

AFTER ACTION REPORT

Oakland Police Department

Analysis of

Operation BFO1-2011-000 – October 25, 2011

February 20, 2012

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INTRODUCTION

This report documents Operation BFO1-2011-000, the Oakland Police Department (OPD) enforcement of the “Notice of Violations and Demand to Cease Violations” issued by the City of Oakland on Friday, October 21, to persons staying overnight in Frank Ogawa Plaza (“the Plaza”) and Snow Park related to the Occupy Oakland demonstration. Occupy Oakland is allied with the Occupy Wall Street movement in New York City and is one of several Occupy movement sites in the San Francisco Bay Area.

Mutual aid assistance was provided by law enforcement agencies from local cities, local county Sheriffs' Departments, the California Highway Patrol, and the University of California Police Department.

It is hoped that the information presented in this document will improve response to future large-scale operations in terms of maintaining peace and protecting lives and property in the City of Oakland.

Background

From the outset of the Operation BFO1-2011-000 (Monday, October 10, 2011), the City of Oakland focused on three clear goals:

- Facilitating the protesters’ right to free speech and peaceful expression
- Maintaining public health and safety
- Crowd control.

Two days into the demonstration, the City began providing written notices of the ground rules required in order to protect the health and safety of the group and to respect the Plaza, which is a public park. After the first weekend, the City began getting reports of problems and communicated with the demonstrators about additional health and safety concerns (e.g., fire hazards, sanitation, food storage, unsafe structures built into the Plaza, noise).

By the second week, conditions began to deteriorate. On at least two occasions, American Medical Response (ambulatory service) was denied access to provide medical care. The Oakland Fire Department and Police Department were denied access to the Plaza to respond to calls for service. The City also received reports that an individual was severely beaten. Sanitation conditions worsened with frequent instances of public urination and defecation, as well as improper food storage. The existing rodent problem on the Plaza was exacerbated; vector control was unable to implement measures to control the rat problem due to the presence of overnight campers. Fire hazards continued unabated, including cooking with open flame, improper storage and disposal of propane tanks, storage of grease, inadequate fire extinguishers, density of tents and flammable materials, and smoking in tents.

Operational Period

Operation BFO1-2011-000 was scheduled to be a two-day event extending from noon to midnight on Monday, October 24, 2011 and all day Tuesday, October 25, 2011. Emergency Operations Center (EOC) activation and mutual aid were scheduled for both days.

The first major event was clearance of Frank Ogawa Plaza. This occurred at 4:30 am Tuesday morning. Between 4:00 and 4:30 am, a small group of protesters made several unsuccessful attempts to enter the Plaza from multiple directions. These re-entry attempts were thwarted by law enforcement without the use of force. A few incidents of graffiti were reported and garbage can fires were extinguished. By approximately 5:30 am, Frank Ogawa Plaza had been contained, and mobilization of the clean-up phase had begun.

At approximately 4:00 pm Tuesday afternoon, protesters began convening in front of the Oakland Library located at 125-14th Street. The group of approximately 400 – 500 protesters began to move toward Broadway. Protesters in the area of 7th and Broadway began throwing paint or other hazardous material at officers, who deployed gas as a defense tactic. Officers redirected the group north toward Frank Ogawa Plaza. OPD declared an unlawful assembly and issued an order of dispersal. At approximately 7:45 pm, officers began to deploy gas after issuing the order to disperse.

On Tuesday evening, Mayor Jean Quan permitted the protestors to reoccupy Frank Ogawa Plaza. Mayor Quan issued a statement urging non-violence and asked that there be no overnight camping; however, the city did not take steps to prevent the re-occupation.

At approximately 10:00 pm Tuesday night, a group of approximately 300 protesters in the area of the Plaza began throwing large rocks and bottles at officers after receiving multiple orders to disperse. These violent actions prompted the use of less-than-lethal munitions including tear gas by law enforcement to disperse the crowd.

Fifty percent of the protesters arrested were from outside Oakland, including residents of Arizona, Oregon, Danville, Walnut Creek, and Alameda.

Incident Command System

The Incident Command System (ICS) provides a common framework within which multiple organizations can work together effectively during emergency situations. It consists of an Incident Commander and command and general staff responsible for the following nine areas: Finance, Intelligence, Internal Affairs Complaints, Liaison, Logistics, Media Relations, Operations, Planning, and Safety. For this operation, Logistics and Staging were handled together as a single section.

Deputy Chief Jeff Israel served as Incident Commander during Operation BFO1-2011-000 for the morning shift. Deputy Chief Eric Breshears was the incident commander for night shift.

Objectives

The mission of the Oakland Police Department, with the assistance of other City Departments and outside law enforcement agencies, was to conduct crowd management to remove the encampment at Frank Ogawa Plaza and the smaller encampment at Snow Park. This was to be done with an effort to maintain officer safety, protect life, protect property, protect vital facilities,

maintain public peace and order, and uphold Constitutional rights of free speech and lawful assembly.

FINANCE

Director Gilbert Garcia was day shift Finance Section Chief for this operation; Fiscal Manager Felicia Silva was Finance Section Chief for the night shift.

The primary goals of the Finance Section in the planning and execution of this operation were to:

- Perform cost-benefit analysis on proposed spending
- Process and pay overtime worked on the operation
- Pay vendors with whom the City contracted.

