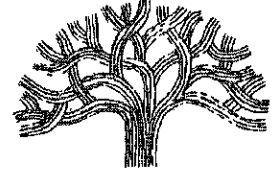


# CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA, 3<sup>rd</sup> FLOOR • OAKLAND, CALIFORNIA 94612

June 14, 2012

## Independent Report Reforms Implementation and Progress Matrix

The City of Oakland and Oakland Police Department requested the *10/25 Report* from an independent organization to review the policies, procedures and actions of the Department in response to the "Occupy Oakland" encampment and the subsequent events of October 25, 2011. Our desire was to learn from an experienced and unbiased third-party, and immediately improve any operational, administrative or systemic flaws. The resulting review produced 68 findings and recommendations within 12 categories.

It should be noted that we did not wait for the report to be completed to institute important and timely changes. Notwithstanding the Department's advancement in its core vision of being trusted, respected, and valued by those it serves, and despite initial intent to quickly and peacefully restore public safety, October 25th resulted in controversy, criticism, and images that led many to conclude that the Police Department is adversarial to an aggrieved community. The need for examination and change was apparent and substantial; of the 68 recommendations contained in the *10/25 Report*, 74% of tasks are currently completed or in-progress.

Although the crowd management policy of the Oakland Police Department is to protect life and property, maintain public order, and uphold constitutional rights while relying on the minimum use of physical force, the success of these guiding principles is contingent on the sum of the Department's knowledge, planning, proficiency, care, and accountability. As Chief of Police, it is the latter of these requisites that concerns me today. Without accountability, policy and mandate fail from the beginning, and progress can never be fully achieved.

The *10/25 Report* highlights a number of influencing factors and conditions that hindered the Department's ability to respond to a difficult situation under extraordinary circumstances. What follows is a complete matrix of the *10/25 Report's* recommendations and the status of the city's review or implementation of them. Improvement toward reform is not the absence of error; instead, it is the prevailing, inherent ability to recognize deficiency and cause transformation for the benefit it brings. No matter the recommendation, status or topic, it is my intent and promise to fully and completely continue the work on advancements previously made. The City of Oakland deserves, and I demand, no less.

  
Howard A. Jordan  
Chief of Police

## October 25 Independent Investigation Summary & Status of Recommendations

*The independent review resulted in a total of 68 findings and recommendations among 12 categories: 74% are completed or underway. Implementation of the remaining recommendations is pending.*

#	Recommendation ( <i>Abbreviated</i> )	Completed	Underway	Pending
1	Revise Crowd Control and Crowd Management Policy.		✓	
2	Revise Use of Force policy.			✓
3	Revise Mutual Aid policy.			✓
4	Develop a Single Use Plan for civic center area and Frank H. Ogawa Plaza.		✓	
5	Assign Incident Commanders and involve in planning for multiple operational periods.	✓		
6	Civilian support staff should not be tasked to fill tactical decision-making roles beyond their training and experience.	✓		
7	Internal Affairs (IAD) commander should not be utilized as Operations Chief.	✓		
8	After Action Reports should be retained and reviewed so future planners can review lessons learned, intelligence assessments and sources, previous command priorities, objectives, strategies, and tactics.	✓		
9	Separate the Incident Command Post from the Emergency Operations Center.	✓		
10	The Incident Commander should have responded to the field, met with Operations Chief, assessed the situation, provided leadership, established plan, solicited or given consideration to other options.			✓
11	The relieving operations chief did not have sufficient resources. Earlier use of mutual aid or request reallocation of additional OPD personnel recommended.	✓		
12	Once a decision to disperse and orders given, immediate dynamic movement should have been utilized to move crowd. Arrests should have been made for those remaining present at the unlawful assembly, or otherwise violating the law.	✓		
13	Involve City Attorney's Office in development of revised Crowd Management Policy and First Amendment Training at all levels.		✓	
14	Designate a Crowd Management Coordinator with responsibility for policy updates, department training, etc.	✓		
15	Develop cadre of Incident Management Team leaders who plan, supervise, and manage unusual occurrences.		✓	
16	Concerned with criminal investigation quality regarding serious uses of force.		✓	

#	Recommendation ( <i>Abbreviated</i> )	Completed	Underway	Pending
17	Implement immediate training in use of new munitions and strategy and deployment of surveillance and arrest teams in addition to dynamic squad movement to disperse and arrest.		✓	
18	Replace 12 gauge shotgun less lethal with 40mm launchers and select munitions. Ensure 12 gauge less lethal shotguns are clearly distinguishable.		✓	
19	Evaluate and research other types of chemical agents and less lethal impact munitions.		✓	
20	Deployment of Specialty Impact less lethal Weapons on 25 Oct may not have been reasonable. Criminal Investigations Division (CID) and IAD to investigate; Chief of Police to assess and resolve.		✓	
21	Accountability system needed for issuance, recovery, and re-supply of any and all munitions to any "Tango Team" officer or supervisor.	✓		
22	Mandatory reporting and medical aid requirements were ignored.		✓	
23	Develop policies to ensure post-event follow up to criminal or investigative investigations regarding mutual aid resources.		✓	
24	OPD should not be comingled with Mutual Aid resources.	✓		
25	Mutual aid policy to include OPD and responding Agencies' responsibilities.			✓
26	Number and types of uses of force from Oct. 25 have not been heard by appropriate force review boards. All uses of force should be reviewed for criminal misconduct before such hearings.		✓	
27	Develop policy and practices which facilitate evaluation of force (Force Review Board) circumstances contemporaneous to the date of the event.		✓	
28	"Hot Wash" after-action reviews recommended within 72 hours of critical incident with a view to real-time or long-term adjustment (if necessary) to tactics, policies, logistics, and training.	✓		
29	Enhance use of force reporting policy at departmental and individual levels.		✓	
30	Policy and practice of inventory process of less lethal and chemical munitions, third party quarterly audits, pre/post event accounting of weapons/munitions/ammunition by OPD members, including mutual aid responders.		✓	
31	Revise personal recording device policy and enhance reliability of use.		✓	
32	Mass use of force reporting & collection, review, and approval by supervisor must be revised.		✓	
33	Concern with OPD practices regarding "group reporting" or collaboration following use-of-force events.		✓	
34	Review policy regarding use of force reporting, and make revisions as they relate to use of force investigations that indicate possible criminal and or administrative misconduct.			✓

