



**OAKLAND POLICE DEPARTMENT
BENCHMARKS PLAN
FIRST REPORT**

**OFFICE OF THE COMPLIANCE DIRECTOR
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
MAY 31, 2013**

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Office of the Compliance Director

U.S. District Court, Northern District of California

May 31, 2013

This is the first Benchmarks Plan, issued as required by Judge Thelton Henderson's Compliance Director Court order dated December 12, 2012. This Plan will be subject to periodic revisions as this complex project continues to evolve.

Prioritized benchmarked tasks contained within this Plan have been gleaned from four sources:

1. Judge Thelton Henderson's Compliance Director Court order dated December 12, 2012.
2. The Monitor's Quarterly Reports.
3. The Compliance Director's Remedial Action Plan.
4. Findings/Recommendations from the Independent Investigation, Occupy Oakland Response, October 11, 2011 Report, dated June 14, 2012.

The large number of tasks contained in these documents has been divided into three priority categories. This initial Plan will deal only with the twenty most critical issues. All intermediate benchmarks included in this plan have been negotiated with OPD, and have been reviewed by all primary stakeholders in this project. I expect rapid progress towards both the immediate goal of NSA compliance, and the broader goal of building a stronger Oakland Police Department capable of dealing with present and future challenges.

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INTRODUCTION

On January 3, 2003 Judge Thelton E. Henderson signed an order pursuant to a negotiated agreement by parties in the Delphine Allen case,¹ hereafter referred to as the Negotiated Settlement Agreement (NSA).² The NSA was a result of multiple Patterns and Practices claims against the City of Oakland and the Oakland Police Department (OPD) stemming from what has become commonly known as “The Riders Case.” A total of 119 plaintiffs were associated with the suit in 2000, and ultimately an award of \$10.9 million was paid by the City of Oakland. The NSA outlined major reforms required of the OPD, and the Department was to be in compliance within 5 years. The Compliance Director maintains the highest regard for the purpose of the NSA as outlined in the original 2003 Agreement:

“The City of Oakland...and the plaintiffs share a mutual interest in promoting effective and respectful policing. The parties join in entering into this Settlement Agreement...to promote police integrity and prevent conduct that deprives persons of the rights, privileges and immunities secured or protected by the Constitution or laws of the United States. The overall objective of this document is to provide for the expeditious implementation...of the best available practices and procedures for police management in the areas of supervision, training and accountability mechanisms, and to enhance the ability of the Oakland Police Department...to protect the lives, rights, dignity and property of the community it serves.”³

The NSA was updated in February 2004,⁴ and encompassed 51 Tasks. An Independent Monitoring Team (IMT), approved by Judge Henderson, was assigned the responsibility of monitoring the efforts and progress of the OPD toward compliance with all Tasks. At the end of the Court-ordered 5 year period, OPD was not in full compliance with the NSA, and thus Judge Henderson ordered that it be extended. The first IMT filed 14 quarterly reports with the court; the last was filed in January 2010.⁵

In 2010, a second IMT was approved by Judge Henderson. The second (and current) IMT has filed a total of 13 quarterly reports, commencing in April 2010.⁶ An Amended Memorandum of Agreement (AMOU) between all parties was also approved by Judge Henderson. The AMOU reduced the number of actively monitored Tasks from 51 to 22. In January 2012, the Court issued an order extending the authority and responsibility of the Independent Monitor.⁷

¹ Delphine Allen, et al., Master Case Number C00-4599 TEH (JL)

² <http://www2.oaklandnet.com/oakca1/groups/police/documents/webcontent/dowd022066.pdf>

³ Ibid

⁴ Ibid

⁵ Ibid

⁶ Ibid

⁷ <http://docs.justia.com/cases/federal/district-courts/california/candce/3:2000cv04599/41858/675/0.pdf?1327480915>

In 2012 plaintiffs' attorneys filed a motion for the court to consider assigning a federally appointed receiver to the OPD, which would place the OPD into receivership. The motion was opposed by the City of Oakland, and ultimately the parties agreed to a concept titled "Compliance Director."⁸ Following an agreement by parties to pursue an alternative to a federally appointed receiver the Office of the Compliance Director was ordered by Judge Thelton E. Henderson on December 12, 2012.⁹

On March 4, 2013, Judge Henderson appointed Commissioner Thomas C. Frazier (Ret.) as the Compliance Director.¹⁰ On March 10, 2013 the Court issued an Order of Clarification regarding the authority and scope of the Compliance Director.¹¹ On March 17, 2013 the court issued an order approving the Compliance Director's staff.

