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8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 DELPHINE ALLEN, et al.,  
 12 Plaintiffs,  
 13 v.  
 14 CITY OF OAKLAND, et al.,  
 15 Defendants.

Case No. C 00-4599 WHO

**DEFENDANT CITY OF OAKLAND'S  
 JANUARY 26, 2018 STATUS REPORT  
 PURSUANT TO OCTOBER 2, 2017  
 MINUTE ENTRY ORDER REQUIRING  
 COMBINED STATUS REPORTS**

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1 Defendant City of Oakland (“City”) files the attached combined status report pursuant to the  
2 Court’s October 2, 2017 Minute Entry Order requiring the City to file a combined status report  
3 regarding:

- 4 (1) OPD’s progress on the Swanson Report recommendations;  
5 (2) additional commitments related to the Critical Incident Review and policy and training  
6 improvements; and  
7 (3) the status of Arbitrations and Retaliation Investigations.

8 There are three attachments to the status report. **Attachment A** combines OPD’s progress  
9 on the Swanson Report recommendations, additional commitments related to the Critical Incident  
10 Review, and the status of arbitrations. **Attachments B and C** outline the status of retaliation  
11 investigations and incorporate public and sealed documents.

12 The status report is due on January 26, 2018.

13  
14 Dated: January 26, 2018

15 BARBARA J. PARKER, City Attorney  
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17 RYAN G. RICHARDSON, Special Counsel  
18 KIMBERLY A. BLISS, Deputy City Attorney  
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20 By:           /s/ Barbara J. Parker            
21 Attorneys for Defendants  
22 CITY OF OAKLAND, et al  
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# **ATTACHMENT A**

# CITY OF OAKLAND



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January 26, 2018

## ***DELPHINE ALLEN v. CITY OF OAKLAND, et al.***

### **PROGRESS REPORT NO. 10**

This is the City's tenth Progress Report. The Court ordered that the City provide quarterly Progress Reports, beginning on December 31, 2015. There is only one outstanding item from the Court Investigator's April 2015 report.<sup>1</sup> Accordingly, this report focuses on: 1) the City's recent police-related arbitration decisions; 2) the City's progress in implementing the recommendations in the Court Investigator's March 21, 2016 report; 3) the City's progress in implementing the recommendations in the Court Investigator's June 21, 2017 report; and 4) additional steps the City has taken as a result of the Court Investigator's June 21, 2017 report.

#### **I. Arbitration Decisions Since September 2017 Progress Report**

No police-related arbitration decisions have been issued since we filed our September 2017 progress report.

#### **II. Implementation of March 2016 Recommendations**

As of our last progress report, the City had implemented thirteen of the fourteen recommendations. This report focuses on the remaining recommendation.<sup>2</sup>

**Recommendation 5:** The Civilian Manager within IAD should be responsible for developing institutional memory within IA, potentially through the development of an IAD manual.

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<sup>1</sup> The one outstanding item from the Court Investigator's April 2015 report is the recommendation that OPD, in consultation with OCA, address outdated rules and policies. OPD continues to work on updating its entire policy manual.

<sup>2</sup> We have numbered the remaining recommendation using its original numbering, to facilitate cross-referencing with the Investigator's report and the City's last progress report.

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Response Status:

The IAD manual has undergone an in-depth review process by IAD, the Monitoring team and the City Attorney's Office. IAD is revising the IAD manual based on the extensive feedback it has received.

Projected Time Frame for Completion: March 2018

Persons Accountable: IAD Civilian Manager

**III. Implementation of June 2017 Recommendations**

As noted in the Oakland Police Department Action Plan in Response to [the] Swanson Report (Doc. 1165) (the "Action Plan"), OPD is implementing all nine policy and procedures recommendations contained in the June 21, 2017 Swanson Report. In some instances, the recommendations—even when fairly narrow in their scope—caused the Department to reconsider and completely rewrite policies and training bulletins regarding how the Department conducts Internal Affairs investigations and criminal investigations of its members. These new policies required review by Department subject matter experts and command staff, the City Attorney's office, the Plaintiffs' Counsel, the Monitoring Team and the three unions representing the sworn and non-sworn employees of the Department. In some instances, those reviewing parties proposed changes that required that the policies go through the substantial chain of review once again. As noted below, however, this process is almost complete.

The following is a summary of the Department's policy and procedure changes in response to the Report's nine recommendations, and the status of each.

