

**Oakland Police Department  
Internal Affairs Division**

**Policy 23-01 (Formerly 21-01)**

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**Internal Affairs Policy and Procedure Manual**

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**Index as: IAD General Operating Procedures**

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**OAKLAND POLICE DEPARTMENT INTERNAL AFFAIRS DIVISION**  
**INTERNAL AFFAIRS DIVISION MISSION STATEMENT**

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

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

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

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

# **INTERNAL AFFAIRS DIVISION**

## **INTERNAL AFFAIRS DIVISION COMMANDER**

**Rank:** Captain of Police  
**Immediate Supervisor:** Deputy Chief of Police, Bureau of Risk Management<sup>1</sup>  
**Immediate Subordinates:** Intake and Administrative Section Commander, Division Level Investigations Section Commander/Manager, and Investigations Section Commander  
**Primary Responsibilities:** Manage all aspects of the Internal Affairs Division; to include investigations of all complaints against OPD personnel; Manage the Force Investigations Section

### ***AUTHORITIES***

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

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

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

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

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

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

#### ***Authority to administratively close an IAD investigation***

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

#### ***Authorize certain significant changes to an ROI***

Requests for significant changes to an ROI must be routed through the investigating member's assigned Captain of Police. The Captain must review and approve the content underpinning the request before submitting it to the IAD Commander to concur or dissent. In the absence of the IAD Commander, only the Bureau of Risk Management Deputy Chief, the Assistant Chief and the Chief of Police may authorize the significant changes to the ROI (IAD and Division-level

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<sup>1</sup> Although the BRM DC is the IAD Captain's immediate supervisor, the IAD Captain has direct access to the Chief and is not prevented from bypassing the BRM DC and meeting directly with the Chief as necessary.

investigations): (1) removing or changing MOR violation allegations, and (2) removing members or downgrading members from subjects to witnesses.

The IAD Commander's approval or dissent of such changes shall be communicated via email back to the requesting investigator and their chain of command. The communication of the approval or disapproval shall also include a reminder to the investigating member to include documentation of the decision in the ROI and a copy of the CAL and of the email in the physical case file.

## ***DUTIES AND RESPONSIBILITIES***

### ***Administer the Division***

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

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

### ***Oversee Case Intake and Processing***

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

- Approve any DLI or IAD investigation which has been administratively closed.
- Ensure all voluntarily withdrawn cases are reviewed by the IAD Section Commander assigned to the case at the time it is withdrawn.
- Review tracking reports of all open cases, including tolled investigations.
- Review the Daily Intake Report.
- In accordance with DGO M-03, notify the Chief of Police, Assistant Chief of Police, City Administrator, and Monitoring Team of a complaint in intake that is high-profile. Examples of high-profile incidents include, but are not limited to: the arrest of any OPD member; a complaint of a serious nature as to require some form

of immediate action (e.g., emergency suspension, administrative leave, temporary reassignment, etc.); any Class 1 MOR allegation against a professional staff manager or sworn commander; or misconduct likely to generate unusual public interest (e.g., alleged criminal conduct, serious injury, death, etc.).

### ***Oversee and Review Internal Investigations***

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

- Participate directly in an internal investigation if directed by the Chief of Police.
- Review and approve/deny requests to downgrade a subject officer to a witness officer. Any such actions must be documented in the case's chronological log.
- Review all completed IAD and DLI investigations, including administrative dispositions, for appropriateness. Reviews should ensure impartiality, fairness, and thoroughness by examining, among other things, adherence to Training Bulletin V- T.1, quality of and adherence to investigative plans, correct application of the standard of proof, credibility assessments, promptness and quality of interviews (e.g., avoiding leading questions and resolving inconsistencies), and analysis of the evidence.
- Review and approve/deny requests for a Summary Finding.
- Review and approve/deny requests to view Body Worn Camera footage pursuant to DGO I-15.1.
- Review and approve/deny requests to remove, amend or change allegations during an investigation.
- Ensure that investigative timelines are adhered to pursuant to DGO M-03.
- Ensure that Skelly packets are assigned to Skelly Officers in a timely fashion.
- Coordinate with Community Police Review Agency (CPRA) Executive Director for any independent parallel investigation that goes to the Skelly process to ensure concurrences are memorialized.
- Respond to OIS/Level 1 investigations and coordinate IAD investigation.
- During Level 1 Investigation callouts, communicate with the Chief of Police, Assistant Chief of Police and Monitoring Team.
- Provide an oral report to the COP within 72 hours of Level 1 incidents (DGO K-4), and additional briefings as appropriate or directed by the COP. Assure an IAD notetaker documents the briefing and saves the notes on the IA server similar to the notetaking that occurs at IAD/OCOP Weekly Meetings.
- For IAD callouts, initiate IAD Callout Team and notify CPRA Executive Director, and, when applicable, ensure Peer Support responds to the scene per DGO B-17 Crisis Intervention Team.
- Prepare Administrative Leave Letterhead and ensure the appropriate Commander/Manager serves notice.
- For high profile cases, including any report of felony or serious misdemeanor by a

sworn officer reported under DGO M-4.1, assure that monthly briefings are conducted with the COP. Assure an IAD notetaker documents the briefing and saves the notes on the IA server similar to the notetaking that occurs at IAD/OCOP Weekly Meetings.

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

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

- Meet daily for Executive Staff meeting facilitated by the Chief of Police.
- Meet on a weekly basis with the Chief of Police, Executive Staff and a representative of the OCA to, at minimum, discuss the following:
  - Ongoing and completed investigations;
  - Matters of discipline and recommendations;
  - Emerging legal issues that impact internal investigations;
  - §3304 Government Code tolling cases; and
  - Other cases or issues identified by the IAD Commander;
- Create an agenda for the above weekly meetings and file these agendas to memorialize the meetings.
- Brief, at minimum, the Chief of Police, and the Assistant Chief of Police and/or the appropriate Deputy Chief(s), on complaint trends, risk management, and personnel issues as well as any actions taken.
- Review all completed cases which have a Sustained finding, along with any other cases identified by the IAD Commander, with the Chief of Police for final disposition and approval.
- Prior to case presentation to the Chief of Police, obtain review from the Deputy Chief in the investigator's chain of command for cases with recommended **sustained** findings for allegations that could result in termination (i.e., has T as a possible consequence, considering 2<sup>nd</sup> and 3<sup>rd</sup> offenses, on the Discipline Matrix which includes MORs for obedience to laws felony/serious misdemeanor and DUIs, and use of force), or allegations of violations of obedience to laws misdemeanor/infracton.<sup>1</sup>
- For cases involving **not sustained** recommended findings for allegations that could result in termination or allegations of violations of obedience to laws misdemeanor/infracton, obtain review from the Deputy Chief of the Bureau of Risk Management.
  - Deputy Chief reviews are not reinvestigations of the cases, they are intended to be a review to ensure recommended findings are supported by the evidence and that investigation policies and procedures were followed.
- Upon approval of the findings, ensure the Chief of Police signs all required documents. The Chief shall read any ROI that the Chief signs. At a minimum, the

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<sup>1</sup> DGO M-04.1 Criminal Investigations of Department Members

Chief shall read and sign any ROIs involving a recommended finding of **sustained** that could result in termination, or a recommended finding of sustained for obedience to laws misdemeanor/infraction.

