



The Oakland Police Department and Court-Ordered Reform

The Negotiated Settlement Agreement drives cultural and operational change

In 2003, the City of Oakland’s Police Department (OPD) agreed to undertake vital and substantial reforms following one of the most challenging periods in the department’s 159-year history. Operational and cultural changes have come about slowly as the City’s leadership team has worked to comply with the 51 terms of the court-ordered Negotiated Settlement Agreement (NSA). Designed to help OPD implement contemporary best practices in policing, the federally-mandated reforms have resulted in operational changes and a cultural shift promoting improved law enforcement in the field.

ORIGIN OF THE NEGOTIATED SETTLEMENT AGREEMENT: THE RIDERS CASE

In a lawsuit filed in Federal Court in December 2000, 119 plaintiffs alleged that four veteran police officers known as the “Riders” had violated their civil rights. Allegations against the four officers included false arrest, planting evidence, excessive use of force, falsification of police reports and assault and battery.

These incidents, alleged to have occurred between 1996 and 2000, surfaced when a rookie officer stepped forward to report the misconduct. The Oakland Police Department immediately placed the four officers on administrative leave and launched an extensive internal affairs investigation concluding serious violations of Department policy. The officers were terminated and eventually prosecuted by the Alameda County District Attorney’s Office.

The City settled with the 119 plaintiffs for \$10.9 million; the plaintiffs agreed to an amount below what they could have been awarded under the condition that OPD make significant reforms to its operations and relationship with the public. In 2003, the City signed a Negotiated Settlement Agreement (NSA) that required OPD to make major reforms to its internal operations and reaffirm its commitment to constitutional policing.

In the nine years since, OPD has made progress in gaining full compliance. OPD has met policy and training requirements for all 51 “tasks” outlined in the agreement. Of those, it has reached full compliance in 41 of those tasks, meaning they have become part of OPD’s daily practice. Today the City’s leadership team—Mayor Jean Quan, City Administrator Deanna J. Santana and Chief Howard Jordan—is fully committed to providing the necessary resources and energy to achieving full NSA compliance without delay.

The NSA reforms include:

The settlement agreement is intended to promote police integrity and professionalism and to enhance the ability of OPD to protect the lives, rights, dignity and property of the community it serves.

The NSA reforms include:

- Strict adherence to the standards of constitutional policing
- Improved citizen access to the complaint process
- Improved reporting and investigations of use of force and officer misconduct
- Improved training and supervision of field officers
- Acquisition of a computerized early-warning system to improve detection of at-risk behaviors

COMPLIANCE TIMELINE

2003

City signs the NSA, pledges 51 reforms. First monitoring team hired.

2007

OPD implements 100% of policy and training requirements; 27% of police practice tasks.

2010

The Court extends the compliance deadline and reduces outstanding tasks from 51 to 22. Second monitoring team hired.

2012

OPD achieves full compliance with 12 of 22 remaining tasks.

COMPLIANCE STATUS

In 2003, the City entered into the NSA, agreeing to implement 51 reforms, or tasks. Since then, compliance with the NSA reforms has been overseen and monitored by two independent monitoring teams: the first from 2003 – 2010, and the second from 2010 to the present. In 2010, the number of tasks under active monitoring was reduced from 51 to 22; the remaining tasks are currently inactive. As of the monitor’s last report, which reviewed the compliance period ending June 2012, 10 tasks remain short of compliance: 7 are in partial compliance, 1 is in non-compliance and 2 are deferred. In sum, OPD has achieved full compliance in 12 of the 22 remaining tasks.



Following the 2003 settlement, OPD began making changes to policy and police practices. Modeled after reforms instituted by the Los Angeles Police Department, which took nine years to implement, Oakland’s tasks fall under the following themes:

1. Accountability
2. Supervision
3. Training
4. Management oversight
5. Transparency

OPD’s progress has been tracked by two independent monitoring teams, which have documented OPD’s progress in bringing all but 10 tasks into full compliance. Outcomes of the NSA tasks include:

- Policies to ensure that OPD protects the lives, rights, dignity, and property of the entire Oakland community.
- Clear training requirements.

