
Oakland Police Department Office of the Inspector General



Combined 1st and 2nd Quarterly Progress Report January - June, 2018

Oakland Police Department
Office of Inspector General

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Introduction

This combined quarterly report covers OIG's first and second quarterly progress report (Jan – Jun 2018). In June 2018, there was a transition in OIG's leadership. Lieutenant Chris Bolton was promoted to Captain in May 2018 and was assigned to the Bureau of Field Operations 1, Area 2. Lieutenant Angelica Mendoza was assigned as the new Commander of OIG in June 2018. Prior to OIG, Lieutenant Mendoza Commanded the Internal Affairs Division, Investigations Section. This report includes reviews that were completed under both OIG Commanders.

Between January and June 2018, OIG conducted compliance reviews of the accessibility of the complaint process to citizens, timeliness of Internal Affairs investigations, supervisor approval of arrests, and the completion of Stop Data forms. While there were some minor issues identified, the Department has generally maintained compliance with its policies.

OIG also conducted two follow-up reviews. The follow-up review of *Mental Health Encounters: Crisis Intervention Training and Response Data*, published in OIG's 2017 Third Quarterly Progress Report, found progress on implementing the report's recommendations.

The follow-up review of *Officer Integrity Trends and Other Critical Observations Regarding Hiring and Training Practices*, originally published in December 2016, is the second follow-up of this report. The first follow-up, published in December 2017, found 6 of the 11 recommendations addressed. This second follow-up found little progress on the remaining five recommendations, with only one additional recommendation fully addressed. The Department has committed to a plan with specific timelines for addressing all outstanding recommendations.

Respectfully,



Christopher C. Bolton
Captain of Police
Bureau of Field Operations



Angelica Mendoza
Lieutenant of Police
Office of Inspector General

Need a Quick Summary?

Each individual report's audit, inspection or review is preceded by a brief synopsis of our objective, observations, findings and recommendations

Inspection of Methods That Assist Citizens in Filing a Complaint

By Rebecca Johnson, Police Performance Auditor and Aaron Bowie, Police Officer

Objectives

1. Determine whether guidelines for filing a complaint against the police are prominently posted at designated locations.
2. Determine whether there is an adequate supply of complaint forms translated in English, Spanish, and Chinese, at each of the designated locations.
3. Determine if the Internal Affairs Division's 24-hour complaint line is promptly and properly answered after regular business hours.
4. Determine whether police officers keep a supply of the complaint pamphlets and Informational Business Cards on their persons or in their Department vehicles at all times while on duty.

Background

The Oakland Police Department has various procedures for accepting complaints of employee misconduct, which are crucial in demonstrating and upholding departmental transparency, accountability and integrity.

Summary

While the Oakland Police Department does well to post guidelines in visible and highly trafficked areas, provides informational pamphlets with instructions and equips officers with complaint pamphlets and information business cards, it stands to improve its performance in answering calls made to the Internal Affairs Division 24-hour complaint line.

Key Weakness

- × Only 73 percent of the calls made to IAD's 24-hour complaint line were promptly and properly answered after regular business hours.

Key Strengths

- ✓ Adequate supply of complaint pamphlets found available at most designated locations
- ✓ All officers interviewed had complaint pamphlets and Informational Business Cards (IBC) in their possession

Key Recommendations

- IAD should conduct periodic inspections to evaluate whether policy requirements for answering the complaint line can be met given current Communications Division staffing levels.
- Communications staff should evaluate the need for training or other measures necessary to improve the handling of after-hours complaints.

References

1. Internal Affairs Division Policy 10-01, *Internal Affairs Policy and Procedure Manual*, dated January 19, 2010
2. Departmental General Order M-3, *Complaints Against Departmental Personnel or Procedures*, dated August 24, 2013
3. City of Oakland, Finance and Management Committee (26 September 2017). [Equal Access to Services Ordinance Annual Compliance Report, 2 Sept. 2017](#). Accessed 16 Oct. 2017.
4. [Oakland, California. Code of Ordinances, Title 2 Administration and Personnel, Chapter 2.30-Equal Access to Services](#). Accessed 16 Oct. 2017.
5. Communications Policies and Procedures C-2, *Receiving and Logging Complaints against Personnel*, effective December 7, 2009

Overview

The Oakland Police Department (OPD) has established various procedures for accepting complaints of employee misconduct. These processes are crucial to demonstrate and uphold departmental transparency, accountability and integrity. Related requirements also exist to ensure that these methods and procedures of complaint acceptance are known and accessible to the community. The OPD Office of Inspector General (OIG) initiated an inspection focused on four components and requirements of complaint acceptance policy and procedure: (1) posted guidelines; (2) availability of complaint forms; (3) the Internal Affairs Division’s 24-hour telephone complaint line; and (4) police officer resources and materials available to the public.

Background: Policies and Requirements

The Internal Affairs Division (IAD) is the Department’s centralized location for receiving, processing, and classifying complaints against the police. As such, IAD is responsible for ensuring guidelines for filing a complaint are prominently posted and ensuring there is an adequate supply of *Your Guide to Filing a Complaint against the Police Pamphlets* (TF-3208) at designated locations. These locations are specifically listed in policy (10-01, Section I, C2).

<i>Office</i>	<i>Address</i>
<i>Police Administration Building</i>	455 7 th Street, Lobby
<i>Eastmont Substation</i>	2651 73 rd Avenue, Lobby
<i>Fruitvale Resource Center</i>	3002 E. 9 th Street, Suite A2
<i>Chinatown Resource Center</i>	360A 8 th Street
<i>City Clerk’s Office</i>	1 Frank Ogawa Plaza, 1 st Floor
<i>Citizens’ Police Review Board</i>	250 Frank Ogawa Plaza, Suite 6302
<i>Department of Human Resource Management</i>	150 Frank Ogawa Plaza, 2 nd Floor
<i>Oakland-Alameda County Coliseum Security Office (complaint pamphlets only)</i>	7000 Coliseum Way

The City of Oakland’s *Equal Access to Services Ordinance 12324* requires translation of written materials regarding vital services to the languages spoken by a substantial number of *limited-English-speaking (LES) persons’ groups*. OPD policy requires complaint forms be made available in English, Spanish, and Chinese in accordance with City policy.¹

On-duty officers are also required to keep a supply of *Your Guide to Filing a Complaint against the Police* (TF-3208) pamphlets and Information Business Cards (IBCs) in their vehicles or on their person. Both the pamphlets and IBCs include information on how to file a complaint against the police, and officers must provide the complaint pamphlet to any person requesting to file a complaint or upon request. Informational Business Cards are provided to persons who are unable to immediately file complaints or to persons who may wish to file complaints later.²

¹ Departmental General Order M-3, Section IX, Subsection B

² Departmental General Order M-3, Section IX, Subsection C

In addition to posting guidelines and providing complaint pamphlets, the IAD is responsible for a 24-hour complaint line that is transferred after regular business hours³ to the Communications Division Complaint Unit. Thereafter, the telephone is answered by a Police Communications Dispatcher. The dispatcher is responsible for promptly answering the complaint line and greeting the caller by stating “Internal Affairs Division after-hours complaint line” and for providing his/her dispatcher number.⁴ Additionally, the dispatcher must advise the caller that he/she is on a recorded line.

Methodology

To meet the objectives, the auditor took the following steps:

Objectives 1 and 2

The auditor sought to determine whether guidelines for filing a complaint are prominently posted and whether there are adequate supplies of *Your Guide to Filing a Complaint against the Police Pamphlets* (TF-3208) in all required languages at the locations prescribed by policy: (1) Police Administration Building; (2) Eastmont Substation; (3) Fruitvale Resource Center; (4) Chinatown Resource Center; (5) City Clerk’s Office; (6) Citizens’ Police Review Board; (7) Department of Human Resources Management; and (8) Oakland-Alameda County Coliseum Security Office (pamphlets only). To comply, the guidelines had to be prominently posted as subjectively and reasonably assessed by the auditor, and there had to be at least three or more pamphlets in each language available for citizen consumption.

Objective 3

The auditor made 15 random telephone calls to the IAD 24-hour complaint line, after regular business hours, to evaluate whether each respective dispatcher promptly answered the call, greeted the caller, provided his/her dispatcher number, and advised the caller that he/she is on a recorded line. To comply, all four requirements had to be met. Answering the phone within seven rings or less was considered to be within a reasonable degree of compliance.

Objective 4

Over a two-day period, and covering all three patrol watches from the Bureau of Field Operations, policing Areas one through five, the auditor contacted on-duty sergeants and police officers assigned to the Patrol, Foot Patrol, and Special Resource squads. The auditor sought to determine whether the officers had complaint pamphlets (in English, Spanish, and Chinese) and IBC cards readily available in their vehicles or on their persons. To comply, the auditor had to view *both* the complaint pamphlets and the IBCs in either the officers’ vehicles or on their persons.

Population/Sample

To conduct the inspection, there were various populations/samples used:

³ The Internal Affairs Division’s regular business hours are Monday through Friday from 8:00AM to 5:00PM.

⁴ Communications Policies and Procedures C-2, Section IV, Subsection B

Objectives 1 and 2

The population consisted of the 8 designated locations in which complaint guidelines had to be posted and pamphlets made available for citizens.

Objective 3

The test sample consisted of 15 random telephone calls, made from the same telephone number after regular business hours to the IAD 24-hour complaint line.

Objective 4

The sample consisted of 36 randomly selected officers to ensure complaint pamphlets and IBCs were in their vehicles or on their persons.

Observations

Observation 1: Guidelines for Filing a Complaint Are Posted at Four Designated Locations

The auditor visited seven of the Department’s designated locations seeking the posting of the guidelines, and the results were as follows:

FACILITY/OFFICE	ADDRESS	GUIDELINES POSTED	COMMENT(S)
Police Administration Building	455 7th Street, Lobby	Yes	N/A
Eastmont Substation	2651 73rd Avenue, Lobby	No	Guidelines not posted at location.
Fruitvale Resource Center	3002 E. 9th Street, Suite A2	N/A	Appeared to be a vacant building. No OPD insignia or office hours on door or windows.
Chinatown Resource Center	360A 8th Street	N/A	No business found at this location. Incorrect address printed in complaint pamphlets dated 02/17.
City Clerk's Office (1st Floor)	1 Frank Ogawa Plaza	Yes	N/A
Citizens' Police Review Board	250 Frank Ogawa Plaza, Suite 6302	Yes	N/A
Department of Human Resources Management	150 Frank Ogawa Plaza, 2nd Floor	Yes	N/A
Oakland-Alameda County Coliseum Security Office	7000 Coliseum Way	N/A	Only complaint pamphlets required at location per IAD Policy 10-01.

As the table shows, upon visiting the Eastmont Substation, there were no guidelines posted, but the auditor noted that there were complaint pamphlets available in English, Spanish, Chinese, and Vietnamese⁵ which were posted on a board in a glass casing to the right of the Patrol Desk. The Chinatown and Fruitvale resource centers listed in policy and on forms appeared to be closed or unoccupied and no longer in operation as an OPD satellite location. The auditor was advised that the Chinatown Resource Center, listed in policy, and complaint forms with an 8th Street address had moved to 388 9th Street, Suite 223; however, the auditor noted during a site visit at the new location that although the OPD emblem was present, doors were closed, business hours were not posted, the lights were out, and no personnel were present.

⁵ One of the top three languages spoken besides English.

Department Response

Within several days of being advised of OIG’s observation, the IAD posted the guidelines at the Eastmont Substation. The Department’s Support Operations Commander, who oversees most Coliseum events requiring OPD operations, advised that OPD no longer maintains a static office space on Coliseum grounds. In addition, IAD staff posted guidelines at the Fruitvale and Chinatown resource centers, in the event of public access.

Observation 2: Adequate Supply of Complaint Pamphlets Available at Most Designated Locations

The inspection found that there is an adequate supply of *Your Guide to Filing a Complaint against the Police Pamphlets* (TF-3208), translated in English, Spanish, and Chinese, at most of the designated locations. The results for each location are expressed in the following table:

FACILITY/OFFICE	COMPLAINT PAMPHLETS				COMMENT(S)
	ENGLISH	SPANISH	CHINESE	VIETNAMESE	
Police Administration Building	Y	Y	Y	Y	Pamphlets only accessible by asking the desk officer.
Eastmont Substation	Y	Y	Y	Y	Pamphlets only accessible by asking the desk officer.
City Clerk’s Office (1st Floor)	N	Y	Y	Y	Self-serve (pamphlets in rack) Out of English complaint pamphlets
Citizens’ Police Review Board	Y	Y	Y	Y	Self-serve (pamphlets in rack)
Department of Human Resources Management	Y	Y	Y	Y	Pamphlets only accessible by asking an employee behind the counter.
Oakland-Alameda County Coliseum Security Office	N/A	N/A	N/A	N/A	The Support Operations Division Captain advised OIG that [currently] there is no dedicated OPD office on site. Since this is private property, County board ran, everything needs approval before being posted or placing leaflet handouts [in a particular space.]

As the table shows, there was one instance (the City Clerk’s Office) in which the pamphlets translated in English were unavailable for citizens. In addition, although the City’s *Equal Access Ordinance* only requires translation of complaint pamphlets in Spanish and Chinese, the Department exceeds the requirement by translating the pamphlets in Vietnamese, the third most common language spoken by Oakland citizens.⁶

Department Response

IAD immediately replenished English complaint forms in the City Clerk’s Office.

⁶ City of Oakland, Finance and Management Committee. *Equal Access to Services Ordinance Annual Compliance Report*, pg. 2.

Additional Observations

Citizens Need Assistance to Access Forms at Some Locations

Upon visiting the six locations above, the auditor noted that there were only two locations (City Clerk’s Office and Citizens’ Police Review Board) in which the pamphlets were placed in racks in an area that allows citizens to serve themselves without the assistance of an employee. In contrast, in three locations (Police Administration Building, Eastmont Substation, Department of Human Resources Management), the auditor found the pamphlets to be accessible only by speaking with the on-duty desk officer/employee.

