



# **OAKLAND POLICE DEPARTMENT MONTHLY PROGRESS REPORT OCTOBER 1, 2013**

**OFFICE OF THE COMPLIANCE DIRECTOR  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

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## **Office of the Compliance Director**

**U.S. District Court, Northern District of California**

October 1, 2013

This is the fourth monthly progress report, issued as required by Judge Thelton E. Henderson's Compliance Director Court Order dated December 12, 2012.

A significant issue addressed during the month of September was the staffing and location of the Intake Unit of OPD Internal Affairs. This small unit, currently consisting of nine sworn officers, is responsible for the initial receipt of citizen complaints against OPD. Intake receives and logs the complaint, identifies witnesses, and gathers initial evidence. The complaint is then packaged and referred to Internal Affairs investigators for follow-up.

Various plans to change the makeup and the location of the Intake Unit have been considered over the past two years. These included civilianizing the positions to ensure that complaints were received and initially processed by personnel independent from OPD. I am not opposed to the concept of civilianizing these positions, both as a method of adding to the neutrality of those responsible for initial receipt and processing of complaints, but also as a means of releasing the nine sworn officers currently performing this function for use in operational policing assignments.

The issue of the location of the Intake Unit was difficult to reconcile. Preserving the fairness and objectivity of OPD's internal disciplinary processes is important to OPD's future. The citizens of Oakland, as well as the working men and women of OPD, both must be confident that the system is effective. If confidence in this system is lost, officer retention, recruiting, and attracting lateral transfer officers from other law enforcement agencies could be damaged. This would add to the substantial difficulties in growing the size of the Department that I addressed in last month's cover letter.

After weighing all of these important issues, it was determined to proceed with the civilianization initiative, but for Intake to remain within the OPD Internal Affairs Division. This decision does not change the Citizens' Police Review Board's traditional prerogative to conduct their own complaint intake processes.

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Late in the month, OPD was rocked by a second officer suicide in seven weeks. My staff and I assisted both the OPD Command Staff and the OPOA in quickly arranging for interventions to be expeditiously delivered to all OPD personnel.

During the month of September, we were also successful in selecting subject matter experts to help guide the CAD-RMS and PAS2 projects, and for review of OPD's Hot Pursuit Policy. Interviews commenced for the eventual retention of a Stop Data SME as well. OPD District Commander training to be provided by Johns Hopkins University was also arranged for November. In addition, my staff and I visited Fairfield PD to observe their advanced "shoot-don't-shoot" (MILO) training facility, as one benchmark currently being implemented requires OPD to increase Use of Force training by an additional 20 hours per officer per year.

We continue to make progress on the other benchmarks outlined in this report. Given OPD's current efforts and initiatives aimed at reducing violent crime, I feel that the efforts to administratively deal with the remaining benchmarks are acceptable.

A handwritten signature in dark ink, reading "Thomas C. Frazier". The signature is written in a cursive, flowing style.

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## **INTRODUCTION**

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

1. "Within 30 days of his or her appointment, the Compliance Director will file a remedial action plan ('Plan') that both addresses deficiencies that led to noncompliance and explains how the Plan will facilitate sustainable compliance with all outstanding tasks by December 2013 or as soon thereafter as possible."
2. "Within 60 days of his or her appointment, the Compliance Director will file a list of benchmarks for the OPD to address, resolve, and reduce: (1) incidents involving the unjustified use of force, including those involving the drawing and pointing of a firearm at a person or an officer-involved shooting; (2) incidents of racial profiling and bias-based policing; (3) citizen complaints; and (4) high-speed pursuits. In developing these benchmarks, the Compliance Director will consult with the Monitor, Plaintiffs, the Mayor, the City Administrator, the Chief of Police, the OPOA, and, as necessary, subject-matter experts to ensure that the benchmarks are consistent with generally accepted police practices and national law enforcement standards."
3. "Beginning on May 15, 2013, and by the 15th of each month thereafter, the Compliance Director will file a monthly status report that will include any substantive changes to the Plan, including changes to persons responsible for specific tasks or action items, and the reasons for those changes. The monthly status reports will also discuss progress toward achieving the benchmarks, reasons for any delayed progress, any corrective action taken by the Compliance Director to address inadequate progress, and any other matters deemed relevant by the Compliance Director."

