

**Oakland Police Department  
Internal Affairs Division**

**Policy 10-01 (Formerly 05-01)**

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**Internal Affairs Policy and Procedure Manual**

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**Index as: IAD General Operating Procedures**

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**OAKLAND POLICE DEPARTMENT  
INTERNAL AFFAIRS DIVISION  
Letter from the Division Commander**

Nowhere in the Oakland Police Department is there a more critical function than that within the Internal Affairs Division. Tasked with maintaining the integrity and values of the Department, the Internal Affairs Division has a longstanding tradition of conducting fair and objective investigations of misconduct allegations and policy failures.

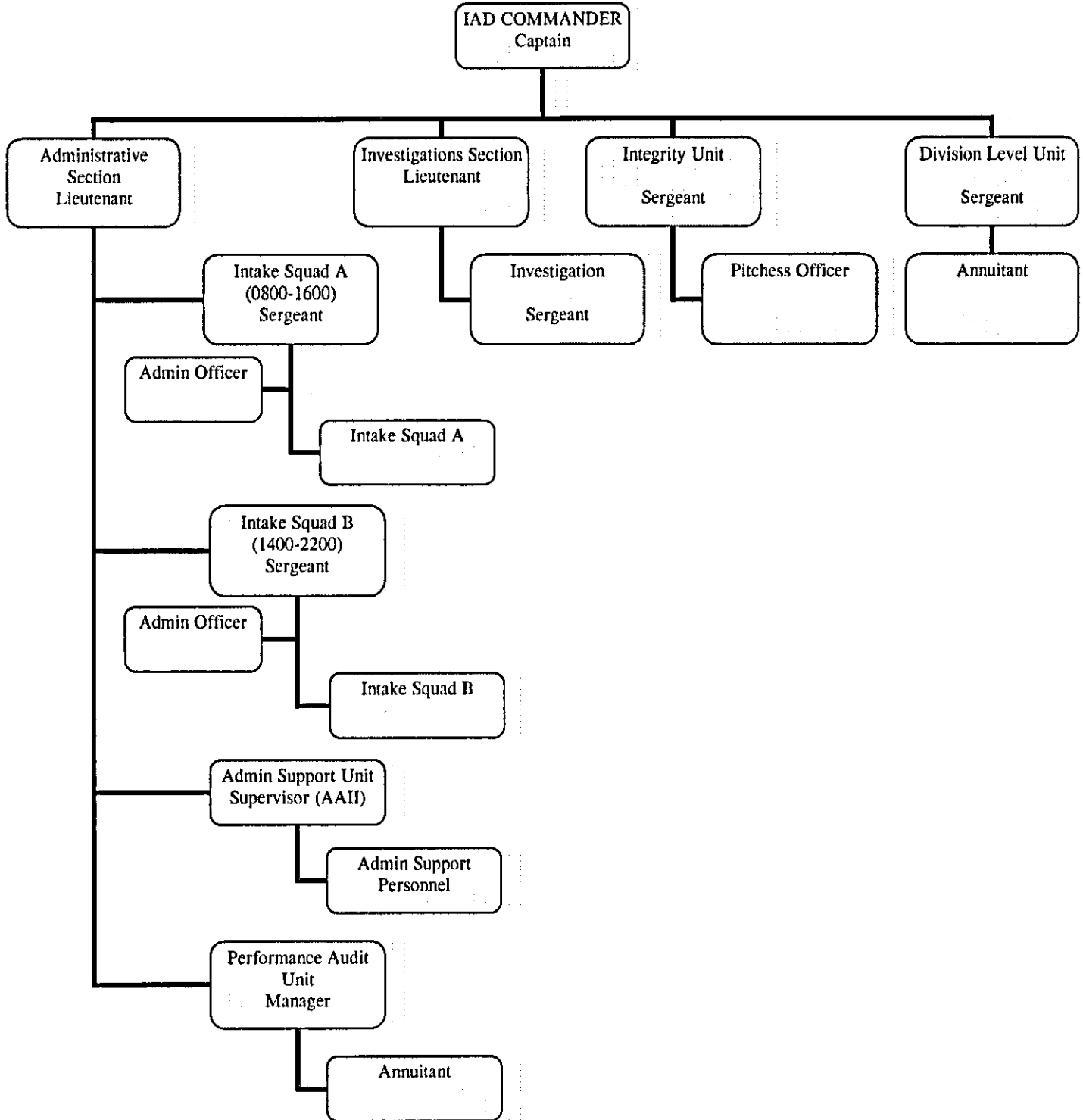
There is an absolute right for a citizen to voice a complaint when they feel wronged by a member, employee or policy of the Department. To deny this right serves only to pull the Department away from the citizens it serves and inflicts long term damage to the Community/Department relationship. Every contact made in this Division is an important opportunity for a member of our team. Indeed, these are opportunities to bridge gaps in communication; to explain a policy or procedure; to show the Department does care about citizen's concerns; or simply an opportunity to empathize with a person who has had a negative encounter involving their police department.

