Thirty-Fourth Report
of the Independent Monitor
for the Oakland Police Department

Introduction

The Court's Order of May 21, 2015 modified the monitoring plan that has been in place since the beginning of our tenure to make more efficient use of resources while focusing on the long-term sustainability of the reforms in the Negotiated Settlement Agreement (NSA) in the case of *Delphine Allen, et al., vs. City of Oakland, et al.,* in the United States District Court for the Northern District of California.[1] After 13 years of monitoring OPD's progress with the reforms, the Court recognized that it was time for us to devote special attention to the most problematic component parts of the Tasks that are not yet in full compliance or have not been in compliance for at least one year, and those for whom factors currently make compliance determination uncertain. In accordance with the Court Order, we began increasing the frequency of our compliance assessments and our reports detailing our findings and other monitoring activities.

This is, as is now widely known, perhaps the most trying time in OPD's history. As a result of concerns about the measure of investigative effort undertaken by the Department in IAD case 15-0771, the Court issued an Order on March 23, 2016 indicating that "irregularities and potential violations of the NSA" occurred. The Order directs the Monitor/Compliance Director to take action to "to ensure that this case and any related matters are properly and timely investigated, and that all appropriate follow-up actions are taken." As the Order states, "This case raises most serious concerns that may well impact Defendants' ability to demonstrate their commitment to accountability and sustainability – both of which are key to ending court oversight."

As of this writing, several investigations – both internal and external – are ongoing. The City's nation-wide hiring search for a new, permanent police chief is underway. Currently, Acting Assistant Chief David Downing is OPD's highest-ranking official, and he reports directly to City Administrator Sabrina Landreth, who is more involved than in the past in the day-to-day management of the Department.

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[1] United States District Court for the Northern District of California, Master Case File No. C00-4599 TEH, Order Modifying Monitoring Plan, dated May 21, 2015.

My Team remains involved in several ways. In keeping with the Court Order and my charge as Monitor and Compliance Director, we continue to monitor the initial matter as well as the other pending investigations that have stemmed from it. We continue to support and offer technical assistance to the IAD team investigating these cases, Assistant Chief Downing, the Executive Team, and City leadership. We will continue to monitor all of these developments and report on their outcome in our future reports.

This Report

In this report, we describe our recent assessments of Tasks20, 34, 41, and 45.As noted previously, because we now report on a monthly (as opposed to quarterly) basis, we do not assess and discuss each active or inactive Task in each report; however, for each report, we select several active and/or inactive requirements to examine, and discuss the most current information regarding the Department's progress with the NSA and its efforts at making the reforms sustainable.

In accordance with the May 21, 2015 Court Order, we provide increased technical assistance – via monthly joint monitoring/technical assistance visits by designated Team members – in these areas. We also provide particular guidance and direction to the Department on the three Tasks (5, 34, and 45) that have been in partial compliance. (As of our last quarterly report, OPD was in full compliance with all Tasks except for these three Tasks.) We also continue to monitor closely the Department's progress with the December 12, 2012 Court Order as it relates to Task 34 and other critical issues.

Below is the current compliance status of the Tasks listed in the May 21, 2015 Court Order.

Compliance Status of Tasks Listed in the May 21, 2015 Court Order		
Task	**Description**	**Compliance Status**
5	Complaint Procedures for IAD	As of the twenty-first reporting period (covering October through December 2014), this Task was in partial compliance. The pending IAD investigation, referenced above, requires that this Task be found not in compliance. Not assessed in this report.
20	Span of Control	In compliance since the nineteenth reporting period (covering April through June 2014). Now considered inactive.
26	Force Review Board (FRB)	In compliance since the nineteenth reporting period (covering April through June 2014). Now considered inactive. Not assessed in this report.
30	Executive Force Review Board (EFRB)	In compliance since the nineteenth reporting period (covering April through June 2014). Now considered inactive. Not assessed in this report.
34	Vehicle Stops, Field Investigation, and Detentions	In partial compliance since the fourth reporting period (covering July through September 2010).
41	Use of Personnel Assessment System (PAS)	In compliance since the twentieth reporting period (covering July through September 2014). Now considered inactive.
45	Consistency of Discipline Policy	As of the twenty-first reporting period (covering October through December 2014), in partial compliance.

Increasing Technical Assistance

Per the May 21, 2015 Court Order, "The Monitor will provide increased technical assistance to help Defendants achieve sustainable compliance with NSA tasks and address, in a sustainable manner, the strategies and benchmark areas included in the Court's December 12, 2012 Order re: Compliance Director and the shortcomings identified in the Court Investigator's April 16, 2015 report." Accordingly, our Team has altered the nature of our monthly site visits so that they include both compliance assessments and technical assistance. As in the past, we meet with Department and City officials; observe Department meetings and technical demonstrations; review Departmental policies; conduct interviews and make observations in the field; and analyze OPD documents and files, including misconduct investigations, use of force reports, crime and arrest reports, Stop Data Forms, and other documentation. We also provide technical assistance in additional areas, especially those that relate to the remaining non-compliant Tasks or areas identified by the Department. Within the last few months, we have provided technical assistance to OPD officials in the areas of IAD investigations (Task 5); Executive Force Review Board (Task 30); stop data (Task 34); risk management (Task 41); several Department policies and procedures; and the Department's current audit of the recruitment and training of new officers. We are also closely following the Department's adoption of Lexipol, the online policy platform, and occasionally observe meetings of OPD's Lexipol working group. To ensure continuing compliance with the NSA, the Monitoring Team and the Plaintiffs' attorneys will review and re-approve all polices related to all active and inactive Tasks.

Building Internal Capacity at OPD

Per the May 21, 2015 Court Order, "The Monitor will also help Defendants institutionalize an internal system of monitoring by the Office of Inspector General or other City or Department entity, along with internal mechanisms for corrective action."

As reported previously, we continue to work closely with the Office of Inspector General's (OIG) lieutenant and his staff to identify areas that it should audit or review – and to help design approaches to these audits that are not cumbersome, so as to ensure sustainability. With two police auditors added late last year, OIG expanded the unit's staffing.

Each month, we review OIG's progress reports, which detail the results of its reviews; and continue to assist OIG as it becomes a stronger unit and further develops its capacity to monitor the Department's continued implementation of the NSA reforms. Last week, OIG produced its most recent monthly progress report, which, like the others OIG produced, will be released publicly, via the Department's website.