Successes

The first two goals were met successfully; the third was not.

Shortfalls

Timesheets were not filled out properly. Dates were missing. Hours of overtime worked were misstated because people were confused whether they should document the total hours of the shift they worked or just the portion of the shift that was worked on overtime.

Solution: A revised or simplified timesheet with clearer instructions would remedy this issue. Another approach would be to include a presentation on how to fill out the timesheet with other operation preparations.

Procurement for food and other materials and supplies was not conducted according to policy; the City did not identify a funding source for materials and supplies for the operation. This will be resolved before the invoices are due, so that vendors can be paid.

Solution: The City must identify a cost center for these items: the Department is unable to absorb these costs and continue to pay ongoing expenses such as booking fees and phone bills.

INTELLIGENCE

Sgt. M. Reilly was in charge of the Intelligence Section for this operation. The mission of the Intelligence Section was to gather information regarding the Occupy Oakland group of use to commanders planning the eventual removal of the camp. Intelligence gathering began shortly after the camp was established and continued up to the morning of the operation, when the role turned to surveillance of the operation.

Successes

- Electronic intelligence was gathered via Internet.
- Human intelligence was gathered via surveillance and interaction with group participants.
- Real time surveillance was able to alert law enforcement participants that the operation had been compromised and that occupiers were barricading the plaza.
- Surveillance during the camp removal served to assist commanders with directing resources.

Shortfalls and Solutions

Review and documentation of video surveillance proved arduous.

Solution: Videographers will limit the use of video cameras to those that can be downloaded and will limit the amount of video taken to that which is pertinent.

We did not have the manpower to staff this operation 24 hours a day. Electronic intelligence gathering can be nearly a 24-hour-a-day operation. Most monitoring occurred while the EOC was operational, which provided real time intelligence.

Solution: During prime intelligence gathering times, electronic intelligence will be staffed by the Intelligence Section with assistance from civilian analysts.

INTERNAL AFFAIRS COMPLAINT UNIT

The IAD Complaint Unit was responsible for accepting and processing all Occupy Oakland-related complaints. The Unit was comprised of stationary and mobile components, allowing for both the ability to accept complaints by various modes of communication (i.e. telephone, email, etc.) and in the field. The Unit, led by Lieutenant Danielle Outlaw, consisted of the following members:

COMPLAINT UNIT (0000-1200)

Unit	Rank	Last	First	Serial #	Assignment
23L81	LT.	OUTLAW	DANIELLE	8273	COMPLAINT UNIT, EOC
23L71	SGT.	SUPRIANO	ROBERT	7859	LIGHT DUTY SUPERVISOR COMP UNIT
23L01	OFC.	CHAVARRIA	DANELIA	8677	LIGHT DUTY COMP. UNIT EOC
23L02	OFC.	JOHNSON	NAOMI	9023	LIGHT DUTY COMP. UNIT EOC
23L03	OFC.	CHACON	GUADALUPE	8134	LIGHT DUTY COMP. UNIT EOC
23L72	SGT.	LOIS	JOHN	7935	COMPLAINT UNIT, FIELD RESPONSE
23L74	SGT.	BACKMAN	RAYMOND	7683	COMPLAINT UNIT, FIELD RESPONSE

The Complaint Unit processed 721 complaints regarding the 25th of October 2011, resulting in 18 new IAD cases.

Successes

The dedicated complaint unit allowed for timely acceptance of complaints, allowing for field units to remain focused on their specified tasks.

Shortfalls and Solutions

The IAD Complaint Unit was only staffed for one operational period.

Solution: It is recommended that, for major operations (minimally when mutual aid is involved), that the operational periods for the Complaint Unit are consistent with those of the rest of the Department as the majority of complaints are generated after the police action occurs. It is also recommended that the Complaint Unit be housed in the IAD office for future events. Doing such allows vital access to IAD databases and materials.

LIAISON

Liaison Branch Chief for this operation was Sergeant Randy Bandino. The primary mission of the Liaison Officer was to coordinate mutual aid from the incident commander via the Alameda County Sheriff's Mutual Aid Regional Coordinator during the operational period. In addition, the officer coordinated with other law enforcement liaison personnel assigned at the Emergency Operations Center or as directed by the incident commander.

Successes

Liaison goals for the morning operation were successfully met:

- The numbers of mutual aid resources and personnel requested during the operational period were met for the morning operation.
- There was good coordination between the liaisons assigned to the EOC. They provided rapid communication and direction to the outside agency resources during the morning operation.

Shortfalls

The evening operation had some shortfalls, including:

- The preplanned outside agencies arrived and were briefed appropriately. This did not occur for the supplemental outside agencies that were requested.
- There was not sufficient staffing of the staging area to be able to properly debrief responding agencies.
- The Operations Commander had to improvise a briefing for these agencies.
- There were insufficient resources assigned to act as pathfinders for the supplemental responding agencies. This made communication and coordination of these resources difficult.
- There were insufficient command resources to ensure that outside agency personnel abided by OPD's crowd control and force policies.

Solution: A properly staffed staging area and pre-designated pathfinders would have greatly aided deployment of these resources.

LOGISTICS AND STAGING

Captain Edward Poulson was Logistics Chief for Operation BFO1-2011-000. Acting Captain Kevin Wiley was Staging Manager.

