CITY OF OAKLAND

AGENDA REPORT

To: Office of the City Administrator
Attn: Deborah Edgerly
From: Police Department
Date: December 11, 2007

Re: **A Status Report from the Oakland Police Department on the City's Efforts to Implement the Provisions of the Negotiated Settlement Agreement Which Resulted from the Case of Delphine Allen, et al v. City of Oakland, et al, United States District Court Case No. C00-4599 (TEH)**

SUMMARY

This report summarizes the reform measures implemented by the Oakland Police Department (OPD) from April 1, 2006 through September 30, 2007, and addresses the Department's continuous efforts toward achieving compliance with the provisions of the Negotiated Settlement Agreement (NSA).

FISCAL IMPACT

The costs to the City for implementing its police reforms include several categories. Some of these costs reflect NSA reform work, while also including work related to other improvements instituted by the Department. The costs also have to be considered in relation to the cost savings, both short and long term, that have and will continue to be realized by the City in instituting improved police practices. The estimated costs in instituting the police reforms to date include the costs of outside monitoring fees; the costs of the Office of Inspector General and auditing work; the costs involved in policy review and drafting; the costs of training personnel; and the costs involved in improving the internal investigative process for use of force and police misconduct. The costs saved in instituting the police reforms are reflected in the police litigation statistics contained in the City Attorney's Council Report of October 23, 2007. This report shows that, since 2001-02, the number of claims and lawsuits filed against Oakland police officers has declined by almost 50 percent. This decline began to occur at the same time the oversight and accountability reforms detailed in the NSA began to be implemented. The Department has estimated that the cost of the NSA for the next two years to be approximately $15,081,240; included in this amount is the cost of monitor's contract.

BACKGROUND

Since January 22, 2003, the City and the Department have been working in implementing the reforms outlined in the Negotiated Settlement Agreement that arose from the civil lawsuit *Delphine Allen, et al., v. City of Oakland et al.* The goal of the NSA reforms is to transform the Department into a model agency with superior police practices. The City developed the NSA with the intent of improving the Department's operations in the areas of supervision, accountability, use of force and internal investigations. The intent behind the NSA is also to support the Department in its efforts to improve its relations with the Oakland community.

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KEY ISSUES AND IMPACTS

On March 19, 2007, the United States District Court issued an Order extending the NSA for two additional years, from January 21, 2008 until January 21, 2010. The Court extended the NSA in order to give the City the time to achieve full implementation of the reforms while recognizing that the City is now succeeding with the reforms, stating:

> "[the City is] *now succeeding and not failing in their attempts to comply with the NSA and improve the quality of policing in the City of Oakland. Under the leadership of Chief Wayne Tucker and City Administrator Deborah Edgerly, Defendants have made significant progress during the past two years and continue to work in good faith to achieve full compliance with the NSA. Based on reports the Court has received from the IMT, it also appears that the administration of Mayor Ronald Dellums is fully committed to the NSA and its reforms. However, despite Defendants' solid efforts, they have not been able to achieve in two years what they were expected to achieve in four, nor would it have been realistic to expect them to have been able to do so. It is primarily because of Defendants' late start to the reform process that the Court has concluded that a full two-year extension of the NSA is necessary.*"

The Court further ordered the City to retain the services of an independent team to continue to monitor the City's progress in achieving the NSA reforms. The City has reached a tentative agreement with Independent Assessment & Monitoring, LLP, (IMT) subject to Council approval, to extend their contract, and the item is scheduled on the Council agenda for December 18, 2007.

On January 17, 2008 the Chief of Police, City Administrator, the assigned City Attorney, appropriate City staff, and the plaintiffs' attorneys will appear in federal court for a Case Management Conference (CMC) to update Judge Thelton E. Henderson on the status of the implementation of the NSA.

