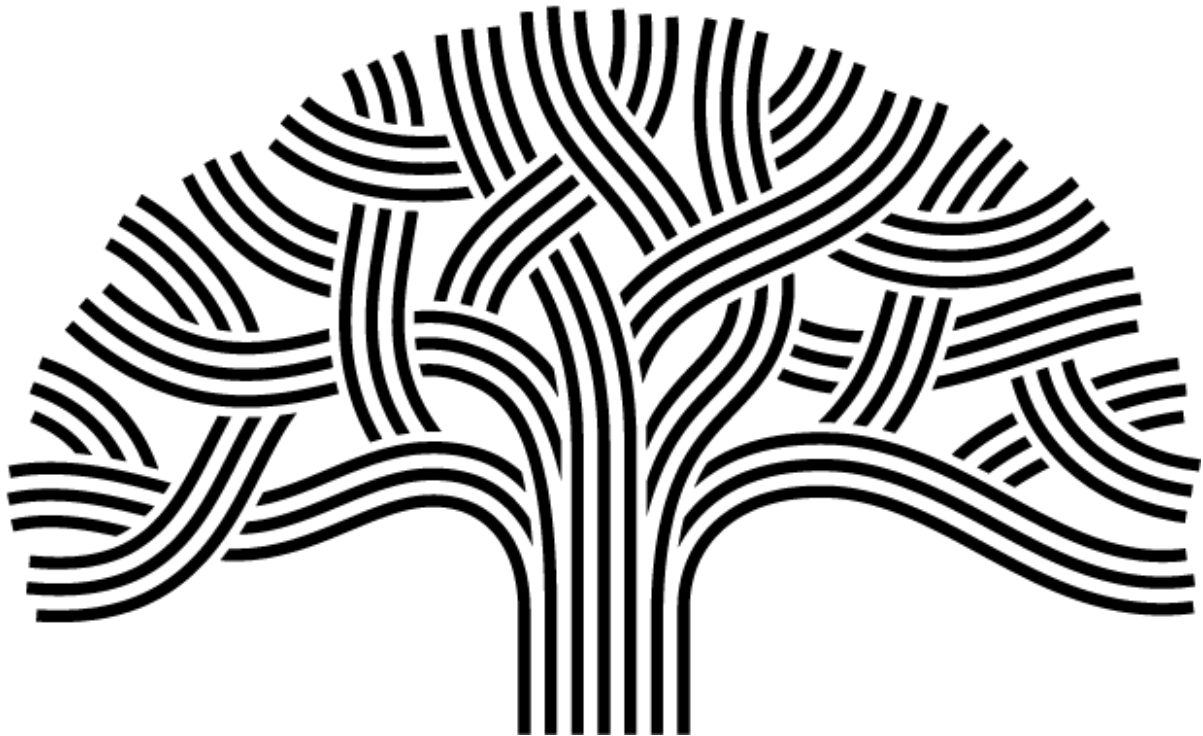


City of Oakland
Community Police
Review Agency



Standard Operating Procedures

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The History of The Community Police Review Agency¹

The Oakland Police Department (OPD) had been plagued by corruption, misconduct and high-profile scandals. The seriousness of those issues and the inadequate responses to them eroded residents' confidence in OPD and ultimately resulted in federal oversight. In an effort to ensure constitutional policing and foster a police force the community trusts, residents came together and placed Measure LL on the November 2016 ballot to support the creation of a civilian Police Commission. Measure LL was passed by 83 percent of Oakland voters, creating the Oakland Police Commission ("Commission" or "OPC") and the Community Police Review Agency ("Agency" or "CPRA"). CPRA replaced the Community Police Review Board (CPRB), which had been in place for nearly 40 years.

Measure LL provided the Commission with significant powers to oversee OPD policies, practices, and customs and ensure adherence to constitutional policing practices. CPRA is an investigative body charged with investigating complaints of misconduct against OPD. In July 2018, the City Council enabled the implementation of this City Charter amendment by adding Chapters 2.45 and 2.46 to the Oakland Municipal Code (Municipal Code).

On December 15, 2017, pending business and all CPRB staff were transferred to the CPRA. The Executive Director of the CPRB became the first Interim Director of the CPRA.

On the November 2020 ballot, Measure S1 was passed by 81% of Oakland voters. Measure S1 expanded on the independence, authority and staffing of the Commission and CPRA. The Measure also increased the accountability and transparency of CPRA through its creation of the Office of the Inspector General, which is charged with ensuring thorough police misconduct investigations and identifying systemic issues in CPRA practices and policies.

The overwhelming support for Measure LL and Measure S1 shows how strong the Oakland community is in their resolve for effective and independent oversight.

¹ 2020 Performance Audit for Police Commission and CPRA; Oaklandca.gov; Measure LL and S1

Mission

To ensure constitutional, lawful, accountable, effective, and respectful policing and to have a safe community, there must be trust between police and those they serve. For that reason, the Oakland community voted to establish the Community Police Review Agency, an independent civilian oversight agency to investigate public complaints against sworn employees of the Oakland Police Department.

The Community Police Review Agency's mission is to increase accountability and improve public confidence in the police by receiving and fairly, thoroughly, objectively, and punctually investigating complaints against sworn employees of the Oakland Police Department, making findings about those complaints and recommending discipline when required.

Jurisdiction

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

CPRA adopts the NACOLE Code of Conduct as national best practices of conduct in civilian police oversight:

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

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

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

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

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

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

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

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

Glossary of Terms, Definitions and Acronyms

This glossary is not exhaustive, but lists terms and acronyms most commonly used by CPRA in the investigative process²

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

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

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

Oakland Police Department – aka “OPD” or “Department”. Refers to the entire Department and sworn employees of the Oakland Police Department.

Internal Affairs Division – aka “IAD”. Refers to the Oakland Police Department’s unit that investigates allegations of police misconduct.

Oakland Police Department/Internal Affairs Division – aka “OPD/IAD”. Refers to the Oakland Police Department and/or the Internal Affairs Division.