The following is a breakdown of Logistics and Staging staffing for this operation:

LOGISTICS AND STAGING

Rank	Last	First	Assignment
LT.	KEN	PARRIS	ASSIST LOGISTICS CHIEF
SGT.	MARY	GUTTORMSON	LOGISTICS/SUPERVISOR
SGT.	BRYAN	HUBBARD	LOGISTICS/SUPERVISOR
SGT.	JAMES	MORRIS	PATHFINDER
SGT.	GREGG	DUTTON	PATHFINDER
SGT.	JAMES	FRUGOLI	PATHFINDER
SGT.	JEFF	THOMASON	PATHFINDER
SGT.	HENDERSON	JORDAN	PATHFINDER

Other support staff included 12 police service technicians, 9 officers, an Animal Control Supervisor, and 4 Animal Control Technicians.

Push Logistics was implemented to obtain, inventory, and distribute resources as necessary to accomplish the mission outlined by the Incident Commander. Staging was tasked with establishing and operating various site locations to receive and dispatch various assets to accomplish the mission outlined by the Incident Commander.

After each operational period, a mass overtime slip was completed and forwarded to Capt. Poulson for approval.

Timeline

Thursday, 20 Oct – Friday, 21 Oct 11

Staff attended planning meetings to discuss the upcoming operation. Due to short timelines and a lack of resources, it was decided that a scaled down staging area would be utilized that encompassed some of the Logistic duties.

Saturday, 22 Oct – Sunday, 23 Oct 11

Staff exchanged numerous emails and phone calls regarding operations planning and the purchasing of needed resources for the event.

Monday, 24 Oct 11

Staff finalized operational plans, assignments, and details as well as obtaining and preparing equipment for the event.

Tuesday, 25 Oct 11

Staff coordinated all logistic needs as well as establishing a staging area at the Oakland Coliseum, which included a briefing site (arena and parking) for both OPD and outside agencies. The area can accommodate in excess of 450 law enforcement personnel.

As part of the combined Logistics and Staging duties, 25 vans were rented to transport personnel from the staging area to the event. At the end of the day's operation, these vans were inspected and returned to Transportation.

During the evening hours, several officers remained at work to provide additional logistical support.

Wednesday, 26 Oct 11

Initially, the Maritime Staging Area was activated to accommodate a large contingency of outside agencies in light of the events from the previous 12 hours; however, after the area was set up, there was an operational reduction and the outside agency mutual aid request was cancelled. A smaller staging operation plan was developed to accommodate a possible mutual aid response. This new plan involved using the streets around the PAB as a temporary staging area in which a quick turn-around response would be facilitated. The police service technicians and two officers from Support Operations Division staffed this operation, standing by in Training until needed. During this "down time," staff provided assistance to Logistics.

Thursday, 27 Oct 11

The operation went into the demobilization phase. After the 1700 hours line-up, Captain Allison advised that a staging area was no longer necessary. Subsequently, staff from both operational periods were released to their regular assignments to complete their normal 8- or 10-hour shifts. No overtime was needed or used for this date.

Prior to their release, Staging staff assisted Logistics return the 25 rented vans to Hertz.

Logistics

The Training Section became part of the planning process five days before execution. Logistics was responsible for the following:

- Purchasing materials and supplies (flex cuffs, box cutters, safety masks, food/beverages, latex gloves, garbage bags, clip boards, less lethal munitions, and wire cutters)
- Renting vehicles
- Inventory of safety equipment
- Making mass copies of operation plans, daily details, and stat sheets

Recommendations

Relief Process

A better relief process needs to be developed and implemented at the commander rank to ensure that accurate information is shared and the overall operation is not hindered.

Solution: This process should include completion of operation plans, details, and other supporting documents which are forwarded by the current operational commander and then acknowledged by the relieving operational commander.

Overtime Issues

People were confused about how to fill out the Mass OT sheets.

Solution: Fiscal personnel should attend all line-ups to train and re-enforce information regarding work hours and OT issues. Example Mass OT sheets should be part of this training.

There was a problem concerning the OT slips for the second operational period on October 26, 2011. The police service technicians had MOU issues regarding changing their regular work hours. This matter is being addressed by Fiscal Services Division.

Solution: The City needs to develop/confirm a flexibility clause with all MOUs in which management, in times of legitimate crisis, can adjust working hours to complete public safety tasks.

Resources & Equipment

Because of the short timeline, Logistics did not have time to research the best purchase options, which resulted in inflated overtime and purchase costs.

Solution: It would be fiscally and logistically prudent for the Oakland Police Department to stock up on as many resources as possible and store them in the OPD jail. By doing so, we would have the appropriate inventory in case of emergency or, if there is a planned operation, free up resources so he or she can focus their efforts on other planning mechanisms. Additionally, bolstering our inventory allows the best prices to be sought, which would drastically reduce costs.

Various members of the Oakland Police Department approached the Training Section, even the day of the operation, asking us to replace broken or misplaced equipment.

Solution: We recommend that there be a periodic inspection on all safety equipment, making certain that everyone has operable tools readily available. We also recommend that the Oakland Police Department hold members more responsible for equipment.

Operation BFO1-2011-000 was in full swing by the time Logistic Personnel were given access to the needed batteries.

Solution: The Radio Shop needs to become more involved and provide the additional back-up batteries upon request.