The Department's work in the last 2 ½ years to implement superior practices in the areas of supervision, accountability, police intervention programs and internal force and misconduct investigations, has been intense. This high level of work must continue if the City wishes to reach acceptable compliance levels with its commitments to police reform in the next 2 years. The unwavering support of City officials and the community to true police reform will remain critical. Additional staff and resources will also be required for the Department to continue its police reforms efforts and to institutionalize these reforms.

PROJECT DESCRIPTION

The following represents the major achievements of the Department in its reform efforts.

Development of an Award-Winning Personnel Assessment System

The NSA requires the Department to develop and implement an early identification system and intervention program. The purpose of this program, known as PAS, was to identify officers and employees of the Department who exhibit at-risk behavior or substandard performance. Early identification of these behavior patterns facilitates supervisory intervention and ensures timely corrective action. Intervention is intended to prevent officers and employees from continually exhibiting poor behavior and engaging in poor performance practices that may ultimately result in Internal Affairs complaints, judgment payouts in civil litigation and ill will between the community and the Department. Through the implementation of PAS the careers of officers can be saved, police sergeants are given the information they need to better supervise their subordinates and the community as a whole is better served.

The NSA also requires the Department to employ a computerized database system to gather and consolidate performance information from various sources into one easily accessible point. Motorola was chosen to provide the Personnel Performance Evaluation Information System (EVALIS), but failed to meet delivery deadlines. To meet the requirements of the NSA in a timely manner, the Police Department, in collaboration with the City's Department of Information Technology (DIT), developed and launched i-PAS. The i-PAS gathers information on an individual officer's or employee's activities from existing data records. These data records document activity in various areas of law enforcement work, to include complaints, uses of force, arrests, awards, pursuits, vehicle collisions and others. The information is delivered to supervisors, managers and commanders through a secured intranet application known as the i-PAS SuperViewer. The i-PAS achieved development contemporaneously with the publication of the PAS policy in February 2006.

Employing the PAS process and accessing critical data via i-PAS, the PAS Administration Unit is now able to develop quarterly threshold reports that identify officers and employees who may be exhibiting at-risk behaviors, poor performance or exceptional activity. Persons identified by the PAS Activity Review Panel as meeting a threshold are subjected to a comprehensive PAS Activity Review and Report conducted by their immediate supervisor and reviewed via the chain-of-command. From this review, supervisors may recommend one of four options:

- Intervention – An area of concern exists and a specific strategy must be implemented to address the area of concern
- Supervisory Monitoring – A performance issue exists and monitoring plan is required, with timelines for evaluation,
- No Action- A threshold was met, but no at-risk behavior or deficiency was identified
- Recognition – Performance was exceptional and commendation or award is recommended

The supervisors' recommendations must be reviewed and accepted via the chain-of-command and the PAS Activity Review Panel. Once accepted, recommended actions must be taken and follow-up must be provided for intervention and supervisory monitoring. To date, the

Department has created three threshold lists and currently has fourteen (14) persons in active intervention, five (5) persons in supervisory monitoring, and has recommended six (6) persons for awards or commendations.

The i-PAS and PAS are not just technological and policy achievements. The implementation of PAS has significantly increased the culture of accountability within the Department. Supervisors, managers and commanders cannot disavow knowledge of personnel performance issues as this data is made accessible to them for each of their subordinates. With this information readily available, supervisors are better equipped to manage the performance of their subordinates, commending when appropriate and taking effective corrective action when necessary.

The i-PAS is a significant achievement for the Department. It is an award winning system, having been recognized as the only US award recipient by Project Management International with a 3rd Place Project of the Year Award for government technology solutions and by the Public Technologies Institute with an Honorable Mention in the Medium Size Public Safety and Emergency Management Agency category. The Department's efforts in personnel assessment have been recognized by other law enforcement agencies that have requested information on PAS and i-PAS in their efforts to create their own accountability systems.

Improved Investigations of Use of Force Incidents

The NSA requires the Department to adopt new policies and procedures to investigate force incidents so that the City is better equipped in detecting force trends or inappropriate force applications. Better reporting and investigation of force incidents allows the City and the Department to identify training issues, provide intervention services to officers in need, protect citizens from unnecessary uses of police force, and be able to manage risk and reduce liability.