Department of Human Resources Management Has Outdated Forms

While at the DHRM, the auditor viewed the pamphlets and noted that some of the forms had a 2009 date and others had a 2012 date. The Department’s current pamphlets are dated 2017.

The OPD Website Provides Complaint Access, Information, and Forms

Although not required by policy, complaint forms in all required languages, including Vietnamese, are readily available on the City of Oakland website. An internet query for “Oakland Police Complaint” produces results that lead an interested community member to this site.

Did you know...

More information regarding our [complaint policy](#) and access to [complaint forms](#) is available on the City of Oakland’s website (<http://www2.oaklandnet.com>)

Department Response

The auditor met with IAD personnel, and pamphlets in the Department of Human Resources Management were replenished with the 2017 version and are now located in an area that allows citizens to serve themselves without the assistance of an employee. IAD staff have also made complaint pamphlets available in the lobbies of the Police Administration Building and Eastmont Substation for citizens to serve themselves, without having to request them from an on-duty desk officer/employee.

Observation 3: Only 73 Percent of Calls Made to IAD’s 24-Hour Complaint Line were Promptly and Properly Answered After Regular Business Hours

The auditor made 15 random telephone calls, and 11 (73%) of them were promptly and properly answered. The result of each call is as follows:

Day	Call 1	Rings	Greeting/Recorded	Call 2	Rings	Greeting/Recorded	Call 3	Rings	Greeting/Recorded
Day 1	7:24P	3	Y						
Day 2	2:18A	2	Y	11:12P	7	N/A	11:15P	1	Y
Day 3	6:02P	4	N	9:14P	4	Y			
Day 4	6:56A	3	Y	8:41P	3	Y			
Day 5	4:16A	2	Y	10:13P	1	Y			
Day 6	8:01A	2	Y	2:27P	2	N	2:45P	1	N
Day 7	5:11A	2	Y	4:21P	2	Y			

The table reflects that on Day 2 the phone rang seven times during the 11:12P call and a recorded message played. The phone was not answered. However, the auditor called back at 11:15P, and the call was promptly and properly answered. On Day 3 of calls, at 6:02P, a dispatcher answered, gave a greeting, but the auditor had to ask for her name. The dispatcher promptly gave her dispatcher number as required. Lastly, on Day 6, the auditor called at 2:27P and the line was picked up. The auditor could hear talking in the background, and suddenly the call disconnected. The auditor called back at 2:45P and a dispatcher answered and provided the greeting but failed to give the dispatcher number. The dispatcher promptly provided the dispatcher number and name when asked.

Department Response

The Communications Section acknowledged the observations and agreed to the stated commitments of policy; however, circumstances of staffing and fluctuating workload priorities determine whether complaint hotline calls can be realistically answered as promptly as desired. Understaffing issues within Communications are being actively addressed through improvements to sustained recruiting and hiring processes. In addition, the dispatcher assigned to answer the complaint line has dual duties: answer the complaint line and “emergency” or 911 calls. Because the emergency or 911 calls take priority over the complaint line, these calls impact the dispatcher’s ability to answer the complaint line in a timely manner. However, in the worst-case event, when a complaint call goes unanswered, it “rolls over” to the non-emergency queue and is answered in the order received. The Communications Section committed to refresher training and committed to continue to put forth their best effort to answer the complaint line both promptly and properly.

Observation 4: All Officers Interviewed Had Complaint Pamphlets and IBCs in Their Possession

A total of 36 officers (100% - 7 sergeants and 29 police officers) were found to possess readily available complaint pamphlets (in English, Spanish, Chinese, and Vietnamese) and IBCs in their vehicles or on their persons.

Observations and Recommendations

OIG Observation	OIG Recommendation
<p>1 Two resource centers (Fruitvale and Chinatown) appeared to be no longer in operation. In addition, there is no dedicated OPD office on site at the Oakland-Alameda County Coliseum.</p>	<p>IAD Policy 10-01, the guidelines for filing a complaint, and the <i>Your Guide to Filing a Complaint against the Police Pamphlets</i> (TF-3208) should be assessed to determine whether the addresses for the resource centers and the Coliseum should be removed or updated in policy and in forms.</p>
<p>2 11 of 15 calls made to the complaint hotline were promptly and properly answered.</p>	<p>IAD should conduct periodic inspections to evaluate whether policy requirements for answering the complaint line can be met given current Communications Division staffing levels.</p> <p>In addition, Communications staff should evaluate the need for training or other measures necessary to improve the handling of after-hours complaints.</p>

Timeliness of Investigations Involving Allegations of Employee Misconduct

By Rebecca Johnson, Police Performance Auditor

Objectives

1. Determine whether 2017 closed investigations involving alleged employee misconduct were approved by the Chief of Police or the Internal Affairs Division Commander within 180 days.
2. Determine whether 2017 closed informally resolved complaints involving alleged employee misconduct were approved by the Internal Affairs Division Commander within 180 days.

Background

In January 2018, the Office of Inspector General initiated a review to determine whether 2017 completed investigations and informally resolved complaints involving allegations of employee misconduct were approved by the Chief of Police or the Internal Affairs Division Commander within 180 days.

Summary

Although the OPD is doing well to close most investigations involving employee misconduct within 180 days, the January review indicated that when investigations or the informal resolution of complaints exceed the 180-day requirement, the reasons for the delay are not transparent.

Key Weakness

- ✘ There were 32 (7%) investigations approved after 180 days elapsed, and the reasons for the delay were not transparent.

Key Strength

- ✓ 93% of Misconduct Investigations are approved within 180 Days
- ✓ 98% of Informal Resolutions are approved within 180 Days

Key Recommendation

- The OPD should consider documenting in the Case Chronological Log any reason for a delay in the investigation

References

1. Departmental General Order M-3, *Complaints against Departmental Personnel or Procedures*, effective December 22, 2017.
2. Departmental General Order M-3.1, *Informal Complaint Resolution Process*, effective November 10, 2008.
3. City of Oakland Police Department. (2010). *Manual of Rules*, Oakland, CA.
4. Procedure 1010, *Personnel Complaints: Case Record*, printed March 31, 2017.
5. [Delphine Allen, et al., v. city of Oakland, et al. *Negotiated Settlement Agreement with Stipulations*, revised December 2008.](#)
6. [Thirty-First Report of the Independent Monitor for the Oakland Police Department](#), published April 18, 2016.

Overview

The Office of Inspector General initiated a review to determine whether citizen complaint investigations closed in 2017 were investigated, approved and closed within 180 days of receipt of complaint as required by policy and best practices.

Last year, the Oakland Police Department (OPD) closed 466 investigations and informally resolved 51 complaints. The review indicated that 93 percent of the investigations completed in 2017 were approved within 180 days and 98 percent of the informally resolved complaints closed in 2017 were approved within 180 days.

Although the OPD is doing a great job in closing most of its investigations involving employee misconduct within 180 days, the review indicated that when investigations or the informal resolution of complaints exceeded the 180-day requirement, the reasons for the delay are not readily known. Although not in policy, the Internal Affairs Division has an opportunity to explicitly acknowledge their awareness of the status of each investigation in relation to the 180-day requirement on the Chronological Log⁷. However, the documentation of delays was minimal, and the chronological log did not always refer to accompanying reasons as to why the approval was overdue or refer to corrective measures or actions taken as a result. Subsequently, it is recommended that the OPD consider documenting any reason for a delay on the Log.

Background

A misconduct complaint is defined as a complaint from any source alleging a specific act or omission by an employee which, if substantiated, would constitute a violation of a *Manual of Rules* (MOR) section.⁸ The *Manual of Rules* is a document that lists the ethical standards of conduct all OPD personnel are to follow on and off duty. If an employee's action is found to be inconsistent, incompatible, or in conflict with any standard, it is deemed an offense.⁹

There are levels of employee misconduct offenses: Class I and Class II. Class I offenses are the most serious, and if sustained, result in disciplinary action up to and including dismissal and may serve as the basis for criminal prosecution. A few examples of Class I offenses are use of excessive force, untruthfulness, perjury and knowingly making a false arrest or illegal detention. Class II offenses are considered less serious in comparison to Class I offenses.¹⁰ A few examples of Class II offenses are rudeness, unsatisfactory care of equipment, or other violations of procedure or policy.

Whenever a complainant lodges a misconduct complaint against an OPD employee, whether via telephone, mail, or in person, the complaint is documented, processed, and maintained in the Internal Affairs Division. Upon receipt of the complaint, a member of the IAD creates a case record in an

⁷ A log used to track progress on an investigation from its inception to its completion

⁸ Departmental General Order M-3, pg. 5

⁹ Manual of Rules, pg. 1

¹⁰ Departmental General Order M-3, pgs. 4-5

electronic system to facilitate the tracking of the complaint from its inception to its closing.¹¹ Beginning in 2017, this system was switched from an Access database to PRIME (Performance, Reporting, Information & Metrics Environment).

The OPD uses a formal complaint process that requires the investigation of each allegation against an employee to reach a formal investigative finding and be approved within 180 days.¹² An approved investigation is an internal investigation that has been processed, completed with a recommended finding (sustained, not sustained, exonerated or unfounded), reviewed by the chain of command and reviewed and signed by the Chief of Police or the IAD Commander when designated by the Chief of Police. Approved internal investigations are considered “closed.”¹³ The 180-day window has been calculated in the past by two different methods: (1) by subtracting the “Intake Date” (the date in which the complaint process began) from the “Approval Date,”¹⁴ and (2) by subtracting the “Date of Complaint,” the date in which the OPD became aware of the complaint, from the “Approval Date.”¹⁵ The Department currently uses the complaint date for monitoring the 180-day window.

The OPD uses an informal complaint resolution process as an alternative to a full investigation. Informal Resolutions may be used to address certain types of Class II misconduct allegations against an employee whose alleged behavior does not indicate a pattern of past misconduct. The process involves a supervisor, commander, manager, or investigator resolving a complaint by addressing and resolving issues with the complainant and the employee¹⁶ without need for a formal investigation. It should be noted that a resolution achieved through this process does not constitute an employee’s admission of guilt and is not considered a sustained finding.¹⁷ However, the resolution still must be approved by the chain of command and reviewed and signed by the Chief of Police or the IAD Commander within 180 days.

There are times when an investigation or an informal complaint resolution cannot be investigated and approved within 180 days because the case is pending further developments that will allow the case to come to a final disposition.¹⁸ When this happens, the investigation may be approved as “tolled” and tracked until circumstances permit the case investigation to continue.¹⁹ In the event a case is tolled, the period of time for which the case was tolled is subtracted from the time between date of complaint and date approved as closed.

¹¹ Procedure 1010, pg. 1

¹² Departmental General Order M-3, pgs. 21-22

¹³ Ibid. pg. 3

¹⁴ Ibid. pg. 22

¹⁵ *Thirty-first Report of the Independent Monitor for the Oakland Police Department*, pg. 5

¹⁶ Ibid. pg. 6

¹⁷ Departmental General Order M-3.1, pgs. 2 and 4

¹⁸ Departmental General Order M-3, pg. 3

¹⁹ Ibid., pg. 8

Scope and Population

The OIG focused on the length of time it took the OPD to process, from beginning to end, complaints involving employee misconduct that were closed in 2017.

Population

The Office of Inspector General requested and received from the OPD’s PRIME Team a list of investigations and informal complaint resolutions approved in 2017. The list, captured on an Excel spreadsheet, had 2,543 rows of data. The data included the case number, dates used for tracking the case status (i.e., Intake Date, Date of Complaint, Approval Date) and the violation code.

Upon review of the data, the auditor deleted some lines of data from the population for the following reasons:

COLUMN/CODING	DELETED LINES of DATA	REASON(S)
<i>IAD Finding Description of “Administratively Closed”</i>	887	Cases that could not be investigated due to lack of information and/or employee no longer works at Department.
<i>Manual of Rules Codes 000.01-0b and 000.02-0b and an IAD Finding Description of “N/A or NULL”</i>	58	Service complaints (i.e., police response time, complaint about policy or department procedure).
<i>Manual of Rules Code 000.02.0b and an IAD Finding Description of “No MOR Violation.”</i>	3	No allegation of employee misconduct.
<i>Case Numbers labeled “NULL”</i>	2	Cases created for internal use only by the IAD’s Integrity Testing Unit.
<i>Manual of Rules Codes 342.00-1c and 342.00-2o</i>	67	Vehicle collisions

After removing the data above, the auditor noted that each investigation has an assigned unique case number. There were multiple lines of data associated with the same case number for complaints in which multiple allegations were made or multiple employees were listed. Since the approval date for all allegations in a case is the same, the auditor deleted all duplicate rows associated with a single case number, leaving the most serious alleged violation of the MOR Code to represent the entire case, regardless of finding.

During the review, the auditor removed two investigations from the population because they were inapplicable to the review. One investigation was conducted by an external investigator and therefore not required to meet the 180-day requirement. The other investigation was conducted by the OPD’s Pursuit Review Board, which monitors vehicle pursuits. In this instance, the Board sustained a Manual of Rules violation against an employee, the Chief of Police approved the discipline, and the information was forwarded to IAD as a closed investigation.

A population of 466 investigations (175 Class I's and 291 Class II's) remained. In addition, there was a population of 51 (all Class II's) informally resolved complaints which were closed in 2017.

Methodology

To determine the length of time a case was open, the auditor subtracted the "Approval Date" from both the "Intake Date" and the "Date of Complaint." If an investigation or an informally resolved complaint was not approved within 180 days, the auditor reviewed the Chronological Log for each respective investigation and informally resolved complaint that did not meet the deadline to identify circumstances or factors that may be contributing to untimely cases. OIG sought documentation in which IAD acknowledged the potential for the approval to exceed 180 days or acknowledged that the approval is overdue. The auditor also sought a documented reason for the approval exceeding the 180-day time limit.

For tolled cases, the auditor subtracted the number of days tolled from the total number of days used to complete the investigation. If after subtracting the tolled days, the case exceeded the 180-day time limit, the auditor sought documentation on the Chronological Log in which IAD acknowledged the number of days used prior to tolling the case and the number of days that remained to ensure approval within 180 days. The auditor sought documentation in which IAD acknowledged the potential for the approval to exceed 180 days and a reason, or acknowledged that the approval is overdue and a reason.

