



OAKLAND POLICE COMMISSION

REGULAR MEETING AGENDA

April 13, 2023

5:30 PM

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department to ensure its policies, practices, and customs conform to national standards of constitutional policing, and to oversee the Office of the Inspector General, led by the civilian Office of Inspector General for the Department, as well as the Community Police Review Agency (CPRA), led by the Executive Director of the Agency, which investigates police misconduct and recommends discipline.

Pursuant to California Government Code Section 54953(e) having been rescinded, members of the Police Commission, as well as the Commission's Counsel and Community Police Review Agency staff, will no longer participate in public meetings via phone/video conference, and physical teleconference locations are required.

**Please note that Zoom links will be to observe only.
Public participation via Zoom is not possible currently.**



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PUBLIC PARTICIPATION

The Oakland Police Commission welcomes public participation. During this time of transition back to in-person meetings, we are currently prohibited from implementing hybrid meetings. Please refer to the ways in which you can observe and/or participate below:

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/86306643229> 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 +1 669 444 9171 or +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 646 931 3860

Webinar ID: 863 0664 3229

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.”

Use of Zoom is limited to observing, public comment will not be taken via Zoom

PROVIDE PUBLIC COMMENT IN PERSON:

- Public comment on each agenda item will be taken. Members of the public wishing to comment must fill out a speaker card for each item they wish to comment on. Speaker cards will be accepted up until Public Comment for each item begins. Please submit your cards to the Chief of Staff before being recognized by the presiding officer.
- Comments must be made on a specific agenda item covered in the meeting that the comment was submitted for, and that item must be written on the speaker card, or they will be designated open forum comments.
- Comments designated for open forum, either intentionally or due to the comments being outside of the scope of the meeting's agenda/submitted without a including a written agenda item, will be limited to one comment per person.

E-COMMENT:

- Please email written comments to opc@oaklandcommission.org. E-comments must be submitted at least **24 hours** prior to the meeting with the agenda item to which it pertains. Open Forum comments are limited to one per person.



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- I. **Call to Order, Welcome, Roll Call and Determination of Quorum**
Chair Tyfahra Milele

Roll Call: *Vice Chair Jordan; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell; Commissioner Jesse Hsieh; Commissioner Regina Jackson; Commissioner Marsha Peterson; Alternate Commissioner Angela Jackson-Castain; Alternate Commissioner Karely Ordaz*

- II. **Consider and Approve Request to OPD and City of Oakland for Files and Records related to IAD No. 22-1102 (Charter § 604(f)(2))**
 - a. Discussion
 - b. Public Comment
 - c. Action, if any

- III. **Closed Session**

The Police Commission will take Public Comment on the 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.

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

CONFERENCE WITH LEGAL COUNSEL –
EXISTING LITIGATION (Government Code Section 54956.9(d)(1))
Delphine Allen et al., v. City of Oakland, et al.
N.D.Cal No, 00-cv-4599-WHO

- IV. **Open Forum Part 1** (2 minutes per speaker, 15 minutes total)

Members of the public wishing to address the Commission on matters that are not on tonight's agenda but are related to the Commission's work should submit a speaker card prior to this item. Comments regarding agenda items should be held until the agenda item is called for discussion. Speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2. ***This is a recurring item.***

- V. **OPD Budget for Education and Training on Job-Related Mental and Emotional Health Issues**

Pursuant to the Commission's NSA Memorandum to the Court on mental health services and support for sworn officers and Ord. § 2.45.070(C) and (D), the Commission shall review and comment on the education and training the Department provides its sworn employees, including its proposed budget, regarding the management of job-related stress, and regarding the signs and symptoms of post-traumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. Also, pursuant to § 2.45.070, Commission's comments on OPD's budget for education and training will be provided to the Mayor and City Administrator by April 15.

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



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- VI. Report Back from April 11, 2023 Case Management Conference Hearing and Update on Task 5 and 45.**
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- VII. Direction to Staff to Develop Bidder Solicitation for Commission Counsel**
- The Commission will consider direction to the CPRA Director, its Contracts Administrator, to develop a draft bidder solicitation for the next term of its outside counsel to the Commission, which begins on July 1, 2023. *This is a new item.*
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- VIII. CPRA Policies Ad Hoc Presentation for Review and Discussion of the Current Draft of the CPRA Standard Operating Procedures Manual. (Attachment 8)**
- The CPRA Ad Hoc Committee will present on the standard operating procedures and policies developed for the Community Police Review Agency (CPRA).
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- IX. Committee Reports**
- Representatives from Ad Hoc Committees will provide updates on their work.
This is a recurring item. (Attachment 9)
- **Staff Searches: CPRA Director, Chief of Staff, Police Chief (Commissioners Milele, Jordan, Howell)**
The Staff Searches Ad Hoc Committee is responsible for the recruitment and hiring of staff vacancies, including the CPRA Executive Director, Commission Chief of Staff, and OPD Police Chief.
 - **Militarized Equipment (Commissioners Hsieh, Jordan, Jackson-Castain)**
The Militarized Equipment Ad Hoc Committee is tasked with drafting and updating policies regulating the acquisition and use of militarized equipment by the Oakland Police Department in accordance with the City of Oakland's Controlled Equipment Ordinance (OMC 9.65) and state law (AB 481; Gov Code 7070 et seq.)
 - **Community Outreach (Commissioners Howell, Jordan, Ordaz)**
The objective of this Ad Hoc is to increase public awareness and knowledge of the Commission's work and ensure broad community voices, especially from the most marginalized, are elevated. This Ad Hoc will also oversee the community engagement and outreach of the CPRA, the IG's office and to some extent the OPD. Additionally, this Ad Hoc will work to set the guidelines for how Commission Ad Hoc's are formed and run.
 - **Annual Report (Commissioners Jackson and Peterson)**
This Ad Hoc Committee is tasked with producing the Police Commission's 2022 Annual Report
- a. Discussion
 - b. Public Comment
 - c. Action, if any



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X. Upcoming/Future 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 10](#))

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

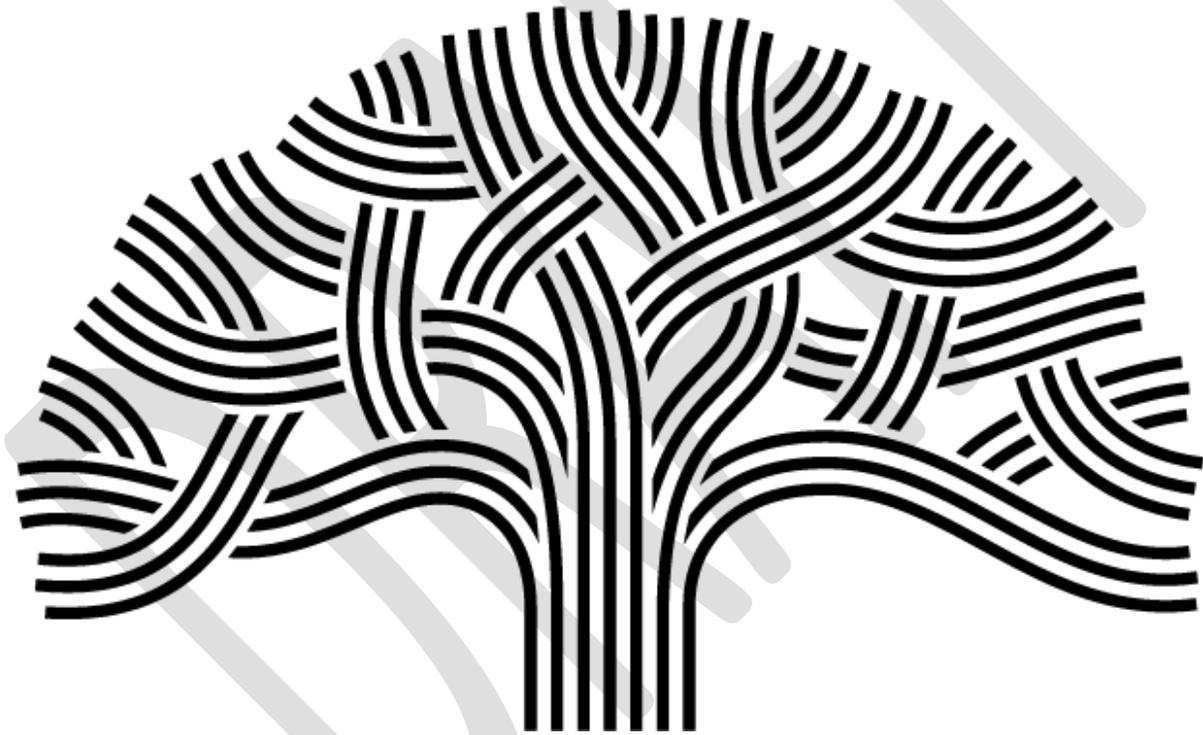
XI. Open Forum Part 2 (2 minutes per speaker, 15 minutes total)

Members of the public wishing to address the Commission on matters that were not on tonight's agenda but are related to the Commission's work should submit a speaker card prior to the start of this item. **Persons who spoke during Open Forum Part 1 will not be called upon to speak again without prior approval of the Commission's Chairperson.** ***This is a recurring item.***

XII. Adjournment

NOTICE: In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the videoconference meeting, to access written documents being discussed at the Discipline Committee meeting, or to otherwise participate at Commission meetings, please contact the Police Commission's Chief of Staff, Kelly Yun, at kyun@oaklandca.gov for assistance. Notification at least 48 hours before the meeting will enable the Police Commission to make reasonable arrangements to ensure accessibility to the meeting and to provide any required accommodations, auxiliary aids, or services.

City of Oakland
Community Police
Review Agency
(CPRA)



Standard Operating Procedures

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The History of The Community Police Review Agency

The Citizens' Police Review Board (CPRB) was established by the Oakland City Council on April 15, 1980. The purpose of the nine-member Board was to review certain complaints of misconduct by Oakland police officers and park rangers, conduct fact-finding investigations, and make advisory reports to the City Administrator. In July 1996, the CPRB's jurisdiction was expanded to include complaints involving excessive use of force or bias based on a legally protected class. In July 2002, the CPRB's powers were again expanded to provide jurisdiction over all complaints against Oakland police officers and park rangers, increase the number of Board members from nine to twelve, including three alternates, and expand other operational authority.

The mission of the CPRB was to ensure that Oakland had a professional police department whose members behaved with integrity and justice, improve police services to the community by increasing understanding between the community and police officers, to ensure police accountability, and provide the community with a forum to air its concerns on policy matters and individual cases alleging police misconduct.

In March 2003, as a result of a Negotiated Settlement Agreement (NSA) in *Delphine Allen v. City of Oakland*, a civil rights lawsuit alleging police misconduct, the Oakland Police Department was placed under federal oversight. The NSA required police reforms in several areas, including internal affairs investigations, supervision of officers, police use of force, training, personnel practices, community policing, racial disparities in discipline, and the department's recalcitrance to implement reforms that hold officers accountable.

In November 2016, in an effort to ensure constitutional policing and foster a police force trusted by the community, Measure LL was passed which replaced the CPRB with the newly created Oakland Police Commission ("Commission" or "OPC") and the Community Police Review Agency ("Agency" or "CPRA"). Measure LL provided the Commission with significant powers to oversee OPD policies, practices, and customs and ensure adherence to constitutional policing practices. The Commission was also empowered to oversee the CPRA, including hiring the Agency's Executive Director. The CPRA is an independent investigative body charged with investigating specific complaints of misconduct made against OPD police officers. In July 2018, the City Council enabled the implementation of this City Charter amendment by adding Chapters 2.45 and 2.46 to the Oakland Municipal Code (Municipal Code).

In November 2020, Measure S1 was passed by Oakland voters which expanded on the independence, authority, and staffing of the Commission and the CPRA. The Measure also increased the accountability and transparency of the CPRA through its creation of the Office of the Inspector General, which is charged with ensuring thorough police misconduct investigations and identifying systemic issues in the CPRA practices and policies.

The historical implementation and expansion of the powers of the former CPRB, the Commission, and the CPRA show how strong the Oakland community is in its resolve for effective and independent police oversight.

