for an exhaustive list of circumstances in which an Administrative Closure is authorized.</p>
<p><b>Brady:</b> In <i>Brady v. Maryland</i> (1963), the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defense any “material,” “favorable” evidence whether or not the defendant has requested discovery of the evidence. Evidence is favorable if it is either exculpatory and helps the defendant, or if it is damaging to the prosecution.</p>
<p><b>BWC:</b> Body Worn Camera. A device worn on the uniform of field personnel capable of recording audio and video.</p>
<p><b>Bureau:</b> The first subordinate organizational unit within the Department</p>
<p><b>CAL:</b> Chronological Activity Log. A VISION-generated record of user actions that provides the ability for users to create manual entries into the CAL. Examples of CAL entries include, but are not limited to: investigation updates, reviews and approvals, and workflow progress.</p>
<p><b>CIR Index:</b> Complaint Investigation Report Index Log. A report, generated by VISION, which lists the entire IAD complaint history for a member of the Department. Information in this report include the case number, date of the complaint, alleged Manual of Rules violations, an abstract of the allegations, and the findings.</p>
<p><b>CIR:</b> Complaint Investigation Report. An informational report, generated by VISION, which contains pertinent details of a given IAD investigation. Information in the report includes, but is not limited to: case number, complainant information, date and location of the incident, date of complaint, 180-days and 3304 dates, a summary of the complaint, and the involved</p>

(subject) personnel. At the conclusion of an IAD investigation, the findings are added to the CIR and the reviewing chain of command signs it.
<b>Closeout Letter:</b> A letter mailed by Internal Affairs to a complainant informing them of the disposition of the complaint investigation, including the allegations and the findings.
<b>CNR:</b> Complaint Notification Report. A report, generated by VISION, which is sent to subjects of an IAD investigation. Information in this report include the case number, date of the complaint, location of incident, alleged Manual of Rules violation(s), and an abstract of the allegation(s). Unlike the Complaint Investigation Report (CIR) this report does not include confidential information such as identifying information on the complainant or other subject members. At the beginning of the investigation, this report is sent to the subject member and their chain of command to inform them of the allegations. At the conclusion of the investigation, the report is again sent to the subject member informing them of the findings.
<b>CPRA:</b> Community Police Review Agency. The investigative body of the Oakland Police Commission. Refer to DGO M-3.2 and Section 604 of the Oakland City Charter for authorities and responsibilities.
<b>Division:</b> All units directly supervised or reporting to the Chief of Police, the Assistant Chief, or a Deputy Chief of Police.
<b>DLI:</b> Division Level Investigation. A formal investigation into allegations of misconduct that is conducted outside the Internal Affairs Division. DLIs are subject to the same investigative requirements as those conducted by IAD investigators. DLIs, typically, involve only Class II allegations of misconduct; however, investigations involving Class I allegations may be sent out as a DLI upon approval of the IAD Commander.
<b>EFRB:</b> Executive Force Review Board. The EFRB is convened to analyze and assess the factual circumstances during and proximate to all: Level 1 Use of Force (UOF) incidents and investigations; In Custody Death incidents and investigations; Vehicle Pursuit Related Death incidents and investigations; or UOF incidents, investigated administratively and/or criminally by the Department or outside law enforcement agency, at the direction of the Chief of Police; and establish concluding recommendations to the Chief of Police from those circumstances.
<b>FBR:</b> Field-Based Reporting. A computerized method of writing police reports using mobile data terminals (MDT) and authorized Departmental computers.
<p><b>Findings defined:</b></p> <ul style="list-style-type: none"> <li>• <b>Exonerated:</b> The investigation disclosed a preponderance of evidence to determine that the alleged conduct occurred, but it was in compliance with law and/or Department rules, regulations, or policies.</li> <li>• <b>Not Sustained:</b> The investigation did not disclose a preponderance of evidence to determine whether the alleged conduct occurred.</li> <li>• <b>Sustained:</b> The investigation disclosed a preponderance of evidence to determine that the alleged conduct did occur, and that it was in violation of law and/or Department rules, regulations, or policies.</li> </ul>