- Notify the Chief of Police, Assistant Chief, City Administrator, Deputy Chief(s)/Deputy Director, Union President, Personnel Manager, Human Resources, City Attorney's Office, Police Commission Chair, CPRA Director, Inspector General, and Monitoring Team if a member is placed on Administrative Leave.
- Notify the Chief of Police or Assistant Chief of Police whenever a member receives a Sustained finding for a Manual of Rules violation which may constitute *Brady*<sup>i</sup> information;
- Confer with the Bureau of Investigations Deputy Chief regarding the referral of complaints to or from the Criminal Investigation Division (CID) in accordance with DO M-4.1. Referrals of criminal investigations from CID to IAD require a briefing of, and approval from, either the Chief or Assistant Chief of Police. The briefing will be an official meeting and documented by an IAD Notetaker who will follow the guidelines matching the weekly IAD/OCOP Meeting.
- Provide a monthly briefing to the City Administrator and Monitoring Team about issues pertinent to the IAD, including but not limited to active investigations of serious misconduct and pending discipline.
- Coordinate with the CPRA Executive Director on all cases which involve an independent parallel investigation.
- Ensure that public complaints that CPRA is charter-mandated to investigate are reported to the CPRA Executive Director CPRA within 24 hours of IAD intake. Notify the Executive Director of the CPRA as soon as possible, but within no more than 72 hours after learning about, any allegations of "serious incidents" as defined by OMC 2.45.075, and any allegations involving any "high profile" incidents as defined herein. Prior to entering into a contract with a third-party individual or firm to conduct an internal investigation for the Department, the IAD Commander shall report such proposal to the Executive Director of CPRA and Police Commission Chair and explain the nature of the case, subjects, and allegations.
- Ensure that any contracts between the Department and any third-party individual or firm to conduct an internal administrative investigation for the Department includes a provision mandating that the third-party share with the Executive Director of CPRA and Police Commission Chair any initiating and updated misconduct allegations, initiating and updated named subjects and witnesses, and any other relevant procedural information requested by CPRA with the understanding that CPRA will not request the type of detailed information that may compromise the integrity of CPRA's ability to conduct its own independent parallel investigation.
  - To the extent the third-party investigator is a law firm and OCA is responsible for drafting the contract, OPD will request that OCA include a similar provision in the contract.
- Ensure the Executive Director of the CPRA has access to Vision.



## **INVESTIGATIONS SECTION**

### **INVESTIGATIONS SECTION COMMANDER**

**Rank:** Lieutenant of Police  
**Immediate Supervisor:** Internal Affairs Division Commander  
**Immediate Subordinates:** Investigators (Sergeant of Police); Administrative Support (Administrative Assistant II)  
**Primary Responsibilities:** Manage all cases that are investigated within IAD; Coordinate with the Office of the City Attorney (OCA) and the Community Police Review Agency (CPRA); Manage the Force Investigations Section (FIS).

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

#### ***Manage all IAD Investigations:***

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

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



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

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

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

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

Sending investigative plans, witness and subject questions, and a completed draft (investigated

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

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

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

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

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

## **INTERNAL AFFAIRS INVESTIGATOR**

**Rank:** Sergeant of Police

**Immediate Supervisor:** Investigations Section Commander

**Immediate Subordinates:** None

**Primary Responsibilities:** Investigate allegations of misconduct; Complete Reports of Investigation (ROI); Coordinate with the Office of the City Attorney (OCA) and the Community Police Review Agency (CPRA)

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

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

#### ***Investigate Allegations of Misconduct***

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

- Upon being assigned an investigation, determine if there are any conflicts that necessitate a recusal from the investigation.<sup>2</sup>
- Review all materials contained in both the case file and the electronic file in the current database system.
- Ensure all allegations of misconduct are accurately identified.
- Identify evidence at risk of spoiling, potential witnesses, potential physical evidence, relevant policies, and any additional potential Manual of Rules (MOR) violations pursuant to Training Bulletin V-T.1.
- Develop an investigative plan and discuss the plan with the Investigations Section Commander and, when needed, the Office of the City Attorney (OCA).
- Prepare for and promptly conduct fact-finding witness and subject interviews. When preparing for an interview, Investigators should determine relevant policies, practices, and trainings associated with the misconduct; key questions that need to be answered; and any gaps in timelines.

In conducting interviews, resolve any inconsistencies and avoid exculpatory leading questions.

- If there is reasonable suspicion to believe a member is in possession of evidence or items that contain evidence (e.g., a member's personal cellular phone) of member misconduct for which a member is being administratively investigated, the Department reserves the right to demand the member produce, from their personal device, the evidence for use in the administrative investigation and proceedings.
  - Any such demand for such information must be documented in writing with a recitation of facts giving rise to reasonable suspicion that the evidence sought is contained therein.
  - Any such demand must also be reasonably tailored to the allegation(s) being investigated.

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<sup>2</sup> Relationships requiring consideration for recusal can be found in CID P&P 23-02.

Finally, any such demand must be accompanied by an admonition that the evidence and information produced may not be used against the member producing the information in a criminal proceeding but may be used against the member in an administrative proceeding.

The demand for evidence on a personal device must be reviewed and endorsed by the investigator's first level supervisor and then approved by the IAD Commander prior to the request being made.

- Requests for significant changes to the ROI must be routed through the investigating member's assigned Lieutenant of Police. The Lieutenant must review and approve the content underpinning the request before submitting it to the IAD Commander to concur or dissent. In the absence of the IAD Commander, only the Bureau of Risk Management Deputy Chief, the Assistant Chief and the Chief of Police may authorize the significant changes to the ROI (IAD and Division-level investigations): (1) removing or changing MOR violation allegations, and (2) removing members or downgrading members from subjects to witnesses.
- The IAD Commander's approval or dissent of such changes shall be communicated via email back to the requesting investigator and their chain of command. The communication of the approval or disapproval shall also include a reminder to the investigating member to include documentation of the decision in the ROI and a copy of the CAL and of the email in the physical case file.

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

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

- The issue in question (i.e. the alleged misconduct);
- The policy, procedure, or law that the alleged misconduct violated;
- An analysis of the evidence;
- An assessment of the credibility of all witnesses and subjects;
- A finding based on the preponderance of evidence;
- Express memorialization using the guidance in the ROI template of any of the following revisions: (1) removing or changing MOR violation allegations, (2) downgrading members from subjects to witnesses, (3) changing conclusions of credibility assessments, and (4) changing recommended findings<sup>3</sup>; and

Compilation of all documents and evidence relevant to the investigation along with administrative materials, including, but not limited to, a Complaint Investigation Report (CIR) with findings and a closeout letter.

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

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

Due to the nature of the cases investigated by the IAD Investigations Section, consultation with OCA is required in investigations involving allegations enumerated in Training Bulletin V-T.1, at the direction of the IAD Commander, or in instances where legal counsel is needed. Consultation activities include, but

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<sup>3</sup> Note that IAD commander must approve any downgrade from subject to witness, and any removal of a MOR allegation. Authorization for changes must therefore be obtained, documented in writing in an email, kept in the file and noted on the chron log.

are not limited to, the following: Sending investigative plans, witness and subject questions, and a completed draft (investigated with a recommended finding) of the Report of Investigation (ROI) to the Office of the City Attorney (OCA) for legal review. Investigations will be submitted for the attorney's review at least 30 calendar days before the date on which IAD intends to present the case to the Chief of Police or his/her designee for approval. OCA's internal policy is to complete their review within 10 calendar days of receipt.

