Oakland Police Department

Negotiated Settlement Agreement

18th Annual Report

February 1, 2012 – January 31, 2013

This report was prepared by:

Oakland Police Department
Office of Inspector General

Principal Authors:

Act. Sergeant Ann Pierce
Ms. Kristin Burgess

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INTRODUCTION

Since January 22, 2003, the City of Oakland and the Oakland Police Department have been implementing the reforms outlined in Negotiated Settlement Agreement[1] ("the Agreement") with the goal of transforming the Department into a model agency with superior police practices. The Department has striven to implement such practices in the areas of supervision, accountability, police intervention programs, use of force, and misconduct investigations.

The original Agreement reform provisions were separated into 52 tasks for implementation, delegation, and tracking purposes (only 51 were assessed for actual practice compliance – the fifty-second task dealt with contractual housekeeping provisions). A Memorandum of Understanding (MOU) succeeded the Agreement, requiring continued, but more narrowly focused, oversight. The MOU focuses on the 22 tasks that were not yet in full compliance and/or were considered to be the most critical tasks when the Agreement expired.

The Monitor, Chief Robert Warshaw, Police Performance Solutions, LLC, assesses compliance with each of the 22 MOU tasks and provides quarterly summaries of his findings.

In this eighteenth annual report, the Office of the Inspector General (OIG) summarizes the Department's compliance status and efforts to implement provisions of the MOU for the period from February 1, 2012 through January 31, 2013. During this time period, the Monitor released four reports (the ninth, tenth, eleventh, and twelfth quarterly status reports) based on site visits made in February, May, August, and November of 2012. Each site visit assessed the Department's progress for the prior quarter.

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[1] An agreement entered into between the City and Plaintiffs in the Delphine Allen, et al. v. City of Oakland, et al., consolidated case number C00-4599 TEH (JL), otherwise known as the "Riders" cases, Section XIII.A.1. The mutually agreed-upon court-approved Negotiated Settlement Agreement resulted from a City of Oakland decision to resolve litigation brought by multiple plaintiffs seeking both monetary compensation and reforms within the Department as a result of this case.

COMPLIANCE PROGRESS OVERVIEW

For implementation, delegation, and tracking purposes, Agreement reform provisions were separated into 52 separate tasks. The MOU is now focused on the 22 tasks that were not yet in full compliance and/or were considered to be the most critical tasks at the completion of the Agreement in January 2010.

Only the Monitor can deem the Department in compliance, and only after conducting an audit of each task. In order to achieve full compliance, two phases of compliance must be satisfied: policy and training, and actual practice ("implementation"). Policy and training compliance were achieved for all NSA tasks prior to the implementation of the MOU.

Implementation progress as of January 30, 2013 (date of publication of the *Twelfth Quarterly Report of the Independent Monitor for the Oakland Police Department*) is summarized in Table 1 below. Table 2 (following page) lists the 22 tasks by number and title and summarizes their state of compliance as of the same date.

Table 1. Task Compliance Status

Task Status	Tasks as of January 30, 2013
Tasks in Policy Compliance	22 of 22
Tasks in Training Compliance	22 of 22
Tasks in Compliance, Implementation	11 of 22
Tasks in Partial Compliance, Implementation	8 of 22
Tasks Not in Compliance, Implementation	3 of 22
Deferred Tasks*	0 of 22

*Note: The "Deferred" category is used in circumstances where PPS-IMT is unable to fully determine the compliance status of a task due to lack of or incomplete data.