<ul style="list-style-type: none"> <li>• <b>Unfounded:</b> The investigation disclosed a preponderance of evidence to determine that the alleged conduct did not occur.</li> </ul>
<p><b>FRB:</b> Force Review Board. The FRB is convened to analyze and assess the factual circumstances during and proximate to all Level 2 Use of Force (UOF) incidents and to establish concluding recommendations to the Chief of Police from those circumstances. (DGO K-4.1)</p>
<p><b>Giglio:</b> In <i>Giglio v. United States</i>, (1972), the United States Supreme Court extended the prosecution's obligations under <i>Brady</i> to require the disclosure of not only exculpatory evidence but of impeachment evidence as well. Evidence that impeaches a government witness is an example of favorable evidence that damages the prosecution and thus, if material, it must be disclosed under <i>Brady</i>.</p>
<p><b>IAD Commander:</b> Any Commander/Command Officer holding the rank of Lieutenant or higher that is assigned to the Internal Affairs Division.</p>
<p><b>“The” IAD Commander:</b> At OPD, a Commander/Command Officer is a member of the Department holding the rank of Lieutenant or higher. References in this document to <i>the</i> IAD Commander are referring specifically to the Captain of IAD</p>
<p><b>IAD Communications Daily Incident Log:</b> A daily log, maintained by the Communications Division, documenting misconduct complaints received by field personnel or Communications staff. This serves as a tracking and notification mechanism for complaints received by the Department outside of IAD.</p>
<p><b>IAD Daily Intake Report:</b> A daily report generated by IAD at the close of business which captures all cases opened by IAD that day. This report includes complaints from the IAD Communications Daily Incident Log, as well as complaints received by IAD.</p>
<p><b>IBC:</b> Informational Business Card. The informational Business Card is designed to be provided to community members by OPD members. The card contains all necessary information to file a complaint through OPD or the CRPA. The card has space for the issuing member to write their serial number and the incident number to ensure the citizen has the information should they request it, or later decide to file a complaint.</p>
<p><b>IBC Log:</b> Informational Business Card Log (also known as the Complaint Referral Log). A daily log, maintained by the Communications Division, documenting incidents where an IBC has been issued by field personnel. The log contains information including which member issued the IBC, who the IBC was issued to, and the reason the card was issued.</p>
<p><b>ICR:</b> Informal Complaint Resolution. A process that may be used to informally address service complaints or alleged acts of Class II misconduct against Departmental personnel that do not indicate a pattern of misconduct. The intent of the ICR process is to expedite the resolution of less serious types of complaints against members.</p>
<p><b>Lubey Hearing:</b> An at-will member or probationary employee has no property interest in employment. However, such a member/employee suffers a deprivation of a liberty interest if the member/employee is discharged for reasons that impose stigma or that are likely to limit future employment opportunities. For that reason, a probationary member/employee who is</p>

<p>terminated for reasons that could result in such consequences is entitled to a post-termination “name-clearing” hearing. <i>Lubey</i> Hearings are conducted in the same way as <i>Skelly</i> hearings. (TB V-T.4)</p>
<p><b>Monitoring Team:</b> Pursuant to the Negotiated Settlement Agreement (NSA) in the case of <i>Delphine Allen, et al., vs. City of Oakland, et al.</i>, in the United States District Court for the Northern District of California, the Court appointed an Independent Monitor to oversee OPD’s progress in achieving compliance with the NSA. The team consists of the Independent Monitor and their support staff.</p>
<p><b>MOR:</b> Manual of Rules. A document designed to provide additional specificity to the standards of conduct embodied in the law enforcement officer’s Code of Ethics and the Department’s Policies and Statement of Values.</p>
<p><b>Notice of Intent (letter):</b> This letter is signed by the Chief of Police informing the member that the Chief intends to impose discipline resulting from a sustained allegation of misconduct. The notice of the proposed discipline must be provided to the subject member or employee within one year of the discovery of the violation, unless qualified exemptions exist pursuant to <i>Government Code Section 3304(d)</i>.</p>
<p><b>OCA:</b> Office of the City Attorney</p>
<p><b>OIS:</b> Officer Involved Shooting.</p>
<p><b>OPOA:</b> Oakland Police Officers’ Association. Labor union representing sworn members of the Oakland Police Department.</p>
<p><b>Preponderance of Evidence:</b> The standard of proof in internal investigations is “preponderance of evidence” rather than the criminal standard of “beyond a reasonable doubt”. Preponderance of the evidence has been described as a “slight tipping of the scales of justice” or “more than 50 percent” or “more likely than not.”</p>
<p><b>Pitchess:</b> A <i>Pitchess</i> motion is the procedural method established by the California Supreme Court in <i>Pitchess v. Superior Court</i> (1974), and later codified in Cal. Pen. Code §§ 832.5, 832.7, and 832.8, that allows for discovery of otherwise privileged personnel records in California. Typically, a <i>Pitchess</i> motion is brought by a criminal defendant in order to discover evidence in the arresting officer's personnel file that is relevant to the defendant's ability to defend against a criminal charge.</p>
<p><b>Pre-Discipline (process):</b> Upon approval of a sustained finding in an internal investigation, unless the Chief has waived the process, the IAD shall provide a printed copy of the subject’s five (5) year disciplinary history, his/her two most recent performance evaluations, the Complaint Investigation Report (CIR) and the Report of Investigation (ROI) for the current case. The documents shall be forwarded to the sustained member’s Captain. Since the chain of command is more familiar with the conduct of subordinate personnel, they can provide the Chief of Police with input regarding any mitigating and/or aggravating circumstances that are germane, along with a discipline recommendation to ensure a better informed decision is made in determining the appropriate discipline. The sustained member’s Captain shall prepare the appropriate Pre-Discipline Report (PDR) for each sustained case, and the Chief of Police or</p>