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

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

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

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

## **INVESTIGATIONS SECTION ADMINISTRATIVE SERGEANT/ANALYST**

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

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

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

#### ***Case Tracking***

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

#### ***Weekly IAD Meeting Preparations***

- No later than two-days prior to the IAD meeting with the Chief of Police, prepare an agenda for the meeting, to include all cases being presented at the meeting. Distribute an electronic copy of the agenda to the appropriate stakeholders and upload a final version of agenda to the IAD server.
- No later than two-days prior to the meeting, send out an email reminder to all presenters with the meeting date, time, and location.

#### ***Weekly IAD Meeting Chief of Police Presentations***

- Serve as notetaker for the meeting. Assures each completed note document contains a disclaimer outlying that the meetings events were not verbatim but completed to the best of knowledge.
- Notetaker endorses the meetings notes and sends a PDF Copy to the IAD Commander, Investigations Section Commander, DLI Section Commander/Manager, and the Intake and Administrative Section Commander, to include uploading to the IAD server.
- Ensure all attendees sign an Attendance Roster for each individual case presented and upload the signed rosters to the IAD server.

#### ***Criminal Investigations DGO M-04.1 Meeting (OCOP, IAD, CID) and Any Other High Profile or Serious Incident Briefing to Chief***

- Serves as notetaker for any meeting where the Chief is briefed on the substance of ongoing internal investigations; similar to the procedures of the Weekly IAD Meeting.

#### ***Case Closures***

- Review closed case files to ensure all required documents are signed and in case file (e.g. CIR, ROI, Closeout Letter, etc.). Ensure that investigator has uploaded all recorded statements to the server prior to final closure.



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

***Additional duties, as needed***

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



## **FORCE INVESTIGATION SECTION**

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

### ***TRAINING, SELECTION, AND ADMINISTRATION***

#### ***Selection***

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

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

#### ***Training***

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

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

#### ***Standby Status of FIS Investigators***

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

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

### ***Call-Out Procedures***

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

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

#### ***Scene Responsibilities:***

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

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

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

### ***Follow-up Investigation:***

- The Investigations Section Commander shall:
  - Ensure the IAD Commander and Chief of Police are updated on the status of all FIS investigations on a weekly basis, or as deemed necessary by the IAD Commander.
  - Review all summaries of CID interviews of witnesses and coordinate with investigators to determine if a follow-up interview is required. Ensure interview summaries are forwarded to OCA for review.
  - Review witness and subject member questions. Ensure questions are forwarded to OCA for review.
  - Ensure that in the case of a subject interview of a Command level member that an equal rank Commander from IAD is the second on the interview.
  - Review pertinent witness interviews and all subject interviews for thoroughness and investigative sufficiency.
  - In the event where a Command Officer is a subject in the investigation the FIS Lieutenant or the IAD Commander shall conduct the analysis to determine a finding.
- The OCA, in conjunction with the Investigations Section Commander, will provide counsel and advice on matters involving case planning and interview schedules, and conduct legal review of FIS reports.
- The FIS Investigator shall:

Within the first business day after the incident, the FIS investigator shall meet with the IAD commander, Investigations Section Commander, and the OCA to conduct a briefing on the following:

  - The circumstances of the incident;
  - Use of Force/In-Custody Death Report preparation; and
  - Any concerns or issues that were observed.
  - Within 72 hours, prepare a briefing for the Chief of Police to include the following:
    - Summary of the incident
    - Identified subject members
    - Investigative timeline
    - Potential issues
  - Follow-up investigative steps
    - Establish a weekly meeting with the OCA for investigation updates.
    - Establish an investigative timeline and task tracking sheet for investigation.
    - Update the tracking sheet on a weekly basis and provide it to the Investigations Section Commander, the IAD Commander, and OCA.

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

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

### ***Report Preparation and Review:***

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

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

***Executive Force Review Board Participation:***

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

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



## **INTAKE AND ADMINISTRATIVE SECTION**

### **INTAKE AND ADMINISTRATIVE SECTION COMMANDER**

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

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

##### ***Administration of the Intake and Administrative Sections***

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

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

##### ***Manage and Review All Complaints:***

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

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

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

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

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

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

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

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

### ***Discipline Process Management:***

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

## **INTAKE SUPERVISOR**

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

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

#### ***Reviewing Incoming Complaints:***

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

#### ***Additional Duties:***

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

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

## **INTAKE ADMINISTRATIVE OFFICER**

**Rank:** Police Officer

**Immediate Supervisor:** Intake Supervisor

**Immediate Subordinates:** None

**Primary Responsibilities:** Manage the tracking and listing of several different databases where administrative benchmarks are documented

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

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

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

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

***Monthly:***

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

## **INTAKE OFFICER/POLICE INTAKE TECHNICIAN**

**Rank:** Police Officer/Police Intake Technician (PIT)

**Immediate Supervisor:** Intake Supervisor

**Immediate Subordinates:** None

**Primary Responsibilities:** Assist with the function of the Physical IAD Offices; Receive and process complaints received directly through IAD; process complaints received by field personnel; prepare preliminary inquiries to be sent out for investigation.

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

#### ***Assist with the Function of the Physical IAD Offices:***

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

#### ***Receive and Process Complaints:***

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

#### ***Process Complaints Received by Field Personnel:***

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



***Prepare Preliminary Inquiries for Assignment:***

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

## **PITCHESS OFFICER**

**Rank:** Police Officer

**Immediate Supervisor:** Intake Supervisor

**Immediate Subordinates:** None

**Primary Responsibilities:** Respond to Pitchess motion subpoenas, Brady requests, and Giglio inquiries as appropriate; ensure IAD complaint forms are available at specified locations; assist with the Intake process of complaints and completion of Skelly Packets

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

#### ***Responding to Pitchess Motion Subpoenas:***

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

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

#### ***Responding to Brady Inquiries/Requests:***

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

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

#### ***Responding to Giglio Inquiries:***

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

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

***Additional Duties:***

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

## **ADMINISTRATIVE SUPPORT SUPERVISOR**

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

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

#### ***Manage and Train IAD Administrative Staff:***

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

#### ***Compilation and Preparation of Reports:***

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

#### **Biweekly Compliance Reports**

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

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

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

This annual report is included in the yearly OPD Annual Report. The report contains the role and function of the unit, an Organizational Chart, the number authorized positions and the number of

filled positions, significant accomplishments, challenges encountered, number of civil suits filed, arrests of agency members, number of restraining orders filed against agency members.