Table 2. State of Compliance (as of January 30, 2013)

Task		Phase 1: Policy and Training	Phase 2: Implementation			
		In Compliance	In Compliance	Partial Compliance	Not in Compliance	Deferred
Task 2:	Timeliness Standards and Compliance with IAD Investigations				▓	
Task 3:	IAD Integrity Tests	▓	▓			
Task 4:	Complaint Control System for IAD and Informal Complaint Resolution Process (4.7 and 4.10 only)	▓	▓			
Task 5:	Complaint Procedures for IAD	▓		▓		
Task 6:	Refusal to Accept or Refer Citizen Complaints	▓	▓			
Task 7:	Methods for Receiving Citizen Complaints (7.3 only)	▓	▓			
Task 16:	Supporting IAD Process – Supervisor/Managerial Accountability				▓	
Task 18:	Approval of Field – Arrest by Supervisor (18.2.2 only)	▓	▓			
Task 20:	Span of Control for Supervisors	▓		▓		
Task 24:	Use of Force Reporting Policy	▓		▓		
Task 25:	Use of Force Investigations and Report Responsibility	▓		▓		
Task 26:	Use of Force Review Board (UFRB)	▓	▓			
Task 30:	Firearms Discharge Board of Review	▓		▓		
Task 33:	Reporting Misconduct				▓	
Task 34:	Vehicle Stops, Field Investigation and Detentions	▓		▓		
Task 35:	Use of Force Reports – Witness Identification	▓	▓			
Task 37:	Internal Investigations – Retaliation Against Witnesses	▓	▓			
Task 40:	Personnel Assessment System (PAS) – Purpose			▓		
Task 41:	Use of Personnel Assessment System (PAS)	▓		▓		
Task 42:	Field Training Program		▓			
Task 43:	Academy and In-Service Training (43.1.1 only)	▓	▓			
Task 45:	Consistency of Discipline Policy (45.1 and 45.4 only)		▓			
Total Tasks		**22**	**11**	**8**	**3**	**0**

OFFICE OF INSPECTOR GENERAL AUDITS AND REVIEWS

During this reporting period, the Office of Inspector General completed seven audits/reviews of NSA tasks. Six audits/reviews were completed by Audit Unit staff and one audit was completed by a law enforcement auditing consultants. The purpose of the audits/reviews was to identify deficiencies that could impact compliance with the Agreement and Departmental policy, as well as inefficiencies in practice. In addition to the six NSA related audits/reviews, the Audit Unit completed audits/reviews of search warrants and confidential informants.

NSA-related audits/reviews are listed below and summarized in this section:
1. Use of Force – Witness Identification (Task 35)
2. Use of Force – Levels 2 and 3 (Tasks 24 and 25)
3. Arrest Approval (Task 18)
4. Informal Complaint Resolution Process (Task 4)
5. Promotional Consideration (Task 46)
6. Mobile Data Terminal Traffic
7. Officer Involved Shootings (Task 31)

Use of Force – Witness Identification

On March 14, 2012, the Audit and Inspections Unit of the Office of Inspector General began conducting an audit of Task 35, *Use of Force Report-Witness Identification*. The purpose of the audit was to determine if the Oakland Police Department's (OPD) practices and procedures regarding identifying witnesses in use of force incidents are in accordance with the established guidelines in the Negotiated Settlement Agreement (NSA) and OPD's Departmental General Order (DGO) K-4, *Reporting and Investigating the Use of Force*. Additionally, the intent of the audit was to identify policy and/or practice deficiencies and to propose solutions that will aid in the Department's ability to comply with policy.

To conduct this audit, the Audit Team informed the Internal Affairs Department (IAD) of the audit in order to gain access to the Department's uses of force documentation. The Audit Team also conferred with other supervisors/commanders, when necessary, to aid in clarifying information and/or audit questions.

The audit's population and/or sample were retrieved from use of force incidents that occurred October 2011 through December 2011. The Audit Team examined Level 2 and Level 3 use of force incidents reported to IAD. There were 6 Level 2 cases and 23 Level 3 cases, for a total of 29 cases reviewed.

The NSA requires that use of force report writers include the name, telephone number, and addresses of witnesses to the incident when such information is reasonably available to the members/employees on the scene. The NSA requires that when there are no witnesses, use of force reports specifically state this fact. The NSA requires when witnesses are present but circumstances prevent the author of the report from determining the identification, phone

number, or address of the witnesses, the report states the reason why the member/employee was unable to obtain the information. Also, the NSA requires that the use of force reports includes the names of all other OPD members/employees witnessing the incident.

