

CPRC OID Evaluation Process

(For use following conclusion of OID Investigation by RPD / CPRC Investigators)

Stage I – Commissioner Review

- a) Action - Commissioners review RPD Criminal Investigation File(s)
Timing - Within 30 days after Criminal Book is in place at CPRC office.
- b) Action - Review CPRC investigator's report
Timing - Within 30 days after CPRC investigator's report is in place at CPRC office.

Stage II – Fact Certification Process

- a) Action - Commission meets to discuss the case solely for the purpose of identifying facts that need to be:
 - 1) Clarified
 - 2) Investigated further by:
 - i) RPD investigators, and / or
 - ii) CPRC investigator,
- Timing - First regular meeting after the Commission's 30 day review period expires.
- b) Action - Follow up report to Commission by Staff on investigator's (RPD / CPRC) work product on follow up of facts to be clarified or investigated.
- Timing - Next regularly scheduled meeting, every 2 weeks.

NOTE: Stage II Steps a & b to continue to occur until all factual questions are answered or facts are identified as no longer available or all means to gather that information has been exhausted.

- c) Action - Commission votes to "tentatively close" fact certification process.
- Timing - After CPRC Staff notifies the Commission that all factual questions are answered or questioned facts are identified as no longer available or all means to gather that information has been exhausted.

Stage III – Policy and Procedure Certification Process

- a) Action - CPRC Staff / CPRC Investigator or Consultant to identify and present to Commission all existing RPD Policy & Procedures implicated under the OID fact pattern.
- Timing - Next meeting following the Commission's tentative closure of the fact certification process.
- b) Action - CPRC Staff / CPRC Investigator to identify any other generally accepted law enforcement policies or procedures implicated under the OID fact pattern that are not existing RPD Policy & Procedures.

Timing - Next meeting following the Commission's tentative closure of the fact certification process.

NOTE: This action under Stage III, Step b, is not for purposes of having the Commission find the actions within or outside RPD policy, but is for the purpose of identifying areas that may give rise to policy recommendations by the Commission in its Public Report.

c) Action - Training of CPRC Commissioners on any legal, policy, technical or tactical functions raised by facts and circumstances of this OID. Depending upon the issue, training is to be conducted by RPD Staff, CPRC Staff, or the CPRC's Investigator / Consultant.

Timing - Second and Third meeting of the Commission following the Commission's tentative closure of the fact certification process.

NOTE: Special meeting can be set for training offsite or upon trainers availability, if necessary.

d) Action - Identify any new, unanswered factual questions or factual issues raised through the Commission's review of Staff's policy, procedure, technical or tactical functions raised by facts and circumstances of this OID, in this process that needs to be investigated further.

Timing - Next regularly scheduled meeting after the Commission's education and / or training on policy, procedure, technical or tactical issues.

e) Action - Follow up report by Staff to Commission on Investigator's (RPD / CPRC) work product on new, factual questions that needed to be clarified or investigated.

Timing - Next regular scheduled meeting, every 2 weeks until completed.

f) Action - Commission votes to "finally close" fact certification process.

Timing - After CPRC Staff notifies the Commission that all new factual questions are answered or are identified as no longer available or all means to gather that information has been exhausted.

Stage IV – CPRC Fact Finding Process

a) Action - Identify undisputed facts

b) Action - Identify disputed facts

c) Action - Identify basis for disputed facts:
 i) Multiple witnesses with different observations
 ii) Witnesses observation versus Technical Data / Forensics
 iii) Unasked questions

NOTE: All unasked questions should have been covered already by Stage III, Step d. However, if a new factual question comes to light, the Commission is to seek to have disputed

facts reconciled – further investigation and facts gathered by RPD, CPRC Staff, or the CPRC's Investigator / Consultant.

Timing - Immediately after fact certification process has been finally closed and before deliberation process (STAGE II).