Of course, there are occasions when one will experience the other end of the spectrum; discovering errors or omissions in policy and procedure, or plain and simple misconduct. These will be the occasions to test our courage to stand for the principles found in the Law Enforcement Code of Ethics and the Departmental Core Values. These occasions should also be viewed as opportunities. While at times difficult, these occasions are opportunities to maintain the integrity and values of the Department; to identify policy failures; to save a career; or even a life.

One cannot underestimate the positive impact a fair and objective, fact-finding investigation will have on all those involved, as well as the Department itself. While often a thankless assignment, you have been given an opportunity to make a difference. Each time this opportunity arises, you will be choosing whether you will have a positive or a negative impact, both within the Department, as well as the Community. I encourage you to stand for those needing your help, both the accuser as well as the accused, and to do so with heartfelt enthusiasm with the knowledge that you are fulfilling an important function and maintaining the longstanding traditions of the Internal Affairs Division.

Sean Whent  
Acting Captain of Police  
Internal Affairs Division Commander

IAD Organizational Chart



## INTERNAL AFFAIRS DIVISION STAFF RESPONSIBILITIES

The purpose of this directive is to set forth Division policy and procedures for performing tasks assigned to the Division other than investigating complaints. This directive outlines those different functions and the responsibilities for ensuring they are accomplished and completed in a timely and thorough manner.

### I. IAD STAFF RESPONSIBILITIES

#### A. IAD Commander

A Captain of Police designated by the Chief of Police who shall:

1. Oversee the daily operation of the Division and ensure all complaints are received, processed, investigated, and reviewed in accordance with controlling state laws and Departmental policy.
2. Ensure the Division's workload is monitored through a caseload management process based on the seriousness and complexity of the investigation and through on-going status updates provided by IAD staff.
3. Evaluate and identify when complaints and/or work levels have exceeded IAD staffing capacity and notify the Chief of Police to discuss a recommendation for a solution to the problem such as, evaluating procedures or systems, redistribution of workload, or the need for additional resources, before recommending staffing increases.
4. Participate in an internal investigation as directed by the Chief of Police.
5. Meets with the Chief of Police and a representative of the Office of the City Attorney on a weekly basis to discuss:
  - a. Investigations;
  - b. Matters of discipline;
  - c. Emerging legal issues that impact internal investigations;
  - d. 3304 tolling cases;
  - e. Filed cases;
  - f. Other issues of concern; and
  - g. Weekly meetings shall be memorialized by an agenda prepared and retained by the IAD Commander.

6. Confer with the Bureau of Investigations Deputy Chief regarding the referral of complaints to the Criminal Investigation Division or outside agency in accordance with the provisions of DGO M-4.1.
7. Review all completed internal investigations.
8. Serve as the Discipline Officer to determine discipline on all sustained findings, to convene a Discipline Conference, if necessary.  
  