The audit found the department in compliance with Task 35. All requirements were 100% in compliance except for Task 35.4, which was 95%. In one report, the rank/classification of some of the members witnessing the force was not listed.

Use of Force – Levels 2 and 3

On June 22, 2011, the Audit and Inspections Unit of the Office of Inspector General began conducting an audit of the Oakland Police Department's (OPD) use of force reporting by its members, and use of force investigation and report responsibilities of its supervisors. This audit had two key objectives. The first objective was to evaluate the quality of the Department's documented Use of Force Reports. Secondly, the intent of the audit was to identify policy and/or practice deficiencies and to propose solutions that will aid in the Department's ability to comply with policy. Although the audit identified a number of areas in need of improvement, there are three main issues that need the Department's immediate attention.

First, the audit indicated that the Department should improve its policies, procedures and practices for use of force reporting and investigation to increase the transparency of information gained throughout the process. The current policies and procedures do not state the goal of the investigation. In addition, they do not provide guidance to the Department's supervisors on information that is important for them to elicit during their investigations. Also, in practice, supervisors are not systematically assessing information they obtained while conducting the investigation to determine compliance or noncompliance of the force used. The lack of documented analysis and assessment forces the readers (i.e., command staff, Monitor, attorneys, etc.) of the reports to speculate how the investigators came to their respective conclusions of compliance/noncompliance.

Secondly, the audit indicated that the Department should thoroughly investigate any allegations of excessive use of force. The main issue with the investigations is that the reader is unable to determine if the investigator took additional steps to fully resolve the allegations. The confusion is a result of the investigators' failure to specifically articulate the supporting facts, evidence, and observations to justify the outcomes of their respective investigations of the allegations in their reports.

Lastly, the audit indicated that the Department should ensure the entries on its Chronological Activity Logs are legible. Some of the entries are very difficult to read, and the serial numbers of those making entries are omitted or illegible. Not being able to read entries and/or serial numbers of those making notations impairs the ability of the Department to produce an accurate timeline for completing a Use of Force Report. Therefore, when an extension is requested by a member and the entry is not legible, the report is held out of compliance since it is impossible to determine the reason for extending the timeline.

In closing, it should be noted that the Department is complying with many of the technical use of force directives specified in its policies and procedures. However, these directives are merely starting points and not end points. The audit has indicated that there is a need for the Department to exceed its own minimum requirements to elevate the quality of its use of force reporting and investigation. This can be accomplished by instituting additional policies and procedures and practices that clearly define what is expected of investigators and how they are to achieve the Department's desired outcomes.

Arrest Approval

The Office of Inspector General (OIG) initiated an audit of Task 18, *Arrest Approval and Report Review*, in July 2012. For this audit, a review of adult felony, drug and Penal Code §§69, 148(a)(1) and 243(b)(c) arrests was conducted. Although arrest approval is also required for juvenile arrests in the same categories and arrests in which there was an investigated use of force, only adult arrests were reviewed for this audit. There were a total of 650 arrests during the audit period, of which a sample of 77 arrests was compiled. For each arrest, the Audit team reviewed Consolidated Arrest Reports (CAR), crime reports, supplemental reports, and witness statements.

Task 18 has five subtasks and the compliance requirement for all subtasks is 90%. The audit found the Department in compliance with all subtasks. However, for Subtask 18.1, the Department fell short on complying with policy that requires supervisors to document their presence on scene by checking the "supervisor on scene" checkbox.

Two arrests were missing CARs, so the audit team was unable to determine if compliance requirements were met for these two arrests. As of the time the audit was published, the CARs were unable to be located at OPD, but had to have been completed and submitted to the County, therefore the requirements may have been met.