#### **IAD Case Summary Report**

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

#### **Subject Employee Report**

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

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

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

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

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

#### **Termination Report**

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

#### **Comparison Report**

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

#### **Discipline Tracking Sheet**

Weekly report, forwarded to key stakeholders including the Chief of Police, IAD Command staff and tracks individual cases in the following:

- ***Skelly Process***

A Skelly hearing is offered to employees when the recommended discipline is dismissal, demotion, fine, or suspension. (Refer to TB V-T.04 Due Process Hearings for further information.) The duties involved in facilitating the Skelly process include, but are not limited to, the following:

- Oversee the distribution of Skelly Hearing Material.
- Discipline – Monitoring imposed discipline.
- Direct the preparation of various disciplinary documents, including

agreements, contracts and correspondence; prepare and coordinate the preparation of documents for court filings.

- Compile and disseminate new rules and changes in the laws related to assigned work.

### ***CPRA Division/Departmental Liaison***

Requests for documents throughout the agency. (e.g. request for surveillance videos that were collected and logged as evidence, Crime Reports, photos etc.)

### ***Hiring Manager***

- Work with human resources to fill open positions
- Assist in the development of IAD case management system and applications.
  - Establish business processes and rules
    - Workflow
    - Data validation
    - User acceptance

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

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

## **INTERNAL AFFAIRS POLICE RECORDS SPECIALISTS**

**Rank:** Police Records Specialist

**Immediate Supervisor:** Administrative Support Supervisor

**Immediate Subordinates:** None

**Primary Responsibilities:** Process all IAD files, to include scanning to the server, building investigative files, and closed case processes; track discipline; compile Skelly materials; reception duties during business hours

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

#### ***Processing IAD Files:***

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

#### ***Additional Duties:***

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



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

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

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

## **DIVISION LEVEL INVESTIGATIONS**

### **SECTION**

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

**Rank:** Lieutenant of Police/Police Services Manager  
**Immediate Supervisor:** Internal Affairs Division Commander  
**Immediate Subordinates:** Division Level Investigations (DLI) Coordinators; Division Level Investigations Section Analyst  
**Primary Responsibilities:** Review, Approve, and Forward Division Level Investigations; Coordinate review of certain cases by the chain-of-command Deputy Chief; Coordinate the presentation of DLIs to the Chief of Police; Liaison with the CPRA Executive Director on the closure of DLIs; Monitor DLI timeline compliance

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

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

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

- Ensure that the DLI Coordinator has reviewed each Report of Investigation (ROI) for content, clarity, and investigative sufficiency.
- Ensure all allegations of misconduct are accurately identified and any additional potential Manual of Rules (MOR) violations.
- Reviews should ensure impartiality, fairness, and thoroughness by examining, among other things, adherence to Training Bulletin V-T.1, quality of and adherence to investigative plans, correct application of the standard of proof, credibility assessments, promptness and quality of interviews (e.g., avoiding leading questions and resolving inconsistencies), and analysis of the evidence.
- If there is reasonable suspicion to believe a member is in possession of evidence or items that contain evidence (e.g., a member's personal cellular phone) of member misconduct for which a member is being administratively investigated, the Department reserves the right to demand the member produce the evidence for use in the administrative investigation and proceedings.
  - Any such demand for such information must be documented in writing with a recitation of facts giving rise to reasonable suspicion that the evidence sought is contained therein.
  - Any such demand must also be reasonably tailored to the allegation(s) being investigated.
  - Any such demand must be accompanied by an admonition that the evidence and information produced may not be used against the member producing the information in a criminal proceeding but may be used against the member in an administrative proceeding.
  - The demand for evidence on a personal device must be reviewed and endorsed by the investigator's first level supervisor and then approved by the IAD Commander prior to the request being made.
- Consider the use of Administrative Warrants to assist in investigations if legally and strategically viable. (OCA should be consulted prior to the pursuit of any Administrative

Warrant.)

- Review and approve/deny requests to amend or change allegation during an investigation (only the IAD Commander has the authority to remove an allegation).
- Ensure that each ROI contains findings that are supported by evidence and analysis.
- Once reviewed, sign each ROI memorializing approval of the findings.
- Present the findings in each ROI to the IAD Commander for approval.
  - For cases with findings other than Sustained, forward the case to the DLI Section Analyst for processing to closure.
  - For cases with Sustained findings, coordinate the presentation of the case to the Chief of Police for review and approval (see below for further).
  - For cases that are also being investigated by the Community Police Review Agency (CPRA), regardless of findings, liaison with the CPRA Executive Director for concurrence and closure (see below for further).

***Coordinate and Ensure Review of Certain DLIs by the Chain-of-Command or Bureau of Risk Management Deputy Chief***

Prior to case presentation to the Chief of Police, obtain review from the Deputy Chief in the investigator's chain of command for cases with recommended **sustained** findings for allegations that could result in termination (i.e., has T as a possible consequence on the Discipline Matrix which includes MORs for obedience to laws felony/serious misdemeanor and DUIs, and use of force), or allegations of violations of obedience to laws misdemeanor/infraction. <sup>4</sup>

Additionally, regardless of findings, the Deputy Chief of BRM must review and approve the following cases:

- Not Sustained findings involving allegations which, if Sustained, could have resulted in termination,
- Involving allegations of violations of obedience to laws misdemeanor/infraction,
- Management Level Liaison (MLL) cases initiated by notification from the District Attorney's Office or the Public Defender's Office,
- Involving allegations investigated under DGO M-4.1- Criminal Investigation of Department Members and Outside Sworn Law Enforcement Personnel.

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

DLIs that involve a Sustained finding must be presented to the Chief of Police for approval. Additionally, regardless of findings, the Chief of Police must review and approve the following cases:

- Not Sustained findings involving allegations which, if Sustained, could have resulted in termination,
- Involving allegations of violations of obedience to laws misdemeanor/infraction,
- Management Level Liaison (MLL) cases initiated by notification from the District Attorney's Office or the Public Defender's Office,
- Involving allegations investigated under DGO M-4.1- Criminal Investigation of

Department Members and Outside Sworn Law Enforcement Personnel.

Key tasks include but are not limited to:

- Schedule the case for presentation at the weekly IAD Meeting with the Chief of Police. This includes notifying the Investigations Section Administrative Sergeant/Analyst to include the case on the meeting agenda.
- When scheduling the case for presentation, consideration should be given to the following:
  - The 180 date
  - The 3304 date
  - The DLI Investigator's availability
  - The CPRA Executive Director and Investigator's availability (when applicable).
- Ensure the DLI Investigator is notified and available on the date and time of the meeting to present the case.
  - In instances where the DLI Investigator is not available, the reviewing DLI Coordinator should be assigned to present the case to the Chief of Police.
  - In instances where the DLI Investigator has not previously presented a case to the Chief of Police, provide or facilitate training on the meeting format and best practices for presentation.
- In advance of the meeting, ensure the Internal Affairs Police Records Specialist has prepared a Pre-discipline packet.
- During the meeting, provide the Chief of Police with information or clarity related to the case, and support to the DLI Investigator, when needed. Upon approval of the findings, ensure the Chief of Police signs all required documents. The Chief shall read any ROI that the Chief signs. At a minimum, the Chief shall read and sign any ROIs involving a recommended finding of sustained that could result in termination (i.e., has T as a possible consequence on the Discipline Matrix, which includes MORs for obedience to laws felony/serious misdemeanor and DUIs, and use of force); or a recommended finding of sustained for obedience to laws misdemeanor/infraction.
- All track changes and versions created during the course of the DLI Coordinator's review will be saved on the IAD server.
- Ensure express memorialization using the guidance in the ROI template of any of the following revisions: (1) removing or changing MOR violation allegations, (2) downgrading members from subjects to witnesses, (3) changing conclusions of credibility assessments, and (4) changing recommended findings.<sup>4</sup>

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<sup>4</sup> Note that IAD commander must approve any downgrade from subject to witness, and any removal of an MOR allegation. Authorization for changes must therefore be obtained, documented in writing in an email, and kept in the file and noted on the chron log.