Observations

Observation 1: 93% of investigations closed within 180 Days

The auditor reviewed the dates of 466 investigations, and upon subtracting the Approval Date from the Intake Date, 434 (93%) investigations involving alleged employee misconduct were approved by the Chief of Police or the Internal Affairs Division Commander within 180 days. There were 32 (7%) investigations approved after 180 days elapsed. When using the Date of Complaint to determine if cases exceeded 180 days, 433 (93%) investigations were approved by the Chief of Police or the Internal Affairs Division Commander within 180 days. There was no substantial difference in compliance rates when using one calculation method compared to the other. For cases that were completed within 180 days, the average number of days to complete the investigation was 172 based on Intake Date and 174 based on Date of Complaint. For cases that exceeded 180 days, the average number of days to complete the investigation was 237 using both methods.

The auditor noted that the reasons for the delay were neither readily discernable nor transparent after review of the investigation's chronological activity log. Although not a policy requirement, IAD personnel have an opportunity to explicitly acknowledge their awareness of the status of each investigation in relation to the 180-day requirement on the Chronological Log.

Observation 2: 98% of Informally Resolved cases closed within 180 Days

The auditor reviewed the dates of 51 informally resolved complaints, and upon subtracting the Approval Date/Date of Complaint from the Intake Date, 50 (98%) informal resolutions involving alleged employee misconduct were approved by the Chief of Police or the Internal Affairs Division Commander within 180 days. There was 1 (2%) informal resolution approved after 180 days elapsed; the resolution was 26 days late. Again, the reason for the delay is not readily known. When the auditor reviewed the Chronological Log, there was no documentation present acknowledging the potential for the approval to exceed 180 days or acknowledging that the approval is overdue and a reason. Based on the Intake Date and the Date of Complaint methods, the average number of days to complete the informal complaint resolution process was 108 days and 110 days, respectively.

Observations and Recommendations

	OIG Observation	OIG Recommendation
1	There were thirty-two (32) (7%), investigations approved after 180 days elapsed, and the reasons for the delay were not transparent.	The OPD should consider documenting in the Case Chronological Log any reason for a delay in the investigation.

Assessment of Supervisor’s Review and Approval of Felony Arrests

By Charlotte Hines, Rebecca Johnson, Police Performance Auditors and Aaron Bowie, Police Officer

Objective

Assess the required review and documentation related to arrest approvals for felony and other specified misdemeanor arrests of adults and juveniles.

Background

The Oakland Police Department requires supervisors to respond to the scene of certain arrests (felony arrests, drug arrests, and resisting or obstructing arrest) so they can assess reasonable suspicion/probable cause and approve the arrest. The intent of the policy is to ensure increased supervision and oversight for certain arrests which have, in the past, demonstrated an increased risk for legal claims, lawsuits and misconduct complaints. The Office of Inspector General has audited the arrest approval and review process several times in the past years. The most recent audit dated January 2016 found that supervisors were documenting arrest approval, but not always advising the Communications Division of their arrival on-scene.

Summary

The Department has set forth policy and procedure detailing the requirements police officers who make specific types of field arrests are to follow. To ensure compliance with mandated requirements, the arrest approval and review documentation were reviewed for accuracy and completion.

The Department has shown that it is adequately adhering to mandates set forth in its policies and procedures regarding the arrest approval and review of felonies and other offenses.

Key Weakness

- ✘ Some misdemeanor (*recently downgraded*) narcotic offense arrests were not approved by a supervisor as required.

Key Strengths

- ✓ Officers are following department mandates to request a supervisor respond to the scene to obtain arrest approval for specific arrest offenses prior to transporting arrestees
- ✓ Supervisors are consistently documenting their arrest approval and the arrest location
- ✓ For both adult and juvenile arrestees, officers are preparing and submitting a Probable Cause Declaration along with a Consolidated Arrest Report
- ✓ In regards to juvenile arrests, the Department is doing well with complying with its mandates set forth in its policies and procedures

Key Recommendations

- None

Objectives

1. Determine if officers document when a supervisor responds to the scene for arrest approval, when required, prior to transporting the arrestee.
2. Determine if arresting officers prepare and submit a *Probable Cause Declaration* along with a *Consolidated Arrest Report* for applicable arrests of adults. For juvenile arrestees, determine whether the arresting officers prepare and submit a *Juvenile Record*.
3. Determine if officers identify and document all known witnesses in their respective *Crime/Supplement Report*.
4. If a use of force or a complaint occurs during such an arrest, determine if the use of force or complaint is properly reported and documented;
5. Determine if a supervisor, when responding as required, advises the Communications Division of his/her arrival on scene.
6. Determine if supervisors document their approval of the arrest.
7. Determine if supervisors document the arrest approval location.

Policies Referenced

- Department General Order M-18, *Probable Cause Arrest Authorization and Report Review*, Nov 13, 2014
- Department General Order E-7, *Probable Cause Declaration*, Jul 15, 2011
- Department General Order E-7.1, *Electronic Consolidated Arrest Report*, Oct 3, 2014
- Department General Order K-04, *Reporting and Investigating Use of Force*, Oct 14, 2016

Overview

The Oakland Police Department has set forth policy and procedures detailing review and approval requirements for specific types of arrests. Supervisors are required to respond to these arrests made by officers to review and make determinations as to whether the circumstances of arrests meet required levels of reasonable suspicion for detention and probable cause for arrest. The intent of the applicable policy is to ensure increased supervision and oversight for certain arrests which have, in the past, demonstrated an increased amount of risk for legal claims, lawsuits and misconduct complaints. These heightened levels of review and approval procedures are required for all felony arrests, custodial arrests for possession of narcotics or drugs, arrests for resisting or obstructing an officer and arrests for battery against a peace officer.

Background

Arrest approval is required for specific types of arrests made by personnel classified as Police Officer, Sergeant and Lieutenant of Police. The arresting officer's supervisor, a field supervisor, or a command officer shall make all arrest approvals. Arresting officers cannot approve their own arrests.

The Oakland Police Department has set forth Departmental policy and procedures for the completion of an Electronic Consolidated Arrest Report (ECAR)²⁰ using the eProcess application in the Consolidated Records Information Management System (CRIMS). The eProcess tab in CRIMS allows two types of documents to be created – Consolidated Arrest Report (or Arrest Tag) and the Probable Cause Declaration (PC Dec)²¹. Once an officer has submitted an ECAR, it will appear in the Jail Intake queue. The officer that submitted it will see it in their queue with a status of “Submitted to jail”. Once the arrestee is transported to jail, the jail intake technicians will “Accept” the ECAR. Intake technicians may update the ECAR arrestee demographic information etc., but cannot change arrest information or the officers named in the ECAR. After Acceptance, the ECAR will appear in the Jail Booking queue and will be “Confirmed.” It will then be “Approved” by the Records Deputy.

It should be noted that due to recent changes in State law downgrading certain drug offenses from felonies to misdemeanors, CRIMS no longer automatically requires a supervisor to review and approve all drug related arrests on the ECAR.

The appropriate arrest reports shall be prepared and submitted with a PC Dec as follows:

- Adults – Electronic Consolidated Arrest Report or paper Consolidated Arrest Report (CAR)
- Juveniles – Juvenile Record

Officers that make a probable cause arrest for any of the following offenses shall request their immediate supervisor respond to the scene and obtain arrest approval prior to transporting the arrestee:

- Felonies
- Arrests for possession of narcotics, drugs, or marijuana if the arrestee is to be transported to jail for possession of narcotics, drugs or marijuana
- Resisting Executive Officers²² - Penal Code (PC) Section 69
- Resisting Peace Officers - PC Section 148(a)(1) and
- Battery against a peace Officer - PC Section 243 (b) or (c)

²⁰ Electronic Consolidated Arrest Report (ECAR) provides the required arrest information for an adult arrestee to be processed at a jail facility and, in conjunction with the Probable Cause Declaration, provides a brief synopsis containing factual and conclusion statements of the incident to support arrests or the probable cause for an arrest submitted for a complaint with the District Attorney’s Office or Juvenile Probation

²¹ Probable Cause Declaration (PC Dec) provides a brief synopsis containing factual and conclusion statements of the incident to support arrests or the probable cause for an arrest submitted for a complaint with the District Attorney’s Office or Juvenile Probation

²² California Jury Instructions, Criminal 7.50 - California's "resisting an executive officer" law. “An ‘executive officer’ is a public employee whose lawful activities are in the exercise of a part of the sovereign power of the governmental entity employer, and whose duties are discretionary, in whole or in part. Any employee charged with the responsibility of enforcing the law is an executive officer.” (i.e. police officers, sheriffs, California Highway Patrol officers, judges, government prosecutors and defense attorneys, and other elected officials)

Officers who make any arrest involving an investigated use of force shall request their immediate supervisor respond to the scene and obtain arrest approval prior to transporting the arrestee unless a medical necessity requires the arrestee be transported prior to the supervisor's arrival.

The arresting officer shall complete the appropriate arrest reports documenting the probable cause for the arrest and if applicable, the reasonable suspicion for the detention that preceded the arrest prior to seeking arrest approval, and document in the crime/supplemental report whether the supervisor responded to the scene to approve the arrest. Per policy, officers shall identify and document all known witnesses to the criminal offense in the appropriate crime/supplemental report. If there are no known witnesses, officers shall also document this fact in the appropriate crime/supplemental report.

A supervisor shall respond to the scene of any aforementioned arrest or use of force. Supervisors are also required to advise the Communications Division of their arrival on scene via radio using a specified radio code, or if the supervisor's vehicle is equipped with a Mobile Data Computer (MDC), the supervisor may manually change their status to OS (On-Scene). Supervisors are exempt from the radio advisement when the following circumstances are involved:

- The supervisor's unit is not operating on the main radio channel and the supervisor is in direct observation and control of the unit, **AND**
- The unit is involved in activities to include but not limited to the following
 - Surveillance
 - Buy/Bust operations
 - Arrest/search warrant service and
 - Enforcement operations involving undercover operations

Supervisors responding to an arrest involving an investigated use of force shall:

- Ensure that medical attention, if needed, is provided in a reasonable amount of time
- Ascertain the cause of any injuries and investigate any allegation of a use of force; and ensure the arrestee's injuries and/or complaints of pain are documented on the PC Dec/Juvenile Record and/or other appropriate report(s)

Supervisors also shall review the specific facts articulated by the arresting officer justifying the arrest (and detention if applicable) as documented by the arresting officer on the PC Dec or Juvenile record and determine whether reasonable suspicion for the detention and/or probable cause for the arrest exists, and shall either approve or disapprove arrests without unnecessary delay. Upon review, if a supervisor determines that probable cause exists but has not been properly articulated, they shall direct the arresting officer(s) to properly document the facts justifying the arrest on the PC Dec/Juvenile Record. If it is determined that probable cause does exist and has been properly documented, the supervisor shall document their approval of the arrest by one of three ways:

- Approving the ECAR in the Criminal Records Information Management System (CRIMS)
- Signing in the appropriate box on line No. 9 of the CAR, if a paper CAR is used

- Signing in the narrative of the Juvenile Record and note the time of the approval

The approving supervisor shall also document on the ECAR, paper CAR or Juvenile Record the location where the approval was made (i.e. on-scene, Alameda County Hospital (ACH), Glen Dyer Jail, etc.). Once the assignment is complete, the approving supervisor shall provide the disposition of SAA (supervisor’s approval of arrest) for the incident to the Communications Division via radio or MDC. Supervisors of field units are exempt from the SAA radio advisement requirement if any of these activities exist:

- Surveillance
- Buy/Bust operations
- Arrest/search warrant service
- Enforcement operations involving undercover operations

If a supervisor is not available, the Watch Commander shall assume the responsibilities of approving/disapproving arrests in the field.

Methodology

The guidelines for OPD’s personnel practice in handling arrests made as a result of felony, drug, and Penal Code 69, 148, and 243(b)(c) offenses are found in DGO M-18, *Probable Cause and Arrest Authorization and Report Review*. The *audit population* consisted of 167 adult and juvenile arrests made as a result of felony, drug, and Penal Code 69, 148, and 243(b)(c) offenses from December 20, 2017 through January 9, 2018. Detailed below are the arrests categories:

Audit Population	
Types of Arrests	# of Arrests
Felony	146
Drug	4
PC 69, 148 and 243(b)(c)	9
Juvenile	8
TOTAL ARRESTS	167

Using a one-tail test with a 95% confidence level and a +/- 4% error rate, a sample population of at least 58 arrests was required. The auditor randomly selected 59 felony arrests and used all other categories of arrests in the audit population to complete the *audit sample*. After elimination of arrests for misdemeanors, warrants, or parole violations, which do not require arrest approval, the PC69, 148, and 243(b)(c) and drug arrests represented a very small portion of the audit sample. Therefore, the audit period for PC69, 148, and 243(b)(c) and drug arrests was extended to January 31, 2018 to obtain a more comprehensive review of these specific charges, resulting in the final audit sample shown below.