The report details the results of its most recent reviews, which include: (1) a review of the Skelly hearing process; (2) a review of comparative discipline; and (3) an audit of the Criminal Investigation Division (CID) training program. The first two reviews were conducted as follow-up to the reports issued by the Court-appointed investigator on the Department and City's discipline and arbitration process. As with its other reports, in each of the areas where OIG identified problems, the report included recommendations to Department units to "close the loop" on outstanding or problematic issues.

In its first review, OIG found that Skelly officers met all of the necessary service requirements; and that OPD collaborated appropriately with the Office of the City Attorney. OIG also found that the discipline recommendations in 19 recent sustained IAD cases fell within the parameters of the Discipline Matrix; or, when Skelly officers disagreed with the recommended discipline, they included written justifications for the differences.

In its second review, OIG found, "Generally, it appears discipline is equitable with reasoning being articulated on the Pre-Discipline Report. Additionally, trends show as the severity of discipline increases, the rate of violations decrease, with the exception of the number of 'terminations' given. But areas for policy improvement exist, including updating the written policy and matrix to be fully reflective of all discipline options that are used in practice."

In its third review, OIG found that CID employees are experiencing resource and other issues that impede their ability to attend required courses. OIG recommended that the Department revise its policy to require less stringent training requirements.

We look forward to reviewing future OIG progress reports and continuing to assist OIG as it becomes a stronger unit and further develops its capacity to monitor the Department's continued implementation of NSA reforms.

Focused Task Assessments

Task 20: Span of Control for Supervisors

Requirements:

On or before August 14, 2003, OPD shall develop and implement a policy to ensure appropriate supervision of its Area Command Field Teams. The policy shall provide that:

1. *Under normal conditions, OPD shall assign one primary sergeant to each Area Command Field Team, and, in general, (with certain exceptions) that supervisor's span of control shall not exceed eight (8) members.*

2. *During day-to-day operations, in the absence of the primary supervisor (e.g., due to sickness, vacation, compensatory time off, schools, and other leaves), the appropriate Area Commander shall determine, based on Department policy and operational needs, whether or not to backfill for the absence of the sergeant on leave.*

3. *If a special operation, (e.g., Beat Feet, Special Traffic Offenders Program (STOP), etc.) requires more than eight (8) members, the appropriate Area Commander shall determine the reasonable span of control for the supervisor.*

4. *If long-term backfill requires the loan or transfer of a supervisor from another unit, the Chief of Police and/or the Deputy Chief of Police shall make that decision.*

(Negotiated Settlement Agreement IV. C.)

Relevant Policy:

Three Departmental policies incorporate the requirements of Task 20: Departmental General Order A-19, *Supervisory Span of Control,* issued on July 26, 2006; Departmental General Order D-13, *Assignment to Acting Higher Rank or Classification,* issued on June 17, 1999; and Departmental General Order D-13.1, *Assignment to Acting Sergeant of Police,* issued on May 14, 2014. (The publication of DGO D-13.1 cancelled Special Order 8435, which previously governed the selection process of acting sergeants.)

Commentary:

Following discussions with our Team, the Department developed and implemented an alternate relief sergeant system in 2015. While the plan reduced the number of relief sergeants assigned to Patrol, in 2016, we have not found that it has affected compliance with the NSA requirements related to consistency of supervision and span of control.

For our assessment for this report, we reviewed spreadsheets prepared by the Department for the months of April, May, and June 2016 that, by date, note which type of sergeant supervised each applicable squad – a primary sergeant, relief sergeant, acting sergeant, other sergeant (one working overtime), or none. (The Department refers to unsupervised squads as "open.") Using Telestaff, the Department's electronic scheduling system, we also spot-checked this data to verify its accuracy. We calculated per squad the compliance percentages for this subtask during this reporting period. Each of the 47 applicable squads were in compliance – that is, all applicable squads during this reporting period were supervised by either a primary, relief, or other/overtime sergeant for at least 85% of their working shifts. We also found that none of the applicable squads exceeded the required 1:8 supervisor to officer ratio at least 90% of their working shifts.

OPD continues to be in compliance with these important requirements. Even more encouragingly, as we have noted previously, the Department has institutionalized the sound practices of tracking how each squad is supervised each day; planning, when possible, for expected absences; and thoughtfully considering how to fill in for personnel who are absent unexpectedly.

Task 26: Force Review Board (FRB)

Requirements:

OPD shall develop and implement a policy concerning its FRB proceedings. The policy shall:

1. *Set out procedures, membership and a timetable for FRB review of use of force investigations involving Level 2 incidents, as defined in Department General Order K-4, REPORTING AND INVESTIGATING THE USE OF FORCE;*

2. *Require the FRB to review all use of force investigations;*

3. *Require the FRB to make a recommendation as to whether the use of force was in policy or out of policy;*

4. *Require the FRB to forward sustained policy violations to the Discipline Officer.*

5. *Require the FRB not to review any use of force allegation until the internal investigations has been completed;*

6. *Authorize the FRB to recommend to the Chief of Police additional use of force training or changes in policies or tactics, or additional standards, investigatory policies, or training for use of force investigations;*

7. *Require the FRB to conduct an annual review of use of force cases examined, so as to identify any patterns of use of force practices that may have policy or training implications, and thereafter, issue a report to the Chief of Police;*

8. *Require that the FRB membership include, at a minimum, one member from the Training Division, one member from the Field Training Officer program, and*

> *either the Bureau of Field Operations Deputy Chief or his/her designee;*

> 9. *Minimally, that one member of the FRB shall be replaced at least annually.*

(Negotiated Settlement Agreement V. C.)

Relevant Policy:

Department General Order K-4.1, *Force Review Boards,* was published February 17, 2006, and most recently revised on December 21, 2015.

Commentary:

Force Review Boards are convened for the purpose of reviewing Level 2 use of force events.[2]

OPD has been in compliance with Task 26 since the nineteenth reporting period; however, when the Department conducts FRBs during our scheduled site visits, we attend, observe, and assess the proceedings. No boards were scheduled during our July site visit.

OPD conducted nine Force Review Boards involving 21 officers during 2016.All boards were conducted in compliance with the requirements of this Task.

OPD remains in compliance with this Task.

