



***Your Guide to***

## **FILING A COMPLAINT**

***Against the Police***

***Oakland Police Department  
Internal Affairs Division  
250 Frank Ogawa Plaza, Suite C  
Oakland, CA 94612***

***Telephone: (510) 238-3161  
24-Hour Hotline: (866) 214-8834  
TDD: (510) 777-3333  
FAX: (510) 238-3014***

**If you need assistance with translation/interpretation into Chinese, Spanish, or Vietnamese, please contact the Internal Affairs Division.**

This packet includes:

- Notice and Releases (TF-3039a)
- Complaint Form (TF-3039b)

Provided by: \_\_\_\_\_ Serial No.: \_\_\_\_\_ Date: \_\_\_\_\_



**City of Oakland  
Mission Statement**

The City of Oakland is committed to the delivery of effective, courteous, and responsive services. Citizens and employees are treated with fairness, dignity, and respect. Civic and employee pride are accomplished through constant pursuit of excellence and a work force that values and reflects the diversity of the Oakland community.



**Oakland Police Department  
Values**

***Our F.I.R.S.T. Commitment***

- Fairness*** We value fairness and strive to deliver services, provide assistance, and make decisions that are impartial, unbiased, and without prejudice.
- Integrity*** We value the trust and confidence placed in us by the public we serve and will not compromise ourselves or allow personal benefit to influence our decision in servicing the community.
- Respect*** We value respect; the respect for ourselves, each other, and all members of our community; showing an understanding and appreciation for our similarities and differences.
- Service*** We value the opportunity to provide service which is courteous, responsive, firm, and sensitive to the needs of the community.
- Teamwork*** We value teamwork and cooperation in combining our diverse backgrounds, skills, and beliefs to achieve a common goal.

Policing is often difficult and complex. We strive to be courteous, thorough, and impartial in our investigations and fair in our judgments. We also realize that mistakes can occur and our actions at times fall short of your expectations.

We must maintain your trust and confidence in us to provide quality police service to all members of our community. As public servants, we respect the rights of all persons; therefore, your complaints and concerns are important to us.

As a public agency, we are accountable to the community, and our employees are subject to discipline when wrong. Our employees also merit protection from undeserved criticism.

We will do our best to handle your complaint promptly. The following pages describe the complaint process. I hope this booklet will help you understand how serious we are in taking responsibility for the services we provide.

Wayne G. Tucker  
Chief of Police

## Your Rights

- Members of the public have a legal right to file complaints, and this agency is required to accept any complaint you wish to file.
- You have a right to a written description of this procedure.
- Any attempt to interfere with, discourage, or deter the exercise of your right to file a complaint will not be tolerated.
- Any act of retaliation by an employee against a complainant for filing a complaint will not be tolerated.
- Any attempt to contact you regarding the complaint by an employee named in the complaint as a subject is prohibited unless authorized by you or as part of an agreement to participate in an approved mediation.
- To protect your rights and to facilitate a thorough investigation, internal investigations are by law confidential.

### What is a Complaint?

An allegation from any source regarding a specific act or omission by a member or employee which would amount to misconduct; or

An allegation from any source regarding an improper policy, procedure, practice, service level or legal standard of the Department.

**Note:** If your complaint concerns a disagreement over the validity of a traffic or parking citation, please contact the court system. The Police Department does not resolve such disputes.

### Who Can File a Complaint

Any member of the community may file a complaint with the Oakland Police Department\* and/or the Citizens' Police Review Board (CPRB)\*\*

\* ***Filing a complaint with the Oakland Police Department or the CPRB does not prevent a member of the community from filing a damage claim against the City or from making complaints with other government agencies or authorities.***

\*\* ***The CPRB is composed of 12 members of the Oakland community who have been appointed by the Mayor to review complaints.***

## Filing a Complaint

You may file a complaint in any of the following ways:

1. Request to speak directly to the supervisor of the officer or employee.
2. Use the 24-hour Complaint Hotline at (866) 214-8834 to file your complaint. and leave a detailed message describing the complaint. Be sure to have the following information:
  - Date, time, and location of the incident.
  - Name, badge number and/or car number of the officer(s) or employee(s) involved.
  - Name, address, and telephone number of any witnesses.
3. Visit the Internal Affairs Division and file the complaint with the Intake Officer. Office hours are Monday through Friday, 9 AM to 5 PM.
4. Telephone the Internal Affairs Division and make arrangements for an investigator from the Division to meet you at a convenient location, or a local community resource center, which are listed below:

Chinatown Community Resource Center (Pacific Renaissance Center)  
388 - 9<sup>th</sup> Street  
Oakland, CA 94607  
Telephone: (510) 238-7930

Latino Community Resource Center  
4470 International Blvd.  
Oakland, CA 94601  
Telephone: (510) 238-7647

Eastmont Station  
2651 - 73<sup>rd</sup> Avenue  
Oakland, CA 94605  
Telephone: (510) 777-8500

5. Call the Citizens' Police Review Board office at (510) 238-3159 and if no one is available, leave a detailed voice mail message describing the complaint. Be sure to include the following information:
  - Date, time, and location of the incident.
  - Name, badge number and/or car number of the officer(s) or employee(s) involved.
  - Name, address, and telephone number of any witnesses.
6. Visit the Citizens' Police Review Board office and file the complaint with an investigator. Office hours are Monday through Friday, 8:30 AM to 5 PM.
7. If you elect to describe your complaint in a letter or file a complaint using the Complaint Form:
  - a. By letter, please include the following information:
    1. Date, time, and location of the incident.
    2. Name, badge number and/or car number of the officers or employees involved.
    3. Name, address, and telephone number of any witnesses.