**Recommendation 1:** Members of CID [Criminal Investigation Division] Should Be Trained on Departmental General Order ("DGO") M-4.1.

Response/Status:

The Swanson Report recommends that the Department provide additional training to all CID personnel on when DGO M-4.1 requires OPD personnel to notify the District Attorney's Office of potential officer criminal misconduct. In order to implement other recommendations contained in the Swanson Report, as well as some policy changes that the Department self-identified, an OPD working group spent significant time reviewing and re-drafting Departmental General Order M-4.1, and provided a draft policy to the Independent Monitoring Team (IMT) before its August 2017 site visit. After meeting with the IMT to discuss the initially-proposed changes, the Department determined that it should completely redraft DGO M-4.1 to implement the Swanson Report's recommendations, address the IMT's concerns and ensure that the policy reflects the Department's

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intent and best practices. Accordingly, the Department turned to drafting a new Lexipol-based<sup>3</sup> Policy 611 (“Criminal Investigation of Members of the Department and Sworn Law Enforcement Personnel”) to replace DGO M-4.1. Policy 611 has been reviewed by OPD command staff, the City Attorney, Plaintiffs’ counsel and the Independent Monitoring Team.

Thereafter, the Department submitted a draft policy to the affected bargaining units for OPD employees, and the OPOA requested to meet and confer. That meet and confer took place in January 2017. To address the OPOA’s concerns, the Department made some minor changes that will require IMT and union sign-off.

Through all levels of review and comment, the core promises that the Department made to the Court and the public remain in the draft policy. Most importantly, the draft policy lowers the threshold for reporting suspected officer criminal misconduct to the District Attorney’s office. Under the draft Policy 611, it will be the responsibility of the Deputy Chief of Police in charge of the Bureau of Investigations to provide notifications of all allegations of criminal misconduct involving an OPD officer or employee. Such notifications will be mandated whether or not the conduct occurred during the course and scope of employment. The notifications will be required for officer-involved shootings and in-custody deaths, but not for cases including other allegations of officer use of force or misconduct (e.g., the planting of evidence) while on duty unless there is reasonable suspicion that such acts were committed and constitute a felony or serious misdemeanor.<sup>4</sup> Such notifications will be provided to the District Attorney’s Office (or the local policy agency and district attorney’s office if the conduct occurred in another jurisdiction), the City Attorney’s Office, Internal Affairs, the Chief and the Assistant Chief. The Department will also provide follow-up notifications: 1) if and when OPD’s investigation reveals reasonable suspicion of criminal misconduct; and 2) when CID is closing its criminal investigation for any reason. All of these notifications will be documented in the

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<sup>3</sup> OPD is in the process of reviewing, rewriting and re-numbering all of its General Orders to become a “Lexipol”-based department. Lexipol provides state-specific public safety *draft* policies to law enforcement agencies. One size, however, does not fit all. Accordingly, in order to ensure that the final policies reflect best practices, NSA requirements, and are in compliance with local, state and federal law, each policy goes through a drafting and review process with Departmental subject matter experts and command staff. Policies affecting NSA tasks and requirements are also reviewed by the City Attorney, the IMT, Plaintiffs’ counsel and any affected unions before implementation.

<sup>4</sup> Allegations of improper use of force or other misconduct related to peace officer duties will still be internally investigated pursuant to Department General Order M-3 (Complaints Against Departmental Personnel or Procedures), and, where appropriate, DGO K-4.1 (Force Review Boards). All use of force complaints will also be independently investigated by the City’s newly formed citizen Police Commission.

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Department's expanded 611 Tracking Sheet (TF-3510) and the Investigation Action Report ("IAR").

Projected Time Frame for Completion:

While some minor elements of the policy are being finalized through the meet and confer process, the OPOA has not objected to the District Attorney notification requirements, and the Department has already begun providing such notifications in all cases where the Department becomes aware of alleged criminal misconduct.

The City is hopeful that the remaining minor issues (that must go to the IMT and the unions) will be finalized and implemented before the end of February 2018.

After Policy 611 is implemented:

- The policy will be published to all OPD members through the Department's document management system (Power DMS), with training materials and a quiz
- The CID Commander will provide in-person training to all CID personnel on the policy
- Training on the Policy 611 will be included in the Department's Continuous Professional Training (CPT) program

Persons Accountable:

- Drafting and implementation of Policy 611 (BOI Deputy Chief)
- Publishing of Policy 611 to all Department Members with training and quiz (Assistant Chief)
- In-Person Training for all CID personnel re new policy (BOI Deputy Chief/CID Commander)
- Inclusion of Policy 611 in CPT (Assistant Chief)

**Recommendation 2:** CID Should Document Whether it is Notifying the D[istrict] A[ttorney]'s Office of Suspected Officer Criminal Misconduct.