➢ Ninety-five percent of the arrest documents included documentation that the supervisor was on scene to approve the arrest (**Task 18.1**). However, of the 77 arrests reviewed, only 62 (81%) marked the "supervisor on scene" checkbox on the CAR which is required by policy. Of the 15 reports missing the properly marked "supervisor on scene" checkbox, 11 documented that the supervisor was on scene in the crime report, CAD or elsewhere on the CAR.

➢ Ninety-five percent of the arrest documents reviewed contained articulation of probable cause or reasonable suspicion for the stop/detention (**Task 18.2.1**).

➢ Ninety percent of the arrest documents reviewed included the proper documentation of witnesses (**Task 18.2.2**).

➢ Ninety-five percent of the arrest documents reviewed indicated that supervisors approve and/or disprove arrests in the field (**Task 18.2.3**) and log supervisory contact times (**Task

18.2.4).

The audit found the department in compliance with Task 18.

Informal Complaint Resolution Process

In August, the Audit and Inspections Unit of the Office of Inspector General began conducting an audit the Oakland Police Department's (OPD) informal complaint resolution process. The purpose of the audit was to determine if OPD's informal complaint resolution process is in accordance with the established guidelines in Departmental General Order (DGO) M-3.1, *Informal Complaint Resolution Process*. Additionally, the intent of the audit was to identify policy, procedure, and/or practice deficiencies and to propose solutions that will aid in the Department's supervisors', or any authorized personnel's, abilities to effectively, efficiently, and expediently informally resolve complaints against members/employees.

The audit indicated that the Department's process for informally resolving complaints is not efficient, and based on current policies, procedures, and practice, the goal of the ICR process is unclear. Its documented policies and procedures do not provide sufficient direction to its supervisors, commanders and managers and authorized Internal Affairs Division personnel. The following is a list of policy, procedure, and/or practice deficiencies found during the audit:

- The auditor was unable to determine how complaints that qualify to be informally resolved should be received and processed from beginning to end. When referencing DGO M-3.1 to determine how to receive and process a complaint, the policy refers the reader to DGO M-3 and vice versa. Since both polices reference each other, this creates circular reasoning and not an answer for executing the process.

- The auditor was unable to determine whether allegations should be investigated prior to being informally resolved, and if they are, to what degree. DGO M-3.1 does not state to what degree complaints against a member/employee should be investigated while DGO M-3 states that all complaints shall be investigated. Hence, it is unclear how the process of informally resolving a complaint differs from formally resolving a complaint. It is also unclear whether the allegations that qualify for the ICR process should be resolved immediately or within Government Code 3304's one year resolution time frame.

- The auditor was unable to determine who, primarily, should informally resolve complaints. DGO M-3.1 states that complaints can be received by IAD and an organizational unit other than IAD. For more details, the policy refers the reader to DGO M-3, and, again, the start of circular reasoning. In practice, the Department appears unsure of who should use the ICR process because, in some cases, field supervisors and IAD officers are receiving and/or investigating the same complaint   Therefore, there is on scene or unit handling, as well as IAD investigative processing taking place, making the ICR process inefficient.

- The auditor was unable to determine whether Department personnel understood when to close a complaint using the ICR process versus the administrative closure process. DGO

M-3.1 states the intent of the ICR process is to resolve complaints against members and employees. However, it does not state what to do when, upon investigation, the complaint is actually against the Department's policy, procedure or practice. In practice, the Department's personnel are using the ICR process to resolve incidents that are related to policy, procedure, and/or practice issues.

- The auditor was unable to determine whether the action taken against a member/employee as a result of an informally resolved complaint is considered disciplinary action or non-disciplinary action. DGO M-3.1 states that informally resolving a complaint does not establish that the member/employee is admitting guilt or wrong doing. While on the other hand, the alleged Class II or service infraction becomes part of the member/employee's complaint history. In addition, the policy mentions that the action taken can consist of "non-disciplinary corrective action," but it does not provide a definition for non-disciplinary corrective action. Therefore it is unknown what the term means and how it relates to what happens to a member/employee of whom an allegation is alleged and informally resolved.

