

NSA TASKS AND SUBTASKS WITH IMT COMPLIANCE FINDINGS

Task	Title	Compliance Criteria	Compliance Yes/ No
1	IAD Staffing and Resources	<p>1.1 IAD assignments are made in accordance with the IAD manual</p> <p>1.2 IAD rotations are in accordance with the IAD manual</p> <p>1.3 Training and qualifications of members and other personnel in IAD are consistent with the IAD manual</p> <p>1.4 Confidential information is maintained in accordance with the IAD Manual</p>	Yes
2	Timeliness Standards and Compliance with IAD Investigations	<p>2.1 Internal Investigations (IAD and Division level), administrative findings, and recommended discipline are completed in compliance with the timeliness standards developed by OPD.</p> <p>2.1.1 IAD and OPD command staff regularly monitor compliance with these timeliness standards.</p> <p>2.1.2 If IAD experiences an unusual proliferation of cases and/or workload, IAD staffing is increased to maintain timeliness standards</p>	Yes
3	IAD Integrity Tests	<p>3.1 IAD conducts integrity tests in situations where members/employees are the subject of repeated allegations of misconduct.</p> <p>3.2 IAD's integrity tests are conducted in accordance with the frequency standards and other parameters IAD has established</p>	Yes
4	Complaint Control System for IAD	<p>4.1 OPD has an informal complaint resolution process that can be used to resolve allegations of Class II misconduct.</p> <p>4.2 Informal complaints document: the receipt of the complaint, date, time, location, name of the person making the complaint, how the matter was resolved, and that the person making the complaint was advised of the formal complaint process.</p> <p>4.3 This documentation is forwarded to IAD for review.</p>	Yes

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		<p>4.4 If the informal complaint process fails to resolve the complaint process, or the person making the complaint still wishes to make a formal complaint, the person receiving the complaint initiates the formal complaint process in accordance with Settlement Agreement Section III.E. (Complaint Procedures for IAD)</p> <p>4.5 OPD personnel do not unduly influence persons making a complaint to consent to the informal complaint resolution process.</p> <p>4.6 IAD has a central control system for complaints and Departmental requests to open investigations.</p> <p>4.7 Every complaint received by any supervisor or commander is reported to IAD on the day of receipt. If IAD is not available, IAD is contacted at the start of the next business day.</p> <p>4.8 Each complaint is assigned an IA case number and is entered into a complaint database with identifying information about the complaint.</p> <p>4.9 OPD personnel notify IAD and the Chief of Police, or designee, as soon as practicable, in cases likely to generate unusual interest.</p> <p>4.10 OPD establishes and complies with criteria that must be met prior to moving any investigation in the complaint database from “open” to “closed.”</p>	
5	Complaint Procedures for IAD	<p>5.1 OPD personnel who become aware that a citizen wishes to file a complaint will bring such citizen immediately, or as soon as circumstances permit, to a supervisor or IAD, or summon a supervisor to the scene.</p> <p>5.2 If there is a delay of greater than three hours, the reason for such delay is documented by the person receiving the complaint.</p> <p>5.3 In the event a complainant refuses to travel to a supervisor or wait for one, the member/employee involved makes all reasonable attempts to obtain identification,</p>	No

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	<p>including address and phone number, as well as a description of the allegedly wrongful conduct and offending personnel, from the complainant and any witnesses.</p> <p>5.4 The information listed above and a description of the complaint is immediately, or as soon as circumstances permit, provided in writing to the unit commander, or in his/her absence, to the Watch Commander</p> <p>5.5 The unit commander/Watch commander receiving the information treats it as a complaint and ensures that IAD is notified.</p> <p>5.6 Oakland City Jail inmates whose complaints are not resolved by the informal complaint resolution process have the opportunity to file a complaint against any member/employee of OPD, including the arresting officer.</p> <p>5.7 Complaint forms are available at the Jail on a 24-hour basis.</p> <p>5.8 Any inmate requesting a complaint form is given a copy of the form immediately, or as soon as circumstances permit.</p> <p>5.9 If the delay in providing a complaint form to an inmate is greater than three hours, the reason for the delay is documented by the person delivering the form.</p> <p>5.10 The jail complaint form is printed on three-part carbonless paper with three parts completed and distributed in accordance with the Settlement Agreement, section III.E</p> <p>5.11 The jail shift supervisor calls IAD with the complaint information and then sends the original form to IAD. The phone call to IAD is documented on the form by the shift supervisor.</p> <p>5.12 The Jail Commander ensures that the complaint is delivered to and logged with IAD.</p> <p>5.13 A copy of the complaint is given to the inmate making the complaint.</p>	
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		<p>5.14 OPD personnel who become aware that an inmate wishes to file a complaint inform the inmate about the complaint process and provide the inmate with a complaint form.</p> <p>5.15 In every complaint investigation, OPD considers all relevant evidence, including circumstantial, direct, and physical evidence, and makes credibility determinations, if feasible</p> <p>5.16 OPD makes efforts to resolve, by physical evidence, and/or use of follow-up interviews and other objective indicators, inconsistent statements among witnesses.</p> <p>5.17 OPD permanently retains notes generated and/or received by OPD personnel in the case file in accordance with OPD policy.</p> <p>5.18 OPD resolves each allegation in a complaint investigation using the preponderance of the evidence standard</p> <p>5.19 Each allegation of a complaint is resolved by making one of the following dispositions: Unfounded, Sustained, Exonerated, Not Sustained, or Filed, as defined in the Settlement Agreement, section III.E</p> <p>5.20 All “filed” cases are reviewed quarterly by the IAD Commander or his/her designee, to determine whether the conditions that prevented investigation and final disposition have changed.</p> <p>5.21 Any member or employee who is a subject of an internal investigation, as well as any other member or employee on the scene of an incident at which misconduct has been alleged by a complainant, is interviewed.</p>	
6	Refusal to Accept or Refer a Citizen Complaint	6.1 OPD members/employees who refuse to accept a citizen complaint, fail to refer a citizen to IAD (when the citizen can be reasonably understood to want to make a citizen’s complaint), discourage a person from filing a complaint, and/or knowingly provide false, inaccurate, or incomplete information about IAD, are disciplined	Yes