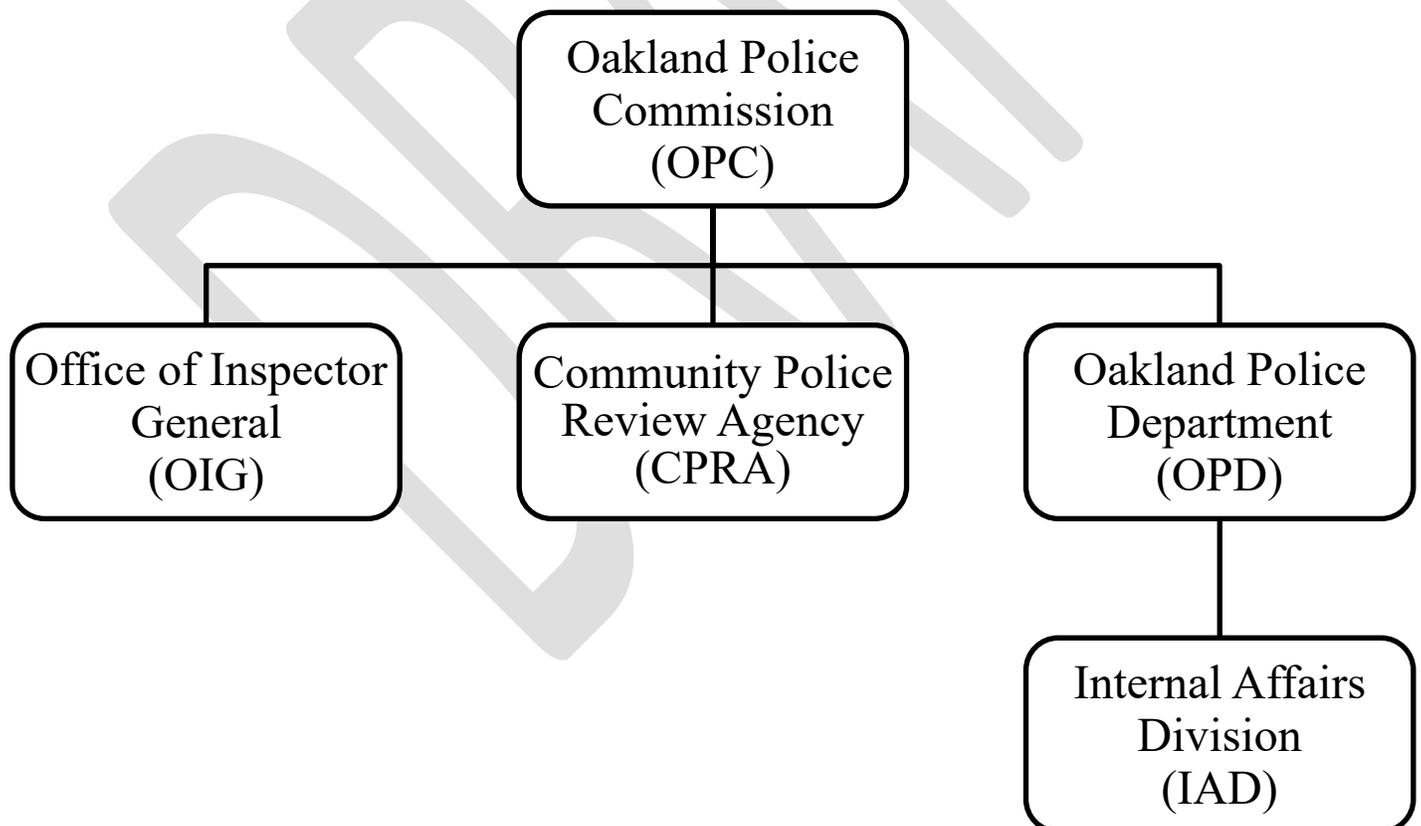
Mission

The mission of the Community Police Review Agency is to ensure constitutional and respectful policing for members of the Oakland community, to increase police accountability, and to improve public confidence in the police. The Community Police Review Agency carries out its mission by receiving, and fairly, thoroughly, objectively, and punctually investigating complaints against sworn officers of the Oakland Police Department, reaching fair and just findings on those complaints, and recommending discipline when required.

Jurisdiction

The authority of the Community Police Review Agency is derived from the Charter of the City of Oakland, Article VI, Section 604, and the Oakland Municipal Code Chapters 2.45 and 2.46. The Charter establishes that the Community Police Review Agency has jurisdiction to investigate public complaints of alleged misconduct or failure to act of all Oakland Police Department sworn employees, including complaints filed by non-sworn employees of the Oakland Police Department.

City of Oakland Police Oversight Structure



CPRA adopts the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics as national best practices of conduct in civilian police oversight:

NACOLE is a non-profit organization that works to enhance accountability and transparency in policing and build community trust through civilian oversight. NACOLE seeks to establish a community of civilian oversight entities by identifying effective practices, serving as an information and training resource, and encouraging networking and information sharing. Their Code of Ethics promotes:

PERSONAL INTEGRITY: Demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among your stakeholders, and to set an example for others. Avoid conflicts of interest. Conduct yourself in a fair and impartial manner and recuse yourself or personnel within your agency when a significant conflict of interest arises. Do not accept gifts, gratuities or favors that could compromise your impartiality and independence.

INDEPENDENT AND THOROUGH OVERSIGHT: Conduct investigations, audits, evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Rigorously test the accuracy and reliability of information from all sources. Present the facts and findings without regard to personal beliefs or concern for personal, professional, or political consequences.

TRANSPARENCY AND CONFIDENTIALITY: Conduct oversight activities openly and transparently, providing regular reports and analysis of your activities, and explanations of your procedures and practices to as wide an audience as possible. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

RESPECTFUL AND UNBIASED TREATMENT: Treat all individuals with dignity and respect, and without preference or discrimination including, but not limited to: age, ethnicity, citizenship, color, culture, race, disability, gender, gender identity, gender expression, housing status, marriage, mental health, nationality, religion, sexual orientation, socioeconomic status, or political beliefs, and all other protected classes.

OUTREACH AND RELATIONSHIPS WITH STAKEHOLDERS: Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialogue with your stakeholders. Educate and learn from the community.

AGENCY SELF-EXAMINATION AND COMMITMENT TO POLICY REVIEW: Seek continuous improvement in the effectiveness of your oversight agency, the law enforcement agency it works with, and their relations with the communities they serve. Gauge your effectiveness through evaluation and analysis of your work product. Emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

PROFESSIONAL EXCELLENCE: Seek professional development to ensure competence. Acquire the necessary knowledge and understanding of the policies, procedures, and practices of the law enforcement agency you oversee. Keep informed of current legal, professional and social issues that affect the community, the law enforcement agency, and your oversight agency.

PRIMARY OBLIGATION TO THE COMMUNITY: At all times, place your obligation to the community, duty to uphold the law and to the goals and objectives of your agency above your personal self-interest.

Definitions and Acronyms

These definitions are not exhaustive, but list terms and acronyms most commonly used by CPRA in the investigative process¹

Allegation – A charge, claim, or accusation made by a complainant of a violation of OPD policy, procedure, or law.

Body-Worn Camera (BWC) – The actual body-worn camera device or the video derived from the body-worn camera worn by the OPD sworn employee.

Chief of Police (Chief) – The Commanding Officer of the Oakland Police Department.

Community Police Review Agency – “Agency” or “CPRA”. An independent civilian police oversight agency that investigates complaints against sworn employees of the Oakland Police Department

Complainant – The person making a complaint or allegation, or the person whom the complaint or allegation is on behalf of.

Complaint – A report, case, or allegation of a violation of OPD policy, procedure, or governing law.

Complaint Investigator II (CI II) – A CPRA investigator.

Complaint Investigator III (CI III) – A CPRA supervising investigator

Division Level Investigations (DLI) – The Oakland Police Department command level investigations, usually conducted by the subject officers’ supervisor.

Exonerated – Investigative finding meaning based on a preponderance of the evidence, the act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

First Amendment Assemblies – Constitutionally protected rights of individuals to assemble and convey their ideas.

In Custody Death – The death of a person caused by or occurring while in the custody or control of the OPD.

Internal Affairs Division (IAD) – The Oakland Police Department’s unit that investigates allegations of police misconduct.

Misconduct – Both a sworn employee’s affirmative act or a failure to act that violates the Department’s policies, procedures, directives, or governing law.

No Jurisdiction – Administrative finding meaning the subject of the allegation is not currently a sworn employee of the OPD, or was not a sworn employee of the OPD at the time of the incident.

¹ Additional abbreviations and definitions are maintained in the CRPA training folder.

Not Mandated – Administrative finding meaning the allegation was not one that CPRA is mandated to investigate under the Charter.

Not Sustained – Investigative finding meaning the available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Oakland Police Commission (Commission) – The Oakland Police Commission is comprised of seven (7) members and two (2) alternates; its purpose is to oversee the Oakland Police Department to ensure its policies, practices, and customs conform to national standards of constitutional policing and to oversee the Office of the Inspector General and CPRA.

Oakland Police Department (OPD) – All sworn and non-sworn employees of the Oakland Police Department.

Office of the Inspector General (OIG) – The Office of the Inspector General is an independent, non-partisan oversight agency that conducts audits, reviews, and evaluations of the Oakland Police Department and CPRA, recommending improvements to policies, training, and systemic advancements.

Preponderance of Evidence – The burden of proof standard applicable to the analysis and finding of CPRA investigations.

Profiling – The improper selective police enforcement or engagement based on protected characteristics identified by federal, state or local law, also referred to as “biased based policing”.

Report of Investigation (ROI) – The compiled investigative report completed by the CI II.

Reporting Party (RP) – A person reporting a complaint or allegation about, for or on behalf of a complainant.

Subject Officer – The OPD sworn employee who is the subject of the complaint of alleged misconduct.

Sustained – Investigative finding meaning based on a preponderance of the evidence, the act(s) alleged by the complainant occurred and constituted misconduct.

Unfounded – Investigative finding meaning the act(s) alleged by the complainant did not occur.

Untruthfulness – An allegation from a complainant that an OPD officer intentionally lied or provided false information.

Use of Force – The use or threatened use of force, as described in OPD policy and law, against an individual.

Witness – A person observing or having relevant information about an incident, including civilians or sworn employees.

CPRA Mandated Duties and Responsibilities

What does CPRA do:

- A. CPRA receives, reviews, and prioritizes all public complaints concerning the alleged misconduct or failure to act of all Department sworn employees, including complaints from Department non-sworn employees.
- B. CPRA is not required to investigate each public complaint it receives, beyond the initial intake procedure, but is required to investigate public complaints involving:
 1. Uses of force
 2. In-custody deaths
 3. Profiling based on any of the protected characteristics identified by federal, state, or local law
 4. Untruthfulness
 5. First Amendment assemblies
- C. CPRA also investigates any other possible misconduct or failure to act of a sworn Department employee, whether or not the subject of a public complaint, as directed by the Commission.
- D. CPRA proposes discipline for sworn employees with sustained findings of misconduct. CPRA submits the proposed discipline to the Chief of Police and the Chair of the Commission. If the Chief agrees with the discipline, it is imposed by OPD. If the Chief does not agree, the Commission convenes a Discipline Committee to determine the final resolution.

