

May 22, 2020

# Sixty-Eighth Report *of the Independent Monitor for the Oakland Police Department*

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## Introduction

This is our sixty-eighth status report on the Negotiated Settlement Agreement (NSA) in the case of *Delphine Allen, et al., vs. City of Oakland, et al.*, in the United States District Court for the Northern District of California under the direction of Judge William H. Orrick. I was appointed in 2010 to oversee the monitoring process of the Oakland Police Department (OPD) that began in 2003.

This report describes our recent assessments of NSA Tasks 2, 20, 34, and 41; and covers our virtual site visit of April 28-29, 2020. Following the Court's Order of May 21, 2015, we devote special attention to the most problematic component parts of the NSA Tasks that are not yet in full or sustained compliance; and discuss in our status reports the most current information regarding the Department's progress with the NSA and its efforts at making the reforms sustainable.

## *Providing Technical Assistance*

Each month, our Team conducts a visit to Oakland that includes both compliance assessments and technical assistance. During our visits, we meet with Department and City officials; observe Department meetings and technical demonstrations; review Departmental policies; conduct interviews and make observations in the field; and analyze OPD documents and files, including misconduct investigations, use of force reports, crime and arrest reports, Stop Data Forms, and other documentation. We also provide technical assistance in additional areas, especially those that relate to the remaining non-compliant Tasks or areas identified by the Department.

We recently provided technical assistance to OPD officials in the areas of IAD investigation quality (Task 5); use of force investigations and reporting (Tasks 24 and 25); stop data and related issues (Task 34); risk management and the ongoing maintenance issues and development of Vision (Task 41); and several Department policies and procedures, including policies related to officer discipline, use of force, the use of armored vehicles, and the use of electronic control weapons.

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### *Building Internal Capacity at OPD*

Also per the May 21, 2015 Court Order, we continue to work closely with the Office of Inspector General's (OIG) staff to identify areas that it should audit or review – and to help design approaches to these audits that are not cumbersome, so as to ensure sustainability. We review OIG's quarterly progress reports, which are a valuable resource and assist us in assessing compliance with NSA requirements.

OIG's most recent quarterly report, released last week, includes an inspection of the Department's use of force reporting. The report's findings are noteworthy and troubling.

In its inspection, OIG found that in 11 of the 20 incidents it examined that involved alleged offenses of Penal Code 69, 148(a)(1) and/or 243(b)(c) (threatening an officer, resisting arrest, and battery on an officer), there was no documentation that sergeants reviewed the officers' BWC footage within two days, as required by policy. As noted in the report, if sergeants do not review incidents involving such offenses, "the likelihood that reportable uses of force will go unnoticed increases, potentially causing the Department to report inaccurate statistics of their reportable uses of force."

The report also made some disturbing findings related to officers' activations of their BWCs. In 20 of the incidents OIG reviewed involving 69 officers, eight BWCs "were not activated for the entire time required by policy." The report continues, "Additionally, there were three officers whose body worn cameras did not fully capture the arrested subject during the transportation of that subject."

In our regular assessments of officers' use of force reports, we have found similar issues related to officers' activations of BWCs and supervisory review of BWC footage; and we have raised these concerns with Department personnel during our site visits. We will discuss these issues with OPD during our upcoming site visit – and we will closely monitor the Department's implementation of the recommendations made by OIG in the report. While the results of this report are concerning and reflective of a backslide, the OIG process is to be commended for its comprehensive, independent examination of the report's important topical examinations.

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## *Focused Task Assessments*

### **Task 2: Timeliness Standards and Compliance with IAD Investigations**

#### **Requirements:**

*Fairness to complainants, members/employees and the public requires that internal investigations be completed in a timely fashion.*

- 1. On or before December 1, 2003, OPD shall develop policies regarding timeliness standards for the completion of Internal Affairs investigations, administrative findings and recommended discipline.*
- 2. Compliance with these timeliness standards shall be regularly monitored by IAD command and the Department's command staff. If IAD experiences an unusual proliferation of cases and/or workload, IAD staffing shall be increased to maintain timeliness standards.*

(Negotiated Settlement Agreement III. B.)

