

The purpose of this Order is to set forth Citizens' Police Review Board (CPRB) policy regarding investigations and case management of CPRB cases. The primary purpose of the CPRB is to receive citizens' complaints of police misconduct, conduct an investigation of the allegations, and then render a decision based on the outcome of the investigation. The CPRB ordinance provides that this process is to occur in a timely fashion, preferably within 180 days from the date of filing with the Board, and in all instances prior to the expiration of the limitations period set forth in the Police Officers' Bill of Rights (Government Code Section 3304(d)).

Initial Case Assignment

The Executive Director will assign CPRB cases for investigation based on the Board's policy priorities and other relevant factors. A copy of an 'Acknowledgment of Complaint' letter (see Attachment A) will be mailed to the complainant within 10 days following the initial case assignment. This letter will provide the complainant with all the information necessary to identify their complaint, the investigator assigned, the option to pursue mediation, and what to expect during the investigative process.

Case Management

The assigned investigator is required to keep a Case Activity Log and enter all activity related to the case on the log. If another investigator performs any activity related to another investigator's case, the assisting investigator must provide the assigned investigator a copy of any notes, documentation, or materials related to the activity to be included in the case file.

The CPRB, pursuant to Section 6.G.8 of the Ordinance has a goal to complete its fact-finding and conclusions on an individual complaint within 180 days from the date of its filing with the CPRB, unless the case is tolled. Tolling is a legal doctrine which allows for the pausing or delaying of the running of the period of time set forth by a statute of limitations. Several events can "toll" all or part of an investigation. Absent tolling, the CPRB will work to have the case closed or hearing held by the 180th day following the date of the incident. The CPRB Executive Director will meet with the assigned investigator on a monthly basis to receive an update on the case status in an effort to ensure the case is completed in a timely manner. The timeliness of the case completion will provide sufficient opportunity for the case to be brought before the Board for consideration, and then if necessary, for the City Administrator to review.

The update on case activity should address, at a minimum the following:

- What actions/tasks still need to be completed?
- Are there any obstacles preventing the remaining tasks being completed?
- Will there likely be any Sustained allegations in this case? If so, which allegation(s)?
- Will this case likely go to a hearing?
- Has the complainant been notified of the status of the investigation? (pursuant to notification

procedures outlined in Section 6.G.8 of the Ordinance)

- What is the expected case closure date?
- Please list any other information or potential issues with this case.

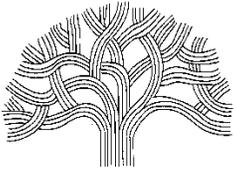
Case Closure/Discipline Recommendation

Cases may be closed in the following manner:

- Administrative Closure – This may occur when the CPRB has no jurisdiction over the alleged incident, the 3304 statute of limitations has expired, or based on the investigation, a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.
- Evidentiary Hearing – The findings from the investigation are presented to the Board, along with testimony from the complainant, subject officer, and all witnesses. The Board will deliberate and render a decision based upon the information presented.
- Mediation – This may occur if the case meets the criteria for mediation as outlined in AGO 4.0.
- Presented directly to the City Administrator – This will occur on a case by case basis.

The CPRB will recommend discipline for all Sustained allegations by utilizing the OPD Discipline Matrix as outlined in Training Bulletin V-T, Department Discipline Policy, TB V-T Appendix, effective date 14 Mar 14 (see Attachment B). The CPRB employs the tenets of progressive discipline and recommends discipline which reflects the seriousness of the offense and is minimally sufficient to correct behavior. The final disciplinary action to be taken will be determined by the City Administrator after a review of all mitigating and aggravating factors for consideration.

The assigned investigator will send a case closure letter to the complaint(s) and subject officer(s) notifying them of the case findings.



**CITY OF OAKLAND
CITY ADMINISTRATOR'S OFFICE
CITIZENS' POLICE REVIEW BOARD**
250 FRANK H. OGAWA PLAZA * SUITE 6302 (FLOOR 6) * OAKLAND, CA 94612
* 510-238-3159 * FAX 510-238-6834 * TTY/TDD 510-238-2007

ACKNOWLEDGMENT OF COMPLAINT

MONTH DAY, YEAR

**Complainant Name
Home/Mailing Address
City, State, Zip**

RE: **CPRB Complaint No: XX-XXXX**
 Date of Incident: XX/XX/XXXX
 Date Complaint Received: XX/XX/XXXX (CPRB)

Dear **Complainant:**

This letter is to acknowledge the receipt of your complaint with the City of Oakland's Citizens' Police Review Board (CPRB). Your complaint has been assigned a number, which is listed above. Please refer to that number if you contact the CPRB. It is very important that we have your current address and telephone contact numbers at all times. Please notify the CPRB immediately if your contact information changes.