CPRA Staff:²

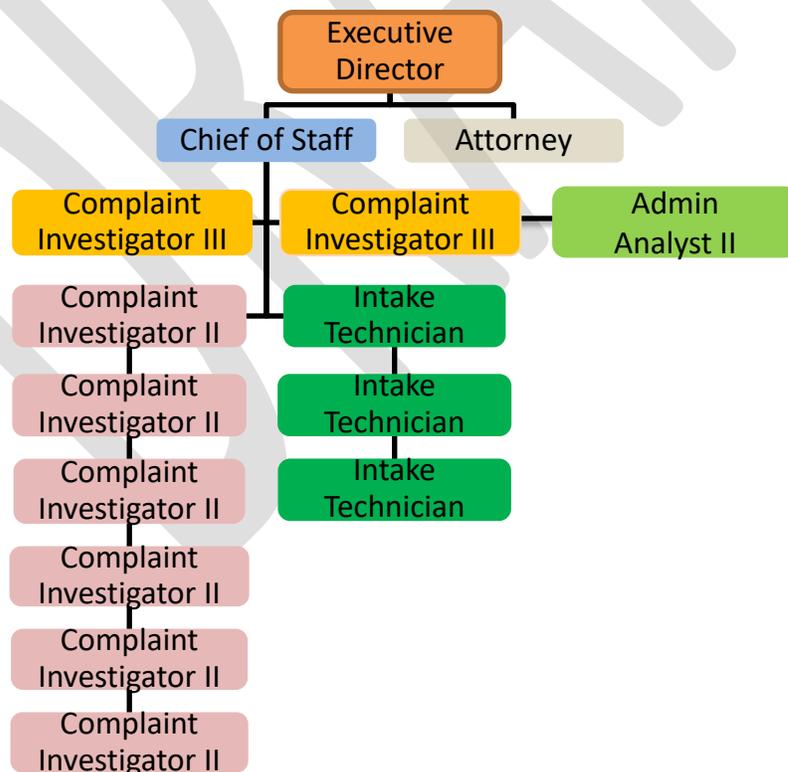
Executive Director: The department head of CPRA. The Executive Director is responsible for the management and direction of the CPRA, including directing, planning, developing, and implementing all functions and activities thereof. Responsive directly to the Oakland Police Commission, the Executive Director is responsible for implementing the goals and objectives of the CPRA to promptly, impartially, and fairly conduct investigations of public complaints of police misconduct.

- A. **Chief of Staff:** Responsive directly to the Executive Director, the Chief of Staff performs a full range of professional and supervisory level skills to organize, manage and direct the work of CPRA in consultation with the Executive Director. The Chief of Staff prepares short and long-range plans; trains and supervises assigned staff; and performs related duties as assigned.
- B. **CPRA Attorney:** Responsive directly to the Executive Director or their designee, the CPRA attorney provides general training and case-specific advice to CPRA investigators as needed in their investigations of police officer misconduct; litigates a portion of the arbitration proceedings that stem from those investigations; and advises on other matters as assigned.

² See attached CPRA Organizational Chart

- C. Complaint Investigator III (CI III):** Responsive directly to the Executive Director or their designee, the Complaint Investigator III serves as the first line supervisor for intake and investigations with the CPRA. The Complaint Investigator III supervises and trains assigned staff and performs related duties as assigned.
- D. Complainant Investigator II (CI II):** Responsive directly to the CI III, the CI II investigates community members’ complaints of alleged police misconduct; compiles and analyzes facts and data for cases; prepares investigative reports; and performs other related duties as assigned.
- E. Administrative Analyst II:** Responsive directly to the Executive Director or their designee, the Administrative Analyst II performs professional project management; handles personnel matters and administrative work in support of CPRA operations; and performs other related duties as assigned.
- F. Intake Technician:** Responsive directly to the CI III, the Intake Technician performs intake and examination of allegations of misconduct and/or community members’ complaints; compiles and organizes facts and data for cases; coordinates with civilian staff and the general public; accesses and maintains complex internal automated records systems; and performs related duties as assigned.

CPRA Organizational Chart



I. Complaint Receipt and Intake Process

The purpose of the Intake Process is to ensure that any person who wishes to file a complaint of police misconduct has an available mechanism to do so, and ensures the CPRA can receive, document and be properly responsive to every complaint.

A. Complaints can be filed by:

1. The subject of the police action
2. Any third party (parent or guardian, spouse, firm or organization, etc.)
3. An agent representing the subject (lawyer, doctor, etc.)
4. Any witness or bystander
5. An anonymous person
6. Any non-sworn member of the Oakland Police Department

B. Complaints can be filed against:

1. Any current sworn employee of the Oakland Police Department, who was a sworn employee on the date of the incident complained of

C. Complaints can be filed by the following methods:

1. Orally or in writing
2. In person or by mail
3. By telephone (or TDD), facsimile, or electronic mail
4. By CPRA online complaint form

D. Complaints can be filed at the following locations:

1. Any specified OPD location
2. In the field with a Sergeant or OPD Supervising Officer
3. Inside the CPRA office
4. Through CPRA online complaint process

E. Complaint types that can be filed:

The CPRA will receive and accept any complaint of police misconduct. Although the CPRA will receive all complaints of misconduct, CPRA is mandated to investigate only allegations of Use of Force, In Custody Deaths, Profiling/Discrimination, Truthfulness, and First Amendment Public Assemblies. All complaints, however, are forwarded to OPD for investigation. CPRA also investigates any other possible misconduct or failure to act of a sworn Department employee, whether or not the subject of a public complaint, as directed by the Commission.

F. Complaints made through CPRA or OPD:

1. If a complaint is made directly with OPD that complaint is captured on a Complaint Investigation Report (CIR) form. OPD is required to forward the CIR to CPRA within one (1) business day of receipt, Charter Section 604(f). The CIR shall contain the case number that will be utilized by both OPD and CRPA. OPD should forward the CIR via email to the CI III or their designee.
 - a. To ensure compliance with this requirement, if by the end of each business day OPD has not forwarded a CIR to CPRA, on the next business day, the CI III, or their designee, will submit an emailed request to the OPD intake designee requesting the previous day's CIRs.
 - b. The CI III or their designee will properly document in the database and on the New Intakes Summary Log all CIRs received from OPD that day, but no later than the next business day.
2. If a complaint is made directly with CPRA that complaint is captured in the database on the Complaint Form. The Complaint Form shall contain the complainant's name and contact information, the date, time, and location of the incident, a brief narrative description of the incident, information on involved officers, and any other relevant information available at the time.
 - a. **Complaints made by voice mail:** If the complaint is made with CPRA by voice mail message, the intake technician assigned to receive voice messages that day will document receipt of the voice message in the Voice Mail Log with all information provided by the caller indicated on the log. That intake technician will follow up with a return call to the caller that day or no later than the next business day³ to obtain a recorded statement if possible. At least two callback attempts shall be made with voice messages detailing the reason for the call and

³ All references to the "next business day" refers to the next business day that the responsible staff member is on duty. This does not include days that the staff member is on leave. If a staff member is unable to complete a task on the next business day that they are on duty, they will advise their direct supervisor via email.

providing the CPRA contact number. Attempts and the results of the attempts should be logged in the Voice Mail Log.

- i. If the caller was unable to be contacted, and the initial voice message left by the caller contains insufficient information to file a complaint (ie, unclear allegations, no date or time, unknown location...), the intake technician will document next to the caller's information "No Complaint Taken" in the Voice Mail Log.
 - ii. If the caller was unable to be contacted, but the voice message contained sufficient information to file a complaint (ie, clearly indicates the allegation, date, time, location...), the intake technician will enter the complaint information on a Complaint Form, document in the database Timeline / Chronological Log and forwarded to the CI III.
 - iii. If the caller is contacted through a return call, but declines to file a formal complaint or refuses to provide information sufficient to pursue an investigation, that contact and "No Complaint Taken" will be logged in the Voice Mail Log.
 - iv. If the caller is contacted through a return call and agrees to provide complaint information, the intake technician will take an audio-recorded statement, complete the complaint form, document the database and forward the complaint to the CI III.
- b. Complaint made online:** If the complaint is made with CPRA by an online complaint form, the intake technician assigned to review online complaints that day will document receipt of the online complaint in the database. That intake technician will make a return call/email to the person who completed the form, that day or no later than the next business day to obtain a recorded statement if possible. At least two follow up attempts will be made, with voice messages or emails detailing the reason for the follow up and providing the CPRA contact number.
- i. If the person who completed the form was unable to be contacted and the online complaint form contains insufficient information to pursue an investigation (ie, unclear allegations, no date or time, unknown location...) Attempts and the results of the attempts shall be logged in the database Timeline / Chronological Log indicating "No Complaint Taken".
 - ii. If the person who completed the form was unable to be contacted, but, the online complaint form contained sufficient information to file a complaint (ie, clearly indicates the allegation, date, time, location...), the complaint information will be entered on a Complaint Form, logged in the database Timeline / Chronological Log and forwarded to the CI III.

- iii. If the person who completed the form is contacted through a return call, but declines to file a formal complaint or refuses to provide information sufficient to pursue an investigation, that contact will be logged in the database Timeline / Chronological Log indicating “No Complaint Taken”.
 - iv. If the person who completed the form is contacted through a return call and provides complaint information, the Complaint Form will be completed, logged in the database Timeline / Chronological Log and forwarded to the CI III.
- c. **Complaints made In Person at CPRA:** If the complaint is made with CPRA by a walk-in person, the intake technician assigned to in-office intake that day will log the contact on a Walk-in Complaint Log, and take an audio recorded statement from the person if possible. The intake technician will document the complaint in the database on a Complaint Form and on the Timeline / Chronological Log, and forward the complaint to the CI III.
- i. If the walk-in person comes into the office, but decides not to file a formal complaint, that encounter, including as much contact information as is available about the walk-in, will be logged in a Walk-In Complaint Log indicating, “No Complaint Taken”.
3. The CI III or their designee shall ensure that the Complaint Form is accurately completed and forwarded via email to IAD intake designee within one (1) business day of preparation.
- a. Upon receipt of the CPRA complaint form, the IAD will prepare a CIR based on the complaint information and assign a case number. The prepared CIR with case number shall be forwarded to CPRA within one (1) business day.
 - b. If the CIR with case number is not received by the next business day, the CI III or their designee shall contact the IAD intake designee via email to request the CIR with case number.
 - c. The CI III or their designee will properly document in the database and on the New Intakes Summary Log all CIRs received from IAD that day, but no later than the next business day.

G. Intake Technician Interviews of Complainant

If the intake technician interviews the complainant, they will ensure that the interview is voluntary and thorough. The intake technician shall:

- 1. Ask the complainant if they will provide an audio recorded statement.
 - a. If the complainant does not want to be recorded, alternative methods (i.e., written statement, online forms) should be offered.

2. If proceeding with a recorded statement, indicate the intake technician's name, the date and time, and whether the interview is occurring over the phone or in person.
3. Ask the complainant if the interview is occurring at a time and place that is convenient for the complainant.
 - a. If the time and place are not convenient, alternative locations (ie, in person at OPD or in the CPRA office) and available office hours should be offered.
4. Ask for the complainant's name, DOB, race/ethnicity, gender identity, pronoun preference, email address, street address and phone number. Advise that they can choose not to provide any of the requested information.
5. The complainant will be asked to describe their complaint, including in detail what occurred, when, where and the identity of all accused officers if known. If the identity of the officers is not known, descriptions of the accused officers. If injury is alleged the type and location of the injury. The complainant will be asked for any witness information and for any supporting evidence they have. The allegations will be clarified and repeated to the complainant.

H. Complaint Intake Review

1. CI III Case Assignment

- a. When the CI III or their designee, receives a CIR from IAD, or receives a Complaint Form made directly to CPRA, the Intake CI III shall review and assign that case to an Intake Technician by forwarding, via email, the CIR and/or Complaint Form within three (3) business days of receipt.
 - i. The CI III shall use certain criteria to determine to which intake technician to assign the case; such as the rotating schedule, the potential complexity of the case, caseloads and similar criteria. The CI III will not assign a case to any intake staff on extended leave.
 - ii. The CI III will document in the CPRA database Timeline / Chronological Log and the New Intakes Summary Log: date complaint received, date assigned to intake technician, and the name or initials of assigned intake technician.

⁴ Any reference to required deadlines does not include weekends, holidays or times that the assigned staff member is on leave. Staff members will advise their direct supervisor of any extended leave that might significantly affect their ability to complete their intake duties in a timely manner.