Audit Sample	
Types of Arrests	# of Arrests
Felony	39
Drug	8
PC 69, 148 and 243(b)(c)	8
Juvenile	8
TOTAL ARRESTS	63

Audit Steps

1. To determine if officers who make a probable cause arrest request their respective supervisor to respond to the scene to obtain arrest approval prior to transporting the arrestee, the auditor reviewed *Crime/Supplemental Reports*, seeking documentation that a supervisor responded to the scene and approved the arrest. In addition, the auditor reviewed the Computer Aided Dispatch (CAD) logs, seeking the time the supervisor arrived on scene and approved the arrest and the time the arrestee transported. If the auditor was unable to verify by use of the CAD logs, the “Nice”²³ recordings requested from the Communications Unit, were reviewed for an audible confirmation of the supervisor being on scene and approving the arrest.
2. To determine if the arresting officers prepare and submit a Probable Cause Declaration along with the CAR for adult arrestees, the auditor sought the presence of completed forms in the CRIMS database. For juveniles, the auditor sought the presence of the completed Juvenile Record form in the arrestee file in the Youth and Family Services Division.
3. The auditor reviewed the officers’ *Crime/Supplemental Reports* to determine if all known witnesses identified were appropriately documented in the reports.
4. If a use of force or a complaint occurred, first, the auditor used the same methodology stated in #1 above. *(It should be noted, that a Level 4 use of force is a self-reported use of force and requires only that a supervisor is notified and briefed immediately or as soon as practical, however Level 1-3 uses of force require that a supervisor is called to the scene²⁴.)*
 Secondly, to ensure proper acknowledgement and processing of any use of force and/or complaints, the auditor reviewed the Department’s Use of Force and Complaint records in the Performance Reporting and Information Management Environment (PRIME) system.
5. The auditor reviewed the CAD log to determine if the code “OS” or “997” existed to indicate that a supervisor arrived on scene of the arrest, complaint or use of force.
6. For adult arrestees, to determine if supervisors document their approval of the arrest, first, the auditor reviewed the CAR in CRIMS, seeking the name of the supervisor in the “Arrest Approved by” box; his/her serial number; and the date and time in the “Arrest Approval Time” box. Secondly, the auditor reviewed the accompanying Probable Cause Declaration in the CRIMS database, seeking the date, time, supervisor name and his/her serial number in the “Reviewed and approved” box. Lastly, the auditor reviewed the CAD log to determine whether the code “SAA” existed to indicate that the officers’ respective supervisor approved the arrest.

²³ NICE Recording is the most powerful call logging software solution available today, specifically designed to meet the mission-critical needs of the Public Safety emergency communications environment.

²⁴ Department General Order (DGO) K-4 “*Reporting and Investigating Use of Force*” dated October 14, 2016

For juvenile arrestees, the auditor reviewed the Juvenile Record, seeking the name of the supervisor in the “Arrest Approved by” box; his/her serial number; and time in the “Time” box.

7. For adult arrestees, the auditor reviewed the CAR in the CRIMS database, seeking an address in the “Location of Arrest” box to determine whether the approving supervisor documented the arrest approval location.

For Juvenile arrestees, the auditor reviewed the Juvenile Record, seeking an address in the “Location of Arrest” box to determine whether the approving supervisor documented the arrest approval location.

Observation 1

Determine if officers document when a supervisor responds to the scene for arrest approval, when required, prior to transporting the arrestee.

The auditor reviewed 63 arrests in which officers made a probable cause arrest. In 59 (93%) arrests, a supervisor was requested and responded to the scene and approved the arrest prior to transporting the arrestee. In one (2%) arrest, the officer did not document in the Crime/Supplemental report whether the supervisor was on scene, or that a supervisor approved the arrest. It should be noted that the arrestee was transported to ACH for medical clearance or treatment; however, the officer is still mandated to document the arrest approval in his/her Crime/Supplemental report. In one (2%) arrest, the officer did not document in the Crime/Supplemental report the supervisor was on scene. The remaining two cases (3%) documented that supervisor approval occurred after the transport of the arrestee; however, one of the two cases indicating transport prior to approval was within compliance since it was a medical necessity.

Observation 2

For adult arrestees, determine if the arresting officers prepare and submit to a supervisor for approval a Probable Cause Declaration along with a Consolidated Arrest Report. For juvenile arrestees, determine whether the arresting officers prepares and submit to a supervisor a Juvenile Record.

For adult arrestees, the auditor reviewed 55 arrests to determine if officers prepared and submitted Probable Cause Declarations and Consolidated Arrests Reports. Although there was a Probable Cause Declaration and CAR for each arrest, there were two (4%) arrests in which the Probable Cause Declaration was not reviewed or approved by a supervisor and the CAR did not indicate that the supervisor was on scene or approved the arrest or the time the arrest was approved. It should be noted that this may have occurred because a change in California law reclassified specific felony drug charges from felony offenses to misdemeanors. In the past, these felony offenses automatically required supervisor approval within the CRIMS system but no longer have such a requirement due to the reclassification of many simple possession laws from felony to misdemeanor offenses. However, whether a felony or misdemeanor, all custodial arrests for narcotic offenses require arrest approval per department policy.

For juvenile arrestees, the auditor reviewed eight arrests to determine if officers prepared and submitted a Juvenile record to a supervisor. The auditor confirmed a Juvenile record was submitted for each (100%) juvenile arrest reviewed.

Observation 3

Determine if officers identify and document all known witnesses in their respective Crime/Supplemental Report.

For adult arrests, the auditor reviewed 55 arrests, to determine if officers documented all known witnesses in their respective crime/supplemental reports. There were three (5%) Crime/Supplemental reports in which there was no witness documentation.

For juvenile arrestees, the auditor reviewed eight arrests, to determine if officers documented all known witness in their respective juvenile record. All (100%) juvenile records reviewed documented all known witnesses.

Observation 4

If a use of force or a complaint occurs, determine if officers request a supervisor to respond to the scene to obtain arrest approval prior to transporting the arrestee, and if the use of force or complaint documented in the PRIME system is accurate.

The auditor reviewed all 55 adult arrests and eight Juvenile arrests. In the adult arrests, the auditor found seven (13%) occurrences of reported use of force. The auditor reviewed each of the respective officer's profiles contained in the PRIME system and found all seven of the uses of force appropriately documented therein.

The auditor found three possibilities in which a complaint could have been filed. The Crime/Supplemental reports indicated that Information Business Cards were provided to two subjects and one subject *"wanted to make a complaint and speak to a sergeant."* Information Business Cards are provided to citizens who refuse or are unable to make a complaint at that time, or have questions or concerns about police practices/policies, but do not wish to file a complaint at the time. It should be noted that the issuance of these cards alone does not establish nor confirm that a complaint will be submitted. The incidents in which Information Business Cards were provided were documented on the tracking log. The incident in which a subject stated he wanted to make a complaint was referred to IAD and a case was initiated.

There were no occurrences of use of force or complaints in any of the Juvenile records.

Observation 5

Determine if a supervisor responds to the scene of any arrest, complaint, or use of force, and advises the Communications Division of his/her arrival on scene.

The auditor reviewed all 55 adult arrests. In 7 arrests (13%), the auditor was unable to confirm that the supervisor notified the Communications Division of his/her arrival on scene based on a review of the CAD report. The auditor then requested the "NICE System" audiotapes from the Communications Unit

and after thorough review could confirm a supervisor was on scene and approved the arrest in all but one (2%) of the arrests.

The auditor reviewed each of the eight Juvenile records. In cases in which a juvenile is involved, the Juvenile record serves the same purpose as the CAD report. Each (100%) juvenile arrest reviewed documented that a supervisor was on scene.

Observation 6

Determine if supervisors document their approval of the arrest.

The auditor reviewed all 55 adult arrests. There were two (4%) arrests where the CAR was missing documentation of the supervisor on scene, arrest approved by and arrest approval time. The two arrests were also missing documentation of the supervisor review and approval. It should be noted that the two arrests may have not been approved due to the change in California law downgrading specific felony drug offenses to misdemeanor offenses.

The auditor reviewed each of the eight Juvenile records. In cases in which a juvenile is involved, the Juvenile record serves the same purpose as the CAR and Probable Cause Declaration report. Each (100%) juvenile arrest reviewed documented the supervisor and time of arrest approval.

Observation 7

Determine if supervisors document the arrest location.

The auditor reviewed all 55 adult arrests. Each arrest (100%) documented the arrest location. The auditor reviewed each of the eight Juvenile records. In cases in which a juvenile is involved, the Juvenile record serves the same purpose as the CAR. Each (100%) juvenile arrest documented the arrest location.

Conclusion

The Department has shown that it is substantially adhering to its arrest approval mandates set forth in its policies and procedures. In regards to juvenile arrests, the department is doing well with complying with the mandates set forth in its policies and procedures.

An Assessment of the Completion of Field Interview and Stop Data Reports

By Police Performance Auditor Rebecca Johnson and Police Officer Aaron Bowie

Objective

Assess whether at least one completed Field Interview and Stop Data Report can be linked to each incident in February 2018 involving a police officer's self-initiated vehicle and/or pedestrian stop.

Key Weakness

- ✘ The Department's policy prohibiting racial profiling, Departmental General Order (DGO) M-19, is outdated and does not incorporate the current practice, outlined in the Report Writing Manual for documenting field interviews and stop data, of electronically completing and authorizing field interview and stop data reports.

Key Recommendations

- The Office of Inspector General recommends updating DGO M-19 to ensure the current practice of electronically completing and authorizing field interview and stop data reports is incorporated.

In addition, because DGO M-19 is outdated, the OIG recommends that the OPD reviews its policy to ensure current legislative changes and police professional standards regarding racial and identity profiling are incorporated, if necessary.

References

1. Departmental General Order M-19, *Prohibitions Regarding Racial Profiling and Other Bias-Based Policing*, effective November 15, 2004
2. Report Writing Manual R-1, *Field Interviews and Stop Data Report*, dated May 22, 2013

Overview

On April 19, 2018, the Office of Inspector General (OIG) initiated an assessment of the Oakland Police Department officers' completion of Field Interview/Stop Data Reports (FI/SDR) for all self-initiated encounters involving a person(s) subject to a detention; an arrest; or an encounter resulting in a search or a request to search. Using data collected for the month of February 2018, the auditor assessed whether at least one completed FI/SDR was linked to each incident in February 2018 involving a police officer's self-initiated vehicle and/or pedestrian stop as documented in OPD's Computer Aided Dispatch²⁵ (CAD) system. The purpose of the assessment was to identify policy, procedure, and/or practice deficiencies; and to propose, if necessary, solutions that aid in diminishing or eliminating any deficiencies. Consequently, the assessment, based on city-wide data, showed that at least one completed FI/SDR was linked to 99 percent of the incidents in February 2018 involving a police officer's self-initiated vehicle or pedestrian stop.

Background

California Penal Code Section 13519.4(e) and (f) states "racial or identity profiling is the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities²⁶ following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. It is illegal for police officers to engage in racial or identity profiling."

The OPD is committed to providing service and enforcing laws in a fair and equitable manner and therefore has a zero tolerance for racial or identity profiling. Its police officers are not to engage in, ignore, or condone any type of biased based policing. Additionally, all investigative detentions, traffic stops, arrests, searches and property seizures by officers are to be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution.²⁷

As a strategy to prevent racial or identity profiling, the OPD has a policy that promotes police integrity, transparency and accountability. The policy is detailed in its Report Writing Manual R-1, entitled *Field Interviews and Stop Data Report*. The directive requires its police officers to complete a FI/SDR for every self-initiated encounter involving a person(s) subject to a detention; an arrest; or an encounter resulting in a search or a request to search. In addition, each FI/SDR must be electronically entered into a system

²⁵ A public safety system that is used by a police communication dispatcher and/or the officer to record information during an officer encounter, whether self-initiated or dispatched to a scene because of a call for service, involving a person(s) subject to a detention, an arrest, or an encounter resulting in a search or a request to search.

²⁶ The activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.

²⁷ DGO M-19, pg. 1-2 and pg. 5

called VisionTEK[®] Frontline Field Based Reporting (FBR), and the officer's respective supervisor is required to review and approve it.

There are four primary sections that must be completed in the FI/SDR Report. Below is a summary of the type of information captured in each section:

The Heading

- Contact date and time
- Was the portable digital recording device²⁸ (PDRD) activated
- Incident numbers generated by the CAD system
- Stop category (self-initiated or dispatched resulting from a call)
- Encounter type (vehicle, pedestrian, bicycle, or other)
- Street address, city, state, and zip code where encounter took place
- The beat
- The narrative--a descriptive report in which the officer details his/her reason for stopping the person(s)
- Officer information (i.e. the reporting officer and cover officer, if applicable)
- The supervisor review section shows the date and time the officer's supervisor reviewed and approved the FI/SDR information entered by the officer.

Subject

- First and last name of each person subjected to a detention; an arrest; or a search during the encounter
- Other identifying information about each person such as race, ethnicity, height, weight, gender, and address
- If issued a citation, the citation number

Stop Data Report

- Initial reason for the encounter (i.e., traffic violation, probable cause, reasonable suspicion, probation/parole, or consensual encounter)
- Whether the officer could determine the race/ethnicity of the individual prior to the stop
- Result of encounter (i.e., no action, warning, citation, misdemeanor arrest, or felony arrest)
- Type of search (i.e., probation/parole, incident to arrest, cursory, probable cause, or consent)
- Result of search (i.e., none, marijuana, marijuana –returned, narcotics, other evidence; firearms; other weapons; other weapons-return)

²⁸ Also, known as a body-worn video camera

Vehicle (only if a vehicle was involved during encounter)

- Year, make, model, and license plate, and color of the vehicle (i.e., auto, boat, trailer, other)
- Vehicle identification number (VIN)
- Whether a search was conducted on the vehicle

Methodology

To assess whether police officers' self-initiated vehicle and pedestrian stops as recorded in OPD's Computer Aided Dispatch (CAD) system can be linked to at least one completed FI/SDR, the auditor reconciled two types of data:

- A report of city-wide police officers' self-initiated vehicle and pedestrian stops as recorded in the CAD system for the month of February 2018; and
- A report of supervisor approved FI/SDRs as recorded in the LEAP Network™ electronic database for stops that occurred during the month of February 2018.

Scope and Population

The assessment focused on whether the OPD is collecting stop data information for all discretionary stops its officers make resulting in a person(s) being subjected to a detention, an arrest, or a search. To this end, the assessment focused on whether, at minimum, one completed FI/SDR was linked to each incident involving a police officer's discretionary vehicle or pedestrian stop.

Note: The auditor's assessment did not focus on whether individual officers are completing the correct number of FI/SDRs for the discretionary stops they make. Consequently, the assessment did not include whether the appropriate number of FI/SDRs were completed to coincide with the number of subjects detained, arrested, and/or searched during each incident.

There were two populations used for the assessment:

- 1715 city-wide police officer self-initiated vehicle and pedestrian stops as recorded in the CAD system for the month of February 2018; and
- 1872 supervisor approved FI/SDRs as recorded in the LEAP Network™ electronic database for vehicle and pedestrian stops that occurred during the month of February 2018.

