



Community Police Review Agency

Annual Report 2019

City of Oakland

In Memoriam—Verdene Klasse

In December 2019, The Community Police Review Agency (CPRA) lost Verdene Klasse to sudden illness.

Ms. Klasse worked as an Office Assistant at the CPRA for nine years. In addition to providing administrative support to Agency initiatives and investigations, Ms. Klasse was the first person that most people outside the Agency would speak to and the first person that most people inside the Agency would ask for assistance.

She was a key member of the CPRA staff, and she is missed.



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A Message from CPRA Executive Director John Alden

2019 was a year of profound transition for CPRA. The Agency had two Interim Executive Directors in the first half of the year. I came on board on July 29, 2019, as the first permanent Executive Director of CPRA. As I reported to the Commission after my first 100 days, it was clear much work needed to be done at CPRA. While the staff were dedicated to the work of giving voice to the community, fairly investigating allegations of police misconduct, and holding officers accountable, CPRA was also understaffed, lacked sufficient training and policy, had little internal management structure, and was struggling with a four-fold increase in cases.

By the end of 2019, we had hired new staff, created new processes for investigating cases, and had improved training and public reporting of our work. Our internal culture began to shift from merely reviewing misconduct investigations undertaken by the Oakland Police Department to completing our own, independent investigations of officers. But that said, much of the work of building CPRA would continue into 2020.

California's police privacy laws – arguably the most secretive laws in the country – prevent us from reporting nearly as much as we would like to you, the public. But in this report, we hope to at least convey the way CPRA investigated cases in 2019 so that the public can rest assured we have been working hard to fairly, transparently, and assertively investigate the public's complaints.



CPRA OPERATIONS

CPRA Operations



Community Police Review Agency (CPRA)

The CPRA is the civilian investigative arm of the Oakland Police Commission with respect to misconduct by sworn members of the Oakland Police Department.

The primary role of the Agency is to investigate community complaints of misconduct arising out of community interactions with sworn members of the Department.

The Agency was created for this role by the passage of Measure LL in 2016, now encoded as Section 604 of the Oakland City Charter.

CPRA Operations

CPRA 2019 Year in Review

2019 was a year of many transitions for the CPRA. In December 2018, the Oakland City Administrator in consultation with the Oakland Police Commission appointed CPRA Supervising Investigator III Karen Tom to the position of Acting Director, and Director Tom served in that role through April 2019. From May through July 2019, the City Administrator and Commission appointed former Commissioner Mike Nisperos CPRA Interim Director. And, at the end of July 2019, John Alden was selected by the Commission and City Administrator to be the new permanent CPRA Executive Director. Also, in August 2019, the Agency reconfigured its office space in 250 Frank H Ogawa Plaza to accommodate workspaces for additional staff (can include picture(s) of office remodel), and in late August, the Agency hired three (3) additional line investigators, to bring its investigator staff from four to seven. In December 2019, The CPRA suffered the loss of long time Administrative Assistant Verdene Klasse to a sudden illness.

CPRA Operations

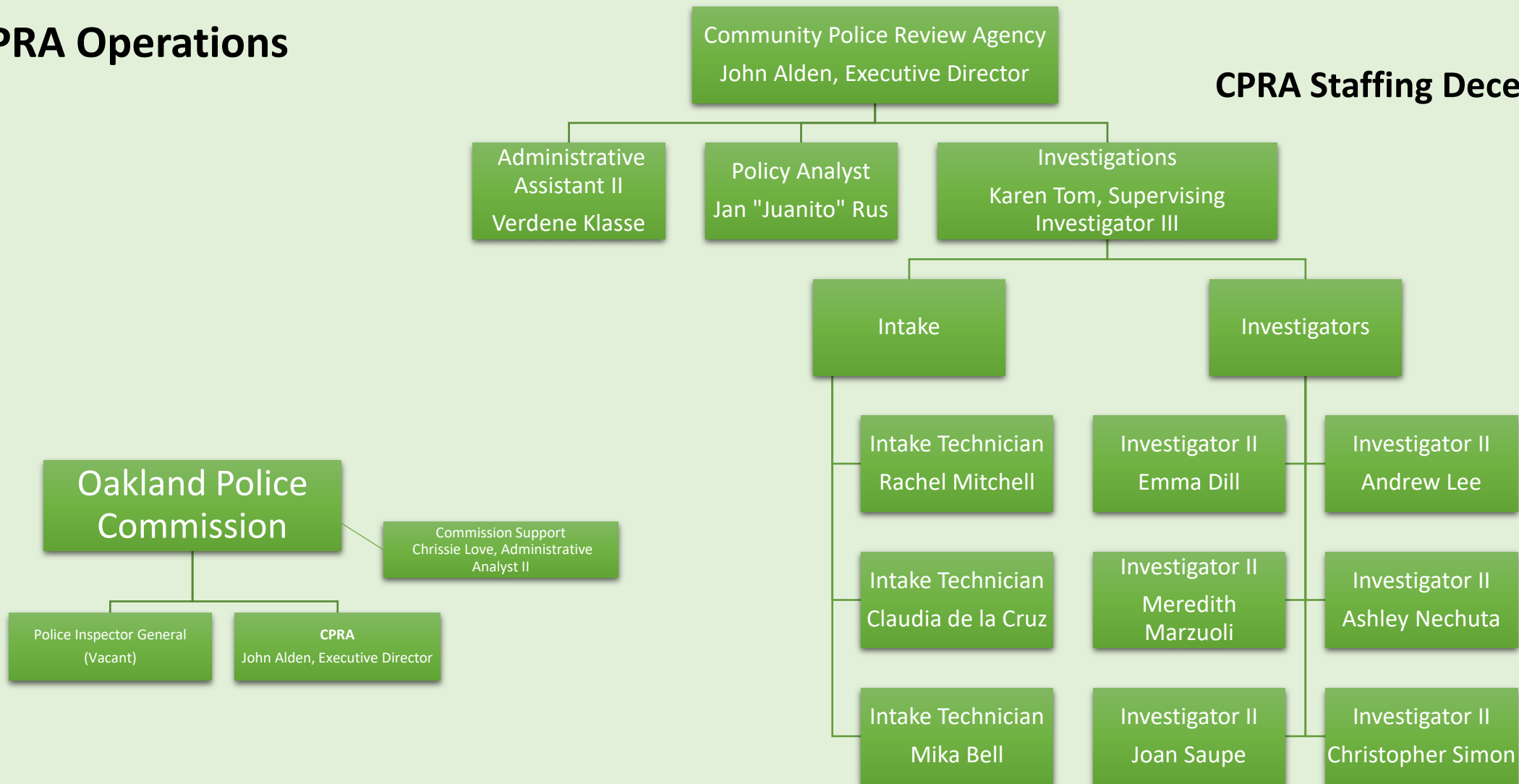
CPRA Staffing

At the end of 2019, the CPRA was staffed with one Supervising Investigator, six (6) line Investigators (one of whom is bilingual Cantonese-speaking and one of whom is bilingual Spanish-speaking), a Policy Analyst (bilingual Spanish-speaking), and three full-time Intake Technicians (one of whom is bilingual Spanish-speaking). The Agency had vacancies for a second supervising Complaint Investigator III, and an Office Assistant II.

With four bilingual staff, the CPRA was fully compliant with the City's Equal Access Ordinance in providing equal access to its services for all Oakland residents, regardless of English proficiency.

The full CPRA Organizational Chart as of December 2019 is available on the next page.

CPRA Operations



CPRA Operations



Staff Training

CPRA Staff participated in numerous outside training opportunities in 2019, as well as starting a regimen of internal trainings on topics related to Agency investigations.

External Trainings

- **NACOLE 2019**— 4 staff members attended the Annual Conference of the National Association for Civilian Oversight of Law Enforcement held in Detroit, MI September 22-26, 2019.
- **NIAIA 2019**— 6 staff members attended the Annual Conference of the National Association of Internal Affairs Investigators held in Philadelphia, PA October 6-10, 2019.
- Staff also attended additional external one-time trainings, both live and online, offered through POST, NACOLE, and CPOA.

CPRA Operations

Staff Training

Internal trainings

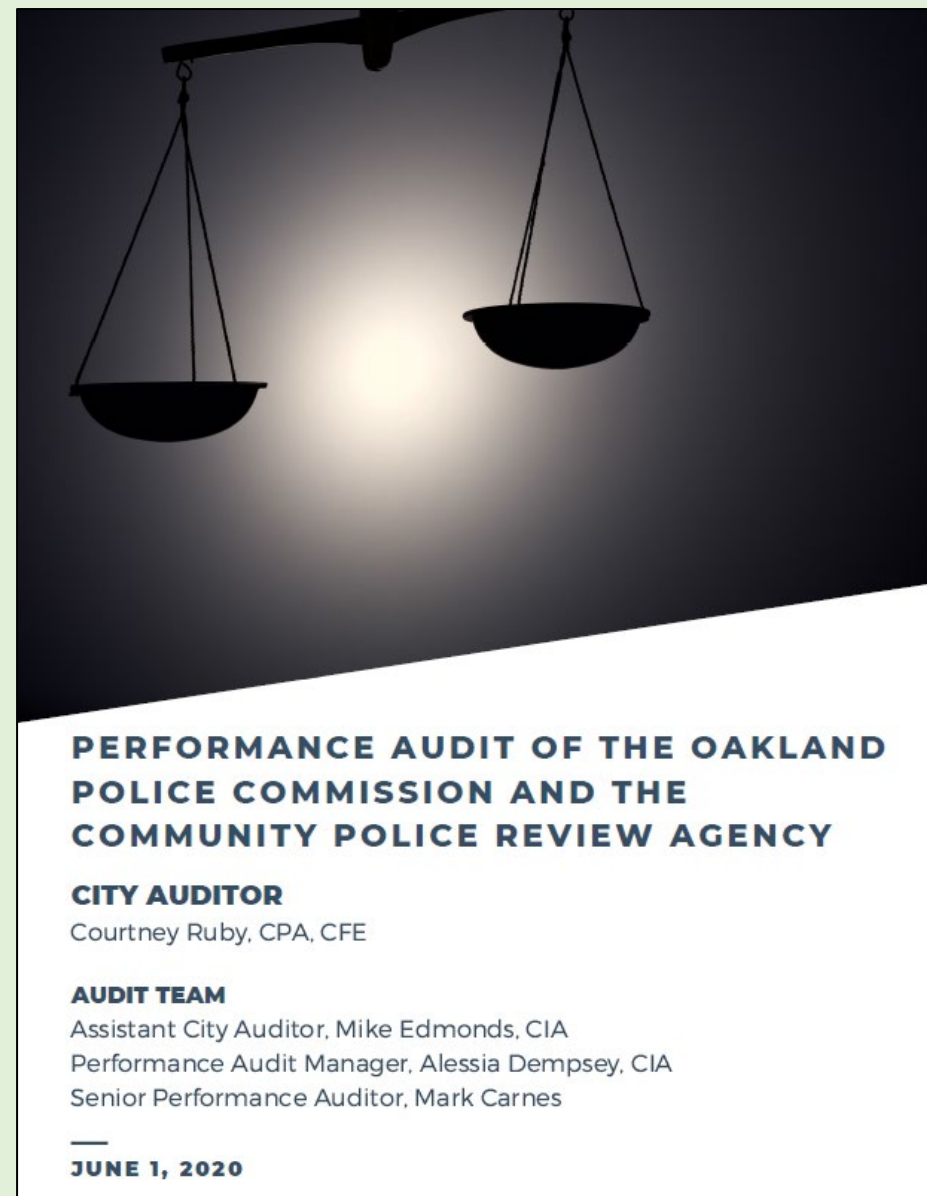
- August 2019—Legal authorities and the CPRA v. CPRB—Training on the language and legal interpretations of Oakland Charter Section 604 (Measure LL) and the City Council created enabling ordinance for the same. Additional focus on differences in mandates and legal authorities related to the role of disciplinary investigations between the former Citizen’s Police Review Board (CPRB) and the Community Police Review Agency. Presented by CPRA Legal Counsel Emily Prescott.
- October 2019—CPRA POBRA Training including 3304— Training on California Peace Officer Bill of Rights and implications for and effects on CPRA Investigations. Presented by CPRA Director John Alden and CPRA Legal Counsel Emily Prescott.
- In addition to the internal trainings for all staff, new staff members attended the Oakland Police Department Force Options Taser training and participated in OPD ride-alongs.