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7	Methods for Receiving Citizen Complaints	<p>7.1 OPD establishes a recordable, toll-free complaint hotline. The hotline is staffed by OPD personnel and advises that the call is being recorded.</p> <p>7.2 Guidelines for filing a citizen's complaint are prominently posted, and informational brochures are made available in key Departmental and municipal locations.</p> <p>7.3 OPD accepts anonymous complaints and investigates them to the extent reasonably possible to determine whether the allegation can be resolved. To the extent possible, OPD asks anonymous complainants for corroborating evidence.</p> <p>7.4 OPD personnel have available complaint forms and informational brochures on the complaint process in their vehicles at all times while on duty.</p> <p>7.5 OPD members/employees distribute complaint forms and informational brochures when a citizen wishes to make a complaint, and upon request.</p> <p>7.6 IAD is located in a dedicated facility removed from the Police Administration Building</p> <p>7.7 Complaint forms and informational brochures are translated consistently with City policy.</p> <p>7.8 Complaint forms are processed in accordance with the controlling state law</p>	Yes
8	Classifications of Receiving Citizen Complaints	<p>8.1 Misconduct complaints are categorized according to "Class I" or "Class II" offenses.</p> <p>8.2 Class I offenses are the most serious allegations of misconduct, which, if proven, might serve as the basis for a criminal prosecution and/or for dismissal from OPD.</p> <p>8.3 Class I offenses include: use of excessive force; fabrication of evidence, including the planting of inculpatory evidence; untruthfulness; knowingly and intentionally filing a false police report; insubordination; commission of a felony or serious misdemeanor; exhibition of bias or harassment, actions of a retaliatory nature, or failure to take reasonable steps to prevent retaliation; solicitation or acceptance of gifts or gratuities; willful false arrest, made knowingly without probable cause; failing to report others who commit any Class I offense</p>	Yes

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		<p>8.4 Unless otherwise directed by the Chief of Police, Class I offenses are investigated by IAD investigators.</p> <p>8.5 Statements and interviews in Class I investigations are tape recorded, but not transcribed except at the request of the subject member/employee, complainant, command staff, Monitor, or the OIG</p> <p>8.6 Class II offenses include misconduct situations, such as rudeness, use of obscenities, lack of attention, timeliness of response, or other performance deficiencies.</p> <p>8.7 Class II investigations are conducted by the appropriate supervisor or manager, unless otherwise directed by the Chief of Police.</p> <p>8.8 Statements and interviews from OPD personnel in Class II investigations are tape recorded but not transcribed except at the request of the subject member/employee, complainant, command staff, Monitor, or the OIG.</p> <p>8.9 When a unit commander or the assigned investigator encounters a Class I violation during a Class II, division-level investigation, he/she contacts the IAD Commander. The IAD Commander consults with the Chief of Police to determine whether the investigation shall be forwarded to IAD or remain in the unit in which the Class II violation was originally assigned.</p>	
9	Contact of Citizen Complainant	9.1 Citizen complainants are contacted as soon as possible by IAD or the investigator assigned to the investigation to determine the nature, scope, and severity of the complaint, as well as to identify potential witnesses and/or evidence as quickly as possible	Yes
10	Internal Affairs Divisions (As of Aug 2024, Internal Affairs Bureau)	<p>10.1 With the exception of subparagraphs G,H,I, J, K,M,N and as otherwise set forth below, within 616 days from the effective date of this Agreement, the Chief of Police shall revise Departmental policy and procedures and develop a manual for conducting complaint investigations.</p> <p>10.2 Training shall be provided to ensure that all personnel have received, understand, and comply with new and revised Departmental policies and procedures.</p>	Yes- Completed and no longer being assessed.
11	Summary of Citizen	11.1 Investigators provide members/employees with a brief synopsis of any complaint alleged against them, but do not allow the member/employee to read the complaint itself or	Yes