MEDIA RELATIONS UNIT

The Media Relations Unit for the October 25, 2011 Occupy Oakland encampment operation was supervised by Sgt. Chris Bolton, Office of Chief of Police, and staffed with three dedicated public information officers: Sgt. Holly Joshi, Officer Johnna Watson, and Ms. Cynthia Perkins. Additional assistance and support was gained through the City of Oakland Emergency Public Information Office staff comprised of members of the Mayor's and City Administrator's offices.

Planned Goals and Objectives

Preplanning meetings with the OPD and City public information officer teams resulted in the following defined media strategy:

- The preferred method of information dissemination was through formal press briefings at the Emergency Operations Center.
- Field interviews, except in cases where information is needed immediately to promote public awareness or alert to public safety risk, were to be avoided.
- The EOC was to be staffed by a member of the City public information officer team at all times to answer email and phone inquiries. OPD public information officers were to be assigned to the field to facilitate media access and coverage.
- Given that the operation was unannounced, the media staging area was to be identified moments prior to law enforcement arrival at the Plaza.

Successes

Adherence to the pre-established plan resulted in successful morning coverage.

Shortfalls

Communication between the OPD and City public information officer teams lapsed during the morning coverage and the hours following. OPD public information officers in the field were not advised of press conference times, locations, or messages in a timely manner in order to assist and facilitate the information flow.

Solution: Media strategies for future events should include plans for advising public information officers in the field of press conference times, locations, or messages in a timely manner.

OPERATIONS

First Operational Period (0200 Hours – 1400 Hours)

Captain Darren Allison was the Operations Section Chief during the first operational period. Lt. Michael Poirier was the Deputy Operations Section Chief. The three Mobile Field Force Companies (MFFs) were led by Captain Anthony Rachal (Alpha), Captain Ersie Joyner (Bravo), and Captain Steven Tull (Charlie). Lieutenant Sharon Williams was the Motors Squad Commander. Additional key staff included:

Rank	Last	Assignment
LT.	DAVIS, LINDSEY, MEDEIROS	ALPHA PLATOON COMMANDER
LT.	WONG, MESTAS, LOZARES	BRAVO PLATOON COMMANDERS
LT.	HAMILTON	CHARLIE PLATOON COMMANDER
LT.	HOPPENHAUER	TANGO TEAM COMMANDER
LT.	WILEY	STAGING MANAGER
SGT.	GREEN	AIR OPERATIONS

Key Tasks

Alpha Company was to:

- Handle initial containment of north end of Frank Ogawa Plaza at the foot of San Pablo
- Facilitate movement of protestors through evacuation route in the east alley from Frank Ogawa Plaza to Telegraph / Broadway
- Handle secondary containment of the north and northeast Plaza grass area
- Execute arrests from north and east side of Frank Ogawa Plaza if necessary.

Bravo Company was to:

- Handle initial containment of southeast portion of Frank Ogawa Plaza across 14th Street at Broadway and the east entrance into City Center on 14th Street
- Tango Team over watch of “kitchen” area of the encampment (potential threat area)
- Handle secondary containment of the south and southeast grass area
- Execute arrests from south and east side of Frank Ogawa Plaza if necessary.

Charlie Company (Outside Law Enforcement Agencies) was to:

- Handle initial containment of west and southwest portion of Frank Ogawa Plaza across 14th Street at City Hall and west entrance to City Center on 14th Street
- Handle secondary containment of the west and southwest grass area
- Execute arrests from west side of Frank Ogawa Plaza if necessary
- Establish Outer Perimeter and Traffic Control
 - Pleasanton PD – Traffic Control Post 1-6

- Berkeley PD – Traffic Control Post 7-10 (including movement of protestors north on Broadway from alley)
- UC Berkeley PD – Traffic Control Post 11-15.

Motor Squads were to:

- Escort MFF to their locations
- Assist Outside Law Enforcement Agencies in establishing outer perimeter
- Maintain high visibility around outer perimeter.

Additional Information

- The Field Command Post was located at 14th Street and Broadway
- Tactical Negotiations Team announcements were delivered from 14th and Broadway
- Prisoner Buses staged at 14th and Clay Streets

The following sequence of events occurred on October 25, 2011. Times are approximate.

0200 – 0400 Hours

At 0200 hours, Operations Section Chief Allison conducted a briefing at the Oakland Coliseum Staging Area, for OPD personnel and outside law enforcement agencies. The briefing included the following points:

- | | |
|--|--|
| ● Situation | ● Media |
| ● Mission | ● Mass Arrest |
| ● Commander’s Intent | ● Administration
(Report Writing, Mass OT, Video Cameras) |
| ● Execution
(maps for MMF deployment) | ● Command Structure |
| ● Contingency Plans | ● Communication |
| ● Force and Arrest Posture
(OPD and outside law enforcement agencies) | |

At 0330 hours, the MFF separated into companies, conducted equipment check and rehearsal, and lined up into order of movement.

- While preparing for movement, CHP drove by Frank Ogawa Plaza. This may possibly have alerted protestors of potential police action.
- Protestors began to fortify themselves in the encampment using pallets and metal barricades they took from storage near City Hall.