Overall, the audit found that the Department needs to create a more comprehensive policy for informally resolving complaints; therefore, we present the following recommendations:

1. The Department should revisit its policies, procedures, and practices regarding informal complaint resolutions to address the following issues:

   - Circular reasoning and inconsistencies between DGO M-3.1 and DGO M-3
   - On Scene or Unit Handling versus IAD Investigative Processing
   - Immediate Resolution Time Frame versus 3304 Resolution Time Frame
   - The degree of investigation required
   - When to close a complaint using the ICR process versus administrative closure
   - Disciplinary Action versus Non-Disciplinary Action

2. The Department should ensure its practices coincide with its policies and procedures.

3. The Department should ensure that the correct supervision structure is monitoring each member/employee and has the responsibility of issuing an ICR, when appropriate.

The Department is in technical compliance with ensuring required information (i.e., name, serial number of person receiving complaint, IAD case number or CAD incident number, summary of complaint, etc.) is documented on the Informal Complaint Resolution form. However, the aforementioned issues must be addressed by creating informal complaint resolution policies, procedures and practices that are transparent and efficient. In addition, those policies, procedures, and practices must include the presence of adequate supervision and accountability mechanisms.

Promotional Consideration

The Office of Inspector General (OIG) initiated an audit of Task 46, Promotional Consideration, in September 2012. For this audit, a review of all promotions occurring between December 1, 2010 and September 1, 2012 was conducted. Task 46 requires that the Chief consider the following prior to making promotional decisions:

- Sustained misconduct cases within three years preceding promotion;

- Candidates with sustained Class I offenses within 12 months preceding the promotion are presumptively ineligible for promotion;

- Commitment to community policing;

- Quality of citizen contacts;

- Sustained and not sustained complaints, including sustained use of force; and

- Support for Department integrity measures.

During the audit period, there were six promotional processes, resulting in 28 promoted candidates and two appointed candidates. Promoted candidates included three captains, seven lieutenants, and eighteen sergeants. In addition, there were two appointed candidates, an assistant chief and a deputy chief. To assess compliance with Task 46, the audit team reviewed each of the 28 candidate's discipline history and other promotional consideration documents. For the appointed candidates, the discipline history was reviewed.

The audit found that none of the promoted candidates had a sustained finding of a Class I offense three years prior the promotion. There were three promoted candidates and one appointed candidate with a Class II sustained finding during the three years prior to promotion. The Chief of Police informed the audit team that he was aware of the details of three of the cases, along with the sustained findings, and considered them during the promotion process. The Chief stated that he did not recall the details of the fourth case. The fourth case was sustained in June 2011. Although the audit team found this one case out of compliance, documentation in the Internal Affairs case file indicates that the Deputy Chief was aware of the complaint.

All 28 promoted candidates met the remaining criteria. The promotional packets, which are reviewed by the Chief, included matrices summarizing risk management data and notes from promotional interviews, which address community policing.

No promotional packets were created for the appointed positions, assistant chief and deputy chief. The Chief informed the audit team that he was very familiar with the sustained finding for one of the candidates and did take it under consideration. In addition, the Chief carefully selects his candidates for appointed positions and considers many factors, including the criteria required by Task 46.

Subsequent to a January 2012 Court Order requiring the Chief to consult with the Monitor on promotions, all promoted and appointed candidates were approved by the Monitor.

The auditor made two recommendations:

1. The Personnel Division should ensure that only cases resulting in sustained and not sustained findings should be provided to the Chief for consideration.

2. The Personnel Division Manager must ensure that the Chief is aware of all sustained and not sustained complaints at the time he makes his promotional decision, since there can be significant delays between the creation of the promotional packet and the actual decision being made.

The audit found the department in compliance with Task 46.

Mobile Data Terminal Traffic

On November 21, 2012, the Office of Inspector General initiated its ninth annual audit of the Department's use of Mobile Data Terminals (MDT). The purpose was to examine the content of car-to-car message transmissions and ensure that user-generated messages do not violate Department policy, local and/or federal laws.