CPRA Operations

Agency Audit

In 2019, the City of Oakland's independent elected City Auditor undertook a full Performance Audit of Agency practices and investigations as mandated by the Oakland City Charter. Agency staff worked closely with the audit team through this process and complied fully with the Auditor's requests.

The City Auditor released their final report on June 1, 2020, available at https://www.oaklandauditor.com/wp-content/uploads/2020/06/20200601_Performance-Audit_Police-Commission-CPRA_FINAL-REPORT.pdf, and the Agency has already undertaken many of the recommendations contained in that report.





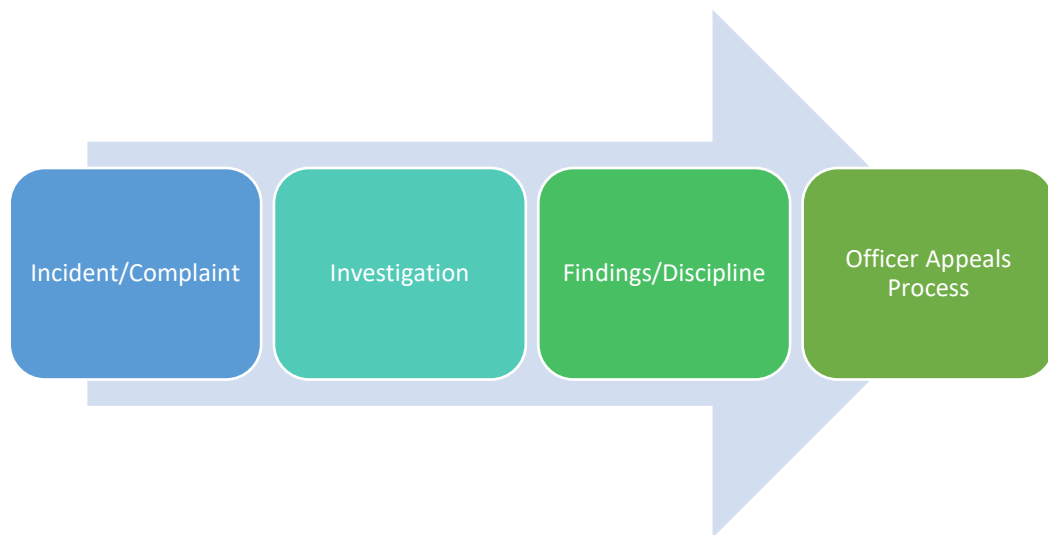
City of Oakland

INVESTIGATIONS 2019

Note on the structure and statistics in the report of CPRA Investigations:

The investigations section of this report follows the path of a CPRA investigation from the incident in which the alleged misconduct occurs to the final City determination of findings and discipline. While the materials in this report could be organized in many different ways, we hope this order will help the reader best understand our investigative process.

The statistical information in this report refers to complaints received by the CPRA during the calendar year, and also to investigations the CPRA closed during the calendar year. Because the investigation of a complaint made in one year may not be complete until the next, these are two different sets of cases: one for complaints received in 2019, and one for those closed in 2019. This is always a challenge for agencies like ours to communicate to the public. We hope this explanation helps make the statistics in this report easier to understand.



Lifecycle of an Investigation

1) Incident/Complaint – page 16

The work of the CPRA starts with an **incident** in which a member of the public believes that a sworn member of the Oakland Police Department has engaged in misconduct. Any member of the public may make a **complaint** about the conduct of a sworn member of the OPD, and a copy of that complaint must be given to both the Oakland Police Department and the Community Police Review Agency within 24 hours of its receipt.

2) Investigation – page 22

When the Agency receives a complaint about the conduct of a sworn member of the OPD it becomes an official CPRA investigation and is assigned to Agency investigative staff to determine the merits of the complaint and whether any Department policies were violated.

3) Findings/Discipline – page 46

Once the CPRA investigation has concluded, the Agency issues its official **Findings** as to the conduct under investigation. These findings are sent to the Chief of Police, and the Chief and Agency Director meet to determine whether they agree on findings and proposed officer **Discipline**. If the Department and CPRA do not agree on Findings and Discipline, the issue goes to a Discipline Committee formed by the Oakland Police Commission to determine the City's final position. The City notifies the subject officer(s) of those findings and proposed discipline.

4) Officer Appeals Process – page 52

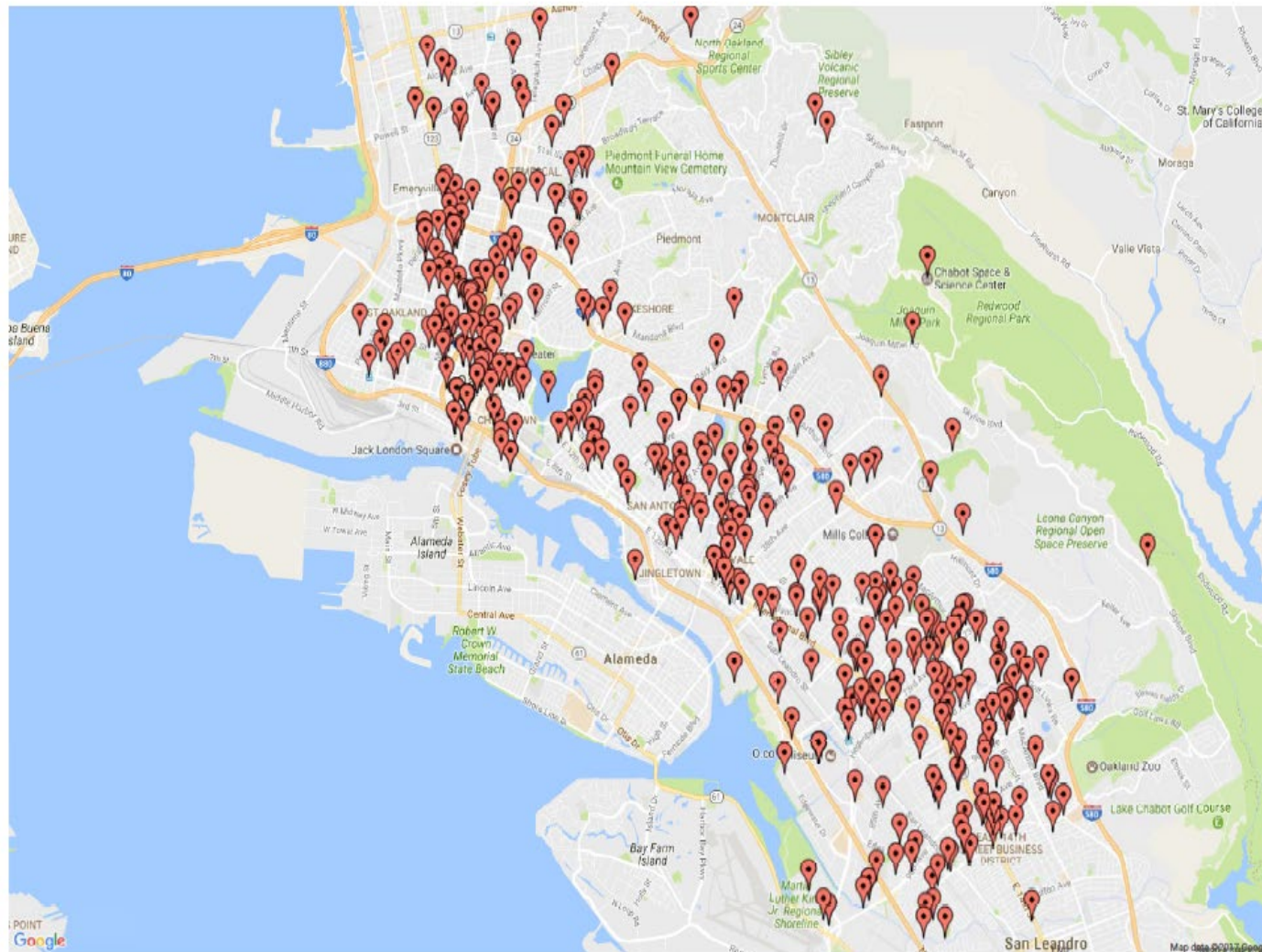
Once notified that they are the subject to disciplinary action for a sustained finding of officer misconduct, a sworn member of the OPD may invoke their employee rights through the **Officer Appeals Process**, which may include a hearing by a Skelly Officer or an appeal to outside arbitration.

Incident/Complaint

Incidents

Whenever a member of the Community has an interaction with a sworn member of the OPD which they believe to be wrong, they have the right to make a formal complaint against that officer.

A complaint may be filed at any time. Roughly 85% of all community complaints are made to the OPD, not the CPRA, and they are usually made in the field to a supervising officer at the time of the alleged misconduct. Only a small fraction of all complaints are made to CPRA after the fact. CPRA investigates regardless of who initially receives the complaint.



Map of incidents that were the subject of a complaint in 2019 for which location data exists in the CPRA database.

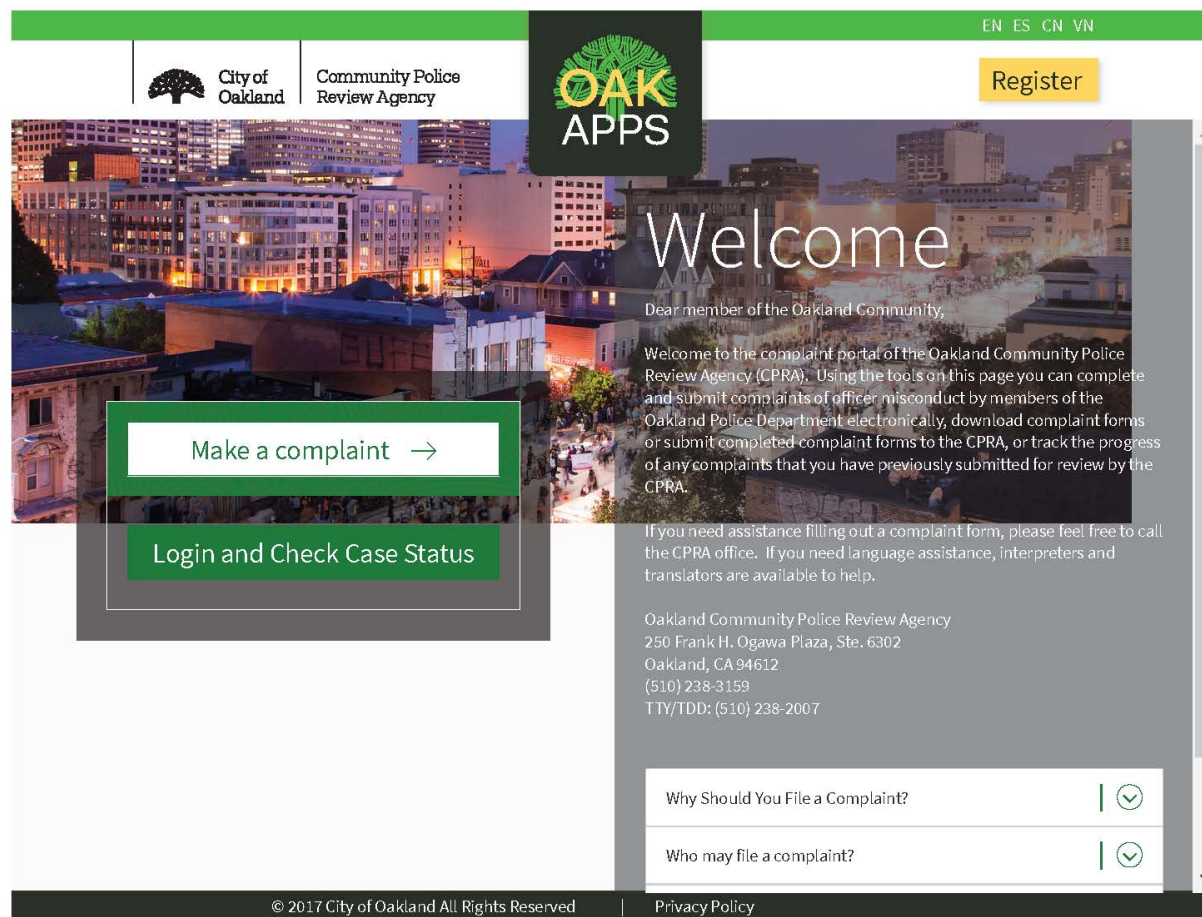
Incident/Complaint

How Complaints are Made

Most complaints investigated by the CPRA are initially made through OPD patrol officers. These often occur during or directly after the incident which generates the complaint. Any member of the public may ask an officer for assistance filing a complaint, and officers are obligated to assist. Failing to assist with a community member's complaint is a violation of department policy. During 2019, nine (9) allegations like this resulted in formal disciplinary action against officers.