The IAD Commander may designate another IAD Commander to serve as the Discipline Officer for sustained preventable vehicle collisions.
9. Review all completed internal investigations with a sustained finding and a sample of other cases with the Chief of Police as an advisement or for final disposition and approval.
10. Approve requests for Summary Finding.
11. Approve any case which has been administratively closed or assign designee to approve cases.
12. Ensure all voluntarily withdrawn complaints are reviewed.
13. Review cases and determine if the recommended administrative disposition is appropriate.
14. Review tracking reports of open and 3304 cases.
15. Brief the Chief of Police and, if necessary, the Assistant Chief of Police and/or appropriate Bureau Deputy Chief/Director on complaint trends, risk management and personnel issues as well as action taken.
16. Approve and monitor the Division budget, overtime, purchases and contracts.
17. Prepare, administer, and forward annual performance appraisals for section commanders of the Division in accordance with the provisions of DGO B-6, PERFORMANCE APPRAISALS.

18. Ensure mandated training for IAD personnel is conducted and documented.
19. Ensure staff is cross-trained as time and staffing levels permit.
20. Review Daily Intake Report.

**B. Investigative Section**

A Lieutenant of Police designated by the Chief of Police.

The following responsibilities and tasks are performed by the Investigative Section Commander or the Investigations Supervisor:

1. Investigative Section Commander
  - a. Participate in an internal investigation, as warranted by the seriousness of an incident or as directed by the IAD Commander or Chief of Police.
  - b. Conduct a review of completed IAD and division-level investigations and direct appropriate revisions, if necessary and forward reviewed investigations to the IAD Commander.
  - c. Contact the complainant, who has voluntarily withdrawn their complaint, to ensure Departmental policy and procedures were followed. This action shall be documented in the CAL.
  - d. Ensure the IAD Call-Out Schedule is prepared and approved.
  - e. Review weekly Case Status Reports to ensure overall due date compliance, and notify the IAD Commander when IAD investigations are overdue.
  - f. Advise the IAD Commander of any unusual incidents or other complaints likely to generate unusual public interest.
  - g. Complete annual performance appraisals for any member of the Division who holds the rank of Sergeant of Police assigned to the Investigative Section in accordance with the provisions of DGO B-6 or as directed by the IAD Commander.

2. IAD Investigator

- a. Utilize accredited and approved investigative and interview techniques while conducting objective, timely, and professional investigations in accordance with the provisions of TB V-T.1, Internal Investigation Procedures.
- b. Provide updates regarding status of assigned caseload to the IAD Commander or designee.
- c. Prepare and submit complete and accurate investigative reports in a timely manner.
- d. Receive and answer questions about the complaint process from any source.
- e. Act as the liaison with the Office of the City Attorney in order to track the progress of the civil litigation.

C. Internal Affairs Division Integrity Testing Unit (IADITU)

1. IADITU Supervisor

A Sergeant of Police, designated by the IAD Commander, who is responsible for the following:

- a. Ensure compliance with the provisions of IAD Policy and Procedure 07-01, INTEGRITY TESTING.
- b. Ensure Department compliance with the provisions of DGO E-3.1, DEPARTMENT NOTIFICATION COMPLIANCE VERIFICATION.
- c. Conduct special investigations as directed by the IAD Commander.
- d. Supervise the Pitchess Officer.

2. Pitchess Officer

A Police Officer responsible for the following:

- a. Respond to Pitchess Motion subpoenas in accordance with the provisions of IAD Policy and Procedure 07-02, PITCHESS MOTION PROCESS MANUAL;
- b. Ensure the guidelines for filing a complaint are prominently posted and that there is an adequate supply of *Your Guide to Filing A Complaint Against the Police* (TF-3208):
  - 1) At all police facilities to include:
    - a) Police Administration Building;
    - b) Eastmont Precinct;
    - c) Fruitvale Resource Center; and
    - d) Chinatown Resource Center.
  - 2) At City Hall (1 Frank H. Ogawa Plaza):
    - a) City Clerk's Office (1<sup>st</sup> Floor);
    - b) Citizens' Police Review Board (11<sup>th</sup> Floor); and
    - c) At the Office of Personnel (150 Frank H. Ogawa Plaza - 2<sup>nd</sup> Floor).
  - 3) Oakland - Alameda County Coliseum Security Office (Brochures only).
  - 4) With Neighborhood Services Coordinator for availability a Neighborhood Crime Prevention council meeting.
  - 5) On the Oakland Police Department website.
- c. Be responsible for inspecting and replenishing, when necessary, the supply of *Your Guide to Filing a Complaint Against the Police* (TF-3208) at the locations enumerated above.



D. Administrative Section

1. Administrative Section Commander

A Lieutenant of Police, designated by the Chief of Police and is responsible for the following:

- a. Review and endorse/approve all cases submitted by the Intake Supervisor.
- b. Approve administratively closed cases when directed by the IAD Commander.
- c. Ensure the IAD Complaint Database has been reviewed by the Intake Supervisor.
- d. Ensure the initial assessment is made as to whether a complaint allegation meets the criteria for the Informal Complaint Resolution (ICR) process in accordance with DGO M-3.1.
- e. Ensure a determination has been made whether an investigation is to be completed by the IAD Investigative Section, a division-level investigator, or IAD Intake Unit.
- f. Ensure the appropriate case file has been hand-delivered to the Investigative Section Commander or the appropriate Bureau Deputy Chief/Director for assignment.
- g. Assist the IAD Commander with the evaluation of administrative staffing levels and workload.
- h. Complete annual performance appraisals in accordance with the provisions of DGO B-6 or as directed by the IAD Commander.
- i. Advise the IAD Commander of any unusual incidents or other complaints likely to generate unusual public interest.
- j. Act as the Personnel Assessment System (PAS) liaison with the PAS Coordinator.

- k. Prepare and distribute statistical summary reports at the direction of the IAD Commander or designee.
  - l. Ensure CIRs are updated if there are new or changes in allegations, subject personnel, and input revised information into the IAD Complaint Database.
2. Intake Supervisor

A Sergeant of Police, designated by the IAD Commander, who is responsible for providing direct supervision to the IAD Intake staff and ensuring the following tasks are completed:

- a. Review the IAD Complaint Database on a daily basis to ensure initial contact with a complainant (in person, correspondence, or phone) has been assessed to determine whether an allegation rises to the level of misconduct and, if so, an internal investigation is initiated in accordance with the provisions of DGO M-3.
- b. Ensure the IAD Daily Incident Log received from the Communications Division has been assessed to determine whether an allegation rises to the level of misconduct and, if so, an internal investigation is initiated in accordance with the provisions of DGO M-3.
- c. Review all cases submitted by intake officers and ensure the data is entered in the IAD Complaint Database.
- d. Ensure a notification copy of the CIR has been forwarded to the following:
  - 1) The subject member or employee; and
  - 2) To the subject member or employee's immediate supervisor and the first-level commander.
- e. Ensure a CAL entry has been made to document notification.
- f. Complete annual performance appraisals for any member of the Division who holds the rank of Police Officer assigned to the Intake Unit in accordance with the provisions of DGO B-6 or as directed by the Section Commander.

- g. Ensure Daily Intake Report and complaint summaries/reports are prepared and distributed as directed by the Section Commander.
  - h. Serve as the Citizens' Police Review Board (CPRB) Liaison and ensure:
    - 1) All complaint information received from the CPRB is entered into the complaint database and assigned an IAD Case Number;
    - 2) The CPRB is advised when it is known that a complaint filed with the CPRB is being resolved through the Department's Informal Complaint Resolution process.
  - i. Conduct periodic inspections of IAD Complaint Line Log.
3. Performance Audit Unit (PAU)
- A Supervisor or Manager designated by the IAD Commander who shall be responsible for the following:
- a. Supervise special projects as directed by the IAD Commander.
  - b. Perform internal audits of the IAD to ensure compliance with Division directives and Department policy and procedures.
  - c. Review and analyze Division and applicable Department publications to ensure effectiveness and compliance with established protocols.
  - d. Ensure legal claims are reviewed, processed, and tracked.
4. Administrative Support Supervisor
- The Administrative Services Supervisor shall:
- a. Prepare and forward to the IAD Commander an annual report which includes summarizing the following:
    - 1) The total number of complaints received; and