Stage V – CPRC Deliberation Process

- a) Make findings, if any, on disputed facts, by discussion and vote.
- b) Identify RPD policies implicated in OID, by discussion and vote.
- c) Commissioner(s) articulates and applies ~~Apply~~ facts from Stage IV and V to RPD policies then in existence at the time of the OID and analyzes, through Commission discussion whether the action(s) taken by officer(s) leading up to the OID and actions causing the OID was/were within or outside RPD policy, ~~by discussion and vote.~~
- d) Commissioner(s) with dissenting point(s) of view, if any, articulate and discuss their specific areas of concern by identifying and applying facts from Stage IV and V to RPD policies then in existence at the time of the OID and analyzes, through Commission discussion whether action(s) taken by officer(s) leading up to and/or causing the OID was/were within or outside RPD policy.
- e) Commissioner(s) makes motion as to whether action(s) taken by officer(s) leading up to and/or causing the OID was within or outside RPD policy, by concurrently articulating facts from Stage IV and V, and RPD policies then in existence at the time of the OID giving rise to their conclusion and motion. Second, if any. Vote, if any.
- f) Commissioner(s) with dissenting point(s) of view, if any, causing them to vote against any motion made in the preceding paragraph shall articulate their rationale for their dissent using only facts from Stage IV and V, and RPD policies then in existence at the time of the OID as support for their dissent. Other Commissioners if any, may join in all or part of any Commissioners dissent and they too shall also articulate their rationale using only facts from Stage IV and V, and RPD policies then in existence at the time of the OID as support for their dissent.
- g) Identify Policy & Procedure issues and recommendations, if any, by discussion and vote.
- h) Identify ~~T~~training & Tactical issues and recommendations, if any, by discussion and vote.

Stage VI – CPRC Prepare Written Public Report

- a) Commission shall ~~d~~irect Staff on Commission's findings and what 1st draft of the Commission's Public Report should look like utilizing facts and factual findings from Stages IV and V, along with fact and policy conclusions voted upon during Stage V. (i) If there are any dissenting points of view articulated during Stage V(f), Staff shall ensure each dissenter's rationale is also accurately recorded in the Commission's Public Report and presented after each corresponding policy conclusion voted upon during Stage V(e) under the heading "Dissenting Viewpoints". (ii) If any two or more Commissioners express similar dissenting viewpoints during Stage V(f), Staff shall ensure this dissenting minority's viewpoints are also accurately recorded and presented in the

Commission's Public Report in narrative form under the heading "Common Dissenting Points of View." The dissenters in this category may, but are not required, submit their own written rationale for inclusion in the Commission's Public Report. However, if the dissenters in this category do choose to submit a draft rationale of their own, it may only use facts from Stages IV and V and may not be considered for inclusion until after a draft has been submitted to the entire Commission for its review and comment before Stage VI(e).

- b) Direct Staff on drafting findings on any Policy & Procedure ~~findings~~ issues.
- c) Direct Staff on drafting findings on any Training ~~&/~~ Tactical issues.
- d) Common Dissenting Points of View ~~Include Minority Report~~, if any to be submitted to Commission for its review.
- e) ~~Discuss Minority Report~~ Commissioners discuss Common Dissenting Points of View, if any, advise Staff of any changes to be made to the Commission's Public Report.
- f) Ongoing review and revisions to the Commission's Public Report. Make changes as needed to the Commission's Public Report ~~public report~~ until all Commissioners are satisfied that it accurately reflects all Commissioner's concerns and/or viewpoints.

CPRC OID Evaluation Process

(For use following conclusion of an OID criminal investigation review by D.A.)

Stage I – Commissioner Review

- a) Action - Commission Members review RPD OID Criminal Investigation file(s).
 Timing - Within 30 days after Criminal Investigation is provided to CPRC staff.

Stage II – Fact Finding & Certification Process

- a) Action - Identify undisputed facts, identify disputed facts, and identify basis for disputed facts such as multiple witness with different observations; witness observations compared to technical data or forensics; unasked questions, etc.
 Timing - At first meeting after 30 day review time has lapsed.
- b) Action - Identify facts that need to be clarified, or require further investigation. Staff will first address any such issue to RPD investigators, and if fact is not addressed, may secondarily employ CPRC investigator.
 Timing - Immediately upon completion of fact-finding.
- c) Action - Follow up report to Commission by Staff on investigator's (RPD / CPRC) response to request for facts to be clarified or investigated.
 Timing - First meeting following receipt of response.