The Compliance Director Court order dated December 12, 2012 addresses the reporting duties of the Compliance Director, and delineates, among other requirements, the following:¹²

1. "Within 30 days of his or her appointment, the Compliance Director will file a remedial action plan (Plan) that both addresses deficiencies that led to noncompliance and explains how the Plan will facilitate sustainable compliance with all outstanding tasks by December 2013 or as soon thereafter as possible.
2. "Within 60 days of his or her appointment, the Compliance Director will file a list of benchmarks for the OPD to address, resolve, and reduce: (1) incidents involving the unjustified use of force, including those involving the drawing and pointing of a firearm at a person or an officer-involved shooting; (2) incidents of racial profiling and bias-based policing; (3) citizen complaints; and (4) high-speed pursuits. In developing these benchmarks, the compliance Director will consult with the Monitor, Plaintiffs, the Mayor, the City Administrator, the Chief of Police, the OPOA, and, as necessary, subject-matter experts to ensure that the benchmarks are consistent with generally accepted police practices and national law enforcement standards."

⁸<http://www.oaklandcityattorney.org/PDFS/Riders/Joint%20Submission%20of%20Proposed%20Order%20Regarding%20Receivership%20Motion.pdf>

⁹ <http://www.cand.uscourts.gov/pages/964>

¹⁰ Ibid

¹¹ <http://www.scribd.com/doc/135282991/Henderson-April-10-Order-on-Compliance-Director-s-Authority>

¹² <http://www.cand.uscourts.gov/pages/964>

In addition to the benchmarks specifically delineated in the Court Order, the Compliance Director has identified other documents which contain Tasks and Projects which require benchmark consideration. These documents are as follows:

1. The Monitor's Quarterly Reports.
2. The Compliance Director's Remedial Action Plan.
3. Findings/Recommendations from the Independent Investigation, Occupy Oakland Response, October 11, 2011 Report, dated June 14, 2012 , as cataloged in the Monitor's Thirteenth Quarterly Report, that have not been implemented by OPD.

Due to the large number of tasks in these documents, we have divided them into priority areas. THIS INITIAL BENCHMARK PLAN WILL DEAL ONLY WITH THE "TOP 20" PRIORITY ONE AND PRIORITY TWO ITEMS. As compliance is achieved, other areas of concern will be considered.

This Benchmarks Plan is the first in a series that the Compliance Director intends to produce. In keeping with the Court's desire for rapid progress, the evolving nature of this complex project will require periodic updates and adjustments to keep them valid and meaningful.

SUMMARY OF TASKS

JUDGE THELTON HENDERSON'S COMPLIANCE DIRECTOR COURT ORDER DATED DECEMBER 12, 2012 TASKS

- (1) Incidents involving the unjustified use of force, including those involving the drawing and pointing of a firearm at a person or an officer-involved shooting.
- (2) Incidents of racial profiling and bias-based policing.
- (3) Citizen complaints.
- (4) High-speed pursuits.

THE MONITOR'S THIRTEENTH QUARTERLY REPORT TASKS (ITEMS EITHER NON-COMPLIANT, IN PARTIAL COMPLIANCE, OR DEFERRED).

Task 5: Complaint Procedures for IAD.

Task 5.19 - requires that each allegation of a complaint is identified and resolved with one of the following dispositions: unfounded; sustained; exonerated; not sustained; or administrative closure (compliance standard: 95%).

Task 16: Supporting IAD Process – Supervisor/Managerial Accountability

Task 16.2 – requires that if an IAD investigation finds that a supervisor or manager should have reasonably determined that a member/employee committed or violated a Class I offense, the supervisor or manager is held accountable, through OPD's administrative discipline process, for failure to supervise, failure to review, and/or failure to intervene (compliance standard: 90%).

Task 20: Span of Control for Supervisors

Task 20.2 – requires that relevant squads – that is, Patrol squads, Problem-Solving Officer units, Crime Reduction Teams, Neighborhood Enforcement Team, Gang/Guns Investigation Task Force, and Foot Patrol – are actually supervised by their primary, or assigned, supervisors (compliance standard: 85%).

Task 20.3 – requires that a supervisor’s span of control for the Department’s relevant squads – that is, Patrol squads, Problem-Solving Officer units, Crime Reduction Teams, Neighborhood Enforcement Team, Gang/Guns Investigation Task Force, and Foot Patrol – does not exceed a 1:8 ratio on a day-to-day basis (compliance standard: 90%).

Task 20.4 – requires that the Department’s Area Commanders make backfill decisions and that these decisions are consistent with policy and operational needs (compliance standard: 90%)

Task 24: Use of Force Reporting Policy

The Department was not in compliance with the requirements that OPD personnel on the scene of the incident report all uses of force on the appropriate form, and document every use of force and/or the drawing and intentional pointing of a firearm.

Task 25: Use of Force Investigations and Report Responsibility

Held in “deferred” status. Not all reports provided to the Monitor for analysis were from the reporting period covered by the 13th report.