- 2) The number of allegations of criminal conduct which rises to the level of a felony or serious misdemeanor, in accordance with the provisions of DGO M-4.1, and the number of sustained findings of such allegations.
- b. Ensure the Bureau of Field Operations Administration Unit is notified of any discrepancies with reconciling any Use of Force Report not received within 30 calendar days.
- c. Designate support staff to complete the following:
- 1) Prepare an IAD Administrative Memo (TF-265-5) for each investigative file leaving the IAD, indicating the action to be taken and the assigned due date;
  - 2) Hand-deliver investigative case files to the appropriate Bureau Deputy Chief/Director;
  - 3) Ensure the Use of Force Database has been reviewed ;
  - 4) Prepare and forward the following to the appropriate IAD staff:
    - a) Daily Detail;
    - b) Vacation schedule; and
    - c) Intake assignment.
  - 5) Merge the Investigative Case File with the Control File upon approval of the investigation;
  - 6) Reconcile the Use of Force Report "Tracking Copy" and the original completed Use of Force Report packet;
  - 7) Answer the telephones;
  - 8) Greet visitors;
  - 9) Process and forward all U.S. and Inter-office mail;
  - 10) Assist with logging and maintenance of case files;

- 11) Process IAD correspondence;
- 12) Inventory, order, and maintain IAD supplies;
- 13) Process document requests (e.g., OIG, CPRB, OCA, Personnel Division, etc.);
- 14) Enter updated information from completed case files into the IAD Complaint Database;
- 15) Ensure information and documents received from division-level investigators are recorded in the Chronological Activity Log; and
- 16) Assist other staff and field personnel, as directed.

**E. Division-Level Investigation Unit**

A Sergeant of Police, designated by the IAD Commander, responsible for the following:

1. Review Division-Level Investigations for investigative sufficiency and return for additional work, if necessary;
2. Generate and review weekly 3304 and open investigations reports and notify the IAD Commander of any overdue cases;
3. Present cases to the Chief of Police as directed by the IAD Commander; and
4. Supervise Annuitants as directed by the IAD Commander.

**II. IAD STAFFING**

**A. Rotation**

1. Assignments to the IAD are exempt from the Transfer List and Order of Merit List provisions of DGO B-4.
2. Assignments to the IAD are subject to maximum Caps in accordance with the provisions of DGO B-4.

3. Periodic rotation out of IAD allows members to use their experience and training to help explain and clarify the IAD process to members and employees outside the Division.
4. Rotation into the IAD is considered as a career development opportunity to enhance the understanding of discipline and supervisory techniques.
5. Routine rotation of personnel from the IAD will be considered on an annual basis at the time of each member and employee's annual performance appraisal.
6. Any member or employee may request a voluntary transfer from IAD at any time. The IAD Commander shall endeavor to accommodate the member or employee as soon as possible, considering the operational needs of the Division and the Department.
7. The need for an individual's expertise in the IAD position shall be weighed with the Departmental need for individual career development and the influence trained IAD personnel will bring to the general membership.
8. The IAD Commander shall meet with the member or employee to discuss the need for rotation or the request for transfer (to or from IAD) and make a recommendation to the Chief of Police detailing the following:
  - a. The affected member or employee to be transferred;
  - b. The basis for the rotation or approval or denial of the request for transfer;
  - c. The result of the meeting with the affected member or employee;
  - d. A recommended replacement for the person being rotated or transferred, if applicable; and
  - e. An effective date.

