

CITY OF OAKLAND

Memorandum

To: Office of the Chief of Police
Attn: Chief Anthony W. Batts
From: Office of Inspector General
Date: 17 Nov 10
Re: Task 35 Review

On October 13, 2010, the Office of Inspector General initiated a review of Task 35, Use of Force Reports – Witness Identification. Task 35 is comprised of four subtasks:

1. Task 35.1 requires that Use of Force (UOF) reports include the name, address, and telephone numbers of witnesses to the incident when such information is reasonably available.
2. Task 35.2 requires that the UOF report specifically state when there are no known witnesses.
3. Task 35.3 requires the reason to be documented when there are witnesses present, but circumstances do not allow members/employees to determine the identification, telephone number, or addresses of the witnesses.
4. Task 35.4 requires the names of all OPD members/employees witnessing the incident to be listed in the report.

The requirements described in these Tasks are specific to UOF Levels 1, 2, and 3. Level 4 UOF does not require witness identification to be documented.

The review found that the Department has maintained compliance with Task 35. All reviewed UOF reports properly documented witness identification.

For purposes of this review, all Level 2 and 3 use of force reports for incidents that occurred between July 1, 2010 and September 30, 2010 were reviewed. There were two Level 1 uses of force during the review period, but neither had been heard by the Executive Force Review Board (EFRB) prior to this review and therefore were not reviewed.

For the review period, 55 reports were applicable to Task 35. The table below shows the breakdown of reported uses of force reviewed.

Use of Force Level	Number of Reported Incidents	Number of Incidents Reviewed
Level 1	2	0
Level 2	23	23
Level 3	32	32
Totals	57	55

Of the 55 reports reviewed, all (100%) properly documented the name, telephone number, and addresses of witnesses as set forth in Task 35.1.

There were 26 UOF reports applicable to Task 35.2, documentation of no known witnesses. All of the reports (100%) included the fact that there were no known witnesses to the incident.

There were two incidents in which possible witnesses were present to the incident but circumstances prevented the author of the report from gathering the information as stipulated by Task 35.3. Both reports (100%) documented the reasons why the information was not obtained.

The Department is also in compliance with Task 35.4. The review found that there were 38 incidents in which OPD members witnessed the reported use(s) of force. Each report (100%) documented the name of the witnessing member(s). For the remaining 17 incidents, no OPD members witnessed the use of force. Therefore, the corresponding reports were not applicable to Task 35.4.

A handwritten signature in blue ink, appearing to read 'A. Toribio', is positioned above the typed name.

Anthony Toribio
Captain of Police
Office of Inspector General