Task 30: Executive Force Review Board (EFRB)

Held in “deferred” status. No EFRBs were held during the site visit by the Monitor’s team.

Task 33: Reporting Misconduct

Task 33.1 – requires that in all sustained internal investigations, OPD conduct an assessment to determine whether members/employees/supervisors knew or should have known that misconduct occurred (compliance standard: 95%).

Task 33.2 – requires that where OPD determines that members/employees/supervisors knew or should have known that misconduct occurred but did not report it as required, OPD is required to take appropriate action (compliance standard: 95%).

Task 34: Vehicle Stops, Field Investigation, and Detentions

Task 34.2 – requires that Stop Data Forms be filled out with the following information: 1) time; 2) date; 3) location; 4) identification of member making the stop; 5) reason for stop; 6) apparent race/ethnicity of individual(s) stopped; 7) gender of individual(s) stopped; 8) outcome of stop (arrest or no arrest); 9) whether a search was conducted; 10) outcome of any search; and 11) offense category (felony, misdemeanor, or infraction) (compliance standard: 85%).

Task 34.3.1 – requires that OPD have a stop data database that can be summarized, searched, queried, and reported by personnel authorized by OPD (compliance standard: Yes/No).

Task 40: Personnel Assessment System (PAS)-Purpose

OPD is required to enhance its existing complaint-tracking and select indicator systems so that it has a fully implemented, computerized relational database for maintaining, integrating, and retrieving data necessary for supervision and management of OPD and its personnel.

Task 41: Use of Personnel Assessment System (PAS)

OPD to develop a policy for use of the PAS 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 COMPLIANCE DIRECTOR’S REMEDIAL ACTION PLAN TASKS

TOPICAL AREA #1

While the vast majority of OPD Officers are dedicated, hardworking men and women doing an extraordinarily difficult job, a few behave in manners that result in citizen complaints and administrative investigations.

1. Identify and hire a technology SME to address continuing operational issues with:
 - The radio system.
 - The Mobile Data Terminal (MDT) system, and the integrated Stop Data program.
 - The PAS system acquisition and use.
2. Work with the City to bring the negotiations with Sierra Systems to closure, either by entering into a contract or by seeking another potential vendor.
3. Work with the Monitor and with OPD to come to agreement on appropriate IPAS threshold methodology – either by hard number or by standard deviation.

TOPICAL AREA #2

Supervisors fail to enforce Departmental policy by not intervening in or reporting unacceptable behavior that they are either informed of or witness.

1. Immediately promote those on the current Sergeants list who are deemed promotable. Work with the City and with OPOA to reach an agreement to end the current list early, once all promotable candidates are promoted. On a parallel track, immediately begin efforts to certify a new list.
2. Work with the Monitor and with OPD to clearly define procedures necessary to come into compliance with remaining non-compliant items in Task 24 and Task 25. Once a clear way forward is agreed upon, establish benchmarks to achieve compliance.
3. The Office of the Compliance Director will identify and review individual Failure to Report specific misconduct cases, and their associated findings and disciplinary recommendations. This is particularly true in the case of Supervisors and Command level personnel.
4. The Compliance Director will closely review the Special Order updating DGO-M-19, Racial Profiling. The Compliance Director will engage a subject matter expert if it is determined that Departmental efforts in this area are insufficient.
5. OPD continues to contend that the NSA does not require analysis of the stop data. The Monitor disagrees. OPD's Racial Profiling Manager is required to produce a written report to the Chief of Police at least twice a year that includes an analysis of the data collected, and appropriate policy recommendations. The Compliance Director understands that OPD has not prepared such a report in the past 12 quarters. The Compliance Director will require OPD to resume the compilation of the required reports immediately.

TOPICAL AREA #3

Investigations fail to thoroughly and impartially seek the truth in reported allegations of officer misconduct.

1. No additional Benchmarks are defined in this area.

TOPICAL AREA #4

Executive leadership has permitted members of the organization to believe that the behaviors articulated in Topical Areas # 2 and #3 are both tolerated and acceptable.

1. Enhance Patrol level use of force training, as detailed in Task 24 comments in the Remedial Action Plan.
2. Purchase and deploy additional TASERs per Remedial Action Plan.
3. Enhance Patrol level Community Policing officer/citizen interaction training.
4. Develop and implement a "Precinct Commanders Academy" necessary to prepare promotable Lieutenants to effectively fill the expanding numbers of Precinct leadership positions.
5. Develop and implement a college-level leadership academy designed to develop future leaders.
6. IAD Investigator(s) and Commander(s) training, per Remedial Action Plan.

TOPICAL AREA #5

Executive leadership fails to act proactively on issues/processes within their ability to implement that, cumulatively, would have major impact on Departmental effectiveness.