The auditor reviewed the content of MDT data logs and user generated messages.

There were 115 individual messages transmitted in the 305 days covered by this audit, with an average of one message every 2.65 days. This year the number of messages transmitted per day was 0.38; this was an increase of 40% from last year. Last year there were 0.27 messages per day, in 2010 there were 0.92 transmissions per day, and in 2009 there were 1.21 transmissions per day.

During this audit period, 31 members transmitted car-to-car messages. None of the messages reviewed were found to contain inappropriate language, wording that constitutes a policy violation, or lengthy conversations unrelated to work.

The MDSM, with the assistance of the ITU staff, is responsible for monitoring and archiving MDT transmissions. The ITU downloads MDT transmission reports monthly to the secure "MDT" shared drive, which can only be accessed by authorized personnel. The MDSM utilizes the "MDT" shared drive to review the monthly reports and takes appropriate action if necessary. On completion of the monthly review, the MDSM sends an email memorandum to the OIG

documenting the date of review and findings. The ITU retains the reports on the "MDT" shared drive for a period of five years.

The audit team noted that at the time this audit was initiated, there was a delay in the review of the monthly reports. However, all reviews were completed prior to the close of this audit.

Officer Involved Shootings

The Office of Inspector General hired an external audit consultant, Mark J. Wittenberg Training, Inc., to complete an audit of the Department's Officer Involved Shooting Investigations (OIS). The audit reviewed and analyzed 14 OIS incidents chosen by the Oakland Police department (OPD). The investigations occurred between 2010 and 2012 and included instances where suspects were killed, wounded or shot at and missed. In each of these cases, the Auditor was directed to examine the cases for compliance with Negotiated Settlement Agreement (NSA) Task #30, OPD policy, industry standards and best practices that might apply. The Auditor was also tasked with determining themes, patterns and behaviors that were in conflict with the OPD mission. Not all investigations had problems or caused any major concerns. They were properly done, professionally written and the fundamental nature of the use of force was justified on its face. That said there was sufficient data to conclude that serious issued need to be addressed. These issues are in five primary areas:

- OPD supervision and management have done a good job ensuring that participants in the investigative process are adhering to their job responsibilities. Except as noted herein, OPD's OIS investigations were in conformity with stated expectations, department orders and NSA requirements. OPD has embraced the NSA standards and the thoroughness of OIS investigations is testimony to that. OPD's overall approach to these investigations is thorough, comprehensive and detailed. The Department has a multi-layered approach that includes the Criminal Investigation Division (CID), the Internal Affairs Division (IAD) and the Executive Use of Force Board (EFRB), each of whom examines the use of force. The resulting, investigative conclusions are derived from a process that anticipates the complexity of these investigations and seeks varied perspectives.

  At the same time, a less favorable and more troubling theme emerges in adherence to OPD policy, specifically tactics and the general approach to duty. In too many instances, the Executive Force Review Board found that filed personnel engaged in flawed analysis of the incident under review, and acted subsequently with behavior that either best practice norms of policing or OPD policy. This was not limited to the relatively newer officer whose behavior might be explained by lack of experience or maturity. These investigations covered a gamut of experience, assignment and rank, the pattern of behavior is a serious symptom of a system that requires a more thorough examination for the purpose of promulgating policy, and field conduct that best suits the safety of the officer, the person contacted and the public at large.

- Several cases were found to be within use of force policy and the law, but the EFRB found that tactics and decision-making made during the initial contact was flawed. In some instances, experienced officers acted on decisions for which a new officer in field training could be admonished or disciplined due to the deficiency of their actions.

  The EFRB specifically commented on the poor or questionable decision-making. Police departments train to get it right the first time. In a critical incident there may not be a second chance. When a significant number of OIS cases reflect substantial deviance from these standards, it is cause for alarm. OPD needs to be frank to get to the root causes of this problem.