2. Intake Initial Review of Complaint

- a. When the intake technician receives the assigned case from the CI III, the intake technician will document receipt of the case in the database Timeline Event / Chronological log on the same day, but no later than the next business day.
- b. The intake technician will create a physical folder with the assigned case number and complainant's name. The intake technician will print a copy of the CIR and put it in the folder. The case folder will be maintained in a case file cabinet.
- c. If the complainant filed the complaint with CPRA, and the complainant's statement has not been recorded, within three (3) business days of receiving the case, the intake technician will attempt to contact the complainant via phone or email to request a recorded statement. At least two follow up attempts should be made, with voice messages detailing the reason for the call and providing the CPRA contact number.
 - i. All attempted contacts with the complainant will be logged in the database Timeline / Chronological Log.
 - ii. If the intake technician has not received a response from the complainant within three (3) business days, the intake technician will send a letter to the complainant, if address provided, requesting a return call to provide a statement. (Complainant Contact Template # 1)
 - iii. If the intake technician has not received a response to the letter from the complainant within five (5) business days, the intake technician will document the database Timeline / Chronological Log, complete the Complainant Statement Summary form indicating "No recorded complainant statement unavailable" and forward the form to the CI III.
- d. If the complainant filed the complaint with IAD, within three (3) business days of receiving the case, the intake technician will contact IAD intake **via email** and request: the information required to view the BWC complaint recording on Axon, specifically the name of the IAD member that took the complaint, and the date and time of the interview; and/or the IAD intake audio-recorded statement of the complainant. *(If IAD has already forwarded this information to the CI III, no request is necessary.)
 - i. All email requests to IAD for interview information will be logged in the database Timeline / Chronological Log.
 - ii. If the intake technician has not received the requested information and/or interviews from IAD after three (3) business days, the intake technician will send a follow-up email request to the IAD intake, copying (cc) the Intake

CI III on the email.

- iii. If after three (3) more business days, the intake technician has still not received the requested information and/or interviews, the CI III will intervene and contact IAD supervision directly via email.
- e. When the intake technician receives the audio or video recording of the complainant's statement, either from the complainant or from IAD, the intake technician will within five (5) business days of receipt, listen to the recording and prepare a clear, concise summary of the complainant's statement in relevant detail on the Complainant Summary Statement form, and forward the form to the CI III via email.
 - i. The intake technician shall log in the Timeline / Chronological Log the date the Complainant Summary Statement form was forwarded to the CI III.

3. Supervisory Initial Review of Complaint

- a. When the CI III receives the Complainant Summary Statement form from the intake technician, within three (3) business days they will review and assess the information on the form, including listening to the complainant's statement if necessary, to determine whether the complainant has made an allegation that is encompassed in a Charter mandated category requiring investigation ("mandated"), specifically: use of force, in custody deaths, profiling based on a protected characteristic, First Amendment assemblies and untruthfulness. While "sexual misconduct" is not a mandated category, based on the serious nature of the allegation and the explicit references to such conduct in the Charter, an allegation of "sexual misconduct" will be treated as mandated by CPRA for purposes of investigation.
 - i. If the CI III determines that an allegation on the Complainant Summary Statement form is "mandated", they will document that determination as "mandated" in the database Timeline / Chronological Log and on the bottom of the Complainant Summary Statement form and will return the form to the assigned intake technician.
 - ii. If the CI III determines that there is no allegation on the Complainant Summary Statement form that is mandated, they will document that determination as "not mandated" in the database Timeline / Chronological Log and on the bottom of the Complainant Summary Statement form and will return the form to the assigned intake technician.
 - iii. If the CI III determines that the allegations are not against any member of the OPD, they will document that determination as "No Jurisdiction" in the database Timeline / Chronological Log and on the bottom of the Complainant Summary Statement form and will return the form to the assigned intake technician.

- iv. If the CI III determines that there is no allegation on the Complainant Summary Statement form that is “mandated”, however, they have determined, based on criteria established by and/or at the discretion of the Executive Director or at the direction of the Police Commission, that the particular case will be investigated, they will document that determination as “not mandated with investigation” in the database Timeline / Chronological Log and on the bottom of the Complainant Summary Statement form and will return the form to the assigned intake technician.
- v. If the CI III cannot determine by the Complainant Summary Statement form, if there is a “mandated” allegation or not, (e.g., no complainant’s statement, insufficient complaint information provided) the CI III will document “Insufficient information to make a determination” in the Timeline / Chronological Log and on the bottom of the Complainant Summary statement form and will return the form to the assigned intake technician.

4. Intake Processing of Complaint after Determination

- a. When the intake technician receives the Complainant Summary Statement form from the CI III with a determination, the intake technician shall process the complaint as follows:
 - i. The intake technician will print a copy of the Complainant Summary statement form and put it in the physical case folder.
 - ii. If the Complainant Summary Statement form indicates an CI III determination of “mandated”, within ten (10) business days, the intake technician will take the following steps:
 - a) The intake technician will within three (3) business days send a letter or email the complainant to inform that CPRA has received and will be investigating the complaint. (Complainant Contact Template #2). The intake technician will document the database Timeline / Chronological Log regarding the letter or email.
 - b) The intake technician will email IAD and request the name of the DLI or IAD investigator assigned to the case.
 - c) The intake technician will, **by email only**, submit requests to the relevant source of information indicating on the Requesting Evidence from OPD Sources documents in the CPRA common drive, requesting the following evidence:
 - i) RD# and Incident # associated with the incident
 - ii) All police reports, supplemental reports, and/or field contacts related the incident (specifically requesting all three)

- iii)** CAD purge (or CAD printout) for the incident
 - iv)** Stop data for non-dispatched stops
 - v)** Traffic collision reports
 - vi)** The Consolidated Arrest Report (CAR), (only if there is a false arrest allegation)
 - vii)** The Probable Cause Declaration, (only if there is a false arrest allegation)
 - viii)** Documentary evidence identified by the CI III
- d)** The intake technician will search Axon for all BWC footage labeled with the related RD# and/or Incident #, and will also conduct a search for related unlabeled videos based on the officers / date / time of the incident.
 - e)** The intake technician will document all compiled evidence on the Intake Checklist, complete the Summary Intake form including the name of the assigned DLI or IAD investigator, forward it to the CI III and document the database Timeline / Chronological Log.
 - f)** The intake technician will make a copy of the Summary Intake form and put it in the physical case folder.
- iii.** If the Complainant Summary Statement form indicates a CI III determination of “not mandated” or ‘No Jurisdiction”, within three (3) business days the intake technician will send a letter of closure to the complainant (See Complainant Contact Template #3) and will document the database Timeline / Chronological Log. The intake technician will not complete a Summary Intake form.
 - iv.** If the Complainant Summary Statement form indicates a CI III determination of “not mandated with investigation”, the intake technician will within three (3) business days send a letter to the complainant (See Complainant Contact Template #2) and within ten (10) business days the intake technician will continue with the evidence gathering and documentation steps that are identified in Section 4 a.
 - v.** If the Complainant Summary Statement form indicates an CI III determination of “Insufficient Information to make a Determination” within three (3) business days the intake technician will send a letter of closure to the complainant (See Complainant Contact Template #3) and will document the database Timeline / Chronological Log. The intake technician will not complete a Summary Intake form.

- b. The CI III will close out the cases with Not Mandated, No Jurisdiction and Insufficient information, that will not be investigated by CPRA in database.

5. CI III Processing of Complaints for Investigation

- a. When the CI III receives the Intake Summary form from the intake technician, within three (3) business days, the CI III shall review the information to ensure the form has been completed thoroughly, and that the indicated evidence is attached.
 - i. If the CI III determines that additional information and/or evidence should be gathered by the intake technician, the CI III will return the Intake Summary form to the assigned intake technician for additional information or evidence gathering.
 - ii. If the Intake Summary form is returned to the intake technician for follow-up, the intake technician will gather the requested information and return the updated information that day or no later than the next business day.
- b. If the CI III determines that the Intake Summary form and attached evidence are complete, the CI III will indicate “approved” on the Intake Summary form and forward the form to the CI III over investigations via email.
- c. The CI III shall document the transfer of the case to the CI III over investigations in the database Timeline / Chronological Log.
- d. Once the CI III receives notification from the CI III over investigations, of the assigned investigator on a case, the CI III will have the assigned intake technician send the Notice to HR/Employee Relations form and the Notice to IAD form.
- e. No complaint should remain in the intake process stage for more than forty-five (45) days in total. If there are extenuating circumstances causing a delay in the intake process, the intake technician shall notify the CI III via email at least five (5) days prior to the forty-five (45) days and the explanation shall be included in the database Timeline / Chronological Log.
- f. The CI III shall monitor the timelines for submission by the intake technicians to ensure compliance by conducting periodic reviews of the database Timeline / Chronological entries, and/or maintaining a separate log of the intake technician’s case information.

- g. The CI III shall maintain quality control of all intake work by periodically (at least twice monthly) conducting audit reviews of complainant's statements, and BWC videos along with the submitted summaries by the intake technicians.

II. Complaint Investigations Process

A. Investigation Assignment

1. Once the Investigations CI III receives a Summary Intake form from the Intake CI III, the Investigations CI III shall review the form and within three (3) business days assess and assign the case to a CI II for investigation.
 - a. The CI III shall make the determination as to which CI II to assign the case based on factors such as current caseload, complexity of case balanced against the experience of the CI II, and next CI II in the rotation to be assigned an investigation.
 - b. Once the CI III has determined which investigator will be assigned a case, they will email the Intake CI III with that information, and will also email that information to the administrative assistant so that the case information and assigned investigator can be added to the Pending Case List.
 - c. The CI III shall complete a Case Management form noting the assigned date.
 - i. The Case Management form will also indicate the dates that are 90, 150, 180, 220, 250, and 365 days from the date the complaint was filed.
 - ii. The Case Management form will provide guidance to the CI II regarding prioritization factors, to assist the CI II in determining how to prioritize the case.
 - iii. The Case Management form will indicate any other relevant information or guidance about the case the CI III determines might be beneficial for the investigation.
 - d. The CI III shall forward the case to the assigned CI II via email with the Summary Intake form and Case Management form attached. The CI III shall document the database Timeline / Chronological Log with the date assigned.
 - e. The CI III shall maintain a copy of all Case Management forms in a file, including updates made to the form while the case remains open.

B. Investigator Initial Assessment

1. Once the CI II receives an assigned case, via the emailed Summary Intake form and Case Management form, the CI II will document the database Timeline / Chronological Log with the date the case was received.

2. The CI II will create a digital folder titled with the case number (first) and complainant's name, and maintain the folder in the Staff drive in their named file folder.
 - Inside each case folder the CI II will maintain the Intake Summary, Case Management form, and all evidence received going forward in the investigation including all documents, statements and related video.
 - The CI II will make sure that all information in the case folder is clearly marked and organized in an accessible manner.
3. The CI II will conduct a preliminary assessment and review the forms and associated evidence and shall within fifteen (15) business days complete an Investigation Plan form and submit it to the investigative CI III for approval.
 - The investigation plan must be thorough and will contain information necessary to complete all relevant areas of the Investigation Plan form.
 - The investigation plan should focus on identifying witnesses (both civilian and officers), identifying issues, identifying relevant OPD policies/law, reviewing the evidence you have and determining what you still need, planning out next steps for the investigation, and set out expectations of when each of the investigative steps will be completed.
 - If the CI II is unsure of the best way to proceed on an investigation, they should seek guidance from the CI III on developing the investigation plan.
 - a. The CI III will review and assess the investigation plan and will document any additional directions or investigative guidance on the form and return it approved to the CI II within three (3) business days.
4. Once the CI II receives the approved investigation plan, the CI II will begin the investigative steps.

C. Investigative Steps

The investigative steps are mutable in that they are often case and fact specific, so they cannot always be determined in advance of every case. The CI II must determine the most efficient and effective investigative strategy based on both the nature of the complaint and the evidence gathered thus far. Below is a list of common steps that are not necessarily chronological and are not exhaustive.

1. Identify and Evaluate Allegations, Involved Sworn Employees and Relevant Policies, Procedures and Law
 - Review the complainant's and RP's recorded statement to develop a precise description of the actions, words and behaviors alleged, to understand the nature of the allegations. If there is ambiguous or incomplete information in the statements, conduct a follow up recorded interview with the complainant or RP whenever possible.