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	Complaints Provided to OPD Personnel	<p>to review citizen or other witness statements prior to the member/employee's interview.</p> <p>11.2 Such synopses are preserved within the investigation file.</p> <p>11.3 When notifying a member/employee that a complaint has been filed against him or her, IAD also notifies the subject's immediate supervisor and commander.</p> <p>11.4 Upon completion of the IAD investigation and issuance of a final report by IAD, the subject member/employee has access to the underlying data on which the report is based, including all tape-recorded interviews, transcripts, and investigators' notes</p>	
12	Disclosure of Possible Investigator Bias	<p>12.1 Investigators (IAD and division) disclose relationships which might lead to a perception of bias regarding the subject(s) of any investigation, including relationships such as family relationships, outside business relationships, romantic relationships, close work or personal friendships.</p> <p>12.2 Where it is clear that the nature of the relationship could be perceived to compromise the investigative process, the involved investigator(s) recuse him/herself from the investigation.</p> <p>12.3 In more ambiguous situations, the investigator(s) involved make full disclosure, in writing, to his/her supervisor.</p> <p>12.4 In the case of a Class I investigation, the supervisor, being informed in writing, makes a recommendation to IAD or, in the case of a division-level investigation, the unit commander. The IAD, unit commander, or as appropriate, his/her superior, replaces the investigator.</p>	Yes
13	Documentation of Pitchess Responses	13.1 OPD implements an additional check on responses to Pitchess discovery motion responses.	Yes
14	Investigation of Allegations of Manual of Rules Violations Resulting from	<p>14.1 OPD investigates allegations of MOR violations resulting from lawsuits involving misconduct and legal claims, and/or tort claims involving Class I and Class II violations, treating them in the same manner as other citizens' complaints.</p> <p>14.2 The litigation and IA process are handled separately to avoid either process being</p>	Yes

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	Lawsuits and Legal Claims	unnecessarily compromised.  14.3 Personnel investigations are not delayed in any manner because the underlying incident has resulted in litigation.	
15	Reviewing Findings and Disciplinary Recommendations	15.1 Except upon written authorization from the Chief of Police, the operational chain of command, from lieutenant up, reviews recommended findings and makes disciplinary recommendations in sustained internal investigations.	Yes
16	Supporting IAD Process-Supervisor/Managerial Accountability	16.1 Supervisors and commanders, as well as other managers in the chain of command, are held accountable for supporting the IAD process.  16.2 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.	Yes
17	Audit, Review and Evaluation of IAD (IAB) Functions	Covered by Task 51.	Yes – Assessed under task 51.
18	Approval of Field-Arrest by Supervisor	18.1 Supervisors respond to the scene of, at least, the following categories of arrests, unless community unrest or other conditions at the scene make this impractical: all felonies; all drug offenses (a marijuana arrest requires supervisory approval only where the subject is taken into custody for that offense); where there is an investigated use of force; and Penal Code §§69, 148, 243 (b)(c).  18.2 Supervisors responding to the above category of arrests review the arrest documentation to determine whether probable cause for the arrest, or reasonable suspicion for the stop, is articulated, to ensure that available witnesses are identified, to approve or disapprove the arrest in the field, and to log the time of the contact.	Yes
19	Unity of Command	19.1 With rare exceptions, justified on a case-by-case basis, each member or employee of the Department has a single, clearly identified supervisor or manager.	Yes



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		19.2 In general, sergeants supervising patrol squads; CRT; PAC and FWU work the same schedule and have the same days off as the individuals they supervise.	
20	Span of Control for Supervisors	<p>20.1 Sufficient sergeants are assigned to BFO to permit one primary sergeant for every eight officers under normal conditions.</p> <p>20.2 BFO Officers, except PSOs, have a primary sergeant. PSOs are comparably supervised by a primary Lieutenant.</p> <p>20.3 Sergeants' span of control generally does not exceed 1:8 (including patrol; CRT; PAC; fugitive/warrant team).</p> <p>20.4 When primary supervisor is absent, Watch Commander makes determination, based on policy and operational needs, whether to backfill.</p> <p>20.5 Span of control for special operations requiring more than eight members is determined by Watch Commander and is reasonable.</p> <p>20.6 Decision to loan or transfer supervisor from another unit for long-term backfill is made by Chief of Police and/or Deputy Chief of Police.</p>	Yes
21	Members', Employees' and Supervisors' Performance Review	<p>21.1 Every OPD commander/manager meets at least twice per year with each of his/her members, employees and supervisors, to coach them regarding their strengths and weaknesses, and documents these meetings.</p> <p>21.2 Supervisors meet individually with members and employees at least twice per month for informal performance reviews and maintain records of these reviews.</p> <p>21.3 Commanders/managers meet promptly with affected subordinates regarding complaints or commendations received.</p> <p>21.4 If a member, employee or supervisor exhibits a performance problem, his/her commander/manager meets with him/her in accordance with the provision of Section VII, paragraph B (7)-(8), of the Settlement Agreement.</p>	Yes

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		<p>21.5 Supervisors and commanders/managers identify patterns of improper behavior of their subordinates.</p> <p>21.6 BFO sergeants and lieutenants scrutinize arrests and uses of force, including arrests for very small amounts of drugs; arrests pursuant to searches with no underlying offense leading to the search, and Penal Code §§69, 148 and 243(b)(c) arrests with no underlying offense, to identify any indications of misconduct.</p> <p>21.7 Supervisors or commanders/managers who knew or should have known of patterns of misconduct and failed to identify them are disciplined.</p>	
22	OPD/DA Liaison Commander	<p>22.1 There is a management-level liaison (MLL) to the courts; District Attorney's Office; and the Public Defender's Office</p> <p>22.2 Cases that are lost or dropped due to bad reports, defective search warrants, granted motions to suppress, contradictory evidence or testimony, or any other indication of performance problems or misconduct; are tracked.</p> <p>22.4 The MLL is meeting and cooperating with the IMT.</p> <p>22.5 The District Attorney's Office and Public Defender's Office attend meetings as they deem appropriate.</p>	Yes
23	Command Staff Rotation	The Chief of Police regularly rotates Departmental command staff consistent with best practices in law enforcement agency management, based upon the Department's immediate needs and best interests, including: special skills needed for an assignment; career development; and increasing Departmental efficiency and effectiveness.	Yes
24	Use of Force Reporting Policy	<p>24.1 Members/employees notify their supervisor as soon as practicable following any investigation of use of force or allegation of excessive use of force.</p> <p>24.2 Every OPD member/employee who uses force or draws and intentionally points a firearm at another person documents all uses of force and drawing and pointing of firearms on the appropriate form.</p>	Yes