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[2] Level 2 Use of Force includes, 1) Any strike to the head (except for an intentional strike with an impact weapon); 2) Carotid restraint is applied that does not result in the loss of consciousness; 3) Use of impact weapons, including specialty impact munitions or any other object, to strike a subject and contact is made, regardless of injury; 4) Any unintentional firearms discharge that does not result in injury; 5) A police canine bites the clothing or the skin of a subject, or otherwise injures a subject requiring emergency medical treatment (beyond first-aid) or hospital admittance; 6) Any use of force which results in injuries to the subject requiring emergency medical treatment (beyond first-aid) or hospital admittance; (NOTE: For the purposes of this order, an evaluation by a medical professional to assess a complaint of injury is not emergency treatment) 7) Any Level 3 use of force used on or applied to a restrained subject; 7.a) A restrained subject is a person who has been fully placed in a Department authorized restraint device such as both hands handcuffed, a WRAP or Rip Hobble; 7.b) A subject with only one handcuff on is not a restrained person.

Task 30: Executive Force Review Board (EFRB)

Requirements:

> 1. *An EFRB shall be convened to review the factual circumstances surrounding any Level 1 force, in-custody death, or vehicle pursuit-related death incidents. A firearm discharge at an animal shall be reviewed by the EFRB only at the direction of the Chief of Police. The Board shall have access to recordings and/or transcripts of interviews of all personnel on the scene, including witnesses, and shall be empowered to call any OPD personnel to provide testimony at the hearing.*
>
> 2. *OPD shall continue the policies and practices for the conduct of EFRB, in accordance with the provisions of DGO K-4.1, FORCE REVIEW BOARDS.*

(Negotiated Settlement Agreement V. G.)

Relevant Policy:

Department General Order K-4.1, *Force Review Boards,* was published February 17, 2006, and most recently revised on December 21, 2015.

Commentary:

Executive Force Review Boards (EFRBs) are convened for the purpose of reviewing Level 1 use of force events.[3]

OPD has been in compliance with Task 30 since the nineteenth reporting period; however, we continue to observe and assess EFRB activities conducted during our monthly site visits.

OPD conducted five EFRBs during current year 2016; however, OPD did not conduct any during July.

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[3] Level I Use of Force events include: 1) Any use of force resulting in death; 2) Any intentional firearm discharge at a person, regardless of injury; 3) Any force which creates a substantial risk of causing death, (The use of a vehicle by a member to intentionally strike a suspect shall be considered deadly force, reported and investigated as a Level 1 UOF under this section. This includes at any vehicle speed, with or without injury, when the act was intentional, and contact was made); 4) Serious bodily injury, to include, (a) Any use of force resulting in the loss of consciousness; and (b) Protracted loss, impairment, serious disfigurement, or function of any bodily member or organ (includes paralysis); 5) Any unintentional firearms discharge, (a) If a person is injured as a result of the discharge; or (b) As directed by the CID Commander; 6) Any intentional impact weapon strike to the head; 7) Any use of force investigation that is elevated to a Level 1 approved by a Watch Commander.
The EFRB consists of three senior commanders as voting members. In addition, regular non-voting attendees include the Training Section Commander and a representative of the City Attorney's Office.
A Level 1 use of force may include both criminal and administrative elements; accordingly, both the Criminal Investigation Division (CID) and IAD present the results of their respective investigations to an EFRB

Members of our Team attend the boards when OPD schedules them during our monthly site visits. As previously reported, the Criminal Investigation Division and the IAD Force Investigation Section each present their detailed investigations to the Board in a manner demonstrative of the seriousness with which such cases are investigated. Board members are inquisitive, questioning, and thorough when reviewing these cases. OPD remains in compliance with this Task.

Task 34: Vehicle Stops, Field Investigation, and Detentions

Requirements:

1. *OPD shall require members to complete a basic report on every vehicle stop, field investigation and every detention. This report shall include, at a minimum:*

   a. *Time, date and location;*

   b. *Identification of the initiating member or employee commencing after the first year of data collection;*

   c. *Reason for stop;*

   d. *Apparent race or ethnicity, and gender of individual(s) stopped;*

   e. *Outcome of stop (arrest, no arrest);*

   f. *Whether a search was conducted, and outcome of search;*

   g. *Offense categories (felony, misdemeanor or infraction).*

2. *This data shall be entered into a database that can be summarized, searched, queried and reported by personnel authorized by OPD.*

3. *The development of this policy shall not pre-empt any other pending or future policies and or policy development, including but not limited to "Promoting Cooperative Strategies to Prevent Racial Profiling."*

(Negotiated Settlement Agreement VI. B.)

Relevant Policy:

Department policies relevant to Task 34 include: General Order M-19, *Prohibitions Regarding Racial Profiling and Other Bias-Based Policing;* Report Writing Manual (RWM) Inserts R-2, N-1, and N-2; Special Order 9042, *New Procedures Regarding Stop Data Collection* (published June 2010); and Special Order 9101, *Revised Stop Data Collection Procedures* (published November 2012).

Commentary:

OPD collects and retains stop data in a manner that can be accessed and analyzed so as to identify, address, and resolve indicators of bias-based policing or racial profiling as required by this Task. However, the data collection system, developed in-house, has undergone continuous review for the purpose of identifying areas where improvement can or should be made – in particular with regards to ensuring that data is accurate. As we have reported, OPD identified several areas requiring corrective measures, which have resulted in the modification of data collection points, policies, processes, forms, and relevant training. However, areas requiring corrective measures remain.

In the latter part of 2015,the data reviewed indicated a rapid and significant increase in the reported search recovery rate. An in-depth review of this and other relevant data verified that the searches were lawful; however, it also indicated that items temporarily seized by officers for safety or other reasons, which were neither evidence or contraband – e.g., screwdrivers and pocket knives – were being recorded as recoveries. In addition, the recovery of evidence and the number of persons searched during multiple person stops was not being recorded in a consistent manner, often resulting in a distortion of the search recovery rates.

To address this, OPD initiated corrective measures, including developing officer training and making revisions to the Stop Data Form to address these issues. Beta-testing of the updated form was initially planned for May, with full implementation to commence in June; however, OPD's further revision of the form has resulted in a delay with the anticipated operational implementation. Presently, the date for implementation of the updated forms has not been established; accordingly, the accuracy of reported search recovery rates remains in doubt.

The ongoing training reportedly taking place and the revised stop data form should improve the accuracy of the search recovery data and resolve the above described issues; however, the accuracy of the collected data in large part depends on the commitment to do so by supervisors. We have and continue to emphasize the importance of assessing and insuring supervisory accountability for the review of officers' data. Supervisors have absolute responsibility to ensure that each stop is lawful, each search is lawful, and that recovery data excludes temporarily held items that are neither evidence nor contraband. So long as supervisors review and approve officers' incorrect recovery data, the value of that data in the identification of potentially problematic searches will be diminished.