<p>designee shall utilize the PDR in determining the appropriate discipline. <b>NOTE:</b> The Chief of Police maintains the authority to bypass the chain of command and impose discipline without a Pre-Discipline Report.</p>
<p><b>Preliminary Inquiry:</b> A Preliminary Inquiry (PI) shall be completed on all complaints upon receipt by a supervisor or IAD intake personnel. The purpose of the PI is for the assigned investigator to do a preliminary investigation within 14 calendar days of receiving the complaint and come to one of four recommendations as to how the complaint should be handled: (1) Further Investigate; (2) Handle at Supervisor Level; (3) Administrative Closure; (4) Summary Finding. Further information on Preliminary Inquiries, including minimum investigative steps that must be taken, can be found in DGO M-03.</p>
<p><b>Recusal Form:</b> The purpose of this form is to disclose any relationship where it is clear that the nature of the relationship could be perceived to compromise the investigative process and document the circumstances. For every IAD investigation, the investigator must fill out a Recusal Form either disclosing such a relationship, or affirmatively declaring that such a relationship does not exist, nor that the investigator was directly involved in the incident under investigation. This form must be completed prior to the start of an investigation and submitted to the investigator's first-level supervisor for review.</p>
<p><b>ROI:</b> Report of Investigation. The report completed by the investigator at the conclusion of an Internal Affairs Investigation or Division Level Investigation.</p>
<p><b>Section:</b> A functional unit that may be a sub-unit of a bureau or division. It may be commanded by any rank, depending on its size, the nature and importance of its function.</p>
<p><b>Skelly Hearing:</b> The federal and state constitutions prohibit deprivation of life, liberty, and property without procedural due process. Courts have found that a member/employee's permanent civil service job is defined as "property." Accordingly, an employer seeking to deprive a civil service employee of pay must provide notice of the proposed discipline and an opportunity to respond at a pre-termination hearing. The hearing is not a full trial-type hearing. There is no right to representation by counsel, or to confront or cross-examine witnesses. A member/employee may instead choose to respond in writing and forego a hearing. <i>Skelly v. State Personnel Board</i> (TB V-T.4)</p>
<p><b>Subject Officer/Member:</b> A member of the Department against whom allegations of misconduct are made.</p>
<p><b>Summary Finding:</b> A Summary Finding is an abbreviated internal investigation in which a finding can be reached without conducting a full, formal internal investigation because the correct finding can be determined with little or minimal follow-up based on the existing documentation, evidence, statements, and crime information data (e.g., Offense Report, Use of Force Report, video or digital recordings, complainant's statement, radio purge, LRMS records).</p>
<p><b>VISION:</b> The Department's personnel assessment system, which is a database that consolidates human resource and performance data for all employees to be used for monitoring employee behavior/performance. Additionally, several administrative</p>

investigations are completed within the VISION environment, including IAD and DLI investigations.

**Witness Officer/Member:** A member of the Department who witnessed, or may have witnessed, an incident in which misconduct is alleged to have occurred.

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DRAFT



# OAKLAND POLICE COMMISSION

## MEETING MINUTES - DRAFT

April 22, 2021  
6:30 PM

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's (OPD) policies, practices, and customs to meet or exceed national standards of constitutional policing, and to oversee the Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.

### I. **Call to Order, Welcome, Roll Call and Determination of Quorum**

Chair Regina Jackson

Commissioners Present: José Dorado, Henry Gage, III, Sergio Garcia, Brenda Harbin-Forte, Regina Jackson, David Jordan, and Tyfahra Milele. Quorum was met.

Alternate Commissioners Present: Marsha Peterson

Counsel for this meeting: Conor Kennedy

### II. **Open Forum Part 1**

Comments were provided by the following public speakers:

Saleem Bey

Assata Olugbala

### III. **Commission Retreat Follow Up**

Dr. Omowale Satterwhite presented a report on follow up items from the retreat on January 30<sup>th</sup>.

Comments were provided by the following public speakers:

Saleem Bey

No action was taken on this item.

### IV. **Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees and Discussion on Sloan Report**

City of Oakland Human Resources Director Ian Appleyard delivered a training on Memoranda of Understanding with the Oakland Police Officers Association (OPOA) and other represented employees as mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190. He also discussed the OPOA contract and how it applied to the Step 3 grievance report in the Sloan/Pawlik situation.

Comments were provided by the following public speakers:

Saleem Bey

Rashidah Grinage

Assata Olugbala  
Mary Vail  
Mariano Contreras  
Ginale Harris

No action was taken on this item.