#### **Relevant Policy:**

OPD most recently revised Departmental General Order M-03, *Complaints Against Department Personnel and Procedures*, which incorporates the requirements of Task 2, on December 22, 2017.

#### **Commentary:**

**Task 2.1** requires that internal investigations (IAD and Division Level) – including review, approval, findings, and discipline – be completed in accordance with the timeliness standards developed by OPD. To assess this subtask, we reviewed a list of all internal investigations resulting in formal findings (unfounded, sustained, exonerated, or not sustained) that were approved in November and December 2019, and calculated the number of days between the complaint date and the approval date for each case. We excluded from the dataset cases that were administratively closed, those that involved on-duty traffic accidents or service complaints, and those that did not involve Manual of Rules (MoR) violations. We segregated the remaining cases into Class I or Class II categories. If a case involved at least one alleged Class I violation, we classified it as Class I.

OPD policy requires that at least 85% of Class I misconduct investigations and at least 85% of Class II misconduct investigations must be completed within 180 days to be considered timely. Per DGO M-03, Class I offenses “are the most serious allegations of misconduct and, if sustained, shall result in disciplinary action up to and including dismissal and may serve as the basis for criminal prosecution.” Class II offenses include “all minor misconduct offenses.” Of the 23 Class I cases we reviewed for this assessment, only 15, or 65%, were in compliance with

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established timelines. While this represents an improvement over what we found during our last review of Task 2, when we found that only 38% of Class I cases were in compliance with established timelines, it still falls far below the required compliance level.

Of the 26 Class II cases we reviewed, 21, or 81%, were in compliance with established timelines. This represents an improvement over what we found during our last review of Task 2, when we found that only 66% of Class II cases were in compliance with established timelines; but it is still not in compliance. One of the Class II cases was completed in exactly 180 days.

Per DGO M-03, “In cases with a sustained finding, the discipline recommendation process shall be completed within 30 calendar days of the sustained finding.” We reviewed all 15 cases including a total of 25 sustained findings that were approved in November and December 2019; seven cases involved multiple sustained findings. Of these 15 total cases, 14 (93%) were in compliance with established discipline timelines. The discipline recommendation process for one case, which included two sustained findings, took 35 days.

OPD is not in compliance with Task 2.1. While OPD has continued to improve since we reinitiated reviews of Task 2 last year, after the Task was long inactive, we remain concerned with the Department’s IAD timeliness issues.

Task 2.2 requires that IAD and OPD command staff regularly monitor compliance with these timeliness standards. The primary responsibility for monitoring compliance with timeliness standards rests with IAD, whether investigations are conducted by IAD personnel or via Division-level investigation. As part of this monitoring, the IAD Commander discusses pending deadlines for key open investigations during IAD’s weekly meetings with the Chief; the deadlines are also reflected in written agendas for these meetings. A Monitoring Team representative regularly attends these weekly meetings. IAD also occasionally, as needed, emails individual reminders on cases approaching due dates to investigators and their supervisors. The Department is in compliance with Task 2.2.

Task 2.3 requires that if IAD experiences an unusual proliferation of cases and/or workload, IAD staffing be increased to maintain timeliness standards. While we have not noticed a significant increase in IAD workload recently, we routinely request and receive updates on IAD staffing levels during our site visits.

<b>Task 2 compliance status</b>	Not in compliance
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## Task 20: Span of Control

### **Requirements:**

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

- 1. Under normal conditions, OPD shall assign one primary sergeant to each Area Command Field Team, and, in general, (with certain exceptions) that supervisor's span of control shall not exceed eight (8) members.*
- 2. During day-to-day operations, in the absence of the primary supervisor (e.g., due to sickness, vacation, compensatory time off, schools, and other leaves), the appropriate Area Commander shall determine, based on Department policy and operational needs, whether or not to backfill for the absence of the sergeant on leave.*
- 3. If a special operation, (e.g., Beat Feet, Special Traffic Offenders Program (STOP), etc.) requires more than eight (8) members, the appropriate Area Commander shall determine the reasonable span of control for the supervisor.*
- 4. If long-term backfill requires the loan or transfer of a supervisor from another unit, the Chief of Police and/or the Deputy Chief of Police shall make that decision.*

(Negotiated Settlement Agreement IV. C.)