- If unable to follow up directly with the complainant or RP, identify and conduct recorded interviews of any witnesses present at the time the allegations were made (family members, friends, co-workers...) to attempt to obtain clarification about the allegations.
- i. If there is no recorded statement from the complainant or RP, review the written statement, online form, letter or other document submitted with information about the allegations to identify the involved issues.
- ii. If unable to clearly establish the allegations, consult with the CI III for additional guidance.
- a. Identify the sworn employee(s) that are the subject of the allegations. This identification can be derived from direct identification by the complainant or RP, through descriptive identification, BWC or other video footage, witness identification, self-identification by the sworn employee, reports, or other written documentation.
 - All reasonable efforts must be made to correctly identify each subject sworn employee, even with limited information from the complainant or RP. If attempts at identification have been unsuccessful, consult with the CI III for additional guidance.
- b. Identify the sworn employee(s) that are witnesses or have secondary involvement in the case. This identification can be derived from direct identification by the complainant or RP, through descriptive identification, BWC or other video footage, witness identification, self-identification by the sworn employee, reports, or other written documentation.
- c. Identify any civilian witnesses, including those involved and/or not involved in the incident (bystanders) when possible. This identification can be derived from direct identification by the complainant or RP, through descriptive identification, BWC or other video footage, self-identification from the witness, identification by the sworn employee, reports, or other written documentation.
 - If no recorded statement has been taken, the CI II will make reasonable attempts to conduct a recorded interview of any civilian witnesses that are identified to obtain a precise description of the incident that they observed.
- d. Identify and review the specific violations, applicable OPD MOR sections, DGOs, OPD directives, and other related statutes to determine the elements that would need to be established to prove or disprove each allegation.
 - The CI II will ensure that they are taking into consideration the OPD MOR, DGO, directive or statute that was in effect at the time the incident occurred.
- e. Assess the totality of the facts and information available to ensure that the allegations, witnesses and involved sworn employees have been properly

identified. If allegations or named sworn employees need to be changed, the CI II should make necessary amendments.

2. Obtain and Assess Documentary and Physical Evidence

- Documentary Evidence
- Including but not limited to: police reports, CAD records, tow records, incident and arrest reports, medical records (with signed medical release), training protocols or records, stop data, patrol unit logs, staffing logs, medic run sheets, traffic collision reports, call logs, dispatcher staffing logs, taser logs, citations, property or evidence reports, warrants and affidavits, scheduling rosters
- Before requesting any documentary evidence not explicitly listed above, the CI II will get prior approval from the CI III to ensure there is no restricted analytical information being accessed from IAD.
- a) Intake technicians will attempt to gather relevant documentary evidence at the intake stage. However, the CI II should not assume that the documentary evidence gathered at the intake stage is comprehensive, and should identify and gather any additional available documentary evidence that might be necessary for the investigation.

a. Physical Evidence

- Including but not limited to: BWC video footage, videos from holding cells, witnesses, cell phones at the scene, or security systems from nearby businesses, social media posts, 911 and dispatch communications, photographs, texts, maps, phone records and other related physical evidence.
- Intake technicians will attempt to gather relevant physical evidence at the intake stage, including compiling a file of BWC video footage in the Axon system. However, the CI II should not assume that the physical evidence gathered at the intake stage is comprehensive and should identify and gather any additional available physical evidence necessary for the investigation.

3. Communication with IAD

- Once the CI II has reviewed and assessed the allegations, applicable OPD MOR, DGO, directives, and statutes, and has determined the elements of the alleged violation, the CI II will contact the assigned DLI or IAD investigator (identified on the Summary Intake form) *via email only* with a cc to the Investigative CI III. The email communication is strictly limited to:
- Introducing the CPRA CI II assigned to the investigation

- i. Providing a list of identified allegations in the investigation, both alleged by the complainant or RP, and discovered by CPRA; and requesting the same from IAD
- ii. Providing a list of MORs, DGOs, directives and/or statutes determined applicable to the investigation; and requesting the same from IAD
- iii. Providing a list of documentary and physical evidence CPRA currently has related to the case; and requesting any additional objective evidence IAD has related to the case
- iv. Requesting the status of a parallel criminal investigation (if any) for purposes of tolling
- v. Deciding / agreeing on content of combined notices to OPD sworn employees for interviews
- vi. Deciding / agreeing on scheduling for joint interviews of OPD sworn employees
- viii. Scheduling interviews of IAD Subject Matter Experts

4. Conducting Interviews of Sworn Employees

- a. The CI II will prepare for interviews of primary and witness officers by reviewing and assessing the allegations, assessing documentary and physical evidence, reviewing elements of the applicable policies, procedures and laws and reviewing their investigation plans.
 - The CI II should prepare an outline of topics to be covered to serve as an interview guide.
- b. The CI II will conduct or participate in all interviews related to their investigation, including of subject and witness officers, unless they receive prior approval from the CI III that participation is not required.
- c. Interviews of officers regarding Level 1 (as defined by OPD) offenses will be video recorded. All other interviews of sworn employees will be video or audio recorded.
- d. The purpose of the interview is to obtain all relevant information possible from the interviewee to aid in the determination of whether there was police misconduct. The questions are case specific but should be aimed at determining:
 - The who, when, where, what, how and why of the incident at issue. Determining the manner to ask these questions depends on whether the sworn employee is the subject or witness, the allegations, strategy, and the related policy, directive or statute.

- i. The CI II must keep in mind that the sworn employee being interviewed can be both the subject and witness in the case; and so should direct questions to the interviewee about actions taken and also about other actions witnessed.
- ii. The CI II is not prohibited from conducting follow-up interviews, if necessary, but should make every effort to fully address all issues during the initial interviews.
- iii. The CI II will maintain the audio-recordings for all interviews in the related case folder.
- e. The CI II will utilize the best practices interview techniques taught by the CPRA or other certified training.

5. Investigative Analysis

- f. Objective, insightful analysis is critical in the investigative report as it provides the investigator's rationale and support for the finding. The analysis requires that the CI II assess and evaluate the allegations, statements, documentary, and physical evidence, in relation to the relevant policies, procedures and law, taking into consideration both the nuances and the totality of the circumstances from a reasonable standard.
 - The CI II will carefully evaluate the evidence for relevance and credibility, while being mindful of the role their own personal biases play
 - i. The CI II will be careful to not give any greater or lesser weight or credence to any individual's testimony because of that person's position, race or ethnicity, gender identity, economic status, sexual orientation, housing status or membership in any protected class.
 - ii. The CI II will consider and assess both circumstantial and direct evidence in the analysis of the investigation.
 - iii. The CI II will summarize salient portions and organize those portions to create a clear narrative.
- g. The CI II will utilize the best practices in evidence analysis as taught by the CPRA and/or certified training.

6. Findings

- h. Based on the analysis in the investigation, the CI II can reach one of several findings: Exonerated, Unfounded, Sustained, Not Sustained, No MOR, No Jurisdiction and Not Mandated. (see Glossary for definitions)
 - The findings are based on a Preponderance of the Evidence standard of proof. Preponderance of the evidence means, "evidence which is of

more weight or more convincing than the evidence which is in opposition to it”.

Black’s Law Dictionary; plain language understanding of “more likely than not” or 51%.

- i. The findings should accurately correspond to the wording of the allegation and the evaluation presented in the analysis.

7. Report of Investigation (ROI)

- i. The CI II will prepare an objective, thorough and comprehensive investigative report, in a clear and concise manner on the CPRA Investigation Report template.
 - In addition to a summary of the incident and the statements, the ROI primarily consists of an I.R.A.C. format:
 - a) What are the Issues or allegations in the case
 - b) Which Rules, directives or laws apply
 - c) What is the appropriate and lawful Analysis of the evidence
 - d) What is the consistent, objective Conclusion based on the analysis
 - i. Where applicable, all sections of the ROI template should be populated with information.
 - ii. The CI II should proofread their ROIs for substantive, grammatical, formatting, and typographical errors.
- j. If the investigation has revealed only findings of Not Sustained, Exonerated or Unfounded, No MOR or No Jurisdiction, and the evidence and analysis are direct and succinct, the CI II may utilize a short form Report of Investigation. The CI II must receive prior approval from the CI III to use the short form ROI.
- k. The CI II will utilize best practices in investigative report preparation as taught by the CPRA and/or certified trainer.

4. Discipline

- If the CI II makes a finding of Sustained in the case, in addition to the ROI, the CI II will submit proposed discipline, including information sufficient to complete all areas on the Pre-Discipline Memo form, to the investigative CI III.
 - The CI II will determine the proposed discipline considering the aggravating and mitigating factors, along with other considerations as are listed on the Pre-Discipline Memo form.
- i. If the CI II does not reach a finding of Sustained on any allegation, a Pre-

Discipline Memo is not necessary.

5. Non-disciplinary and policy recommendations

- CPRA can make recommendations to OPD for non-disciplinary measures to be taken with an officer such as Supervisory Note to File (SNF), re-training, or for policy changes as a result of recognizing issues during the investigation. Those recommendations are not binding on the OPD

D. Investigation Timeline and Review

1. The CI II shall attempt to complete a thorough and complete investigation of any assigned case as soon as is practicable, even prior to the 90-day interval if possible.
2. On or about the 90-day interval for the case, the Investigative CI II and the CI III will communicate about the status of the case, either in a meeting or email, to discuss any issues the CI II might be having with the case, and the projected time of completion. At this time the CI II should indicate whether there is a request for an administrative tolling and discussion of completion of the 3304 Tolling form with the attorney and the CI III for approval by the Executive Director. The CI III shall attempt to resolve any issues and provide additional assistance if possible. The CI III shall document the communication in the database Timeline / Chronological Log.
 - At this interval, if the case is still open, the CI II will send an update letter or email to the complainant, if the contact information is available, advising that the case is still open and being investigated. (See template 5)
3. On or about the 150-day interval for the case, the CI II shall make every effort to complete and submit the draft Report of Investigation (ROI) to the Investigative CI III. Submission at this interval allows time for review, comments, and edits of the ROI as needed between the CI III and the CI II prior to the 180 days.
 - Along with draft ROI, if there is a finding of Sustained, the CI II will submit the Pre-Discipline Memo with proposed discipline.
 - a. The CI III will review and return the ROI to the CI II within ten (10) business days of receipt, with any questions, comment or edits. The CI II will address and/or correct any questions, comments or edits within five (5) business days of the returned ROI.
 - b. If the draft ROI is approved at this interval, the CI III will submit the ROI and Pre-Discipline Memo to the Executive Director or their designee for final review. The CI III will document the database Timeline / Chronological Log.
 - c. If the draft ROI is not completed at this interval, the CI II and CI III will communicate, either in a meeting or email about the status of the case and the projected time of completion. The CI III will attempt to provide guidance to assist the CI II in completing the case prior to the 180 days.

- If at this interval it is expected that the case will not be completed by the 180-day interval, the CI III shall notify the Executive Director or their designee by email and shall document the communication in the database Timeline / Chronological Log.
- i. If the case remains open at this interval, the CI II will send another update letter/email to the complainant advising that the case is still open and being investigated.
4. On or before the 180-day interval for the case, the CI II shall make every effort to complete and submit the draft ROI to the CI III. If the case has not been submitted in sufficient time for review, comments or edits, the CI III shall notify the Executive Director by email, and shall document the communication in the database Timeline / Chronological Log.
 - The CI III will review and return the ROI to the CI II within ten (10) business days of receipt with any questions, comments or edits. The CI II will address and/or correct any questions, comments or edits within five (5) business days of the returned ROI.
 - a. If the draft ROI is approved at this interval, the CI III will submit the ROI and Pre-Discipline Memo to the Executive Director or their designee for final review. The CI III will document the database Timeline / Chronological Log.
 - b. If the draft ROI is not completed at this interval, the CI II and CI III will communicate, either in a meeting or email about the status of the case and the projected time of completion. The CI III shall notify the Executive Director or their designee by email, and shall document the communication in the database Timeline / Chronological Log.
 5. On or about the 220-day interval for the case, the CI II shall make every effort to complete and submit the draft Report of Investigation (ROI) to the Investigative CI III. Submission at this interval allows time for review, comments, and edits of the ROI as needed between the CI III and the CI II prior to the 250 days.
 - The CI III will review and return the ROI to the CI II within ten (10) business days of receipt if there are any questions, comment or edits. The CI II will address and/or correct any questions, comments or edits within five (5) business days of the returned ROI.
 - a. If the draft ROI is approved at this interval, the CI III will submit the ROI and Pre-Discipline Memo to the Executive Director or their designee for final review. The CI III will document the database Timeline / Chronological Log.
 - b. If the draft ROI is not completed at this interval, the CI II and CI III will communicate, either in a meeting or email about the status of the case and the projected time of completion. The CI III will attempt to provide guidance to assist the CI II in completing the case prior to the 250 days, both keeping in mind the Charter mandate to complete investigations within 250 days, except

in exceptional circumstances.