**V. OPD Policies for Review**

The Commission discussed the recommendations for policy development and implementation that were discussed at the retreat on January 30, 2021.

Comments were provided by the following public speakers:

Bruce Schmiechen  
Michele Lazaneo  
Saleem Bey  
Assata Olugbala  
Anne Janks

No action was taken on this item.

**VI. Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing, and Recent Activities and Presentation on Proposal of Moving Certain Internal Affairs Division (IAD) Functions from OPD to CPRA**

Executive Director John Alden reported on the Agency's pending cases, completed investigations, staffing, and recent activities. He also discussed his proposal to move certain IAD functions from OPD to CPRA.

Comments were provided by the following public speakers:

Saleem Bey  
Ginale Harris  
Rashidah Grinage  
Assata Olugbala  
Mary Vail

No action was taken on this item.

**VII. Commission Letters of Support for Police Accountability State Legislation**

The Commission presented the letters of support which were approved at the March 25, 2021 meeting and sent shortly thereafter.

Comments were provided by the following public speakers:

Saleem Bey  
Assata Olugbala  
Ginale Harris

No action was taken on this item.

**A motion was made by Brenda Harbin-Forte, seconded by José Dorado, to extend the meeting for one hour to 11:30 pm. The motion carried by the following vote:**

**Aye: Dorado, Garcia, Gage, Harbin-Forte, Jackson, Jordan, and Milele**

**No: 0**

**VIII. Update from Police Chief**

OPD Chief Armstrong provided an update on the Department.

Comments were provided by the following public speakers:

Assata Olugbala

Reisa Jaffee

Sister of Tatiana Sunshine Dugger

Saleem Bey

Speaker did not identify themselves

No action was taken on this item.

**IX. Meeting Minutes Approval**

The Commission voted to approve minutes from April 8, 2021.

No public comments were provided on this item.

A motion was made by Brenda Harbin-Forte, seconded by José Dorado, to approve the April 8, 2021 minutes. The motion carried by the following vote:

**Aye: Dorado, Gage, Harbin-Forte, Jackson, Jordan, and Milele**

**No: 0**

**Absent: Garcia**

**X. Committee Reports**

Representatives from Standing and Ad Hoc Committees provided updates on their work.

**Missing Persons Policy**

**(Commissioners Harbin-Forte, Jackson, Jordan)**

The Committee will meet weekly beginning May 11, 2021. Michele Lazaneo and members of the Bandabaila and Dugger families have been invited to join the Committee.

**OBOA Allegations Investigation**

**(Commissioners Harbin-Forte, Jackson)**

The Committee hasn't met since selecting a contractor. CPRA Executive Director John Alden met with representatives from StoneTurn, the selected contractor, on April 21<sup>st</sup> regarding the contract.

**Rules of Procedure**

**(Commissioners Gage, Garcia, Harbin-Forte)**

The Committee will have a final Code of Conduct policy in May. They are working on a process for reviewing OPD policies and a protocol for ad hoc committees.

**White Supremacists and Other Extremist Groups**

**(Commissioners Dorado, Harbin-Forte, Jackson)**

The Committee met with Chief Armstrong and his Executive Team recently.

Comments were provided by the following public speakers:

Michele Lazaneo

Nick (no last name given)

Assata Olugbala

Saleem Bey

Rachel Beck

No action was taken on this item.

**XI. Open Forum Part 2**

Comments were provided by the following public speakers:

Reisa Jaffe

Nick (no last name given)

Saleem Bey

**A motion was made by Brenda Harbin-Forte, seconded by Sergio Garcia, to extend the meeting for one hour. The motion carried by the following vote:**

**Aye: Dorado, Garcia, Gage, Harbin-Forte, Jackson, and Milele**

**No: 0**

**Absent: Jordan**

**XII. Agenda Setting and Prioritization of Upcoming Agenda Items**

The Commission engaged in a working session to discuss and determine agenda items for upcoming Commission meetings: prioritization of OPD policies to review; CPRA reorganization update; and recommendations for community engagement.

Comments were provided by the following public speakers:

Saleem Bey

Assata Olugbala

Ginale Harris

No action was taken on this item.

**XIII. Adjournment**

A motion was made by José Dorado, seconded by Marsha Peterson, to adjourn the meeting at 11:38 pm. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, Jordan, and Milele

No: 0



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES - DRAFT

May 13, 2021  
5:30 PM

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's (OPD) policies, practices, and customs to meet or exceed national standards of constitutional policing, and to oversee the Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.

### I. Call to Order, Welcome, Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: Henry Gage, III, Sergio Garcia, Brenda Harbin-Forte (*arrived during item III*), Regina Jackson, David Jordan (*arrived during item II*), and Tyfahra Milele. Chair Jackson promoted Marsha Peterson to be a voting member in order to establish quorum. Quorum was met.