0400 – 0500 Hours

At 0419 hours, Operations Chief Allison directed MFF Companies to deploy to pre-designated areas around Frank Ogawa Plaza. At 0430 hours, the MFF began to exit the freeway on Broadway. Bicycles were seen circling the PAB (presumably for counter-surveillance). Individuals were seen walking into Frank Ogawa Plaza, apparently to support the occupiers. Reports came in of several protestors “masking up” and some individuals having shields.

From 0435 to 0442 hours, the MFF set initial containment. The Intelligence Surveillance team observed individuals throwing rocks from Plaza. Upon arrival to Field Command Post, Tactical Negotiations Team began 647(e) PC (disorderly conduct lodging in a place without permission of the owner) announcement. Everyone was told that they were in violation of the penal code. They were directed to gather their property and exit through the east alley toward Broadway (open). A Light Standard was set up at 14th and Broadway.

Individuals were seen with shields and the Oakland Police helicopter (*Argus*) reported people running around inside Frank Ogawa Plaza. An individual was seen picking up a fire extinguisher. Approximately 30 individuals were seen “masking up” and individuals were seen using a public address system to give announcements near the south end of Frank Ogawa Plaza. Some individual(s) threw bottles at Alpha Company (north end of the Plaza).

At 0442 hours, Operations Chief Allison directed the Tactical Negotiations Team to give the Unlawful Assembly Announcement. Everyone was given 5 minutes to leave through the east alley toward Broadway. From 0443 to 0448 hours, *Argus* advised that people were not leaving Frank Ogawa Plaza. Individuals were still wearing masks. Items (possibly plates and/or pans) were thrown at Bravo Company from the southeast portion of Frank Ogawa Plaza. Again, it was reported that people were making no effort to leave.

At 0448 hours, Operations Chief Allison again requested reports from *Argus* and surveillance teams regarding movement of the protestors. Both reports indicated that no one was leaving Frank Ogawa Plaza. Since people were not leaving Frank Ogawa Plaza and 5 minutes had passed, the Operations Chief ordered all MFF Companies to slowly move forward (this was done to move all Companies into their secondary containment positions).

From 0450 till 0455 hours, the MFF Companies slowly began to move forward toward the encampment. There appeared to be some type of gas or smoke emitting from the southeast portion of Frank Ogawa Plaza (possible fire extinguisher). Individuals were seen near the “kitchen” area of the southeast portion of Frank Ogawa Plaza (location of potential projectile items).

Tango Team on the Bravo Company (southeast) side of the plaza deployed a CS handball grenade around the kitchen area of the encampment. Some individual(s) within the encampment threw bottles at Bravo Company (at the southeast portion of Frank Ogawa Plaza).

Operations Chief Allison again directed the MFF to slowly move forward and requested motors to 14th and Broadway for rear security. MFF reported that protestors were deploying gas at the skirmish line. This later turned out to be a Tango Team deployment of a hand thrown gas canister (burner) into the south side of Frank Ogawa Plaza, which spread toward the south skirmish line. The MFF was instructed to put on gas masks and continue moving forward to make arrests.

From 0455 to 0505 hours, Alpha Company entered Frank Ogawa Plaza from the north and Charlie Company entered from the west. Bravo Company broke down the barricades and entered the southeast portion of Frank Ogawa Plaza, clearing the kitchen area. MFF Companies entered the grass area, clearing tents and making arrests as they contacted individuals.

0500 – 0600 Hours

At 0506 hours, the MFF advised that all subjects were in custody. At 0509 hours, all outer perimeter / traffic control units were directed to maintain their posts. At 0514 hours, the MFF advised that crowd of about 40 people was gathered at 16th Street and San Pablo. A skirmish line was held at that location to monitor the crowd.

At 0516 hours, the Oakland Fire Department was directed to 14th and Broadway for wash outs from the tear gas.

At 0525 hours, the Operations Section requested that Public Works respond with metal barricades to Frank Ogawa Plaza to secure the grass area and entrances into the plaza. The existing metal City barricades that had been used by the protestors were moved to secure some of Frank Ogawa Plaza entrances and a portion of the grass area. The area of 14th Street and Broadway was not completely secure with barricades at this time.

At 0535 hours, Part of Charlie Company was used to guard the entrances to Frank Ogawa Plaza at the barricades. At 0539 hours, the Operations Chief tasked Bravo Company with Plaza security and Alpha Company with clearing Snow Park.

At 0546 hours, the MFF received reports of about 80 protestors gathering at 15th Street and Franklin (one of the outer Traffic Control Posts). Lt. Hamilton took a portion of Charlie Company (Fremont/Hayward/Newark and Union City PD) to 15th and Franklin to monitor the crowd. Lt. Williams took the OPD motor squads to facilitate any potential march.

From 0547 to 0600 hours, the 80 protestors moved throughout the Downtown area outside the eastern outer perimeter, apparently headed toward Snow Park. Some protestors were confronting officers and knocking over garbage cans. It was the intent of the Operations Chief to facilitate a march but direct them away from Snow Park until Alpha Company could secure that location.

0600 – 0700 Hours

From 0602 to 0607 hours, Alpha Company moved toward Snow Park to address the encampment. Reports came in that protestors were throwing bottles at officers at 17th Street and Webster. Approximately 50 protestors outside the outer perimeter moved toward 17th Street and Broadway. Some protestors were knocking over garbage cans and throwing newspaper stands.