Division Level Investigations – aka “DLI”. Refers to the Oakland Police Department command level investigations, usually conducted by the subject officers’ supervisor.

Complaint – Refers to a report, case, or allegation of a violation of OPD policy, procedure, or law.

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

Misconduct – Refers to both a Department sworn employee’s affirmative act that violates and/or his or her failure to act, in violation of, the Department’s policies, procedures, directives, or law.

Complainant – Refers to the person making a complaint or allegation.

Reporting Person – aka “RP”. Refers to a person reporting a complaint or allegation about, for or on behalf of a complainant.

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

² Additional abbreviations and definitions are maintained in the CRPA training folder.

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

Body worn camera (video) – aka “BWC” or “PDRD.” Refers to the actual body worn camera device or the video derived from the body worn camera worn by the OPD sworn employee.

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

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

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

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

First Amendment Assemblies – Refers to constitutionally protected assemblies of civilians

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

Report of Investigation – aka “ROI”. Refers to the compiled investigative report completed by the CI II.

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

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

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

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

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

No MOR violation – Administrative finding meaning the alleged conduct does not violate any Department rule or policy.

No Jurisdiction – Administrative finding meaning the subject of the allegation is not a sworn employee of the OPD.

CPRA Mandated Duties and Responsibilities³

What is CPRA:

The Community Police Review Agency (“CPRA”) is an investigative body charged with investigating specific complaints of misconduct against the Oakland Police Department.

What does CPRA do:

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

CPRA Staff⁴:

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

³ Charter, Section 604(f)1 Definition and Duties of the Community Police Review Agency

⁴See attached CPRA Organizational Chart

- B. Chief of Staff: Responsive directly to the Executive Director, the Chief of Staff performs a full range of professional and supervisory level skills to organize, manage and direct the work of CPRA in consultation with the Executive Director. The Chief of Staff prepares short and long-range plans; trains and supervises assigned staff; and performs related duties as assigned.
- C. CPRA Attorney: Responsive directly to the Executive Director or their designee, the CPRA attorney provides general training and case-specific advice to CPRA investigators as needed in their investigations of police officer misconduct; litigates a portion of the arbitration proceedings that stem from those investigations; and advises on other matters as assigned.
- D. Complaint Investigator III: Responsive directly to the Executive Director or their designee, the Complaint Investigator III serves as the first line supervisor for intake and investigations with the CPRA. The Complaint Investigator III supervises and trains assigned staff and performs related duties as assigned.
- E. Complainant Investigator II: Responsive directly to the Complaint Investigator III, the Complaint Investigator II investigates community members' complaints of alleged police misconduct; compiles and analyzes facts and data for cases; prepares investigative reports; and performs other related duties as assigned.
- F. Administrative Analyst II: Responsive directly to the Executive Director or their designee, the Administrative Analyst II performs professional project management; handles personnel matters and administrative work in support of CPRA operations; and performs other related duties as assigned.
- G. Intake Technician II: Responsive directly to the Complaint Investigator III, the Intake Technician performs intake and examination of allegations of misconduct and/or community members' complaints; compiles and organizes facts and data for cases; coordinates with civilian staff and the general public; accesses and maintains complex internal automated records systems; and performs related duties as assigned.

I. Complaint Receipt and Intake

The Community Police Review Agency (CPRA) shall receive, review and prioritize all public complaints concerning the alleged misconduct or failure to act of all Oakland Police Department sworn employees.⁵

A. Complaints can be filed by:

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

B. Complaints can be filed against:

1. Any current sworn employee of the Oakland Police Department

C. Complaints can be filed (methods):

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

D. Complaints can be filed (locations):

1. At any OPD precinct or headquarters
2. In the field with a Sergeant or OPD Supervising Officer
3. Inside the CPRA office
4. Through CPRA online complaint process

⁵ Oakland City Charter Measure S1 Section 604 (f) 1

E. Complaints made through CPRA or OPD/IAD:

1. If a complaint is made directly with OPD/IAD that complaint is captured on a Complaint Investigation Report (CIR) form. OPD/IAD is required to forward the CIR to CPRA within one (1) business day of receipt⁶. The CIR shall contain the case number that will be utilized by both OPD/IAD and CRPA. OPD/IAD should forward the CIR via email to the Intake CI III or their designee.
 - a. To ensure compliance with this requirement, if by the end of each business day OPD/IAD has not forwarded a CIR to CPRA, on the next business day, the Intake CI III, or their designee, will submit an emailed request to the OPD/IAD intake designee requesting the previous day's CIRs.
 - b. If a received CIR is missing necessary information, such as the date / time of the incident, the date / time of the complaint, the name and contact information of the complainant, the name of the involved OPD member, or any other information required on the CIR, the Intake CI III or their designee shall immediately follow up via email with the OPD/IAD intake designee to request an updated CIR.
 - c. The Intake CI III or their designee will document in the database and on the New Intakes Summary Log all CIRs received from OPD/IAD on the same day, but no later than the next business day.
2. If a complaint is made directly with CPRA that complaint is captured in the database on the Complaint Form. The Complaint Form shall contain the complainant's name and contact information, the date, time, and location of the incident, a brief narrative description of the incident, information on involved officers, and any other relevant complaint related information available at the time.
 - a. If the complaint is made with CPRA by voice mail message, the intake technician assigned to receive voice messages that day will document receipt of the voice message in the Voice Mail Log with all information provided by the caller indicated on the log. That intake technician will follow up with a return call to the caller that day or no later than the next business day⁷ to obtain a recorded statement if possible. At least two callback attempts shall be made with voice messages detailing the reason for the call and providing the CPRA contact number. Attempts and the results of the attempts should be logged in the Voice Mail Log.

⁶ Charter, Section 604(f)

⁷ All references to the "next business day" refers to the next business day that the responsible staff member is on duty. This does not include days that the staff member is on leave. If a staff member is unable to complete a task on the next business day that they are on duty, they will advise their direct supervisor via email.