On April 3, 2013, the Court issued an order extending these deadlines as follows:

- "1. The Compliance Director will file a remedial action plan on or before May 1, 2013.
2. The Compliance Director will file a list of benchmarks on or before May 31, 2013.
3. The Compliance Director will begin filing monthly reports on July 1, 2013, and reports will be due on the 1st of each month thereafter."

## **SIGNIFICANT EVENTS IN SEPTEMBER**

1. The Compliance Director resolved the issue of the location and staffing of the OPD Internal Affairs Intake Unit by determining that intake will be civilianized, and that the unit will remain an element of OPD Internal Affairs.
2. The Compliance Director and staff participated in meetings with subject matter experts (SMEs) who are conducting the “side by side” radio system evaluation between Oakland’s existing Harris radios and Motorola equipment.
3. The Compliance Director and staff closely followed a number of ongoing Internal Affairs investigations and hearing boards, including interaction between OPD investigators and the City Attorney’s Office.
4. The Compliance Director and staff closely monitored Sierra Systems’ progress towards generating a comprehensive Request for Proposal for OPD’s new Personnel Assessment System (PAS2).
5. The Compliance Director and staff closely monitored Public Safety Consultants, Inc.’s progress towards generating a comprehensive Request for Proposal for the Oakland Police Department’s new CAD-RMS systems.
6. In addition to these issues, the Compliance Director:
  - Interviewed two information technology (IT) companies competing for selection as the IT Subject Matter Expert for the PAS2 project. Detailed proposals from both candidates are due on October 1.
  - Retained an SME to review OPD’s existing Hot Pursuit policy.
  - Selected an SME to closely monitor the development and subsequent vendor selection of Public Safety Consultants, Inc.’s RFP for the new CAD-RMS systems.
  - Interviewed two corporate entities for possible selection as OPD’s SME for oversight of PAS2/CAD-RMS interface.
  - Coordinated OPD District Commander training with Johns Hopkins University. This training will be delivered in November.
  - At the request of and in cooperation with City officials, facilitated a \$100,000.00 Human Resources contract designed to facilitate the process of filling critical vacant but funded personnel vacancies, both sworn and non-sworn.
  - Hosted meetings addressing concerns over Police Academy recruiting, hiring, background investigations, lateral transfers, and Departmental attrition.
  - Screened a Stop Data SME candidate. A proposal from this candidate is due by October 1.
  - Visited Fairfield PD to observe their advanced “shoot-don’t-shoot” (MILO) training facility.
  - The Compliance Director and staff met and interviewed representatives from a company renowned for strategic and tactical responses by law enforcement, particularly crowd control situations. The Compliance Director is working with

OPD executive staff to ensure SMEs provide crowd control training to all command and executive staff in coming weeks.

- Staff in the Office of the Compliance Director attended and evaluated a disciplinary arbitration hearing regarding an Oakland police officer who is appealing formal discipline imposed by the Department and City.
- Staff in the Office of the Compliance Director attended and evaluated four Force Review Board hearings and two Executive Force Review Board hearings.
- Staff members in the Compliance Director's Office are facilitating the development of a long-term health and wellness program for all members of the Oakland Police Department. This is being done in concert with the Oakland Police Officer's Association, Oakland Police Department executives and command staff, and a private vendor.

## **BENCHMARK PROGRESS**

Following are the agreed-upon July and August 2013 benchmarks (Benchmarks Missed) and the September 2013 benchmarks extracted from the Compliance Director's Benchmarks Plan published May 31, 2013. Each benchmark contains a short summary of progress achieved towards completion during the month of September 2013.

NOTE 1: The identifying benchmark numbers in this summary refer to the corresponding number in the "top twenty" priorities identified in the Benchmark Plan.

NOTE 2: Items identified as "Tasks" refer to specific non-compliant or partially compliant items from the Independent Monitor's quarterly reports of OPD compliance with the Negotiated Settlement Agreement.

NOTE 3: Items NOT identified as "Tasks" are items identified and inserted in the benchmark process by the Compliance Director.

