

OFFICE OF CHIEF OF POLICE  
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 9 Oct 09

SUBJECT: Departmental General Order E-3.1,  
DEPARTMENT NOTIFICATION COMPLIANCE VERIFICATION  
(Rev. 16 Mar 09)

The purpose of this order is to revise Departmental policy and procedures regarding additional responsibilities of the Personnel Section and the Internal Affairs Division Integrity Testing Unit, and the addition of the Gang/Gun Investigation Task Force to the list of specialized units pursuant to the recommendations made by the Evaluation Coordinator in the six-month evaluation report.

The Evaluation Coordinator identified inadequate procedures for ensuring personnel being transferred to specialized units had properly submitted the required compliance documentation prior to transfer. This lack of review unnecessarily delayed ensuring transferred personnel were in compliance with Department policy.

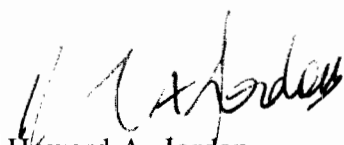
The evaluation coordinator for this order shall be the Internal Affairs Division Commander, who, without further notice, shall forward the required two-year review report to the Chief of Police on or by 5 Apr 10.

The Evaluation Coordinator shall receive, review and document the acceptance or rejection of all comments and/or recommendations received prior to submitting his/her six-month evaluation report.

The Evaluation Coordinator shall forward a copy of the two-year review report, along with the comments/recommendations received, to the Office of Inspector General to be maintained in the appropriate Departmental General Order archive folder.

Personnel shall acknowledge receipt, review, and understanding of this directive in accordance with the provisions of DGO A-1, DEPARTMENTAL PUBLICATIONS.

By order of



Howard A. Jordan  
Acting Chief of Police

Date Signed: 10/7/09



DEPARTMENTAL  
GENERAL  
ORDER

E-3.1

Index as:

Department Notification  
Compliance Verification

Effective Date:  
9 Oct 09

Evaluation Coordinator:  
IAD Commander

Evaluation Due Date:  
5 Apr 10

Automatic Revision Cycle:  
2 Years

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### DEPARTMENT NOTIFICATION COMPLIANCE VERIFICATION

The purpose of this order is to set forth Departmental policy and procedure regarding the notification responsibility of Departmental personnel when they are a party to specific incidents enumerated in this order, as well as the responsibilities of unit commanders and the Internal Affairs Division (IAD) regarding such notifications. In addition, this order enumerates the requirements regarding the submission of Statement of Compliance forms (TF-3280) and the responsibilities of specialized unit supervisors and commanders regarding these forms.

#### I. MOR SECTION 314.28 - NOTIFICATION

Department *Manual of Rules* Section 314.28 states:

**NOTIFICATION** - Any member/employee who is a party to any of the following incidents shall prepare and forward a memorandum, via email or hand-delivery, directly to the IAD Commander within 72 hours:

- Lawsuit (the member/employee is not required to report under this section when the City is also named as a party in the lawsuit);
- Arrest;
- CDL suspension or revocation, or notification of CDL suspension or revocation;
- Cited, in lieu of arrest (except Vehicle Code infractions);
- Served with a civil or administrative process related to their employment or which contain allegations which rise to the level of a Manual of Rules violation; or

- Becomes aware that he/she is under investigation for any misdemeanor or felony in this or another jurisdiction.

If circumstances prevent compliance with the timeline (e.g., incarcerated, hospitalized, out of the country), the member/employee shall make such notification as soon as practical or notify his/her unit commander who shall prepare and forward the memorandum.

The notification memorandum shall include the following:

- Day, Date, Time, Location of incident;
- Involved parties; and
- Summary of the circumstances of the incident.

Notification by any other means shall not satisfy the requirement of this *MOR* Section.

## **II. SPECIALIZED UNIT DESIGNATIONS**

- A. Internal Affairs Division;
- B. Targeted Enforcement Task Force;
- C. Gang/Gun Investigation Task Force;
- D. Police and Corrections Team;
- E. Fugitive Unit;
- F. Alameda County Narcotics Task Force;
- G. Drug Enforcement Administration Task Force;
- H. Alcohol Beverage Action Team;
- I. Intelligence Division;
- J. Office of Inspector General;
- K. Crime Reduction Teams; and
- L. Inspectional Services Unit.

## **III. ADDITIONAL REQUIREMENTS**

- A. A member/employee shall prepare and forward a Statement of Compliance File sealed in an envelope and hand delivered directly to the Internal Affairs Division Integrity Testing Unit (IADITU) when he/she has been advised by the Department that he/she is being considered for transfer to a specialized unit designated in Part II of this order.

- B. The Statement of Compliance File shall contain the following:
1. A current Statement of Compliance form (TF-3280) prepared by the affected member/employee;
  2. A memorandum detailing the circumstances of any category marked “Yes” in the Statement of Compliance form and any relevant supporting documentation, if necessary, prepared by the affected member/ employee; and
  3. An official credit report<sup>1</sup> furnished by the member/employee.
- C. A member/employee shall prepare and forward a Statement of Compliance File sealed in an envelope and hand-delivered directly to IADITU as required for the annual update in accordance with the provisions of Part IV, B of this order.
- D. A member/employee who has been served with **ANY** civil or administrative process, including tort claims and financial claims, shall prepare and forward a memorandum, via email or hand delivery, directly to the IAD Commander within 72 hours of service.
1. If he/she has been advised by the Department that he/she is being considered for transfer to a specialized unit; or
  2. If currently serving in a specialized unit.
- The memorandum shall include the same information as required for the notification memorandum in Part I of this order.
- E. A member/employee shall update his/her Statement of Compliance form whenever there is a change of status regarding any category of information contained in the Statement of Compliance form. The member/employee shall complete a Statement of Compliance form, seal the form in an envelope, and hand deliver directly to the IADITU.
- F. The Personnel Section shall forward a draft of the Personnel Order to the IADITU for compliance review prior to forwarding to the Chief of Police for review and approval.