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		<p>24.3 In every investigated use of force incident, every member/employee on the scene of the incident at the time the force was used, reports all uses of force on the appropriate form, unless otherwise directed by the investigating supervisor.</p> <p>24.4 OPD personnel document, on the appropriate form, every use of force and/or the drawing and intentional pointing of a firearm at another person</p> <p>24.5 A supervisor responds to the scene upon notification of an investigated use of force or an allegation of excessive use of force, unless community unrest or other conditions makes such response impracticable.</p> <p>24.6 Following every use of lethal force resulting in death or injury likely to result in death OPD notifies the Alameda County District Attorney's Office immediately or as soon as circumstances permit.</p> <p>24.7 Following every use of lethal force resulting in death or injury likely to result in death OPD notifies the City Attorney's Office as soon as circumstances permit.</p> <p>24.8 At the discretion of the City Attorney's Office, a Deputy City Attorney responds to the scene. The Deputy City Attorney serves only in an advisory capacity and communicates only with the incident commander or his/her designee.</p> <p>24.9 Following every officer-involved shooting (as specified in the OIS policy to be developed), OPD notifies Homicide and Internal Affairs. Investigators.</p> <p>24.10 OPD enters use of force data into PIMS.</p>	
25	Use of Force Investigation and Report Responsibilities	<p>25.1 For every investigated use of force, an on-scene supervisor completes an investigated Use of Force Report in accordance with the provisions of Departmental General Order K-4, "Reporting and Investigating the Use of Force."</p> <p>25.2 A timely K-4 investigation is conducted for each investigated Use of Force and includes, at a minimum:</p>	Yes

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		<p>25.2.1 a statement from the member(s)/employee(s) using force.</p> <p>25.2.2 separation and separate interviews of all officers at the scene.</p> <p>25.2.3 a Supplemental Report from other members/employees on the scene or a statement taken, if deemed necessary by the investigating supervisor.</p> <p>25.2.4 identification and interviews of witnesses.</p> <p>25.2.5 consideration of discrepancies in information obtained from members, employees and witnesses, and statements in the reports filed.</p> <p>25.2.6 a determination of whether the force used was pursuant to a legitimate law-enforcement objective.</p> <p>25.2.7 a determination of whether the type and amount of force used was proportional to the resistance encountered and reasonably related to the objective the members/employees were attempting to achieve.</p> <p>25.2.8 a determination of whether the member/employee used reasonable verbal means to attempt to resolve the situation without force, if time and circumstances permitted such attempts.</p> <p>25.2.9 a determination of whether the force used was de-escalated or stopped reasonably when resistance decreased or stopped.</p> <p>25.2.10 a determination of whether arrest reports or use of force reports contain “boilerplate” or “pat language” (e.g., “fighting stance”, “minimal force necessary to control the situation”);</p> <p>25.2.11 a determination of whether, in these and other regards, the use of force was in compliance with OPD use of force policy.</p>	
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		<p>25.2.12 supervisor's justification as to why any element of the policy was not documented; and</p> <p>25.2.13 documentation of physical evidence and/or photographs</p> <p>25.3 All supervisors are trained how to conduct K-4 investigations and such training is part of a supervisory training course.</p> <p>25.4 Investigated Use of Force Reports by on-scene supervisors include:</p> <p>25.4.1 a description of the use of force incident.</p> <p>25.4.2 a summary and analysis of all relevant evidence gathered during the investigation.</p> <p>25.4.3 an analysis and proposed recommendation.</p> <p>25.4.4 The analysis supporting the recommendation includes:</p> <p>25.4.4.1 a determination of whether the force used was consistent with OPD policy and training,</p> <p>25.4.4.2 a determination of whether proper tactics were used, and</p> <p>25.4.4.3 a determination of whether lesser force alternatives were available and/or practical.</p> <p>25.5 Reports of K-4 investigations are reviewed by</p> <p>25.5.1 the Watch Commander on duty at the time the incident occurred,</p> <p>25.5.2 the commander of the Police Service Area (PSA) in which the incident occurred, and</p> <p>25.5.3 the Area Commander/Division Commander and Deputy Chief of the involved personnel</p>	
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26	Use of Force Review Board	<p>26.1. UFRB reviews all K-4 use of force investigations following the completion of the internal investigation.</p> <p>26.2. For every K-4 investigation, UFRB makes a recommendation as to whether the use of force was in policy or out of policy.</p> <p>26.3. All UFRB determinations that a use of force is out of compliance with OPD policy are forwarded to the Internal Affairs Division for investigation.</p> <p>26.4. UFRB makes recommendations to the Chief of Police regarding additional use of force training; changes in policies or tactics, additional standards, investigatory policies, or training for use of force investigations.</p> <p>26.5. UFRB conducts an annual review of use of force cases examined to identify any patterns of use of force practices (including K-3) that may have policy or training implications.</p> <p>26.6. UFRB issues annual report to the Chief of Police reporting on its annual review.</p> <p>26.7. UFRB membership includes, at a minimum, one member from the Training Division, one member from the Field Training Officer program, and either the Bureau of Field Operations Deputy Chief or his/her designee.</p> <p>26.8. OPD replaces at least one member of the UFRB at least annually.</p>	Yes
27	Oleoresin Capsicum Log and Checkout Procedures	<p>27.1. OPD keeps a log of Oleoresin Capsicum (OC) spray canisters checked out and used by any member or authorized employee.</p> <p>27.2. The log is computerized and electronically accessible, and regular reports are prepared and distributed.</p>	Yes
28	Use of Force—Investigation of	<p>28.1. OPD reports to the Alameda County District Attorney's Office, as soon as possible, all uses of force, citizen complaints, and other member/employee-involved actions in which there is apparent evidence of criminal misconduct by a member/employee.</p>	Yes