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

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

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

### ***Monitor DLI Timeline Compliance***

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

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

## **DIVISION LEVEL INVESTIGATIONS (DLI) COORDINATOR**

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

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

#### ***Review Division Level Investigations***

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

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



- Ensure express memorialization in the ROI using the guidance in the ROI template of any of the following revisions approved by the IAD Commander: (1) removing or changing MOR violation allegations, (2) downgrading members from subjects to witnesses, (3) changing conclusions of credibility assessments, and (4) changing recommended findings.<sup>5</sup>

### ***Case Presentation:***

#### **Lieutenant presentation**

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

#### **Captain Presentation**

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

#### **Chief's Presentation**

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

### ***Liaison between DLI Investigators and IAD***

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

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<sup>5</sup> Note that IAD commander must approve any downgrade from subject to witness, and any removal of an MOR allegation. Authorization for changes must therefore be obtained, documented in writing in an email, and kept in the file and noted on the chron log.

### ***Liaison between DLI Investigators and CPRA Investigators***

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

## **DIVISION LEVEL INVESTIGATIONS SECTION ANALYST**

**Rank:** Administrative Analyst II

**Immediate Supervisor:** Division Level Investigations Section Commander

**Immediate Subordinates:** None

**Primary Responsibilities:** Track all open investigations and timelines; maintain all tolling cases; monitor DLI Section caseload

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

#### ***Track open investigations and timelines:***

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

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

## **ADDITIONAL REFERENCES**

### ***IAD Flow Charts***

Investigation Flow Chart w/CPRA: Page 45 Disciplinary Process Flow Chart w/CPRA

### ***Policies - Names:***

<u>DGO K-3</u>	Use of Force
<u>DGO K-4</u>	Reporting and Investigating the Use of Force.
<u>DGO J-4</u>	Pursuit Driving
<u>DGO K-4.1</u>	Force Review Boards
<u>TB V-T.1</u>	Internal Investigation Manual
<u>RWM U-1</u>	Use of Force Report
<u>CID P&amp;P</u>	Criminal Investigation Unit
<u>DGO M-03</u>	Complaints Against Departmental Personnel or Procedures
<u>DGO M-03.1</u>	Informal Complaint Resolution Process
<u>DGO M-03.2</u>	Community Police Review Agency (CPRA)
<u>DGO M-03.3</u>	Integrity Testing
<u>TB V-T</u>	Departmental Discipline Policy w/ Discipline Matrix Appendix
<u>TB V-T.01</u>	Internal Investigation Manual
<u>TB V-T.02</u>	Internal Investigation and Discipline Appendices
<u>TB V-T.03</u>	Reporting Misconduct
<u>TB V-T.04</u>	Due Process Hearings
<u>DGO B-02</u>	Voluntary Termination, Discharge, Unpaid Leave, Mandatory Leave
<u>DGO E-01</u>	Department Subpoena Service
<u>DGO E-02</u>	Warrant Service on Department Personnel
<u>DGO E-03</u>	Civil Action Proceedings
<u>DGO M-04</u>	Coordination of Criminal Investigations
<u>DGO M-04.1</u>	Criminal Investigations Involving Active Law Enforcement, or a Member or Employee of the Department

Oakland City Charter, Article VI  
Oakland City Ordinance CMS (Measure LL)  
Department Manual of Rules  
IAD Policy and Procedures 05-01 thru 05-04  
Communications Division Policy and Procedure C-1  
OPOA MOU  
City of Oakland MOU (Local 21 & 790)

