



MEMORANDUM

TO: Regina Jackson
Chair, Oakland Police Commission

FROM: LeRonne Armstrong
Chief of Police

SUBJECT: Proposed Policy Submission – CID P&P 19-01

DATE: October 7, 2021

PURPOSE

One of the Oakland Police Commission's powers is to approve or reject any changes proposed by the Department to policies, procedures, customs, and General Orders surrounding many aspects of the Department's operation and administration. Pursuant to this power, enumerated in Oakland City Charter section 604(b)(5), the Department respectfully submits the attached Policy and Procedure document for consideration for approval by the Oakland Police Commission.

BACKGROUND

The Oakland Police Department, like the majority of law enforcement agencies in the United States, categorizes uses of force by its officers based on a variety of criteria, increasing the scrutiny and intensity of investigation in proportion to the severity of the force or its aftermath. "Level 1" force, as enumerated in the Department's force reporting policy (DGO K-04), is the most serious incident of police force, to include incidents where a person loses their life as a result of a use of force or where an officer fires a lethal firearm at a person.

When Level 1 force occurs, the Department, City, and other government agencies may activate multiple investigatory teams to probe the incident. These include investigators from the prosecuting agency such as the District Attorney's office or the Office of the State Attorney General (depending on the situation), administrative investigators from the Citizen's Police Review Agency (CPRA) and the Department's Internal Affairs Division (IAD), and criminal investigators from the Department's Criminal Investigation Division (CID). The policy and procedure document (P&P) attached governs solely this last aspect – the criminal investigation – and gives specific direction to criminal investigators and all members of the Department on how to conduct these crucial investigations. Additionally, this document includes recommendations and enhancements to Department procedures in response to the Court-appointed Monitor's report regarding the investigation of the shooting of Joshua Pawlik in 2018.

POLICY DEVELOPMENT AND OVERSIGHT

This policy was initially drafted by the Department's Homicide Commander with input from the Homicide unit investigators. Additional Department resources tapped to provide input and drafting assistance were the CID Captain, the Bureau of Investigation Deputy Chief, CID investigators from other units, the Policy and Publication Lieutenant, and the Executive Team including Chief LeRonne L. Armstrong.

Once an internal draft was completed, multiple meetings and review sessions were convened with the members of the Independent Monitoring Team (led by Chief Robert Warshaw) and plaintiff's attorney James B. Chanin. At least nine (9) revisions of the policy were worked through as a result

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Page 2

of this development process, which incorporated many of the suggestions and input from these stakeholders. The result is the attached document, which the Department respectfully requests be placed on the agenda for approval consideration.

CONCLUSION AND RECOMMENDATION

While this document is still in a draft form, the Department has already implemented many of its provisions, which set forth clearly best practices and stringent guidelines to ensure thorough, unbiased, equitable, transparent, and comprehensive criminal investigations into Level 1 incidents. The Department is committed to utilizing the best practices for these investigations and, with input from the Monitoring Team and the plaintiff's attorneys, submits that this document represents these best practices. As such, staff respectfully recommend that the Oakland Police Commission place this P&P document on the agenda for approval consideration and approve the document for use in administration of the Department.

Respectfully submitted,

LeRonne L. Armstrong
Chief of Police
Oakland Police Department

Attachment (1):

A – Criminal Investigation Division Level 1 Investigations Policy & Procedure 19-01