1. Acquire modern crowd control weapons/munitions.
2. Implement sequential double-blind photo lineup procedures.
3. Insure that existing MDT systems are in repair and in full operating condition in all vehicles.
4. Follow up on confirmed fingerprint identifications in solving robberies/burglaries.
5. Submit all DNA samples to the National DNA database (CODIS).
6. Identify common denominators in multiple cases of deadly force, and establish a proactive response to diminish those categories of shootings, e.g., shootings where a "furtive movement" or a gun was "thought to be seen" at the time the

suspects were shot. Poll other cities and policing organizations for current preferred practices and training.

7. Adopt contemporary community policing philosophies and practices that have been employed by many police departments for nearly a generation.
8. Modify the existing recruit background check system that employs sworn officers to do the investigations on an “overtime” basis. Work with the City and with OPOA to reach an agreement to hire OPD retired annuitants or a contractor that can give the investigations their full time attention.
9. Purchase an additional 150 Patrol Digital Recording Devices (PDRDs) to insure that Patrol is 100% equipped, per Remedial Action Plan. These new PDRDs should be upgraded versions of the ones currently in use to include extended battery life.

INDEPENDENT INVESTIGATION, OCCUPY OAKLAND RESPONSE, TASKS

NOTE: The following listing of pending items from the Occupy Report were copied verbatim from the Monitor’s Thirteenth Quarterly Report. Many of these will be cleared as OPD resolves the remaining NSA non-compliant tasks.

#2 Revise Use of Force policy

#16 – Concerned with criminal investigation quality regarding serious uses of force.

#20 – Deployment of Specialty Impact less lethal Weapons on 25 Oct may not have been reasonable. Criminal Investigations Division (CID) and IAD to investigate; Chief of Police to assess and resolve.

#21 – Accountability system needed for issuance, recovery, and re-supply of any and all munitions to any “Tango Team” officer or supervisor.

#22 – Level One Use of Force: mandatory reporting and medical aid requirements were ignored.

#27 – Develop policy and practices that facilitate evaluation of force (Force Review Board) circumstances.

#29 – Enhance use of force reporting policy at departmental and individual levels.

#31 – Revised personal recording device policy and enhance reliability of use.

#32 – Mass use of force reporting & collection, review, and approval by supervisor must be revised.

#35 – Strategic deployment of Quick Response Teams and/or simultaneous dynamic movement of squad-sized crowd control elements. Develop POST-certified crowd management training curriculum, utilize modern equipment, modify policy to represent current standards and preferred practices when managing crowds, and appoint Crowd Control Coordinator.

#36 – OPD and Mutual Aid agencies must complete appropriate (ICS-214 or supplemental reports) detailing arrests, injuries, force, and location where applied. Supervisors to review and approve, and reports submitted to Planning Section Chief prior to demobilization.

#39 - Current OPD criminal investigations require a more in-depth and aggressive review. Includes assessment of delay and preventing future reoccurrence.

#44 – Recommend reviews and audits by Office of Inspector General for CID and IAD investigation quality.

#46 – Review policy and training re: communication of information CID receives from IAD.

#52 – OPD must complete a robust review re: the shortfalls of IAD process, policy, supervisory and command accountability.

#53 – Quality of IAD investigations: assignment of best available personnel, establish audit process, identify investigative deficiencies and train to improve, assignment cap, etc.

#55 – Policy developed to ensure IAD investigation of ranking dept. personnel is performed by an investigator of equal rank or higher.

#57 – Establish policy and accountability with safeguards against broadcast of confidential IAD information outside of IAD purview.

#60 – Conduct a needs assessment of the IAD.

#65 - Training program for all CID and IAD investigators and supervisors to raise skill level, organized rotation of members through units involved in crowd control activities (i.e., SWAT, Tango Teams, etc.).

#66 – Formal training for senior leaders, and formalize a career development program of rotational assignments and temporary detail assignments.

#67 – Provide critical incident and leadership training for all lieutenants.

PRIORITIZED BENCHMARKS

PRIORITY 1 BENCHMARKS (Court Order and NSA Non-Compliant items)

- (1) Incidents involving the unjustified use of force, including those involving the drawing and pointing of a firearm at a person or an officer-involved shooting.

OPD RESPONSIBLE PARTY: Deputy Chief E. Breshears.

This Task is addressed in responses to Prioritized Benchmarks 8, 9, 10, 13, and 19 presented later in this Plan.

- (2) Incidents of racial profiling and bias-based policing.

OPD RESPONSIBLE PARTY: Assistant Chief P. Figueroa.

This Task is addressed in responses to Prioritized Benchmark 11 presented later in this Plan.

- (3) Citizen complaints.

OPD RESPONSIBLE PARTY: Deputy Chief D. Outlaw.

This Task is addressed in responses to Prioritized Benchmark 5 presented later in this Plan.

- (4) High-speed pursuits.