OPD now has more than two years of credible data sufficient for the conducting a variety of analyses, including the identification of statistical indicators of possible disparate treatment at the Department, area, squad, and individual officer levels. More specifically, it provides OPD with an opportunity to study police/public interactions, and where there are anomalies or indicators of possible disparate treatment among the various population groups; and to design and take appropriate corrective measures where warranted whether it is at one or more of the area, squad, or individual officer levels

In addition, in June, OPD received the report prepared by Stanford University, which includes a comprehensive analysis of 28,119 stop data forms. This analysis "uncovered evidence that OPD officers treat people of difference races differently" but also "found little evidence that disparate treatment arose from explicit racism or purposeful discrimination." It also included 50

recommendations relevant to this Task, many of which OPD has partially or fully implemented. We await the finalization of an appropriate implementation plan/schedule regarding the recommendations not yet implemented.

Finally, we again emphasize the importance of supervisors regarding the identification and prevention of disparate treatment amongst the identified population groups. Supervisors must carefully review individual officer data to specifically identify significant variances from the norm relative to stops, searches, and other actions involving the various population groups and implement intervention strategies to address identified variances, as may be required. In addition, OPD must objectively assess the effectiveness of officers' supervisors who have responsibility to train, guide, mentor, and correct officers' performance. The process of conducting daily reviews of stops involving recoveries initiated by OIG is a step to strengthen supervisory accountability and this concern.

STOP DATA REVIEWS

During our July site visit, we attended the monthly Risk Management Meeting during which OPD again conducted its detailed review of various risk management components for one of its five Area commands in rotation. The review included in-depth review of activities relating to stop data, including the identification of anomalies and/or variances in stop data between Citywide and their particular Area data.

The Area Commander and staff presented their assessment of the various data elements. This was the seventh successive RMM during which the Area Commander and command staff comprehensively described Area activities, crime control strategies, and individual squad activities.

The tables illustrated in the following section illustrate stop data results for the Area discussed during the July RMM.

STOP DATA REVIEW

As is our practice, we are including several tables to illustrate various stop data. Again, we do so with the admonition that the stop data in and of itself is not dispositive of disparate treatment among the population groups. Instead, it is an indicator of possible disparate treatment warranting further, careful analysis and – where warranted –intervention.

CITYWIDE STOPS

Tables One and Two illustrate Citywide vehicle and pedestrian stop data from OPD.

Table One Vehicle Stop Summary[4]			
Race/Ethnicity	Stops	Searches[5]	Recoveries[6]
African American	57%	28%	44%
Asian	6%	9%	42%
Hispanic	21%	14%	48%
White	11%	5%	46%
Other	4%	7%	49%
Total	100% 15,407	21% 3,181	45% 1,417

Table Two Pedestrian Stop Summary[7]			
Race/Ethnicity	Stops	Searches[8]	Recoveries[9]
African American	69%	48%	42%
Asian	3%	33%	47%
Hispanic	15%	34%	53%
White	10%	21%	58%
Other	2%	35%	50%
Total	100% 1,858	43% 793	44% 351

As illustrated in the above tables, OPD officers stopped and interacted with a total of 17,265individuals during the specified period of time or on average 95 per day. One in four of the stops resulted in a search, with an average recovery rate of 44%.

MONTHLY REVIEW OF SELECTED AREA

Vehicle and Pedestrian Stops

Officers assigned to the Area under review during the July RMM stopped and interacted with a total of 2,131individuals during the specified period of time – or, on average, 12 per day – as illustrated in Tables Three and Four. One in three of the stops resulted in a search. African Americans were stopped and searched as the highest rates. See Tables Three and Four below.

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[4]This dataset includes activity for the period November 21, 2015 through May 20, 2016.
[5]Incident to arrest, weapons, and inventory searches excluded.
[6] Subject to further verification.
[7]This dataset includes activity for the period November 21, 2015 through May 20, 2016.
[8] Incident to arrest, weapons, and inventory searches excluded.
[9] Subject to further verification.

Table Three[10] Area Vehicle Stop Summary			
Race/Ethnicity	**Stops**	**Searches**[11]	**Recoveries**
African American	58%	43%	51%
Asian	9%	27%	31%
Hispanic	23%	29%	46%
White	7%	9%	50%
Other	3%	19%	40%
Total	**100%** **1,934**	**35%** **681**	**49%** **351**

Table Four[12] Area Pedestrian Stop Summary			
Race/Ethnicity	**Stops**	**Searches**[13]	**Recoveries**
African American	63%	40%	38%
Asian	5%	50%	40%
Hispanic	18	56%	75%
White	10%	32%	33%
Other	4%	25%	50%
Total	**100%** **197**	**42%** **83**	**47%** **39**

Pat-Down (Frisks) Searches

Tables Five illustrates the percentage of citywide stops resulting in pat-down or probation/parole searches. This data is provided for informational purposes.

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[10] This dataset includes activity for the period November 21, 2015 through May 20, 2016.

[11] Incident to arrest, weapons, and inventory searches excluded.

[12] This dataset includes activity for the period November 21, 2015 through May 20, 2016.

[13] Incident to arrest, weapons, and inventory searches excluded.

	Table Five Citywide Stops[14] Percentage of Stops Resulting in Weapons or Probation/Parole Searches			
Race/Ethnicity	Vehicle Stop Pat-downs (frisks)	Pedestrian Stop Pat-downs (frisks)	Vehicle Stop Probation/Parole Searches	Pedestrian Stop Probation/Parole Searches
African American	11%	16%	40%	32%
Asian	7%	9%	26%	15%
Hispanic	15%	22%	24%	20%
White	17%	20%	27%	10%
Other	14%	26%	27%	26%
Total	12%	17%	37%	28%

OPD has developed a process for the collection and retention of stop data in a manner that can be accessed and analyzed so as to identify, address, and resolve indicators of bias-based policing or racial profiling. It should do so. Thoughtful analysis of presently available data will enable the OPD to identify the likely presence or absence of disparate treatment of one of more population groups, which will advance the goal of enhancing its relationship with all segments of the community. The recent publication of the Stanford University Report provides further guidance on ways to comply with both the letter and spirit requirements of this Task.

In the meanwhile, the below described specific issues remain incomplete; accordingly, we will continue to monitor OPD's progress on them until full compliance is achieved.

- Implementation of the revised stop data forms, to include appropriate training to assure the accurate documentation of search recoveries. OPD projected implementation of the revised data forms for June; however, additional revisions have delayed implementation. OIG reported the initiation of a program of daily inspections of stop/search/recovery data that will focus on strengthening supervisory accountability in these areas. The results of this process have not yet been reported.