**B. Selection**

1. Selection for assignment to the IAD include but are not limited to the following background criteria:
  - a. Personal interview with the IAD Commander;
  - b. Compliance with the provisions of Departmental General Order E-3.1, DEPARTMENT NOTIFICATION COMPLIANCE VERIFICATION.
  - c. Member or employee's complaint history with close examination of complaints involving:
    - 1) Truthfulness;
    - 2) Use of force; and
    - 3) Any violations related to ethical matters that would preclude one from assignment to such a position.
  - d. Considering a willingness to accept the assignment;
  - e. Personnel Matrix Information
    - 1) Departmental seniority and time in rank;
    - 2) Performance appraisals; and
    - 3) Use of sick time.
  - f. Review of report writing ability and ability to conduct preliminary and/or follow up investigations (e.g., by means of positive Case Evaluation Reports, positive Report Review Notices, or sample Departmental correspondence); and
  - g. Interviews with current supervisor and/or commander.
2. IAD Commander shall prepare a list of candidates and consult with the Chief of Police. The Chief of Police shall make the final determination.

C. Transfer and Training

1. IAD Commander shall prepare a list of eligible candidates for transfer to the IAD for the Chief of Police for approval.
2. The IAD Commander shall endeavor to assign experienced staff already trained with the IAD process to the positions of the Integrity Testing Unit, Division Level Investigative Unit, and Intake Supervisor.
3. The IAD Commander or designee shall ensure an orientation and re-evaluation of objectives and goals for personnel transferred to the IAD is conducted in accordance with the provisions of DGO D-16, CHECK-IN AND ORIENTATION and DGO B-6, PERFORMANCE APPRAISALS. This orientation shall include a discussion regarding the critical nature of assignment with an emphasis on:
  - a. The need to consider the long-term consequences of misconduct investigations on the residents of Oakland, the Department and the affected personnel.
  - b. The importance of confidentiality of IAD information and the legal aspect surrounding that confidentiality.
4. The IAD Commander shall ensure individualized training is provided for newly assigned members or employees based on their experience and anticipated assignment. Training is conducted by a qualified person designated by the IAD Commander.
5. All members shall attend a POST certified Internal Affairs Investigator's course as soon as possible.
6. Newly assigned members to the IAD shall work with an experienced and trained investigator until successful completion of a POST certified Internal Affairs Investigator's course.
7. Newly assigned members to the IAD may work independently (prior to attending the POST certified course) with the approval from an IAD Commander, if he/she has:
  - a. Prior investigative experience; or
  - b. Completed an equivalent course of instruction; and



- c. Demonstrated a competent level of skill and knowledge in the area of preliminary investigations.

### **III. IAD COMPLAINT LINE PROCEDURES**

- A. The IAD shall maintain a toll-free complaint line to facilitate the complaint process.
- B. Complaint Line Hours of Operation
  1. The complaint line shall receive a priority response when a call is received by the IAD and shall be answered promptly.
    - a. During regular IAD business hours, the complaint line shall ring at the desks of the IAD receptionist and the IAD Intake Officer.
    - b. During hours/days when the IAD is closed, the complaint line shall be transferred to the Communications Division. The complaint line in the Communications Division is answered by the Complaint Line/Ambulance Dispatch operator. Medical emergencies take priority over the complaint line.
  2. The IAD Intake Officer or designee transferring the Complaint Line responsibilities to the Communications Division (end of business day) and accepting responsibilities from the Communications Division (start of business day) shall make the appropriate entry into the Complaint Line Transfer Log (TF-3251).
  3. The IAD Intake Sergeant shall review the Log for completeness and ensure the daily transfer of the Complaint Line is conducted in accordance with the provisions of this directive.
- C. Receiving Complaints via the Complaint Line
  1. The Complaint Line in the IAD shall have an advisement that the call is being recorded.
  2. IAD personnel shall process the complaint during regular business hours in accordance with the provisions of DGO M-3.