Observations

At least one completed FI/SDR was linked to 99 percent (99%) of the incidents in February 2018 involving a police officer’s self-initiated vehicle or pedestrian stop as record in OPD’s CAD System.

Upon reconciling the data, initially there was a total of 2060 incidents in which police officers self-initiated vehicle or pedestrian stops. Of the 2060 incidents, 52 of them were removed from the population for various reasons (i.e., the officer was flagged down for assistance; the incident was handled by an outside agency; the suspect fled; duplicated information; etc.). Of the remaining 2008 incidents, the auditor linked 1989 (99%) police officer self-initiated vehicle or pedestrian stops to a completed FI/SDR. There were 15 (less than 1%) vehicle or pedestrian stops in which the auditor was unable to locate a completed FI/SDR. Lastly, there were incidents labeled as a vehicle or pedestrian stop in CAD, but in three (less than 1%) instances the auditor was unable to decipher the documented information to determine whether a person was subjected to a detention; an arrest; or an encounter resulting in a search or a request to search. In the last (less than 1%) incident, the auditor was unable to determine the identity of the police officer who made the stop to research his/her completion of a FI/SDR.²⁹

Additional Observation

Some of the language in DGO M-19 is outdated. Sections VII, XI, and XII of the policy reference an extinct system of officers documenting their self-initiated stops in writing on a “Stop Data Collection Form,” their respective supervisors manually authorizing the forms, and the Department’s Bureau of Field Operations having the responsibility of entering the forms into a SCRANTRON system. As mentioned above, the forms are now called *Field Interviews and Stop Data Reports*, and they are *entered and authorized electronically in a field-based reporting system called VisionTEK® Frontline Field Based Reporting*. In addition, the FI/SDRs are accessible in a system called Forensic Logic, LEAP Search. The Department’s policy and procedures should be updated to reflect its current practice.

Overall, at least one completed FI/SDR was linked to 99 percent of the incidents in February 2018 involving police officers’ self-initiated vehicle and pedestrian stops as recorded in OPD’s CAD) system. The auditor recommends that the Department update its policy, DGO M-19, to ensure the current practice of electronically completing and authorizing stop data forms is incorporated.

²⁹ For a detailed breakdown of the auditor’s reconciliation of the two data sets (the report of the 1715 city-wide police officers’ self-initiated vehicle and pedestrian stops and the report of the 1872 completed FI/SDRs) see Appendix A.

Appendix A

Total Vehicle/Pedestrian Stops in CAD February 2018	1715	Total Completed FI/SDR's February 2018	1872
Reconciled with the report of February's 2018 approved FI/SDR	1527	Reconciled with the CAD report of February's 2018 vehicle/pedestrian stop in CAD	1527
Remaining Balance	188	Remaining Balance	345
Additional incidents in which the auditor researched the stops and could link a completed FI/SDR to each incident.	117	Although the CAD report received by the auditor did not include the incident numbers for these FI/SDRs, they are still in compliance since the completed FI/SDRs included a vehicle or pedestrian stop incident number.	345
Total vehicle/pedestrian stops reconciled with a completed FI/SDR.	1644	Total FI/SDRs reconciled with a vehicle/pedestrian stop in CAD	1872
Remaining Balance	71	Remaining Balance	0
Not applicable Incidents	52		
Remaining Balance	19		
Auditor was unable to locate a completed FI/SDR for the vehicle or pedestrian stop.	15		
Remaining Balance	4		
Unable to Determine	4		
Remaining Balance	0		

Mental Health Encounters Follow Up

By Rose Sutton, MPP, CGAP, Police Performance Auditor

Objective

Determine whether the seven recommendations made in OIG’s Mental Health Encounters: Crisis Intervention Training and Response Data report have been addressed by the Oakland Police Department.

Background

Amid a growing number of mental health calls for service, OIG reviewed the Oakland Police Department’s service response in September 2017. The objectives of the review were to:

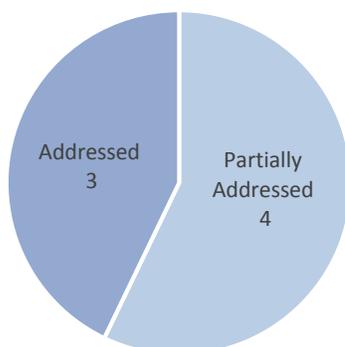
- Benchmark its incident response against industry guidance
- Review incident video and documentation for completeness
- Analyze data patterns from incidents that may inform the Department’s understanding and strategic response

Fifteen observations were made, with seven having an accompanying recommendation for improved controls.

Summary of Follow-Up Review

Three of the seven recommendations have been addressed while four remain partially addressed.

Recommendation Status



Partially addressed recommendations regard planned or in-progress improvements to the Department’s policy revising process.

Additionally, some partially addressed recommendations are a result of a reorganization of functional units and newly assigned personnel. New management personnel reserve the right to reassess performance outcomes and make mid-course corrections as necessary. OIG does encourage timely reassessments of policies, procedures and systems that lead to improved efficiencies over the handling of management related risk.

Follow-Up Status Recommendations

The following categories are used to describe the status of the recommendations:

Addressed – the Department has implemented changes and OIG reasonably assumes that operational risk(s) has been lessened to a satisfactory degree.

Partially Addressed – the recommendation has been partially addressed and implemented; however, part of the recommendation remains open. Further work is needed to close the recommendation. Or, OIG’s assessment of the status of the recommendation is on hold or pending due to ongoing reviews or other factors.

Unaddressed – the Department has not implemented the recommendation or alternative actions that would equally address the recommendation. OIG has determined that the Department has not made sufficient progress towards implementing internal control measures to lessen operational risk(s) to a satisfactory degree.

None of the recommendations received an unaddressed status.

	OIG Observation	OIG Recommendation	Follow-Up Status
1	Lack of codified role specifications for the Mental Health Liaison, CIT Coordinator and MET Coordinator roles and recent reorganization may increase potential for miscommunication and duplicative responsibilities.	Make clear the responsibilities related to all functional roles pertaining to mental health encounters by finalizing role descriptions.	Addressed On May 17, 2018 OIG met with officers from the recently organized Homeless Outreach Unit who clarified their roles and responsibilities as distinct and separate in duties.
2	The Department administers POST certified dispatcher training to Communication Division staff to better assess the signs of a mental health crisis during emergency calls, however training is not mandatory.	Codify in policy that dispatchers receive POST certified training in assessing and handling mental health calls for service.	Partially Addressed The Department's Communications Section has agreed to incorporate language into its revision of its internal training policy. The Communications Sections will provide OIG a tentative draft upon completion.
3	The Department's dispatching procedure conflicts with CIT's dispatching policy provision.	For clarity, update and restructure Communications Division and CIT Program policies so as not to contradict one another.	Partially Addressed The Department's Communications Section acknowledges the inconsistency in policies and has agreed to incorporate language specifically relating to dispatching calls related to mental health. Per the Communications Section, it does first request any available CIT officers to respond prior to assigning a call to another officer.
4	Ninety-nine percent (59 of 60) of randomly selected mental health detentions did not include citation or arrest. Additionally, probable cause was documented on detention forms.	None; No deficiency detected.	Not applicable
5	Officer deliberation over whether to place an Oakland community member on an involuntary psychiatric hold were thoughtful and deliberate.	None; No deficiency detected.	Not applicable
6	During one mental service call, a significant delay by Paramedics Plus allowed for incident escalation.	Consider creating contingency protocols in the event medical response is significantly delayed. Such consideration should be documented.	Partially Addressed On May 17, 2018 OIG met with officers from the recently organized Homeless Outreach Unit, who shared that, in the rare event of a prolonged wait for

OIG Observation	OIG Recommendation	Follow-Up Status
		<p>medical transport, the MET officer would ideally be available to relieve the initial responding officer. This contingency protocol would allow the initial responding officer to be redeployed.</p> <p>The recommendation remains partly addressed because no documentation was provided to OIG.</p>
<p>7 The legally required oral detainment advisement is not always captured on video.</p>	<p>Request subject matter experts providing POST CIT training instruction on emergency psychiatric detention and/or patients’ rights to cover the legal obligation of providing an <i>oral</i> advisement.</p> <p>Additionally, remind all sworn personnel that by law and policy, an oral detainment advisement is required to be said and captured on video.</p>	<p>Addressed</p> <p>Per Training Division staff, going forward, CIT curriculum will cover oral advisement requirements to officers.</p> <p>Additionally, on April 18th, 2018 the Training Division sent a Department-wide notification to all staff regarding the compliance standards and expectations with providing an oral advisement and capturing the advisement on video.</p>
<p>8 The Department does not routinely document, collect or analyze information for all mental health encounters that would otherwise promote officer safety and lawful self-reliance strategies for those with chronic mental health illness.</p>	<p>Explore the feasible adoption of a data collection mechanism that would allow for the efficient and effective dissemination of mental health information that would allow officers to be better prepared for mental health encounters. Also, when considering the collection and storage of individual-specific information, all relevant privacy laws should be reviewed and considered. Such consideration should be documented.</p>	<p>Addressed</p> <p>The Department has explored possible software applications that would effectively address this recommendation while also considering privacy laws and concerns, including adherence to the recently adopted Surveillance and Community Safety Ordinance. Consideration of this recommendation is documented in the draft proposal for adopting advanced technology.</p>
<p>9 CIT officers were on scene 47% of the time, while collaboration with county clinicians allowed for 68% coverage; based on a sample of 60 mental health holds.</p>	<p>Consider adopting a performance target to measure progress towards effectively addressing mental health calls for service. For example, the Department could implement a</p>	<p>Partially addressed</p> <p>On May 17, 2018 OIG met with officers from the recently organized Homeless Outreach Unit, who shared their hope that the Training Division will train</p>

OIG Observation	OIG Recommendation	Follow-Up Status
	goal of having 70% of all mental health calls for service be responded to by a CIT officer or MET unit by 2019. Such consideration should be documented.	more officers to instruct CIT courses, thereby growing the availability of trainings offered and CIT certifications. However, no metric or number was mentioned that would indicate a preferred performance target or goal to measure the rate of CIT trained officers responding to mental health calls for service. Additionally, no documentation was provided to OIG indicating that any substantial consideration was given.
10	While peak incident times and the distribution of calls by patrol area have remained roughly consistent over the years, the overall volume has increased by almost 30% since 2012.	None; No deficiency detected. Not applicable
11	In 2016, the most frequent encounters originated from hospitals, shelters and other public health centers.	None; No deficiency detected. Not applicable
12	In 2016, about 174 of 3,237 (or 5.3%) mental health encounters resulted in arrest.	None; No deficiency detected. Not applicable
13	While 5150 calls for service have increased annually, they represent a small portion of all types of calls for service.	None; No deficiency detected. Not applicable
14	Use of force incidents involving an involuntary psychiatric detention are exceedingly rare, occurring 6 of approximately 5,240 times in 2016.	None; No deficiency detected. Not applicable
Other Reportable Matters		
15	The Department is on track to meet legal compliance with state training deadlines, apart from one FTO who is presently on medical leave.	None; No deficiency detected. Not applicable

Summary: Officer Integrity Trends and Other Critical Observations Regarding Hiring and Training Practices – 2nd Follow-Up

By Rose Sutton, MPP, CGAP, Police Performance Auditor

Objective

Determine the status of the five recommendations that were previously considered ‘partially addressed’ during OIG’s first follow-up assessment. Additionally, include an update on related aspects that were left undecided during OIG’s first follow-up.

Background

In December 2016, the Oakland Police Department’s (Department) Office of Inspector General published a performance report on [Officer Integrity Trends and Other Critical Observations Regarding Hiring and Training Practices](#).

Observations and recommendations focused on the Department’s ability to effectively identify, assess and manage personnel related risks involving misconduct or unethical behavior. Ultimately, eleven recommendations for improved internal controls over policies and practices were offered, and wholly accepted by the Department.

In December 2017, OIG released its first [follow-up report](#), noting six recommendations had been addressed, while the other five were considered partially addressed. The status of the five partially addressed recommendations are the focus of this second follow-up.

Summary of Second Follow-Up

One recommendation has been addressed while four remain partially addressed. Some of the partially addressed recommendations relate to ongoing multi-year IT projects to improve the Department’s personnel assessment system and related databases. However, improving the training and qualifications of personnel assigned to perform background investigations remains a growing concern.

Key Weaknesses

- ✘ The Department originally mentioned in 2016 that it had revised the Academy Coordinator’s Manual to include peer evaluations as a risk management tool and performance metric, which OIG was unable to confirm during its 2017 first follow-up. However, OIG later verified the non-existence of an Academy Coordinator’s Manual during this second follow-up.
- ✘ No personnel are currently designated to offer on-site POST certified instruction on how to perform background investigations.
- ✘ 44% (or 32 of 73) of all Background Investigators lack POST certified training, with few having signed up for a course thus far.
- ✘ No formalized qualifications process exists for personnel performing background investigations as a collateral assignment.
- ✘ Changes to recruiting and hiring practices have not been finalized into written policy. Per the Recruiting and Background Unit, the draft policy is adhered to in practice. OIG was unable to confirm this.

Key Recommendations

- A show of action is sought in ensuring - through codified policy and future practice - that background investigators who best demonstrate the professional values of the Department are recruited, selected and kept. This can be achieved by mirroring the qualifications process used for the Field Training Program for their Field Training Officers.
- Codify recruiting and hiring practices into a finalized written policy.
- Continue to work on IT projects that will provide training data to all supervisors and commanders within the central performance metrics environment.

Background

In December 2016, the Oakland Police Department's Office of Inspector General (OIG) published a performance report on officer integrity trends and other critical observations regarding hiring and training practices. Observations and recommendations focused on the Department's ability to effectively identify, assess, mitigate and manage personnel related risks involving potential misconduct or unethical behavior. Ultimately, eleven recommendations for improved internal controls over policies and practices were offered, and wholly accepted by the Department.

Also in December 2016, the Department provided a written response to each recommendation that included immediate and planned actions to address observed deficiencies, as well as additional areas for further improvement. Responses included the assignment of the responsible manager or commander and proposed due dates for addressing the recommendations or correcting conditions.