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	Criminal Misconduct		
29	IAD— Investigation Priority	<p>29.1. OPD coordinates its administrative investigation of members/employees with the Alameda County District Attorney’s Office if a criminal proceeding is potentially viable.</p> <p>29.2. When OPD initiates an interview or interrogation of OPD personnel and it appears that the subject may be charged with a crime, or the subject asserts his or her Fifth Amendment rights on the grounds that the answers to questions posed may be incriminating, such interrogations are preceded by a Lybarger warning.</p>	Yes
30	Firearms Discharge Board of Review	<p>30.1. OPD convenes a Firearms-Discharge Board of Review for every officer-involved firearms discharge, as defined in Departmental General Order K-3</p> <p>30.1.1. The Board has access to tapes and/or transcripts of interviews of all personnel on the scene, including citizen witnesses, and is empowered to call in any OPD personnel it believes should testify.</p> <p>30.2. OPD continues the policies and practices for the conduct of Firearms Discharge Boards of Review, as contained in Special Order 5095 (July 13, 2001)</p>	Yes
31	Officer-Involved Shooting Investigations	<p>31.1. In every officer-involved shooting in which a person is struck, Homicide and Internal Affairs investigators respond to the scene.</p> <p>31.2. OPD conducts OIS investigations in partnership with, and when deemed appropriate by, the Alameda County District Attorney’s Office</p> <p>31.3. Interviews of the subject officer(s) are conducted jointly with the appropriate staff from Homicide and the Office of the District Attorney</p> <p>31.4. Following every use of lethal force resulting in death or injury likely to result in death OPD notifies the Alameda County District Attorney’s Office immediately or as soon as circumstances permit.</p> <p>31.5 Following every use of lethal force resulting in death or injury likely to result in death, OPD notifies the City Attorney’s Office as soon as circumstances permit</p>	Yes

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		31.6 OPD copies and provides all evidentiary material to the Alameda County District Attorney's Office, the Internal Affairs Division, and the City Attorney's Office.	
32	Use of Camcorders	32.1 OPD explores the use and cost-effectiveness of camcorders in Patrol vehicles.	Yes- Completed and no longer being assessed.
33	Misconduct	<p>33.1 IA investigates all instances where it appears that an officer/supervisor knew or should have known about misconduct and did not report it.</p> <p>33.2 Corrective action and/or discipline is being assessed for failure to report misconduct.</p> <p>33.3 OPD is maintaining a procedure for members/employees to report police misconduct on a confidential basis, including, but not limited to:</p> <p>33.4 IAD is permitting reporting in person, by telephone, or in writing.</p> <p>33.5 The IAD commander is documenting the report in a confidential file that is accessible only to the IAD commander.</p> <p>33.6 Such cases are investigated without disclosure of the complainant's name (unless and until required by law)</p> <p>33.7 All current members/employees of OPD are notified of OPD's confidential reporting procedure, and all new members/employees are notified within two weeks of hiring</p>	Yes
34	Vehicle Stops, Field Investigation and Detentions	<p>34.1 OPD Members complete a basic report on every vehicle field stop, field investigation and every detention.</p> <p>34.2 This basic report includes, at a minimum: time, date, and location; identification of the initiating member or employee; reason for stop; apparent race or ethnicity, and gender of individual(s) stopped; outcome of stop (arrest, no arrest); whether a search was conducted, and outcome of search; offense categories (felony, misdemeanor or infraction)</p>	Yes



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		34.3 This data is entered into a database that can be summarized, searched, queried, and reported by personnel authorized by OPD	
35	Use of Force Reports—Witness Identification	<p>35.1 Use of force reports include the name, telephone number, and addresses of witnesses to the incident unless such information is not reasonably available to the members/employees on the scene.</p> <p>35.2 Where there are no known witnesses, use of force reports specifically state this fact.</p> <p>35.3 Where witnesses are present, but circumstances prevent the author of the report from determining the identification, phone number, or address of the witnesses, the report states the reasons why the member/employee was unable to obtain that information</p> <p>35.4 Use of force reports include the names of all other OPD members/employees witnessing the incident</p>	Yes
36	Procedures for Transporting Detainees and Citizens	<p>36.1 Members and Employees are logging in and out on the radio when transporting a detainee or any other civilian.</p> <p>36.2 The radio report includes: time; mileage; location; purpose of transport; gender of individual being transported; and identification of the member or employee involved in the transport</p>	Yes
37	Internal Investigations-Retaliation Against Witnesses	<p>37.1 Officers are held accountable for retaliating against employees or members who report misconduct or serve as witnesses in proceedings against other members/employees.</p> <p>37.2 Supervisors, commanders and managers are held accountable if they knew or reasonably should have known that persons under their supervision engaged in retaliation</p>	Yes
38	Citizens Signing Police Forms	<p>38.1 Statements on Statement forms have a diagonal stripe from the end of the written narrative to the bottom of the page and have the citizen's signature along the stripe.</p> <p>38.2 Statements on offense reports have the citizen's signature immediately following the statement.</p>	Yes
39	Personnel Arrested, Sued	39.1 Within 72 hours of being arrested, OPD personnel report arrest to IAD directly and through chain of command.	Yes

