

CITY OF OAKLAND

Memorandum

To: Office of the Chief of Police
Attn: Chief Anthony Batts
From: Officer of Inspector General
Date: August 6, 2010

Re: Task 5.17 - All notes related to an internal investigation to be permanently maintained in the case file.

On August 2, 2010, the Office of Inspector General audit unit initiated an audit of Task 5.17 of the Negotiated Settlement Agreement (NSA) which states the following:

OPD shall develop provisions for the permanent retention of all notes, generated and/or received by OPD personnel in the case file.

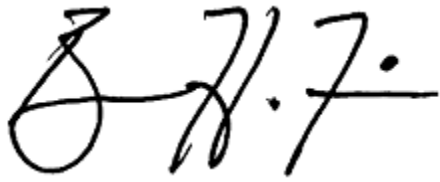
By this statement the Oakland Police Department is required to permanently maintain all case notes generated and/or received during the course of an internal investigation in the case file. OPD Training Bulletin V-T.1 titled Part III Internal Investigation Procedural Manual; section D, part 3, states the following:

- d) Handwritten notes shall be maintained in the Investigative File. At the conclusion of the investigation, all handwritten notes shall be merged and permanently retained in the Control File.

IAD developed a form titled Investigative Notes Declaration (IAD Form – 11) in order for an investigator to declare and document that in fact all notes, generated and/or received by OPD personnel in the course of an internal investigation are in the case file

The audit population consisted of all internal investigations closed between May 1 and July 31, 2010 resulting in a finding (Unfounded, exonerated, not sustained and/or sustained). Investigations which were administratively closed cases; closed as the result of an informal compliant resolution; and on-duty traffic collision investigations were deselected and not part of the audit population.

The audit team examined 92 case files and determined 75 (82%) of the files contained IAD Form – 11. Of course, no review can conclusively determine that no notes or other materials were withheld from any file or inappropriately destroyed. Nonetheless, the presence a declaration of whether notes are in the file provides some assurance that notes are retained.

A handwritten signature in black ink, appearing to read 'B. Fairow'.

Benson Fairow
Captain of Police
Office of Inspector General

Case Number	Finding	Date Closed	Yes / No	Date	PDF
09-1938	Unfounded	20-May-10	Yes	28-Apr-10	9
09-1986	Exonerated	13-May-10	Yes	5-May-10	9
09-1996	Sustained	22-May-10	Yes	13-Jan-10	49
09-2026	Unfounded	22-May-10	Yes	27-Jan-10	92
09-2027	Exonerated	29-May-10	No		
09-2056	Unfounded	08-Jun-10	Yes	28-Mar-10	3
09-2061	Unfounded	06-May-10	No		
09-2076	Exonerated	04-Jun-10	Yes	4-Jun-10	10
09-2095	Exonerated	21-May-10	Yes	10-Mar-10	5
09-2109	Exonerated	14-Jul-10	Yes	19-Jun-10	25
09-2111	Not Sustained	28-May-10	Yes	2-May-10	6
09-2114	Exonerated	27-May-10	Yes	7-May-10	9
09-2133	Not Sustained	25-Jun-10	Yes	21-Apr-10	4
09-2137	Not Sustained	12-Jul-10	Yes	23-May-10	61
07-1035	Exonerated	13-May-10	No	Blank	612
08-1220	Exonerated	22-May-10	Yes	7-Oct-09	140
08-1263	Sustained	15-Jun-10	Yes	13-Mar-09	106
08-1338	Exonerated	15-Jun-10	No	Blank	262
08-1395	Exonerated	22-May-10	Yes	11-Jun-09	180
09-0200	Exonerated	21-Jun-10	Yes	13-May-09	123
09-0212	Not Sustained	11-May-10	Yes	21-Aug-09	88
09-0385	Not Sustained	05-Jun-10	Yes	23-Mar-09	78
09-0800	Sustained	22-May-10	Yes	3-Aug-09	18
09-0984	Not Sustained	16-Jun-10	Yes	16-Oct-09	7
09-1244	Sustained	24-May-10	No	Blank	94
09-1290	Sustained	22-May-10	Yes	18-Nov-09	65
09-1812	Unfounded	22-May-10	Yes	31-Mar-10	8
09-1815	Exonerated	03-May-10	Yes	7-Feb-10	54
09-1827	Exonerated	05-Jun-10	No		
09-1861	Unfounded	13-May-10	No		
10-0001	Not Sustained	04-Jun-10	Yes	26-Apr-10	10
10-0020	Not Sustained	14-Jul-10	Yes	10-Jun-10	11
10-0024	Unfounded	04-Jun-10	Yes	11-May-10	25
10-0036	Exonerated	17-Jun-10	Yes	10-Feb-10	16
10-0047	Exonerated	29-May-10	No		
10-0049	Unfounded	09-Jun-10	Yes	Date Blank	4
10-0051	Unfounded	06-May-10	No		
10-0062	Unfounded	24-Jun-10	Yes	21-Jun-10	2
10-0072	Not Sustained	08-Jun-10	Yes	13-Mar-10	8
10-0088	Exonerated	24-Jun-10	Yes	14-Apr-10	5