In February 2017, Chief Anne Kirkpatrick assumed the role of Oakland's Chief of Police, and since her arrival, numerous changes have been made to organizational structure and command. In October 2017, the Department restructured functions related to the administration of personnel and performance monitoring, who would now report directly to the newly created position of Deputy Director overseeing the Bureau of Services. Similarly, the Department's recruiting, background investigations, academy training and officer field training functions are now consolidated and commanded through the Training Division, which reports to the Assistant Chief of Police. The Department has kept this organizational structure for about eleven months.

First Follow-Up

In December 2017, OIG released its first [follow-up report](#) and reported that 6 of the 11 recommendations had been addressed, while 5 remained partially addressed. Consequentially, the status of these five partially addressed recommendations are the focus of this second follow-up. And as a result of the first follow-up, OIG added the recommendation that the Department appoint qualified personnel to administer POST certified instruction on performing background investigations, thereby allowing them to provide future on-site trainings to Background Investigators.

Second Follow-Up

In July 2018, OIG presented its preliminary second follow-up assessment to the Department's command leadership and managerial stakeholders responsible for the divisions and units under review. The Training Division subsequently provided two memorandums in response; which are attached to this report and titled *Appendix A - Training Division's Aug. 10th, 2018 Response to OIG's Audit, Recommendations, and Follow-Up Assessment*. Appendix A includes new, more detailed information that adds greater context and understanding that was not otherwise given prior to OIG's preliminary assessment.

In September 2018, OIG met with the Department's command leadership and managerial stakeholders responsible for the divisions and units under review, the Chief of Police, the Acting Assistant Chief of Police, the court-appointed Independent Monitoring Team (IMT) and the Plaintiffs' Attorney for the corresponding Negotiated Settlement Agreement for which the IMT is appointed. After the September

meeting, the Training Division provided OIG a third memorandum, which is attached to this report and titled *Appendix B - Training Division's Sept. 13th, 2018 Response to OIG's Audit, Recommendations, and Follow-Up Assessment*. It details specific deliverables related to OIG's recommendations three and eleven, which remain partially addressed.

Objective and Scope

The objectives of this second follow-up review include:

- Determining whether the five partially addressed recommendations have progressed or been fully implemented, including whether the Department appointed qualified personnel to provide POST certified instruction on performing background investigations;
- Assessing any related aspects pertaining to OIG's recommendations that were left undecided during OIG's first follow-up review.

OIG reviewed supporting documentation and conducted interviews when possible to substantiate any changes made to operational procedures.

The following categories are used to describe the status of recommendations:

- **Addressed** – the Department has implemented changes and OIG reasonably assumes that operational risk(s) has been lessened to a satisfactory degree.
- **Partially Addressed** – the recommendation has been partially addressed and implemented; however, part of the recommendation remains open. Further work is needed to close the recommendation. Or, given the recent change in command staff responsible for many of the functional areas of focus in this report, the completion of OIG's assessment of the status of the recommendation is on hold or pending due to ongoing reviews or other factors.
- **Unaddressed** – the Department has not implemented the recommendation or alternative actions that would equally address the recommendation. OIG has determined that the Department has not made sufficient progress towards implementing internal control measures to lessen operational risk(s) to a satisfactory degree.

Recommendations and 2018 Follow-Up Status

Partially addressed recommendations included in OIG's second follow-up include recommendation numbers 3, 4, 5, 8 and 11. For ease of understanding, passages from earlier OIG reports and the Department's responses have been truncated, with relevant parts being **bolded**.

Assessment of OIG Recommendations			
Recommendation	Topic	2017 Follow-Up	2018 Follow-Up
1	Sustained Complaints	Addressed	
2	Other Police Academies	Addressed	
3	Academy Peer Evaluations	Partially Addressed →	Partially Addressed
4	Tracking Employee Separation Based on Employment Phase	Partially Addressed →	Partially Addressed
5	Consolidated Applicant Performance Tracking	Partially Addressed →	Partially Addressed
6	Consolidate Misconduct Information	Addressed	
7	More Comprehensive Review of Applicants	Addressed	
8	Uniformity of Discipline During the Academy	Partially Addressed →	Addressed
9	Possible Violation of The Timing of Psychological Evaluations	Addressed	
10	City Stakeholders Participate In	Addressed	
11	Training and Qualifications of Background Investigators	Partially Addressed →	Partially Addressed

3 Use of Peer Evaluations

2016 Audit Recommendation

OIG strongly recommends that the Department should codify the current practice of using the academy peer evaluations into written policy with a provision that it be viewed as both a risk management tool and as a hiring and training performance metric that will be routinely assessed. Lastly, the Department should ensure trainees are made aware of and have access to an anonymous reporting resource (i.e., the City’s pre-existing Fraud, Waste and Abuse hotline).

2016 Department Response

The Department concurs and has revised the Academy Coordinator’s Manual to reflect this recommendation. The Department codified the practice of using the academy peer evaluations into written policy with a provision that it be viewed as both a risk management tool to mitigate risk and as a hiring and training performance metric.

When a Police Officer Trainee receives a significant amount of negative peer evaluations, it triggers an automatic review of the trainee’s file by the Academy Coordinator.

3 Use of Peer Evaluations

2017 Follow-Up Status

OIG considers this recommendation partially addressed.

OIG was unable to verify whether the Academy Coordinator’s Manual was updated as originally mentioned by the Department. OIG reaffirms its recommendation that the Department should codify the current practice of using the academy peer evaluations into written policy with a provision that it be viewed as both a risk management tool and as a hiring and training performance metric that will be routinely assessed. OIG reaffirms that this recommendation be further implemented within future improvements to PRIME.

2018 Follow-Up Status

This recommendation remains partially addressed.

When asked for a copy of the Academy Coordinator’s Manual, OIG was provided the Police Officer Trainee Manual, which is designed for Police Officer Trainees (POTs) in the Academy to understand Departmental expectations, procedures and standards of conduct.

During OIG’s second follow-up, OIG verified the non-existence of the Academy Coordinator Manual, contrary to the Department’s 2016 response stating that it had been revised to reflect the use of peer evaluations as both a risk management tool and performance metric. The language included in the POT Manual does capture, in part, the intent of the recommendation as a performance metric (see the POT Manual excerpt proportion below regarding peer evaluations).

However, and more importantly, the aspect of communicating the importance of managerial accountability among Academy staff - who share responsibility for the effective management of personnel and performance-related risk - has not been institutionalized in policy.

Per the Commanding Officer of the Training Division, codifying the use of the peer evaluations any further for management’s use and understanding will not be pursued; nor will an Academy Coordinator’s Manual be drafted (which was not part of OIG’s original recommendation, but holds relevance) due to the overly burdensome demand it would place on the Academy Coordinator to write. Additionally, it is believed that creating an Academy Coordinator Manual would commit all forthcoming personnel assigned to the Academy Coordinator position to uphold the same management practices of the current Academy Coordinator, and in this sense, would stymie managerial discretion and decision-making.

Moreover, per the Commanding Officer of the Training Division, no other law enforcement agency in California uses an Academy Coordinator’s manual, likely because managerial expectations are assessed using departmental general orders, and what guidance or directive not

3 Use of Peer Evaluations

explicitly mentioned in writing can be communicated directly by the Commanding Officer of the Training Division to the Academy Coordinator.

OIG recognizes that command staff retain administrative control and accountability over their respective divisions/units and make operational decisions as they deem appropriate. It is further acknowledged that previous plans and commitments cited in the Department's 2016 response may change under current commanders. However, OIG considers the need for institutionalizing and supporting consistent and sound risk management practices, that prevent or lessen the risk of misconduct (or implementing alternative actions that equally confront this type of risk), have not yet been fully addressed by the Department. Indeed, the collective value to the Department in formalizing basic internal controls that govern risk management practices exceeds the benefit of preserving managerial autonomy.

Consequently, this recommendation remains partially addressed. Please refer to Appendix A and Appendix B for more information regarding this recommendation, including the Training Division's recent commitment to revise the Academy's performance standards policy by October 2018. OIG will work to monitor this recommendation and report any developments once all recommendations have been implemented (per Appendix B).

The POT Manual includes a section on peer evaluations that is excerpted below.

SECTION 5
PEER EVALUATIONS
(revised May 2018)

Guidelines

- I. Trainees will prepare anonymous evaluations on their classmates no later than weeks 8, 16, and 25 in the Basic Academy.
- II. Trainees will be rated in the areas of Personal Appearance, Social Relations, Adaptability, and Attitude towards Duties.
- III. The evaluations are anonymous.
- IV. The evaluations will be completed with a Microsoft Word platform.
- V. **Based on the results of the peer evaluations, Training personnel may consider methods to correct substandard behavior to include a new class seating arrangement, performance deficiency notice, or counseling and training.**
- VI. Trainees must be candid in their evaluations, relying solely on objective, non-biased facts to justify their ratings.

It's worth noting that the practices of Police Officer Trainees performing peer evaluations will be built into the forthcoming Police Academy Training Module (in PRIME 2.0). So, that when

3 Use of Peer Evaluations

requested by a Recruit Training Officer, a Police Officer Trainee can fill out an anonymous peer evaluation for one or more of their peers. This functionality is described in the Business Requirements Document (dated April 30, 2018) for the academy model.

4 Tracking Employee Separation Based on Employment Phase

2016 Audit Recommendation

The Department should track separation based on employment phase as a possible risk management performance metric to ensure that the Department is removing those engaged in misconduct and/or unethical behavior as early as possible during probation.

2016 Department Response

The Department concurs with the recommendation and has requested funding to upgrade its current Personnel Database to capture this information. **Until this upgrade takes place, the Department will create a system to track this information manually.**

2017 Follow-Up Status

OIG considers this recommendation partially addressed.

While the Department did secure funding for an updated personnel database - which it is currently in the process of implementing - **the database currently lacks the functionality to track separation based on employment.** And while the database does capture the reason for employment separation and the date of separation, this information does not assist the Department in tracking rates which would serve as a risk management performance indicator reflecting the Department's diligence in addressing personnel-related risk - depending on where in the employment stage individuals are being removed (ideally, most occurring during the academy).

Such tracking would allow for a clear measure of separation as police trainees matriculate into sworn officer with eventual full civil service privileges (at which point terminating sworn personnel for misconduct offenses becomes exceedingly challenging).

OIG reaffirms that this recommendation be further implemented within future improvements to PRIME as a possible risk management performance metric to ensure that the Department is removing those engaged in misconduct and/or unethical behavior as early as possible during probation.

2018 Follow-Up Status

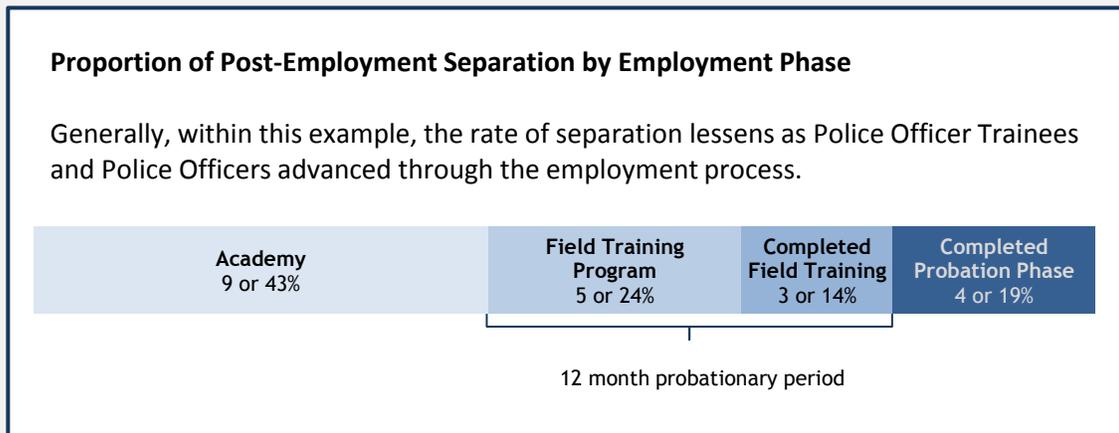
OIG considers this recommendation partially addressed.

4 Tracking Employee Separation Based on Employment Phase

Recently, the City's Information Technology Department received a request to integrate tracking employee separation - based on employment phase (e.g., academy, field training, or post probation) - into the Department's new personnel database. Since the request, the Department's command leadership and managerial stakeholders have met with staff from the City's Information Technology Department to discuss the specifications of the request and to begin building the function. The City's Information Technology Department later created the necessary fields needed to capture the desired information in the personnel database's test environment. Per the Department and the City's Information Technology Department the final version will be completed by September 30, 2018.

The table below illustrates an example of how tracking separation occurring during different stages in the employment process may shed light on aggregate trends.

Chart 1 Example of Measuring Separation Based on Employment Phase



In the interim, the Personnel Section can manually track separations and generate ad hoc reports using the current personal database based on the 'date of separation' from employment upon request.

5 Consolidated Applicant Performance Tracking

2016 Audit Recommendation

The Department should develop a policy detailing the requirements for applicant/trainee tracking and records maintenance, including consideration of consolidating siloed systems or ensuring that information is consistent among all units.

Additionally, OIG recommends the Department direct the Training Section to prioritize an organized system of record keeping (preferably electronic) that would allow for a quick and

5 Consolidated Applicant Performance Tracking

comprehensive review of all trainees and overall academy performance. Resources should be provided to the Training Section to accomplish this task in an expedited manner.

2016 Department Response

The Department concurs with this recommendation and is currently working on implementing a more robust database to capture trainee data electronically and more consistently. Recently, the Field Training Unit implemented the use of an electronic database, which has eliminated the need for paper files. The Training Section is working with the Information Technology Department to secure a database for tracking new hires and Academy trainees that is compatible with the Field Training Unit's new system. The database will ensure that all new hires have an easily accessible electronic record that tracks performance, conduct, and employment status.

In the meantime, the Personnel and Training Division is strengthening its current manual tracking system to include separation dates, the stage of separation, and the reason for separation, if known, to ensure the accuracy and completeness of data.

2017 Follow-Up Status

OIG considers this recommendation partially addressed.