The Report explains that in all cases involving allegations of criminal misconduct against OPD personnel, CID should discuss whether those allegations rise to the level of a reasonable suspicion under DGO M-4.1, thus requiring notification to the District Attorney's Office.

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Response/Status:

As noted above, the Department's new proposed Policy 611 generally eliminates the requirement of reasonable suspicion for DA notification, thus increasing the number of cases for which notification will be made. It also requires the BOI Deputy Chief to document all notifications to the DA and others in the 611 Tracking Sheet and the IAR.

Projected Time Frame for Completion:

The OPOA has not objected to this documentation requirement, and the Department has already started complying. It will be memorialized in written policy once Policy 611 is fully implemented.

Person Accountable: BOI Deputy Chief

**Recommendation 3:** SVU [Special Victims Unit] Should Lead Investigations of Officer Sexual Criminal Misconduct and Should Lead Interviews of Victims in Those Cases.

The Report noted that SVU investigators are trained in how to interview and handle victims of sex crimes, and should therefore lead investigations of officer criminal sexual misconduct and lead victim interviews in those investigations. "If CID determines special circumstances require that a different unit should lead the investigation of sexual criminal misconduct by officers, CID should note the reason for that determination in its Investigative Action Report." (Swanson Report, p. 30.)

Response/Status:

The Department has added the following language to DGO M-4 (Coordination of Criminal Investigations): "The Special Victims Unit should serve as the primary investigative unit and should lead interviews of victims of sex crimes. If a CID Commander determines special circumstances require that a different unit should lead such an investigation, the CID Commander shall notify the SVS Commander and note the reason for that determination in its Investigative Action Report."

The proposed language was approved by Plaintiffs' counsel, the IMT, and the OPOA. The new language was posted on Power DMS on November 20, 2017, and members were required to review and sign-off by December 1, 2017. Thus, this recommendation has been fully implemented.

Additionally, as promised in the Department's Action Plan, two homicide investigators attended a 40-hour POST certified course that provided specialized



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interview training specific to working with victims of sex crimes consistent with the training SVU investigators receive. The Department will continue to ensure that selected homicide investigators receive such training, which will help homicide investigators work with certain witnesses and spot issues that should be referred to SVU.

**Recommendation 4:** Handoff of Criminal Investigations of Officer Misconduct to IAD, or the Conclusion of CID Investigations of Officer Criminal Misconduct, Should Require Briefing and Sign-Off from the Chief or Assistant Chief.

Response/Status:

Draft Policy 611 requires the Chief's approval to close any CID investigation of member criminal misconduct, and documentation of such approval in the IAR and the 611 Tracking Sheet (TR-3510).

Projected Time Frame for Completion:

The OPOA has not objected to this policy recommendation, and the Department has already implemented this practice. It will be memorialized in written policy once Policy 611 is fully implemented.

Person Accountable: BOI Deputy Chief

**Recommendation 5:** IAD Should Involve OCA Before Subject and Witness Interviews in Investigations of Serious Allegations

Response/Status:

The Department has made numerous proposed revisions to Department Training Bulletin V-T.1 (Internal Investigation Procedures) ("TB V-T.1"), including the addition of a new section entitled "Consultation with the Office of the City Attorney." That section provides, *inter alia*, that Department members investigating any of the following allegations "shall" consult with the OCA prior to conducting interviews:

1. Allegations for which the minimum presumed discipline for a first offense is a 30-day suspension, demotion and/or termination;
2. Allegations that require some form of immediate personnel action, such as emergency suspension, administrative leave, or temporary reassignment;

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3. Allegations that an OPD employee or member committed a felony or serious misdemeanor;
4. An allegation involving retaliation;
5. An allegation involving discrimination or harassment which would constitute a violation City of Oakland Administrative Instruction 71;<sup>5</sup>
6. An allegation that an OPD employee or member used his or her position for personal gain;
7. An allegation involving misconduct likely to generate unusual public interest; or
8. Any other allegation that, in the discretion of the Commander or Manager overseeing the internal investigation, warrants consultation with OCA prior to investigative interviews.<sup>6</sup>

Projected Time Frame For Completion:

The Department's subject matter experts and command staff met with attorneys from the City Attorney's office and proposed substantial changes to TB V-T.1. Those changes were provided to Plaintiffs' counsel and the IMT, both of whom provided comments and concerns. The Department resolved the initial comments and concerns, and then provided the policy to the OPOA for review. The OPOA requested to meet and confer, which took place on January 10, 2018. The Department then made additional edits to resolve the OPOA's concerns. Those edits were recently sent to the IMT and will also have to go back to the bargaining units for final approval. The City is hopeful that these final issues can be resolved expeditiously and that the new TB V-T.1 will be published and fully implemented before mid-March 2018.