Your case has been assigned an investigator. Your investigator's name and telephone number are: **INVESTIGATOR NAME; (510) 238-XXXX.**

In certain cases, you may choose to mediate your complaint rather than pursue a full investigation:

- Both the complaining party and the officer(s) or ranger(s) must agree to mediation, and the results you seek must be obtainable through mediation.
- Discipline against officer(s) or ranger(s) is not a possible result of mediation.

Mediation is facilitated by a Certified Mediator.

If the complaining party is satisfied with the result of the mediation, a case is proposed for summary dismissal. If the complaining party is not satisfied with the results of the mediation, the case is fully investigated and brought to hearing.

While your case may not be suitable for mediation, your preference will be taken into consideration. Please contact your assigned investigator if you wish to pursue this option instead of a formal investigation.

Please contact your investigator for your initial instructions as to what is needed in your case to begin the investigation. Please also make sure that you provide all documents, photos, videos and witness names and contact information that you are aware of to your investigator as soon as possible. Failure to cooperate with the investigation could result in the administrative closure of your complaint.

Your case can take up to one year from the date the complaint was first made. Please be patient. Your complaint is very important to us. Once your case has been investigated, several things may occur. The case may be chosen for a hearing before the CPRB Board, it could be taken directly before the City Administrator for a determination, or it could be proposed for "Administrative Closure" to the CPRB Board at one of its monthly meetings to which you will be invited, meaning that we will recommend there be no finding of discipline against officer(s) in your case, or we are unable to act further for other reasons. Policy recommendations for the Oakland Police Department may also be made by the CPRB.

It is important that you understand the CPRB is investigating cases of current, sworn, City of Oakland police officer/park ranger misconduct only. We are not providing a legal service, we have nothing to do with the criminal or civil courts, and we do not assist in the recovery of any monetary or other civil damages. It is also important that you understand that you will ultimately receive only the CPRB's findings as to officer(s) you have complained about. You are not entitled to receive the evidence supporting those findings under current California law.

Please also note that Oakland Police Department's Internal Affairs, which is a separate agency, will be investigating your case separately. They may contact you directly to request information as well.

Thank you for your anticipated cooperation, and your interest in making Oakland a better community through our agency.

Sincerely,

Anthony W. Finnell
Executive Director
Citizens' Police Review Board
(510)-238-3159

Attachment B

TRAINING		BULLETIN
Effective Date: 14 Mar 14		Index Number: V-T Discipline Policy Appendix Alpha Index: Discipline Matrix
		Evaluation Coordinator: IAD Commander Automatic Revision Cycle: 1 Year
<i>“Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy.”</i>		

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.