- Completion of training regarding search recovery documentation in cases of multiple person stops and/or vehicle searches with multiple occupants. The first phase of the training is reportedly complete; OPD will initiate the second phase of the training when it adopts the revised Stop Data Form. Supervisory accountability for assuring the collection and recording of accurate search recovery data remains as issue.

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[14] This dataset includes activity for the period November 21, 2015 through May 20, 2016.

- The implementation of general and specific intervention strategies to address data indicators of abnormalities and/or possible bias at the Area, squad, and individual officer levels. OIG is focusing on careful reviews and follow-up of Area data as presented at the monthly RMM meetings. These reviews are designed to strengthen the entire stop data process. We continue to work with the Department on these strategies.

- Assessing and addressing whether the present rotating review of stop data (once in five months) is sufficient to reliable identify possible bias and assure sustained intervention and/or prevention measures. (This objective is temporarily delayed awaiting the implementation of PRIME, which should assist with the gathering and presentation of the voluminous data reviewed/assessed during the Area Risk Management Meetings.) However, the y OIG review of stop/search/recovery data described above is a limited, but proactive step.

- Development of a plan for the implementation of the recommendations contained in the recently received Stanford University Report. The report researched and prepared by Dr. Jennifer Eberhardt and staff, "Strategies for Change – Research Initiatives and Recommendations to Improve Police-Community Relations," analyzed 28,119 stop data forms and found evidence that OPD officers treat people of difference races differently but also found little evidence that disparate treatment arose from explicit racism or purposeful discrimination. Instead, the research suggests that many subtle and unexamined cultural norms, beliefs, and practices sustain disparate treatment. The Report includes 50 recommendations, many of which OPD has partially or fully implemented. The City and OPD have represented full commitment to implement all 50. We look forward to the implementation plan to do so.

Task 41: Use of Personnel Assessment System (PAS) and Risk Management

Requirements:

Within 375 days from the effective date of this Agreement, OPD shall develop a policy for use of the system, including supervision and audit of the performance of specific members, employees, supervisors, managers, and OPD units, as well as OPD as a whole. The policy shall include the following elements:

1. *The Chief of Police shall designate a PAS Administration Unit. The PAS Administration Unit shall be responsible for administering the PAS policy and, no less frequently than quarterly, shall notify, in writing, the appropriate Deputy Chief/Director and the responsible commander/manager of an identified member/employee who meets the PAS criteria. PAS is to be electronically maintained by the City Information Technology Department.*

2. *The Department shall retain all PAS data for at least five (5) years.*

3. *The Monitor, Inspector General and Compliance Coordinator shall have full access to PAS to the extent necessary for the performance of their duties under this Agreement and consistent with Section XIII, paragraph K, and Section XIV of this Agreement.*

4. *PAS, the PAS data, and reports are confidential and not public information.*

5. *On a quarterly basis, commanders/managers shall review and analyze all relevant PAS information concerning personnel under their command, to detect any pattern or series of incidents which may indicate that a member/employee, supervisor, or group of members/employees under his/her supervision may be engaging in at-risk behavior. The policy shall define specific criteria for determining when a member/employee or group of members/employees may be engaging in at-risk behavior.*

6. *Notwithstanding any other provisions of the PAS policy to be developed, the Department shall develop policy defining peer group comparison and methodology in consultation with Plaintiffs' Counsel and the IMT. The policy shall include, at a minimum, a requirement that any member/employee who is identified using a peer group comparison methodology for complaints received during a 30-month period, or any member who is identified using a peer group comparison methodology for Penal Code §§69, 148 and 243(b)(c) arrests within a 30-month period, shall be identified as a subject for PAS intervention review. For the purposes of these two criteria, a single incident shall be counted as "one" even if there are multiple complaints arising from the incident or combined with an arrest for Penal Code §§69, 148 or 243(b)(c).*

7. *When review and analysis of the PAS threshold report data indicate that a member/employee may be engaging in at-risk behavior, the member/employee's immediate supervisor shall conduct a more intensive review of the member/employee's performance and personnel history and prepare a PAS Activity Review and Report. Members/employees recommended for intervention shall be required to attend a documented, non-disciplinary PAS intervention meeting with their designated commander/manager and supervisor. The purpose of this meeting shall be to review the member/employee's performance and discuss the issues and recommended intervention strategies. The member/employee shall be dismissed from the meeting, and the designated commander/manager and the member/employee's immediate supervisor shall remain and discuss the situation and the member/employee's response. The primary responsibility for any intervention strategies shall be placed upon the supervisor. Intervention strategies may include additional training, reassignment, additional supervision, coaching or personal counseling. The performance of members/ employees subject to PAS review shall be monitored by their designated commander/manager for the specified period of time following the initial meeting, unless released early or extended (as outlined in Section VII, paragraph B (8)).*

8. *Members/employees who meet the PAS threshold specified in Section VII,*

paragraph B (6) shall be subject to one of the following options: no action, supervisory monitoring, or PAS intervention. Each of these options shall be approved by the chain-of-command, up to the Deputy Chief/Director and/or the PAS Activity Review Panel.

Members/employees recommended for supervisory monitoring shall be monitored for a minimum of three (3) months and include two (2) documented, mandatory follow-up meetings with the member/employee's immediate supervisor. The first at the end of one (1) month and the second at the end of three (3) months.

Members/employees recommended for PAS intervention shall be monitored for a minimum of 12 months and include two (2) documented, mandatory follow-up meetings with the member/employee's immediate supervisor and designated commander/manager: The first at three (3) months and the second at one (1) year. Member/employees subject to PAS intervention for minor, easily correctable performance deficiencies may be dismissed from the jurisdiction of PAS upon the written approval of the member/employee's responsible Deputy Chief, following a recommendation in writing from the member/employee's immediate supervisor. This may occur at the three (3)-month follow-up meeting or at any time thereafter, as justified by reviews of the member/employee's performance. When a member/employee is not discharged from PAS jurisdiction at the one (1)-year follow-up meeting, PAS jurisdiction shall be extended, in writing, for a specific period in three (3)-month increments at the discretion of the member/employee's responsible Deputy Chief. When PAS jurisdiction is extended beyond the minimum one (1)-year review period, additional review meetings involving the member/employee, the member/ employee's designated commander/manager and immediate supervisor, shall take place no less frequently than every three (3) months.