NOTE: Stage II steps b & c continue to occur until all factual questions are answered or facts are identified as no longer available or all means to gather that information has been exhausted.

- c) Action - Commission consensus, or majority vote if necessary, to “tentatively close” fact certification process.
 Timing - After Staff notifies the Commission that all factual questions are answered or questioned facts are identified as no longer available or all reasonable means to gather that information has been exhausted.
 Goal - Commission should strive to complete Fact Finding & Certification Process within 60 days of receiving the criminal investigation from RPD.

Stage III – Policy and Procedure Certification Process

- a) Action - Staff identifies and presents all existing RPD Policy & Procedures implicated under the OID fact pattern. Also, Staff identifies any other generally accepted law enforcement policies or procedures implicated under the OID fact pattern that are not existing RPD Policy & Procedures. The purpose is to identify areas that may give rise to policy recommendations

- Timing - Immediately upon the Commission's tentative closure of the fact certification process.
- c) Action - Training on any necessary legal, policy, technical or tactical functions raised by facts and circumstances of the OID. Training may be conducted by RPD Staff, CPRC Staff, or other available resource.
- Timing - As soon as possible upon identification of need for training.
- d) Action - Identify any new factual questions or factual issues raised through the review of policy, procedure, technical or tactical functions. If necessary, request follow-up response by Investigator to clarify new questions.
- Timing - Immediately upon receiving any Commission-approved education and / or training on policy, procedure, technical or tactical issues.
- e) Action - Follow up report by Staff to Commission on Investigator's response on new, factual questions that needed to be clarified or investigated.
- Timing - Next regular scheduled meeting.
- f) Action - Commission consensus, or majority vote if necessary, to "finally close" fact certification process.
- Timing - Immediately upon Staff notification to Commission that all new factual questions are answered or are identified as no longer available, or all reasonable means to gather that information have been exhausted.
- g) Action - Commission consensus, or majority vote if necessary, to close policy certification process.
- Goal - Commission should strive to complete Policy & Procedure Certification Process within 60 days of completing fact certification.

Stage IV – Deliberation & Finding Process

- a) Action - Chair gives notice to Commission that each Member is responsible to develop a rationale for a finding on whether the lethal use of force was consistent with RPD policy. Every rationale should rely solely on the facts identified in the Fact Certification process. Those facts should be applied solely to policy identified in the Policy Certification process. Members are encouraged to be specific in reference to facts and policy as a basis for potential finding. Any rationale not adhering solely to such facts and policies must be rejected by the Commission.
- Timing - Immediately upon completion of the Policy & Procedure Certification Process.
- b) Action - Chair will call for any Member to publicly offer rationale and finding as starting point for discussion. Members are encouraged to consider all

offered rationales, and to seek to identify and construct final Commission finding.

- Timing - To commence at first meeting after notice (“a” above).
- c) Action - Commission Members discuss whether one unified rationale is sufficient to cover Commission positions, views, and concerns. If alternate or dissenting rationales are apparent, they are to be identified, developed, and discussed prior to any vote.
- Timing - In concert with, or immediately following, “b” above.
- d) Action - If any alternate or dissenting rationales are identified and developed, Commission must determine by consensus, or majority vote if necessary, whether to include such rationales in the Commission’s OID Report.
- Timing - At the conclusion of all discussion on a possible finding, as determined by consensus, or if necessary by majority vote.
- e) Action - Chair calls for final vote on finding of whether the OID was consistent with RPD policy.
- Timing - Immediately upon completion of discussion, deliberation, and any necessary preceding votes.
- Goal - Commission should strive to complete Deliberation & Finding Process within 60 days of completing policy & procedure certification.

Stage V – Recommendation Process

- a) Action - Chair gives notice to Commission that any Member who has identified possible recommendations to policy, practice, tactics, training, or other areas is asked to provide such recommendations, or ideas for recommendations, to the Commission for consideration and discussion.
- Timing - Immediately upon completion of Deliberation and Finding Process.
- b) Action - After presentation of any recommendations, and subsequent discussion, if any, Commission Members decide whether to modify and or adopt the recommendations, either by consensus, or by majority vote if necessary.
- Timing - Immediately following notice under “a” above when possible, and no later than the next following meeting.
- Goal - Commission should strive to complete Recommendation Process within 30 days of completing Deliberation & Finding Process.