At 0608 hours, the Operations Chief met with the BART PD Commander and requested that the City Center and 12th Street BART station remain closed due to potential protestors coming to the Downtown area to support the encampment. BART PD was advised that the 19th Street Station could remain open. At 0612 hour, the Operations Chief directed all Charlie Company (except for the Traffic Control Posts) to address the mobile protestors outside the outer perimeter and keep them moving while Alpha Company remained at FOP and Bravo Company addressed Snow Park. At 0614 hours, Alpha Company surrounded the encampment at Snow Park and the Tactical Negotiations Team provided the announcement.

From 0620 to 0635 hours, Alpha Company Commander was advised to move in slow. While addressing Snow Park, Alpha Company dealt with a group of protestors coming to the park to support the Snow Park encampment.

By 0639 hours, Alpha Company was secure at Snow Park. At 0649 hours, *Argus* reported that there were no groups of people in the Downtown area. At 0650 hours, the Property and Evidence team worked on the property remaining in Snow Park. Public Works was requested to Snow Park to assist. At 0654 hours, the Operations Chief directed Charlie Company to Patrol the Downtown pre-designated quadrants.

0700 – 0800 Hours

At 0720 hours, the Outer Perimeter / Traffic Control Posts were secured. At 0728 hours, Alpha Company Commander advised that the OPD Property and Evidence team was done processing Snow Park and was waiting for Public Works. One Alpha Company squad was tasked with remaining at Snow Park while the remaining Alpha Company returned to the Plaza.

At 0739 hours, the first outside agency demobilized (Solano County SO).

From 0754 to 0800 hours, a group of protestors started to gather at 14th Street and Broadway (Northwest corner near Tully's Coffee). The group was moving toward the barricades which surrounded the grass area of Frank Ogawa Plaza. Since there was still hazards and debris in Frank Ogawa Plaza area and MFF personnel were still working in Frank Ogawa Plaza, the Operations Chief ordered that the crowd be moved back and barricades moved out toward the west side of 14th Street and Broadway completely across 14th Street.

0800 – 0900 Hours

From 0824 to 0840 hours, approximately 30 protestors were at 14th Street and Broadway. Some attempted to tear down the barricades. Bravo Company addressed the crowd and secured the barricades with zip ties. One protestor spit on an officer and fled. The remaining crowd began to disperse. At 0848 hours, *Argus* reported that there were no crowds in the Downtown area.

At 0912 hours, the Property and Evidence team worked on the property remaining in the Plaza. At 0920 hours, Public Works was requested to the Plaza to begin cleanup.

At 0920 hours, which was the end of the first Operational period, Charlie Company was demobilized as soon as they were relieved from their assignments. Alpha and Bravo Companies remained Downtown, securing Frank Ogawa Plaza, until relieved by the MFF from the second operational period. Public Works handled the remaining cleanup in Frank Ogawa Plaza. The Operations Chief returned to the EOC to brief the Incident Commander and Operations Chief for the second operational period.

First Operational Period Successes

- Developed a sound plan under a short timeframe
- The Intelligence Unit effectively gathered information and intelligence leading up to the operation
- Shutting down the City Center and 12th Street BART entrances prevented protestors from coming up behind the MFF

- Quickly established the outer perimeter traffic control posts. Protestors in the encampment were reaching out to outside protestors for support. The outer perimeter prevented outside protestors from surging into Frank Ogawa Plaza during the operation.
- Use of vans to move mobile field forces worked well. It enhanced speed and mobility
- Rehearsal time after the briefing was valuable: each Company was able to organize and prepare for its mission
- The number of police personnel was sufficient to address the encampment. All resources, including outside agencies, were given tasks
- Officers were well equipped to perform their duties (prepared for possible contingencies of dogs, tents, biohazard exposure, etc.)
- Once on scene, Public Works did a good job providing barricades and handling the cleanup.

First Operational Period Shortfalls

Operational Security

The date and time of the operation was leaked to the protestors.

***Solution:** This could be remedied through misinformation.*

Coordination with CHP

Prior to our arrival, several “Code 3” CHP vehicles drove by the encampment, alerting the protestors and giving them time to set up barricades.

***Solution:** Work more closely with CHP to prevent inadvertent alerts.*

Securing barricades close to the encampment

Several barricades were stored by City Hall near the encampment. Protestors located the barricades and used them against law enforcement to fortify their position.

***Solution:** Keep barricades in secured area when civil disturbance is possible.*

Media

Identifying media was problematic. Individuals claiming to be media without credentials were given access to Frank Ogawa Plaza.

***Solution:** There needs to be a coordinated plan to address the media including staging location, credential verification and regular Public Information Officer press briefings/walkthroughs.*

Second Operational Period (1400 - 0200 Hours)

Captain Paul Figueroa was the Operations Section Chief during the second operational period.

Occupy Oakland announced that a protest and march would take place on Tuesday evening, starting at 4:00 pm, as a result of the OPD operation conducted earlier in the day that removed the tents and encampment at Frank Ogawa Plaza and resulted in the use of force and multiple arrests. There was information that Occupy's goal was to "retake" the Plaza. This march was to start at the main branch of the Oakland Public Library, 125 14th Street. Additional groups were expected to return to and/or remain at 14th and Broadway.