### **Relevant Policy:**

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

### **Commentary:**

To assess these requirements for this report, we reviewed spreadsheets prepared by the Department for October, November, and December 2019 that, by date, note which type of sergeant supervised each applicable squad – a primary sergeant, relief sergeant, acting sergeant, other sergeant (one working overtime), or none. (The Department refers to unsupervised squads as “open.”) We calculated per squad the compliance percentages for this subtask during this time period. Each of the 48 applicable squads were in compliance – that is, all applicable squads during this time period were supervised by either a primary, relief, or other/overtime sergeant for at least 85% of their working shifts. We also found that none of the applicable squads exceeded the required 1:8 supervisor to officer ratio at least 90% of their working shifts.

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OPD continues to be in compliance with these requirements. The Department has institutionalized the practices of tracking how each squad is supervised each day; planning, when possible, for expected absences; and considering how to fill in for personnel who are absent unexpectedly.

<b>Task 20 compliance status</b>	In compliance
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## Task 34: Vehicle Stops, Field Investigation, and Detentions

### Requirements:

1. *OPD shall require members to complete a basic report on every vehicle stop, field investigation and every detention. This report shall include, at a minimum:*
  - a. *Time, date and location;*
  - b. *Identification of the initiating member or employee commencing after the first year of data collection;*
  - c. *Reason for stop;*
  - d. *Apparent race or ethnicity, and gender of individual(s) stopped;*
  - e. *Outcome of stop (arrest, no arrest);*
  - f. *Whether a search was conducted, and outcome of search;*
  - g. *Offense categories (felony, misdemeanor or infraction).*
2. *This data shall be entered into a database that can be summarized, searched, queried and reported by personnel authorized by OPD.*
3. *The development of this policy shall not pre-empt any other pending or future policies and or policy development, including but not limited to "Promoting Cooperative Strategies to Prevent Racial Profiling."*

(Negotiated Settlement Agreement VI. B.)

### Relevant Policy:

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

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### **Commentary:**

In prior reports, we have noted the connection between the Department's focus on stop data and the monthly Risk Management Meetings which occur at the Departmental – and, more recently, at the Area – levels. The marriage of these data has resulted in a potentially comprehensive approach to risk management – but there are shared and unshared aspects of the efforts to address stop data and the work on the traditional risk management topics such as uses of force and complaints. Both, of course, involve substantial tasks related to the collection and presentation of data. These have been integrated in the forthcoming dashboards which are in the late stages of construction, and both now have equal prominence in the Department's Risk Management Meetings. The Department also found itself well-placed when legislation required the submission of stop data to the State of California.

As it relates to stop data, while the actions of individual officers are important, the policy questions raised by the data are also prominent. It is a point illustrated by the Department's distinction between dispatched and non-dispatched stop events and by the attention given to the drop in overall discretionary stops. But the Department's stop data analysis has not moved far beyond these broad examinations.

In particular, the raw data raises important but largely neglected issues. The data shows that even with the large declines in stops – including declines in stops by race – the same patterns of inequities remain. In the data that was presented at the April Risk Management Meeting, even for the month with the lowest number of stops reported (February 2020), African Americans and Hispanics are stopped at a rate nearly five times greater than Whites. The percentages by race for searches, recoveries, and arrests show potential evidence of discrepancy – but a more complete understanding of that is found when considering the raw numbers. At the Risk Management Meeting, the Department showed data for all years from 2014-2019, with 2019 having the lowest number of stops. In 2019, a combined total of 11,102 African Americans and Hispanics were stopped by police. No searches occurred in 7,423 of the stops. No contraband was seized in 10,364 of the stops; and no arrests were made in 8,644 of the stops. For Whites, there was a total of 1,677 stops in 2019. There were no searches in 1,402 of the stops; no contraband seized in 1,616 of the stops; and no arrests made in 1,448 of the stops.

When compared with Whites, *over five times as many* African Americans and Hispanics had no other law enforcement action taken following being stopped by police. The risk management charts do show that the percentages of stops resulting in searches, contraband seizures, and arrests is somewhat similar across racial and ethnic categories. However, the large differences in the number of people stopped across those categories makes it clear that there are substantial disparities in the impact of police stops of people of color.