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

sufficient to pursue an investigation, that contact will be logged in the database Timeline / Chronological Log indicating “No Complaint Taken”.

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

F. Intake Technician Interviews of Complainant

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

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

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

G. Complaint Intake Review

1. Intake CI III case assignment
 - a. When the Intake CI III or their designee, receives a CIR from OPD/IAD, or receives a Complaint Form made directly to CPRA, the Intake CI III shall review and assign that case to an Intake Technician by forwarding, via email, the CIR and/or Complaint Form within three (3) business days⁸ of receipt.
 - i. The Intake CI III shall use certain criteria to determine to which intake technician to assign the case; such as the rotating schedule, the potential complexity of the case, caseloads and similar criteria.
 - ii. The Intake CI III will document in the CPRA database Timeline / Chronological Log and the New Intakes Summary Log: date complaint received, date assigned to intake technician, and the name or initials of assigned intake technician.
2. Intake initial review of complaint
 - a. When the intake technician receives the assigned case from the Intake CI III, the intake technician will document receipt of the case in the database Timeline

⁸ Any reference to required deadlines does not include weekends, holidays or times that the assigned staff member is on leave. Staff members will advise their direct supervisor of any extended leave that might significantly affect their ability to complete their intake duties in a timely manner.

Event / Chronological log on the same day, but no later than the next business day.

- b. If the complainant filed the complaint with CPRA, and the complainant's statement has not been recorded, within three (3) business days of receiving the case, the intake technician will attempt to contact the complainant via phone or email to request a recorded statement. At least two call back attempts should be made, with voice messages detailing the reason for the call and providing the CPRA contact number.
 - i. All attempted contacts with the complainant will be logged in the database Timeline / Chronological Log.
 - ii. If the intake technician has not received a response from the complainant within three (3) business days, the intake technician will send a letter to the complainant, if address provided, requesting a return call to provide a statement. (Complainant Contact Template # 1)
 - iii. If the intake technician has not received a response to the letter from the complainant within five (5) business days, the intake technician will document the database Timeline / Chronological Log, complete the Complainant Statement Summary form indicating "No recorded complainant statement unavailable" and forward the form to the Intake CI III.
- c. If the complainant filed the complaint with OPD/IAD, within three (3) business days of receiving the case, the intake technician will contact OPD/IAD intake **via email** and request: the information required to view the bwc complaint recording on Axon, specifically the name of the OPD/IAD member that took the complaint, and the date and time of the interview; and/or the IAD intake audio-recorded statement of the complainant. *(If OPD/IAD has already forwarded this information to the Intake CI III, no request is necessary.)
 - i. All email requests to OPD/IAD for interview information will be logged in the database Timeline / Chronological Log.
 - ii. If the intake technician has not received the requested information and/or interviews from OPD/IAD after three (3) business days, the intake technician will send a follow-up email request to the OPD/IAD intake, copying (cc) the Intake CI III on the email.
 - iii. If after three (3) more business days, the intake technician has still not received the requested information and/or interviews, the Intake CI III will intervene and contact OPD/IAD supervision directly via email.

- d. When the intake technician receives the audio or video recording of the complainant's statement, either from the complainant or from OPD/IAD, the intake technician will within five (5) business days of receipt, listen to the recording and prepare a clear, concise summary of the complainant's statement in relevant detail on the Complainant Summary Statement form, and forward the form to the Intake CI III via email.
 - i. The intake technician shall log in the Timeline / Chronological Log the date the Complainant Summary Statement form was forwarded to the Intake CI III.
3. Supervisory initial review of complaint
- a. When the Intake CI III receives the Complainant Summary Statement form from the intake technician, within three (3) business days they will review and assess the information on the form, including listening to the complainant's statement if necessary, to determine whether the complainant has made an allegation that is encompassed in a Charter mandated category requiring investigation ("mandated"), specifically: use of force, in custody deaths, profiling based on a protected characteristic, First Amendment assemblies and untruthfulness.⁹
 - i. If the Intake CI III determines that an allegation on the Complainant Summary Statement form is "mandated", they will document that determination as "mandated" in the database Timeline / Chronological Log and on the bottom of the Complainant Summary Statement form and will return the form to the assigned intake technician.
 - ii. If the Intake CI III determines that there is no allegation on the Complainant Summary Statement form that is mandated, they will document that determination as "not mandated" in the database Timeline / Chronological Log and on the bottom of the Complainant Summary Statement form and will return the form to the assigned intake technician.
 - iii. If the Intake CI III determines that the allegations are not against any member of the OPD, they will document that determination as "No Jurisdiction" in the database Timeline / Chronological Log and on the bottom of the Complainant Summary Statement form and will return the form to the assigned intake technician.
 - iv. If the Intake CI III determines that there is no allegation on the Complainant Summary Statement form that is "mandated", however, they have

⁹ While "sexual misconduct" is not a complaint listed in the Charter's mandated categories, based on the serious nature of the allegation and the explicit references to such conduct in the Charter, an allegation of "sexual misconduct" will be treated as "mandated" by CPRA for purposes of investigation.

determined, based on criteria established by and/or at the discretion of the Executive Director or at the direction of the Police Commission, that the particular case will be investigated, they will document that determination as “not mandated with investigation” in the database Timeline / Chronological Log and on the bottom of the Complainant Summary Statement form and will return the form to the assigned intake technician.

- v. If the Intake CI III cannot determine by the Complainant Summary Statement form, if there is a “mandated” allegation or not, (ie: no complainant’s statement, insufficient complaint information provided...) the Intake CI III will document “Insufficient information to make a determination” in the Timeline / Chronological Log and on the bottom of the Complainant Summary statement form and will return the form to the assigned intake technician.