In February 2006 the Department published the new Use of Force policies; DGO K-3, "Use of Force"; DGO K-4, "Reporting and Investigating Use of Force"; and DGO K-4.1, "Force Review Boards". Training compliance for these policies was attained in May 2006, with over 700 members and applicable professional staff being trained. The Department continues to maintain a 99% training compliance rate for all these policies and additional training is offered when necessary.

The Department has and will continue to revise its newly adopted investigative procedures to remove any redundancies and inefficiencies found in the process and assure that our procedures are attainable and sustainable and do not impact personnel's ability to do their work. The revisions were approved by the IMT and were published August 1, 2007. The revised policies save time in the field investigations and also give supervisors more discretion to determine the level of investigation to conduct, while still holding them accountable for their decisions. The command and supervisory staff are currently at a 94% training compliance and regular staff has reached an 80% training compliance.

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Implementing these policies has improved the quality and completeness of the Department's force investigations. Use of force investigation packets contain detailed information that was not previously included. This has resulted in better, more complete investigations, which provides reviewers the information needed to determine the appropriateness of force used and hold supervisors accountable for how investigations are conducted in the field. Involved and witness officers are now separated while being interviewed and completing their reports to provide an accurate account of the incident. If misconduct is discovered during the course of the use of force investigation, supervisors are required to initiate an investigation. Additionally, strides are being made to identify poor tactical decisions that occurred during the course of the incident with follow up training for the officers.

Officers and sergeants continue to improve the reporting and investigation of force incidents. Force complaints are down both in IAD and with the Citizens' Police Review Board (CPRB). Thorough investigations are conducted by IAD of all allegations of inappropriate force, revealing few in which the force was found unnecessary.

The IMT are conducting its first audit of the Use of Force Policy and Procedures and will publish their findings in an upcoming quarterly report. The Department is confident the audit will show comprehensive improvement in how the Department reports and investigates force incidents.

Improved Internal Affairs Procedures for Investigating Misconduct and Holding Personnel Accountable

The Internal Affairs Division (IAD) continues to improve the manner in which complaints are received, processed, and investigated. IAD has a staff of 30 personnel, 25 sworn members and 5 non-sworn employees. IAD staff is assigned as follows:

- 13 assigned to non-investigatory functions including: commanders, supervisors, administrative staff, Pitchess Officer (detailed description below), Technology Officer, and the Compliance Officer (detailed description on page 6);
- 10 officers assigned to investigations of complaints; and
- 7 officers assigned to intake of complaints.

IAD has successfully implemented the provisions of the NSA related to accepting, processing, and investigating complaints of misconduct. IAD has worked closely with the IMT and partnered with the Office of the City Attorney to take the steps necessary to bring IAD into compliance with the NSA and more importantly to institutionalize the reforms.

- *Pitchess Response Compliance*

The Pitchess Unit is staffed with one full time officer. A review of the Pitchess Motion[1] response process was completed and a copy of the results was provided to the IMT and Office of Inspector General (OIG) on April 16, 2007. An important part of the review process included meetings with the Public Defender's Office and the judges that hear Pitchess Motions to ensure that the OPD is providing the necessary and legally required information to the court. Representatives from the City Attorney's Office attended the meetings as well. The review identified and corrected a deficiency in the Pitchess process. Additionally, the Department created a new full time position in the Pitchess Unit to ensure compliance with the NSA and State and Federal law. The Pitchess Unit Officer, in additions to responding to Pitchess Motions and meeting with judges, reviews the complaint record on the day of the Pitchess Hearing in order to ensure all relevant cases are identified for the court. The IMT conducted an audit of the Documentation of Pitchess Responses in their Eighth Status report and found the Department to be fully compliant with this requirement.