Stage VI – Written Public Report

- a) Action - Staff shall provide a written report of Commission action at each Stage of the OID Evaluation Process, including developing a Fact Sheet,

identifying relevant policy, procedures and training, identifying all relevant evidence, transcribing Commission rationale(s), and finding(s), recommendation(s), and vote(s). The draft report shall be carried over to each subsequent meeting.

- Timing - Ongoing and continuous, with each revised draft presented to the Commission at every meeting for review and approval.
- b) Action - Chair to call for final review and approval of Commission Public Report.
- Timing - Immediately upon completion of Recommendation Process, and after presentation to Commission of final draft report.
- Goal - Staff should present final draft report to Commission within 30 days of completing the recommendation process.
- Final Goal - 270 days, or 9 months.

CPRC OID Evaluation Process

(For use following conclusion of an OID criminal investigation review by D.A.)

Stage I – Commissioner Review

- a) Action - Commissioner Members review RPD OID Criminal Investigation file(s).
- Timing - Within 30 days after Criminal Investigation is provided to CPRC staff.

Stage II – Fact Finding & Certification Process

- a) Action - Identify undisputed facts, identify disputed facts, and identify basis for disputed facts such as multiple witness with different observations; witness observations compared to technical data or forensics; unasked questions, etc.
- Timing - At first meeting after 30 day review time has lapsed.
- b) Action - Identify facts that need to be clarified, or require further investigation. Staff will first address any such issue to RPD investigators, ~~and if fact is not addressed, may secondarily employ CPRC investigator.~~
- Timing - Immediately upon completion of fact-finding.
- c) Action - Follow up report to Commission by Staff on investigator's ~~(RPD/ CPRC)~~ response to request for facts to be clarified or investigated.
- Timing - First meeting following receipt of response.

NOTE: Stage II steps b & c continue to occur until all factual questions are answered or facts are identified as no longer available or all means to gather that information has been exhausted.

- c) Action - Commission consensus, or majority vote if necessary, to “tentatively close” fact certification process.
- Timing - After Staff notifies the Commission that all factual questions are answered or questioned facts are identified as no longer available or all reasonable means to gather that information has been exhausted.
- Goal - Commission should strive to complete Fact Finding & Certification Process within 60 days of receiving the criminal investigation from RPD.

Stage III – Policy and Procedure Certification Process

- a) Action - Staff identifies and presents all existing RPD Policy & Procedures implicated under the OID fact pattern. Also, Staff identifies any other generally accepted law enforcement policies or procedures implicated under the OID fact pattern that are not existing RPD Policy & Procedures. The purpose is to identify areas that may give rise to policy recommendations
- Timing - Immediately upon the Commission's tentative closure of the fact certification process.
- c) Action - Training on any necessary legal, policy, technical or tactical functions raised by facts and circumstances of the OID. Training may be conducted by RPD Staff, CPRC Staff, or other available resource.
- Timing - As soon as possible upon identification of need for training.
- d) Action - Identify any new factual questions or factual issues raised through the review of policy, procedure, technical or tactical functions. If necessary, request follow-up response by Investigators to clarify new questions.
- Timing - Immediately upon receiving any Commission-approved education and / or training on policy, procedure, technical or tactical issues.
- e) Action - Follow up report by Staff to Commission on Investigator's response on new, factual questions that needed to be clarified or investigated.
- Timing - Next regular scheduled meeting.
- f) Action - Commission consensus, or majority vote if necessary, to "finally close" fact certification process.
- Timing - Immediately upon Staff notification to Commission that all new factual questions are answered or are identified as no longer available, or all reasonable means to gather that information have been exhausted.
- g) Action - Commission consensus, or majority vote if necessary, to close policy certification process.
- Goal - Commission should strive to complete Policy & Procedure Certification Process within 60 days of completing fact certification.