Case Number	Finding	Date Closed	Yes / No	Date	PDF
10-0089	Sustained	26-Jul-10	Yes	10-Mar-10	10
10-0092	Unfounded	07-Jul-10	Yes	29-May-10	5
10-0094	Exonerated	15-Jul-10	Yes	9-Apr-10	3
10-0103	Unfounded	20-Jul-10	Yes	30-May-10	9
10-0108	Unfounded	11-Jun-10	Yes	20-Apr-10	3
10-0109	Sustained	28-Jun-10	Yes	5-May-10	10
10-0116	Exonerated	29-Jul-10	Yes	2-Jul-10	4
10-0118	Exonerated	16-May-10	No		
10-0123	Unfounded	24-Jun-10	Yes	13-Jun-10	9
10-0129	Unfounded	29-Jun-10	No	Blank	4
10-0146	Exonerated	18-May-10	No		
10-0155	Unfounded	11-Jun-10	Yes	16-Mar-10	7
10-0156	Not Sustained	08-Jun-10	Yes	21-Apr-10	4
10-0163	Exonerated	29-Jul-10	Yes	14-Jun-10	10
10-0170	Unfounded	25-Jun-10	Yes	13-May-10	17
10-0182	Exonerated	19-May-10	No		
10-0187	Not Sustained	07-Jul-10	Yes	1-Jun-10	57
10-0199	Unfounded	24-Jun-10	Yes	22-Jun-10	5
10-0204	Exonerated	11-Jun-10	Yes	5-May-10	5
10-0206	Not Sustained	29-Jun-10	No	Blank	6
10-0213	Exonerated	08-Jun-10	Yes	6-May-10	4
10-0215	Exonerated	08-Jun-10	Yes	11-May-10	8
10-0218	Exonerated	20-Jul-10	Yes	2-Jun-10	15
10-0224	Unfounded	06-Jul-10	Yes	10-Jun-10	4
10-0231	Exonerated	25-Jun-10	Yes	6-May-10	3
10-0239	Unfounded	15-Jul-10	Yes	16-Jun-10	5
10-0245	Unfounded	25-Jun-10	Yes	27-May-10	4
10-0252	Not Sustained	07-Jul-10	Yes	19-Jun-10	12
10-0255	Unfounded	24-Jun-10	Yes	7-Jun-10	41
10-0265	Unfounded	24-Jun-10	Yes	17-May-10	4
10-0266	Exonerated	29-Jul-10	Yes	1-Jul-19	7
10-0267	Exonerated	06-Jul-10	Yes	20-May-10	6
10-0275	Unfounded	17-Jun-10	Yes	23-Mar-10	7
10-0280	Exonerated	26-Jul-10	Yes	23-Jul-10	22
10-0282		29-Jul-10	Yes	2-Jul-10	7
10-0298	Not Sustained	30-Jul-10	No	Blank	5
10-0304	Exonerated	15-Jul-10	Yes	19-Jun-10	8
10-0305	Exonerated	29-May-10	Yes	28-Apr-10	4
10-0318	Sustained	29-Jun-10	Yes	28-Apr-10	53
10-0321	Unfounded	20-Jul-10	Yes	10-May-10	3
10-0326	Exonerated	19-May-10	No		
10-0330	Exonerated	22-Jul-10	Yes	19-Jun-10	9
10-0331	Unfounded	22-Jul-10	Yes	12-Jul-10	5
10-0332	Exonerated	29-Jul-10	Yes	15-May-10	3
10-0346	Exonerated	01-Jul-10	Yes	29-Jun-10	10
10-0362	Exonerated	24-Jun-10	Yes	16-Jun-10	10

Case Number	Finding	Date Closed	Yes / No	Date	PDF
10-0364	Unfounded	22-Jul-10	Yes	7-Jul-10	4
10-0376	Exonerated	30-Jul-10	Yes	8-Jul-10	16
10-0379	Exonerated	29-Jul-10	Yes	1-Jul-10	6
10-0386	Unfounded	16-Jun-10	Yes	5-Jun-10	121
10-0399	Unfounded	12-Jul-10	No		
10-0713	Sustained	23-Jul-10	Yes	14-Jun-10	84