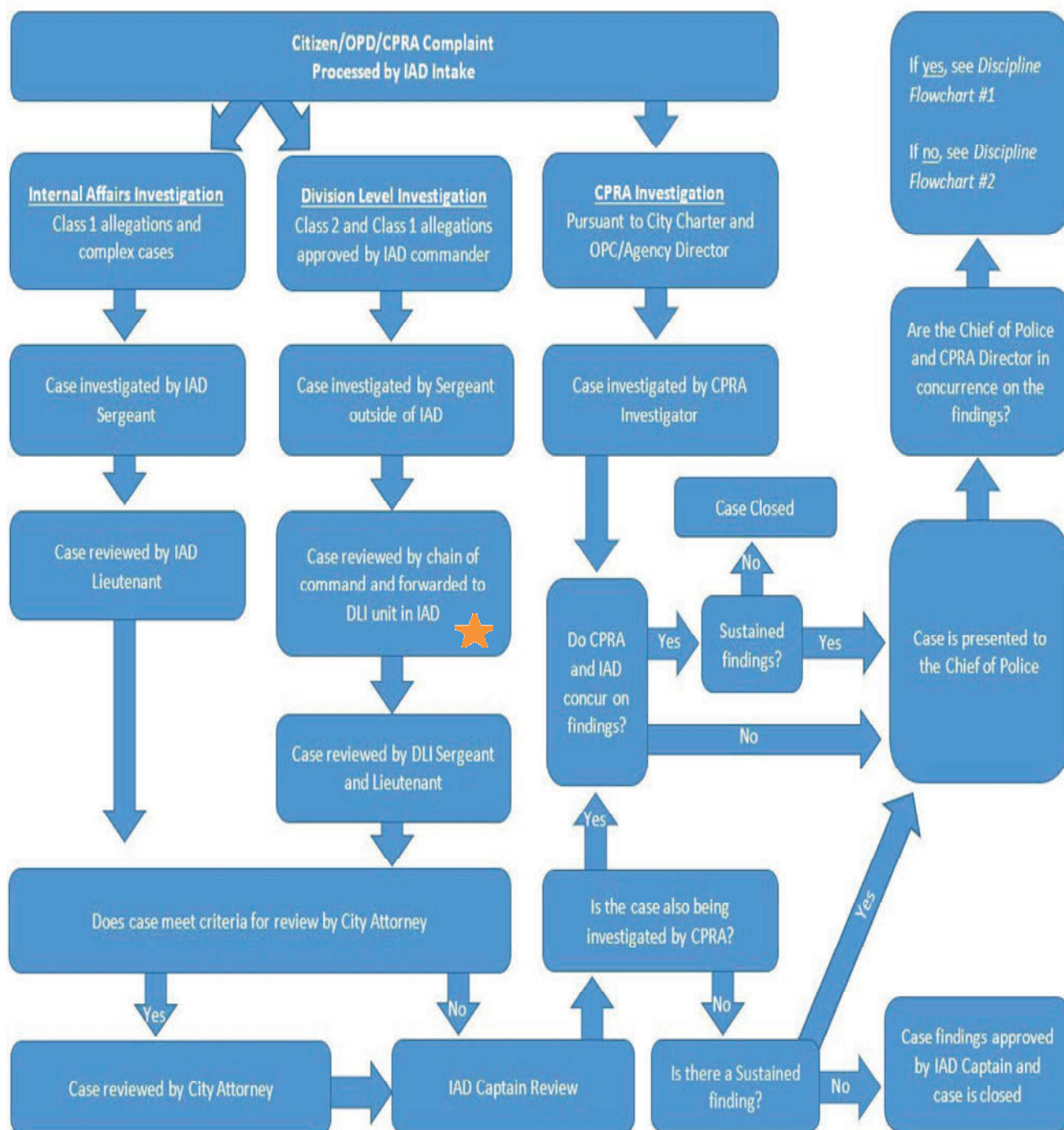
### ***Forms and Booklets:***

Police Officer's Bill of Rights (POBR)  
AI 71 Equal Opportunity/Anti-Discrimination/Non-Harassment Policy  
City of Oakland Ethics Resource Guide  
City of Oakland Whistleblower Ordinance  
Your Guide to Filing a Complaint Against the Police (TF-3208)  
Acknowledgement of Rights and Obligations Pursuant to Penal Code Section 148.6 and Notice and Releases (TF 3039a)  
Complaint Form (TF-3039b)

Informal Complaint Resolution and Agreement (TF-3132)  
Acknowledgement of Rights and Obligations (TF-722)  
Skelly Recommendation Template (TF 3412)  
Swanson Report (1&2)

# FLOWCHARTS

## IAD INVESTIGATIONS WORKFLOW

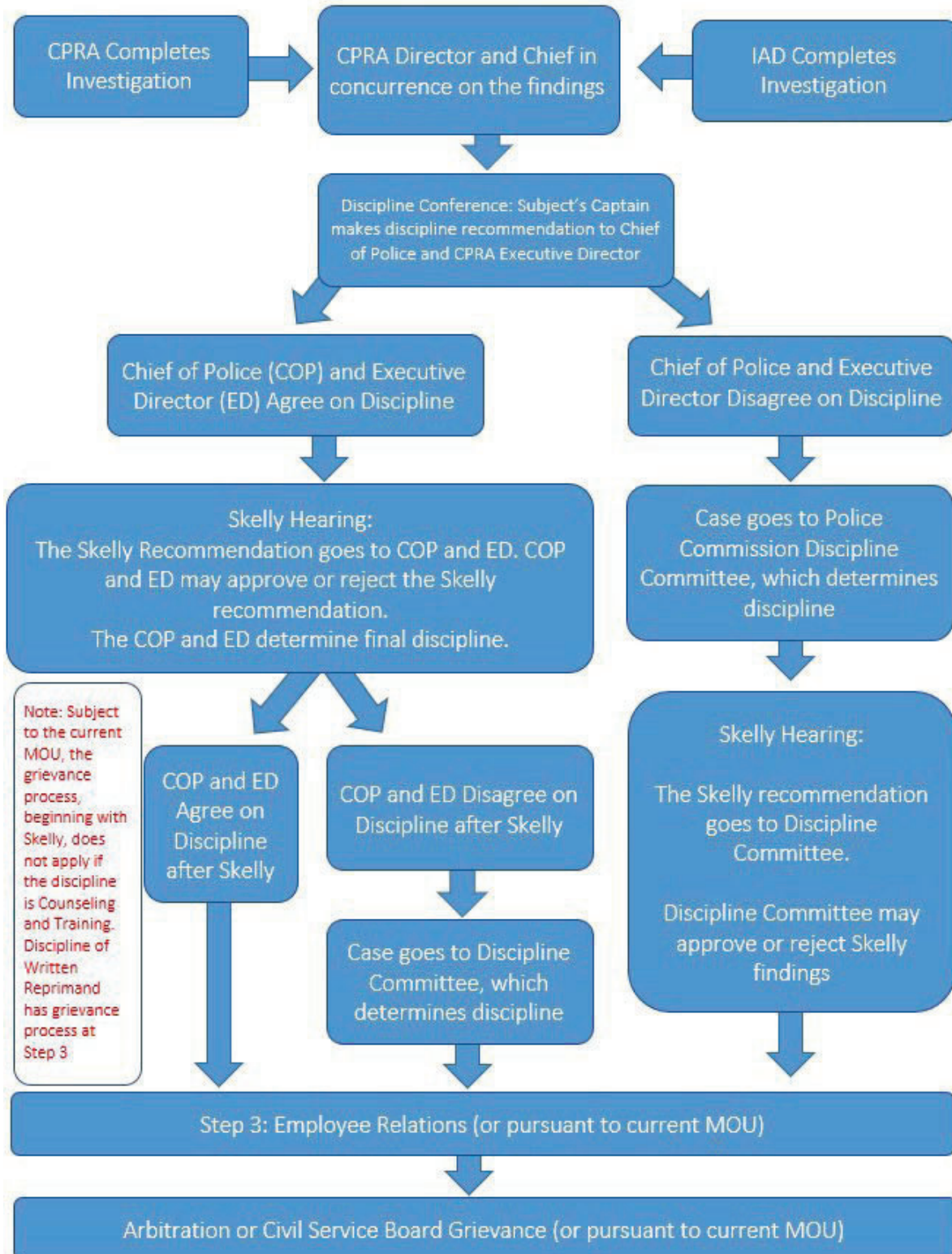


★ The chain of command includes the investigating sergeant's lieutenant and captain. For circumstances listed in TB V-T.01, the investigator's Deputy Chief or the Deputy Chief of the Bureau of Risk Management will also be included in the review.