4. Intake processing of complaint

- a. When the intake technician receives the Complainant Summary Statement form from the Intake CI III with a determination, the intake technician shall process the complaint as follows:
 - i. If the Complainant Summary Statement form indicates an Intake CI III determination of “mandated”, within ten (10) business days, the intake technician will take the following steps:
 - a) The intake technician will call or email the complainant to inform that CPRA has received and will be investigating the complaint. The intake technician will offer to take a recorded statement from the complainant, even if one has already been provided to OPD/IAD. If the complainant does not want to provide a (or another) recorded statement, the intake technician will offer to answer any general questions about the CPRA process, and will document the database Timeline / Chronological Log regarding the call.
 - b) The intake technician will email OPD/IAD and request the name of the DLI or IAD investigator assigned to the case.
 - c) The intake technician will, **by email only**, submit requests to the relevant source of information indicating on the Requesting Evidence from OPD Sources documents in the CPRA common drive, requesting the following evidence:
 - i) RD# and Incident # associated with the incident
 - ii) All police reports, supplemental reports, and/or field contacts related the incident (specifically requesting all three)

- iii) CAD purge (or CAD printout) for the incident
 - iv) Stop data for non-dispatched stops
 - v) Traffic collision reports
 - vi) The Consolidated Arrest Report (CAR), (only if there is a false arrest allegation)
 - vii) The Probable Cause Declaration, (only if there is a false arrest allegation)
 - viii) Documentary evidence identified by the Intake CI III
- d) The intake technician will search Axon for all bwc footage labeled with the related RD# and/or Incident #, and will also conduct a search for related unlabeled videos based on the officers / date / time of the incident.
 - e) The intake technician will document all compiled evidence on the Intake Checklist, complete the Summary Intake form including the name of the assigned OPD DLI or IAD investigator, forward it to the Intake CI III and document the database Timeline / Chronological Log.
 - i) If the Complainant Summary Statement form indicates an Intake CI III determination of “not mandated”, AND the case was filed directly with CPRA, within three (3) business days the intake technician will send a letter of closure to the complainant (See Complainant Contact Template #2) and will document the database Timeline / Chronological Log. The intake technician will not complete a Summary Intake form.
 - f) If the complaint was filed with OPD/IAD directly and forwarded to CPRA, and there is no mandated allegation, the intake technician will not send a letter of closure to the complainant, and will not complete a Summary Intake form, but will document the database Timeline / Chronological Log.
 - ii. If the Complainant Summary Statement form indicates an Intake CI III determination of “No Jurisdiction”, AND the case was filed directly with CPRA, within three (3) business days the intake technician will send a letter of closure to the complainant (See Complainant Contact Template #3) and will document the database Timeline / Chronological Log. The intake technician will not complete a Summary Intake form.
 - a) If the complaint was filed with OPD/IAD directly and forwarded to CPRA, and there is a “no jurisdiction” finding, the intake technician will

not send a letter of closure to the complainant, and will not complete a Summary Intake form, but will document the database Timeline / Chronological Log.

iii. If the Complainant Summary Statement form indicates an Intake CI III determination of “not mandated with investigation”, within ten (10) business days the intake technician will continue with the evidence gathering and documentation steps that are identified above.

iv. If the Complainant Summary Statement form indicates an Intake CI III determination of “Insufficient Information to make a Determination”, AND the case was filed directly with CPRA, within three (3) business days the intake technician will send a letter of closure to the complainant (See Complainant Contact Template #4) and will document the database Timeline / Chronological Log. The intake technician will not complete a Summary Intake form.

a) If the complaint was filed with OPD/IAD directly and forwarded to CPRA, and there is insufficient information to make a determination, the intake technician will not send a letter of closure to the complainant and will not complete a Summary Intake form, but will document the database Timeline / Chronological Log.

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

5. Intake CI III processing of complaints for investigation

a. When the Intake CI III receives the Intake Summary form from the intake technician, within three (3) business days, the Intake CI III shall review the information to ensure the form has been completed thoroughly, and that the indicated evidence is attached.

i. If the Intake CI III determines that additional information and/or evidence should be gathered by the intake technician, the Intake CI III will return the Intake Summary form to the assigned intake technician for additional information or evidence gathering.

ii. If the Intake Summary form is returned to the intake technician for follow up, the intake technician will gather the requested information and return the updated information that day or no later than the next business day.

b. If the Intake CI III determines that the Intake Summary form and attached evidence are complete, the Intake CI III will indicate “approved” on the Intake Summary form and forward the form to the Investigations CI III or their designee via email.

- c. The Intake CI III shall document the transfer of the case to the Investigations CI III in the database Timeline / Chronological Log.
- d. Once the Intake CI III receives notification from the Investigative CI III of the assigned investigator on a case, the Intake CI III will have the assigned intake technician send the Notice to HR/Employee Relations form, the Notice to OPD/IAD form, and a letter or email to the complainant advising that CPRA is investigating the case and providing the name and contact information of the assigned investigator. (Complainant Contact Template 4)
- e. No complaint should remain in the intake process stage for more than forty-five (45) days in total. If there are extenuating circumstances causing a delay in the intake process, the intake technician shall notify the Intake CI III via email at least five (5) days prior to the forty five (45) days and the explanation shall be included in the database Timeline / Chronological Log.
- f. The Intake CI III shall monitor the timelines for submission by the intake technicians to ensure compliance by conducting periodic reviews of the database Timeline / Chronological entries, and/or maintaining a separate log of the intake technician's case information.
- g. The Intake CI III shall maintain quality control of all intake work by periodically (at least twice monthly) conducting audit reviews of complainant's statements, and bwc videos along with the submitted summaries by the intake technicians.

II. Complaint Investigations Process

A. Investigation Assignment

- 1. Once the Investigations CI III receives a Summary Intake form from the Intake CI III, the Investigations CI III shall review the form and within three (3) business days assess and assign the case to a CI II for investigation.
 - a. The CI III shall make the determination as to which CI II to assign the case based on factors such as current caseload, complexity of case balanced against the experience of the CI II, and next CI II in the rotation to be assigned an investigation.
 - b. Once the CI III has determined which investigator will be assigned a case, they will email the Intake CI III with that information, and will also email that information to the Administrative Analyst II so that the case information and assigned investigator can be added to the Pending Case List.
 - c. The CI III shall complete a Case Management form noting the assigned date.