Operations was directed to facilitate a march and maintain security around the Plaza. City workers were in the process of cleaning up the Plaza, which had been deemed a dangerous health hazard and closed by the City. Public Works equipment and resources were staged around the Plaza, in addition to the law enforcement vehicles and equipment that were present along 14th Street between Broadway and Clay Street.

There was minimal police presence assigned to facilitate the march. The march was to be facilitated by approximately 30 San Jose Police Department motor officers and approximately 30 OPD officers. OPD had pre-designated and secured a route from the library to 14th and Broadway in case the group wanted to march in that direction. The police did not attempt to route the group this direction but established this secured area in case the group went directly to the Plaza.

The group amassing at the library grew to approximately 400-500 persons. Two different groups within the larger group began shielding their faces with bandanas and masks, a move known to be a precursor to unlawful behavior, or assaultive behavior toward police, with the masking being an attempt to hide offender's identities. At this time, Captain Figueroa called for an additional 200 mutual aid officers. Trained negotiators at the library attempted to locate any group leadership with the goal of working with the group to assist in safely facilitating a march. They were unsuccessful and advised the group had no leadership.

Rather than march directly to the Plaza, the group began a march south toward the Police Administration Building (PAB) and freeway. This was a concern for two reasons:

- In prior protests, groups of protesters have entered the freeway during protests, causing significant traffic and commerce impact upon the Bay Area region.
- The PAB was a staging area for responding agencies and had continued patrol operations and deployment that could not be blocked without significant risk to Oakland public safety.

As the crowd began to march toward the freeway and the PAB, officers formed a position on Broadway at 12th street to prevent access to the freeway on and off ramps and redirect the march in another direction. The crowd was clearly angry prior to and after they arrived in the area of the PAB, as their statements indicated:

- "Fuck you! Die pigs!"
- "Fuck you, you fucking pig, this is our city you're going to pay for what you did last night!"

- “Fuck you, fuck the police, you can’t take us all!”

While forming a skirmish line at 8th and Washington, one block from the PAB, officers taking an individual into custody for assault were physically assaulted and ultimately surrounded by a large group. While surrounded, the officers were struck by various dangerous items thrown by the protestors. It was apparent that some of these items had been made in advance of this march to assault the police or vandalize property. Officers had paint thrown on their heads and upper torsos. Other liquids smelling of bleach, vinegar, alcohol, and urine were thrown on or around them. Officers were spat upon numerous times on the face and neck areas. One officer reported being spat upon approximately twenty times.

While these actions were taking place, various protestors attempted to free the suspect from the officers. Protestors attempted to take the officers’ batons from them. These officers were greatly outnumbered, surrounded, and fearful for their lives. Protestors were captured on film attempting to negotiate a quid pro quo release of the suspect (“we have you surrounded” and “let them go and we will let you go”). The Department was later contacted by a reporter present during this, who had been in fear for the officer’s lives.

These officers were surrounded for over five minutes. Another team of officers responded and utilized gas and less lethal munitions to rescue them from the crowd that had surrounded them. It did not appear that anyone in the crowd was attempting to help the officers or prevent the assaults taking place upon them. These officers exhibited a great deal of restraint while surrounded by an angry, assaultive crowd.

Once the officers were rescued, the crowd began to overturn large trash dumpsters and newspaper stands to form a defensive/offensive position against the police. They also jumped on vehicles. At no time did officers make any forward motion toward or into this crowd in an attempt to disperse or break up their ability to rally and exercise their first amendment rights. The crowd to officer ratio prevented targeting and arresting specific offenders. The only forward movement into the crowd was to rescue officers who were surrounded and being assaulted. The crowd then changed directions and began to march toward Frank Ogawa Plaza.

As soon as the crowd arrived at Frank Ogawa Plaza, groups of individuals could be heard making statements about “retaking” the Plaza. Operations had begun to evacuate civilian staff that had been assisting in the cleanup from the area, although equipment and vehicles remained. Metal barricades had been placed on the west side of 14th and Broadway to prevent public access to the Plaza. The crowd immediately approached and began to remove the barriers, ultimately pulling them down and into the group. Officers were placed in the area to prevent access where the barriers had been removed. The crowd began to throw objects – including rocks, bottles with liquids, and other debris – at these officers. These items struck officers. Some members of the crowd did attempt to stop this assaultive behavior but were unsuccessful.

At various times, the crowd attempted to move around the Plaza in an apparent attempt to find other areas to breach the perimeter. This crowd grew to estimates ranging from 1,000 to 2,000 people. Since approximately 200 officers had been assigned to secure the entire plaza area, there was only a small group of officers in the area of 14th and Broadway. Officers were in a completely defensive stance. They had not made any movement into the crowd nor attempted to physically move the crowd. The goal remained to allow a peaceful protest and exercise of first amendment rights, while preventing access to the Plaza. Due to the crowd size, amount of people

with assaultive behaviors, and the limited resources, it was unsafe to send officers to attempt any arrests within the crowd itself.

Holding the barriers that had been taken earlier, the crowd began to move toward the line of officers at 14th and Broadway. These barriers created both a defensive and offensive fortification for the crowd that was intent on taking back the Plaza. It appeared that the barriers would be used to push back the outnumbered officers and also prevent them from accessing those in the crowd who were assaultive toward police. As the crowd moved forward, items were still being thrown at the officers. Members of the crowd were wearing padding, gas masks, and goggles.