Complaints may also be filed at any time after the alleged misconduct by submitting a complaint form through the Department's Internal Affairs Division (IAD), or by submitting a complaint by telephone, mail, or via the Agency's online complaint form.

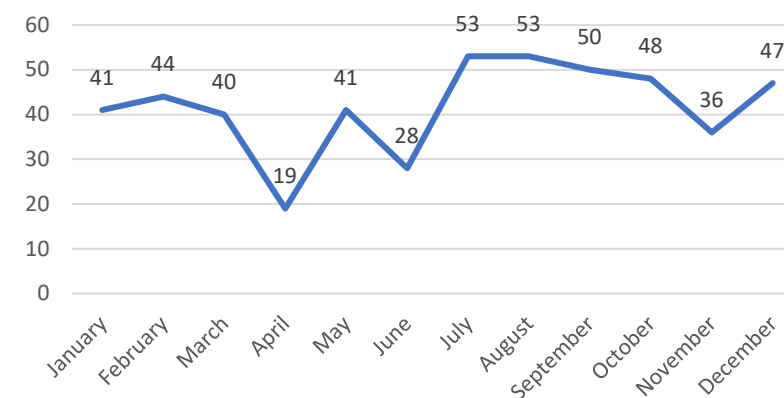
Incident/Complaint



2019 Complaints Received: 500

In 2019 the CPRA processed 500 complaints of misconduct by sworn members of the OPD. Roughly 85% of these complaints were filed with an OPD supervisor in the field, with the remainder submitting complaints directly to the OPD Internal Affairs Division (IAD) and the CPRA.

CPRA Complaints Received by Month
2019



CPRA online complaint form available at: <https://apps.oaklandca.gov/CPRA/>

Incident/Complaint

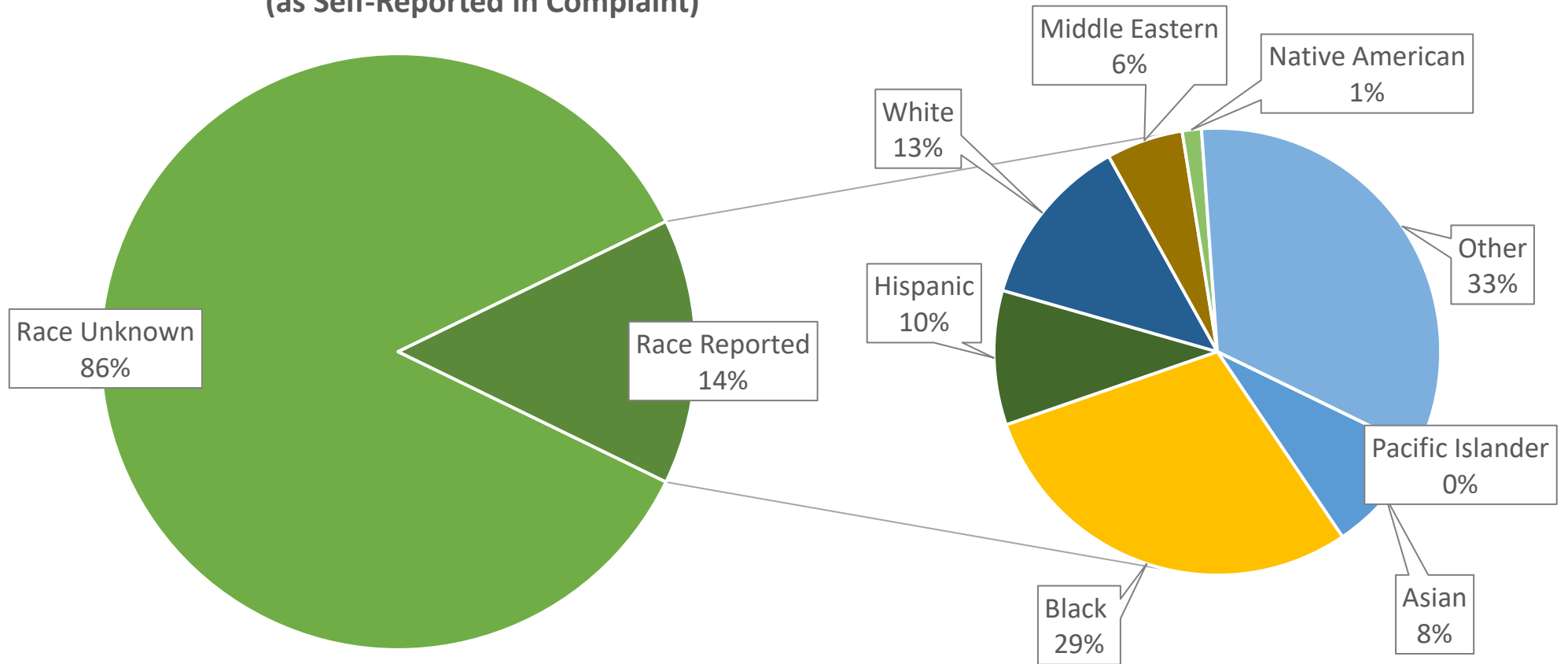
Complainant Demographics

The figures on the next two pages show the demographics of those complainants who self-identified their race and gender on their complaint forms.

Complaints made in the field to sworn members of the Oakland Police Department generally do not include demographic information about the complainant, therefore the CPRA only has this data for the approximately 15% of complaints that are filed directly with Internal Affairs and the Agency.

Incident/Complaint

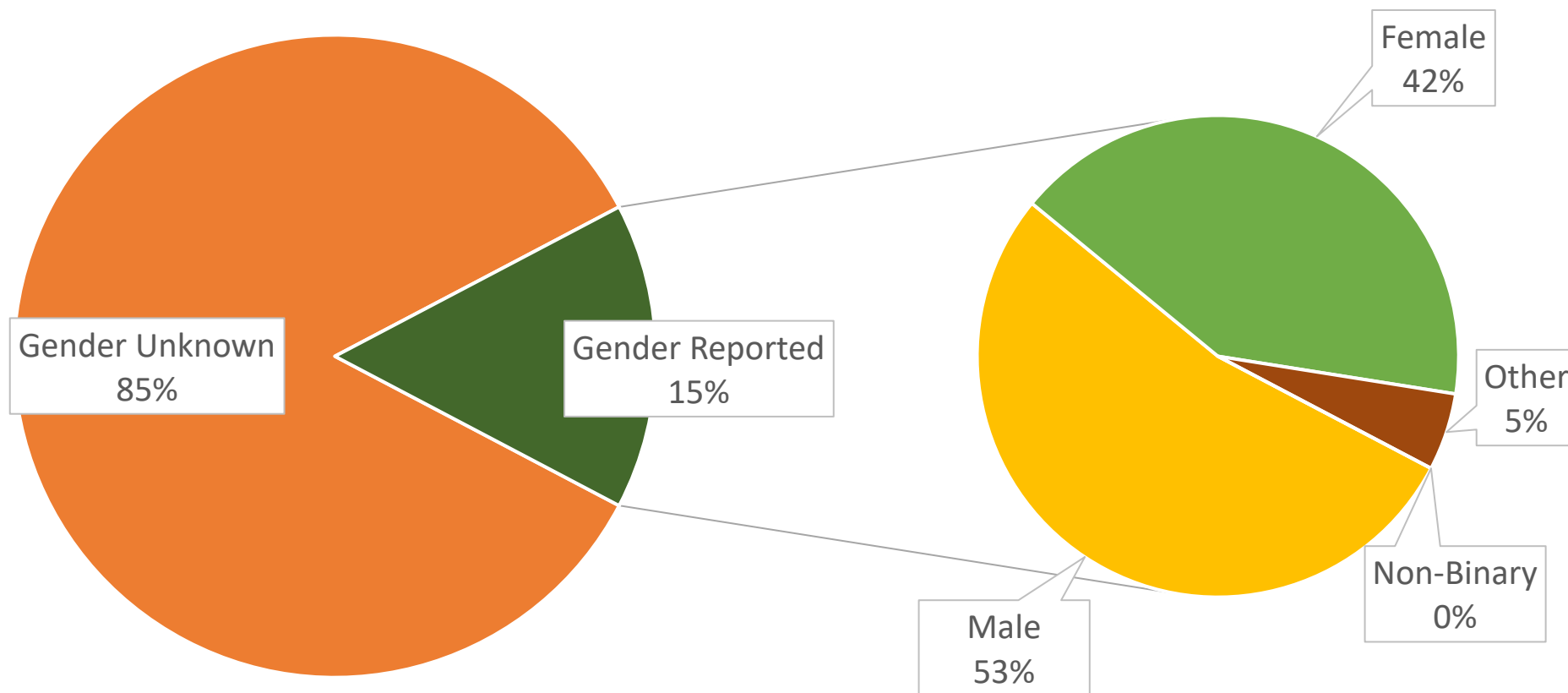
2019 CPRA Complaints by Complainant Race (as Self-Reported in Complaint)



Note: Anecdotally, many of those who reported their race as “other” on a complaint form would have reported multiple categories if that were an option.

Incident/Complaint

2019 CPRA Complaints by Complainant Gender (as Self-Reported in Complaint)



Investigation

*The stages of a CPRA investigation*Initial
Assessment
pg. 23Intake
Investigation
pg. 24Assigned to
Investigator
pg. 26Report of
Investigation
pg. 30

All public complaints of police misconduct are shared between both the OPD's Internal Affairs Division (IAD) and the CPRA within 24 hours of receipt.

Every complaint has a case number. That number starts with the final two (2) digits of the year in which the complaint is filed, followed by a four (4) digit number which is issued sequentially as complaints come in. So, for example, the 532nd complaint received in 2021 would be Case 21-0532.

The CPRA and OPD have equal authority to access records related to any investigation of officer misconduct. Department personnel who fail to comply with requests from either party may be disciplined.

Investigation

Initial
Assessment

Initial Assessment: Complaints and Allegations

Complaints first come directly from members of the community. CPRA staff break that complaint down into separate actions by the police officer that might constitute a violation of the Oakland Police Department Manual of Rules (MOR). Each action the complaint complains about is called an “Allegation.” A separate allegation is created for each officer who participated in each potential violation.

The CPRA may also add allegations that its staff discover as they investigate the case, even if the complainant did not raise those allegations.

At the CPRA, each complaint is initially reviewed by a supervising Investigator III. Many public complaints include allegations which are not subject to the CPRA’s jurisdiction, such as the behavior of law enforcement officials from other agencies, or civilian members of the Police Department. Complaints in which there is an allegation of misconduct by a sworn member of the Oakland Police Department are generally assigned to an Agency Intake Technician by the supervising investigator.

Investigation

Complaints Assigned to Intake

Either the Executive Director or a supervising Investigator III then assigns the complaint to one of the Agency's intake technicians for a preliminary investigation.

Intake
Investigation

During the intake process, the assigned technician will begin to gather and review the documents and other records needed for the case. These documents usually include the CIR developed by IAD; arrest records, communication and dispatch logs; footage from body worn cameras, etc. An intake technician may also call the complainant to conduct a preliminary interview if one was not already done, or follow up with the complainant on details of the case.

After an intake technician has performed an initial review of all available evidence, they present the case to a supervising investigator. The CPRA intake team attempts to move all complaints through the intake process within 90 days of receipt of the original complaint.

Investigation

Intake
Investigation

Intake Workload

The Oakland City Charter says that if a public complaint is made about a sworn OPD officer's use of force, profiling based on protected class, in-custody death, or activities associated with a 1st amendment assembly, the CPRA is mandated to investigate. In most years, about half of public complaints are mandated cases.

In 2019, CPRA only had the resources to investigate these mandated cases. Altogether, the Agency's three intake technicians collectively assembled 227 separate preliminary investigative files on cases that were closed in the 2019 Calendar year.