OPD RESPONSIBLE PARTY: Assistant Chief P. Figueroa.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

7.1.13 Hire Subject Matter Expert (SME) – See Benchmark # 14.

9.1.13 Adopt new policy.

12.1.13 Complete training and implementation.

(5) Task 5: Complaint Procedures for IAD.

OPD RESPONSIBLE PARTY: Deputy Chief D. Outlaw.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

7.1.13 Complete revision of DGO M-3.

12.1.13 Upon approval of DGO M-3, OIG to commence audit of Task 5.18.

4.1.14 Complete audit.

(6) Task 20: Span of Control for Supervisors.

OPD RESPONSIBLE PARTY: Deputy Chief D. Downing.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

6.7.13 Promote viable candidates on current Sergeants list.

6.15.13 Meet and confer with OPOA to determine if OPD can extinguish the
current Sergeants list once all viable candidates are promoted.

ASAP OPD to work with City Human Resources Department to rapidly
establish a new Sergeants list once current list is extinguished. OPD
will promote to fill existing vacancies as they occur. (Contingent on
status of current list.)

(7) Task 16: Supporting IAD Process – Supervisor/Managerial Accountability.

OPD RESPONSIBLE PARTY: Deputy Chief D. Outlaw.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

8.30.13 Completion of additional training regarding Departmental expectations from IAD staff.

9.1.13 OPD expects to gain compliance with this Task by the completion of the Monitor's Fourteenth Quarterly Report. PAS data and Risk Management processes currently in place should ensure supervisory accountability.

(8) Task 24: Use of Force Reporting Policy.

OPD RESPONSIBLE PARTY: Deputy Chief E. Breshears.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

10.1.13 Complete Departmental General Order (DGO) K-4 use of force reporting requirements training for all officers.

The Office of the Compliance Director will work with OPD and the Independent Monitor to develop a clear set of steps approved by the Monitor necessary for OPD to gain compliance with this Task.

(9) Task 25: Use of Force Investigations and Report Responsibility.

OPD RESPONSIBLE PARTY: Deputy Chief E. Breshears.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

8.1.13 Finalize new Use of Force (UOF) Policy K-3.

8.1.13 Fill the existing UOF Coordinator position.

9.1.13 Complete departmental training on new UOF policy.

The Compliance Director's Office will work with the Monitor and OPD to schedule training sessions to be held during Technical Assistance visits where the Monitor and OPD can review cases held to be out of compliance so that OPD can adjust training appropriately.

(10) Task 30: Executive Force Review Board (EFRB).

OPD RESPONSIBLE PARTY: Deputy Chief D. Downing.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

8.1.13 Complete review of revision K-4.1. Implement.

(11) Task 34: Vehicle Stops, Field Investigation, and Detentions.

OPD RESPONSIBLE PARTY: Assistant Chief P. Figueroa.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

6.30.13 Modify Field Based Reporting (FBR) to include a “probation/parole” initial reason for stop field.

7.31.13 Revise the Report Writing Manual (RWM) insert to include the above FBR change.

7.31.13 Complete a “global” analysis (Racial Profiling) report covering one month of stop data. Prepare subsequent reports as required.

(12) Task 40: Personnel Assessment System (PAS)-Purpose.

NOTE: The Compliance Director views the PAS System Tasks as a two-phase Project.

Phase 1: Develop software “patches” for the current system that will permit System operability for the near term.

Phase 2: The acquisition of a new PAS System that will provide as the long-term solution.

OPD RESPONSIBLE PARTY: Deputy Chief E. Breshears.

COMPLIANCE BENCHMARK TIMELINE:

NOTE: Many of the timeline items pertaining to this Task are beyond the direct control of OPD. The City of Oakland's Department of Information Technology (DIT) is the Project Manager. OPD is the Project Sponsor. Timeline dates for System contracting, and acquisition presented here are, as a result, tentative.

6.1.13 Start Timeline.

6.30.13 Complete negotiations with Sierra or make decision to move forward to identify another contractor.

7.1.13 Complete revisions to IPAS (global command review and access to use of force reports). This should permit compliance with the NSA task for the short-term solution.

7.1.13 Completion of electronic consolidated arrest report (ECAR) policy (dependent on Motorola and City Department of Information Technology hardware/software modifications).

8.23.13 Complete personnel training.

11.1.13 Complete RFP for new PAS database with servers and licenses.

1.1.14 Financing, selection, Council action, and contract negotiations for acquisition of new PAS System completed. (based on successful negotiations with Sierra Systems).