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	and/or Served with Civil or Administrative Process	<p>39.2 Within 72 hours of being sued or served with civil or administrative process containing allegations which rise to the level of a Manual of Rules violation, OPD personnel report same to IAD directly and through chain of command.</p> <p>39.3 When serving in: Gang Unit; Vice/Narcotics Section; Intelligence Division; or Internal Affairs Division; an assignment that may tend to indicate a conflict of interest with respect to the performance of official duties; or a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered, OPD personnel report to the Chief of Police, through his/her chain of command, within 72 hours of being served with civil or administrative process. When applying for transfer to one of these assignments, OPD personnel report all civil or administrative processes, including tort and financial claims, within 72 hours of application for transfer.</p>	
40	Field Training Program	<p><b>42.1 Field Training Program Coordinator</b></p> <p>42.1.1 Chief of Police assigns a full-time sergeant for the first year who develops and implements the new FTO policies and procedures.</p> <p>42.1.2 The Chief of Police determines, upon successful completion of the development and implementation of these policies, if it is necessary to continue the position at the rank of sergeant, but in any event, the position continues as a full-time position.</p> <p><b>42.2 Trainee Rotation</b></p> <p>42.2.1 During their field training, trainee officers rotate to a new FTO and a new geographic area of the City at predetermined intervals.</p> <p>42.2.1 Prior to rotation, trainee officers are interviewed by the Field Training Program Coordinator or his/her designee and given an opportunity to raise any questions or concerns they may have about the quality of training provided to them.</p>	Yes

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	<p><b>42.3 FTO Participation Incentives</b></p> <p>42.3.1 The incentives for participation in the FTO program are increased so that the Department will have a larger pool of qualified, experienced candidates from which to choose.</p> <p><b>42.4 FTO Candidate Nomination and Requirements</b></p> <p>42.4.1 Field supervisors and commanders nominate FTO candidates, but the Chief of Police makes the determinations regarding FTO assignments and retention.</p> <p>42.4.2 FTO candidates have completed three (3) years of Departmental service before selection, unless specifically authorized by the Chief of Police.</p> <p>42.4.3 FTO candidates are required to demonstrate their commitment to community policing, and their problem- solving and leadership abilities.</p> <p>42.4.4 Ethics, professionalism, relationships with the community, quality of citizen contacts and commitment to OPD philosophy are primary criteria in the selection of FTOs.</p> <p>42.4.5 Candidates with an excessive numbers of citizen complaints, sustained investigations or excessive numbers of use of force incidents are barred from selection as an FTO for no less than two (2) years.</p> <p><b>42.5 Decertification</b></p> <p>42.5.1 The presumptive result of sustained disciplinary action against an FTO or the FTO Program Coordinator for excessive force, unlawful arrest, false testimony, racial, ethnic, sexual-orientation or gender-based discrimination or slurs, or other serious examples of police misconduct, is removal from the FTO program.</p> <p>42.5.2 Any exceptions to presumptive removal are granted by the Chief upon recommendation by the member's Deputy Chief following a hearing conducted on the facts of the matter.</p>	
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		<p>42.5.3 The Chief of Police documents the approval/ disapproval in writing.</p> <p><b>42.6 FTO Assignment</b></p> <p>42.6.1 Assignment to an FTO position is contingent upon successful completion of a training course designed for this position and approved by OPD and the State of California Peace Officers' Standards and Training.</p> <p><b>42.7 FTO Evaluation</b></p> <p>42.7.1 At the end of a complete FTO cycle, trainee officers leaving the FTO program anonymously evaluate each of their FTOs.</p> <p>42.7.2 The FTO evaluation forms are reviewed by the following individuals: the Field Training Program Coordinator, the individual FTO's commander and supervisor.</p> <p>42.7.3 The Field Training Program Coordinator provides evaluation information to the FTOs as a group, concerning program effectiveness.</p> <p>42.7.4 Each FTO is provided with evaluation information regarding his/her individual performance.</p> <p>42.7.5 The individual evaluation forms are not made available to individual FTOs in the interest of maintaining anonymity of trainee officers who have completed the forms.</p> <p><b>42.8 Daily Evaluation Audit</b></p> <p>42.8.1 The Field Training Program Coordinator, or his/her designee, conducts random audits of the FTO program to ensure that FTOs complete daily evaluations of trainee officers and that the selection standards for FTOs are maintained.</p>	
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	<p><b>42.9 Trainee Officer Assignment</b></p> <p>42.9.1 When a trainee officer's FTO is absent, the trainee officer is not assigned to field duties with an "acting" FTO, but is placed with another certified FTO or assigned to non-field duties, pending the availability of a certified FTO.</p> <p><b>42.10 Field Commander and FTO Supervisor Training</b></p> <p>42.10.1 OPD provides field commanders and supervisors with training on the FTO program, including the field-training curriculum, the role of the FTO, supervision of FTOs and probationary employees, the evaluation process and the individual duties and responsibilities within the FTO program. AUDITED SEPARATELY AS PART OF B-20 TRAINING AUDIT</p> <p><b>42.11 Focus Groups</b></p> <p>42.11.1 The Field Training Program Coordinator and Academy staff conduct focus groups with randomly selected trainee officers midway through the field-training cycle, upon completion of field training, and six (6) months after completion of the field training program.</p> <p>42.11.2 The purpose of the focus groups is to determine the extent to which the Academy instructors and the curriculum prepared the new officers for their duties.</p> <p><b>42.12 Consistency of Training</b></p> <p>42.12.1 The results of the focus group sessions are reviewed at a meeting to include the Training Division Commander, the FTO Program Coordinator, the BFO Deputy Chief, and the BOS Deputy Chief.</p> <p>42.12.2 If it is determined that there is a substantial discrepancy between what is taught in the Academy and what is taught in the FTO program, a determination as to which is correct is made, and either the training Academy or the FTO program shall make the necessary changes so that the desired training information is consistent.</p>	
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		<p>42.12.3 In the event that the discrepancies appear to be the result of one or more individual FTOs, rather than the FTO program as a whole, the review group determines whether the discrepancies are serious enough to warrant removal of that officer or officers from the FTO program.</p> <p>42.12.4 The results of the meeting of this review group shall be documented, and this information shall be provided to the Monitor.</p>	
43	Academy and In-Service Training	<p>Task 43.1 OPD has a training plan containing the elements required by the NSA (listed in task subparts below) and is implementing this plan in both academy and in-service training.</p> <p>Task 43.1.1 OPD's training plan ensures that OPD members, dispatchers, and civilian evidence technicians are adequately trained for their positions, and trains OPD personnel to implement the most contemporary developments in policing.</p> <p>Task 43.1.2 OPD's training plan includes a review of OPD's training curriculum and incorporates additional emphasis on: ethics and professionalism (using realistic scenario-based training exercises wherever possible(43.2)); critical thinking and problem solving; conflict resolution; and relationships with the community.</p> <p>Task 43.1.3 OPD's training plan establishes criteria and method for: selecting OPD training instructors (in accordance with the elements listed in Task 43.5); training provided to instructors; procedures for evaluating the content and quality of training provided to OPD personnel; and procedures for maintaining training records for OPD personnel.</p> <p>Task 43.1.4 Development of OPD's training plan included consultation with at least four other large law-enforcement agencies within the United States, which have excellent reputations for professionalism. Consultation with and review of these agencies includes consideration of: qualifications and other criteria they use in selecting staff for training positions; and their approach to training new and experienced staff on ethics and professionalism, critical thinking and problem solving, conflict resolution, and relationships with the community.</p> <p>Task 43.2 OPD's training plan includes expansion of professionalism and ethics as a training topic within the recruit academy, in-service training, and in-field training, using realistic scenario-based training exercises wherever possible.</p>	Yes