Closure after Intake

After the intake process, the CPRA may either close the investigation, OR assign it to an Agency investigator for further investigation.

In 2019, CPRA closed 163 investigations with no sustained findings after the Intake Process. An additional 64 cases went through Intake first, then were assigned to Agency investigators for more work, and then were closed after a deeper investigation.

Investigation

Assigned to
Investigator**Complaints Assigned to Agency Investigators**

If the Executive Director or a supervising Investigator III assigns a case to an investigator, that investigator receives the whole file assembled by Intake. Agency investigators then conduct thorough investigations of alleged violations of the OPD Manual of Rules (MOR).

These investigations include interviews of witnesses including both members of the public and other witness officers, a review of the documentation of the incident including reports, records and body worn camera footage generated by the OPD and those submitted by the complainant or generated through the investigation itself, review of applicable laws and policy, and interviews of OPD officers who are the subject of the complaint.

All CPRA investigators have special training and experience in California law and investigations of police misconduct. 85% of the Agency's investigators have received licenses to practice law in the State of California.

Investigation

Investigation Plans

At the end of 2019, the CPRA began using for the first time “Investigation Plans” to better structure and track the work in each case.

Assigned to
Investigator

Once an investigation is assigned to a CPRA investigator, and after that investigator has had a chance to review the available documents and intake work, the investigator will formulate an investigative plan tailored to the facts of the case and the evidence that the investigator believes will be necessary to come to a conclusive finding as to the alleged misconduct. These investigative plans are reviewed and discussed with a supervising investigator, the Agency Director, and/or Agency legal counsel during regular case check-ins and may change over the course of an investigation as more information becomes available.

Investigative plans will also vary based on the complexity and nature of the underlying allegations. While most agency investigations involve single interactions between members of the public and a small number of officers – such as a traffic stop or arrest – some involve more complex Department operations such as tactical team call-outs or crowd control operations that may involve dozens of officers and hours or even days of officer actions that require careful review.

Investigation

Assigned to
Investigator

Discovered Allegations

While conducting an Agency investigation, the assigned Intake Technician and/or Investigator may discover evidence of additional misconduct that the original complainant would have had no reason to know. These can be general, such as an officer's failure to activate a body worn camera, or could be more serious misconduct such as conducting improper or illegal stops or searches, filing false reports, impeding the investigative process or lying.

While the Agency does not sustain every discovered allegation, they have a much higher sustain rate than other allegations and often lead to discipline. These are among CPRA's most important contributions to holding officers accountable.

CPRA Investigators closed 20 discovered allegations in 2019. Of these, 15 – or 75% of the total – resulted in sustained findings. 1 discovered allegation was exonerated upon further review, and 4 resulted in findings of not-sustained, meaning that there was insufficient evidence to either prove or disprove the alleged misconduct.

Allegations discovered by Agency investigators have resulted in discipline up to and including termination of the subject officer.

Investigation

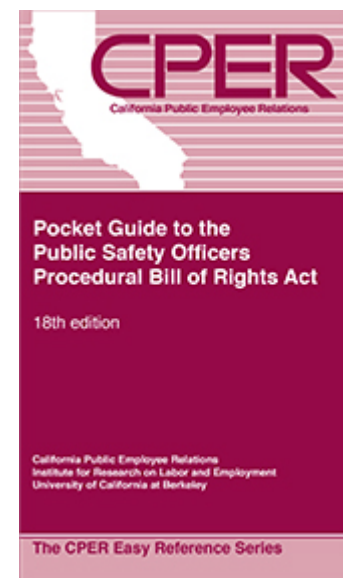
Assigned to
Investigator

Officer Interviews

Officer interviews are a key component in many investigations. This includes interviews of witness officers, in addition to the officers who are the subject of the complaint. Interviews allow Agency investigators to ask officers to articulate both factual details of the incident under review as they understood them at the time, as well as their understanding of Department policy and training with respect to those facts. Additionally, interviews allow investigators to assess officer credibility and demeanor, carefully consider findings for specific allegations, and memorialize circumstances which aggravate or mitigate any discipline.

All public safety officers in the State of California are afforded special protections under the California Public Safety Officers Procedural Bill of Rights Act (POBAR), which include strict legal frameworks for officer interviews. Additionally, subject officers are entitled to legal counsel for all interviews. Therefore, interviews of subject officers are amongst the most complex tasks performed by Agency investigators and require extensive preparation.

- **Number of Subject Officers in 2019 Closed CPRA Investigations : 161**
- **Average Number of Subject Officers per Closed CPRA Investigations : 2.52**



Investigation

Findings/Report
of Investigation
(ROI)

Report of Investigation

When an investigator has completed their investigation, they present the investigation to their supervising investigator and to the Agency Director. The Investigator memorializes the investigation and findings in a Report of Investigation (ROI) which is signed by both the Agency Director and the assigned investigator. These documents are the most important records generated by the Agency as they establish the record that supports any disciplinary action by the City and serve to formally close the Agency's investigation.

Every ROI includes the findings as to each allegation that was investigated and the evidence and analysis the investigator relied on to support those findings. If an investigation sustains any of the allegations contained in a complaint, the Agency ROI is included in the official record of the disciplinary process that is sent to the subject officer for review and becomes a central element of that officer's appeals process. The ROI must, therefore, not only satisfy Agency leadership, but must be able to withstand the scrutiny of the appeals process.

CPRA Standard of Proof: Preponderance of the Evidence

CPRA Investigations use the Preponderance standard. Under the preponderance standard, the burden of proof is met when the CPRA investigation shows there is a greater than 50% chance that the allegation is true and is also a violation of Police Department policy.

This is the most common such standard used in police discipline. Of the standards used, it is also the most favorable to complainants.

Investigation

Findings/Report
of Investigation
(ROI)

Findings

Agency findings with respect to specific sworn officers become part of those officers' personnel files and may result in disciplinary action.

For a given allegation against a sworn member of the OPD, the Agency may come to one of the following findings:

- **Sustained:** The act(s) alleged by the complainant occurred and constituted misconduct.
- **Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.
- **Unfounded:** The act(s) alleged by the complainant did not occur.
- **Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

A finding of Sustained affirms that the officer acted inappropriately and results in discipline, and findings of Exonerated or Unfounded affirm that the officer acted according to law and policy. A Not Sustained finding makes no judgment about the behavior of the officer.

Investigation

Findings/Report
of Investigation
(ROI)

But What Do These Findings Really MEAN?

We are often asked to explain these findings even further, as these definitions are extremely technical. While the following is an oversimplification, these broad brushstrokes can help:

- **Sustained:** The complainant was right that the officer did something wrong.
- **Exonerated:** The officer did what he has been trained to do by the Department in that situation. Whether that behavior met community expectations for officer behavior is an entirely different question – it may or may not have. The complainant might be right that the officer did not meet community expectations, even though they followed policy.
- **Unfounded:** While the complainant may have legitimately perceived a violation, after a full investigation, it turned out there was more to the story that they did not know. Alternatively, in some cases, the complaint came from someone who was not at the scene in the first place, was under the influence, or was having a mental health crisis. Or they might have been reporting a suspicion for which the investigation yielded no supporting evidence, so there was no proof they were right in the first place. Rarely does this finding mean the complainant was lying.
- **Not Sustained:** At the end of the day, it's not clear who was right or what happened.

Investigation

Findings/Report
of Investigation
(ROI)

Findings of Lack of CPRA Jurisdiction

Sometimes cases are of a sort that the CPRA cannot investigate. These situations have specific findings, too:

- **No Officer:** The CPRA investigation was unable to identify the officer that is the subject of the allegation.
- **No Jurisdiction:** The subject of the allegation is not a sworn member of the OPD – often because they were officers of other law enforcement agencies or non-sworn members of the Oakland Police Department.
- **No MOR Violation:** The alleged conduct does not violate any department rule or policy.
- **Service Complaint:** The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer. For example, a complaint that officers were not dispatched quickly enough.
- **3304 Violation:** The 1-year statute of limitations on investigation of police officer misconduct set forth under California Penal Code Section 3304 expired before the officer was sent official notice of proposed discipline based on the investigation. This may indicate the investigation was not complete by the statutory deadline; but can also apply if the statute of limitations expired before the complaint was made if no new evidence was introduced which might allow the Agency to seek an extension of that deadline.

Investigation

Findings/Report of Investigation (ROI)

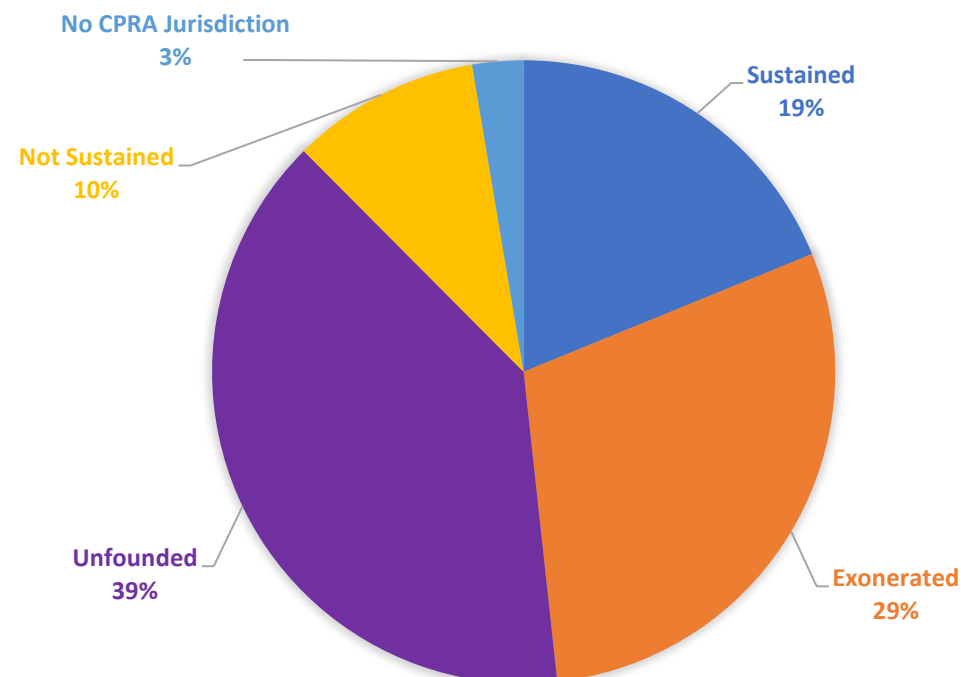
2019 Findings for Investigations Conducted by Agency Investigators

CPRA investigators closed 64 investigations in 2019. 28 of these investigations – or 44% of all investigations closed by an Agency investigator – included at least one sustained allegation.

These 64 cases contained 386 separate allegations of misconduct, with an average of 6 allegations per closed investigation (range = 1-32). Of the 386 allegations investigated, 73 (19%) resulted in sustained findings of misconduct.

However, the Exonerated rate of 30% shown in the graph at right does suggest that there are a substantial number of incidents in which Oakland Police Department policy permits officers to behave in a way that does not meet the expectations of complainants. This may be a sign that OPD policy does not meet community expectations and will be a good source of research for the Inspector General, once that office is stood up.

2019 FINDINGS FOR ALLEGATIONS INVESTIGATED BY CPRA INVESTIGATOR



Investigation

Findings/Report
of Investigation
(ROI)**Findings for Investigations Conducted by Agency Investigators**

The following pages contain statistical information on the CPRA findings for each allegation closed by Agency Investigators in 2019 grouped by the MOR section to which they belong. In most of 2019, CPRA did not generally report cases closed at Intake, so those are not included here. That practice changed at the end of 2019 such that closures at Intake will be reported in 2020 and forward.

Each table includes the number of each allegation investigated, and the agency findings for that kind of allegation across all 2019 closed cases. Those findings are reported both as a total count of each finding, and by percentages showing how common that finding was among a given kind of allegation.

Investigation

Findings/Report
of Investigation
(ROI)

Notes on 2019 Finding and Allegation Tracking

In 2019, CPRA had three Executive Directors, and was still adapting to the requirements of Measure LL. This rapid change in leadership and direction, coupled with lack of clear guidance to investigators in prior years, led to a variety of different approaches by the agency from case to case in tracking allegations and findings.