NOTE 4: For purposes of this report, the Compliance Director considers policy modifications to be a three-part process. Part one of this process is the OPD drafting/modification and Compliance Director/Monitor review/approval of the policy document. Part two is the development and approval of OPD training bulletins and training syllabi supporting the newly revised/approved policy. Part three is documentation of completion of required training and policy implementation.

NOTE 5: Each benchmark in the following list includes steps the Compliance Director deems necessary for OPD to gain compliance with each benchmark. Only when OPD demonstrates that all steps listed have been satisfactorily achieved will the benchmark be considered to be "completed." Items identified as NSA-related Tasks will then be referred to the Independent Monitor for final compliance review.

NOTE 6: "Progress" entries for each benchmark are color-coded. **Blue** highlights indicate benchmark completion. **Red** highlights indicate that the benchmark remains pending, with a revised due date set. Blue and red text indicates progress during the month of September only.

## **JULY 2013 BENCHMARKS PENDING**

### **BENCHMARK #15a**

Submit backlogged DNA samples to the FBI's Combined DNA Index System database (CODIS). **Complete implementing the procedures and protocols necessary to permit outsourcing of all backlogged unprocessed DNA kits.**

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:** Completed Compliance Director review and approval of procedures and protocols.

**JULY PROGRESS:** PENDING. OPD draft procedures and protocols have been submitted to the Compliance Director for review. This review will be completed in August. The completion date for this benchmark has been reset to 30 August 2013.

**AUGUST PROGRESS:** PENDING. OPD draft procedures and protocols have been submitted to the Compliance Director in a timely fashion. On August 21, 2013, the Compliance Director's Office met with OPD executive and command staff members, and representatives from the OPD laboratory. Issues regarding Sexual Assault Response Team (SART) kits and non-SART kit biological evidence were discussed, including matters associated with contracting DNA analysis. OPD draft procedures and protocols are expected to be approved by the Compliance Director the week of September 1, 2013.

**SEPTEMBER PROGRESS:** PENDING. After further consultation with the Alameda County District Attorney's Office (DA's Office), it has been mutually agreed that OPD and the DA's Office will enter into a Memorandum of Understanding (MOU) that SART kits will be dealt with on a county-wide basis by the DA's Office. The DA's Office is currently drafting this MOU to include OPD's technical specifications. OPD anticipates taking this draft MOU to the Oakland City Council Public Safety Committee for review and approval on November 11, 2013. Upon receiving anticipated Committee approval, the MOU will go before the Council on November 19, 2013, for final debate and approval.

#### **BENCHMARK #18**

Purchase and deploy modern crowd control weapons/munitions, TASERS, and additional PDRDs - **Complete update of the less lethal weapons/munitions use policy.**

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:**

- 1) Compliance Director review and approval of the revised Department Crowd Control and Crowd Management Policy is necessary prior to the completion of this Benchmark.
- 2) Following approval of the revised Crowd Control and Crowd Management Policy, OPD is required to submit revisions to the less lethal weapons/munitions policy for Compliance Director review and approval. Compliance Director approval of the revised

less lethal weapons/munitions policy is also necessary for completion of this benchmark.

3) Upon Compliance Director approval of both the revised crowd control policy and the revised less lethal weapons/munitions policy, new benchmarks will be established for completion, review, and approval of supporting training materials. Additional future benchmarks will also be established for completion of necessary training and full policy implementation.

**JULY PROGRESS:** PENDING. Completion of this policy revision is dependent upon completion of the current initiative to revise OPD's Crowd Control and Crowd Management Policy. This policy revision is being developed in cooperation with the plaintiffs' attorneys and other stakeholders, and is at about the 90% completion point. Upon completion of the Crowd Control Policy redraft, and its review/approval by the Compliance Director, the final revisions to the less lethal weapons/munitions use policy can be completed and sent to the Compliance Director for review.

The benchmark for completion of this item has been reset for 30 August 2013.