9. *On a quarterly basis, Division/appropriate Area Commanders and managers shall review and analyze relevant data in PAS about subordinate commanders and/or managers and supervisors regarding their ability to adhere to policy and address at-risk behavior. All Division/appropriate Area Commanders and managers shall conduct quarterly meetings with their supervisory staff for the purpose of assessing and sharing information about the state of the unit and identifying potential or actual performance problems within the unit. These meetings shall be scheduled to follow-up on supervisors' assessments of their subordinates' for PAS intervention. These meetings shall consider all relevant PAS data, potential patterns of at-risk behavior, and recommended intervention strategies since the last meeting. Also considered shall be patterns involving use of force, sick leave, line-of-duty injuries, narcotics-related possessory offenses, and vehicle collisions that are out of the norm among either personnel in the unit or among the unit's subunits. Division/appropriate Area Commanders and managers shall ensure that minutes of the meetings are taken and retained for a period of five (5) years. Commanders/managers shall take appropriate action on identified patterns of at-risk behavior and/or misconduct.*

10. *Division/appropriate Area Commanders and managers shall meet at least annually with his/her Deputy Chief/Director and the IAD Commander to discuss the state of their commands and any exceptional performance, potential or actual performance problems or other potential patterns of at-risk behavior within the unit. Division/appropriate Area Commanders and managers shall be responsible for developing and documenting plans to ensure the managerial and supervisory accountability of their units, and for addressing any real or potential problems that may be apparent.*

11. *PAS information shall be taken into account for a commendation or award recommendation; promotion, transfer, and special assignment, and in connection with annual performance appraisals. For this specific purpose, the only disciplinary information from PAS that shall be considered are sustained and not sustained complaints completed within the time limits imposed by Government Code Section 3304.*

12. *Intervention strategies implemented as a result of a PAS Activity Review and Report shall be documented in a timely manner.*

13. *Relevant and appropriate PAS information shall be taken into account in connection with determinations of appropriate discipline for sustained misconduct allegations. For this specific purpose, the only disciplinary information from PAS that shall be considered are sustained and not sustained complaints completed within the time limits imposed by Government Code Section 3304.*

14. *The member/employee's designated commander/manager shall schedule a PAS Activity Review meeting to be held no later than 20 days following notification to the Deputy Chief/Director that the member/employee has met a PAS threshold and when intervention is recommended.*

15. *The PAS policy to be developed shall include a provision that a member/employee making unsatisfactory progress during PAS intervention may be transferred and/or loaned to another supervisor, another assignment or another Division, at the discretion of the Bureau Chief/Director if the transfer is within his/her Bureau. Inter-Bureau transfers shall be approved by the Chief of Police. If a member/employee is transferred because of unsatisfactory progress, that transfer shall be to a position with little or no public contact when there is a nexus between the at-risk behavior and the "no public contact" restriction. Sustained complaints from incidents subsequent to a member/employee's referral to PAS shall continue to result in corrective measures; however, such corrective measures shall not necessarily result in a member/employee's exclusion from, or continued inclusion in, PAS. The member/employee's exclusion or continued inclusion in PAS shall be at the discretion of the Chief of Police or his/her designee and shall be documented.*

16. *In parallel with the PAS program described above, the Department may wish to continue the Early Intervention Review Panel.*

17. *On a semi-annual basis, beginning within 90 days from the effective date of this Agreement, the Chief of Police, the PAS Activity Review Panel, PAS Oversight Committee, and the IAD Commander shall meet with the Monitor to review the operation and progress of the PAS. At these meetings, OPD administrators shall summarize, for the Monitor, the number of members/employees who have been identified for review, pursuant to the PAS policy, and the number of members/employees who have been identified for PAS intervention. The Department administrators shall also provide data summarizing the various intervention strategies that have been utilized as a result of all PAS Activity Review and Reports. The major objectives of each of these semi-annual meetings shall be consideration of whether the PAS policy is adequate with regard to detecting patterns of misconduct or poor performance issues as expeditiously as possible and if PAS reviews are achieving their goals.*

18. *Nothing in this Agreement, and more specifically, no provision of PAS, shall be construed as waiving, abrogating or in any way modifying the Department's rights with regard to discipline of its members/employees. The Department may choose, at its discretion, to initiate the administrative discipline process, to initiate PAS review or to use both processes concurrently or consecutively.*

(Negotiated Settlement Agreement VII. B.)

Relevant Policy:

OPD revised and issued Departmental General Order D-17, *Personnel Assessment Program,* in November 2013.

Commentary:

After some delay and revised timelines, OPD now expects that its new risk management system, which will be known as PRIME (Performance Reporting Information Metrics Environment), will be implemented near the end of October of this year. PRIME will replace the Personnel Assessment System (PAS) database that continues to operate as designed and has supported continued compliance with Task 41. Risk management also continues to operate under General Order D-17, which incorporates the requirements of Tasks 40 and 41 and was approved and signed off on by the Chief on 11/20/13. D-17 has not yet been addressed under the Department's ongoing policy review and revision program. It is clear that review and, at least, minor revisions will be needed as the Department moves to the use of the new PRIME system. Risk management staff are confident that the vendor for PRIME has sufficient resources dedicated to the project and can expand those resources as needed to assure completion under the revised schedule as currently planned. An early plan to switch off PAS at the time PRIME is initiated has given way to include a period during which both systems are in place. This will ensure that the new system functions as anticipated, it will provide an opportunity for OPD to address any needed changes, and it will allow PAS to continue to serve the risk management system to the extent it is needed.

Even with these plans in place, it is evident that OPD and its vendor continue to do substantial work to try to meet deadlines. The administrative processes associated with PRIME – including the processes for reviewing cases, identifying officers for monitoring and supervision, and managing those program elements – are currently in process, although not yet complete. Additional work is also being done to ensure that the information available in PAS is also consistently available in PRIME. Work on controlling information access and security also continues. A complex system of permissions is required since searches are universal under PRIME and would provide access to all reports involving the names used in any search. Since all PAS reports will be completed within the PRIME system this requires special attention for the PAS Administration Unit.

Task 41 is linked to Task 40, which addresses the data needed by the risk management process. Again for the period covered in this report there are no significant issues regarding data quality and availability. The Department, through the PAS Administration Unit, continues to conduct internal audits of the required data and to correct any problems as they arise. The PAS Administration Unit is also in the best position to understand issues related to data that may be relevant to their review process. The capacity for the unit to address core data issues may be critical as OPD moves forward with its new PRIME database.