- i. The Case Management form will also indicate the dates that are 90, 150, 180, 220, 250, and 365 days from the filing of the complaint with CPRA.
- ii. The Case Management form will provide guidance to the CI II regarding prioritization factors, to assist the CI II in determining how to prioritize the case.
- iii. The Case Management form will indicate any other relevant information or guidance about the case the CI III determines might be beneficial for the investigation.
- d. The CI III shall forward the case to the assigned CI II via email with the Summary Intake form and Case Management form attached. The CI III shall document the database Timeline / Chronological Log with the date assigned.
- e. The CI III shall maintain a copy of all Case Management forms in a file, including updates made to the form while the case remains open.

B. Investigator Initial Assessment

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

- b. The CI III will review and assess the investigation plan and will document any additional directions or investigative guidance on the form and return it approved to the CI II within three (3) business days.
4. Once the CI II receives the approved investigation plan, the CI II will begin the investigative steps.

C. Investigative Steps

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

1. Identify and Evaluate Allegations, Involved Sworn Employees and Relevant Policies, Procedures and Law
 - a. Review the complainant's and/or RP's recorded statement to develop a precise description of the actions, words and behaviors alleged, to understand the nature of the allegations. If there is ambiguous or incomplete information in the statements, conduct a follow up recorded interview with the complainant or RP whenever possible.
 - i. If unable to follow up directly with complainant or RP, identify and conduct recorded interviews of any witnesses present at the time the allegations were made (family members, friends, co-workers...) to attempt to obtain clarification about the allegations.
 - ii. If there is no recorded statement from the complainant or RP, review the written statement, online form, letter or other document submitted with information about the allegations to identify the involved issues.
 - iii. If unable to clearly establish the allegations, consult with the CI III for additional guidance.
 - b. Identify the sworn employee(s) that are the subject of the allegations. This identification can be derived from direct identification by the complainant or RP, through descriptive identification, bwc or other video footage, witness identification, self-identification by the sworn employee, reports, or other written documentation.
 - i. All reasonable efforts must be made to correctly identify the subject sworn employee, even with limited information from the complainant or RP. If attempts at identification have been unsuccessful, consult with the CI III for additional guidance.
 - c. Identify the sworn employee(s) that are witnesses and/or have secondary involvement in the case. This identification can be derived from direct

identification by the complainant or RP, through descriptive identification, bwc or other video footage, witness identification, self-identification by the sworn employee, reports, or other written documentation.

- d. Identify any civilian witnesses, including those involved and/or not involved in the incident (bystanders) when possible. This identification can be derived from direct identification by the complainant or RP, through descriptive identification, bwc or other video footage, self-identification from the witness, identification by the sworn employee, reports, or other written documentation.
 - i. If no recorded statement has been taken, the CI II will make reasonable attempts to conduct a recorded interview of any civilian witnesses that are identified to obtain a precise description of the incident that they observed.
 - e. Identify and review the specific violations, applicable OPD MOR sections, DGOs, OPD directives, and other related statutes to determine the elements that would need to be established to prove or disprove each allegation.
 - i. The CI II will ensure that they are taking into consideration the OPD MOR, DGO, directive or statute that was in effect at the time the incident occurred.
 - f. Assess the totality of the facts and information available to ensure that the allegations, witnesses and involved sworn employees have been properly identified. If allegations or named sworn employees need to be changed, the CI II should make necessary amendments.
2. Obtain and Assess Documentary and Physical Evidence
 - a. Documentary Evidence
 - i. Including but not limited to: police reports, CAD records, tow records, incident and arrest reports, medical records (with signed medical release), training protocols or records, stop data, patrol unit logs, staffing logs, medic run sheets, traffic collision reports, call logs, dispatcher staffing logs, taser logs, citations, property or evidence reports, warrants and affidavits, scheduling rosters
 - a) Before requesting any documentary evidence not explicitly listed above, the CI II will get prior approval from the CI III to ensure there is no restricted analytical information being accessed from OPD/IAD.
 - b) Intake technicians will attempt to gather relevant documentary evidence at the intake stage. However, the CI II should not assume that the documentary evidence gathered at the intake stage is comprehensive, and should identify and gather any additional available documentary evidence that might be necessary for the investigation.
 - b. Physical Evidence

- i. Including but not limited to: body worn camera (bwc / PDRD) video footage, videos from holding cells, witnesses, cell phones at the scene, or security systems from nearby businesses, social media posts, 911 and dispatch communications, photographs, texts, maps, phone records and other related physical evidence.
 - a) Intake technicians will attempt to gather relevant physical evidence at the intake stage, including compiling a file of bwc video footage in the Axon system. However, the CI II should not assume that the physical evidence gathered at the intake stage is comprehensive and should identify and gather any additional available physical evidence necessary for the investigation.
 3. Communication with OPD / IAD
 - a. Once the CI II has reviewed and assessed the allegations, applicable OPD MOR, DGO, directives, and statutes, and has determined the elements of the alleged violation, the CI II will contact the assigned DLI or IAD investigator (identified on the Summary Intake form) *via email only* with a copy to the Investigative CI III. The email communication is strictly limited to:
 - i. Introduction of the CPRA CI II assigned to the investigation
 - ii. Providing a list of identified allegations in the investigation, both alleged by the complainant or RP, and discovered by CPRA; and requesting the same from OPD/IAD
 - iii. Providing a list of MORs, DGOs, directives and/or statutes determined applicable to the investigation; and requesting the same from OPD/IAD
 - iv. Providing a list of documentary and physical evidence CPRA currently has related to the case; and requesting any additional objective evidence OPD/IAD has related to the case
 - v. Requesting the status of a parallel criminal investigation (if any) for purposes of tolling
 - vi. Deciding / agreeing on content of combined notices to OPD sworn employees for interviews
 - vii. Deciding / agreeing on scheduling for joint interviews of OPD sworn employees
 - viii. Scheduling interviews of OPD/IAD Subject Matter Experts
4. Conducting Interviews of Sworn Employees
 - a. The CI II will prepare for interviews of primary and secondary/witness sworn employees by reviewing and assessing the allegations, assessing documentary

and physical evidence, reviewing elements of the applicable policies, procedures and laws and reviewing their investigation plans.