3. During hours/days when the Complaint Line has been forwarded to the Communications Division, the complaint call shall be processed in accordance with the provisions of Communications Division Policy and Procedure C-2, Receiving and Logging Complaints Against Personnel and Use of Force Incidents.

**D. Managing the Toll-Free Complaint Line and Daily Incident Log**

1. IAD Intake Supervisor or designee shall:

- a. Review the Daily Complaint Log received from the Communications Division, and ensure an IAD Intake/Case Number is assigned and the pertinent data is entered into the IAD Complaint Database;
- b. Reconcile the IAD Daily Incident Log from the Communications Division with cases received by the IAD.

Advise the IAD Administrative Commander of any Log entry not reconciled with cases received within 3 business days and notify the appropriate Bureau Deputy Chief/Director; and

- c. Upon receipt of the Complaint Form (TF-3039b), process the complaint in accordance with the provisions of DGO M-3.

2. The Intake Officer shall contact and advise complainants whose complaints were received by the Communications Division of the IAD Intake/Case Number (whichever is appropriate) and verify the details of the complaint.

**IV. OUTSIDE AGENCY COOPERATION AND SUPPORT**

- A. IAD investigators responding to incidents involving an outside agency shall not interfere with any on-going outside agency investigation.
- B. Personnel from outside agencies are not required to cooperate with OPD IAD investigators unless directed by their agency.
- C. IAD investigators wishing to interview members of outside agencies need to seek their cooperation, consent, or obtain appropriate authorization pursuant to Government Code Section 3304(a).

**D. Sharing and Releasing Information**

1. In the event criminal proceedings are potentially viable, the IAD Commander or his/her designee shall contact the criminal investigator, who shall coordinate the internal investigation with the investigating agency to the extent of 832.7 P.C.
2. Information obtained during any Lybarger interview conducted during an internal investigation shall not be shared with criminal investigators. Any information obtained outside of Lybarger may be shared during a criminal investigation with the approval of the IAD Commander. The internal and criminal investigations shall be kept distinctly separated to avoid any contamination of evidence in the criminal investigation. Any and all information gained from criminal investigations may be shared with IAD investigators.
3. The Grand Jury, State Attorney General, and the District Attorney may obtain an open-litigation case file (a case in which a court hearing is pending), in total or in part, based on justification and in accordance with the provisions of Penal Code Section 832.7.

**V. IAD SUPPORT SERVICES**

The IAD provides support services to operational units upon request or at the direction of the Chief of Police for the purpose of monitoring critical incidents or high-risk operations in order to provide risk management value.

**A. Requests for Support**

1. Requests for support services are submitted through the chain-of-command to the IAD Commander and shall minimally include the following information:
  - a. Authority for assignment;
  - b. Mission Statement and/or Operations Plan;
  - c. Chain-of-command;
  - d. Radio call sign assignments;
  - e. Uniform; and
  - f. Equipment requirements.
2. Assignment is based on the needs of the Department as well as the IAD.

3. Deployment of IAD personnel for field assignments shall be in teams consisting of no less than two members per team.

B. IAD Support Services Protocol

IAD team members assigned as support service shall:

1. Attend the appropriate line-up (if held) and ascertain their role and participation levels;
2. Perform their duties in accordance with the instructions of the Incident Commander or his/her designee to fulfill the objectives and goals;
3. Maintain communications with the Command Post and/or Communications Division;
4. Review applicable statutes, maps of the venue (including command post, staging areas, medical triage, and inner/outer perimeters), nearby medical facilities, and points of ingress and egress;
5. Take the appropriate action to ensure the safety of the public and Departmental personnel; and
6. Provide an After-Action Report to the Incident Commander and a copy to the IAD Commander within two (2) business days.

Approved by



Sean Whent  
Acting Captain of Police  
Internal Affairs Division Commander

Date Signed: 21 Jan 10