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		<p>Task 43.3 All sergeants and commanders receive 40 hours of in-service supervisory and leadership training. This training includes: supervisory and command accountability; ethics and professionalism; emphasizes supervisory and management functions and situations; and includes both scenario-based training and case studies.</p> <p>Task 43.3.1 Officers receive this training prior to promotion to sergeant.</p> <p>Task 43.3.2 Lieutenants receive this training within six months of promotion.</p> <p>Task 43.4 All members receive 40 hours of in-service training every eighteen months.</p> <p>Task 43.4.1 Sergeants receive at least 20 hours of training designed for supervisors every eighteen months.</p> <p>Task 43.4.2 Members at the rank of lieutenant and above receive at least 20 hours of training designed for commanders every eighteen months.</p> <p>Task 43.5 The complaint history of every in-service or Academy training instructor is reviewed prior to appointment. No training instructor is appointed unless the individual is shown to be supportive of the philosophy and values of OPD and does not have a sustained Class I offense within the two years prior to appointment.</p>	
44	Personnel Practices	<p>44.1 Immediate supervisors' complete individual written performance appraisals that accurately reflect the quality of each member/employee's performance. Performance appraisals include documentation and consideration of the following: nature and progress of complaints and investigations against members/employees; uses of force; "sick" and "injured" leaves; arrests for narcotics-related possessory offenses not made as a result of searches conducted pursuant to arrests for other offenses; arrests involving charges of Penal Code §§69, 148 and/or 243(b)(c); and vehicle accidents.</p> <p>44.2 Every supervisor/manager in direct chain of command, up to and including the Deputy Chief of that Bureau, reviews, signs and dates every performance appraisal of every member/employee within his or her command. If the reviewer disagrees, he/she writes an addendum to the evaluation expressing his/her concerns.</p>	Yes