- The EFRB found the involved officer(s) in compliance with the use of force policy, even though the EFRB found very poor tactics and other policy violations which resulted in discipline in some cases. There is no disagreement that policing in Oakland is challenging and that OPD's culture has experienced significant threshold incidents. It is important to understand, though, that the environment is not unique, nor are OPD's issues necessarily more critical that other metropolitan police agencies in a contemporary urban environment.

  The Auditor concludes that OPD needs to assess the manner in which it measures departure from accepted standards and how it gathers information to determine whether the finding of any investigated incident should include training or discipline. There is substantial data to support a perception that a sloppy or cavalier attitude toward training standards and policy exists. Culture can facilitate excellence or be a strong barrier to change in any department. Clearly, stronger corrective action is required, along with continued and consistent training.

- OPD needs to reassess the general state of readiness for field personnel. In too many cases, special pleading, or arguing only one element of the issue and avoiding other, less favorable, elements is used to mitigate the behavior of involved field personnel. More than one case involved dispatchers failing to perform basic functions of their position. In some cases, equipment failed, was deployed poorly or just was not available. This ranged from portable radios that failed in critical moments, Tasers deployed in ways that were not sound and less that lethal alternatives that were not available for use. The Department has addresses some functional issues but a comprehensive analysis of the individual responsibilities, teamwork and equipment is in order. Taken as a group, these cases raise concerns about training, field supervision, and accountability.

- Beyond determining that factual elements of the investigation, CID and IAD should probe deeper into actions of the involved officers. Specifically, CID and IAD should ask about the motivation the officers had for their behavior, alternatives they considered and where, if the behavior deviated from accepted practice, the involved officer learned to do police work in the manner on display in these investigations. Better questions discover more than what happened at the scene; they help to assess existing culture and accepted beliefs. Tougher questions are necessary.

- Additionally, OPD should consider amending some standard questions used in these investigations. In the CID investigation, the involved officer is asked if he or she consumed any alcohol or taken any medication in the prior 24 hour period. These are logical questions, as the presence of any alcohol, powerful medication or recreational drug in the involved officer's system may be misconduct and may skew their view of the incident. If the question is important, and the Auditor believes it is, then a blood test to validate the involved officer's response and alleviate potential liability is in order. Merely asking the involved officer(s) is insufficient to render this issue closed.

The auditor found Significant Findings. The Significant findings represent information the Auditor believes addresses elements that require consideration for the OIS investigation process to serve the needs of all concerned stakeholders. These findings include:

- The tactics employed by OPD personnel

- Conformance to written directives, including:

    o   Task 30 Review Protocol

    o   Internal Affairs Policy and Procedure Manual

    o   Force Review Boards

    o   Use of Force Policy Handbook

- Training Issues, including;

    o   Tactics

    o   Firearms and Field Training

    o   Field Supervision

    o   Conflicting roles of EFRB and IAD

- OPD Culture

- Basic Standards of Readiness

The auditor made several recommendations. The first four recommendations require immediate action. The recommendations are as follows:

1. Maintain adherence to NSA protocols and mandates

2. Initiate an outside review of all OPD training, with an emphasis on tactics

3. Examine and Refine Standards for Readiness

4. Put an end to deviance from accepted tactical and behavioral norms

5. Discontinue the policy of allowing IAD to act as advocate

6. Ensure that IAD and CID ask more probing questions of involved personnel

7. Eliminate special pleading from the Pre-Discipline reports

8. Return officers to field training if they have pronounced tactical or knowledge issues

9. Require a mandatory blood test for all personnel who use deadly force

CONCLUSION

The Department continues to work towards full compliance with Tasks that are in partial compliance or not in compliance. While working closely with the Monitor, the Department continues to work on improving the areas of internal investigations; supervisory span of control; use of force reporting and investigation; vehicle stops, field investigations and detentions; and the personnel assessment system. The Department and the City remain committed to achieving full compliance with the NSA and will continue working with all the stakeholders to attain the goal of ensuring meaningful and lasting change.