Stage IV – Deliberation & Finding Process

- a) Action - Chair gives notice to Commission that each Member is responsible to develop a rationale for a finding on whether the lethal use of force was consistent with RPD policy. Every rationale should rely solely on the facts identified in the Fact Certification process. Those facts should be applied solely to policy identified in the Policy Certification process. Members are encouraged to be specific in reference to facts and policy as a basis for potential finding. Any rationale not adhering solely to such facts and policies must be rejected by the Commission.
- Timing - Immediately upon completion of the Policy & Procedure Certification Process.
- b) Action - Chair will call for any Member to publicly offer rationale and finding as starting point for discussion. Members are encouraged to consider all offered rationales, and to seek to identify and construct final Commission finding.
- Timing - To commence at first meeting after notice (“a” above).
- c) Action - Commission Members discuss whether one unified rationale is sufficient to cover Commission positions, views, and concerns. If alternate or dissenting rationales are apparent, they are to be identified, developed, and discussed prior to any vote.
- Timing - In concert with, or immediately following, “b” above.
- d) Action - If any alternate or dissenting rationales are identified and developed, Commission must determine by consensus, or majority vote if necessary, whether to include such rationales in the Commission’s OID Report.
- Timing - At the conclusion of all discussion on a possible finding, as determined by consensus, or if necessary by majority vote.
- e) Action - Chair calls for final vote on finding of whether the OID was consistent with RPD policy.
- Timing - Immediately upon completion of discussion, deliberation, and any necessary preceding votes.
- Goal - Commission should strive to complete Deliberation & Finding Process within 60 days of completing policy & procedure certification.

Stage V – Recommendation Process

- a) Action - Chair gives notice to Commission that any Member who has identified possible recommendations to policy, practice, tactics, training, or other areas is asked to provide such recommendations, or ideas for recommendations, to the Commission for consideration and discussion.
- Timing - Immediately upon completion of Deliberation and Finding Process.
- b) Action - After presentation of any recommendations, and subsequent discussion, if any, Commission Members decide whether to modify and or adopt the recommendations, either by consensus, or by majority vote if necessary.
- Timing - Immediately following notice under “a” above when possible, and no later than the next following meeting.
- Goal - Commission should strive to complete Recommendation Process within 30 days of completing Deliberation & Finding Process.

Stage VI – Written Public Report

- a) Action - Staff shall provide a written report of Commission action at each Stage of the OID Evaluation Process, including developing a Fact Sheet, identifying relevant policy, procedures and training, identifying all relevant evidence, transcribing Commission rationale(s), and finding(s), recommendation(s), and vote(s). The draft report shall be carried over to each subsequent meeting.
- Timing - Ongoing and continuous, with each revised draft presented to the Commission at every meeting for review and approval.
- b) Action - Chair to call for final review and approval of Commission Public Report.
- Timing - Immediately upon completion of Recommendation Process, and after presentation to Commission of final draft report.
- Goal - Staff should present final draft report to Commission within 30 days of completing the recommendation process.
- Final Goal - 270 days, or 9 months.

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(For use following conclusion of an OID criminal investigation review by D.A.)

Stage I – Commissioner Review

- a) Action - Commissioner Members review RPD OID Criminal Investigation file(s).
- Timing - Within 30 days after Criminal Investigation is provided to CPRC staff.

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- a) Action - Identify undisputed facts, identify disputed facts, and identify basis for disputed facts such as multiple witness with different observations; witness observations compared to technical data or forensics; unasked questions, etc.
- Timing - At first meeting after 30 day review time has lapsed.
- b) Action - Identify facts that need to be clarified, or require further investigation. Staff will first address any such issue to RPD investigators
- Timing - Immediately upon completion of fact-finding.
- c) Action - Follow up report to Commission by Staff on investigator's response to request for facts to be clarified or investigated.
- Timing - First meeting following receipt of response.

NOTE: Stage II steps b & c continue to occur until all factual questions are answered or facts are identified as no longer available or all means to gather that information has been exhausted.