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<sup>1</sup> A free credit report may be obtained from the Federal Trade Commission website at [www.ftc.gov](http://www.ftc.gov). If the member/employee is not eligible for a free credit report, the Department may pay the cost upon proof of such non-eligibility.

- G. Failure to complete a Statement of Compliance form and submit the required information shall prevent the member or employee from being transferred to or retained in a specialized assignment.

#### **IV. SPECIALIZED UNIT FIRST-LEVEL COMMANDER RESPONSIBILITIES**

- A. The prospective specialized unit first-level commander shall ensure the prospective subordinate prepares and forwards his/her Statement of Compliance File to the IADITU.
- B. The first-level commander of each member/employee currently assigned to a specialized unit shall ensure that the member/employee forwards his/her Statement of Compliance File to the IADITU, **annually**, by the second Friday in February. Incumbents who fail to complete a Statement of Compliance form shall not be allowed to continue in the assignment. An incumbent member/employee's failure to submit a completed Statement of Compliance form may impact their ability to work specialized assignments in the future.
- C. The first-level commander shall notify the IADITU when a subordinate separates from the specialized unit.

#### **V. IADITU RESPONSIBILITIES**

Upon receipt of the member/employee's Statement of Compliance File the IADITU shall:

- A. Verify the accuracy of the information contained in the Statement of Compliance form to the extent possible utilizing the information submitted by the subject and information obtained by the IADITU.
  - 1. If all the categories on the Statement of Compliance form are marked "No" and there are no discrepancies found during verification, there will be no further investigation.
  - 2. If any of the categories are marked "No" and discrepancies are found during verification, the IADITU shall brief the IAD Commander and conduct additional follow-up if necessary.
  - 3. If any of the categories are marked "Yes," the IADITU shall conduct additional follow-up if necessary. Follow-up may include but is not limited to the following:

- a. Gathering supporting documents; and/or
  - b. Interviewing the affected member or employee.
- B. Prepare a Financial Summary Report (IAD Form – 17) utilizing the information contained in the Statement of Compliance File. This Financial Summary Report will not include any account numbers and will not identify by name either specific entities to which debts are owed or sources of income. To protect the member/employee’s confidential information, the original credit report shall be shredded as soon as reasonably possible. No copies of the credit report shall be made.
- C. Advise the IAD Commander, via email, if the IADITU has concerns about the member/employee’s suitability for transfer to, or retention in, the specialized unit.
- D. Serve as the custodian of record for the confidential Statement of Compliance files for specialized units.

All Statement of Compliance files are confidential and shall be stored in a secured and locked location in the IADITU Supervisor’s office. The files shall be retained throughout the course of the member or employee’s assignment to the specialized unit until destroyed.

- E. Review all Statement of Compliance files annually, no later than 1 May, to identify members/employees who have been separated from specialized units for more than one (1) year and destroy all such Statement of Compliance files.
- F. Prepare a log identifying the Statement of Compliance files that are destroyed.

## **VI. IAD COMMANDER RESPONSIBILITIES**

- A. The IAD Commander shall brief the Chief of Police when the IADITU has concerns about the member/employee’s suitability for transfer to, or retention in, the specialized unit.
- B. The IAD Commander shall notify the IADITU, via email, of the decision made by the Chief of Police to accept, retain, or remove a member/employee after being advised by the IADITU of concerns regarding a member/employee’s suitability for transfer to, or retention in, a specialized unit.

- C. The IAD Commander shall ensure compliance with the provisions of this order.

## VII. NOTIFICATION COMPLIANCE CHECKS

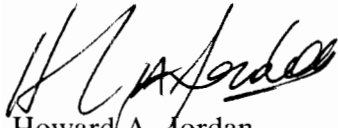
The IADITU shall conduct notification compliance checks for selected Departmental personnel assigned to **specialized** and **non-specialized units**.

- A. The IADITU shall utilize the following sample size for conducting notification compliance checks:
  - 1. Two (2) members/employees assigned to specialized units per quarter; and
  - 2. Two (2) members/employees assigned to non-specialized units per quarter.
- B. The following information sources may be utilized to verify specific notification compliance information:
  - 1. Specialized Units
    - a. Credit reports (provided by members/employees);
    - b. Payroll records;
    - c. Law enforcement agency records;
    - d. DMV database;
    - e. Warrant/Restraining order databases; and
    - f. Public records (County courthouse records).
  - 2. Non-Specialized Units
    - a. Payroll records;
    - b. Law enforcement agency records;
    - c. DMV database;
    - d. Warrant/Restraining order databases; and
    - e. Public records (County courthouse records).
- C. Credit reports shall be shredded as provided in Part V, B.

### VIII. CONFIDENTIALITY OF INFORMATION

All information contained in the Statement of Compliance files shall be regarded as confidential. Department personnel shall not disclose or permit the disclosure or use of such files, documents, reports, records, or information except as required in the performance of their official duties as specified in this order. The unauthorized use of information obtained through employment with the Oakland Police Department can subject the member/employee to disciplinary action and/or criminal prosecution.

By Order of



Howard A. Jordan  
Acting Chief of Police

Date Signed: 10/7/09