(13) Task 41: Use of Personnel Assessment System (PAS)

OPD RESPONSIBLE PARTY: Deputy Chief D. Outlaw.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

6.15.13 PAS data fully incorporated into Risk Management meetings.

8.1.13 Revision of DGO D-17 completed.

8.1.13 Bureau of Risk Management Policy and Procedure 13-01 completed.

(14) Identify and hire Subject Matter Experts to deal with the following issues:

(a) Racial Profiling

(b) Contracting and acquiring the second-generation PAS System

(c) A technology expert to resolve lingering issues with:

- The PD radio system.
- The Mobile Data Terminal (MDT) system and the integrated Stop Data program.
- The PAS system acquisition and use.

(d) High speed pursuits.

(e) Personnel management.

(f) Others TBD.

RESPONSIBLE PARTY: Compliance Director's Office.

OPD LIAISON: Deputy Chief E. Breshears

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

SMEs will be hired when/as needed.

PRIORITY 2 BENCHMARKS (Remedial Action Plan most urgent items)

(15) Submit backlogged DNA samples to the National DNA database (CODIS).

OPD RESPONSIBLE PARTY: Deputy Chief D. Outlaw.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

6.3.13 OPD to meet with representatives from the District Attorney's Office to discuss outsourcing protocols.

9.1.13 Complete implementation of the procedures and protocols necessary to permit outsourcing of all backlogged unprocessed DNA kits.

9.15.13 Establish the criteria for Categories "A, B, and C" of DNA evidence. Ensure that these categories are consistent with the categories established by the District Attorney's Office.

9.15.13 Complete development of a listing of all "Category A" DNA Evidence (sexual assault and other crimes) that warrants immediate analysis.

9.30.13 Work the District Attorney's Office to immediately outsource evidence identified in the "Category A" analysis.

- (16) Enhance capabilities to follow up on confirmed fingerprint identifications in solving robberies/burglaries.

OPD RESPONSIBLE PARTY: Deputy Chief D. Outlaw.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

7.1.13 Complete a review of current practices/policies/requirements relating to AFIS - quality prints.

9.1.13 Complete update of policies/practices to insure effective use of AFIS - quality prints.

- (17) Formalize a career development program of rotational assignments and temporary detail assignments. (Occupy Oakland Report Recommendation #66.)

OPD RESPONSIBLE PARTY: Deputy Chief D. Outlaw.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

10.1.13 Develop draft plan for rotations as an adjunct to the existing Departmental transfer policy.

11.1.13 Meet/confer with OPOA concerning draft policy.

1.1.14 Implement revised policy.

(18) Purchase and deploy modern crowd control weapons/munitions, TASERs, and additional PDRDs.

OPD RESPONSIBLE PARTY: Deputy Chief D. Outlaw.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

6.1.13 Complete weapons/munitions purchase.

7.1.13 Complete TASER purchases.

7.1.13 Complete PDRD purchases.

7.15.13 Complete update of less lethal weapons/munitions use policy.

(19) Develop needed training programs:

- Enhanced Patrol level use of force training
- Enhanced Patrol level Community Policing officer/citizen interaction training.
- A “Precinct Commanders Academy” necessary to prepare promotable Lieutenants to effectively fill the expanding numbers of Precinct leadership positions.
- A college-level leadership academy, designed to provide a select cross-section of OPD’s most promising current and future leaders. This will cover necessary skills to provide the type of enlightened leadership that will provide a pool of qualified candidates for the executive leadership of the future.
- IAD Investigator(s) and Commander(s) training

OPD RESPONSIBLE PARTY: Deputy Chief D. Outlaw.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline.

7.1.13 Quarterly MILO training commenced.

7.1.13 Expand Patrol level use of force training for Officers to 20 hours per year.

10.1.13 Enhanced Patrol level community policing officer/citizen interaction training to commence.

9.1.13 Commence IAD investigators and commanders training.

9.1.13 Complete enhanced Patrol level community policing officer/citizen interaction training.

11.30.13 Commence college-level leadership academy.

11.1.13 Commence Precinct Commanders Academy.

(20) Implement sequential double-blind photo lineup procedures.

OPD RESPONSIBLE PARTY: Assistant Chief P. Figueroa.

COMPLIANCE BENCHMARK TIMELINE:

6.1.13 Start Timeline

6.15.13 Complete draft policy.

6.30.13 Implement policy and commence investigator training.

8.15.13 Complete program implementation.

PRIORITY 3 BENCHMARKS – Some Remedial Action Plan Items and remaining “Occupy” Report Items.

NOTE: Many of these items will be cleared as OPD gains compliance with the remaining NSA non-compliant Tasks.

Remedial Action Plan Items:

- (1) Identify common denominators in multiple cases of deadly force, and establish a proactive response to diminish those categories of shootings.
- (2) Adopt contemporary community policing philosophies and practices which have been employed by many police departments for nearly a generation.
- (3) Modify the existing recruit background check system employing sworn officers to do the investigations on an “overtime” basis. Work with the City and with OPOA to reach an agreement to hire OPD retired annuitants or a contractor that can give the investigations their full time attention.