The Operations Commander determined that this amounted to an unlawful assembly and feared that officers would be overrun, trampled, or continually assaulted. Negotiators were directed to make an unlawful assembly announcement to allow those who had peacefully assembled an opportunity to leave the area. A negotiator made the announcement at least fifteen times at 14th and Broadway. He then moved to 15th and Broadway and made the same announcement at least fifteen times. These announcements were made before any gas or less lethal devices were deployed allowing significant time for individuals to leave.

Throughout the evening, the negotiator made these announcements over sixty times. KTVU employees reported that they witnessed the announcements being made numerous times and that many people did not leave. The announcements can be heard on numerous YouTube videos.

As the assaultive behavior continued and the crowd advanced upon the officers, gas was deployed to disperse the crowd that had remained and were arrestable for failing to disperse. The gas had the desired effect by stopping the dangerous items being thrown at officers and stopping the forward movement of the advancing crowd.

There were no plans to disperse the crowd had it peacefully demonstrated in the street. There were no plans to advance on the crowds had they dispersed following the numerous dispersal orders.

After the gas was deployed and the crowd minimally dispersed, numerous persons returned and continued the assaultive behavior toward the police. Rocks, bottles, and small explosives (M80s) were thrown at officers continually throughout the night. Protesters picked up law enforcement deployed gas and threw it back at officers and behind police skirmish lines.

Continued deployment of gas was used on several other occasions as a direct response to crowd assaultive behavior in an attempt to disperse the crowd, stop the assaults, and keep our officers safe. Direct-fire less lethal munitions were utilized on those individuals who were throwing dangerous items at police or were picking up deployed gas and throwing at officers. An internal affairs investigation is being conducted to identify any officers that may have acted beyond this directive.

An outside review group has been established to fully review this incident and provide a report that details the events surrounding this operation in conjunction with other internal City reviews.

Second Operational Period Shortfalls

Insufficient Staffing

Staffing for this operational period was at a level below what was required to police the incident. The number of OPD officers assigned to an operational period that was anticipated to be highly confrontational did not allow OPD to operate as the primary enforcement unit.

The use of OPD officers as pathfinders for all mutual aid departments was not possible. Those who had been assigned to that role were fully engaged when other departments arrived. Sufficient pathfinders had not been assigned in advance.

Staging had not been staffed to effectively manage the arriving mutual aid officers. This required platoon commanders and the operations commander to manage and brief the arriving agencies.

EOC and incident command staffing was below what was needed to most effectively manage the operation. This included UOF report writers, offense report writers, Intel officers, officers to provide situational updates, PIO, complaint unit, staging, EOC security, tactical negotiators, tango teams, video teams, mass arrest and booking teams, and assistant IC. The negotiators and tango team members that operated during the evening worked a double shift. They had been assigned and worked the previous operational period.

The command structure for the event was not finalized until the day of the event. This allowed only minimal time for preplanning among the assigned command staff. The operational commander was assigned to his role hours before the incident. More in-depth discussions have not taken place as a part of the review process due to the ongoing civil litigation, internal affairs and CID investigations, as well as the external review.

PLANNING

The Planning Section Chief for the 25 Oct 11 operation was Acting Captain Sean Whent. Lt. Chris Shannon was the Deputy Planning Section Chief. Manager Kristin Burgess and Sgt. Paul Bernard were assigned as the night shift for the Planning Section. The primary role of the Planning Section was the assigning and tracking of personnel for the operation. The Planning Section also created the Incident Action Plan and updated the Operations Plan for the succeeding days of the operation.

Successes

- The initial personnel detail created was largely accurate. This entailed utilizing Telestaff, a current deployment roster from BFO Administration, and numerous individual emails to sections and units within the Department. While compiling the initial detail was labor-intensive, only a few changes needed to be made the day of the operation and Operations had an accurate count of personnel available for their needs.
- Personnel were largely flexible with the schedule changes as the operation went into subsequent days.
- An accurate detail was delivered to the TOST team in a timely manner after each lineup. Units were then logged on using the detail which kept the radio free for communications.

Shortfalls and Solutions

There was not an easy way for the Incident Commander to identify who the section chiefs on duty were at any given time.

Solution: The Planning Section will maintain a white board listing each section and who the on-duty chief is.

The night shift for the EOC was not staffed to sufficient levels for most units. The Department intentionally deployed most personnel for the earlier shift but still should have ensured sufficient EOC coverage for all sections.

Solution: Future plans will have sufficient EOC coverage for all operations even if it depletes some resources from other operational periods.

The lack of a proper staging area for the night shift resulted in problems with Planning being aware of what mutual aid agencies had arrived and were being deployed.

Solution: This should be remedied by ensuring that all sections have proper coverage for each operations period.

SAFETY

The Safety Unit Leader for this operation was Officer John Mendez.

The following hospitals stated the following number of reported injuries:

- Alameda County Hospital (Highland) - 6 or fewer reported
- Summit - 4 reported
- Kaiser - 3 reported
- Alta Bates - 0 reported
- Alameda Hospital - 0 reported
- American Medical Response - 4 reported transports

OPD medical reported the following number of injured officers: 4

Successes

- The professional environment at the Emergency Operation Center ensured efficiency.
- Outside agencies were pre-assigned to the exterior of the EOC.

Shortfalls

None identified.