- *IAD Compliance Unit Efforts*

The Compliance Unit is staffed with one full time officer and is responsible for handling compliance with 17 of the IAD related NSA tasks and works with the OIG, City Attorney's Office and the IMT in order to ensure that current policy complies with the requirements of the NSA. The Compliance Unit Officer also revises policy related to accepting, processing, and investigating complaints. The IAD Compliance Unit has completed work on the following publications since the last NSA Compliance Status Report:

- Training Bulletin V-T Department Discipline Policy Manual, Discipline Matrix Appendix
- DGO F-7, Driver's Licenses
- IAD Policy & Procedure 07-02, The Pitchess Manual
- IAD Policy & Procedure 07-03, The Intake Manual
- IAD Policy & Procedure 07-04, CDL Verification
- IAD Policy & Procedure 07-05, Skelly Process
- IAD Policy & Procedure 07-06, Call-Out Procedures
- IAD Policy & Procedure 07-07, Office Security
- Communications Division Policy & Procedure C-2, The IAD revised in order to better achieve compliance with the NSA related to complaint intake
- Information Bulletin, "Preliminary Complaint Investigation Procedures"

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[1] Pitchess Motions are filed by criminal defense attorneys seeking pretrial discovery related to complaints against officers involved in their clients' arrests. The process requires the City to identify investigations related to the officers listed in the Pitchess Motion and file a response which specifies those which be produced to the court for review. The Pitchess Officer, in conjunction with a City Attorney, is responsible for ensuring the City's compliance with the Pitchess Motion process.

- Information Bulletin, "IAD Notification "
- Special Order 8552, Revision to Training Bulletin V-T.1, Internal Investigations Procedures
- Special Order 8553, Revision to Department General Order M-3, Complaints Against Department Personnel and Training Bulletin V-T.1 "Internal Affairs Investigations Procedures"
- Special Order 8565, Revision to Department General Order M-3, "Complaints Against Department Personnel"

The unit also conducted periodic reviews of the Department's compliance with NSA reforms in order to identify and resolve performance deficiencies. The compliance officer is the Division's liaison to the IMT and routinely responds to requests for information or questions from the IMT.

- *Other IAD Accomplishments*

IAD made significant progress in ensuring compliance with the NSA through the development of an evolving IAD database; an increase in the standards of investigating complaints of misconduct and use of force; and the application of a more consistent and timely disciplinary process. The completion and approval of the IAD Intake Manual (IAD P&P 07-03) was a significant accomplishment this reporting period. The manual improves consistency and accountability in the intake process. On a larger scale, IAD collaborates frequently with OIG and IMT to review, revise, and develop numerous Informational Bulletins, Special Orders, Unit Policy and Procedures (P&P), and Department General Orders (DGO).

DGO M-3 (Complaints Against Departmental Personnel or Procedures), DGO M-3.1 (Informal Compliant Resolution Process), and Training Bulletins, V-T (Discipline Policy) and V-T.1 (Internal Investigation Procedures) were also revised and several stipulations to the NSA were negotiated to reflect the mutually agreed upon "best practice of the Department. A new IAD Daily Incident Log was also developed to ensure compliance with Task 5, *Complaint Procedures for IAD*, including those task requirements that were not previously being tracked and the IAD complaint line was redesigned to help ensure no calls go unanswered.

This reporting period, IAD investigators received training in the areas of Internal Affairs investigations, interview techniques, sexual harassment/discrimination investigations, retaliation allegations, and officer involved shootings.

IAD was also deemed in conditional actual practice compliance for *IAD Staffing and Resources*, and *Reviewing Findings and Disciplinary Processes*.

Accomplishments in Officer Supervision, Community Policing & Crime Fighting Efforts

The NSA required the Department to implement a number of changes to improve supervisory oversight and accountability measures. Policies and procedures have been adopted for promoting personnel who meet the requirements of the NSA. Accountability has been improved by

implementing policies and procedures that require supervisors to evaluate tactical decisions, identify training needs, and approve arrests in the field. Supervisors have received training on investigating complaints of misconduct and use of force. Field supervisors are required to conduct bi-weekly performance reviews and annual performance evaluations of subordinates. The span of control has been reduced to 1:8 which allows supervisors to focus their attention.