MOR / Class	Type of Misconduct	Offense 1 LL-MP-UL	Offense 2 LL-MP-UL	Offense 3 LL-MP-UL
234.00-1	COMMANDING OFFICERS - AUTHORITY AND RESPONSIBILITIES (Gross dereliction of duty) <i>Includes all of the 234.00 subsections</i>	S5-T	S30-T	T
234.00-2	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
314.15-1	ASSISTANCE	S30 -T	T	-
314.21-2	SPECIAL ASSIGNMENTS	C-S3	S3-S30	S5-T
314.24-2	AVAILABILITY–OFF DUTY MEMBERS	C-S2	WR-S3	S3-S30
314.27-2	PEACE OFFICER STATUS	C-S2	WR-S3	S3-S30
314.28-1	NOTIFICATION - CRIMINAL	S2-T	T	-
314.28-2	NOTIFICATION - CIVIL	C-S2	S2-S5	S5-S30
314.30-1	INSUBORDINATION - FAILURE OR REFUSAL TO OBEY A LAWFUL ORDER	S3-T	S10-T	T
314.32-2	INSUBORDINATION - DISRESPECT	C-S5	S5-S10	S10-S30
314.38-1	OBSTRUCTING THE INTERNAL AFFAIRS PROCESS	C-T	S3-T	S10-T
314.39-1	PERFORMANCE OF DUTY – INTENTIONAL SEARCH, SEIZURE, OR ARREST	T	-	-
314.39-2	PERFORMANCE OF DUTY – UNINTENTIONAL/IMPROPER SEARCH, SEIZURE, OR ARREST	C-S3	S3-S10	S10-S30
314.39-1	PERFORMANCE OF DUTY – PLANTING EVIDENCE	T	-	-
314.39-1	PERFORMANCE OF DUTY – MIRANDA VIOLATION	S2-T	S5-T	S10-T
314.39-2	PERFORMANCE OF DUTY - GENERAL	C-S2	WR-S5	S3-S30
314.39-2	PERFORMANCE OF DUTY – CARE OF PROPERTY	C-S2	WR-S5	S5-S30
314.42-1	OBEDIENCE TO LAWS – FELONY/SERIOUS MISDEMEANOR	S2-T	T	-
314.42-1	OBEDIENCE TO LAWS – DRIVING UNDER THE INFLUENCE	S10-T ¹	S20-T	T
314.42-2	OBEDIENCE TO LAWS – MISDEMEANOR/INFRACTION	C-S2	S2-S10	S10-S30
314.48-1	REPORTING VIOLATIONS –FAILURE TO REPORT MISCONDUCT WHEN REQUIRED	C-T	S15-T	T
314.49-1	CONFIDENTIAL REPORTING OF MISCONDUCT	S10-T	T	-
314.51-2	CRITICISM	C-S3	WR-S3	S3-S30

¹ Discipline will be held in abeyance if an approved wellness program is completed.

MOR / Class	Type of Misconduct	Offense 1 LL-MP-UL	Offense 2 LL-MP-UL	Offense 3 LL-MP-UL
314.69-1	GIFTS, GRATUITIES - SOLICITING OR ACCEPTING	C-T	S10-T	T
314.70-1	USE OF PRIVILEGED INFORMATION	S10-T	T	-
314.72-2	TRANSACTIONS	C-S5	S5-S15	T
314.73-1	OTHER TRANSACTIONS	S5-T	T	-
314.74-2	CONFLICT OF INTEREST	C-S3	WR-S3	S3-S30
314.75-1	REWARDS	S2-T	S10-T	S30-T
314.84-2	DEBTS - INCURRING AND PAYMENT	C-S2	S2-S5	S5-S30
328.07-1	PROHIBITED ACTIVITY ON DUTY-SEXUAL ACTIVITY	S2-T	T	
328.07-2	PROHIBITED ACTIVITY ON DUTY	C-S2	S2-S5	S5-S30
328.14-2	LOITERING	C- S2	S2-S5	S5-S30
328.28-2	TARDINESS	C-S2	WR-S3	S3-S30
328.35-2	RELIEF	C-S2	S2-S10	S10-S30
328.49-2	ABSENCE FROM DUTY	C-S3	WR-S6	S6-S30
328.53-1	FALSE REPORTING OF ILLNESS OR INJURY	S30-T	T	-
328.56-2	PHYSICAL FITNESS FOR DUTY	C-S2	WR-S3	S3-S30
328.63-1	CONSUMPTION OF INTOXICANTS	S2-T	T	-
328.70-2	INTOXICANTS ON DEPARTMENTAL PREMISES	C- S2	S2-S5	S5-T
328.77-2	USE OF TOBACCO PRODUCTS WHILE ON DUTY	C- S2	WR-S3	S3-S30
328.84-2	POSSESSION OF KEYS	C- S2	WR-S3	S3-S30
328.91-2	ADDRESS AND TELEPHONE NUMBERS	C- S2	WR-S3	S3-S30
342.00-1	DEPARTMENT PROPERTY AND EQUIPMENT–COLLISION W/ GROSS NEGLIGENCE	S3-T	S15-T	T
342.00-2	DEPARTMENT PROPERTY AND EQUIPMENT – PREVENTABLE COLLISION	C-S3	WR-S3	S3-S30
342.00-2	DEPARTMENT PROPERTY AND EQUIPMENT – IMPROPER USE/CARE/FAILURE TO CARRY	C-S3	WR-S3	S3-S30
342.00-2	DEPARTMENT PROPERTY AND EQUIPMENT – MISAPPROPRIATION/MISUSE	C-S3	S3-S10	S10-S30
342.00-2	DEPARTMENT PROPERTY AND EQUIPMENT – LOSS/DAMAGE	C-S3	S3-S10	S10-S30
342.00-2	DEPARTMENT PROPERTY AND EQUIPMENT – SECURING WEAPONS	C-S3	S2-S5	S5-S30
342.19-2	DAMAGED, INOPERATIVE PROPERTY OR EQUIPMENT	C-S2	WR- S3	S3-S30
342.57-2	CARE OF CITY OR DEPARTMENT BUILDINGS	C-S2	WR-S5	S5-S30
342.76-2	NOTICES	C-S2	WR-S3	S3-S30
342.95-2	USE OF DEPARTMENT VEHICLES	C-S2	WR-S3	S3-S30
342.96-2	DEPARTMENTAL INSIGNIA	C-S2	WR-S3	S3-30
356.20-2	CORRESPONDENCE	C-S2	S2-S5	S5-S30
356.30-1	ACCESSING INAPPROPRIATE WEBSITES	S3-T	S5-T	T
356.35-2	ELECTRONIC MESSAGING	C-S2	WR-S3	S3-S30
356.40-2	FORWARDING COMMUNICATIONS	C-S2	WR-S3	S3-S30
356.60-2	PRIVATE USE OF DEPARTMENT ADDRESS	C-S2	WR-S3	S3-S30
356.80-2	TELEPHONES	C-S2	WR-S3	S3-S30
356.89-1	IMPROPER DISSEMINATION OF INFORMATION	C-T	T	-