Although the inclusion of stop data analysis in the more general analysis of risk makes sense, there are important differences to consider in the analyses and discussion. An examination of stop data shows that even with the decline in the number of stops large disparities remain, and those disparities increase when actions during stops are considered. These analyses and those findings have not been incorporated in the review of data during the Risk Management Meetings. This also suggests the potential value of including analysis of race in the discussions of other risk-related behaviors such as force and complaints.

<b>Task 34 compliance status</b>	In partial compliance
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## Task 41: Use of Personnel Assessment System (PAS) and Risk Management

### **Requirements:**

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

*The policy shall include the following elements:*

1. *The Chief of Police shall designate a PAS Administration Unit. The PAS Administration Unit shall be responsible for administering the PAS policy and, no less frequently than quarterly, shall notify, in writing, the appropriate Deputy Chief/Director and the responsible commander/manager of an identified member/employee who meets the PAS criteria. PAS is to be electronically maintained by the City Information Technology Department.*
2. *The Department shall retain all PAS data for at least five (5) years.*
3. *The Monitor, Inspector General and Compliance Coordinator shall have full access to PAS to the extent necessary for the performance of their duties under this Agreement and consistent with Section XIII, paragraph K, and Section XIV of this Agreement.*
4. *PAS, the PAS data, and reports are confidential and not public information.*
5. *On a quarterly basis, commanders/managers shall review and analyze all relevant PAS information concerning personnel under their command, to detect any pattern or series of incidents which may indicate that a member/employee, supervisor, or group of members/employees under his/her supervision may be engaging in at-risk behavior. The policy shall define specific criteria for determining when a member/employee or group of members/employees may be engaging in at-risk behavior.*
6. *Notwithstanding any other provisions of the PAS policy to be developed, the Department shall develop policy defining peer group comparison and methodology in consultation with Plaintiffs' Counsel and the IMT. The policy shall include, at a minimum, a requirement that any member/employee who is identified using a peer group comparison methodology for complaints received during a 30-month period, or any member who is identified using a peer group comparison methodology for Penal Code §§69, 148 and 243(b)(c) arrests within a 30-month period, shall be identified as a subject for PAS intervention review. For the purposes of these two criteria, a single incident shall be counted as "one"*

*even if there are multiple complaints arising from the incident or combined with an arrest for Penal Code §§69, 148 or 243(b)(c).*

7. *When review and analysis of the PAS threshold report data indicate that a member/employee may be engaging in at-risk behavior, the member/employee's immediate supervisor shall conduct a more intensive review of the member/employee's performance and personnel history and prepare a PAS Activity Review and Report. Members/employees recommended for intervention shall be required to attend a documented, non-disciplinary PAS intervention meeting with their designated commander/manager and supervisor. The purpose of this meeting shall be to review the member/employee's performance and discuss the issues and recommended intervention strategies. The member/employee shall be dismissed from the meeting, and the designated commander/manager and the member/employee's immediate supervisor shall remain and discuss the situation and the member/employee's response. The primary responsibility for any intervention strategies shall be placed upon the supervisor. Intervention strategies may include additional training, reassignment, additional supervision, coaching or personal counseling. The performance of members/ employees subject to PAS review shall be monitored by their designated commander/manager for the specified period of time following the initial meeting, unless released early or extended (as outlined in Section VII, paragraph B (8)).*
8. *Members/employees who meet the PAS threshold specified in Section VII, paragraph B (6) shall be subject to one of the following options: no action, supervisory monitoring, or PAS intervention. Each of these options shall be approved by the chain-of-command, up to the Deputy Chief/Director and/or the PAS Activity Review Panel.*

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

*Members/employees recommended for PAS intervention shall be monitored for a minimum of 12 months and include two (2) documented, mandatory follow-up meetings with the member/employee's immediate supervisor and designated commander/manager: The first at three (3) months and the second at one (1) year. Member/employees subject to PAS intervention for minor, easily correctable performance deficiencies may be dismissed from the jurisdiction of PAS upon the written approval of the member/employee's responsible Deputy Chief, following a recommendation in writing from the member/employee's immediate supervisor. This may occur at the three (3)-month follow-up meeting or at any time thereafter, as justified by reviews of the member/employee's performance. When a member/employee is not discharged from PAS jurisdiction at the one (1)-year follow-up meeting, PAS jurisdiction shall be extended, in writing, for a specific period in three (3)-month increments at the discretion of the*