**AUGUST PROGRESS:** PENDING. Completion of the Less Lethal and Specialty Impact Munitions (SIM) policy revision, referred to as Training Bulletin III-H, is dependent upon completion of the current initiative to revise OPD's Crowd Control and Crowd Management Policy. This policy revision is being developed in cooperation with the plaintiffs' attorneys and other stakeholders, and is at about the 98% completion point. A meet-and-confer meeting requested by the National Lawyers Guild and the American Civil Liberties Union with the City on the remaining issues was held on August 30, 2013. All but one of the remaining issues was resolved. That issue has been referred back to OPD for further discussion. Upon completion of the Crowd Control and Crowd Management Policy redraft, and its review/approval by the Compliance Director, the final revisions to Training Bulletin III-H can be completed and sent to the Compliance Director for review.

**SEPTEMBER PROGRESS:** PENDING. The revised draft Crowd Control and Crowd Management Policy was reviewed and approved by the Compliance Director on September 25, 2013. Progress on benchmark 18 can now move forward.

### **BENCHMARK #19a**

Develop needed training programs - **Increase Patrol level use of force training for Officers by 20 hours per year.**<sup>1</sup>

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<sup>1</sup> The original benchmark was to increase training to 20 hours per year. In consultation with the OPD, the Compliance Director has determined that a more appropriate benchmark would be to increase training by 20 hours per year, so that officers receive an additional 20 hours per year of training in this critical area. The OPD has agreed to this change.

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:** Provide the Compliance Director with a training proposal for review. Approval of this proposal is necessary to achieve completion of this benchmark

**JULY PROGRESS:** PENDING. Conversations between OPD and the Compliance Director's staff have led to the realization that a blend of training is more realistic than simply depending on increased simulator (MILO) training to achieve the desired goal of providing patrol officers with increased capabilities to deal with potential violence under stress short of using deadly force. OPD's Training Division will craft a proposal to blend increased simulator time and reality-based training. Upon the Compliance Director's review and approval of this revised training plan, a revised benchmark timeline for development and implementation of this training will be crafted and inserted in the updated Benchmark Plan.

The first step is the development/presentation of the OPD blended training proposal. A benchmark for this to be completed has been set as 30 August 2013.

**AUGUST PROGRESS:** PENDING. A revised training proposal and a suggested source of reality-based training were submitted in a timely fashion. The Compliance Director responded with a variety of questions regarding the curricula, instructor qualifications, and manner of presentation. The OPD subsequently provided additional information to the Compliance Director late in the month. This supplemental information is currently under review by the Compliance Director. Communications regarding the crafting of lesson plans and instructor characteristics have been exchanged between the Compliance Director's office and OPD.

**SEPTEMBER PROGRESS:** TRAINING PROPOSAL COMPLETED. Compliance Director review of the proposal submitted by OPD has been completed. The proposal is approved.

DEVELOPMENT AND IMPLEMENTATION OF TRAINING REMAINS PENDING. This benchmark requires the development and implementation of a recurring training program. While OPD has satisfactorily developed the training plan, a final determination of "COMPLETED" cannot be determined until OPD provides documented evidence that this training plan has been implemented, and that the ongoing training has commenced. OPD advises that the revised lesson plans will be completed by October 11. Training will commence on January 14, 2014.

## **AUGUST BENCHMARKS PENDING**

### **BENCHMARK #7**

Task 16: Supporting IAD Process – Supervisor/Managerial Accountability - **Completion of additional training regarding Departmental expectations from the IAD staff.**

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:** Provide the Compliance Director with a copy of the training curricula delivered, and copies of five randomly selected officer training records showing completion of this training.

**AUGUST PROGRESS:** PENDING. Additional training requirements directed by the Compliance Director's staff were factored into the latest draft of the lesson plans. This draft is pending review and approval, which is expected to occur the week of September 1, 2013.

**SEPTEMBER PROGRESS:** COMPLETED. Compliance Director review of the lesson plans, PowerPoint, and class rosters has been completed. The items are approved. The required training has also been completed.

### **BENCHMARK #9a**

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

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

#### **STEPS NECESSARY TO ACHIEVE COMPLIANCE:**

- 1) Provide the Compliance Director with a copy of the revised policy for review. Compliance Director approval of the revised policy is necessary for completion of this benchmark.
- 2) Upon Compliance Director review and approval of the revised policy, OPD is required to provide the Compliance Director with a revised training syllabus supporting the newly revised/approved policy for review and approval.
- 3) Upon Compliance Director review and approval of the revised training syllabus, OPD is required to provide documentation that this training has been delivered to appropriate personnel, along with training record copies of five randomly selected personnel who have received the training.