Commissioners Excused: José Dorado

Alternate Commissioners Present: Marsha Peterson

Counsel for this meeting: Conor Kennedy

The meeting began at 5:30 pm.

### II. Public Comment on Closed Session Items

Comments were provided by the following public speakers:

Saleem Bey

Assata Olugbala

**The Commission adjourned to closed session. The open session portion of the meeting commenced at 8:07 pm.**

### III. Closed Session

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Government Code Section 54956.9(d)(1)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
(Government Code Section 54957(b))

**Chair Regina Jackson took another Roll Call**

**Commissioners Present: Henry Gage, III, Sergio Garcia, Brenda Harbin-Forte, Regina Jackson, David Jordan, and Tyfahra Milele. Quorum was met.**

**Commissioners Excused: José Dorado**

**Alternate Commissioners Present: Marsha Peterson**

**Counsel for this meeting: Conor Kennedy**

**IV. Report out of Closed Session**

There were no reportable actions taken.

**V. Open Forum Part 1**

Comments were provided by the following public speakers:

Michele Lazaneo

Speaker did not identify themselves

Allene Warren

**A motion was made by Henry Gage, III, seconded by Regina Jackson, to suspend the rules to reorganize the agenda and table items X, XI, XII, XIII, XVI, and XVII to a future agenda. The motion carried by the following vote:**

**Aye: Gage, Garcia, Harbin-Forte, Jackson, Jordan, and Milele**

**No: 0**

**VI. Update from Police Chief**

OPD Chief Armstrong provided an update on the Department.

Comments were provided by the following public speakers:

Reisa Jaffe

Assata Olugbala

Michele Lazaneo

Speaker did not identify themselves

John Bey

Saleem Bey

Ginale Harris

No action was taken on this item.

**VII. Neighborhood Services Presentation to the Oakland Police Commission**

Joe DeVries, Director of Interdepartmental Operations, delivered a presentation on Neighborhood Services.

Comments were provided by the following public speakers:

Saleem Bey

Assata Olugbala

John Bey

Ginale Harris

Mary Forte

Elise Bernstein

No action was taken on this item.

**VIII. Office of the City Attorney’s Report Regarding Support for the Police-Discipline Process and Recent Arbitration Decisions**

Ryan Richardson from the Office of the City Attorney (OCA) presented a report which summarizes recent efforts by the OCA to help improve the police discipline and data on arbitration decisions.

Comments were provided by the following public speakers:

Assata Olugbala  
Saleem Bey  
Rashidah Grinage  
John Bey

No action was taken on this item.

**IX. Supplemental Formal Request for Commissioner Access to Personnel Information**

Supplementing the March 25, 2021 Commission approval of a request for certain personnel information in further of its policymaking authority under the Charter, the Commission considered approving a formal request for certain confidential personnel records.

Comments were provided by the following public speakers:

Saleem Bey  
John Bey

A motion was made by Tyfahra Milele, seconded by Regina Jackson, to ask counsel to move forward with a formal request. The motion carried by the following vote:

Aye: Gage, Garcia, Harbin-Forte, Jackson, Jordan, and Milele  
No: 0

**X. Police Commission Code of Conduct Policy (*this item was tabled to a future agenda*)**

Comments were provided by the following public speakers:

Reisa Jaffe  
Saleem Bey

**XI. Prioritization of OPD Policies for Review (*this item was tabled to a future agenda*)**

Comments were provided by the following public speakers:

Saleem Bey  
Anne Janks  
Ginale Harris  
Assata Olugbala

**Brenda Harbin-Forte left the meeting at 10:30 pm.**

A motion was made by David Jordan, seconded by Sergio Garcia, to extend the meeting 11:00 pm. The motion carried by the following vote:

**Aye: Gage, Garcia, Jackson, Jordan, and Milele**  
**No: 0**

**XII. Recommendations for Community Engagement (*this item was tabled to a future agenda*)**

Comments were provided by the following public speakers:

Saleem Bey  
Ginale Harris  
Mariano Contreras  
Assata Olugbala

**XIII. Meeting Minutes Approval (*this item was tabled to a future agenda*)**

No public comments were provided on this item.

**XIV. Committee Reports**

Representatives from Standing and Ad Hoc Committees provided updates on their work.

**Community Resource Officer Deployment OPD 15-01  
(Commissioners Dorado, Harbin-Forte, Jackson)**

The Committee will be formulating a plan to coordinate community involvement.

**Military Police Equipment  
(Commissioners Gage, Garcia, Jordan)**

The Reimagining Public Safety Task Force recommendations included language which recommends adoption of the Commission's proposed ordinance to phase out and replace the BearCat. The City Attorney's office is currently reviewing.

Comments were provided by the following public speakers:

Ginale Harris  
Saleem Bey

No action was taken on this item.