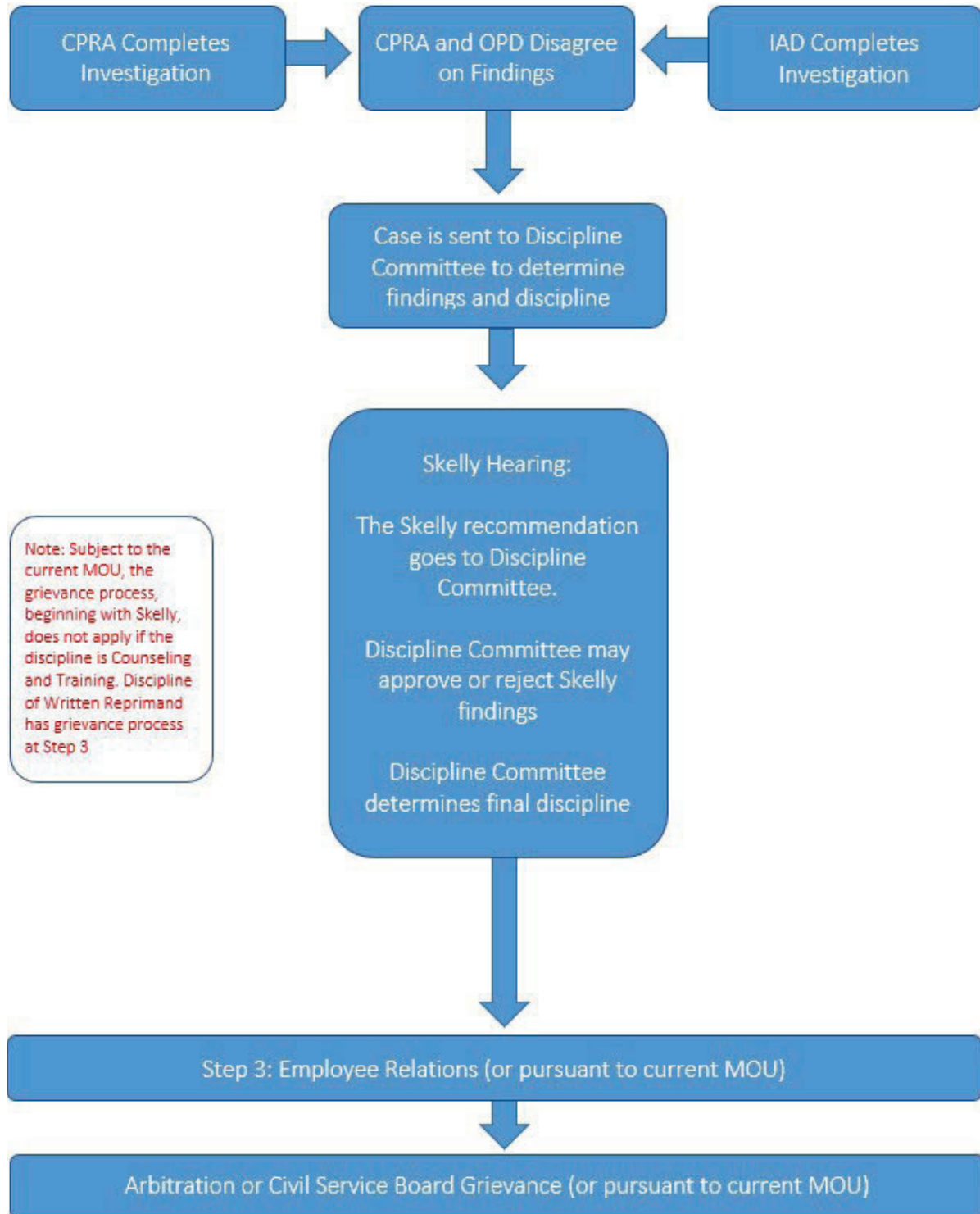




## Discipline Flowchart #1 – OPD and CPRA Agree on Findings



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



## GLOSSARY

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

the complaint, location of incident, alleged Manual of Rules violation(s), and an abstract of the allegation(s). Unlike the Complaint Investigation Report (CIR) this report does not include confidential information such as identifying information on the complainant or other subject members. At the beginning of the investigation, this report is sent to the subject member and their chain of command to inform them of the allegations. At the conclusion of the investigation, the report is again sent to the subject member informing them of the findings.
<b>CPRA:</b> Community Police Review Agency. The investigative body of the Oakland Police Commission. Refer to DGO M-3.2 and Section 604 of the Oakland City Charter for authorities and responsibilities.
<b>Division:</b> All units directly supervised or reporting to the Chief of Police, the Assistant Chief, or a Deputy Chief of Police.
<b>DLI:</b> Division Level Investigation. A formal investigation into allegations of misconduct that is conducted outside the Internal Affairs Division. DLIs are subject to the same investigative requirements as those conducted by IAD investigators. DLIs, typically, involve only Class II allegations of misconduct; however, investigations involving Class I allegations may be sent out as a DLI upon approval of the IAD Commander.
<b>EFRB:</b> Executive Force Review Board. The EFRB is convened to analyze and assess the factual circumstances during and proximate to all: Level 1 Use of Force (UOF) incidents and investigations; In Custody Death incidents and investigations; Vehicle Pursuit Related Death incidents and investigations; or UOF incidents, investigated administratively and/or criminally by the Department or outside law enforcement agency, at the direction of the Chief of Police; and establish concluding recommendations to the Chief of Police from those circumstances.
<b>FBR:</b> Field-Based Reporting. A computerized method of writing police reports using mobile data terminals (MDT) and authorized Departmental computers.
<b>Findings Defined:</b> <ul style="list-style-type: none"> <li>• <b>Exonerated:</b> The investigation disclosed a preponderance of evidence to determine that the alleged conduct occurred, but it was in compliance with law and/or Department rules, regulations, or policies.</li> <li>• <b>Not Sustained:</b> The investigation did not disclose a preponderance of evidence to determine whether the alleged conduct occurred.</li> <li>• <b>Sustained:</b> The investigation disclosed a preponderance of evidence to determine that the alleged conduct did occur, and that it was in violation of law and/or Department rules, regulations, or policies.</li> <li>• <b>Unfounded:</b> The investigation disclosed a preponderance of evidence to determine that the alleged conduct did not occur.</li> </ul>
<b>FRB:</b> Force Review Board. The FRB is convened to analyze and assess the factual circumstances during and proximate to all Level 2 Use of Force (UOF) incidents and to establish concluding recommendations to the Chief of Police from those circumstances. (DGO K-4.1)
<b>Garrity:</b> In <i>Garrity v. New Jersey</i> (1967) 87 S.Ct.616, 385 U.S. 493 - Police Officers are not relegated to a watered-down version of constitutional rights and administratively coerced statements may not be used in criminal proceeding.



<p><b>Giglio:</b> In <i>Giglio v. United States</i>, (1972), the United States Supreme Court extended the prosecution's obligations under <i>Brady</i> to require the disclosure of not only exculpatory evidence but of impeachment evidence as well. Evidence that impeaches a government witness is an example of favorable evidence that damages the prosecution and thus, if material, it must be disclosed under <i>Brady</i>.</p>
<p><b>High Profile Incidents:</b> Examples of high-profile incidents include, but are not limited to, the arrest of any OPD member; a complaint of a serious nature as to require some form of immediate action (e.g., emergency suspension, administrative leave, temporary reassignment, etc.); any Class I MOR allegation against a professional staff manager or sworn commander; or misconduct likely to generate unusual public interest (e.g., alleged criminal conduct, serious injury, death, etc.).</p>
<p><b>IAD Commander:</b> Any Commander/Command Officer holding the rank of Lieutenant or higher that is assigned to the Internal Affairs Division.</p>
<p><b>“The” IAD Commander:</b> At OPD, a Commander/Command Officer is a member of the Department holding the rank of Lieutenant or higher. References in this document to <u>the</u> IAD Commander are referring specifically to the Captain of IAD</p>
<p><b>IAD Communications Daily Incident Log:</b> A daily log, maintained by the Communications Division, documenting misconduct complaints received by field personnel or Communications staff. This serves as a tracking and notification mechanism for complaints received by the Department outside of IAD.</p>
<p><b>IAD Daily Intake Report:</b> A daily report generated by IAD at the close of business which captures all cases opened by IAD that day. This report includes complaints from the IAD Communications Daily Incident Log, as well as complaints received by IAD.</p>
<p><b>IBC:</b> Informational Business Card. The informational Business Card is designed to be provided to community members by OPD members. The card contains all necessary information to file a complaint through OPD or the CRPA. The card has space for the issuing member to write their serial number and the incident number to ensure the citizen has the information should they request it, or later decide to file a complaint.</p>
<p><b>IBC Log:</b> Informational Business Card Log (also known as the Complaint Referral Log). A daily log, maintained by the Communications Division, documenting incidents where an IBC has been issued by field personnel. The log contains information including which member issued the IBC, who the IBC was issued to, and the reason the card was issued.</p>
<p><b>ICR:</b> Informal Complaint Resolution. A process that may be used to informally address service complaints or alleged acts of Class II misconduct against Departmental personnel that do not indicate a pattern of misconduct. The intent of the ICR process is to expedite the resolution of less serious types of complaints against members.</p>

