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**CITY OF OAKLAND**  
**AGENDA REPORT**

2010 NOV -4 PM 3:58  
Office of the City Administrator

**Attn:** Dan Lindheim  
**From:** Police Department  
**Date:** November 16, 2010

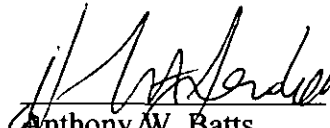
**Re: Monthly Informational Report from the Oakland Police Department on the Status of the City's Efforts to Continue to Implement Police Practices Consistent with Law Enforcement Industry Standards, as Required by the Honorable Judge Thelton Henderson in the Case of *Delphine Allen, et al. v. City of Oakland, et al.***

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As requested by the Public Safety Committee, the attached information reflects the Department's efforts (since the last report on October 26, 2010) to implement police practices consistent with law enforcement industry standards as required by Judge Thelton Henderson in the case of *Delphine Allen, et al, v. City of Oakland.*

The next report will be presented in December 2010.

Respectfully submitted,

  
Anthony W. Batts  
Chief of Police

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

  
\_\_\_\_\_  
Office of the City Administrator

Prepared by:  
Ms. Kristin Burgess  
Office of Inspector General  
Office of Chief of Police

Item: \_\_\_\_\_  
Public Safety Comte.  
November 16, 2010

## Negotiated Settlement Agreement Update

The Independent Monitoring Team (IMT) submitted its draft *Third Quarterly Report* on October 8, 2010. Of the 22 MOU tasks that are actively monitored, the Team found the Department in compliance with 10 tasks, in partial compliance with seven tasks and not in compliance with three tasks; they deferred compliance findings for two tasks. The number of tasks in full compliance was reduced by one during the third quarter reporting period.

The Department gained full compliance with Task 25 (Use of Force Investigations and Report Responsibility), fell out of compliance with Task 40 (Personnel Assessment System – PAS), and moved from full compliance to partial compliance with Task 45 (Consistency of Discipline). Task 40 fell out of compliance as a result of failure to enter arrest data over a period of time and delays in data entry for other required fields. Task 45 moved into partial compliance as a result of the date of discipline not being listed in the database on three sustained IAD cases. The IMT deferred compliance for Task 34 (Vehicle Stops, Field Investigations and Detentions) because new policies and procedures to ensure better compliance were implemented in June, which was the end of the reporting period.

The IMT expressed concerns in three major areas: technology, attention to detail, and risk management. The Team stated that continued success requires fixing an uncoordinated system of databases that are sometimes maintained by untrained staff throughout the Department. The Team still has concerns about attention to detail in some areas, specifically Department discipline and PAS reviews, but noted that other areas have improved. Finally, there is concern that the Department is not fully embracing the concept of risk management through its Personnel Assessment System.

The third quarterly reporting period was April – June 2010. At the May 4, 2010 Case Management Conference with Judge Henderson, the Chief promised to add a lieutenant to the Office of Inspector General (OIG) to assist with compliance. In May, a lieutenant was loaned to OIG and compliance efforts across the Department increased substantially. Throughout the Department, a greater emphasis was placed on audits and reviews, and closely monitored tracking systems were put into place. The Department has made significant progress since June; however, since these efforts began in the middle of the third reporting period, the successes will not be reflected until the fourth quarter report is published.

Since the last report to the Public Safety Committee on October 26, 2010, the following steps have been taken:

### **Internal Affairs, Training and, Discipline (Assistant Chief Howard Jordan)**

- The Internal Affairs Division initiated a review of IA investigation timelines to ensure the Department is maintaining compliance. The review found a high level of compliance.

- The Office of Inspector General conducted a review of IA investigations and found that credibility assessments needed improvement. As a result, additional training on credibility assessments has been provided.
- Integrity tests have been conducted.
- The Training Section conducted an audit of training requirements, resulting in increased training compliance.
- The Department's new discipline policy is currently being beta-tested.

#### **Use of Force and Supervisory Control (Deputy Chief Eric Breshears)**

- Tracking mechanisms have been developed to ensure that use of force reports and use of force boards are completed in a timely manner.
- The Bureau of Field Operations conducted a review of daily details, resulting in the correction of how they are approved and finalized.

#### **Stop Data and Personnel Assessment System (Deputy Chief Jeff Israel)**

- The Department continues to conduct audits of Stop Data collection with compliance rates above 95%.
- The Department is working on training supervisors to perform more meaningful analysis of their subordinates, so that at-risk behaviors can be corrected.
- New thresholds have been developed for the Personnel Assessment System to ensure that the appropriate members are being identified as needing supervisory monitoring.

The Chief and his command staff continue to reinforce the importance of the reform efforts and are holding subordinates accountable for failures to comply with policy and directives. The Department is moving forward in achieving compliance with the MOU and, just as importantly, maintaining compliance with the inactive Negotiated Settlement Agreement tasks and Department policies.