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		<p>44.3 When a member/employee, during the course of the period being appraised, had substantial collateral duties supervised by someone other than his or her regular and direct supervisor, the other supervisor or manager contributes to the performance appraisal by consulting with the direct immediate supervisor and by, at a minimum, writing a separate narrative evaluation that is signed, dated and included as a regular part of the performance appraisal</p> <p>44.4 When a member/employee has been supervised by two (2) or more individuals during the course of the appraisal period, because of transfer of the member/employee or the supervisor, performance appraisal is completed in accordance with the provisions of Departmental General Order B-6, "Performance Appraisal."</p> <p>44.5 In the case of a promotion, the promotee's new supervisor is responsible for the evaluation.</p> <p>44.6 When appropriate, supervisors and commanders are held accountable for having identified and acted upon patterns, among personnel in the unit, involving the following: use of force, sick leave, line-of-duty injuries, narcotics-related possessory offenses, and on-duty vehicle accidents 44.7 PSA lieutenants are held accountable for whether their subordinate supervisors are working to enhance the quality of community contacts by their beat officers 44.8 OPD conducts regular audits of the performance appraisal system to ensure compliance with the above requirements.</p>	
45	Consistency of Discipline	<p>45.1 OPD maintains a centralized system for documenting and tracking all forms of discipline and corrective action, whether imposed centrally or at the Division level.</p> <p>5.2 Class I investigations resulting in a sustained finding are submitted to the subject's accountable commander/manager for a disciplinary recommendation.</p> <p>45.3 Class II offenses investigated at the Division level which result in a sustained finding are corrected through progressive discipline so as to address overall performance deficiencies</p> <p>45.4 Before recommending corrective actions, the designated commander/manager reviews the sustained person's prior history of disciplinary and corrective actions to determine if</p>	Deferred Compliance



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		<p>there is an indication of a pattern of unacceptable behavior.</p> <p>45.4.1. If the review does not indicate a pattern of unacceptable behavior, the designated commander/ manager may choose to counsel the member or</p> <p>employee, send the member or employee for retraining, or issue a “Performance Deficiency Notice.”</p> <p>45.4.2. If the review indicates a pattern of unacceptable behavior, then the designated commander/manager notifies his/her immediate superior that a higher level of discipline is recommended and discusses the appropriate level of that discipline to correct the pattern</p>	
46	Promotional Consideration	<p>46.1 Sustained misconduct cases against a member/employee are an important factor in determining promotability.</p> <p>46.2 There is presumptive ineligibility for promotion for 12 months following the sustained finding of a Class I offense.</p> <p>46.3 Such cases are considered important in evaluating promotability for three (3) years following the completion of the investigation.</p> <p>46.4 In addition to other factors, the Chief of Police considers the following criteria in making promotional determinations:</p> <p>46.4.1 Commitment to community policing;</p> <p>46.4.2 Quality of citizen contacts;</p> <p>46.4.3 Number of citizen complaints;</p> <p>46.4.4 Instances of unnecessary use of force;</p> <p>46.4.5 Support for Departmental Integrity Measures</p>	Yes

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47	Community Policing Plan	<p>47.1 OPD hosts at least one (1) community meeting per quarter in each Patrol Service Area</p> <p>47.2 Each patrol supervisor and officer assigned to a regular beat or geographic area of the City, attends a minimum of one (1) community meeting per quarter in the Area he/she is regularly assigned.</p> <p>47.3 OPD implements mechanisms to measure community policing and problem-solving activities.</p> <p>47.4 Positive statistics on community policing and problem-solving activities and information on citizen complaints and use of force incidents are incorporated into “Crime-Stop” meetings</p> <p>47.5 OPD meets within 60 days unless not feasible with representatives of established organizations active within Oakland, community groups or church groups, if an organization communicates a concern regarding specific police personnel or practices</p>	Yes
48	Departmental Management and Annual Management Report	<p>48.1 Each functional unit prepares a management report every 12 months that includes relevant operating data and highlights ongoing or extraordinary problems and noteworthy accomplishments.</p> <p>48.2 Division commanders individually meet with the Chief of Police and their respective Deputy Chief to review the management report of that division</p>	Yes
49	Independent Monitoring Team	Completed Independent Monitoring Team Selected - 2003	Yes- Completed and no longer being assessed.
50	Compliance Unit Liaison Policy	<p>50.1 Compliance Unit serves as liaison between OPD, Monitor plaintiffs’ counsel, and assists with OPD’s compliance with the Agreement</p> <p>50.2 Compliance Unit:</p> <p>50.2.1 Facilitates the provision of data and documents;</p>	Yes

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		<p>50.2.2 Provides to the Monitor access to OPD personnel, as needed;</p> <p>50.2.3 Ensures that documents and records are maintained as required by the Agreement;</p> <p>50.2.4 Prepares a semi-annual report describing the steps taken, during that reporting period, to comply with the provisions of the Agreement</p>	
51	Compliance Audits and Integrity Tests	<p>51.1 OPD conducts annual audits of stratified, random samples of:</p> <p>51.1.1 Arrest and offense reports, and follow-up investigation reports, including, but not limited to, arrests for narcotics-related possessory offenses not discovered in the course of a search pursuant to arrest for other crimes;</p> <p>51.1.2 Use of force incident reports and use of force investigations;</p> <p>51.1.3 Complaint processing and investigation, to include, but not limited to, timeliness and quality;</p> <p>51.1.4 Mobile Data Terminal traffic;</p> <p>51.1.5 Personnel evaluations;</p> <p>51.1.6 Citizen accessibility to the complaint process and the availability of complaint forms</p> <p>51.2 OPD's review of documents includes, at a minimum, a review for completeness of the information contained, and an examination for inappropriate "boilerplate" language, inconsistent information, and lack of articulation of the legal basis for the applicable action.</p> <p>51.3 Results of audits conducted pursuant to this paragraph are included in OPD's semi-annual compliance Reports.</p>	Yes
52	Housekeeping Provisions	No required tasks are associated with the settlement agreement in this section.	Yes – Not Monitored