**AUGUST PROGRESS:** PENDING. The draft policy revision was provided to the Compliance Director in a timely manner and on schedule. The proposed revision is pending approval by the Compliance Director. A meet-and-confer meeting requested by the National Lawyers Guild and the American Civil Liberties Union with the City on the remaining issues of the Crowd Control and Crowd Management policy was held on August 30, 2013. All but one of the remaining issues was resolved. That issue has been referred back to OPD for further discussion. Upon completion of the Crowd Control and Crowd Management Policy redraft, and its review/approval by the Compliance Director and the Independent Monitor, the final revisions to the less lethal weapons/munitions use policy can be completed and sent to the Compliance Director and the Independent Monitor for review. The less lethal weapons/munitions use policy, which is also the subject of Benchmark #18, is the only outstanding item in Policy K-3.

**SEPTEMBER PROGRESS:** PENDING. The revised draft Crowd Control and Crowd Management Policy was reviewed and approved by the Compliance Director on September 25, 2013. Progress on benchmark 9a can now move forward.

#### **BENCHMARK #10**

Task 30: Executive Force Review Board (EFRB) - **Complete the review of the revision of policy K-4.1 (EFRB). Implement the revised policy.**

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

#### **STEPS NECESSARY TO ACHIEVE COMPLIANCE:**

- 1) Provide the Compliance Director with a copy of the revised policy for review. Compliance Director approval of the revised policy is necessary for completion of this benchmark.
- 2) Upon Compliance Director review and approval of the revised policy, OPD is required to provide the Compliance Director with a revised training syllabus supporting the newly revised/approved policy for review and approval.
- 3) Upon Compliance Director review and approval of the revised training syllabus, OPD is required to provide documentation that this training has been delivered to appropriate personnel, along with training record copies of five randomly selected personnel who have received the training.

**AUGUST PROGRESS:** PENDING. OPD provided the Compliance Director with a proposed revision of the draft policy in a timely manner and on schedule. The revised draft is extensive and addresses a function in the Department which directly relates to issues of force and accountability. The significance of the policy, coupled with the observations of the Compliance Director's staff who have attended Force Review and

Executive Force Review Boards, requires a diligent and studious review.<sup>2</sup> Due to the infrequent occurrence of these boards, more time is necessary for comprehensive review of this process.

**SEPTEMBER PROGRESS:** PENDING. A review of revisions and implementation to this policy is underway within the Compliance Director's Office.

### **BENCHMARK #12**

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

**OPD RESPONSIBLE PARTY:** Deputy Chief E. Breshears.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:** Provide the Compliance Director with a copy of the training curricula delivered, and copies of five randomly selected officer training records showing completion of this training.

**AUGUST PROGRESS:** PENDING. Benchmarks #13a and 13b (revisions of Department General Order D-17 and Bureau of Risk Management Policy 13.01) must be completed before the training required by this benchmark can be designed and delivered.

**SEPTEMBER PROGRESS:** The Compliance Director's Office identified two additional issues that must be addressed before the PAS Policy can be finalized. This training cannot be developed until the revised policy has been reviewed and approved. OPD advises that revised documents incorporating the additional changes will be submitted to the Compliance Director's Office for review. A revised due date of November 30, 2013, has been established for this benchmark.

### **BENCHMARKS #13a AND 13b**

**#13a:** Task 41- Use of Personnel Assessment System (PAS) - **Revise Department General Order D-17 (PAS Policy).**

**OPD RESPONSIBLE PARTY:** Deputy Chief E. Breshears.

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<sup>2</sup> The Compliance Director and staff have attended a variety of Force Review and Executive Force Review Boards. The boards attended in August were deficient, as were others dating back to the Occupy Oakland Report of June 2012. Memoranda expressing concerns and recommendations in areas ranging from preliminary force investigations to objective fact presentation about the August 2013 boards were prepared and forwarded to the Chief of Police.