MOR / Class	Type of Misconduct	Offense 1 LL-MP-UL	Offense 2 LL-MP-UL	Offense 3 LL-MP-UL
356.90-1	UNAUTHORIZED USE OF ELECTRONIC SYSTEMS	C-T	T	-
370.09-2	IDENTIFICATION AS POLICE OFFICER	C-S2	WR-S3	S3-S30
370.10-1	IDENTIFICATION OF UNDERCOVER OFFICER	T	-	-
370.27-1	USE OF PHYSICAL FORCE - LEVEL 1 - 4	C-T	S3-T	T
370.36-1	CUSTODY OF PRISONERS – TREATMENT & MAINTAINING CONTROL	C-T	S5-T	S10-T
370.45-1	REPORTS AND BOOKINGS	T	-	-
370.63-1	SECURITY OF DEPARTMENTAL BUSINESS	C-T	S5-T	T
370.72-1	COMPROMISING CRIMINAL CASES	T	-	-
370.81-1	ASSISTING CRIMINALS	T	-	-
370.90-1	ENDORSEMENTS AND REFERRALS – FEE IS EXCHANGED	T	-	-
370.90-2	ENDORSEMENTS AND REFERRALS – NO FEE IS EXCHANGED	C-S2	WR-S3	S3-S30
384.28-2	COMMERCIAL TESTIMONIALS	C-S2	WR-S3	S3-S30
384.32-2	POLITICAL ACTIVITY	C-S2	S2-S5	S5-S30
384.56-2	MEMBERSHIP IN ORGANIZATIONS	C-S2	WR-S3	S3-S30
384.70-1	SUBVERSIVE ORGANIZATION	T	-	-
384.98-1	PERSONAL PREFERMENT	C-S30	S3-T	T
398.16-1	COURT APPEARANCES	C-T	S3-T	T
398.32-2	NOTIFICATION OF SUBPOENA TO TESTIFY FOR THE DEFENSE	C-S2	WR-S3	S3-S30
398.48-1	REFUSAL TO TESTIFY	T	-	-
398.70-1	INTERFERING WITH INVESTIGATIONS	T	-	-
398.73-1	RETALIATION	T	-	-
398.74-1	RETALIATION, ACCOUNTABILITY - SUPERVISORS	S30-T	T	-
398.76-1	REFUSAL TO ACCEPT OR REFER A COMPLAINT (INTENTIONAL)	S5-T	T	-
398.76-2	FAILURE TO ACCEPT OR REFER A COMPLAINT (UNINTENTIONAL)	C-S5	S2-S5	S5-S30
398.77-1	REFUSAL TO PROVIDE NAME OR SERIAL NUMBER	S3-T	S30-T	T
398.80-1	TRUTHFULNESS	T	-	-
398.96-2	CIVIL CASES	C-S2	S2-S5	S5-S30