**XV. Open Forum Part 2**

Comments were provided by the following public speakers:

Saleem Bey  
Rashidah Grinage

**XVI. Agenda Setting and Prioritization of Upcoming Agenda Items (*this item was tabled to a future agenda*)**

Comments were provided by the following public speakers:

Saleem Bey

Reisa Jaffe  
Ginale Harris

**XVII. Adjournment**

A motion was made by Regina Jackson, seconded by Sergio Garcia, to adjourn the meeting at 11:03 pm. The motion carried by the following vote:

Aye: Gage, Garcia, Jackson, Jordan, and Milele

No: 0



CITY OF OAKLAND | POLICE COMMISSION  
 250 FRANK H. OGAWA PLAZA, SUITE 6302 • OAKLAND, CA 94612

## Current Committees

Standing Committee	Commissioners
Outreach	Dorado, Jordan
Personnel	Jackson

Ad Hoc Committee	Commissioners
Annual Report	Jackson
Budget	Dorado, Jackson
Community Policing OPD 15-01	Dorado, Harbin-Forte, Jackson
IAD Manual	Gage, Jackson, Jordan
Inspector General Search	Jackson, Milele, Peterson
Mental Health Model	Dorado
Militarized Police Equipment	Gage, Garcia, Jordan
Missing Persons Policy	Jackson, Jordan
OBOA Allegations Investigation	Harbin-Forte, Jackson
Police Chief Goals and Evaluation	Garcia, Milele, Peterson
Racial Profiling Policy	Dorado, Jackson, Milele
Rules of Procedure	Gage, Garcia, Harbin-Forte
White Supremacists and Other Extremist Groups	Dorado, Harbin-Forte, Jackson

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
2	Commissioner Trainings	1/1/2018	<p>Complete trainings mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190</p> <p>Some trainings have deadlines for when they should be completed (within 3 months, 6 months, etc.)</p> <p>Several trainings were delivered in open session and have been recorded for future use</p>	<p>The following trainings must be done in Open Session:</p> <ol style="list-style-type: none"> <li>1. California's Meyers Milias Brown Act (MMBA) and Public Employment Relations Board's Administration of MMBA (done 3.12.20)</li> <li>2. Civil Service Board and Other Relevant City Personnel Policies and Procedures (done 2.27.20)</li> <li>3. Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees (done 4.22.21)</li> <li>4. Police Officers Bill of Rights (done 12.12.19)</li> </ol>	High	Ongoing		
3	Confirming the Process to Hire Staff for the Office of Inspector General	5/17/2019	<p>Per the Enabling Ordinance: The City shall allocate a sufficient budget for the OIG to perform its functions and duties as set forth in section 2.45.120, including budgeting one (1) full-time staff position comparable to the position of Police Program and Audit Supervisor. Within thirty (30) days after the first Inspector General is hired, the Policy Analyst position and funding then budgeted to the Agency shall be reallocated to the OIG. All OIG staff, including the Inspector General, shall be civil service employees in accordance with Article IX of the City Charter.</p>	<p>This will require information presented from the City Administrator's Office.</p>	High			

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
4	Finalize Bylaws and Rules	1/24/2019			High			Gage
5	Hire Inspector General (IG)	1/14/2019	Hire IG once the job is officially posted	Pending Measure LL revisions to be included in the November 2020 ballot. Recruitment and job posting in process.	High			Personnel Committee
6	Modify Code of Conduct from Public Ethics Commission for Police Commission	10/2/2018		On code of conduct for Commissioners there is currently a code that was developed by the Public Ethics Commission.	High	5/27/2021		
7	Neighborhood Opportunity and Accountability Board (NOAB) Update	5/13/2021	Receive a report on the Neighborhood Opportunity and Accountability Board which launched in April 2020	Tabled from May 13, 2021 meeting	High			
8	Notification of OPD Chief Regarding Requirements of Annual Report	1/1/2018	Commission must notify the Chief regarding what information will be required in the Chief's annual report	<p>The Chief's report shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> <li>1. The number of complaints submitted to the Department's Internal Affairs Division (IAD) together with a brief description of the nature of the complaints;</li> <li>2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated;</li> <li>3. The number of investigations completed by IAD, and the results of the investigations;</li> <li>4. The number of training sessions provided to Department sworn employees, and the subject matter of the training sessions;</li> <li>5. Revisions made to Department policies;</li> <li>6. The number and location of Department sworn employee-involved shootings;</li> <li>7. The number of Executive Force Review Board or Force Review Board hearings and the results;</li> <li>8. A summary of the Department's monthly Use of Force Reports;</li> <li>9. The number of Department sworn employees disciplined and the level of discipline imposed; and</li> <li>10. The number of closed investigations which did not result in discipline of the Subject Officer.</li> </ol> <p>The Chief's annual report shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code section 832.7</p>	High	June 14, 2018 and June 14 of each subsequent year		Dorado

## Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
9	OPD to Provide a 30 Day Snapshot on the Effectiveness of SO 9202	2/27/2020		On 2.27.20, at the request of OPD the Commission considered and approved SO 9202 which amends the section in SO 9196 regarding Type 32 reportable force	High			
10	Performance Reviews of CPRA Director and OPD Chief	1/1/2018	Conduct performance reviews of the Agency Director and the Chief	The Commission must determine the performance criteria for evaluating the Chief and the Agency Director, and communicate those criteria to the Chief and the Agency Director one full year before conducting the evaluation. The Commission may, in its discretion decide to solicit and consider, as part of its evaluation, comments and observations from the City Administrator and other City staff who are familiar with the Agency Director's or the Chiefs job performance. Responses to the Commission's requests for comments and observations shall be strictly voluntary.	High	Annually; Criteria for evaluation due 1 year prior to review		
11	Prioritization of OPD Policies for Review	5/13/2021	Discuss and prioritize OPD policies for review	Tabled from May 13, 2021 meeting	High			
12	Recommendations for Community Engagement	5/13/2021	Discuss recommendations for community engagement	Tabled from May 13, 2021 meeting	High			
13	Reports from OPD	10/6/2018	Commission to decide on what reports are needed prior to receiving them.	Receive reports from OPD on issues such as: response times; murder case closure rates; hiring and discipline status report (general number for public hearing); any comp stat data they are using; privacy issues; human trafficking work; use of force stats; homelessness issues; towing cars of people who sleep in their vehicles	High	Ongoing as appropriate		

## Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
14	Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	Request the City Attorney submit semi-annual reports to the Commission and City Council which shall include a listing and summary of: 1. To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration; 2. Arbitration decisions or other related results; 3. The ways in which it has supported the police discipline process; and 4. Significant recent developments in police discipline. The City Attorney's semi-annual reports shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code 832.7	High	Semi-annually Next one should be October, 2021		Smith
15	Sloan Report	5/13/2021	Discuss the independent review commissioned by the City as part of a Step 3 Grievance procedure related to the Pawlik investigation	Tabled from May 13, 2021 meeting	High			
16	Training on Brown Act, Sunshine Ordinance, and Parliamentary Procedure	5/21/2021	Receive a training session for Commissioners to understand rights and obligations under the Brown Act, the Sunshine Ordinance, Robert's Rules of Order, and the Commission's Rules		High			
17	Community Policing Task Force/Summit	1/24/2019			Medium			Dorado

## Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
18	CPAB Report			Receive any and all reports prepared by the Community Policing Advisory Board (hereinafter referred to as "CPAB") and consider acting upon any of the CPAB's recommendations for promoting community policing efforts and developing solutions for promoting and sustaining a relationship of trust and cooperation between the Department and the community.	Medium			
19	Determine Outstanding Issues in Meet and Confer and the Status of M&C on Disciplinary Reports	10/6/2018		Need report from police chief and city attorney. Also need status report about collective bargaining process that is expected to begin soon.	Medium			
20	Free Gun Trace Service	1/27/2020		This service was mentioned at a meeting in 2019.	Medium			Dorado
21	Offsite Meetings	1/1/2018	Meet in locations other than City Hall	The offsite meetings must include an agenda item titled "Community Roundtable" or something similar, and the Commission must consider inviting individuals and groups familiar with the issues involved in building and maintaining trust between the community and the Department.	Medium	Annually; at least twice each year		Dorado, Harris, Jackson
22	OPD Supervision Policies	10/2/2018		Review existing policy (if any) and take testimony/evidence from experts and community about best practices for supervisory accountability. Draft policy changes as needed. In addition, IG should conduct study of supervisor discipline practices. In other words, how often are supervisors held accountable for the misconduct of their subordinates.	Medium			
23	Public Hearing on OPD Budget	1/1/2018	Conduct at least one public hearing on the Police Department's budget	Tentative release date of Mayor's proposed budget is May 1st of each year.	Medium	Spring, 2021		

## Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
24	Report from OPD Regarding Found/Confiscated Items	7/12/2019	OPD will report on the Department's policy for disposition of found/confiscated items.	This came about through a question from Nino Parker. The Chief offered to present a report at a future meeting.	Medium			
25	Report Regarding OPD Chief's Report	1/1/2018	Submit a report to the Mayor, City Council and the public regarding the Chief's report in addition to other matters relevant to the functions and duties of the Commission	The Chief's report needs to be completed first.	Medium	Annually; once per year		
26	Review Budget and Resources of IAD	10/10/2018		In Discipline Training it was noted that many "lower level" investigations are outsourced to direct supervisors and sergeants. Leaders in IAD have agreed that it would be helpful to double investigators and stop outsourcing to Supervisors/Sgts. Commissioners have also wondered about an increase civilian investigators. Does the Commission have jurisdiction over this?	Medium			
27	Review Commission's Outreach Policy	4/25/2019			Medium			Dorado
28	Revise Contracts with CPRA and Commission Legal Counsels	10/10/2018		The contract posted on the Commission's website does not comport with the specifications of the Ordinance. As it stands, the Commission counsel reports directly to the City Attorney's Office, not the Commission. The Commission has yet to see the CPRA attorney's contract, but it, too, may be problematic.	Medium			
29	Revisit Standing and Ad Hoc Committee Assignments	10/29/2019			Medium	Ongoing		