In particular, whether any specific allegations were brought by investigators or by complainants was not robustly tracked. Also, many investigators would list in the database allegations they had brought themselves for the sake of being thorough, even if not sustained, or even raised by complainants. In 2020, the latter practice was replaced with meetings with supervisors in lieu of added allegations in the database, and the former improved. That said, many Exonerated and Unfounded allegations in 2019 represented not a failure to Sustain a complaint from a member of the public, but rather memorialization that an investigator took the initiative to check on an officer's conduct broadly by assessing all of the officer's conduct.

Use of Force and Unlawful Search/Arrest were commonly areas in which Investigators examined these issues. The high level of Exonerated and Unfounded findings in therefore partly because CPRA investigators robustly checked these issues of their own initiative.

In future years, allegations will more closely track those brought by complainants regardless of findings, and those raised and sustained by CPRA.

MOR Rules Investigated by the CPRA in 2019

Most MOR violations investigated by the Agency have to do with officer conduct while on duty. However, occasionally incidents may also generate allegations against supervising and commanding officers for failures related to their supervisory responsibilities. The CPRA can and has investigated allegations of misconduct against OPD members of every rank and has sustained such allegations when an Agency investigation has determined that officer actions – including those of supervisors or commanding officers – constitute violations of the OPD Manual of Rules.

In 2019, CPRA investigated allegations against both officers and supervisors from the following MOR sections:

Chapter II - Command and Supervisory Authority and Responsibilities

234 Commanders
285 Supervisors

Chapter III - Rules and Regulations for All Members and Employees

314 Professional Conduct and Responsibilities
328 General Conduct on Duty
342 Department Property and Equipment
370 Investigations, Arrests, and Detentions
398 Judicial and Investigative Actions, Appearances and Testifying

234 – Commanders

Command – Authorities and Responsibilities	1	
Sustained	1	100%

285 – Supervisors

Supervision – Authorities and Responsibilities	2	
Sustained	1	50%
Not Sustained	1	50%
Supervision – Enforcement of Rules	1	
Sustained	1	100%

Investigation

Findings/Report
of Investigation
(ROI)

Investigation

Findings/Report
of Investigation
(ROI)

314 – Professional Conduct and Responsibilities

General Conduct	2	
Sustained	2	100%
Conduct Toward Others – Harassment and Discrimination	36	
Exonerated	8	22%
Unfounded	27	75%
Not Sustained	1	3%
Conduct Toward Others - Profiling	1	
No Jurisdiction	1	100%
Conduct Toward Others – Relationships	1	
Sustained	1	100%
Conduct Toward Others – Unprofessional Conduct in Violation of AI 71	1	
Sustained	1	100%
Conduct Towards Others – Demeanor	29	
Sustained	7	24%
Exonerated	4	14%
Unfounded	15	52%
Not Sustained	3	10%
Insubordination – Failure or Refusal to Obey a Lawful Order	1	
Sustained	1	100%
Obstructing the Internal Affairs Process	2	
Sustained	1	50%
Unfounded	1	50%
Gift, Gratuities – Soliciting or Accepting	1	
Sustained	1	100%
Performance of Duty – General	55	
Sustained	11	20%
Exonerated	17	31%
Unfounded	19	35%
Not Sustained	6	11%
No Finding - Complaint Withdrawn	1	2%
No Finding – No Officer	1	2%

Performance of Duty – Care of Property	13	
Sustained	1	8%
Exonerated	2	15%
Unfounded	6	46%
Not Sustained	4	31%
Performance of Duty – Handcuffing	4	
Exonerated	2	50%
Unfounded	2	50%
Performance of Duty – Miranda Violation	1	
Exonerated	1	100%
Performance of Duty – Personal Digital Recording Device (PDRD)	9	
Sustained	8	89%
Unfounded	1	11%
Performance of Duty – Unintentional/Improper Search Seizure Arrest	64	
Sustained	8	13%
Exonerated	48	75%
Unfounded	7	11%
Not Sustained	1	2%
Obedience to Laws – General	6	
Exonerated	1	17%
Unfounded	3	50%
Not Sustained	2	33%
Obedience to Laws – Driving Under the Influence	3	
Sustained	3	100%
Obedience to Laws – Felony/Serious Misdemeanor	2	
Not Sustained	1	50%
No Finding – No Officer	1	50%
Reporting Violation of Laws, Ordinances Rules or Orders (Class 1)	1	
Sustained	1	100%

Investigation

Findings/Report of Investigation (ROI)

328 – General Conduct on Duty

Prohibited Activity on Duty – General	2	
Sustained	2	100%
Prohibited Activity on Duty – Sexual Activity	1	
Sustained	1	100%
Consumption of Intoxicants	1	
Sustained	1	100%

342 – Department Property and Equipment

Department Property and Equipment	1	
Sustained	1	100%

370 – Investigations, Arrests and Detentions

Use of Force	108	
Sustained	4	4%
Exonerated	34	31%
Unfounded	62	57%
Not Sustained	7	6%
3304 Violation	1	1%
Custody of Prisoners	2	
Sustained	1	50%
Unfounded	1	50%
Failure to Report	1	
Sustained	1	100%
Security of Departmental Business	1	
Not Sustained	1	100%
Compromising Criminal Cases	1	
Sustained	1	100%

370 – Judicial and Investigative Actions, Appearances and Testifying

Notification – Criminal	1	
Sustained	1	100%
Refusal to Testify	1	
Sustained	1	100%
Failure to Accept or Refer a Complaint	14	
Sustained	9	64%
Unfounded	1	7%
Not Sustained	4	29%
Refusal to Provide Name or Serial Number	9	
Sustained	1	11%
Unfounded	2	22%
Not Sustained	6	67%
Truthfulness	1	
Not Sustained	1	100%

No CPRA Jurisdiction

Service Complaint	2	
Service	2	100%
Not a Violation of the MOR	4	
No MOR Violation	4	100%

Investigation

Findings/Report
of Investigation
(ROI)

§3304 Violation

If the CPRA fails to complete its investigation of misconduct within the 1-year statute of limitations that generally applies to officer misconduct investigations, it may end with a finding of a 3304 Violation. As described in the finding definitions section, this can happen because the incident described in the complaint is old and/or was previously investigated and no new evidence has been introduced. However, it may also occur when the Agency fails to complete its investigation within that statutory limit. The Agency takes such lapses seriously when they occur and therefore reports them separately. In 2019, the Agency failed to complete one investigation within the statutory time limit.

Case 18-0345 – The investigator assigned to this complaint was unable to submit a complete report of investigation before the 1-year deadline due to a family emergency. However, the investigation ultimately concurred with the findings reached by the OPD in their investigation of the same incident and included no sustained findings. This investigator left the agency in 2019.

Investigation

Findings/Report
of Investigation
(ROI)

2019 Policy Recommendations based on Investigations

In addition to specific findings of misconduct, complaints investigated by the CPRA occasionally generate recommendations on police policy and training. In some cases, these result from instances in which police conduct does not violate any specific existing policy contained in the OPD Manual of Rules; however, the Agency believes that a policy addressing a particular type of conduct should exist or needs to change. In others, patterns of complaints and investigations highlight areas in which the Agency believes existing police training and practice could be improved to address perceived deficiencies or community needs.

The Agency has long considered policy and training recommendations to be an important oversight tool, because they have the power to effect systemic change in the Department. The eventual standing up of the Inspector General's Office will allow for greater follow-up on these recommendations to ensure they are implemented.

In 2019, the CPRA made 10 recommendations for changes to Oakland Police Department policy and training.

Investigation

Findings/Report of Investigation (ROI)

2019 Policy Recommendations based on CPRA Investigations

1	The CPRA recommends that the Department clarify which complaints opened by OPD must be forwarded to the CPRA and when they must be forwarded in order to ensure CPRA participation in the disciplinary process as required by the ordinance.
2	CPRA recommends a rewriting of TB-III-M (Suicide) to correct typographic errors.
3	The CPRA recommends that the OPD correct an error in TB III-J (Preliminary Investigation of Domestic Violence) which is missing Sections V and VI
4	The CPRA recommends that TB III-J (Preliminary Investigation of Domestic Violence) clarify what officers do when the "Warrants Unit" cannot be contacted as required because the incident occurs during non-business hours.
5	The CPRA recommends that DGO K-3 (Use of Force) should explicitly define what it means to point a gun "at a person," and consider whether officers be required to report when guns are unholstered and held in the "low ready/retention position" when confronting members of the public
6	The CPRA recommends that OPD creates policy, training, or additional planning at crowd control incidents that recognizes the potential secondary use of force allegations arising out of directions to the public that might force individuals to enter an area in which chemical munitions may not have sufficiently dissipated and explains how officers should approach crowd direction when such secondary uses of force could be a factor.
7	The CPRA recommends that Department crowd control operations plans, and pre-operation briefings emphasize the required warnings for the deployment of chemical agents and that after action reports document whether such warnings were given before chemical deployments.
8	The CPRA recommends that the Department consider providing officers with additional instruction on how to appropriately exercise discretion to decide whether members of the public are participants or uninvolved bystanders during sideshow operations, and that this additional instruction should be included in operations plans and lineup briefings before such operations.
9	It is vital a report written by an undercover officer sets forth what the undercover officer saw, who he/she saw do it, and what he/she told the arrest team to do. Secondhand information by another officer is not sufficient, especially should an arrest or criminal prosecution arise. It is recommended that an OPD rule clearly make this a requirement.
10	CPRA recommends that information about confidential informants not be placed on an officer's personal cell phones or with any identifiers indicating informant status in unsecured devices and digital records.

Investigation

Findings/Report
of Investigation
(ROI)

2019 Training Recommendations

In addition to policy recommendations, Agency investigations may include training points or broader recommendations for the Department. Training points are specific to subject officers, request additional training or retraining on specific OPD policies and procedures, and are often attached to a negative Supervisory Note to File (SNF) instead of formal discipline to a subject officer for lower-level offenses. Training recommendations speak to broader training issues.

Because both training points and broader training recommendations highlight areas of potential improvement in Department training, they are all included in CPRA statistical reporting.

In 2019, the CPRA issued 37 Training Points and Recommendations associated with Agency investigations.

Supervisory Note to File

For Class 2 violations of the MOR, The OPD and CPRA have the power to issue a negative Supervisory Note to File (SNF) to a subject officer in lieu of a sustained finding if they believe it is in the best interests of the disciplinary process.

A negative SNF can only be issued the first time an officer violates a given rule and remains in an officer's personnel record for 5 years. Because they do not constitute formal discipline SNFs do not trigger an officer's appeal rights. They can be made at any time, even while a formal investigation continues, substantially shortening the time between problematic incident and corrective action.

Investigation

Findings/Report of Investigation (ROI)

CPRA Training Recommendations 2019

1	CPRA recommends additional training on the importance of protecting the privacy of individuals being placed on a mental health hold.
2	CPRA recommends additional training on proper procedures for depositing property and evidence per DGO H-3.
3	CPRA recommends additional counseling on the use of profanity by officers even in stressful situations.
4	CPRA recommends additional training on the use of profanity by officers engaging the public.
5	The CPRA recommends that supervisors be retrained to actively review general circumstances as mandated under DGO K-4 (Use of Force) VI(B) Supervisor/Commander Responsibilities rather than passively accept circumstances witnessed.
6	The CPRA recommends additional training on DGO K-4 (Use of Force) and the Graham v. Connor "objectively reasonable" standard. Flight from a pursuing officer alone, without other reasonable circumstances or factors, is not cause for the use of an Electronic Control Weapon (ECW) to control an individual.
7	The CPRA recommends additional training on the importance of interviewing all available witnesses to complaint incidents; and the importance of following up regarding potential sources of evidence related to complaint incidents.
8	The CPRA recommends additional training on the use of profanity and inappropriate statements about engaged persons even if made out of earshot of the public.
9	The CPRA recommends additional training on the prohibition of an officer's review of their own PDRD without first obtaining written permission from a supervisor.
10	The CPRA recommends that officers conducting a high-risk vehicle stop should order the driver to turn off the vehicle and wait for cover to arrive before proceeding with the stop per TB III B-2 (high risk vehicle stops).
11	The CPRA recommends that officers conducting high risk stops in unmarked patrol vehicles properly and clearly identify themselves as members of the OPD for safety reasons.
12	The CPRA recommends that officers should not use "other" as a catch all when identifying the factors that led to an Intelligence-Led vehicle stop but should rather select the most applicable factor and fully articulate all of the reasons for the stop.
13	The CPRA recommends that the Department provide additional training on when officers can handcuff or pat search detainees; towing procedures and explaining Fourth Amendment justifications for handcuffing and pat searching under Terry.
14	The CPRA recommends that the department remind officers of the importance of accuracy in reports, and that they should obtain witness information for all individuals present on scene.
15	The CPRA recommends that officers taking statements on PDRD interrupt the statement to use the radio or wait to collect statements until after radio traffic calms down.
16	The CPRA recommends that the Department remind officers to provide a verbal warning before each application of an ECW.
17	The CPRA recommends that the Department remind officers of the importance of allowing a subject time to recover and consider consequences before each application of an ECW even if multiple applications are within policy.
18	The CPRA recommends that the Department remind officers about the use of profanity.
19	The CPRA recommends that the Department remind officers of the importance of activating their PDRDs before deploying chemical munitions or otherwise engaging with the public when engaged in quickly evolving events that may require temporary deactivation for administrative purposes.