- If at this interval it is expected that the case will not be completed by the 250-day interval, the CI III shall notify the Executive Director by email, and shall document the communication in the database Timeline / Chronological Log.
 - i. If the case remains open at this interval, the CI II will send another update letter to the complainant advising that the case is still open and being investigated.
6. On or before the 250-day interval for the case, the CI II shall complete and submit the ROI to the CI III. If the case has not been submitted in sufficient time for review, comments or edits, the CI III shall notify the Executive Director⁵ by email and shall document the communication in the database Timeline / Chronological Log.
- The CI III will review and return the ROI to the CI II within ten (10) business days of receipt. The CI II will address and/or correct any identified issues by the CI III within five (5) business days of the returned ROI.
 - a. If the ROI is not completed by the 250-day mark, the CI II will prepare a memo describing the allegations, explaining the reason the investigation is not completed and providing a projected date for completion. The memo will be sent to the investigative CI III via email.
 - b. The CI III will review the memo and forward it to the Executive Director along with any explanations, recommendations regarding training, and/or recommendations of disciplinary action.
 - c. If the allegations are a Level 1 Use of Force, sexual misconduct or untruthfulness, the Executive Director shall notify the Chair of the Commission that the investigation has not been completed by 250 days.⁶
7. The CI II shall make every determined effort to complete their investigation at least one month before the one-year mark. While the one year deadline is not a Charter required mandate for CPRA, due to the language of the Public Safety Officers Procedural Bill of Rights, Section 3304(d) requiring, “any discipline of a sworn officer be finalized within one year of a public agency’s discovery... of the allegation”, CPRA will make every determined effort ensure that if there is discipline to be meted it can be done within the one year parameter.

⁵ The Executive Director will decide in their discretion whether to issue a written finding that there were exceptional circumstances in that case beyond CPRA’s control to warrant more than 250 days. Charter Section 604 (f)3

⁶ Charter, Section 604 (g)5 allows the Commission, on it’s own motion, to convene a Discipline Committee for those listed allegations if the case is not completed within 250 days, if the finding is not based on BWC footage or if there is no BWC footage available.

- If the CI II has not submitted the ROI at one month prior to the one-year mark, the CI II shall prepare a memo explaining the reason the investigation is not completed, including providing a projected date for completion and send it to the investigative CI III via email.
- a. The CI III will review the memo and forward it to the Executive Director along with any recommendations regarding training and/or disciplinary action.
8. Once the CI III has reviewed and approved the ROI, the CI III shall forward the ROI and Pre-Discipline Memo (if necessary) to the Executive Director or their designee for final review. The CI III shall document the database Timeline / Chronological Log.
 9. The Executive Director or their designee shall conduct a final review of the ROI and Pre-Discipline Memo. If there are questions, comments or edits, the Executive Director will document those and will return those to the CI II with a copy to the CI III, as soon as is practicable.
 - The CI II will address any questions, comments or edits within three (3) business days and return the ROI and/or Pre-Discipline Memo to the Executive Director or their designee.
 10. Once the Executive Director or their designee has approved the submitted ROI and Pre-Discipline Memo, they will notify the CI II with a copy to the CI III. The CI II finalize and sign the ROI (and Pre-Discipline Memo if necessary) and document the database Timeline / Chronological Log.

E. Disposition of Cases

During the investigative process, the CI II should determine based on review and assessment, and in consultation with the CI III, whether the case will result in a full investigation, a Summary investigation or an Administrative Closure.

1. Full Investigation

A full investigation of a case, requires all necessary investigative steps as described in Section C above, including that all involved and witness officers be interviewed.

A full investigation is completed on a long form ROI template.

2. Summary Investigation

A Summary Investigation is an investigation that allows that the requirement for interviews of involved and witness officers may be waived.

A Summary investigation is only appropriate when the existing evidence lends itself to a definitive conclusion.

A Summary Investigation is completed on a short form ROI template

3. Administrative Closure

An Administrative Closure is appropriate when during the course of the investigation, it is determined that the investigation cannot proceed to a normal investigative conclusion due to circumstances including, but not limited to:

Duplicates: Complainant in which the allegations were made in prior or current complaint to avoid duplication of investigations.

Complaints against subjects that were not sworn OPD officers at time of incident;

Complaints against former OPD sworn officers; or

Complaints that lack sufficient detail as to the officers involved, lack sufficient detail as to the facts surrounding the incident and the complainant is unwilling or unable to provide further clarification necessary to investigate the complaint.

An administrative closure must be approved by the CI III.

An administrative closure can be completed on a short form memo, with the justification for the closure in the body of the memo.

F. Investigation Findings, Notifications, and Discipline

The Executive Director or their designee shall make notifications regarding findings and proposed discipline to IAD, the Chief of Police and the Commission.

1. If the investigation is of any Level 1 Use of Force⁷, sexual misconduct or truthfulness allegation, the Executive Director shall issue written findings and proposed discipline to the Chair of the Commission and the Chief of Police within 48 hours of the completion of the investigation⁸.
2. If the investigation is of any other allegation of police misconduct, the Executive Director shall issue written findings and proposed discipline to the Chair of the Commission and the Chief of Police within 30 days of the completion of the investigation.⁹
3. If the Chief of Police (or their designee) agrees with CPRA's findings and proposed discipline, they shall notify the Executive Director who shall notify the Chair of the Commission of the agreed-upon findings and proposed discipline.¹⁰
 - If there is agreement, the Executive Director will notify the CI II and the CI III. The CI II will send a letter or email to the complainant indicating the findings

⁷ As defined by OPD, Charter Section 604(f)3

⁸ Charter Section 604(f)3

⁹ Charter Section 604(f)3

¹⁰ Charter Section 604(g)2

(not discipline) in the case (Template # 8) and will document the database Timeline / Chronological Log.

- a. If there is no discipline, or discipline that does not trigger the right to a Skelly Hearing, the CI III will document the database Timeline / Chronological Log and close the case out in the database.
 - b. If there is discipline giving rise to the right to a *Skelly* Hearing¹¹, the CI III will not close out the case in the database until receiving direction from the Executive Director or their designee that the entire case has been resolved.
4. If the Chief of Police (or their designee) disagrees with CPRA's findings and/or proposed discipline, the Chief of Police shall notify the Executive Director of his or her own findings and/or proposed discipline.¹²
 5. If there is continued disagreement / no concurrence between the Chief of Police and the Executive Director, on the findings or proposed discipline, the Executive Director shall submit the findings and discipline information to the Chair of the Commission for the convening of a Discipline Committee.¹³
 6. Evidence shall be submitted to the Discipline Committee in accordance with the language of the Charter Section 604(g)2, and City Ordinance 2.45.080, and the finding of the Committee shall be binding on CPRA.
 - Once the finding is made by the Discipline Committee, the Executive Director will notify the CI II and the CI III as soon as is practicable. The CI II will send a letter or email to the complainant indicating the findings (not discipline) within five (5) business days and will document the database Timeline / Chronological Log. The CI III will close the case out in the database.

III. Training

A. Required training for Intake Technicians

1. Newly hired Intake Technicians will be trained by the Intake CI III or their designee with a directed training program designed to ensure it aligns with the intake individual duties, organizational priorities and CPRA mission. Training areas include but are not limited to:
 - a. CPRA required intake responsibilities
 - b. Complaint classifications
 - c. Communication with complainants and employees

¹¹ California Code of Regulations, Section 3392.7

¹² Charter Section 604(g)2

¹³ Charter Section 604(g)2

- d. Preparing statement summaries
 - e. Documentary evidence collection
 - f. Physical evidence collection
 - g. Case management, tracking and documentation
 - h. Database and other systems
 - i. Summary intake preparation
 - j. Any other training as required by the Executive Director
2. Intake Technicians will continue to receive directed training by CPRA supervisory staff and/or certified training on changes and updates including those in techniques, processes, systems and relevant laws, among other intake related areas for continued professional growth.
 - a. Intake Technicians will be required to complete no less than twenty (20) hours of related directed training per year.
 3. Intake Technicians will attend at minimum 2 police commission meetings per year.

B. Required training for Complaint Investigator II

1. Newly hired CI IIs will be trained by the CI III or their designee with a directed training program designed to ensure it aligns with the individual duties, organizational priorities, and CPRA mission. The CI III shall ensure that the CI II is proficient in investigative areas including but not limited to:
 - a. CPRA required CI II responsibilities
 - b. Investigation planning and strategies
 - c. Interviewing techniques for civilians and sworn employees
 - d. Documentary evidence gathering and assessment
 - e. Physical evidence gathering and assessment
 - f. OPD Manual of Rules, directives and training
 - g. Laws and statutes related to investigations
 - h. Assessment and Analysis of evidence
 - i. Use of Force
 - j. Profiling and biased based policing

- k. Database and other systems
 - l. Case Management and tracking
 - m. Writing Report of Investigations
 - n. Determining discipline
 - o. Best practices in administrative investigations
 - p. Any additional training as required by the Executive Director
2. CI IIs will continue to receive directed training by CPRA supervisory staff and/or certified training on changes and updates including those in techniques, processes, systems and relevant laws, among other investigative related areas for continued professional growth.
 - a. CI IIs will be required to complete no less than forty (40) hours of related directed training per year.
 3. CI IIs will attend at minimum 2 police commission meetings per year.

C. Required training for Complaint Investigator III

1. Newly hired CI IIIs will be trained by the Executive Director or their designee with a directed training program designed to ensure it aligns with the individual duties, organizational priorities and CPRA mission. The Executive Director or their designee shall ensure the CI III is proficient in the intake and investigative areas required of the Intake Technician and CI II, and additional supervisory training including but not limited to:
 - a. Supervisory techniques of assessment
 - b. Supervisor techniques of communication
 - c. Monitoring and documentation
 - d. Any other training as required by the Executive Director
2. CI IIIs will continue to receive directed training by CPRA supervisor staff and/or certified training on changes and updates including those in techniques, processes, systems, and relevant laws, among other intake, investigative, and supervisory areas for continued professional growth.
3. The CI IIIs will be required to complete no less than forty (40) hours of related directed training per year.
4. CI IIIs will attend at minimum 2 police commission meetings per year.

D. Training Documentation

4. The Executive Director or their designee will monitor and maintain documentation of the successfully completed trainings of the Intake Technician, CI II and CI III to ensure compliance with the CPRA training requirements.
5. Digital and/or physical copies of the training presentations and/or training materials will be maintained in a commonly accessible “Trainings” folder for continued reference by the CPRA staff.

IV. Conflicts of Interest

The Community Police Review Agency staff are expected to conduct themselves in a fair and impartial manner and must exercise discretion in favor of recusing themselves from any process that might reasonably be expected to create a conflict or the appearance of a conflict of interest. CPRA staff cannot accept gifts, gratuities or favors that could compromise their impartiality and independence or that have a substantial and improper influence upon the performance of their duties. Any actual or apparent conflict of interest with the parties or subject matter involved should immediately be brought to the attention of the staff member’s direct supervisor.

Additionally, all public employees are required upon hiring to complete Form 700 Statement of Economic Interests that requires declaration of any financial conflicts.

V. Confidentiality

The Community Police Review Agency staff must maintain the highest degree of confidentiality concerning matters related to CPRA complaints and investigations. A public servant shall not willingly and knowingly disclose for pecuniary gain, personal advantage or private interest, to any other person, confidential information acquired by him or her, in the course of his or her official duties.¹⁴

VI. Community Outreach and Engagement

The Community Police Review Agency is committed to community outreach and engagement, specifically by reaching out to the community and stakeholders in various ways to offer information and provide equitable access to CPRA as a resource to address allegations of police misconduct within the Oakland community. The CPRA will continue to identify methods and participate in opportunities that allow for exposure and access.