“Occupy” Report Items:

NOTE: Due to the volume of the remaining “Occupy” tasks, not all are listed for future prioritization. The most important are listed below. Many of these will be cleared as OPD completes the remaining NSA Tasks.

#22 – Mandatory reporting and medical aid requirements were ignored.

#31 – Revised personal recording device policy and enhance reliability of use.

#32 – Mass use of force reporting & collection, review, and approval by supervisor must be reviewed.

#35 – Strategic deployment of Quick Response Teams and/or simultaneous dynamic movement of squad-sized crowd control elements. Develop POST-certified crowd management training curriculum, utilize modern equipment, modify policy to represent current standards and preferred practices when managing crowds. Appoint Crowd Control Coordinator.

#39 - Current OPD criminal investigations require a more in-depth and aggressive review. This includes assessment of delay and preventing future reoccurrence.

#55 – Policy developed to ensure IAD investigation of ranking departmental personnel is performed by an investigator of equal rank or higher.

#65 - Training program for all CID and IAD investigators and supervisors to raise skill level, organized rotation of members through units involved in crowd control activities (i.e., SWAT, Tango Teams, etc.)

#67 – Provide critical incident and leadership training for all lieutenants.

MONTHLY SUMMARIES OF INTERMEDIATE BENCHMARKS

JUNE 2013

- 6.1.13 (20) Implement sequential double-blind photo lineup procedures – Complete draft policy.
- 6.1.13 (18) Purchase and deploy modern crowd control weapons/munitions, TASERs, and additional PDRDs - Complete weapons/munitions purchase.
- 6.7.13 (6) Task 20 – Span of Control for Supervisors – Promote viable candidates on current Sergeants list.
- 6.15.13 (13) Task 41- Use of Personnel Assessment System (PAS) - PAS data fully incorporated into Risk Management meetings.

- 6.15.13 (6) Task 20 – Span of Control for Supervisors – Meet and confer with OPOA to determine if OPD can extinguish the current Sergeants list once all viable candidates are promoted.
- ASAP (6) OPD to work with City Human Resources Department to rapidly establish a new Sergeants list once current list is extinguished. OPD will promote to fill existing vacancies as they occur. (Contingent on status of current list.)
- 6.15.13 (19) Develop needed training programs – Commence Quarterly MILO training.
- 6.15.13 (20) Implement sequential double-blind photo lineup procedures - Implement policy and commence investigator training.
- 6.30.13 (11) Task 34 - Vehicle Stops, Field Investigation, and Detentions – Modify FBR to include a “probation/parole” initial reason for stop field.
- 6.30.13 (12) Task 40 - Personnel Assessment System (PAS) – Purpose – Complete negotiations with Sierra or make decision to move forward to identify another contractor.

JULY 2013

- 7.1.13 Quarterly MILO training commenced.
- 7.1.13 Expand Patrol level use of force training for Officers to 20 hours per year.

- 7.1.13 (12) Task 40 - Personnel Assessment System (PAS) – Purpose – Complete revisions to IPAS (global command review and access to use of force reports. This should permit compliance with the NSA task for the short-term solution.
- 7.1.13 (12) Task 40 - Personnel Assessment System (PAS) – Purpose – Completion of electronic consolidated arrest report (ECAR) policy.
- 7.1.13 (15) Submit backlogged DNA samples to the National DNA database (CODIS). Complete implementing the procedures and protocols necessary to permit outsourcing of all backlogged unprocessed DNA kits.
- 7.1.13 (4) High Speed Pursuits – Hire SME.
- 7.1.13 (5) Task 5 Complaint procedures for IAD – Complete revision of DGO M-3.
- 7.1.13 (16) Enhance capabilities to follow up on confirmed fingerprint identifications in solving robberies/burglaries. - Complete a review of current practices/policies/requirements relating to AFIS – quality prints.
- 7.1.13 (18) Purchase and deploy modern crowd control weapons/munitions, TASERs, and additional PDRDs - Complete TASER purchases.
- 7.1.13 (18) Purchase and deploy modern crowd control weapons/munitions, TASERs, and additional PDRDs - Complete PDRD purchases.
- 7.15.13 (18) Purchase and deploy modern crowd control weapons/munitions, TASERs, and additional PDRDs - Complete update of less lethal weapons/munitions use policy.

7.31.13 (11) Task 34 - Vehicle Stops, Field Investigation, and Detentions –
Revise the RWM insert to include the above FBR change.

7.31.13 (11) Task 34 - Vehicle Stops, Field Investigation, and Detentions –
Complete a “global” analysis report covering one month of stop
data. Prepare subsequent reports as required.

AUGUST 2013

8.1.13 (13) Task 41- Use of Personnel Assessment System (PAS) - Revision
of D-17 completed.