Persons Accountable: Assistant Chief/IAD Commander

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<sup>5</sup> AI 71 outlines the City's policies, standards, requirements, complaint procedures and disciplinary guidelines regarding inappropriate or unprofessional conduct that could potentially rise to the level of discrimination or harassment based on protected status.

<sup>6</sup> With very minor modifications, this language tracks the language recommended in the Swanson Report at pp. 30-31.

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**Recommendation 6:** Only the IAD Commander Should Be Permitted to Reject Advice From OCA

Response/Status:

As a matter of practice, the OCA provides its advice to IA investigators in writing, usually as comments on an IA Report of Investigation (“ROI”). Accordingly, the proposed edits to TB V-T.1 (Internal Investigations) includes language providing that only the OCA or the IAD Commander can delete OCA comments from a draft ROI. And IAD investigators will be trained to discuss any disagreement with the OCA with their IAD supervisors. If IAD chooses to reject the advice of the OCA, it will be the IAD Commander who makes that determination.

Projected Time Frame For Completion:

Although the Department’s proposed changes to TB V-T.1 have not yet been fully implemented, the OPOA has not objected to this recommendation and policy change, and the Department and the OCA are already working on implementing this change. It will be memorialized in written policy once TB V-T.1 is fully implemented, hopefully no later than mid-March 2018.

Persons Accountable: Assistant Chief/IAD Commander

**Recommendation 7:** IAD Investigators Should be Trained Regarding When it is Appropriate to Downgrade a Subject Officer to a Witness

Response/Status:

The Department believes that the IAD Commander should be involved in any decisions to downgrade a subject officer to a witness. Accordingly, the Department will train IA investigators as recommended, but has also modified TB V-T.1 to require IA Commander approval for, and documentation of, such a downgrade.

Projected Time Frame For Completion:

The OPOA has not objected to this recommendation and policy change (and, indeed, has expressed a desire that subject officers generally not be downgraded until after they are interviewed for an IA investigation). Accordingly, the Department has already implemented this change, which will be memorialized in written policy once TB V-T.1 is fully implemented.

Persons Accountable: Assistant Chief/IAD Commander

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**Recommendation 8:** IAD Lieutenants Overseeing Investigations Should Review Investigative Plans, Interview Questions, and Interviews in Serious Cases

Response/Status:

The Department has made proposed revisions to TB V-T.1 to fully implement this recommendation. The proposed Training Bulletin contains a new section entitled “Responsibilities of Commanders Overseeing Internal Investigations.” That section provides that Department Commanders and Managers overseeing investigations in the eight categories discussed in Recommendation No. 5 shall review investigative plans and interview questions.

Projected Time Frame For Completion:

The OPOA has not objected to this recommendation and policy change. Accordingly, the Department is already working to implement this change, which will be memorialized in written policy once TB V-T.1 is fully implemented.

Persons Accountable: Assistant Chief/IAD Commander

**Recommendation 9:** IAD Should Continue to Brief the City Administrator Monthly on Major Investigations; the Chief of Police Should Meet with the Mayor Regularly to Discuss IAD Matters.

Response/Status:

The IA Commander will continue to meet with the City Administrator monthly to provide updates on pending discipline and on developments in open investigations of serious allegations and document those meetings. Furthermore, the Chief and Mayor have begun meeting regularly and these meetings will incorporate an overview of serious IA investigations.

Projected Timeline for Completion: Completed and Ongoing

**IV. Additional Steps Taken Since June 21, 2017**

**a. Training On California’s Child Abuse and Neglect Reporting Act**

Although the Swanson Report did not specifically recommend it, the Department determined that the issues raised in the Swanson Report warranted retraining all OPD personnel on the mandatory reporting provisions of California’s Child Abuse and Neglect Reporting Act (California Penal Code sections 11164-11174.3). Such training was provided to all employees through the Department’s document management

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system (Power DMS) in September 2017. The Department has monitored and ensured members' participation in the training.