*member/employee's responsible Deputy Chief. When PAS jurisdiction is extended beyond the minimum one (1)-year review period, additional review meetings involving the member/employee, the member/employee's designated commander/manager and immediate supervisor, shall take place no less frequently than every three (3) months.*

9. *On a quarterly basis, Division/appropriate Area Commanders and managers shall review and analyze relevant data in PAS about subordinate commanders and/or managers and supervisors regarding their ability to adhere to policy and address at-risk behavior. All Division/appropriate Area Commanders and managers shall conduct quarterly meetings with their supervisory staff for the purpose of assessing and sharing information about the state of the unit and identifying potential or actual performance problems within the unit. These meetings shall be scheduled to follow-up on supervisors' assessments of their subordinates' for PAS intervention. These meetings shall consider all relevant PAS data, potential patterns of at-risk behavior, and recommended intervention strategies since the last meeting. Also considered shall be patterns involving use of force, sick leave, line-of-duty injuries, narcotics-related possessory offenses, and vehicle collisions that are out of the norm among either personnel in the unit or among the unit's subunits. Division/appropriate Area Commanders and managers shall ensure that minutes of the meetings are taken and retained for a period of five (5) years. Commanders/managers shall take appropriate action on identified patterns of at-risk behavior and/or misconduct.*
10. *Division/appropriate Area Commanders and managers shall meet at least annually with his/her Deputy Chief/Director and the IAD Commander to discuss the state of their commands and any exceptional performance, potential or actual performance problems or other potential patterns of at-risk behavior within the unit. Division/appropriate Area Commanders and managers shall be responsible for developing and documenting plans to ensure the managerial and supervisory accountability of their units, and for addressing any real or potential problems that may be apparent.*
11. *PAS information shall be taken into account for a commendation or award recommendation; promotion, transfer, and special assignment, and in connection with annual performance appraisals. For this specific purpose, the only disciplinary information from PAS that shall be considered are sustained and not sustained complaints completed within the time limits imposed by Government Code Section 3304.*
12. *Intervention strategies implemented as a result of a PAS Activity Review and Report shall be documented in a timely manner.*

13. *Relevant and appropriate PAS information shall be taken into account in connection with determinations of appropriate discipline for sustained misconduct allegations. For this specific purpose, the only disciplinary information from PAS that shall be considered are sustained and not sustained complaints completed within the time limits imposed by Government Code Section 3304.*
14. *The member/employee's designated commander/manager shall schedule a PAS Activity Review meeting to be held no later than 20 days following notification to the Deputy Chief/Director that the member/employee has met a PAS threshold and when intervention is recommended.*
15. *The PAS policy to be developed shall include a provision that a member/employee making unsatisfactory progress during PAS intervention may be transferred and/or loaned to another supervisor, another assignment or another Division, at the discretion of the Bureau Chief/Director if the transfer is within his/her Bureau. Inter-Bureau transfers shall be approved by the Chief of Police. If a member/employee is transferred because of unsatisfactory progress, that transfer shall be to a position with little or no public contact when there is a nexus between the at-risk behavior and the "no public contact" restriction. Sustained complaints from incidents subsequent to a member/employee's referral to PAS shall continue to result in corrective measures; however, such corrective measures shall not necessarily result in a member/employee's exclusion from, or continued inclusion in, PAS. The member/employee's exclusion or continued inclusion in PAS shall be at the discretion of the Chief of Police or his/her designee and shall be documented.*
16. *In parallel with the PAS program described above, the Department may wish to continue the Early Intervention Review Panel.*
17. *On a semi-annual basis, beginning within 90 days from the effective date of this Agreement, the Chief of Police, the PAS Activity Review Panel, PAS Oversight Committee, and the IAD Commander shall meet with the Monitor to review the operation and progress of the PAS. At these meetings, OPD administrators shall summarize, for the Monitor, the number of members/employees who have been identified for review, pursuant to the PAS policy, and the number of members/employees who have been identified for PAS intervention. The Department administrators shall also provide data summarizing the various intervention strategies that have been utilized as a result of all PAS Activity Review and Reports. The major objectives of each of these semi-annual meetings shall be consideration of whether the PAS policy is adequate with regard to detecting patterns of misconduct or poor performance issues as expeditiously as possible and if PAS reviews are achieving their goals.*

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

(Negotiated Settlement Agreement VII. B.)

