

OFFICE OF CHIEF OF POLICE
OAKLAND POLICE DEPARTMENT

SPECIAL ORDER NO. 9042

TO: All Personnel

SUBJECT: New Procedures Regarding Stop Data Collection

EFFECTIVE DATE: 11 Jun 10

TERMINATION: Upon Revision of DGO M-19, RACIAL PROFILING
(Rev. 15 Nov 04) and RWM Insert R-2, COMPLETING THE
STOP DATA COLLECTION FORM (Rev. 15 Jan 10)

The purpose of this order is to revise Department policy and procedure to ensure that all investigative police encounters with the public are properly documented and that required information is collected and entered into the Field Based Reporting (FBR) and Computer Aided Dispatch (CAD) systems. The provisions of this Special Order apply to all members including the Traffic Section, Crime Reduction Teams and Violence Suppression Teams.

Effective immediately, Department General Order M-19, RACIAL PROFILING and RWM Insert R-2 are revised as indicated.

New DGO M-19, Part II, B

II. DEFINITION OF RACIAL PROFILING

B. Investigative Encounter

An investigative encounter is any police encounter with a member of the public when the officer contacts a person to confirm or dispel a suspicion that the person may be involved in criminal activity. This includes detentions, vehicle stops, walking stops and consensual encounters (contacts).

Revised DGO M-19, Part III, A and RWM Insert R-2, Introduction

III. POLICY

A. When FBR Stop Data is Collected

Members shall complete an electronic **FBR Stop Data Collection Form (SDF)** for certain arrests, every detention not resulting in an arrest (vehicle, walking, and bicycle stops), every consent search of a person conducted and any other investigative encounter. A SDF shall also be completed for consensual encounters (contacts) where the member talks with a person to confirm or dispel a suspicion that the person may be involved in criminal activity, although the person is free to leave. The nature of the contact and the intent of the member is relevant in the determination to complete an FC and Stop Data Collection Form (in FBR). When in doubt, members should complete an FC and Stop Data Form.

1. The following non-discretionary arrests do not require collection of stop data. The purpose of collecting data is to examine discretionary police encounters with the public. Non-discretionary arrests are limited to arrests where:
 - a The member receives the arrest from private person (citizen's arrest);
 - b The member receives the arrest from a member of a law enforcement agency (BART, ACSO, Parole, etc.);
 - c Arrests where the officer is directed to the arrested person by a credible witness, complainant, or other person who is on the scene of the arrest;
 - d Arrests where the officer is directed to the arrested person by the Communications Section or a law enforcement officer AND the physical description, location (example: proximity to crime scene or last known location), timeliness and criminal activity sufficiently and reasonably identifies the arrestee to the exclusion of anyone else;

- e Self-initiated arrests where the arrested person is known to the arresting officer and known to be wanted for a specific offense. Persons are “known” based on photographs, previous encounters, biological data and physical descriptions sufficiently identifying the arrestee, or the arrestee self-identified;
 - f Arrests resulting from an arrestee’s unsolicited surrender; and
 - g Arrests incident to a search warrant service.
2. Mere contact with a person does not require the completion of a form. (e.g., an officer contacts a person to exchange greetings or provide assistance answering questions.)
 3. Members shall document the reason(s) whenever, following an arrest, stop data is not collected, in the Consolidated Arrest Report (CAR).

IV. New DGO M-19, Part III, D-K

- D. Members shall complete all Field Contact (FC) Reports in FBR by the end of the reporting member’s shift via the MDT or desk top computer. Hard copy or paper FCs are no longer authorized, except when the FBR system is not operating, in which case paper FCs and paper Stop Data forms shall be completed and submitted to a supervisor for review and delayed data entry by office staff if the system is not operational by the end of the reporting member’s shift.
- E. Members shall complete an FBR Field Contact Report for each investigative encounter and consent search not resulting in an arrest documenting the reason for the encounter or search. Each FBR Field Contact Report shall also contain the Computer Aided Dispatch (CAD) incident number and RD number if one is assigned.
- F. The collection of Stop Data information attached to the Notice to Appear (NTA) is no longer required. However, the citation number from the NTA shall be entered into the RD Number field in the FBR Stop Data Collection Form. Members shall enter the number “0” at the beginning of the RD number field when a citation number is entered.

NOTE: If a "0" is not entered, the FBR system will not accept the citation number which requires an eight character entry.

- G. Members shall enter the entire CAD incident number into the FBR Stop Data Collection Form.
- H. Members shall advise the Communication Section of any investigative encounter in the field including a detention, arrest, or a consensual encounter to confirm or dispel a suspicion that the person may be involved in criminal activity. This requirement includes all walking stops, car stops, bicycle stops and consensual encounters where the member talks with a person to confirm or dispel a suspicion that the person may be involved in criminal activity, although the person is free to leave.
- I. Members conducting any investigative encounter shall provide the Communications Section via the radio with the reason for the encounter at the initiation of the encounter (red light violation, 11500, 459 suspect, truant, 5150, 647f, loitering, etc).
- J. Members shall document **ALL** investigative encounters in the Data Driven Approaches to Crime and Traffic Safety (DDACTS) Activity Summary Report (TF3220) in the "Self- Initiated Activity Record" including the CAD incident number, and, if applicable, the RD number. Self-initiated activity shall be identified by adding the letters "SI" in the "Type" column of the list.
- K. Any member failing to comply with this order shall be subject to disciplinary action.

XI. SUPERVISORY AND COMMANDER RESPONSIBILITIES

New DGO M-19, Part XI, H-O

Supervisors shall:

- H. Ensure the appropriate report (CAR, FBR FC, FBR SDF, citation, Assignment Report, and when FBR is not operating, paper SDF and paper FC) is completed for every investigative encounter listed on the DDACTS Activity Summary Report (TF-3220) and that, when required, an FBR Stop Data Form is completed, prior to the reporting member's shift ends.

- I. Review and approve all FBR Stop Data Collection Forms to ensure information fields are filled out correctly.
- J. Ensure Field Contact Reports completed in the FBR system include the CAD incident number or RD number, and there is a corresponding completed FBR Stop Data Collection Form.
- K. Review all handwritten SDF and handwritten Field Contact Reports prior to the end of his or her tour of duty to ensure information fields are filled out correctly (in the event FBR is not operational).
- L. Review and approve all DDACTS Activity Summary Reports (TF-3220) to ensure information fields are filled out completely (including CAD incident and RD numbers) and shall legibly write in his/her serial number on the first page directly above the word "AREA" to document that the Activity Summary Report was reviewed and is legible and complete.

Supervisors and commanders shall:

- M. Comply and ensure subordinate personnel comply with the provisions of this order.
- N. Be subject to disciplinary action for failure to comply with this order.
- O. Be subject to disciplinary action if it is determined that members assigned to a supervisor and/or commander failed to comply with this order and the supervisor and/or commander knew of said violation, or should have reasonably known.

By order of

Anthony W. Batts
Chief of Police

Date Signed: _____