PAS records for the quarter of April through June 2016, as compiled by OPD, indicate that data were entered for all of the fields required by Task 40. The required data for the quarter included reports of 149 uses of force. This is a decrease from the 178 for the previous quarter but consistent with the long-term numbers. The graphs at the end of the table below show that drops in the use of force have also been accompanied by increases in the numbers of arrests over time.

A further breakdown of the types of use of force shows that, as with last quarter, there were no Level 1 uses of force. There were 28 Level 3, six Level 2, and 115 Level 4 uses of force during the quarter. The total of Level 2 and Level 3 uses of force were therefore 34, compared with a total of 15 for the previous quarter. With a total of 227, Internal Affairs complaints during this quarter show an increase from the 195 reported in the previous quarter.

Label	Apr-16	May-16	Jun-16	SPARKLINES (Jul 13 - Jun 16)
Level 1 Uses of Force	0	0	0	
Level 2 Uses of Force	1	3	2	
Level 3 Uses of Force	6	6	16	
Level 4 Uses of Force	47	47	21	
Unintentional Firearms Discharge	0	0	0	
Sick Leave Hours	2860.92	2591.72	2937.61	
Line of Duty Injuries	0	0	0	
Narcotics Related Possessory Offenses Arrests	323	255	219	
Vehicle Collisions	11	0	0	
All Vehicle Pursuits	15	3	0	
All Arrest	2141	1975	1725	
Arrests including PC 69, 148(a), 243(b)(c) & 245(c)(d)	36	18	8	
Arrests only for PC 69, 148(a), 243(b)(c) & 245(c)(d)	2	5	2	
Awards	94	29	7	
Assignment History	12956	12956	12956	
Case Evaluation Reports	98	111	77	
Report Review Notices--Positive	1	1	1	
Report Review Notices--Negative	0	0	1	
Canine Deployments	12	5	7	
Financial Claims	0	0	0	
Internal Affairs Complaints	91	69	67	
In-Custody Injuries	2	6	2	
Civil Suits (Tort Claims)	5	0	0	
Criminal Cases Dropped	61	78	53	
O.C. Checkouts	16	92	10	
Officer Involved Shootings	0	0	0	
Rank / Class History	2682	2682	2682	
Training History	1038	1041	615	
Supervisory Notes	1374	1220	1297	
Criminal Arrest Made Against OPD	0	0	0	

Task 41 addresses the use risk management process to establish a proper foundation to manage risk in the Department. The core of the process involves identifying and assessing individual officers based on risk-related behavior and then intervening as appropriate. The system also supports a broader approach to managing risk in which the Department continuously assesses

activity and seeks to incorporate those assessments more generally into its risk reduction effort. Again during this site visit, Monitoring Team members attended the regularly scheduled Risk Management Meeting. The meeting involves review of substantial amounts of risk-relevant data by the Area command staff and supervisors including information on force, complaints, arrests, and stop data at the squad and individual officer level.

The Risk Management Meetings provide an important opportunity to review data and develop plans around officer performance and risk-related behavior. In our review of the meeting though we have noted a tendency to consider the data retrospectively, focusing on explanations of findings and less of a tendency to focus on plans for remediation or improvement. The greater value in reviewing these data would appear to be in the use of the data to develop plans for risk management and reduction moving forward rather than to focus energy looking backward.

As we have done in the past, we have continued our examination of the stages of the current PAS processes as required under Task 41. We examined the threshold analyses that were performed for the period of April 1, through June 30, 2016. This included a review of peer-based threshold analyses completed by the PAS Administration Unit and the identification of officers meeting the single-event threshold. In many cases the data show that the distribution of risk factors are tightly distributed and therefore yield few or no outliers. As we have noted, while this may be seen as a positive finding, it should also indicate that it may now be appropriate to reconsider selection criteria.

In accordance with this Task requirement, we again reviewed PAS processes for the system's use in placement of officers on special assignment, transfer of officers, and commendations. An important function of PAS is to regularly provide supervisors with relevant information on officers. To consider that function, we again reviewed reports of regular quarterly PAS command reviews of officers by supervisors. We again found appropriate use of the system and no significant issues.

The PAS process is generally initiated through comprehensive risk assessment reviews when thresholds are met. In this quarter, we also note that five officers currently under monitoring were first reviewed based on a management referral rather than for exceeding a risk threshold. For the period covered in this report, we examined five reviews that were completed, and 14 additional reviews that were in process earlier and returned to the PAS Administration Unit during the period. We also examined command reviews in the patrol areas.

For the reporting period ending June 30, 2016, OPD completed a total of 22 PAS reviews that were processed up the chain of command and through the PAS Review Panel. Reviews are included in the table below only after they are signed off through the level of the PAS Review Panel. Examination of the reviews as completed by the PAS Administration Unit shows them to be thorough and complete. The reviews include examination of all identified risk related activity consistent with the policy. The table below also shows that 20 officers exceeded thresholds for review during this quarter, all in April and none in May or June.

The table tracks the review process and shows that supervisors recommended that no action be taken in 21, or 95% of the 22 reviews for the current reporting period. One officer was recommended for monitoring. The table also shows that commanders and the Deputy Chief did not disagree with any of the lower-level recommendations. The PAS Review Panel also did not reverse any cases. In summary, for this period, the system shows high levels of "no action" required on initial review and those decisions were not altered as the cases moved up the chain of command.

When assessed at the end of the review period, 14 officers were in monitoring and two were in intervention. That is nearly unchanged from the previous quarter. As noted earlier, five officers were referred for review through the administrative referral process rather than for exceeding one of the set thresholds. The data are largely unchanged from the prior quarter and mean that, approximately 2.1% of all officers (Total N=745, monthly average) are on some risk management-related status: either monitoring or intervention. When the percentage using patrol officers as the base (N=453) is considered, this increases to over 3.5% of all patrol officers. These numbers are somewhat lower than expected under a system intended to continuously lower risk over time, and where there have been a significant number of new recruits for whom monitoring may be a beneficial adjunct to normal supervision. The number of reviews and other activity will continue to be monitored to determine if the current low level of activity is an anomaly.

The value of the data in the chart below is for tracking data over time, and using it to assess, and perhaps, increase the rigors of the review process as it serves the goal of risk reduction.