- i. The CI II should prepare an outline of topics to be covered to serve as an interview guide.
 - b. The CI II will conduct or participate in all interviews related to their investigation, including of subject and witness sworn employees, unless they have received prior approval from the CI III that participation is not required.
 - c. Interviews of sworn employees regarding Level 1 (as defined by OPD) offenses will be video recorded. All other interviews of sworn employees will be video or audio recorded.
 - d. The purpose of the interview is to obtain all relevant information possible from the interviewee to aid in the determination of whether there was police misconduct. The questions are case specific but should be aimed at determining:
 - i. The who, when, where, what, how and why of the incident at issue. Determining the manner to ask these questions depends on whether the sworn employee is the subject or witness, the allegations, strategy, and the related policy, directive or statute.
 - ii. The CI II must keep in mind that the sworn employee being interviewed can be both the subject and witness in the case; and so should direct questions to the interviewee about actions taken and also about other actions witnessed.
 - iii. The CI II is not prohibited from conducting follow-up interviews, if necessary, but should make every effort to fully address all issues during the initial interviews.
 - iv. The CI II will maintain the audio-recordings for all interviews in the related case folder.
 - e. The CI II will utilize the best practices interview techniques taught by the CPRA or other certified training.
5. Investigative Analysis
- a. Objective, insightful analysis is critical in the investigative report as it provides the investigator's rationale and support for the finding. The analysis requires that the CI II assess and evaluate the allegations, statements, documentary, and physical evidence, in relation to the relevant policies, procedures and law, taking into consideration both the nuances and the totality of the circumstances from a reasonable standard.
 - i. The CI II will carefully evaluate the evidence for relevance and credibility, while being mindful to observe and correct their own personal biases.

- ii. The CI II will be careful to not give any greater or lesser weight or credence to any individual's testimony because of that person's position, race or ethnicity, gender identity, economic status, sexual orientation, housing status or membership in any protected class.
 - iii. The CI II will consider and assess both circumstantial and direct evidence in the analysis of the investigation.
 - iv. The CI II will summarize salient portions and organize those portions to create a clear narrative.
- b. The CI II will utilize the best practices in evidence analysis as taught by the CPRA and/or certified training.
6. Findings
- a. Based on the analysis in the investigation, the CI II can reach one of several findings: Exonerated, Unfounded, Sustained, Not Sustained, No MOR, No Jurisdiction and Not Mandated. (see Glossary for definitions)
 - i. The findings are based on a Preponderance of the Evidence¹⁰ standard of proof.
 - ii. The findings should accurately correspond to the wording of the allegation and the evaluation presented in the analysis.
7. Report of Investigation (ROI)
- a. The CI II will prepare an objective, thorough and comprehensive investigative report, in a clear and concise manner on the CPRA Investigation Report template.
 - i. In addition to a summary of the incident and the statements, the ROI primarily consists of an I.R.A.C. format:
 - a) What are the Issues or allegations in the case
 - b) Which Rules, directives or laws apply
 - c) What is the appropriate and lawful Analysis of the evidence
 - d) What is the consistent, objective Conclusion based on the analysis
 - ii. Where applicable, all sections of the ROI template should be populated with information.

¹⁰ "Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it." Black's Law Dictionary; Plain language understanding of "More likely than not" or 51%.

- iii. The CI II should proofread their ROIs for substantive, grammatical, formatting, and typographical errors.
 - b. If the investigation has revealed only findings of Not Sustained, Exonerated or Unfounded, No MOR or No Jurisdiction, and the evidence and analysis are direct and succinct, the CI II may utilize a short form Report of Investigation. The CI II must receive prior approval from the CI III to use the short form ROI.
 - c. The CI II will utilize best practices in investigative report preparation as taught by the CPRA and/or certified trainer.
8. Discipline
- a. If the CI II makes a finding of Sustained in the case, in addition to the ROI, the CI II will submit proposed discipline, including information sufficient to complete all areas on the Pre-Discipline Memo form, to the investigative CI III.
 - i. The CI II will determine the proposed discipline considering the aggravating and mitigating factors, along with other considerations as are listed on the Pre-Discipline Memo form.
 - ii. If the CI II does not reach a finding of Sustained on any allegation, a Pre-Discipline Memo is not necessary.
9. Non-disciplinary and policy recommendations
- a. CPRA can make recommendations to OPD for non-disciplinary measures to be taken with an officer such as Supervisory Note to File (SNF), re-training, or for policy changes as a result of recognizing issues during the investigation. Those recommendations are not binding on the OPD

D. Investigation Timeline and Review

1. The CI II shall attempt to complete a thorough and complete investigation of any assigned case as soon as is practicable, even prior to the 90-interval if possible.
2. On or about the 90-day interval for the case, the Investigative CI II and the CI III will communicate about the status of the case, either in a meeting or email, to discuss any issues the CI II might be having with the case, and the projected time of completion.¹¹ The CI III shall attempt to resolve any issues and provide additional assistance if possible. The CI III shall document the communication in the database Timeline / Chronological Log.

¹¹ At this interval, the CI II should indicate whether there is a request for administrative tolling and discuss completion of the CPRA 3304 Tolling form with the attorney and the CI III for approval by the Executive Director.