VII. Operational Information

A. Contact Information

250 Frank H. Ogawa Plaza, Suite 6302

Oakland, California 94612

(510) 238-3159

Email: CPRA@oaklandca.gov; Website: Oaklandca.gov/CPRA

Hours of Operation: Monday – Friday, 8:00 am to 4:00 pm

B. Language Accommodations

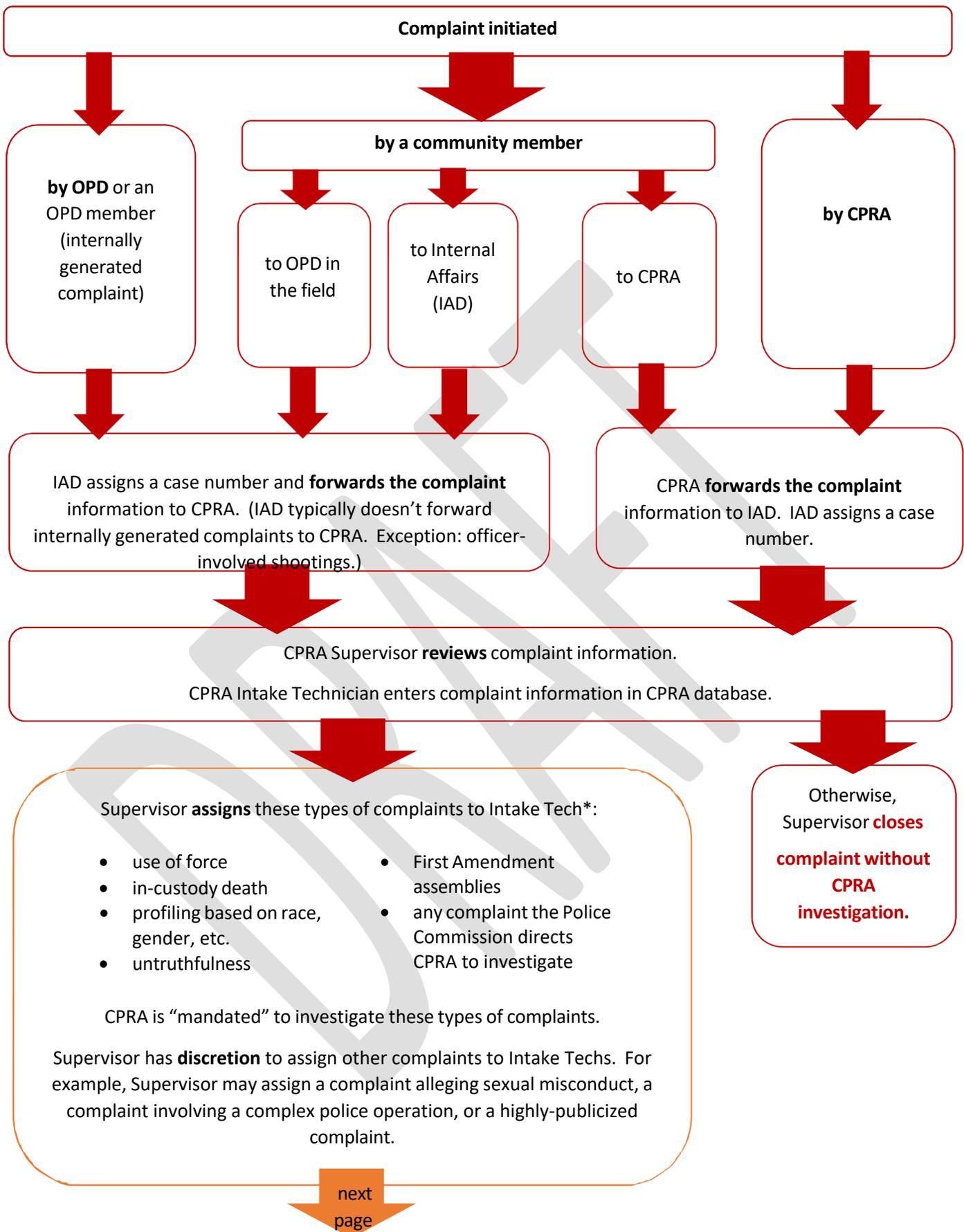
To ensure equitable access and minimize language barriers, CPRA will provide for accommodation of non-English speaking community members, including translation of non-English language complaints and statements through appropriate certified language speakers on CPRA staff or provided by the City of Oakland.

C. Record Keeping

CPRA documentary, physical and digital records will be maintained at the CPRA office in accordance with the City of Oakland, state and federal record keeping requirements.

¹⁴ Oakland Ordinances, Title II, Chapter 2.25.040 D

COMPLAINT PROCESS



* Supervisor may skip this step and assign a complaint directly to Investigator, without having an Intake Tech perform a preliminary investigation. This is uncommon.

Intake Tech conducts **preliminary investigation**. This typically happens within 60 days after Intake Tech receives the case. Preliminary investigations can require different types and amounts of evidence, depending on the issues involved. Intake Techs often complete the following tasks during the preliminary investigation:

- review the complaint
- contact Complainant for additional information
- identify allegations
- identify OPD Rules that apply to the allegations
- identify the incident at issue
- collect evidence
- watch video footage related to allegations
- read police reports related to allegations

Intake Tech writes a **memo summarizing** the allegations and results of preliminary investigation.

Supervisor **reviews** the summary. Supervisor may also discuss the case with Intake Tech, send the case back to Intake Tech to do more investigation, or send the summary back to Intake Tech for more work.

Supervisor **closes case** if:

- preliminary investigation determined that the alleged conduct didn't happen (**unfounded** finding)
- OR -
- preliminary investigation determined that the alleged conduct didn't violate the rules/law (**exonerated** finding).

Supervisor may also close case if:

- CPRA is not required to investigate the allegations
- AND -
- preliminary investigation determined that there isn't enough evidence to decide whether the alleged conduct happened (**not sustained** finding).

Either way, this is the end of CPRA's investigation.

Otherwise, Supervisor **assigns case** to Investigator for **full investigation**.

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Supervisor **assigns case** to Investigator.

Investigator does **preliminary case review**. This typically happens within 10 days after the case is assigned. Common tasks include:

- listening to complaint
- watching video from the incident
- reviewing the police report
- contacting the IAD investigator

Investigator uses the information from the preliminary case review to create a **plan for further investigation**. This is submitted to Supervisor for approval. Its purpose is to ensure investigation quality, timeliness, and allocation of necessary resources. Some things the investigation plan commonly discusses:

- Complainant's allegations
- additional allegations discovered by CPRA staff or IAD staff
- evidence that CPRA already has or still needs – videos, documents, interviews, etc.
- policies, procedures, and laws
- whether the Investigator needs legal advice
- preliminary analysis of the evidence
- case deadlines
- schedule for completing investigation

Investigator completes a **full investigation**. Investigations can require different types and amounts of evidence, depending on the issues involved. Investigators commonly develop or review the following types of evidence during the investigation:

- video footage (body worn cameras, surveillance footage, or footage from community members)
- interviews of Complainant, community members, police officers, and experts
- police reports
- police radio recordings
- information from police dispatch
- documents that explain the plans for a large police operation, or document the operation afterward
- policies, procedures, and laws
- medical records
- photos
- officer's history

Investigator regularly updates Supervisor about the investigation, and may adjust investigation plan based on new evidence or issues. Investigator communicates with IAD staff: sharing CPRA's analysis, discussing evidence, and coordinating interviews and evidence collection. Investigator may also discuss the investigation with Executive Director, CPRA's Attorney, or City Attorney.

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Investigator writes a **report** and **recommends findings**. Reports summarize evidence, set forth facts, explain findings, and sometimes discuss changes to training or policy.

Supervisor **reviews** the report. Then Executive Director reviews the report. Both of them can tell the Investigator to investigate more, or to work on the report more. CPRA's Attorney or City Attorney may provide legal advice. Executive Director eventually **approves** the report.

If Investigator found officer misconduct (a **sustained** finding), Investigator also writes a **pre-discipline memo**. These memos recommend how an officer should be disciplined. Memos go through the same review / approval process as reports.

Executive Director **sends the report** (and pre-discipline memo) **to the Chief** of Police.

If IAD agrees with CPRA's findings

-AND-

CPRA found no misconduct,

then IAD sends an email **concurring** with CPRA's findings. **This is**

the end of CPRA's investigation.

If IAD disagrees with CPRA's findings

-OR-

CPRA found misconduct (a sustained finding), then Executive Director **meets with the Chief to discuss findings**. This meeting typically includes:

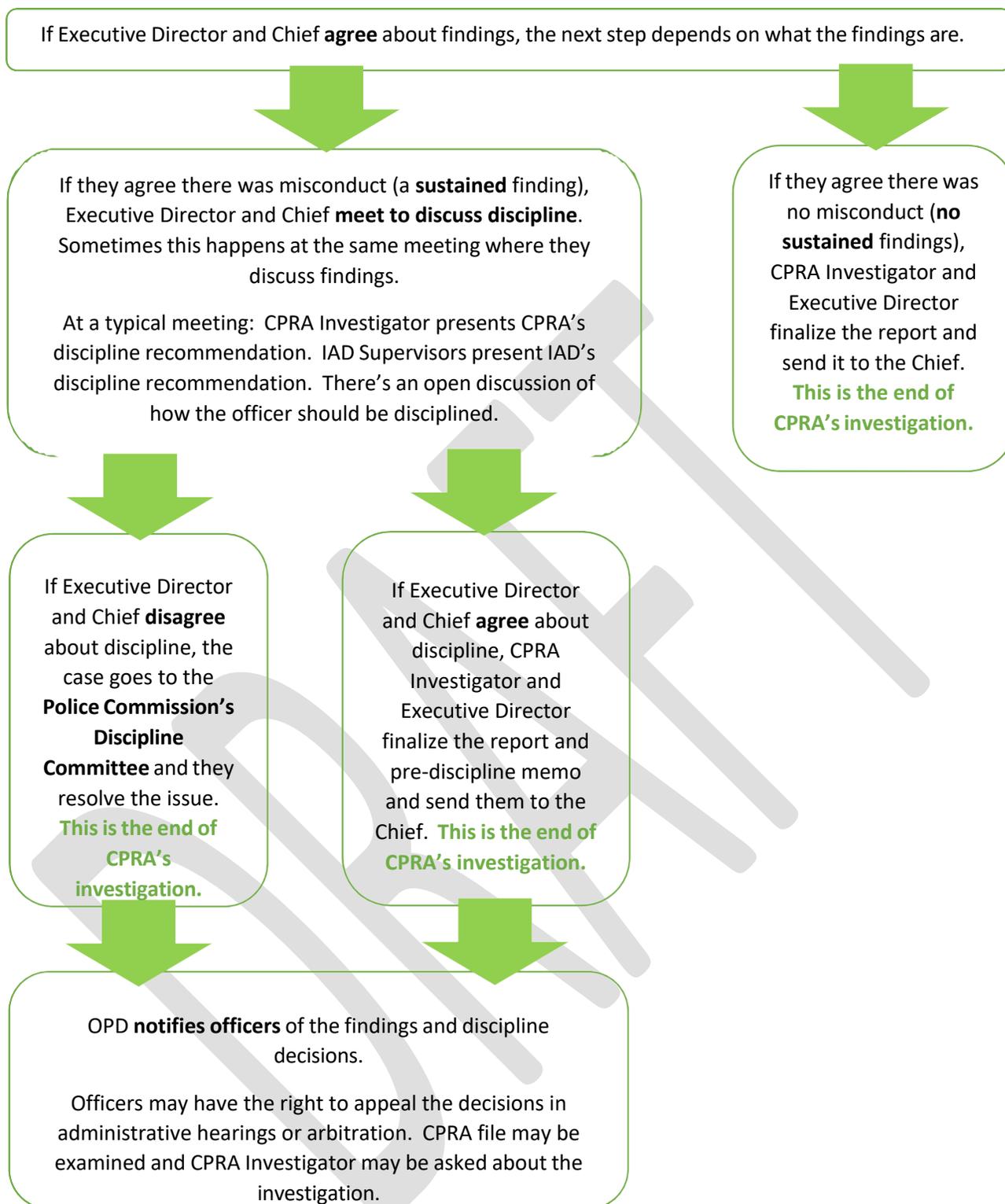
- Chief of Police
- High-ranking OPD personnel
- IAD Supervisors
- IAD Investigator
- City Attorney's Office
- CPRA Executive Director
- CPRA Supervisor
- CPRA Investigator
- CPRA Attorney

At a typical meeting: CPRA Investigator presents CPRA's findings. IAD Investigator presents IAD's findings. There's an open discussion of the findings and evidence.