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30	Amendment of DGO C-1 (Grooming & Appearance Policy)	10/10/2018		DGO C-1 is an OPD policy that outlines standards for personal appearance. This policy should be amended to use more inclusive language, and to avoid promoting appearance requirements that are merely aesthetic concerns, rather than defensible business needs of the police department.	Low			
31	Annual Report	1/1/2018	Submit an annual report each year to the Mayor, City Council and the public		Low	Spring, 2022		Prather, Smith
32	Assessing Responsiveness Capabilities	10/6/2018		Review OPD policies or training regarding how to assess if an individual whom police encounter may have a disability that impairs the ability to respond to their commands.	Low			
33	CPRA Report on App Usage	10/10/2018		Report from staff on usage of app.	Low			
34	Creation of Form Regarding Inspector General's Job Performance	1/1/2018	Create a form for Commissioners to use in providing annual comments, observations and assessments to the City Administrator regarding the Inspector General's job performance. Each Commissioner shall complete the form individually and submit his or her completed form to the City Administrator confidentially.	To be done once Inspector General position is filled.	Low			

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35	Discipline: Based on Review of MOU	10/6/2018		<p>How often is Civil Service used v. arbitration?                      How long does each process take?                      What are the contributing factors for the length of the process?                      How often are timelines not met at every level?                      How often is conflict resolution process used?                      How long is it taking to get through it?                      Is there a permanent arbitration list?                      What is contemplated if there's no permanent list?                      How often are settlement discussions held at step 5?                      How many cases settle?                      Is there a panel for Immediate dispute resolution?                      How many Caloca appeals? How many are granted?                      What happened to the recommendations in the Second Swanson report?</p>	Low			
36	Discipline: Second Swanson Report Recommendations – Have These Been Implemented?	10/6/2018		<p>Supervisor discipline                      Process for recommending improvements to policies, procedures and training, and to track and implement recommendations                      Tracking officer training and the content of training                      Comparable discipline imposed – database of discipline imposed, demonstrate following guidelines                      IAD civilian oversight for continuity in IAD                      Improved discovery processes                      Permanent arbitration panel implemented from MOU                      OPD internal counsel                      Two attorneys in OCA that support OPD disciplines and arbitration                      Reports on how OCA is supporting OPD in discipline matters and reports on arbitration                      Public report on police discipline from Mayor's office                      OIG audit includes key metrics on standards of discipline</p>	Low			

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37	Feedback from Youth on CPRA App	10/10/2018		Get some feedback from youth as to what ideas, concerns, questions they have about its usability.	Low			
38	OPD Data and Reporting			Review and comment on the Department's police and/or practice of publishing Department data sets and reports regarding various Department activities, submit its comments to the Chief, and request the Chief to consider its recommendations and respond to the comments in writing.	Low			
39	Outreach Committee: Work with Mayor's Office and City Admin to Publicize CPRA App	10/10/2018			Low			
40	Overtime Usage by OPD - Cost and Impact on Personal Health; Moonlighting for AC Transit	1/1/2018		Request Office of Inspector General conduct study of overtime usage and "moonlighting" practices.	Low			

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41	Proposed Budget re: OPD Training and Education for Sworn Employees on Management of Job-Related Stress	1/1/2018	Prepare for submission to the Mayor a proposed budget regarding training and education for Department sworn employees regarding management of job-related stress. (See Trauma Informed Policing Plan)	Review and comment on the education and training the Department provides its sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of posttraumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. The Commission shall provide any recommendations for more or different education and training to the Chief who shall respond in writing consistent with section 604(b)(6) of the Oakland City Charter. Prepare and deliver to the Mayor, the City Administrator and the Chief by April 15 of each year, or such other date as set by the Mayor, a proposed budget for providing the education and training identified in subsection (C) above.	Low	4/15/2021		
42	Public Hearings on OPD Policies, Rules, Practices, Customs, General Orders	1/1/2018	Conduct public hearings on Department policies, rules, practices, customs, and General Orders; CPRA suggests reviewing Body Camera Policy		Low	Annually; at least once per year		Dorado
43	Social Media Communication Responsibilities, Coordination, and Policy	7/30/2019		Decide on social media guidelines regarding responsibilities and coordination.	Low			