Investigation

Findings/Report of Investigation (ROI)

CPRA Training Recommendations 2019

20	The CPRA recommends that the Department provide additional training on the Fourth Amendment and the legal definition of reasonable suspicion.
21	The CPRA recommends that the Department provide additional training on apologizing for and being sensitive to emotional trauma associated with the improper detention of innocent people.
22	CPRA recommends retraining on complaints associated with vehicle tows and reflecting such complaints in Preliminary Investigation Memos.
23	CPRA recommends retraining regarding OPD Training Bulletin (TB) III-B.6 Contact and Cover “Felon Car Stops.”
24	For both officer safety and tactical reasons, it would be better practice for officers to wait for cover officers before contacting difficult subjects.
25	CPRA recommends retraining as to what reasonable suspicion is; what probable cause is; when a person may have a full body search; what a Terry stop is; when a vehicle may be searched; and when an entire vehicle may be searched, versus just a particular item in the vehicle where suspected drugs may be located.
26	CPRA recommends retraining radioing starting and ending mileage when transporting civilians in a police vehicle.
27	CPRA recommends retraining on completing stop data for all self-initiated encounters involving persons subject to detentions, arrests, requests to search, and searches.
28	CPRA recommends retraining on searching cars incident to arrest in order to prevent the arrestee or others from concealing or destroying evidence.
29	CPRA recommends retraining on conducting a thorough inventory search of a vehicle that is being towed, and documenting property on Stored/Towed Vehicle Reports.
30	CPRA recommends additional training on determining whether to activate their PDRDs during a hospital guard.
31	CPRA recommends that an Officer receive a positive SNF acknowledging his accommodation of Complainant during the complaint process.
32	CPRA recommends retraining on PDRD activation policy.
33	CPRA recommends retraining on PDRD activation policy.
34	CPRA recommends retraining on report writing.
35	CPRA recommends retraining on requirement that a member spark test their ECW prior to each shift.
36	CPRA recommends retraining on the requirement that a member not deactivate their PDRD until their involvement in a contact that required its activation is concluded.
37	The CPRA recommends that the Department provide additional training on when Officers should provide a Miranda warning when conducting an involuntary interview of a witness who officers believe to be a suspect in other crimes.

Progressive Discipline


To assure that discipline for sustained allegations of misconduct is consistent and applied fairly, OPD Training Bulletin V-T provides a Discipline Matrix, which lists each MOR violation and the discipline which may be imposed for each. A record of sustained allegations remains in an Officer's record, and the discipline matrix provides progressively higher ranges of discipline for the first, second, and third violations of a given rule.

For each violation, potential discipline is presented as a range of options. The default discipline is at the mid-point of that range, however as part of the disciplinary process, the Department and CPRA will examine whether there were any **aggravating or mitigating** factors which should be considered. Aggravating and mitigating factors that can be considered include prior officer history, the severity of the offense, officer intent and other factors determined through the course of an investigation.

CPRA and OPD findings as to the aggravating and mitigating factors which apply to each violation, and the ultimate disciplinary outcome, is discussed during a meeting between the Chief of Police and the Director of the CPRA. If the Department and Agency do not have the same position on discipline, the final determination will be made by a Discipline Committee empaneled by the Oakland Police Commission.

Findings/Discipline

TRAINING BULLETIN



Index Number: V-T Discipline Policy Appendix
Alpha Index: Discipline Matrix

Effective Date:
14 Mar 14

Evaluation Coordinator: IAD Commander
Automatic Revision Cycle: 1 Year

"Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy."

DISCIPLINE POLICY APPENDIX

DISCIPLINE MATRIX

The Department discipline policy and this accompanying discipline matrix represent the Department's values and current industry standards. The matrix is designed to set the highest penalties on those actions most afoul of our values.

The objective of the Discipline Matrix is to ensure fair and consistent implementation of discipline within the Oakland Police Department. In addition, the Discipline Matrix, associated policies and resulting disciplinary decisions shall reflect contemporary industry standards for progressive discipline.

OPD TB V-T - Discipline Matrix

OPD Training Bulletin V-T provides the Discipline Matrix that determines the ranges of potential discipline for the first, second, and third violations of every rule in the Manual of Rules (MOR).

	Type of Misconduct	Offense 1 LL-MP-UL	Offense 2 LL-MP-UL	Offense 3 LL-MP-UL
	COMMANDING OFFICERS - AUTHORITY AND RESPONSIBILITIES (Gross dereliction of duty) <i>Includes all of the 234.00 subsections</i>	S5-T	S30-T	T
	COMMANDING OFFICERS - AUTHORITY AND RESPONSIBILITIES <i>Includes all of the 234.00 subsections</i>	C-S5	S2-D	S2-T
285.00-1	SUPERVISORS - AUTHORITY AND RESPONSIBILITIES (Gross dereliction of duty) <i>Includes all of the 285.00 subsections except 285.90</i>	S5-T	S30-T	T
285.00-2	SUPERVISORS - AUTHORITY AND RESPONSIBILITIES <i>Includes all of the 285.00 subsections except 285.90</i>	C-S5	S2-D	S2-T
314.03-2	GENERAL CONDUCT	C-S3	WR-S5	S5-S30
314.04-1	CONDUCT TOWARD OTHERS - HARASSMENT AND DISCRIMINATION	S30-T	T	
314.04-2	CONDUCT TOWARD OTHERS – UNPROFESSIONAL CONDUCT IN VIOLATION OF AI 71	C-S30	WR-S30	S30-T
314.05-1	CONDUCT TOWARD OTHERS - WORKPLACE VIOLENCE	S5-T	T	
314.07-2	CONDUCT TOWARD OTHERS – DEMEANOR	C-S3	WR-S5	S5-S30
314.08-2	CONDUCT TOWARD OTHERS-RELATIONSHIPS	S2-S5	S3-S10	S10-S30

Discipline

If sustained, an allegation will result in formal discipline against the subject officer. Formal disciplinary procedures remain a part of an officer's personnel file. The levels of formal discipline available are:

Counseling/Training: Guidance on how to do better next time.

Written Reprimand: A letter placed in an officer's personnel file. Such letters can impair promotional and assignment opportunities.

Suspension: An officer may be suspended without pay for a period ranging from 1-30 days.

Demotion: For certain violations, especially those of rules related to supervisory or command duties, the Department can demote an officer to a lower rank. This results in a permanent reduction in pay and is a significant blow to an officer's career.

Termination: The highest penalty available to the City of Oakland through the disciplinary process is separation from employment.

Findings/Discipline

Discipline Conference Between the CPRA and OPD

With the passage of Measure LL in 2016 (now section 604 of the Oakland City Charter), the voters of Oakland created a new disciplinary process for sworn officers of the OPD. In that process, the Chief of Police and the Director of the CPRA compare their findings with respect to allegations of misconduct that are investigated by both bodies. If the CPRA Executive Director and the Chief of Police do not agree, then the matter goes to the Police Commission to resolve.

Prior to Measure LL, OPD Chiefs of Police met with Command Staff and the staff of IAD to hear presentations from IAD about cases that IAD recommended be sustained. The Chief of Police would then reach his or her decision about whether to sustain that case and the level of discipline to be imposed at that meeting. Since Measure LL, the CPRA Executive Director and other staff have appeared at these same meetings to explain CPRA's position on the matter to the Chief of Police, and determine if they agree.

FINAL CASE DECISIONS

After their separate investigations are completed, OPD and CPRA compare:

FINDINGS (whether an officer violated policy) and

DISCIPLINE (the penalty for violating policy)

in specific discipline cases.

IF CPRA and OPD agree on the FINDINGS and DISCIPLINE, that agreement becomes the position of the City of Oakland.

IF CPRA and OPD disagree on either FINDINGS or DISCIPLINE, then the matter goes to a Discipline Committee convened by the Oakland Police Commission to adjudicate any differences. The Commission's decision then becomes the decision of the City of Oakland in the matter.

Findings/Discipline

Discipline Committee of the Oakland Police Commission

If CPRA and OPD disagree on **Findings** or **Discipline**, the case is referred to a Discipline Committee convened by the Oakland Police Commission to review and resolve those disputes.

Police Commission Discipline Committees are appointed by the Commission Chair and are composed of 3 Commissioners who have completed special training in the legal framework for officer discipline and Committee roles and responsibilities given by the Office of the City Attorney. The final decision of a Police Commission Discipline Committee constitutes the decision of the City of Oakland, and cannot be superseded by any other City official, though Officers who are the subject of such a decision are still afforded their individual due process rights to appeal the decision as set forth in California law and any labor agreements between the City of Oakland and the Officer's union.

Per Section 604(g)2 of the Oakland City Charter:

“...the Discipline Committee... shall review both [CPRA and OPD] submissions and resolve any dispute between the Agency and the Chief of Police. Based solely on the record presented by the Agency and the Chief of Police, the Discipline Committee shall submit its final decision regarding the appropriate findings and proposed discipline to the Chief of Police who shall notify the subject officer.”

2019 Decisions of the Discipline Committee of the Oakland Police Commission

In early 2019, one investigation was referred to a Discipline Committee.

18-0249 (Pawlik) – Mr. Joshua Pawlik was shot and killed by members of the Oakland Police Department in 2018. The CPRA and IAD presented concurring reports of investigation in April 2019 which sustained several allegations of misconduct against subject officers. However, the Federal Monitor overseeing the City’s Negotiated Settlement Agreement (NSA) determined additional sustained findings of misconduct. This decision triggered the requirement that the Police Commission convene a Discipline Committee to determine the City’s official findings and proposed discipline for the officers involved. In May 2019, a Discipline Committee consisting of Commission Chair Regina Jackson, Commissioner Edwin Prather, and Commissioner Jose Dorado was officially established by the Oakland Police Commission for this purpose. In June 2019 that Committee presented its official findings and imposed discipline which included termination of employment for several officers involved in the investigation.

The resolution of the Pawlik incident and investigation in 2019 triggered several reviews of OPD policy and training and has led to significant changes to Department policies around use-of-force and engagement with individuals who are armed and unresponsive.

Because this case was an officer-involved shooting, much of the case can be shared with the public. Few other disciplinary cases can be made public under state law. The CPRA’s official Report of Investigation for 18-0246 can be found on the City’s Public Records portal at: <https://oaklandca.nextrequest.com/documents/1266176>

Officer Appeals
Process

Officer Appeals

When any allegation of misconduct is sustained against a sworn member of the Oakland Police Department, that member is sent a notice of the finding and any proposed discipline. As part of that notice, the City of Oakland must gather and produce all of the documentation that informed the City's disciplinary decision. These materials are called a "Skelly Packet," and they then constitute the basis upon which an officer may appeal the findings and proposed discipline as established by the California Public Safety Officers' Procedural Bill of Rights Act (POBAR) and the Memorandum of Understanding (MOU) between the City of Oakland and the Oakland Police Officers Association (OPOA).

The Skelly Process

The first stage in the appeals process is called the Skelly Process. Through this process, an officer may appeal the City's determination of findings and proposed discipline to a neutral third party with experience in the City's policies and processes. This person, called the "Skelly Officer" may either be a manager from another City Department, or an outside expert hired specifically to serve in that role.