If Executive Director and Chief **disagree** about findings, the case goes to the **Police Commission's Discipline Committee** and they resolve the issue. **This is the end of CPRA's investigation.**

If Executive Director and Chief **agree** about findings, the next step depends on what the findings are.

next





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

Current Committees

Ad Hoc Committee	Commissioners
Budget	Milele, Jordan, Jackson-Castain
*Body Worn Camera Policy	Harbin-Forte, Peterson, Hsieh
Community Outreach	Howell, Jordan, Ordaz
*CPRA Policies	Harbin-Forte, Jackson-Castain, Ordaz
*Militarized Equipment Policy	Hsieh, Jackson-Castain, Jordan
Negotiated Settlement Agreement	Harbin-Forte, Hsieh, Milele
Racial Profiling Policy	Committee of the Whole Chair: Peterson
Rules of Procedure	Hsieh, Howell, Jackson-Castain
Staff Searches (CPRA, CoS, Chief)	Milele, Jordan, Howell
Staff Evaluations (IG, CPRA)	Harbin-Forte, Jordan, Howell
OBOA Allegations	Harbin-Forte, Jackson, Ordaz
Annual Report	Jackson, Peterson

** Estimated to sunset in April 2023*

Recently Completed/Paused/Dormant

Ad Hoc Committee	Commissioners
Antidiscrimination Policy	Harbin-Forte, Hsieh, Jackson
Electronic Communication Devices	Howell, Harbin-Forte, Peterson
Police Chief Goals and Evaluation	Milele, Peterson, Jackson
Risk Management Policy	Peterson, Harbin-Forte, Howell
Social Media Policy	Milele, Hsieh, Jackson
White Supremacists and Other Extremist Groups	Harbin-Forte, Jackson
Community Policing (15-01)	Harbin-Forte, Howell, Hsieh
OIG Policies	Peterson, Harbin-Forte, Jackson
Contracts	Peterson, Howell, Ordaz

For a roster of current Commissioners and their emails, visit:
<https://www.oaklandca.gov/teams/police-commission>

Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022-23	Annual vs. Incident-Based vs. Continuous Functions	Measure LL ("Charter") and Enabling Ordinance ("Ord.") Sections
Annual evaluation of Chief of Police	Conduct performance reviews of the Agency Directors and the Chief	The Commission shall determine the performance criteria for periodically 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.	Postponed	Annual	Ord. Section 2.45.070(G)
Annual evaluation of Inspector General	Conduct performance reviews of the Agency Directors and the Chief	The Commission shall determine the performance criteria for periodically 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.	Postponed	Annual	Ord. Section 2.45.070(G)
Hiring CPRA Director including public forum	Staff Searches Ad Hoc	Commission responsible for hiring of Agency Director	Anticipated Hire in Q2	Incident-based	Charter - 604(e)(4)
Annual evaluation of CPRA Director	Conduct performance reviews of the Agency Director and the Chief	The Commission shall determine the performance criteria for periodically 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.	Mar/Apr 2024	Annual	Ord. Section 2.45.070(G)
Annual report to the Mayor/City Council/the public	Complete Annual Report		2022 Annual Report to Commission for first review in Q2	Annual	
Hiring of Police Chief	Complete search for new Chief of Police and recommend candidates to Mayor	The Commission, with the assistance of the City Administrator, shall prepare and distribute a job announcement, and prepare a list of at least three (3) candidates and transmit the names and relevant background materials to the Mayor. The Mayor shall appoint one person from this list, or reject the list in its entirety and request a new list from the Commission.	Initiated	Incident-based	Charter - 604(b)(10)
MEETINGS					
Public Hearing on OPD Policies	Commission may shall determine which Department policies are subject of the hearing	Possible topic: racial disparity in policing	June 2023 meeting - coupled with community roundtable and public hearing requirement	Annual	Charter Section 604(b)(2)
Two meetings per year outside City Hall - "Community Roundtables"	Agendized ten days in advance	Commission shall consider inviting to each roundtable individuals and groups familiar with the issues involved in building and maintaining trust between the Department and the community, including but not limited to representatives from the Department, members of faith-based groups, youth groups, advocacy groups, residents of neighborhoods that experience the most frequent contact with the Department and formerly incarcerated members of the community	May (Budget) and June (Racial Disparities) 2023 meeting - combine with community roundtable and public hearing requirements	Annual	Charter § 604(d)(1) and Ord. § 2.45.090

Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022-23	Annual vs. Incident-Based vs. Continuous Functions	Measure LL ("Charter") and Enabling Ordinance ("Ord.") Sections
BUDGET					
Public hearing on OPD Budget	Purpose of hearing is to "determine whether budgetary allocations for the Department are aligned with the Department's policies". Develop and Approve Recommendations to City Council re Mayor's Budget	May 2023 -- Tentative release date of Mayor's proposed budget is May 1st of each year.	May 2023 meeting - coupled with community roundtable and budget public hearing	Annual	Charter Section 604(b)(7)
Propose a Commission Budget, in general	Propose staff position submission to City Administrator necessary to permit the Commission and the CPRA to fulfill its functions and duties.		Approved March 2023 - Revisit May 2023 after release of Mayor's budget	Annual	Ord. Section 2.45.180
Review and Comment on Proposed Budget for Education and Training re: job-related stress, PTSD Signs and Symptoms, and Other Jobrelated Mental Health/Emotional Issues		Possibly include in general budget or OPD budget	April/May 2023	Annual	Charter § 604(d)(1) and Ord § 2.45.090
Propose a Budget for Education and Training re: job-related stress, PTSD Signs and Symptoms, and Other Job-related Mental Health/Emotional Issues		Possibly include in general budget or OPD budget	April/May 2023	Annual	Ord. § 2.45.070(C) & (D) (C) 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 post-traumatic 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. (D) 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.
Quarterly budget review and regular updates on the agenda		Requested by Comm. Jackson (12.8.23; 2.9.23; 2.23.23; 3.23.23)		Continuous	
OTHER ITEMS: for CPRA					
Solicit/Consider Public Input re Quality of Interactions with CPRA and Commission			Public Forum for CPRA Director Search	Continuous	Ord. § 2.45.070(O)
Establish Rules/Procedures re Mediation/Resolution of Complaints of Misconduct			In Progress with CPRA	Continuous	Ord. § 2.45.070(N)
RFP for IAD transition to CPRA		Requested by CPRA	In Progress with CPRA	Incident-Based	
Review the Agency's dismissal and/or administrative closure of all complaints of misconduct involving Class I offenses			August 2023 - maybe 6 mos. into new Director's time with OPC	Continuous	Ord. Section 2.45.070(M)
Provide policy guidelines to CPRA Director for determining case prioritization		Requested by Comm. Jackson (11.10.22) about Charlotte's August 2022 email; Chair is asking Charlotte when she can report on it	In Progress with CPRA Policies Ad Hoc	Continuous	

Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022-23	Annual vs. Incident-Based vs. Continuous Functions	Measure LL ("Charter") and Enabling Ordinance ("Ord.") Sections
Determine the number of existing CPRA staff who would work at a "street-level or ground-floor, visible office that is accessible by public transportation."			In Progress with CPRA	Incident-Based	Ord. Section 2.46.020
OTHER ITEMS: for OPD					
Notify Chief of required contents of Chief annual report	See enumerated list of topics		Completed	Annual	Ord. Section 2.45.070(F)
Review And Comment On Department's Practices/Policies Re: Reporting And Publishing Data On Its Activities				Continuous	Ord. § 2.45.070(P)
Revisit OPD's Grooming & Presentation policy		Requested by Comm. Gage (1.13.22)			
Report on intentions regarding Militarized Equipment					
Report on claims regarding bail and increase in crime		Requested by Comm. Hsieh & Harbin-Forte respectively (4.14.22)			
Update on OPD's Parole & Probation policy plus impact.		Requested by Comm. Jackson (2.10.22; 1.12.23)			
Approve/Modify/Revoke OPD Use of "Military Equipment" via Annual Report Process			August 2023		Ord. Section 9.65.030
Report from Chief regarding OPD's homelessness policy		Requested by Comm. Harbin-Forte (2.10.22)			
OPD annual update on impact of the missing person's policy		Requested by Comm. Jackson (8.25.22)			
Receive reports from Department via City Administrator on issues identified by the Commission				Continuous / Incident-Based	Ord. Section 2.45.070(R)
Informational report of data from MACRO, OPD, and CARES	(1) how many intakes CARES has received from OPD and MACRO; (2) a report from MACRO on their OPD referrals and the outcomes of those referrals for tracking purposes; (3) and finally, from OPD to see; the numbers of arrests that are eligible for CARES, the dispatches to MACRO and the types of cases involved, and the juvenile cases that are appropriate for juvenile pre-filing diversion and the outcomes of those cases	Requested by Comm. Hsieh (2.23.23)	July 2023	Annual	
OPD presentation on police misconduct data and how OPD evaluates/addresses misconduct allegations		Requested by Jackson-Castain (3.23.23)			
OTHER ITEMS: for OIG					
OIG Annual Report	Provide Commission OIG Annual Report		In Discussion	Annual	Ord. Section 2.45.120
Monitor/evaluate # of officers receiving training on profiling, implicit bias, de-escalation, and other key topics			In Discussion	Continuous	Ord. Section 2.45.120
Develop and present a plan to the Commission to measure the performance of each element of the Department's discipline process for sworn officers			In Discussion	Continuous	Ord. Section 2.45.120
Complete all audits/reviews requested by the Mayor, City Administrator, City Council			In Discussion	Continuous	Ord. Section 2.45.120
Monitor/evaluate/make recommendations re: Recruiting and hiring sworn personnel			In Discussion	Continuous	Ord. Section 2.45.120
Monitor/evaluate/make recommendations re: OPD Policies the Commission seeks to create or modify			In Discussion	Continuous	Ord. Section 2.45.120
Monitor/evaluate/make recommendations re: OPD's risk mgmt. practices			In Discussion	Continuous	Ord. Section 2.45.120
Advise OIG of priorities for the 52 NSA Tasks		Part of Post-NSA Standing Committee		Continuous	Ord. Section 2.45.120; Charter 604(f)(5)
OTHER ITEMS: for Commission					
Community Policing presentation/training		Requested by Comm. Hsieh/Commission Ad Hoc (5.26.22)			Ord. Section 2.45.070(O)

Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022-23	Annual vs. Incident-Based vs. Continuous Functions	Measure LL ("Charter") and Enabling Ordinance ("Ord.") Sections
Maintain/update bylaws		Rules of Procedure Ad Hoc - in progress	Summer 2023	Continuous	Ord. Section 2.45.040
Request that the City Attorney submit semi-annual reports to the Commission and to City Council which shall include a listing and summary of litigation			April 27, 2023 (next October 2023)	Continuous	Ord. Section 2.45.070(I)
Mayor's Youth Commission		Requested by Comm. Jackson (8.25.22)			
Bay Area Youth EMT		Requested by Comm Harbin-Forte (8.25.22)			
Presentation by Ian Appleyard on new HR process		Requested by Comm. Jackson (11.10.22)			
Chief of Staff Search		Requested by Comm. Jackson (11.10.22; 12.8.22; 2.9.23) — recurring with ad hoc		Incident-Based	
Presentation on Ceasefire		Requested by Comm. Jackson (1.12.23)			
Half-day strategic planning session		Requested by Comm. Jackson-Castain (1.12.23)			
Discussion on content of future OPD reports		Requested by Comm. Jackson-Castain (1.26.23)		Continuous	
Audit compliance update		Requested by Comm. Jackson (2.9.23)			
Juvenile Miranda Policy and juvenile detention program update		Requested by Comm. Hsieh (2.9.23)			