Administrative investigations of force and misconduct are carefully tracked, monitored and reviewed at several levels to ensure timely completion, thoroughness, and compliance with policy. Moreover, force and misconduct investigations are closely examined to review the circumstances around the incident to identify any training or policy concerns involving the involved officer and his or her supervisor or commander. Administrative investigations now have a much broader view, allowing the Department to identify and address problems at every level of the organization.

In i-PAS, Field supervisors have a powerful tool to aid them in identifying high performers as well as those who may need intervention to avoid career ending incidents. It provides readily available performance information to supervisors to assist them in their role and holds them accountable by removing possibility of not knowing about poor performance or at-risk behavior by their subordinates.

Department personnel know that a cultural shift has occurred and that they will be held accountable for their actions or neglect of duty. Identification of personnel not meeting our standards and implementation of plans to address the specific issue are expected. PAS Threshold reports are produced as a check to reinforce supervisory and managerial accountability. Personnel know what is expected of them and the standard is high if we are to be a model police agency.

- *Model Community Policing Programs*

The City Council has an established policy on Community Policing and the NSA advances that policy by requiring the Department to develop and implement a plan to strengthen its commitment to and relationships with local communities. This is a continuing process as the Department continues to establish and strengthen its community relations. Personnel from the Department's Bureau of Field Operations attend quarterly meetings with community members at local Neighborhood Crime Prevention Council (NCPC) meetings. These interactions provide not only a venue for residents to get information from the Department, but also help in identifying criminal and quality of life issues that are affecting the community. Staffing shortages continue to affect the Department's ability to fully realize the City's vision of community policing, but the Department remains committed to sustaining and expanding its community partnerships.

- *Problem Solving Officer Program*

The Problem Solving Officers (PSOs) continue to be the backbone of the Department's community policing efforts. PSOs deploy daily into all areas of Oakland to work with community members on projects they have deemed important in their respective neighborhoods.

PSOs have been trained to use the SARA (Scanning, Analysis, Response and Assessment) model of problem solving which has in many instances proven effective. The successful projects are later presented to other officers as well as the command staff during the bi-weekly "Crime Stop" meetings. The staff level in this program continues to increase, with the goal of reaching 57 full time community policing officers. Currently, 37 officer positions have been filled with hard working and dedicated officers. Also five (5) experienced sergeants are assigned as supervisors.

- *Community Outreach*

The Department recognizes it cannot address the crime situation facing Oakland without the assistance of Oakland residents. Therefore the Department has invested heavily in the area of outreach, especially to local youths. In 2007, OPD co-sponsored block parties with Youth Uprising and job fairs with the Youth
Employment Program in East and West Oakland to improve relationships with this segment of the community. Recognizing the power of the music culture and its influence on the youth in the community, the Department collaborated with several local rappers including "Too Short" to hold direct and productive conversations on how OPD can collaborate to better influence the community. Monthly meetings are being held and the Department will partner on several events planned for early next year.

- *Prosecuting and Charging Repeat Offenders*

Collaboration is an essential element of community policing. The residents of Police Service Area (PSA) 5 expressed frustration with criminal control of their neighborhoods. PSA Lieutenant Sharon Williams met with the community and showed them that the Department was making arrests, but the criminals were often released with little or no jail time. Lt. Williams also brought this to the attention of Alameda County Assistant District Attorney Tom Rogers. Mr. Rogers explained to the community that the courts were short on judges to try these cases. With the assistance of the Neighborhood Service Coordinators, hundreds of letters were submitted by residents to Governor Schwarzenegger's Office explaining the local crime problem and the need for more judges. As a result of this collaborative effort, two new judges were assigned to Alameda County October of this year.