**b. Department Culture Working Group**

As noted in the Action Plan, one of the tracks of the overall Critical Incident Review involved bringing a diverse group of Department members together to examine the cultural environment in OPD that allowed fostering of the egregious conduct that occurred in the sexual misconduct event. The twelve participants include representatives of each rank, including the Chief, and non-sworn staff. The group does not include anyone involved in the sex misconduct investigation that gave rise to the Swanson report and recommendations.

This group had its first meeting prior to the CIR in order to provide input to the Chief and the facilitator in guiding the review session. The group has continued to meet periodically to engage in a series of facilitated discussions and to provide input and guidance to the Chief on issues related to communication, effective supervision and the consistency of discipline through the ranks.

The group's discussions are framed around applying the following tenets and values of Procedural Justice within the workplace: giving people a voice, being fair and unbiased in decision making, being respectful and providing a trustworthy process.

The group's most recent meeting focused on "giving a voice" and "being respectful." Much of the discussion revolved around addressing each of these issues through enhanced communication. There are communication challenges inherent in a Department that provides services 24-hours a day, seven days a week. Employees have work schedules and locations that complicate in-person communication. Accordingly, most department-wide communication is done by group email, which often gets lost in the large volume of bulletins and notices that come out every day. There is a desire for more communication within the department: up and down the command chain, and in both formal and informal settings.

The group discussed several suggestions to increase the modes of communication within the department, including the establishment of an OPD intranet site that would be updated regularly. Moreover, the Deputy Chiefs of both of the Department's two Bureaus of Field Operations ("BFO 1" and "BFO 2") recently conducted meetings with small groups of officers and their supervisors to allow officers to discuss issues and provide feedback directly to command staff with respect to Departmental policies, goals and operations. The Deputy Chiefs found the officers very willing to engage, and the discussions were informative and wide-ranging, covering such diverse topics as City and Department policy regarding dealing with the homeless and encampments, intelligence-led policing, officer safety and equipment issues, coverage, and inter-departmental communication. The Culture Working Group reported

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that the officers themselves found the meetings productive, and the Department intends to continue them on a monthly basis, alternating between BFO 1 and BFO 2.

The next meeting of the Culture Working Group will focus on the two other Procedural Justice tenets – being fair and unbiased in decision making, and providing a trustworthy process. Committee members will continue to bring suggestions for improving department communication and culture to future meetings.

### **c. Individual Reflections**

In the second track of the Critical Incident Review (discussed further below), OPD members involved in the initial CID and IA investigations took part in a guided self-reflection assessment of their individual roles in the case. Each participant reviewed structured questions (see Doc. 1165, Appendix A) intended to stimulate personal reflection as to their own role in the investigation, including but not limited to the issues identified in the Swanson report. Each participant met individually with the Chief and Judge Brazil to discuss their personal reflection.

As a follow-up, the Chief and Deputy Director Virginia Gleason developed a format and tools to facilitate the participants' creation of individual professional development plans.<sup>7</sup> Among other things, those plans will assess the participants' strengths and weaknesses, and include detailed proposals regarding desired training. The participants will soon meet with the Deputy Director and the Chief to further develop and finalize the development and training plans. Thereafter, the Chief and/or Deputy Director Gleason will perform bi-monthly check-ins with members' progress on their respective plans for the next six months.

### **d. Additional CIR Commitments**

The Department made several other commitments as part of its Action Plan, which include:

- Refinement of experience and skill criteria for supervisory assignments
- Development of clearly stated competencies for each rank
- Development of systems/standard operating procedures for improved information transfer to new supervisors
- Development of systems for better communication and collaboration between investigatory sections within the Criminal Investigations Division ("CID")

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<sup>7</sup> Moreover, the Chief and Deputy Director Gleason are holding themselves to the same standards and creating professional development and training plans for themselves.

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Each of these projects is in development, and the Department discusses its progress on each of these projects with the IMT during its monthly site visits.