	PAS Reviews Completed	Supervisor Rec- no action	%	Recognition	%	Supervisor Rec - Monitoring	%	Supervisor Rec- Intervention	%	Supervisor concurs with PAS Admin	%	Commander rec Concurs w Supervisor	%	Dep. Chief Concurs w Commander	%	PAS Panel Concurs w DC	%	Pending	Number of personnel that exceeded a threshold
Summary of PAS Reviews and Recommendations 1/16-6/16																			
2016																			
January	10	9	90%	1	10%	0	0%	0	0%	10	100%	10	100%	10	100%	10	100%	1	2
February	12	11	92%	0	0%	1	8%	0	0%	12	83%	12	100%	12	100%	11	92%	3	23
March	19	16	84%	0	0%	3	16%	0	0%	18	95%	19	100%	19	100%	19	100%	1	0
April	9	9	100%	0	0%	0	0%	0	0%	8	89%	9	100%	9	100%	9	100%	8	20
May	11	11	100%	0	0%	0	0%	0	0%	11	100%	11	100%	10	91%	11	91%	2	0
June	2	1	50%	0	0%	1	50%	0	0%	2	100%	2	100%	2	100%	2	100%	5	0

For our quarterly reports, we also review the PAS histories of officers who had a Level 1 use of force. For this quarter, as was true last quarter, no officers fell into this category.

As we noted previously and also above, all of the risk management-related work that has been undertaken has positioned the Department well to take advantage of the capabilities of the new PRIME risk management database as it is readied for implementation. As the Department considers increasing the comprehensiveness of its approach, the current status of the risk management process, and the development of this new data system, together, may signal a new

era in the Department's approach to risk management. Setting and clarifying expectations for this new era still remains a vitally important task. As we approach implementation of the new system, Task 41 remains in compliance with NSA requirements.

In conclusion, the requirements of Task 41 continue to be met but this is occurring under the predecessor of the about-to-be-implemented PRIME system. As the Department moves toward implementation, exhaustive technical work has been done to prepare that system for implementation – but less attention has been paid to the use of the new system to enhance risk management. As noted previously, it may to be expected in the Department that replacing the use of the old system with the new will present few, if any, real challenges. But this is not likely to be true for two reasons: first, policy and practice will need careful review to be certain Task 41 requirements continue to be met; and second, as demonstrated by recent scandals, the potential value of the new system will inevitably be in its use to detect and resolve critical risk-related issues. That will require looking beyond mechanical processes involving preset thresholds.

Task 45: Consistency of Discipline Policy

Requirements:

On or before October 6, 2003, OPD shall revise and update its disciplinary policy to ensure that discipline is imposed in a fair and consistent manner.

> *1. The policy shall describe the circumstances in which disciplinary action is appropriate and those in which Division-level corrective action is appropriate.*
>
> *2. The policy shall establish a centralized system for documenting and tracking all forms of discipline and corrective action, whether imposed centrally or at the Division level.*
>
> *3. All internal investigations which result in a sustained finding shall be submitted to the Discipline Officer for a disciplinary recommendation. The Discipline Officer shall convene a meeting with the Deputy Chief or designee in the affected chain-of-command for a confidential discussion of the misconduct, including the mitigating and aggravating factors and the member/employee's overall performance.*
>
> *4. The COP may direct the Discipline Officer to prepare a Discipline Recommendation without convening a Discipline Conference.*

(Negotiated Settlement Agreement X. B.)

Relevant Policy:

Five Departmental policies incorporate the requirements of Task 45: Departmental General Order M-03, *Complaints Against Department Personnel and Procedures* (published December 6, 2005 and revised most recently on August 24, 2013); Training Bulletin V-T.1 and V-T.2, *Internal Investigation Procedure Manual* (published July 17, 2008); Internal Affairs Policy and Procedure Manual (published December 6, 2005); and Training Bulletin V-T, *Departmental Discipline Policy* (published March 14, 2014).

Commentary:

The NSA requires that OPD maintain a centralized system for documenting and tracking all OPD forms of discipline and corrective action, whether imposed centrally or at the division level. To assess Phase 2 compliance with this subtask, we queried the IAD database to identify all of the cases with at least one sustained finding that were approved from April 1, through May 31, 2016. This query yielded 20 cases, each containing at least one sustained finding. All (100%) of these cases and findings contained all of the necessary information available on the spreadsheet generated by IAD for our review. OPD is in compliance with the requirement that it maintain an adequate system for documenting and tracking discipline and corrective action.

The NSA also requires that discipline be imposed in a manner that is fair and consistent. To this end, the Department developed a Discipline Matrix, which was adopted on September 2, 2010 and in effect until a new Discipline Matrix was approved on March 14, 2014. This new matrix applies to violations after that date.

We reviewed all 20 cases with sustained findings that were decided during April and May 2016. Two cases involved failure to accept or refer a complaint. In one case, an allegation of improperly applying handcuffs was sustained. Another case involved an improper search. Still another involved the arrest of a sergeant for domestic violence. Fifteen cases originated from motor vehicle accidents that were ultimately determined to be avoidable.
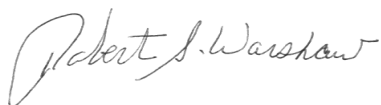
In each case, the discipline fell within the Discipline Matrix that was in effect at the time of the action for which the discipline was imposed. Termination was recommended in one case.

During the period of April 1, through May 31, 2016, OPD held two Skelly hearings for two IAD cases involving sworn employees with sustained findings in which discipline of a one-day suspension or greater was recommended. We reviewed the Skelly reports, and found that they contained adequate justification for the results documented. In one case, the officer was sustained for a demeanor allegation (Conduct Toward Others), and the proposed five-day suspension was reduced to three days, with the concurrence of the Assistant Chief of Police. In the other case, which involved a preventable motor vehicle accident, the proposed three-day suspension was reduced to one day, again with the concurrence of the Assistant Chief of Police. Both reports were well written and followed the established format. We also reviewed the training records provided and confirmed that both Skelly hearing officers received the approved Skelly officer training in January of this year.

OPD remains in partial compliance with Task 45.

Conclusion

Even with the recent leadership transitions the Department has seen, the analysis conducted by Dr. Eberhardt and her team at Stanford University remains significant as the Department moves forward. The Monitoring Team regards the Department's commitment to this external analysis of data as significant for reasons that go beyond this study alone. We have frequently pointed out the value of using the concept of risk management – and the risk management system more broadly – to raise critical questions and support Department management. Recent concerns over the possibility that officer recruitment and training efforts may have not anticipated or addressed some problematic behavior reinforce the need for a comprehensive approach to risk management. At this tumultuous time in its history, the Department's interim leadership is primarily focused on creating stability. Yet it is more important than ever that as the Department moves forward, its leadership raises critical questions, performs analyses, and takes appropriate action.

Chief (Ret.) Robert S. Warshaw

Monitor