Arbitration

If any proposed discipline impacts an officer's property right in their employment (generally any discipline that affects officer pay in any way, ranging from suspension to termination), that officer may appeal the decision to an arbitration judge determined jointly by the City of Oakland and the OPOA. In Arbitration, the City's interests in sustaining the proposed findings and discipline are represented by the Office of the City Attorney (OCA).



City of Oakland

APPENDIX A

Full List of Investigations
Closed by CPRA Investigators
2019



CPRA Annual
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Appendix A
Allegations and
Findings for
Investigations
Closed by CPRA
Investigators

#	Case Number	Incident Date	Staff	Completion Date	Subject Officer	Allegations	Findings
1	18-0043	1/12/2018	ED	1/8/2019	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination Performance of Duty Performance of Duty	Exonerated Exonerated Exonerated
					Subject Officer 2	Conduct Toward Others – Harassment and Discrimination	Exonerated
					Subject Officer 3	Conduct Toward Others – Harassment and Discrimination Use of Force Performance of Duty Performance of Duty	Exonerated Exonerated Unfounded Exonerated
					Subject Officer 4	Conduct Toward Others – Harassment and Discrimination	Exonerated
2	18-0056	1/13/2018	NG	1/4/2019	Subject Officer 1	Obedience to Laws – Driving Under the Influence Consumption of Intoxicants Department Property and Equipment	Sustained Sustained Sustained
3	18-0165	2/12/2018	AL	1/11/2019	Subject Officer 1	Obedience to Laws – Driving Under the Influence Gift, Gratuities – Soliciting or Accepting Truthfulness	Sustained Sustained Not Sustained
					Subject Officer 2	Performance of Duty	Sustained
4	17-1163	11/21/2017	NG	1/14/2019	Subject Officer 1	Use of Force Conduct Towards Others – Demeanor	Unfounded Unfounded
					Subject Officer 2	Performance of Duty – Handcuffing Conduct Towards Others – Demeanor	Unfounded Unfounded
					Subject Officer 3	Use of Force Performance of Duty - Care of Property	Unfounded Exonerated
					Subject Officer 4	Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty - Care of Property Conduct Towards Others – Demeanor	Exonerated Unfounded Unfounded
					Subject Officer 5	No MOR No MOR	No MOR No MOR
5	18-0128	2/4/2018	NG	1/18/2019	Subject Officer 1	Conduct Toward Others - Profiling	No Jurisdiction
					Subject Officer 2	Refusal to Provide Name or Serial Number	Sustained
6	18-0207	2/21/2018	ED	1/18/2019	No Subject Ofc.	Performance of Duty	Complaint Withdrawn
7	18-0563	5/29/2019	ED	1/18/2019	Subject Officer 1	Performance of Duty Performance of Duty Obedience to Laws Use of Force	Unfounded Unfounded Unfounded Unfounded
					Subject Officer 2	Performance of Duty Performance of Duty Obedience to Laws Use of Force	Unfounded Unfounded Unfounded Unfounded
8	18-0396 18-0397 18-0398 18-0381	Fall 2017 4 Incidents	JS	2/8/2019	Subject Officer 1	Obedience to Laws Performance of Duty Obedience to Laws Obedience to Laws	Not Sustained Unfounded Not Sustained Unfounded
					Subject Officer 2	Performance of Duty - Care of Property	Not Sustained
					Subject Officer 3	Performance of Duty – Personal Digital Recording Device (PDRD) Performance of Duty	Sustained Sustained
					Subject Officer 4	Obstruction of the Internal Affairs Process	Unfounded
9	18-0225	2/28/2018	JS	2/8/2019	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination Use of Force	Unfounded Unfounded
					Subject Officer 2	Conduct Toward Others – Harassment and Discrimination Use of Force	Unfounded Unfounded
					Subject Officer 3	Conduct Toward Others – Harassment and Discrimination Use of Force	Unfounded Unfounded
10	18-0328	3/27/2018	JS	2/8/2019	Subject Officer 1	Conduct Towards Others – Demeanor Use of Force Conduct Toward Others – Harassment and Discrimination	Unfounded Unfounded Unfounded
11	16-0703	8/3/2016	NG	1/30/2019	Subject Officer 1	Use of Force - Level 2	Exonerated
12	18-0303	9/6/2017	NG	3/26/2019	Subject Officer 1	Performance of Duty – Unintentional/Improper Search Seizure Arrest Use of Force	Unfounded Unfounded
					Subject Officer 2	Performance of Duty – Unintentional/Improper Search Seizure Arrest Use of Force	Unfounded Unfounded



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Appendix A
Allegations and
Findings for
Investigations
Closed by CPRA
Investigators

#	Case Number	Incident Date	Staff	Completion Date	Subject Officer	Allegations	Findings
13	18-0354	4/1/2018	AL	4/5/2019	Subject Officer 1	Use of Force - Level 3	Exonerated
					Subject Officer 2	Use of Force	Unfounded
						Use of Force	Exonerated
14	18-0202	2/1/2018	AL	4/8/2019	Subject Officer 1	Use of Force - Level 3	Exonerated
						Use of Force - Level 3	Unfounded
					Subject Officer 2	Use of Force - Level 3	Exonerated
						Use of Force - Level 3	Unfounded
					Subject Officer 3	Use of Force - Level 3	Exonerated
						Use of Force - Level 3	Unfounded
15	18-0345	4/9/2018	NG	3304 Violation	Subject Officer 1	Use of Force	Not Sustained
16	18-0346	4/8/2018	NG	4/5/2019	Subject Officer 1	Obedience to Laws – Driving Under the Influence	Sustained
					Subject Officer 2	Reporting Violation of Laws, Ordinances Rules or Orders (Class 1)	Sustained
17	18-0678	6/20/2018	JS	4/12/2019	Subject Officer 1	Performance of Duty	Exonerated
						Performance of Duty	Sustained
						Use of Force	Exonerated
						Conduct Toward Others – Harassment and Discrimination	Unfounded
					Subject Officer 2	Performance of Duty	Exonerated
						Performance of Duty	Exonerated
						Use of Force	Exonerated
						Conduct Toward Others – Harassment and Discrimination	Unfounded
						Performance of Duty	Not Sustained
					Subject Officer 3	Supervision – Authorities and Responsibilities	Not Sustained
18	18-1218	Oct-Nov 2017	ED	5/2/2019	Subject Officer 1	Performance of Duty – Personal Digital Recording Device (PDRD)	Sustained
						Performance of Duty – Personal Digital Recording Device (PDRD)	Sustained
						Performance of Duty – Personal Digital Recording Device (PDRD)	Sustained
						Performance of Duty – Personal Digital Recording Device (PDRD)	Sustained
19	18-0509	5/14/2018	AL	5/2/2019	Subject Officer 1	Conduct Towards Others – Demeanor	Unfounded
						Use of Force - Level 2	Unfounded
						Use of Force - Level 3	Unfounded
						Use of Force - Level 3	Unfounded
						Performance of Duty	Sustained
						Performance of Duty	Sustained
20	18-0516	5/17/2018	ED	5/2/2019	Subject Officer 1	Use of Force	Unfounded
						Use of Force	Unfounded
					Subject Officer 2	Performance of Duty – Handcuffing	Exonerated
21	18-0695	6/29/2018	JS	6/3/2019	Subject Officer 1	Prohibited Activity on Duty	Sustained
						Conduct Toward Others – Demeanor	Unfounded
						Failure to Accept or Refer a Complaint	Not Sustained
22	18-0612	6/6/2018	AL	6/6/2019	Subject Officer 1	Performance of Duty – Unintentional/Improper Search Seizure Arrest	Sustained
						Conduct Toward Others – Harassment and Discrimination	Not Sustained
						Use of Force – Level 4	Unfounded
						Performance of Duty – Personal Digital Recording Device (PDRD)	Sustained
23	19-0942	8/27/2018	NG	6/6/2019	Subject Officer 1	Performance of Duty – Unintentional/Improper Search Seizure Arrest	Unfounded
						Use of Force - Level 2	Unfounded
					Subject Officer 2	Performance of Duty – Unintentional/Improper Search Seizure Arrest	Unfounded
24	18-0954	8/30/2018	NG	6/21/2019	Subject Officer 1	Use of Force – Level 4	Unfounded
					Subject Officer 2	Use of Force – Level 4	Unfounded
					Subject Officer 3	Use of Force – Level 4	Unfounded
					Subject Officer 4	Use of Force – Level 4	Unfounded
					Subject Officer 5	Use of Force – Level 4	Unfounded
					Subject Officer 6	Use of Force – Level 4	Unfounded
					Subject Officer 7	Use of Force – Level 4	Unfounded
					Subject Officer 8	Use of Force – Level 4	Unfounded
					Subject Officer 9	Use of Force – Level 4	Unfounded
					Subject Officer 10	Use of Force – Level 4	Unfounded
					No Subject Officer	Service Complaint	No MOR
					No Subject Officer	Service Complaint	No MOR
25	19-0149	2/2/2019	AL	6/12/2019	Subject Officer 1	Performance of Duty - Care of Property	Sustained



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Appendix A
Allegations and
Findings for
Investigations
Closed by CPRA
Investigators

#	Case Number	Incident Date	Staff	Completion Date	Subject Officer	Allegations	Findings
26	18-0538	5/13/2019	NG	5/6/2018	Subject Officer 1	Performance of Duty Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty Use of Force – Level 4	Unfounded Unfounded Unfounded Exonerated
					Subject Officer 2	Use of Force Use of Force	Unfounded Unfounded
					Subject Officer 3	Use of Force Use of Force	Unfounded Unfounded
					Subject Officer 4	Performance of Duty Performance of Duty – Unintentional/Improper Search Seizure Arrest Use of Force Use of Force	Unfounded Unfounded Unfounded Unfounded
					Subject Officer 5	Performance of Duty – Personal Digital Recording Device (PDRD) Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty Use of Force – Level 4 Use of Force	Unfounded Unfounded Unfounded Exonerated Unfounded
27	18-0977	9/5/2018	NG	6/29/2019	Subject Officer 1	Use of Force - Level 2	Unfounded
28	19-0949	8/6/2018	AL	7/16/2019	Subject Officer 1	Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest	Exonerated Exonerated
					Subject Officer 2	Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest	Exonerated Exonerated
29	18-0977	9/5/2018	NG	6/29/2019	Subject Officer 1	Use of Force - Level 2	Unfounded
30	19-0949	8/6/2018	AL	7/16/2019	Subject Officer 1	Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest	Exonerated Exonerated
					Subject Officer 2	Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest	Exonerated Exonerated
31	18-0997	8/3/2018	JS	7/25/2019	Subject Officer 1	Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty - Care of Property Conduct Towards Others – Demeanor Conduct Toward Others – Harassment and Discrimination Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty	Exonerated Exonerated Unfounded Exonerated Exonerated Sustained Sustained Sustained
					Subject Officer 2	Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty - Care of Property Conduct Towards Others – Demeanor Conduct Toward Others – Harassment and Discrimination Conduct Toward Others – Harassment and Discrimination	Exonerated Exonerated Not Sustained Exonerated Exonerated Exonerated
					Subject Officer 3	Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Toward Others – Harassment and Discrimination	Exonerated Exonerated
32	18-0964	9/3/2018	AL	8/13/2019	Subject Officer 1	General Conduct	Sustained
33	18-0989	9/9/2018	JS	7/22/2019	Subject Officer 1	Performance of Duty Use of Force Performance of Duty – Handcuffing Performance of Duty	Exonerated Exonerated Exonerated Exonerated
					Subject Officer 2	Performance of Duty – Unintentional/Improper Search Seizure Arrest Use of Force Performance of Duty	Exonerated Exonerated Exonerated
34	19-0778	2017-18	AL	8/28/2019	Subject Officer 1	Security of Departmental Business	Not Sustained
35	18-0972	9/4/2018	ED	8/27/2019	Subject Officer 1	Use of Force	Exonerated
					Subject Officer 2	Use of Force	Exonerated
					Subject Officer 3	Use of Force	Exonerated
					Subject Officer 4	Performance of Duty – Handcuffing	Unfounded