It is also understood the District Attorney's Office cannot prosecute the high number of minor criminal offenses committed in Oakland because of lack of resources, and this reality frustrates community policing efforts because these repeated criminal violations continue to reoccur in several communities and often by the same perpetrators. This constant criminal element affects the quality of life of Oakland residents and destroys the peace and tranquility of our neighborhoods. The Department, in partnership with the City Attorney's Office and with the support of the Mayor's Office, achieved an agreement with the District Attorney's Office to create a Quality of Life Misdemeanor Prosecution Program in the City whereby city attorneys would be authorized to prosecute misdemeanor offenses in connection with community policing projects. The Department is prepared to start this Program once its funding and implementation are approved by the City.

- *Commitment*

The Department communicated clear expectations to its personnel that community policing is a philosophy to which it is committed. Patrol Squads and investigators have been working closely with PSOs on different projects to reduce crime and to improve the quality of life for our residents. Commanders are questioned during the "Crime Stop" meetings regarding their Patrol Squads' projects. This focus on teamwork and accountability demonstrates the Department's continuing commitment to community policing.

In early 2008, the Department will be moving to a geographic model of policing and move away from the "Watch" system. Three Captains will oversee the three Areas of Oakland. Each will have resources, including patrol officers, crime reduction teams, and problem solving officers to deploy to reduce crime and to address quality of life issues. The goal of this model is to improve community policing by increasing geographical accountability, 24 hours a day, 7 days a week.

- *Camcorders Compliance*

The NSA required the Department to explore the use and cost-effectiveness of camcorders in police vehicles. In addition to being a crime fighting tool, the Department found that use of an in-car video system would improve accountability to the citizens and community, reduce the number of complaints against officers and reduce liability due to civil lawsuits. The Public Safety Committee approved the Department's request to install 80 cameras police vehicles. Currently, six vehicles are outfitted with in-car video as part of an ongoing phase. The remaining cameras are scheduled to be installed and fully functional in vehicles by early 2008.

Achievements of the Office of Inspector General (OIG)

The OIG is charged with the responsibility to oversee the reform work of the Department and to provide support and guidance to relevant personnel. The OIG is also responsible for conducting independent audits and reviews of the Department's practices and procedures and assesses whether the NSA goals and objectives are reachable and sustainable. OIG's oversight of the Department's reform work and its independent analysis assures the Department is building its own internal capacity to monitor itself in the future.

- *Management Assessment Program*

OIG has developed a comprehensive plan designed to meet the Department's goal of compliance with the NSA. This plan requires OIG to work with personnel from various units of OPD who work as Compliance Assessors. OIG meets regularly with 22 Compliance Assessors to review their monthly reports and develop solutions to challenges identified and which might prevent the Department from succeeding in its reform efforts. OIG also meets with Bureau Commanders when necessary to implement these solutions.

Managerial Assessment Program (MAP) meetings are biweekly assemblies in which the Department's reform work is discussed and supported. These OIG meetings are regularly attended by the Chief of Police, the command staff, the OIG staff, the Compliance Assessors, the police attorneys, the Independent Monitors, and other entities such as the Citizens Police Review Board. The Honorable Judge Thelton Henderson was a guest at one of the MAP meetings in which the Judge expressed his support and appreciation for the work of the Department. City Administrator Deborah Edgerly also attends some of these meetings. These meetings provide an opportunity to reinforce the importance of the police reforms to the organization. The city's attorneys also provide legal updates and answer questions respecting liability issues and litigation trends in police cases. Managerial accountability continues to be the central focus of these meetings, along with identifying deficiencies and developing measures to counter them. At these meetings the compliance assessors also discuss compliance issues.

- *Establishment of Better Monitoring Standards*

OIG continues to conduct independent audits and inspections relevant to the Department's work in complying with the NSA. With the assistance of legal counsel and the intervention of the Court, this year OIG was able to negotiate better monitoring standards, methodologies and audit protocols with the IMT. This work was necessary to assure the compliance levels and standards remain fair and reasonable and the reform objectives of the NSA are reachable and sustainable. . The negotiations resulted in the establishment of more achievable standards, clarified review protocols, more formal auditing procedures with entrance and exit interviews, and improved methodologies which more fairly reflect the Department's true reform efforts.