<p><b>Lubey Hearing:</b> An at-will member or probationary employee has no property interest in employment. However, such a member/employee suffers a deprivation of a liberty interest if the member/employee is discharged for reasons that impose stigma or that are likely to limit future employment opportunities. For that reason, a probationary member/employee who is terminated for reasons that could result in such consequences is entitled to a post-termination “name-clearing” hearing. <i>Lubey</i> Hearings are conducted in the same way as <i>Skelly</i> hearings. (TB V- T.4)</p>
<p><b>Lybarger:</b> <i>Lybarger v. Los Angeles</i> (1985) 40 Cal.3d 822 - Whenever potential exists for criminal charges, accused officer must be advised of Miranda plus fact that answers may be compelled, and such answers are limited to scope of administrative investigation.</p>
<p><b>Monitoring Team:</b> Pursuant to the Negotiated Settlement Agreement (NSA) in the case of <i>Delphine Allen, et al., vs. City of Oakland, et al.</i>, in the United States District Court for the Northern District of California, the Court appointed an Independent Monitor to oversee OPD’s progress in achieving compliance with the NSA. The team consists of the Independent Monitor and their support staff.</p>
<p><b>MOR:</b> Manual of Rules. A document designed to provide additional specificity to the standards of conduct embodied in the law enforcement officer’s Code of Ethics and the Department’s Policies and Statement of Values.</p>
<p><b>Notice of Intent (letter):</b> This letter is signed by the Chief of Police informing the member that the Chief intends to impose discipline resulting from a sustained allegation of misconduct. The notice of the proposed discipline must be provided to the subject member or employee within one year of the discovery of the violation, unless qualified exemptions exist pursuant to <i>Government Code Section 3304(d)</i>.</p>
<p><b>OCA:</b> Office of the City Attorney</p>
<p><b>OIS:</b> Officer Involved Shooting</p>
<p><b>OPOA:</b> Oakland Police Officers’ Association. Labor union representing sworn members of the Oakland Police Department.</p>
<p><b>Preponderance of Evidence:</b> The standard of proof in internal investigations is “preponderance of evidence” rather than the criminal standard of “beyond a reasonable doubt.” Preponderance of the evidence has been described as a “slight tipping of the scales of justice” or “more than 50 percent” or “more likely than not.”</p>
<p><b>Pitchess:</b> A <i>Pitchess</i> motion is the procedural method established by the California Supreme Court in <i>Pitchess v. Superior Court</i> (1974), and later codified in Cal. Pen. Code §§ 832.5, 832.7, and 832.8, that allows for discovery of otherwise privileged personnel records in California. Typically, a <i>Pitchess</i> motion is brought by a criminal defendant in order to discover evidence in the arresting officer’s personnel file that is relevant to the defendant’s ability to defend against a criminal charge.</p>

**Pre-Discipline (process):** Upon approval of a sustained finding in an internal investigation, unless the Chief has waived the process, the IAD shall provide a printed copy of the subject's five (5) year disciplinary history, his/her two most recent performance evaluations, the Complaint Investigation Report (CIR) and the Report of Investigation (ROI) for the current case. The documents shall be forwarded to the sustained member's Captain. Since the chain of command is more familiar with the conduct of subordinate personnel, they can provide the Chief of Police with input regarding any mitigating and/or aggravating circumstances that are germane, along with a discipline recommendation to ensure a better-informed decision is made in determining the appropriate discipline. The sustained member's Captain shall prepare the appropriate Pre-Discipline Report (PDR) for each sustained case, and the Chief of Police or designee shall utilize the PDR in determining the appropriate discipline. **NOTE:** The Chief of Police maintains the authority to bypass the chain of command and impose discipline without a Pre-Discipline Report.

**Preliminary Inquiry:** A Preliminary Inquiry (PI) shall be completed on all complaints upon receipt by a supervisor or IAD intake personnel. The purpose of the PI is for the assigned investigator to do a preliminary investigation within 14 calendar days of receiving the complaint and come to one of four recommendations as to how the complaint should be handled: (1) Further Investigate; (2) Handle at Supervisor Level; (3) Administrative Closure; (4) Summary Finding. Further information on Preliminary Inquiries, including minimum investigative steps that must be taken, can be found in DGO M-03.

**Recusal Form:** The purpose of this form is to disclose any relationship where it is clear that the nature of the relationship could be perceived to compromise the investigative process and document the circumstances. For every IAD investigation, the investigator must fill out a Recusal Form either disclosing such a relationship, or affirmatively declaring that such a relationship does not exist, nor that the investigator was directly involved in the incident under investigation. This form must be completed prior to the start of an investigation and submitted to the investigator's first-level supervisor for review. Defined relationships requiring consideration for recusal can be found in CID P&P 23-02.

**ROI:** Report of Investigation. The report completed by the investigator at the conclusion of an Internal Affairs Investigation or Division Level Investigation.

**Section:** A functional unit that may be a sub-unit of a bureau or division. It may be commanded by any rank, depending on its size, the nature and importance of its function.

**Serious Incidents:** Serious Incident shall mean a Department sworn employee-involved shooting, death or serious bodily harm caused by the action and/or inaction of a Department sworn employee, in-custody death, and/or on-duty or off-duty criminal conduct of a sworn Department employee which rises to the level of a felony or serious misdemeanor.

**Serious Misdemeanor:** shall mean any misdemeanor crime that, if convicted, could preclude active law enforcement personnel, or a sworn employee of the Department, from successfully fulfilling the responsibilities of their job classification. Examples include those crimes that involve violence, intimidation, threats, sexual offenses, theft, dishonesty, possession of drugs, purchase, ownership or possession of a firearm in violation of California Penal Code section 12021(c)(1), and those crimes where bias based on any legally protected characteristic is a motivating factor.

**Skelly Hearing:** The federal and state constitutions prohibit deprivation of life, liberty, and property without procedural due process. Courts have found that a member/employee's permanent civil service job is defined as "property." Accordingly, an employer seeking to deprive a civil service employee of pay must provide notice of the proposed discipline and an opportunity to respond at a pre-termination hearing. The hearing is not a full trial-type hearing. There is no right to representation by counsel, or to confront or cross-examine witnesses. A member/employee may instead choose to respond in writing and forego a hearing. *Skelly v. State Personnel Board* (TB V-T.4)

**Subject Officer/Member:** A member of the Department against whom allegations of misconduct are made.

**Summary Finding:** A Summary Finding is an abbreviated internal investigation in which a finding can be reached without conducting a full, formal internal investigation because the correct finding can be determined with little or minimal follow-up based on the existing documentation, evidence, statements, and crime information data (e.g., Offense Report, Use of Force Report, video or digital recordings, complainant's statement, radio purge, LRMS records).

**VISION:** The Department's personnel assessment system, which is a database that consolidates human resource and performance data for all employees to be used for monitoring employee behavior/performance. Additionally, several administrative investigations are completed within the VISION environment, including IAD and DLI investigations.

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