**Relevant Policy:**

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

**Commentary:**

In our last report, we noted our concerns about the possibility of stagnation re-emerging in the development of the Vision risk management database and its ancillary data collection, display, and utilization processes. We were pleased to see that some issues around final development and system maintenance were resolved when the corporate status of key contractors was clarified. Likewise, contract issues regarding work on the risk management data dashboards were resolved, and the work has been restarted with the key original consultants as well as new staff.

For some time, the application of the dashboards to risk management and their use through the supervision process has been seen as a significant innovation. Our Team joins the Department in hoping that the long and tortured path of development of the risk management data systems may be approaching an end. Yet even with that hope, we have new concerns that merit attention.

We have addressed issues regarding the new Type 32 use of force elsewhere in this report. Here we address only the issues related to the relevant data. During our April site visit meetings, it became clear that the Department could not discuss with confidence the extent or nature of the universe of Type 32 uses of force. Data sources other than force reports were being examined to provide needed information.

This also meant that the data could not, at the time, be linked to individual officers – and therefore could not be integrated into the risk management process and related supervision issues. Similar issues also appeared to be occurring with the Department's new interest in documenting the unholstering of a firearm.

It is clear that the Department has identified “take downs” reported under Type 32 uses of force, and the unholstering of weapons, as behavior relevant to risk management. However, the documentation of them now resides outside of the risk management database and therefore detached from the risk management process. As a result, there may be, in effect, an alternative data collection and – to the extent the data are utilized – a separate but parallel risk management process emerging.

Important clarifications are needed. It would be useful to understand the purpose of collecting these data and how they will be used, including their relevance to the risk management process and the Risk Management Meetings. In general, we continue to be concerned with the utility of

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the Risk Management Meetings. While the process is rich in data, it is poor in outcome. The meetings should be used to identify, explain – and, when appropriate – intervene with outlying officers. The most recent meeting we attended did not draw many conclusions or develop plans of action from the comprehensive data that was presented

The City and OPD have made substantial investments in the new data systems. As they near completion, the danger is that they may also be nearing obsolescence. That is to say, if the data systems cannot include data on the newly identified risk issues, and cannot address other emerging issues, it cannot support a robust approach to managing risk. The challenge then for the new risk management technology and processes may be their adaptability. That issue should be recognized first as a critical policing issue, and not as a matter of computer technology.

<b>Task 41 compliance status</b>	Deferred, due to the ongoing reconstruction of the Vision database.
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## Conclusion

Just a few days ago, OPD released a long-awaited study on discipline disparity, which was conducted by a consulting firm, Hillard Heintze, on behalf of the Department. The study found significant racial disparities in sustained complaints of misconduct between Black officers and officers of other races. Specifically, during 2014-2018, “For all complaints, Black individuals are 37 more likely to have their complaints sustained while controlling for gender and years of service.” The study includes 14 recommendations based on its findings – some of which would involve changes to the IAD investigative process. We are deeply concerned with the study’s findings and will discuss the study – and the Department’s response to the study – in the near future.

The Risk Management Meeting process remains a robust and lengthy exercise with in excess of 35 slides of information. While rich in data, we remain concerned about the measure of its use as a process that culminates in “actionable” deeds – be they individual interventions, policy modifications, re-training, or even discipline – for the mitigation of risk. We are encouraged that Interim Chief Susan Manheimer has shown a sensitivity to this concern.

With the COVID-19 health crisis as a backdrop, this is a particularly challenging time to lead and manage a police department. Chief Manheimer brings a refreshing commitment to values-based policing and understands how values inform police behavior and performance. While her tenure may be brief, we encourage Chief Manheimer to continue to work collaboratively with the Police Commission, community groups, and the men and women of the Department.



Chief (Ret.) Robert S. Warshaw  
 Monitor