**#13b: Task 41- Use of Personnel Assessment System (PAS) – Revise Policy 13.01 - Bureau of Risk Management Policy and Procedures.**

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:**

- 1) Provide the Compliance Director with a copy of the revised policy for review. Compliance Director approval of the revised policy is necessary for completion of this benchmark.
- 2) Upon Compliance Director review and approval of the revised policy, OPD is required to provide the Compliance Director with a revised training syllabus supporting the newly revised/approved policy for review and approval.
- 3) Upon Compliance Director review and approval of the revised training syllabus, OPD is required to provide documentation that this training has been delivered to appropriate personnel, along with training record copies of five randomly selected personnel who have received the training.

**AUGUST PROGRESS:** PENDING. OPD provided the Compliance Director with a proposed revised policy as it relates to the current PAS. The revision was provided in a timely manner and on schedule. OPD reported that this proposed revision had been provided to all parties as required. Two issues have surfaced requiring supplemental review and probable revision of the PAS policy, which were not known until after the revision was submitted. First, information which may impact the current PAS policy has been provided at workshops conducted by Sierra Systems.<sup>3</sup> Second, a meeting with OPD executive staff, the Compliance Director's staff, and the Independent Monitor's staff revealed information about internal OPD processes which, if verified, will require revision to the proposed policy. The information has been provided to OPD executive staff, who will be responsible for decisions regarding further revisions, submission to all parties to the NSA, and ultimate submission to the Compliance Director for review and approval.

**SEPTEMBER PROGRESS:** PENDING. In August, the Compliance Director's Office identified two additional issues that must be addressed before the PAS Policy can be finalized. Training cannot be developed until the revised policy has been reviewed and approved. OPD has recently submitted the revised documents incorporating the additional changes for Compliance Director review.

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<sup>3</sup> The City of Oakland has contracted with Sierra Systems for the purpose of developing a Request for Proposal relevant to the new PAS2 technology system. A significant part of the development process requires workshop discussions with stakeholders. One example is revision regarding the role of supervisors and the PAS Board when determining when personnel monitoring or interventions are considered necessary.

## **SEPTEMBER BENCHMARKS**

### **BENCHMARK #4**

High Speed Pursuits – **Adopt new policy.**

**OPD RESPONSIBLE PARTY:** Assistant Chief P. Figueroa.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:** Identify and contract with a Subject Matter Expert (SME) qualified to review OPD's existing policy.

**SEPTEMBER PROGRESS:** PENDING. The Compliance Director has engaged an SME. OPD is in contact with the SME and has provided the current policy for review. Further benchmarks will be determined upon completion of the review of the SME's analysis.

### **BENCHMARK #7**

Task 16: Supporting IAD Process – Supervisor/Managerial Accountability - **OPD expects to gain compliance with this Task by the completion of the Monitor's Fourteenth Quarterly Report. PAS data and Risk Management processes currently in place should ensure supervisory accountability.**

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:** Provide the Compliance Director with documentation showing that the Monitor has approved OPD's revisions and considers OPD to be in compliance.

**SEPTEMBER PROGRESS:** COMPLETED. On September 19, OPD reported that they have confirmed that the IMT determined that OPD was in compliance with Task 16 in the 14<sup>th</sup> Quarterly Report.

### **BENCHMARK #9**

Task 25: Use of Force Investigations and Report Responsibility - **Complete departmental training on new UOF policy.**

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:** The Compliance Director's Office will coordinate a meeting between the IMT and OPD to discuss this issue during a

Technical Assistance visit. The Monitor and OPD can review cases held to be out of compliance so that OPD can adjust training appropriately.

**SEPTEMBER PROGRESS:** PENDING. The Compliance Director's Office will meet with OPD and the IMT during the IMT's October Technical Assistance visit. The purpose of this meeting will be to review cases held out of compliance so that OPD can adjust training appropriately. Further benchmarks will be determined pending the outcome of this meeting.

#### **BENCHMARK #15b**

Submit backlogged DNA samples to the National DNA database (CODIS) - **Establish the criteria for Categories "A, B, and C" of DNA evidence. Insure that these categories are consistent with the categories established by the District Attorney's Office.**

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:** Provide the Compliance Director with documentation indicating that these criteria have been established, and that they are consistent with the categories established by the Alameda County District Attorney's Office.

**SEPTEMBER PROGRESS:** PENDING. OPD provided the Compliance Director's Office with a completed product for review on September 19.