- b. Detach and complete the Complaint Form (TF-3039b) thoroughly.
- c. Detach, read, sign, and date the Notice and Releases Form (TF-3039a).
- d. Deliver, mail, or fax a copy of your letter or the Complaint Form and Notice and Releases Form to the IAD and/or the CPRB, or directly to the Office of the Chief of Police.

Oakland Police Department  
 Internal Affairs Division  
 250 Frank H. Ogawa Plaza, Suite C  
 Oakland, CA 94612

Oakland Police Department  
 Office of the Chief of Police  
 455-7<sup>th</sup> Street  
 Oakland, CA 94607

Citizens' Police Review Board  
 1 Frank H. Ogawa Plaza, 11<sup>th</sup> Floor  
 Oakland, CA 94612

9. If you have any questions regarding the Complaint Form, contact either the:

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|---|------------------|---|
| <p><u>Internal Affairs Division</u><br/>         (510) 238-3161<br/>         (510) 777-3333 – TDD<br/>         (510) 238-3014 – Fax</p> | <p><b>OR</b></p> | <p><u>Citizens' Police Review Board</u><br/>         (510) 238-3159<br/>         (510) 238-7084 – TDD<br/>         (510) 238-2007 – Fax</p> |
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24-hour Complaint  
 Hotline:  
 (866) 214-8834

## The Investigation

### OPD

If you decide to have your complaint investigated by the Police Department, an investigator will contact you to discuss the complaint. The investigation will be conducted by an investigator of the Internal Affairs Division or by the supervisor of the officer or employee against whom the complaint is made.

Occasionally, the problem actually is with an agency other than the police, or it may be possible that the supervisor or an investigator can explain the officer or employee's actions to your satisfaction. However, if the complaint is not resolved, the investigator will take a recorded statement from you and provide you with a written copy or taped copy (if provided) for your records.

You will be contacted by the assigned investigator within 5 calendar days with the case number of your complaint. The investigator will then interview witnesses, collect evidence, and complete a written report. You may contact the investigator at any time to determine the status of your investigation.

An internal investigation normally takes up to 120 days and when the investigation is completed, it is reviewed by the Chief of Police. In cases where disciplinary action is appropriate, the Discipline Officer will provide the Chief of Police with a recommendation for discipline.

## **CPRB**

If you decide to have your complaint investigated by the Citizens' Police Review Board (CPRB), a civilian CPRB investigator will contact you to discuss the complaint. Your investigation will be conducted by a Citizens' Police Review Board investigator. OPD will also conduct a concurrent investigation.

When the CPRB investigation is completed, CPRB staff will forward the investigation summary to the Board for administrative action, an evidentiary hearing, or a policy hearing.

In cases where you and the subject officer agree, mediation services are available. If mediation is successful, your case will not be submitted to the Board for a hearing.

If the Board conducts an evidentiary hearing, it will make factual findings of whether the officer(s) engaged in misconduct. If the Board determines misconduct has occurred, it will determine the appropriate disciplinary action. The Board's disciplinary recommendations will be forwarded to the City Administrator for consideration in consultation with the CPRB Executive Director and the Police Chief.

Members and employees of the Police Department who act inappropriately will receive discipline based on the seriousness of the misconduct. Discipline includes:

1. Counseling;
2. Training;
3. Written Reprimand;
4. Suspension;
5. Demotion; or
6. Termination.

In all cases, the Chief of Police or the City Administrator has final authority over the imposition of discipline.

### **Your Rights After the OPD Investigation**

After the investigation has been completed, evaluated, and endorsed by the Chief of Police, you will be notified of the finding and whether appropriate corrective action has been taken. You will not be notified of the exact discipline imposed.

If you have any questions regarding the finding, you may call the Internal Affairs Division for clarification at (510) 238-3161.

### Notice and Releases

The CITIZENS' POLICE REVIEW BOARD (CPRB) also investigates complaints against the police. The CPRB process (civilian complaint review) is a PUBLIC PROCESS. This means that all the information you provide to the CPRB and any information you authorize the OAKLAND POLICE DEPARTMENT to release to the CPRB will be maintained in CPRB files indefinitely and may be released to the public. You may, however, keep your address and telephone number confidential.

I have read and understood that the information gathered during the investigation may be released to the public. I authorize the release of my address  (check) and telephone numbers  (check) I provided on this Complaint Form.

\_\_\_\_\_

Complainant's Signature

\_\_\_\_\_

Date

In order for the CPRB to effectively investigate your complaint, you must authorize the OAKLAND POLICE DEPARTMENT to release to the CPRB the following information to which you are entitled by law [Cal. Gov. Code § 6254 (f)]: any statements you have given or may give in the future to the OAKLAND POLICE DEPARTMENT regarding this incident, the names and addresses of persons involved in or witnesses to the incident (other than confidential informants), the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, and statements of all witnesses (other than confidential informants).

I have read and understood the above and authorize the OAKLAND POLICE DEPARTMENT to release the above information to the CPRB.

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Complainant's Signature

\_\_\_\_\_

Date