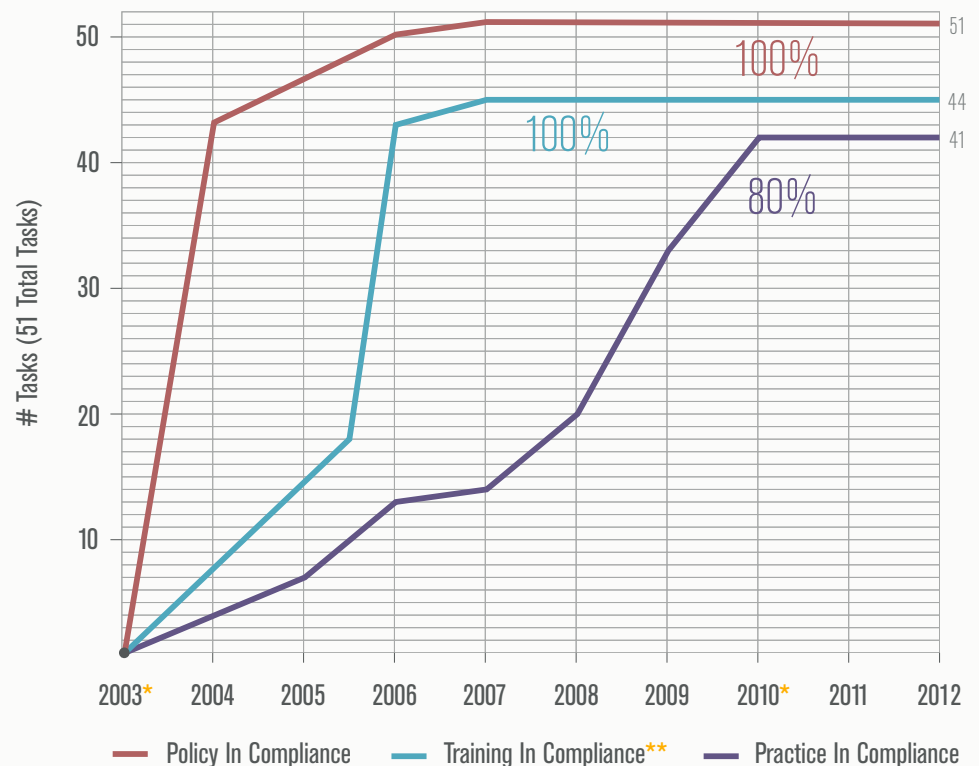
- A computerized early-warning system to assist supervisors in evaluating performance and identifying at-risk behavior.
- Increased protections for anyone who reports police misconduct.
- Implementation of new technology: police now wear cameras on their vests to thoroughly document police-citizen interactions.
- The vetting and monitoring of field training officers to ensure new officers learn best practices.
- Other administrative tasks to keep officers accountable.
- Strengthened standards for promotional consideration.
- A consistent discipline policy to ensure accountability for the unwarranted use of force or other misconduct.
- A strengthened Internal Affairs Division and Office of the Inspector General to independently monitor OPD’s progress, identify problem areas and process citizen complaints.

CHARTING OPD’S PROGRESS

A timeline of compliance history shows the progress that has been made since 2003. The first independent monitoring team noted that compliance took a considerable upswing in 2005 by employing a more coordinated effort across City departments, specifically noting the “positive shift in OPD’s culture,” and found that OPD had increased its ability to self-identify and address problems.

Since 2005, when OPD fully engaged in implementing the reforms, it has shown improvement and is working to accelerate completion of the remaining 10 tasks without delay.

The NSA tasked OPD with 51 reforms to its operations in three categories: policy, training and police practice. Today, policy and training tasks are 100% in compliance.









*First monitoring team hired in 2003; second monitoring team hired in 2010.

**Training is in compliance because only 44 tasks have a training component.

WHAT'S LEFT? A CHECKLIST OF OUTSTANDING TASKS

Of the 22 tasks under active monitoring, 10 remain out of compliance. Most of these tasks are made up of multiple sub-tasks and, in many categories, progress has already been made. The chart below lists the incomplete sub-tasks and illustrates the Department's progress on achieving compliance.

Task & Status	Definition of Sub-Task Not in Compliance	Sub-Tasks: In Compliance out of Total
Task 5: Partial Compliance Complaint Procedures for Internal Affairs Division (IAD)	5.18 - Internal investigations for employee misconduct must be resolved using the "Preponderance of Evidence" Standard.	13 out of 14 sub-tasks are in compliance*  93%
Task 20: Partial Compliance Consistency of Supervision	20.2 - Officers must be supervised by the same supervisor 85% of the time or more.	5 out of 6 sub-tasks are in compliance  83%
Task 24: Partial Compliance Use of Force Reporting Policy	24.2/24.3 - Officers who use force, such as pointing a firearm, must report the incident and document it on the appropriate form.	7 out of 9 sub-tasks are in compliance  78%
Task 25: Partial Compliance Use of Force Investigations & Report Responsibility	25.4 - Use of force incidents are reviewed for objective reasonableness and compliance with policy.	5 out of 6 sub-tasks are in compliance  83%
Task 30: Partial Compliance Firearms Discharge Board of Review	30.3 - All officer involved shootings are subject to a comprehensive Board of Review.	2 out of 3 sub-tasks are in compliance  67%
Task 34: Partial Compliance Vehicle Stops, Field Investigations and Detentions	34.2/34.3.1 - For vehicle stops and detentions, officers must file a "stop data report" capturing the details of the stop, reason for stop, race, gender, etc.	2 out of 4 sub-tasks are in compliance  50%
Task 40: Partial Compliance Personnel Assessment System	A computerized early-warning system to assist supervisors in evaluating performance and identifying at-risk behavior.	Detailed findings not provided
Task 41: Not in Compliance Use of Personnel Assessment System	OPD regularly reviews officer/employee data to assess performance and identify at-risk behavior; taking action when necessary.	0 out of 41 sub-tasks are in compliance
Task 2: Deferred Timeliness Standards and Compliance with IAD Investigations	2.1 - Internal investigations of misconduct must be completed in a timely manner.	Status Deferred
Task 42: Deferred Field Training Program	Develop criteria for selecting Field Training Officers, protocols for training and methods to assess trainees.	Status Deferred

* Some sub-tasks are combined for monitoring purposes, so the total number of sub-tasks may be reported differently. Only one sub-task is out of compliance.