#### **BENCHMARK #15c**

Submit backlogged DNA samples to the National DNA database (CODIS) - **Complete development of a listing of all Category "A" DNA evidence (sexual assault and other crimes) that warrants immediate analysis.**

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:** Provide the Compliance Director with documentation indicating that the required list of "Category A" DNA evidence has been completed.

**SEPTEMBER PROGRESS:** PENDING. This list cannot be completed until the category criteria for the DNA samples is finalized and approved, as required by Benchmark #15b.

**BENCHMARK #15d**

Submit backlogged DNA samples to the National DNA database (CODIS) - Work with the District Attorney's Office to immediately outsource all DNA evidence identified in the "Category A" analysis.

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:** Provide the Compliance Director with documentation indicating that the DNA evidence identified in the "Category A" analysis has been outsourced for analysis.

**SEPTEMBER PROGRESS:** PENDING. No DNA evidence has been outsourced to date. Outsourcing cannot commence until the OPD/DA MOU is in place.

**BENCHMARK #16**

Enhance capabilities to follow up on confirmed fingerprint identifications in solving robberies/burglaries - **Complete update of policies/practices to insure effective use of AFIS quality prints.**

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:** Provide the Compliance Director with draft updated policies/practices for review.

**SEPTEMBER PROGRESS:** PENDING. OPD provided the Compliance Director's Office with completed drafts of CID P&P 13-01 and 13-02, and a copy of DGO M-4, which is still under OPD revision. (CID P&P 13-01 is CID Policy and Procedure for investigative call-outs, and for robbery and assault investigative criteria. CID P&P 13-02 is the OPD's DNA Cold Hit Project. DGO M-4 is OPD's policy for the coordination of criminal investigations.)

**BENCHMARK #19b**

Develop needed training programs - **Commence IAD investigators and commanders training.**

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:** Provide the Compliance Director with documentation indicating that this training has been completed, and copies of excerpts from five randomly selected IAD investigators and the IAD Commander's training records showing entries for the completed training.

**SEPTEMBER PROGRESS:** COMPLETED. Training has been completed and appropriate documentation provided to the Compliance Director's Office.

**BENCHMARK #19c**

Develop needed training programs - **Complete enhanced patrol level community policing officer/citizen interaction training.**

**OPD RESPONSIBLE PARTY:** Deputy Chief D. Outlaw.

**STEPS NECESSARY TO ACHIEVE COMPLIANCE:** Provide the Compliance Director with documentation indicating that this training has been completed, and copies of excerpts from five randomly selected officer's training records showing entries for the completed training.

**SEPTEMBER PROGRESS:** PENDING. Continuing Patrol Training (CPT) resumes in April 2014. This training will be part of the revised curricula and will run continuously for 18 months. Commencing this training any sooner than the regularly scheduled CPT cycle would cause serious schedule disruptions and overtime expense. This benchmark will be shifted to April 2014.

## **CONCLUDING THOUGHTS**

While the issues of Internal Affairs Intake and officer suicide consumed much of the focus of my office during the month of September, other notable accomplishments were attained as well. For example:

- Subject Matter Experts needed to help guide the complex PAS2 and PAS2/CAD-RMS integration projects were interviewed. An SME needed to guide the CAD-RMS project was selected.
- A Subject Matter Expert was identified and retained to review and update OPD's Hot Pursuit Policy.
- A verbal agreement between OPD and the Alameda County District Attorney's Office was reached that will permit the expedited processing of OPD's backlog of SART kits for entry into the FBI's DNA database (CODIS). With the approval of Oakland city officials and the Oakland City Council, the formal MOU should be completed in November, and processing of samples can begin.
- OPD gained final approval of the revised Crowd Control and Crowd Management Policy. While never a benchmark, completion of this project paves the way for completion of two other projects that are benchmarks.

Also during September, OPD launched several operational initiatives aimed at reducing street crime and violence. Early analysis shows positive results from these efforts. Exceptional actions of individual patrol officers making arrests for serious felony offenses, particularly armed robberies, have contributed greatly to this success.

While overall progress on pending benchmarks should improve in October, I feel that the month of September showed satisfactory progress on many fronts.