- *Audits and Inspections*

OIG conducted five audits and seven reviews during this reporting period on: Management Level Liaison Audit; Mobile Data Terminal Traffic Audit; Performance Appraisals Audit; Investigations of Allegations of Manual of Rules Violations Resulting from Lawsuits and Legal Claims Audit; Community Policing Audit; Academy and In-Service Training Review; Use of Force Review; Complaint Procedures for IAD Review; Classifications of Citizen Complaints Review; and Contact of Citizen Complainants Review.

OIG's combined Seventh Semi-Annual Report in July 2006 showed significant progress by the Department towards reaching NSA compliance. The report is published on the OPD website: http//www.oaklandpolice.com, click on the Settlement Agreement icon.

- *Strategic Plan*

Under the direction of the Chief, the OIG prepared the Department's three year Strategic Plan. The Strategic Plan was created to focus Department efforts in becoming a high-achieving organization. The Strategic Plan will be presented to commanders and managers at an upcoming Command Retreat. The Plan directs commanders and managers to meet in focus groups, conduct interviews, and work with staff to identify our common purpose. In this respect, the Strategic

Plan amplifies the Department's mission and represents the Department's guiding document for achieving this work during the period of August 2007 through July 2010. Department personnel are required to refer to the Strategic Plan as appropriate when making decisions concerning staffing and resource allocation. The plan focuses on four strategic directions that will serve as the pillars of the plan:

1) Reduce Crime and the Fear of Crime
2) Improve Accountability and Achieve Organizational Excellence
3) Develop and Implement a Master Plan for Technology
4) Achieve Fiscal Responsibility

With the support of City leaders and the Oakland community, the Department will succeed in reaching the goals of the Strategic Plan.

- *Status of NSA Compliance*

There are a total of 51 NSA tasks the Department is required to track. There are three stages to the compliance process: Policy Compliance, Training Compliance, and Actual Practice Compliance. All tracked tasks required the development of a policy or directive to reflect the requirements of the task; these policies were then approved by the IMT prior to publication. All 51 of the tracked tasks have attained the step of Policy Compliance. Within the 51 tracked tasks, 44 require training of at least 95% of the relevant personnel to achieve training compliance. The Department has achieved Training Compliance with all 44 of the tasks that require this step. The final stage is Actual Practice Compliance, where the IMT evaluates how well the Department is following its approved policies. The Department has been deemed in full actual practice compliance with 14 of the 51 tracked tasks and in partial practice compliance with 17 others. An additional, 10 tracked tasks are awaiting their first assessment by the IMT.

Since the last informational report, OPD has increased policy compliance by 5 tasks, training compliance by 18 tasks, and actual practice compliance by 6 tasks.

Table 1

Compliance Progress Summary

TASK STATUS	NUMBER OF TASKS
Tasks in Policy Compliance	51 of 51
Tasks in Training Compliance	44 of 44
Tasks in Actual Practice Compliance	14 of 51

In November 2006, the IMT deemed the Department in actual practice compliance with Task 1, *IAD Staffing and Resources*. The IMT found that the training and qualifications of IAD staff are

provided for in accordance with the IAD Manual and office security was appropriate for maintaining confidential information. The IMT also deemed the Department in actual practice compliance with Task 15, *Review Findings and Disciplinary Recommendations*. The review process by the chain-of–command for this task, and disciplinary recommendations made by the Disciplinary Officer, was found consistent with General Order M-3 and the stipulated language to the NSA that was approved this current reporting period. The IMT also re-audited Task 51, *Compliance Audits and Integrity Tests*, which remained in actual practice compliance.

In June 2007, the IMT deemed the Department in conditional practice compliance with Task 18, *Arrest Approval and Report Review* (one requirement has yet to be assessed), and actual practice compliance with Task 22, *Management Level Liaison*.