The Department currently uses software from LEFTA Systems to track field training for new officers. It also uses products from other vendors for tracking other types of training (products called TMS and PowerDMS). To address the issues inherent in this multi-siloed approach, the Department is working with the City's IT Department (ITD) to combine the functions currently provided by these three systems onto one platform – a product called METR, also from LEFTA Systems. In addition, ITD and the Department are working with LEFTA Systems to develop functionality to track Academy training – something currently done by hand and with spreadsheets. Once finished, this module will also store its data in the integrated METR platform.

Once the transition from TMS and Power DMS to METR is complete and the Academy training module is also finished and launched, the Department can develop training-related reporting and dashboards for both the day-to-day management of various training functions and, through "PRIME 2.0" or its future derivative, to meet the risk management needs of the Department from one integrated training database.

Per Personnel Section staff, the manual tracking method is more detailed now in its data collection, but lacks the inclusion of specific reasons for separation beyond general categories. OIG reaffirms that this recommendation be further implemented within future improvements to PRIME.

2018 Follow-Up Status

5 Consolidated Applicant Performance Tracking

OIG considers this recommendation partially addressed.

OIG confirmed the Personnel Section continues to manually track separations in lieu of planned PRIME improvements, which is progressing regarding consolidating applicant performance tracking.

Per ITD's Project Manager, PRIME updates and mission objectives remain unchanged. ITD has received a proposal from LEFTA systems to start work on the Police Academy Training Module. The ITD Project Manager reports no major setbacks on the timeline for completion.

The Department's Training Division staff has since reviewed and given input on the development of the Police Academy Training Module. The Business Requirements Document (dated April 30, 2018) describes the specific needs and scope of work related to building the academy model, and explicitly mentions, "Integration with the LEFTA Systems LEFTA and METR products for the purposes of being able to track all training for every OPD employee – from the Academy through retirement."

Per the Business Requirements Document, ITD plans to have TMS and PowerDMS data migrated to METR by December 2018.

8 Uniformity of Discipline Given in the Academy Environment

2016 Audit Recommendation

The Department should consider whether all integrity issues identified in the Academy should be handled through the Internal Affairs process.

2016 Department Response

The Department concurs and, as of October 31, 2016, the Training Section has ensured that all integrity issues are handled per Department General Order M-3, Complaints Against Department Personnel.

2017 Follow-Up Status

OIG considers this recommendation partially addressed.

The Department has continued handling Academy POT rule violations through the Training Section's discipline process, which includes minor performance and integrity issues, while referring the most serious incidents of misconduct to the Department's Internal Affairs Division for investigation. The Training Section has charted its POT discipline process to include clear

8 Uniformity of Discipline Given in the Academy Environment

decision pathways for discipline. These pathways are determined by the seriousness of the violation committed and surrounding circumstances. Corrective action ranges from the use of simple interoffice letters, training, counseling, and mentoring within the training environment up to recommendation for termination.

In 2017, the Training Section referred one incident of serious misconduct to the Department's Internal Affairs Division for investigation, while concurrently recommending immediate termination.

The Department's policy on complaint initiation – especially where it applies to patterns of performance issues – may not coincide with best practices of training. **If the Department decides that the Training Section should retain its discretion over which incidents of misconduct occurring in the Academy environment are forwarded to IAD and which are not, as appears to be the case, then the Department should make clear its criteria for serious misconduct and/or unethical behavior in written policy.** This should allow for a more uniform understanding among Department personnel of the equitable process used for disciplining POTs.

OIG was unable to verify whether the Academy Coordinator's Manual has been updated (See Recommendation #3). How and when to handle discipline within the training environment should be a topic to include in such a manual.

2018 Follow-Up Status

OIG considers this recommendation addressed.

The Training Division advised that all Class I violations (pursuant to the Department's discipline policy DGO M-3) occurring in the Academy environment are referred through the chain of command (i.e., to the Assistant Chief of Police via the Captain overseeing the Training Division) for consideration of the specific circumstances of the misconduct in question and so that a determination can be made regarding whether a referral to IAD is warranted.

The discipline process is made clear to Trainees during the first week of the Academy. This is done by citing verbatim, the POT Manual's section on discipline (i.e., Section 6), which covers general rules and regulations, mandatory reporting of observed misconduct, the expectation of high self-discipline, how and why the Academy may act to initiate an investigation and recommend, when applicable, termination. Moreover, each Trainee is made to sign an agreement confirming their understanding of the POT Manual in its entirety.

11 Training and Qualifications of Background Investigators

2016 Audit Recommendation

The Department should revise its current policy (which was last updated in 1999) within 6 months so that POST certified training is a requirement for those performing background investigations that are not assigned to the R&B Unit. Additionally, background investigators should be required to have investigative experience, if they have never previously worked within the R&B Unit.

Also, in keeping with ensuring quality investigations are being performed, greater managerial oversight – beyond just requiring POST training – should also be considered. For example, R&B Unit management staff should monitor caseload and staffing resources, perform quality checks for policy and regulatory compliance, and conduct routine reviews of background investigator performance, specifically IPAS data.

2016 Department Response

The Department agrees with the recommendation and will revise policy regarding the selection and oversight of background investigators. The Background and Recruiting Unit has already changed its practice and now requires all background investigators to meet specific minimum qualifications to conduct background investigations on applicants, including a minimum number of years of experience, prior investigative experience, prior background investigative experience, and completion of a POST (Peace Officers Standards and Training) certified background investigation course. Also, added to the policy is the requirement of additional training and education in the areas of implicit bias and Procedural Justice, along with the required annual POST mandated background investigation update training.

The Recruiting and Background Unit now requires a confidentiality form, chronological log of events that highlights a timeline of all work completed by the background investigator, and an investigator checklist that certifies that all required work has been completed prior to the completion of the background investigation. Also, additional levels of managerial review have been added to not only identify potential risk presented by an applicant, but to also confirm that a thorough investigation has been completed by the background investigator. The Department is currently assessing the viability of outsourcing background investigations to increase consistency and allow officers to be reassigned to more critical needs. The Department is also seeking to add a Program Analyst/Recruit Coordinator to the Recruiting and Background Unit to allow the supervisor additional time to focus on background investigators and investigations.

2017 Follow-Up Status

As of October 11, 2017, and based on a list provided by the Recruiting and Background Unit, only 57% of investigators (23 of 40) who completed background investigations in 2017 have

11 Training and Qualifications of Background Investigators

received POST certified training. While this represents an improvement from the 38% of background investigators with POST certified training reported in 2016, the current amount of untrained background investigators remains concerning. The Department’s 2016 response stated that its practice had changed and now background investigators must meet specific minimum qualifications to conduct background investigations on applicants, including completion of a POST certified background investigation course. This has not been the case.

Moreover, regarding background investigators receiving update courses; a closer review of training dates indicates one background investigator last received POST certified training in 1997, approximately twenty years ago. Three others last received POST certified training in 2001 and one in 2002. Per Recruiting and Background staff, an in-house update training was offered in October. Such update training is not POST certified and OIG was unable to verify whether the in-house training occurred.

Per Department staff, background investigators do register for training, yet given competing priorities and sometimes unpredictable work schedules, attending a course becomes exceedingly challenging. Additionally, courses are not always readily accessible in terms of time and distance. **To resolve this, the Department suggests training a Department employee to become a POST certified instructor on the topic of background investigations.** This would allow for more accessible on-site training with greater schedule flexibility. OIG supports the consideration of this suggestion and/or its original recommendation.

A draft policy regarding background investigator qualifications and selection was shared with OIG, however it does not explicitly list attending implicit bias or procedural justice training as requirements for background investigator selection. Although all sworn officers are now mandatorily trained on implicit bias and procedural justice, the requirement is not in policy as assured by the Department in its 2016 response. However, it does state that investigators must perform inquiries and evaluations “with consistency and without bias.” The policy also lacks mention of needing a minimum number of years of experience, prior investigative experience and prior background investigative experience as qualifiers to serve as a background investigator. Per the Department, bolstering background investigator requirements are in the process of being incorporated into a finalized version.

The draft policy does include a stipulation regarding a confidentiality form.

2018 Follow-Up Status

This recommendation remains partially addressed.

To help offset the caseload of the six full-time background investigators permanently assigned to the Recruiting and Background Unit, officers assigned elsewhere within the Department are eligible to perform the collateral assignment of completing background investigations as

11 Training and Qualifications of Background Investigators

supplemental work. As of June 2018, sixty-one of 73 (or 84%) of all investigators were collateral assignment investigators that had completed at least one background investigation in 2018.

Table 1 Number and Type of Background Investigators in 2018

2018 Background Investigators (73 total)	# of Total	% of Total
Sworn personnel not assigned to the R&B Unit (collateral assignment)	61	84%
Sworn personnel assigned to the R&B Unit	6	8%
Annuitant assigned to R&B Unit	6	8%
Grand Total	73	100%

These additional collateral assignment background investigators help to review and process a greater pool of applicants, thereby allowing the Department more options over who they choose to invite forward in the selection process and in doing so also increase the likelihood that applicants will accept an OPD Academy offer when made in a timely manner.

So, while the increased volume of Background Investigators no doubt adds value, it remains critically important that each Background Investigator receive the appropriate level of training to ensure they meet the professional standards established by the Commission on Peace Officer and Training in effectively performing background investigations.

Qualifications Process for Collateral Assignment Background Investigators³⁰

The Department continues to lack a formalized process for systematically evaluating the suitability of these collateral assignment background investigators made prior to, and during their supporting duties. The Commanding Officer overseeing the Recruiting and Background Unit did however present the possibility of mirroring similar eligibility criteria used for selecting and maintaining qualified Field Training Officers, but stopped short of committing to developing any kind of qualification process for selecting collateral assignment background investigators.

Training Background Investigators

The Department has not fully trained all background investigators. On July 13, 2018, the Recruiting and Background Unit notified all Background Investigators that, “The requirement to attend this course within 6 months was not strictly enforced due to a lack of available courses,” and that all background investigators must now sign up as soon as possible. Since the July 13th

³⁰ Full-time Background Investigators permanently assigned to the Recruiting and Background Unit are subject to the Department’s DGO B-4 policy that governs the placement and suitability of officers and sergeants. This is performed in part with the use of specified selection criteria (i.e., total number sustained complaints, seniority, total amount of sick leave used, etc.) that gauges the basic historical performance measures of individual members. Given this established process, *permanently* assigned Background Investigators were not the focus of this review.

11 Training and Qualifications of Background Investigators

mandate, it appears - based on information given by the Recruiting and Background Unit – that no one has reported having signed up for a future course, which was also instructed.³¹

OIG did confirm that POST has not offered any background investigation courses within 50 miles of Oakland since January 2018 (the closest was held 1.5 hours from Oakland).

In reviewing the training histories of all 73 Background Investigators who performed an investigation in 2018, forty-four percent (or 32 of 73) have not received POST certified training on how to effectively perform background investigations in accordance with the recently revised 2018 POST [Background Investigation Manual: Guidelines for the Investigator](#).

Table 2 Background Investigators with no POST Certified Training

Background Investigators with No POST Certified Training	Month and Year					
	Dec. 2016 (37 total)		Oct. 2017 (40 total)		June 2018 (73 total)	
Assigned to R&B Unit	0	0%	0	0%	1 ³²	3%
Annuitant	11	30%	2	5%	2	3%
Not assigned to R&B Unit	12	32%	15	38%	29	40%
Total	23	62%	17	42%	32	44%

On-Site POST Background Investigation Training

To avoid the possibility of not receiving POST training within six months (due to scheduling constraints as reported by the Department in 2017) it was recommended during OIG’s first follow-up that Department personnel be identified and directed to perform POST certified instruction on-site to eliminate issue of long-distance traveling and accommodate background investigators’ unpredictable work schedules. No personnel are currently designated to offer on-site POST certified instruction on how to perform background investigations.

Per the Department’s Training Division, training curriculum for a Background Investigation course will be created and submitted to POST for certification, ideally by October 2018. Additionally, the Recruiting and Background Unit will host a 32-hour POST-certified Background Investigation course in January 2019. See appendix B for details.

Non-POST Background Investigation Training

³¹ OIG was unable to substantiate the information provided by the Recruiting and Background Unit in time for this report to confirm whether this is indeed the case.

³² This one individual has been assigned, on loan status, to the Recruiting and Background Unit since October 2017 and has no record of receiving POST certified background investigation training. It is also worth noting that another individual who is permanently assigned to the Recruiting and Background Unit, last received POST certified training sixteen years ago.

11 Training and Qualifications of Background Investigators

Per the Sergeant currently assigned to the Recruiting and Background Unit, non-POST training presentation slides are used to train new investigators prior to attending POST training and as a refresher for background investigators. The Recruiting and Backgrounds Unit has conducted classroom training using the slides, but also uses them to train individuals on an as needed basis. The slide material covers implicit bias and procedural justice topics, and POST dimension topics covering moral character and other relevant aspects of an applicant's personality. The slides also include the provision that background investigators, "must sign up for the basic course within 30 days of receiving a bg [file]."

Draft Recruiting and Backgrounds Policy

The Recruiting and Background Policy mentioned in 2017 remains in draft form. Per the Sergeant responsible for the daily managerial duties of the Recruiting and Background Unit, changes to practices have occurred that render the draft policy out of date.

Per the Department's Training Division, the Recruiting and Background Unit will develop policies and procedures for the Recruiting and Background Unit by December 31, 2018. See appendix B for details.

Conclusion

Currently, one recommendation has been addressed, while four remain partially addressed. OIG will work to monitor the partially addressed recommendations and report any developments once all have been implemented, per their date of anticipated completion (Appendix B).

Appendix A:

Training Division's Aug. 10th, 2018 Response to OIG's Audit, Recommendations, and Follow-Up Assessment

CITY OF OAKLAND

Memorandum

To: Office of Chief of Police – Office of the Inspector
From: General Training Division – Academy
Date: 10 Aug 18
Re: Academy’s Response to OIG 2nd Follow-Up Report

This memorandum provides additional context and information to supplement the Office of Inspector General’s follow-up report, entitled, *Summary: Officer Integrity Trends and Other Critical Observations Regarding Hiring and Training Practices – Second Follow-Up*.

