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City of Oakland Receives Independent Monitor's 9th Quarterly Report on Negotiated Settlement Agreement *Monitor Says in First Quarter Under Chief Jordan, Progress Made in Looking at Innovative Ways to Bring about Change*

Oakland, CA – Today the Independent Monitor evaluating the Oakland Police Department's compliance with the Negotiated Settlement Agreement (NSA) released their ninth quarterly report. The report, which evaluates the department's progress on complying with 22 remaining active tasks under the NSA, covers the three-month period of October 1 to December 31, 2011. Oakland Police Chief Howard Jordan was appointed Interim Chief on October 13, 2011, so this report covers the first quarter of NSA work under his leadership.

As City officials noted in January 2012, for the first time in the NSA's nine-year history, the City has achieved governance alignment and solidified a cohesive team of City officers—the Mayor, City Administrator, City Attorney and Chief of Police—who have made NSA compliance and long-term reform a shared priority.

In his report, Chief (Ret.) Robert S. Warshaw acknowledges the commitment of the City's executive team: "We are hopeful that, with the support of Mayor Jean Quan and City Administrator Deanna Santana, Chief Howard Jordan will ultimately lead the Department toward full compliance."

"OPD has turned the corner," said Police Chief Howard Jordan, "and our new, more collaborative relationship with the Monitor and plaintiffs' attorneys will soon bear results in compliance findings. My vision is to make Oakland one of the safer major cities in California; achieving compliance with the NSA will enhance this vision."

During the reporting period, the overall number of tasks in compliance did not change. The report found that OPD remains in policy-level compliance (Phase 1) with all 22 remaining active tasks. This means that appropriate policies are in place and department staff have been trained regarding the content of those policies.

OPD has achieved full compliance (Phase 2) in 12 of the remaining 22 tasks; seven (7) tasks are in partial compliance, two (2) tasks are out of compliance and one (1) is deferred. Phase 2 compliance is achieved when the policy is in place, staff has been trained, and it has been fully implemented. The compliance standards range from 85% to 95%, or a Yes/No standard.

In the report, the Monitoring Team acknowledged that, "Chief Jordan and his executive team have shown dedication to the core principles relevant to the NSA. . . . The Chief and his staff have demonstrated a commitment to enhanced communications with the Monitor and his team regarding new processes and procedures that will better put the Department on the road to compliance. During the Chief's tenure, progress has been made with regard to looking at innovative ways to bring about change."

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“While these advances do not immediately lend themselves to compliance findings,” the Monitor continued, “they do help to chart the course for future progress in the reform effort. We look forward to this continued communication and believe it has been a helpful step in the Department’s road to compliance and sustainability.”

Specific Findings

- There was an increase in compliance with some Internal Affairs Division (IAD) tasks, including OPD’s discipline system, which is now in compliance. The remaining IAD task is related to IAD findings and was very close to compliance.
- The Monitor expressed a concern about the timeliness of Occupy investigations. The City is in the process of hiring outside investigators to assist IAD with completing Occupy investigations. IAD does not have the staffing capacity necessary to complete all Occupy-related investigations.
- Use of Force investigation and review continues to be challenging, particularly pertaining to the issue of the pointing of firearms. OPD has taken steps to address this issue, including:
 - Modifying training related to pointing of firearms, scene management, de-escalation of force, and tactics. Scenario-based training includes situations where no force—including display of weapons—is necessary.
 - OPD is including community perception of pointing firearm in academy training on cultural diversity.
 - This topic is part of upcoming supervisory training on use of force investigations.
- The Personnel Assessment System (PAS) data problems resulted in non-compliance in two tasks. OPD is seeking new technology, recognizing that our existing system is not a long-term solution. The arrest data problem resulting in the out-of-compliance finding has been resolved. It is important to note that OPD self-identified and resolved this problem.
- The Monitor believes Occupy is a good test of OPD having embraced the reforms, and that it is related to many of the NSA tasks, including IAD investigations, Use of Force, span of control, Training and Risk Management. OPD has taken action to address these concerns. This includes revising its crowd management policy, providing training, and enhancing its tactics towards facilitating demonstrations. Additionally, the City hired an independent investigator to assess and identify ways to improve crowd management.

“I am pleased that under Chief Jordan’s leadership, OPD continues to make steady progress towards full compliance with the NSA,” said Mayor Jean Quan. “The Department is demonstrating more consistent Constitutional policing and an improved level of accountability to the community. The Oakland community deserves to feel confidence in its police department.”

City Administrator Deanna J. Santana reiterated the degree of commitment collectively shared by the City’s executive leadership to achieve compliance as soon as possible: “Mayor Quan and I have established high management and accountability standards for OPD to achieve NSA compliance. Chief Jordan and I have developed a strong organizational partnership and management tone relative to mutual leadership priorities, performance expectations, and overall accountability to achieve timely compliance. The Chief is well positioned to drive the organizational and cultural changes necessary to meet the goals of the NSA and constitutional policing.”

Background

The Negotiated Settlement Agreement grew out of the resolution of the case of *Delphine Allen, et al., vs. City of Oakland, et al.* in Federal Court under Judge Thelton Henderson in 2003. Under the terms of the settlement, an independent monitor was appointed to measure compliance with the terms of the NSA, which initially required compliance with 51 tasks. Under the first monitoring team, OPD achieved full compliance with 32 of the original 51 tasks and partial compliance with 16 tasks. When the current monitoring team began its work, the list of active tasks was reduced from 51 to 22.

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