#	Recommendation ( <i>Abbreviated</i> )	Completed	Underway	Pending
35	Strategic deployment of Quick Response Teams and/or simultaneous dynamic movement of squad-sized crowd control elements. Develop POST-certified crowd management training curriculum, utilize modern equipment, modify policy to represent current standards and preferred practices when managing crowds, and appoint Incident Management Team and Crowd Control Coordinator.		✓	
36	OPD and Mutual Aid agencies must complete appropriate forms (ICS-214 or supplemental reports) detailing arrests, injuries, force, and location where applied. Supervisors to review and approve, and reports submitted to Planning Section Chief prior to demobilization.		✓	
37	Predicate arrest authority sections in crowd management and mass arrest, consultation with District or City Attorney should occur. Specific focus on time, place, and manner should occur.	✓		
38	Internal criminal and administrative investigations should be monitored or conducted by outside entity.		✓	
39	Current OPD criminal investigations require a more in-depth and aggressive review. Includes assessment of delay and preventing future reoccurrence.		✓	
40	Complete the most serious of use of force investigations and assess diligence/efforts of OPD to gather information regarding the incident.		✓	
41	Review policy and practice for officer-involved criminal activity. Criminal investigations re: officer-involved criminal activity must be more robust, diligent, and objective. Internal Affairs cannot bear the sole responsibility for establishing facts and fostering accountability.			✓
42	Review and update current policies and practices when allegations of criminal misconduct are made. COP must be notified without delay and make a decision whether to refer the investigation to CID.		✓	
43	CID commanders and supervisors must closely monitor investigations to provide insight and advise, identify risk, hold accountable, etc.		✓	
44	Recommend reviews and audits by Office of Inspector General for CID and IAD investigation quality.			✓
45	Criminal investigators should be vetted for conflicts of interest or perception of bias. Several policy recommendations are pending: 1) IAD notified prior to CID beginning meaningful investigative steps, 2) assign recognized expert with history of impartiality related to officer involved CID investigations.		✓	
46	Review policy and training re: communication of information CID receives from IAD.			✓
47	Ensure CID & IAD staff available for "Level 1" uses of force during major incidents.	✓		
48	OPD should do a cost-benefit analysis of assigning a limited number of evidence technicians to homicide or elsewhere in CID.			✓
49	OPD should develop a policy where certain CID and IAD personnel are not assigned to uniform field assignments where alleged misconduct or officer-involved criminal complaints may occur.			✓
50	OPD should participate in the current practices and database utilized by the District Attorney's Office and all other law enforcement agencies in Alameda County.		✓	

#	Recommendation ( <i>Abbreviated</i> )	Completed	Underway	Pending
51	Delay of initiating Level 1 investigation pertaining to act(s) causing xxx's injury must be reviewed.		✓	
52	OPD must complete a robust review re. the shortfalls of IAD process, policy, supervisory and command accountability.		✓	
53	Quality of IAD investigations: assignment of best available personnel, establish audit process, identify investigative deficiencies and train to improve, cap, etc.			✓
54	Establish a policy requiring CID to make timely notification to IAD investigators regarding significant tasks.		✓	
55	Policy developed to ensure IAD investigation of ranking dept. personnel is investigated by investigator of equal rank or higher.		✓	
56	Revise policy and training re: confidentiality of investigations (member notification of IAD or CID investigation, subjects and witnesses do not discuss case, noticing, re-admonishment, etc.).			✓
57	Establish policy and accountability with safeguards against broadcast of confidential IAD information outside of IAD perview.		✓	
58	Ensure IAD and CID staff available for Level 1 UOF.	✓		
59	Revise Lybarger advisement language, verbal admonishment while recording the interview, language beyond protections in the government code.			✓
60	Conduct a needs assessment of the IAD.			✓
61	Enhance ability to obtain information from reluctant complainants or witnesses. Develop expanded methods of complaint receipt.			✓
62	Explore the means to correlate, and validate information as it relates to IAD investigations. This includes cross checking and reconciling data.			✓
63	The Public Information Officer should be a command level individual (civilian or sworn)			✓
64	Adopt preferred practice of crowd control management and tactics, train all personnel, and replace obsolete and dangerous equipment and munitions with state of the art equipment.		✓	
65	Training program for all CID and IAD investigators and supervisors to raise skill level, organized rotation of members through units involved in crowd management and control activities (i.e. SWAT, HNT, etc.)		✓	
66	Formal training for senior leaders, and formalize a career development program of rotational assignments and temporary detail assignments		✓	
67	Provide critical incident and leadership training for all lieutenants.		✓	
68	Critical incident debriefs must include vertical representation (from officer to commander) conducted by command personnel.			✓

#	Recommendation ( <i>Abbreviated</i> )	Completed	Underway	Pending
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74% OF RECOMMENDATIONS COMPLETED OR UNDERWAY