- a. At this interval, if the case is still open, the CI II will send an update letter or email to the complainant, if the contact information is available, advising that the case is still open and being investigated. (See template 5)
3. On or about the 150-day interval for the case, the CI II shall make every effort to complete and submit the draft Report of Investigation (ROI) to the Investigative CI III. Submission at this interval allows time for review, comments, and edits of the ROI as needed between the CI III and the CI II prior to the 180 days.
 - a. Along with draft ROI, if there is a finding of Sustained, the CI II will submit the Pre-Discipline Memo with proposed discipline.
 - b. The CI III will review and return the ROI to the CI II within ten (10) business days of receipt, with any questions, comment or edits. The CI II will address and/or correct any questions, comments or edits within five (5) business days of the returned ROI.
 - c. If the draft ROI is approved at this interval, the CI III will submit the ROI and Pre-Discipline Memo to the Executive Director or their designee for final review. The CI III will document the database Timeline / Chronological Log.
 - d. If the draft ROI is not completed at this interval, the CI II and CI III will communicate, either in a meeting or email about the status of the case and the projected time of completion. The CI III will attempt to provide guidance to assist the CI II in completing the case prior to the 180 days.
 - i. If at this interval it is expected that the case will not be completed by the 180-day interval, the CI III shall notify the Executive Director or their designee by email and shall document the communication in the database Timeline / Chronological Log.
 - ii. If the case remains open at this interval, the CI II will send another update letter/email to the complainant advising that the case is still open and being investigated.
 4. On or before the 180-day interval for the case, the CI II shall make every effort to complete and submit the draft ROI to the CI III. If the case has not been submitted in sufficient time for review, comments or edits, the CI III shall notify the Executive Director by email, and shall document the communication in the database Timeline / Chronological Log.
 - a. The CI III will review and return the ROI to the CI II within ten (10) business days of receipt with any questions, comments or edits. The CI II will address and/or correct any questions, comments or edits within five (5) business days of the returned ROI.
 - b. If the draft ROI is approved at this interval, the CI III will submit the ROI and Pre-Discipline Memo to the Executive Director or their designee for final review. The CI III will document the database Timeline / Chronological Log.

- c. If the draft ROI is not completed at this interval, the CI II and CI III will communicate, either in a meeting or email about the status of the case and the projected time of completion. The CI III shall notify the Executive Director or their designee by email, and shall document the communication in the database Timeline / Chronological Log.
5. On or about the 220-day interval for the case, the CI II shall make every effort to complete and submit the draft Report of Investigation (ROI) to the Investigative CI III. Submission at this interval allows time for review, comments, and edits of the ROI as needed between the CI III and the CI II prior to the 250 days.
 - a. The CI III will review and return the ROI to the CI II within ten (10) business days of receipt if there are any questions, comment or edits. The CI II will address and/or correct any questions, comments or edits within five (5) business days of the returned ROI.
 - b. If the draft ROI is approved at this interval, the CI III will submit the ROI and Pre-Discipline Memo to the Executive Director or their designee for final review. The CI III will document the database Timeline / Chronological Log.
 - c. If the draft ROI is not completed at this interval, the CI II and CI III will communicate, either in a meeting or email about the status of the case and the projected time of completion. The CI III will attempt to provide guidance to assist the CI II in completing the case prior to the 250 days, both keeping in mind the Charter mandate to complete investigations within 250 days, except in exceptional circumstances.
 - i. If at this interval it is expected that the case will not be completed by the 250-day interval, the CI III shall notify the Executive Director by email, and shall document the communication in the database Timeline / Chronological Log.
 - ii. If the case remains open at this interval, the CI II will send another update letter to the complainant advising that the case is still open and being investigated.
6. On or before the 250-day interval for the case, the CI II shall complete and submit the ROI to the CI III. If the case has not been submitted in sufficient time for review, comments or edits, the CI III shall notify the Executive Director¹² by email and shall document the communication in the database Timeline / Chronological Log.

¹² The Executive Director will decide in their discretion whether to issue a written finding that there were exceptional circumstances in that case beyond CPRA's control to warrant more than 250 days. Charter Section 604 (f)3

- a. The CI III will review and return the ROI to the CI II within ten (10) business days of receipt. The CI II will address and/or correct any identified issues by the CI III within five (5) business days of the returned ROI.
 - b. If the ROI is not completed by the 250-day mark, the CI II will prepare a memo describing the allegations, explaining the reason the investigation is not completed and providing a projected date for completion. The memo will be sent to the investigative CI III via email.
 - c. The CI III will review the memo and forward it to the Executive Director along with any explanations, recommendations regarding training, and/or recommendations of disciplinary action.
 - d. If the allegations are a Level 1 Use of Force, sexual misconduct or untruthfulness, the Executive Director shall notify the Chair of the Commission that the investigation has not been completed by 250 days.¹³
7. The CI II shall make every determined effort to complete their investigation at least one month before the one-year mark. While the one year deadline is not a Charter required mandate for CPRA, due to the language of the Public Safety Officers Procedural Bill of Rights, Section 3304(d) requiring, “any discipline of a sworn officer be finalized within one year of a public agency’s discovery... of the allegation”, CPRA will make every determined effort ensure that if there is discipline to be meted it can be done within the one year parameter.
 - a. If the CI II has not submitted the ROI at one month prior to the one-year mark, the CI II shall prepare a memo explaining the reason the investigation is not completed, including providing a projected date for completion and send it to the investigative CI III via email.
 - b. The CI III will review the memo and forward it to the Executive Director along with any recommendations regarding training and/or disciplinary action.
 8. Once the CI III has reviewed and approved the ROI, the CI III shall forward the ROI and Pre-Discipline Memo (if necessary) to the Executive Director or their designee for final review. The CI III shall document the database Timeline / Chronological Log.
 9. The Executive Director or their designee shall conduct a final review of the ROI and Pre-Discipline Memo. If there are questions, comments or edits, the Executive Director will document those and will return those to the CI II with a copy to the CI III, as soon as is practicable.

¹³ Charter, Section 604 (g)5 allows the Commission, on it’s own motion, to convene a Discipline Committee for those listed allegations if the case is not completed within 250 days, if the finding is not based on bwc footage or if there is no bwc footage available.

