



News from: City of Oakland

FOR IMMEDIATE RELEASE

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Independent Report: Flawed Response by Oakland Police to October 25 "Occupy Oakland" Protest *Oakland Police, Mayor, Administrator Say Reforms Already in Progress, Pledge Continued Improvements*

Oakland—An independent report commissioned by the City Administration has confirmed that the Oakland Police Department's response to the Occupy Oakland protest on October 25 last year was flawed by inadequate staffing, insufficient planning, lack of understanding of modern crowd management techniques, and outdated policies and protocols. At the same time, the report credited the current administration for recognizing these deficiencies and making improvements.

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A series of 68 findings and recommendations were made to improve the Police Department's response to future protests by the independent team hired by the City to investigate concerns about the policing of Occupy Oakland protests. Of the 68 recommendations made, 74% are currently completed or underway.

"We commissioned this investigation as part of our ongoing efforts to achieve significant, lasting reforms of the Oakland Police Department," said Mayor Quan.

"Since this review began in December, we have cooperated and worked closely with the independent team and have already implemented a number of the recommendations that are contained in this report," Police Chief Howard Jordan said.

Mayor Jean Quan and City Administrator Deanna J. Santana said the *10/25 Report* attributed problems with the police response to a number of issues: incomplete procedures, inadequate investment in training, inadequate staffing and failure to consistently follow Department policies. These shortcomings have taken a serious toll on the Oakland Police Department's ability to function properly.

"This is not an easy report to release, but we are committed to confronting the truth and implementing meaningful reforms," continued Mayor Quan. "The *10/25 Report* confirms that we have the right leadership in Chief Jordan, and we have now begun to implement new policies, procedures and training to create a new Oakland Police Department."

Mayor Quan and City Administrator Santana noted that following the events of October 25, Chief Jordan swiftly began implementing changes to address shortcomings in training and policies, even as the independent investigation was underway.

"Over the past seven months, the Oakland Police Department has made real progress as demonstrated in a significantly improved police response to the May 1 demonstrations—and there is clearly much more work ahead," said Mayor Quan.

-more-

News from:
City of Oakland

Independent
Report: Flawed

Response by
Oakland Police to
October 25 "Occupy
Oakland" Protest

June 14, 2012
Page Two

"This is an administration that is committed to transparency and accountability, no matter how uncomfortable it may be," said City Administrator Santana. "We sought this investigation to shed light on areas requiring improvement, and we are seizing this opportunity to make long-overdue reforms to the police department's staffing, training, and practices."

Recognizing the urgency of this effort, in the Midcycle Budget proposal now under consideration by the City Council, the Mayor and City Administrator have proposed several critical, strategic investments to fund structural changes required immediately:

- Conduct organizational assessment and systemic review of OPD, including development of a training portfolio
- Civilianize the Office of Inspector General and change its reporting from OPD to City Administration; OIG to conduct performance audits and spot audits
- Fund second police academy to maintain police staffing levels
- Stabilize funding for the Citizens Police Review Board
- Secure outside investigative services to assist with police investigations

10/25 Report Findings

The independent investigative group combed through police video, conducted interviews, and listened to audio to evaluate the police department's response to the October 25 Occupy Oakland protest to make its findings and recommendations to the City of Oakland.

The *10/25 Report* concludes that the Oakland Police Department's response to the October 25 protest "was caused by a series of cascading events, not a singular problem" and that "years of diminishing resources, increasing workload and failure to keep pace with national current standards and preferred practices led to the cascading elements resulting in the flawed responses noted during the events of October 25, 2011."

The report cited the three most important of these factors impacting police policies, procedures, and challenges to be:

- 1. Command Turnover:** The Department's executive leadership team has been unstable for years. Oakland has had four different police chiefs in the past nine years.
- 2. Bench Strength:** Past OPD senior leadership has not placed a high value on succession planning, career development, formal training, and post-incident reviews designed to provide departmental members the opportunity to learn from, and to improve from, recent experiences. The report does credit the current administration for recognizing these training deficiencies and making improvements.
- 3. Staffing Cuts:** Substantial and cumulative budget cuts and personnel losses have seriously weakened OPD. In 2009, OPD had 830 sworn officers. In 2012, this number had dropped 23 percent to 642 officers.