- c) Action - Commission consensus, or majority vote if necessary, to "tentatively close" fact certification process.
- Timing - After Staff notifies the Commission that all factual questions are answered or questioned facts are identified as no longer available or all reasonable means to gather that information has been exhausted.
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- Timing - Immediately upon the Commission's tentative closure of the fact certification process.
- c) Action - Training on any necessary legal, policy, technical or tactical functions raised by facts and circumstances of the OID. Training may be conducted by RPD Staff, CPRC Staff, or other available resource.
- Timing - As soon as possible upon identification of need for training.
- d) Action - Identify any new factual questions or factual issues raised through the review of policy, procedure, technical or tactical functions. If necessary, request follow-up response by investigators to clarify new questions.
- Timing - Immediately upon receiving any Commission-approved education and / or training on policy, procedure, technical or tactical issues.
- e) Action - Follow up report by Staff to Commission on investigator's response on new, factual questions that needed to be clarified or investigated.
- Timing - Next regular scheduled meeting.
- f) Action - Commission consensus, or majority vote if necessary, to "finally close" fact certification process.
- Timing - Immediately upon Staff notification to Commission that all new factual questions are answered or are identified as no longer available, or all reasonable means to gather that information have been exhausted.
- g) Action - Commission consensus, or majority vote if necessary, to close policy certification process.
- Goal - Commission should strive to complete Policy & Procedure Certification Process within 60 days of completing fact certification.

Stage IV – Deliberation & Finding Process

- a) Action - Chair gives notice to Commission that each Member is responsible to develop a rationale for a finding on whether the lethal use of force was consistent with RPD policy. Every rationale should rely solely on the facts identified in the Fact Certification process. Those facts should be applied solely to policy identified in the Policy Certification process. Members are encouraged to be specific in reference to facts and policy as a basis for potential finding. Any rationale not adhering solely to such facts and policies must be rejected by the Commission.
- Timing - Immediately upon completion of the Policy & Procedure Certification Process.
- b) Action - Chair will call for any Member to publicly offer rationale and finding as starting point for discussion. Members are encouraged to consider all offered rationales, and to seek to identify and construct final Commission finding.
- Timing - To commence at first meeting after notice (“a” above).
- c) Action - Commission Members discuss whether one unified rationale is sufficient to cover Commission positions, views, and concerns. If alternate or dissenting rationales are apparent, they are to be identified, developed, and discussed prior to any vote.
- Timing - In concert with, or immediately following, “b” above.
- d) Action - If any alternate or dissenting rationales are identified and developed, Commission must determine by consensus, or majority vote if necessary, whether to include such rationales in the Commission’s OID Report.
- Timing - At the conclusion of all discussion on a possible finding, as determined by consensus, or if necessary by majority vote.
- e) Action - Chair calls for final vote on finding of whether the OID was consistent with RPD policy.
- Timing - Immediately upon completion of discussion, deliberation, and any necessary preceding votes.
- Goal - Commission should strive to complete Deliberation & Finding Process within 60 days of completing policy & procedure certification.

Stage V – Recommendation Process

- a) Action - Chair gives notice to Commission that any Member who has identified possible recommendations to policy, practice, tactics, training, or other areas is asked to provide such recommendations, or ideas for recommendations, to the Commission for consideration and discussion.
- Timing - Immediately upon completion of Deliberation and Finding Process.
- b) Action - After presentation of any recommendations, and subsequent discussion, if any, Commission Members decide whether to modify and or adopt the recommendations, either by consensus, or by majority vote if necessary.
- Timing - Immediately following notice under “a” above when possible, and no later than the next following meeting.
- Goal - Commission should strive to complete Recommendation Process within 30 days of completing Deliberation & Finding Process.

Stage VI – Written Public Report

- a) Action - Staff shall provide a written report of Commission action at each Stage of the OID Evaluation Process, including developing a Fact Sheet, identifying relevant policy, procedures and training, identifying all relevant evidence, transcribing Commission rationale(s), and finding(s), recommendation(s), and vote(s). The draft report shall be carried over to each subsequent meeting.
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- Timing - Immediately upon completion of Recommendation Process, and after presentation to Commission of final draft report.
- Goal - Staff should present final draft report to Commission within 30 days of completing the recommendation process.
- Final Goal - 270 days, or 9 months.