

CITY OF OAKLAND

Memorandum

To: Office of the Chief of Police
Attn: Chief Anthony Batts
From: Office of Inspector General
Date: August 25, 2010

Re: Task 18.2.2 – Witness Identification and Documentation

On August 16, 2010, the Office of Inspector General initiated an audit of Task 18.2.2 (Approval of Field-Arrest by Supervisor) of the Negotiated Settlement Agreement (NSA). Task 18.2.2 requires that supervisors who respond to the scene of arrests for felonies; drug offenses (including narcotics, controlled substances and marijuana arrests if the subject is taken to jail); where there is an investigated use of force; and penal codes §§69, 148 and 243(b)(c) must ensure that available witnesses are identified.

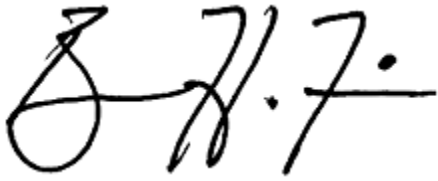
Per policy, the Oakland Police Department is required to identify and document all known witnesses to the criminal offense in the appropriate offense report. If there are no known witnesses, members shall document this fact in the appropriate offense report.

To assess Task 18.2.2 compliance, the audit team examined arrest documentation for all applicable arrest categories, as well as documentation for arrests resulting in a level 1, 2 or 3 use of force. Specifically, the team reviewed a random sample of 85 arrest reports (56 adult arrest reports, 7 juvenile arrest reports, and 22 arrests resulting in investigated uses of force), that occurred between July 1, 2010 and August 6 2010, to determine if the reports listed witnesses, appropriately noted “no known witnesses,” or referred to a canvass with no witnesses produced.

The compliance standard for Task 18.2.2 is 90%. The audit team found that 77 of 85 reports (91%) contained witness information or documented there were no known witnesses.

	Reports in Compliance		Witness Information Documented	“No known Witnesses” Documented	Witness Documentation Missing
Adult Arrests	49 of 56	88%	18	31	7
Juvenile Arrests	7 of 7	100%	1	6	0
Use of Force	21 of 22	95%	14	7	1
Total	77 of 85	91%	33	44	8

The audit determined the Department is maintaining compliance with Task 18.2.2.

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

Benson Fairow
Captain of Police
Office of Inspector General

Appendix A - Adult Arrests

	Rd #	Witnesses Documented	"No Known Wits" Documented	No Witness Documentation	Yes / No
1	10-001047		x		y
2	10-010393		x		y
3	10-018432		x		y
4	10-026073		x		y
5	10-037927	x			y
6	10-040666	x			y
7	10-040745	x			y
8	10-041639			x	n
9	10-041694	x			y
10	10-041713	x			y
11	10-041722			x	n
12	10-041793			x	n
13	10-041812		x		y
14	10-041812		x		y
15	10-041833	x			y
16	10-041833	x			y
17	10-041859		x		y
18	10-041859		x		y
19	10-041869		x		y
20	10-042028		x		y
21	10-042028		x		y
22	10-042186	x			y
23	10-042190			x	n
24	10-042251		x		y
25	10-042268		x		y
26	10-045066		x		y
27	10-045087		x		y
28	10-045089	x			y
29	10-045093		x		y
30	10-045139		x		y
31	10-045208		x		y
32	10-045250		x		y
33	10-039551	x			y
34	10-041675		x		y
35	10-041713		x		y

	Rd #	Witnesses Documented	"No Known Wits" Documented	No Witness Documentation	Yes / No
36	10-038377	x			y
37	10-013786		x		y
38	10-041835	x			y
39	10-042027	x			y
40	10-042036	x			y
41	10-000071		x		y
42	10-040892		x		y
43	10-042209		x		y
44	10-035026		x		y
45	10-042244		x		y
46	10-041475	x			y
47	10-045128		x		y
48	10-045178	x			y
49	10-045205			x	n
50	10-011470		x		y
51	10-040758		x		y
52	10-045092	x			y
53	10-041948			x	n
54	10-040608			x	n
55	10-041714		x		y
56	10-042183	x			y

Appendix B - Juvenile Arrests

	Rd #	Witnesses Documented	"No Known Wits" Documented	No Witness Documentation	Yes / No
1	10-045050		x		y
2	10-045103		x		y
3	10-042074		x		y
4	10-041713		x		y
5	10-041836		x		y
6	10-041719		x		y
7	10-040629	x			y

Appendix C – Arrest Resulting in an Use of Force

	Rd #	Witnesses Documented	"No Known Wits" Documented	No Witness Documentation	Yes / No
1	10-038938	x			y
2	10-039432	x			y
3	10-039534		x		y
4	10-039798		x		y
5	10-039800	x			y
6	10-040123	x			y
7	10-040139		x		y
8	10-040310	x			y
9	10-040351	x			y
10	10-041476	x			y
11	10-042262		x		y
12	10-042296	x			y
13	10-042445	x			y
14	10-042606	x			y
15	10-043638		x		y
16	10-043639	x			y
17	10-043808			x	y
18	10-044197	x			y
19	10-044873		x		y
20	10-044885		x		y
21	10-045285	x			y
22	10-045551	x			y