-more-

News from:
City of Oakland

Independent
Report: Flawed
Response by
Oakland Police to
October 25 "Occupy
Oakland" Protest

June 14, 2012
Page Three

The report concludes staffing cuts have “caused significant morale issues within the Department. Given the operational challenges of high crime, repeated civil disorder events, and community distrust, the Department is struggling to handle a workload demand that far outstrips its current staffing level. OPD is so busy trying to keep pace with the operational requirements of daily events that they have little time or resources for strategic long-term improvement.”

Despite calling the police department issues “systemic” and citing “daunting problems” at OPD, the report’s conclusion “noted many positive elements within the organization” and praised Police Chief Jordan for setting “the tone for his organization, making Departmental improvement his highest strategic priority. His cadre of bright young leaders bodes well for the future as they mature in their professional careers.”

Highlights of Reforms Made Since October 25

Prior to receiving the *10/25 Report*, Chief Jordan took swift action to begin implementing systemic reforms of the department’s policies, training, and crowd management strategies. Evidence of these changes was seen in department’s approach to the May 1 protests. These reforms include:

- Revising OPD’s crowd management policy to be consistent with new state guidelines
- Training every officer in improved crowd management approach
- Enhanced ability to work with Mutual Aid units—clarifying roles
- Enhanced planning and staffing for future protest events
- Revised use of force reporting
- Improved munitions inventory controls

“We did not wait for the completion of the *10/25 Report* to start making changes and we have already implemented 50 of the 68 recommendations,” Chief Jordan said. “Reform is not the absence of error—it’s the prevailing ability to hold oneself accountable, recognize when improvement is needed, and cause the necessary and needed change.”

BACKGROUND

The following excerpts are from the *10/25 Report*.

Oct. 25 Protest and Occupy Oakland Background Summary

The first Occupy protest—Occupy Wall Street in New York City's Zuccotti Park—began on September 17, 2011. By October 9, Occupy protests had taken place or were ongoing in over 95 cities across 82 countries, and over 600 communities in the U.S. On Oct. 10, a group identifying itself as Occupy Oakland set up an encampment in front of Oakland City Hall in Frank Ogawa Plaza Park. The group erected about 147 tents, kitchen and restroom facilities, childcare areas, posted banners, and claimed the park as its own.

-more-

News from:
City of Oakland

Independent
Report: Flawed
Response by
Oakland Police to
October 25 "Occupy
Oakland" Protest

June 14, 2012
Page Four

At that time, the City of Oakland sought to accommodate the group in the exercise of their First Amendment rights of expression. However, as time progressed, there were legitimate concerns about the health, safety, and welfare of people in the Ogawa Park, city employees, and community members.

On October 25, at approximately 5 a.m., 392 OPD and 202 mutual aid personnel responded to 14th and Broadway streets. Their purpose was execution of the OPD plan to evict the Occupy movement from both Ogawa and Snow parks. By 10 a.m. most of the tents in Ogawa Park had been dismantled.

Later that day many Occupy supporters reassembled and held a "General Assembly" and voted to march for "reoccupation of the park." In the early evening, Occupy Oakland clashed with OPD resulting in controversial use of force, including an incident involving a protestor who was critically injured by a police officer after he was allegedly struck in the head by a specialty impact munition and/or a tear gas canister. Since that time Occupy Oakland protests, as well as Occupy groups in other cities, have continued to engage in violent protests. Beginning October 25 and continuing through the present, Occupy Oakland has been joined by other direct action and anarchy-oriented groups.

Bay Area citizens have criticized Occupy tactics of vandalism and destruction. In a survey of 500 people, 26% said they once supported the Occupy movement and now do not. When added to 31% who said they always opposed the movement, the poll suggests a majority of the public opposes the group.

The Aftermath of October 25th

In the wake of these events, concerns were raised by City officials and the community about the use of unreasonable force, police performance, and OPD's ability to manage future events in an acceptable manner as well as its ability to effectively and impartially investigate allegations of police use of force and other misconduct. In response to this need for an impartial review of the events of October 25, the City of Oakland contracted Frazier Group, LLC on December 19, 2011.

Segments of the Frazier Report are written at an organizational level, i.e., an overview of the event and the departmental response. It is not an investigation of any individual event or complaint.

This is done intentionally. The initial task from the City of Oakland was to focus on the events of October 25, 2011. However, as the review and analysis of OPD's performance prior to, during, and subsequent to the October 25 Occupy Oakland event progressed, systemic shortcomings became clear. Policy and practice deficiencies surrounding leadership, accountability, communication and collaboration, technical expertise, and organizational development were not unique to October 25, or to subsequent Occupy Oakland events. They are systemic within the department and often historical and legacy influenced.

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