8.1.13 (13) Task 41- Use of Personnel Assessment System (PAS) - Bureau
of Risk Management Policy and Procedure 13-01 completed.

8.1.13 (9) Task 25: - Use of Force Investigations and Report Responsibility -
Finalize new Use of Force (UOF) Policy K-3.

8.1.13 (10) Task 30: Executive Force Review Board (EFRB) - Complete review
of revision K-4.1. Implement.

8.1.13 (9) Task 25 - Use of Force Investigations and Report Responsibility - Fill
the existing UOF Coordinator position.

8.23.13 (12) Task 40 - Personnel Assessment System (PAS) – Purpose –
Complete personnel training.

8.15.13 (20) Implement sequential double-blind photo lineup procedures –
Complete program implementation.

- 8.15.13 (15) Submit backlogged DNA samples to the National DNA database (CODIS). Complete development of a listing of all "Category A" DNA evidence (sexual assault and other crimes) that warrants immediate analysis.
- 8.15.13 (15) Submit backlogged DNA samples to the National DNA database (CODIS). Work the DA's Office to immediately outsource all evidence identified in the "Category A" analysis.
- 8.30.13 (7) Task 16: Supporting IAD Process – Supervisor/Managerial Accountability - Completion of additional training regarding Departmental expectations from IAD staff.

SEPTEMBER 2013

- 9.1.13 (9) Task 25: Use of Force Investigations and Report Responsibility - Complete departmental training on new UOF policy.
- The Compliance Director's Office will work with the Monitor and OPD to set up training sessions to be held during Technical Assistance visits where the Monitor and OPD can review cases held to be out of compliance so that OPD can adjust training appropriately.
- 9.1.13 (4) High Speed Pursuits – Adopt new policy.
- 9.1.13 (7) Task 16: Supporting IAD Process – Supervisor/Managerial Accountability - OPD expects to gain compliance with this Task by the completion of the Monitor's Fourteenth Quarterly Report. PAS data and Risk Management processes currently in place should ensure supervisory accountability.

- 9.1.13 (16) Enhance capabilities to follow up on confirmed fingerprint identifications in solving robberies/burglaries - Complete update of policies/practices to insure effective use of AFIS quality prints.
- 9.1.13 (19) Develop needed training programs - Commence IAD investigators and commanders training.
- 9.1.13 (19) Develop needed training programs - Complete enhanced patrol level community policing officer/citizen interaction training.
- 9.1.13 (15) Submit backlogged DNA samples to the National DNA database (CODIS). Complete implementing the procedures and protocols necessary to permit outsourcing of all backlogged unprocessed DNA kits.
- 9.15.13 (15) Submit backlogged DNA samples to the National DNA database (CODIS). Establish the criteria for Categories "A, B, and C" of DNA evidence. Insure that these categories are consistent with the categories established by the District Attorney's Office.
- 9.15.13 (15) Submit backlogged DNA samples to the National DNA database (CODIS). Complete development of a listing of all Category "A" DNA evidence (sexual assault and other crimes) that warrants immediate analysis.
- 9.30.13 (15) Submit backlogged DNA samples to the National DNA database (CODIS). Work with the District Attorney's Office to immediately outsource all DNA evidence identified in the "Category A" analysis.

OCTOBER 2013

10.1.13 (17) Formalize a career development program of rotational assignments and temporary detail assignments - Develop draft plan for rotations as an adjunct to the existing Departmental transfer policy

10.1.13 (8) Task 24: Use of Force Reporting Policy - Complete Departmental General Order (DGO) K-4 use of force reporting requirements training for all officers.

The Office of the Compliance Director will work with OPD and the Independent Monitor to develop a clear set of Tasks approved by the Monitor necessary for OPD to gain compliance with this Task.

NOVEMBER 2013

11.1.13 (12) Task 40 - Personnel Assessment System (PAS) – Purpose - Complete RFP for new PAS database with servers and licenses.

11.1.13 (17) Formalize a career development program of rotational assignments and temporary detail assignments - Meet/confer with OPOA concerning draft policy.

11.30.13 (19) Develop needed training programs - Commence college-level leadership academy.

11.30.13 (17) Formalize a career development program of rotational assignments and temporary detail assignments - Implement revised policy.

DECEMBER 2013

12.1.13 (4) High Speed Pursuits – Complete training and implementation.

12.1.13 (5) Task 5 – Complaint procedures for IAD – Upon approval of DGO M-3, OIG to commence audit of Task 5.18.

JANUARY 2014

1.1.14 (12) Task 40 - Personnel Assessment System (PAS) – Purpose - Financing, selection, Council action, and contract negotiations for acquisition of new PAS System completed. (Based on assumption of successful negotiations with Sierra Systems.)

APRIL 2014

4.1.14 (5) Task 5 – Complaint procedures for IAD – OIG to complete audit of Task 5.18.