To date, the IMT has found the Department in partial compliance with the following tasks:

- Task 2, *Timeliness Standards and Compliance with IAD Investigations;*
- Task 3, *IAD Integrity Test;*
- Task 4, *Complaint Control System for IAD and Informal Complaint Resolution Process;*
- Task 7, *Methods for Receiving Complaints;*
- Task 8, *Classifications of Citizen Complaints;*
- Task 11, *Summary of Citizen Complaints Provided to OPD Personnel;*
- Task 21, *Members', Employees' and Supervisors' Performance Reviews;*
- Task 27, *Oleoresin Capsicum Log and Checkout Procedures;*
- Task 33, *Reporting Misconduct;*
- Task 34, *Vehicle Stops, Field Investigation and Detentions;*
- Task 36, *Transporting Detainees and Citizens;*
- Task 42, *Field Training Program;*
- Task 44, *Performance Appraisal Policy;*
- Task 45, *Consistency of Discipline;*

- Task 46, *Promotional Consideration;*
- Task 47, *Community Policing Plan* and;
- Task 48, *Departmental Management and Annual Management Report.*

NOTE: 10 of these tasks were found in partial compliance during this reporting period alone, showing the Department's significant progress with fulfilling its reform obligations.

- *Commission on Accreditation of Law Enforcement Agencies*

The Police Department and the City Attorney's Office have partnered to begin an evaluation of the benefits associated with the Police Department obtaining national accreditation from the Commission on Accreditation of Law Enforcement Agencies (CALEA). CALEA was

established by the International Association of Chiefs of Police (IACP), the National Organization of Black Law Enforcement Executives (NOBLE), the National Sheriffs' Association, and the Police Executive Research Forum (PERF) to advance the adoption of excellent national practices in the law enforcement profession, and to develop and administer a process for recognizing such excellence. Accreditation is earned only after an agency is approved through an independent assessment of the agency's compliance with CALEA standards and a subsequent appraisal by the Commission's Agency Review Committee. CALEA standards are consistent with those of the California Peace Officer Standards and Training. The benefits of becoming an accredited agency include: offering greater accountability within the agency; liability reduction and a stronger defense against civil lawsuits; support from government officials; and increased community advocacy. CALEA provides a proven and effective management model for professional police agencies.

Two annuitants (a captain and a sergeant) have been hired to further the Department's work in obtaining CALEA accreditation and the Department's legal counsel will work to support this goal of the Department.

SUSTAINABLE OPPORTUNITIES

Economic: Effective implementation of the provisions of the Agreement will help reduce or prevent the incidence of litigation in the areas of use of force, civil rights, conduct, and other activities that expose the City to liability costs and judgment pay-outs. Large payouts result in less than favorable media portrayals of the City, elicit adverse public reactions, and have a negative impact on the City's economy.

Environmental: No environmental opportunities are contained in this report.

Social Equity: The purpose of the Agreement is 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.
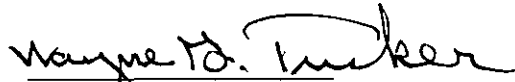
The overall objective of the Negotiated Settlement Agreement (with the oversight of an outside monitoring body) is to provide expeditious implementation of the best available practices and procedures for police management. Areas included are supervision, training, and accountability, which will enhance the ability of the Oakland Police Department to protect the lives, rights, dignity, and property of the community it serves.

RECOMMENDATION / ACTION REQUESTED OF THE COUNCIL

Staff recommends acceptance of this informational report.

Respectfully submitted,

Wayne G. Tucker
Chief of Police

Prepared by: Lt. Demetrio Lozares, and
Ms. Andrea Van Peteghem
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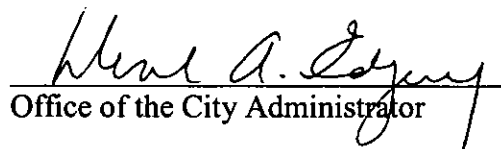Contributors:
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APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:

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