- a. The CI II will address any questions, comments or edits within three (3) business days and return the ROI and/or Pre-Discipline Memo to the Executive Director or their designee.
10. Once the Executive Director or their designee has approved the submitted ROI and Pre-Discipline Memo, they will notify the CI II with a copy to the CI III. The CI II finalize and sign the ROI (and Pre-Discipline Memo if necessary) and document the database Timeline / Chronological Log.

E. Investigation Findings, Notifications, and Discipline

1. The Executive Director or their designee shall make notifications regarding findings and proposed discipline to OPD/IAD, the Chief of Police and the Commission.
2. If the investigation is of any Level 1 Use of Force¹⁴, sexual misconduct or truthfulness allegation, the Executive Director shall issue written findings and proposed discipline to the Chair of the Commission and the Chief of Police within 48 hours of the completion of the investigation¹⁵.
3. If the investigation is of any other allegation of police misconduct, the Executive Director shall issue written findings and proposed discipline to the Chair of the Commission and the Chief of Police within 30 days of the completion of the investigation.¹⁶
4. If the Chief of Police (or their designee) agrees with CPRA's findings and proposed discipline, they shall notify the Executive Director who shall notify the Chair of the Commission of the agreed-upon findings and proposed discipline.¹⁷
 - a. If there is agreement, the Executive Director will notify the CI II and the CI III. The CI II will send a letter or email to the complainant indicating the findings (not discipline) in the case (Template # 8) and will document the database Timeline / Chronological Log.
 - b. If there is no discipline, or discipline that does not trigger the right to a Skelly Hearing, the CI III will document the database Timeline / Chronological Log and close the case out in the database.
 - c. If there is discipline giving rise to the right to a *Skelly* Hearing¹⁸, the CI III will not close out the case in the database until receiving direction from the Executive Director or their designee that the entire case has been resolved.

¹⁴ As defined by OPD, Charter Section 604(f)3

¹⁵ Charter Section 604(f)3

¹⁶ Charter Section 604(f)3

¹⁷ Charter Section 604(g)2

¹⁸ California Code of Regulations, Section 3392.7

5. If the Chief of Police (or their designee) disagrees with CPRA's findings and/or proposed discipline, the Chief of Police shall notify the Executive Director of his or her own findings and/or proposed discipline.¹⁹
6. If there is continued disagreement / no concurrence between the Chief of Police and the Executive Director, on the findings or proposed discipline, the Executive Director shall submit the findings and discipline information to the Chair of the Commission for the convening of a Discipline Committee.²⁰
7. Evidence shall be submitted to the Discipline Committee in accordance with the language of the Charter Section 604(g)2, and the finding of the Committee shall be binding on CPRA.
 - a. Once the finding is made by the Discipline Committee, the Executive Director will notify the CI II and the CI III as soon as is practicable. The CI II will send a letter or email to the complainant indicating the findings (not discipline) within five (5) business days and will document the database Timeline / Chronological Log. The CI III will close the case out in the database.

III. Training

A. Required training for Intake Technicians

1. Newly hired Intake Technicians will be trained by the Intake CI III or their designee with a directed training program designed to ensure it aligns with the intake individual duties, organizational priorities and CPRA mission. Training areas include but are not limited to:
 - a. CPRA required intake responsibilities
 - b. Complaint classifications
 - c. Communication with complainants and employees
 - d. Preparing statement summaries
 - e. Documentary evidence collection
 - f. Physical evidence collection
 - g. Case management, tracking and documentation
 - h. Database and other systems
 - i. Summary intake preparation

¹⁹ Charter Section 604(g)2

²⁰ Charter Section 604(g)2

- j. Any other training as required by the Executive Director
- 2. Intake Technicians will continue to receive directed training by CPRA supervisory staff and/or certified training on changes and updates including those in techniques, processes, systems and relevant laws, among other intake related areas for continued professional growth.
 - a. Intake Technicians will be required to complete no less than twenty (20) hours of related directed training per year.

B. Required training for Complaint Investigator II

- 1. Newly hired CI IIs will be trained by the CI III or their designee with a directed training program designed to ensure it aligns with the individual duties, organizational priorities, and CPRA mission. The CI III shall ensure that the CI II is proficient in investigative areas including but not limited to:
 - a. CPRA required CI II responsibilities
 - b. Investigation planning and strategies
 - c. Interviewing techniques for civilians and sworn employees
 - d. Documentary evidence gathering and assessment
 - e. Physical evidence gathering and assessment
 - f. OPD Manual of Rules, directives and training
 - g. Laws and statutes related to investigations
 - h. Assessment and Analysis of evidence
 - i. Use of Force
 - j. Profiling and biased based policing
 - k. Database and other systems
 - l. Case Management and tracking
 - m. Writing Report of Investigations
 - n. Determining discipline
 - o. Best practices in administrative investigations
 - p. Any additional training as required by the Executive Director

2. CI IIs will continue to receive directed training by CPRA supervisory staff and/or certified training on changes and updates including those in techniques, processes, systems and relevant laws, among other investigative related areas for continued professional growth.
 - a. CI IIs will be required to complete no less than forty (40) hours of related directed training per year.

C. Required training for Complaint Investigator III

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

D. Training Documentation

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

IV. Conflicts of Interest

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

CPRA

V. Confidentiality

The Community Police Review Agency staff must maintain the highest degree of confidentiality concerning matters related to CPRA complaints and investigations. A public servant shall not willingly and knowingly disclose for pecuniary gain, personal advantage or private interest, to any other person, confidential information acquired by him or her, in the course of his or her official duties.²¹

VI. Community Outreach and Engagement

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

VII. Operational Information

A. Contact Information

250 Frank H. Ogawa Plaza, Suite 6302

Oakland, California 94612

(510) 238-3159

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

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

B. Language Accommodations

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

C. Record Keeping

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

²¹ Oakland Ordinances, Title II, Chapter 2.25.040 D,