The Training Division’s Academy believes the language in Sections 5 and 16 of its Police Officer Trainee Manual (POT Manual) suffices and meets the spirit of OIG’s original recommendation. Its name may be misleading, but the POT Policy Manual serves as a guideline not only for Trainees, but also for Recruit Training Officers (RTO’s) and the Academy Coordinator.

For example, Section 16. E. - Discipline (Attachment-A) states, “When a disciplinary violation is suspected, the Training Officer, with the Academy Coordinator, will conduct a thorough investigation and submit a disciplinary recommendation to the Academy Director.” Furthermore, Section 16.F states, “Recommendation for termination from the Academy will be made on an individual basis, evaluating a person’s overall academy, physical, and behavior performance.”

Training believes Section 16. E. and F. are two of many examples of how the POT Policy Manual provides direction to the RTO’s and Academy Coordinator on their responsibilities.

Changes to the Academy’s Disciplinary Process

To further clarify Training’s disciplinary process to the Trainees, Academy Staff, and Department Personnel, the following changes have been made effective 1 Aug 18:

1. POT Policy Manual, Section 16. A. and B. has been changed to read as follows:
 - A. **DGO M-3 Class-2, or POT Policy Manual offenses** committed due to a lack of knowledge and /or mistake will be handled in a positive way; however, offenses that are influenced by a lack of integrity such as lying and cheating will not be tolerated and the Trainee will be removed from the academy. **The final decision for removal shall be made by the Chief of Police.**

B. **When a DGO M-3 Class-1 disciplinary violation is suspected**, the Training Officer, with the Academy Coordinator, shall conduct a thorough investigation and submit a disciplinary recommendation to the Academy Director in the **form of a memorandum. The final decision for removal shall be made by the Chief of Police.** [Emphasis added]

2. POT Policy Manual, Section 5. E. has been changed to read as follows:

C. If a recruit receives substandard peer evaluations, Training personnel **shall** consider methods to correct the behavior to include a new class seating arrangement, performance deficiency notice, or counseling and training. [Emphasis added]

3. The academy coordinator will train all RTO's on the POT Policy Manual and the disciplinary procedures. A roster titled, "POT Policy Manual (August 2018)" will be completed and uploaded in TMS.

The Training Division is working towards creating an ever more effective operation of its Academy, and it looks forward to collaborating with OIG to find productive solutions to the deficiencies identified within their report.

Academy
Training Division

Attachment - A

SECTION 16 DISCIPLINE

I. General Rules and Regulations

- A. It is the expectation of the Academy that Trainees strictly adhere to all Academy rules and regulations and will comply with the Department's code of conduct.
- B. When a POT observes misconduct, he or she shall take action to include reporting it to their RTO or directly to the Internal Affairs Division as defined in DGO M-03 and MOR 314.48 - Reporting Violations of Laws, Ordinances, Rules or Orders. The mandatory reporting policies can be found here.
- C. Every Trainee will be expected to practice a high level of self-discipline.
- D. DGO M-3 Class-2, or POT Policy Manual offenses committed due to a lack of knowledge and /or mistake will be handled in a positive way; however, offenses that are influenced by a lack of integrity such as lying and cheating will not be tolerated and the Trainee will be removed from the academy. The final decision for removal shall be made by the Chief of Police.
- E. When a DGO M-3 Class-1 disciplinary violation is suspected, the Training Officer, with the Academy Coordinator, shall conduct a thorough investigation and submit a disciplinary recommendation to the Academy Director in the form of a memorandum. The final decision for removal shall be made by the Chief of Police.
- F. Recommendations for termination from the Academy will be made on an individual basis, evaluating a person's overall academic, physical, and behavioral performance.
- G. The disciplinary scale for Trainees is:
 - 1. Minor Violations
 - a) Counseling, warning or admonishment
 - b) Interoffice Letter (IOL) (*See Appendix I*)
 - c) Physical conditioning
 - d) Completion of an essay
 - e) PDN

(1) Rebuttal to discipline

- (a) If a trainee believes he/she has grounds to challenge issued discipline, they may do so by meeting the RTO's at an appropriate time.

2. Serious or Repeated Violations

- a) Counseling, warning or admonishment
- b) Interoffice Letter (IOL) (*See Appendix I*)
- c) Physical conditioning
- d) Completion of an essay
- e) Suspension of privileges
- f) PDN
- g) Dismissal from the Academy

Attachment - B

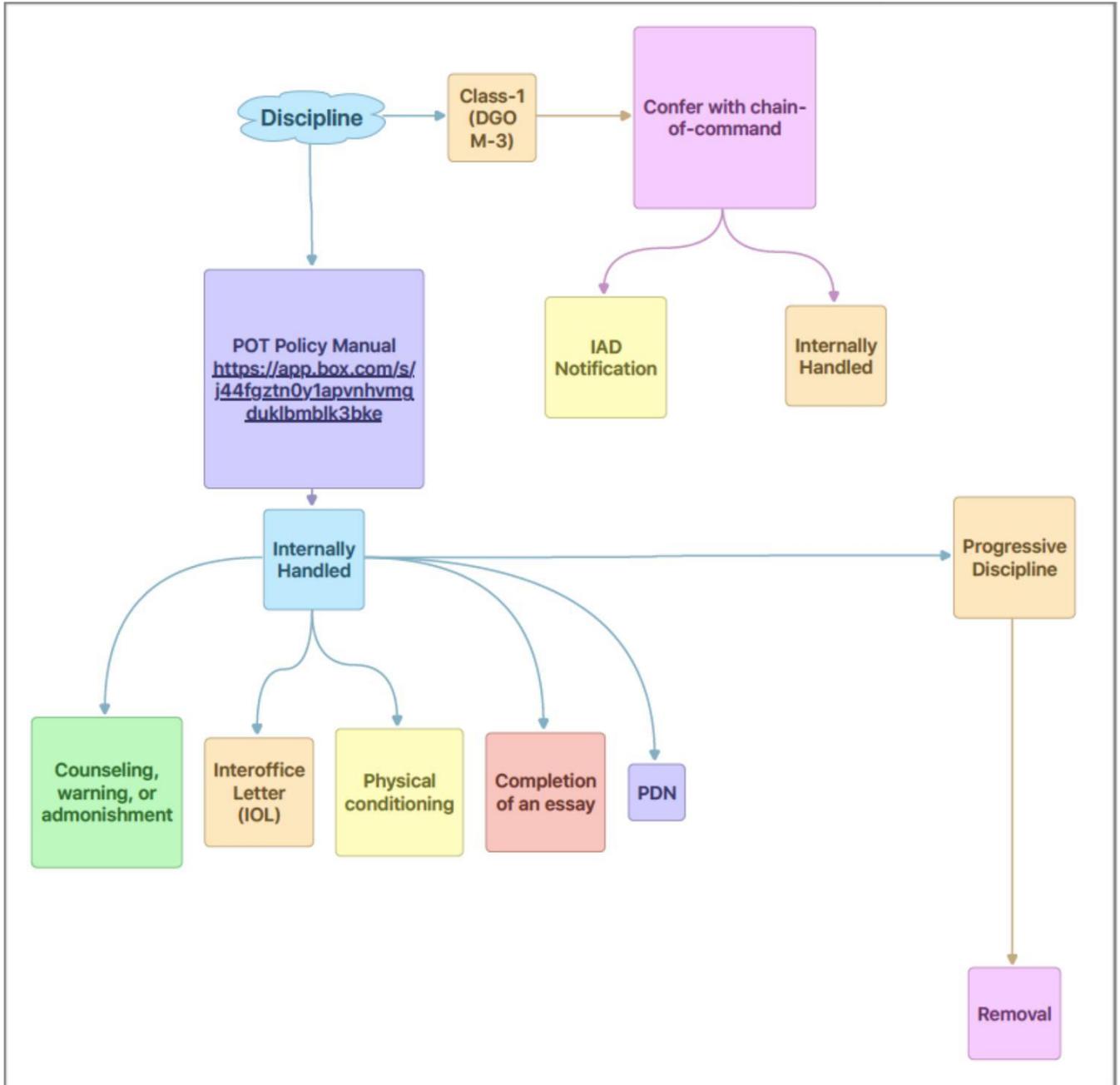
SECTION 5 PEER EVALUATIONS

I. Guidelines

- A. Trainees will prepare anonymous evaluations on their classmates no later than weeks 8, 16, and 25 in the Basic Academy.
- B. Trainees will be rated in the areas of Personal Appearance, Social Relations, Adaptability, and Attitude towards Duties.
- C. The evaluations are anonymous.
- D. The evaluations will be completed with a Microsoft Word platform.
- E. If a recruit receives substandard peer evaluations, Training personnel shall consider methods to correct the behavior to include a new class seating arrangement, performance deficiency notice, or counseling and training.
- F. Trainees must be candid in their evaluations, relying solely on objective, non-biased facts to justify their ratings.

Attachment - C

Discipline Process Overview



CITY OF OAKLAND

Memorandum

To: Office of the Chief of Police - Office of the Inspector General
From: Training Division - Recruiting and Backgrounds Unit
Date: 10 Aug 18

Re: Recruiting and Background Unit's Response to OIG 2nd Follow-Up Report

This memorandum provides additional context and information to supplement the Office of Inspector General's follow-up report, entitled, *Summary: Officer Integrity Trends and Other Critical Observations Regarding Hiring and Training Practices – Second Follow-Up*.

Challenges in Attending a POST Certified Background Investigations Course

The Recruiting and Backgrounds Unit believes that all background investigators (BGI's) should be thoroughly trained; however, there are real challenges in achieving this goal, including:

- BGIs being waitlisted for POST courses after repeated attempts to enroll due to limited capacity (i.e., class-size is limited to 40 attendees). When offered, classes quickly fill up due to the high demand.
- Limited course offerings, with only two locations in northern California. The closest course offered is 63 miles away.

Despite this, the Recruiting and Backgrounds Unit directs BGIs to periodically check the POST Course Catalog as new classes are added. This reduction in course availability is due in part to budget cuts at POST, and in turn has led to fewer classes. Furthermore, POST no longer reimburses agencies for background investigations training.

These constraints in time, distance, and cost are in addition to competing priorities, as noted in OIG's 2017 first follow-up report. The Recruiting and Backgrounds Unit will continue to track all BGI's POST-training status. An officer's failure to comply within a reasonable time frame may lead to the suspension of completing background investigations until the completion of training.

One of the POST Certified Instructors for background investigations in the state is willing to conduct the training at OPD. This 32-hour course is not POST reimbursable; however, it would be a less expensive alternative to tuition, travel, hotel and meal reimbursements for outside courses. The cost of the course would be approximately \$10,000.00 to include instructors, materials, hand-outs, and travel. This course could be offered as early as the first quarter of 2019. The R&B Unit is committed to scheduling and hosting this course when circumstances permit.

Moreover, the R&B Unit has considered using its existing instructor cadre to teach the POST Background Investigations curriculum, as previously endorsed by OIG. However, this approach would require submitting 32-hours' worth of curriculum for a 90-day (at minimum) review by POST to certify the curriculum, which is now offered by fewer than a dozen instructors state-wide. In the past, POST has either approved a course, directed OPD to utilize courses offered nearby, or declined to approve the course altogether. Given the uncertain outcome, the R&B Unit would prefer to host an already-certified course, as mentioned above. If hosting an already-certified course proves untenable, the R&B Unit will attempt to certify its own course.

Draft Recruiting and Backgrounds Policy

Since the creation of the draft policy in 2016, many administrative changes have been made to the daily operations within the Recruiting and Background Unit as a result of new leadership. Many more changes are imminent, as the Recruiting and Background Unit prepares to take over the Police Office Trainee hiring process from Human Resource Management.

Given that these forthcoming responsibilities will also require codification into policy, the most prudent choice is to postpone formally codifying procedures until the organizational transition is complete (likely December 2018), at which time OPD's Policy and Publication Unit will be engaged to begin work with the Recruiting and Background Unit to formalize procedures.

The Training Division is working towards creating an ever more effective operation of its Recruiting and Backgrounds Unit, and it looks forward to collaborating with OIG to find productive solutions to the deficiencies identified within their report.

Recruiting and Backgrounds Unit
Training Division

Appendix B:

*Training Division's **Sept. 13th, 2018** Response to OIG's Audit, Recommendations, and Follow-Up Assessment*

CITY OF OAKLAND

Memorandum

To: Office of the Chief of Police
 Attn: Chief Anne E. Kirkpatrick
 From: Training Division
 Date: 13Sep18

RE: Deliverables from 6Sep18 Meeting with OIG, IMT, and Plaintiffs' Attorney

The purpose of this memorandum is to document the tasks, responsible personnel, and associated timelines discussed during the 6Sep18 meeting to address the second follow-up for OIG's report, *Officer Integrity Trends and Other Critical Observations Regarding Hiring and Training Practices* (December 2016).

Task	Responsible Personnel	Timeline
Develop an OPD curriculum for a Background Investigation course and submit to POST for certification	Sgt. Bryan Hubbard, Sgt. Aaron Smith, Sgt. Bradley Miller, and Officer Marcus Moreno	31 Oct 18 (POST generally takes a minimum of 90 days to review)
Develop a Policy & Procedure for the Recruiting and Background Unit	Capt. Jake Bassett, Sgt. Aaron Smith, and PPOS Angel Coogler	31 Dec 18
Host a 32-hour POST-certified Background Investigation course	Sgt. Aaron Smith and Sgt. Bradley Miller are coordinating with Chief (Ret.) Sid Smith to schedule this training	28-31 Jan 19
Revise DGO B-13 (Basic Academy Performance Standards) to reflect (1) the current POT discipline process, and (2) the role of peer evaluations in that process	Lt. Frederick Shavies and Manager Tim Birch	31 Oct 18
Revise the Academy Manual ¹ to reflect (1) the current POT discipline process, and (2) the role of peer evaluations in that process	Sgt. Bryan Hubbard	Completed



Jake Bassett
 Captain of Police
 Training Division

¹ Previously known as the "Police Officer Trainee Manual".