OAKLAND IS ON THE RISE: REBUILDING OPD

After years of budget cuts and significant reductions in the police force, the City of Oakland is beginning to regain financial footing. This Administration is now reinvesting in OPD and methodically rebuilding the Police Department. OPD has routinely demonstrated that when provided adequate resources, training and equipment, it delivers results.

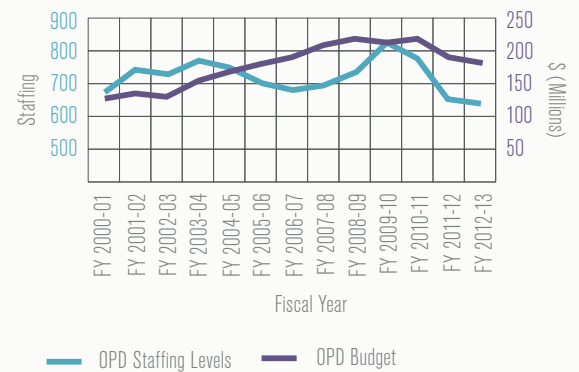
The following initiatives are underway to advance policing excellence, increase crime-reduction efforts and secure structural changes to support sound law enforcement practices:

- **Funded a civilian complaint intake process**, enabling the public to report allegations of misconduct to civilian staff outside OPD. (*Subject to meet and confer with the officer's union*).
- **Funded civilianizing the Office of Inspector General** and transferring it to City Administration, making more efficient use of sworn officers and providing an independent assessment of investigations, policies and practices. (*Subject to meet and confer with the officer's union*).
- **Improved website communications** that enhance citizen access and transparency for the public on important police, law enforcement and safety issues.
- **Held community meetings** after officer-involved shootings.
- **Set aside \$5 million** in the City's reserve fund to ensure adequate resources for ongoing compliance and crime-fighting needs.
- **Conduct an organizational assessment** to evaluate the systems and strategies necessary to achieve long-lasting cultural and organizational change and effectiveness at OPD.
- **Invest in technology and specialized staffing** to provide OPD with adequate and modern tools such as Computer-Aided Dispatch, Records Management and Personnel Assessment Systems.
- **Provide City funding to keep 25 police officers** after the expiration of the federal COPS II grant that allowed OPD to bring the officers on staff.
- **Increase police staffing: two police academies** are recommended each year to keep pace with attrition and begin to increase our sworn strength. Pending City Council approval, these academies would increase sworn staffing to about 800 officers by 2017.
- **Increased funding for police training** that will result in systemic change at OPD.
- **Initiated staffing review** to determine where civilian staff can be used so that trained officers are freed to perform sworn police duties.
- **Initiated independent investigations** to review allegations of wrongdoing.
- **Called for and completed an investigation** following the 2011 Occupy protest.

Rebuilding Law Enforcement

OPD officer levels are down by 200 officers, or 25%, in the last four years. At the same time, citywide cuts have shrunk the Department's budget. OPD is now consulting with a nationally recognized expert to develop crime-fighting strategies that take significantly reduced staffing levels into account. Plans are underway to rebuild the department to 800 officers by 2017. The chart below compares changes in OPD's budget and staffing, highlighting recent decreases in both.

OPD Budget and Officer Staffing Levels 2000-2012



Source: Oakland Police Department

CONCRETE INITIATIVES TO PROMOTE CHANGE IN OPD

Below are some additional concrete measures OPD is pursuing, guided by the philosophy that successful crime-fighting is enhanced when there is trust between the community and the police. This is achieved not only through compliance with the remaining NSA tasks, but also through a focus on community-oriented policing, strategic officer recruiting and improved accountability and training for staff.

Develop trusting relationships with the community.

- To build and strengthen relationships during training, assign new officers to community organizations that fall in the beat they will serve in during their first year.
- Assign officers to the middle school program.
- Implement the Ceasefire Strategy to develop partnerships between the community and OPD in high-crime neighborhoods.

Recruit officers who are better connected and equipped to engage in effective urban policing.

- Change new recruitment age requirement from 21 to 25 years, except for candidates who have a four-year college degree and those who have served honorably in the Armed Forces.
- Enhance officer training by continued inclusion of additional civilian instructors and input of city attorneys.

- Seek applicants who have substantial experience in an urban environment. Continue to encourage diversity in recruitment; in the 2012 recruiting class, 15 out of 52 are women.
- Develop a pipeline for city residents interested in joining the department at a young age.
- Provide a broader range of advanced training to promote problem solving and analytical skills.

Supply consistency and exposure to best-practice policing.

- Emphasize higher educational attainment.
- Demonstrate commitment to community policing.
- Encourage community recommendations in the promotion process.
- Create a committee of civilians and sworn staff to review policy and standards.