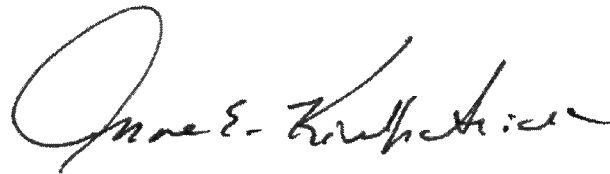
Barbara J. Parker  
City Attorney



Libby Schaaf  
Mayor



Sabrina Landreth  
City Administrator



Anne Kirkpatrick  
Chief of Police

# **ATTACHMENT B**



CITY OF OAKLAND

Memorandum

**TO:** IMT  
**FROM:** Oakland Police Department  
**DATE:** 26 Jan 18  
**RE:** Quarterly Progress Report and Actions Taken Regarding Retaliation Cases

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The following is the updated status of current Oakland Police Department's Internal Affairs Division's investigations of retaliation allegations for the period of 1 Oct 17 through 26 Jan 18:

- **IAD Case 16-1004:** A retaliation lawsuit was filed by a Sergeant of the Oakland Police Department against the City of Oakland, and the Oakland Police Department. The lawsuit alleges that the Sergeant has been the target of multiple Internal Affairs Division (IAD) investigations and other negative employment actions because the Sergeant has filed complaints against several Departmental Commanders. He alleges that he has been subjected to differential treatment and a hostile work environment.

**Action Taken:** The investigation was assigned to an outside investigative firm. The investigator conducted the investigation into the allegations by reviewing the Internal Affairs complaints associated with the Sergeant. The investigator reviewed the following cases:

- **14-0980:** A complaint of retaliation was discovered during the investigation of another Internal Affairs case. The outside investigator determined that this investigation was thorough, professional, and accurate; the finding was accurate; and there was no outside pressure or influence applied to the investigator.
- **15-0076:** A Sergeant filed a complaint that a Lieutenant sent offensive and age discriminatory electronic text messages. The outside investigator recommended changing the "Unfounded" finding to "Not Sustained"; found that the actions of both the Sergeant and the Lieutenant were unprofessional. The investigation was deemed to be free of outside influence.
- **16-0303:** A Sergeant reported that he was involved in an incident at his residence in which he and his wife engaged in a dispute. The outside investigator determined that the findings were appropriate; the investigation was complete, accurate, thorough, and professional; and there was not outside influence or interference during the investigation.
- **16-0433:** A Sergeant alleged that he was part of a group of people who received inappropriate electronic media from a Lieutenant. The text messages included racist and derogatory images. The outside investigator determined that the "Sustained" findings for both members were appropriate; the investigation was

complete, accurate, thorough, and professional; and there was no outside influence or interference during the investigation.

- **16-0666:** a citizen complained that a Sergeant failed to properly investigate the death of the complainant's child and failed to keep the family updated with the progress of the investigation. The complainant also mentioned a threatening message left on the complainant's voice mail. The outside investigator determined that the "Sustained" finding was appropriate for care of evidence; the "Unfounded" finding was appropriate for improper investigation; the investigation was complete, thorough, accurate, and professional; and there was no outside influence or interference.
- **16-0845:** This case investigated the allegation that a Sergeant failed to properly investigate IAD Case 15-0076. The Sergeant was sustained for his investigative failures, and has since been terminated by the Department. The outside investigator found no inappropriate behavior by any City of Oakland manager or employee other than the Sergeant.

**Outside Investigator Recommended Findings:** The investigator found that each of the allegations listed in the above IAD cases was properly investigated by the assigned investigators and concluded the following: "With the exception of the investigation conducted by [the Sergeant "Sustained" in case 16-0845], I found all cases conducted by IA investigators to be complete, accurate and thorough investigations with appropriate findings. I did not find any indications of interference, influence or intimidation on the part of any Police Department Manager, or any employee of the City of Oakland. The investigator recommended that the allegations against the Department and the City were "Unfounded." The Department and the City of Oakland concurred.

- **IAD Case 17-0732:** A confidential complainant alleged that a Sergeant retaliated against her in relation to her employment application.

**Action Taken:** The case has been assigned to an IAD investigator and is actively being investigated. Results are pending.

- **IAD Case 17-0989:** A Police Records Specialist (PRS) filed a retaliation complaint against another PRS. It is alleged the PRS retaliated when she made an inappropriate comment to a third PRS, related to that PRS' engaging in protected activity.

**Action Taken:** The case has been assigned to a designated Internal Affairs investigator, in the Office of the Inspector General for investigation. Results are pending.

Respectfully,

Kirk Coleman  
Captain of Police  
Internal Affairs Division

# ATTACHMENT C

**DOCUMENT FILED  
UNDER SEAL ON,  
January 26, 2018  
(DKT. NO. 1186)**