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36	18-0970 consolidated with 18-0971	9/4/2018	NG	7/18/2019	Subject Officer 1	Conduct Towards Others – Demeanor Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Toward Others – Harassment and Discrimination Use of Force Use of Force Performance of Duty Use of Force	Unfounded Exonerated Unfounded Unfounded Unfounded Unfounded Exonerated
					Subject Officer 2	Conduct Towards Others – Demeanor Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Toward Others – Harassment and Discrimination Use of Force Use of Force Performance of Duty Use of Force	Unfounded Exonerated Unfounded Unfounded Unfounded Exonerated
					Subject Officer 3	Conduct Towards Others – Demeanor Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Toward Others – Harassment and Discrimination Use of Force Use of Force Performance of Duty Use of Force	Unfounded Exonerated Unfounded Unfounded Unfounded Exonerated
					Subject Officer 4	Conduct Towards Others – Demeanor Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Toward Others – Harassment and Discrimination Use of Force Use of Force Performance of Duty	Unfounded Exonerated Unfounded Unfounded Unfounded Unfounded
					Subject Officer 5	Conduct Toward Others – Harassment and Discrimination	Unfounded
37	18-0999	9/12/2018	JS	8/16/2019	Subject Officer 1	Conduct Towards Others – Demeanor Refusal to Provide Name or Serial Number	Sustained Not Sustained
					Subject Officer 2	Obedience to Laws	Exonerated
					Subject Officer 3	Conduct Towards Others – Demeanor	Sustained
38	18-1137	9/1/2018	AL	8/16/2019	Subject Officer 1	Use of Force - Level 3	Exonerated
39	18-1030	9/16/2018	AL	9/11/2019	Subject Officer 1	Use of Force – Level 4 Use of Force – Level 4 Performance of Duty Refusal to Provide Name or Serial Number No MOR No MOR	Exonerated Unfounded Unfounded Not Sustained No MOR Violation No MOR Violation
					Subject Officer 2	Use of Force – Level 4 Performance of Duty Conduct Towards Others – Demeanor Refusal to Provide Name or Serial Number	Unfounded Unfounded Unfounded Not Sustained
					Subject Officer 3	Conduct Towards Others – Demeanor	Unfounded
					Subject Officer 4	Refusal to Provide Name or Serial Number	Not Sustained
40	18-1049	9/23/2018	ED	9/13/2019	Subject Officer 1	Conduct Towards Others – Demeanor	Unfounded
					Subject Officer 2	Conduct Towards Others – Demeanor	Unfounded
					Subject Officer 3	Performance of Duty	Exonerated
					Subject Officer 4	Performance of Duty	Exonerated
					Subject Officer 5	Performance of Duty	Exonerated
					Subject Officer 6	Use of Force	Exonerated
					Subject Officer 7	Use of Force	Exonerated
					Subject Officer 8	Use of Force	Exonerated
41	18-1095	10/3/2018	JS	9/30/2019	Subject Officer 1	Performance of Duty – Unintentional/Improper Search Seizure Arrest Use of Force – Level 4	Sustained Unfounded
					Subject Officer 2	Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Personal Digital Recording Device (PDRD) Use of Force – Level 4	Exonerated Sustained Not Sustained
					Subject Officer 3	Performance of Duty – Unintentional/Improper Search Seizure Arrest Use of Force – Level 4	Exonerated Unfounded
					Subject Officer 4	Performance of Duty – Unintentional/Improper Search Seizure Arrest Use of Force – Level 4	Exonerated Exonerated
					Subject Officer 5	Performance of Duty – Unintentional/Improper Search Seizure Arrest Use of Force – Level 4	Exonerated Unfounded
					Subject Officer 6	Performance of Duty – Unintentional/Improper Search Seizure Arrest	Sustained
					Subject Officer 7	Supervision – Enforcement of Rules	Sustained



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42	19-0541	9/23/2018	ED	9/16/2019	Subject Officer 1	Failure to Accept or Refer a Complaint	Sustained
					Subject Officer 2	Failure to Accept or Refer a Complaint	Sustained
43	18-1156	10/16/2018	AL	10/1/2019	Subject Officer 1	Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Toward Others – Harassment and Discrimination Use of Force - Level 3	Exonerated Unfounded Sustained
44	18-1143	10/10/2018	JS	10/14/2019	Subject Officer 1	Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Toward Others – Harassment and Discrimination Conduct Toward Others – Harassment and Discrimination	Exonerated Exonerated Sustained Unfounded Unfounded
					Subject Officer 2	Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Towards Others – Demeanor Failure to Accept or Refer a Complaint Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Toward Others – Harassment and Discrimination	Sustained Sustained Sustained Exonerated Unfounded
					Subject Officer 3	Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest Failure to Accept or Refer a Complaint Conduct Toward Others – Harassment and Discrimination	Exonerated Exonerated Sustained Unfounded
					Subject Officer 4	Failure to Accept or Refer a Complaint Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Toward Others – Harassment and Discrimination	Sustained Exonerated Unfounded
					Subject Officer 5	Failure to Accept or Refer a Complaint Conduct Toward Others – Harassment and Discrimination	Sustained Unfounded
					Subject Officer 6	Failure to Accept or Refer a Complaint Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Toward Others – Harassment and Discrimination	Sustained Exonerated Unfounded
					Subject Officer 7	Failure to Accept or Refer a Complaint Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Toward Others – Harassment and Discrimination	Sustained Exonerated Unfounded
					Subject Officer 8	Failure to Accept or Refer a Complaint Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Toward Others – Harassment and Discrimination Performance of Duty	Sustained Exonerated Unfounded Sustained
					Subject Officer 9	Failure to Accept or Refer a Complaint Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Toward Others – Harassment and Discrimination	Not Sustained Exonerated Unfounded
45	18-1016	9/14/2018	ED	10/21/2019	Subject Officer 1	Use of Force Custody of Prisoners Conduct Towards Others – Demeanor Performance of Duty Performance of Duty – Miranda Violation Conduct Toward Others – Harassment and Discrimination Performance of Duty - Care of Property	Unfounded Sustained Sustained Unfounded Exonerated Unfounded Exonerated
					Subject Officer 2	Use of Force Performance of Duty – Unintentional/Improper Search Seizure Arrest	Unfounded Exonerated
					Subject Officer 3	Performance of Duty - Care of Property Performance of Duty - Care of Property	Not Sustained Not Sustained
					Subject Officer 4	Custody of Prisoners Use of Force	Unfounded Unfounded
					Subject Officer 5	Conduct Toward Others – Unprofessional Conduct in Violation of Al 71 Conduct Towards Others – Demeanor	Sustained Sustained
					Subject Officer 6	Use of Force	Unfounded
46	18-1260	11/8/2018	JS	10/22/2019	Subject Officer 1	Performance of Duty – Unintentional/Improper Search Seizure Arrest Conduct Towards Others – Demeanor	Exonerated Sustained
47	18-1282	10/16/2018	ED	10/25/2019	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination Conduct Towards Others – Demeanor Failure to Accept or Refer a Complaint Performance of Duty	Unfounded Not Sustained Not Sustained Exonerated
					Subject Officer 2	Conduct Toward Others – Harassment and Discrimination Conduct Towards Others – Demeanor Failure to Accept or Refer a Complaint Refusal to Provide Name or Serial Number Refusal to Provide Name or Serial Number Performance of Duty	Unfounded Not Sustained Not Sustained Not Sustained Not Sustained Exonerated



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#	Case Number	Incident Date	Staff	Completion Date	Subject Officer	Allegations	Findings
48	18-0302	3/26/2018	ED	10/28/2019	Subject Officer 1	Prohibited Activity on Duty – Sexual Activity Obedience to Laws – Felony/Serious Misdemeanor General Conduct Prohibited Activity on Duty Conduct Toward Others – Relationships Notification – Criminal Compromising Criminal Cases Obstructing the Internal Affairs Process Refusal to Testify Insubordination – Failure or Refusal to Obey a Lawful Order	Sustained Not Sustained Sustained Sustained Sustained Sustained Sustained Sustained Sustained Sustained
49	18-1305	12/1/2018	AL	11/5/2019	Subject Officer 1 Subject Officer 2	Performance of Duty Performance of Duty Conduct Towards Others – Demeanor	Not Sustained Not Sustained Not Sustained
50	17-1009	9/13/2017	ED	11/15/2019	Subject Officer 1	Use of Force - Level 2 Use of Force	Sustained Unfounded
51	18-1368	4/7/2018	MM	11/25/2019	Subject Officer 1	Use of Force - Level 2 Failure to Report Performance of Duty – Personal Digital Recording Device (PDRD)	Sustained Sustained Sustained
52	18-1364	12/6/2018	AL	11/25/2019	Subject Officer 1 Subject Officer 2 Subject Officer 3 Subject Officer 4	Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest Use of Force – Level 4 Performance of Duty – Unintentional/Improper Search Seizure Arrest Use of Force – Level 4 Performance of Duty	Not Sustained Exonerated Not Sustained Exonerated Not Sustained Exonerated
53	18-1367	4/14/2018	CS	11/25/2019	Subject Officer 1	Performance of Duty – Unintentional/Improper Search Seizure Arrest Use of Force – Level 4	Sustained Exonerated
54	18-1331	12/10/2018	ED	11/26/2019	Subject Officer 1	Conduct Towards Others – Demeanor	Unfounded
55	18-1349	4/2/2018	KT	12/6/2019	Unknown Officer Subject Officer 1 Subject Officer 2 Subject Officer 3	Performance of Duty Performance of Duty Use of Force – Level 4 Performance of Duty Use of Force – Level 4 Performance of Duty Use of Force – Level 4	No Finding – No Officer Sustained Exonerated Unfounded Unfounded Not Sustained Not Sustained
56	19-0027	6/21/2018	KT	12/6/2019	Subject Officer 1 Subject Officer 2	Performance of Duty Use of Force – Level 4 Use of Force – Level 4 Performance of Duty	Not Sustained Not Sustained Exonerated Sustained
57	18-1352	12/9/2018	AL	12/10/2019	Subject Officer 1 Subject Officer 2	Conduct Toward Others – Harassment and Discrimination Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty Use of Force Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty - Care of Property Conduct Toward Others – Harassment and Discrimination Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty Use of Force Performance of Duty – Unintentional/Improper Search Seizure Arrest Performance of Duty - Care of Property	Unfounded Exonerated Exonerated Exonerated Exonerated Exonerated Unfounded Exonerated Unfounded Unfounded Exonerated Exonerated Exonerated Exonerated Exonerated Unfounded Exonerated Unfounded
58	19-0142	1/30/2019	MM	12/13/2019	Subject Officer 1	Use of Force - Level 3	Exonerated
59	19-0114	1/26/2019	AL	12/16/2019	Subject Officer 1 Subject Officer 2	Use of Force - Level 3 Refusal to Provide Name or Serial Number Conduct Towards Others – Demeanor Refusal to Provide Name or Serial Number	Unfounded Unfounded Unfounded Unfounded

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#	Case Number	Incident Date	Staff	Completion Date	Subject Officer	Allegations	Findings
60	19-0051	1/10/2019	ED	12/16/2019	Subject Officer 1	Use of Force	Not Sustained
					Subject Officer 2	Performance of Duty - Care of Property	Unfounded
						Use of Force	Not Sustained
						Performance of Duty - Care of Property	Unfounded
61	18-1365	4/2/2018	KT	12/17/2019	Unknown Officer	Failure to Accept or Refer a Complaint	Unfounded
					Subject Officer 1	Performance of Duty	Unfounded
					Use of Force - Level 3	Exonerated	
62	18-0524	5/18/2018	ED	12/18/2019	Unknown Officer	Obedience to Laws – Felony/Serious Misdemeanor	No Finding – No Officer
63	19-0083	1/17/2019	JS	12/19/2019	Subject Officer 1	Conduct Towards Others – Demeanor	Exonerated
						Conduct Towards Others – Demeanor	Sustained
						Use of Force	Sustained
						Performance of Duty	Sustained
					Subject Officer 2	Performance of Duty	Sustained
64	18-0249	3/11/18	JS	4/22/19	Subject Officer 1	Command – Authorities and Responsibilities	Sustained
					Subject Officer 2	Supervision – Authorities and Responsibilities	Sustained
					Subject Officer 3	Use of Force	Exonerated
					Subject Officer 4	Use of Force	Exonerated
					Subject Officer 5	Use of Force	Exonerated
					Subject Officer 6	Use of Force	Exonerated
					Subject Officer 7	Use of Force	Exonerated
						Performance of Duty - General	Not Sustained